SINO-JAPANESE CONFLICT

APPEAL
BY THE
CHINESE GOVERNMENT

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Extract from the Minutes of the Third Meeting of the Ninety-eighth Session of the Council (September 16th, 1937).

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I.

EXTRACT FROM THE MINUTES OF THE THIRD MEETING OF THE NINETY-EIGHTH SESSION OF THE COUNCIL.

Held at Geneva on Thursday, September 16th, 1937, at 4.30 p.m.

3939. Appeal by the Chinese Government: Procedure to be followed.

The President. — At our last meeting, we put on the agenda the appeal by the Chinese Government. To-day we have to discuss the question of the procedure to be adopted for the examination of the appeal.

M. Wellington Koo. — The Chinese Government has appealed to the Council under Articles 10, 11 and 17 of the Covenant (see appendix) because of the extreme gravity of the situation created by continued Japanese armed aggression, which threatens the territorial integrity and political independence of China, a Member of the League of Nations, and calls for wise and effectual action to safeguard the peace of nations.

The nature and extent of this aggression, the scope and the purpose of the policy which has inspired it, its menace to law and order in international relations, its danger to the peace of the world, and the general nature of the action which, in the view of the Chinese Government should be taken by the League, were all explained in the statement which I had the honour to make in the Assembly yesterday, while an account of the principal facts relating to the origin and development of the crisis was summarised in the two statements which the Chinese Government sent to the League on August 30th and September 12th, 1937. I hope, therefore, that my colleagues on the Council will understand if I do not propose to dwell upon them here, but content myself for the present with requesting them to refer to the three statements for a full appreciation of the seriousness and the far-reaching significance of the situation.

As regards the question of procedure before us, I, while referring to the terms of the Chinese Government’s appeal, in my statement before the Assembly yesterday, mentioned three possibilities. It is for the Council to-day to take a decision. Let me hasten to add, however, that my purpose in doing so, far from underestimating the importance of procedure, was, and is, to leave to the Council full freedom to choose the most effective method of action in the existing circumstances. In view of the urgency of the situation, the Chinese Government is prepared for the present to subordinate considerations of procedure to the results to be achieved.

The President. — The Council has just heard the statement of the representative of China. Yesterday, in the Assembly, we heard his speech, which concluded with these words:

"In short, the Far-Eastern situation, on account of its utmost gravity, calls for urgent action by the League. The Chinese Government has formally appealed to the Council, invoking Articles 10, 11 and 17 of the Covenant. It is now for the Council to decide whether to proceed itself to consideration and action at once, to lay the question before the Assembly at the same time, or to refer it first to the Advisory Committee on the Sino-Japanese conflict set up by the Assembly of February 24th, 1933."

I would remind you of the terms of reference of that Advisory Committee. They are derived from Article 3, paragraph 3, of the Covenant, according to which “the Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world ”.

According to the terms of the resolution under which this Committee was set up, it is appointed “to follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-member States “.

In view of these terms of reference, I think, if the Chinese representative agrees, the Council might request the Secretary-General to take the necessary steps so that the Advisory Committee may meet as soon as possible and proceed to examine the situation to which attention has been directed by China.

I would further remind the Council that, according to the request made by the Chinese delegation, the statements put forward by the Chinese Government and dated August 30th and September 12th, 1937, have already been communicated to the members of the Advisory Committee and to the Members of the League of Nations.

1 See Official Journal, December 1937, page 887.
3 Ibid., page 655.
I think it would also be helpful if the Secretary-General were to communicate to the members of the Advisory Committee the speech delivered yesterday in the Assembly by the representative of China together with the Minutes of the present meeting.¹

M. Wellington Koo. — I accept the proposal the President has just made, subject to the understanding that the Council in referring first to the Advisory Committee on the Sino-Japanese conflict set up by an Assembly resolution of February 24th, 1933, the subject matter of the Chinese Government’s appeal of September 12th, 1937, duly submitted in accordance with the terms of the Covenant, remains seized of the appeal itself and that the Chinese Government reserves the right, if and when circumstances require it, to ask the Council to take action in accordance with the procedure of Article 17 of the Covenant, which, in addition to Articles 10 and 11, has been formally invoked in the aforesaid appeal.

The President. — Note is taken of the declaration made by the representative of China. The President’s proposal was adopted.

APPENDIX.

LETTER, DATED SEPTEMBER 12TH, 1937, FROM THE CHINESE GOVERNMENT TO THE SECRETARY-GENERAL.


Under instructions from my Government, I have the honour to invite you to take cognisance of the fact that Japan has invaded China and is continuing the invasion with all her army, navy and air force. It is an aggression against the territorial integrity and existing political independence of China, a Member of the League of Nations, and clearly constitutes a case to be dealt with under Article 10 of the Covenant. The grave situation which the Japanese aggression has thus created also falls within the purview of Article 11 of the same instrument and, therefore, is a matter of concern to the whole League.

For the facts of the case, I beg leave to refer to the statements which the Chinese Government has communicated on August 30th and September 12th, 1937,² to the League for the information of the Members of the League and the Advisory Committee set up under a resolution of the Assembly of February 24th, 1933, adopted in virtue of paragraph 3, Article 3 of the Covenant.

In view of Japan’s present relation to the League and her action in China, the Chinese Government holds, without prejudice to the continuing validity and binding effect of all the decisions hitherto taken by the Assembly and Council in the Sino-Japanese conflict, that Article 17 of the Covenant is also applicable.

In the name of my Government I hereby invoke the application of Articles 10, 11, and 17 of the Covenant and appeal to the Council to advise upon such means and take such action as may be appropriate and necessary for the situation under the said articles.

(Signed) V. K. Wellington Koo,
First Delegate of the Republic of China.

¹ See Official Journal, Special Supplement No. 169, pages 46 et seq.
II.

MINUTES OF THE THIRD SESSION OF THE FAR-EAST ADVISORY COMMITTEE, SET UP BY THE ASSEMBLY RESOLUTION OF FEBRUARY 24TH, 1933.

Held at Geneva from September 21st to October 5th, 1937.

LIST OF MEMBERS OF THE ADVISORY COMMITTEE.

Chairman: His Excellency M. V. Munters (Latvia).

Members:

Australia: The Rt. Hon. S. M. Bruce, C.H., M.C.
Belgium: His Excellency M. Paul-Henri Spaak; M. Maurice Bourquin.
United Kingdom: The Right Hon. Anthony Eden, M.C., M.P.; Viscount Cranborne, M.P.; Sir John Pratt, K.B.E., C.M.G.
Bolivia: His Excellency M. Adolfo Costa du Rels.
Canada: The Honourable Raoul Dandurand, K.C.; Mr. W. A. Riddell (Substitute).
China: His Excellency Dr. V. K. Wellington Koo; His Excellency M. Quo Tai-chi; His Excellency Dr. V. Hoo Chi-tsai.
Colombia: Dr. Francisco Umaña-Bernal.
Czechoslovakia: His Excellency M. Štefan Osuský; M. Arnošt Heidrich (Substitute).
Ecuador: His Excellency Dr. J. Antonio Quevedo; M. Alejandro Gasteño (Substitute).
France: His Excellency M. Yvon Delbos; M. de Tessan; M. Lagarde.
Hungary: His Excellency General Gabriel Tánczos; His Excellency M. László de Velics; M. Paul Sebestyén.
Iran: His Excellency M. Enaytollah Samiy; His Excellency M. Abdollah Bahramy.
Latvia: His Excellency M. V. Munters; His Excellency M. J. Feldmans.
Netherlands: Jonkheer A. C. D. de Graeff.
New Zealand: Mr. William Joseph Jordan; Mr. R. M. Campbell (Substitute); Mr. C. A. Knowles, C.B.E. (Substitute).
Peru: His Excellency Dr. Alberto Ulloa.
Poland: His Excellency M. Tytus Komarnicki; M. Thadée Gwiazdowski (Substitute); M. Władysław Kulski (Substitute); M. Kazimierz Trębicki.
Portugal: His Excellency Professor Dr. José Caeiro da Matta.
Roumania: His Excellency M. V. V. Pella; His Excellency M. G. Crutzesco (Substitute).
Switzerland: His Excellency M. Giuseppe Motta; M. Camille Gorgè.
United States of America: Mr. Leland Harrison.
Union of Soviet Socialist Republics: M. Maxime Litvinoff; M. Jacques Souritz; M. Boris Stein.
FIRST MEETING (PRIVATE).

*held on Tuesday, September 21st, 1937, at 6 p.m.*

Chairman: M. MUNTERS (Latvia).

Election of the Chairman.

The Secretary-General recalled that at the last meeting of the Advisory Committee on May 16th, 1934—the Committee had not met since 1934—the then delegate of the Netherlands, M. Moresco, was in the chair. M. Moresco was not now in Geneva and would not be able to be there for the present session. Under those circumstances, it would appear that the Committee might proceed at once to the appointment of a new Chairman.

Jonkheer De Graeff (Netherlands) said that, in view of the geographical position of the Netherlands colonies, the Netherlands Government was of the opinion that it was too closely concerned in the Sino-Japanese conflict to allow of a Netherlands delegate conducting the proceedings of the Committee with the requisite impartiality, and that it would be better to appoint as Chairman the representative of some other country which was not in the same position. He ventured to suggest the name of M. Munters, first delegate of Latvia.

M. Komarnicki (Poland) seconded the proposal.

M. MUNTERS (Latvia) was elected Chairman.

M. MUNTERS (Latvia), on taking the chair, said that his appreciation of the honour done to his country by reason of his appointment was mingled with a feeling of hesitancy due to the disparity between the scope of the problem and his own qualifications as Chairman. He asked for the Committee’s helpful and, if he might say so, tolerant support. The delicate character of the task before the Committee would require all the prudence and circumspection it could muster; but the conviction that the mission entrusted to it was one of peace would be a source of strength and patience. Both parties to the conflict entertained friendly relations with many Members of the League, and great interests were at stake in the Far East. He hoped that, whatever the result of the Committee’s work, whether success or failure, it would not be deemed to deserve one reproach—that of having shelved responsibility.

Publicity of the Meetings.

The Chairman invited suggestions as to whether the meetings of the Committee should be public or private.

Viscount Cranborne (United Kingdom) understood that, on the last occasion when the Committee sat, the proceedings took place in private. He thought it would be better on every ground to do the same on the present occasion.

*The Committee decided to hold its meetings in private.*

Terms of Reference of, and Documentation before, the Committee.

The Chairman said that under its terms of reference the Advisory Committee was appointed to follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-member States.

The Committee had before it the Minutes of the private meeting of the Council held on September 16th, 1937, and the appeal of the Chinese Government to the Council. There were, further, two memoranda from the Chinese Government (documents C.342.M.232.1937.VII and C.376.M.253.1937.VII), the verbatim report of the speech of the first delegate of China at the eighteenth Assembly, and a further communication from the Chinese delegation (document A.41.1937.VII). Two other documents had been communicated that day to the members of the
Committee—namely (1) a letter, dated September 20th, 1937, from the United States Minister at Berne indicating the conditions under which he was in a position to participate in the deliberations of the Committee and (2) a communication, dated September 21st, 1937, from the Chinese delegation (document C.397.M.261.1937.VII), drawing attention to the situation in Nanking and the bombardment of that capital.

Question of inviting Powers not represented on the Committee to participate in its Work.

The CHAIRMAN asked the Committee to consider whether it was desirable to invite Powers not represented on the Committee to participate in its work.

The SECRETARY-GENERAL pointed out that neither of the two parties to the dispute was a member of the Committee as originally constituted. Hence the absence of any representative of either Japan or China on the present occasion. This, he suggested, was one of the first points for the Committee’s consideration in connection with the question of invitations.

Viscount CRANBORNE (United Kingdom) said that His Majesty’s Government in the United Kingdom thought the two parties to the conflict should be invited to attend. He understood that Germany had been a member of the Committee when it had sat previously. He suggested that Germany should also receive an invitation.

M. DELBOS (France) supported Lord Cranborne’s proposal. He further suggested that Australia should receive an invitation.

The Committee decided to invite China and Japan, as parties to the dispute, and also Germany and Australia, to participate in its work.

The CHAIRMAN proposed that the invitations in question should be sent out immediately and that the work of the Committee be suspended pending the receipt of the replies.

M. LITVINOFF (Union of Soviet Socialist Republics) asked how long it was proposed to wait for the replies to the invitations. He suggested an adjournment of not more than three days.

Viscount CRANBORNE (United Kingdom) would prefer to wait for the answers till the following Monday. That would give a little more time and perhaps be more courteous on the part of the Committee.

M. LITVINOFF (Union of Soviet Socialist Republics) agreed, but suggested that if the replies, whether affirmative or negative, were received before Monday next, the Committee should meet earlier and get on with its work.

The proposal of Viscount Cranborne, as amended by M. Litvinoff, was adopted.

SECOND MEETING (PRIVATE AND PUBLIC).

Held on Monday, September 27th, 1937, at 5.30 p.m.

Chairman: M. MUNTERS (Latvia).

Replies to the Invitations sent to Powers not represented on the Committee to participate in its Work.

The CHAIRMAN recalled that at the last meeting the Committee had decided to invite four countries to participate in its work. Replies to the four invitations sent out by the Secretary-General in the name of the Committee had now been received. Australia and China had accepted the invitation, and Germany and Japan had declined. The text of the replies of the four Governments had been communicated to the Committee. He welcomed the representatives of Australia and China accordingly.

1 See page 52.
2 See page 46.
3 See page 36.
Further Documentation submitted to the Committee.

The CHAIRMAN said that since the last meeting, on September 21st, the Committee had received two new communications (documents C.430.M.293.1937.VII and C.431.M.295.1937.VII), in which the Chinese Government called attention to bombing by Japanese aircraft in China.

Method of Work of the Committee.

The CHAIRMAN thought that the best way of proceeding, in view of what was said by the President of the Council when referring the matter to the Committee, was to "proceed to examine the situation to which attention has been directed by China," and to begin by listening to a statement by the Chinese representative.

Publicity of the Meetings (continuation).

The CHAIRMAN, referring to the Committee's previous decision on this matter, said he had been asked by certain delegations whether it would not be advisable, in principle, to hold the meetings in public. He asked the Committee to take a decision on the question.

The Committee decided that its meetings should be public, unless it were otherwise decided.

(The Committee went into public session.)

General Statement by the Chinese Delegate.

M. Wellington Koo (China). — I wish first of all to say that my Government welcomes the opportunity of being represented on this Committee and of taking part in its deliberations.

My primary purpose in speaking, however, is to outline to you for your consideration and action the principal issues raised by the renewed outburst of Japanese armed aggression against China and the steps which, in the view of my Government, should be taken to deal with it.

The grave character of the situation in the Far East and the facts relating to its immediate origin and subsequent development have been given in the statements of the Chinese Government and of the Chinese delegation communicated to the League for the information of this Committee as well as of Members of the League in general, and in the speech which I had the honour to make in the Assembly on September 15th last. These documents, I understand, have all been laid before you and officially communicated to you by the Secretary-General at the request of the President of the Council.

I shall not, therefore, take up your time by dwelling on details, but shall content myself with recalling to you the important issues involved in the situation—issues of momentous consequence to the safety, well-being and destiny of my country and of far-reaching effect upon the future of the League of Nations and the peace of the world in general.

Before taking up this point, however, permit me to draw your attention to the fact that, in the fortnight since I spoke in the Assembly, Japan has rushed more troops to China. Her army of invasion in my country has now reached a strength of 350,000 men. They have attacked and occupied more cities and towns in the north and penetrated further into the interior. In the Shanghai sector, they have launched new offensives which, thanks to the bravery of the Chinese troops, have as signally failed as their former attacks. The Japanese navy has accentuated its interference with foreign and Chinese shipping through its illegal blockade of China's entire coast. The Japanese air force has intensified its inhuman method of terrorisation and mass murder of the civilian population—notably in Nanking, Canton, Nanchang and Hankow. This method of aerial bombardment is so revolting to the conscience of mankind and so repugnant to the principles and rules of international law and decency and carries with it such ominous portents for the safety of innocent men, women and children in all countries in future conflicts that I shall be obliged to deal with it more fully later in this statement.

Japan's armed invasion of China on land, on the sea and from the air is a clear case of aggression. Whatever incidents there were at the beginning, they were of Japanese creation in order to have an apparent pretext for the Japanese plan of territorial conquest. Even if the incidents had been free from Japanese instigation, they could not justify such a formidable invasion of the territory of a peace-loving neighbour. Given peaceful intentions on the part of Japan, every incident, however serious it might appear in character, could have been settled amicably and without disturbing the peace between the two countries. For China had from the very beginning proposed and insisted, in the case of the Hungjiao aerodrome incident in Shanghai just as in the case of the Loukouchiao incident in the north, to settle these questions through the normal diplomatic channels.

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1 See page 47.
2 See page 5.
3 See page 8.
4 See Official Journal, Special Supplement No. 169, pages 46 et seq.
It is also a fact on record that even after Japan had concentrated 20,000 troops and 100 warplanes in the Peiping-Tientsin area, China, after failing to persuade Japan to accept a peaceful settlement, had appealed to the Governments of the Powers signatory to the Nine-Power Treaty of Washington and the Governments of the two other Powers having important interests in the Far East—Germany and the Soviet Union—announcing her readiness to settle her differences with Japan by any peaceful means known to international law or treaties. But Japan persisted in her policy of force and plunged forward once more to invade China, in her attempt to realise her fixed programme of conquest on the Asiatic mainland. Her action constitutes an aggression, pure and simple, against the territorial integrity and existing political independence of China, a Member of the League, and a challenge to the League of Nations, whose Members undertake, under Article 10, "to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League". It also constitutes a violation of the peace of nations which, under Article 11, is a matter of concern to the whole League.

The real intention of Japan is obvious. It is the subjugation and conquest of China as an essential step to the fulfilment of her so-called sacred mission to dominate Asia, the Pacific, and eventually the world. It may prove to be a mere dream on her part, but it nevertheless constitutes a real menace to the peace and security of nations. The responsible leaders of the Japanese Government have repeatedly and publicly declared their desire to "punish China" for lack of "sincerity" and relying upon their mighty war machine to "beat China to her knees". Let me ask what sins China has committed to deserve "punishment" from Japan. Is it because she has refused to kneel down on her own initiative and kiss the feet of Japan? What sincerity does Japan expect from China? Is it that of taking orders from Tokio and doing its bidding?

The Foreign Minister of Japan, in his reply to the invitation of this Committee,1 tries to disguise the Japanese wolf in the lamb's coat by complaining that the Chinese Government makes opposition to Japan and anti-Japanese agitation the basis of its national policy, and professing a desire that the Chinese Government should entertain other sentiments. But what other sentiments China should entertain towards Japan are not specified. I presume it is not meant that the Chinese Government should cherish nothing but friendship, love and even perhaps gratitude to Japan for her never-ending invasion of China's territory, for her ruthless slaughter of tens of thousands of innocent Chinese men, women and children, for her wanton destruction of hundreds of millions of dollars' worth of property, and for her tearing away from the Chinese body politic one province after another by the power of the mighty Japanese arms. Is it by such methods of devastation and spoliation that the Japanese Foreign Minister expects to establish "a harmonious co-operation between China and Japan"?

The declarations of responsible Japanese statesmen betray the existence of a war mania and the lust for conquest in Japan as clearly as the actions of the Japanese armed forces in China constitute a most flagrant form of international aggression. This attitude and this policy must be denounced, because they are in violation of the principles of international law and treaty obligations, including, particularly, the Kellogg-Briand Pact of Paris and the Nine-Power Treaty of Washington to which Japan is still a party; because they are responsible for the hostilities in which my country and the sufferings of the Chinese people; and because they menace the peace and security of other nations.

What should the League do? I know there are people who are devoted to the cause of peace but who, before answering this question, would like to ask what could the League do. While I realise that the experience of the League in the past years calls for prudence and circumspection on our part, it does not follow that nothing could be done and therefore nothing should be attempted in the presence of a grave danger alike to the safety of a Member State and the peace of the world.

If the League cannot defend right in the face of might, it can at least point out the wrong-doer to the world. If it cannot stop aggression, it can at least denounce it. If it cannot enforce international law and the principles of the Covenant, it can at least make it known that it has not abandoned them. If it cannot prevent the ruthless slaughter of innocent men, women and children and the wanton destruction of property by the illegal and inhuman method of aerial bombardment, it can at least make clear what its own sentiments are, so as to reinforce the universal demand of the civilised world for their immediate abandonment.

In the moral and juridical fields, there is nothing that prevents the League from discharging its obligations under the Covenant. On the contrary, in the interest of its own prestige and of the cause of peace, the safeguarding of which is the raison d'être of its own existence, there is every reason that, confronted with a grave situation such as the present one in the Far East, the League should pronounce its condemnation of the flagrant violations of international law, treaty obligations, and the elementary principles of justice and humanity.

This is particularly true as regards the necessity of voicing its horror and indignation at the inhuman method of air-bombing on cities and towns by the Japanese air force. The ruthlessness of the Japanese war aviation in China has evoked strong protests from the Governments of the principal Powers and called forth the condemnation of the whole civilised world. The Press in the leading capitals, regardless of its political complexion or its traditional policy on foreign

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1 See page 36.
questions, has lifted its voice in unison against this practice and has demanded of the peoples in their respective countries to denounce it, to take concrete action and co-operate in order to bring about its abandonment.

It is to be noted, too, that the American Secretary of State, Mr. Cordell Hull, following a warning given by the Commander-in-Chief of the Japanese fleet at Shanghai of the intention of the Japanese air force to bomb Nanking, the capital, out of existence, states that "the Government of the United States disapproves of this imperilling of its citizens and of all the other non-combatants in general, as well as the suggestion that its civil servants and citizens at present residing in Nanking should evacuate the region in which they continue legally their legitimate occupations", and that "the Government of the United States holds that any general bombardment of an extensive region in which a large civil population resides is unjustifiable and contrary to legal and humanitarian principles".

The note of the United Kingdom Government to the Japanese Government in regard to the attack on the British Ambassador in China by Japanese warplanes stated that "it is one of the oldest and best established rules of international law that direct and deliberate attacks on non-combatants are absolutely prohibited, whether inside or outside the area in which hostilities are taking place". It considers the practice of bombing non-combatants "as illegal as it is inhuman".

According to the Press, on the occasion of the recent bombing of Nanking and Canton by Japanese airmen, the United Kingdom Government instructed its Ambassador at Tokio to express to the Japanese Government "the horror and indignation felt in Great Britain at the deplorable loss of life among the civilian population".

Since the announcement of the sinister intention to resort to wholesale butchery of the Chinese civilian population, Japanese warplanes have already made nine bombing raids on Nanking, five on Canton and extended their ruthless attacks to Soochow, Hankow, Nanchang, Tsianan, Hsuchow and a dozen other cities, levying in only a few days a toll of death of perhaps 10,000 innocent men, women and children. A number of non-military objectives, including the Central Institute of Hygiene and the Central Hospital in Nanking, have been damaged or destroyed by Japanese air raids.

Japan's persistent resort to this form of indiscriminate slaughter of non-combatants is a challenge to civilisation. If it is left unheeded, there is no assurance that the dangerous precedent thus created will not be followed in some future conflict in the Occident. It makes one shudder to think of the possibility of this horrible form of killing and devastation being inflicted upon the great capitals of Europe and America. If the challenge is not squarely faced, there is a probability that other cruel methods will be resorted to by the Japanese army in its desperate attempt to break the determined resistance of the brave Chinese defenders. Already Japanese official news agencies have been preparing the world for the adoption of such methods, as evidenced by their repeated accusation of the Chinese troops using asphyxiating gas, which is sheer fabrication and only betrays Japan's own sinister intention.

The League of Nations, under Articles 23 and 25 of the Covenant, has a humanitarian mission to perform. In the view of the Chinese delegation, it cannot remain silent on this aspect of the Far-Eastern situation any more than it can refrain from pronouncing itself on Japan's flagrant aggression against China's territorial integrity and political independence. The least it can do in regard to Japan's illegal and inhuman practice of bombing the civilian population is to place its condemnation on record and recommend the Governments of the Member States to take all feasible measures, so that it may to some extent help to curtail Japan's power of killing innocent non-combatants through aerial bombardments, contrary to the most elementary laws of decency and humanity as well as to all conventional rules of prohibition.

As regards concrete measures to discourage the continuance of general aggression on the one hand and encourage resistance to it on the other, the obligations of the Member States of the League under the Covenant are clear. The Chinese Government believes that, in spite of past experience, there are certain concrete and feasible measures which the League could recommend to the Governments of the Member States for this purpose, and that the question of what measures will be at once most effective and practicable in the present circumstances to aid China should be studied by the Committee without undue delay. The Chinese Government particularly asks that, within the limit of feasibility, the utmost measure of encouragement and assistance be extended to China, the victim of flagrant aggression.

In conclusion, let me emphasise again that the situation in the Far East created by the Japanese armed invasion is very grave. It calls for urgent consideration and action by this Committee. Every new day means to China, without counting the loss of life on the field of hostilities, the killing of more hundreds, nay thousands, of innocent men and women whose eyes are turned on the civilised world and whose hopes are pinned upon this great institution dedicated to the principles of peace and humanity, praying that the one and the other will hasten to do something to restrain the unbridled forces of aggression, to rescue them from indiscriminate slaughter and to mitigate their sufferings. In the name of humanity, as well as in the interest of justice to my country and peace in the world, I express the earnest hope that this Committee will not let the main issues be lost in a labyrinth of procedure, but will act speedily as well as effectively.
Question of the Preparation of a Text condemning the Aerial Bombardment of Open Towns: Proposal by the United Kingdom Delegation.

Viscount CRANBORNE (United Kingdom). — We have all, I am sure, listened with deep concern to the statement made by the delegate of China, whose presence in the Committee we welcome to-day. Regarding the general problem arising from the recent lamentable happenings in China, it will clearly not be possible to finish the general discussion to-day, and I propose to keep what I have to say on the wider aspects till a later stage.

But there is one step which I suggest the Committee could immediately and properly take. It could express its view with regard to the air-bombing, and I hope it may be possible for it to do so in unmistakable terms before the close of to-day's sitting.

The bombing of open towns, which has stained the present conflict, is an affair of less wide scope perhaps than the general problem, but it has even greater urgency. Words cannot express the feeling of profound horror with which the news of these raids has been received by the whole civilised world. They are often directed against places far from the actual areas of hostilities. The military objective, where it exists, seems to take a completely second place. The main object seems to be to inspire terror by the indiscriminate slaughter of helpless civilians.

In so far as the lives and property of British nationals have suffered or been in danger, His Majesty's Government has already protested and has reserved all its rights as regards holding the Government concerned responsible for the consequences of such bombing.

But this is a matter which goes beyond the interests of any one single nationality and represents a menace, not only to the unhappy people who are suffering so grievously from it to-day, but to the whole world. If this tendency is to continue and to be intensified, can civilisation itself survive?

His Majesty's Government in the United Kingdom desires here, in Geneva, to place on record its profound horror at the bombing of open towns which is now taking place in China and to express the hope that this Committee may condemn such practices in no uncertain terms. Their effect on world opinion is, I suggest, a factor which those responsible would do well to take into account.

M. DELBOS (France). — I have listened with attention to M. Wellington Koo's statement, which has deeply moved me. All that he has pictured to us profoundly shocks the conscience of the world. I propose to deal to-day only with this aspect of the conflict, pending our examination of others.

To military operations have been added horrors the shocking nature of which is daily becoming more marked. As if the massacres on the battle-fields were not enough, the civilian populations are in their turn victims of the most cruel and most powerful means of destruction.

No one can read without the deepest pity and indignation the accounts which have reached us of the bombing by air of Nanking, Canton and Hankow. If we close our eyes to this, we shall be doubly guilty—guilty towards China and towards ourselves, for we should be guilty of complicity if we held our peace. Civilisation itself would be threatened if the conscience of the world did not lift up its voice.

We must denounce in scathing terms methods which tend to ruin and exterminate innocent populations. The French Government has signified its disapproval of such acts. It now reaffirms it. It is ready to join in their solemn condemnation, which must be re-echoed throughout the civilised world.

M. SANDLER (Sweden). — The speeches we have just heard have brought to the Committee's notice a special question which comes within the scope of the Chinese appeal but relates to a particular aspect of it—namely, the situation produced by the air-bombings in China. This urgent question should have immediate attention, and I hope that it will also lead to an immediate statement by the Committee. As far as I am concerned, I shall confine myself to endorsing to the full all the statements and suggestions made by the last two speakers regarding the bombing from the air to which China is being subjected to-day, and which is stirring the conscience of the world. I think it of the utmost importance that our Committee should express immediately its sentiments and its opinion on this matter.

M. LITVINOFF (Union of Soviet Socialist Republics). — I wish to give my full support to the proposal put forward by the delegate of the United Kingdom, Lord Cranborne, on the condemnation of the bombardment of open towns. I wish only that it should be made clear that by condemning this particular means of warfare, means of so-called totalitarian war invented by some countries, we do not condone other military operations, other forms of attack in China, that we are only expressing an opinion on this particular point in view of its urgency, in view of the bombardment which has horrified the whole world, and that subsequently we shall deal as well with other methods of warfare, other methods of attack in China.
I hope that the resolution which we are going to adopt on this point may be subscribed to by all the States represented in the League of Nations, all the States represented in the Assembly, and not only by those States but by the whole civilised world.

The CHAIRMAN. — The suggestion has been made that, in view of the urgency of the matter, the Committee should immediately express its views in regard to aerial bombardment, and that other aspects of the problem before us should be examined at a later stage, when we can proceed with our general discussion.

If that be the view of the Committee, I will make a proposal as to procedure. I propose that the Committee should entrust me, in consultation with the members of the Committee who have spoken, with the drafting of a text, and that for that purpose the meeting should be suspended for fifteen minutes.

The Chairman’s proposal was adopted.

(The Committee adjourned and subsequently continued its proceedings in private session.)

Examination and Adoption of a Resolution condemning the Aerial Bombardment of Open Towns.

The CHAIRMAN read the text of a resolution drafted, in the light of the discussion which had taken place at the public meeting, in consultation with those who had taken part in that discussion. The text was as follows:

“The Advisory Committee,

Taking into urgent consideration the question of aerial bombardment of open towns in China:

Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardment;

Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world.”

M. Quevedo (Ecuador) proposed to add at the end of the last paragraph the words “and solemnly condemns such acts”.

M. Wellington Koo (China) supported the amendment proposed by the delegate of Ecuador, but suggested that the second paragraph should read:

“Taking into urgent consideration the question of aerial bombardment of non-combatants and open towns in China by Japan.”

With the present wording, the country which was clearly the aggressor was not named; and the text might convey the idea that China was also liable to the accusation it embodied.

A telegram had reached the Chinese delegation the previous night, which made it all the more important that the country responsible for the horrors in question should be mentioned by name. It appeared that two Japanese aeroplanes, which dropped two bombs in the province of Anhwei, had the Chinese national emblem painted distinctly on their wings, doubtless with the intention of shifting responsibility on to China. In view of that device, and in view of all the other endless devices by which the invading forces endeavoured to shift responsibility from their own shoulders and to confuse public opinion, he thought it was necessary to incorporate the words “of non-combatants and open towns in China by Japan” in the resolution, in order both to strengthen the resolution and at the same time to prevent misunderstanding.

Viscount Cranborne (United Kingdom) fully appreciated M. Wellington Koo’s point; but he hoped the latter would not insist on it. There had been a discussion and the Committee had before it a resolution. There could be no sort of doubt as to what the resolution meant. The Chinese delegate need not have the slightest fear that the blame for the bombing would be placed at the door of his own country. Why should Chinese airmen go out of their way to bomb their own fellow-countrymen? In the circumstances, he could not help thinking that M. Wellington Koo would do better to leave the resolution as it stood.

M. Litvinoff (Union of Soviet Socialist Republics), for his part, had no objection to the proposal made by the delegate of China. Though he agreed with Lord Cranborne that there could hardly be any mistake on the part of the outside public in general as to the party to whom the resolution referred, there was one country in which it might be misunderstood—a country where the Press was controlled by the Government. The Government of that country might misrepresent the resolution to public opinion there as referring to China, or as attaching blame to China as well as to themselves. It was desirable, therefore, to record the name of the country which was the author of this criminal warfare.

M. Wellington Koo (China) quite appreciated Lord Cranborne’s contention that there could be no misunderstanding so far as China was concerned; but to add the words “by Japan” or “by the Japanese air force” was merely to state a fact which had been recognised throughout the world, and had even formed the basis of formal official protests to Tokio by the principal
Governments of the world. Therefore, unless there was some strong reason for not inserting the words, he would ask Lord Cranborne to accept the modification.

M. Quevedo (Ecuador) observed that there was nothing new about the addition he had proposed. When the Spanish Government’s appeal had come up for discussion in May 1937, the Council of the League had approved a resolution which condemned the bombing of open towns. Acceptance by the Committee of his proposed addition would merely be in conformity with the precedent set by the Council.

M. Delbos (France) agreed, but suggested that the paragraph should read:

“Solemnly condemns such inexcusable acts, which have aroused horror and indignation throughout the world.”

M. Spaak (Belgium) agreed with the Chinese delegate that, in the absence of any specific reason for not mentioning Japan, the first paragraph would be clearer with the addition of the words “by Japanese aircraft” after the words “in China”.

As to M. Quevedo’s amendment, he thought it would probably be best to leave the final paragraph as it stood, and to add another paragraph after it, to read: “It solemnly condemns them.”

Mr. Bruce (Australia) was opposed to the addition at the end of the first paragraph of the words “by Japanese aircraft”. The Committee was concerned with the terrible practice of bombing open towns and non-combatants by any country; and, that being so, it was better to give the first paragraph a broad basis. That need not prevent the Committee from considering whether it should not insert a separate paragraph with a specific reference, for example, on the following lines:

“Having been convinced by the evidence before the Committee that bombardments of this character have taken place by Japanese aircraft.”

Viscount Cranborne (United Kingdom) agreed with Mr. Bruce. What the Committee was anxious to condemn was the general practice of bombing from the air; and it was doing so in no half-hearted manner. There was no question but that the resolution was at least as strong as anybody expected it to be. But it was a general resolution, dealing with what had been recognised by every speaker to be a general problem and a general danger to all countries. Viewing it from that standpoint, he preferred to leave it in its present form.

Mr. Jordan (New Zealand) said that the Committee had been set up to deal with the dispute between China and Japan. It had heard the evidence of the bombing of Chinese towns by Japanese aircraft; and now it was suggested that it should make no reference to bombardment by Japanese aircraft, but pass a general sort of resolution to say that it was opposed to bombing generally. In other words, it was proposed that the Committee should run away from the purpose for which it was set up. That seemed to him a very remarkable state of affairs. Was the Committee not prepared to face up to the question and the evidence brought before it of the bombing by Japanese aircraft of innocent men, women and children in China? Where was the Committee going? Was it to send an apology for meeting at all? It seemed to him that that was where the Committee was going!

If it were proposed to pass some kind of general resolution condemning something somewhere, without particularising it, Mr. Jordan said very definitely that he did not wish to be associated with it. He himself and the country he represented were appalled at the bombardment of China by Japan, and were willing to stand up and say so in public or in private.

The amendment proposed by M. Quevedo was adopted.

M. Delbos (France), referring to the addition proposed by the Chinese delegation, pointed out that the idea it conveyed was embodied in the following paragraph, which expressly referred to “innocent civilians”.

M. Wellington Koo (China) was satisfied and withdrew his proposed addition.

M. Spaak (Belgium) supported M. Wellington Koo’s proposal to insert words so as to make clear that the bombing was done by Japanese aircraft; but he thought the proposed insertion would be better in the first paragraph, which would then read:

“Taking into urgent consideration the question of aerial bombardment of open towns in China by Japanese aircraft.”

M. Wellington Koo (China) accepted the proposal.

Mr. Bruce (Australia) was prepared to accept the text in the form now proposed, in order not to hold up the Committee’s proceedings. But he was concerned to point out to the Committee

that the addition of the words "by Japan" opened the door to challenge of the resolution, because Japan would at once argue that Chinese aircraft had been doing just the same. The Chinese delegate suggested that Chinese signs had been painted on Japanese aeroplanes. Mr. Bruce expressed no opinion on that suggestion: but he thought it would be much better in any case to adopt a resolution that was not open to challenge.

M. Litvinoff (Union of Soviet Socialist Republics) was not aware whether Canton and Nanking were open towns or not; but in any case there was official confirmation from the Japanese Government of the fact that it proposed to bomb Nanking. The Government of the Union of Soviet Socialist Republics, the United Kingdom Government and the French Government had all been notified to that effect. How could the Japanese challenge the Committee's resolution for merely repeating what they had already affirmed themselves—namely, that they were bombing Nanking, Canton and other towns as well?

The first paragraph was adopted in the form proposed by the Belgian delegate.

The resolution as a whole was adopted in the following form:

"The Advisory Committee,
"Taking into urgent consideration the question of the aerial bombardment of open towns in China by Japanese aircraft:
"Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments;
"Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world;
"And solemnly condemns them."

Transmission to the Assembly of the Resolution condemning the Aerial Bombardment of Open Towns: Proposal by the Swedish Delegation.

M. Sandler (Sweden) observed that some twenty-five delegations were represented on the Committee. Would it not be logical to give the other delegations present at the Assembly a chance of acceding to the resolution?

After a brief exchange of views, the Committee decided that its Chairman should communicate the resolution by letter to the President of the Assembly, and request the latter, on behalf of the Committee, to submit it to the Assembly for approval.¹

THIRD MEETING (PUBLIC).

Held on Wednesday, September 29th, 1937, at 5.30 p.m.

Chairman: M. Munters (Latvia).

Resolution condemning the Aerial Bombardment of Open Towns: Communications by the Chairman and the United States Representative.

The Chairman. — In conformity with the Committee's decision at the last meeting, I have communicated the text of the resolution it adopted to the President of the Assembly and asked him to lay the resolution before the Assembly with a view to its adoption. As you are aware, the Assembly, on September 28th, 1937, adopted the resolution unanimously.

Mr. Harrison (United States of America). — Under instructions from my Government, I take leave to read the text of the statement made public by the Secretary of State yesterday:

"The Department of State has been informed by the American Minister to Switzerland of the text of the resolution unanimously adopted on September 27th by the Advisory Committee of the League of Nations on the subject of aerial bombardment by Japanese air forces of open towns in China.

"The American Government, as has been set forth to the Japanese Government repeatedly, and especially in this Government's Note of September 22nd, holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to the principles of law and humanity."

The Chairman. — The Committee takes note of the above statement.

¹ The resolution was adopted by the Assembly on September 28th, 1937 (see page 27).
Sino-Japanese Conflict: General Discussion: Question of the Appointment of a Sub-Committee.

M. Quevedo (Ecuador). — The facts of the situation as set forth by the Chinese delegation are so clear that they cannot be mistaken. There is no question of having to find out where the truth lies; it is too obvious. The position is such as to involve imminent danger to the effectiveness of the League of Nations.

If the League is to continue to exist, it must condemn—morally, at least, if not otherwise—and with sufficient promptness to ensure the efficacy of the condemnation, all breaches of the Covenant, of international law and of engagements between States, whenever and wherever they occur. It must proclaim its condemnation of such breaches without regard to the special interests of any one or more Governments.

Should the League fail to give at any rate moral support to a country like China, a great nation with hundreds of millions of inhabitants, in which—for I do not lose sight of the material aspects of the problem—a number of Great Powers have extensive economic interests, what hope can there be in similar cases in the future of help from the League of Nations for other weaker and less wealthy countries, in which other States do not stand to lose anything and have no special interests at stake?

The League of Nations is going through one of the most dangerous passages in its existence. It cannot afford to stray from the true path.

Foreign intervention in the internal political life of any country must be stigmatised as and when it occurs. Aggression must be condemned. Where right is wronged, the League must have the courage to say so.

The principle of legal equality between nations does not allow of any one State seeking to penalise another because of the sentiments which the latter entertains for its stronger neighbour.

Accordingly, just as in my capacity as delegate of Ecuador, I gave my vote as a member of this Committee in favour of the resolution adopted at its last meeting⁴ explicitly and formally condemning the bombing of open towns from the air, so the vote of Ecuador will always be given on the side of right, justice and the higher interests of civilisation.

On these grounds, I am concerned to express my sincerest hope that the Committee will see its way to take—and take quickly—positive steps to raise the prestige of the League to the level of the humanitarian and purely juridical ideals which constitute the very basis of the Covenant.

M. De Tessan (France). — At our first meeting, we dealt with one special point of the general problem of China—namely, the question of bombing from the air—a question which has stirred the conscience of the whole world. We had no difficulty in arriving at an agreed resolution. But these circumstances, the first essential task is to establish a satisfactory method of work. The French delegation is of opinion that the work will proceed quicker and the results will be more certain if the problem as a whole is handed over to a small committee or sub-committee.

Viscount Cranborne (United Kingdom). — The discussion which was held in this Committee last Monday, culminating in a resolution on the subject of aerial bombardment, is some indication of the seriousness of the situation which exists in the Far East. We are met here to-day for a general discussion of that situation, and it would, I suggest, be proper that I should begin by recording the attitude and actions of His Majesty’s Government in the United Kingdom with regard to it.

I do not propose to attempt to tell the story of the origin and progress of the hostilities. It will, however, be remembered that they arose out of a comparatively trivial incident which occurred in North China on the night of July 7th, 1937. It was the sort of incident that could not have happened except in the wholly anomalous situation that exists in the northern provinces of China; but given such a situation, an incident of this kind was liable to happen at any moment.

The policy of His Majesty’s Government in this situation can be very simply stated. Its policy is based, in the Far East as elsewhere, on the necessity of maintaining peace. Only if peace is maintained, can the political and economic development of the Far East be assured. Only if peace is maintained, can the vast legitimate and long-standing interests which other countries possess in the Far East be preserved. It is a policy which calls essentially for the fullest international co-operation. It is a policy which is in complete harmony with the principles of the Covenant of the League of Nations. It is a policy which demands, above all, the establishment of a friendly understanding between China and Japan.

His Majesty’s Government recognises, of course, that the relations between China and Japan are normally a matter for these two countries to settle between themselves without the intervention, or even the mediation, of third Powers; but in the unhappy event of an armed conflict such as that which has now arisen between the two countries, it is, quite apart from any question of League obligations, obviously impossible, for the reasons which I have stated, for His Majesty’s Government to accept the thesis that this is a matter only affecting the parties to the conflict and that third

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⁴ See page 16.
parties must stand completely aside. This is a matter which must affect, in greater or less degree, many Powers with interests in the Far East, whether they be Members of the League or not.

In these circumstances, His Majesty's Government has made continued efforts to bring about a settlement of the dispute. It expressed at the outset, both to the Japanese and to the Chinese Governments, its deep concern at the situation. It recommended moderation and negotiation. It made practical proposals itself—as, for example, those advanced in the Governments, its deep concern at the situation. It recommended moderation and negotiation.

The Committee has already placed upon record, in its resolution of September 27th, 1937, its solemn condemnation of methods that have been followed in the present fight. There can be no difference of opinion on the fact that that resolution expresses a feeling which is shared by all civilised peoples. The Committee would have failed in its duty, had it not placed its views on record.

There seems no valid reason why the dispute should not have been localised and a satisfactory solution found, either by direct negotiation between the Japanese and Chinese Governments, or through the conciliatory efforts of His Majesty's Government and other foreign Powers. Yet all efforts to secure the cessation or even the moderation of the conflict have, unhappily, failed.

The incident of July 7th, 1937, was, in itself, insignificant. The action taken by Japan in reply to that incident has been out of all proportion to it. The conflict has continued to be waged with ever-increasing ferocity and lack of all regard for the accepted standards of humanity. The Committee has already placed upon record, in its resolution of September 27th, 1937, its solemn condemnation of methods that have been followed in the present fight. There can be no difference of opinion on the fact that that resolution expresses a feeling which is shared by all civilised peoples. The Committee would have failed in its duty, had it not placed its views on record.

Obviously, it would do no good—it would indeed do harm—if this Committee gave the impression that it contemplated action which it was not in fact able to carry out. Mere words, however brave, are in themselves no solution of our problem, unless they can be implemented. To use an old English saying, we must cut our coat according to our cloth.

But there are definite lines on which, I submit, progress can be made. Efforts to bring about a cessation of hostilities must not be relaxed. The door must not be closed on any future action that may become possible. A vigilant watch must be kept for any improvement in the international or local situation. In a recent speech at the Assembly, the delegate of Australia suggested that there should be a Conference of the Powers most vitally concerned in the position in the Far East, whether Members of the League or not, with a view to endeavouring to arrange some settlement or concerting such measures as may be necessary or practicable. I think that we shall all agree that this is a proposal of very great value which we should keep constantly in mind.

All possible solutions, indeed, should be diligently sought. For this purpose, the sub-committee consisting of members of this Committee, which the delegate of France has proposed should be set up, would be an eminently suitable body. Such a sub-committee should have, I suggest, the same terms of reference as the Advisory Committee itself; but, being smaller, it should prove a more flexible instrument for carrying out the tasks entrusted to it.

On behalf, therefore, of His Majesty's Government in the United Kingdom, I warmly support the proposal of the delegate of France. His Majesty's Government trusts that this body which it is proposed to set up, while taking account of the realities of the situation (and no responsible person could wish to ignore them), will play its part in bringing about a settlement of this dispute; for so long as the dispute persists, it can only bring misery to millions and increased trouble to our much troubled world.

M. Wellington Koo (China).—I will not again emphasise the excessive gravity of the situation raised by Japanese aggression. As I said before, and as has been just pointed out by the United Kingdom delegate, hostilities are going on continually. Every day means to China the killing of more men, women and children—innocent people—not counting those that fall on the field of battle. The prompt adoption of the resolution on bombing from the air at our last meeting gave us the hope that the Committee had a proper appreciation of the seriousness of the situation. I wish therefore to express my very fervent hope that the Committee will proceed to consider this question as promptly as it dealt with the question of bombing from the air.

The question of the Chinese situation as a whole can be divided into two parts. There is first the general question of aggression and, secondly, there is the question of the concrete, positive measures which it may be found practicable to take, in the circumstances, to discourage aggression and encourage resistance to it. I believe the question falls naturally into those two categories.

1 See Official Journal, Special Supplement No. 169, page 76.
As regards the method of work, I quite accept the idea of setting up a sub-committee. That is the usual method of working out details. The question of the concrete measures to be taken is one quite appropriate for the sub-committee to examine.

As regards the general question of aggression, however, I believe this Committee to be the appropriate body to pronounce upon that matter. I venture to hope and believe that there is no one in this Committee who would deny the existence of aggression. To-day, as I said before, 350,000 alien troops have invaded Chinese territory. The whole navy of the invading Power has declared an illegal blockade of China and is engaged in stopping, not only Chinese shipping, but also foreign shipping. It is engaged in killing innocent fishermen without warning. The air force of the same invading Power has been bombing open towns and cities in fourteen provinces. The army has occupied a dozen cities and to-day is penetrating into territory at least 200 miles from the coast.

These are facts which are obvious. They are facts which the whole world has witnessed, and they are facts which ought to form the basis of our pronouncement. Some of those facts have formed the basis of official protests of the Governments of the principal Powers. Therefore, as regards this part of the question, I venture to express the hope that the Committee itself will discuss it and pronounce its opinion on it.

As regards concrete measures, although I accept the idea of referring that question to a sub-committee, I wish to offer certain observations. In the first place, I think that the sub-committee, while it should not be so large as to hinder effective, efficient work, should nevertheless not be too small. As the United Kingdom delegate has very well said, the question of the concrete measures to be taken is one that will content ourselves with abstention.

The Chairman. — If no other delegate wishes to speak, I desire to consult the Committee on the suggestion made to it by the French delegate and seconded by the delegate of the United Kingdom. I would ask whether the Committee agrees that a sub-committee be set up. I will, for the time being, leave on one side the question of the terms of reference of the sub-committee.

Mr. Bruce (Australia). — Perhaps I may try to make a little clearer the point I endeavoured to bring before the Committee just now. I want to have it quite clear that the sub-committee now being constituted will have before it the whole of this question and will consider how it should be dealt with. I want it to be quite clearly understood that the sub-committee will be going forward with the work which is at the moment before this Committee, unless, of course, some alteration is made when the mandate is given to it. I want to leave no impression that this sub-committee is merely being created to watch the situation, as perhaps might have been gathered from the speech of the delegate of the United Kingdom.

The Chairman. — Do I take it that it is the wish of the Committee to constitute a sub-committee, leaving aside for a moment the question of the membership of such sub-committee? If there are no objections, I would suggest that you allow your Chairman to make at the next meeting suggestions for the composition of the sub-committee.

The Chairman's proposal was adopted.

Terms of Reference of the Sub-Committee.

The Chairman. — We come now to the question of the terms of reference of the sub-committee. It was suggested by Lord Cranborne that the sub-committee should have exactly the same terms of reference as this Committee. On the other hand, it was suggested by the delegate of Australia that it should study the best methods of undertaking the task on hand.

Mr. Bruce (Australia). — Perhaps I may try to make a little clearer the point I endeavoured to bring before the Committee just now. I want to have it quite clear that the sub-committee now being constituted will have before it the whole of this question and will consider how it should be dealt with. I want it to be quite clearly understood that the sub-committee will be going forward with the work which is at the moment before this Committee, unless, of course, some alteration is made when the mandate is given to it. I want to leave no impression that this sub-committee is merely being created to watch the situation, as perhaps might have been gathered from the speech of the delegate of the United Kingdom.

The Chairman. — For my part, I do not see any contradiction between the two statements. In the decision of the Council,1 on the basis of which this work was referred to the Advisory

1 See page 5.
Committee, it was stated that the Committee should study the situation as indicated to it by China, on the basis of the following terms of reference:

“To follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-member States.”

Do I take it that the two proposals may be accepted as one, so that the sub-committee which is to be appointed can proceed on the mandate given to this Committee by the Council?

M. Wellington Koo (China). — For my part, I do not quite see the significance of giving the sub-committee the same mandate as the Committee itself, unless it is intended that the sub-committee, although a smaller body, should, in view of the gravity of the situation, proceed itself to take action where action is urgently required. On the other hand, if there are matters which require general consideration and action, the sub-committee will function as an ordinary sub-committee under a general mandate and report back to this Committee, by which any necessary action can be taken—such action, for example, as I emphasised in speaking a few moments ago when I said that on the general question of aggression this Committee should declare its sentiment. In other words, as I understand it, the sub-committee is not to be a substitute for this Committee or to replace it; it is a sub-committee to be set up for two reasons: first, to facilitate work and discussion and, secondly, to be in a position to take action where action is urgently necessary. If my understanding of the character of the sub-committee is not correct, I should like to be informed.

The Chairman. — Does the Chinese delegate’s interpretation meet with the approval of the Committee?

Viscount Cranborne (United Kingdom). — I should like to ask for certain explanations myself, perhaps from the Secretary-General. Is it possible for a Committee which has received a mandate to pass on that mandate to a sub-committee? Can a sub-committee with such a mandate only report back to the parent Committee? My idea as to the importance of setting up the sub-committee was that we are faced with a situation which, alas, is likely to remain for some considerable time, and will necessitate meetings of the Committee at intervals if it is to keep in touch with the situation. If the body so assembled must include all the members of this Committee, it would be unwieldy, and it would be more feasible to have a representative selection of members for the purpose I have indicated.

The other point raised by the delegate of China is really a matter of procedure which I am not competent to discuss—namely, whether it is possible for the Advisory Committee to confer its rights upon a sub-committee and whether that sub-committee must refer back all its recommendations to the Advisory Committee.

The Secretary-General. — The point is one which cannot be finally settled except by legal experts. If I state my opinion, it is subject to more authoritative legal views.

So far as external communications are concerned, I think the Committee can give full powers to a sub-committee. But it is quite certain that reports to the Council and Assembly must come from the Committee as a whole.

M. Spaak (Belgium). — I confess I am more and more at a loss. I had understood, when it was proposed to appoint a sub-committee, that the latter would be instructed to prepare the work in the course of the next few days, to clear the ground, so to speak, and, if necessary, to submit proposals to the present Committee of Twenty-three. It appears, however, that it is now proposed to give the sub-committee full powers, the effect of which will be for the sub-committee to take the place entirely of the Committee of Twenty-three, which will then have nothing to do except to wait until it is convened again.

If that is the idea, I am very much afraid that the effect of such a decision on outside opinion will not be to strengthen the prestige of the League: on the contrary, I think it will disappoint, not a little, those who look for energetic action by the League in this conflict between China and Japan.

The Chairman. — Our task at the moment is to determine the terms of reference to the sub-committee, and therefore every proposal is welcome. We have two proposals before us, one by Lord Cranborne and the other by M. de Tesson and developed by the Australian delegate. It is for the Committee to decide the terms of reference of the sub-committee.

Mr. Bruce (Australia). — May I try to clarify my position in this matter? In my intervention I had only one point in view, and when I have made that clear I can refrain from putting forward any proposal.

A suggestion was made to appoint a sub-committee. I entirely agree with the delegate of Belgium that this issue is a very important and a very serious one. It will be most damaging to the prestige of the League if we appear in any way to be side-tracking the matter. My only object in intervening was to make sure that the suggestion for a sub-committee was made in order to facilitate and expedite the work that was being done, and was not some method by which we were going to let the problem remain somewhat in suspense and not deal with it immediately.
The CHAIRMAN. — Perhaps it would be advisable to postpone also this question of the terms of reference until we nominate the sub-committee. It is evident that the Committee cannot give the sub-committee a mandate which is larger than its own, but the question is whether it can be given the same mandate, subject to the reservations indicated by the Secretary-General or whether it is desired to add certain other functions, within the terms of reference but in a more specific way, to the functions of that sub-committee.

The Chairman’s proposal was adopted.

M. LITVINOFF (Union of Soviet Socialist Republics). — I would only express a wish that some action should be taken by the sub-committee or by this Committee while the present Assembly is still in being. I understand that the Assembly is coming to an end in a few days, and unless the sub-committee or this Committee acts quickly, nothing will be achieved. The Assembly will disperse, and then it will be difficult to reassemble even the twenty-three nations which are represented in this Committee.

Viscount CRANBORNE (United Kingdom). — I should like to support what M. Litvinoff has said. I do not see why the Advisory Committee should not meet to-morrow to settle the outstanding points or why the sub-committee should not meet before the Assembly closes. I think that that would be most desirable.

M. DE TESSAN (France). — The French delegation is in agreement with Lord Cranborne’s suggestions.

The CHAIRMAN. — As proposed, therefore, the Committee will meet to-morrow to appoint its sub-committee and to confer upon the sub-committee its mandate.

FOURTH MEETING (PUBLIC).

Held on Friday, October 1st, 1937, at 11 a.m.

Chairman: M. MUNTERS (Latvia).

Terms of Reference of the Sub-Committee (continuation).

The CHAIRMAN. — The Committee has first to consider the terms of reference of the Sub-Committee which it has been decided to set up, and secondly, its composition.

With regard to the terms of reference of the Sub-Committee, I should like to state, in order to avoid misunderstanding, after having perused the Minutes of the last meeting, and in consultation with the authorities on procedure, that, in the first place, there is no intention to substitute the Sub-Committee for the Committee itself; secondly, all proposals will have to be submitted to the Committee, which alone is authorised to report on the whole subject, and, thirdly, the first report of the Sub-Committee should be made whilst the Assembly is still in session. To this last point the General Committee of the Assembly, meeting this morning, has agreed.

Viscount CRANBORNE (United Kingdom). — I entirely agree with what the Chairman has just said. It seems to me quite clear that none of us wishes the Sub-Committee to take the place of the Committee. It should be, so to speak, a microcosm of this Committee, representing and reporting to it.

Another of the Chairman’s remarks which I think will find general support is that the Sub-Committee should make its first report before the end of the Assembly. It will then be quite clear to everyone that the appointment of the Sub-Committee is not a delaying manœuvre but a step to increase the efficiency of the Committee’s action.

With regard to the terms of reference of the Sub-Committee, I myself put forward certain proposals at our last meeting. I said that they should be the same as those of the main Committee. This proposal, however, was somewhat criticised on the ground that it was too vague, and after thinking the matter over, I am of opinion that the criticism was very fair. I have tried, therefore, to draft some new terms of reference of a simple and comprehensive character to enable the Sub-Committee to carry out the functions for which it is being formed. The terms which I propose are the following:

“To examine the situation in China, to discuss the questions involved, and to submit to the Committee such proposals as it might deem fit.”

The Committee will see that these terms of reference cover practically any questions which might be brought before the Sub-Committee. The latter will be enabled to examine the whole situation in China or any aspect of it and submit to the Committee whatever proposals were
thought fit. It has been suggested to me that these terms of reference might not cover such propositions as already have been put forward by various delegations in the debates in this Committee. I think, however, that that suggestion is not justified. I put forward my proposal optimistically, hoping that it may be immediately acceptable.

M. DE TESSAN (France). — On behalf of the French delegation, I accept the procedure proposed by the Chairman, and I thank Lord Cranborne for having expressed so clearly my point of view. In any case, my principal desire has been to ensure, by a better method of work, the prompt completion of the task we have before us. In connection with a recent matter, we saw the advantages of discussion in a small committee and, on the contrary, the disadvantages of a too large participation in difficult debates. Such is my object and such are the considerations to which it gives rise.

M. Wellington Koo (China). — The terms of reference proposed by the delegate of the United Kingdom seem to give great clearness to the mandate for the Sub-Committee, and a certain amount of concreteness to the task to be undertaken by the Sub-Committee. I have merely a verbal modification to suggest. As regards the first item, it is proposed that the Sub-Committee is “to examine the situation in China”. Could that not be modified to read: “the situation arising out of the Sino-Japanese conflict in the Far East”? That text would obviate any misunderstanding and would, perhaps, describe the nature of the question more fully and clearly.

Viscount CRANBORNE (United Kingdom). — As I proposed the original formula, I should like to say that I am in full agreement with the amendment proposed by the delegate of China.

The Committee approved the terms of reference proposed by Lord Cranborne, as amended by M. Wellington Koo, and reading as follows:

“To examine the situation arising out of the Sino-Japanese conflict in the Far East, to discuss the questions involved, and to submit to the Committee such proposals as it may deem fit.”

Composition of the Sub-Committee.

The CHAIRMAN. — I would suggest the following list of countries which the Committee might invite to serve on the Sub-Committee: Australia, Belgium, the United Kingdom, China, Ecuador, France, the Netherlands, Poland, Sweden, and the Union of Soviet Socialist Republics. We should also ask the United States of America to take part in the work of the Sub-Committee —of course on the same conditions as govern her participation in the work of the Advisory Committee.

Viscount CRANBORNE (United Kingdom). — There was one name that I missed in the list of countries, just read out by our Chairman. I refer to Latvia. We are very fortunate in having a delegate of Latvia as our Chairman in this Committee, and I am sure that we should all be glad if M. Munters would kindly undertake the duties of Chairman of the Sub-Committee.

M. Wellington Koo (China). — I wish to associate myself fully with Lord Cranborne’s proposal. We are fortunate in having so competent a Chairman as M. Munters.

M. KOMARNICKI (Poland). — The Chairman has been good enough to invite Poland to be a member of the Sub-Committee; if the Committee approves the list submitted to it, I shall be bound to consult my Government before accepting the invitation. Pending the receipt of instructions, I must abstain from participating in the Sub-Committee’s work.

M. LITVINOFF (Union of Soviet Socialist Republics). — I think the Sub-Committee is too numerous; I should have preferred a smaller Sub-Committee from the point of view of efficiency of the work. However, since we are not guided by that principle, I would propose to add the delegate of New Zealand.

Viscount CRANBORNE (United Kingdom). — I second that proposal.

M. DE TESSAN (France). — The French delegation also supports the proposal.

The list of members of the Sub-Committee proposed by the Chairman, with the addition of the delegates of Latvia and New Zealand, was approved.


The CHAIRMAN. — I have received from the Chinese delegation a draft resolution as follows:

“Whereas Japan has taken the initiative of sending to China powerful armies which have invaded large portions of Chinese territory;
The official documents of the Governments of the principal Powers and the files of this Committee world. The activities of the Japanese invading army on land, of the Japanese navy on the coast very little explanation. The facts stated in the preamble are obvious and are known to the whole of principle—namely, that the facts which are noted therein constitute a case of external aggression in our minds on the general question it envisages. The substantial part of the resolution is a question a resolution of this kind to the Sub-Committee without expressing some of the ideas which are

to the Committee, either to-morrow or on Monday.

I hope the Sub-Committee will meet as soon as possible, so as to be in a position to submit resolutions to be consistent in our work, we shall have to refer all the texts we receive to the Sub-Committee.

of China, or the draft resolution just submitted. I wish, however, to point out that, if we desire

forward. I do not intend at this stage to discuss the statement we have just heard from the delegate

Sub-Committee, so that it may be dealt with more expeditiously.

By the whole world.

To-day, the victim of the present aggression is China; to-morrow, other countries, other parts of the world, may be its objective. The world will understand, in the present circumstances, that the

definite steps and measures to be taken to check the forces of aggression and hasten the restoration of peace in the Far East.

On the question of reaffirming the principles of the Covenant, there should be no compromise. To-day, the victim of the present aggression is China; to-morrow, other countries, other parts of the world, may be its objective. The world will understand, in the present circumstances, that the League of Nations does not attempt to put its whole machinery into operation for the purpose of checking aggression, but it will not understand if the League does not make its position clear on the question of right and wrong. It would be only mocking its own conscience and helping to undermine further its authority and prestige as a great moral force if it does not face the facts frankly, recognise the truth and courageously pronounce its opinion. Notwithstanding the present circumstances, there is nothing which prevents the League—the great institution which stands for law and order in international relations and for the cause of peace and security of nations—from making known to the world its opinion based on the fundamental principles of its own existence. In fact, we believe that this is what is expected of the League, not only by China, but by the whole world.

The CHAIRMAN. — I would suggest that this draft resolution should be referred to the Sub-Committee, so that it may be dealt with more expeditiously.

M. SPAAK (Belgium). — Our Chairman has just made a proposal that I was myself about to put forward. I do not intend at this stage to discuss the statement we have just heard from the delegate of China, or the draft resolution just submitted. I wish, however, to point out that, if we desire to be consistent in our work, we shall have to refer all the texts we receive to the Sub-Committee. I hope the Sub-Committee will meet as soon as possible, so as to be in a position to submit resolutions to the Committee, either to-morrow or on Monday.

M. LITVINOFF (Union of Soviet Socialist Republics). — I wonder whether we should pass on a resolution of this kind to the Sub-Committee without expressing some of the ideas which are in our minds on the general question it envisages. The substantial part of the resolution is a question of principle—namely, that the facts which are noted therein constitute a case of external aggression...
against a Member of the League. Are we going to support the Chinese delegation on that point? A small Sub-Committee of five or six persons can work very efficiently and may be able to prepare a final draft, but such a Sub-Committee as we have appointed should have some ideas from its parent body as to the lines on which it is to work.

Viscount Cranborne (United Kingdom). — I hope the Committee will accept the Chairman's view. His proposal does not concern the substance of the resolution. We all have our views on that point, and some of us have expressed them. The point raised is one of procedure, a question which, inasmuch as it relates to an article of the Covenant, is a juridical question in part, and it is only proper that it should be examined from that point of view. There is no question of any delaying procedure. The Chairman has already announced that the Sub-Committee will report before the end of the Assembly, and no doubt it will indicate its attitude towards this question. But as we have appointed a Sub-Committee, it would be a great duplication of procedure to discuss the question now in the main Committee.

M. Litvinoff (Union of Soviet Socialist Republics). — From a practical point of view, having in mind experience gathered in other commissions, I still hold that what I have just suggested would be the proper line to take. But I do not insist, and I am willing to accept the view of the majority of the Committee.

M. Wellington Koo (China). - The Chinese delegation is in agreement with the point of view put forward by the delegate of the Union of Soviet Socialist Republics. On general principles it would be well if this Committee could see its way to engage in a general discussion, which would facilitate and expedite the Sub-Committee's work. But if the majority of the members of the Committee think otherwise and hesitate to express their views now, the Chinese delegation has no objection to referring the draft resolution first of all to the Sub-Committee. This must be on the clear understanding, however, as the Chairman has already said, and as two or three members of the Committee have made clear, that the Sub-Committee is to report as soon as possible to the Committee, and in any case before the end of the Assembly. Moreover, I take it that its report will bear, not only on the draft resolution, but on the general aspect of the question as a whole.

The Chairman. — There are two points before the Committee. One is the question of procedure. The Sub-Committee, if it considers that it cannot do the work of drafting itself, may set up a special drafting committee. It would not, however, be expedient to have a special drafting committee for the Chinese resolution alone, because its work might run parallel with the discussions of the Sub-Committee.

The second point is the question of the continuation of the general discussion, which, of course, is in no way suspended.

M. de Tessen (France). — The view expressed by the Chairman is so wise that it cannot but be unanimously accepted by the Committee. In any event, the French delegation supports it.

The Chairman's proposal to refer to the Sub-Committee the draft resolution submitted by the Chinese delegation was adopted.
amendments should be as brief as possible, in order to meet the convenience of delegates to the Assembly, many of whom have already made arrangements for their departure.

In addition to the two reports of the Sub-Committee, I have prepared a draft covering report and a draft resolution, both of which have been distributed and which I intend to submit to the Committee later.

M. Komarnicki (Poland). — The Polish delegation reserved the right in the Sub-Committee to submit certain general observations on part IV of the first report of the Sub-Committee and on the second report.1

In the first place, serious doubts of a legal nature are felt by the Polish delegation. The question may well be asked whether Article 3 of the Covenant can authorise the Assembly of the League of Nations to make findings and contemplate action in regard to an international conflict, independently of the other articles of the Covenant. As far as I am aware, it is the first time that this has occurred in the history of the League. Can Article 3 be substituted for other articles of the Covenant which clearly define the competence of the Council and of the Assembly, and the procedure relating thereto? The isolated and extended use of Article 3 might establish an entirely new procedure and add to the duties of Members of the League further obligations, hitherto unknown and of indefinite range.

Moreover, the principal proposal, which is that a Diplomatic Conference of the Powers especially interested should be convened under the auspices of the League of Nations and on its initiative, leads me to make the following observations:

Without wishing to question the political value of such a Conference, which might contribute to a relaxation of tension in the Far East, I am obliged to state that I could not support the idea that the League should give a mandate to a group of Powers. The latter cannot, in the opinion of the Polish delegation, commit by their action other Members of the League.

For all these reasons, my delegation will abstain from voting.

Mr. Jordan (New Zealand). — I wish to explain the attitude of the New Zealand delegation. I mentioned in the Sub-Committee that I intended to refer elsewhere to the discussion in that Sub-Committee. A Drafting Committee was set up by the Sub-Committee of Thirteen and it produced a report of which the final paragraph read: “In the meantime, and pending the results of the action proposed, the Committee invites the Assembly to express its moral support for China, and to recommend 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.”2

I endeavoured to point out to the Sub-Committee that the appeal to the Members of the League to refrain from taking any action which would increase China’s difficulties could be interpreted as an appeal to the Members of the League not to apply economic sanctions against China, a thing which seemed to be unreasonable, and pointed out that it was not the desire of Members of the League to weaken China’s power of resistance. That matter was discussed pretty fully, and I laid stress on the fact that in the report no assistance was offered to China in her unfortunate position and that no reference was made to the attacks which are being made by Japan and which are being condemned, at least as to their form, from pulpit, platform and meeting practically throughout the world.

An amendment was moved striking out the words “In the meantime” from the first part of the paragraph, and then Lord Cranborne, on behalf of the United Kingdom delegation, moved a further amendment to add the words “and should also consider how far they can individually extend aid to China”. That amendment was appreciated, and was carried.

I then moved that we should consider how to deter Japan from continuing its present form of aggression, suggesting that we should insert some such words as that nations should “endeavour to” or “be recommended to use their influence” to deter Japan from continuing its present form of aggression. That amendment was put to the vote, and of thirteen members six refrained from voting, four opposed the proposal that we should consider how to deter Japan from continuing its present form of aggression, and three supported the motion. Consequently, of the thirteen members of the Sub-Committee, four effectively prevented the amendment from passing.

I wish it to be known that it was proposed, in the Sub-Committee, that we should recommend that Members of the League should consider how, or use their influence, or endeavour to deter Japan from continuing its present form of aggression, and that the amendment was defeated.

M. Gorgé (Switzerland). — I regret to say that it was impossible for me to study the texts before the Committee sufficiently thoroughly to enable me to consult my Government, or even the Head of the Swiss delegation, who is absent. In these circumstances, without expressing an opinion on the substance of the report, I am obliged to abstain from voting.

M. Dandurand (Canada). — This is the first time I have seen the two reports under discussion. I notice that they contain conclusions of great importance. I have no instructions from my Government, to which I would at least like to communicate the conclusions with a view to obtaining

its approval as soon as possible. In the circumstances, therefore, I am bound to suspend my adhesion to these reports until such time as I have received these instructions. I trust they will be available before the matter is discussed by the Assembly, when I hope that I shall be able to support the reports.

The two reports of the Sub-Committee were adopted.

The CHAIRMAN. — We now come to the other two documents before the Committee. One is the draft report which this Committee is to address to the Assembly, and the other is the draft resolution submitted for adoption by this Committee for transmission to the Assembly.¹

M. Komarnicki (Poland). — I would ask the Chairman of the Committee to inform the Assembly that I abstain from voting on the report and resolution.

The CHAIRMAN. — I take note of M. Komarnicki’s request.

The report of the Far East Advisory Committee to the Assembly and the resolution were adopted.²

Close of the Session.

The CHAIRMAN. — I should grossly fail in my duties if I did not take this opportunity of expressing my very sincere thanks to the members of the Sub-Committee who have, with unfailing energy and goodwill, helped us to arrive at a speedy solution and report as was desired by the Assembly. I think I shall also be interpreting the feelings of the Committee in expressing thanks to the members of the Secretariat, who have spared no efforts to help us in our task.

Jonkheer de Graeff (Netherlands). — It would not be proper to leave this room without offering our sincere thanks to our Chairman for the way in which he has conducted the meetings, not only of the Committee, but also of the Sub-Committee. He has not spared himself, and it is thanks to him that we have reached this result.

Mr. Bruce (Australia). — I desire to give my support to what has been said and to add my tribute to the wonderful work which you, Sir, have done. I can speak as a member of this Committee, of the Sub-Committee and of the Drafting Committee, and I think we all have to recognise that the fact that we have been able to achieve the work which we are now completing is in great measure due to the quite marvellous way in which our Chairman has handled each one of these bodies over which he has so ably presided.

M. Lagarde (France). — I wish to associate myself with the declarations which have just been made by Jonkheer de Graeff and Mr. Bruce. We all appreciated the impartiality and skill with which the Chairman conducted our debates.

M. Wellington Koo (China). — I consider it a great privilege to associate myself with the remarks which have just been made. No words of mine could add to the high tribute which has already been offered. For the way in which our Chairman has conducted our proceedings, for the spirit of impartiality and the ability with which he has guided them, I want to express the thanks of the Chinese delegation.

The CHAIRMAN. — I thank the members of the Committee for their very kind words, and pronounce the session adjourned.

² The resolution was adopted by the Assembly on October 6th, 1937.
III.

EXTRACTS FROM THE VERBATIM RECORD OF THE PLENARY MEETINGS OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY.

I. NINTH PLENARY MEETING.

Held on Tuesday, September 28th, 1937, at 10.30 a.m.

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37. Sino-Japanese Conflict: Adoption of a Resolution dated September 27th, 1937, of the Far-East Advisory Committee set up under a Resolution of the Assembly dated February 24th, 1933.

The President. — His Excellency M. Munters, Chairman of the Advisory Committee of Twenty-three appointed to study the request of the Chinese Government, has addressed two letters to me, which I will read to the Assembly. The first letter, dated September 28th, 1937, is as follows:

"I have the honour to inform the Assembly, through you, that the Advisory Committee set up under a resolution of the Assembly dated February 24th, 1933, at a meeting held yesterday,\(^1\) adopted the following resolution:\(^2\)

"The Advisory Committee,

"Taking into urgent consideration the question of the aerial bombardment of open towns in China by Japanese aircraft:

"Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments;

"Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world;

"And solemnly condemns them."

"(Signed) MUNTERS,
Chairman of the Advisory Committee."

The second letter, dated September 28th, 1937, reads as follows:

"With reference to the letter by which, through you, I communicated to the Assembly the text of the resolution adopted yesterday by the Advisory Committee, I have the honour to inform you that the Committee, in order to enable delegations which are not represented on the Committee to adhere to this resolution, decided to ask you to lay it before the Assembly in order that the latter might adopt it as its own resolution.

"(Signed) MUNTERS,
Chairman of the Advisory Committee."

The President. — M. Alvarez del Vayo, delegate of Spain, will address the Assembly.

M. ALVAREZ DEL VAYO (Spain):

Translation: At the moment when a decision is to be taken on the resolution that has just been submitted to us, the vote of Spain cannot be absent. We have constantly said, both in the Council and in the Assembly, that we do not appear here merely in order to advance claims that are peculiar to ourselves; we are here also to defend the general cause of peace by doing everything in our power to assist the League to cope with the aggressor. We condemn with equal severity the criminal bombardments of Nanking and of Madrid. From this tribune of the Assembly, which is still the tribunal of justice and of right, we send to the great Chinese nation, engaged, like Spain, in an unsought and epic struggle for independence, a warm and fervent expression of our solidarity.

\(^1\) See page 16.
\(^2\) Document A.56.1937.VII.
The President. — The Advisory Committee of Twenty-three is an organ that is dependent 
on the Assembly and is entitled to submit proposals to the Assembly. The Committee proposes 
that the Assembly should in its turn adopt this resolution. The resolution has already been 
published and distributed, and delegations have had an opportunity of taking cognisance of it. 
I therefore ask the Assembly whether it is ready to give its opinion on the resolution. 
In accordance with the procedure generally followed, I shall take the silence of the Assembly 
as a sign of assent. 
If there are no observations and if no delegation wishes to speak, I shall consider that the 
Assembly unanimously adopts the resolution. 
The resolution was adopted.

The President. — M. Wellington Koo, first delegate of China, wishes to address the Assembly.

M. Wellington Koo (China). — In the name of the Chinese delegation, I wish to express 
my appreciation to the Assembly for its prompt and unanimous adoption of the resolution before 
it. I am confident that this proof of the League of Nations’ devotion to the cause of humanity 
and the principles of international law, in full harmony with the spirit of the Covenant, will be 
received with satisfaction by the whole of the civilised world.

2. THIRTEENTH PLENARY MEETING.

Held on Tuesday, October 5th, 1937, at 6.30 p.m.

48. Reports of Committees for the Presentation of which the Simplified Procedure provided 
in Rule 14 (a) of the Rules of Procedure is not applied.

The President. — We have on the agenda the examination of reports of Committees for 
the presentation of which the simplified procedure provided in Rule 14 (a) of the Rules of Procedure 
is not applied.

III. SINO-JAPANESE CONFLICT: REPORTS SUBMITTED BY THE FAR-EAST ADVISORY COMMITTEE: RESOLUTION.

The President. — Before I proceed further, I should like to know the general feeling of the 
Assembly, so that I may be guided by it. 
I fully realise that, for various reasons, among them their wish to get into touch with their 
Governments, a great many delegations desire that this session should adjourn to-night. With 
that end in view, I therefore propose—unless I hear important voices to the contrary—to proceed 
with the business on the agenda and adjourn the session to-night.

The President’s proposal was approved.

The President. — The next item on the agenda is the report of the Far-East Advisory 
Committee. On account of the special circumstances known to all the delegations to the Assembly, 
the report and resolution submitted by the Far-East Advisory Committee have only just been 
distributed (document A.79.1937.VII).¹

(On the invitation of the President, M. Munters, Chairman of the Far-East Advisory Committee, 
took his place on the platform.)

The President. — M. Munters, Chairman of the Far-East Advisory Committee, will address 
the Assembly.

¹ See page 35.
M. MUNTERS (Latvia), Chairman of the Far-East Advisory Committee. — In conformity with the decision of the Council at its meeting of September 16th, 1937, the Advisory Committee set up by the Assembly on February 24th, 1933, has met to examine the situation to which attention was directed by China.

I have the honour, in my capacity as Chairman, to submit to the Assembly the report of the Advisory Committee and the draft resolution for the approval of the Assembly.

To the documents before the Assembly I have very little to add. They were adopted unanimously by the Advisory Committee. The Polish delegate made a general reservation as to the conclusions of the first report of the Sub-Committee of the Far-East Advisory Committee (document A.78.1937.VII) and as to the whole of the second report of the Sub-Committee (document A.80.1937.VII). He likewise abstained from voting on the draft resolution. Two other delegations indicated that they were not yet in a position to accede to the two reports, pending instructions from their Governments.

The draft resolution proposed by the Advisory Committee reads as follows:

"The Assembly:

"Adopts as its own the reports submitted to it by its Advisory Committee on the subject of the conflict between China and Japan;

"Approves the proposals contained in the second of the said reports (document A.80.1937.VII) and requests its President to take the necessary action with regard to the proposed meeting of the Members of the League which are Parties to the Nine-Power Treaty signed at Washington on February 6th, 1922;

"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;

"Decides to adjourn its present session and to authorise the President to summon a further meeting if the Advisory Committee so requests."

The PRESIDENT. — His Excellency Phya Rajawangsan, delegate of Siam, will address the Assembly.

PHYA RAJAWANGSAN (Siam). — As a sister nation of China and Japan, to both of whom my country is bound by close ties of traditional friendship, Siam deeply deplores the present conflict and ardently desires the restoration of peace with the least possible delay. My Government would therefore be happy to welcome any action that would bring about the blessing of peace desired by all. In order to secure peace, the various contributing factors must be so determined as effectively to lead to the common end desired.

As it has not been possible for me to put my Government in a position to study the draft resolution with all the elements required for taking a decision, I shall abstain from voting.

The PRESIDENT. — His Excellency M. Komarnicki, delegate of Poland, will address the Assembly.

M. KOMARNICKI (Poland):

Translation: The delegation of Poland has reserved the right to repeat before the Assembly the declaration which it made in the Advisory Committee. The few remarks I wish to make are of a general character and are connected with Section IV of the first report of the Sub-Committee (document A.78.1937.VII.), with the second report of that Sub-Committee (document A.80.1937.VII), and with the Assembly’s draft resolution (document A.79.1937.VII).

In the first place, the delegation of Poland entertains serious doubts on legal grounds. It is open to question whether Article 3 of the Covenant can authorise the Assembly of the League to establish findings and to contemplate action in regard to an international conflict independently of the other articles of the Covenant. This is the first time that such a proposal has been made, to my knowledge, in the history of the League. Can we substitute Article 3 of the Covenant for other articles in which the competence of both Council and Assembly and the relative procedures are precisely defined? An isolated and far-reaching application of Article 3 might initiate an entirely new procedure, and may add to the duties of Members of the League obligations hitherto unknown and of indefinite scope.

Moreover, the principal proposal, that a diplomatic conference of the Powers chiefly concerned should be summoned under the auspices of the League and on its initiative, leads me to make the following observation.

While not intending to dispute the political expediency of such a conference, which might help to relieve the tension in the Far East, I am bound to declare that I cannot support the idea of a mandate from the League to be given to a group of Powers. In the opinion of the delegation of Poland, those Powers cannot by their action commit the responsibility of other Members of the League.

For all these reasons, my delegation will abstain from voting.

2 See page 42.
3 See page 43.
4 See page 25.
The President. — M. Hambro, delegate of Norway, will address the Assembly.

M. HAMBRO (Norway). — The Rapporteur has told us that some of the delegations represented on the Far-East Advisory Committee had found it impossible to vote because they had been unable to get in touch with their Governments. Those delegations which were not represented on the Advisory Committee and which only saw, a minute or two ago, the documents on which they are invited to vote to-night find themselves in similar difficulties. Not only has it been impossible for them to get in touch with their Governments, but it has not been possible for members of those delegations to consult with each other.

The Norwegian delegation regards this matter as one of the most important and gravest items on the agenda of this Assembly, but finds itself in the position that, if the resolution before the Assembly is put to the vote to-night, it will be bound to abstain from voting. There has been no time to study the resolution. We do not know whether it goes as far as some of us might wish to go, or whether it goes too far. We have not been able to discuss it among ourselves, nor have we been able to discuss it with other delegations here, nor have we been able to get in touch with our home Governments.

We have no wish to obstruct in any way the work of the Assembly, and I can understand the wish that our deliberations should come to an end; but we find it utterly deplorable that a matter of such gravity to one of the greatest Members of the League should be treated in a way which seems to us to be very offhand.

The President. — Dr. Gie, delegate of the Union of South Africa, will address the Assembly.

Dr. GIE (Union of South Africa). — I wish to associate the South African delegation completely with what has been said here by the delegate of Norway. These very important documents were placed before us just as the Assembly met this evening. My delegation has not had an opportunity of studying them, much less of consulting its Government. If they are put to the vote, I shall therefore have to abstain, but I wish to make it quite plain that my abstention will stand in no relation to the substance of the proposals before us.

The President. — The Right Hon. Walter Elliot, delegate of the United Kingdom of Great Britain and Northern Ireland, will address the Assembly.

The Right Hon. Walter ELLIOT (United Kingdom of Great Britain and Northern Ireland). — It is true that the time for consideration of these documents by the Assembly itself has been short, yet they represent the work of twenty-three nations, and the work which has been put into the preparation of these documents has in no way been hastened or scamped. The decision to proceed to their consideration to-night is a decision of the Assembly itself, a decision arrived at unanimously after an adjournment, after the offer of a further adjournment from the Presidential chair. A unanimous decision is a decision by which we are all bound, and it is by a unanimous decision that the Assembly proceeds to-night.

The Assembly has before it the text of the report and recommendations which its own Advisory Committee has drawn up. I wish only to emphasise two conclusions which they contain.

In the first place, if ever there were a conflict in which the powers of conciliation possessed by the League needed to be invoked, even at the eleventh hour, it is the conflict now existing between China and Japan. The proposals of the Advisory Committee seek to give these powers of conciliation the fullest possible scope.

Secondly, the nature of the situation in the Far East renders it imperative that the base on which the League is to exercise its powers of conciliation should be as broad as possible. We have, while not ourselves departing in any way from the framework of the League, sought to discuss with other Powers outside the League, signatories of the treaties for ensuring peace in the Far East, the special aspects which this problem presents. We are all intimately and legitimately concerned in the maintenance both of these treaties themselves and of the peace in which alone their and our great interests can flourish and develop.

The situation is, in short, one which calls for a review which should be, at the same time, swift, realistic and constructive. It is in the belief that these demands are fulfilled to the furthest practicable limit by the proposals now before us that I, on behalf of His Majesty's Government in the United Kingdom, urge their acceptance on the Assembly.

The President. — His Excellency M. Paul-Boncour, delegate of France, will address the Assembly.
M. Paul-Boncour (France):

Translation: Like the delegate of the United Kingdom, I wish, not only by my vote, but also by this public statement, to associate the French delegation expressly with the resolution that has been submitted to the Assembly. I quite understand the reservation made by certain delegations in view of the importance of the problem and the short time available for considering this motion; and I am glad that, in making even that reservation, they have explained that their abstention in no way connotes lack of sympathy with the motion submitted.

The hour is a grave one, and the facts on which you have to pass judgment are grave enough too for it to be desirable that there should be unanimous agreement in this Assembly, at least in the hearts of its members.

The French delegation, which has been very closely associated, through my colleague M. de Tessan and his other colleagues who took part with him in every stage of the proceedings—Advisory Committee, Sub-Committee, Drafting Committee—accedes explicitly and unreservedly to the motion.

We consider that, in adopting the motion and avoiding anything that might add, whether in form or in substance, to the present difficulties or hinder the attempts at conciliation which we all hope will be made, the Assembly will nevertheless have shown, as regards the three essential points, what was and what inevitably had to be the League's position.

It will give moral support to a country for which we all have deep affection and whose ancient civilisation—older than most of our own—we value so highly; a country that is enduring cruel suffering in its territory and in the bodies of its people.

Then there is the recommendation to the Members of the League to do nothing that might affect Chinese resistance to the acts which are being committed against her.

Lastly, the nations particularly concerned are advised to accord to China such aid as they can.

It is impossible, I think, to be either clearer in our affirmations or more moderate in the expression of them.

In our opinion, too, this motion has the advantage of showing clearly the relationship between the League itself and one of those regional agreements which, within the universality of law itself, necessarily expresses closer solidarity and more clearly defined duties.

This motion, again, does not throw the burden and responsibility upon the nine Powers that are bound by a special treaty in respect of China and the Pacific in general. The League is doing its duty; but at the same time it leaves this more restricted body, which is more directly associated with the very grave events that are taking place in that part of the world, to act in the interests of peace and also in agreement with the League; the League meanwhile declares itself ready at any moment to accord to that body the effective support which is its due.

I think that at the present hour any lengthier comment would be inexpedient. In explaining the reasons why the French delegation associates itself with a motion which a great country and a Member of the League has asked us to adopt, and which we owed it to that country to adopt, my purpose was simply to justify still further our accession to the motion.

The President.—M. Litvinoff, first delegate of the Union of Soviet Socialist Republics, will address the Assembly.

M. Litvinoff (Union of Soviet Socialist Republics).—The Soviet delegation has taken part in the work of the Advisory Committee, of the Sub-Committee and of the Drafting Committee. Throughout those proceedings, its activity has been inspired solely by the loyalty of the Soviet Government to the Covenant of the League and to the principles of the League. We acted on all those Committees in the same way as we acted yesterday during the Ethiopian conflict and as we shall act to-morrow if some other Member should unfortunately become the victim of aggression, regardless of the part of the world where that State is to be found, regardless of the relationship between my country and that State.

We could have wished that the League of Nations should itself take certain steps to give China not only moral but also some substantial assistance without referring the matter to other organisations; but we are taking into consideration the opinions of other members of the Committee and of the League, and therefore we agree to the proposal to see whether something can be done to help China indirectly through the union of a group of Powers.

The Committees have impartially examined all the facts brought before them by the Chinese delegation, and have found these facts correct. We found in the action of the Japanese Government all the elements that constitute aggression, but still we did not use the word "aggression". We have not drawn the necessary conclusions from the statements we have made, out of deference to the opinions of some Members of the League, but still we are satisfied that we have given a certain moral encouragement to China, expressed our sympathy with the Chinese people, and that by keeping the session of the Assembly open, by keeping the Advisory Committee in session, the steps we have taken are the first steps, as stated in the resolution. I hope that, if it becomes necessary, the League of Nations will do its full duty towards China.

The President.—His Excellency Dr. Wellington Koo, first delegate of China, will address the Assembly.
M. Wellington Koo (China). — The Chinese Government appealed to the League of Nations on September 12th last under Articles 10, 11 and 17 of the Covenant to deal with the serious situation in the Far East created by Japanese aggression against China.

In accepting the decision of the Council at its meeting of September 16th to refer the subject matter of the appeal to the Advisory Committee set up by the Assembly resolution of February 24th, 1933, my Government reserved its right to take up the matter before the Council particularly with reference to Article 17 of the Covenant.

The situation has been of such a grave character as to call for urgent as well as earnest consideration by the Advisory Committee. The discussions in the Committee itself, in the Sub-Committee and in the Drafting Committee have borne testimony to a sense of appreciation on their part of the gravity of the problem and the significance of the questions involved. The question of law and order in international relations, and the cause of peace and the security of nations, underlie the Sino-Japanese conflict. There must be no premium placed upon aggression.

The Sub-Committee and the Drafting Committee, under the distinguished and able Chairmanship of His Excellency M. Munters, the first delegate of Latvia, sat day and night and worked hard to produce the present report. We would have preferred that the discussions on such a grave question should have started earlier in the course of the present Assembly and should have proceeded at a more stately pace, but we realise at the same time that the multitude of questions before the Assembly and the multiplicity of meetings incidental to the annual meeting of our Assembly made it difficult to avoid rushing. Let me say that the earnestness of the efforts of the Advisory Committee, of the Sub-Committee and of the Drafting Committee was noteworthy.

I should be lacking in candour, however, if I did not say that the proposals which the Committee makes in its second report fall far short of what the Chinese delegation asked. Nevertheless, in a spirit of solidarity the Chinese delegation is prepared to accept the reports which are now before the Assembly, it being, of course, understood that, as regards the proposals which the Chinese delegation submitted but which the Advisory Committee was not able to accept, the Chinese Government reserves its right to present them on future appropriate occasions.

I should be lacking in candour, however, if I did not say that the proposals which the Committee makes in its second report fall far short of what the Chinese delegation asked. Nevertheless, in a spirit of solidarity the Chinese delegation is prepared to accept the reports which are now before the Assembly, it being, of course, understood that, as regards the proposals which the Chinese delegation submitted but which the Advisory Committee was not able to accept, the Chinese Government reserves its right to present them on future appropriate occasions.

The President. — M. Hambro, delegate of Norway, will address the Assembly.

M. HAMBRO (Norway). — Reluctantly I must ask permission to make a few remarks on the question of procedure. I feel compelled to do so by the observations made by the United Kingdom delegate.

Some of the delegates believed that the Assembly had unanimously consented to continue the meeting in order to hear the debate and then adjourn. We understood that the proposal to adjourn meant that the Assembly would vote to-morrow after an adjournment of the meeting to-night. The delegate of the United Kingdom interpreted the matter differently — namely, that it had been unanimously decided finally to adjourn the present Assembly to-night. If that is the right interpretation, I regret that we did not so understand it. If we had understood that that was the idea, some of the delegations would have started earlier in the course of the present Assembly and should have proceeded at a more stately pace, but we realise at the same time that the multitude of questions before the Assembly and the multiplicity of meetings incidental to the annual meeting of our Assembly made it difficult to avoid rushing. Let me say that the earnestness of the efforts of the Advisory Committee, of the Sub-Committee and of the Drafting Committee was noteworthy.

I think that those delegations, more than twenty-five in number, which were not represented on the Committee of Twenty-three have a legitimate right to ask that they should be given some time for reflection. Moreover, we should like the resolution that is eventually adopted to be adopted with as few abstentions as possible, in order to give greater weight to the decision of the Assembly. Any parliamentarian, I think, will understand that a delegation cannot accept any far-reaching proposal without having been given time for reflection and consultation.

The President. — I am sorry that I did not explain more clearly what was meant, and that there has been some misunderstanding. I thought I had made the position clear, and that when I said so many delegations wanted to leave Geneva I had left no doubt as to my meaning. In view, however, of the fact that there has been some misunderstanding, I propose to take a vote in order to ascertain the wishes of the delegations in this matter. The vote will be taken by a show of hands.

M. HAMBRO (Norway). — I thank the President very much for his kindness. In view, however, of the number of abstentions there have been in connection with certain votes taken in this Assembly, I would ask the President not only to note those voting in favour of an adjournment until to-morrow but also, if necessary, those voting against, in order that we may know where the majority of voters are.
M. Wellington Koo (China). — May I ask a question? If the Assembly is to adjourn, at what time is it likely that the next meeting will be held?

M. DANDURAND (Canada):

Translation: I do not quite understand the question that the delegate of China has just asked. Is he asking at what time the Assembly will meet to-morrow if it adjourns this evening? Before the President replies to that question I should like to say that I hope it will not be before 4 p.m., because our own country is a distant one, and a certain time will be required to enable us to obtain a reply from our Government.

The President. — I suggest that, unless there is a good deal of opposition in the Assembly, the Assembly should meet to-morrow afternoon at 5 o'clock.

(A vote was taken by a show of hands, giving a majority in favour of the President's proposal to adjourn the meeting.)

The President. — The meeting is adjourned. The next meeting will therefore be held at 5 o'clock to-morrow afternoon.

3. FOURTEENTH PLENARY MEETING.

Held on Wednesday, October 6th, 1937, at 5 p.m.

49. Reports of Committees for the Presentation of which the Simplified Procedure provided in Rule 14 (a) of the Rules of Procedure is not applied.

SINO-JAPANESE CONFLICT: REPORTS SUBMITTED BY THE FAR-EAST ADVISORY COMMITTEE: Resolution (continuation).

The President. — We have on our agenda the continuation of the discussion on the reports of the Far-East Advisory Committee (documents A.78, A.79 and A.80.1937.VII).

After the general discussion which took place last night on the report and resolution submitted by the Advisory Committee (document A.79.1937.VII), the Assembly decided to adjourn the meeting in order to give delegations the necessary time to consult their Governments.

During the first part of the general discussion, several delegations declared their intention of abstaining from voting. I have duly taken note of those declarations.

As the discussion last night was not formally closed but merely adjourned, I would ask if it is the Assembly's wish that it should now be continued.

As there are no observations, I take it that the Assembly agrees.

(On the invitation of the President, M. Munters, Chairman of the Far-East Advisory Committee, took his place on the platform.)

The President. — M. Hambro, delegate of Norway, will address the Assembly.

M. HAMBRO (Norway):

Translation: On behalf of the delegation of Norway, I desire to make the following declaration: The delegation of Norway will support the proposals of the Advisory Committee, and will give its approval to any action that may be taken within the scope of the work of the League of Nations.

The President. — Dr. Gie, delegate of the Union of South Africa, will address the Assembly.

Dr. GIE (Union of South Africa). — Mr. President, I wish first to thank you for your ruling that the discussion which was started yesterday should be continued at this meeting. I have
now been able to consult my Government, and am in a position to say that the Government of the Union of South Africa has instructed its delegation to vote in favour of the proposals submitted by the Far-East Advisory Committee.

The President. — Does any other delegate wish to address the Assembly? Unless a vote is requested, I will take it that the Assembly does not wish to proceed to a vote.

As there are no further observations, I shall interpret the silence of the Assembly as a sign that it adopts the resolution submitted by the Advisory Committee. It also takes note of the two abstentions which have been announced—namely, those of Siam and Poland.

The resolution was adopted.

The President. — I shall not fail to take the action which, as President of the Assembly, I have been requested to take by the resolution that has just been adopted.

Further, the Assembly has decided that the present plenary session shall be adjourned and not closed.
IV.

REPORT OF THE FAR-EAST ADVISORY COMMITTEE AND RESOLUTION ADOPTED BY THE ASSEMBLY ON OCTOBER 6TH, 1937.

In conformity with the decision of the Council at its meeting of September 16th, 1937, the Advisory Committee set up by the Assembly on February 24th, 1933, has met to examine the situation to which attention was directed by China.

The Committee elected M. V. Munters, Minister for Foreign Affairs of Latvia, to be its Chairman. The Committee has held five meetings during its present session.

It proceeded at once to invite China and Japan, as parties to the dispute, and also Germany and Australia, to participate in its work. This invitation was accepted by China and Australia, and declined by Germany and Japan. The texts of the replies received from the four Governments in question are annexed to the present report.

On September 27th, 1937, the Committee adopted a resolution with regard to the air bombardments carried out in China by Japanese aircraft. This resolution was communicated to the Assembly and unanimously adopted by the Assembly as its own on September 28th, 1937.

The Committee appointed a Sub-Committee whose duty is:
- To examine the situation arising out of the Sino-Japanese conflict in the Far East;
- To discuss the questions involved;
- To submit to the Committee such proposals as it may think fit.

The Committee remains the only body which is authorised to report, and to make proposals, to the Assembly. At the same time, the Committee considers that it would be right to allow the Sub-Committee, should it so desire, to communicate for information to Members of the League and non-members any reports which it may submit to the main Committee. In that event, it would follow on practical grounds that such reports would also be published.

The Committee decided to communicate its Procès-verbaux for the information of the Assembly. They will be issued as soon as possible in the form of an Annex to the present report.

The Committee has received two reports from its Sub-Committee and adopts the following resolution:

"The Advisory Committee adopts as its own the two reports submitted to it by its Sub-Committee on October 5th, 1937, and decides to communicate them to the Assembly, to the Members of the League, and to the Government of the United States of America."

The Committee submits the following draft resolution for the approval of the Assembly:

"The Assembly:
- Adopts as its own the reports submitted to it by its Advisory Committee on the subject of the conflict between China and Japan;
- Approves the proposals contained in the second of the said reports (document A.80.1937.VII) and requests its President to take the necessary action with regard to the proposed meeting of the Members of the League which are Parties to the Nine-Power Treaty signed at Washington on February 6th, 1922;
- 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;
- Decides to adjourn its present session and to authorise the President to summon a further meeting if the Advisory Committee so requests."

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1 See page 5.
2 See page 36.
3 See page 16.
4 See page 27.
5 The Sub-Committee is composed of the following Members: Latvia (Chairman), Australia, Belgium, United Kingdom, China, Ecuador, France, New Zealand, Netherlands, Poland, Sweden, Union of Soviet Socialist Republics, the United States of America participating on the same conditions as those which govern her participation in the Advisory Committee.
6 See pages 8 to 26.
7 See pages 37 and 43.
APPENDIX.

REPLIES FROM GOVERNMENTS TO THE ADVISORY COMMITTEE'S INVITATION.

Germany.

[Translation.]

To the Secretary-General.

I have the honour to confirm our conversation of to-day, in the course of which I conveyed to you the German Government’s reply to your telegram of September 21st.

Under instructions from my Government, I had the honour to inform you of the reasons which, to its regret, prevent the German Government from taking part in the work of the Advisory Committee that is meeting to consider the situation in the Far East.

(Signed) Krauel.

China.

To the Secretary-General.

I have the honour to acknowledge your letter of September 22nd, 1937, inviting the Chinese Government in the name of the Advisory Committee to participate in its work.

I have duly conveyed the invitation to my Government and, in reply, I am authorised to inform you of its cordial acceptance.

(Signed) V. K. Wellington Koo,
Representative of China on the Council and First Delegate to the Assembly.

Japan.

[Translation.]

Tokio, September 25th, 1937.
To the Secretary-General.

In acknowledging receipt of your telegram of September 21st last, inviting the Imperial Government to take part in the work of the Advisory Committee, I have the honour, in reply, to inform you of the following:

The maintenance of peace in Eastern Asia by harmonious co-operation between Japan and China is the aim which the Imperial Government has always had before it and to which it has devoted every effort. The Chinese Government has, however, made opposition to Japan and anti-Japanese agitation the bases of its national policy; acts of provocation have continued to be committed throughout its territory, thus bringing about the present unhappy affair. The Japanese Government can therefore only express the hope that the Chinese Government, realising this state of affairs, will soon change its sentiments.

As regards the settlement of the present affair, the Imperial Government, as it has stated on many occasions, is firmly convinced that a just, equitable and practical solution of the questions concerning Japan and China can be found by the two countries.

Consequently, the Japanese Government, seeing no reason to depart from the line of conduct it has hitherto followed with regard to the political activities of the League of Nations, regrets that it is unable to accept the Advisory Committee’s invitation.

(Signed) Hirota,
Minister for Foreign Affairs of Japan.

Australia.

Geneva, September 27th, 1937.
To the Secretary-General.

You will recall that on September 22nd, in acknowledging the receipt of your letter of the same date conveying an invitation to His Majesty’s Government in the Commonwealth of Australia to take part in the work of the Advisory Committee set up by the Assembly resolution of February 24th, 1933, I advised that I was referring that invitation to my Government for decision.

I am now instructed by my Government to accept the invitation to take part in the work of the Advisory Committee.

(Signed) S. M. Bruce.
FIRST REPORT OF THE SUB-COMMITTEE OF THE FAR-EAST ADVISORY COMMITTEE, ADOPTED BY THE COMMITTEE ON OCTOBER 5TH AND BY THE ASSEMBLY ON OCTOBER 6TH, 1937.

The Sub-Committee has not attempted to deal with the historical and underlying causes of the conflict in the Far East. It has not, for instance, thought it necessary to revert to the Manchuria affair, which is dealt with in the report adopted by the Assembly on February 24th, 1933. Nor has it attempted to describe in detail the development of events either in the sphere of military action or in that of negotiation and policy. The accounts issued by the two parties in regard to these are contradictory, and on the basis of the material available it would be impossible to do so, especially in view of the fact that Japan, which, since March 28th, 1935, is no longer a Member of the League, did not agree to send a representative to sit on the Committee.

In any case, a detailed study is unnecessary. At the beginning of July 1937, there was no indication from either side that there was anything in their relations which could not be settled amicably. All that the Committee has to do is to describe and assess the events which led from a state of peaceful relations to a situation where large armies are in conflict.

It has, accordingly, been possible, in the time available, to trace the main development of events, to examine the treaty obligations of the parties to the conflict and to draw conclusions which are set out at the end of this report.

I.

At the beginning of July 1937, there were about 7,000 Japanese soldiers in Northern China. These troops were kept there on the basis of the Protocol of September 7th, 1901 (and its annexes), concluded between China and the Powers having legations at Peking. Under these Agreements, China recognised the right of each Power to maintain a permanent guard in the legations quarter at Peking and to occupy twelve specified points for the maintenance of open communication between the capital and the sea. Under the terms of a supplementary Agreement of July 15th-18th, 1902, the foreign troops stationed at these points had the right of carrying on field exercises and rifle practice, etc. without informing the Chinese authorities, except in the case of feux de guerre.

The Powers other than Japan which at present maintain contingents at Peiping (Peking), and certain of the points specified in the Protocol of September 7th, 1901, only have very small detachments there. The number of British troops stationed in North China at the beginning of July this year was 1,007; that figure includes the 252 members of the Legation guard. Similarly, the strength of the French effectives stationed in Hopei varies between 1,700 and 1,900, the bulk of whom are at Tientsin. The rest are divided among the garrisons of Shan-hai-Kuan, Chin-wang tao, Tongku and Peking, the detachment in the latter town forming the Embassy guard. At present, the total strength of those troops is 1,600 men and 60 officers; the Embassy guard consists of 120 men.

In addition to the events and developments in Manchuria and Jehol, Japan's political activity in North China, the presence of Japanese effectives greatly in excess of the contingents of the other Powers, and the frequency of their exercises and manoeuvres disquieted the Chinese. It was in an atmosphere of tension that on July 7th last an incident occurred which was not essentially different from those which had preceded it, but which was the occasion from which flow the Japanese army's present operations in Northern China.

1 The points are Huang-tsun, Lang-fang, Yang-tsun, Tientsin, Chunliang Ch'eng, Tang-ku, Lu-tai, Tang-shan, Lan-chou, Chang-li, Ch'in-wang tao, Shan-hai kuan.
2 The Union of Soviet Socialist Republics, having from 1924 onwards given up Russia's right to maintain troops in China in virtue of the 1901 Protocol, now keeps no military contingent there.
3 The other foreign guards do not seem to have been in the habit of engaging in manoeuvres in the strict sense of the term; they confined themselves to musketry exercises on the rifle-range and route-marches in the country-side.
This initial incident occurred at Loukouchiao, thirteen kilometres to the south-west of Peiping, between the Chinese garrison and the Japanese troops carrying out night manoeuvres in that district.

The Chinese and Japanese versions of the incident differ.

According to the Japanese version, it was the Chinese soldiers of the 29th Army who opened fire; a temporary cessation of hostilities was arranged on the morning of July 8th by the Chinese and Japanese military authorities—this was to permit of the immediate opening of negotiations between these same authorities, with a view to the settlement of the incident; the Chinese soldiers did not abide by this agreement, nor by the agreement concluded next day for the mutual withdrawal of the Chinese and Japanese troops; this aggressive attitude on the part of the Chinese troops rendered vain the agreement ¹ concluded on July 11th for the settlement of the incident by the Japanese military authorities on the one hand and the Mayor of Tientsin and the Chief of the Public Safety Bureau of Hopei on the other.

According to the Chinese version, on the pretext that one of their men was missing, the Japanese troops which were carrying out manoeuvres in the night of July 7th asked permission to enter Wanping (Loukouchiao) in order to make investigations; this having been refused, Wanping (Loukouchiao) was attacked by the Japanese infantry and artillery; the Chinese garrison resisted; the situation was aggravated, not by the action of the Chinese troops, which even before the Japanese troops had begun their withdrawal, complied with the agreement for the withdrawal of troops, but by the action of the Japanese troops, which, having received large reinforcements, resumed the offensive in the Wanping (Loukouchiao) zone, extending their operations to the immediate vicinity of Peiping; the Chinese Government made no objection to the terms of the agreement concluded on July 11th between the Chinese local authorities and the Japanese army, but the Japanese attempted to impose measures supplementary to this agreement; moreover, disregarding the agreements concluded for the mutual withdrawal of troops, the Japanese army extended its operations in Northern China.

Leaving on one side the obvious discrepancies between these Chinese and Japanese versions of the events, it may be observed that, while these discussions between local authorities for local settlement were going on, and while communications were passing between the Japanese Government and the Chinese Government, the former insisting that a local solution which would confirm its influence in North China should be obtained without Nanking, extensive movements of troops were making the situation worse. As a result of the arrival at Tientsin and in the suburbs of Peiping of reinforcements, hastily sent from Manchuria, the Japanese effectives on July 12th, according to Chinese reports, exceeded 20,000 men, and the Japanese Air Force consisted of 100 aeroplanes. It was also announced that troops of the Central Chinese Government were moving north.

Just as it had advised Nanking not to intervene in the settlement of the incident of July 7th, the Japanese Government gave the Chinese Government a warning regarding the movements of its troops towards the north. Invoking the Tangku Armistice Convention of May 31st, 1933, and the Umezu-Ho-Ying-ching Agreement of June 10th, 1935, an agreement disputed by China, Japan warned the Nanking Government of the serious consequences that would follow on the dispatch of its troops into Hopei. At the end of July hostilities began in North China, at a time when local negotiations were being carried on. The Japanese occupied Peiping and Tientsin and seized the railway lines running south which connect these two cities with Central China. A new Government which favoured the Japanese influence was set up in Hopei.

The Japanese army then progressed towards the west along the railway which connects Peiping and Sui-yuen through Kalgan and Ta-tung. It also progressed along the frontier between Hopei and Chahar Province; the taking of the Nankow Pass, some 80 kilometres north-west of Peiping, facilitated the penetration of the Japanese Manchurian divisions into Inner Mongolia.

The operations of the Japanese troops in North China provoked a lively reaction in China. By the declarations of Japanese statesmen to the effect that China must give way, the emergency financial measures taken at Tokio, and the departure of the Japanese nationals resident in China, the Government and the people of China were led to the conclusion that Japan was determined to break their resistance by force of arms.

They were confirmed in this conviction, when at the end of the second week of August, the Shanghai region became a second theatre of operations, despite the efforts that were made to keep hostilities at a distance from a city in which the interests of China and those of other nations are so closely interlocked.

It will be remembered that, in 1932, the hostilities in the Shanghai region had been brought to an end by the conclusion of the Agreement of May 5th, of which Article II stipulated that the Chinese troops would remain in the positions they occupied at that date pending later arrangements upon the re-establishment of normal conditions in the area dealt with by this Agreement. The Chinese delegation to the Shanghai Conference, in accepting the Agreement, declared in particular that it was understood that " nothing in this Agreement implies any permanent restriction on the movements of Chinese troops in Chinese territory ".

¹ This Japanese version is to be found in the dispatches of the Domei Newsagency. The agreement of July 11th consisted of three points:

(1) Apology by the representatives of the 29th Army and punishment of those directly responsible;
(2) Chinese troops to evacuate Loukouchiao and to be replaced by the Peace Preservation Corps for the purpose of keeping the Chinese troops sufficiently separated from the Japanese;
(3) Adequate measures to be taken for curbing the activities of the Blue Shirts and Communists.