This is my information, so I must insist, Mr. President, that you authorise the admirals, the high neutral military officers at Shanghai, to see to it that hostilities cease, and that this cessation remains until the terms of armistice can be arranged.

We have here two forces which have fought for three weeks in the most bitter way against each other, and they are placed within a short distance and may at any moment start fighting again. You must remember that the cessation of hostilities is not associated with any withdrawal of troops, and is, in fact, tied up with a condition which can come into operation again unilaterally. Further, I beg to call your attention to the fact that this cessation of hostilities is unilateral. It is not guaranteed.

The Japanese commander can at any moment declare that the cessation of hostilities has come to an end. How are we, then, to be protected against another form of aggression?

Finally, on general principles in accordance with the articles of our Covenant, we are unable to agree that, while foreign troops occupy our territory, we should enter into any conference, for that would be negotiations under military coercion. Why have we asked for this meeting of the Assembly? If everything is to be left to the armistice between the two military forces, there is no reason why China should have asked for the convocation of this special session.

Under these circumstances, I must insist that the Assembly take suitable action to see to it that the cessation of hostilities is real and that it is maintained until formal terms of armistice have been arranged.

M. Sato (Japan):

Translation: May I reply to M. Yen’s statement concerning new Japanese reinforcements?

Some days ago we announced that the extension of the hostilities compelled us to send certain reinforcements, which are arriving now, but with the removal of the necessity for these reinforcements the troops composing them will be sent home. I am not at present in a position to say how we shall act; all that will be determined on the spot. That is why we propose the convocation of a conference as soon as possible of a conference to investigate the question of the cessation of hostilities and likewise those of the evacuation of the forces and the return of our troops to Japan. That has no connection with the suspension of hostilities in the front line, since the return home of the reinforcements will have to be regulated at the proposed conference, which will be attended, not only by the military representatives of the two parties, but also by those of other Powers. Effective measures will have to be taken at the conference for the cessation of hostilities and for the settlement of all matters arising out of it.

The President:

Translation: The very disquieting news which M. Yen has just communicated to us accentuates the painful uncertainty in which this meeting opened.

If I may sum up the discussion from the beginning, I would say that the vital consideration with which we are concerned is the need for the cessation of hostilities. Further bloodshed must be prevented.

The time, I think, has come to give definite form to the ideas that have been expressed. I therefore propose that we adjourn and resume in, say, half an hour, when I shall read a draft resolution which will be prepared in the meantime by the Bureau: and, if, as I hope, it conforms to your views, it will be taken as the basis of your discussions.

Needless to say, after settling this matter, we will continue the debate, which will deal with the whole of the problem laid before the Assembly.

(The meeting was suspended at 5.15 p.m. and resumed at 6.50 p.m.)

The President:

Translation: I have been asked by the Bureau to communicate a draft resolution to the Commission. If it is adopted, it will then have to be submitted to the Assembly.

The draft is as follows:

"The Assembly,

"Recalling the suggestions made by the Council on February 29th 1 and without prejudice to the other measures thereunder envisaged:

"(1) Calls upon the Governments of China and Japan to take immediately the necessary measures to ensure that the orders which, as it is informed, have been issued by the military commanders on both sides for the cessation of hostilities, shall be made effective;

"(2) Requests the other Powers which have special interests in the Shanghai Settlements to inform the Assembly of the manner in which the invitation set out in the previous paragraph has been executed;

"(3) Recommends that negotiations be entered into by the Chinese and Japanese representatives, with the assistance of the military, naval and civilian authorities of the Powers mentioned above for the conclusion of arrangements which shall provide for the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations."

I will now open the discussion on the draft resolution.

M. Sato (Japan):

Translation: The Japanese delegation accepts paragraphs 1 and 2. I wish, however, to propose the following addition to paragraph 3. The first part of the paragraph down to the words "destinés ensuite à régler" would remain, but the text after that would continue: "les conditions et les modalités du retrait des forces japonaises, ainsi que la situation future des forces chinoises". These words would be substituted for "les modalités du retrait des forces japonaises". The rest of the paragraph would remain as at present.

May I briefly explain the reasons for the addition we propose? The word "conditions" implies that we wish, not only to bring about the meeting proposed in the first part of the paragraph and to regulate the technical arrangements (modalités) for the withdrawal of the Japanese forces, but also to indicate the conditions upon which the withdrawal would be carried out.

Moreover, in his address yesterday, my colleague, M. Matsudaira, emphasised that we would be prepared to withdraw our forces as soon as security and calm had been restored in the vicinity of Shanghai. The object of the additional words we propose, "and the future situation of the Chinese forces", is to bring the resolution into line with that statement.

1 See Official Journal, March 1932 (Part III), page 918.
The President:

Translation: I do not know whether anyone else wishes to speak, but I should like to make one observation. There is a very marked difference of meaning between the word “modalités” and the word “conditions”. A condition signifies a fact by which the withdrawal would be conditioned; that is M. Sato’s idea. Those who drafted the resolution had no such idea in mind; they were thinking of the technical conditions governing the withdrawal of the forces, whereas the word “conditions” might include political conditions.

M. Sato (Japan):

Translation: All these points will be settled on the spot, where all the circumstances necessitating the establishment of modalités or conditions for the withdrawal of the Japanese forces will be taken into account. We are anxious to place no impediment in the way of the consideration of the present position. The technical aspects (modalités) for withdrawal can be decided only by taking into consideration the position existing on the spot.

In our view, the withdrawal of the Japanese troops is conditioned by certain essential circumstances. If the word “conditions” is too strong, I am entirely prepared to accept any other term which will meet the same object, but the maintenance of security and the maintenance of order, which engenders the feeling of security, and the protection of the lives and property of Japanese nationals, are conditions on which we must insist before the withdrawal can be carried out.

The President:

Translation: There is, I think, a shade of difference between M. Sato’s language and that used by myself. When we speak of conditions and modalités, the idea, I think, in the minds of those who drew up the draft resolution is that all questions relating to security form part of the arrangements which are to be negotiated on the spot, “arrangements which will render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces”.

That is a problem with many complex facets and we cannot solve it here in all its aspects. Those who are on the spot and who are acquainted with the exact position will be specially qualified to settle it.

Sir John Simon (United Kingdom):

I would direct attention to the English text of this resolution. The English text is just as authoritative as the French text, and M. Sato, as I know, is well acquainted with both languages. If M. Sato will look at the English text he will find that it runs thus: “... which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces”. Might it not be useful to enquire of the representative of Japan if the English text does not meet his point of view? If so, and if it is thought to be a fair expression of the view of the redacteurs, it seems to me not impossible that we could compose this verbal difference.

M. Sato (Japan):

Translation: I must apologise for opening a discussion on the draft prepared by the Bureau, for which I have the utmost deference. Unfortunately, even with the explanation of Sir John Simon, who has drawn my attention to the English text, I see no difference between the English and the French versions. The latter says, “d’arrangements destinés à rendre définitive la cessation des hostilités”. That corresponds exactly to the words used in the English version.

If I press this point, it is because the Japanese delegation cannot accept a resolution without due reflection. For many weeks we have been witnessing the most deplorable events without any really clear and definite arrangement being proposed. We cannot lightly accept a resolution by the Assembly, as you, Mr. President, will fully realise, after all the recent incidents which have developed on so wide a scale. After witnessing all these events we must have a resolution, if that is the Assembly’s view, which will afford us satisfaction up to a certain point. I do not mean that all our demands must be accepted by the Assembly, but I hope our desires will be met in this essential matter.

The meaning which, according to the President’s explanation, is to be attached to the word “arrangements” implies certain methods or conditions for which I must strongly press, but even after his explanation — and I apologise for saying this — I must point out that the public both in Japan and elsewhere will have before them only the text of the resolution. The public will not find it easy to know what is the real meaning of the word “arrangements” since the President’s explanation is not annexed to the resolution. The public therefore will have only the text of the resolution on which to form an opinion.

That being so, I am obliged to press once again for a little more precision in the text itself.

The President:

Translation: So far, in my capacity as President, I have offered a few comments on the draft resolution; I have attempted to explain it. I think, however, that, in a body like this and at the stage we have now reached, the Commission itself must speak. We have here representatives of fifty States. It would be desirable and helpful if the representatives of some of these States could make their views known to the Commission and public.

M. Motta (Switzerland):

Translation: The time is undoubtedly a grave one, and I will make a friendly and pressing appeal to M. Sato, whom I venture to call my friend, to me of the Japanses as the French versions. If it is desired to adjust the French text to the English, we need merely say “regler le retrait des forces japonaises”, leaving out the word “modalités”. I do not, however, think that this will change the substance or essence of the resolution.

The Bureau is proposing what I may term a provisional or preliminary application of certain provisions of Article 15 of the Covenant. Under Article 15, it is possible for the Assembly to pass valid resolutions, provided the States Members of the Council present at the Assembly are unanimous, and there is a majority of the other States. The votes of the two parties to the dispute are not counted. We can therefore have a valid decision even if either of the parties dissented. I hasten, however, to add that I very strongly hope we shall secure, not only legal unanimity, but complete moral unanimity in this Assembly, including Japan and China.

What the resolution expresses is as follows. The principle of the withdrawal of the Japanese troops must not be questioned. Japan has promised that withdrawal. China demands it as a natural
right. If you substitute the word "conditions" for the word "modalités", or if you add the word "conditions" to the word "modalités", you will be reopening the question of principle. That is inadmissible. I ask you therefore to adopt the resolution as it stands.

M. Beneš (Czechoslovakia):
Translation: M. Motta has given a correct explanation of the legal situation, and I will merely associate myself with his opinion, withoutunderlining it further.

With regard to the second question, it would, I think, be highly dangerous to leave anything uncertain, unclear or ambiguous in a document of this kind. It is essential for us all, as well as for world public opinion, and particularly public opinion in the Far East, to know exactly where we stand. I therefore share M. Motta’s view with regard to the addition of any words that might change the meaning of the resolution. I accordingly second M. Motta’s proposal.

M. Sato (Japan):
Translation: I have listened to M. Motta’s remarks with the utmost respect.

Upon the question of procedure I do not entirely agree with him. You know better than I what are the provisions of Article 15. We are attending this Assembly subject to certain reservations concerning Article 15, but we do not wish to mention them at this stage. Article 15 excludes the votes of the parties in certain cases, but in the case of a resolution based on paragraph 3 of that article, there is no rule as to a majority. Subject to this reservation, I have taken note of M. Motta’s remarks.

We are anxious to have a clearer text, I will not say one which will give us entire satisfaction, but one which will, at any rate, be more precise. We are satisfied with the interpretation which the President gave just now—it may perhaps have been a personal opinion—and with that interpretation we could accept the text as it stands and will make no objection to its adoption by the Assembly.

Sir John Simon (United Kingdom).—The silence of my colleagues here makes me hope that we can adopt this resolution without a dissentient voice. It will be for the President to say whether it is desirable to bring the actual language of the French and English texts into exact accord, as has been pointed out by M. Motta; but I do feel that it would be indeed a most fortunate beginning for a very difficult matter if it is possible for us to-night to adopt this resolution with unanimity and to have it in turn adopted by the Assembly.

The President:
Translation: If I have understood him correctly, Sir John Simon’s proposal, which is very close to the suggestion made by M. Motta, is to omit the words "les modalités" in the French text and to say simply: "à régler le retrait des forces japonaises". The French text will then be identical with the English text, which reads: "and regulate the withdrawal of the Japanese forces". M. Motta has said that, in his view, the idea is exactly the same and that it is only a question of words.

If the Commission considers this change acceptable, we might then adopt the resolution as a whole and submit it to the Assembly.

M. Motta (Switzerland):
Translation: I hope the vote will be taken in an explicit manner and not merely in silence.

The President:
Translation: I quite appreciate your wish, and I think we shall fall in with it, but we could do so in the Assembly.
I declare the draft resolution adopted.

M. Motta (Switzerland):
Translation: We are agreed.

The President:
Translation: I propose now to close the meeting of the Commission and, as President of the Assembly of the League of Nations, I convene the Assembly for to-day in this room at 7.45 p.m.

THIRD PLENARY MEETING OF THE ASSEMBLY

Friday, March 4th, 1932, at 7.45 p.m.

CONTENTS:
Adoption of the Draft Resolution drawn up by the General Commission at its First Meeting.

President: M. Hymans.

ADOPTION OF THE DRAFT RESOLUTION DRAWN UP BY THE GENERAL COMMISSION AT ITS FIRST MEETING.

The President:
Translation: The President of the General Commission has just communicated to me a draft resolution which the General Commission now submits to the Assembly for approval. The draft resolution reads as follows:

"The Assembly,

"Recalling the suggestions made by the Council on February 29th and without prejudice to the other measures therein envisaged:

"(1) Calls upon the Governments of China and Japan to take immediately the necessary measures to ensure that the orders which, as it has been informed, have been issued by the military commanders on both sides for the cessation of hostilities, shall be made effective;"

1 See Official Journal, March 1932 (Part III), page 918.
“(2) Requests the other Powers which have special interests in the Shanghai Settlements to inform the Assembly of the manner in which the invitation set out in the previous paragraph is executed;

“(3) Recommends that negotiations be entered into by the Chinese and Japanese representatives, with the assistance of the military, naval and civilian authorities of the Powers mentioned above, for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations.”

M. Yen, delegate of China, will address the Assembly.

M. Yen (China).—During the discussion in the General Commission I did not speak further because I did not desire to stand in the way of other members of the Assembly who desired to speak. At this point, however, I think it is imperative that I should make the following statement: As I read the resolution, and as I understand the President to interpret it, the negotiations mentioned in paragraph 3 refer to armistice negotiations rather than to the so-called Shanghai Conference, which is to follow the armistice negotiations. We accept the resolution on that understanding; and also with the understanding, which has been so splendidly emphasised by M. Motta and M. Beneš, that no condition should be imposed upon the withdrawal of troops occupying the territory of an invaded country. We consider that Members of the League cannot be expected or asked to pay a price for the enforcement of the right of being protected against foreign aggression, which is a right guaranteed to every Member of the League by the Covenant.

SECOND MEETING OF THE GENERAL COMMISSION

Saturday, March 5th, 1932, at 10.30 a.m.

CONTENTS

COMMUNICATION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF THE RESOLUTION ADOPTED BY THE ASSEMBLY ON MARCH 4th, AND REPLY OF THAT GOVERNMENT.

CESSATION OF HOSTILITIES IN THE SHANGHAI AREA (Continuation).

GENERAL DISCUSSION.

Speeches by M. Braadland (Norway), M. Restrepo (Colombia), M. Romeo Ortega (Mexico), M. Löfgren (Sweden), M. Erich (Finland), M. Beelaerts Van Blokland (Netherlands).

President: M. HYMANS.

COMMUNICATION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF THE RESOLUTION ADOPTED BY THE ASSEMBLY ON MARCH 4th, AND REPLY OF THAT GOVERNMENT.

The Secretary-General:

In view of the fact that the resolution which the Assembly adopted last night made a reference to the "Powers which have special interests in the Shanghai Settlements", I thought it right to communicate a copy of that resolution to Mr. Hugh Wilson, the United States Minister at Berne, and I have now received from him a letter which you will perhaps allow me to read:

"With reference to the resolution of the Assembly adopted yesterday, of which you were good enough to transmit a copy to me last night, I at once notified the Secretary of State of the United States thereof, and am now in receipt of a reply from Mr. Stimson, by which I am instructed to inform you that the American military authorities at Shanghai have been requested by telegraph to co-operate."

The President:

Translation: Note has been taken of this communication.

CESSATION OF HOSTILITIES IN THE SHANGHAI AREA (continuation).

The President:

Translation: I will now open the general discussion of the problem as a whole which has been submitted to the Assembly and the Commission.

M. Sato (Japan):

Translation: I should first like to communicate to the General Commission a telegram which I received at a late hour yesterday evening:

"Since March 3rd the Japanese first-line forces have been stationed on the Linho-Chen-Kating-Nanhsiang-Shenzu line and they have ceased hostilities. A detachment of our troops is stationed at the Woosung Fort. Detachments of Chinese troops facing our advance lines at Kating and Nanhsiang have
erected new defence works. Several of our aircraft having been attacked, we were obliged to fire to stop the Chinese from firing. Apart from that incident, there has been no fighting."

Yesterday, at the commencement of the General Commission’s meeting, the Chinese delegate made a communication in which he referred to a place named Kuansan, which I was not able at the time to find this place on the map, and I therefore did not contradict his statement. This morning, however, on reading the text of his communication, I found it was not altogether correct. This town of Kuansan was stated to be on the Shanghai-Nanking line, some forty miles west of Shanghai. As I informed our President yesterday, our forces have remained at a distance of about twenty kilometres from the International Concession of Shanghai. The forty English miles would take us much farther away than the line on which our forces halted. Consequently, this "official" communication does not tally with the facts.

Moreover, M. Yen’s communication mentions that some 35,000 Japanese have been landed near Kuansan. It is impossible to land troops as that place, which is situated inland at a considerable distance from the banks of the Yangtze. Moreover, the figure of 35,000 is very much exaggerated. At the present time, the Japanese first-line forces do not exceed 40,000 men, and it would be impossible to land a further 35,000 men. In any case, I would repeat that this figure is very much exaggerated.

We have received from the Chinese delegate a further communication, dated March 4th, dealing with a telegram received by the Chinese delegation from the National Crisis Salvation Association. This telegram states that the Japanese forces are still continuing their brutal destruction of civilian lives and private property by bombing, bombardment and incendiarism, etc. I must emphatically deny the truth of that statement. It is a purely tendentious report. Besides, we do not know anything about this National Crisis Salvation Association and we have no idea whether it is a trustworthy association or not. The report that our forces destroyed the lives and property of civilians after the cessation of hostilities in no wise corresponds to the facts.

I should like to add one word more. Extremely tendentious reports are being circulated by the Chinese newspapers in Shanghai. As you are aware, Shanghai is a centre for the fabrication of all kinds of extraordinary rumours. For instance, it was stated in a telegram from Shanghai, dated March 5th, that the local newspapers had announced that Japanese forces had won back Nanshang. That is absolutely incorrect. The newspapers in mentioning this victory, stated that a number of Japanese who had rushed into the trenches abandoned by the Chinese and previously mined had been killed by the explosion of the mines.

It is added that Chinese circles still credit certain rumours to the effect that 8,000 Japanese have been killed at Liou-Hi, that a Japanese cruiser had been sunk and that Admiral Nomura has died. There is no truth in these rumours either. Some time ago it was reported that Admiral Shiozawa, commanding the Japanese Fleet, had committed suicide. This report was equally incorrect. Moreover,

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I read in the Paris edition of the New York Herald this morning that the Japanese troops were marching in the direction of Peiping. That is absolutely untrue.

We are faced with an extremely important question, the settlement of which will be a very delicate matter. I would therefore urge the Assembly not to let itself be guided by false reports of this kind.

M. Yen (China):

I am sorry that my Japanese colleague did not quite understand the telegram I sent to the Secretariat, which I thought was fairly clear. We did not say that Japanese troops were being landed at Kuansan, which is a station on the Shanghai-Nanking Railway about forty miles from Shanghai. We know it is in the interior of the province, and that no troops could be landed there.

Moreover, a fleet of enemy aeroplanes has bombarded Kuansan from the air and machine-gunned Soochow, which is two hours by train from Shanghai. So we can see from this that the so-called “cessation of hostilities” is far from being the fact.

I realise as much as M. Sato the tremendous difficulty which perhaps many members of this Assembly may experience in knowing exactly where these places are. So only this morning I wrote to say that I had received another telegram from M. T. V. Soong, Vice-Chairman of our Council of Ministers, saying that Japanese forces at Kating and Tachang are still attacking our troops between Liouho and Kuansan. Moreover, a fleet of enemy aeroplanes has bombarded Kuansan from the air and machine-gunned Soochow, which is two hours by train from Shanghai. So we can see from this that the so-called “cessation of hostilities” is far from being the fact.

As to the news which is alleged to have been circulated by us, I beg to say that Reuter’s Agency, if anything, is English; it is certainly not Chinese. I wish we could say that we owned Reuter’s Agency. As to details of atrocities that have been published (not by us) I had recently the great sorrow to read an article by a lady journalist published in the Petit Parisien describing the atrocities in Shanghai. That lady was certainly not a Chinese, and she was certainly not in the pay of our Government. We have also read many reports of barbarities and atrocities published in the London papers and in the New York Herald. I wish I owned the New York Herald, but unfortunately I do not. There are hundreds of other American papers publishing accounts of these atrocities with no help on our part and entirely on their own initiative. If China is backward, it is certainly backward in propaganda work. Compared with Japan we are not “in it” at all, when you think of the millions of yen that have been poured into Europe and America by Japan for propaganda work. I wish I were in a position to claim that we were such masters of propaganda work as we are alleged to be by my Japanese colleague. There is an old saying that truth must come to light at some time or other, and murder will out, and it is not propaganda work that influences public opinion, but the real state of things — the massacre of women and children, the bombing of cities and
towns and villages — unfortified places — from the air. Those are the things that are going to move public opinion, and settle the Manchurian question in the way of justice and truth.

The President:

Translation: M. Sato will now address the Commission. I hope, however, that this discussion will not be prolonged.

M. Sato (Japan):

Translation: The remarks which the Chinese delegate has just made contain observations which I cannot ignore.

In the first place, I would say that I do not hold China responsible for all the rumors emanating from Shanghai. I simply drew the Commission's attention to the fact that many reports coming from Shanghai are untrue and that consequently they cannot be relied on.

However, even the Chinese delegation's utterances contain statements which are incorrect. For instance, the Chinese delegation recently wrote to the Secretary-General quoting certain words attributed to M. Matsuoka, and I was obliged to write myself to the Secretary-General, emphatically denying that those words had ever been spoken by M. Matsuoka. If I am not mistaken, the Chinese delegation divided M. Matsuoka's utterances into eight points. The letter which I wrote to the Secretary-General on March 2nd was couched in the following terms:

"Referring to the letter dated February 29th, 1932, from the Chinese delegation, I have the honour to state that the Consultate-General at Shanghai informs me that M. Matsuoka did not utter the words attributed to him in that communication.

"As regards the seventh point, M. Matsuoka did, it appears, express the opinion in private conversation that the efficacy of the Briand-Kellogg Pact would have been strengthened further if it had defined economic boycotts as acts of war."

The Journal de Genève published the Chinese delegation's communication, and I was obliged to send a denial, which appeared in this morning's issue.

The Chinese delegate has just said that the Japanese Government has spent several million yen on propaganda in America and Europe. That allegation is made on the responsibility of the Chinese delegation. I would ask the latter whether this charge is in accordance with the facts and whether the Chinese delegation can furnish proofs; otherwise, I cannot accept such an accusation.

M. Paul-Boncour (France):

Translation: I had not asked to speak, but I assume that the President's invitation refers to the telegram which I had the honour to communicate to him just now, and to the telegram which Sir John Simon has shown me.

It seems to me — and I should like to put this as discreetly as possible — that if the Parties exchange and communicate all the contradictory reports they may receive, the whole time of the Assembly may be taken up with the discussion of these various reports. After such severe hostilities over such an extensive line of battle, which, however, is not absolutely continuous and on which orders may be received at different times, where the nervous strain of contact felt on both sides may make skirmishes likely, there is bound to be a certain amount of truth in the contradictory information between the two Parties; and I am inclined to think that, until there is a zone, however narrow, between them occupied by international forces, the same contradictions and the same difficulties will continue.

In view, however, of the request, addressed yesterday on behalf of the Commission, and subsequently of the Assembly, to the Powers represented at Shanghai and having special interests there, to supplement the particulars furnished by the Shanghai Commission which was set up by the League Council, and which has already sent several successive reports, we may be able to obtain precise information.

We ourselves had not awaited this invitation, and two days ago I sent a telegram to our representative and to our military attaché in China asking them to make enquiries on the spot. Yesterday evening I received a telegram laconic but very clear. I will read it to you, subject to the reservation proper to a piece of information which is not of a collective character and does not emanate from an organ of the League, but which is nevertheless a piece of information:

"Hostilities actually ceased yesterday at 2 o'clock on both sides."

Sir John Simon (United Kingdom):

I also have in my hand a communication which has been received from Shanghai by the British authorities, furnishing information as to the actual situation on the spot.

The General Commission will recall that Shanghai time is seven hours in advance of the time here, and the message which I have before me was sent off from Shanghai at half-past twelve (Shanghai time) — that is, about five o'clock this morning here. I have also a second message received about an hour later. The British Commander-in-Chief replies to the message which I sent last night at our President's request for information which the Assembly might have before it. It is of a provisional character, and I do not put it forward as a final report, but I am sure my colleagues will be glad to know what is the report furnished by the British Commander-in-Chief in answer to our President's invitation of yesterday. He says that he has seen his Italian and French colleagues this (Saturday) morning. His colleagues had not then received instructions — doubtless the telegram which M. Paul-Boncour told us had been sent to the French Commander-in-Chief was still on its way. The British Commander-in-Chief says that details are not available, owing to the length of the front line and the distance to be covered, but he supplied the following as his preliminary report, adding that the Japanese military and naval authorities confirm it officially.

The Eleventh Division has been completed by the disembarkation of one more regiment at Liauho. The Fourteenth Division, which will probably land at Woosung, is now on the way. All main operations have ceased, but there has been occasional firing, a few rounds of artillery, rifle and machine-gun fire chiefly in the region.
of Nanhsiang, to which place the military attaché is proceeding this afternoon. A military Staff Officer is also proceeding to Kiangwan, and their reports will be communicated in due course.

I put this information at once at the disposal of the General Commission purely as a provisional matter, because it is plain that we must still wait for some hours before we have a complete and a definitely verified statement. In the meantime, I venture to associate myself with M. Paul-Boncour and suggest that there should be a temporary "cessation of hostilities" between our two friends here, for it is very difficult for us to proceed with our work, which is to produce, I hope, an effective "apaisement", if there is occasional "firing" after the official cessation of hostilities has been proclaimed.

**The President:**

*Translation*: The news which the representatives of the United Kingdom and France have just communicated to us, and which they have obtained from their military authorities on the spot, is calculated to allay our anxieties to a certain extent. We cannot continue a discussion interspersed with geographical questions and contradictory information regarding occurrences which have taken place at an enormous distance from Geneva. We cannot continue to discuss the news contained in articles published at Shanghai, in Europe or elsewhere.

The resolution we adopted yesterday should result in an impartial ascertainment of the facts for our full and complete information. Until we are in receipt of these details, which we are anxiously awaiting, any debate on this point is useless, and I propose that we should pass on to the general discussion of the problem as a whole.

**GENERAL DISCUSSION.**

M. Braadland (Norway):

*Translation*: The statement which the acting President of the Council, M. Paul-Boncour, made with such eloquence yesterday to the Assembly proves how complex, difficult and delicate is the problem now before us. But the very complexity of the situation makes it all the more necessary to bear in mind the essence of the problem. I think, therefore, that we should not expend too much of our time on questions of detail, which certainly, taken as a whole, qualify the situation, but which, if we attempt to examine them separately, will make it difficult for us to obtain that general view which is absolutely necessary if we are to form a right opinion of the problem.

The many special circumstances of the present conflict, which it is not easy for European Powers to estimate at their proper value, increase the difficulties we are experiencing in our attempt to discover a solution acceptable to all parties. But even if we recognise all the difficulties in the path of an unimpeachable juridical decision, this conflict raises certain questions of principle which I think are sufficiently clear, and regarding which the League of Nations can and should express an opinion without delay.

The Assembly should constantly bear in mind that principles are involved the violation of which might produce incalculable effects on the future of the League. The very authority of the League is at stake.

The dispute between China and Japan began in May, which, in the opinion of the Norwegian Government, made it natural to seek a practical solution by mediation between the two Parties, with a constant endeavour to prevent an aggravation of the conflict and the commencement of serious hostilities.

Consequently, as long as there still remained any hope of success, the Council was bound to avoid adopting any action which it must undertake under Article 11, paragraph 1, and also under Article 15, paragraph 3, of the Covenant. These are the provisions on which the Council naturally had to base its action while waiting for the information which the Secretary-General sought to obtain by taking immediately such steps as were necessary and by hearing the statements which the Parties were bound to make to it.

Unfortunately, the conciliatory action of the Council did not produce the desired results. This action has been continued until the last few days, and will, of course, be continued until the conflict has been finally settled. But the present situation is such that it has become necessary to resort to other methods. The Norwegian Government holds it to be of the highest importance that the main lines of the Council's policy should be approved by the Assembly. The Norwegian Government also feels that it would be desirable for the Assembly to decide whether the question at issue is of such a nature as to require a situation in which the Council should adopt measures, calculated to bring hostilities to a definite end and to prepare the settlement of the whole conflict.

My Government considers that, in conformity with Article 15, paragraph 4, of the Covenant, the Parties to the dispute should have laid before them certain perfectly clear recommendations regarding the steps to be taken to avoid the continuation of warlike acts and to prepare, as I have said, the settlement of the whole dispute.

But I feel bound to say that the League's action should not be confined merely to submitting recommendations to the Parties. World public opinion expects it of the League that, if either of the Parties does not accept or respect these recommendations, the League should take appropriate action in accordance with the provisions of the Covenant. I reserve the right, after following the discussion in our Commission, to submit, if necessary, a draft resolution on these lines.

Obviously, a situation like the present one must be looked at both from the political point of view and from the standpoint of what is practicable, and not in the light of a theoretically legal question. But for this an objective opinion based on actual facts is not enough. It must be realised also that the present conflict raises questions of principle which are of fundamental importance for the future of the League.

M. Restrepo (Colombia):

*Translation*: Before coming to the serious question which this Commission has to consider, I wish to mention the following facts. The relations of my country with the two States in conflict, although friendly and cordial, are only of very recent date. They are, however, more advanced as regards Japan. A Power with which Colombia concluded in 1908 a Treaty of Friendship and Establishment guaranteeing to Japanese nationals the right to establish themselves and carry on their trade and industry throughout the whole territory of the Republic. At that time, I had the honour to preside over the Foreign Affairs Committee of the Colombian Legislature, which proposed to the latter the adoption of the draft Treaty; I even, I believe, had some share in securing the approval of this draft. As regards China, no diplomatic or consular representation, no undertaking or agreement of a positive nature, unites us as yet with that
in international law, is destined to affect our own to another State does not entitle the former to - or contrary to the law - which might be created claims, economic concessions, etc., in regard association, and we know that any serious conflict responsibility borne by each of the Members of this the purpose of carrying out police operations

Possibly the time has not yet come for the League to designate the aggressor and decide whether the territory of a Member of the League has been violated contrary to the provisions of the Covenant in this armed conflict, which the Committee of the Council has already called a state of war. But we should be prepared to do so at any moment, and we must not give the peoples of the world the impression that we are afraid to speak out clearly when the time comes. The future of the League, and consequently of the peace of the world, depends on this.

Negotiations are at present proceeding under the auspices of the League, and with the direct intervention of several Powers, to put an end to hostilities. Let us await the result of these efforts, which do not seem to have failed, and let us thereupon act accordingly.

In the meantime, I wish to offer my fullest support to the statements made by the representatives of France, Spain, Guatemala, Peru and Panama at the meeting of the Council in Paris on December 10th, 1931, statements embodying more or less explicitly the principles which may be in danger and which form the basis of relations between civilised peoples. These principles are the very expression of the provisions of the Covenant — in particular, Article 10 — to which the twelve Members of the Council referred on February 16th, and which I should like to see invoked in all its force when the Manchuria question is dealt with. I would particularly stress, as expressing a necessary consequence of these principles, the passage in the appeal of the Twelve (which is of the same tenor as the very firm declaration made by the State Department at Washington) noting that "no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 ought to be recognised as valid and effectual by the Members of the League of Nations".

The four points formulated on December 10th by M. Gonzalez Prada, representative of Peru on the Council, define the scope of the principles which are in question. For my part, I beg to submit in this connection and which I should like to see applied, but as an expression of the will of the whole world and as a definite truth, that attacks on sovereignty should not be

and property of its nationals must be limited by respect for the sovereignty of the other State: no State being entitled, in order to provide such protection, to authorise its military forces to penetrate into the territory of the other for the purpose of carrying out police operations;

"(4) The fact that a State has certain rights, claims, economic concessions, etc., in regard to another State does not entitle the former to effect the military occupation of the territory or to seize the property of the debtor State. Any recovery of debts by compulsion is illicit, in accordance with the principles accepted by the Second Conference (The Hague, 1907)."

These points, which I have ventured to borrow from the representative of a neighbouring and sister Republic, clearly express the principles of international law and the clauses of our fundamental Covenant. They form, in the opinion of my Government, the rule which should in all cases apply to the decisions to be taken by this Assembly in the problem which has led to its convocation. I am, moreover, prepared, on behalf of my country, to agree to any decision the effect of which would be, while safeguarding the principles I have outlined, to ensure the peaceful solution of this conflict and maintain intact, in the present serious situation, the authority of the League of Nations.

M. Romeo Ortega (Mexico):

Translation: In expressing the views of the Mexican Government and people, and in accordance with my instructions, it is my duty to make the following statement:

Mexico, in becoming a Member of the League of Nations, regarded it as an absolute necessity that the just application of international law should, by means of frank and loyal co-operation between all countries, exert sufficient moral force to establish and maintain the reign of true international justice.

The foundations on which the League has been built up, and the ideas expressed by the eminent statesmen who, as representatives of their countries, have spoken on many occasions from this platform, are such that Mexico regards the League of Nations as morally capable of guaranteeing the application of principles of justice everywhere, and which might endeavour by forcible means to ignore or violate them. Confidence in this moral guarantee was the chief reason which led Mexico to form part of this Assembly and to co-operate to the extent of its means in achieving that lofty aim.

In the face of the unfortunate events which have led to the meeting of this Assembly, Mexico regrets that, in spite of the praiseworthy efforts of the Council, hostilities have continued for so long.

Respect for State sovereignty, the inviolability of State territory, the refusal to condone anything in the nature of armed intervention — whatever name is given to it by legal, diplomatic and political artifice — are essential principles for the life of all nations.

Mexico asks that the League should demand entire respect for the provisions of the Covenant and that, apart from geographical and ethnological conditions, it should assert, not as a theory which may or may not be applied, but as an expression of the will of the whole world and as a definite truth, that attacks on sovereignty should not be
condoned and that all aggressive intervention should be barred.

The League, in taking such action, will recognise that, in international law, as in private law, no one can take justice into his own hands.

This is of vital importance for the League if it is to gain the respect which is its due. The League is, in the widest sense of the word, the judge, chosen voluntarily and solemnly by the nations.

M. Löfgren (Sweden):

Translation: In his speech during the general discussion of the Disarmament Conference, Baron Ramel, the Swedish Minister for Foreign Affairs, drew attention to the growing anxiety with which, in Sweden as in many other countries, events in the Far East are being followed, involving, as they do, a serious threat to the results obtained at Geneva in the organisation of peace. On behalf of the Swedish Government, he expressed the most earnest hope that peace might be promptly restored by the energetic action of the League and the Powers principally concerned.

From that time until the last few days the position in the Far East has become worse, and although the news appears to be contradictory, no one can deny that what is taking place is war in everything but name. At this moment I will say nothing as to what has been done by the organs of the League to put an end to this deplorable conflict. I note, however, with satisfaction that, from the first phase of the conflict, the Council has laid stress on the fact that it could not be solved satisfactorily without the withdrawal of the troops concerned. No one can deny, especially after the report by the Committee of the League at Shanghai dated February 3rd, that the military means employed in the conflict between China and Japan are not in conformity with existing treaties.

Sweden, for her part, has maintained on several occasions during the League discussions that the provisions of the Covenant prohibiting the use of armed force retain their entire validity whether either of the Parties describes the use of armed force as war or not. Without wishing at this moment to give any opinion on the respective claims underlying the conflict, I wish to state that, in the opinion of the Swedish Government, the landing of troops and their use in military operations on the territory of another Power are contrary to the provisions of the Covenant and the Pact of Paris. Any such attempt to extend the conception of legitimate defence in the manner adopted in the present case would render it impossible to maintain any legal international order.

Consequently, my Government unhesitatingly gives its support to the note addressed to Japan by the twelve members of the Council on February 16th last, and, in my opinion, the Assembly should endorse this appeal. I realise the complicated nature of the conflict and the special conditions prevailing in the Far East. These special circumstances cannot, however, be invoked by one of the Parties as an excuse for evading the procedure of conciliation and arbitration laid down in the Covenant.

It is, however, evident that, at the present time, the first duty of the special Assembly is to obtain, not only the cessation of firing, but also the definite cessation of hostilities. The latter is an indispensable condition in order that the organs of the League may contribute to a peaceful settlement of the Sino-Japanese conflict. The cessation of hostilities should, however, take place in such a manner that the position of the Parties to the dispute may not, in view of the settlement of the dispute, be influenced by military pressure and that invasion of Chinese territory may be stopped. I welcome the appeal adopted yesterday by the Assembly as a first step towards this result.

I wish, however, to point out that, once hostilities have ceased, it will naturally be the essential duty of the League to ensure the peaceful settlement of the conflict in the spirit of the Covenant. In this connection I may recall the remarks contained in M. de Brouckère's report, which was adopted as a valuable guide by the 1927 Assembly.

At this moment a heavy responsibility weighs on the special Assembly of the League and on all the States taking part in it. As M. Hyman, the President of the Assembly, stated in his opening speech, we must conscientiously seek for ways and means of restoring concord through justice. It is true that small countries like ours have less possibility than the Great Powers of influencing the course of events; but our interest in the maintenance of legal international order is all the greater.

If the League does not succeed, in present circumstances, in establishing peace based upon justice, the proper and loyal application of its own constitution, there is a danger of the more or less complete collapse of those ramparts which we have built up together with so much patience and zeal in order to prevent force from supplanting justice.

M. Erič (Finland):

Translation: I wish first to say that the feelings of the Finnish people are equally cordial towards both Parties to this dispute. Finland has had sincerely friendly relations with both from the time when she was not yet a sovereign State, and these excellent relations have been intensified since she became independent. Because of our sympathy for and good relations with the two Parties, we are the more anxious to help bring the present conflict to an end, and we hope the dispute between China and Japan will be settled in accordance with the principles of justice and equity, with due regard to the legitimate interests of both.

Finally, we hope that the League will emerge from the conflict stronger and not weaker. I should like to say, therefore, that, if in my statement I mention points which may touch certain susceptibilities, I do so with impartiality and for the common good.

The matter with which we are dealing raises more than one serious problem affecting the very basis of the League. Is the League really a live force and does it constitute a real guarantee? Or, whenever a vital and universal question of security arises, are the world Powers, is it no more than a debating body, passing formal resolutions, or at most a mediatory body, whose real authority and influence depend chiefly on the goodwill—I will not say the arbitrariness — of the parties concerned?

Shall personal interest and political opportunism be the ultimate principles on which the policy of certain Members of the League is based, so that...
certain Powers, regardless of the engagements into which they have entered, feel justified in acting as they think fit in order to assert their rights, to promote their interests, and in resorting, for that purpose, to any means of enforcement and coercion, instead of referring the matter to organisations set up for the purpose of safeguarding peace, in order to settle disputes or facilitate their settlement?

The practice observed by States prior to the League's existence was based on the unlimited power of a State to act as its own interests dictated. But that is not the system inaugurated by the Covenant. Unfortunately, the Covenant's effectiveness has too often been weakened by a practice based on the principle of following the line of least resistance.

There is, indeed, considerable disharmony between the system of the League, whose political action must be based on the Covenant, and the moral facts — disharmony between the facts. We are sometimes tempted to hide this disharmony, and in exceptional cases a certain amount of illusion may even be useful, seeing that the reality is sometimes too discouraging. As a general rule, however, it is better to bring out the truth. It is regrettable that the League's power to assert its will is limited; but it is better to recognise its inadequacy than to pretend to observe the Covenant when we are not in a position to do so. Without offending anyone, we might even go a little further and call attention to a method sometimes employed, which consists in interpreting some basic provision of the Covenant in a manner which is more skilful than sincere. That is obviously the least satisfactory method of interpretation.

The smaller States know very well wherein resides the League's real motive power and which States are actually responsible for the official interpretation and the real application of the Covenant. It is not to the special interest only of the smaller States, however, it is also their duty to insist on a just interpretation and a reasonable application of the important principles which have been laid down.

Whenever the League has discussed the various aspects of international security, Finland has always and on every possible occasion insisted on the following principles, and their importance in the matter with which we are dealing must not be overlooked:

1. A clear distinction must be drawn between a threat or even a danger of war, on the one hand, and actual aggression, with or without a declaration of war, on the other. Care must be taken not to confuse a threat with aggression; there has already been confusion of that kind in the League, inter alia in the earlier phases of the present affair.

2. A distinction must be drawn between the material causes of a dispute and the aggression to which a dispute may lead if the parties, or one of them, will not submit to a pacific settlement. Whatever may be the responsibility of either party in regard to the basis of the dispute, the Covenant does not recognise aggression as a direct means for the settlement of a dispute.

3. As early as 1924, Finland put forward and strongly pressed a view which is beginning to be more widely accepted — namely, that the aggression prohibited by Article 10 of the Covenant may occur, without any declaration of war, in the form of hostile acts infringing the territorial integrity and political independence of a country.

Confusion in this matter in political affairs may not justify, but perhaps in some measure explains, recourse to coercion without a declaration of war.

We do not suppose that the integral application of the principles of the Covenant can be decided from one day to the next. The present situation is complicated by the events which are occurring and also by the methods which it has hitherto been attempted to employ. However that may be, the Assembly cannot remain passive spectator. It must act. It must do its best in a serious situation, which, however, there is no reason to consider desperate. The Assembly must endeavour, by all the means at its disposal, to bring about a settlement of this dispute. That is its undoubted duty; to ignore its duty would be to incur the gravest responsibility in the eyes of the whole world for the future of mankind itself.

M. Beelaerts van Blokland (Netherlands):

Translation: The events which have occurred in the Far East since September last have everywhere caused the profoundest emotion. After the world war — the war to end war — and the creation of the League we hoped that in future, at least among the Members of the League, we should be spared the horrors of armed conflict.

That has not been the case. Hostilities broke out in China which, by whatever legal term they may be called, have all the main features of war.

From the beginning of the dispute, the League, with the help of the United States of America, has endeavoured to bring about a peaceful settlement of the dispute. The Council has been dealing with the matter for nearly six months, and the twelfth Assembly also gave it close attention. Apart from the Parties to the dispute, the Powers were unanimous. Nevertheless, their voice throughout this period has been the voice of one crying in the wilderness. That is perhaps the most disquieting aspect of this tragic affair.

We have been studying the possibility of setting up an international police force, but we must not forget that, even were military action possible, the moral force of the Council's decisions must always remain the pivot of the system, the strongest guarantee of peace, unless the whole organisation of the League is to crumble. In the present case, that moral influence has failed. That Party to the dispute which felt it was entitled to take military action continued to do so in spite of the Council's unanimous opinion.

The noise of the guns on the battle-fields in China was a shameful accompaniment to the discussions of the Conference for the Reduction and Limitation of Armaments. Need I say that events of this kind demonstrate the imperative necessity for doing away with armaments? In my opinion, we must recognise that no reduction of armaments will guarantee us against a repetition of such events. There is only one way of achieving the desired aim. The nations must become imbued with the idea that war is a crime, that it must be abandoned as a means of national policy, and that the settlement of disputes must never be sought except by pacific means.
I have no intention, at the present moment, of allocating between the two Parties the responsibility for what has occurred. The dispute has been referred to the Assembly, and in performing its task it will, I am sure, fully appreciate not only its duty to stop the bloodshed in the shortest possible time, but also the fatal effect the League's failure would have on the whole organisation of the inter-
national community. The Netherlands Government, which has for centuries had friendly relations with the two great nations concerned in the dispute, is absolutely confident that the discussions will open a way to an agreement between the Parties and to valuable co-operation in future. Only thus will it be possible to safeguard, in the Far East, that peace which is so deep-rooted in the Oriental soul.

THIRD MEETING OF THE GENERAL COMMISSION

Saturday, March 5th, 1932, at 3.30 p.m.

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GENERAL DISCUSSION (continuation).

Speeches by M. Munch (Denmark), M. Motta (Switzerland), M. de Zulueta (Spain), M. Tönisson (Estonia), M. Brešek (Czechoslovakia), M. Politis (Greece), Khan Serahhodi (Persia), M. Buero (Uruguay), M. Branco (Portugal).

President: M. HYMANS.

GENERAL DISCUSSION (continuation).

M. Munch (Denmark).

Translation: During the last few months, and more especially the last few weeks, you have all, no doubt, heard people impatiently ask why the League tolerates terrible events such as those which have been happening in China. The question, to tell the truth, is entirely natural. It is obviously difficult for people to realise the League’s true position under the Covenant and the perplexing circumstances in which it has existed during its first twelve years. Nor is it easy to realise immediately the special difficulties of the conflict which brought about the convening of this Special Assembly. Here, in Europe at all events, it will always be difficult to grasp the true nature of conflicts in Asia. The President of the Council, M. Paul-Boncour, rightly emphasised this point in his opening speech. We are faced with a conflict between two great countries whose total population exceeds a quarter of the aggregate population of all the States Members of the League. One of them is one of the great Powers which exercised a decisive influence in the framing of the Covenant. This country, which is a permanent Member of the Council, possesses a very powerful military organisation. The other country involved in the conflict is, by the extent of its territory and the number of its inhabitants, one of the biggest States in the world. The home of a very ancient civilisation, it has played an extremely important part in the history of mankind. It, too, possesses a very large number of military effects.

The events of these latter months show very clearly that, as long as powerful armies and navies exist, coupled with the spirit that is bound up with them, the League will always have a very difficult task in imposing a settlement in the case of a serious conflict between any of the larger States. It is still difficult to establish the “League’s peace”, just as at one time it was difficult to establish the “king’s peace” so long as the strongholds of the great feudal lords and great cities with walls and fortifications existed. This truth must be faced. It is sufficient explanation of the Council’s patience in endeavouring to solve the present conflict by negotiations between the two countries involved, with the help of other States concerned. Such, moreover, is the procedure laid down in the Covenant. The latter expressly prescribes that conversations of this nature form the first stage in the League’s work of conciliation. The Council has complied strictly with the provisions of the Covenant, and the Assembly will doubtless do likewise.

It would most certainly be wise for the Assembly, too, to employ this method first. We must carry on the efforts initiated by the Council to bring about an agreement between the two parties by persuasion, by strengthening the Council’s authority with that of the Assembly and appealing to the interests of the entire international commonwealth.

In conjunction with the two parties, we must consider in what forms direct conversations between them would be feasible — those, I mean, which would be most likely to facilitate a solution of the dispute.

These forms must probably differ for each of the two principal problems, that of Shanghai and that of Manchuria; but it is plain that there can be little prospect of success for any attempt at mediation unless hostilities are suspended. In this respect, the position is not yet quite clear.

We must hope that the outcome of the resolution adopted by the Assembly yesterday evening will be the final cessation of hostilities and the withdrawal of the Japanese troops.

If, however, that hope is not fulfilled, if there are further operations and fighting on a large scale, if serious hostilities and fighting recommence, if they cannot be terminated by conversations, I see no other way than to apply the system laid down in the Convention we adopted in September 1931 with a view to strengthening the means for preventing war. Under that system, the Council or the Assembly would be entitled to prescribe a series of measures likely to bring about the cessation of hostilities, and the violation of such measures would involve a presumption that the State violating them was the aggressor.

That Convention, I know, has not been ratified, but it was the outcome of lengthy discussions; it was adopted by the Assembly and its ratification is, I believe, only a question of time.
If, finally, after further efforts at mediation, the conflict were to continue and there was still a threat to peace, the League would be obliged to enforce the procedure laid down in Articles 13 and 15 of the Covenant.

Part of the problems connected with the dispute are, I think, of such a nature that they might suitably be submitted for settlement by a court of law or by arbitration, provided it was found impossible to solve them at a round table conference on the spot. I refer to some, at any rate, of the problems connected with Manchuria; in their case, the necessity of an immediate and unbiased mind to the speeches made valid of certain conventions. The political problems, on the other hand, should be handled in accordance with the third and fourth paragraphs of Article 15.

If mediation were a complete failure, recourse would inevitably have to be had to a recommendation prescribing a solution, as laid down in the third and fourth paragraphs of the article, and the consequences would have to be taken. In this matter, the Covenant is quite clear. It would be impossible not to apply it.

I may add that throughout the conversations we have in mind it will be absolutely essential to uphold two principles which are already laid down in the appeal made by the twelve members of the Council on February 16th.

The first thing to place on record is that a State will not be acting in conformity with the Covenant and the Pact of Paris merely because it avoids declaring war. We should, of course, be wise to recognise that not every frontier incident constitutes war, and that war may sometimes be avoided notwithstanding certain acts of violence. Where, however, you have military expeditions abroad and great battles between regular armies operating under orders from their Governments, there can be no explanation or statement of reasons which will convince the nations that these are legitimate acts of a pacific character.

What the Covenant and the Pact forbid is not merely a declaration of war, but likewise any act of aggression, any recourse to other than pacific methods as an instrument of national policy.

The second need is a clear affirmation of the principle that, after the establishment of the League as a great international organisation based on law and the adoption of the Pact of Paris, no new right can be created by force. No agreement secured by force can be registered by the Secretariat under Article 18 of the Covenant. That is a sine qua non for the validity of any agreement concluded between Members of the League.

In the view of many Members of the League, the guarantee contained in the Covenant against the creation of new rights by force is undoubtedly one of the most important achievements accomplished through the foundation of the League.

We must, however, hope that there will be no need for recourse to a recommendation under Article 15, and that a solution will be brought about by direct conversations and by mediation.

Neither of the opposing States will have failed to realise the very serious consequences which the continuation of the conflict might have for the international organisation of Geneva. No one can predict the economic, social and political effects which a great war in the East might have throughout the entire world.

If the efforts at mediation fail, and if the Council and the Assembly are compelled to use every means at their disposal to bring about the cessation of hostilities and to find a settlement for these burning questions, they may rightly feel sure that an immense majority of the inhabitants of all countries will watch their endeavours with the utmost sympathy.

If we are successful in our efforts, we shall have taken an immense stride towards the organisation of peace, which is the great aim of the League.

M. Motta (Switzerland):

Translation: Anyone who has listened closely and with an unbiased mind to the speeches made this morning and again this afternoon must have been struck by the concordance which marks the opinions that have been advanced. That concordance is particularly noteworthy because it is spontaneous — that is to say, it is not due to any previous understanding on the part of the Members of the Council upon that; indeed, I should have been surprised if the reverse were the case.

This Special Assembly has been convened at the request of China in virtue of Article 15 of the Covenant. When the matter was before the Council, China invoked other articles as well.

China is asking for the application of Article 15 in conditions which are, if I may say so, somewhat remarkable, because events have already, to a very large extent, outstripped the fundamental hypothesis contained in Article 15. Article 15 says: "If there should arise between Members of the League any dispute likely to lead to a rupture which is not submitted to arbitration or judicial settlement . . ." It is plain, then, that, once the voice of guns and rifles has been heard, the hypothesis in Article 15 has been left far behind.

I am glad, however, that we are still able to remain within the system of that article and that we are not required to think of entering upon another system laid down in other articles.

Article 15 prescribes two procedures which, to my mind, are fundamental. In the first procedure, the Assembly or the Council acts in the capacity of mediator. It is obvious that, with this conciliatory procedure, the arrangement which it is hoped to achieve can only be brought about with the concurrence of the parties themselves. I most earnestly hope that this first procedure will make it unnecessary to employ the second.

Should the conciliation procedure fail, Article 15 prescribes a procedure by way of recommendations, annually, including the parties to the dispute a duly voted — that is to say, unanimously, in the case of the Council, and in that of the Assembly with a specified majority which must, however, include all the Members of the Council — it has certain very important consequences which are described in Article 15, paragraph 6; war may not be made against a State which accepts the recommendation. This sentence, in appearance so simple, is full of the deepest significance, and already facts had in the application of Article 16.

To my mind, the preliminary condition for the application of the procedure in Article 15 is that hostilities, should they have unfortunately broken out, must cease; the cannon must be muzzled. It would, I think, however, be a very great mistake to suppose that the cessation of hostilities is the solution of the conflict. It is, of course, a very important object, but a secondary one, which will, we hope, be achieved, along with others, by the resolution we adopted yesterday evening unanimously, including the parties to the dispute, a fact which we all welcomed with great satisfaction.

Our principal aim, however, is the maintenance—
and, in the special circumstances we are considering, it would be better to say the restoration — of peace between the opposing countries.

Next, let me remind you of a few fundamental principles; and I must apologise for saying less well certain things which have been said with great eloquence and wisdom, and in some cases also very incisive, by earlier speakers.

First and foremost, we must always bear in mind Article 12, which contains a very strict obligation — that of having recourse to arbitration or judicial settlement, or, if this is impossible, to investigation and consideration by the Council.

Until this procedure in Article 12 has been accomplished, and hence until recourse has been had to the Council, all military acts, all acts of war — the distinction is a rather subtle one — are prohibited. Now, I am afraid that, in this case, Article 12 has not been observed.

Article 15 is the complement of Article 12. It, too, necessarily implies the idea that a country cannot seek justice for itself. The results of the use of force cannot be acknowledged by the League, forth the Covenant is based, in the first instance, on the idea of right and on the idea of justice.

True, the Covenant does, in certain cases, contemplate the possibility of the use even of force; but, as all the countries gathered together here have accepted the Pact of Paris as well as the Covenant of the League, they are prevented from using force even in the case contemplated in the Covenant, because the Pact of Paris forbids all war, all exercise of force, as an instrument of national policy.

I do not propose here to deal with certain views, very natural views, regarding the notion of legitimate defence. That notion has, I know, been alluded to, and I think, taken shelter behind it until all the pacific and conservatory procedures in the Covenant have been exhausted.

I have no intention of examining the merits of the dispute at the present moment. We must, I think, nevertheless give it the most unbiased and effective consideration we can.

We are not, in the strict sense of the term, a court of law. It would, I think, be an exaggeration to say that we have any real mission of arbitration. Our duty is to pave the way for a friendly settlement, if possible, and to seek for other solutions when friendly methods have failed. The General Commission will, I imagine, appoint a sub-committee of its members to make a special study of all the factors of the dispute. The sub-committee will then be asked to submit concrete proposals to the General Commission, which will forward them to the Assembly. I can, however, I think, rightly affirm that the conservatory and pacific procedures of the Covenant will have no great value, nor any very great effect, if they are robbed of all meaning as a result of faits accomplis.

Peace is the interest of all. The League is the new judicial instrument of a great idea. If, however, peace is the interest of all, I shall not be going too far if I say that that interest is vital in the case of small countries. Owing to their smaller territory and their inferior economic, military and other resources, the small countries are far more vulnerable than the great Powers, which can in some cases rely on force. Were the small countries to lose their confidence in the procedures laid down in the Covenant, they would be obliged to seek for other methods to ensure the essential and fundamental bases of their security.

I should be sorry if the few remarks I have made had the effect of complicating in any way the Assembly's and the Council's task. We are all anxious to bring to the examination and solution of the conflict a very large measure of goodwill, and, above all, that feeling of friendship which is likewise a fundamental feeling in the League.

I do not know whether, at some time or other, we shall not have to examine as well the question of the respective spheres of competence of the Council and the Assembly. Their action is to a certain extent concerted, because the Council has not completely divested itself of the question. It is only divested of it in what I may call a partial manner. We shall, during our discussion, consider this very interesting side of the question.

Next, let me say that, in my opinion — and this is a remark of very great importance — it does not seem that the conflict has been localised at Shanghai. The conflict has been brought before the League in its entirety. The great Powers have a great part to play, a great task to fulfil. The main thing that we must demonstrate is a spirit of concord and united, can we safeguard what I will call, not the prestige, because I hate the word, but the legal and moral authority of the League.

M. de Zulueta (Spain):

Translation: Only the other day, when I was speaking at Geneva on behalf of Spain, I hastened to offer the most enthusiastic co-operation in the cause of peace of an old country which is actuated to-day by a new spirit and whose interests are, as I said then, worldwide but immaterial.

These latter words are peculiarly pertinent to the present case. Spain has no special ties with either of the two parties to the present dispute. Towards both, as towards all countries, she has the same feelings of sympathy and sincere friendship.

Our interests in this matter are the immaterial and worldwide interests to which I referred, the interests of peace and of the international legal order embodied in the League regarding which all countries should be at one. My country's desire in the case before us now is exactly the same as it would be in all other similar cases. We are all entitled to demand that conflicts between States should be settled, not by the blind violence of arms, but by enlightened and pacific methods; not by isolated action on the part of the two nations directly concerned, but with the co-operation, in due form, of all the other nations who are entitled to claim, Nihil humani a me alienum puto. It is the countries which have the smallest interests involved that are the best qualified to represent justice.

In brief, the question for the League is, To be, or not to be? We are anxious that the League should act, and we hope that it will do so in the full meaning prescribed by the Covenant and with the energy expected by the world.

We have listened with the closest attention to the statements made on different occasions by the Japanese delegate concerning the difficulties with which that country has been faced; but, without prejudging in any way the merits of the problem before us, we consider that the cause of Japan would undoubtedly have gained by being raised from the level of a local conflict, in which two isolated countries are at grips with one another, to that of an objective problem submitted to friendly discussion before the League of all the nations.
Permit me, then, to lay down the three following principles:

First of all, we consider that it is the Assembly’s duty to itself to proclaim that the Covenant demands that evacuation should precede negotiations. When two countries are in conflict, and if, unhappily, territory has been occupied, it would obviously be incompatible with the Covenant for the occupying country to require that the merits of the dispute should be discussed before its troops had withdrawn from the invaded territory. Hence, both in Manchuria and at Shanghai, it is, in our view, indispensable that, if there are to be negotiations with regard to evacuation, the questions affecting the merits of the dispute must be put on one side until evacuation has been completed, or at the least until the principle of evacuation has been agreed upon and a date for its completion formally determined and accepted by both parties.

Secondly, we hold that Article 10 is the Magna Charta of the League. Consequently, Spain reaffirms in this Assembly the axiom, enunciated by twelve Members of the Council (including Spain) in an appeal recently sent to the Government of Japan, to the effect that the Members of the League cannot recognise any political or administrative changes brought about by force or in disregard of the principles of the Covenant or of the Pact of Paris. Spain believes that the Assembly would be acting wisely if all Members composing it were to express themselves explicitly on this point.

Finally, we must enter a formal reservation with regard to the argument that the obligations of the Covenant may be weakened or relaxed in the case of countries that are inadequately organised. Without putting forward any opinion whatsoever concerning the question whether or not this argument applies to the case before us, now, we feel it to be our duty to state as unequivocally as possible that it is principally in the case of the inadequately organised countries, those which are striving to set up a better organisation at home, that it is essential to maintain the international obligations in the Covenant in all their efficacy. The Covenant is particularly necessary precisely because of the internal weakness of certain countries and the strength of others. The League, which is the organ of the international community, owes it to itself to protect internationally the weak against the encroachments of the strong and the strong against the chaos of the weak. If, then, there be any conflict due to a lack of internal organisation in certain countries, such cases should, we believe, be exceptional. We could not support the view that, in these instances, there is any right to exceptional or separate action on the part of any State.

Who could doubt in this Assembly of fifty nations, stirred by a distant conflict, the world effects of which are felt by us all notwithstanding their remoteness, that the fate of disarmament and of peace, the safety of millions of homes throughout the world, are bound up with the decisions we are about to take? For the League, I repeat, the question is: To be, or not to be? We want the League to be.

M. Tönnisson (Estonia):

Translation: I wish to associate myself with previous speakers who have alluded to the great gravity of the present moment. The conflict is not merely one between two Powers. The fundamental principles of international organisation as fixed after the world war are at issue. It is not my intention, nor is it within my power, to examine here the underlying causes of the conflict by which, to our keen regret, two Members of the League are divided. My country has always maintained the best relations with both. What I regret is that it should have been thought possible to seek for the solution of this deplorable conflict by the despatch of armed forces and the occupation of a large area of another State. Such methods should no longer be permissible under the system of the Covenant and of the Pact.

It has, I know, been said that the despatch of troops and the occupation of foreign territory were merely measures of a legitimate defence. Speaking for myself, I cannot accept so wide an interpretation of the concept of legitimate defence. We very sincerely hope that the resolution adopted by the Assembly yesterday will contribute to the effective and final cessation of hostilities between the two parties. The dispute country has been settled by the methods laid down in the Covenant and in complete equity.

I entirely concur in the remarks which were made this morning by the Finnish and Swedish delegates. It is, we consider, of great importance that the lofty ideals on which the Covenant is based should be effectively observed and followed. This will enable all countries, great as well as small, to take up, with greater confidence and enthusiasm, the work for the construction of a better international order, which it must ever be our aim to improve more and more.

M. Beneš (Czechoslovakia):

Translation: Far be it from me in this serious dispute to take sides with either of the opposing parties. I should have no reason to do so, for I am entirely free from all sentimental predispositions. On the contrary, my country is a sincere friend both of Japan and of China. It has not forgotten the help afforded to it by those two countries at the difficult period of the world war. Since the war Czechoslovakia, in her policy, has maintained close and truly amicable relations with both Japan and China, particularly at Geneva.

It is, therefore, in a purely objective light and in the spirit of complete independence that I wish to submit a few short observations concerning the conflict between Japan and China.

Czechoslovakia is concerned in this serious problem solely as a Member of the League of Nations. She is anxious regarding the results of our present action; she desires the League to fulfil all its obligations deriving, not only from the Covenant, but from the moral prestige it at present possesses throughout the world. It desires that the League, which, in spite of all, represents a new spirit and quite a new method in international relations, shall prove that it is useful and, indeed, indispensable to the maintenance of world peace. I am prompted to speak solely by my enthusiasm for this great ideal of which it is the bounden duty of us all to be the sincere and devoted representatives.

M. Paul-Boncour, President of the Council, explained to us, in his eloquent opening speech, the complexity of the question, the peaceful settlement of which we have to consider, and he has emphasised the important fact that we should endeavour to understand the Council’s action in the light of the quite special situation in the Far East. I agree with him. At the same time, I should like to emphasise two important points:

(1) China and Japan must be convinced that we are acting in principle towards them as we would act towards any other Power;
(2) That, while bearing in mind the special
position from the standpoint of international law
as regards certain political facts in China, certain
principles of the Covenant must be respected in all
cases and unconditionally.

Having said this, I will define my view as follows:

I. In spite of all the information we have
received regarding the origins of the conflict between
China and Japan, I cannot claim to know all the
circumstances or to be able to judge and accept in
advance the arguments for or against, or to be able
to mete out blame to either party. Moreover, on
looking at the present dispute, I think we cannot
entirely disregard certain events, said to have
occurred in China, which would seem to be directed
against Japan. For instance, the boycott to which
reference has been made, but of which no details
have been given, would, if it were proved, constitute
a hostile procedure which could be complained of
to the League. I regret that Japan did not of her
own volition lay this matter before the League, as
was, and is, her right. Neither public opinion nor
the Members of the League could have turned a
deaf ear to her complaints.

II. On the other hand, though, under the
Covenant, a country possesses the right to ensure
its legitimate defence, it has not the right to take
justice into its own hands except with the per-
mission of the League. Failing such permission,
and faced with action on a large scale and of great
political importance undertaken by one of the
parties to the dispute in the territory of the other, I
cannot help recalling the provisions of Article 10,
one of the fundamental articles of the Covenant
which I think has been infringed.

III. As a Member of the League of Nations,
my country believes it to be necessary that every
signatory to the Pact should be obliged in all
circumstances to resort to the pacific procedure
laid down in Article 12 of the Covenant.

Without referring to other important inter-
national acts, this obligation under the Covenant
is the one we regard as most precious, the one which,
together with Article 10 of the Covenant, should
be stressed above all others in connection with
this dispute and in this discussion. If these two
provisions of the Covenant are not upheld, the whole
edifice of the new international order is threatened.
That is why I greatly appreciate the work of the
League Council in this matter.

IV. The fourth point I wish to emphasise is a
question of no less importance to the League.
For the first time, the Assembly is considering a
request submitted to it under Article 15. It is
of the highest importance for the League that we
should clearly understand that, by our decisions
and the methods we employ, we shall be creating
precedents. This is also a matter which is of deep
interest to Czechoslovakia and which has led to my
addressing this Commission. Finally, this
precedent provides us with a lesson. For cases of
this kind, the League should possess a perfected
machinery and organs of action, its own com-
missioners and commissions of enquiry and, possibly,
its own police force. It is later, however, after the
settlement of this serious dispute, that we shall
have to deal with this question.

In short, I trust that the League will clearly
mark its intention of being just both to Japan and
China, that it will, in every case, fully respect the
provisions of the Covenant and will remember
that we are to-day establishing precedents of a
primal importance for the life and very existence of
the League.

In so doing, the League will have well earned
the gratitude of all nations.

M. Politis (Greece):

Translation: My sole aim in speaking is to work
effectively, as we are directed to do in the
first paragraph of Article 11 of our Covenant, to
safeguard world peace.

I need not dwell upon my sympathy for the two
nations parties to the dispute. I think I have given
them both proofs of my sincere friendship which
I feel sure they have not forgotten.

I, like those of my colleagues who have already
spoken from this platform, am very anxious to
safeguard more specially the two principles which
appear to me to be directly involved in this dis-
cussion—namely, on the one hand, respect for
the territorial integrity and political independence
of the nations, and, on the other hand, respect for
promises made in international acts. I consider
that the international community has its very
roots in these principles, so much so that to dis-
regard them would really amount to repudiating
the existence of any legal bond between the States
and, so to speak, returning to barbarism pure and
simple.

But I am equally concerned about actual facts;
for to overlook facts may empty legal principles of
all their substance, reduce them to nothing, and
prepare the way, not only for disappointment,
but for disaster. That is why I greatly appreciate
the work of the League Council in this matter.
It has displayed wisdom to which it would be
unjust not to pay a public tribute.

As my friend, M. Paul-Boncour, very rightly
said in noble and eloquent terms, the Council’s
great merit is that it immediately put into operation
the procedure for which provision is made in the
Covenant. Thus it safeguarded the fundamental
principles of our organisation. If the Council was
unable to do more, that was because it was beyond
its power, as it is beyond the Assembly’s power,
to fill in the gaps in our organisation, to supplement
the defects of the system established by the texts.

If the Council had had at its disposal a police
force prepared to stand between the opposing
armies, hostilities would most probably have been
avoided. It is also extremely likely that, had we
had a more perfect organisation, the dispute itself
would never have taken the turn it did take.

I may perhaps be allowed, as one who looks back
regretfully upon work begun but not finished, as
one who nevertheless still hopes that one day that
work will be finished, as one who, eight years ago,
helped to draft the 1924 Agreement and Protoco,
say frankly and sincerely that, if instead of
remaining a pious hope, a milestone on the road
ahead of us, the Protocol had come into force, it
is more than probable, I think, that, as far as

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matters in the Far East are concerned, we should not to-day stand where we are.

The Council did what it could in the circumstances. Bearing in mind all the facts, it endeavoured first to restore a peaceful atmosphere in which it would then be able to discharge its duty under Article 15, paragraphs 3 and 4. It began by endeavouring to put an end to the hostilities. Its work was cut short by a request from China to the Assembly. I personally have no complaint to make about that; on the contrary, I think it is a matter for congratulation, because, now the question is before the Assembly, our discussions can assume an amplitude which will bring out more clearly and thoroughly the whole truth and all its consequences.

Now that public opinion, cognisant of the statements made here and those to be made later in the Assembly itself — now, I say, that public opinion is becoming aware of the danger with which it is faced, it will, I am sure, bring its beneficial influence to bear.

I therefore congratulate the Chinese Government on having referred this question to the Assembly. Following upon the Council, the Assembly must, since the Council's work is to be approved, continue that work. Its first duty it endeavoured to fulfil yesterday, and we are all glad that the two parties collaborated. Yesterday, the Assembly prepared the pacific atmosphere in which it can exercise a mediating influence.

If, as we hope, the two objects contemplated in yesterday's resolution — the definitive cessation of hostilities and the evacuation of Chinese territory — are promptly achieved, the Assembly can then pass to the task assigned to it in Article 15, paragraph 3. It will have to endeavour to reconcile the parties, to make it possible for them — under the League's auspices — to reach a friendly settlement of the dispute. Only if the negotiations to be opened at the round table conference at Shanghai were to fail, and if subsequently the Assembly's further efforts were unsuccessful, then only would it be necessary to contemplate the application of Article 15, paragraph 4 — namely, to make a report containing recommendations to the parties. But I hope we shall not need paragraph 4. I hope the application of paragraph 3 will suffice to restore peace and concord between the two nations, on the basis of a friendly agreement.

In any event, we must remember that, under Article 12, there is a time-limit to our action. If subsequently it became necessary under Article 15, paragraph 4, to draw up a report containing recommendations, that would have to be done within six months from the date on which the matter was referred to us — namely, if I am not mistaken, by September 3rd next. That fact must be kept in mind.

I think that, apart from the question whether the Council should or should not continue to deal with some part of the matter, the Assembly should continue to deal with the dispute until it is finally settled. As we cannot remain in session for six months, I think you will agree with me that a practical solution would be to appoint a committee to follow the negotiations to be opened at Shanghai, to report to the Assembly, and, should those negotiations unfortunately prove unsuccessful, to make the necessary preparations for the Assembly's future work.

But, I repeat, and on this note I wish to end, I greatly hope we shall not need Article 15, paragraph 4. I cannot imagine that, faced with the terrible responsibilities devolving upon both parties, they will not make the necessary efforts at Shanghai, once a pacific atmosphere is restored, to reach, by means of reciprocal concessions, a friendly agreement safeguarding the rights, interests and self-respect of the two countries. They both belong, like my own country, to a very old civilisation. That is why I venture to remind my Chinese and Japanese friends that the very wise precepts of our old civilisations contain many lessons which they would do well to remember. I am thinking, in particular, of one of the wisest sayings in the divine works of Æschylus, in which he says that men, like nations, must bear in mind the mobility of rights. Rights, he says, have a tendency to change hands, for he who possesses them and does not use them with the necessary moderation may see them pass into the hands of his adversary. I hope my Japanese and Chinese friends will bear this in mind in reaching the desired agreement.

Khan Sepahbodi (Persia):

Translation: This is not the time for oratorical displays, and we must, as far as possible, avoid words likely to aggravate the situation. I asked to be allowed to speak solely as the representative of an Asiatic country which maintains cordial relations with China and Japan, and is anxious that peace and goodwill should prevail in the continent to which it belongs.

We cannot ignore the fact that, unless the conflict between the two neighbouring and fraternal countries, in Manchuria and at Shanghai — nerve centres of the world — is brought to an end immediately, and in such a way as to leave no bitterness in the minds of the two parties, it may assume dimensions prejudicial to world peace.

The Persian nation, which has always had so many intellectual and artistic links with the Far East, is naturally concerned at the bloodshed and the serious events which are occurring on the shores of the Pacific Ocean.

We earnestly hope that, before this Assembly closes, it will find the means, and meansthe means of settling the dispute and putting an end once and for all to this fratricidal struggle between two States Members of the League. We must at all costs safeguard the prestige and effectiveness of our organisation.

The whole East saw, in the creation of the League, the advent of a new era, in which the nations would co-operate on a basis of justice and equality. That era was to end rivalry between the great States and to protect the weak against unjust attack, humiliation or mutilation by the strong.

The Eastern nations would be immensely disappointed if, now that the first serious dispute has been referred to it, the League proved ineffectual, merely a feeble voice crying in the wilderness.

As the representative of an original Member of the League, which has been associated in its work from the very beginning, I feel bound to repeat what the representatives of my country have often said. In acceding to the Covenant, Persia was — and still is — firmly convinced that
for all the Members of the League the Covenant provides a fundamental law, guaranteeing the peace and security of the nations.

It is our duty to-day to make the fullest use of our fundamental charter, and not to weaken its force by opportunist interpretations. We must restore peace and proclaim to the whole world that the League is not useless.

M. Buero (Uruguay)

Translation: When you referred yesterday, Mr. President, with your usual foresight and your sure legal knowledge, to the important question raised by the addition proposed by the Japanese delegation to the Bureau’s draft resolution, you put your finger on the very centre of the problem before us to-day: that is to say, the question whether it is legitimate for foreign troops to occupy the territory of another country, both countries being Members of the League? In calling attention as you did, from the Presidential chair, to the danger we were about to incur in accepting M. Sato’s proposal, you perhaps departed somewhat from your strict duty as President and became an active member of the Assembly when you courageously drew attention to the disadvantages of ambiguous sentences, and showed us the rightful path. I should like, first, Mr. President, to thank you for your attitude. You inspired us with the courage which we seemed to lack. In doing so, you were acting, not only as an excellent President, guiding and summarising our discussions; you were acting, above all, as an energetic and particularly competent member of this Commission. I recognised in your generous observations the mental outlook and the great virtues of the admirable Belgian nation, a peaceful and loyal nation called to a great future.

The problem we settled yesterday with the help of M. Sato, who was good enough to accept our views, was to some extent a parallel, on a smaller scale, of the greater problem to deal with which this Assembly was convened. Their similarity seems so obvious to me that I wonder whether this and yesterday morning’s meeting were strictly necessary, for this morning we are simply enlarging upon the resolution we adopted yesterday. However that may be, I think it advisable in my turn to explain the views to which we attach great importance, although we are a remote country and have particularly small material forces.

Yesterday, we enthusiastically approved the Bureau’s proposal which called for the withdrawal of the troops, but left on one side the conditions which there was some idea of laying down prior to actual withdrawal. The President of the Swiss Confederation rightly pointed out that in this matter there could be no compromise. The principle is absolute, and there can be no question of hedging it round with conditions or even methods which might weaken or nullify its value.

I am not now expressing an improvised opinion. This morning you heard the competent representatives of two American nations, Mexico and Colombia, declare forcefully and courageously that the sovereignty of the nations must not be restricted as regards their territorial jurisdiction. I want, on behalf of a small country in South America, to proclaim that it supports the same principles.

I am sure all the States on the other side of the Atlantic will support my contention.

There were lively debates at the Pan-American Conference at Havana in 1928 as to the scope of the principle of absolute non-intervention, a principle supported by the majority of that Conference.

I also attended the 1930 Conference on the Codification of International Law at The Hague, when the same question was raised in connection with the liability of States for damage to the property and person of foreigners. On that occasion, a large majority of States — among whom were all the Latin-American countries — consistently refused to agree to any limitation of the principle of non-intervention, though this was urged by certain great Powers who had in mind the internal situation in certain Far-Eastern countries.

As you see, these precedents point to an unbroken line of conduct, and the Uruguayan delegation cannot therefore remain silent in this important debate.

We also proclaimed our views in the Council of the League in 1923, during a discussion on the same principle between two European countries. I had the honour to represent my country on the committee of jurists appointed to deal with that dispute, and I then expressed exactly the same point of view as that put forward this morning, in particular, by the Mexican and Colombian delegates.

I know we are dealing to-day with a very special situation, but I wonder whether encroachment upon the sovereignty of a State Member of the League can reasonably be justified on the pretext that its internal organisation has not reached a sufficient stage of development. No, if there were any reservations to be made in this connection, they would have been made before that State was admitted to our community. My reply to the contention that disorganisation and anarchy revealed themselves after its admission to the League would be that the election of such a State to a seat on the Council would not have been justified. The latter circumstance proves the weakness of the argument, and, considering it more carefully, I wonder if anyone could pronounce an opinion with regard to a country’s state of development without laying himself open to the charge that his judgment was warped by material interests. Are we sure that our own state of civilisation is the best? Who is the custodian of the standard of development and organisation for the various countries? And if their development could be measured impartially, would that not involve a right of supervision, a disguised right to intervene, as it were?

I can speak very freely because my country, I am proud to say, is one of the best organised countries in the world. Foreigners enjoy every possible guarantee. Lately, our courts have made awards on vital questions. Our judges gave judgment in favour of certain foreign companies who were pleading against the Uruguayan Government; their judgment was based on law and equity. That proves that I was not moved by petty interests to take part in this debate, but simply by the desire that the Geneva organisation should be maintained on the basis of respect and the strict observance of its fundamental principles. The solutions we are
about to adopt must be examined carefully. It would be most unfortunate if we weakened our organisation by limiting the scope of the undertakings and guarantees embodied in the Covenant. That might cause the League's whole structure to collapse.

There would be no reason for the representatives of the smaller countries to be here, if material interests were to outweigh considerations of justice and legality and respect for the Covenant and the conventions we have signed. That, in my view, would be a step backward. It would imply a reversion to distrust, greed and evil passions, with their inevitable results—wars like those which have steepled the world in blood for the greater part of its history.

In 1923, the matter was taken out of our hands, because there was then another organisation, which also arose out of the Treaty of Versailles—the Conference of Ambassadors. To-day, we have no pretext for neglecting our duty or concealing our failures. We have perhaps neither the material force nor the possibility to apply certain provisions of the Covenant; but that does not absolve us from telling the world exactly what we think about events in the Far East. In 1923, we had to handle our League carefully; it was then a small child, trying its first steps. Nine years have passed, the child has grown, and I think it can withstand the present crisis, even if its actions are not fully effective in practice.

We must give the world an example of firmness, courage and idealism, and not be too discouraged by practical difficulties. Such an act of faith would shield us from the severe criticisms that have already been levelled at us. If we show that we are determined to tell the truth, we shall strengthen the world's shaken confidence and shall create renewed energy. On such expectant and confident energy my hopes are based.

M. Branco (Portugal):

Translation: The Government of the Portuguese Republic does not intend now to discuss the Sino-Japanese conflict or to make proposals for its solution. It has for centuries been a friend of China and Japan, for the Portuguese were the first Europeans to reach the Far East, where Portugal has always had considerable material and moral interests. The Portuguese Government will simply make a short statement inspired by the two-fold duty of traditional friendship and firm loyalty.

Nothing could be more painful to my Government than the dispute which, owing to unforeseen complications, has brought two great and friendly nations to arms for the settlement of a dispute that, according to our constitutional laws, should have been settled by pacific means. We still hope—and the earlier proceedings of this Assembly confirm this hope—that the League's intervention, the efforts of friendly Powers, and the wisdom and respect for treaties that both parties must feel, will eventually triumph over the unhappy circumstances which led to the outbreak of hostilities. The Portuguese Government most ardently hopes that the chief aim of the League's efforts, the restoration of peace, will be achieved.

Our full co-operation in this noble task, both here and on the spot, we place with sincere goodwill at the Assembly's disposal. We believe that, by indefatigably applying the Covenant, the League will ensure that justice shall be done to the two nations, and in so doing will heighten its own prestige and promote the welfare of mankind.

FOURTH MEETING OF THE GENERAL COMMISSION

on day, March 7th, 1932, at 3.30 p.m.

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COMMUNICATION FROM THE CHINESE DELEGATION.

M. Yen (China):

May I read the following communication, dated March 7th, which I intend to hand to the President of the Assembly immediately after I have read it?

"Yesterday I had the honour to inform you that General Chiang, Chief of the Army for the defence of the Shanghai region, had issued an order to the troops under his command that, in obedience to the resolution adopted by the Assembly, the cessation of hostilities should be made effective. This information was sent through Sir Eric Drummond, the Secretary-General of the League, by me.

"I have now the honour to inform you that I am in receipt of the following telegram from the Hon. T. V. Soong, Vice-President of the Council of Ministers, to the following effect:

"'Having accepted the resolution of the Assembly, we are ready to enter such negotiations for the armistice on the basis of the two understandings—namely, first, such negotiations are limited to matters pertaining only
to cessation of hostilities and complete withdrawal of Japanese forces; and, secondly, no condition to be attached to such withdrawal.

“The telegram adds that the negotiation for the armistice had not begun because the Powers who have been requested to give their assistance in the matter had not yet moved.

“(Signed) W. W. Yen.”

I take it that perhaps the telegram means that the military, naval and civilian authorities of the Powers have not yet completely received their instructions. That may be the explanation of the fact that the Powers which have been requested to give their assistance have not made any movement yet.

The President:

Translation: The Commission will remember that our resolution of March 11th requested the Chinese and Japanese representatives and the four Powers with special interests in Shanghai to make arrangements with a view to rendering definite the cessation of hostilities. The Powers mentioned have, of course, instructed their military representatives at Shanghai to proceed in accordance with the Assembly’s wishes. They have, however, sent us no particulars so far. I imagine they have received none.

GENERAL DISCUSSION (continuation).

M. Titulesco (Roumania):

Translation: China has appealed to the Assembly under Article 15 of the Covenant. The Assembly is therefore asked for a pronouncement on the grave dispute that has for six months divided two great countries, both of which are friends of us all, and both of which we esteem for their ancient civilisation, their history and, above all, the great part they play in the organisation of international life today.

Let it be remembered that Japan and China, who now come before us as disputants, are Members of the Council, and hence will be our judges in any conflicts that may arise between us in future. It follows that those views on points of principle which they in their inmost conscience regard as right in respect of their own interests naturally constitute, in their eyes, the law to which we should have to submit on some future occasion when our own interests were involved.

That demonstrates the gravity of the problem and the difficulty of our task.

But there is more. By reason of the circumstances in which this dispute comes before the Assembly to-day, notwithstanding the Council’s efforts, which cannot be appreciated too highly, and in consequence of certain acts known to all of us, the conflict between China and Japan is bound up with a still more acute problem — that of the functions and efficacy of the League as an instrument for the maintenance and development of peace between nations. That is the only standpoint which I shall adopt, since the merits of the problem have not yet been sufficiently studied to enable us to decide without bias in favour of one or other of the disputants.

At the stage we have now reached, it may be frankly said, the question asked by international public opinion, without whose help the League could not fulfill its mission, the question which takes precedence over all others, is whether the League exists or not.

To the problem thus raised it is the duty of each Member of the League to give a clear and definite reply at this Assembly.

In doing so, we shall be accomplishing, not an act of courage, but rather an act of prudence. The States which are not directly interested in the conflict, but are striving for organised peace as something standing alone, are very like officers of the law called on to tell in due time measures to safeguard future interests, private interests, perhaps, but nevertheless interests which, in their aggregate, compose the general interest of the world, in which is merged the interest of the League.

To the question put in this way, from the strict standpoint of the League’s interest, I, in my capacity of a former President of two League Assemblies, am compelled to reply without any hesitation.

If the League exhausts all the possibilities offered by the Covenant without achieving the desired result, it will not only afford proof that it exists but will also show a vitality which will necessitate an expansion of its constitutional charter, since only the defects of that charter have prevented its success as a peacemaker.

If, on the contrary, the League fumbles, if it fails unequivocally to proclaim the great principles on which its Covenant and modern international life are founded, not only will the League have ceased to exist, but its arduous activity in the past will seem a delusion to those who believed in it.

Nothing could be unfairer to those who, from the outset, have co-operated with patient and passionate faith in this new organisation of peace, which they hoped would take the place of the system of water tight sovereignties that led to so many disasters. The institution itself, on the other hand, will have met with the fate it deserves.

Is it so difficult for us to do our duty under the Covenant? Must we, in order to do so, wound the susceptibilities of either of the disputants? I do not, I cannot, think so. I prefer to believe until all hope has vanished that the disputants will give their wholehearted assistance in the application of the Covenant.

I have read with care the documents distributed by the Secretariat. I have listened with the closest attention to the statements we have heard from the representatives of China and Japan. The basic impression I have gathered is this:

To me it is inconceivable that the Japanese Empire, which is known for its loyalty and for the sense of honour on which the private and the public life of its people is founded, for the firmly established tradition of its observance of international undertakings, should have entered upon a course like that to which our attention has been drawn by the appeal from China, unless it conscientiously entertained serious, nay very serious, reasons for taking action.

It is, however, equally inconceivable to me that, however legitimate a country’s interest, it should be impossible to find, in the pacific methods placed at the disposal of us all by the Covenant and by the various undertakings by which we are bound, a means of defending its interests and securing their triumph.

The Assembly cannot, of course, consider the merits of the question without a preliminary objective study, and probably this will have to be done by a small body which will be appointed by the Assembly itself, and whose work, unless the breach is healed in the meantime, will have to be considered by the Assembly itself, which will then have to draw its conclusions in accordance with Article 15.
The Assembly is, however, even at this stage, in a position to take certain decisions; it is in a position to proclaim, and, in my opinion, it is its duty to proclaim, the principles which should guide any future solution.

There are six of these principles. They are these:

1. The immediate and final cessation of all hostilities. A decision to this effect the Assembly has already taken in its resolution of March 4th. I should merely like to point out that, in the case before us, it is not a question of the execution of orders which, according to the information we have received, have been given in this matter. The Chinese and Japanese representatives formally told us on March 4th that their Governments had already given the necessary orders for the termination of hostilities.

Therefore, therefore, is the execution of a veritable contract between the two Parties, solemnly entered into in the presence of the League Assembly.

2. The necessity for concluding, as soon as possible, a military armistice, unaccompanied by political conditions, so as to ensure that the cessation of hostilities will be permanent in order that the negotiations which are about to start will be conducted in an atmosphere of calm and in a spirit which will permit of their success.

3. Necessity for the complete application of Article 10 of the Covenant. This article, which is the keystone of the League, contains two obligations — that of assisting any Member of the League against foreign aggression, and first and foremost that of respecting the existing territorial integrity of the Members of the League.

May I point out that the Pact of Paris, which forbids war as an instrument of national policy and contains a pledge that resort will be had only to pacific means to settle international disputes, thereby entails, for those who have signed it, an obligation identical with that in Article 10 concerning the respect for the existing territorial integrity of each State?

Any weakening with regard to Article 10, any fumbling in its unqualified application, would be a death-blow to the League; whereas its solemn affirmation by the Assembly at the very moment of our setting out to examine the conflict that has been referred to us would be a salutary act that would immediately remove all the misconceptions which may have misled international public opinion and so have caused it to misjudge the League.

Furthermore, ever since the beginning of the conflict, Japan has stated that she is firmly resolved to respect the territorial integrity of China. The League's task now is to help the two Parties so that we may pass from words to deeds.


The League should seek for means to ensure such protection, and those of its Members who enjoy powers conferred on them by their great responsibilities in the political sphere should help the League to put these means into practice, so that the argument which has clouded our discussions may be eliminated once and for all.

5. Need for basing future negotiations on scrupulous respect for treaties.

When I say respect for treaties, I mean, first, the treaties of peace; the opening articles of those treaties enunciate the rules under which we are meeting to-day. Next, the Pact of Paris under which war has been forbidden as an instrument of national policy; and, lastly, respect for all national pledges, the unilateral denunciation of which is incompatible with the spirit and letter of the Covenant and with the notion of conventions in general.

6. Need for the League to affirm a doctrine uniformly applicable to all its Members irrespective of their geographical position.

It has been said that, by aiming at universality, the League has been over-ambitious. That may be so, but I would rather its action should fail because it had encountered, in some parts of the world, certain realities for which it was not created rather than that it should fail because it had changed its law to suit special cases and circumstances.

In the former case, it would be the League's action that had failed in a particular circumstance and not the League itself, for it would have remained faithful to its doctrine as conceived and known by the majority of its Members. In the second case, that in which there would be multifarious doctrines to suit the exigencies of the moment, it would be the League itself that would founder.

What faith could the nations have in the judge appointed to apply the law if the law was not the law they knew, the law to which they spontaneously submitted, but a law which no one could define; one which changed according to circumstances that could not be foreseen and over which often there would be no control; a law which, instead of being the precise and clear text that binds us, I mean the Covenant, was, as it inevitably must be, the hybrid result of all the precedents that would have been set up in particular cases as the result of emergency measures?

I come to my conclusion. The general discussion cannot, I think, end in our simply establishing a method of work or in a resolution dealing with nothing but procedure. It should close with certain decisions, among others one containing the solemn affirmation of the principles that must guide any solution which the Assembly may ultimately be required to enunciate.

These guiding principles are merely the principles of the Covenant, and we shall not, I think, be making any undue demand in asking the disputants to join us in affirming them.

I therefore appeal to them, not so much for the sake of the respect they owe to the Covenant, but rather for the sake of the devotion they have shown to it: for we can never forget the invaluable assistance Japan has given us from the foundation of the League.

What I am hoping, what I am asking, is that, before the Assembly begins to study the dispute, action will be taken on lines which will eliminate any trace of doubt concerning the fact that we are all, without distinction, bound by the Covenant and the treaties, and that we are unanimous in our devotion to the cause of peace and the work of the League.

To reject such an appeal would be to eviscerate our faith in the League and to rob the countries that are not parties to this conflict of their most precious possession — the legitimate hope that, in case of war or threat of war, the contractual guarantees they enjoy will be converted into tangible realities.

DEATH OF M. BRIAND.

The President:

Translation: I have a painful duty to perform. We have just learned some unexpected and overwhelming news which will cause you, as it has
caused me, the deepest emotion. M. Briand has just died in Paris.

He was the splendid embodiment of the idea of peace and international rapprochement. He was one of the most powerful workers in the service of the League. His voice, his accents, still echo in our ears. We see him before us. We loved him. We admired him.

He was one of the glories of France. He was one of the most illustrious of orators. His name will ever be coupled with the loveliest of man's ideals, and it will live in history.

We offer the French delegation, whose unbounded grief we well understand, our deepest condolence.

I propose that, as a sign of mourning, the Assembly should adjourn for a quarter of an hour.

M. Paul-Boncour (France):

Translation: Mr. President, if anything could assuage the grief I feel both as delegate of France and as a personal friend and assistant of M.Briand's through so many years, and as myself, too, a devoted servant of the League he served so faithfully, it would undoubtedly be the words in which you have announced this irreparable loss, and the unanimity with which the entire Assembly has in silent communion associated itself with what you said.

It is a moving and tragic coincidence that this grievous news should reach us during a meeting of the Assembly itself, the supreme symbol of the League, whose undying love he carries with him to the tomb; and the Assembly has met to settle a conflict to which, I may justly say, he gave the last months of his active life, the last breath that was in his body.

He has gone without witnessing the achievement of his desires, either in this particular matter or in the organisation of peace in general.

The best testimony we can render to his memory, the tribute which he would have welcomed most, is that we should be firmly resolved to persevere in the work to which he set his hand. I wish to assure you, by the grave that has been dug all too soon, that that resolve is held by the French delegation.

I shall not fail to inform the representatives of my country's Government and the silent mass of the French people, who loved him, because he loved peace, of the immense effect produced throughout the world by the announcement of this irreparable loss.

(The meeting was adjourned at 4.45 p.m. and resumed at 5 p.m.)

GENERAL DISCUSSION (continuation).

M. Zaleski (Poland):

Translation: As many speakers have preceded me and have so ably dealt with the important problem before us, I will merely make a short statement.

The conditions accompanying the grave events in the Far East are certainly of a special character, as was pointed out on several occasions during the discussions of the Council on the conflict with which this Assembly has been called upon to deal. This fact cannot, however, be regarded as absolving the League from the duty of doing all in its power to safeguard peace, in accordance with its most sacred duty under the Covenant. The Covenant imposes upon all Members of the League the duty of respecting the territorial integrity and existing political independence of all Members of the League.

I may perhaps be allowed at the same time to remind you of the passage in the Preamble to the Covenant in which the reasons which led to the establishment of the League are enumerated and, inter alia, the "firm establishment of the under- standing between Members not in actual war as the actual rule of conduct among Governments and the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another".

Although Poland has no direct political interests in the Far East, she is, in virtue of her geographical position, especially interested in the maintenance of peace in that part of the world, and ardently desires to see the two great nations, with which she entertains relations of cordial friendship and which are now unhappily in serious conflict with one another, return to relations of concord and confidence. She also desires the reaffirmation of the principle of the maintenance of treaties in their entirety, which is the pivot of all relations between civilised peoples.

Consequently, it is with feelings of satisfaction that we have heard the statement of the Japanese delegate to the effect that his country has no intention of infringing the fundamental obligations arising out of the Covenant.

I hope that our efforts and the goodwill of both parties will enable us to achieve the result which we all desire—namely, that the present difficulties between China and Japan will shortly be settled and that the black clouds which darken the skies of Eastern Asia will be dispersed for ever.

I consider it my duty, however, to point out at this moment, which is so fraught with grave possibilities for the future of the League, that the action of the Council and the Assembly will inevitably meet with serious difficulties so long as the legal rules governing our League are not sufficiently clear and complete.

I need hardly repeat at this stage that my country has always been numbered among the most convinced supporters of the proposals for strengthening the powers at the disposal of the League for the maintenance of peace and the ensuring of respect for the treaty obligations of all Members, and has warmly supported the plan for mutual assistance and has never ceased to advocate a return to the Geneva Protocol and, during the discussions of the League on the Convention on the Means of Preventing War, she defended the view that there can exist no intermediate state between peace and war. The remarks made on that last occasion, at the beginning of September 1931, by the representative of the Polish Government on the third Committee of the Assembly are, I think, worthy of attention by my colleagues at the present time. On that occasion, Poland was almost alone in defending its view.

It is perhaps natural that an institution of such recent origin as the League of Nations—for, after all, we are only at the beginning of our task, which is the organisation of the greatest political institution the world has ever seen—should not yet have succeeded in establishing machinery enabling us adequately to settle the relations between the States Members.

As I have already said, I have every hope that, thanks to the goodwill shown by both parties to the dispute, we shall succeed in bringing the problem before us to a satisfactory issue. We should, however, let the grave difficulties which we must settle to-day act as a warning for to-morrow, and impel us to undertake without delay or hesitation the necessary work of perfecting our organisation.

By making good the gaps in the Covenant and further perfecting its machinery, we shall be working
for the organisation of peace and avoiding the possibility of our ever again finding ourselves in such a serious and difficult position.

Sir John Simon (United Kingdom) :

I have listened with intense interest to the speeches which have been made from this tribune on Saturday and to-day, speeches made by many Members of the League who have been widely scattered States situated in different continents of the world, and all inspired by a common purpose in which the United Kingdom most fully shares. These declarations have revealed in the most striking fashion the passionate attachment which we all feel for the League of Nations as the expression of our aspirations for world peace, and as the embodiment of a new conception of society. And, my colleagues, I would add this: we are deeply conscious that the situation which we have before us involves something more even than the restoration of peaceful conditions in the Far East. It involves nothing less than the utility, in the case of a major dispute, of the League of Nations. One strong impression which I have derived from this debate only fortifies my own conviction that the League is an indispensable instrument for influencing international relations, and the preservation of its useful, authoritative influence is the best hope for the future of the world.

Not one of us would be willing to contemplate a future world from which the active influence of thee instrument for influencing international relations, informed the Secretary-General of its willingness to do anything of the kind. But, none the less, we are deeply conscious that the situation which we have before us involves something more even than the restoration of peaceful conditions in the Far East, when we have not received, as I understand, the full statement of the case of both Parties. We look to them both as colleagues of our own, with whom we maintain relations of equal and undiminished friendship, to take full advantage of our efforts to bring about a reconciliation.

Again, those Members of the League who, owing to their special association with the Shanghai settlements, have facilities for promoting local negotiations or for reporting on disputed facts, have, one and all, put their officials on the spot unreservedly at the service of the League. Moreover, the Government of the United States of America has informed the Secretary-General of its willingness to co-operate at Shanghai in these respects.

And, lastly, on this point allow me to make this observation: after all, the League of Nations is an association of Member States with the special function of seeking, with the goodwill of both Parties, a spirit of fraternity, the best way of reaching a reconciliation between them. A reconciliation may be difficult to effect, it may take long to reach; but, in endeavouring to discharge our duty, we must never forget that this is the first of the objects prescribed for us under Article 15 of the Covenant.

But there is a second aspect of our present duty to which I wish to direct particular attention, and which I think might very well be expressed in a declaration which every Member of the League might be expected to endorse without delay. I do not, of course, mean that we can pronounce a judgment on matters which are in controversy. It would be contrary to the first principles of justice to do anything of the kind. But, none the less, there is a very important declaration which, without waiting for the full ascertainment of matters in controversy, the Assembly might, if it so willed — and, as it seems to me, properly should — make forthwith, and I will venture to indicate for the consideration of my colleagues the general nature of the declaration I have in mind.

I have spoken of the distinction between pronouncing a premature judgment on matters in controversy and a declaration of another sort which may fitly be made now. No one has put that distinction with more clearness than M. Benes in his speech on Saturday — M. Benes, who spoke with his great authority and long connection with the League, made a very similar statement this afternoon. Let me quote two
sentences from the speech of M. Benes. He said on Saturday, in respect of the information secured on the substance of the dispute between China and Japan, that he did not claim to know it all; that he did not claim to be able to judge between the parties or to be able to accept beforehand the arguments pro or contra. M. Benes rightly emphasised the complexity of the Far-Eastern situation and the difficulty, without exact information and close study, of appreciating what he quite rightly called the special situation existing in the Far East. With all that I agree; but the pronouncement which the Assembly might make now would not, I think, be in conflict with M. Benes' reservation. What I have in mind is not a pronouncement by the Assembly of the controversy between these two Members of the League, but as to the measures by which the solution of that controversy should be sought—for, mark you, this is the first time that the Assembly has been concerned with an appeal addressed to it under Article 15. It is therefore of the first importance, having regard to the future, that we should not prejudice the opinion of the Assembly in future cases by prejudging the merits of a controversy which is under investigation, but that we should reaffirm what the proper methods of dealing with such a controversy are. Natural justice, the jus naturale of Roman law which has become the common inheritance of all who seek to do justice in any controversy, no doubt requires us to hold our judgment on the merits in suspense during the investigation which is taking place. But I would appeal to everyone here, I would appeal to our honourable colleague, the representative of China, to our honourable colleague, the representative of Japan, I would appeal to the representatives of other States, whether small or great. Should not we take this opportunity now solemnly to reaffirm the fundamental principles on which the League is based, and by which every signatory represented in this room is bound? Should we not declare afresh that the Covenant does not authorise a State, however well founded its grievances against another State, to seek redress by methods other than those set forth in Article 13 of the Covenant? Should we not make reference afresh to the Pact of Paris which, together with the Covenant, is one of the pillars of the peace organisation of the world? It provides, as M. Titulesco, pointed out an hour ago, under Article 2, that "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them should never be sought save by pacific means".

Should not we make reference therefore to Article 10 of the Covenant, whereby all Members of the League have undertaken to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League? These propositions, therefore, are propositions which every Member of the League is bound to accept without regard to the merits of the controversy and to all that complicated matters. Changes brought about not as the result of methods of conciliation and peaceful adjustment but by means contrary to the Covenant and the Pact of Paris manifestly could not receive the approval of Members of the assembly of nations, which exists for the very purpose of observing these obligations and these principles.

Such are the general lines of the declaration which I would invite my colleagues here to join in formulating. It would not be the complete discharge of our duty, but it would be a step we can take now.

It would be a step, I venture to think, which we ought to take now at the end of our general discussion.

There have been indications from some previous speakers to-day and on Saturday that their thought has travelled along the same road, and indeed I am glad of it; and if I were fortunate enough to find that what I have said here to-day commanded a sufficient measure of support in this Assembly, I should indeed be happy to co-operate with others of you in submitting to the President, in due course, suggestions to carry it out.

What should such a declaration accomplish? It would reassert, in terms which would, I trust, receive the adherence of every State here represented, the conditions under which every Member of the League is pledged to conduct relations with every other State, to seek redress by methods other than those set forth in the Covenant, or to forsake those principles by meaningless compromise. Lastly, this declaration that I suggest would be a recognition that the ultimate progress of the world cannot be secured by any other means than the means which the League has been formed to organise and supply — the means of peace and of justice.

The President:

Translation: I have just received from M. Restrepo, the first delegate of the Republic of Colombia, who, owing to indisposition, is unable to be here to-day, the text of a draft resolution which is, he says, drawn up on the basis of considerations put forward by him from this platform on March 5th.

The draft resolution reads as follows:

"The Assembly,

"Adopting the principles followed by the Council in respect of the dispute between China and Japan;

"Declaring that cessation of hostilities and of all military pressure by one of the parties on the other is an essential and previous condition to further efforts by the League to obtain a peaceful settlement of the dispute between China and Japan;

"Recalling the resolutions adopted by the Council on September 30th and December 10th and the draft resolution adopted by thirteen of its members on October 24th;

"Recalling that the two parties have recently in accordance with the Assembly's resolution of the 4th of this month, agreed to take all measures necessary to prevent the continuation of hostilities:

"(1) Requests the Chinese Government to provide all guarantees for the protection of the lives and property of Japanese nationals, both at Shanghai and in Manchuria, with the collaboration of impartial observers nominated by the League."
“(2) Requests the Japanese Government to withdraw its troops from Manchuria and to commence the evacuation of Manchuria in accordance with the Council’s resolution of September 30th.

“(3) Recommends that the evacuation of Chinese territory should be completed within a time-limit to be fixed, account being taken of technical requirements, by a Commission appointed by the Assembly.”

M. Rosso (Italy): Translation: I have just received a telegram from Shanghai, which does not contain any detailed information or anything very new, but which I think should be communicated to you. It is dated March 6th on board the cruiser Trento and reads as follows:

“The Japanese troops have halted about 20 kilometres from Shanghai. They are not in contact with the Chinese forces. Two vessels transporting Japanese troops have arrived at Shanghai.”

This telegram is signed by Admiral Cavagnari, Commander-in-Chief of the Italian troops in the Far East.

I have come to this platform because the Italian delegation has no intention of evading the moral obligation which loyalty to the League imposes on each of its Members in deciding such grave questions as that which is now before us; I mean the duty of clearly stating its views and publicly shouldering its responsibilities.

It was right and natural that the representatives of the countries which are not Members of the Council should be heard first, as it was of importance to know whether or not they approved the action which the Council has been taking during the last few months on behalf of the whole League. They have spoken during this debate with an unmistakable clearness and firmness which have borne witness to the vitality of our institution and the moral force which, whatever may be said, it possesses.

As the representative of a State Member of the Council, the Members of which are jointly and severally responsible for its acts, I heard with satisfaction the judgment pronounced by other members of the Assembly on the work of the Council as explained and commented upon by its President, M. Paul-Boncour, in the able speech which he made on the day when the Assembly began its deliberations.

A number of the speakers whom we have heard in this hall have prefaced their statements by an assurance of their complete impartiality in regard to the conflict between China and Japan. Italy is one of the countries which are acknowledged to have special interests in China, but it is, I think, hardly necessary for me to say that, in spite of its special interests, my Government has always regarded, and will continue to regard, the problem before us with the strictest objectivity and the most scrupulous impartiality. Its only object is to cooperate in finding a just solution to the conflict, and its one ardent desire is that arms may be laid down and that the fundamental principles of the Covenant may come out of this ordeal strengthened.

The speaker who preceded me on this platform, Sir John Simon, suggested a solemn declaration by the Assembly confirming the staunch adherence of all Members of the League to the fundamental principles of the Covenant. I hasten to say that I fully appreciate the moral value and importance of such a declaration.

Having said this, I should now like to lay before you the views of the Italian delegation with regard to the practical duty that devolves upon this Assembly. I say practical duty, because I think we are all agreed—we cannot but agree upon the object to be pursued. It only remains for us to agree on the methods to be employed to achieve this object.

On this point I can only repeat what the Greek delegate, M. Politis, said last Saturday when he told us that we must keep in mind not only principles but also practical realities; he said that if we overlook the real facts of the situation, we may empty law of its substance and reduce it to nil, and that may bring both disappointment and disaster in its train.

What must the Assembly do to take account of the realities of the position? In the opinion of the Italian delegation, it must, in the first place, employ all means to effect the settlement of the dispute in accordance with paragraph 3 of Article 15. It seems to us that, despite all, the Assembly will be giving proof of political wisdom if it does not evade its duty of carrying out, with all the authority at its disposal, the compulsory and mediatory action provided for in Article 15, paragraph 3.

This action comprises successive stages. The first stage has already been indicated by the resolution adopted by the Assembly at its third meeting, on March 4th, when it set itself to solve without delay the most urgent problem—namely, how to render possible an arrangement entailing the final cessation of hostilities.

The second stage was marked by the execution of a plan submitted to the Council by its President at the meeting of February 29th, with a view to the re-establishment of peace in the district of Shanghai. This plan entails the calling of a conference at Shanghai to act on behalf of the League. Such a conference would have the advantage of acting on the spot, and consequently being better able to judge of the situation and to find the most practicable and equitable solutions.

Finally, we must not, I think, forget that a Commission appointed by the Council on the basis of Article 11 of the Covenant is already on the spot, and has been instructed to study the substance of the question and to suggest the means best calculated to eliminate the underlying causes of the difficulties which have brought about the present state of affairs.

This is a programme of action which, in my opinion, offers a very good chance of bringing about a settlement of the dispute. By adopting it and supervising its execution by the most suitable means, the Assembly would in no way be foregoing its right to apply any other measures subsequently, in the event of the execution of this programme encountering obstacles—a contingency which we ought not to expect in face of the loyal cooperation of the Parties to the dispute.

If I am not mistaken, this was the view expressed by M. Politis when he advocated the appointment of a commission to follow the negotiations at Shanghai and to report to the Assembly. The Italian delegation highly appreciated the value of this suggestion and would, for its part, be ready to subscribe to it.

In conclusion, I will sum up the views of the Italian delegation by saying that it regards the duty of the Assembly as clearly indicated in the procedure laid down successively in the paragraphs of Article 15 of the Covenant. It is the right and duty of the Assembly to follow this procedure by taking, without precipitation but with firmness, all the measures involved and at each stage utilising to the full the various means at its disposal.

The Italian delegation considers that the three
Japan and China. We have repeatedly urged the Powers represented on the Council have had an opportunity of expressing their views in the Council. I shall therefore be very brief. I should like, however, to stress the statements made during these last months by the German representatives and the steps that have been taken in regard to Japan and China. We have repeatedly urged the need to bring hostilities to an end at the earliest possible moment and to find a peaceful solution for the dispute. Within the very first incidents occurred in September last, the German Minister for Foreign Affairs recommended at Geneva the immediate suspension of hostilities. The Council of the League endeavoured to bring this about, and its efforts were supported by the Powers particularly qualified owing to their position in the Far East. The news that reaches us justifies the hope that a decisive step has been taken in that direction. We may venture to hope that, once hostilities have ceased, it will be easier to arrive at a basis for further negotiations for settling the dispute. I fully realise the obstacles which stand in the way of what we are unanimously desirous of doing; but I realise, too, that those difficulties exist only to be overcome, as they surely will be overcome, by the exercise of firmness and circumspection.

From the discussions in this Commission one general idea seems to emerge. The dispute between China and Japan has lasted too long and has assumed such proportions that it has ceased to be a purely local conflict.

The incidents that have taken place in China have brought the League face to face with its main problem — the problem of the solution of international disputes by peaceful means. The task devolving upon the League was to ensure the execution of the provisions of the Covenant for safeguarding peace, and I need not emphasise the fundamental importance of this present test.

The League was created to maintain and ensure peace. The very reason for its existence would disappear were it to fail in the performance of the imperative duty laid upon it. My country, which was one of the first to accede to the Kellogg Pact and which opened the way to disarmament through a very considerable reduction in its armaments, is greatly concerned in ensuring the triumph of the principle of the just and equitable solution of international disputes by pacific methods. That is the principle which should be maintained and asserted in any decision, in any measure and in any resolution that may be decided upon by this Assembly.

Discussion, which has not been lacking in criticism, seems, moreover, to have served a very useful purpose. Over and above the problem now before us, it has provided us with information of a general character for the future. It has, above all, shown us the necessity of possessing means of preventing international conflicts — a principle which, as you are aware, the German representatives have continually urged during the last few years: "Prevention is better than cure". Nothing is more difficult than to try to settle incidents in a depressing atmosphere of suspicion and uneasiness.

I should also like to bring out one characteristic fact in the exchanges of views that has just taken place, and that is the frankness of the discussion to which we have been listening. A few weeks ago we heard the delegates to the Conference for the Limitation and Reduction of Armaments proclaiming that it was the duty of the Conference to achieve positive results. The Special Assembly is in precisely the same position as the Conference convened by the League; it must succeed if we do not turn enough to systematic optimism, a failing with which we have often — and rightly — been reproached. It is best to be frank and not to entertain illusions, but to face the facts as they are and deduce the logical consequences. That is the proper way to work; that is the method which should prevail in any collective activity, in any international organisation.

Having stressed that point, I desire now strongly to support the proposal put forward by the British representative, to the effect that the general discussion should be brought to a close by the adoption of a declaration on the general principles of the Covenant and of the Briand-Kellogg Pact. Should circumstances place any obstacle in the way of the full realisation of those principles, I think, like certain other speakers who have preceded me here, and in conformity with statements made by the German representative on the Council, it would be better frankly to recognise a setback, to admit what has happened, and to proceed with the task of settling the dispute in a manner which we all desire.

Far East. The news that reaches us justifies the immediate suspension of hostilities. The Council of the League endeavoured to bring this about, and its efforts were supported by the Powers particularly qualified owing to their position in the Far East. The news that reaches us justifies the hope that a decisive step has been taken in that direction. We may venture to hope that, once hostilities have ceased, it will be easier to arrive at a basis for further negotiations for settling the dispute. I fully realise the obstacles which stand in the way of what we are unanimously desirous of doing; but I realise, too, that those difficulties exist only to be overcome, as they surely will be overcome, by the exercise of firmness and circumspection.

From the discussions in this Commission one general idea seems to emerge. The dispute between China and Japan has lasted too long and has assumed such proportions that it has ceased to be a purely local conflict.

The incidents that have taken place in China have brought the League face to face with its main problem — the problem of the solution of international disputes by peaceful means. The task devolving upon the League was to ensure the execution of the provisions of the Covenant for safeguarding peace, and I need not emphasise the fundamental importance of this present test.

The League was created to maintain and ensure peace. The very reason for its existence would disappear were it to fail in the performance of the imperative duty laid upon it. My country, which was one of the first to accede to the Kellogg Pact and which opened the way to disarmament through a very considerable reduction in its armaments, is greatly concerned in ensuring the triumph of the principle of the just and equitable solution of international disputes by pacific methods. That is the principle which should be maintained and asserted in any decision, in any measure and in any resolution that may be decided upon by this Assembly.

Discussion, which has not been lacking in criticism, seems, moreover, to have served a very useful purpose. Over and above the problem now before us, it has provided us with information of a general character for the future. It has, above all, shown us the necessity of possessing means of preventing international conflicts — a principle which, as you are aware, the German representatives have continually urged during the last few years: "Prevention is better than cure". Nothing is more difficult than to try to settle incidents in a depressing atmosphere of suspicion and uneasiness.

I should also like to bring out one characteristic fact in the exchanges of views that has just taken place, and that is the frankness of the discussion to which we have been listening. A few weeks ago we heard the delegates to the Conference for the
capacity from the other — I rejoice to find, in these discussions, a judgment of the Council's efforts which seemed to me friendly and appreciative. I am not, I think, mistaken in deducing, though there were shades of difference, and indeed diversity, in the position which — and these form the actual value and interest of the discussions we have just held — that the nations represented here have approved the Council's work. Nor did I hear any suggestions made other than those on which the Council has hitherto based its action. This agreement cannot but strengthen the Council's hands very appreciably.

Just before the Assembly met, the Council had reached a positive result which, though still inadequate, was at least appreciable. It had secured the acceptance by both Parties — subject to a reservation to which I shall refer — of a cessation of hostilities in the Shanghai region. The essential point of what has been called the Council's plan, was made expressly conditional on the cessation of hostilities. The necessary solutions and the various details had obviously to be decided by the Conference, but the Council has already laid down the main lines. They are these: respect by Japan for the territorial integrity of China, and recognition by China of the maintenance of the International Settlement and the French Concession. The cessation of hostilities, was accepted by both parties, subject to the express and very natural reservation on the part of China that the Conference could not be held until hostilities had actually ceased. It was in these circumstances that the Assembly opened; and despite the conflicting reports which necessarily arise when, on a long and broken battle-front, where orders cannot get through everywhere at the same time, skirmishes and individual actions continue, it was clear to us that the main battle which had been raging for several days around Shanghai had ended. The Assembly — I say the Assembly because, at the judicious suggestion of the President, the decision adopted by the General Commission was immediately converted into a decision of the Assembly — intended to second the Council's decision, and has done so by inviting the two Governments, in a recommendation of March 4th, to ensure the effective execution of the orders given for the cessation of hostilities.

Our unanimous feeling is surely that the Assembly's first effort, its most immediate duty, must be to bring about an armistice to safeguard us against a resumption of hostilities, which will remain imminent so long as the actual and material conditions on which the resolution was inevitably based. That is the origin of all the reservations and conditions on which our resolution was inevitably based. That is the origin of all the reservations and declarations made thereafter.

I quite realise that this only settles the Shanghai question; I note, like Sir John Simon, from the Council's previous resolutions, and particularly that of December 10th, which was adopted by both Parties, that it is materially impossible for us to pronounce on the part of the dispute relating to Manchuria until we have information which can only be given us by the Commission sent to the spot. I think, however — again in agreement with Sir John Simon — that, though our procedure in this respect hinges upon the receipt of information which has not yet reached us, there is, on the other hand, nothing to prevent us now from making a declaration recapitulating the principles underlying the League's action. I am thinking more particularly of respect for Article 10, which my colleague and friend, M. Titulesco, rightly described as one of the cornerstones of the Covenant.

The confirmation of the Council's action, on the one hand, and the affirmation of the League's principles, on the other, are the bases on which, in my view, a solution can be drawn up which could be adopted by the Assembly. A committee might be set up, as has been suggested, to follow events. But I do not think it is the view of anyone, and particularly those who initiated the proposal, that the Assembly's authority can be manifested simply by the creation of a committee. The Assembly must adopt fundamental resolutions; the committee will outlast the Assembly, will remain in being when the Assembly is not actually present, and will be based on principles which the Assembly will lay down in a declaration — a precise categorical affirmation of the view of the Assembly, which is the highest emanation of the League.

M. Garay (Panama):

Translation: As representative of the Republic of Panama on the Council of the League, I had occasion in Paris, in connection with the voting on the resolution of December 10th last, to make certain declarations of principle to which M. Restrepo, the Colombian delegate, referred in his speech on Saturday morning. This circumstance, added to the fact that I am a delegate to the Special Assembly of the League convened in virtue of Article 15 of the Covenant at the request of China, makes it more or less incumbent upon me to speak.

The little State that raised its voice in the Council when the fundamental principles on which its existence depends were at stake, could not, without forfeiting some of its moral force, keep silent in this Commission of the Assembly.

In his opening speech, the President of the Council, M. Paul-Boncour, outlined in masterly fashion a striking portrayal of the sequence of events in which the resolutions adopted by the Council in application both of Article 11 and of Article 15 of the Covenant are admirably summarised and commented upon.

I only propose at present to mention the Paris resolution of December 10th, in connection with which I felt bound, as I have said, to make certain statements, but will be based on principles which the Assembly will lay down in a declaration — a precise categorical affirmation of the view of the Assembly, which is the highest emanation of the League.

For my part, I desired to safeguard the following three principles:

1. The principle of non-intervention, without, however, affecting the intervention of the League between States Members signatories of the Covenant, or interventions defined by treaties inter partes.

2. The principle of the territorial sovereignty of the State as a limit or barrier imposed on the exercise of the right of nations to protect their nationals in other countries.
3. The principle of the peaceful settlement of all international disputes, which the Covenant makes obligatory for all Members of the League (Article 12).

After hearing this declaration and the much more important declarations which had preceded it, the then representative of China, Dr. Sze, pointed out that the application of the treaties and of the principles recognised by international law could not disappear at the frontiers of Manchuria. We never claimed that they should. But we did earnestly desire the immediate restoration of peace in the Far East, and the Council resolution as proposed seemed to us to be the sole way of securing this result. This hope was not fulfilled, but that was not due to any failure to act or any lack of a spirit of conciliation on our part.

There can be no doubt that neither party is a colony, protectorate or mandated territory, and that both are absolutely entitled to the protection of international law. Not only do we admit this fact, but we add — thereby signifying our agreement with some of our colleagues in the Assembly — that the Covenant recognises no varying degrees of sovereignty and independence as among Members of the League.

Since the New Year, the conflict has become so extended and events so complicated that, if this state of affairs had continued, not only China and Japan but the whole continent of Asia and all the continents of the world would have been affected. As a matter of fact, the battles at Shanghai and their possible consequences were already causing the greatest anxiety throughout the world. But we have now, fortunately, reached a period of temporary calm which we hope will be succeeded by a series of steps leading to the restoration of peace.

The Council has been solely concerned with the procedure of conciliation. On the eve of the meeting of our Special Assembly, negotiations were being conducted on board the British flagship Kent with a view to the cessation of hostilities and the evacuation of the foreign territory occupied. The excellent idea of initiating these negotiations is due to the British Government and particularly to Sir John Simon, His Britannic Majesty’s Secretary of State for Foreign Affairs. The work of our Assembly has also begun with this same object of conciliation in view.

At the time when the Council appealed to Japan not to give effect to her Shanghai ultimatum, I renewed at Geneva, at the public meeting of February 19th, the reservations I had made at Paris, and these reservations will be maintained as long as the situation in the Far East continues to be in flagrant contradiction with the doctrines of the Covenant and the prevailing principles of law. In so doing, I am not animated by the slightest partiality towards either of the Parties, but solely by a great hope in the future of the League, which might ultimately — we must remember — become the actual victim of the deplorable events that have brought us together here in Geneva.

Violence in international relations does far more harm to the world nowadays than was formerly the case. Formerly, it was no-one’s concern but the country whose rights and interests were directly involved and which defended itself as best it could. But since the League has come into existence, the situation is no longer the same; such acts directly concern the League, which was created for the very purpose of preventing and quelling them.

Very distinguished speakers have expressed on this platform the hope that the Assembly will not take any action outside the domain of conciliation and mediation, in order that the procedure may be carried on exclusively within the limits of Article 15, paragraph 3, of the Covenant. Other speakers are of opinion that one of the Parties had a better right than the other to invoke the principle of legitimate defence, to which both Parties have appealed. But there has been an almost unanimous regret that one of the Parties did not lay its complaints before the League, seeing that the other Party had lost no time, from the very outset of hostilities, in submitting the whole question, first to the Council and then to the Assembly. In addition, the principle that no new law can be created by force, or recognised by the League, has been referred to by many speakers. Naturally, my delegation entirely shares this opinion; but it has no desire to prejudge in certain directions the conclusions of any future report, if any report there is to be.

Whether the Assembly deals with all or only with part of the dispute between China and Japan, it will have a heavy and onerous task before it. The League has never before been faced with so dangerous a situation, involving so grave a responsibility. Great evils call, however, for heroic remedies; and we hope that the Assembly will draw from the very weakness of its means of action the necessary force to save and consolidate this organisation, which is based on law and justice, and which it is our duty to protect.
FIFTH MEETING OF THE GENERAL COMMISSION

Tuesday, March 8th, 1932, at 3.30 p.m.

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CONSTITUTION OF A DRAFTING COMMITTEE.

M. Politis (Greece):

Translation: I concur wholeheartedly in the Spanish delegate’s proposal; but I should like to suggest at the same time, although this is not a matter within this Commission’s purview, that the Council itself should be represented at this ceremony by its President-in-office. We cannot forget that the great man who has left us was a particularly distinguished President of that organ of the League.

The Secretary-General. — Mr. President, — I think I ought to inform you that the Council is already considering the point raised by M. Politis, and I understand it is the intention of the members to invite their President to represent them on the sad occasion on Saturday.

M. de Zulueta (Spain):

Translation: I should like to make a proposal to the Commission. The funeral of the great statesman whose loss we all mourn will take place in Paris on Saturday. M. Briand showed by his example that, while serving our own countries, we can serve all mankind. All countries of the world should kneel before his tomb, on the soil of France. The League cannot be unrepresented at such a ceremony, and I venture to propose that it should send a delegation. I suggest that the Assembly should appoint our President, M. Hymans, and the Secretary-General as its delegates.

The President:

Translation: M. de Zulueta’s proposal is certainly in accordance with your feelings, as it is with mine. Both heart and spirit bid us join next Saturday in the tribute which France will pay to the memory of the great statesman who is the abiding symbol of our principles and our hopes. The Secretary-General (I am authorised to say) and myself will represent the League and the Assembly at M. Briand’s funeral next Saturday.

COMMUNICATION BY THE BRITISH DELEGATION OF A MESSAGE REGARDING REPORTS ON THE SITUATION AT SHANGHAI.

Sir John Simon (United Kingdom). — Mr. President. — With reference to the request transmitted from the Assembly to Shanghai for an official report as regards the cessation of hostilities, I have to-day received a message to the following effect from the British Minister to China, and, as you will see, this message is in effect a message from the representatives of the four States having special interests in Shanghai. This is the message:

"American, British, French and Italian representatives and their commanders-in-chief met on March 7th and decided to send the following joint message to their respective representatives at Geneva:

" ‘With reference to recent request from Geneva for information regarding cessation of otherwise of hostilities between the Chinese and Japanese forces in the neighbourhood of Shanghai, it is difficult, owing to comparative remoteness from the Shanghai Settlement of the present front, to secure such information from naval sources alone. Foreign representatives have arranged, in consultation with their four commanders-in-chief, to coordinate their enquires, and, utilising reports of legations, military attaches, and such other information as may be available to foreign commanders-in-chief from naval, military or other sources, to send to Geneva daily a joint report which will be transmitted by the British Minister, as senior representative concerned, to the head of his delegation for textual communication to the heads of the French and Italian delegations and to the United States Minister at Berne for such action vis-à-vis the League of Nations as he may think fit. These daily telegraphic reports will be numbered serially, beginning to-day with
Situation Report No. 1. It is hoped that these arrangements will meet with approval.

"This telegram has been drafted in concert with American, British, French and Italian heads of missions".

That is the message which I am authorised to transmit, and which, as you see, is a message from the American, British, French and Italian heads of missions. I may add that I have also received and have communicated to the French and Italian delegations and to the United States Minister at Berne the first of these reports, and, of course, subject to their own view, I am perfectly prepared to hand it to the President so that it may be read in due course.

The President:

Translation: The Commission will certainly desire to thank Sir John Simon for his communication. I am very glad that the representatives and the commanders-in-chief of the United States, the United Kingdom, France and Italy have agreed to send us a report daily. We shall receive their reports with the greatest interest. They will be most helpful in the delicate task we have to perform.

M. Paul-Boncour (France):

Translation: I wish merely to comply with Sir John Simon's request to the Powers with special interests at Shanghai, and to say that, not only have we no objection to his proposal, but that it is entirely in keeping with the desire shared by all, that the Assembly and the General Commission should be supplied with the necessary information. I am extremely glad that the military attachés on the spot have agreed that they will be able to send joint reports; these reports will afford the League very valuable information. The consuls' reports have been extremely useful during the stage of hostilities in the strict sense of the term. When operations have reached a particular line it is not easy for the consuls to visit the front. There is therefore obviously a gap. To put it briefly, the League is proving that, with the necessary instruments it needs.

M. Rosso (Italy):

Translation: I entirely agree with Sir John Simon. I should be very glad that all information collected should be communicated to the Assembly.

Sir John Simon (United Kingdom). — Mr. President, I have reason to think that the United States representative is equally willing. Perhaps as a formality the Secretary-General would wish to communicate with him.

The Secretary-General. — I will obtain the information as soon as possible.

GENERAL DISCUSSION (continuation).

The President:

Translation: Before we resume the general discussion, I should like to say that I have still ten speakers on my list. If you think of the work we still have to accomplish, you will all agree that it is most desirable that we should finish the general discussion to-day. As we have only two or three days left this week, it is very important that the first stage in our work should be finished by the end of the week without our being forced to postpone until next week the important questions we are discussing, and on which we must not spend too much time. I should like to draw the attention of members who intend to speak to-day to the position, and I shall ask the Assembly to sit late if need be, so that we can finish the general discussion to-day.

Mr. Lester (Irish Free State). — It seemed well to me that, at the opening stages of this discussion, the field should be left clear, as far as possible, for those Members of the League who are not also Members of the Council to express their views on the principles underlying the tragic situation which has arisen in the Far East. I am sure that every one of my colleagues on the Council will have welcomed the very frank expression of views to which we have listened during the past two or three days.

I need scarcely say that the Irish people have nothing but the most friendly feelings towards the two peoples involved in this dispute, and I am happy to think that the relations between our delegations at innumerable Conferences in Geneva have always been most cordial. My country may be said to have no direct material interest in the Far East; but, like all other nations, we are deeply concerned in the maintenance of world peace, and, above all, in the maintenance and development of the organisation whose object is to replace in international affairs right for might, and the reign of law for the comparative lawlessness of the past.

The fateful issue which is before this Assembly therefore imposes a duty and a grave responsibility upon every Member of the League, whether representing a small or a large State. In the words of the Spanish Foreign Minister, the issue may well be whether or not the basic principles of our new international relations will continue to exist. The Council, which is your executive organ and upon which my country has the honour to be one of your elected representatives, has spent nearly six months in endeavouring to secure a peaceful settlement of the dispute, mainly under the provisions, it must be remembered, of Article 11. If we have not achieved as full a measure of success as we sought, and fervently hoped for, it is not because your Council has lacked diligence in the discharge of its grave responsibilities, or been wanting in patience in its conduct of the affair. Very many efforts have been made to put an end to the bloodshed, sometimes by private appeals from the Council, and sometimes by using on behalf of the Council the local influence and the diplomatic machinery of the great Powers. The initiative taken on those occasions by the great Powers invariably received the full support of the Members of the Council, and I believe that the smaller nations which are Members of the Council, and which may perhaps be said to represent in a special way the general body of the Assembly, have correctly interpreted your views, and indeed have done their plain duty in lending their full support to every initiative which offered some possibility of successful mediation.

Permit me to recall one of the notable declarations of the Council. I refer to the resolution of December 10th, in which the Japanese representative joined with his colleagues in reaffirming the
The President:  
Translation: The President is addressing himself to the communication announced by Sir John Simon earlier in the meeting. It is the first report from the four representatives of the Powers principally interested in Shanghai.

The telegram reads as follows:

"Morning March 6th Japanese had occupied points along the line running roughly from north-west of Liuho on Yangtse via Lutung one mile west of Kiating to Huantung on Shanghai-Nanking railway west of Nanhsiang thence bending east covering Chenju along Soochow creek with a few patrols south of creek."

"Skirmishes then taking place such as are involved in case of troops occupying new front."

"Japanese report occasional skirmishes between patrols but no casualties March 7th."

"Japanese reinforcements disembarking Woo-sung railway wharves morning March 7th."

"Received no information of any change in situation since but both sides charge other with responsibility for fighting north-west of Liuho."

"We are taking steps to verify facts in this connection."

"Owing to geographical difficulties resulting from Chinese withdrawal we are at present only able to secure first-hand information from Japanese side of front but are endeavouring to make arrangements for maintaining contact with Chinese side also."

GENERAL DISCUSSION (continuation).

M. Paredes (Salvador):

Translation: My country is among those which have co-operated in the work of the League from the very outset. It could not therefore omit to join in the united proclamation by the nations of the great principle of international solidarity, of which the League Covenant is the supreme embodiment.

Situated in the centre of America, Salvador has always identified itself with the noble principles governing the new international organisation, the aim of which is to establish the reign of law in place of the reign of force.

I need not say that Salvador has always maintained the best relations with the two great disputant Powers, which represent very ancient civilisations. It is as a Member of the League and as a small country devoted to the great principles of equity and justice that Salvador is taking part in this Assembly. We hope that the principles of territorial inviolability and non-intervention and other principles which I will mention later will at this session be acknowledged once again.
The Guatemalan representative on the Council, M. Matos, made an admirable statement of the principles cherished by the weaker nations, on December 10th last, during the Council’s sixty-fifth session. I merely wish to remind you that one of our sister republics in Central America has already upheld the new international organisation.

I fervently hope that the conflict engaging our attention may be settled in conformity with the principles of justice, and that the League will secure respect for the Covenant, and the whole Covenant, for it is the fundamental charter of the League; and the Covenant is the basis of the new international relations.

The Covenant is so wide in scope that, if it were strictly observed, it would provide an equitable solution for all conflicts. There are, however, certain cases in which special arrangements have to be made.

I should like to draw the Commission’s attention to one very important point: Article 10 of the 1924 Protocol on the Pacific Settlement of International Disputes gives the following definition of aggression:

> “Every State which resorts to war in violation of the undertakings contained in the Covenant or in the present Protocol . . .”

I think the words “force and violence” should be substituted for the word “war”. If it is the general idea underlying the Covenant and the Protocol that force and violence as well are to be condemned, it would be desirable, in order to avoid misinterpretations, to insert these words, the importance of which cannot be overlooked. That would prevent the recurrence of the very regrettable case of two Powers committing acts which by their nature really constitute war while declaring, in order to evade the responsibility that might result from such acts, that they have not resorted to war.

Unless the word “war” is replaced by the phrase “force and violence”, a strong nation might take possession of the entire territory of another and then declare it had not had resort to war. Article 10 of the Covenant, which guarantees territorial integrity, would in that case be difficult to apply, because we should be faced with a fait accompli due to the violation of the principle, a sufficiently grave and quite inadmissible act.

During the discussion of the report by the Fifth Sub-Committee to the First Committee on the draft Protocol, M. Guerrero, delegate of Salvador and now Vice-President of the Permanent Court of International Justice, enunciated this opinion, which I desire to take up again and develop here.

It would be desirable that the League should enunciate once again the principles on which it is founded. They may be summarised as follows:

1. Respect for treaties, without which international life is impossible:

2. Inviolability of a State’s territory, and, as a logical corollary, a declaration of the principle of non-intervention, whether for the recovery of debts or for the protection of the lives and interests of nationals of the invading country, or for any other reason — except, of course, in the case of interventions recognised by the Covenant:

3. Absolute prohibition of States taking the execution of justice into their own hands.

Translation: The year 1932 is undoubtedly a fateful year in the annals of the League of Nations. To the League’s echo are simultaneous by two major problems, both of which present difficulties which differ widely but which are most certainly among the most important that any body could have to solve.

In his remarks yesterday, the French representative referred to the connecting link between these two apparently quite different classes of work. He observed that the success or failure of the present Assembly’s proceedings might, and even inevitably would, have an effect on what was happening in various parts of the world, and that the assembly would merely add that this influence is reciprocal. The proceedings in the other assembly will also have their effects and consequences, whether good or evil, on the joint action we are pursuing here. In both bodies we must always keep this consideration in mind.

I am speaking, I have said, from a sense of duty. Let me explain what I mean, since my words might be held to imply too much. The Assembly, it might be considered, could very well dispense with the feeble help which I can give it in this matter.

The discussions in the League Assembly in these latter years contain, however, certain precedents, certain controversies have arisen in the course of its debates, and I have sometimes found it necessary to examine the League’s decisions in a critical spirit; for these reasons, silence on my part might be taken to mean abstention, lack of interest or a refusal to take part in an act which might promote the realisation of the League’s ideal. I should be sorry if any such misconception arose. It is because I follow the path mapped out by the lofty ideal underlying the Covenant, because I adhere to the methods enjoined in it and in the other conventions devised to serve the same purpose, that I desire to state that we will loyally and unreservedly co-operate in this Assembly and in any decisions it may take.

Nevertheless, we must realise, I will not say the difficulty, for that is evident, but the probable effect which the success or failure of our proceedings will have on the League’s credit. The League’s detractors will have a reply ready to hand. They will say: “The conflict has been lasting for months; hostilities have actually been engaged between two great peoples, both of them Members of the League; the Council has met several times; the League has not succeeded in restoring order.” This class of detractor probably enjoys the feeling of triumph generally experienced by the small-minded when events seem to them to justify their inability to maintain order.
rise to a higher level of view. We do not appeal to the League's detractors of that type, because they are not competent to judge whether we are deserving of praise or blame. We appeal to a very different and, fortunately, a far more numerous category of world opinion, because we consider that it has the right to criticise us. It includes all those who in good faith aspire to the same ends, who in good faith cherish, or, if they found it possible, would cherish the same ideals as ours, and who, when they are sceptical, regret with sorrow that they cannot hope for the revival of confidence in the League. It is to these men of good faith, be they optimists or pessimists, that I appeal. On their judgment depends what we term the enhancement or the decline of the League's credit.

From this standpoint, the League's credit would be enormously increased if, in this difficult matter, we could obtain a real result, and, first of all, the cessation of hostilities, for which, in my opinion, we have had to wait rather long. I shall therefore wholeheartedly support any proposals made with a view to ensuring that our influence is speedily felt at this point. I shall in particular support Sir John Simon's suggestion that we should adopt special resolutions with this end in view. I hope to see his proposal in writing and I shall give it my enthusiastic adherence.

Such confidence as we can inspire would be materially enhanced if we could achieve this object, not only a pacific solution of the present emergency, but, following on that solution, a prospect of unravelling by pacific agreement — and that will probably require work uninterrupted by episodes like this — the tangled skein of major interests that is bound up with the Sino-Japanese question. A result of that kind, brought about with the assent of the two great peoples directly concerned and, in a manner, in keeping with the legitimate interests and rights based on previous treaties, would be an immense success.

If we continue in the spirit in which the discussion has, to my great satisfaction, gone forward — for we have heard several delegations that have often been opposed to one another come forward and proclaim identical principles with the same warm and sincere devotion — if we continue on this path, I have strong hopes of our success.

No human institution can ever enjoy absolute certainty that it will always be successful. Just as there are certain diseases that defy science and all the efforts of the greatest physician without detracting from the physician's credit, so the League may be faced with an explosion of organic forces with which, in the present position of affairs, it will be unable to cope. That does not mean that we should not proceed in the hope that mankind will develop in a manner that will render feasible what appears impossible to-day. That will not reflect discredit on the League, because, while we cannot absolutely expect complete success for all human endeavour, we can at least demand that human endeavour, whether individual or collective, shall discharge its duty to the full and make every exertion to secure success.

Notwithstanding the difficulties of the problem on which it is now engaged, the League must always remain itself. That is a simple axiom, but it contains, I think, the whole truth.

The League of course cannot, and should not, be the instrument of the individual policy of any single Power or group of Powers. It should be exclusively an organ devised to foster the high ideal expressed in the introduction to the Covenant, and to do so by the methods prescribed in the articles of that Covenant.

That is the straight road before us. If we keep to and continue along it, while making all due allowance for the legitimate pride of the two great nations concerned in the conflict, but at the same time loyally and firmly resolved to go to the uttermost limit, then, whatever happens, the League's credit can only be enhanced in the eyes of all those whose opinion matters.

I say that merely to complete the picture, but let me repeat, if we can keep to this straight road on which we have set out, if we can obtain, at all stages of our proceedings, the unanimity that has been shown in this Commission, we shall then have endowed the League with an inestimable force which, supported by that of the United States of America, will really and truly represent the conscience of all mankind. No one, I think, could resist the pressure of so great a moral force.

It is from a sense of duty, a sense of humanity, a real loathing of war and bloodshed, a feeling of devotion to the League, that, in agreement with all the small nations that have spoken in the same terms, I offer you my loyal and unqualified support.

M. Mayard (Haiti):

Translation: The Haitian delegation has been deeply moved by the speeches delivered from this platform by various distinguished statesmen on behalf of the peoples, strong and weak, that belong to the different continents. One and all have shown us how much it would be a blot on the League's credit if, in this critical case, it should be unable to come to the assistance of the League's credit. That League must exert itself not as was formerly the case, in the plenum of the League, and more especially in the Commission's second meeting, when the President of the Council, M. Paul-Boncour, observed that the information required to arrive at a sound opinion would have been less contradictory, less biased, if the plenum had confined itself exclusively to the discussion of the question; but rather as the League, fulfilling the duties which it has to perform, that is bound up with the Sino-Japanese question. A result of that kind, brought about with the assent of the two great peoples directly concerned and, in a manner, in keeping with the legitimate interests and rights based on previous treaties, would be an immense success.

If we continue in the spirit in which the discussion has, to my great satisfaction, gone forward — for we have heard several delegations that have often been opposed to one another come forward and proclaim identical principles with the same warm and sincere devotion — if we continue on this path, I have strong hopes of our success.

Everyone must have been impressed at the Commission's second meeting, when the President in office of the Council, M. Paul-Boncour, observed that the information required to arrive at a sound opinion would have been less contradictory, less biased, if the plenum had confined itself exclusively to the discussion of the question; but rather as the League, fulfilling the duties which it has to perform, that is bound up with the Sino-Japanese question. A result of that kind, brought about with the assent of the two great peoples directly concerned and, in a manner, in keeping with the legitimate interests and rights based on previous treaties, would be an immense success.

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No human institution can ever enjoy absolute certainty that it will always be successful. Just as there are certain diseases that defy science and all the efforts of the greatest physician without detracting from the physician's credit, so the League may be faced with an explosion of organic forces with which, in the present position of affairs, it will be unable to cope. That does not mean that we should not proceed in the hope that mankind will develop in a manner that will render feasible what appears impossible to-day. That will not reflect discredit on the League, because, while we cannot absolutely expect complete success for all human endeavour, we can at least demand that human endeavour, whether individual or collective, shall discharge its duty to the full and make every exertion to secure success.

Notwithstanding the difficulties of the problem on which it is now engaged, the League must always remain itself. That is a simple axiom, but it contains, I think, the whole truth.

The League of course cannot, and should not, be the instrument of the individual policy of any single Power or group of Powers. It should be exclusively an organ devised to foster the high
orders, not merely for purposes of information but to give tangible and prompt effect to its work of pacification.

And on account of our esteem for the people of the country of the Rising Sun and its august Emperor, and of the special importance we attach for our own sake to its high position among the great Powers of the world, we expect from this people - and surely its presence in these precincts (2) No State is entitled to oblige another treaties ;

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arbitrary use of force: not to be, if in the present or in any other similar conflict, it makes the hazardous attempt, stigmatised in America by a terrible word, to "whitewash" a powerful country which has been found in fault.

Sir George Perley (Canada). — It is hardly necessary for me to say how much the Government and the people of Canada deplore the unfortunate events that have taken place recently in the Far East. The Dominion of Canada faces, across the Pacific, the two countries which now unfortunately find themselves opposed. With both those countries our relations have been and will, we hope, continue to be most friendly; with both of them our contacts are increasing in importance and in intimacy every year. It is not, however, on these grounds alone that we earnestly hope that a solution may be found for the present difficulties, but also because we regret exceedingly the fact that two countries, which are not only Members of the League of Nations but also Members of the Council and signatories of the Paris Pact, have not been able to adjust their difficulties by pacific means, but have found it necessary to resort to force.

For some months the Council has been considering the question which has now been submitted to the Assembly. That question involved a problem of a most difficult and delicate character for the solution of which the Council has worked most faithfully. The Canadian delegation would like to pay tribute to that work.

Far more, however, than the solution of a single problem is at stake in our deliberations. During the last twelve years the world has been endeavouring to build up, through the League, a system of outlawing war and settling disputes by reason rather than by force. The way in which this Assembly deals with the question before it will go far to show how successful we have been in this effort. Certainly, if the Assembly meets satisfactorily the test which now confronts it, it will mean a long step forward in the realisation of the League ideal.

To the Canadian delegation it seems that the work of the Assembly must be based primarily upon the following considerations:

(1) We should stop further bloodshed and bring about a real and effective armistice;

(2) We should distinguish between the rights of a case and the manner in which those rights are realised and enforced;

(3) We should affirm as solemnly as possible the fundamental truth that no infringement of the territorial integrity, and no change in the political independence, of any Member of the League of Nations which is brought about by force, in disregard of the undertakings of Article 10 of the Covenant, can be recognised as valid and effective by the other Members of the League.

We believe that this Assembly, the instrument through which the common concern of mankind for the maintenance of peace can find expression and make itself felt, should proceed in its work with the above considerations always in view. We have been that by so doing it will arrive at a solution of the difficulties before it, which will be just, peaceful and permanent.

M. Batoloff (Bulgaria):

Translation: The President of the Council, M. Paul-Boncour, in his opening speech this session, set before us, very objectively, the complexity of the problem we have to examine and explained the great difficulties the Council's conciliatory efforts had encountered.

We do not intend to dwell on the details, or to examine the fundamental causes of the conflict in which two great countries in the Far East are so unfortunately engaged.

The problem concerns not only the States Parties to the dispute: its moral and legal effects are of vital importance to all States Members of the League. It raises questions of principle of the utmost importance. We must consolidate and safeguard the development of the new era in international relations inaugurated after the world war. That is to say, we must replace force by law. The solution of all conflicts must be sought by pacific means. Under the Covenant and the Pact of Paris justice must not be sought through violence. In the same way, no fait accompli policy could be acceptable to public opinion.

One of the fundamental articles of the Covenant, Article 10, guarantees the territorial integrity and political independence of all Members of the League. In the present conflict, therefore, the principle of the inviolability of the national territory must be safeguarded. It is important, in the interests of peace, that the Covenant and the Pact of Paris alike should be respected by all the signatories.

The League is now creating a precedent which is of great importance to the future, for the issue is the maintenance unimpaired of the confidence the nations have placed in the League, and the strengthening of its authority and prestige.

Bulgaria will support the common efforts of all Members of the League to ensure the strict application of the Covenant and the Pact of Paris.

M. Mazuranic (Yugoslavia):

Translation: I am glad to note from the speeches made from this platform that this time those who were pessimistic about the League will most certainly be disappointed. Almost all the speeches we have heard contain a certain number of fundamental features which are identical.

One point of the utmost importance, in particular, has been — as it deserved to be — brought out plainly: the conviction that the serious conflict, or if you prefer legal terminology, the difficult problem in the Far East, in spite of the tremendous distance geographically between the scene in which the events are — or we hope were — taking place, is of vital importance to the whole League.

The solution of the problem before us is as important to us as though the events in question had occurred within this very town, in which, fortunately, the atmosphere is peaceful.

My country wishes to speak during the present discussion, not in order to bring forward new opinions or to open out new horizons, but to state its profound conviction that Article 11 of the Covenant embodies not merely a method of procedure but a pure truth. The article stipulates: "Any war or threat of war, whether immediately
affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League." We also desire to join those who have emphasised that this time the League, in seeking an adequate solution of the problem, must exhaust every effort and, above all, must avoid anything which might disguise the real nature of the question. What the Council, in spite of its good intentions, has been unable to do will in no case constitute a precedent. But, now that the problem is before the Assembly, it has entered into its decisive phase. We are discussing the matter under Article 15 of the Covenant. Any decisions we take will certainly constitute a precedent, and will be of considerable importance. They may perhaps influence a whole historical era. I would go further, and would say that, in any event, our decision must not be an ad hoc decision, but must be universal and binding upon all Members of the League.

I would go even further and say that the representatives of the States directly concerned in the problem must be sure that our decision is universal and binding upon all. I need not, I think, dwell further upon the importance of our decision.

The sudden vicissitudes of modern history, the torrent of political events, demonstrate very clearly that the maxim 

\[ \text{hodie tibi eras mihi} \quad \text{cras tibi} \]  

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is still true in international life.

I warmly support the Czechoslovak representative's statement, particularly his observation that the examination of the problem now before us will perhaps disclose certain weak spots in our organisation.

May I venture to draw attention to one of them? Is it not regrettable that the League is dependent, for the necessary information, upon the goodwill of the States which happen to be in a position to furnish it? However friendly and willing those States may be, I think it essential that the League should be able to obtain the necessary information through its own organisation.

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The problem is very complex, and as the late M. Briand—then President of the Council—said on December 10th last: "this problem . . . is of a very special character, because of the exceptional nature of the treaty or customary relations existing in normal times between the two countries ."

The problem is so difficult and complicated that it may be beyond the League's power at present to find an adequate solution. That should not discourage us, but should, on the contrary, incite us to improve our organisation, which is so essential to all the Members of the League.

The League has been called upon to settle a serious question, to fulfill its most important duty. It has begun to do so, and Yugoslavia will warmly support any proposals in accord with what I have just said. We shall, of course, support the proposal of Sir John Simon, the British representative.

Mr. te Water (South Africa). — The Government of China has appealed to the Assembly of the League of Nations against the actions of Japan, which, it declares, constitute a violation of China's national integrity and, as such, a breach of the Covenant of the League, to which Japan is a signatory nation.

It therefore behoves every signatory nation to the Covenant to form its judgment on the facts of the case as they have been presented to us by the Parties to the dispute. It is for this reason that I speak briefly and, I hope, without circumlocution. We must let me say this at once, that it is not possible for my delegation to form a just judgment on the facts at the present moment, in the sense that it is at this moment not able to allocate the blame to one Party or the other to this dispute, for all the facts of the dispute between China and Japan are not yet known; although this I am able to say bluntly, that we have no other name for the state of affairs in China to-day than that of war, and the following facts at any rate appear to be clear to us.

Powerful Japanese forces, equipped with all the modern weapons of war, have been transported into Chinese territory. These armies have been actively and destructively used against Chinese forces and have taken possession of a considerable portion of Chinese territory. It appears to us equally clear that Japan has not sought to use the pacific means at its disposal under the Covenant, to which it is signatory. Nor, in the absence of any further explanation by Japan, does it appear to us that in this dispute she has remembered her declarations under the Pact of Paris. Equally it seems to my delegation an undisputed fact that China has placed its case in the hands of the League and has been prepared, at every stage of the enquiry by the Council of the League, to act on its advice and instructions. As emphatically has Japan refused to show the same confidence in the fairmindedness of a body of which it has been for many years so active and important a Member.

As far as these facts are concerned, it is to be stated unhesitatingly, in our opinion, that a prima facie case has been made out that Japan has acted in contradiction to what we believe to be the obligations to which, equally with all of us, she is bound.

So far, and no further, is it possible for me to form a clear opinion.

I, for one, would urge the distinguished representatives of Japan to state to this Commission of the Assembly, in the clearest terms, its full case in these points to which I have drawn attention. Japan may have the most profound reasons why she has not been able to use the machinery of the League, or why she has not been able to follow its advice. I can only urge again that we be given these reasons, for it seems to me to be the simple duty of this Assembly to ascertain the validity of those reasons.

Let me say this. My country stands back to no nation in its deep regret at the unhappy relations which exist between these two great Eastern peoples to-day. An unsettled Asia has, and has had, the most far-reaching economic repercussions in the world.

It has always seemed to us a tragic and fateful fact that China has now for many years been unable to compose her own internal differences. Such a composition, were it to come in the near future,
would bring in its train reactions which, it will be agreed by every thinking man, must ultimately spell peace, reconciliation, adjustment and friendship, the future can never be as happy and as peaceful for either of those great countries. We are here to help them by undertaking the work of mediation and to help to lay the foundation of a surer conciliation for the future.

The facts of history give me a platform from which I can rightly and earnestly appeal alike to my friends of China and Japan to seek the road to friendship and co-operation, the future can never be as happy and as peaceful for either of those great countries. We are here to help them by undertaking the work of mediation and to help to lay the foundation of a surer conciliation for the future.

Mediation is the first duty laid upon this Assembly by the terms of the Covenant. It is true that the Covenant prescribes other courses of action to be followed as circumstances develop, but, if we are faithfully to perform our first duty of friendly mediation, we must not let ourselves be deflected by thoughts of any other duties that may later devolve upon us.

If we do not concentrate with a single mind upon mediation, we shall not only be precluding the issues; we shall fall into a far greater error. No mediator can hope to succeed unless he sets himself to win and hold the confidence of both parties. He may too easily forfeit their confidence if he allows himself to be influenced by the knowledge that he may later have to form other conclusions. Yet if once the parties lose confidence in him, he will not only have failed completely in his first duty, but will have raised formidable obstacles in the path of further progress.

Therefore I would urge the Assembly, not only to concentrate on its first and vital immediate task of mediation, but to hold fast to the principles which alone can guarantee its success.

Is it too much to ask that the two Parties on their side should co-operate by placing themselves freely in the hands of the mediators, confident that the mediation will be carried out in a spirit of complete fairness and impartiality for the permanent peace and friendship of the Far East?

India hopes earnestly that mediation will be but the first step towards true friendship between the two Parties to the case that is before the Assembly; the two Parties to the case that is before the Assembly; the one which has inspired the three countries alike.
China and Japan. To achieve its aim, mediation must be based, not on methods of expediency, but on clear guiding principles. Where else are we to seek these principles but in the Covenant itself, which is the mainspring of all our efforts here? All the signatories have fully weighed and understood the obligations which it lays on them; but that fact is perhaps not sufficiently appreciated. Let us make it clear beyond dispute to the world as well as to ourselves. I gladly support the suggestion made by the representative of the United Kingdom that we should seize the opportunity to reaffirm in all their bearings the fundamental principles that underlie the Covenant. If that suggestion can win united support, we shall lay a sure foundation on which an edifice of lasting peace, friendship and co-operation in the Far East can be constructed.

M. Feldmans (Latvia):

Translation: I shall only detain the General Commission for a few moments.

The Latvian nation has followed with great anxiety the development of the events we are discussing. Even if we admit the extreme complexity of the problem and of the causes underlying the dispute, we must nevertheless also admit that the events have extended dangerously beyond the limits which the international undertakings, the Covenant and the Pact of Paris lay down with regard to the reciprocal relations of the nations.

We have seen an economic boycott, the failure of one of the Parties to execute treaties, hostile propaganda, and, finally, resort to force, the refusal to submit the question to pacific procedure. In a word, in this dispute, all the ills we believed not to be plalced?

The Latvian nation, which has very small material forces and has based its future on respect for international undertakings and faith in the vital power of the principles of justice and equity, of which the League is the guardian, views this with serious disquietude.

At this grave moment, the Latvian delegation strongly urges the two great disputant nations to lend us their aid in establishing peace, and assuaging the anxiety of the nations.

It is our duty to restore and strengthen their confidence in the League.

The Latvian delegation does not consider it desirable, at this moment, to examine the root causes of the dispute or to pronounce a hasty judgment against either Party. In our opinion, the League Assembly is chiefly a political instrument, whose primary duty is to restore and organise peace.

We are glad hostilities have ceased; but the nations expect more of us than that. We must convince them that this special Assembly has won a victory for the fundamental laws of our charter. We must be able to tell them that both nations, equally desirous of serving the cause of peace, have freely accepted solemn undertakings which will absolutely prevent any recurrence of the recent unhappy events.

The League must not give up the question until it is finally settled.

In this way, we believe, we shall best serve both the interests of the two countries and the cause of the League.

M. Costa du Relis (Bolivia):

Translation: Almost all the delegates have dutifully responded to the President's appeal to state their views here. My delegation also wishes to fulfill its duty. I shall be clear and brief.

Those who are competent to speak and whose feelings for the two nations which are unhappily in conflict are equally cordial have reminded us of the principles of the fundamental charter which govern the relations of States, their rights and their duties. It is therefore necessary to see what the position is.

The delegates of Colombia, Mexico, Uruguay and Salvador have generously, forcefully and enthu-

isa tly reminded us of the principles which Latin America has always been the first to cham-

pion. Formerly, these principles existed only in the universal conscience. They are now embodied in the Covenant. All we ask is their strict observance, because therein resides the guarantee of our own future and existence. That alone will enable us, the younger, smaller, weaker countries to achieve our real destiny, as other nations have achieved theirs before us. Only we will not, cannot, and must not employ those methods by means of which, in the past, many nations were able to expand. Times have changed.

To-day, no nation can impose its will by force; the international community would acknowledge no advantage obtained in that way. The occupation of a territory over which another State has inalienable historic rights, through violence or cunning penetration, advantage being taken of geographical conditions, confers no authority and creates no right. To accept the converse would be to accept a curious uti possidetis de facto which at bottom was only the old time-worn mask of covetousness.

Sudden coercion or gradual penetration give a momentary illusion of possession, but sooner or later that illusion will vanish in the light of law and justice.

I said just now that the League Covenant offered us as a means certain texts which should provide remedies. The very complex problem now referred to the Assembly was already looming in the distance. M. Motta, with his customary tact and foresight, has analysed the texts and shown their logical connection and concordance. He very forcefully emphasised the great importance of Article 16. He then pointed, with unusual impar-

iality, to the various means provided in Articles 12 and 13, and indicated very strikingly their bearing on Article 16. After his eloquent and authoritative words, any further comments would be superfluous. We therefore all support his friendly and pressing exhortation to the representatives of the two Parties to the dispute. The Chinese and Japanese delegates can hardly forget that every voice raised here, however humble, however weak, is speaking on behalf of the universal conscience and the brother-

hood of mankind. The magnificent demonstration of fellowship on this platform, therefore, has made of it a living centre of spiritual force and truth.

But it is not enough to lay down the principles. We must apply them. On whom shall this heavy burden be placed?

The Covenant confers benefits, and it also imposes duties. For their accomplishment, certain

material means which some of us have and of which


leaders of mankind. Obviously, despite the moral Assembly to take any action that would be tanta-
their longstanding reputation and the successful confusion of thought. Never for a moment has
magnificent aspect: certain nations, owing to Here it seems to me that there is a grave
individual according to his capacity. In interna-
that the law should impose burdens upon the
powerful. It is an accepted fact, in civic matters, way to Manchuria, it would be to prejudge the case.
for a conflict logically tends to fall upon the more from the Lytton Commission, which is still on its
methods inoperative. Just as in modern States to the Chinese and Japanese Governments. It is
the system of taxation is graduated in proportion said that, if further action should now be taken by
by the American Government on January 8th
will be similar to those of the Stimson Note sent
by my Government that the Assembly will exhaust dispute itself. It was expressly stipulated therein
by some speakers as to the procedure to be adopted forbids.
by the Assembly. It has been pointed out with
proceeding to any other method. That is correct, Moreover, the very resolution that created the
impartially, wasnecessary and useful. Ithascreated yoke a
States an opportunity of expressing their views 30,000.000 Chinese itizens are under a freign
improvement of their capacities, have become the Chinese Government asked or expected the
end of which we are all committed " Such a declaration,
the very existence of the League of Nations.
applications. Commission should not prejudice in any way the
success. However, if mediation is tried once more, this time by the Assembly, and fails, it is expected by my Government that the Assembly will exhaust
all other possibilities under Article 15 and other articles.

The other point of procedure — and I am not
sure whether one is justified in using that word in this connection — which has also been called to
our attention is that, after the eventual adoption of a declaration, nothing more should be done at
present. The contents of this declaration, I gather,

Here it seems to me that there is a grave
connection between this fact and the principles of the League.

This discussion, which has given the smaller States an opportunity of expressing their views impartially, was necessary and useful. It has created an atmosphere making for wise counsels which we must be careful to embody in a resolution expressing the views put forward here.

The discussion is now closed. Public opinion urges the two States and the League to assuage their anxiety.

M. Yen (China). — I need hardly say how much the Chinese delegation is gratified at the noble and spontaneous response that so many distinguished speakers in the debate have made to our invitation to express themselves on the momentous issues of the Sino-Japanese dispute, issues which concern the very existence of the League of Nations.

I believe it is a fair deduction from the course of the debate to say that every speaker has supported the proposition that the League must stand by its Covenant in all events. As M. Beneš said the other day, the principles of the Covenant must be respected in all cases without condition. In the words of Sir John Simon, the situation before us involves something more even than the restoration of peaceful conditions in the Far East.

In my opening statement before the Assembly, I had the honour to ask you to do certain things, and to-day I beg to repeat the request.

The question has been raised during the debate by some speakers as to the procedure to be adopted by the Assembly. It has been pointed out with good reason that Article 15 provides, in the first instance, the procedure of mediation before proceeding to any other method. That is correct, although I should like to say that the procedure of mediation has been employed by the Council for the past five months, and we know with what success. However, if mediation is tried once more, this time by the Assembly, and fails, it is expected by my Government that the Assembly will exhaust all other possibilities under Article 15 and other articles.

Moreover, the very resolution that created the Lytton Commission made the very natural and logical distinction between the preliminary and immediate matter of stopping hostilities and liquidating the military occupation of Manchuria, and on the other hand the task of adjusting the dispute itself. It was expressly stipulated therein that "the appointment and deliberations of the Commission should not prejudice in any way the understanding given by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone". The Commission, it is clear, was intended to contribute towards a final and fundamental solution: it was not designed to perpetuate the foreign occupation of Chinese territory. That
was the view and intention of the Council itself. China, therefore, asks that the decision of the Council be put into execution by and through the supreme authority of the Assembly, so that the Japanese troops now unlawfully on Chinese territory commence to withdraw.

The matter is rendered the more urgent by the fact that Japan has openly expressed approval of and supported the so-called “Manchuria” movement — in reality a puppet Government. As soon as the Japanese troops withdraw, this so-called “Government” will collapse like a house of cards. I should like to call your attention in this matter to the declaration of my Government of February 22nd, published as Appendix VIII of our printed statement.

To sum up: The debate which has taken place in this Assembly has, I may be permitted to say, justified every one of the requests that I had the honour to present to you. In the name of peace and justice, for the sake of the honour and authority of the League of Nations, with a view to maintaining the sanctity of the Covenant and treaties and, finally, with the firm purpose of upholding international law in general, I again appeal to you to take the necessary action.

M. Sato (Japan):

Translation: Japan’s attitude in this regrettable conflict has been amply explained both in the speech of my colleague, M. Matsudaira, to the Assembly, and in the Japanese Government’s explanatory note attributed to the Members of the Assembly through the Secretary-General, as well as in various documents and in statements made before the Council since September last.

After the speeches we have heard in the General Commission, however, I should like to make a few brief remarks setting forth the principles on which our attitude is based.

I would first emphasise that Japan deplores the present events more than any other country. As a Member of the League and a signatory of the Pact of Paris, Japan is anxious that these important international instruments should be applied. If Japan had to take military measures, it was in fact owing to the imminence of danger; the importance of her responsibility in the very special conditions prevailing in China made it impossible for her to act otherwise. She did not seek to settle the dispute by force. She had no intention of infringing Chinese political independence or administering a country to which her help had been given. If, however, the situation became dangerous, she was bound to take temporary and provisional measures of self-defence. You will recall cases in which other Powers have been compelled to take similar measures.

The very special de jure and de facto situation in China exists nowhere else, and I must say plainly that there can be no analogy between that situation and the situation in European countries or on the American continent. Where else will you find a Member of the League and a signatory of the Covenant, in order to obtain privileges or terms of any kind whatsoever. We hope the situation in Shanghai will be rapidly reduced to order with the help of the Great Powers and in the spirit of the Covenant. For that reason, we were glad to accept the resolution of March 4th, and we urge that the negotiations contemplated be opened without delay. Only to-day our authorities at Shanghai took urgent steps in this connection with regard to the foreign authorities.

From the very beginning, Japan, as has been emphasised during the Commission’s meetings, has contributed wholeheartedly to the League’s work in the firm conviction that it was providing an essential contribution towards the establishment of a new order, a new era of justice and security in international relations.

To-day we have the same faith in the League’s work and are drawing the same results. We have the same desire to see its authority firmly established and its influence extended.

We accepted the Covenant in its entirety, and we wish to see it applied without derogation or exception, but with that due regard for facts which was in the minds of its framers and was embodied in the texts themselves.

Since the beginning of this painful dispute, the Council has endeavoured earnestly and patiently to find an equitable solution for the serious problem before us. In referring to the Council’s work throughout these long months, I should like to say how much the Japanese Government has appreciated its efforts, and more particularly the action taken by the Council and by the Governments of the countries represented on it to relieve the present situation in Shanghai. I wish also to express my gratitude to the United States Government and its representative at Shanghai, who have joined their efforts to those of the Members of the League. There is, however, one to whom I should wish to pay a respectful and sincere tribute, one whose latest efforts were devoted to the settlement of this affair and to the maintenance of world peace, for which his name will always be remembered, but whose place, unfortunately, is empty. I refer to M. Aristide Briand.

CONSTITUTION OF A DRAFTING COMMITTEE.

M. Beneš (Czecho-Slovakia):

Translation: As the discussion is now at an end, I venture to suggest that the General Commission should appoint a drafting committee composed of the members of the Assembly’s Bureau and the authors of the draft resolutions already submitted or to be submitted.

All draft resolutions should reach the drafting committee by midday to-morrow. The committee could then meet in the afternoon to examine these proposals and submit the final conclusions to be drawn from the General Commission’s discussion.

The President:

Translation: M. Beneš feels that this discussion should close with the adoption of a resolution expressing the ideas developed during the general discussion. He suggests that any member of the Assembly who wishes to submit proposals should send them to the Bureau to-morrow morning, in order that they might be examined by the Bureau in consultation with their proposers. This examination will take place to-morrow afternoon, and the Bureau will submit an agreed text to the General Commission.

M. Politis (Greece):

Translation: I support the principle of M. Beneš’ proposal, but I had hoped that the procedure would
be speedier. I see no real use in inviting the delegations to submit draft resolutions within a given time-limit. It will complicate matters, and it seems contrary to the League's usual practice, as well as unlikely to facilitate the drafting committee's work. I think it would be simpler to keep to the Assembly's usual rule. After an important discussion such as that which has just taken place, during which various ideas have been developed, it is necessary, in a draft resolution, to bring out the essential points. This work could easily and speedily be done by a drafting committee.

I therefore suggest that the Assembly should immediately set up a drafting committee to bring out the principles expressed during the discussion and to submit a draft resolution to the Commission as soon as possible.

M. Colban (Norway):

Translation: I think this matter is of sufficient importance to require thorough examination by the drafting committee, after all the delegations have had an opportunity of sending in their comments. I therefore strongly support M. Beneš' proposal.

The President:

Translation: May I venture to express a personal view? I think we should be wise to adopt M. Beneš' proposal. M. Politis' proposal is obviously simpler, and the procedure he suggests would be much quicker, though it might lead to some disappointment. We are under the impression, after our conversations and the speeches we have heard, that various proposals will be submitted. In these circumstances, I think it would be much more logical and practical to allow the members of the Commission time to prepare their proposals and also to give the Bureau, which will be assisted by the authors of the proposals, time to prepare a text on which, let us hope, unanimity will be reached.

I think, therefore, that M. Beneš' proposal is wiser in the present instance and is more likely to lead to the desired result.

Baron Rame (Sweden):

Translation: I strongly support M. Beneš' proposal, but I do not think it entirely rules out M. Politis' proposal. Something could be taken from both. The basis of the drafting committee's work must be not simply the draft resolutions submitted to us yesterday and those which may be submitted to-morrow, but also all the proposals and suggestions made by the various speakers during our discussion.

It seems to me essential, too, that our drafting committee should endeavour to lay down very precisely the fundamental principles on which the Assembly's work will continue for the solution of the problem as a whole.

The President:

Translation: I would venture to point out to M. Ramel that the drafting committee will certainly not confine itself to discussing the proposals submitted to it, but will also take into consideration the general ideas expressed during the discussion. If there are no objections to M. Beneš' proposal, I shall consider it adopted.

M. Beneš' proposal was adopted.

The President:

Translation: We shall therefore wait until midday to-morrow for any proposals that may be submitted. In the afternoon the Bureau will meet with the authors of the proposals, and we shall convene the General Commission as soon as we have reached conclusions. I hope we shall be able to convene it on Thursday morning or possibly Thursday afternoon. In any case it will be summoned in the usual way.

M. Tardieu, President of the French Council of Ministers. It is as follows:

"I am deeply touched by the condolences you have been good enough to offer me on behalf of the Assembly of the League of Nations upon the death of the illustrious statesman whose passing is so grievous a loss to the Government of the Republic and whose name stood for the pacific ideal of France and her faith in the civilising mission of the League. On behalf of the French Government, I beg you to receive and to convey to the Assembly my thanks for the messages you were good enough to transmit to me. — André TARDIEU."