

The Bolivian representative, whilst promising to vote for the resolution, stated :—

“ I desire to repeat the reservation on a point of principle to which I have already given expression in the Assembly. The reservation relates to the fact that approval is requested for a resolution arrived at at a meeting of members outside the League of Nations and without a preliminary resolution by the Council or the Assembly.”

The Swedish representative, while also promising to vote for the resolution, made a reservation which can best be described by quoting some phrases from his speech :—

“ May I be allowed to recall the fact that the wider problem—namely, the safeguarding of the legitimate interests of maritime traffic in general—was raised a few months ago in the London Committee by the Nordic States, but no positive result was obtained. It is all the more natural that the negotiations which led up to the Nyon agreement should have been followed with the closest attention. I am perfectly well aware of the fact that the task of the Nyon Conference, which was very delicate in itself, would have been greatly complicated if an attempt had been made to find a definite solution for the whole of the questions of a general character to which I have just referred, but it must be clearly understood that the conclusion and application of a Convention providing for repressive measures in respect of certain cases of an exceptional gravity does not give the slightest shadow of legitimacy to illicit acts that are not expressly referred to in the said Convention. Violations of existing rights will remain violations after the Nyon agreements, just as they were before the conclusion of those agreements.”

I have made specific reference to these reservations because I think it desirable to show that States, jealous of the rights and responsibilities of the League, feel that the League should not be called upon to give its blessing to arrangements made without its mandate, unless circumstances are exceptional.

The representative of Spain then spoke. At the outset he accepted the resolution on behalf of the Spanish Government. While he admitted that the Council could not take a decision which would bring Spanish shipping within the Nyon arrangement, he drew a crumb of comfort from the observation in the resolution that the measures agreed upon at Nyon were “ without prejudice to the possibility of further collective measures being agreed upon subsequently.” In view of this, it was perhaps not too much to hope that eventually Spanish shipping would be included.

In conclusion, he reserved the right again to raise cases of attacks which had already been made on Spanish ships and of attacks which might occur in the future, for his Government was not optimistic enough to think that there would be no further attacks on shipping in the Mediterranean. The resolution was passed (Poland abstaining), and I quote it for easy reference :—

“ The Council—

“ 1. Noting that, at the present session, the representative of Spain has preferred to call its attention only to the question of the insecurity of shipping under the Spanish or other flags in the Mediterranean, reserving for the Assembly the consideration of the other international problems that have arisen in connection with the struggle in Spain ;

“ 2. Having regard to the arrangement signed at Nyon on 14th September, 1937, whereby the participating powers agreed upon special collective measures to prevent submarine attacks in the Mediterranean upon any non-Spanish ships ;

“ 3. Having regard to the agreement supplementary to the arrangement of Nyon, signed by the same powers at Geneva on 17th September, 1937, whereby they agreed upon measures to deal also with similar acts committed by surface vessels or aircraft—measures which meet one of the points with regard to which the representative of Spain expressed concern in his speech in the Council on 16th September ;

“ 4. Noting the explanation given to the Council by the representative of France, President of the Nyon Conference, concerning the scope of the Nyon arrangement ;

“ 5. Observing that the measures agreed upon at Nyon ‘ without prejudice to the possibility of further collective measures being agreed upon subsequently ’ by the participating powers have proved effective ;

“ 6. Having heard the observations made by various members of the Council at its meeting of 16th September, 1937 ;

“ 7. Notes that attacks have taken place in violation of the most elementary dictates of humanity underlying the established rules of international law which are affirmed, so far as war time is concerned, in Part IV of the Treaty of London of 22nd April, 1930, rules which have been formally accepted by the great majority of Governments ;

“ 8. Declares that all attacks of this kind against any merchant vessels are repugnant to the conscience of the civilized nations which now finds expression through the Council.”

I have the honour to be,

Sir,

Your obedient servant,

W. J. JORDAN,

High Commissioner.

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