The Japanese Minister for Foreign Affairs, in a speech which he made in the Imperial Diet on September 5th, 1937, described as follows the initial incident at Shanghai on August 9th and the difficulties which occurred on the following days:

"... on August 9th, at Shanghai, Sub-Lieutenant Oyama and Seaman Saito, of the landing party, were murdered at the hands of the Chinese Peace Preservation Corps. " Even then, Japan, adhering to a peaceful cause, sought to settle the affair through the withdrawal of the Peace Preservation Corps and the removal of all military works that had been erected in violation of the 1932 Truce Agreement. China refused to comply with our demands under one pretext or another, and proceeded, instead, to increase her troops and multiply her military works in the prohibited zone, and finally launched an unwarranted attack upon the Japanese.

"Thereupon, as a matter of duty, our Government despatched small naval reinforcements to Shanghai as an emergency measure to ensure the protection of our nationals in that city."

After describing the efforts of the Powers to exclude Shanghai from the zone of hostilities, M. Hirota said that "in the afternoon of August 13th, the Chinese armies that had been pouring into the Shanghai area took the offensive."

With this version may be contrasted that contained in the Chinese Government's statement communicated to the League of Nations on August 30th.

The incident of August 9th is described as follows:

"One Japanese naval officer, one Japanese seaman, and a member of the Chinese Peace Preservation Corps were killed in a clash arising from the Japanese naval men's attempt to approach the Chinese military aerodrome near Shanghai regardless of Chinese warnings."

Recalling, moreover, the above-mentioned declaration by its representative at the time of the conclusion of the Agreement of May 5th, 1932, the Chinese Delegation, while mentioning that its Government had repeatedly ordered the local authorities of Shanghai to take special precautions against the occurrence of any untoward incident, maintains that movements of Chinese troops in Chinese territory cannot be considered as a breach of the Agreement.

The opening of hostilities at Shanghai is described by the Chinese note in these words:

"Within less than forty-eight hours, Japan concentrated about thirty warships at Shanghai, and had her armed forces there increased by several thousand. At the same time, however, demands calculated to remove or undermine Chinese defence were made on the Chinese authorities. The expected attack opened on August 13th, four days after the incident."

Since then furious fighting has been going on round Shanghai. At the beginning of July, the strength of the Japanese troops stationed in the International Settlement and on the extra-Settlement roads amounted to 4,000 men. At the end of September, under the protection of 38 Japanese warships assembled at Woosung, reinforcements had been landed which the Chinese authorities estimated at over 100,000 men.

During the last few weeks, Japan has developed her military action, not only in the Yangtse valley, where, inter alia, Japanese aircraft have several times bombed the capital of China, but along the Chinese coast and in the interior, where numerous aerial bombardments have been carried out.

At present, apart from the operations of the Japanese armies in North and Central China, and the raids carried out by Japanese aircraft on the ports and the cities of the interior, the Japanese fleet, while continuing to co-operate with the army, more especially before Shanghai, is patrolling the coast to prevent supplies from being brought to China by Chinese ships, a number of which have been sunk.

Since July 7th, faced by a growing resistance, Japan has not ceased to intensify her action, employing larger and larger forces and more and more powerful armaments. According to Chinese estimates, in addition to the 100,000 men in the Shanghai region, the strength of the Japanese troops operating in China exceeds 250,000 men.

As regards the activity of the Japanese aircraft, the Advisory Committee, in its resolution of September 27th, condemned the aerial bombardments of open towns in China. The Assembly has endorsed this resolution.

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1 On August 25th, 1937, Vice-Admiral Hasegawa, commanding the Japanese naval forces, published the following proclamation at Shanghai:

A blockade of the Chinese coasts from 32° 4' North and 121° 44' East to 23° 14' North and 116° 48' East, on and after 6 p.m., on August 25th, against Chinese vessels, is hereby proclaimed.

"Vessels of a third party and also Japanese vessels are free to pass the blockaded area."

On September 5th, the Tokio Navy Office announced that, from noon of that day, the entire coast of China would be closed to Chinese vessels. The port of Tsingtao and the leased territories of third Powers are excluded.

2 The Assembly, at its meeting of September 30th, adopted a report of the Sixth Committee whereby the said Committee, having heard a statement from the Chinese delegate, urged that in armed conflicts artistic monuments and cultural institutions representing the high-water mark of civilisations should be spared.
II.

For the purpose of examining the facts of the present situation, it does not seem necessary to discuss the treaties regulating commercial matters and such matters as the extra-territorial status of Japanese nationals in China. There are only three main treaties which are relevant to our present purpose—namely, the Final Protocol of September 7th, 1901, the Nine-Power Treaty signed at Washington in 1922, and the Pact of Paris of 1928, to which may be added the Hague Convention No. I of October 18th, 1907, which has a somewhat different character. There are, in addition to these, an indeterminate number of bilateral agreements which have been negotiated at various times locally between Chinese and Japanese authorities. The exact terms, the scope, the interpretation of the validity of these agreements are matters of dispute. They cannot affect or override the obligations undertaken by either of the parties in the three multilateral engagements referred to above.

Under the Protocol of September 7th, 1901, and annexed instruments, Japan, together with certain other Powers, is entitled to station troops at certain points in the province of Hopei, along the Peiping-Mukden Railway, for the purpose of keeping open communications between the legations in Peiping and the sea. These troops will have the right of carrying on field exercises and rifle practice, etc., without informing the Chinese authorities, except in the case of feu de guerre.

Under the Nine-Power Treaty of 1922 regarding the principles and policies to be followed in matters concerning China, the contracting Powers, other than China, agreed, inter alia, to respect the sovereignty, the independence and the territorial and administrative integrity of China; to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government. The contracting Powers (including China) further agreed that whenever a situation arose which, in the opinion of any one of them, involved the application of the stipulations of the Treaty and rendered desirable discussion of such application, there should be full and frank communication between the contracting Powers concerned.

Under the Pact of Paris of 1928, the parties solemnly declared in the names of their respective peoples that they condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy in their relations with one another. They further agreed that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they might be, which might arise among them, should never be sought except by pacific means.

III.

Prima facie, the events described in the first part of this report constitute a breach by Japan of her obligations towards China and towards other States under these treaties. The conduct of hostilities by Japanese forces under the circumstances described by land, water and air throughout China is prima facie inconsistent with an obligation to respect the sovereignty, the independence and the territorial integrity of China, and also with the obligation never to seek the solution of a dispute with China, of whatever origin or character, except by pacific means. It would seem that only if it could be shown to be a measure necessary for self-defence (including the defence of the Japanese forces and nationals lawfully upon Chinese territory) could the position of the Japanese forces in China possibly be reconciled with Japan's treaty obligations.

Among the elements by which this question can be judged must be included the official statements made by the Parties themselves as to their attitude and policy during the development of the conflict up to the present time.

The attitude of China was set out by the President of the Executive Yuan, Generalissimo Chiang Kai-shek, in a speech made on July 17th, 1937, in which he emphasised that national existence and international co-existence were the twin aims of the external policy of the Chinese National Government. . . . China was not seeking war; she was merely meeting attacks on her very existence. On the other hand, she was still seeking peace. Whether it would be peace or war depended entirely on the movements and activities of the Japanese troops. He then mentioned four points as representing the minimum considerations on the basis of which a pacific solution could be sought. These points were:

1. Any settlement must not contain any terms constituting an encroachment on China's sovereign rights and territorial integrity;
2. Any unlawful alteration in the administrative systems of the two provinces of Hopei and Chahar would not be allowed;

1 China and Japan have signed and ratified the Hague Convention No. I of October 18th, 1907. Under Article I of that Convention, the contracting Powers, "with a view to obviating as far as possible recourse to force in the relations between States", agreed "to use their best efforts to insure the pacific settlement of international differences". The Convention recommends recourse, according to the case, to mediation, arbitration, or international commissions of inquiry.
(3) The removal of the provincial officers appointed by the Central Government, through outside pressure, would not be allowed; and

(4) No restrictions should be imposed on the garrison districts of the 29th Route Army.

In the memorandum presented by the Chinese Foreign Office to the Japanese Embassy in Nanking on July 19th, the Chinese Government "renewed its proposal for simultaneous cessation of troop movements on both sides and mutual withdrawal of troops to their respective original positions on a date to be agreed upon by both parties". It also unequivocally stated that for the settlement of the incident the Chinese Government was prepared to accept any pacific means known to international law or treaties, such as direct negotiations, good offices, mediation and arbitration.

The general attitude of the Japanese Government towards the dispute was set forth in a statement made by the Japanese Prime Minister on July 27th, when, in answer to a question in the Diet, he said:

"Japan has no territorial ambitions whatever in China. If she had such designs as the Chinese professed, the army might already have occupied the whole of North China. Surely the Chinese Government and the Powers realise this. Japan wants Chinese co-operation, not Chinese territory. By co-operation, I do not mean that Chinese interests are to be subordinated to those of Japan, but that the two countries should contribute on a basis of equal mutual assistance to the development of Far-Eastern culture and prosperity."

In his speech before the Diet of September 5th, M. Hirota, the Minister for Foreign Affairs, declared that the policy of the Japanese Government had been one of local settlement and non-aggravation and that the Japanese Government had exerted every effort to effect a speedy solution.

On September 15th, the spokesman of the Japanese Foreign Office declared that the Japanese Government, in accordance with the policy of local settlement and non-aggravation, had done everything to arrive at a speedy settlement.

Statements such as these appear to show that both sides believe that at an early stage of events the incident could have been localised and a pacific solution found. This result, however, proved unattainable.

It is noteworthy that Japanese official statements declare that it was the movements of Chinese troops and the aggressive intentions of the Chinese Government which frustrated the pacific intentions of the Japanese Government. Chinese official statements, on the other hand, bring exactly the same charge against Japan—namely, that it is the invasion of Japanese troops and the aggressive intentions of the Japanese Government that have swelled a local incident into a great catastrophe.

At a comparatively early stage, it began to appear that Japan, in addition to reaching a local settlement, was also determined to obtain a settlement of all the questions at issue between China and Japan.

On the evening of July 11th, a statement prepared at the Cabinet meeting earlier in the day was issued by the Japanese Foreign Office. The effect of the statement was that, though anxious to maintain peace and order in North China, the Japanese Government intended to take all necessary measures for despatching military forces to that region.

On July 27th, Prince Konoye made a speech in which the following statement occurred:

"I think that not only must problems with China be settled locally but also we must go a step farther and obtain a fundamental solution of Sino-Japanese relations."

M. Hirota said in the Diet on September 5th that "it is hardly necessary to say that the basic policy of the Japanese Government aims at the stabilisation of relations between Japan, 'Manchukuo' and China, for their common prosperity and well-being. Since China, ignoring our true motives, has mobilised her vast armies against us, we cannot do otherwise than counter the mobilisation by force of arms. . . . We firmly believe that it is in accordance with the right of self-defence as well as with the cause of righteousness that our country is determined to deal a decisive blow to such a country (China), so that it may reflect upon the error of its ways. . . . The sole recourse open to the Japanese Empire is to administer the foregoing blow to the Chinese army, so that it may lose completely its will to fight."

On the Chinese side, Generalissimo Chiang Kai-shek issued a statement on July 30th, containing the following observations:

"The declaration I made at Kuling and the minimum four conditions laid down by me for the settlement of the Loukouchiao affair are unalterable. It is out of the question that, having reached this crucial juncture, we could still consider the situation of Peiping and Tientsin as a matter for local settlement, or that the Japanese army could be tolerated to run rampant in the North or to set up another puppet government there. The only course
open to us now is to lead the masses of the nation, under a single national plan, to struggle to the last. In short, the Government's policy vis-à-vis Japanese aggression remains the same and has not changed. It is to preserve China's territorial integrity and political independence."

The Japanese Government has on a number of occasions stated its desire for a peaceful settlement and for harmonious co-operation between Japan and China. It has, however, insisted throughout that this result must be achieved by China and Japan alone, without any interference from third parties. Thus, in reply to a suggestion in the Budget Committee of July 29th that the Governments should make a firm statement to forestall the intervention of third Powers, the Japanese Minister for Foreign Affairs replied that he did not anticipate intervention, and that were any such proposals to be made, the Government would not fail to reject them.

Further, in his telegram of September 25th declining the Advisory Committee's invitation to take part in its work, M. Hirota declared that 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.

As regards the attitude of China, reference may be made to the statements made to the Assembly and the Committee by the Chinese Delegation. There seems no reason to doubt that the memorandum of July 19th, which has already been quoted, continues to represent the policy of the Chinese Government.

IV.

Conclusions.

It is clear that the two countries take very different views as to the underlying grounds of the dispute and as to the incident which led to the first outbreak of hostilities.

It cannot, however, be challenged that powerful Japanese armies have invaded Chinese territory and are in military control of large areas, including Peiping itself; that the Japanese Government has taken naval measures to close the coast of China to Chinese shipping; and that Japanese aircraft are carrying out bombardments over widely separated regions of the country.

After examination of the facts laid before it, the Committee is bound to take the view that the military operations carried on by Japan against China by land, sea and air are out of all proportion to the incident that occasioned the conflict; that such action cannot possibly facilitate or promote the friendly co-operation between the two nations that Japanese statesmen have affirmed to be the aim of their policy; that it can be justified neither on the basis of existing legal instruments nor on that of the right of self-defence, and that it is in contravention of Japan's obligations under the Nine-Power Treaty of February 6th, 1922, and under the Pact of Paris of August 27th, 1928.
SECOND 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.

1. In the report which the Sub-Committee has already submitted to the Advisory Committee, the facts of the present situation in China and the treaty obligations of Japan have been examined. That report shows that the action taken by Japan is a breach of Japan's treaty obligations and cannot be justified.

2. The establishment of the understandings of international law as the actual rule of conduct among Governments and the maintenance of respect of treaty obligations in the dealings of organised peoples one with another are matters of vital interest to all nations.

3. The present situation in China is a matter of concern not only to the two States in conflict but, to a greater or lesser degree, to all States. Many Powers are already directly affected in the lives of their nationals and in their material interests. But even more important than this is the interest which all States must feel in the restoration and maintenance of peace. This, indeed, is the fundamental purpose for which the League exists. It has thus the duty as well as the right to attempt to bring about a speedy restoration of peace in the Far East, in accordance with existing obligations under the Covenant and the treaties.

4. The Sub-Committee has considered in the first place the obligations which the Covenant places in such circumstances upon Members of the League.

5. The Advisory Committee has been set up under the wide terms of Article 3 (3) of the Covenant, which authorises the Assembly to deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

6. This Article places no limit upon the action of the Assembly, and Article II which, inter alia, has been invoked by China provides that "the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations".

7. The Sub-Committee has examined the situation with a view to determining what action would be "wise and effectual".

8. It cannot be admitted that the present conflict in the Far East, which has been shown to involve an infringement of Japan's treaty obligations, is one which can as of right only be settled by direct methods between the Chinese and Japanese Governments. On the contrary, the whole situation must be taken into the fullest consideration and in particular any appropriate means by which peace may be re-established, in conformity with the principles of the Covenant and of international law and with the provisions of existing treaties, must be examined.

9. The Sub-Committee is convinced that even at this stage of the conflict, before examining other possibilities, further efforts must be made to secure the restoration of peace by agreement.

10. In attempting a settlement, by negotiation, of the present conflict, the League cannot lose sight of the fact that one party is not a member of the League and has, in relation to the work of the Advisory Committee, explicitly declined to co-operate in political matters with the League.

11. The Sub-Committee notes that under the Nine-Power Treaty signed at Washington, the contracting Powers, other than China, agreed, inter alia, to respect the sovereignty, the independence, and the territorial and administrative integrity of China, and that all contracting Powers, including China, agreed that, whenever a situation should arise which involved the application of the stipulations of the Treaty and rendered desirable the discussion of such application, there should be full and frank communication between the Powers concerned. It appears, therefore, to the Sub-Committee that the first step which the Assembly should take, in the name of the League, would be to invite those Members of the League who are parties to the Nine-Power Treaty to initiate such consultation at the earliest practicable moment. The Sub-Committee would suggest that these Members should meet forthwith to decide upon the best and quickest means of giving effect to this invitation. The Sub-Committee would further express the hope that the States concerned will be able to associate with their work other States which have special interests in the Far East to seek a method of putting an end to the conflict by agreement.

\[1\] See page 37.
12. The States thus engaged in consultation may at any stage consider it desirable to make proposals through the medium of the Advisory Committee to the Assembly. The Sub-Committee recommends that the Assembly should not close its session and should declare the League’s willingness to consider co-operation to the maximum extent practicable in any such proposals. The Advisory Committee should in any case hold a further meeting (whether at Geneva or elsewhere) within a period of one month.

13. Pending the results of the action proposed, the Advisory Committee should invite 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, and should also consider how far they can individually extend aid to China.
VII.

INVITATION\(^1\) ADDRESSED BY THE PRESIDENT OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY TO THE MEMBERS OF THE LEAGUE WHO ARE PARTIES TO THE NINE-POWER TREATY (SIGNED AT WASHINGTON ON FEBRUARY 6TH, 1922) IN ACCORDANCE WITH THE ASSEMBLY RESOLUTION OF OCTOBER 6TH, 1937.

I. COMMUNICATION, DATED OCTOBER 6TH, 1937, FROM THE PRESIDENT OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY TO THE MEMBERS OF THE LEAGUE WHO ARE PARTIES TO THE NINE-POWER TREATY.

Geneva, October 6th, 1937.

By a resolution of October 6th, 1937, the Assembly of the League of Nations adopted two reports submitted to it by its Advisory Committee regarding the dispute which is the subject of the appeal made to the League by the Chinese Government.

The resolution and reports in question are reproduced in documents A.78.1937, A.79.1937, and A.80.1937, enclosed.

As you will see, the second report (document A.80.1937) contains the following paragraph:\(^2\)

"The Sub-Committee notes that under the Nine-Power Treaty signed at Washington, the contracting Powers, other than China, agreed, *inter alia*, to respect the sovereignty, the independence, and the territorial and administrative integrity of China, and that all contracting Powers, including China, agreed that, whenever a situation should arise which involved the application of the stipulations of the Treaty and rendered desirable the discussion of such application, there should be full and frank communication between the Powers concerned.

It appears, therefore, to the Sub-Committee that the first step which the Assembly should take, in the name of the League, would be to invite those Members of the League who are parties to the Nine-Power Treaty to initiate such consultation at the earliest practicable moment. The Sub-Committee would suggest that these Members should meet forthwith to decide upon the best and quickest means of giving effect to this invitation. The Sub-Committee would further express the hope that the States concerned will be able to associate with their work other States which have special interests in the Far East, to seek a method of putting an end to the conflict by agreement."

In conformity with the aforementioned resolution, I have the honour, in the name of the League of Nations, to address to your Government the invitation contemplated in the paragraph quoted above.

(Signed) Aga Khan,
President of the Assembly.

C.475.M.317.1937.VII.

2. REPLY, DATED OCTOBER 8TH, 1937, FROM THE CHINESE GOVERNMENT TO THE PRESIDENT OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY.

Nanking, October 8th, 1937.

I have been apprised of the invitation extended by Your Excellency, in pursuance of the resolution adopted by the Assembly on October 7th, to the Chinese Government to initiate with other signatories of the Nine-Power Treaty consultation regarding the situation arising out of the aggressive action of Japanese armed forces in China.

The Chinese Government gladly accepts this invitation and expresses the hope that, as Japan's armed invasion of China is proving more and more disastrous in its effects with the passing of every day, the Powers concerned will lose no time in proceeding with such consultation as is contemplated and adopt most useful and effective measures to put immediate end to the conflict. — Wang Chung Hui.

\(^1\) The letter of invitation was addressed to the following Governments: the Union of South Africa, Australia, Belgium, Bolivia, the United Kingdom, Canada, China, Denmark, France, India, Italy, Mexico, Netherlands, New Zealand, Norway, Portugal, and Sweden.

\(^2\) See page 43.
VIII.

COMMUNICATIONS RECEIVED BY THE SECRETARIAT IN CONNECTION WITH THE SINO-JAPANESE CONFLICT.

A. FROM THE CHINESE GOVERNMENT.

A.41.1937.VII.

1. COMMUNICATION, DATED SEPTEMBER 20TH, 1937, TRANSMITTING A MESSAGE TO THE ASSEMBLY FROM DR. W. W. YEN, CHAIRMAN OF THE CHINA INSTITUTE OF INTERNATIONAL RELATIONS.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to distribute the following telegraphic message to the Assembly from Dr. W. W. Yen, Chairman of the China Institute of International Relations.

Shanghai, September 13th, 1937.

Since the dawn of her civilisation, China has always cherished the ideal of a peaceful world order. Her belief in living at peace with all her neighbours was not able to be shaken even when Japan launched in 1931 the series of invasions upon Manchuria and elsewhere.

During the past six years, while China was endeavouring to arrive at an amicable settlement and a fundamental readjustment of her relations with Japan, the Japanese militarists have relentlessly sought to carry out their programme of encroachment upon Chinese territory. Now that a large part of North China, including Peiping and Tientsin, has been forcibly occupied by the Japanese and that their military operations are extended to Shanghai and its vicinity, the existence of China as a State is seriously menaced. In order to defend her territorial integrity and political independence, the Chinese people and Government have no other alternative but to resist their invaders even at great sacrifice. The war activities of Japan not only have terrifically disturbed the stability of Eastern Asia, but will have serious repercussions in the other parts of the world.

The undersigned therefore appeals to you to take immediately the most effective measures within the competence of the League Covenant to curb Japanese aggression, so that the system of collective security in the Far East may be preserved and the peace of the world may be maintained.

(Signed) W. W. YEN,
China Institute of International Relations, Shanghai.

2. COMMUNICATION, DATED SEPTEMBER 21ST, 1937.


I have the honour to inform you that, as a further proof of acts of wanton destruction and terrorism on the part of the Japanese forces, and in utter disregard of all rules of international law, the Japanese third fleet announced their intention to bomb from the air on a large scale Nanking, the capital of the Republic of China, in addition to the almost daily raids previously carried out in the past six weeks, and notified all the embassies and legations of the various Powers to that effect, at the same time demanding the evacuation of the foreign diplomatic and consular officials and residents before noon, September 21st.

Even before the specified date, however, a number of intensive raids were carried out on Nanking on the 19th and 20th. In the course of the attacks on the 20th, about eighty warplanes took part in the raid, causing an appalling loss of civilian life and property.

It is needless to add that if such indiscriminate air attacks on the capital of a country, as such, were to be tolerated, a most dangerous precedent would be created in the practice of aerial warfare.
I shall feel obliged if you will transmit this note at once to the Advisory Committee for consideration, with a view to taking urgent measures to stop such illegal and inhuman practice, and circulate it to the Members of the Council and the Assembly for their information.

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

C.430.M.293.1937.VII.

3. COMMUNICATION, DATED SEPTEMBER 24TH, 1937.


I have the honour to send you some further information concerning the wanton bombardment of Nanking, Canton and Soochow by Japanese warplanes in the last few days as follows:

1. On September 20th, the railway-station of Soochow was reduced to shambles as a result of a Japanese air raid at 4 p.m. Twenty bombs were dropped, killing and wounding a large number of refugees, mostly women and children, awaiting trains to leave the city. On the same day, numerous bombs were dropped at seven places within the city of Nanking. Fifteen civilians were killed and sixteen injured. Fifty private houses were destroyed. Japanese planes also made numerous reconnoitring flights over Shantung during the last two days, foreshadowing the further extension of bombing operations in North China.

2. On September 22nd, flying from their base in Shanghai, a large number of Japanese planes raided Nanking at 10.30 a.m. Over thirty planes were counted as they passed Wusih. Twenty-four planes actually reached the city, dropping a large number of bombs. The raid lasted an hour and a half, during which the city rocked with bomb explosions and anti-aircraft and machine-gun fire. Four raiders were shot down, one at Pukow and another at Hsiakuan outside Nanking. The extent of the casualties and of damage is great, especially among the civilian population and dwellings. Less than an hour after the first attack, a group of about a dozen planes again raid Nanking. The bombs dropped fell mostly in the Hsiakuan district. One improvised shelter for local inhabitants was smashed and over one hundred people who had sought safety therein were instantly killed.

3. Since September 22nd, the Japanese have been making daily and nightly air raids on the densely populated areas of Canton, the great city of south China, deliberately wiping out numerous dwellings and places which were entirely of no military importance, and killing or wounding thousands of civilians.

I shall feel obliged if you will transmit this note to the Advisory Committee as well as to the Members of the Council and the Assembly for their information and consideration.

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

C.431.M.295.1937.VII.

4. COMMUNICATION, DATED SEPTEMBER 26TH, 1937.

Geneva, September 26th, 1937.

I have the honour to inform you that the Japanese air force, entirely ignoring the protests of the Governments of the various friendly Powers as well as the world-wide exhortations against indiscriminate aerial attacks, has replied with even more intensified bombings on open cities and towns in China, with the result that civilian casualties are being daily increased by hundreds and in certain cases even thousands. The facts are briefly as follows:

1. On September 23rd, the residential and business sections of the city of Canton were bombed in three successive raids, resulting in a very heavy toll of death amongst the civilian
population. Although the list of casualties has not been completed, already two thousand of the killed, wounded or maimed have been counted.

2. On the same day, over one hundred Japanese warplanes took part in a series of raids over a number of other cities, including Nanchang, in Kiangsi Province, Yenchow and Tsinin in Shantung Province, and Kiangyin, Hsuchow and Haichow, in Kiangsu Province. About fifty machines were employed in the raid on Kiangyin, where twenty bombs were dropped.

3. On September 24th, the two cities of Hankow and Wuchang, in Hupeh Province, were bombed by twenty-one bombers, killing and wounding over five hundred civilians, as a large number of bombs were dropped on the densely populated districts.

4. On the same day, twelve bombers and ten pursuit planes visited Nanchang, dropping bombs and causing a dozen of civilian casualties.

5. At the same time, many points along the Tientsin-Pulow railway were also bombed. Twelve planes attacked the vicinity of Liennyunkang, eastern terminus of the Lunghai railway and dropped numerous bombs on the railway building.

6. On the 24th, Canton was again raided, resulting in the destruction of a part of the Chungsan Memorial Hall.

7. On the 25th, resuming the attempt to destroy Nanking after an interruption of two days, a large number of Japanese planes again raided the capital at 9.45 in the morning. The raiders were engaged by the Chinese combat planes outside Nanking, but thirty-one of them succeeded in reaching the city in two groups. Bombs dropped mostly fell on the densely populated districts of Hsiakuan and Futsunmiao. Four raiders were shot down in flames by anti-aircraft shells.

8. Between 12.30 and 16 o'clock on the same day, the Japanese planes made two more raids on Nanking, with the National Health Administration and the Central Hospital as their principal targets. Fifteen bombs were landed on the compounds of the hospital and the Health Administration, with the result that the latter was badly damaged while the kitchen of the hospital was destroyed. The patients are being evacuated by the hospital authorities. The offices of the Central News Agency and the neighbouring houses were wrecked, resulting in the killing and wounding of a large number of civilians. The power station at Hsiakuan was also damaged.

9. At 10.10 this morning, two Japanese monoplanes flew low over Kwangtseh, in Anhwei Province, and dropped two bombs before they left. These two Japanese planes had the Chinese national emblem distinctly painted on their wings, betraying a sinister intention to shift responsibility to China in the event that damage should be caused to life and property belonging to foreign nationals.

I shall feel obliged if you will transmit this note to the Advisory Committee as well as to the Members of the Council and the Assembly for their information and consideration.

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

C.466.M.311.1937.VII.

5. COMMUNICATION, DATED OCTOBER 3RD, 1937.


In continuation of the notes which I had the honour to address to you on September 21st, 24th, and 26th, I now have the honour to inform you of the following facts:

1. Belated reports from Chingyuen, in the interior of Kwangtung Province, stated that over two hundred civilians were killed and wounded on September 26th, when three Japanese planes bombed that defenceless city.

2. On the same day, Nanking was again subjected to aerial bombardment by Japanese warplanes, resulting in killing and wounding at least 600 civilians.

3. On September 27th, when the German liner Scharnhorst called at Hong-Kong, it was revealed that on September 22nd a Japanese submarine had attacked twelve Chinese fishing-junks off Cheelungkau point, with the result that only ten survivors of the total crew of over 300 fishermen

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3 See Communications Nos. 2, 3 and 4 above.
were picked up by the liner and landed at Hong-Kong. Those who perished included the wives and children of the fishermen. Two days later, two more of the fishermen, who were rescued by the steamer *Kalming*, of the Butterfield and Swire Co., also arrived at Hong-Kong.

4. On September 27th, a further number of fishing-junks were attacked off Kwangtung coast and destroyed by armed pinnaces, which were lowered from three Japanese destroyers, again resulting in the drowning of several hundreds of fishermen with whom were a large number of women and children who lived with their bread-earners aboard the fishing-craft.

5. On September 28th, twelve Japanese planes raided Nanking at noon and dropped some fifty bombs.

6. On the same day, at 1 o’clock p.m., fifteen Japanese bombers visited Wuhu and rained down no less than one hundred bombs, setting fire to many houses and killing a large number of civilians.

7. On September 29th, Canton experienced four air raids, while other cities raided included Hsuchow and Tsingkiangpu, in Kiangsu Province.

I have the honour to emphasise the fact established above that the Japanese air force has been continuing its indiscriminate attacks on Chinese cities, in disregard of the appeal contained in the resolution adopted by the Advisory Committee on September 27th and by the Assembly the following day, solemnly condemning such acts.

I shall feel obliged if you will transmit this note to the Advisory Committee as well as to the Members of the Council and the Assembly for their information and consideration.

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

C.478.M.319.1937.VII.

6. COMMUNICATION, DATED OCTOBER 13TH, 1937.

[Translation.]

Geneva, October 13th, 1937.

In continuation of the notes addressed to you by His Excellency the Ambassador V. K. Wellington Koo, I have the honour to bring to your notice the following facts which have occurred since the last Chinese communication of October 3rd, and to request you to transmit them to the Members of the Assembly, the Council and the Advisory Committee:

**October 3rd.** — During an attack on the Lotien front, the Japanese troops used poison gas.

**October 4th.** — Wusih was bombed and another attempt was made to bomb Nanking. During the night of October 4th-5th, the Japanese again used gas in the Lotien-Liuhang sector. Of the fifty Chinese soldiers affected, twenty-one died, six are in a critical state and others are still unconscious. The enquiry further showed that Japanese tactics consist in using gases mixed with sternutatory gases.

On the same front, the Japanese have dum-dum bullets.

**October 6th.** — In the morning of October 6th, Nanking and Wuhu were again bombed. A further attempt to bomb Nanking during the afternoon failed. On the same day, some thirty bombs were dropped on Wusih; about a thousand civilians were killed or wounded; many houses were destroyed.

On the same day, the Japanese used gas in the Lotien sector for the third time.

**October 7th.** — On the Shanghai front, the Japanese heavily bombarded the districts lying behind the fighting-lines; many inhabitants of the surrounding villages were killed.

**October 8th.** — At Chapei, the Japanese used flame-projectors. A number of raids by Japanese aeroplanes took place along the Canton-Hankow railway line, where thirty Japanese aeroplanes dropped about sixty bombs near Hokiang station. Two villages were destroyed and about a hundred peasants killed. Another small town situated near the same station was bombèd; many shops were destroyed and 150 civilians were killed or wounded.

On the same line, Hsiao-Ping was also bombed, but the losses and damage, which are believed to be considerable, are not yet known.

At Shaokwan (province of Kwangtung), which was bombed on the same day, there were between 200 and 300 casualties.

On the same day, three raids were made on Canton; there were 150 casualties.

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1. See pages 16 and 27.
2. See above.
On October 8th also, ten bombs were dropped on Soochow railway-station; three wagons were destroyed and a large number of persons killed.

About thirty bombs were dropped on Wusih railway-station on the same day. Three carriages of the Peiping-Shanghai train were destroyed, together with one carriage of another train; about fifty passengers were killed. Several commercial buildings were destroyed; there was heavy loss of life.

October 9th. — At Wentsaopang Creek, on the Shanghai front, the Japanese used tear gas.

October 10th. — At Wentsaopang Creek, the Japanese again used gas, which caused the death of twenty-four Chinese soldiers.

October 11th. — Again, in the district of Wentsaopang Creek, the Japanese used cylinders containing poison gas.

October 12th. — Japanese aeroplanes fired with machine-guns, in the non-military district of Ming-Hong, on a British embassy car containing the British military attache, a Soviet official and an American. The car had the Union Jack painted on the roof.

I venture to draw attention to the violation by Japan of all the international Conventions prohibiting the use of poison gas and dum-dum bullets, together with the complete disregard by the Japanese air forces of the Assembly resolution condemning bombing from the air.

(Signed) Hoo Chi-tsai,
Director of the Permanent Office of the Chinese Delegation to the League of Nations.

7. COMMUNICATION, DATED OCTOBER 13TH, 1937.

[Translation.]  
Geneva, October 13th, 1937.

Further to my letter No. 329/937 of even date, I have the honour to forward herewith the text of a statement signed by the Chief Medical Officer of the Red Cross Hospital in Nanking, by Dr. E. F. Ettinger and by Dr. Borcic, representing the Health Organisation of the League in China. This statement affords positive proof of the use of poison gas by the Japanese on the Shanghai sector.

The medical officers named above examined three patients admitted to the general Red Cross Hospital at Nanking, in whom poisoning by gas had been diagnosed, and reported as follows:

"The patients show marked symptoms of conjunctivitis accompanied by photophobia; they are covered with phyctenae varying in diameter between 0.2 and 5 centimetres. Some phyctenae are now beginning to dry, while others show signs of secondary infection and ulceration. Most of the lesions are of a copper colour, although some show black discoloration. Permanent hoarseness of the voice is present. Two of the patients show edema of the eyelids and continuous watering of the eyes, while one was admitted with marked bronchial pneumonia.

"The patients show no wounds; they state that some three to four hours after an enemy bombardment by artillery and aircraft they experienced a burning sensation over the entire body, while their eyes began to sting and to water. The youngest of the three soldiers in question began to feel pain one hour after the bombardment.

"The clinical examination and findings have convinced us that these patients are suffering from the effects of a vesicant agent, probably of the mustard-gas group, released by means of gas bombs or shells, but that this agent was much diluted when it acted upon them."

I would ask that you be so good as to bring this statement to the notice of the Members of the Assembly, the Council and the Advisory Committee for information and examination.

(Signed) Hoo Chi-tsai,
Director of the Permanent Office of the Chinese Delegation to the League of Nations.

C.478.M.319.1937.VII.
8. COMMUNICATION, DATED OCTOBER 27TH, 1937.

[Translation.]

Geneva, October 27th, 1937.

I have the honour to inform you that since my last communication, dated October 13th, the Japanese have continued to bomb indiscriminately Chinese towns in the interior and the civilian population, and to destroy Chinese fishing-junks, thus rendering destitute tens of thousands of non-combatants.

October 13th. — The Chinese Fishermen’s Association of Hong-Kong informed the Chinese Government by a telegram dated this day that, during the month of September, two hundred fishing-junks were destroyed along the coast of Kwangtung and five hundred persons perished. Only three hundred members of the crews of the junks destroyed by the Japanese were saved.

On that same day, Japanese sailors who had landed on the island of Toomaota (off the promontory of Shantung) destroyed thirty fishing-vessels.

A telegram from Shanokuan (province of Kwangtung), dated October 13th, stated that about fifty large bombs were dropped on that town during the previous days; hundreds of houses and shops were completely destroyed.

On the Shanghai front, the Japanese again employed, on October 13th, their usual tactics, consisting in bombing villages in the rear; the number of casualties among civilians caused by these bombardments is considerable.

On that day and the following days, the Japanese bombèd the civilian districts of Wusih and the Chingfong spinning-mill, one of the most important Chinese spinning-mills, was destroyed by Japanese bombs; several workmen were killed or injured.

October 15th. — Japanese aircraft bombed the Hangchow railway-station. The civilian population suffered severely and serious injury was caused to British interests.

October 16th. — The Japanese extended their bombardments to a new province—namely, Kwangsi.

A group of large Japanese aircraft made a raid over Kweilin, the capital of that province, dropping about twenty bombs, six of which exploded in the town, killing fifty-three persons and injuring about two hundred. In the suburbs, the number of victims amounts to three hundred.

Japanese aircraft also bombed Wuchow (on the frontier of the provinces of Kwangsi and Kwangtung), where eleven bombs were dropped, destroying sixteen houses and a large number of vessels lying in the river Sikang. The number of casualties is estimated at about one hundred.

On the same day, twenty other unprotected towns were bombed. At Tsengshen, east of Canton, the number of victims reached three hundred and the losses are considerable.

Again, on October 16th, seven bombs were dropped on Kashan, a station on the Shanghai-Hangchow railway line, at which a refugee train and a train carrying wounded soldiers had stopped. The Red Cross emblem was very visibly painted on the carriages bombed by the Japanese. The refugees and wounded soldiers who were endeavouring to shelter from the bombs were machine-gunned by the Japanese aircraft firing from a very low altitude; forty persons were hit.

On the Shanghai front, the Japanese again bombed the villages behind the zone of hostilities, and the inhabitants who were seeking safer shelter were machine-gunned by the Japanese.

October 17th. — The Japanese bombed Kashing station, on the Shanghai-Hangchow line. The station buildings were slightly damaged.

October 18th. — Japanese bombardments destroyed over thirty houses belonging to peasants in the village of Hungjao, where the defenceless rural population was fired on with machine-guns by the Japanese airmen.

On the same day, the stations of Yehsah and Chachang (on the Shanghai-Hangchow-Ningpo railway line) were bombed. Thirty-two persons were killed or wounded in this region, where there are no military forces or depots.

October 20th. — The Japanese bombed and machine-gunned the stations of Pingwang, Pa-tse, and Ming-hsing-chiao (on the Hangchow-Ningpo railway line), causing considerable losses to the civilian population.

October 22nd. — A passenger-train was bombed at the Sungkian station at Soochow.

1 See Communication No. 7 above.
October 24th. — In the western suburbs of Shanghai, a very large number of civilians and a British soldier were killed by the Japanese aerial bombardment.

October 26th. — Kashing station was again bombed and numerous civilians were killed.

I should be glad if you would communicate these facts to the Members of the Council, the Assembly, and the Advisory Committee, for information and consideration.

(Signed) Hoo Chi-tsai,
Director of the Permanent Office of the Chinese Delegation to the League of Nations.

B. FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

Com.Cons./Requête chinoise/3.

I. COMMUNICATION, DATED SEPTEMBER 20TH, 1937, FROM THE UNITED STATES MINISTER AT BERNE TO THE SECRETARY-GENERAL.


I am instructed by my Government to inform you that I have been authorised to attend the meeting of the Advisory Committee summoned for Tuesday, September 21st, in the same capacity and for the same purposes as those in and for which Mr. Hugh Wilson previously attended, which were indicated in a communication ¹ from Mr. Wilson to Sir Eric Drummond dated March 12th, 1933.

The American Government recalls that the Advisory Committee was created subsequent to and on the basis of a major decision in the field of policy arrived at by the Assembly in regard to a matter referred by the Council to the Assembly. In the understanding of the American Government, the Advisory Committee was created to aid the Members of the League in concerting their action and their attitude among themselves and with non-member States for the carrying-out of policy recommended by the League. At present, until the American Government is informed regarding the functions which the League will expect the Committee to perform, it is impossible for the American Government to say to what extent it will be able effectively to co-operate. In order that there may be no misunderstanding in regard to the American Government’s position and no confusion or delay flowing from uncertainty, the American Government feels constrained to observe that it cannot take upon itself those responsibilities which devolve from the fact of their membership upon Members of the League. It assumes that Members of the League will arrive at their common decisions in regard to policy and possible courses of action by and through normal League procedure. The American Government, believing thoroughly in the principle of collaboration among States of the world seeking to bring about peaceful solutions of international conflicts, will be prepared to give careful consideration to definite proposals which the League may address to it but it will not, however, be prepared to state its position in regard to policies or plans submitted to it in terms of hypothetical enquiry.

(Signed) Leland Harrison,
American Minister.

Appendix.

LETTER, DATED MARCH 12TH, 1933, FROM THE UNITED STATES MINISTER AT BERNE TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Berne, March 12th, 1933.

With reference to your letter of February 24th, by which you were good enough to transmit to the Secretary of State of the United States an invitation to co-operate with the Advisory Committee set up under the terms of the resolution of February 24th of the Assembly of the League of Nations, I append hereto the reply of the Secretary of State, dated March 11th, which I have just received by cable.

(Signed) Hugh R. Wilson,
American Minister.

¹ Note by the Secretary-General. — This communication is annexed to the present document.
REPLY OF THE SECRETARY OF STATE OF THE UNITED STATES TO THE SECRETARY-GENERAL.

Washington, March 11th, 1933.

I have the honour to acknowledge the receipt of your letter of February 25th, 1933, enclosing the text of a resolution adopted on February 24th by the Assembly of the League of Nations providing for the appointment of an Advisory Committee. You inform me that the Advisory Committee set up under the terms of this resolution held a meeting on February 25th and requested, in accordance with instructions of the Assembly, that you convey to the Government of the United States an invitation to co-operate in its work.

In reply, I am happy to inform you that the American Government is prepared to co-operate with the Advisory Committee in such manner as may be found appropriate and feasible. As it is necessary that the American Government exercise independence of judgment with regard to proposals which may be made and/or action which the Advisory Committee may recommend, it would seem that appointment by it of a representative to function as a member of the Committee would not be feasible. However, believing that participation by a representative of this Government in the deliberations of the Committee would be helpful, I am instructing the American Minister to Switzerland, Mr. Hugh R. Wilson, to be prepared to participate, but without right to vote, if such participation is desired.

(Signed) Cordell Hull.

1.81.1937.VII.

2. COMMUNICATION, DATED OCTOBER 7TH, 1937, FROM THE UNITED STATES MINISTER AT BERNE TO THE SECRETARY-GENERAL.

Geneva, October 7th, 1937.

I take pleasure to transmit to you herewith copy of the text of a public statement issued by the Secretary of State yesterday.

(Signed) Leland Harrison.

Washington, October 6th, 1937.

The Department of State has been informed by the American Minister to Switzerland of the text of the report adopted by the Advisory Committee of the League of Nations setting forth the Advisory Committee's examination of the facts of the present situation in China and the treaty obligations of Japan. The Minister has further informed the Department that this report was adopted and approved by the Assembly of the League of Nations to-day, October 6th.

Since the beginning of the present controversy in the Far East, the Government of the United States has urged upon both the Chinese and the Japanese Governments that they refrain from hostilities and has offered to be of assistance in an effort to find some means, acceptable to both parties to the conflict, of composing by pacific methods the situation in the Far East.

The Secretary of State, in statements made public on July 16th and August 23rd, made clear the position of the Government of the United States in regard to international problems and international relationships throughout the world and as applied specifically to the hostilities which are at present unfortunately going on between China and Japan. Among the principles which, in the opinion of the Government of the United States, should govern international relationships, if peace is to be maintained, are abstinence by all nations from the use of force in the pursuit of policy and from interference in the internal affairs of other nations; adjustment of problems in international relations by process of peaceful negotiation and agreement; respect by all nations for the rights of others and observance by all nations of established obligations; and the upholding of the principles of the sanctity of treaties.

On October 5, at Chicago, the President elaborated these principles, emphasising their importance, and in a discussion of the world situation pointed out that there can be no stability or peace either within nations or between nations except under laws and moral standards adhered to by all; that international anarchy destroys every foundation for peace; that it jeopardises either the immediate or the future security of every nation, large or small; and that it is therefore of vital interest and concern to the people of the United States that respect for treaties and international morality be restored.

In the light of the unfolding developments in the Far East, the Government of the United States has been forced to the conclusion that the action of Japan in China is inconsistent with the principles which should govern the relationships between nations and is contrary to the provisions of the Nine-Power Treaty of February 6th, 1922, regarding principles and policies to be followed in matters concerning China, and to those of the Kellogg-Briand Pact of August 27th, 1928. Thus the conclusions of this Government with respect to the foregoing are in general accord with those of the Assembly of the League of Nations.

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