

first reports of that Commission were communicated by the Spanish Government to the Assembly.¹

"The Assembly, having before it this first series of reports, recommended that the Council should:

" ' 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.' ²

"On the same day, the Council ³ took note of this recommendation. The United Kingdom representative stated that his Government was prepared to communicate to the Secretary-General copies of the reports which it might receive from time to time from the above-mentioned Commission.

"The United Kingdom Government recently forwarded two series of reports presented by the Commission of Investigation, pointing out, at the same time, that the responsibility for their contents rested entirely with the Commission.

"It should be noted that the Commission has held itself ready to report on air attacks inflicted on either side in Spain, but that its assistance has been requested only by the Spanish Government. Moreover, the Commission's reports cover only those attacks which it has been invited to report upon.

"In conformity with the Assembly's recommendation, the Secretary-General has communicated these reports to Members of the League and has submitted them to the Council.⁴ The investigations mentioned (including those of which the result had been communicated to the Assembly in September last) cover fifteen cases of air bombardments directed against various places in Spain (see annexed list).

"The Council is indebted to the United Kingdom Government for enabling the Commission to place at its disposal objective information in regard to practices which, as is shown by the declarations of Members of the Council,⁵ have aroused general feelings of emotion.

"In each case, the Commission of Investigation indicates the exact circumstances in which the attacks from the air took place and draws its conclusions as to the character of each of the bombardments. A considerable proportion of the reports which the Commission has made on the air attacks which it has investigated conclude that these have been directed intentionally or through negligence against the civilian population.

"The Council has listened with the closest attention to the comments which the representative of Spain has submitted on behalf of his Government on the contents of the Commission's reports.

"The Council is of opinion that the methods of warfare to which the reports mentioned in the last paragraph but one bear witness are contrary to the principles generally recognised and set forth by the Assembly of the League of Nations in its resolution of September 30th, 1938. It is, moreover, fully aware of the task which remains to be accomplished in order to secure the general acceptance of these principles.

"Deeply moved by the concrete facts set forth in the reports of the British Commission, the Council will no doubt wish to give formal expression to its feelings with regard to practices which are reprobated by the world's conscience and by law. I have the honour, accordingly, to submit to my colleagues the following draft resolution:

" ' 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 resolutions 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.' "

" ANNEX

" *List of Reports of the Commission for the Investigation of Air Bombardments in Spain.*⁴

" *Invitation No. 1:*⁶ Report on several bombardments of Alicante consequent on receipt of invitation by Spanish Republican Government.

¹ See *Official Journal*, Special Supplement No. 186, pages 38-44.

² *Ibid.*, page 49.

³ See *Official Journal*, November 1938, pages 881 and 882.

⁴ Documents C.8.M.4.1939.IX and C.8(a).M.4(a).1939.IX (see *Official Journal*, Special Supplement No. 186, pages 38 to 44, and January 1939, pages 28 to 34).

⁵ See pages 88 to 90.

⁶ This report gives details regarding six raids.

" *Invitation No. 1a*: Report on bombing of Alicante on August 20th, 1938, witnessed by the Mission.

" *Invitation No. 2*: Report on bombing of Barcelona on August 19th, 1938, consequent on receipt of invitation by the Spanish Republican Government.

" *Invitation No. 3*: Report on bombing of an area on the outskirts of Sitges on August 8th, 1938, consequent on receipt of invitation by the Spanish Republican Government.

" *Invitation No. 4*: Report on bombing of Torrevieja on August 25th, 1938, consequent on receipt of invitation from the Spanish Republican Government.

" *Invitation No. 5*: Report on bombing of Figueras on October 14th, 1938, consequent on receipt of invitation by the Spanish Republican Government.

" *Invitation No. 6*: Report on bombing of Barcelona on October 21st, 1938, consequent on receipt of invitation by the Spanish Republican Government.

" *Invitation No. 7*: Report on bombing of Tarragona on November 7th, 1938, consequent on receipt of invitation by the Spanish Republican Government.

" *Invitation No. 8*: Report on bombing of Barcelona on November 23rd, 1938, consequent on receipt of invitation by the Spanish Republican Government.

" *Invitation No. 9*: Report on bombing of Barcelona on December 31st, 1938, consequent on receipt of invitation by the Spanish Republican Government."

M. COSTA DU RELS said that, ever since the Spanish tragedy began, Bolivia's point of view in regard to it had been made perfectly clear whenever, for one reason or another, the question had been raised, whether at the 1937 Assembly or at various meetings of the Council.

In Bolivia, the Spanish affair was regarded as a civil war. In spite of undoubted international participation on both sides, that civil war was no concern of the League of Nations. Accordingly, the policy of non-intervention so wisely advocated by the Governments of France and the United Kingdom was the policy which Bolivia had always supported.

Moreover, public opinion in a country of Spanish origin and language such as Bolivia would fail to understand why it should in any way whatsoever be called upon to declare for or against either of the parties to the struggle. That very same view, moreover, had been reciprocally expressed by the President of the Spanish Republic in a speech that was broadcast in connection with a recent conflict between two Spanish-American countries. In good as in bad times, Bolivia maintained her filial loyalty to Spain—to a single and united Spain, regarded in Bolivia as indivisible.

As the document before the Council might, in some way or other, not be quite in accordance with that point of view, M. Costa du Rels, while condemning the aerial bombardment of open towns and civilian populations, felt obliged to abstain from voting.

M. TUDELA stated that any reference to the tragic conflict in Spain aroused in his mind and in the minds of his fellow-countrymen the most profound sorrow.

Everyone in Peru condemned the cruel deeds that were committed against civilian populations, whether in internal or in external struggles. The Peruvian Government would always be ready to collaborate, in an impartial manner, in any effort to humanise the use of weapons of destruction in armed conflicts, pending the achievement of the ultimate aim—the abolition of war.

There could, therefore, be no misunderstanding as to M. Tudela's attitude towards the report now before the Council. The same reasons which had led the Peruvian delegation to abstain from voting in September last,¹ and to which he had alluded quite recently,² explained his abstention on the present occasion.

Mr. BUTLER recalled that, following upon the moving speech of the Spanish representative before the Council on January 18th,³ he had made certain observations regarding the distressing question of the effects of aerial warfare on the Spanish people. The general policy of His Majesty's Government towards the Spanish conflict remained unchanged. The report by the President of the Council, in the opinion of the United Kingdom Government, clearly stated the position as regards that particular subject.

Mr. Butler wished also to take the opportunity of thanking the Council for its appreciation of the services of the British members of the Commission.

Mr. JORDAN said that, like the representative of Peru, everyone regretted any acts of cruelty, whether civil, personal or international. In that connection, he wished to lay stress on the following paragraph of the resolution proposed by the Rapporteur:

" 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. "

That was a regrettable statement.

¹ See *Official Journal*, November 1938, page 884.

² See page 65.

³ See pages 86 to 88.

Again, he would draw attention to the following paragraph:

“ 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.”

Mr. Jordan was sure that the Council appreciated the fact that reprisals against such action had not been resorted to by the Spanish Government.

The resolution was adopted.

M. Alvarez del Vayo withdrew.

4129. Appeal by the Chinese Government (continuation).

The PRESIDENT. — Since the last meeting at which this question was before the Council,¹ an exchange of views has taken place between the members of the Council, resulting in the preparation of a draft resolution. I call on the representative of Latvia, as Chairman of the Drafting Committee, to lay this resolution before the Council.

M. MUNTERS presented the following resolution: ²

“ The Council,

“ Referring to its report adopted on September 30th, 1938,³ relating to the appeal of the Chinese Government;

“ Recalling the resolutions adopted by the Assembly on October 6th, 1937,⁴ and by the Council on February 2nd and⁵ on May 14th, 1938;⁶

“ 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.”

M. CHARVERIAT. — On behalf of the French Government, I desire to express my deepest sympathy with the representative of China, who has so feelingly described the sufferings of the Chinese people. French public opinion has been deeply moved by the tragic situation of a people which for eighteen months has borne, so heroically and with such self-sacrifice, all the horrors of war. The patriotism and courage displayed in these difficult circumstances by the Chinese people in their defence of national independence rightly arouses universal admiration.

The French Government, whose policy has always been based on the resolutions adopted by the Assembly and the Council in favour of an equitable settlement of the conflict in the Far East, sincerely hopes that China may regain that tranquillity and peace which will enable her industrious population to resume their peaceful tasks as members of a nation made stronger by sacrifice.

Whilst warmly supporting the resolution before the Council, I desire further to affirm that the French Government will continue, as in the past, to participate to the utmost possible extent in the assistance given to China by the various countries, in accordance with the Assembly's recommendations, and also by the organs of the League of Nations in the technical sphere. It will join in all efforts to restore to China the blessings of peace and justice.

¹ See page 73.

² Document C.57.1939.VII.

³ See *Official Journal*, November 1938, page 878.

⁴ See *Official Journal*, Special Supplement No. 169, page 121.

⁵ See *Official Journal*, February 1938, page 120.

⁶ See *Official Journal*, May-June 1938, page 378.