

1939.

NEW ZEALAND.

THE LEAGUE OF NATIONS.

REPORT OF THE REPRESENTATIVE OF THE DOMINION OF NEW ZEALAND ON THE ONE HUNDRED AND FIRST, ONE HUNDRED AND SECOND, ONE HUNDRED AND THIRD, AND ONE HUNDRED AND FOURTH SESSIONS OF THE COUNCIL OF THE LEAGUE OF NATIONS HELD AT GENEVA IN THE YEARS 1938 AND 1939.

Presented to both Houses of the General Assembly by Command of His Excellency.

ONE HUNDRED AND FIRST SESSION OF THE COUNCIL OF THE LEAGUE OF NATIONS.

New Zealand Government Offices,
415 Strand, London, W.C.2, 19th May, 1938.

MY DEAR PRIME MINISTER,—

I have the honour to inform you that on the night of Saturday, the 7th May, I left London for Geneva, in order to attend, as the representative of New Zealand, the one hundred and first session of the Council of the League of Nations, due to open on Monday, the 9th May. I was accompanied by the following members of my staff: Mr. R. M. Campbell, Mr. C. A. Knowles, and Miss J. R. McKenzie.

The agenda of the session is Document C. 109 (1), M. 59 (1), 1938.

Besides a number of items which reappear regularly, the agenda contained such items as the Appeal of the Chinese Government, the Appeal of the Spanish Government, and the Question of the Consequences arising out of the Existing Situation in Ethiopia—all problems of major importance.

Each item will be considered here to the extent required by its importance, but I should like to write a few sentences by way of preface.

How often has the League been said to be suffering from *malaise*? The word is somewhat worn, but it does represent a condition, an atmosphere, which can be felt when one enters that part of the life of Geneva which is confined to League circles. The detractors of the League say that it is dead. Its most devoted friends would hardly aver that it is strikingly alive for practical action. The truth, perhaps, lies between these two extremes. That part of its work which attracts little attention in the press goes quietly but effectively on. Politically, however, it is marking time, and many of its adherents have a fear of action which might weaken its authority. They endeavour to act with circumspection, some would say with hesitation, for they that know every move is closely watched by enemies ever ready to trounce the Geneva institution. For these reasons the action of the British Government in placing on the agenda the item "The Question of the Consequences arising out of the Existing Situation in Ethiopia" was questioned in some quarters as a further possible step towards disintegration. The situation was unsatisfactory. Collective responsibility ruled when sanctions were imposed, and when they were abandoned, but collective responsibility had not marked the conduct of States in their subsequent relations with Italy in regard to the recognition of the Italian occupation of Ethiopia. Lately, members of the League were faced with the problem of squaring their loyalty to collective responsibility with ordinary acts of courtesy towards Italy; and, on first thought, the proposal of the British Government to inscribe the item on the agenda of the Council session would have brought a sense of relief to a certain number of States. But the position was not so simple. There had recently been signed in Rome a Protocol, with annexes, regulating several outstanding differences between the United Kingdom and Italy. At the same time there were exchanged between the Italian Minister for Foreign Affairs and His Majesty's Ambassador in Rome letters containing Italian assurances in regard to policy in Spain, Spanish possessions overseas, and the Spanish Zone of Morocco, and the intentions of the United Kingdom concerning the clarification of the position of members of the League in regard

to the situation in Ethiopia. As to the second of these two points, I will permit myself a quotation from a letter addressed by Lord Perth to Count Ciano :—

“ I have further the honour to inform Your Excellency that His Majesty's Government, being desirous that such obstacles as may at present be held to impede the freedom of member States as regards recognition of Italian sovereignty over Ethiopia should be removed, intend to take steps at the forthcoming meeting of the Council of the League of Nations for the purpose of clarifying the situation of member States in this regard.”

We therefore have a definite connection between the agreement and the position of Italy in Ethiopia. The Ethiopian question will be dealt with later. I mention it here because nothing, not even the Japanese action in China nor the conflict in Spain, has struck so distinct a keynote in any session of the Council with which I have been connected as did the Ethiopian question in the session under review. For, be it noted, it was not a question of the Council's taking action or not taking action on an appeal by a member State, but of a decision, or at least an invitation to express opinions, which would justify States members who had remained faithful to collective responsibility to act independently and thus perhaps to render the Covenant, or Articles of the Covenant and certain resolutions of the Assembly mere scraps of paper.

The first meeting (which was private) of the session was held on the afternoon of the 9th May, when the agenda was adopted. To the items as printed it was decided to add the following: Advisory Committee on Social Questions; Report on the Work of its Second Session; Appointments to the Committee for Communications and Transit; Effect of the Closing of the International Educational Cinematographic Institute on the Convention for Facilitating the International Circulation of Films of an Educational Character (at the suggestion of Lord Halifax, representative of the United Kingdom). The Council also decided to accept the United Kingdom representative's motion that the Report of the Advisory Committee of Experts on Slavery on the Work of its Fifth Session, together with the annexes, should be published in full. Further, the Council agreed to the proposal of Lord Halifax that he should make, at the first public meeting of the session, a statement on the agreement recently concluded between the United Kingdom and Italy.

The Council met in public on the morning of the 10th May. After a formal declaration that the session was open, the President, M. V. Munters, the Latvian Minister of Foreign Affairs, invited Lord Halifax to speak. He stated that as the agreement between the United Kingdom and Italy had been distributed to the Council it was not his intention to make a detailed analysis. Nor would he dwell on the history of Anglo-Italian relations since the invasion of Ethiopia by Italy. There had been tension, especially in the Mediterranean, and with far-reaching effects. It was not only in the interests of the two countries, but in those of others, that agreement should be reached, and he felt that the agreement that had been made would react favourably upon the general sense of security not only in Europe, but throughout the world, and contribute to the cause of international peace.

Short speeches of a congratulatory nature were made by the representatives of France, Roumania, (speaking on behalf of the Little Entente and the Balkan Entente), Belgium, and Poland. M. Litvinoff, representative of the Union of Soviet Socialist Republics, while welcoming an agreement entered into with a view to removing misunderstandings and disputes, struck the following note of warning :—

“ In dealing with bilateral pacts, we have to take into consideration not only their effect upon the relationship between the two parties concerned, but also upon the relations between those parties and the rest of the world. We have also to take into consideration the effect which such agreements may have on those problems which are still before the League of Nations and which still remain to be dealt with. We therefore reserve our final judgment upon the importance of this agreement from this point of view. We may still express the hope that these problems will certainly not suffer from that agreement.”

APPEAL OF CHINA.

The Council having taken note of the various statements, its President invited Mr. Wellington Koo, the representative of China, to address the gathering in regard to the appeal of the Chinese Government. The representative of China pointed out that the resolution passed by the Assembly in October, 1937, and that adopted by the Council in February, 1938, had remained ineffective because little or nothing had been done by States members, with one exception, to render aid to China. On the contrary, the difficulties of obtaining supplies of arms and war material by China had increased. Such apathy and indifference were not only disappointing to China, but, in his opinion, were bound to prejudice the cause of law and order and the general interests of peace, if not rectified in time.

Mr. Wellington Koo then referred to the campaign in China, to the Japanese pressure, and to the heroic efforts of the Chinese to stem the tide of invasion, efforts which he was bound to say were then favouring the Chinese in their heroic struggle. He uttered a note of warning as to the possible use by the Japanese of poison gas in an attempt to break through the Chinese lines on the Shantung front, and he drew the serious attention of the Council to this threat. He contended that in a conflict such as the Sino-Japanese conflict there could be no question of neutrality for members of the League, for they had undertaken definite obligations under the Covenant. Mr. Wellington Koo reaffirmed his view that there was a connection between the trouble in the Far East and problems in Europe, and that a termination of the conflict in China would facilitate European appeasement, and he asked for the application of concrete measures.

At the end of the speech the meeting concluded on the understanding that the Chinese representative's statement should be examined and discussed at a later meeting.

It is reasonable to suppose that in again bringing his country's case before the Council the Chinese representative had some hope that action would be taken. There was indeed an informal exchange of

views amongst the members of the Council, which resulted in a resolution framed by a drafting committee set up by the Council. This resolution was submitted to the Council at a public meeting on the afternoon of the 14th May, and it reads :—

“ The Council—

“ Having heard the statement by the representative of China on the situation in the Far East and on the needs of the national defence of China ;

I.

“ Earnestly urges members of the League to do their utmost to give effect to the recommendations contained in previous resolutions of the Assembly and Council in this matter, and to take into serious and sympathetic consideration requests they may receive from the Chinese Government in conformity with the said resolutions ;

“ Expresses its sympathy with China in her heroic struggle for the maintenance of her independence and territorial integrity, threatened by the Japanese invasion, and in the suffering which is thereby inflicted on her people.

II.

“ Recalls that the use of toxic gases is a method of war condemned by international law, which cannot fail, should resort be had to it, to meet with the reprobation of the civilized world ; and requests the Governments of States who may be in a position to do so to communicate to the League any information that they may obtain on the subject.”

It fell short, far short, of the desire of the Chinese delegation, and is a compromise, the result of suggestion and counter-suggestion. But, even in the form in which it was presented it did not meet with that full measure of support which is signified by an affirmative vote of all members voting, for Poland abstained, although it is due to the Polish representative to quote his statement in full :—

“ From the very beginning of this conflict in the Far East my Government has taken up an attitude that is well known. My Government was always of opinion that the responsibilities of members of the League of Nations could not be engaged by any action whatsoever undertaken whether by one or several Powers. The resolution which is submitted, being merely a confirmation of previous resolutions, I am compelled to maintain my attitude of abstention.

“ I desire, however, to state that I accept the final paragraph of the resolution, since this paragraph formulates a general rule—namely, the rule of the absolute prohibition of chemical warfare, without giving any judgment or opinion on specific facts.”

The terms of the resolution were undoubtedly a source of great disappointment to Mr. Wellington Koo, but he accepted it on the understanding that the Council remained seized of the Chinese question, and in his speech he made it quite clear that his Government would not be satisfied unless Article 17 of the Covenant were applied, effect given to former resolutions of the Assembly and the Council, and measures taken for aiding China in her resistance. The Chinese representative was followed by other speakers representing both great and small Powers. Their speeches were full of sympathy. But the attitude of States members of the League towards the Chinese question has already been made known to you through former reports, and I will write no more on this subject.

THE NEUTRALITY OF THE SWISS CONFEDERATION WITHIN THE FRAMEWORK OF THE LEAGUE OF NATIONS.

On the 20th April the Swiss Federal Government gave notice to the Secretary-General of the League that the Federal Council was preparing a memorandum for the Council of the League on the Neutrality of Switzerland within the Framework of the League. The matter was accordingly inscribed on the agenda of the one hundred and first session of the Council, and on the 30th April the Secretary-General issued to States members the Swiss Government's memorandum, which is Document C. 146, M. 87, 1938, V. This memorandum deals in clear terms with Swiss neutrality viewed from the historical standpoint. It concerns a principle which is fundamental, and it is needless to add involves a decision which may and perhaps will be quoted as a precedent.

Briefly, the position is as follows : Swiss neutrality has always been dear to the hearts of the Swiss people, even when they have taken part in wars beyond their own frontiers, and which were not concerned with their own country. In 1815, after the close of the Napoleonic wars, the Great Powers declared that “ the neutrality and inviolability of Switzerland and her independence of all foreign influences are in the true political interest of Europe as a whole.” In 1919 Swiss neutrality was recognized and confirmed in the Treaty of Versailles and was declared to be compatible with the Covenant for securing the maintenance of peace within the meaning of Article 21. In February, 1920 (and be it noted in this connection that the first Assembly did not meet until November of the same year), the Council, when examining the question of Switzerland's special position, made a declaration whereby note was taken of Switzerland's resolve to defend her territory in every circumstance. She preserved her military neutrality, but, on the other hand, she was to accept the obligations devolving upon other States members in respect of economic and financial sanctions. It is known that this variation of Swiss neutrality was not accepted by the people as a whole without question, but it was accepted by the majority of the people, and when, in 1935, the League applied sanctions against Italy Switzerland played her limited part in the imposition of sanctions, which were, of course, economic and not military in nature.

What is the position to-day ? In 1920 the frontiers of Switzerland marched with those of four other Powers, three of them Great Powers, the fourth but a remnant of her former self. Both France and Italy were then members of the League. Austria was admitted shortly afterwards, and Germany in

1926. In 1935, the year of the imposition of sanctions, Germany was not exercising the rights of membership, but the other Powers were still members. To-day only one of those four Powers, France, is an effective member of the League, and, moreover, the frontier of Germany with Switzerland is greatly extended by reason of the Anschluss. No one can deny that the political conditions of 1938 are vastly different from those of 1935, and it is quite understandable that the Swiss Government and people should be greatly concerned.

The matter was brought before the Council at the public meeting held on the morning of the 11th May, when the President invited the Swiss representative, M. Motta, to take his seat at the Council table, and called upon him to present the Swiss case. This M. Motta did very effectively, but his speech covered little more than the ground covered by the memorandum. He appealed for a reconsideration of Switzerland's special position, and for a declaration that complete neutrality on the part of Switzerland was consistent with membership of the League of Nations. At the conclusion of the speech, M. Litvinoff, the representative of the Union of Soviet Socialist Republics, spoke a few words, drawing attention to a legal aspect of the case, and he questioned the competence of the Council to make a final decision on a question of such magnitude. The President then announced that the statement of the Swiss representative and M. Litvinoff's remarks would be examined by the Rapporteur, M. Sandler (Sweden), who had been appointed at a preceding private meeting of the Council.

Before the question came up for final decision by the Council there was an exchange of views between members, but no official records were kept as the Council was not sitting in public or even in private, and all we have to consider is the report (the third draft) which emerged from the hands of the Rapporteur. It may be described as a compromise in form, based on amendments suggested during the exchange of views. On the question of according complete neutrality within the framework of the League for which Switzerland asked there was great sympathy with the Swiss people, and although in certain circumstances two States represented on the Council might have given a negative vote, unanimity was reached with the abstention of these two States. Many difficulties had to be surmounted, not least the difficulty of endeavouring to avoid what might be quoted as a precedent, and the position was complicated by the cleavage of opinion in connection with the reform of the Covenant. Merely to have taken note of the Swiss position without at the same time announcing a decision by the Council might have proved disastrous and, apart from amendments to the report as originally drafted, the resolution was strengthened in such a way as to leave no doubt (1) that the special position of Switzerland is recognized by the Council and (2) that Switzerland will not be invited to put into operation the provisions of the Covenant relating to sanctions. Should the question of sanctions ever arise it will not be necessary for Switzerland to plead her special position and to obtain a decision in her favour which might react unfavourably on other States. She will take no part in the deliberations.

I do not think it is necessary to analyse the Rapporteur's report, Document C. 191 (1), M. 103 (1), 1938, V. It came before the Council in public session on the afternoon of the 14th May. After the introduction of the report by M. Sandler, M. Motta made a statement to the effect that the Federal Council of Switzerland accepted unreservedly the motion which was about to be put to the vote, and he thanked the Council for its consideration. Several members of the Council spoke, and their remarks are recorded in the minutes. I desire to draw attention to the speech of M. Litvinoff, and especially to that part dealing with mutual obligations. For instance, Article 10 of the Covenant reads: "The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League." The position of Switzerland is clearly defined: she is granted perpetual neutrality under the resolution of the Council, but what would be the position of the other members of the League in the event of Switzerland's being attacked? Well, Switzerland has not renounced the rights which the Covenant accords her. It should be mentioned, however, that the perpetual neutrality of Switzerland does not rest merely on the decision of the Council: it is guaranteed by other treaties; and if Switzerland maintains a correct attitude, and such treaties do not become mere scraps of paper, she should be reasonably secure. The difficulties of the Swiss have to be recognized, and were recognized, by the Council, but the situation as a whole is not satisfactory. M. Litvinoff abstained from voting when the resolution was put to the vote, as did also Mr. Wellington Koo, the representative of China, who stated in the course of his speech in the Council:—

"The Chinese Government holds the view that sanctions under Article 16 of the Covenant, other than military sanctions, are not optional but obligatory. No member is entitled to divest itself of these obligations by a unilateral declaration of its intention. Since these obligations have been assumed collectively no discharge from them can be effected except by a collective act of approval. The Chinese Government attaches the greatest importance to this established principle of the Covenant, and any doubt thrown upon its intangibility is a cause of anxiety to it lest the very foundation of the League of Nations should be undermined.

"In view of the tendency now current in certain States members of the League of Nations to abandon their obligations under the Covenant by a unilateral declaration of their intention, the Chinese Government finds it the more necessary, so far as it is in its power, to safeguard the sanctity of the Covenant."

It was represented to us, on behalf of the responsible organization of journalists accredited to the League of Nations, that some apprehension was felt concerning the liberty of press correspondents in Geneva reporting the proceedings of, and matters relative to, the League. In supporting the

resolution I therefore took advantage of the opportunity to raise the subject of freedom of the press in the following form :—

“ Since the matter of Swiss neutrality is before the Council, may I ask His Excellency, the Swiss representative M. Motta, if we can have an assurance that there will be absolute freedom for representatives of the foreign press to transmit accounts of our proceedings so far as they are made available to them, together with the freedom to transmit such comments as they think fit.”

In the course of his closing remarks M. Motta replied :—

“ The Federal Constitution proclaims the freedom of the press. The Swiss people is profoundly attached to that freedom. I can therefore give an assurance that the representatives of the foreign press will always be freely able to address to foreign newspapers any communications, any comments that they may deem expedient with regard to questions dealt with in the League of Nations.”

The resolution, as passed by the Council, with two abstentions, reads as follows :—

“ The Council of the League of Nations, in presence of the Swiss Government's memorandum dated April 29th, 1938,

“ Having considered the requests put forward in the memorandum of the Swiss Federal Council, and explained by the representative of Switzerland at the meeting of May 11th, 1938,

“ Having regard to the special position of Switzerland resulting from her perpetual neutrality which is based on age-long tradition and recognized by the Law of Nations,

“ Recalling that, by its declaration made in London on February 13th, 1920, the Council recognized that the perpetual neutrality of Switzerland is justified by the interests of general peace and as such is compatible with the Covenant,

“ Approves the report of the representative of Sweden,

“ And in these circumstances takes note that Switzerland, invoking her perpetual neutrality, has expressed the intention not to participate any longer in any manner in the putting into operation of the provisions of the Covenant relating to sanctions, and declares that she will not be invited to do so,

“ And places on record that the Swiss Government declares its determination to maintain unaltered in all other respects her position as a member of the League, and to continue to give the facilities which have been accorded to the League for the free exercise by its institutions of their activities in Swiss territory.”

At a private meeting of the Council held on the morning of the 11th May, the following items of the agenda were under discussion :—

BUDGETARY AND ADMINISTRATIVE QUESTIONS.

(a) The appointment by the President of the Council of M. U. A. J. Brunskog as Auditor of the League of Nations was confirmed by the Council (see Documents C. 96, M. 49, 1938, X, and C. 159, 1938, X).

(b) The various transfers from one item of the Budget to another as disclosed in Documents C. 107, 1938, X, and C. 158, 1938, X, were approved.

(c) The Council took note of the suggested appointments to and promotions in the Secretariat since the last ordinary session covered in Document C. 134, 1938.

APPOINTMENTS.

(a) A reference to my report on the January session of the Council will show that there was still to be filled a vacancy of Deputy Judge of the Administrative Tribunal (which deals with staff matters), created by the death of M. Vezensky. The Council accepted the proposal of its Rapporteur, the representative of China, that the vacancy be filled by the appointment of M. G. Havelka, a Judge of the Supreme Administrative Court of Czechoslovakia, his term of office to be the balance still to run of the term of office of his predecessor. The appointment will expire on the 31st December, 1939 (see Document C. 163, 1938).

(b) *Fiscal Committee*.—A corresponding member in Denmark, Dr. E. von der Hude, has recently died, and the question of the appointment of a successor having arisen, the Council accepted the suggestion of its Rapporteur, the representative of Sweden, that Dr. Carl Nyholm, Chairman of the Board of Taxation in Denmark, should be invited to fill the vacancy. Dr. Nyholm, should he accept, will complete the current term of office, which will expire in January, 1940 (see Document C. 138, 1938, II, A).

At the public meeting which immediately succeeded the private meeting on the morning of the 11th May decisions were taken on the following :—

ADVISORY COMMITTEE OF EXPERTS ON SLAVERY.

Report on the work of its fifth session. The documents are C. 112, 1938, VI (which is the report of the Advisory Committee of Experts) and C. 173, 1938, VI (which is the report of the Council's Rapporteur, the representative of the United Kingdom). The first of these reports gives a great deal of interesting information on certain aspects of slavery or on systems of the nature of slavery still prevalent in parts of the world, whilst the Rapporteur's report is in the nature of a comment on the

other document. The action of the Council consisted in approving its Rapporteur's report and in passing the draft resolution with which it concludes. For convenience of reference I quote the resolution :—

“ The Council—

“ Approving the conclusions contained in the Rapporteur's report :—

- “ (a) Notes the report of the Advisory Committee of Experts on Slavery on the work of its fifth (extraordinary) session ;
- “ (b) Reiterates the hope (1) that the Slavery Convention of September 25th, 1926, may be ratified without further delay by those States which, having signed or acceded to it, subject to ratification, have not yet ratified, and (2) that such States as have been invited to accede to the Convention and are not yet parties thereto will consider the possibility of acceding thereto ;
- “ (c) Expresses the hope that the Governments will continue to supply information as full and as accurate as possible in accordance with Article 7 of the 1926 Convention and the various resolutions of the Assembly ;
- “ (d) Requests the Governments concerned to be good enough to note the suggestions put forward in the Advisory Committee's report, in conformity with Article 16, paragraph 1, of the Committee's Rules of Procedure, for obtaining such further light as the Committee has deemed desirable on points arising in documents supplied by those Governments ;
- “ (e) Directs the attention of the Governments concerned for any action they may think fit to take, to the wishes and recommendations, both general and specific, which the Advisory Committee has thought expedient to formulate in its report ;
- “ (f) Requests the Secretary-General to communicate the present resolution, together with the Rapporteur's report, to all the members of the League and to such of the non-member States as are parties to the Slavery Convention of 1926.”

HEALTH COMMITTEE : REPORT ON THE WORK OF ITS TWENTY-SEVENTH SESSION.

As Rapporteur on Health Questions, I brought to the Council's notice the report on the work of the twenty-seventh session of the Health Organization (Document C. 82, M. 37, 1938, III). My own report to the Council is Document C. 160, 1938, III. These documents deal with various subjects, mostly of a specialized nature, on which comment here is perhaps unnecessary. The preparatory work for the European Conference on Rural Life, to be held in 1939, is proceeding and will receive further impetus by the formation of a group of experts, who will, in association with the President of the Health Organization, consider matters relating to the Conference. The proposed collaboration between the Belgian Ministry of Public Health and the Health Organization of the League, referred to on page 3 of my report, should prove of value, and initiates a policy which might be extended to other health administrations. The opportunities afforded by the Health Organization of the League as a clearing-house cannot be too strongly emphasized.

ASSISTANCE TO INDIGENT FOREIGNERS.

The Committee of Experts met in Geneva in February last and presented a report to the Council, which is Document C. 105, M. 57, 1938, IV. It contains as an annex a Model Convention on Assistance to Indigent Foreigners, which it is felt may be of help to countries in enabling them to draw up multilateral or bilateral conventions.

On another question—*i.e.*, the Execution of Maintenance Obligations Abroad—the examination of which had been entrusted to the Committee of Experts, the Committee preferred to adopt a waiting policy as the subject is also being studied by the International Institute for the Unification of Private Law. The Rapporteur, the representative of Peru, proposed the resolution which follows, and this was adopted (see Document C. 157, 1938, IV).

“ The Council takes note of the report of the Committee of Experts on Assistance to Indigent Foreigners on the work of its third session, and adopts the present report and its conclusions.”

NUTRITION.

In January last the Council passed a resolution providing that the Secretary-General inquire of all States members whether they had set up National Nutrition Committees. Action was taken by him, and the replies so far received, or the information already at the disposal of the Secretariat, show that National Committees have been set up in eighteen States. Representatives of these National Committees are to meet at Geneva late in 1938 for an informal conference and interchange of views. The Council agreed to the recommended convening of the Conference. The report of the Rapporteur, the representative of Belgium, is Document C. 168, 1938, II, A.

PROTECTION OF INDUSTRIAL PROPERTY.

At the Conference for the Protection of Industrial Property held in London in 1934 provision was made for collaboration in certain circumstances with organs of the League of Nations. The point before the Council was the scope of the action to be taken by the Secretary-General in support

of action taken by the International Bureau for the Protection of Industrial Property to secure (1) deposit of ratifications and (2) accessions to the convention before the closing-date, 1st July next. The Council approved the Secretary-General's suggestion (see Document C. 141, 1938) that he communicate with the States concerned.

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS.

The question at issue was the fixing of a date for the meeting of the Bureau of the Conference which has not been called together since May, 1937. On the recommendation of the Rapporteur, the representative of Iran, the Council decided that the Bureau should meet in September next during the session of the Assembly. For further information I refer you to the report, Document C. 167, 1938, IX.

APPLICATION OF THE PRINCIPLES OF THE COVENANT.

This matter has been dealt with so fully on past occasions that any lengthy account of the proceedings in the Council during its one hundred and first session is unnecessary. Representatives of Chile have always taken a prominent part in debates on the subject and they have been persistent advocates of the elimination of certain Articles of the Covenant which they have described as "dead flesh needing surgical operation," and of the need for universal membership of the League. The representative of Chile, M. Edwards, was invited to the Council table when the matter came before the Council in public session on the morning of the 11th May. As is known, certain reports of the Committee set up by the 1936 Assembly to deal with the Application of the Principles of the Covenant are to be considered by the next Assembly, and therefore it was difficult to suggest what action the Council might appropriately take. Between now and September the atmosphere may clear and it may then be possible to make some progress on a matter which has been under consideration for nearly two years.

M. Edwards delivered a long speech, which is fully reported in the minutes, the closing passage of which I will quote as an indication of the attitude of his country, and, I believe, of other South American Republics:—

"We do not know what attitude the Council will adopt, and we await its decision with impatience before determining our own.

"If our ideas are not shared by others and do not meet with the response for which we hope, we shall withdraw from the discussion without any feeling of bitterness, conscious that we have done our duty courageously and quite frankly to an institution in which we have collaborated to the full extent of our pacific ideals, an institution that we now see coming to an end in its present form with regret as great as our pleasure and satisfaction when it appeared on the international horizon like a rainbow marking the end once and for all of the settlement of international disputes by the cruel and brutal force of arms."

M. Edwards was not followed by any other speaker, and the President promised to make at a later date suggestions as to further procedure.

This item was again considered by the Council on the afternoon of the 14th May, when the Chairman opened the debate by making the following statement:—

"I beg leave to make in the name of the Council some brief observations. The Council, having heard the observations of the representative of Chile, as recorded in the minutes of the third meeting of the present session, is bound to point out that, the Assembly being seized of the position, it is not possible to discuss the substance of the question therein set forth. The question of the application of the principles of the Covenant is included in the agenda of the Assembly, which will have before it the report of the special Committee of the Assembly on the subject.

"It appears to be of the utmost importance that delegations to the Assembly should be furnished with the requisite instructions to enable them to give thorough discussion to the important problems raised, and steps will be taken to communicate to members of the League of Nations the declarations made to the Council by the representative of Chile."

This, however, did not satisfy M. Edwards, who challenged the view that the matter was within the competence of the Assembly only, quoting paragraph 4 of Article 5 of the Covenant in justification of his contention that the Council was able to deal with the matter; although at the same time he claimed that his Government would have been satisfied with a general statement as to the immediate urgency of consideration being given to reform, the study of which might have been entrusted to an organization set up to deal with it in detail and to make a report to the Assembly in September. Time was short, and members evinced no desire to be drawn into a long debate. But I think it appropriate to remark that if the progress made by the Committee on the study of the Covenant (which has been in existence since 1936) is any criterion, very little could have been expected from a Committee set up now with instructions to report in September next. We can only assume that the Government of Chile had made up its mind that if it could not obtain what it wanted (and a little reflection would have convinced it that it was very unlikely to obtain it) it would expose its hand. Well, the result came up to expectations. Towards the close of his statement M. Edwards notified that his country would leave the League, although it would be prepared to continue active collaboration with the Permanent Court of International Justice, the International Labour Office, and the various technical organs of the League. It is some consolation to know that Chile values association with the League and recognizes the uses to which the League can be put even although it will not be prepared to share in its political work.

Representatives of other Latin-American States followed M. Edwards, and he received some support and much sympathy from them, but I am afraid there was a feeling that something in the nature of a threat had been made.

SPAIN.

In a telegram dated 19th April the Spanish Government requested that questions related to foreign intervention in Spain might be considered by the Council at its one hundred and first session. The telegram has been reproduced in Document C. 133, M. 79, 1938, VII, and practically the whole of the public meeting on the afternoon of 11th May was devoted to Spain.

However, before proceeding to give an account of the Council's deliberations I should mention that in the immediately preceding third private meeting the Council was advised of a gift of 50,000 florins made by the Netherlands Government to China towards the work of medical assistance which, in January, the League of Nations undertook to put in hand. I felt that this generosity on the part of the Netherlands Government required a more adequate recognition than was afforded by the passing of a vote of thanks at a private meeting, and I inquired whether publicity could not be given to the gift by mentioning it at a public meeting of the Council. The President agreed, and at the beginning of the public meeting he referred to the matter. The representative of China delivered a short speech in which he expressed China's appreciation of the gift, and added that with the approach of summer the need for medical aid would increase because there was a danger of a general outbreak of epidemics. For that reason the Netherlands gift and the gift of medical supplies which had been made by the Danish Red Cross, and to which reference was also made by the President, would be all the more greatly appreciated in China.

APPEAL OF THE SPANISH GOVERNMENT.

I draw your attention to the communication, C. 174, M. 95, 1938, VII, from the Spanish Government containing a recital of the war aims of the Government of National Union. As stated above, this item of the agenda came before the Council on the afternoon of the 11th May, when proceedings began with a speech by M. del Vayo, the Spanish representative. No question which has come before the Council since New Zealand has been a member has been subject to such differences of opinion. The policy of non-intervention is claimed by some to be the only policy which will prevent the conflagration spreading beyond the frontiers of Spain. The claim may be justified, since it is true that a European war has not resulted from the conflict in Spain. But this policy has been pursued at a great cost, and I will not pursue the task of dissecting either the Spanish representative's speech on this occasion or that delivered by him when consideration of the matter was resumed at a public meeting of the Council on the 13th May. He gave figures to support his contention that foreign help was overwhelmingly in favour of the rebels. Yet surely the aim of the policy of non-intervention is to ensure that the Spanish question will be solved by the Spaniards themselves without the aid of foreign elements. Above all, he made some strong attacks which put more than one member of the Council on the defensive. The Spanish representative asked for an opportunity to reply to certain observations which had been made, and he placed the responsibility of continuing or discontinuing the discussion on the Council. The Chairman wisely gave way, but the result was that the Council was brought face to face, on the 13th May, with a formal draft resolution introduced by the Spanish representative, and which I quote:—

“ The Council—

“ After having heard the statements submitted to it—

“ (a) Recalling its resolution of May 29th, 1937 ;

“ (b) Recalling that the Sixth Committee of the eighteenth session of the Assembly submitted to the Assembly a draft resolution containing, notably, the following provisions:—

“ The Assembly . . .

“ 6. Sincerely trusts that the diplomatic action recently initiated by certain Powers will be successful in securing the immediate and complete withdrawal of the non-Spanish combatants taking part in the struggle in Spain.

“ 7. Appeals to the Governments, which must all be animated by the desire to see peace maintained in Europe, to undertake a new and earnest effort in this direction ;

“ And notes that, if such a result cannot be obtained in the near future, the members of the League which are parties to the Non-intervention Agreement will consider ending the policy of non-intervention.”

“ (c) Recalling that this draft resolution, although it did not succeed in receiving the unanimous vote of the Assembly, was voted by 32 States, including all the members of the Council with the exception of Bolivia and Peru, who were among the countries who abstained from voting ;

“ (d) Observing that the hypothesis envisaged in this draft resolution has been wholly realized, since neither the diplomatic initiative announced in September, 1937, nor any other subsequent initiative, has led to the departure from Spanish territory of a single non-Spanish combatant ;

“ (e) Observing that the favourable vote of the Governments who voted this draft resolution can only be interpreted as the expression of an opinion in favour of envisaging the end of non-intervention if the non-Spanish combatants have not left Spanish territory ‘ in the near future.’

- “(f) Trusting that these Governments did not consider that the expression ‘in the near future’ could be applied to the period of seven months which has elapsed since the draft resolution was submitted to the Assembly ;
- “(g) Observing that it is a measure which can be adopted individually by each country without necessity for concerted action ;
- “(h) Observing that in a similar situation the strict application of rights under international law has not resulted in a general conflagration,

“Invites the member States of the League who voted in favour of the draft resolution on the Spanish situation, presented to the Assembly by the Sixth Committee on October 2nd, 1937, to envisage as from the present moment the end of the policy of non-intervention.”

Seven months had elapsed since the Assembly had envisaged the termination of the policy of non-intervention should foreign forces not be withdrawn from Spain in the near future. It is true that when the motion embodying this was put to the vote it was lost, but thirty-two States voted for it, and amongst that number were all the members of the Council with the exception of two, who abstained. The Spanish representative's motion before the Council was put to the vote, two members voting for, and four against, but M. del Vayo must have left Geneva with a certain feeling of satisfaction that nine members had abstained from voting. These abstentions are hardly proof of the success of the policy of non-intervention. I felt it would be in accordance with New Zealand's general line of policy if I abstained. However, I, like others, felt that a few words were needed in justification of my abstention, and I quote what I said :—

“I should like to explain why I abstained from voting. I had, of course, no time to consult the Government of New Zealand ; therefore I acted as I thought they would have acted had they been here. The proposal is that non-intervention be disregarded. We know that to a great extent it is disregarded already, but to pass a resolution here that non-intervention should be ended is rather a dangerous thing to do. I feel, however, that my Government would rather have passed a resolution to the effect that the League would enforce non-intervention. But to throw it open and make it ‘free for all’ would, of course, have the effect which we do not desire. I repeat that my Government would have played its part in any non-intervention work that might have been decided upon by the League. We look forward to the day when we shall do something to stop the spread of war rather than pass resolutions to withdraw from action that is being attempted, even though it may be only partially effective.”

If the Spanish Government's aim in again bringing the question of foreign intervention in Spain before the Council was nothing more than a desire to prove to the world the unfortunate way in which the policy of non-intervention was being applied, the Government succeeded in its aim, for there were certainly nine States which, though not prepared to vote for the motion, were unwilling to vote against it.

QUESTION OF THE CONSEQUENCES ARISING OUT OF THE EXISTING SITUATION IN ETHIOPIA.

This item was inscribed on the agenda at the instance of the Government of the United Kingdom. Two public meetings, both held on the 12th May, were devoted to its discussion. The Emperor Haile Selassie appeared in person to represent his country, and he was supported by a staff consisting of two Ethiopians and two English Professors. At the beginning of this report I have referred to this question. The desire of the United Kingdom Government was nothing more than to obtain a clarification of the position. Some members of the League had recognized the Italian conquest of Ethiopia, others were willing to recognize but were deterred by certain resolutions of the League, particularly one of 1932 (arising from Japanese aggression in Manchuria), and they looked for guidance ; whilst others were prepared to recognize the conquest only if such recognition were the result of a decision of League members taken collectively. But, of course, the position was not so simple. I have already written enough to show that the clarification required was only part of a larger question. The minutes of the fifth and sixth meetings of the Council are well worth perusal. At private exchanges of views amongst the members of the Council which had previously taken place, the question of credentials had been raised, and there was a discussion, much of it futile. The result of the discussion was the compromise represented by the President's opening remarks :—

“It was the desire of the Council to assure the participation of delegates of the Emperor Haile Selassie in the discussions of the Council on Item 18 of its agenda, without prejudice to questions of principle and irrespective of the precise character of their full powers. I have been informed that His Majesty Haile Selassie has expressed the wish himself to participate in the discussions and, in accordance with the desire of the Council, I invite him to come to the Council table.”

When the Emperor was seated, Lord Halifax, as representing the Government which had inscribed the item on the agenda, spoke. After explaining the position, he said that the United Kingdom Government in no way criticized the action of members of the League who had already recognized the conquest. He even went further, since he suggested it was the view of his Government that the situation was one in which members might without disloyalty take such action, and at such time, as might seem to them appropriate. On the other hand, he did not suggest that the action of the Italian Government should be condoned ; his Government would not go back on the judgment already given by the League. He hoped, however, that his colleagues on the Council would share his Government's view that the “question of the recognition of Italy's position in Ethiopia is one which every member of the League must be held entitled to decide for itself in the light of its own situation and obligations,” although the expression of such opinion on the part of some members would not of itself impose an obligation on others to

take steps to recognize the conquest. He then briefly mentioned the fact that the action of the United Kingdom Government was dependent upon the progress made in the solution of "another large and difficult question" (he obviously referred to the withdrawal of foreign troops from Spain); and he added that "the acceptance of the opinion held by His Majesty's Government would, in fact, merely confirm the correctness of the attitude taken by a number of States by no means unmindful of their obligations to the League, that with the adoption of the Assembly's resolution of 4th July, 1936, their collective obligations in the matter of the Italo-Ethiopian conflict were discharged."

With Lord Halifax's allusions to past history, such as the imposition of sanctions and their discontinuance, we have no concern here. But he asserted that, according to the information at his command, the Italian Government had obtained control of virtually all the former territory of Ethiopia, and that whilst there was resistance in parts of the country there was no organized Native authority which had the slightest prospect of reconquering the country. He inferred that the conclusion to be drawn from this was that the only challenge which the League could effectually make to Italy would be military action.

Whilst the Emperor had come specially to Geneva to defend the cause of his people before the Council of the League his speech was read by his Permanent Delegate to the League. It is the tragedy of Ethiopia that, having placed full confidence in the League, that, indeed, she was counselled to do so by one of the Great Powers acting through its Minister, the League failed her not for want of trying, because, after all, sanctions were imposed, even if half-heartedly. Viewing now the situation as it existed towards the end of 1935, we can reasonably say that there was a chance of sanctions proving effective against aggression if only they had been applied more stringently, and if pressure had progressively increased. It is equally reasonable to say that had sanctions succeeded much that has happened since in Europe might not have happened. But we are not dealing with the past: we are dealing with the present, which is the result of a great tragedy, and of a miscalculation of the strength of the League acting collectively and of the resistance of the Ethiopian people. The Emperor, speaking through his Permanent Delegate, questioned the completeness of the conquest, for he gave particulars based on information on which he apparently is able to rely that in some parts of Ethiopia Italy's position is precarious. But, as the President remarked in his summing up, the Council was not in a position to ascertain the facts by the normal League methods of inquiry, and members were therefore obliged to draw their own conclusions from the statements available, and from such other sources of information as they possessed. However, opinion as to the completeness or incompleteness of the Italian conquest is beside the question, which is a moral one; and here we are on safer ground. The Emperor was almost scathing in his analysis. States in a panic had overthrown all the principles on which their existence rested; they had torn up treaties; they had violated the Covenant, and the result was a reign of fear; and he did not spare the British Government, although he paid a graceful tribute to the nation which had given him exile. He invoked the Covenant, and he pleaded for justice in the solution of this international question. But it was in vain: one member of the Council after another rose and expressed the opinion that the recognition of Italian sovereignty was within the competence of States acting individually; and for Ethiopia the cause was lost, at any rate so far as the Council of the League was concerned.

Among the points raised was that of the principle that members of the League are under covenant to refuse to recognize a situation brought about by armed force; but a mere academic discussion was of no avail, and a dispassionate observer could not help thinking that the question before the Council was a *chosé jugée* long before it reached the Council. Of course, those members of the Council who on this occasion were ready to abandon the collective system made out the best case possible for their respective Governments, and it is only right to say that, in some instances, countries had been faced with a situation of difficulty and delicacy which would have been rendered more difficult and delicate by an adherence to rigid forms of procedure.

No formal motion was before the Council, but the observations of the various delegates gave a fair indication of what their vote would have been had one been taken.

Bearing in mind your instructions and also New Zealand's League policy, I spoke as follows:—

"It is a sign of some progress that a Monarch of an aggrieved country can state his case and be listened to by representatives of more fortunate nations. This was not always so. We trust that this spirit will grow until all matters of international relationship will be discussed at a table and settled without recourse to the mutual killing of men who bear each other no ill will, men who, in fact, as fathers and husbands, have common interests, and, instead of fighting each other, should meet together, irrespective of colour, language, or creed, to consider their mutual welfare and plan for their advancement in conditions and culture. We appear to be a long way from that state of civilization at present, and may sometimes seem to be but little distance from the brute. Disappointments and seeming failures will be encountered, but if we realize our responsibilities and opportunities, and work accordingly in this generation, that is all we can do.

"The statements made by the representative of Ethiopia are sufficient to arouse passion in all who are mindful of their duty towards each other, and surely a civilized nation will make amends for any action taken by its people in the hysteria and madness of war in its future dealings with the victims of that action. We have been appealed to to listen with understanding, but it is difficult to understand such actions as are depicted, and we hope that if such actions were committed the guilt is upon irresponsible persons and not upon authority.

"We are here to consider a specific matter concerning Ethiopia. May I remind the Council that on March 11th, 1932, the Assembly declared by a resolution unanimously adopted that 'it is incumbent upon the members of the League not to recognize any situation, treaty, or agreement which may be brought about by means contrary to the Covenant of the League of Nations or the Pact of Paris.'

“ Let us recall also Article 10 of the Covenant, which reads : ‘ The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League.’ ”

“ The New Zealand Government stand by that resolution as unanimously adopted by the Assembly, and they stand by the Covenant. We repeat and reaffirm our considered view that there is no material fault in the Covenant as it stands, that the fault lies in the failure—in our failure as Governments—to apply it. While New Zealand recognizes that the League has, on more than one occasion, failed to fulfil its functions, and that the Covenant does not to-day provide the protection it was meant to afford, the New Zealand Government still regard it as absolutely necessary that the Covenant should remain in force in its present or a similar form, and deplore any step which would tend to weaken its provisions or the authority of the League.

“ In our view, the League of Nations should not divest itself of responsibility by leaving the issue to individual Governments, each to choose for itself, for that is a direct denial of the collective responsibility which is fundamental.

“ The League in its Assembly agreed to sanctions. The Assembly condemned Italy’s aggression in Ethiopia. Now the Council is considering the question of allowing any who wish to do so to take their own line of action. It cannot be right to go back on the principles of the Covenant, or to condone acts of aggression, and while that is neither stated nor intended yet our action might be so interpreted. It was the Assembly which recommended the lifting of sanctions, at the same time reaffirming its attachment to the principles of the Covenant. It is the League, acting collectively, and not Governments acting separately, which should have dealt with the matter.

“ My Government holds the view that if recognition were to be afforded it should have been in accordance with a general resolution of the League and not by separate decisions by individual members. What is the League formed for? Surely, to safeguard the independence of States. States have declared in effect that they would not interfere with the independence of other nations, the desire being to stop the operation of the laws of the jungle and to oppose the philosophy that the weak must go to the wall. The proceedings in which we are engaged, however they may be disguised, will only be regarded as a stage further in the surrender to aggression, and will be regarded as one further step in the retreat from collective security—a retreat the consequences of which are seen in the frantic search in so many countries for a security sought in the superior armed strength of each country over every other country. That is the tragedy of the retreat from collective security. It directly connects our proceedings here with the race in armaments, and we cannot help recalling that the expenditure on armaments in all countries renders impossible those high standards of well-being and living which the world to-day is capable of providing.

“ The suggestion of to-day is a compromise between leaving the League and remaining loyal to the Covenant. According to this suggestion any nation may remain in the League and, at the same time, disregard the terms of the Covenant. It seems illogical to retain the Covenant and decide that any member State who wishes may disregard it.

“ The New Zealand Government cannot support any proposal which would involve, either directly or by implication, approval of a breach of the Covenant.”

At length the discussion came to an end, and the President summed up. I extract the following from his closing speech :—

“ It is clear that, in spite of regrets which have been expressed, the great majority of the members of the Council feel that, so far as the question which we are now discussing is concerned, it is for the individual members of the League to determine their attitude in the light of their own situation and their own obligations.”

On this note the debate closed, and the meeting was adjourned.

At a private meeting held on the afternoon of the 13th May the following items were considered :—

COMPLAINTS FROM CERTAIN FORMER OFFICIALS OF THE GOVERNING COMMISSION OF THE SAAR TERRITORY.

These complaints have come before the Council on several occasions, and at the one hundredth session the Council directed that the matter should be examined again. Its history is contained in Document C. 183, 1938, V. The position, briefly, is that five former officials of the Governing Commission have a grievance in that they were excluded, at the instance of the German Government, from the operation of an agreement regulating the treatment to be accorded to officials of the Saar in the event of the return of that territory to Germany. After listening to a brief statement by the Secretary-General the Council decided to pay to these officials a further *ex gratia* sum of eighteen months salary, involving a total expenditure of 30,979 Swiss francs, to be taken from the item of the Budget entitled “ Unforeseen Expenditure.”

APPOINTMENTS.

(a) Health Committee.

This has reference to the composition of the Health Committee, a modification of which was found to be necessary owing to the difficulty on occasions of obtaining a quorum. The Health Committee itself gave consideration to the problem during its last session and made a suggestion to meet the difficulty. This is as follows : The Health Committee will include four substitute members

appointed by the Council. Nevertheless, in derogation of the provisions of paragraph 2 (a) of Article 15 of the General Regulations on Committees, each titular member who falls ill or is prevented from attending will retain the right to send a temporary substitute to replace him, with the consent of the President of the Health Committee and the Secretary-General, these temporary substitutes being appointed in accordance with paragraph 2 (b) of that Article. Consequently, substitute members appointed by the Council will sit on the Committee whenever the absent titular members fail to avail themselves of the provisions of paragraph 2 (b). In such a case each substitute member will sit in an individual capacity and will not be required to represent the absent titular member whom he has replaced. This is embodied in my report to the Council, which approved of the proposal to appoint as substitute members Dr. Janie Skuja, of Riga; Dr. Alfred Gigon, of Basle; and Dr. Hemil Bey, Under-Secretary for Health, of Cairo. A fourth substitute member is to be appointed at a later date.

In addition, the Council approved of the appointment of two members to fill vacancies in the persons of Professor B. Johan, of Budapest, and Professor J. Balteanu, of Jassy. See Document C. 153, 1938, III.

(b) *Committee for Communications and Transit.*

The Rapporteur, M. Litvinoff, the representative of the Union of Soviet Socialist Republics, stated that two vacancies had occurred on the Committee for Communications and Transit, one by death and the other by resignation. The Swiss Government proposed that the vacancy caused by the death of M. R. Herold should be filled by the appointment of M. Hans Hunziker, and this was within that Government's rights under the statute of the Committee. The Rapporteur suggested that the nomination be accepted, and this was agreed to by the Council. The other vacancy, caused by the resignation of an Argentine national, the Government of which country has likewise the right of nomination, will be filled at a later date. See Documents C. 164, 1938, VIII, C. 165, 1938, VIII, and C. 177, 1938, VIII.

EUROPEAN CONFERENCE ON RURAL LIFE.

No decision was required by the Council which merely took note of the progress report by the Secretary-General on the preparatory work for the Conference to be held in 1939. See Document C. 161, 1938, II, B.

PERMANENT EXHIBITION OF GRAPHS RELATING TO CURRENT ECONOMIC AND FINANCIAL CONDITIONS.

This has reference to an offer of money made through the Danish Government by a Danish Foundation to provide for a permanent exhibition in Geneva of economic graphs. The question of an exhibition was raised at the last Assembly, and correspondence on the subject has since taken place. This is reproduced in Document C. 171, 1938, II, A. The Rapporteur on the question, the representative of Sweden, considered that the Committee of Statistical Experts, which is to meet in July, should give its opinion, and this the Council decided by resolution to do (see the Rapporteur's report, Document C. 172, 1938, II, A).

INTERNATIONAL ACT CONCERNING INTELLECTUAL CO-OPERATION.

Under resolution of the last Assembly the Draft International Act concerning Intellectual Co-operation was submitted to States members and non-member States for their observations, and the replies of the Governments were considered by the International Committee on Intellectual Co-operation. The result of the Committee's consideration is given in Document C. 145, 1938, XII. Its recommendation to the Council is that provision should be made for the summoning of a conference for the conclusion of a convention, and that in the meantime the replies should be closely examined with a view of clearing up points which have been raised. In accordance with this recommendation, and on the advice of the Council's Rapporteur, the representative of France, the Council, by resolution, requested the Government of France to accept the responsibility of summoning and organizing a diplomatic conference. The Rapporteur's report is Document C. 178, 1938, XII.

INTERNATIONAL INSTITUTE FOR EDUCATIONAL CINEMATOGRAPHY.

This Institute, founded as a result of an offer by the Italian Government made in 1928, has closed since the Italian Government decided to leave the League of Nations. The Institute performed several functions under the Convention Facilitating the International Circulation of Films of an Educational Character, and the closing of the Institute has resulted in a suspension of activities under the Convention. The British Government, for one, is anxious that normal work under the Convention should be resumed, and it brought the matter under the notice of the Council, which, on the advice of its Rapporteur, the representative of the United Kingdom, passed the following resolution (see Document C. 185, 1938, XII):—

“ The Council—

“ Being anxious to assist in bringing about the resumption of the operation of the Convention for Facilitating the International Circulation of Films of an Educational Character, which has been suspended since December 27th last,

“ Decides to propose to those States which have ratified that Convention, or have signed but not yet ratified it, that they should meet in conference at Geneva immediately before the Nineteenth Session of the Assembly of the League of Nations.

“ The Council requests the Secretary-General to convey this proposal to all the Governments concerned, asking them to send in their replies before July 31st next.

“ On the basis of those replies the Secretary-General, after consulting the President of the Council and the United Kingdom Government, from which the proposal emanated, may summon the conference and fix its date and other particulars.”

STRUCTURE AND FUNCTIONS OF THE ECONOMIC AND FINANCIAL ORGANIZATIONS OF THE LEAGUE OF NATIONS.

This matter had previously come before the Council, which at its one hundredth session, and at the request of the Assembly, had set up a Committee to consider the structure and functions of the Economic and Financial Organizations of the League, more particularly with a view of extending the basis of international co-operation in the economic and financial spheres and of co-ordinating the work entrusted to the organization. The Committee met early this month and presented a report, which is Document C. 169, 1938, II, B. The report is of value not only because of its recommendations, but also because of its review of the structure and functions of the organization. The desirability of finding ways and means of inducing some non-member States who will have nothing to do with the League politically to take part in its economic and financial work was very apparent to those examining the various questions, but the Committee has preferred to make no recommendation under this heading, but to leave the solution to await events. The report clearly shows the development of the organization, and the changes which have taken place in its work in recent years due to changes in world conditions. Such changes imply adaptation of the organization if its work is to be carried through with complete success, and it was on the question of such adaptation that the Committee concentrated, devoting Sections 5 and 6 of the report thereto.

First of all, the Committee stressed the necessity that the members of the Economic and Financial Committees should be in close touch with the handling in their countries of matters coming under the purview of the Committees. In the second place, the Committee felt the need for a single co-ordinating authority with power of initiating discussions, and it proposed to set up this co-ordinating authority in the persons of the two Rapporteurs to the Council on Economic and Financial Questions, representatives of the Economic and Financial Committees, and the Presidents of other standing committees of the organization. These persons would meet as occasion arose, and would have the co-operation of the Director-General of the International Labour Organization and of a representative of the Transit Organization. The Committee also made suggestions as to the allocation of work amongst the Committees of the Assembly. It thought that one Committee (the Second) should be concerned solely with financial, economic, and transit questions. The Committee also suggested a rearrangement of days of meeting, so that principal delegates could attend meetings of both the Second Committee and the Sixth Committee, which latter is concerned with the examination of political questions. Further suggestions as to contact between the Economic and Financial Organization and the Assembly and as to the part to be played by the Secretariat were made by the Committee, which stated that it had been influenced by the consideration that the League derived most of its value from the opportunity it afforded for the exchange of ideas and experience. With that section of the Assembly's resolution regarding the co-ordination of work the Committee did not deal, preferring to leave it to the Co-ordinating Committee, the creation of which it suggested. The committee's recommendations were accepted by the Council, on the proposition of the Rapporteurs, the representatives of France, Poland, and Sweden, and the Council passed the following resolution (see Document C. 180, 1938):—

“The Council—

“Having examined the Report of the Committee appointed to consider the structure and functions of the Economic and Financial Organization of the League of Nations—

“(1) Approves the proposal contained in the report under consideration for the appointment of a Co-ordination Committee, and instructs the Secretary-General to send out the necessary invitations.

“(2) Instructs the Secretary-General to invite the Right Hon. S. M. Bruce, High Commissioner for Australia in London, to serve as Chairman of this Committee and to determine what action, if any, should be taken in execution of that report before the next ordinary session of the Assembly, more particularly for the purpose of carrying out the decisions of the last Assembly.

“(3) Transmits the Report on the Structure and Functions of the Economic and Financial Organization to the Assembly.”

At the final public meeting of the Council held on the afternoon of the 14th May the following items were included in the agenda and considered:—

ADVISORY COMMITTEE ON SOCIAL QUESTIONS: REPORT ON THE WORK OF ITS SECOND SESSION.

The report of the Advisory Committee is Document C. 147, M. 88, 1938, IV. It covers a number of matters relating principally to the welfare of women and children, and as it will be considered by the Fifth Committee of the Assembly when that body meets in September next I will reserve comment for my report on the Assembly. It was introduced to the Council under cover of a commentary by the Rapporteur, the representative of Peru (see Document C. 179, 1938, IV), and the Council accepted its Rapporteur's recommendations, which were:—

(1) To invite the following organizations to be Corresponding Members of the Advisory Committee on Social Questions—

International Committee of Schools for Social Service :

International Co-operative Women's Guild :

Catholic International Union for Social Service :

Permanent Committee of the International Conference on Social Work :

Associated Countrywomen of the World :

International Association of Children's Court Judges.

(2) To request the Secretary-General (1) to submit the report on the legal aspect of illegitimacy to the Governments of member States for their comments, prior to its publication; (2) to consult the Governments of the Argentine Republic, Belgium, the United Kingdom, Canada, China, Denmark, France, Japan, Mexico, Poland, the United States of America, Uruguay, and Yugoslavia as to the principles which they adopt in the organization and administration of welfare work among the young, including social assistance, and to ask them to indicate the part played by the authorities and the voluntary organizations respectively; and, when the report on this subject is completed, to submit it to these Governments for their approval.

(3) To accept the new questionnaire (printed as Appendix 5 to Document C. 147, M. 88, 1938, IV, mentioned above) for the use of Governments in preparing their annual reports on the Traffic in Women and Children.

REFUGEES.

A reference to my report on the eighteenth Assembly will disclose that I dealt at some length with the question of refugees. The debate in the Sixth Committee on this question was long and at times somewhat strained, and it was only after surmounting considerable difficulties that some degree of unanimity was reached, and then only by abstentions when the motion was put to the vote in the Assembly. The effective part of the Assembly's resolution reads: "The Assembly requests the Council to draw up or cause to be drawn up before the next Assembly a plan for international assistance to refugees." This resolution was before the Council in January last, when it appointed a Committee of Three, consisting of the representatives of Bolivia, the United Kingdom, and France, whose duty it was to draw up the plan required by the Assembly. This Committee met in Paris in February last, and a report by the representative of Bolivia on its deliberations was before the Council on the 14th May (see Document C. 189, 1938, XII). As the plan has yet to be considered by the Assembly, which may modify it, and as the dissentient voices which were heard last year may be heard again, no useful purpose would be served in analysing it now except to say that it provides for the amalgamation of the work of the two organizations—the Nansen International Office and the Office of the High Commissioner for Refugees coming from Germany—which, under decision of the Assembly, are to be discontinued at the end of this year. The new organization to be set up for a limited period would be directed by the High Commissioner for Refugees designated by the League and under the protection of the League, and the High Commissioner would have certain duties as defined by the Committee of Three. The Council accepted its Rapporteur's report, and passed the following resolution, with the abstention of the Union of Soviet Socialist Republics:—

"The Council—

"Having examined the report of the Committee appointed to draw up a plan for international assistance to refugees;

"Takes note of the proposals contained in the report which has been submitted to it;

"Instructs the Secretary-General—

"(1) To transmit this report for observations, to the Governments of the States members of the League of Nations and, for information, to the Governments of the United States of America and the United States of Brazil;

"(2) To prepare, after consultation with the President of the Governing Body of the Nansen International Office for Refugees and the High Commissioner for Refugees coming from Germany, a detailed plan on the basis of the proposals of the present report.

"(3) To transmit the present report, together with the detailed plan, to the Assembly, with any observations he may have received from Governments."

DESIRABILITY OF EXTENDING THE POWERS OF THE HIGH COMMISSIONER FOR REFUGEES COMING FROM GERMANY TO COVER REFUGEES COMING FROM THE TERRITORY WHICH FORMERLY CONSTITUTED AUSTRIA.

This question was raised by the representative of the United Kingdom. One of the results of the Anschluss has been a great increase in refugees, especially Jews, and as there was doubt whether the powers of the High Commissioner would cover refugees from Austria, although incorporated in the German Reich, the position had to be clarified. The question was at first privately discussed by the Council and then referred to the Council Committee of Three which deals with Refugee questions. This Committee's recommendations are embodied in the Rapporteur's report, C. 188, 1938, XII, which came before the Council in public session on the 14th May. The recommendations are, in effect, that the High Commissioner is to interpret his mandate as applying to refugees coming from Austria, that the Secretary-General should in the meantime consult with Governments concerned, and that the High Commissioner should report to the next Assembly. These recommendations were accepted and the Council passed the following resolution:—

"The Council—

"Having taken note of the report of the Committee entrusted with the examination of the desirability of extending the powers of the High Commissioner for refugees coming from Germany to cover refugees coming from the territory which formerly constituted Austria,

"Approves the conclusions set out above by the Committee;

“ Authorizes the High Commissioner to interpret his mandate as applying to refugees coming from Austria, until a final decision on the subject has been taken by the Assembly at its next session,

“ Instructs the Secretary-General to transmit the present report for information to the Governments of the United States of America and of the United States of Brazil.”

For the purposes of Assembly consideration in September, this particular question will be merged in the wider question concerning refugees as a whole. I should add that during the short discussion in the Council I spoke as follows :—

“ The proposal to extend the authority of the High Commissioner for Refugees coming from Germany to cover refugees from the territory which we know as Austria has the full support of my country, which warmly approves the continuance of all possible endeavours to mitigate the lot of these people. May I take this opportunity of expressing the hope that the treatment meted out to the Jews of Austria in the early days of the German occupation will give way to a more enlightened form of treatment, and that if forced emigration is the policy of the German Government, then more enlightened treatment will be accorded during the period elapsing before such emigration is completed.”

Immediately before the final public meeting of the Council on the 14th May there was held a short private meeting, at which the following items were considered :—

THE TREATY OF MUTUAL GUARANTEE BETWEEN GERMANY, BELGIUM, FRANCE, GREAT BRITAIN, AND ITALY DONE AT LOCARNO ON OCTOBER 16TH, 1925.

On the proposal of the President consideration of this item was postponed.

PARTICIPATION OF THE LEAGUE OF NATIONS IN THE NEW YORK EXHIBITION.

The Secretary-General made a short statement which was in the nature of a progress report. Briefly, this statement was to the effect that plans are to be drawn for a pavilion, and that a General Commissioner will be appointed only after the construction of the building. We may expect to receive further information during the session of the Council in September next.

DATE OF CONVENING THE ASSEMBLY.

Lord Halifax suggested the postponement of the opening of the next Assembly by one week, and added that the United Kingdom Government proposed to suggest the inclusion in the Assembly agenda of an item concerning the revision of the rule relating to the opening date of the Assembly. Under the present Rules of Procedure the session is due to open on Monday, the 5th September. Under decision of the Council States members are to be consulted, and I understand that this has already been done and by cable to distant countries.

QUESTION OF ALEXANDRETTA.

The Rapporteur, the representative of China, presented his report, Document C. 182, 1938. The position briefly was that the Council had authorized in September an expenditure of 700,000 Swiss francs to meet expenses of the work of the Commission appointed to organize the first elections in the Sanjak of Alexandretta. A subsequent postponement of the final date of the elections entails an increase of expenditure, which has to be provided for. Between the one hundredth and one hundredth and first sessions of the Council the President authorized an additional amount of 200,000 Swiss francs, and the Council was asked to authorize yet a further sum of 100,000 Swiss francs. The Council accepted its Rapporteur's motion and the resolution as passed is as follows :—

“ The Council—

“ In confirmation of the decision taken by its President on March 23rd, 1938 ;

“ Having regard to the unexpected delays which have occurred in connection with the work of the Commission appointed to supervise the first elections in the Sanjak of Alexandretta ;

“ Authorizes the Secretary-General, in accordance with article 33 of the Financial Regulations, to draw on the Working Capital Fund to an amount not exceeding 1,000,000 Swiss francs, instead of 700,000 Swiss francs, as provided in its resolution of September 29th, 1937, to meet the expenses of the Commission appointed to supervise the first elections in the Sanjak of Alexandretta ;

“ Notes that the Governments of France and Turkey undertake to repay the sums thus advanced by the Secretary-General in equal proportions from time to time during the continuance of the work of the Commission.”

In the course of the discussion the French representative pleaded for economy, and the Turkish representative who, in accordance with the Rules of Procedure, was invited to attend whilst this particular item was under discussion, endorsed that plea, and said that it must be understood that the additional credit should not imply a delay in electoral operations as his country was anxious that they should be concluded on the stipulated date.

As there was not likely to be an opportunity at the final public meeting of expressing appreciation of the President's services during the session, I moved a vote of thanks, and Lord Halifax and other members of the Council supported me. M. Munters conducted the proceedings of the session with the greatest credit to himself and to his country. His tact, his impartiality, and his knowledge of the various matters which came up for consideration I am sure impressed every one present.

Yours sincerely,

W. J. JORDAN,
High Commissioner.

The Right Honourable the Prime Minister of New Zealand, Wellington, New Zealand.

ONE HUNDRED AND SECOND SESSION OF THE COUNCIL OF THE LEAGUE OF NATIONS.

New Zealand Government Offices,
415 Strand, London, W.C. 2, 7th October, 1938.

SIR,—

I have the honour to submit this my report on the one hundred and second session of the Council of the League of Nations, for which it fell to me to occupy the chair.

Although the session was not formally declared open until the first public meeting on the 10th September there was a private meeting on the afternoon of Friday, the 9th, when the agenda (Document C. 257 (1), M. 153 (1), 1938) was under consideration. Notice was given of the addition of an item and of the withdrawal of another. M. Litvinoff (Union of Soviet Socialist Republics) proposed the inclusion of the item "Committee for Communications and Transit: Report on the Work of its Twenty-first Session." This was agreed to. The Secretary-General proposed the withdrawal of Item 4, "Permanent Central Opium Board: Secretariat of the Board." A very important question was involved, and as the mandate of the present Board is about to expire it was thought better that the question should be discussed in the first instance by the incoming Board. This also was agreed to. With these modifications the agenda for the session was adopted.

The Council then proceeded to the examination of the following items:—

BUDGETARY AND ADMINISTRATIVE QUESTIONS.*(a) Transfer in the Budget for 1938.*

The President of the Council is authorized to approve transfers in the Budget subject to the confirmation of the Council. On this occasion the Council was called upon to confirm his action in respect of a transfer of 12,000 Swiss francs from Item 8 to Item 9 of the Budget (see Document C. 290, 1938, X).

(b) Secretariat Appointments and Promotions since the last Session of the Council.

A list of appointments (Document C. 273, 1938) was submitted by the Secretary-General and approved by the Council.

APPOINTMENTS.*(a) Administrative Tribunal: Renewal of the Term of Office of a Judge and a Deputy Judge.*

This item, the document relating to which is numbered C. 279, 1938, has reference to the renewal of the appointment of M. Déveze and of M. de Tomcsanyi, Judge and Deputy Judge respectively of the Administrative Tribunal, which concerns itself with staff matters. The Council agreed to the renewal of the appointments for a period of three years from 1939.

(b) Investments Advisory Committee for the Endowment Fund of the League Library.

This Advisory Committee is composed of three members, one of whom, M. C. E. ter Meulen, the Dutch banker, has recently died. A vacancy had therefore to be filled, and the Rapporteur, the representative of China, proposed the appointment of M. Jean Réveillaud, a Frenchman, who has been associated with the finances of the League from its earliest years. The Council approved. The report bearing on the subject is Document C. 289, 1938, X.

(c) Appointment of a Trustee for the Austrian Government International Guaranteed Loan 1933-53 and the Austrian Government Guaranteed Loan 1934-59.

It was necessary to fill a vacancy owing to the resignation of M. Amadeo Gambino. The Rapporteur, the representative of Sweden, proposed a successor in the person of M. Maurice Frère, formerly Adviser to the National Bank of Austria. The Council agreed (see Document C. 292, 1938, II, A).

(d) Fiscal Committee.

Two members of the Fiscal Committee (one of the Standing Committees of the League) having resigned, the Council was called upon to appoint successors. The Rapporteur, the representative of Sweden, proposed for the filling of these vacancies M. Allahyer Saleh, Under-Secretary of State at the Ministry of Finance, Teheran (Iran), and M. Sayid Umar Nadhmi, Director of the Department of State Revenue, Baghdad (Iraq). The proposal was agreed to by the Council. The appointments are for the unexpired period of office of the members who have resigned (see Document C. 287, 1938, II, A). It should be noted that the new members are of the same nationality as the old.

The Council met in public for the first time on the afternoon of Saturday, 10th September. After I had formally declared the session open, the Council proceeded to the business, details of which are given below. Perhaps I should state that I do not propose to deal at any length with items subsequently considered by the Assembly. Their reservation for treatment in the report on the Assembly has many advantages, and, further, duplication is avoided.

FINANCIAL COMMITTEE: REPORT ON THE WORK OF ITS SIXTY-SIXTH SESSION.

This Committee, which is one of the Standing Committees of the League, has played an important part in the League work, especially during the anxious early post-war years. The Committee's report is Document C. 227, M, 129, 1938, II, A (Part I) and (Part II), and a few brief

comments thereon will be found in the report of the Rapporteur, the representative of Sweden, Document C. 288, 1938, II, A. The Rapporteur proposed, and the Council passed, the following resolution :—

“ The Council—

1. Takes note of the report of the Financial Committee on the work of its sixty-sixth session ;

2. Authorizes the Financial Committee to accept the invitation of the International Labour Organization to be represented in an advisory capacity on the International Public Works Committee.”

I draw your special attention to the second part of the Financial Committee's report entitled “ Some Observations on the General Situation.”

COMMITTEE OF STATISTICAL EXPERTS : REPORT ON THE WORK OF ITS SEVENTH SESSION.

The report to the Council of the Committee of Statistical Experts is Document C. 226, M. 128, 1938, II, A, and it was submitted under cover of the report of the Rapporteur, the representative of Sweden, Document C. 285, 1938, II, A. The Rapporteur submitted the following resolution, which was passed by the Council :—

“ The Council—

“ (a) Takes note of the report of the Committee of Statistical Experts on the work of its seventh session ;

“ (b) Requests the Secretary-General—

- “ (i) To communicate the Minimum Programme for statistics of the gainfully-occupied population to all Governments of States members of the League and of non-member States and to invite them to take the Committee's recommendations into account when preparing their next census of the gainfully-occupied population, and to prepare and publish, as part of the results of their next census, a supplementary table according to the International Minimum Programme ;
- “ (ii) To communicate the draft recommendations on housing statistics to all Governments of States members of the League and non-member States, with a view to obtaining their comments on the proposed definitions and classifications before December 31st, 1938 ;
- “ (iii) To communicate the ‘ Revised Minimum List of Commodities for International Trade Statistics ’ to all Governments of States members of the League and of non-member States, and to invite them to compile and publish supplementary statistics of their imports and exports in accordance with this revised ‘ Minimum List ’ ;
- “ (iv) To invite all Governments concerned to indicate before January 31st, 1939, the reasons which have prevented them from preparing the classification of trade statistics by stage of production and use, and to furnish any observations they may wish to formulate with regard to the abridged classification suggested as an alternative ;
- “ (v) To communicate the draft recommendations on Indices of Industrial Production to all authorities or bureaux, whether official or not, which compile such indices and to ask for their observations by January 31st, 1939 ;
- “ (vi) To communicate the minimum programme of timber statistics to all Governments of States members of the League and non-member States and to invite them to put these recommendations into effect ;
- “ (vii) To communicate the statement on statistics of capital formation to all Governments of States members of the League and non-member States and to such institutions and persons as are likely to have a special competence in this subject, with a view to obtaining comments on the principles outlined and on the definitions adopted.”

PERMANENT EXHIBITION OF GRAPHS RELATING TO CURRENT ECONOMIC AND FINANCIAL CONDITIONS : OFFER BY THE DANISH GOVERNMENT ON BEHALF OF THE “ OTTO MONSTED ” FOUNDATION.

This question arose as a result of a resolution passed by the Assembly of 1937, under which the Economic and Financial Organization was requested to arrange for a permanent exhibition of graphs relating to current economic and financial conditions. Later, the “ Otto Monsted ” Foundation offered through the Danish Government, to provide an exhibition of graphs at a cost to the Foundation of 50,000 Danish crowns, and the matter came before the Council at its one hundred and first session. It was then referred, by resolution, to the Committee of Statistical Experts. The recommendations of this Committee were before the Council in the shape of a report by the Rapporteur, the representative of Sweden (Document C. 286, 1938, II, A). The Committee recommended that the exhibition should demonstrate the economic and financial interdependence of nations and that it should be situated in the building of the League of Nations, in rooms easily accessible to delegates, Committee members, journalists, and tourists visiting the building. The Committee made some comments on the cost to the League should the exhibition be provided out of League funds. As, however, the acceptance of the generous offer of the “ Otto Monsted ” Foundation will not involve any expenditure

on the part of the League, the Council was able, under the Financial Regulations, to accept the offer, and this the Rapporteur proposed it should do. The Council agreed and passed the following resolution :—

“ The Council—

“(a) Accepts the offer of an exhibition of graphs made by the Danish Government on behalf of the Otto Monsted Foundation ;

“(b) Approves the programme and the conditions for that exhibition agreed upon by the representative of the Danish Government and the Committee of Statistical Experts ;

“(c) Requests the Secretary-General to express its thanks to the Danish Government and the Otto Monsted Foundation for their generous offer.”

EXCHANGE-CONTROL : REPORT SUBMITTED BY A COMMITTEE COMPOSED OF MEMBERS OF THE ECONOMIC AND FINANCIAL COMMITTEES.

An important and valuable report on exchange-control, the work of certain members of the Economic and Financial Committees, was issued in July last, and submitted to the Council under cover of a report by the representatives of Poland and Sweden. No comment is necessary, as under resolution of the Council the report was transmitted to the Assembly (Document C. 295, 1938, II, A.)

ECONOMIC AND FINANCIAL ORGANIZATIONS : REPORT OF THE CO-ORDINATION COMMITTEE.

This important question, consideration of which involves the future well-being of the economic and financial work of the League of Nations, was dealt with in some detail in my report on the one hundred and first session of the Council. The task of the Co-ordination Committee was to prepare material for consideration by the Assembly, and the report is in fact an Assembly document (A. 16, 1938, II.) Here I need do no more than refer you to the brief comments made by the Council's Rapporteurs, the representatives of Poland and Sweden, and to the resolution passed by the Council under which the report is transmitted to the Assembly (see Document C. 294, 1938, II, A.)

“ The Council—

“ Takes note of the report of the Co-ordination Committee on the economic and financial questions contained in the agenda of the nineteenth ordinary session of the Assembly,

“ Decides to transmit this report to the Assembly.”

INTELLECTUAL CO-OPERATION.

The reports under consideration by the Council were no less than five in number, *i.e.* :—

The Report on the Work of the Twentieth Plenary Session of the Committee of Intellectual Co-operation (C. 253, M. 150, 1938, XII) ;

A report on Modern Means of Spreading Information utilized in the Cause of Peace (A. 19, 1938, XII) ;

A Report on International Competitions in Architecture and Associated Arts (C. 250, M. 148, 1938, XII) ;

The Report of the Governing Body of the International Institute of Intellectual Co-operation (C. 247, M. 145, 1938, XII) ; and, lastly,

The Report of the Council's Rapporteur, the representative of France (Document C. 284, 1938, XII).

As it is the custom of one of the Assembly Committees to deal exhaustively with the work of the intellectual co-operation organization, I will content myself with drawing attention to the resolution of the Council, reading as follows :—

“ The Council—

“ Having taken note of the report of the International Committee on Intellectual Co-operation on the work of its Twentieth Session, together with the reports annexed thereto (resolutions and other documents),

“ Approves the proposals formulated by its Rapporteur on the various particular points to which he considered attention should be drawn ;

“ Instructs the Secretary-General to ensure that the provisions embodied in certain of its resolutions are carried out ;

“ Takes note of the report of the governing body of the International Institute of Intellectual Co-operation on the results of its fifteenth session, of the report of the Auditor of the League of Nations on the administration of the Institute during the financial year 1937, and of the Budget for 1939 as approved by the governing body ;

“ Transmits to the Assembly all the documents issued by the International Committee on Intellectual Co-operation and the governing body of the Institute of Intellectual Co-operation.”

HEALTH COMMITTEE : REPORT ON THE WORK OF THE TWENTY-EIGHTH SESSION.

The Health Committee's report is Document C. 222, M. 124, 1938, III, whilst my own report to the Council is Document C. 258, 1938, III. No formal resolution was passed by the Council, which however, approved of the setting up of two bodies—(1) a group of experts to prepare a report for the use of health administrations in connection with health indices ; and (2) a sub-committee for the unification of methods of preparation of galenic drugs in connection with the International Unification of Pharmacopœia. Actually the various reports of the Health Committee are made

available to the Assembly, and my report on the Assembly will provide an opportunity for mentioning the more important work accomplished by the Health Committee during the present year.

As President of the Council I submitted to my colleagues under cover of a report (Document C. 293, 1938, V) the annual printed document showing the position of ratifications of agreements and conventions concluded under the auspices of the League of Nations. This document, which is valuable for purposes of reference, forms an annex to the report on the work of the League for the year 1937-38, and is numbered A.-6A, 1938, Annex I. Consideration by the Council was a mere formality.

The Council met for the third time, first in private and then in public, on the 17th September, when the following matters were under consideration :—

COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

The question before the Council was the appointment of a French citizen to fill the vacancy caused by the death of M. Silvain Dreyfus. The French Government proposed as candidate M. C. M. Grimpret, Vice-President of the General Council of Roads and Bridges, Vice-President of the Board of Administration of the French National Railway Company, and a member of the Higher Court of Arbitration. The representative of the Union of Soviet Socialist Republics asked the Council to approve the selection of the French Government's nomination. The Council did so (see Document C. 308, 1938, VIII).

COMPOSITION OF THE HEALTH COMMITTEE.

The United Kingdom member of the Health Committee, Dr. M. T. Morgan, having resigned, the Council was called upon to fill the vacancy thus created. As Rapporteur on Health Questions, and after complying with the usual preliminary formalities required by the regulations, I suggested the appointment of Dr. N. M. Goodman, Medical Officer of Health at the Ministry of Health in London. The Council approved my proposal (Document C. 301, 1938, III).

PERMANENT MANDATES COMMISSION.

The Rapporteur, the representative of Roumania, introduced his report (Document C. 310, 1938, VI) on the work of the Permanent Mandates Commission during its thirty-fourth session (see also Document C. 216, M. 119, 1938, VI). The Commission had examined the annual reports on a number of mandated territories and had made observations thereon, the territories under consideration, including Palestine, and it was on Palestine that those members of the Council who spoke concentrated. The spokesman for the United Kingdom, Mr. Butler, opened the discussion. He informed the Council that the Commission, under the chairmanship of Sir John Woodhead, appointed to examine the question of partition (a project which Mr. Butler said his Government considered offered the best and most useful solution of the problem presented by the conflict between Jews and Arabs), was preparing its report, in the light of which the United Kingdom Government would be able to make a final decision on policy. Dealing with the disturbances in Palestine, Mr. Butler stated that, unfortunately the situation showed no improvement. I should here remark that if press messages are to be taken as a guide, incidents, many of a grave nature, are of almost daily occurrence. The Permanent Mandates Commission, when considering the question of Jewish immigration, had come to the conclusion that the present restriction on the admission of Jews had resulted in a partial suspension of the mandate. Mr. Butler said that his Government did not accept that interpretation, although he recognized that the Commission had not been animated by any contentious spirit.

The representative of Poland, which country, owing to its immense Jewish population, has a special interest in the immigration of Jews into Palestine, expressed the hope that the mandatory Power would be able to abolish the restriction on Jewish immigration as soon as possible; although, at the same time, his Government recognized that so long as the fundamental problem of Palestine remained unsettled, a settlement of the Jewish immigration question was beset with difficulties.

The Rapporteur, speaking for his own country, Roumania, stressed the importance of the immigration problem.

Mr. Butler then quoted the following statement made by Mr. Eden when speaking in the Council Chamber in September, 1937 :—

“ I have nothing to add to my original statement except to make clear that in the view of His Majesty's Government in the United Kingdom, the terms of the mandate contain nothing to preclude the mandatory Power from imposing at any time such limitations on immigration as may be suitable in view of any temporary conditions affecting the territory at the moment.”

M. Rappard spoke on behalf of the Chairman of the Permanent Mandates Commission, who was unable to attend. He asked to be allowed to make clear the position of the Permanent Mandates Commission. It was the duty of the Commission, he said, to keep the Council informed of occurrences in the territory, and of any thing which related to the discharge of the terms of the mandates. Last year the Council's attention had been drawn to the limitation of Jewish immigration, a proceeding which had been described as exceptional and temporary. Mr. Eden had said that restriction was a temporary measure, and added that, even if there had been a departure from principle, the Council would understand the reasons. The Permanent Mandates Commission had merely informed the Council in its report under discussion that the circumstances which appertained last year still applied and remained an obstacle to the full discharge of the terms of the mandate.

M. Rappard added that the matter was not regarded as one for controversy.

The representative of Iran made a very short statement viewed from the standpoint of the Arabs, and expressed the hope of his Government that the legitimate rights of the Arabs, who were Natives of Palestine, would be safeguarded.

The Council adopted the report of the Rapporteur and also his suggestion that the divergence of interpretation of the mandate, so far as it concerned Jewish immigration, would be best dealt with by the Council's noting the circumstances referred to by the United Kingdom representative which had led to a temporary restriction on Jewish immigration into Palestine.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

The Rapporteur, the representative of Latvia, introduced his comments (Documents C. 291, 1938, XI, and addendum) on the report of the work of the Advisory Committee on Traffic in Opium and other Dangerous Drugs at its twenty-third session (Document C. 237, M. 136, 1938, XI). As the work of the Advisory Committee in Traffic in Opium and other Dangerous Drugs is always reviewed by a Committee of the Assembly, I merely draw your attention to the report of the Rapporteur. The Council passed the following resolution:—

“The Council takes note of the report and resolutions adopted by the Advisory Committee on Traffic in Opium and other Dangerous Drugs at its twenty-third session and of the report concerning the preparatory work for a conference to consider the possibility of limiting and controlling the cultivation of the opium poppy and the production of raw opium and controlling other raw materials for the manufacture of opium alkaloids, and adopts the present report.”

Reference should be made to a long statement of Mr. Wellington Koo's on features in the situation as it exists in his country, which he described as the most directly affected and whose nationals were the most numerous victims of the drug habit. Since 1934 the Chinese Government had taken the most drastic measures to combat the drug evil and, with one exception, the principal treaty Powers had co-operated with the Chinese Government, with the result that there had been a steady improvement in the foreign settlements and concessions in China. He then proceeded to charge Japan with pursuing openly, through the Japanese armies in China, a policy of encouraging and spreading the illicit use of narcotics amongst the Chinese. He quoted a number of statistics and concluded by expressing the hope that the Council would not regard the material laid before it in connection with the drug situation in the Far East as of ordinary technical interest.

Perhaps I should add that the Rapporteur, in his introductory remarks, referred in eloquent terms to the services of three men who were, until recently, members of the Advisory Committee—M. de Vasconcellos, Senator Cavazzoni, and Dr. Bruno Schulz.

ECONOMIC COMMITTEE.

The report of the Rapporteur, the representative of Poland, is Document C. 306, 1938, II, B, whilst the report of the Economic Committee on its forty-eighth session is Document C. 233, M. 132, 1938, II, B.

As the work of the Economic Committee for the preceding year is normally considered by the Second Committee of the Assembly, there is no need here to do more than draw your attention to the reports mentioned above, of which the Council took note.

COMMUNICATIONS AND TRANSIT.

The work of the preceding twelve months of the Committee on Communications and Transit is always discussed by a Committee of the Assembly. The report of the former Committee was before the Council, together with the report of the Rapporteur, the representative of the Union of Soviet Socialist Republics (Documents numbered respectively C. 266, M. 159, 1938, VIII, and C. 309, 1938, VIII). To these reports I refer you, observing at the same time that it was the Council's prerogative to convene the proposed International Conference for the Unification of Signals at Level Crossings. By decision of the Council this Conference will be called in Geneva in April, 1939, and the preliminary draft convention prepared under the direction of the Committee for Communications and Transit will be used as a basis for discussion. Participation in that Conference is open not only to all European States, but to other States which have signified, or will in the future signify, their desire to be represented. A resolution on these lines was passed by the Council, who also took note of the report of the Committee.

TECHNICAL COLLABORATION BETWEEN THE LEAGUE OF NATIONS AND CHINA.

There is a Committee of the Council comprising a representative each of the United Kingdom, China, France, Iran, Roumania, and Sweden. The United States of America sends an observer, and the President of the Council acts as Chairman. The Council Committee held one meeting. The Chinese Government's suggestions as to the manner in which technical collaboration should be continued are given in Document C/China/27, whilst another Document C/China/28 contains a letter addressed by Mr. Wellington Koo to the Secretary-General concerning measures required to control floods resulting from the rupture of dykes on the Yellow River. The Council Committee gave careful consideration to all aspects, and I refer you to the report communicated to the Council on the 15th September, C. 320, 1938.

The President acts as Rapporteur, and on the 17th September I reported to the Council that its Committee recommended (1) a continuation of normal technical collaboration and the maintenance of anti-epidemic work in China, and (2) that the Assembly be asked to provide not merely the normal credit of 450,000 Swiss francs voted for several years past, but additional credits so that the work of

the Anti-epidemic Commission might be continued for another year and that the requests of the Chinese Government in connection with the normal technical collaboration might be met as far as possible, bearing in mind the relative importance of the two forms of collaboration. The Council agreed to the recommendation. As to the action necessary to combat the Yellow River floods, the Council Committee came to the conclusion that it was not possible to make any recommendation pending further information to be obtained from China (Document C. 322, 1938).

APPEAL OF THE CHINESE GOVERNMENT.

On the 12th September Mr. Wellington Koo addressed a letter to the Secretary-General of the League, in which, after mentioning very briefly such action as had been taken since September, 1937, he requested that the Council should give immediate effect to Article 17 of the Covenant, the Article which provides for procedure in a dispute between a member State and a non-member State or between States not members of the League.

On the 16th September Mr. Wellington Koo delivered a speech in the Assembly during the discussion on the year's work. This speech traversed the historical aspects of the preceding year. It gave an account of the campaign in China, including the bombing of cities, and it touched on the harmful effects on the rights and interests of the Third Powers in China; he declared that the morale of the Chinese troops was excellent; and he appealed to the League of Nations to do something more than pass platonic resolutions, although, at the same time, he paid tribute to the League's help in the despatch of anti-epidemic units to China. He concluded by formally requesting the application of Article 17, the imposition of an embargo on the aggressor State of arms, munitions, aeroplanes, and essential raw materials for war industry, and of financial credits, and the taking of effective measures to deter Japan from employing such methods of warfare as poison gas and the indiscriminate bombing from the air of undefended towns and of civilians.

The Council held a meeting on the evening of the 19th September, but before going into public session there was a private exchange of views during which, it is important to note, no voice was raised on a question of principle.

Immediately the public meeting was opened Mr. Wellington Koo made a short speech. In view of the attitude of many States towards Article 16 of the Covenant, it is perhaps as well that I draw attention to the Chinese representative's remarks on neutrality. He said that in the view of his Government there could be no neutrality for member States with regard to armed aggression against one of them. So long as the Covenant was not amended the obligations, as well as the rights, of member States as provided in the Articles of the Covenant must remain valid.

Much of Mr. Wellington Koo's speech was a repetition of his remarks in the Assembly, but in concluding he made it quite clear that, in asking the Council to give immediate effect to Article 17 of the Covenant, his Government had no intention of abandoning its request that the States members of the League put into operation the resolutions already adopted by the Council and the Assembly.

No other member of the Council spoke, and I then proposed that the following telegram be sent to the Japanese Government:—

“The Council, having before it a formal request from the Chinese Government for the application to the Sino-Japanese dispute of the provisions of Article 17 of the Covenant relating to disputes between a member of the League of Nations and a non-member State, has the honour to address to the Imperial Government the invitation provided for by the first sentence of the said Article 17, on the understanding that, if the invitation is accepted, Japan will have, as regards the dealing with the dispute under Article 17, the same rights as a member of the League of Nations. The Council would be glad to be informed of the reply of the Imperial Government as soon as possible.”

My proposal was approved.

I then drew the Council's attention to the terms of the second paragraph of Article 17 of the Covenant reading:—

“Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances,”

and added,—

“In the present case it does not appear to be necessary to take special action to-day under paragraph 2. In point of fact the dispute was brought before the League of Nations a year ago, and an inquiry into the circumstances of the dispute was immediately instituted by the Far East Advisory Committee, which also recommended last October the action which seemed to it best and most effectual in the circumstances.”

The reply to the telegram sent to the Japanese Government was a refusal, but it was not considered until the next session of the Council, a report on which will follow.

The one hundred and second session of the Council was not formally brought to a close, but, in fact, it had ended, as before the next meeting three new non-permanent members had been elected to replace the three whose term of office had expired.

Yours sincerely,

W. J. JORDAN,

High Commissioner.

The Right Honourable the Prime Minister of New Zealand, Wellington, New Zealand.

ONE HUNDRED AND THIRD SESSION OF THE COUNCIL OF THE LEAGUE OF NATIONS.

New Zealand Government Offices,
415 Strand, London, W.C. 2, 31st October, 1938.

SIR,—

The Council of the League of Nations held two meetings during its one hundred and third session. Although a session is not declared open until the first public meeting, it actually began on the 26th September with a secret meeting which was devoted entirely to the election of a Judge of the Permanent Court of International Justice to fill the vacancy caused by the death of M. Ake Hammarskjöld. This matter is dealt with in my report on the Assembly. Ultimately M. Rafael Waldemar Erich (Finland) was elected and M. Erich accepted the appointment. Documents A. 28, 1938, V, and A. 29, 1938, V.

The second meeting of the Council was held on the afternoon of the 30th September, first in private and then in public. The agenda of the session contained nine items and was adopted without alteration or addition (Documents C. 330, M. 196, 1938, and addendum).

APPOINTMENT OF RAPPORTEURS FOR THE YEAR 1938-39.

It will be useful for record purposes to have a list of the Rapporteurs appointed to deal with questions coming before the Council during the next twelve months. This list is revised at the beginning of every session of the Council following the close of the Assembly, the revision being necessary owing to the election by the Assembly of three new non-permanent members of the Council. The rapporteurs for the next twelve months, as proposed by the Secretary-General and agreed to by the Council, are as follow:—

Budgetary and Administrative Questions	..	..	China.
Danzig	..	..	United Kingdom.
Disarmament	..	..	Iran.
Economic Questions	..	..	Belgium.
Slavery	..	..	United Kingdom.
Financial Questions	..	..	Sweden.
Health Questions	..	..	New Zealand.
Intellectual Co-operation	..	..	France.
Mandates	..	..	Latvia.
Opium	..	..	Greece.
Refugees	..	..	Bolivia.
Social Questions	..	..	Peru.
Transit Questions	..	..	Union of Soviet Socialist Republics.

APPOINTMENTS.

Council Committee on Technical Collaboration between the League of Nations and China.

Owing to the change in the composition of the Council due to recent elections it became necessary to appoint a new member in substitution of Roumania. The President of the Council proposed the appointment of Yugoslavia, and this was agreed to by the Council (Document C. 346, 1938).

Council Committee for the Settlement of the Assyrians of Iraq.

For the reason given in the preceding paragraph it became necessary to replace Ecuador and Roumania by two other States as members of this Council Committee. The President proposed the appointment of Yugoslavia and Peru and his proposal was concurred in by the Council (Document C. 348, 1938).

Composition of the Economic Committee.

For reasons of health M. Octavio Morato, of Uruguay, had been obliged to resign from membership of the Economic Committee, and the question of appointing a successor arose. The President of the Council suggested the appointment of Professor Miguel Lopez Pumarejo, Colombian Minister to the United States, and the Council agreed. The appointment will terminate on the 31st December, 1939, when, indeed, the term of office of all members of the Committee will expire.

At the same time the President announced that the Government of Portugal was desirous of one of its nationals taking part in the work of the Economic Committee as a corresponding member. The President of the Council proposed, and the Council agreed, to the appointment of Lieutenant-Colonel T. W. Fernandes as a member of the Committee for the Study of the Problem of Raw Materials. This appointment will likewise terminate in December, 1939 (Document C. 343, 1938, II, B).

Composition of the Committee on the Behaviour of Tax Systems.

Owing to the death of M. Edgard Allix, of Paris, it became necessary to appoint a successor as member of this Committee. The Rapporteur, the representative of Sweden, proposed the appointment of M. Louis Baudin, Professor of Political Economy at the Faculty of Law of the University of Paris. In this proposal the Council agreed (Document C. 342, 1938, II, A).

Permanent Central Opium Board.

As the United States of America takes part in the work of the Central Board, a representative of that country, Mr. Leland Harrison, was invited to take a seat at the Council table. The question to be decided was the composition of the Permanent Central Opium Board. Under Article 25 the Board is appointed for five years. The first appointment was made by the Council in December, 1928, and the Board was reconstituted by the Council in October, 1933. It was therefore the Council's duty again to reconstitute the Board; and to enable the Council to come to a decision the Secretary-General had invited all States parties to the Opium Convention to furnish him with their proposals regarding the composition of the Board. The names of the persons suggested and the countries making the suggestions are shown in the printed minutes of the Council meeting, pages 4 and 5. Of the persons suggested, however, some were in a position of direct dependence on their Governments and were therefore ineligible under the Convention. For this reason the list of fourteen names was reduced to ten. A selection of eight names had to be made. It should be noted that a guiding principle in the selection is that consideration should be given to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand, and in the consuming countries on the other hand, and connected with such countries. The Rapporteur, the representative of Latvia, presented his report (Document C. 344, 1938, XI) and proposed the following seven names:—

Sir Atul Chatterjee.
M. Kusama.
Mr. Herbert L. May.
M. D. Milicevic.
Dr. Abelardo Saenz.
Professor M. T. Tiffeneau.
Sir Malcolm Delevingne.

The Council agreed to the proposal. The eighth member has yet to be appointed, and consideration will be given to this at a later session.

Budgetary Economies Committee.

In my report on the Assembly I have devoted a few sentences to the decision of the Fourth Committee, confirmed by the Assembly, to entrust to a Committee of Five the examination of the finances of the League with a view to the making of economies in the Budget.

Although the Council was asked to appoint the members of the special committee, the Fourth Committee made certain recommendations regarding its composition. It was only on the 30th September that the Assembly had resolved that the Committee be appointed, and the representative of China, who acted as Rapporteur to the Council, was unable to offer definite suggestions as a number of factors had to be taken into consideration. He asked the Council to empower its President to make the appointments himself, after consulting the Rapporteur on Budgetary and Administrative Questions. This was agreed to by the Council (Documents A. 72, 1938, X and C. 351, 1938, X).

INTER-GOVERNMENTAL CONFERENCE OF AMERICAN COUNTRIES ON RURAL HYGIENE.

At its May session the Council decided that this Conference should be convened, and subsequently arrangements were made for it to meet in Mexico City on the 10th November, 1938. The Government of Mexico, however, felt that the time allowed for the preparatory work was insufficient, and requested that the conference be postponed. The Council agreed to this, and at the same time authorized the Secretary-General to fix a new date in agreement with the Mexican Government, the Health Committee, and other interested parties (Documents C. 324, 1938, III and C. 345, 1938).

REQUEST OF THE SPANISH GOVERNMENT FOR THE TECHNICAL ASSISTANCE OF THE LEAGUE IN THE STUDY OF MEASURES FOR PROVIDING FOOD FOR REFUGEES.

The Spanish question has frequently been before the Council, and reports on previous sessions have dealt with more than one aspect of it. This item was placed on the agenda of the one hundred and third session on the receipt by the Secretary-General of the League of a letter from the Spanish Minister of Foreign Affairs. This letter, which is reproduced in the minutes of the second meeting of the Council, requested the assistance of the competent organizations of the League in studying the means of ensuring food-supplies during the coming winter for 3,000,000 refugees from that part of Spain not under the control of the Government. The Spanish Government was strictly within its rights in asking for consideration of the question by the Council by virtue of a resolution of that body, and, indeed, the Council on a former occasion had taken action of a similar nature in connection with medical organization in Spain. The Secretary-General, who introduced the matter, suggested as the most practical step the sending of competent persons to Spain to take stock of the extent of the problem and the possibilities of solution, and he introduced a draft resolution providing for this. This resolution was accepted by the Council. It reads:—

“The Council—

“In response to the request made by the Spanish Government for the technical assistance of the League in providing food-supplies for refugees in Spain;

“Authorizes the Secretary-General to institute a preliminary inquiry on the spot and to charge the expenses thereof, to an amount not exceeding 45,000 Swiss francs, to item 2 (e) (i) of the Budget for 1938: ‘Council: Unforeseen Expenditure (subject to special vote of the Council); political expenditure.’”

The representative of Spain, who had been invited to take a seat at the Council table, thanked the Council on behalf of his Government. I should draw your attention to the concluding paragraph of the letter of the Spanish Minister for Foreign Affairs. It reads:—

“I am able to inform you that the Spanish Government would see no objection, if the same need were felt in the part of the territory which is in the hands of the rebel authorities, to the extension of the League’s beneficent action to the whole of the national territory of Spain.”

The Council took note of the passage.

WORK OF THE PERMANENT MANDATES COMMISSION AT ITS THIRTY-FOURTH SESSION.

In my report on the one hundred and second session of the Council I have devoted a few pages to this matter, in connection with which Mr. Wellington Koo, the representative of China, had raised a question of procedure at a private meeting of the Council held on the 17th September. The question had regard to the extension of the National Mobilization Law of Japan, which came into force on the 5th May last, to certain islands of the Pacific over which Japan exercises a mandate. It was raised in a note from the Chinese representative bearing date 18th June, 1938. The note had been communicated to members of the Council and members of the League and also to the Permanent Mandates Commission. Now, it is the custom of the Commission not to discuss questions affecting a mandated territory which is not down for discussion during the session, and as the annual report on the administration of the islands mandated to Japan was not before the Permanent Mandates Commission at its thirty-fourth session the Chinese note was not considered. A statement to this effect satisfied for the time being the Chinese representative. As a matter of fact, the annual report was expected to come before the Permanent Mandates Commission during its next session, and the Secretary-General indicated that the Chinese note would in all probability be dealt with then.

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS.

This matter need not detain us. It is for the Council to name a date for the next meeting of the Bureau, and it was intended that it should meet during the recent Assembly, but circumstances were against the fixing of the date. The Council agreed to postpone the meeting.

The Council then went into public session. The one hundredth and third session was declared open by the President in a short speech, which is reported in the minutes of the meeting. The President also welcomed the new non-permanent members who had been elected—the Dominican Republic, Greece, and Yugoslavia. His words of welcome were suitably replied to by the representatives of these countries.

APPLICATION OF THE PRINCIPLES OF THE COVENANT: SEPARATION OF THE COVENANT FROM THE TREATIES OF PEACE.

This question is dealt with in my report on the Nineteenth Assembly. All that was required of the Council was to give directions to the Secretary-General to convey the Assembly resolution to certain States non-members of the League. The Council gave the directions (Documents A. 78, 1938, VII and A. 79 (1), 1938, V).

APPLICATION OF THE PRINCIPLES OF THE COVENANT: COLLABORATION BETWEEN THE LEAGUE AND NON-MEMBER STATES.

This also is dealt with in my report on the Assembly. Directions similar to those mentioned in the foregoing paragraph were given by the Council to the Secretary-General (Document A. 76, 1938, VII).

APPEAL OF THE CHINESE GOVERNMENT.

My report on the one hundred and second session of the Council carries this subject to the point of recording the telegram sent to the Japanese Government, as required by Article 17 of the Covenant, when China had specifically invoked that Article.

The Japanese Government’s reply, dated 22nd September, 1938, read:—

“I hasten to acknowledge receipt of your telegram of September 19th, 1938, transmitting the invitation, provided for by the first sentence of Article 17 of the Covenant, which has been addressed to the Imperial Government by the Council of the League of Nations. The Imperial Government is firmly convinced that means such as those laid down in the Covenant cannot provide a just and adequate solution of the present conflict between Japan and China, and its attitude in this connection has been clearly stated on many occasions. I have therefore the honour to inform you that, for this reason, the Imperial Government regrets its inability to accept the Council’s invitation.”

Prior to the formal meeting of the Council covered by this report the position arising from Japan’s refusal was examined by members of the Council, who deputed first the representatives of China, the United Kingdom, France, the Union of Soviet Socialist Republics, and Greece and, later, on a redrafting point, the representatives of China, Greece, and Belgium, to suggest for its consideration the text of a report. A resolution was prepared also on the use of toxic gases as a method of war. These, in the form in which they came to the Council’s public meeting, read:—

“1. The report of the Far-East Advisory Committee, adopted by the Assembly on October 6th, 1937, states ‘that the military operations carried on by Japan against China by land, sea and air . . . can be justified neither on the basis of existing legal instruments nor on that of the right of self-defence, and that (they are) in contravention of Japan’s obligations under the Nine-Power Treaty of February 6th, 1922, and under the Pact of Paris of August 27th, 1928.’

" 2. The Japanese Government, having been invited, under Article 17, paragraph 1, of the Covenant, to comply with the obligations devolving upon the members of the League for the settlement of their disputes, has declined this invitation.

" 3. Although, in conformity with established practice, it is in principle, for the members of the League to appreciate in each particular case whether the conditions required for the application of Article 16 and Article 17, paragraph 3, are fulfilled, in the special case now before the Council, the military operations in which Japan is engaged in China have already been found by the Assembly to be illicit, as mentioned above, and the Assembly's finding retains its full force.

" 4. In view of Japan's refusal of the invitation extended to her, the provisions of Article 16 are, under Article 17, paragraph 3, applicable in present conditions, and the members of the League are entitled not only to act as before on the basis of the said finding, but also to adopt individually the measures provided for in Article 16.

" 5. As regards co-ordinated action in carrying out such measures, it is evident, from the experience of the past, that all elements of co-operation which are necessary are not yet assured.

" 6. The Assembly, by its resolution of October 6th 1937, assured China of its moral support, and recommended that members of the League 'should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China.'

" Referring more particularly to this resolution, the Council, on May 14th, 1938, earnestly urged members of the League 'to do their utmost to give effect to the recommendations contained in previous resolutions of the Assembly and Council . . . and to take into serious and sympathetic consideration requests they may receive from the Chinese Government in conformity with the said resolutions.'

" 7. Although the co-ordination of the measures that have been, or may be, taken by Governments cannot yet be considered, the fact none the less remains that China, in her heroic struggle against the invader, has a right to the sympathy and aid of the other members of the League. The grave international tension that has developed in another part of the world cannot make them forget either the sufferings of the Chinese people, or their duty of doing nothing that might weaken China's power of resistance, or their undertaking to consider how far they can individually extend aid to China."

" The Council—

* * * * *

" Having regard to the second part of its resolution adopted on May 14th, 1938, which recalls that the use of toxic gases is a method of war condemned by international law, which cannot fail, should resort be had to it, to meet with the reprobation of the civilized world, and requests the Governments of States, who may be in a position to do so, to communicate to the League any information that they may obtain on the subject ;

" Taking note of the information contained in the various communications of the Chinese representative on the subject ; and of his statement on the urgent need for the constitution of a Commission of Neutral Observers in China to investigate the cases of the use of poisonous gas in China, watch the situation in respect thereto, and make reports for examination :

" Invites the Governments of the States represented on the Council and on the Far-Eastern Advisory Committee having official representatives in China to investigate through the diplomatic channel, so far as this may prove practicable and by the most appropriate method, such cases as may be brought to their notice and to submit all relevant reports for examination and consideration."

Some discussion preceded the adoption of the report. Mr. Wellington Koo at once conceded that it marked a step forward, though he did not conceal that to his Government it was " not entirely satisfactory." He regretted that under existing circumstances the Council found it difficult at once to bring about co-ordinated action in carrying out the provisions of Article 16 ; he reserved his Government's right to ask later for measures of co-ordination ; and, subject to the Council's remaining seized of the Chinese appeal, he accepted the present report.

The representative of the United Kingdom accepted the report. The representative of Sweden, while also accepting expressly recalled his Government's contentions on the non-obligatory character of sanctions. The representative of Belgium had a similar rider, if not qualification, to add to his acceptance of the report, as also did the representative of Latvia. The representative of France, admitting that he, like the representative of China, was not completely satisfied with the terms of the report, made it clear that he had no reservation to make with regard to it. The representative of the Union of Soviet Socialist Republics said that his Government were ready to take part in co-ordinated, collective measures to stop aggression ; but since other Governments did not feel the same way they voted for the present resolution. The sentence recorded for New Zealand reads :—

" Since the acquiescence of members of the Council in this compromise report is being formally expressed and in part qualified, may I say, on behalf of the New Zealand Government, that our acceptance of it is qualified only by sincere regret that the terms of the Covenant are not being collectively applied without qualification in conditions about which there is unfortunately no room for doubt."

The representative of the Dominican Republic expressed his country's sympathy towards China and accepted the report without reservation.

The report was then formally adopted.

PROTECTION OF CIVILIAN POPULATIONS AGAINST BOMBING FROM THE AIR IN CASE OF WAR.

This matter was considered by the Third Committee of the Assembly, which drafted a resolution for submission to the Assembly. The resolution was duly passed. It contained two recommendations addressed to the Council—(1) that arrangements should be made with the Government of the United Kingdom that the Committee of Investigation operating in Spain should send copies of its reports to the Secretary-General of the League of Nations so that he might have them circulated to States members, and (2) that there should be taken into consideration any other appeal arising out of the bombing from the air of civilian populations directed to establishing, by means of an international committee, cases of recourse to practices condemned under the principles of international law . . . and collect for impartial study any material that might be of use.

The representative of Iran acted as Rapporteur. He suggested, in regard to the first recommendation, that it was for the representative of the United Kingdom to inform the Council of the steps which he thought his Government could take. As to the second recommendation, all the Rapporteur thought was necessary for the time being was for the Council to take note of it, and in this the Council concurred.

The representative of the United Kingdom having been invited to speak, said that his Government were prepared to communicate copies of the Investigation Committee's reports to the Secretary-General.

Consideration of this item afforded the representative of China an opportunity to make a statement, which is recorded in the minutes of the meeting. The Chinese representative did not propose discussion of the Chinese case on this occasion, but he warned the Council that it was the intention of his Government to ask the Council to consider it at a later session.

SITUATION IN SPAIN: PROPOSAL BY THE SPANISH GOVERNMENT RELATING TO THE WITHDRAWAL OF NON-SPANISH COMBATANTS.

This significant proposal of the Spanish Government is dealt with in my report on the Assembly. It was considered by the Sixth Committee, which drafted a resolution. This resolution was passed by the Assembly on the 30th September, 1938. The operative part of it provides for the acceptance of the Spanish Government's proposal, including the sending to Spain of an international commission to supervise the withdrawal of foreign combatants. Under the resolution it was the duty of the Council to name a Commission. The President himself acted as Rapporteur, and the representative of Spain was invited to take a seat at the Council table. After a few introductory words the President proposed that a Council commission of three, composed of representatives of the United Kingdom, France, and Iran, should be appointed with the duty (i) to appoint a small committee at once; (ii) to establish contact with the Secretary-General with a view to determining the conditions under which the commission is to operate and all the relevant budgetary and administrative arrangements; (iii) to establish contact with the competent representative of the Spanish Government; (iv) to submit a report on the question to the Council at its session in January, 1939. He then brought forward a draft resolution reading as follows:—

“ The Council—

“ Bearing in mind the statements made by Government representatives during the discussions in the Sixth Committee and the Assembly concerning the question submitted by the Spanish Government with regard to the withdrawal of non-Spanish combatants;

“ Noting that the Non-intervention Committee has drawn up a plan for the withdrawal from Spain of the foreign nationals taking part in the conflict in that country;

“ Being anxious not to prejudice in any way the execution of this plan, which has already been accepted by the Spanish Government—

“ (a) Adopts the present report;

“ (b) Decides to despatch to Spain an international commission, whose duty it will be, making use of the facilities provided by the Spanish Government, to note the measures of withdrawal taken by that Government, and report on their effectiveness, on the disposal of the persons thus withdrawn, and on the extent to which it considers that the withdrawal is complete;

“ (c) Declares that no responsibility is assumed by the Council either for the method of withdrawal or for the evacuation of the persons withdrawn;

“ (d) Takes note of the Spanish Government's statement that it undertakes to afford the commission every guarantee, facility, and assistance that the latter may think needful for the performance of its duty;

“ (e) Appoints a committee of three members, consisting of the representatives of the United Kingdom, France, and Iran, whose duty it will be to constitute, despatch, and, so far as necessary, direct the working of the commission;

“ (f) For this purpose, authorizes the Secretary-General to draw the necessary funds from the 1938 budget—item 2 (c) (i): ‘ Unforeseen expenditure (political) ’—up to a maximum of 250,000 Swiss francs;

“ (g) Authorizes the Secretary-General, in agreement with the Committee of Three, to take such other action or measures as may be necessary to give effect to the present resolution.”

This was put to the vote and carried with two abstentions by Bolivia and Peru. The representative of Bolivia questioned whether the sending of a commission would not create a precedent

which could be invoked in future without the consent of the two parties to a dispute. On this point, however, the Spanish representative sought to reassure him by means of the following declaration :—

“ The Spanish Government, which I have the honour to represent here, is a member of the League of Nations. As such it accepts fully and completely all the responsibilities and duties thereby involved ; but it naturally claims, equally fully and completely, the rights and privileges attaching thereto. Consequently, it would be quite impossible for the Spanish Government to accept anything which might create a situation in which the action or initiatives which it took as a member of the League of Nations, and in conformity with the Covenant, should be subject to conditions different from those which are generally applicable to initiatives or action taken by other members of the League of Nations.”

The President, speaking as the representative of Peru, explained his abstention by stating that his Government had broken off diplomatic relations with the Spanish Government.

After the resolution had been adopted the representative of the United Kingdom asked the President to put to the Council the suggestion that if a similar demand were presented to the Council from the other side in Spain the Council would welcome it in the same spirit. The President duly put this suggestion to the Council and it was adopted.

The one hundred and third session of the Council then closed.

Yours sincerely,
W. J. JORDAN,
High Commissioner.

The Right Honourable M. J. Savage, M.P.,
Prime Minister of New Zealand,
Wellington, New Zealand.

ONE HUNDRED AND FOURTH SESSION OF THE COUNCIL OF THE LEAGUE OF NATIONS.

New Zealand Government Offices,
415 Strand, London, W.C. 2, 26th January, 1939.

SIR,—

Accompanied by two members of my personal staff, Mr. C. A. Knowles and Miss J. R. McKenzie, I arrived in Geneva late on the evening of the 15th January for the purpose of attending, as the representative of New Zealand, the one hundred and fourth session of the Council of the League of Nations due to open on the following day.

The President of the session was M. Sandler, the Swedish Foreign Minister, and representative of his country on the Council.

The Council met for the first time, and in private, at twelve noon on the 16th January, but, in accordance with custom, official declaration of the opening of the session was postponed until the first public meeting. At this private meeting the only business transacted was the adoption of the agenda (Document C. 497 (1), M. 339 (1), 1938). To the list was added, by decision of the Council, an item relating to the Commission appointed to report on aerial bombardment in Spain. The Secretary-General mentioned another matter due for consideration this year—*i.e.*, the composition of the Council—but as no member present proposed its inclusion in the agenda it was left for the consideration of the next Assembly.

The next meeting of the Council was held in the afternoon of the 16th January, first in private and then in public. At the private meeting the following questions (with the addition of the noting of staff appointments and promotions made by the Secretary-General since the last session of the Council, which require only mention in passing (Documents C. 510, 1938, and C. 35, 1939) were dealt with:—

APPOINTMENTS.

(a) *Advisory Committee on Traffic in Opium and other Dangerous Drugs.*

(i) *Composition of the Committee.*—Paper No. C. 32, 1939, XI, traces the growth of the Committee from eight to fourteen members (including the United States of America) in deference to the feeling of the Assembly that all nations specially concerned in either the growth or manufacture of opium or other dangerous drugs should be represented on the Advisory Committee. Even this increase was deemed insufficient, and eventually the Committee numbered twenty-five members. If we are to judge the value of the work done by a permanent organ of the League by the number of documents issued in its name, this Advisory Committee would certainly occupy first place, but, of course, that is not the way to gauge its value to mankind. Its contribution to international co-operation in the interests of the human race has been of inestimable benefit, and its authority is embodied in a series of conventions and agreements of first-rate importance. Owing to political changes and to other circumstances the composition of the Committee was eventually modified—at the opening of the Council session now under review it was composed of the representatives of twenty-three countries, which it is said truly represents the majority of the producing, manufacturing, and consuming countries which have a special interest in its work. The Rapporteur, the representative of Greece, proposed that the mandate of these countries should be renewed for a period of three years, and that, in addition, Hungary should be invited to send a representative to meetings of the Committee. The Council concurred.

(ii) *Appointment of an Assessor.*—For many years past Dr. de Myttenaere has acted as one of the Assessors to the Advisory Committee on Traffic in Opium and other Dangerous Drugs, and the Council approved the recommendation of its Rapporteur that Dr. de Myttenaere be reappointed for one year. The other Assessor resigned in 1937 after a long period of service, but his replacement was deferred in order that the Advisory Committee might consider the nature of the questions on which it might need the assistance of experts (see Document C. 33, 1939, XI).

(b) *Committee of Experts for the Study of Demographic Problems.*

During the past few years it has become apparent that the study on parallel lines of demographic problems would heighten the value of certain investigations carried out by the League's technical organs. The Assembly of 1938 passed a resolution under which the Council was requested to constitute a special committee of experts to study demographic problems and especially their connection with the economic, financial, and social situation, and to submit a report on the subject which may be of practical value to Governments in the determination of their policies. The representative of Belgium, to whom the selection of the special committee had been entrusted, acted as Rapporteur and presented his report (Document C. 24, 1939, II, A) to the Council. His recommendation that the following be appointed was accepted:—

Mustafa Amer Bey (Egypt).
M. Carlos Brebbia (Argentina).
Mr. A. M. Carr-Saunders (United Kingdom).
M. G. A. Demangeon (France).
Mr. Carter Goodrich (United States of America).
M. G. Jahn (Norway).
M. Helio Lobo (Brazil).
Dr. S. Manuila (Roumania).
Sir Ramaswami Mudaliar, K.C.I.E. (India).
M. J. Smolenski (Poland).

The Council then met in public. The President, after declaring the session open, paid tribute to the memory of Emile Vandervelde, the eminent Belgian statesman, who had recently died. On behalf of the Council the President asked the representative of Belgium to accept the condolences of the Council of the League. M. Spaak, the Belgian Prime Minister, made a short reply of appreciation.

Consideration was then given to the following items:—

HEALTH COMMITTEE: REPORT ON THE WORK OF ITS TWENTY-NINTH SESSION.

My report to the Council is Document C. 511, 1938, III, and it refers briefly to the more important aspects of health to which the Health Committee gave consideration during the course of its twenty-ninth session. When introducing my report I felt that a few words stressing the work done in China would not be out of place, and I drew special attention to the quick response of an appeal by the Chinese authorities for six million doses of cholera vaccine, a response which provided in four weeks more than eight million doses, free of charge, from thirteen different countries. I expressed the hope that, in the interests of all, valuable help of this kind would continue (see also Document C. 380, M. 226, 1938, III).

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

The representative of Greece submitted to the Council his report (Document C. 31, 1939, XI) regarding the Conference for the adoption of a Protocol to extend to dihydrocodeine and its salts certain provisions of the Convention for limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 13th July, 1931. The report treats of the history of the question. A draft Protocol has already been drawn up and submitted to Governments, and the time is ripe for it to assume final form in the light of the criticisms to which it has been subjected. To accomplish this a modified procedure is recommended, and under resolution of the Council, based on the recommendation of the representative of Greece, a conference is to be convened for 2nd October, 1939, to which the parties to the 1931 convention will be invited to send representatives. New Zealand, being a party to the 1931 convention, will be invited to send a delegate.

NUTRITION.

This question concerns the next annual meeting of representatives of National Nutrition Committees, the first of which took place in October, 1938. The Rapporteur, the representative of Belgium, suggested that the autumn was the most suitable time, and he promised to submit at the May session of the Council a list of the National Nutrition Committees who should be invited to send representatives (see Document C. 7, 1939, II, A).

FINANCIAL COMMITTEE.

The Financial Committee, one of the permanent organs of the League, held a session between the 9th and 14th December, 1938, and produced a report (Document C. 502, M. 343, 1938, II, A). In accordance with procedure, this report is addressed to the Council, and it was presented to that body under cover of a communication from the Council's Rapporteur on Financial Questions, the representative of Sweden (Document C. 25, 1939, II, A). For an account of the work done by the Financial Committee I refer you to these documents. The Council passed the following resolution:—

“The Council—

“(1) Takes note of the report of the Financial Committee on the work of its sixty-seventh session;

“(2) Authorizes the Chairman of the Financial Committee, within the limits of the budgetary provision available, to invite qualified persons to discuss the question of monetary policy in agricultural States, which was raised by the Nineteenth Assembly, with members of that Committee.”

FISCAL COMMITTEE.

This Committee, which for some years past has been studying certain problems in connection with taxation, met in October last and produced a report (Document C. 384, M. 229, 1938, II, A). It was submitted to the Council under cover of a report by the representative of Sweden (Document C. 27, 1939, II, A). For details of the work done by the Fiscal Committee I refer you to its report. Of this the Council took note and at the same time requested the Secretary-General to communicate to Governments the replies received to a questionnaire concerning methods of assessments and measures to prevent fiscal evasion.

SITUATION IN SPAIN.—WITHDRAWAL OF NON-SPANISH COMBATANTS: REPORT BY THE COMMITTEE OF THREE.

The genesis of this question is dealt with in my report on the 1938 Assembly. Here I will merely remind you that at one of the meetings of the Assembly the representative of Spain informed that body that his Government had decided to withdraw from its forces all non-Spanish combatants, and he asked the assistance of the League in verifying on the spot the measures taken by his Government to that end. The Assembly accepted the responsibility, and the Council, to which the matter was then referred, appointed a Committee of Three of its members—the representatives of the United Kingdom,

France, and Iran—to make arrangements for the selection, despatch to Spain, and working on the spot of an International Commission. The Commission was accordingly appointed, consisting of the following :—

General B. Jalander (President), (Finland),
 Brigadier-General A. L. M. Molesworth (United Kingdom),
 Lieut.-Colonel A. Homo (France),

and to it was attached a certain number of personnel, including some members of the staff of the Secretariat. On the 14th October the Commission as a body was constituted and was able to proceed with its work. On the 15th January the Commission submitted an interim report (Document C. 34, M. 18, 1939, IX), and to this I refer you. For the purpose of consideration by the Council this report was accompanied by a short report by the Committee of Three (Document C. 39, 1939, IX), which summarizes the history of the question and concludes with a draft resolution which the Rapporteur, the representative of Iran, asked the Council to pass. Immediately after the report of the Committee of Three had been read the President of the Council called upon those of his colleagues who had notified him of their intention to speak, and he successively invited the representatives of France, Belgium, the United Kingdom, the Union of Soviet Socialist Republics, New Zealand, and Spain (the representative of which had been invited to occupy a seat at the Council table) to address the Council.

It was not an occasion on which to give expression to political views. The Council had before it the report on the accomplishment of a considerable volume of work in difficult and, sometimes, dangerous conditions, and it learned with satisfaction that the work was likely to be completed within a month.

My remarks in the Council were on general lines; of thankfulness that, with the goodwill of the Spanish Government, something had been achieved, and of regret that in the twentieth century opportunity was taken in armed conflicts of starving and killing innocent people.

M. del Vayo, the representative of Spain, spoke a few words of thanks to the Council and the Commission for their collaboration. He reiterated the determination of his Government to withdraw from its army all non-Spanish combatants, but, at the same time, he thanked these combatants for their efforts on behalf of the whole Spanish people. He very properly limited his remarks to the subject in hand, reserving to himself the right to speak on other phases of the Spanish question on another occasion. The Council then passed the following resolution :—

“ The Council—

“ 1. Takes note of the provisional report by the International Military Commission entrusted with the verification of the withdrawal of non-Spanish combatants in Spain (Document C. 34, M. 18, 1939).

“ 2. Decides to prolong the term allotted to the International Military Commission for the discharge of its duties for a period of one month on the understanding that if, on the expiration of that period, a further prolongation should prove to be necessary, the question will be submitted to the Committee of Three.

“ 3. Addresses its thanks—

“ (a) To the Spanish Government for having furnished to the Commission all facilities for the purpose of enabling it to discharge its task under the best possible conditions ;

“ (b) And also to those Governments which were good enough to place at the disposal of the League of Nations the services of the officers constituting the International Military Commission ;

“ Pays a tribute to the members and staff of the Commission for the perspicacity and scrupulous conscientiousness which they displayed in the discharge of a difficult and complex task ;

“ 4. Without prejudice to any opinion it may express after receiving the final report of the International Military Commission, takes note of the opinion formed by that Commission concerning the extent and effectiveness of the withdrawal so far carried out by the Spanish Government ;

“ 5. Adopts the report of the Committee of Three.”

The third meeting of the Council was held on the afternoon of the 17th January when, in addition to the item “ Appeal of the Chinese Government,” with which I will deal later, the following were discussed in private session :—

SITUATION IN SPAIN—WITHDRAWAL OF NON-SPANISH COMBATANTS : EXPENSES OF THE INTERNATIONAL COMMISSION.

The documents are numbered C. 13, 1939, X and C. 47, 1939, X, the latter being the report of the Rapporteur, the representative of China. The Council was required to confirm the action of its Chairman in authorizing expenditure and to make provision for meeting future expenditure. The question involved is one of simple administration, and the Council took the necessary steps.

APPOINTMENTS.

(a) *Economic Committee.*

M. Stucki, of the Swiss Public Service, had been an active and valuable member of the Economic Committee for some years. Having been appointed to represent Switzerland in Paris, he felt that his new duties would no longer permit of his serving the League on its Economic Committee, and he

resigned membership. His place had therefore to be filled by one of Swiss nationality. The Council's Rapporteur, the representative of Belgium, proposed the appointment of M. E. Péguignot, Secretary of the Department of Public Economy of the Swiss Confederation, and to this the Council agreed.

The Council also agreed to the appointment as a member of the Economic Committee of M. J. A. Lins de Barros, a Brazilian. The Government of Brazil, which country is no longer a member of the League, although it takes part in certain aspects of the League's work, has long desired representation on the Economic Committee. The Committee will derive benefit from this participation in that direct expression can be given to the views of this important South American country (see Document C. 40, 1939, II, B).

(b) *Permanent Central Opium Board.*

The Board should consist of eight members. It was due for renewal in the autumn, and the Council appointed seven members at its last session. M. S. Kusama, one of those appointed, was unable to accept the appointment owing to recent developments in Japan's relations with the League, and the vacancy had to be filled. In the meantime there was pressure to bring the Board to full strength. On the advice of its Rapporteur, the representative of Greece, the Council decided to fill the existing two vacancies by the appointment of M. Salahaddin Cam and Judge Michael Hansson. The two new members are respectively of Turkish and Norwegian nationality (see Documents C. 6, 1939, XI and C. 37, 1939, XI).

(c) *International Institute for the Unification of Private Law.*

There are six vacant seats on the governing body, but the President of the Council, who acted as Rapporteur on the question, proposed to fill three only during the present session, leaving consideration of the remaining appointments for a subsequent session. He suggested the appointment of the following:—

M. Jule Basdevant, Legal Adviser to the French Ministry of Foreign Affairs, and a well-known figure in Geneva;

Sir William Montague Graham Harrison, K.C.B., K.C., D.C.L., for some years First Parliamentary Counsel to the Treasury; and

M. Algot Bagge, a Judge of the Supreme Court of Sweden.

The Council concurred in this suggestion (see Document C. 44, 1939, XII).

LEAGUE COMMITTEES.

This item need not detain us. It is provided in the General Regulations on Committees that if a Committee has not met for two consecutive years the Council should consider whether the Committee should continue to exist. On this point no decision was required. In accordance with the usual practice, the Rapporteur, the representative of France, laid before the Council a list of the various Committees of the League of Nations (Document C. 3, 1939; see also Document C. 48, 1939).

CO-ORDINATION BETWEEN THE ADVISORY COMMITTEE ON SOCIAL QUESTIONS AND THE HEALTH ORGANIZATION.

In accordance with the suggestion of the Secretary-General, the Council decided to ask the President of the Health Committee and the Chairman of the Committee on Social Questions to invite one or two members of each Committee to examine with the Secretary-General the possibility of evolving a system of permanent co-ordination between the Advisory Committee on Social Questions and the Health Organization and to secure collaboration with the International Labour Office. Last year's Assembly expressed a wish on these lines (see Document C. 49, 1939).

COMPOSITION OF THE PERMANENT MANDATES COMMISSION.

The Secretary-General informed the Council that difficulties might arise in the future owing to the depletion in membership of the Permanent Mandates Commission. For meetings of the Commission the quorum had been fixed at six. The Commission normally consisted of ten members, acting in their personal capacity and not representing Governments, with the addition of an extraordinary member (M. Rappard, who was Director of the Section of the Secretariat dealing with mandates in the early years of the League); but the resignation of the German, Italian, and Japanese members had reduced membership to eight, and if three of the remaining members were unable to attend meetings the proceedings would not be valid, as a quorum could not be formed. The Secretary-General proposed that the Rapporteur on Mandate Questions should examine the matter in conjunction with himself. The representative of Latvia (the Rapporteur) stated that he was prepared to study the question, but in the meantime he suggested reducing the quorum to five. The Council concurred.

The President of the Council, after inviting the representative of Turkey to come to the Council table, referred to the question of the Sanjak of Alexandretta, examination of the administration of which had been postponed by the Permanent Mandates Commission, whose report on the administration of Syria and Lebanon would be considered later in the afternoon. The accredited representative of the Mandatory Power (France) had made a statement to the Commission to the effect that there had been developments which had changed the whole aspect of the question, and that the circumstances and consequences of the developments were still a matter for the Council of the League of Nations.

The President of the Council, who, of course, had been closely concerned with the question of Alexandretta when it had occupied the attention of the Council in previous sessions, said that it was desirable that the Council should have all the essential documentation.

The Council then went into public session for the purpose of considering the following :—

PERMANENT CENTRAL OPIUM BOARD : REPORT ON THE STATISTICS OF NARCOTICS FOR THE YEAR 1937 AND THE WORK OF THE BOARD DURING 1938.

The report to the Council of the Permanent Central Opium Board is Document C. 482, M. 325, 1938, XI. It is largely composed of statistics, which are prefaced by a valuable and interesting report of some twenty pages. The more important aspects of the report are stressed by the Rapporteur, the representative of Greece, in his own report to the Council (Document C. 38, 1939, XI). The control of the drug traffic has not escaped the difficulties created by the political changes which are taking place, and there seems little doubt that traffickers will take advantage of this. The Council was merely called upon to take note of the report of the Board, which is, of course, an independent organization created by Convention to control the legitimate traffic and to detect illegitimate traffic, which is still rampant.

INTERNATIONAL ASSISTANCE TO REFUGEES.

Both the British and French Governments had sent notes to the Secretary-General requesting him to lay before the Council a proposal that the functions of the High Commissioner for Refugees should be extended to refugees coming from areas ceded by Czechoslovakia to Germany. In the words of the Rapporteur, the representative of Bolivia, such refugees are those who, having possessed Czechoslovak nationality and not now possessing any nationality other than German, have been obliged to leave the territory which was formerly part of the Czechoslovak State—that is, the territory known as the Sudetenland—where they were settled and which is now incorporated in Germany. They consist of persons who have been or who are obliged to leave the said territory and who do not enjoy the protection of either the German or the Czechoslovak Governments.

The High Commissioner for Refugees having stated that he could discharge these new duties without asking for further credits, the Council, on the advice of its Rapporteur, passed the following resolution :—

“ The Council—

“ Having taken note of the report submitted by its Rapporteur concerning refugees coming from territories ceded by Czechoslovakia to Germany,

“ Approves the conclusions submitted by him,

“ Authorizes the High Commissioner to act in accordance with the present report until a final decision has been taken in the matter by the Assembly at its next session.”

It is understood that the High Commissioner will present to the next Assembly a report on the situation and on the results of his consultation with the Governments concerned (see Documents C. 26, 1939, and C. 50, 1939, XII).

PERMANENT MANDATES COMMISSION : REPORT ON THE WORK OF ITS THIRTY-FIFTH SESSION.

The minutes of the thirty-fifth session of the Permanent Mandates Commission and the Commission's report are contained in a volume numbered C. 418, M. 262, 1938, VI. During that session the Commission examined, in the presence of the accredited representative of New Zealand, the report by the New Zealand Government on the administration, during the year ended 31st March, 1938, of the Territory of Western Samoa. A report on this examination has already been made to you. At the session of the Council Western Samoa was not specifically mentioned either in the Rapporteur's report (Document C. 42, 1939, VI) or in the debate, and there seemed no occasion for me to speak. The more important points which emerged from the Commission's report are stressed in the report to the Council by the representative of Latvia, and of these points considerable space is allotted to the administration of Syria and Lebanon. The political changes which these countries are undergoing are familiar to you. Syria and Lebanon have been governed for nearly two decades by the French under an “ A ” Mandate, and have at length reached the stage when they have to prove that they are fit for self-government. Control by France has been relaxed considerably, and as a consequence there have emerged certain aspects which may give rise to future problems.

Unfortunately, Japan was not represented during the examination by the Commission of the Report on the Administration of the Islands under Japanese Mandate, and the Commission was at a considerable disadvantage. During the discussion in the Council Mr. Wellington Koo, the representative of China, again raised the question of the effect on the indigenous population of the islands of the recent Japanese law on military service, and he reserved his right to comment pending the receipt of information on the point from the Japanese Government. This question had already received the attention of the Permanent Mandates Commission, as will be seen on reference to pages 178-181 of the Minutes.

The Administration of Palestine was not considered by the Commission during its session, but in view of recent developments the representative of the United Kingdom made a statement in the Council during which he briefly traversed recent history in that country culminating in the invitation to representatives of Palestinian Arabs and Arabs of adjacent countries and to representatives of the Jewish Agency to a conference in London. The United Kingdom representative felt that if the Council were called upon to deal with Palestine during its May session in the form of modifying the terms of the mandate or in some other way it might be advisable to have the views of the Permanent Mandates Commission, and he asked that, should necessity arise, the Commission should be called together in extraordinary session before the Council met. The Council's Rapporteur agreed that steps should be taken to this end.

The deliberations of the Council on the subject of Mandates were brought to an end by the adoption of the following resolution:—

“The Council—

“I. Takes note (a) of the annual reports relating to the administration of the seven territories enumerated in the report of the Permanent Mandates Commission on the work of its thirty-fifth session; (b) of the report and minutes of the said session of the Commission; (c) of the comments made by the accredited representative of the mandatory Power for Ruanda-Urundi;

“II. Adopts the present report submitted by the representative of Latvia.

“A. *Observations regarding the various Territories.*

“(a) The Council instructs the Secretary-General to communicate in every case to the Government of the mandatory Power concerned the observations of the Permanent Mandates Commission on the administration of the territories, the annual reports for which it has examined (Syria and Lebanon, 1937; Ruanda-Urundi, 1937; Cameroons and Togoland under British mandate, 1937; Cameroons under French mandate, 1937; Islands under Japanese mandate, 1937; Western Samoa, 1937-38), with a request to take thereon the action asked for by the Commission.

“(b) In the special case of the islands under Japanese mandate, the Secretary-General will also draw the mandatory Power's attention to the minutes of the Commission's discussions in order that due account may be taken of the points on which, owing to the absence of an accredited representative, the Commission could obtain no information.

“B. *Petitions.*

“The Council approves the conclusions of the Permanent Mandates Commission with regard to the petitions which it examined at its thirty-fifth session, and instructs the Secretary-General to communicate these conclusions in every case to the mandatory Power and the petitioners concerned;

“III. Requests the Secretary-General, when communicating to the mandatory Powers the observations and conclusions of the Permanent Mandates Commission, to attach the text of the report to the Council by the representative of Latvia, and the minutes of the present meeting.”

The next meeting of the Council was held on the afternoon of 18th January. All the following questions were dealt with at the private meeting. The public meeting which followed was devoted to consideration of the reports of the Commission for the Investigation of Air Bombardments in Spain. As, however, the matter was adjourned after a number of speeches had been delivered, it will be convenient to defer my observations to a later stage.

INTELLECTUAL CO-OPERATION: INTERNATIONAL ACT SIGNED AT PARIS ON 3RD DECEMBER, 1938.

Action on this question merely consisted of the Council's taking note of the Rapporteur's statement, the representative of France, and of passing the following resolution:—

“The Council—

“After hearing the representative of the French Republic, Rapporteur on Intellectual Co-operation Questions,

“Takes cognizance of the results of the International Conference held at Paris from November 30th to December 3rd in accordance with its decision of May 13th, 1938, at which an International Act concerning Intellectual Co-operation was concluded. It decides to communicate that Act, together with the Final Act of the Conference, to the International Committee on Intellectual Co-operation.”

The results of the diplomatic conference and the purpose of the Act are set forth in the French Government's communication (Document C. 41, 1939, XII; see also Document C. 514, 1938).

APPOINTMENTS.

(a) *Advisory Committee on Social Questions.*

A short time ago the Secretary-General received letters from the Greek and Lithuanian Governments asking whether arrangements could be made for these Governments to be represented on the Advisory Committee on Social Questions. The Rapporteur, the representative of Peru, after making a statement on the composition of the Committee as modified by circumstances arising since its renewal in January, 1937, said that there were three vacancies to be filled. When the question of the renewal came before the Council in 1937 the Rapporteur informed that body that his choice of countries to be represented had been governed, firstly, by the desires expressed by the Governments themselves and, secondly, by the fact that the Committee should as far as possible reflect different types of social policy in the various countries. The Rapporteur, on this occasion, proposed that the requests of the Greek and Lithuanian Governments be acceded to as both Governments had displayed great activity in social matters, and Lithuania would fill the gap caused hitherto by the absence of representation of the Baltic States. The Council agreed on the understanding that the term of office of the two new members should come to an end in January, 1940, when the mandate of the Committee as a whole would be renewable. The third vacancy was not filled (see Documents C. 30, 1939, IV, C. 501, 1938, IV, and C. 14, 1939, IV).

(b) International Committee on Intellectual Co-operation.

By a note of the Secretary-General, (C. 9, 1939, XII) the Council was informed that it would be called upon to fill a number of vacant seats on the International Committee on Intellectual Co-operation, and he drew attention to a new situation which would arise as a result of the International Act of December, 1938, referred to above. The Rapporteur, the representative of France, contented himself for the time being with proposing the renewal of the term of office of certain members and the appointment of new members, leaving four seats to be filled by the Council during its May session. The Rapporteur's proposals were agreed to by the Council, and the list of members appointed will be found in the report (Document C. 51, 1939, XII).

The final meeting of the Council, first in private and then in public, took place on the morning of the 20th January. At the private meeting the following items connected with appointments were considered :—

(a) Committee for Communications and Transit.

The Rapporteur, the representative of the Union of Soviet Socialist Republics, presented his report (C. 54, 1939, VIII). The new Statute of the Organizations for Communications and Transit has been in force about a year. In 1938 the Assembly fixed at eighteen the number of seats on the Committee for Communications and Transit, and it was the duty of the Council at its present session to appoint the members in agreement with the Governments concerned. The Rapporteur proposed fifteen names, and stated that neither Spain nor Italy had submitted names, and that his own Government did not propose to avail itself for the time being of the right to provide a member. The Rapporteur's report was adopted, and the fifteen names, which will be found in the report, were approved. The new members will serve for three years.

(b) Permanent Technical Hydraulic System Commission of the Danube.

The representative of the Union of Soviet Socialist Republics also acted as Rapporteur on this question. Under the Treaty of Trianon it is the duty of the Council to appoint the Chairman of the Permanent Technical Hydraulic System Commission of the Danube. The present Chairman has served for three periods of five years, and his present term of office will expire in March next. Postponement of the new appointment was advocated by the Rapporteur as negotiations with the Governments concerned are proceeding. The Council concurred. As the Council does not meet until May the post will be vacant for a few weeks. Should, however, circumstances render the appointment of a Chairman desirable in the interval, the President of the Council has authority, in agreement with the Rapporteur, to make an appointment (see Document C. 53, 1939, VIII).

At the conclusion of the private meeting the Secretary-General asked leave to make a statement on economies to be adopted as the result of the report of the Economics Committee set up by the Council at the request of the Assembly in 1938. The report of the Economics Committee has already been issued, and it will be considered by this year's Assembly. Political changes and secessions from the League will cause a serious diminution of income, and unless States members are prepared to provide an increase in their contributions, which is hardly likely, income will be insufficient to meet expenditure on the present scale. Inevitably, economies are necessary. Unfortunately, these will include reduction of staff. Some indication of the policy to be adopted is given in the Secretary-General's statement to which I invite your attention. I spoke a few words of regret at the necessity for dismissing members of the staff, and of fear lest the humanitarian work of the League should be hampered. It is true to say that for a while it will be practically only by its humanitarian and technical work that the League will be kept alive. Nothing, therefore, should be done which would cause this work to suffer, for it is to be hoped that in the not distant future the League will once again be able to operate in the sphere for which it was primarily created.

APPEAL OF THE CHINESE GOVERNMENT.

This item figured on the agenda because in the past the representative of China has always insisted that the Council should remain seized of the question. At the public meeting of the Council held on the 17th January, Mr. Wellington Koo, the Chinese representative, addressed his colleagues. His speech, which is reported in full in the minutes, may be divided into three parts—a brief account of the military position as it existed, with a suggestion of the trend of future operations; a statement of the aims of those governing Japan and the reactions thereto of certain Governments, notably that of Great Britain, which, a few days before, had addressed a strongly worded note to the Japanese Government; and a request to the League for specific action, including the creation of a Committee of Co-ordination in order that the measures taken by Governments should produce the maximum effect, whether of assistance to China or of pressure against Japan. Much of the information which Mr. Wellington Koo furnished was already known to his hearers, such as difficulties experienced by the Chinese Government in obtaining supplies of arms and ammunitions, due in part to Japanese military operations and in part to the action of some Governments in refusing facilities, such as transit. But one point not new, but which stood out strongly from the rest, was the account of the deplorable condition of the refugees from territory occupied by Japan. These refugees are said to number some thirty millions, and, in the opinion of the British Ambassador to China, the misery is of such magnitude that the difficulties raised are without precedent.

As no other member of the Council desired to speak the President adjourned consideration of the question to a future meeting.

The item was not again discussed in public until the final meeting of the Council held on the morning of the 20th January, but in the meantime two informal meetings of the Council took place for an exchange of views. At the first of these the Chinese representative presented in concrete terms his request for assistance. After discussion the matter was referred to a small drafting Committee composed of representatives of the United Kingdom, France, the Union of Soviet Socialist Republics, Yugoslavia, Latvia, and China, with M. Munters (Latvia) as Chairman. Although the draft as presented to the Council at its second informal meeting was described by the Chairman of the drafting Committee as unanimous, he led it to be inferred that unanimity was not reached without difficulty, and if the subsequent discussion which centred around the French translation of an English word which had been employed by Mr. Wellington Koo in his public speech is a guide, the difficulty must have been considerable.

As, however, no record is circulated of the proceedings at informal meetings of the Council, and as this report deals only with the proceedings of the private and public meetings of that body, it will suffice for me to state that the draft resolution which came before the Council at its final meeting on the 20th January was an agreed draft. I draw your attention to it by quoting it in full:—

“The Council—

“Referring to its report adopted on September 30th, 1938, relating to the appeal of the Chinese Government;

“Recalling the resolutions adopted by the Assembly on October 6th, 1937, and by the Council on February 2nd, and on May 14th, 1938;

“Recalling in particular the terms of the Assembly resolution of October 6th, 1937, which expresses its moral support for China, and recommends that members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China; and the terms of the resolution of February 2nd, 1938, which expresses the Council's confidence that those States represented on the Council for whom the situation is of special interest will lose no opportunity of examining in consultation with other similarly interested Powers, the feasibility of any further steps which may contribute to a just settlement of the conflict in the Far East;

“Having heard the statement of the Chinese representative in regard to the present situation in the Far East, in which he rejected the claim of Japan to establish a new order in the Far East and outlined certain proposals of the Chinese Government;

“Taking note of the fact that a number of States have been taking individual action in aiding China;

“Invites the members of the League, particularly those directly concerned in the Far East, to examine in consultation, should this appear appropriate, with other similarly interested Powers the proposals made in the statement of the representative of China before the Council on January 17th, 1939, for the taking of effective measures, especially measures of aid to China.” (Document C. 57. 1939, VII.)

Here we need concern ourselves only with the concluding paragraph, the effective part of the resolution. However, this paragraph offers something, if the rest of the resolution merely recites history, as I stated when I spoke on it. It was introduced by M. Munters, who briefly explained the circumstances which had given rise to it. He was followed by the representatives of France, New Zealand, the Union of Soviet Socialist Republics, Great Britain, and China. The representatives of France and the United Kingdom supported the draft resolution, of course, and they expressed their countries' sympathy with China. The representative of the Union of Soviet Socialist Republics definitely associated himself with the requests which had been advanced by Mr. Wellington Koo at a previous meeting, but confessed that, unhappily, the draft resolution did not go as far as it should if it were to meet the needs of China. In my speech I endeavoured to retrace the more important of the Chinese representative's requests in an effort to show how far short of them fell the invitation to “the members of the League, particularly those directly concerned in the Far East, to examine in consultation, should this appear appropriate, with other similarly interested Powers the proposals made in the statement of the representative of China before the Council on January 17th, 1939, for the taking of effective measures, especially measures of aid to China.” I also drew attention to the imperative necessity of continuing the help to China of a medical nature, if only on sanitary grounds alone.

Mr. Wellington Koo, while appreciative of the words of sympathy and support uttered by those who had preceded him, was obviously keenly disappointed at the result of his endeavours on behalf of his sorely-stricken country. He stated that he was prepared to vote for the draft resolution in spite of its unsatisfactory nature, but he accepted it because it was the only draft on which unanimous agreement could have been reached. But why pursue this sad and sorry story? Nothing exposes better the ineffectiveness of the League, to use no stronger term, than its attitude towards China during the last seven years. Perhaps, however, there is something to be said for a public debate in Geneva, even although it is known in advance that little will come of it. The Council passed the resolution and noted that the acceptance of it by the Chinese representative was subject to the reservation that that body remained seized of the appeal of the Chinese Government.

REPORTS OF THE COMMISSION FOR THE INVESTIGATION OF AIR BOMBARDMENTS IN SPAIN.

This item was inscribed on the agenda during the first meeting. It is to be traced to a decision of the 1938 Assembly, of which account is taken in my report on that Assembly, and to which I refer

you. Its inscription on the agenda of the one hundred and fourth session of the Council was due to the Assembly resolution, reading :—

“ Arrange with the United Kingdom Government that the Committee of Investigation already operating in respect of Spain shall send copies of its reports to the Secretary-General of the League of Nations, so that he may have them circulated to States members, published, and submitted to the Council.”

The debate was opened at the public meeting of the Council on the 18th January by M. del Vayo, who had been invited by the President to take a seat at the Council table. The Spanish Minister of Foreign Affairs, in his speech, gave an account of the results of certain attacks from the air by rebel forces on towns in Republican Spain. The Investigating Commission's report (Document C. 8, M. 4, 1939, IX and C. 8, M. 4, 1939, IX) deal with fifteen cases of air bombardments, a list of which is attached to Document C. 56, 1939, IX. On the attacks and the results achieved by those directing them there is no need to furnish details here. M. del Vayo confessed that he had no specific proposals to submit to the Council. He had hoped, and he thought others had hoped, that the Investigating Commission's reports would cause such a reaction in the public mind as to bring to an end such barbarous methods of warfare ; but he and those who thought like him had been disappointed. What is remarkable in connection with aggression in Spain and in China is the apathy which has characterized some of the leading nations. Doubtless memories of the war and fear of greater horrors are responsible for a state of mind which affects even Christian nations. The second point which the Spanish representative emphasized was the determination of his Government not to take reprisals. Of the speeches subsequently delivered by the representatives of the United Kingdom, the Union of Soviet Socialist Republics, China, and France, I need only refer to a passage in that of the representative of the United Kingdom, in which he pointed out that the Investigating Commission having been set up (and comprising British members only after the failure to set up an international commission), His Majesty's Government in the United Kingdom had no further responsibility. The British reports did not necessarily reflect the views of the British Government, nor did they purport to furnish an account of all raids.

Between the 18th and 20th January, when the item came up for final consideration, the President of the Council produced a draft report, which was considered at an informal meeting of the Council. It met with unanimous acceptance, and when considered on the 20th January was an agreed report. The passage of the report through the Council was speedy. The representatives of two South American States abstained from voting and gave as ground for their abstention that a civil war could not come within the purview of the League of Nations.

In concluding by stating that the Council accepted its President's report, I quote for convenience of reference the resolution which it passed :—

“ The Council—

“ Having taken note of the reports of the Commission for the Investigation of Air Bombardments in Spain,

“ Having heard the statements made on the subject at its meetings by several of its members,

“ Noting that, according to the aforesaid reports several of the air attacks which have been investigated must be deemed to have been directed intentionally or by negligence against civilian populations,

“ Noting with satisfaction the declaration made by the representative of Spain before the Council according to which the Spanish Government maintains the decision mentioned in that declaration not to take reprisals in consequence of the aerial bombardments of which the civilian population in its territory is the victim,

“ Recalling the previous resolution of the Assembly and of the Council and, more particularly, the principles approved by the Assembly on September 30th, 1938,

“ Condemns recourse to methods which are contrary to the conscience of mankind and to the principles of international law.”

Towards the end of the final meeting of the Council the Secretary-General asked leave to read a letter (Document C. 58, 1939) which he had received from the Spanish Minister of Foreign Affairs. It concerns a report (Document C. 416, M. 261, 1938) drawn up by Sir Denys Bray and Mr. L. Webster, in response to the Spanish Government's request for technical assistance of the League in studying the problem of food-supplies for refugees. This problem is one of the greatest which the Spanish Government has to face.

The one hundred and fourth session of the Council concluded with a brief speech by Mr. Butler (United Kingdom) congratulating the President on the gracious manner in which he had conducted the proceedings, and with a suitable reply from the President.

Yours sincerely,
W. J. JORDAN,
High Commissioner.

The Right Honourable M. J. Savage, M.P.,
Prime Minister of New Zealand,
Wellington, New Zealand.

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