

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.