DISCUSSION OF THE DRAFT RESOLUTION SUBMITTED BY THE DRAFTING COMMITTEE.

The President:
Translation: At the Commission's last meeting we decided to instruct the Bureau to prepare a draft resolution expressing the ideas put forward during the general discussion. It was understood that any delegations wishing to formulate proposals would send them to the Bureau and that the authors of such proposals would discuss the wording of the resolution in conjunction with the members of the Bureau. We received proposals from the delegations of the United Kingdom, Colombia, Czechoslovakia, Estonia, Finland, Greece, Norway, Salvador, Spain, Sweden and Switzerland. The Drafting Committee, consisting of the members of the Bureau and the authors of the proposals, agreed on a final text, which was distributed to you yesterday. You are in possession of the draft resolution, but it will, I think, be necessary for me to read it to you before opening the discussion. It is as follows:

I. The Assembly,

Considering that the provisions of the Covenant are entirely applicable to the present dispute, more particularly as regards:

(1) The principle of a scrupulous respect for treaties;

(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;

(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;

(4) Adopting the principles laid down by the President-in-Office of the Council, M. Briand, in his declaration of December 10th, 1931;

(5) Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared 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 of the Covenant ought to be recognised as valid and effectual by Members of the League;

Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris, which is one of the corner-stones of the peace organisation of the world and under Article 2 of which 'the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature and whatever origin they may be, which may arise among them shall never be sought except by peaceful means';

Pursuing the decisions which it may ultimately take for the settlement of the dispute which has been referred to it:

Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations.

II. The Assembly,

Affirming that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party:

Recalls the resolutions adopted by the Council on September 30th and on December 10th, 1931, in agreement with the parties;

Recalls also its own resolution of March 4th, 1932, adopted in agreement with the parties with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces, and notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to co-operate in maintaining order in the evacuated zone.

III. The Assembly,

In view of the request formulated on January 29th by the Chinese Government invoking the application to the dispute of the procedure provided for in Article 15 of the Covenant of the League of Nations;

In view of the request formulated on February 12th by the Chinese Government that the dispute should be referred to the Assembly in conformity with Article 15, paragraph 9, of the Covenant, and in view of the Council's decision of February 19th;

Considering that the whole of the dispute which forms the object of the Chinese Government's request is referred to it and that it is under an obligation to apply the procedure of conciliation provided for in paragraph 3 of Article 15 of the Covenant and, if necessary, the procedure in regard to recommendations provided for in paragraph 4 of that same article:

Decides to set up a Committee of nineteen members — namely, the President of the Assembly, who will act as Chairman of the Committee, and the Members of the Council other than the parties to the dispute and the representatives of six other Members to be elected by secret ballot.

This Committee, exercising its function on behalf of and under the supervision of the Assembly, shall be instructed:

(1) To report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932;

(2) To follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;

(3) To prepare the draft of an agreement to be submitted to the Assembly, for the purpose of facilitating, in accordance with Article 15, paragraph 3, of the Covenant, the settlement of the dispute;

(4) To propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion;

(5) To prepare, if need be, the draft report provided for in Article 15, paragraph 4, of the Covenant;
I would only point out further that this first chapter opens with a "considérant" which begins by emphasising the principle of a scrupulous respect for treaties: it is therefore, I think, very just and proper that the Assembly, in making this serious assertion in the first chapter, should not confine itself to a reference to the obligations which are to be deduced from the Covenant of the League of Nations, but should also include—for all the States to which it is applicable—the addition which I have suggested: "or contrary to the Pact of Paris, in the case of signatories to that Pact".

If, therefore, my colleagues are in general agreement with that addition, which would strengthen the document, it appears to me that it might be more correctly consistent with our real purpose and, as I have already said, would make the declaration with which this first chapter concludes.

Sir John Simon (United Kingdom).—There is one addition to the last paragraph of the first chapter of the draft resolution which I think might well be considered and which I should be prepared to propose with a view to widening and strengthening the declaration which it contains.

The General Commission will see in the first chapter that there is a paragraph beginning: "Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris..." But though in that considérant we refer to the Pact of Paris, there is not any reference to the Pact of Paris in the final and effective paragraph. The final paragraph "proclaims the binding nature of the principles and provisions..." and declares that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations.

My colleagues may remember that when this proposition was suggested, I think by myself, in the speech which I made from the platform, I included the Pact of Paris in what I then proposed, and I would submit that it would make the statement stronger and more worldwide if we included a reference to the Pact of Paris as well as to the Covenant of the League in this, the effective paragraph of the first chapter.

I think the reason why the Drafting Committee did not include the words was a technical one; it was, I think, because there may be one or two States who are Members of the League who have not themselves signed and ratified the Pact of Paris, and therefore it would be technically incorrect for us to say that it was incumbent upon all the Members of the League to do something which is contained in the Pact of Paris. But, though that is technically a perfectly just criticism, I still think that words might be included, to the general approval of us all, which would bring a reference to the Pact of Paris into the final paragraph as well as a reference to the Covenant; and having consulted one or two of my friends here who, I know, take the same view, I would venture to suggest that we should add the following words at the end of the final paragraph of Chapter I: "or contrary to the Pact of Paris, in the case of signatories to that Pact".

M. Politis (Greece):

_Translation_: I entirely agree with Sir John Simon that it would be desirable to mention the Pact of Paris in this part of the resolution, not only because this would bring the effective part of the resolution into line with the introduction, but because it would assurely add to the value and force of the resolution. I merely wonder whether it is really necessary to say, "in the case of those States which are bound by that Pact." That would not be a very neat formula. In this Assembly, we can only speak on behalf of the Members of the League. The Members of the League enunciate a declaration which is stated in the final paragraph. They agree that a certain situation can at once be regarded as contrary to the principles of the Covenant. We wish to add that that situation is also contrary to the principles of the Pact of Paris, and here we are faced with a difficulty in the case of those States which have signed the League Covenant, but which are not bound by the Pact of Paris. I am not sure, however, that we need labour this point, because the States Members of the League who are not yet bound by the Pact of Paris—happily there are very few of them—would not be running any risk of contracting an additional obligation if they accepted the wording proposed by Sir John Simon, which points out that a situation such as that defined would be contrary both to the Covenant and to the Pact of Paris, since the Covenant contains the maximum obligation in this sense. It follows that even the Members of the League who are not bound by the Pact of Paris could, I think, agree without any inconvenience to the addition pure and simple of this reference to the Pact of Paris.

I think, then, that it would be neater and better to keep to a quite simple addition, such as "or to the Pact of Paris".

The President:

_Translation_: May I make one observation? The earlier paragraphs enunciate an entirely concrete and general proclamation as to the binding nature of the provisions of the Pact of Paris. The introduction says: "Considering that the principles..."
The paragraph to which Sir John Simon has proposed an addition begins with the words: "Proclaims the binding nature of the principles and provisions referred to above." The Pact of Paris is, therefore, included in that sentence. I think, then, that we could very well say, "which may be brought about by means contrary to the Covenant of the League of Nations", but, of course, we might find anything much better. Paris is, therefore, included in that sentence. I would be "bound", as someone said the other day, and the dispute." It is incumbent, upon the Members of the League paragraph 3 of the Covenant, the settlement of disputes between Members of the League above referred to are in full harmony with the peace organisation of the world, and under Article 2 of which the United Kingdom. — I should be the first to be content with this suggestion, for it will bring us back to exactly the proposal which I made in the first instance. I have always thought that we should add the words "or the Pact of Paris" and leave it at that. It was solely because some difficulty was felt in certain quarters that the words were deleted. For my part, I want them put back, and I accept M. Politis’s proposal gratefully; it would, if I may say so, be the simplest, the neatest and the most logical way of making the addition which we all desire.

The President:
Translation: If no one has anything else to say, I suggest that the last paragraph in Part I should end with the words "or to the Pact of Paris".

M. Restrepo (Colombia):
Translation: I entirely agree with Sir John Simon and M. Politis with regard to the addition to be made to this article. I would merely like to remind you that the Drafting Committee first inserted these words and then struck them out in order to make allowance for the position of the countries which have not ratified the Pact of Paris. Sir John Simon’s and M. Politis’s explanations have made the position quite clear, and I support the wording now proposed.

The President:
Translation: What M. Restrepo has said is an interpretation and explanation of his attitude and of that of certain other countries. His statement will appear in the Minutes. I take note with much satisfaction of M. Restrepo’s assent to the proposed wording.

The amendment proposed by Sir John Simon was adopted.

M. Yen (China). — I wish to point out that the French text of this last paragraph does not coincide accurately with the English; I do not know whether the French text and the English translation, but the French text contains the words: "les Membres de la Société des Nations sont tenus . . . .", whereas the English text reads: "it is incumbent upon the Members of the League of Nations . . . .", and, in English, because "it is incumbent. The Members of the League are "bound", as someone said the other day, and it is better that the two texts should coincide as much as possible to prevent any misunderstanding.

The President:
Translation: As the matter is one of language, I will ask the Secretary-General to speak.

The Secretary General: — We have given this particular question very deep thought, and I think, if you consider it very carefully, you will see that the sentence, "it is incumbent", would be "sont tenus". I do not think you could find anything much better.

The President:
Translation: As we are agreed upon the meaning and our agreement will be recorded in the Minutes, we can now proceed.

Sir John Simon (United Kingdom). — There is a very small verbal change which has occurred to me and which affects both the English and French texts. It relates to the previous paragraph to the one we have been examining. In the French text it begins: "En attendant les décisions . . . .", and, in English, "pending the steps", would cover both the case of seeking to conclude by negotiation and agreement, and, in the event of agreement not being reached, paragraph 4 of the Article being applied. It is purely a question of words: "décisions" seems to be rather too narrow a word, sounding like something that is imposed upon others and not therefore covering the case, which we hope may arise, of agreement between the parties.

The President:
Translation: Obviously the Assembly might find it necessary to take steps, for the settlement of the dispute, which might not be decisions in the strict sense of the term. If there is no objection, the resolution will be amended in the manner suggested by Sir John Simon.

The amendment proposed by Sir John Simon was adopted.

The President:
Translation: Has anyone else anything to say on Part I as a whole?

Part I of the draft resolution was amended, as adopted.

The President:
Translation: We will now take Part II of the draft resolution. Does anyone wish to speak?

Part II of the draft resolution was adopted.

The President:
Translation: We will now consider Part III of the draft resolution.

M. Beneš (Czechoslovakia). — In the Drafting Committee we agreed that No. 3 should read: "(3) To prepare the draft of an agreement to be submitted to the Assembly, for the purpose of facilitating, in accordance with Article 15, paragraph 3 of the Covenant, the settlement of the dispute."
Certain delegations have just drawn my attention to the fact that it would certainly be advisable to alter the wording so as to make it clearer and make it correspond exactly with Article 15, paragraph 3, of the Covenant. I accordingly propose, in agreement with the delegations mentioned, a slight amendment which will make the text clearer but will not change the substance. The new text would read:

"(3) To endeavour to prepare the settlement of the dispute in agreement with the parties, in accordance with Article 15, paragraph 3, of the Covenant, and to submit a statement to the Assembly."

Those are the actual words used in the Covenant.

**The President:**

*Translation*: The effect of M. Bénes's proposal is to introduce into No. 3 practically the whole wording of Article 15, paragraph 3, of the Covenant, which reads:

"The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate."

M. Bénes's proposal reads:

"(3) To endeavour to prepare the settlement of the dispute in agreement with the parties, in accordance with Article 15, paragraph 3, of the Covenant, and to submit a statement to the Assembly."

This is based on Article 15, paragraph 3, of the Covenant. I do not suppose there will be any objections to this proposal.

**M. Motta (Switzerland):**

*Translation*: On behalf of my delegation I agree entirely with M. Bénes's proposal. It makes no change in the idea but merely clarifies it. It expresses in particular a notion which is, in my view, self-evident but which gains by being expressed — namely, that mediation necessarily presupposes the assent of the two parties.

**The President:**

*Translation*: In point of fact, we can hardly imagine an agreement without the assent of the two parties. If there is no further objection to this proposal I shall regard it as adopted.

**M. Bénes's proposal was adopted.**

**The President:**

*Translation*: Are there any other observations on Part III of the draft resolution?

**M. Yen (China).** — Before I point out another discrepancy between the French and English texts, I wish to say that what I am saying to-day concerns only the wording, because I have not received any instructions from my Government with regard to the substance.

In Part III, No. 2, of the French text the wording is as follows:

"De suivre l'exécution des résolutions adoptées par le Conseil le 30 septembre et le 10 décembre 1931..."

In the English text, the words "de suivre" are translated "to follow", and I am not sure that this is correct. Perhaps a better English word might be "pursue" or even "effect"; but this might be too great a change.

The President:

*Translation*: I am not an authority in this matter and I should hardly like to propose to set up a committee of linguists.

The Secretary-General. — The advice I have from the experts here is that "follow" means "suivre" in French, and that the word "pursue" would have to be translated "poursuivre". I think "suivre" can only be interpreted "follow".

**M. Yen (China).** — Perhaps it is not "follow" but "follow up".

**Sir John Simon (United Kingdom).** — We are all anxious to have this document quite clear, and I should like to ask a question regarding interpretation.

In Part III, No. 1, the words "to report" are used. In No. 3, as amended, the word "statement" is used. In No. 5, we pass to the second procedure provided for under a later paragraph of the article, and the word "report" appears. In No. 7, about which I wish to have the interpretation, there is a reference to "a first report". It is not very clear, as the resolution is drawn up at present, what is the "first report" here referred to. Does it mean that, while we provided in No. 1 that there should be a report as soon as possible, we later provide in No. 7 that the first report of progress is, in any case, to be made by May 1st? Would it not be better to use the words "progress report"? The use of such some words would make it clear that the reference in No. 7 to a "first report" is not the report referred to under No. 5. One way of doing this would obviously be to insert in No. 1 the words "to report as soon as possible, and, in any event, by May 1st, on the cessation of hostilities..."

**The President:**

*Translation*: The difficulties Sir John Simon has mentioned are not, I think, so serious if you consider the French text, but it might perhaps be desirable to have a little more precision. There is no possible doubt as to the character of the report mentioned in No. 1. Whether it is called a report or whether some other term is used, it is plain what its nature is, and I think that, in French, the word "rapport" is the most suitable. Nor can there be any doubt with regard to No. 5. If there is any doubt as to the wording of No. 7, we might say, "to submit a first report on the situation to the Assembly as soon as possible". What the drafters of the resolution plainly had in mind was that a report on the condition of affairs or situation should be submitted to the Assembly.

**M. Beelaerts van Blokland (Netherlands):**

*Translation*: The wording proposed by the Secretariat is, I think, entirely correct. Would the words "report on the situation" express exactly the same idea? I do not think so. There is no reason why a report on the situation should be made at the latest on May 1st. It could equally well be made next week, because there is always a risk that, when a situation is to be reported on, there may be a further development of the situation. It would, I think, be better to say, "on the progress of its work", or to use some equivalent phrase.

The President:

*Translation*: There is no divergence between our approach and that of the Secretariat. Clearly, the report to be presented not later than May 1st will inform the Assembly as to the existing state of affairs and the
Committee's work. That is, I think, self-evident, but, if further precision were required, we could say, in accordance with M. Beelaerts van Blokland's suggestion, "a first report on its activity.

I must, however, ask the Netherlands delegate's permission to point out that, if the Committee merely reported on its activity, the report would be incomplete, because it must also deal with the general situation. That is what the Assembly wants. Obviously, one of the main factors in the situation consists of the steps taken by the Committee and their results.

In other words, if the Committee presents a report on the situation, the report will have to contain a summary account of its activity, and if it reports on its activity, the report will have to contain a statement on the situation.

M. Motta (Switzerland):

Translation: In No. 5, the word "report" is absolutely essential, because that is the term used in the Covenant itself. We cannot therefore substitute another word.

In No. 1, it is quite clear what is meant. The only question is that in No. 7. The suggestion originally made by the President is, I think, the best. The idea of progress is implicit in the term "first report on the situation", which implies that there will be a second and a third report. That meets the doubts that have been expressed. I therefore urge the acceptance of the President's formula.

The President:

Translation: The exchange of explanations meets M. Beelaerts van Blokland's point, as the idea has been made quite clear.

It was decided to add the word "progress" before the word "report" in No. 7.

Sir George Perley (Canada): I hesitate to make any suggestions regarding the translation, because the members of the Secretariat are doing most excellently and they know a great deal more about it than I do.

I am, however, going to make a suggestion with regard to No. 1. The clause reads, "which shall render definitive the said cessation and regulate the withdrawal . . . ." The English text would be plainer if the word "shall" were put in between the words "and" and "regulate", because it is possible in this English sentence to construe it that "regulate" refers back to the word "to", and therefore it might be held that the Assembly or the Committee, under this clause, undertook to regulate the withdrawal of the forces.

The French text is absolutely plain: "ainsi qu'à régler le retrait des forces japonaises", which refers entirely to the previous part of the sentence. Therefore, I would suggest that the word "shall" should be put between the words "and" and "regulate" in No. 1.

The Secretary-General: I quite agree; the translation proposed is much better.

Part III of the draft resolution, as amended, was adopted.

The President:

Translation: We have examined the three parts of the draft resolution in turn, and I think that, after the exchange of observations which has taken place and the adoption of certain amendments, which after all are purely matters of form, we are practically unanimous on the resolution as a whole.

As, however, we have examined the various parts of the draft, I will now open the discussion on the whole—that is to say, I will grant permission to speak to any member who wishes to put forward any ideas or observations on the substance of the matter and on the general character of the draft resolution.

Count Apponyi (Hungary):

Translation: Our silence, I am sure, is more convincing than anything else could be. I think, however, we have a duty to fulfill with regard to our Drafting Committee. From my long parliamentary experience I realise the magnitude of the difficulty with which the Committee was faced, and we owe it our thanks for the masterly way in which it has prepared a draft that combines the spirit of conciliation and the firmness necessary to enable the Assembly to perform its duty in this very serious situation. Therefore propose that the Assembly should express its gratitude to the Drafting Committee.

The President:

Translation: The members of the Drafting Committee are grateful to Count Apponyi for the kindly way in which he has referred to their work. The applause with which you greeted his words shows, I think, that you all approve them.

I had the honour just now of a conversation with M. Sato, the Japanese delegate. M. Sato told me that he was not at the moment in possession of his Government's instructions. He was forced to telegraph yesterday afternoon. Tokio is a long way away, and he is not at this moment in a position to acquaint us with the Japanese Government's views, but he hopes to obtain instructions which he has asked for in time to give us a reply this afternoon. That being so, I propose to hold a second meeting this afternoon, and I will ask the Chinese delegate to do his best so as to be able to inform us of his Government's opinion this afternoon. We might thus hold a meeting at five o'clock in order to give M. Yen and also M. Sato and M. Matsudaira more time. We could then come to a decision and, after adjourning, hold a plenary meeting of the Assembly in the same room, as we did the other day.

It would, I think, be a great advantage, both for public opinion and for the dignity of the League and its Assembly, if, after some ten days' very frank and wide-ranging discussion, we could terminate this first phase of our work to-day; otherwise we should have to adjourn, because to-morrow we must attend M. Briand's funeral, after which comes Sunday, and, as far as I am concerned, it will be extremely difficult for me to be here on Monday. There would then be an interruption, and it would be better, in the interest of everyone, in that of the League, and in that of the settlement of the conflict, if we could finish to-day. I venture to make a very pressing appeal to the Chinese and the Japanese delegations to try and enable us to conclude the first part of our task to-day.

The President's proposal was adopted.
SEVENTH MEETING OF THE GENERAL COMMISSION

Friday, March 11th, 1932, at 5 p.m.

CONTENTS


Adoption of the Draft Resolution submitted by the Drafting Committee.

The President: M. Hymans.


M. Sato (Japan):

Translation: I should like to make a communication with regard to my Government's action in pursuance of the resolution of March 4th.1

You will have seen in the Press that the action to which I referred at the Commission's last meeting has been taken at Shanghai. The Japanese Government has taken the action in the spirit of its principles. M. Sato handed a note to Sir Miles Lampson, the British Minister, informing him that the Japanese authorities were prepared to enter into negotiations with the Chinese authorities in accordance with the terms of that resolution. This note added that there was some reason for apprehension with regard to the situation at the front, and that consequently it was urgent to reach a definitive agreement for the complete cessation of hostilities as soon as possible, and then to discuss and fix the arrangements for the withdrawal of the Japanese forces.

The Japanese authorities had always supposed that the Chinese authorities fully understood their attitude in this connection; but, as they had received no communication from the Chinese authorities since the League adopted its resolution, they desired to make it absolutely clear that they were prepared to negotiate in accordance with the terms of the resolution.

Sir Miles Lampson handed this note to the Chinese authorities and informed us that they also had signified their intention to enter into negotiations.

We hoped it would be possible to hold the first meeting this morning at the British Consulate-General, but it had to be postponed, owing to delay in the receipt of detailed instructions.

1/8 My Government authorises me to state that the Japanese forces will withdraw from their present positions, to the neighbourhood of Shanghai and Woosung, when the cessation of hostilities is finally assured in accordance with the first paragraph of the resolution and when, as provided in paragraph 2, appropriate measures have been agreed upon to prevent the Chinese forces from advancing or taking the offensive, and to ensure supervision over the zone evacuated by the Japanese forces. Our forces will then re-embark, as quiet is restored. Our authorities on the spot have already received general instructions to that effect. We have therefore good reason to hope that the situation will be rapidly regulated.

The Japanese Government’s attitude and the reasons for the present policy of unilaterally denouncing the most solemn undertakings. The Japanese delegation therefore desires to express its great satisfaction that the duty scrupulously to respect existing treaties is again proclaimed.

Another factor in the present state of affairs is the anti-foreign agitation and the boycott, an economic and political weapon, to which China has resorted in pursuit of her national aims. These practices constitute a real threat to peace, and do great harm to that good understanding between the
nations upon which peace depends. The Japanese delegation wishes to draw the Assembly’s attention to this point.

The Japanese Government also notes with satisfaction that the draft resolution mentions the Council resolutions of September 30th and December 10th. Since the present incidents began, Japan has followed the Council’s procedure with goodwill. She has furnished full explanations. She has shown that patience and conciliatory spirit which she has exhibited for many years, in spite of innumerable provocations by China, and sincerely desires to maintain with her friendly and fruitful relations. In virtue of Article 11, she proposed that a commission of enquiry should be sent to the Far East to obtain the necessary information for settling the whole matter. This procedure is still in progress: the Commission is still at work. You will remember that, at the Council’s last meetings on January 29th and 30th, the Japanese delegation raised objections to the application of Article 15 to the whole Sino-Japanese conflict, in view of the proceedings to which I have just referred.

The Japanese Government’s attitude is, I hope, now clear. It has itself stated its views in its reply to the appeal of the twelve Members of the Council. As I have just said, Japan took part in this Assembly, subject to certain reservations with regard to the applicability of Article 15. In view of this fact, we cannot vote in favour of the draft resolution. In these circumstances, the Japanese delegation will simply refrain from voting, in order not to oppose the adoption of the resolution.

I should like to say how much the Japanese delegation appreciates the efforts of its colleagues and of the Secretariat since the beginning of the Assembly in dealing with the question before us. It also sincerely thanks the Bureau and the Drafting Committee for their very difficult and important work.

The President:

Translation: As no one desires to speak, a vote will be taken by show of hands.

The draft resolution was adopted.

The President:

Translation: The draft resolution which the General Commission has just adopted will be submitted to the Plenary Assembly, which I shall convene for 5.30 p.m. to-day.1

1 See Records of the fourth plenary meeting of the Assembly.

FOURTH PLENARY MEETING OF THE ASSEMBLY

Friday, March 11th, 1932, at 6 p.m.

CONTENTS:

Adoption of the Draft Resolution approved by the General Commission at its Seventh Meeting.

Appointment of the Special Committee of the Assembly.

President: M. HYMANS

ADOPTION OF THE DRAFT RESOLUTION APPROVED BY THE GENERAL COMMISSION AT ITS SEVENTH MEETING.

The President:

Translation: I will read the following draft resolution,1 adopted by the General Commission of the Assembly and put it to the vote. The vote will be taken by roll-call.

"The Assembly,

"Considering that the provinces of the Covenant are entirely applicable to the present dispute, more particularly as regards:

"(1) The principle of a scrupulous respect for treaties;

"(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;

"(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;

"Adopting the principles laid down by the

1 Document A. (Extr.)/C.G.1(1).

acting President of the Council, M. Briand, in his declaration of December 10th, 1931;2

"Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared ‘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 of the Covenant ought to be recognised as valid and effectual by Members of the League of Nations’:

"Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris, which is one of the cornerstones of the peace organisation of the world and under Article 2 of which ‘the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature and whatever origin they may be, which may arise among them shall never be sought except by pacific means’:

"Pending the steps which it may ultimately take for the settlement of the dispute which has been referred to it:

"Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

1 See Official Journal, December 1931, page 2375.
The Assembly,

"Affirming that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either Party;

"Recalls the resolutions adopted by the Council on September 30th and on December 10th, 1931, in agreement with the Parties;

"Recalls also its own resolution of March 4th, 1932, adopted in agreement with the Parties, with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces; notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to co-operate in maintaining order in the evacuated zone.

"The Assembly,

"In view of the request formulated on January 29th by the Chinese Government invoking the application to the dispute of the procedure provided for in Article 15 of the Covenant of the League of Nations;

"In view of the request formulated on February 12th by the Chinese Government that the dispute should be referred to the Assembly in conformity with Article 15, paragraph 9, of the Covenant and in view of the Council's decision of February 19th;

"Considering that the whole of the dispute which forms the subject of the Chinese Government's request is referred to it and that it is under an obligation to apply the procedure of conciliation provided for in paragraph 3 of Article 15 of the Covenant and, if necessary, the procedure in regard to recommendations provided for in paragraph 4 of the same article;

"Decides to set up a Committee of nineteen members—namely, the President of the Assembly, who will act as Chairman of the Committee, the Members of the Council other than the Parties to the dispute and six other Members to be elected by secret ballot.

"This Committee, exercising its functions on behalf of and under the supervision of the Assembly, shall be instructed:

"(1) To report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and shall regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932;

"(2) To follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;

"(3) To endeavour to prepare the settlement of the dispute in agreement with the Parties, in accordance with Article 15, paragraph 3, of the Covenant, and to submit a statement to the Assembly;

"(4) To propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion;

"(5) To prepare, if need be, the draft of the report provided for in Article 15, paragraph 4, of the Covenant;

"(6) To propose any urgent measure which may appear necessary;

"(7) To submit a first progress report to the Assembly as soon as possible and at latest on May 1st, 1932.

"The Assembly requests the Council to communicate to the Committee, together with any observations it may have to make, any documentation that it may think fit to transmit to the Assembly.

"The Assembly shall remain in session and its President may convene it as soon as he may deem this necessary.

The following States voted in favour of the motion:

Albania Greece Persia
Australia Guatemala Peru
Austria Hungary Poland
Belgium India Portugal
Bulgaria Irish Free State Romania
Canada Italy Salvador
Chile Latvia Siam
Colombia Lithuania Union of South Africa
Cuba Luxemburg
Czecho-Slovakia United States Spain
Denmark of Mexico Sweden
Estonia Netherlands Switzerland
Finland New Zealand United Kingdom
France Norway Uruguay
Germany Panama Venezuela
Yugoslavia

The following States abstained: China and Japan.

The President:

Translation: As regards the abstention of China and Japan, we must apply paragraph 5 of Rule 19 of the Rules of Procedure of the Assembly, which reads as follows:

"For the purposes of this rule, representatives who abstain from voting shall be considered as not present."

I therefore declare the resolution to be unanimously adopted.

The draft resolution was adopted.

M. Yen (China). — It is with no little regret that for lack of definite instructions from my Government up to the present moment, I was not in a position to vote on the resolution which was before us. But I want to assure you that my abstention from voting is not to be taken as a sign of opposition to the resolution. In view of the distance which separates us here at Geneva from my country, and in view of the time which is required to get in touch with my Government by telegraph, I might have asked this morning for a postponement of this afternoon's session to a later date. However, as you, Mr President, said that it was desirable, both in view of public opinion and the dignity of the Assembly, that we should terminate the first part of our work after ten days of frank discussions by the adoption to-day of the resolution, I was quite willing to forgo this request.

In conclusion, I have the honour to say that as soon as I receive a reply from my Government, I shall not delay to inform the Assembly of its contents.

1 See page 41.
I thank you, sir, and, through you, all the members of the Assembly, for the extremely just and sympathetic attitude which you have adopted in dealing with the tragic events which have overtaken my country.

APPOMNTMENT OF THE SPECIAL COMMITTEE OF THE ASSEMBLY.

The President:

Translation: We will now take the first measure in execution of the resolution which has just been unanimously adopted. The Assembly has decided to set up a Committee of nineteen Members— namely, the President of the Assembly, who will act as Chairman of the Committee, the Members of the Council other than the Parties to the dispute and six other Members to be elected by secret ballot. The ballot will now be taken, but I must first give you a few explanations regarding procedure.

We should, I think, apply in this case the provisions of Rule 22 (a) of our Rules of Procedure, concerning the election of non-permanent Members of the Council. The other provisions of the Rules of Procedure which concern voting refer to the election of individuals, whereas what we have to do to-day is to elect six States. I think then that we should apply the provisions to which I have just referred. They are as follows:

"Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot-paper containing more names than there are seats to be filled shall be null and void. "No Member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot, up to a number double that of the seats still to be filled, and those Members shall be elected which obtain the greatest number of votes. "If two or more Members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them; if they again obtain an equal number of votes, the President shall decide between them by drawing lots."

Those are the provisions of the Rules of Procedure applicable to the election of non-permanent Members of the Council, and it is those provisions, I think, that we should apply for the election of States.

As regards the method of calculating the absolute majority, I would remind you of the Assembly resolution of September 15th, 1926, concerning rules dealing with the election of non-permanent Members of the Council: the number of votes cast is determined by the total number of voting papers, blank or spoilt papers not being counted. That is the general rule for the Assembly and is obviously the rule we should follow in the present case. I trust the Assembly will agree with me and share my view that this is the rule to follow. I wish to stress the point that to be valid a voting paper must bear the names of States and not of representatives of States, and that no paper containing more than six names will be valid.

A secret ballot will now be taken by roll-call. I would ask M. Matos, delegate of Guatemala, and Mr. Lester, delegate of the Irish Free State, to be good enough to come to the platform and act as tellers.

(The votes were taken in turn by secret ballot.)

The President:

Translation: The result of the ballot is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Switzerland</td>
<td>38</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>35</td>
</tr>
<tr>
<td>Colombia</td>
<td>31</td>
</tr>
<tr>
<td>Portugal</td>
<td>26</td>
</tr>
<tr>
<td>Hungary</td>
<td>24</td>
</tr>
<tr>
<td>Sweden</td>
<td>24</td>
</tr>
</tbody>
</table>

The special Committee set up under the Assembly resolution of to-day's date consists then of the President of the Assembly, the twelve Members of the Council other than the Parties to the dispute, and the following six States elected by the Assembly: Switzerland, Czechoslovakia, Colombia, Portugal, Hungary, Sweden.

The Assembly has just completed the first stage of its duties, and has set up a Committee which will endeavour to carry out its task in the full consciousness of its responsibilities. It is a difficult task and, primarily, one of conciliation and appeasement. I earnestly appeal to the two States Parties to the dispute to help us. They are two great States, two great peoples sprung from a very ancient civilisation. An agreement between them would consolidate the East. We have but one thought: to establish peace and respect for law. That thought, which forms the basis of the League of Nations, the Assembly has just unanimously reaffirmed in its resolution. I adjure the two Governments concerned to make a real effort, in fulfilment of the hopes of the Assembly and of the world.

The Assembly will now adjourn until convened again, and early next week I shall convene a meeting of the Committee which has just been set up.

The Assembly rose at 7 p.m.
FIRST MEETING (PUBLIC) OF THE SPECIAL COMMITTEE OF THE ASSEMBLY

Thursday, March 17th, 1932, at 3.30 p.m.

President: M. HYMANS

Present:
United Kingdom: MARQUESS OF LONDON DERRY, Colombia: (absent), Czechoslovakia: M. BENEŠ, France: M. PAUL-BOUCOUR, Germany: M. VON WEIZSÄCKER, Guatemala: M. MATOS, Hungary: Count APPONYI, Irish Free State: Mr. LESTER, Italy: M. PILOTTI, Norway: M. COLBAN, Panama: M. GARAY, Peru: M. BARRETO, Poland: M. ZALESKI, Portugal: M. DE QUEVEDO, Spain: M. DE ZULUETA, Sweden: Baron RAMEL, Switzerland: M. MOTTA, Yugoslavia: M. CHOUMENKOVITCH,

China: M. YEN,
Japan: M. SATO,

Secretary-General: Sir Eric DRUMMOND.

TRANSMISSION TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF THE RESOLUTION ADOPTED BY THE ASSEMBLY ON MARCH 11th, 1932: LETTER FROM THE SECRETARY-GENERAL TO THE UNITED STATES MINISTER AT BERNE AND REPLY THERETO.

The President read the following letter which the Secretary-General had sent on March 11th to the United States Minister at Berne and the latter's reply dated March 12th.

1. — Letter, dated March 11th, 1932, from the Secretary-General to the United States Minister at Berne:

"I beg to enclose herewith, for the information of your Government, the text of a resolution relative to the Sino-Japanese dispute, which was adopted this afternoon by the Assembly of the League of Nations.

"In view of the collaboration which has on several occasions in the course of recent events been effected between the Government of the United States of America and the Governments of other Powers having special interests in the Shanghai Settlements, perhaps you will allow me to draw your particular attention to Part II of the Assembly resolution, in which the Assembly addresses a request to the Powers Members of the League of Nations which have such special interests.

"(Signed) Eric DRUMMOND."

2. — Reply, dated March 12th, 1932, from the United States Minister at Berne:

"I acknowledge the receipt of your letter of March 11th, enclosing, for the information of the American Government, the text of a resolution relative to the Sino-Japanese dispute which was adopted yesterday afternoon by the Assembly of the League of Nations.

"I am instructed by my Government to express to you its gratification at the action taken by the Assembly of the League of Nations. My Government is especially gratified that the nations of the world are united on a policy not to recognise the validity of results attained in violation of the treaties in question. This is a distinct contribution to international law and offers a constructive basis for peace.

"You suggest that I note particularly Part II of the resolution. In this, the Assembly recalls several resolutions and cites especially its own resolution of March 4th, 1932, adopted in agreement with the parties with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces. My Government, as one of the Powers which have special interests in the Shanghai Settlement, has already authorised its representatives at Shanghai to assist in co-operation with the representatives of other Powers similarly situated toward the consummation of those objectives.

"(Signed) Hugh R. WILSON."

Speaking on behalf of the Committee, the President took note with satisfaction of the letter from Mr. Wilson.

CESSATION OF HOSTILITIES IN THE SHANGHAI AREA AND WITHDRAWAL OF THE JAPANESE TROOPS: STATEMENTS BY THE REPRESENTATIVES OF THE JAPANESE AND CHINESE GOVERNMENTS.

The President reminded the Committee of the Assembly resolution of March 11th, 1932, which laid down the Committee's terms of reference. Its first task was to report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and shall regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932. The Committee had been informed that conversations between the parties, attended by the representatives of the Powers at Shanghai, had been held with a view to the cessation of hostilities and withdrawal of the Japanese troops. He requested the representatives of the parties to tell the Committee what was the present position with regard to these conversations and what prospects there were of success.
M. Sato (Japan). — As I announced to the Members of the League yesterday, orders were given on March 14th to the 11th Division and the 24th Mixed Brigade, which consist of about fourteen thousand men, and to certain special detachments, to return to Japan. These troops have begun preparations for their departure and will embark without delay.

Further, preliminary conversations with a view to the negotiations foreshadowed in the resolution of March 4th with the object of rendering definitive the cessation of hostilities were opened through the good offices of Sir Miles Lampson at Shanghai. On March 14th, there was a first unofficial meeting between the Japanese and Chinese representatives in the presence of the foreign Ministers.

My Government has kept me informed of the facts announced in the Chinese delegation’s communication and the representatives of the four Powers whose Ministers were present at the conversations also no doubt have information on the point. It was agreed among those present at the negotiations that in order to prevent any impediment to their progress the strictest silence would be provisionally observed on the subject. I have not been informed that any new arrangement has been made to change this undertaking, which was given by all parties, and that is the reason why I do not feel authorised to give my colleagues fuller details.

I have at present no information concerning the Japanese Government’s intentions with regard to the bases of the negotiations on which agreement was reached at the meeting on March 14th. There may still be certain divergencies between the Chinese and Japanese Governments, but we can, in my opinion, feel that it has been made towards the rapid settlement of the situation by the measures that will be adopted to-morrow. The Japanese Government sincerely trusts that the negotiators will shortly succeed in overcoming the divergencies of opinion and in concluding a definitive agreement.

The negotiations are now on the point of entering on a positive phase. The Committee will, I feel sure, follow the proceedings with the utmost goodwill and I firmly hope that I shall soon be in a position to supply it with fuller particulars as to their favourable development.

M. Yen (China). — You will recall that, on March 4th, the Assembly adopted a resolution calling on the Chinese and Japanese Governments to enter into negotiations for the conclusion of arrangements which would render effective the cessation of hostilities and also regulate the withdrawal of Japanese forces.

The Chinese Government took the initiative in the matter, through the good offices of Sir Miles Lampson, the British Minister, and, the Japanese Government having agreed to enter into the negotiations, a meeting took place on March 14th, as you have been informed by me.

I wish, in passing, to say that there was no mention whatever of the question of secrecy; in fact, to my mind, there is no reason for keeping secret the negotiations and their terms, as the armistice.

In any case, a draft agenda was drawn up, as you will see from the telegram just circulated. ¹ There are three articles to the agenda proper, and these are followed by a note which states that, “It is understood that no other questions of principle will be raised”. There then follows a so-called “Separate Note”, according to which the Chinese Government should voluntarily give an independent undertaking to the Japanese Government that Mayor Wu’s letter of January 28th stands.

The telegram goes on to say that the Japanese Minister introduced an amendment to the agenda yesterday, and that finally a formal meeting was arranged for yesterday, but did not take place because the Japanese Minister said he had received no instructions from his Government.

I have just received a telegram, dated March 17th, from the Vice-Minister for Foreign Affairs, M. Quo Tai-Chi, which reads as follows:

“Separate Note”, according to which the Chinese Minister reads as follows:

At the end of the telegram from M. T. V. Soong, M. Wellington Koo and M. Quo Tai-Chi, dated March 16th, it is stated that the Chinese Government considers that the amendments proposed by the Japanese Minister are unacceptable; and that in its opinion the Separate Note should not be raised in the armistice negotiations, because it is tantamount to a political condition, for the evacuation of the Japanese forces.

In this connection, a word of explanation might be useful. In the Separate Note, the Japanese Government wishes the Chinese Government to reaffirm that the letter written by Mayor Wu on January 28th in which he agreed, after receiving an ultimatum, to endeavour to stop the boycott, stands. You will at once realise that this Note is of an entirely military character.

In the second place, the Chinese Government objects to the amendment proposed by the Japanese Minister, which reads as follows:

“A joint Commission with neutral Members is to certify to the carrying out of the Agreement under paragraphs 1 and 2, and watch and observe the general conditions in the evacuated area until a later settlement.”

On the surface, this proposal appears quite innocent, but one can see that it is really of a political character, since it is concerned with the watching and observing of general conditions, which can include even political conditions. Supposing, however, we admit for the moment that general conditions refer only to questions of peace and order, it will seem reasonable that this joint Commission should have the opportunity to watch and observe in the evacuated area. There is, however, a very important fundamental objection: this amendment is contrary to the resolution adopted by the Assembly on March 11th, the last paragraph of Part II of which states that the Assembly “requests those Powers, if necessary, to co-operate in maintaining order in the evacuated zone”. The Powers referred to are those Powers, Members of the League of Nations, having special interests in the Shanghai Settlements, excluding, naturally, Japan, which is one of the parties. The amendment refers to a joint Commission. In reality, this means a

¹ See document A. (Extr.) 59.1932.VII.
Sino-Japanese Commission: it is not a neutral Commission, and the Chinese Government cannot agree that such a Commission should be empowered to watch and observe the conditions in the evacuated area. In other words, the Chinese Government cannot accept that an invader which has just evacuated a region should be permitted to return and act as a party to control the conditions in that area.

With this explanation you will understand why the amendment presented by the Japanese Minister is unacceptable. It is of a political character and is contrary to the provisions of the resolution adopted by the Assembly.

What, then, is the situation? The situation is that twelve days after the adoption of the Assembly resolution on March 4th, we are in the same position as we were, so far as the armistice is concerned. To my mind, the situation is full of uncertainties and dangers, and it is my duty, at the first opportunity, to draw your attention to it.

CESSATION OF HOSTILITIES IN THE SHANGHAI AREA AND WITHDRAWAL OF THE JAPANESE TROOPS : GENERAL DISCUSSION.

The President, following on the explanations given by the representatives of the two Governments concerned, summed up the position. On March 14th, there had been a meeting under the auspices of Sir Miles Lampson, British Minister at Shanghai, attended by the representatives of China and Japan and of the Powers with special interests in the Shanghai region. The result of this meeting had been described in the first paragraph of the agenda. An agenda, consisting of three items, for the armistice meeting had been drawn up, subject to the approval of the Chinese and Japanese Governments. It appeared, from M. Yen's explanations, that a preliminary agreement had been reached on these three points. Further, a Separate Note had been submitted by the Japanese Minister, M. Shigemitsu, with regard to Mayor Wu's letter of January 28th; the note was to the effect that the Japanese Government desired the Chinese side voluntarily to give an independent undertaking that Mayor Wu's letter stood. The Chinese Government declined to accept this note. The Japanese Minister had also submitted an amendment to paragraph 3 of the agenda and the Chinese Government rejected that amendment likewise, as being unacceptable.

In this connection, the Chairman pointed out that there was no material difference between the agreement reached by the representatives of the Chinese and Japanese Governments at Shanghai and the amendment proposed by the Japanese Minister to the third item of the provisional agenda. Item 3 in the draft agenda read:

"A Joint Commission with neutral members is to certify to the mutual withdrawal."

The Japanese Minister's amendment said:

"A Joint Commission with neutral Members is to certify to the carrying out of the agreement under paragraphs 1 and 2, and watch and observe the general conditions in the evacuated area until a later settlement."

The later settlement referred to was already mentioned in the first paragraph of the agenda which said:

"Chinese troops are to remain in their present positions, pending a later settlement."

It appeared therefore that there was no divergence, since the principle of a later settlement and that of the Joint Commission had already been accepted, and a careful study of the two texts led to the conclusion that the Japanese amendment was not inconsistent with the wording of the draft agenda which had been agreed to by the representatives of the Chinese and Japanese Governments in the presence of the representatives of the Powers having special interests at Shanghai.

In the Chairman's view, it was not for the Committee to pass judgment on these proposals. He thought, however, he could say that they were in no way incompatible with the Assembly resolution. There was nothing in the resolution against the appointing of a joint Commission with neutral members to watch the withdrawal of the troops and observe the general conditions in the evacuated area until a later settlement. The only point that could be discussed was the method by which the commission would carry out its task.

In the amendment proposed by the Japanese Minister, M. Shigemitsu, there was one sentence which called for attention, that reading: the Commission "is to watch and observe the general conditions in the evacuated area until a later settlement." Apparently, the Commission was to observe the steps taken for the cessation of hostilities — that was to say, the withdrawal of the troops on either side and the maintenance of order in the evacuated area. It was quite clear that there was no political question involved here.

The Chairman did not think that it was possible to have any doubt as to the intentions of the resolution adopted by the Assembly on March 4th. The following was the relevant extract from that resolution:

"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."

When the resolution was being discussed by the General Commission, the Japanese delegation had proposed an amendment to this sentence so that the last lines would read:

"... and regulate the conditions and details concerning the withdrawal of the Japanese forces and the future position of the Chinese forces."

It had immediately been pointed out by M. Hymans himself, as President, and subsequently by M. Motta, that the introduction of the word "conditions" might imply political conditions, which would change the whole intention of the resolution. At the same time, M. Hymans had explained that the phrase: "the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces", clearly implied that conditions concerning security and the maintenance of order would be included in the term "arrangements", and that such arrangements would naturally be negotiated by those who were on the spot and who were fully acquainted with the local situation. In the light of this explanation, the Japanese delegation had withdrawn its amendment and accepted the resolution as submitted by the Bureau.
This summary of the events of March 4th seemed to the President to make the situation clear. The negotiations, which the Assembly recommended should be instituted, included such local conditions as immediately affected the questions of the cessation of hostilities and the withdrawal of the Japanese forces.

There was then nothing at variance with the spirit of the Assembly resolution. The Japanese Government’s Separate Note stated, moreover:

"Subject to the approval of the Chinese Government, the following understanding is agreed upon: Provided a definite agreement is reached on the basis of the above points, the Chinese side will voluntarily give an independent undertaking that Mayor Wu’s letter of January 29th stands."

This was the letter sent in reply to the Japanese ultimatum of January 21st by Mr. Wu, Mayor of Greater Shanghai. The Japanese ultimatum put forward the following demands: (1) formal apology by the Mayor, (2) punishment of the culpable, (3) indemnities to victims, (4) repression of illegal and hostile acts on the part of the Chinese population against Japan and, in particular, the immediate dissolution of all patriotic committees in Shanghai and of all anti-Japanese organisations. The Mayor of Shanghai had stated that he accepted in toto the demands addressed to him by the Japanese Consul-General in this ultimatum. The Japanese Government was now asking that the Chinese Government should recognise the validity of this undertaking, but the Separate Note began with the words "subject to the approval of the Chinese Government". It followed that the Japanese Government was making a proposal and not putting forward a condition to the armistice. The matter was of course a political one, and to make it a condition to the armistice would be incompatible with the Council’s proposals of February 29th for the cessation of hostilities and the restoration of peaceful conditions in the Shanghai district. Taken as a simple proposal, the Separate Note was at variance neither with the Assembly’s decision nor with the Council’s plan.

In reply to a question by M. Beneš, the President explained that the Committee’s functions were to be interpreted in the light of the Assembly resolution of March 4th.

M. Paul-Boncour (France) entirely concurred in what the President had said. Notes had been exchanged, and there was now a hope of a definite cessation of hostilities in the form of an armistice. The Committee’s friendly, but none the less urgent, pressure upon the parties must, he considered, be based on agreed points. One agreed point was the Council’s plan of February 29th, which had been accepted by both Parties and which foresaw, with a view to the solution of the political events deployed by all, the meeting of a Conference at Shanghai with power to take certain decisions. Reservations on points of substance could not be considered until after the cessation of hostilities. The only reservation accepted for the time being related to the following point: the Chinese Government had insisted on the cessation of hostilities before the negotiations began. Both parties had accepted the plan put forward by the Council on February 29th. The Assembly resolution also had been accepted by the two parties.

The Chinese Government appeared to feel misgivings because the Joint Commission appointed to certify to the withdrawal of the forces of either side was not an exclusively neutral body. The Powers with interests in Shanghai had been requested to give their assistance, but that assistance did not exclude the presence of either of the parties. That was the reply M. Paul-Boncour would make to the Chinese representative.

To the Japanese representative he would say, as the President had done, that the contents of the Separate Note related to one of the points which would form the subject of the negotiations at the Shanghai Conference. The Council’s plan was to that extent already accepted by the Japanese Government. It was then, he thought, hardly in conformity with that plan, which Japan had approved on March 1st, that the two parties should have to negotiate separately on this question. The cessation of the anti-Japanese agitation, which question already formed part of the Shanghai Conference’s programme, could therefore be put forward by the Japanese Government in the same way as the proposal put forward by the President to facilitate the negotiations, but would be unacceptable as a condition for the armistice.

M. Sato (Japan).—I should like first to reply to some of the Chinese representative’s observations. He said that twelve days had elapsed after the adoption of the resolution of March 4th before the two parties had succeeded in meeting to open negotiations for an armistice. According to him, the blame for this must be ascribed to the Japanese Government. We must be allowed to correct the Chinese representative on this point. To do so I need merely take the facts in their chronological order. On February 29th, the Council adopted a resolution which was unreservedly accepted by my Government on the following day. On March 3rd, our Commander-in-chief gave orders for the cessation of hostilities. That order was followed by a similar one given on the same day by the Commander-in-chief of the Chinese Army. On March 4th, we awaited the Chinese representatives at Shanghai to enter immediately into negotiations with the Chinese representatives. From that time—that is to say, from March 5th until March 14th, a period therefore of nine or ten days—we awaited the Chinese representatives for the purpose of opening the armistice negotiations. This interval of ten days is not due to any lack of instructions or effort on our part. We had to await the appointment by the Chinese Government of representatives with the necessary instructions to enter into negotiations with us. We therefore cannot be blamed for the fact that the negotiations began on March 14th only.

Since opening conversations last Monday, we have succeeded in adopting a preliminary agreement as a basis of negotiations. As I said at the beginning of the meeting, the Japanese Government has not yet been able to give any definite instructions with regard to this agreement. No great importance, however, can be attached to the fact that it has taken us four days to give the necessary instructions, seeing that ten days elapsed before the Chinese representatives were even appointed. With regard to the amendment to paragraph 3, proposed by our Minister, M. Shigemitsu, the explanations given by the President make it unnecessary for me to deal with that point again. If I had replied to the Chinese representative’s observa-
tion, I should have said exactly what the President has just said. On this point therefore I need perhaps say no more.

I come now to the question of the Separate Note concerning which the President has given an explanation. He has informed us of his views on the point. I have also heard M. Paul-Boncour's remarks on the same question.

The first thing of which I wish to remind the Committee — and you will all have no difficulty in appreciating the fact — is the importance attached by Japan to the cessation of the anti-Japanese agitation, including the boycott. There is no need for me to say that the Japanese Government regards it as of the utmost importance that negotiations should be opened with the Chinese Government for the purpose of reaching an agreement for the complete cessation in future of these anti-foreign activities. But that is not a political condition. If you read the Separate Note mentioned in the document to which the Chinese representative referred, you will see that it says:

"Subject to the approval of the Chinese Government, the following understanding is agreed upon: Provided a definite agreement is reached on the basis of the above points . . ."

That is not, in our view, a political condition for the acceptance of the armistice. We do not say we will consent to the conclusion of an armistice on condition that such a Separate Note is accepted. We have merely proposed that arrangement to the Chinese representative and asked him to consider whether it is acceptable to his Government before embarking on armistice negotiations. If the Separate Note is not accepted by the Chinese Government, we will postpone the discussion on this point and will open conversations on it at a later date. However, state unequivocally that there is no change in the importance we attach to this matter. As M. Paul-Boncour said, the plan adopted by the Council, and accepted by the two parties, contemplates negotiations to settle the entire dispute. It speaks of "the restoration of peaceful conditions at Shanghai". We shall certainly raise this point at the Conference fore-shadowed in the Council's plan. I reserve my Government's complete liberty of action in this matter.

I should be glad next to know what are the views of the President and members of the Committee with regard to its future work.

We have been considering for the moment an entirely provisional agreement which has been submitted to the two Governments for their approval and which was reached at Shanghai between representatives of the two parties in the presence of Ministers of neutral Powers. When it is necessary, later on, to determine all the modalités, all the phases for the definite cessation of hostilities, the negotiations will be based on this provisional agreement, but it may happen that changes will be made as regards one point or another. In the actual document submitted by the Chinese representative, we read at the beginning that "the following draft agenda for the armistice meeting was drawn up". It is therefore only the agenda or basis of negotiations. During the negotiations, however, which are about to be held at Shanghai, and which will probably be begun to-morrow, there may arise, during the various stages through which they will pass, difficulties or divergencies of opinion. That being so, I am concerned to know in what way this Committee proposes to follow the progress of the negotiations at Shanghai. Does it contemplate giving instructions to the Shanghai meeting as to certain conditions or certain changes in some of the points on the agenda or under discussion, or alternatively does it simply propose to note the proceedings at Shanghai and undertake at a later date to do those matters because wish to obviate misunderstanding in future? I have been very glad to hear to-day certain observations from the Chairman and from other members of the Committee, but is that to be taken as meaning that the Committee will give instructions to the negotiators of the two parties at Shanghai? In my view, such action is not within the Committee's competence. I may perhaps be mistaken, but I should be grateful if this point could be cleared up in order to avoid confusion in future.

M. Motta (Switzerland) noted with satisfaction that M. Sato had placed exactly the same construction on the amendment submitted by the Japanese Minister, M. Shigemitsu, as that placed on it by the President of the Committee. There was, therefore, no material difference between item 3 of the draft agenda for the armistice meeting to be held at Shanghai, and the amendment proposed by the Japanese Minister. The draft contained the important point in which the only question was that of the armistice. The only difference between the wording of the agenda and the Japanese amendment related to the words "a joint commission with neutral members is to certify to the mutual withdrawal" and "a joint commission . . . is to watch and observe the general conditions in the evacuated area until a later settlement". To watch and observe the general conditions necessarily included certifying to the withdrawal of the troops, but there was as well the maintenance of order in the evacuated area, and M. Motta thought that the Chinese representative would realise that this extension of the meaning of this stipulation was entirely natural. The President's interpretation, which had been accepted by the Japanese representative, definitely ruled out any political condition to the signature of an armistice. The Chinese representative could accordingly reassure his own Government on this point, and M. Motta was glad to observe that opinion was unanimous in his respect.

M. Sato had raised a question with regard to the Committee's functions. It was not easy, M. Motta thought, to give an exact and complete definition of its functions. He considered, however, that owing to the nature of the situation and on account of its special composition, the Committee could not enter into any question. He had been very glad to hear to-day certain observations from the Chairman and from other members of the Committee, and M. Motta was glad to observe that opinion was unanimous in his respect.

The President expressed his satisfaction at the exchange of views that had just taken place. The statements made by the representatives of the parties had removed the difficulties. He was also glad that his own interpretation, which had been confirmed by M. Paul-Boncour and M. Motta, had been accepted by M. Sato. There was, therefore, general agreement.

With reference to the Separate Note, the Japanese representative had stated that it was merely a proposal to China and that if it were not accepted, the Japanese Government was entirely
prepared to allow the negotiations to be postponed. A political question was involved, for the settlement of which Japan would have every facility at the Shanghai Conference. The Agreement had apparently been reached on this point as well as on others.

The President thought that opinions also were unanimous as to the functions of the Committee. The Committee was a delegation of the Assembly and its duty was to see that the spirit of the Assembly's resolutions was observed. It was not part of its functions to dictate the terms of the armistice, which must be discussed on the spot by the representatives of the two parties, but it would satisfy itself that the spirit of the Assembly's resolution was respected.

The Committee had therefore come to a unanimous agreement on the bases of the preliminary accord. The official negotiations were about to be opened and the President would request the Japanese and Chinese representatives to inform their Governments of the statements made at the present meeting. He would also appeal to the Powers having special interests at Shanghai to continue to give their assistance, with a view to consolidating the arrangements already concluded.

The next subject that would engage the Committee's attention would be the Shanghai Conference itself. That was the natural course of events. The Secretariat would receive communications from the Chinese and Japanese Governments and the Secretariat would issue an urgent summons to the Committee. In the event of incidents of no special gravity, he would, in agreement with the Secretary-General, consider the steps to be taken.

M. Sato (Japan).—I wish to make one point clear. At the beginning of my last remarks, I told the Committee that the Japanese Government had not yet given final instructions to its representatives at Shanghai with regard to the agreement reached between the two parties last Monday. So far I have received no telegram from my Government informing me as to the precise attitude it has adopted with regard to this provisional agreement. I think it is possible that the Japanese Government may propose an amendment to one point or another in it. I must reserve my Government's attitude entirely in this respect, since I do not know what that attitude will be. The Chinese Government has made certain reservations on one or two points in the preliminary agreement and the Japanese Government similarly will be entitled to propose amendments. I have no information at all on this subject. I do not, of course, mean to say that I am recommending that my Government should adopt any particular attitude: merely wish to point out that allowances must be made for the possibility that it may submit amendments to the agreement.

After the explanations given by M. Motta and the President regarding the Committee's functions, we have not, I think, been faced in future with any difficulties. I think the Committee has been successful in its work at Shanghai. It is, I feel sure, the Committee's unanimous desire to promote and facilitate the local negotiations at Shanghai and not to hamper them in any way. If that is the correct interpretation of the Committee's general attitude, I shall feel the utmost satisfaction.

The President replied that he entirely agreed that the two Governments concerned were entitled to submit amendments to the provisional agreement. The only reservation he would make would be that such amendments must come within the framework and be in conformity with the spirit of the Assembly resolution.

M. Yen (China).—Mr. President, I am very grateful to you, to M. Paul-Boncour and to M. Motta for the very clear interpretation of the Japanese amendment, and I am also very much gratified that my Japanese colleague has accepted the interpretation. I incline to think that when I telegraph this evening to my Government the latter will be very much relieved and its anxiety will be removed. Because of this interpretation, the character and functions of the Mixed Joint Commission will be made very clear.

I am also very much gratified that the question of the Separate Note is now abandoned. But there is one point which, I think, on account of the particular basis on which it has been laid upon it, might be misunderstood. I notice that there has been a great deal of talk of the discussion of the boycott at the Shanghai Conference. If I remember aright the Shanghai Conference was called to discuss measures of safety and security concerning the property and lives of the residents in the Settlements. It is again a question of peace and order than one of political character. In our view, the boycott is not a local matter. A discussion at Shanghai of the boycott would not solve the problem, since the boycott is found not only in Shanghai, but in Tientsin, Peiping, Tsingtao and, indeed, all over China. In consequence, a discussion of that subject locally would not solve the problem. We regard the boycott as part of the whole Sino-Japanese dispute. As soon as that is regulated in a just and permanent way, through the assistance of the League of Nations, this boycott will die a natural death. I refer to this matter for fear that the repeated mention of the bringing of the question of the boycott before the Shanghai Conference might lead people to think that that Conference has been called to discuss the boycott. It is not so. If we refer to the resolution we shall understand the position. I just want to make that point clear.

The President pointed out that there would be certain objections to reopening the discussion on this point. The Council's plan of February 29th was clear in this respect and he would read it again.

The Shanghai Conference would consider whether the question of the boycott was one of the factors in the restoration of peaceful conditions: but it was not for the Committee to examine that question, since its only object for the time being was to ensure the cessation of hostilities, the withdrawal of the troops and the maintenance of order in the evacuated area. The other points would be discussed by the parties themselves at the Shanghai Conference, but it must be clearly understood that the question of the boycott came within the scope of that Conference.

M. Sato (Japan) was extremely glad to note the agreement of opinion between the President and himself with regard to the boycott question. Unfortunately, he must make it quite clear that he could not share the Chinese representative's view. If the boycott were to die a natural death, he believed that the negotiations at the Shanghai Round Table Conference could only expedite its burial.
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Outrage at Shanghai: Message of Sympathy to the Japanese Government.
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President: M. Hymans.

Outrage at Shanghai: Message of Sympathy to the Japanese Government.

The President:
Translation: Before we begin our agenda, I should like to express the deep sorrow and indignation we feel at the unhappy news of the outrage at Shanghai, which has claimed a large number of victims and caused severe injuries to His Excellency the Japanese Minister, two Japanese generals, the Japanese admiral and the Japanese Consul-General. I paid a visit yesterday to M. Nagaoka to express to him our horror and profound regret that negotiations should be entered into by the Japanese admiral and the Japanese Consul-General. naval units have left for Japan. The Assembly, at its meetings on March 4th and 11th, recommended that negotiations should be entered into by the Chinese and Japanese representatives, with the assistance of the representatives of the four Powers which have special interests in the Settlements, for the conclusion of arrangements which should render definite the said cessation and of the terms of the resolution adopted on March 11th last. You will remember that fighting had virtually ceased and that no blood was being shed. "This is indeed," said the Chinese delegation, "a precious result and one for which the Chinese Government wishes herewith to express the profound gratitude of the Chinese people to the Assembly.

Secondly, according to information received from Shanghai and from the Chinese and Japanese delegations, the withdrawal of the Japanese forces is now being carried out under the terms laid down for Japan. The Assembly, at its meetings on March 4th and 11th, recommended that negotiations should be entered into by the Chinese and Japanese representatives, with the assistance of the representatives of the four Powers which have special interests in the Settlements, for the conclusion of arrangements which should render definite the cessation of hostilities and regulate the withdrawal of the troops. These negotiations began once March 14th, but certain difficulties arose at the outset. The Committee of Nineteen met for the first time on March 17th. The difficulties in question were brought to its notice and it discussed them. They were removed and the negotiations were continued. A provisional agreement was reached concerning the fundamental clauses of a draft armistice. After a few days, however, a difference arose between China and Japan as to the time-limit within which the Japanese troops were to withdraw, and the negotiations were held up owing to this difficulty. The Chinese delegation brought the incident before us. The two delegations sent us memoranda containing information concerning the progress of the negotiations and communicated to us all the relevant papers.

The Special Committee met on April 16th to examine the position, and instructed your President to get into touch with the Chinese and Japanese representatives. A series of conversations followed, and the Committee met again on April 18th, 19th, 26th, 28th and 29th.

On April 19th, the Committee, considering itself to be an organ of conciliation, drew up a preliminary draft resolution which would, it believed, bring about an agreement between China and Japan. The preliminary draft was communicated to the two delegations and discussed with them, but the agreement for which we were hoping was not achieved on all points. There was still a difference on one important matter. In the meantime, we learnt that a new effort at conciliation was being made at Shanghai on the initiative of the Chairman of the Committee of the representatives of the four Powers having special interests in the Settlements. The Minister of the United
Kingdom, Sir Miles Lampson, told us that the negotiations were going on favourably and that an agreement had at last virtually been reached, thanks to an addition to the text of Annex 3, which refers to Article IV in the draft of the armistice.

The report (document A. (Extr.) 108.1932.11) gives all the necessary details, and I wish to draw attention to a few points only.

The draft agreement for the armistice provides for the establishment of a Joint Commission including members representing China and Japan and civilian, military and naval representatives of the four Powers which have special interests in the Settlements. The duties of this Commission will be to oversee the withdrawal of the troops and to collaborate in arranging for the transfer of the territory evacuated to the Chinese police and to watch, in such manner as it deems best, the carrying out of the provisions of the armistice — in particular, that relating to the withdrawal of the Japanese forces. The Commission will also be authorised to call attention to any neglect in carrying out the armistice provisions. In default of unanimity, for which we all, of course, hope, the Joint Commission may, in all cases, take majority decisions, the Chairman having a casting vote.

There can be no question that the establishment of this Commission, its composition and its duties are important factors in the draft agreement which, we are informed, will be concluded officially with its decisions taken in such manner as is provided in the said Annex, to any neglect in carrying out any of the provisions of the articles mentioned above.

1. Considering that its resolutions of March 4th and 11th recommended that negotiations should be entered into by the Chinese and Japanese Governments with the assistance of the military, naval and civilian authorities of the Powers having special interests in the Shanghai Settlements, for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces;

2. Considering that, while it is not for its Committee to take the place of the negotiators — since the arrangements contemplated in the Assembly resolutions of March 4th and 11th can only be concluded on the spot — every Power represented in these negotiations is entitled, should serious difficulties be encountered in the course of the negotiations or in the carrying out of the above-mentioned arrangements, to notify the Committee, ‘which exercises its functions on behalf of and under supervision of the Assembly’, of those difficulties;

3. Considering that the negotiations should be pursued in accordance with the above-mentioned resolutions, no one of the parties being entitled to insist on conditions which would be incompatible with the said resolutions;

4. Having noted the articles of the draft armistice which have been communicated to the Committee of the Assembly and have been accepted by the two parties;

5. Considers that these articles conform to the spirit of the said resolutions;

6. Notes in particular that, under Article III of the said draft, the Japanese Government undertakes to carry out the withdrawal of its forces to the International Settlement and the roads outside the Settlement in the Hong-kew district as before the incident of January 28th, 1932;

7. Declares that it is in accordance with the spirit of the resolutions of March 4th and 11th that this withdrawal should take place in the near future;

8. Declares that the resolution of March 4th will only have been fully complied with when the Japanese forces have been entirely withdrawn;

9. Notes that the draft agreement provides for the establishment of a Joint Commission, including representatives of the four Powers, to certify the mutual withdrawal and to collaborate in arranging for the transfer from the evacuating Japanese forces to the incoming Chinese police, who will take over as soon as the Japanese forces withdraw;

10. Notes with satisfaction that the said Commission will, in accordance with its decisions, watch, in such manner as it deems best, the carrying out of Articles I, II and III of which the last-named provides for the complete withdrawal of Japanese forces as before the incident of January 28th;

11. Is of opinion that the powers, as defined in Annex 3 to the draft agreement, of the Commission which is to watch the carrying out of Articles I, II and III of that agreement, include authority to call attention, in accordance with its decisions taken in such manner as is provided in the said Annex, to any neglect in carrying out any of the provisions of the articles mentioned above.

12. Earnestly recommends the parties in question to continue the negotiations with a view to reaching their rapid conclusion, and requests the Governments having special interests in the Shanghai Settlements to continue to lend their good offices for this purpose;

13. Expressly points out that, unless a conclusion is reached as laid down in the resolutions of March 4th and 11th, the question will necessarily come up again before the Assembly;

14. Requests the Governments of the Powers having special interests in the Shanghai Settlements to transmit to the League of Nations the information which will be in the possession of the Mixed Commission in virtue of its functions, and will be furnished to those Governments by their respective representatives on the Commission.

I shall now declare open the discussion on both the report and the Draft Resolution.

Dr. Yen (China). — In the past two months, the Council of the League of Nations, the Special Assembly as represented by the so-called Committee of Nineteen, and the friendly Powers have, especially in connection with the attack and invasion of Shanghai by Japanese forces, been unremitting in their efforts to bring Japan back to reason and to make her agree that hostilities should come to an end. You must admit that, as far as China is concerned, she has always lent a willing ear to the representations thus made to her. When the friendly Powers made their request, at the beginning of February, to Nanking and Tokio to end the hostilities at Shanghai and commence negotiations for the settlement of outstanding differences in the spirit of the Pact of Paris and the Council resolution of December 9th, 1931, my Government at once assented. Japan rejected the proposal. Again, when the British Admiral Kelly exercised his good offices a month later in
the same direction, and an understanding was reached for the basis of an armistice which was eminently fair to the two parties, that same understanding was again refused by the Japanese Government.

That agreement, you will recall, provided for the withdrawal of our troops to Chenju and the Japanese to inside the Settlement, as a first step, and our troops to Nanshiang and the Japanese troops to their ships, as the second step. Today, the Japanese are entrenched in Chenju and Nanshiang, and refuse even to set a date for the withdrawal, not to their ships, but only to the Settlement.

It is true that there has been a change of circumstances, but it must be remembered that this is an undeclared aggressive war, and it is indeed a lamentable precedent for us all that the aggressive party should be permitted to enjoy to the fullest extent his ill-gotten advantages.

In connection with our previous appeal to the Special Committee in connection with the Shanghai negotiations, you were good enough to rule out the so-called Separate Note, because it was a political condition. Last week, the Special Committee adopted a draft resolution, paragraph 11 of which again ruled out a political condition but prescribed the Japanese to find that the draft resolution must read it as the greatest satisfaction, as the second step. To-day, the Chinese Government, in accepting the withdrawal of our troops to Chenju and the negotiations should fail to reach a conclusion, the question will come up again before the Assembly.

In short, the Chinese Government, in accepting the resolution, accepts it as a whole, and places equal importance on all the paragraphs contained therein. My Government hopes sincerely also that the Special Committee and the Assembly will continue as before this but prescribed the Japanese to find that the provisions of the present and previous resolutions are carried out with thoroughness and promptitude.

M. Nagaoaka (Japan):

Translation: I need hardly tell you that the Japanese Government has always been most anxious for the success of the negotiations which have been carried on at Shanghai in pursuance of the resolution adopted on March 4th by the Assembly. From the outset of these negotiations, my Government has always done its utmost towards that end, in strict conformity with the terms of the resolution. It therefore feels the greatest satisfaction to find that in the draft resolution just read it is noted that the draft resolution must read it as the greatest satisfaction, as the second step.

At Shanghai, a drafting committee has succeeded in co-ordinating the various articles on which it has been found possible to reach agreement. A meeting was held on April 28th between the Chinese and Japanese delegates in the presence of the Ministers of the friendly Powers, who noted the good result obtained by the drafting committee. A plenary meeting has been arranged for May 2nd, and Japan is ready to sign the draft agreement that has been prepared. Needless to say, my Government will faithfully execute that agreement, which so happily consummates the resolution adopted on March 4th by the Assembly.

I take this opportunity of expressing my deepest gratitude to the civil, military and naval representatives of the United Kingdom, the United States of America, France and Italy, who have taken part in the negotiations from the outset, and whose good offices have enabled a draft agreement to be prepared. That is a service of inestimable importance.

According to information I have received, Mr. Johnson, the United States Minister, in the first place, and later Sir Miles Lampson, the British Minister, proceeded quite recently from Shanghai to Nanking for the purpose of settling the difficulties which had arisen. The British Minister succeeded in obtaining the acceptance by both parties of the so-called Lampson proposal. At the meeting on April 28th, the Japanese and Chinese delegates gave their formal assent to the proposal, by which the Joint Commission which is to watch the carrying out of Articles I, II and III of the agreement is authorised to call attention, in accordance with its decisions taken in such manner as is provided in the Annex, to any neglect in carrying out any of the provisions of the articles mentioned above.

The Japanese delegates cannot, however, see its way to vote for the draft resolution submitted to us to-day, and will simply abstain from voting, as the Japanese Government maintains the attitude of reserve which it has always felt bound to observe in regard to the application to the Sino-Japanese
dispute of Article 15 of the Covenant. I can assure the Assembly, however, that this attitude will in no way change my Government's firm resolve to do all in its power to enable the present negotiations at Shanghai to reach a successful issue in the shortest possible time.

The President:

Translation: As no one wishes to speak, I will now put the resolution to the vote by roll-call.

(The vote was taken by roll-call.)

The President:

Translation: All the delegations present have replied in the affirmative, except the Japanese delegation, which has abstained. Paragraph 5 of Article 19 of the Rules of Procedure, which the Assembly applied at its meeting on March 11th, reads as follows:

"For the purposes of this Rule, representatives who abstain from voting shall be considered as not present."

I therefore declare the resolution adopted unanimously.

Before the meeting closes, I wish to say, by way of conclusion to the discussion and to the vote we have taken, that an agreement has been reached concerning the draft for the armistice between the Chinese and Japanese Governments, that it will be loyally carried out and that it will be signed forthwith. Before terminating the present debate, I wish to thank the members of the Special Committee whose intricate and difficult task has been so ably performed. I wish to thank, too, Sir Eric Drummond, who has given me invaluable help throughout the negotiations. Finally, we have to thank the Powers which have special interests in Shanghai and whose representatives in that city have acted with so much vigilance and to such good effect. We hope that they will continue to give us their assistance.

Sir John Simon (United Kingdom). — Mr. President. — Before you declare our sitting terminated, and after having expressed on behalf of the Assembly our thanks to many who have assisted to bring about this result, there remains one very special object of our gratitude, and I would permit myself, in the name of my colleagues in the Assembly as well as of the United Kingdom delegation, to express to you our very sincere thanks for your unfailing patience and skill, and to congratulate you on the fact that this stage of the heavy task which lies specially on your shoulders has been accomplished, thanks to your guidance, with unanimity.

The President:

Translation: I thank Sir John Simon for his kind words, which I shall never forget.

The Assembly's next meeting will be convened later.

The meeting rose at 11.30 a.m.
ANNEXES

A. [Extr.] 6(a).1932.VII.

I. LETTER DATED FEBRUARY 29TH, 1932, FROM THE JAPANESE REPRESENTATIVE TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]


In accordance with the instructions of my Government, I have the honour to notify you of the appointment of M. Matsudaira, Ambassador at London, of M. Yoshida, Ambassador at Rome, and of myself as delegates of Japan at the Extraordinary Assembly which is to open on Thursday next.

I am instructed by my Government to add that it maintains the objections which I raised before the Council on January 29th and 30th regarding the application of Article 15 of the Covenant to the present difficulties between Japan and China, and accepts the invitation to the Assembly subject to these objections.

(Signed) S. SATO,
Representative of Japan on the Council of the League of Nations.

A. [Extr.].110.1932.VII.

2. LETTER DATED APRIL 29TH, 1932, FROM THE JAPANESE REPRESENTATIVE TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Geneva, April 29th, 1932.

In accordance with instructions received from my Government, I have the honour to inform you that I shall attend the meeting of the Extraordinary Assembly convened for Saturday, April 30th, subject to the same reservation as that formulated by M. Sato in a letter dated February 29th last (document A.[Extr.].6(a).1932.VII).

(Signed) NAGAOKA,
Japanese Delegate to the Special Assembly of the League of Nations.

II. REPORT BY THE SECRETARY-GENERAL ON THE ACTION TAKEN BY THE LEAGUE ON THE SINO-JAPANESE DISPUTE.

Official No.: A.[Extr.].4.1932.VII.

I. CONSIDERATION OF THE DISPUTE UNDER ARTICLE 11 OF THE COVENANT.

THE INCIDENT OF SEPTEMBER 18TH, 1931.

At the public meeting of the Council of the League of Nations held on Saturday, September 19th,¹ the Japanese representative, in deference to the wish expressed by the President of the Council, communicated the information which he had just received relative to an incident which, according to Press reports, had taken place the evening before in the neighbourhood of Mukden.

This first information, which included few details, referred to a collision, near the South Manchurian Railway line, between Chinese troops and the Japanese troops which guard that line. The Japanese representative stated that his Government had immediately taken all possible steps to prevent this local incident from leading to undesirable complications. M. Yoshizawa had asked his Government for additional information and he was sure that it would do everything possible to relieve the situation.

The Chinese representative stated that the information which he had so far received seemed to indicate that the incident had not been occasioned by any act on the part of the Chinese. He added that he would not fail to keep the Council informed of any reliable news he might receive.

APPEAL FROM THE CHINESE GOVERNMENT UNDER ARTICLE II.

On September 21st, the Chinese representative formally brought the matter to the notice of the Council in the following note addressed to the Secretary-General:

"I am instructed by the National Government of China to bring to your attention the facts stated below, and to request that, in virtue of Article II of the Covenant of the League of Nations, you forthwith summon a meeting of the Council of the League in order that it may take such action as it may deem wise and effectual so that the peace of nations may be safeguarded.

"Through statements made to it at its meeting on September 19th by the representatives of China and Japan, the Council was advised of the fact that a serious situation had been created in Manchuria. In his statement at that meeting, the representative of China declared that the information which he then had indicated that the situation had been created through no fault upon the part of the Chinese. Since September 19th, the undersigned has received from his Government information which discloses a situation of greater gravity than had appeared by the first report, and which revealed that, beginning from ten o'clock of the night of September eighteenth, regular troops of Japanese soldiers, without provocation of any kind, opened rifle and artillery fire upon Chinese soldiers at or near the city of Mukden, bombarded the arsenal and barracks of the Chinese soldiers, set fire to the ammunition depot, disarmed the Chinese troops in Changchun, Kwan-chengtse and other places, and later took military occupation of the cities of Mukden and Antung and other places and of public buildings therein, and are now in such occupation. Lines of communication have also been seized by Japanese troops. To these acts of violence the Chinese soldiers and populace, acting under instructions from the Chinese Government, have made no resistance, and have refrained from conduct which might in any way aggravate the situation.

"In view of the foregoing facts, the Republic of China, a Member of the League of Nations, asserts that a situation has arisen which calls for action under the terms of Article II of the Covenant. I am therefore instructed by my Government to request that, in pursuance of authority given to it by Article II of the Covenant, the Council take immediate steps to prevent the further development of a situation endangering the peace of nations; to re-establish the status quo ante; and to determine the amounts and character of such reparations as may be found due to the Republic of China.

"I will add that the Government of China is fully prepared to act in conformity with whatever recommendations it may receive from the Council, and to abide by whatever decisions the League of Nations may adopt in the premises."

INITIAL ACTION TAKEN BY THE COUNCIL.

On September 29th, the representative of Spain, who was then President-in-Office of the Council, informed the Assembly, immediately before the close of its session, of the first results of the Council's examination of the question:

"The Chinese Government's appeal", said M. Lerroux, "was submitted on Monday, September 21st. The Council first examined it on September 22nd.

"I shall now recapitulate the main facts regarding the origin and history of the affair, according to the statements of the representatives of the two Governments:

"On the evening of September 18th, the first incident occurred near Mukden in the South Manchurian Railway zone, which was guarded by Japanese troops. The Japanese officer in command, on the ground of military precautions, sent troops outside the South Manchurian Railway zone — in particular, to the Chinese railway lines converging on Mukden. The Chinese Government, on receiving the news of the first incident, had contemplated the possibility of settling the matter by direct negotiation, but decided then, in view of the aggravation of the situation, to lay the question before the Council.

"The Council's first act, after its meeting on the Tuesday morning, which was devoted to hearing the first statements of the representatives of the two Governments: "On the evening of September 18th, the first incident occurred near Mukden in the South Manchurian Railway zone, which was guarded by Japanese troops. The Japanese officer in command, on the ground of military precautions, sent troops outside the South Manchurian Railway zone — in particular, to the Chinese railway lines converging on Mukden. The Chinese Government, on receiving the news of the first incident, had contemplated the possibility of settling the matter by direct negotiation, but decided then, in view of the aggravation of the situation, to lay the question before the Council.

"The Council's first act, after its meeting on the Tuesday morning, which was devoted to hearing the first statements of the representatives of the two Parties, was to authorise its President: (1) to address an urgent appeal to the Governments of China and Japan to abstain from any act which might aggravate the situation or prejudice the peaceful settlement of the problem; (2) to seek, in consultation with the representatives of China and Japan, adequate means whereby the two countries may proceed immediately to the withdrawal of their respective troops without compromising the security of life of their nationals or the protection of the property belonging to them.

"The Council decided, further, to forward, for information, the Minutes of all its meetings, together with the documents relating to this question, to the Government of the United States of America.

"On the evening of September 22nd, I telegraphed to the two Governments informing them of the duty entrusted to me by the Council and addressing to them the urgent appeal which the Council had authorised me to transmit. Simultaneously with these consultations, I convened the Council, when I judged this useful, in order that the latter might be informed of the progress of the affair."
The two Governments replied promptly to the telegrams which I had sent them on September 22nd on behalf of the Council. The Chinese Government's reply was received on Thursday, September 24th, and that of the Japanese Government on Friday the 25th.

The Chinese Government urged that measures should be taken as rapidly as possible to ensure the immediate withdrawal of the Japanese troops. It added that it would assume entire responsibility for the protection of the lives and property of Japanese nationals directly its authority was re-established in the territories evacuated by the Japanese troops.

The Japanese Government, in its reply, stated that it was sincerely desirous of settling the matter peacefully and as soon as possible by negotiations between the two countries. It had withdrawn the greater part of its troops within the railway zone, where they were concentrated. Outside that zone only a few troops remained posted as a measure of precaution in the city of Mukden and in Kirin, while a few soldiers had been stationed at certain points. The withdrawal of the Japanese forces was being effected in so far as the security of Japanese nationals and the protection of the railway then allowed. The Japanese Government proposed to withdraw its troops into the railway zone as the situation improved and felt confident that the Council would, in this matter, trust the sincerity of its attitude.

The Secretary of State of the United States of America also communicated to me on September 24th, through the United States Minister at Berne, a document assuring me that his Government was in wholehearted sympathy with the attitude of the League as expressed in the Council resolution communicated to the Chinese and Japanese Governments, and that he proposed to send to Japan and to China notes on similar lines.

The Council thanked the United States Secretary of State for this communication, adding that it would be happy to continue to keep the United States Government informed of any steps it might take. The Council also expressed the hope that the United States Government would be prepared to enter into communication with it. On September 25th, the United States Minister at Berne communicated to me the text of the identical note addressed by the United States to the Chinese and Japanese Governments.

Following on the replies of the Chinese and Japanese Governments to my telegram of September 22nd, and the additional explanations furnished to the Council by the representatives of the two Governments at the meeting on Friday, September 25th, I was able to inform the Council that the withdrawal of the Japanese forces to within the railway zone was being carried out, and that, if on both sides efforts were pursued to arrive at pacification, the Council might hope for a satisfactory settlement of the problem.

I added that the Council must, in the first place, count on the firm goodwill of the two Parties concerned, on their sincerity and on their sincere desire not to aggravate the situation. I stated that the Council would certainly wish, on the one hand, to address an appeal to the Japanese Government to withdraw its troops as soon as possible to within the railway zone, and I stated also that the Council had noted the declaration by the Chinese representative, who, referring to the undertaking contained in the telegram which his Government had addressed to me on September 23rd, gave an assurance that the latter would, in proportion as the withdrawal of the Japanese troops proceeded, assume responsibility for the security of Japanese nationals and the protection of their property outside the railway zone. I added that the Council would doubtless wish to be kept informed of the measures which would be taken by the two Parties in reply to the appeal addressed to them.

At the following meeting of the Council, held on September 28th, the Japanese representative referred to the fact that the Chinese Government had stated, through its representative, that it would assume responsibility for the safety of Japanese nationals and the protection of their property. While noting the Chinese Government's admirable intentions, the Japanese representative gave the reasons for which it seemed to it necessary, before rescinding all the measures taken to ensure the protection of its nationals, to make certain that the local authorities were really in a position to maintain order, and that the Japanese were not likely to be exposed to danger as the result of the departure of the Japanese protective forces.

The Japanese representative also announced to the Council that the withdrawal of the Japanese troops was proceeding, and that the Japanese effective stationed at Kirin had been reduced since the communication which he had made to the Council at the previous meeting. Outside the railway zone, there only remained, apart from Kirin and Mukden, small detachments at Hsinningtung and Chenchiatung for the protection of Japanese nationals against the attacks of bands of Chinese soldiers and brigands which at the time were ravaging those districts.

The Japanese representative added that his Government would not fail to keep the Council closely informed on every phase of the situation and all the measures taken to secure a rapid settlement. As things were the Japanese representative thought that any further steps in that connection were unnecessary. In conclusion, he asserted once more that his Government had no territorial ambitions in Manchuria, and that it still firmly maintained its intention, which it had already manifested for some days past in the form of definite acts, to bring back its forces into the railway zone, in proportion as the security of its nationals and of their property was effectively ensured.

The Japanese representative hoped that his Government would be enabled to carry out its intentions in full and as rapidly as possible.

The Chinese representative, after stating his satisfaction at hearing that the withdrawal of the Japanese troops was proceeding, expressed his uneasiness on a number of points. On what date would the evacuation be completed? In the evacuated localities, had the prisoners
been released and had the seized property been restored to its owners? He thought that certain steps might be taken to hasten the withdrawal of the troops, their withdrawal being desired, not only by China, but also by Japan and by the Council. In his desire to facilitate agreement between the two Governments, he announced that he was prepared, if this proposal were more agreeable to the representative of the Japanese Government, no longer to suggest, as he had done before, the despatch to the spot of a commission consisting of neutral members, but that the Council should assist the Parties, in order that, with the assistance of neutral members, arrangements might be made on the spot which would make it possible to fix an early date for the complete withdrawal of the Japanese troops.

"The Chinese representative will, I suppose, embody his proposal in a concrete form.

"Such is the present situation. I only wish to emphasise several essential points: firstly, the statement by the Japanese Government and by its representative that there never has been, and never will be, any question of the military occupation of Manchuria; secondly, the fact that the Japanese Government has on several occasions insisted, before the Council, on its intention to withdraw the Japanese forces as soon as possible to within the railway zone, in so far as the safety of its nationals and their property may be effectively ensured; thirdly, the fact that this intention has, according to the declaration made yesterday to the Council by the Japanese representative, already been translated, during the last two days, into definite action and that outside the railway zone Japanese troops are stationed in only four localities.

"The Council has noted these reassuring statements by the Japanese Government. It feels certain that, in this very delicate affair, as in other affairs which have been laid before it, the goodwill of the Parties and their loyalty to international engagements will be found to constitute the best guarantee for the peace of the world. Having had the matter laid before it under Article ii of the Covenant, the Council will, after the close of this session of the Assembly, continue its efforts to assist the representatives of the two Parties to obtain, by such measures as both may deem acceptable, a satisfactory settlement of a situation which has deeply affected the relations between two great nations and at one time even seemed likely, before the real progress achieved in the last few days, to constitute a threat to international peace."

RESOLUTION OF SEPTEMBER 30TH, 1931.

After the close of the Assembly, the Council held a further meeting on September 30th.

The President stated that the Council, which was anxious to carry out the duty incumbent upon it under Article ii of the Covenant, was bound to attach immediate and paramount importance to the withdrawal of the Japanese troops to within the railway zone. In the special circumstances of the case, however, a certain time must inevitably be allowed for the withdrawal, particularly in order to ensure the safety of Japanese life and property.

The President added that both the Parties had concurred with the other members of the Council in recognising, without prejudice to their views as to the method of settlement of outstanding questions, the essential importance of the withdrawal of the troops in accordance with the above conditions, and both had taken steps to that end. A certain amount of time, which the Council together with the Parties desired to be as short as possible, was thus still required for the complete withdrawal of the Japanese troops. While, therefore, the Council was bound to watch closely the development of the situation, it seemed that, in the circumstances, it could best serve the interests of peace and good understanding by adjourning discussion of the question until another meeting to be held in the near future.

After mentioning that suggestions had been made verbally or in writing with a view to obtaining information on the spot, the President stated that the Council, for its part, would be ready at all times to render any assistance that might be useful. He then submitted a draft resolution, which was unanimously adopted. This resolution was worded as follows:

"The Council,

1. Notes the replies of the Chinese and Japanese Governments to the urgent appeal addressed to them by its President and the steps that have already been taken in response to that appeal;

2. Recognises the importance of the Japanese Government's statement that it has no territorial designs in Manchuria;

3. Notes the Japanese representative's statement that his Government will continue, as rapidly as possible, the withdrawal of its troops, which has already begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals is effectively assured and that it hopes to carry out this intention in full as speedily as may be;

4. Notes the Chinese representative's statement that his Government will assume responsibility for the safety of the lives and property of Japanese nationals outside that zone as the withdrawal of the Japanese troops continues and the Chinese local authorities and police forces are re-established;"
3. Being convinced that both Governments are anxious to avoid taking any action which might disturb the peace and good understanding between the two nations, notes that the Chinese and Japanese representatives have given assurances that their respective Governments will take all necessary steps to prevent any extension of the scope of the incident or any aggravation of the situation;

“6. Requests both Parties to do all in their power to hasten the restoration of normal relations between them and for that purpose to continue and speedily complete the execution of the above-mentioned undertakings;

“7. Requests both Parties to furnish the Council at frequent intervals with full information as to the development of the situation;

“8. Decides, in the absence of any unforeseen occurrence which might render an immediate meeting essential, to meet again at Geneva on Wednesday, October 14th, 1931, to consider the situation as it then stands;

“9. Authorises its President to cancel the meeting of the Council fixed for October 14th should he decide, after consulting his colleagues, and more particularly the representatives of the two Parties, that, in view of such information as he may have received from the Parties or from other members of the Council as to the development of the situation, the meeting is no longer necessary.”

While accepting the draft resolution, the Japanese representative, M. Yoshizawa, reminded the Council that, with regard to the information to be obtained on the spot, he had already stated that, in his view and in the view of his Government, it would be quite useless to take special measures. There were already a great many persons on the spot from whom the Council could obtain information. In order, however, to facilitate the task of all his colleagues, he proposed that each member of the Council should send to the Secretary-General any information which his Government might obtain on the spot and which he deemed desirable and useful to communicate to the other members.

The Chinese representative, who also accepted the resolution, observed that its terms showed that the Council was conscious of its responsibility for helping both Parties to secure the complete and prompt withdrawal of the armed forces of Japan, and the re-establishment of the status quo ante. But the complete withdrawal of the armed forces of Japan and the re-establishment of the status quo ante did not, in his opinion, constitute more than a single and preliminary step in the adjustment of the dispute and he announced that the Chinese Government, while reserving all its rights under the Covenant, would continue to look to the League for aid in determining the several responsibilities of the Parties for the events which had occurred since September 18th, and the fixing of the reparations justly due.

M. Yoshizawa having stated that, while he accepted the resolution as it stood, he was unable to accept the interpretation placed upon it by the Chinese representative, the President expressed the opinion that there was no need to go into matters of interpretation; the rights of both Parties remained intact, and either would be entitled, if necessary, to submit its point of view to the Council at some later date.

Development of the Situation between September 30th and October 13th.

China requests Evacuation.

After the adjournment of the session, the Chinese Government on October 5th addressed a note to the Japanese Government informing it of the appointment of two representatives to take over all the districts to be evacuated by the Japanese troops. Having received no reply, the Nankin Government, through its Minister in Tokio, asked the Japanese Government to specify immediately which districts of Manchuria it intended to hand over to the Chinese authorities that week.

Japan protests against the anti-Japanese Agitation and proposes Negotiations on the “Fundamental Points”.

Meanwhile, the Japanese Government, in a number of communications, drew the Council’s attention to the development of an anti-Japanese movement in China taking the form, more particularly, of a boycott of Japanese goods and other vexatious acts. Furthermore, in a reply dated October 9th to the Chinese note of October 5th, it recalled that the withdrawal of the troops within the railway zone was contingent upon the security of the Japanese railway lines, and upon the protection of the life and property of Japanese nationals in Manchuria. The Japanese Government added that, in the circumstances, the most urgent task with which the two Governments were faced was to calm excited national feelings “by rapidly establishing direct negotiation on fundamental points capable of constituting a basis allowing resumption of normal relations”. Once national passions were appeased by direct negotiation, Japanese troops might, without undue apprehension, withdraw completely within the railway zone. Japan declared herself willing to negotiate immediately with China with regard to “the fundamental points”.

China protests against the Bombardment of Chinchow and Fresh “Aggressive” Operations.

On the same day (October 9th), in consequence of reports to the effect that the previous day Japanese military aeroplanes had bombarded the town of Chinchow, where the Provincial
Government of Manchuria had provisionally established itself, the Chinese representative requested that the Council be summoned forthwith. He stated that, in addition to this bombardment which had been the cause of a number of deaths, the Japanese troops were engaging in fresh operations of an "aggressive" character in Manchuria.

**Appeal by the President of the Council. Convocation of the Council for October 13th.**

Thereupon, the President of the Council addressed a telegram to both Parties reminding them of their undertaking to refrain from any act likely to aggravate the situation. The Council was summoned for October 13th.

**Declaration of the Government of the United States of America.**

In accordance with the decision taken on September 22nd, copies of these communications were transmitted to the Government of the United States, which immediately replied as follows:

"It is highly desirable that the League in no way relax its vigilance and in no way fail to assert all the pressure and authority in its competence with a view to regulating the action of Japan and China in the premises. The American Government, on its part, acting independently through its diplomatic channels, will try to reinforce League action and will make it evident that it has not lost interest in the question and is not oblivious to the obligations which Japan and China have assumed to other signatories of the Pact of Paris as well as the Nine-Power Pact, if a time should come when it should seem advisable that those obligations be brought forward."

The United States Government moreover announced that it was despatching two of its officials to Manchuria as observers.

**Reply of Japan to the Appeal of the President of the Council.**

On October 12th, the Japanese Government replied to the President of the Council’s telegram, dated October 9th, by a note recalling that it had always been convinced that a friendly solution of this incident could only be obtained by means of direct negotiations between Japan and China. It concluded with the following statement:

"The Japanese Government considers that, in the existing circumstances, the most pressing necessity is to relieve the tension between the Japanese and Chinese peoples by mutual co-operation. To this end, it is essential to agree upon certain main principles to form a foundation for the maintenance of normal relations between the two countries. Once these principles have been laid down, the state of tension between the two nations will undoubtedly relax and the Japanese forces will be able to retire without apprehension within the South Manchurian Railway zone. The Japanese Government is prepared to open negotiations with the responsible representatives of China on these fundamental points."

On October 12th, the Chinese Government, for its part, had replied to the Japanese note of October 9th. China declared that she would continue to do everything in her power to protect the lives and property of Japanese nationals. The difficulties which had arisen with regard to the trade relations between the Chinese and Japanese peoples were — so it was stated — the inevitable result of the action of the Japanese troops. If the Japanese Government endeavoured to remove the cause of the "present deplorable situation", this would have the most fortunate effect in improving the relations of the two countries.

**SECOND MEETING OF THE COUNCIL.**

At the meeting of the Council on October 13th, the Spanish representative, M. de Madariaga, announced that the President-in-Office of the Council, M. Lerroux, was prevented by his duties in Madrid from proceeding to Geneva. M. de Madariaga therefore proposed to the Council, on behalf of M. Lerroux, that the French representative, M. Briand, who, in deference to a tradition of courtesy, had requested Spain to retain the presidency during the second September session, should be asked to assume the office of President during the forthcoming meetings.

After having thanked the Spanish representative, M. Briand stated that, when the Council adopted the resolution of September 30th, it had hoped that the meeting fixed for October 14th would prove unnecessary and that the two Parties would, in the greatest possible measure, have carried out the undertakings they had entered into before the Council. It had, however, been necessary to summon the meeting earlier at the request of the representative of China, who had communicated serious information regarding further military operations on the part of Japanese troops in Manchuria. The Japanese Government, on the other hand, had notified the Council that, in China, Japanese goods were being boycotted and Japanese nationals molested to such an
extent that they were compelled to evacuate certain localities. It appeared, however, from the information at the Council’s disposal that the Chinese Government had issued appeals and taken measures which, at any rate outside Manchuria, had prevented any loss of human life. The Council hoped that this attitude would be maintained, as it was essential that calm and moderation should prevail on both sides.

Statements were then submitted by M. Sze (China) and M. Yoshizawa (Japan).

M. Sze declared that means must be sought of ensuring the prompt and complete withdrawal of the Japanese troops to the positions occupied by them prior to September 18th and, in general, of re-establishing the status quo ante. Such measures should not be linked with questions of fact existing prior to September 18th, nor should they be confused with measures of a different kind which would subsequently have to be taken in order that satisfactory relations between China and Japan might be fully re-established. China regarded the Covenant of the League of Nations and the Pact of Paris as her two sheet-anchors. They were the corner-stones of world peace, and, if they crumbled, the whole edifice would be in danger of collapse. China was confidently placing her fate in the hands of the League of Nations.

M. Yoshizawa stated, in the first place, that though it was true, at least so far as he knew, that no Japanese had latterly been assassinated outside Manchuria, Japanese nationals were, nevertheless, subjected in China to “indescribable treatment and molestation”. After having sketched the history of Japan’s relations with Manchuria and of the incidents which had occurred in that province during the summer of 1931 prior to September 18th (massacre of Koreans in the Wanpaoshan district, murder of Captain Nakamura, acts of provocation towards railway-guards, etc.), he declared that “the origins of present events are therefore deeply rooted in the past, and the Japanese people cannot admit that these events should be treated as an isolated or fortuitous act without referring to the sources of the trouble in the hope of improving matters in future”.

M. Yoshizawa, in conclusion, stated that, if the Chinese Government were to make serious efforts to check anti-Japanese agitation and to arrive, jointly with Japan, at a preliminary basis for the re-establishment of normal relations between the two countries, it would do much towards relaxing the tension, and would thus remove the most serious obstacle to the withdrawal of Japanese troops.

The Japanese Government, for its part, was actuated by the desire to reach a pacific solution, and it deemed it essential that immediate negotiations should be opened with the responsible representatives of China with a view to settling certain points which were indispensable for the re-establishment of normal relations.

The Chinese representative, in his reply, declared that China would not consent to direct negotiations so long as Japanese troops illegally occupied Chinese soil.

**INVITATION TO THE UNITED STATES OF AMERICA.**

It was at this juncture that the question arose of the most suitable procedure for facilitating co-operation between the Council and the Government of the United States; in accordance with the decision adopted on September 22nd, such co-operation had, up to that time, taken the form of an exchange of written communications. As the Government of the United States had been one of the proponents of the Pact of Paris and as it had expressed first its sympathy with the attitude of the League of Nations and subsequently its desire to reinforce the latter’s action, the Council, at its meetings on October 15th and 16th, discussed whether, as a means of co-ordinating efforts, the Government of the United States should not be invited to send a representative to sit at the Council table, though not as a member.

On this occasion, the Japanese representative expressed certain doubts on constitutional and legal grounds. He was of opinion that the sending of such an invitation was not a mere question of procedure; his contention was that the United States could only be invited as the result of a unanimous vote of the Council. In reply to M. Yoshizawa’s arguments, the President pointed out that, in principle, the question of co-operation with the United States had been settled on September 22nd. The question now was to give such co-operation an oral form. The majority of the members of the Council held that the question was one of procedure and could therefore be settled by a majority vote. In conclusion, the President stated that the constitutional problem raised by the Japanese representative would be reserved, and the Council then decided, with only one dissentient vote, to send an invitation to the United States of America. This invitation was accepted, and on October 16th Mr. Prentiss Gilbert, representative of the United States, took his seat at the Council table. He was authorised by his Government to consider with the Council the relationship between the provisions of the Pact of Paris and the present unfortunate situation in Manchuria and at the same time to follow the deliberations of the Council with regard to the other aspects of the problem with which it is now confronted”.

**ACTION TAKEN UNDER ARTICLE 2 OF THE PACT OF PARIS.**

On October 17th, the majority of the Governments represented on the Council decided in their capacity of signatories of the Pact of Paris to transmit, through their diplomatic representatives at Nanking and Tokio, an identical note to the Governments of China and Japan, in order
to draw their attention to the provisions of this Pact and more especially to the terms of its second article. 1 Furthermore, the French Government was requested to telegraph to the other Governments signatories of the Pact of Paris informing them that such a note had been sent. Immediately upon receipt of this communication, the Government of the United States caused a note to be handed to the authorities at Nanking and Tokio similarly drawing attention to Article 2 of the Pact of Paris.

The two Governments communicated their replies to this note to the Council. 2

DRAFT RESOLUTION OF OCTOBER 22ND,

Between October 16th and 22nd, the members of the Council, with the exception of the Parties, met on several occasions in private session. At the same time, the President held frequent meetings and many conversations with the representatives of China and Japan.

1 The text of this article is as follows:

"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, shall never be solved except by pacific means."

2 Reply from the Chinese Government: "In accordance with instructions received from the Acting Minister of Foreign Affairs, I have the honour to deliver to you from him the following message:

"'The Chinese Government has received from the French Government the communication in which the French Government invites the attention of the Chinese Government to the provisions of the Treaty for the Renunciation of War of August 27th, 1928, and expresses the hope that both the Chinese and Japanese Governments will refrain from taking any steps that might endanger the success of the efforts already in progress to secure a peaceful settlement of the present situation in China.

"'The Chinese Government feels thankful to the French Government for the deep concern shown in the development of events in the north-eastern provinces of China since September 18th, when Japanese troops, in defiance of international law, the Treaty for the Renunciation of War and other international agreements, began their unprovoked attack on Shenyang (Makden) and other cities. Being desirous of strictly adhering to the undertakings assumed under international treaties, particularly the Covenant of the League of Nations and the Treaty for the Renunciation of War, China has judiciously refrained from employing force to meet the military aggressions of Japan and has been seeking, from the very beginning, a just and adequate settlement by pacific means. We have therefore entrusted our case unreservedly to the League of Nations. We absolutely rely on the solemn engagements contained in the Treaty for the Renunciation of War, the Covenant of the League of Nations and other international agreements designed for the maintenance of peace, in the belief that Japan will be awakened to her legal as well as moral duty to human civilisation.

"'The Chinese Government sincerely hopes that the active efforts now in progress in Geneva to arrive at a settlement of the present case in the interests of justice and peace, will soon be crowned with success which will be conducive to the well-being, not only of China, but of the whole world. The Chinese Government will persist in its own efforts to seek the settlement of all questions of whatever nature by peaceful means, and will give the Council of the League of Nations every assistance in devising a permanent system ensuring the effective observance of this policy in the future in the Far East."

(Signed) Sao-ke Alfred Sze."

Reply from the Japanese Government: "1. The Japanese Government realise as fully as any other signatories of the Pact of Paris of 1928 the responsibility incurred under the provisions of that solemn Pact. They have made it clear on various occasions that the Japanese railway guards, in taking military measures in Manchuria since the night of September 18th last, have been actuated solely by the necessity of defending themselves as well as of protecting the South Manchuria Railway and the lives and property of Japanese subjects against wanton attacks by Chinese troops and armed bands. Nothing is farther from the thought of the Japanese Government than to have recourse to war for the solution of their outstanding differences with China.

"2. It is their settled aim to compose those differences by all pacific means. In the note of the Japanese Minister for Foreign Affairs to the Chinese Minister at Tokio, dated October 9th, the Japanese Government have already declared their readiness to enter into negotiations with the responsible representatives of China for an adjustment of the present difficulties. They still hold to the same view. So far as they are concerned, they have no intention whatever of proceeding to any steps that might hamper any efforts intended to assure the pacific settlement of the conflict between Japan and China.

"3. On the other hand, they have repeatedly called the attention of the Chinese Government to the organised hostile agitation against Japan now in progress in various parts of China. The suspension of all commercial intercourse with Japanese at present practised in China is in no sense a spontaneous act of individual Chinese. It is enforced by the anti-Japanese organisations which have taken the law into their own hands and are heavily penalising, even with the threat of capital punishment, any Chinese who may be found disobeying their arbitrary decrees. Acts of violence directed against Japanese residents also continue unabated in many places under the jurisdiction of the Government of Nankin. It will be manifest to all fair observers of the actual situation that those activities of the anti-Japanese organisations are acquiesced in by the Chinese Government as a means to attain the national ends of China. The Japanese Government desire to point out that such acquiescence by the Chinese Government in the lawless proceedings of their own nationals cannot be regarded as being in harmony with the letter or the spirit of the stipulations contained in Article 2 of the Pact of Paris."
At a public meeting on October 22nd the President submitted a draft resolution on which the members of the Council, with the exception of the Parties, had unanimously agreed. That draft was framed as follows:

"The Council,

"In pursuance of the resolution passed on September 30th;

"Noting that in addition to the invocation by the Government of China, of Article II of the Covenant, Article 2 of the Pact of Paris has also been invoked by a number of Governments;

"(1) Recalls the undertakings given to the Council by the Governments of China and Japan in that resolution, and in particular the statement of the Japanese representative that the Japanese Government would continue as rapidly as possible the withdrawal of its troops into the railway zone in proportion as the safety of the lives and property of Japanese nationals is effectively assured, and the statement of the Chinese representative that his Government will assume the responsibility for the safety of the lives and property of Japanese nationals outside that zone — a pledge which implies the effective protection of Japanese subjects residing in Manchuria;

"(2) Recalls further that both Governments have given the assurance that they would refrain from any measures which might aggravate the existing situation, and are therefore bound not to resort to any aggressive policy or action and to take measures to suppress hostile agitation;

"(3) Recalls the Japanese statement that Japan has no territorial designs in Manchuria, and notes that this statement is in accordance with the terms of the Covenant of the League of Nations, and of the Nine-Power Treaty, the signatories of which are pledged to respect the sovereignty, the independence, and the territorial and administrative integrity of China’;

"(4) Being convinced that the fulfilment of these assurances and undertakings is essential for the restoration of normal relations between the two Parties;

"(a) Calls upon the Japanese Government to begin immediately and to proceed progressively with the withdrawal of its troops into the railway zone, so that the total withdrawal may be effected before the date fixed for the next meeting of the Council;

"(b) Calls upon the Chinese Government, in execution of its general pledge to assume the responsibility for the safety of the lives and property of all Japanese subjects resident in Manchuria, to make such arrangements for taking over the territory thus evacuated as will ensure the safety of the lives and property of Japanese subjects there, and requests the Chinese Government to associate with the Chinese authorities designated for the above purpose representatives of other Powers in order that such representatives may follow the execution of the arrangements;

"(5) Recommends that the Chinese and Japanese Governments should immediately appoint representatives to arrange the details of the execution of all points relating to the evacuation and the taking over of the evacuated territory so that they may proceed smoothly and without delay;

"(6) Recommends the Chinese and Japanese Governments, as soon as the evacuation is completed, to begin direct negotiations on questions outstanding between them, and in particular those arising out of recent incidents as well as those relating to existing difficulties due to the railway situation in Manchuria. For this purpose, the Council suggests that the two Parties should set up a conciliation committee, or some such permanent machinery;

"(7) Decides to adjourn till November 16th, at which date it will again examine the situation, but authorises its President to convocate a meeting at any earlier date should it in his opinion be desirable."

After the reading of this text, the representative of China asked for an interval of time in which to consult his Government.

The representative of Japan made a statement on the situation in Manchuria, a situation "rendered particularly dangerous by the presence of many gangs of bandits and fugitive soldiers". He added that it was their presence that prevented the Japanese from fixing a definite date for the complete withdrawal of their troops, although the Japanese Government was desirous of withdrawing within the railway zone as soon as possible — and finally, it was to be hoped — the few effectives still outside the zone.

The following day, October 23rd, the representative of China stated that his Government, although it had hoped that, this time, the Council would settle the question of the withdrawal of the Japanese troops speedily and completely, had authorised him to accept the resolution, which it regarded as a "bare minimum". The delay provided for the evacuation of those troops appeared, however, to the Chinese Government to be very long. Further, the term "evacuation" included, he
The President then read a counter-resolution submitted by M. Yoshizawa. In this draft, paragraphs 1, 2 and 3 were the same as those of the Council resolution. On the other hand, paragraphs 4, 5, 6, 7 and 8 of the counterdraft read as follows:

"(4) Again notes the statement by the representative of Japan made on October 13th to the effect that the Japanese Government would withdraw those of its troops still remaining in a few localities outside the said zone, as the present atmosphere of tension clears and the situation improves by the achievement of a previous understanding between the Chinese and Japanese Governments as regards the fundamental principles governing normal relations — that is to say, affording an assurance for the safety of the lives of Japanese nationals and for the protection of their property;

"(5) Recommends the Chinese and Japanese Governments to confer together at once with a view to arriving at the understanding mentioned in paragraph 4;

"(6) Recommends the Chinese and Japanese Governments to appoint representatives to arrange the details of execution of the evacuation and of taking over the districts evacuated;

"(7) Asks the Chinese and Japanese Governments to be so good as to keep the Council informed of the progress of the negotiations between them and the position as regards the execution of the present resolution;

"(8) Authorises its President to take, after examination of the above communications, all such measures as he may think necessary to ensure the carrying out of the present resolution, and to convene the Council at any time with a view to a fresh examination of the position."

In an explanatory statement, M. Yoshizawa made it known that the Japanese Government, seeing that feeling was running high in Manchuria and having in view the conditions of disorder prevailing in that region, did not deem it possible to fix a definite date by which the evacuation could be completed. The Japanese Government regarded it as absolutely essential that a calmer frame of mind should be restored; with this object, it had "determined a number of fundamental points upon which normal relations between China and Japan should be based ".

The representative of China stated that he could not accept the Japanese proposal.

The British representative having enquired what the "fundamental principles" were, M. Yoshizawa replied that they were "the means of safeguarding, as a first step, the lives and security of Japanese nationals and the protection of their property ".

On October 24th (morning session), M. Yoshizawa repeated that those "fundamental points" were "only intended to ease the situation and to facilitate the re-establishment of normal relations between the two countries ". He added that, as he had stated the previous day, he had no objection to a meeting of the Council on November 16th and therefore would agree to Point 8 of his resolution being omitted and being replaced by the text of Point 7 of the draft submitted by the President.

Replying to further questions of the British and Spanish representatives concerning the fundamental points, M. Yoshizawa explained that his Government held "certain views ", but that he could not "communicate these views officially " until his Government had authorised him to do so. It was natural that his Government should wish to enter into negotiations with China in order to reach agreement on a number of questions with a view to ensuring the security of the lives and property of Japanese nationals in Manchuria. Later, the Japanese representative stated that his Government thought it preferable not to enumerate the fundamental principles in the resolution or to discuss the details of those principles at the Council table, as they could usefully be discussed between the two countries.

At the meeting on the morning of October 24th, the President pointed out that the Council must reach a conclusion. The fundamental difference between the draft resolution proposed by all the Members of the Council except the two parties and the counter-proposal submitted by the representative of Japan was the measures proposed with a view to ensuring the safety of property and persons, as had been promised by China to enable Japan to withdraw her troops.

The Council's text at any rate possessed the merit of being clear; it could not be interpreted in several ways. Further, it was based on a desire to ensure respect for treaty obligations, on the undertakings already entered into by the parties, and, in particular, on the statement by the
Japanese representative, accepted in the resolution of September 30th — that is to say, before the dispute had become embittered. That declaration referred, in the matter of safety, to steps which could not fail to be taken rapidly; otherwise, Japan would not at that date have commenced evacuation and have promised to complete that evacuation at an early date. Moreover, Japan, which always so scrupulously honours her obligations, could not entertain the idea of settling her dispute with China by other than pacific means. Public opinion would not readily admit that a military occupation under these circumstances could be regarded as coming under the heading of pacific means.

As regards the counter-proposal submitted by the Japanese representative, it was impossible for members of the Council to accept, in a spirit of conciliation, a reference to fundamental points, without knowing what those points were and without having the right to formulate and discuss them.

The representative of Japan having repeated that his Government had no intention of settling the difference by military force, that its only desire was to ensure effectively the security of its nationals, and that the draft resolution appeared to it inadequate in that respect, the Council proceeded to vote on the resolutions. The Japanese counter-resolution was first put to the vote, only Japan voting in favour. Then, with the exception of Japan, which voted against the motion, the members of the Council pronounced in favour of the draft resolution.

Before adjourning until November 16th, the President stated that, since the sole anxiety of the Japanese Government was to ensure the necessary safeguards for Japanese nationals and their property, he ventured to hope that, between then and the next meeting of the Council, the Japanese Government would continue the evacuation, already begun, thereby proving by its acts that it was straining every effort to end the conflict.

CHINA’S STATEMENT REGARDING HER INTERNATIONAL OBLIGATIONS.

The British representative having, at the meeting on October 24th, made certain observations regarding the sacredness of treaties and the procedure to be followed for the settlement of all disputes concerning their validity or interpretation, the Chinese representative that same evening made to the President of the Council, on behalf of his Government, the following declaration:

"China, like every Member of the League of Nations, is bound by the Covenant to a scrupulous respect for all treaty obligations." The Chinese Government for its part is determined loyally to fulfil all its obligations under the Covenant. It is prepared to give proofs of this intention by undertaking to settle all disputes with Japan as to treaty interpretation by arbitration or judicial settlement, as provided in Article 13 of the Covenant.

"In pursuance of this purpose, the Chinese Government is willing to conclude with Japan a treaty of arbitration similar to that recently concluded between China and the United States of America, or to those concluded of recent years in increasing numbers between Members of the League."

DECLARATION BY THE JAPANESE GOVERNMENT CONCERNING THE FIVE FUNDAMENTAL POINTS.

The Japanese Government, in a statement published on October 26th at Tokio and communicated to the Council on October 27th, said that the “fundamental principles” related to the following points:

1. Mutual repudiation of aggressive policy and conduct.
2. Respect for China’s territorial integrity.
3. Complete suppression of all organised movements interfering with freedom of trade and stirring up international hatred.
4. Effective protection throughout Manchuria in order to allow Japanese nationals to engage there in any peaceful pursuits.
5. Respect for treaty rights of Japan in Manchuria.

The Japanese Government added that it was still prepared to enter into negotiations with the Chinese Government on the subject of these fundamental points concerning the normal relations between Japan and China and the withdrawal of the Japanese troops into the railway zone.

REPLY OF THE PRESIDENT OF THE COUNCIL.

The President of the Council replied to this communication in a letter dated October 29th in which he pointed out that independently of the vote taken on the 24th, which retained its full moral force, the Council still had before it from the juridical standpoint a valid resolution — namely, that which had been adopted on September 30th and which retained its full executory
force. In that resolution, the Council had noted the statement made by the Japanese representative to the effect that the Japanese Government "is continuing as rapidly as possible the withdrawal of its troops, which has already begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals is effectively assured, and that it hopes to carry out this intention in full as speedily as may be".

The President of the Council then went on to say that the first four points of the Japanese Government seemed to him to be contained not only in the draft resolution of October 22nd, which had been approved by the Chinese representative, but also in the counter-draft of the Japanese representative, the three first paragraphs of these two drafts being identical, so that they might be regarded as expressing the will of the two parties. With regard to the fifth point, the President referred to the letter addressed to him by the Chinese representative on October 24th concerning the respect for treaty obligations:

"It therefore, appears to me, and I feel sure that my colleagues on the Council, including, I trust, Your Excellency, will agree that the Chinese Government have given to the Council of the League, on which Japan has a permanent representative, pledges which cover the various fundamental principles raised by the Japanese Government."

REPLY OF JAPAN.

On November 7th, the Japanese Government replied to the President of the Council's letter:

"... It is pointed out in your note that the first four points of the five fundamental principles mentioned in the Japanese declaration of October 26th are virtually embodied in the proposition of October 24th.

"Your Excellency, however, will no doubt perceive that the terms of the proposition are not sufficiently explicit or comprehensive to cover all implications of the four points in question. As regards the final point — viz., guarantee of respect for Japanese treaty rights in Manchuria — the terms of the letter addressed to you on October 24th by the Chinese representative seem to give rise to doubt whether the Chinese Government contemplates calling in question the validity of some of the treaties constituting the basic embodiment of relations between Japan and China. It may be needless to state that the Japanese Government could not for a moment entertain such a contention.... The Japanese Government trust that they have made it clear that the five fundamental principles mentioned in the Japanese declaration of October 26th are no more than those that are commonly observed in intercourse of ordered communities with one another. Unless and until an arrangement is reached between Japan and China on the basis of those principles no measure of security for the lives and property of Japanese subjects sufficient to enable the withdrawal of Japanese troops to the railway zone can possibly be assured."

CHINESE PROTEST CONCERNING THE SEIZURE OF THE REVENUE OF THE SALT MONOPOLY.

On November 3rd, the Chinese representative forwarded to the President of the Council information to the effect that the Japanese military authorities had in certain Manchurian towns seized the revenue from the salt tax. In reply to a letter from M. Briand, the Japanese representative stated on November 6th, on the strength of information received from Tokio, that this information was quite unfounded. On November 8th, in a new communication to the President of the Council, the Chinese representative reiterated his protest.

EXTENSION OF MILITARY OPERATIONS TO NORTHERN MANCHURIA.

Incidents moreover were spreading towards Northern Manchuria. To the south of Tsitsikar, the railway bridges of the Taonan-Anganchi railway over the River Nonni having been destroyed, the Japanese decided to repair them, and sent troops to the district. These troops having come into contact with the Chinese troops of General Ma Chan-Shan, the President of the Council sent a telegram on November 6th to the Japanese and Chinese Governments reminding them that they had given assurances that they would take all necessary steps to avoid aggravating the situation. He therefore asked them to issue instructions without delay to the officers commanding their respective forces with a view to removing all possibility of sanguinary engagements between Chinese and Japanese troops.

On November 8th, the Chinese and Japanese Governments replied to the President of the Council. The former asked in particular that the Powers should send representatives to observe the situation on the spot; the latter stated that orders had already been given on November 6th to limit to what was strictly necessary the operations intended to protect the rebuilding of the railway

4 See document C.810.M.400.1931.
bridges, and that there was no reason to fear an aggravation of the situation if the Chinese did not resort to new acts of hostility.\(^1\)

On November 11th, the President, in a second appeal addressed to Nanking and Tokio, insisted once more that the officers commanding the opposing forces should receive strictest orders to refrain from any further action. At the same time, he asked that facilities should be accorded to the observers which the Members of the Council would send to the neighbourhood of the Nonni bridges.\(^2\)

**FURTHER MEETING OF THE COUNCIL (PARIS, NOVEMBER 16TH).**

In accordance with its decision of October 24th, the Council met again on November 16th. This meeting took place in Paris.

**Co-operation of the United States of America.**

The Government of the United States of America had sent to Paris General Dawes, their Ambassador in London. General Dawes was not present at the Council meetings; he had interviews with the President and other members of the Council.

**Examination of the Situation at Private Meetings.**

From its first meeting, the Council decided to begin by examining, at private meetings, the situation which had developed since the previous month and the procedure to be followed with a view to settling the dispute.

From November 17th to 21st, the members of the Council, other than the representatives of the parties, held frequent meetings, and the President of the Council had numerous interviews with the representatives of the parties.

Japan, however, continued to complain of anti-Japanese agitation in central and southern China. On the other hand, in Manchuria the Japanese army, after requesting the Chinese troops of General Ma to withdraw, put them to rout. The Japanese forces reached and even went beyond the Eastern Chinese railway, entering Angangchi and Tsitsikar. The Japanese Government stated that traffic had been re-established on the railway almost immediately, and that a portion of its troops had withdrawn from Tsitsikar. China protested against the occupation by Japan of the greater part of Southern Manchuria and the installation of local puppet-governments.

**Japanese Proposal for a Commission of Enquiry.**

On November 21st, at a public meeting of the Council, the President reiterated once more the essential points of the resolution of September 30th, which retained its full executory force. Referring to the seriousness of the events in Manchuria, he added that the efforts of the Council to settle the dispute might be rendered vain if military operations continued and if public opinion in the two countries could not recover the calm necessary to enable the two Governments to co-operate, in full confidence, with the Council for the maintenance of peace.

The representative of Japan, after stating that the Japanese Government was anxious that the resolution of September 30th should be observed in the spirit and the letter, proposed, in view of the complexity of the situation both in Manchuria and in China proper and in order that the Council might obtain an impartial view of the situation, that a Commission of Enquiry should be sent to the spot. That Commission would not be empowered to intervene in the negotiations which might be initiated between the two parties, or to supervise the movements of the military forces. The Japanese Government's view was that the creation and despatch of this Commission would in no way modify Japan's desire to withdraw her troops as quickly as possible within the railway zone in pursuance of the resolution of September 30th.

The representative of China stated that his Government could not bargain for the withdrawal of the Japanese troops. If further assurance were deemed necessary for securing the safety of life and property in the evacuated areas, his Government would accept any reasonable arrangement involving neutral co-operation under the auspices of the League. With a view to securing the evacuation of her territory, China had the firm intention of availing herself, as circumstances might require, of all the rights secured to her under Article 11 and the other articles of the Covenant.

The principal questions the Council had to consider were, in his opinion, the cessation of hostilities and the withdrawal of the Japanese troops. As regarded the proposal to set up a Commission of Enquiry, the representative of China could not express an opinion until the exact scope of the proposal was known.

The members of the Council having declared themselves in favour of the setting-up of a Commission, the Council unanimously decided to study the Japanese representative's proposal.

**Preparation of a Draft Settlement.**

On November 24th, after further meetings of the members of the Council other than the parties to the dispute, a draft settlement was framed in the form of a resolution. The general lines of this draft, which was communicated to the two parties, were as follows:

Further reference to and reaffirmation of the resolution of September 30th, by which the two parties declared that they were solemnly bound. The two Governments were therefore invited


to take all steps necessary to ensure the execution of this resolution, so that the withdrawal of the Japanese troops within the railway zone might be effected as speedily as possible. The two parties were further to undertake to issue the strictest orders to the officers commanding their forces to refrain from any action which might lead to further incidents and loss of life; the parties were also to promise that they would adopt all measures necessary to avoid any further aggravation of the situation. The members of the Council were moreover invited to furnish the Council with any information received from their representatives on the spot, while a Commission was to be set up to study the situation on the spot. This Commission, on which both China and Japan were to be represented by an assessor, would have to report to the Council on any circumstance which, affecting international relations, threatened to disturb the peace between China and Japan, or the good understanding between them on which peace depended.

Finally, the draft settlement laid down that the appointment and work of the Commission should not prejudice in any way the undertaking given by the Japanese Government and embodied in the resolution of September 30th to withdraw its troops within the railway zone.

This draft settlement was published on November 25th. General Dawes, in a statement to the Press, stated that the Government of the United States of America approved the draft as a whole and urgently recommended its acceptance by China and Japan.

On November 26th, the members of the Council, other than the representatives of the parties, appointed a drafting committee to put the finishing touches to the draft settlement. This Committee consisted of the following members: the President-in-Office of the Council or his representative, the representatives of the British Empire, of Spain and Norway.

Development of the Situation in the Region of Chinchow. Question of the Creation of a Neutral Zone.

At this time, communications from the Chinese and Japanese Governments drew the Council’s attention to the situation which was developing in south-western Manchuria near Chinchow, the provisional headquarters of the provincial Government of Manchuria, and the headquarters of Marshal Chang-Hsueh-Liang since the latter had been obliged to evacuate Mukden.

On November 24th, the Japanese Government contradicted the “absurd” Press reports concerning a Japanese offensive against Chinchow. “The rumours might possibly have been caused by the despatch of troops for the purpose of dispersing the brigands along the South Manchurian Railway to the south of Mukden.” On November 25th, the representatives of both Governments expressed their anxiety regarding the situation. The Chinese Government, in particular, requested the Council to take the necessary steps to establish a neutral zone between the Chinese and Japanese forces, the zone in question to be occupied by neutral detachments under Council authority, in which case China would, if requested by the Council, withdraw her forces to within the Great Wall.

On November 26th, the members of the Council other than the parties proceeded to a fresh exchange of views. The President informed them that he had just had conversations with the representatives of China and Japan in which both had again drawn his attention to the situation in the Chinchow district. As the Chinese proposal for a neutral zone occupied by international detachments encountered practical difficulties, the members of the Council, other than the parties, substituted the following suggestion which was immediately communicated to the Chinese and Japanese representatives:

“We have decided to submit the following proposal to our respective Governments:

“It is proposed that those Governments which are able to send observers to the Chinchow region should give them the following instructions:

“(1) The observers shall, in concert with one another, examine the possibility of establishing as between the Chinese and Japanese troops a neutral zone or any other system calculated to prevent any collision between the troops of the two parties;

“(2) The said observers will, in concert with one another, consider the means of establishing liaison with the commanders of the Chinese and Japanese forces with a view to the necessary arrangements being made.

“In order that these instructions may produce the desired results, the commander of the Chinese forces should be authorised to get into touch with the observers in question.”

Meanwhile, Dr. Wellington Koo, who had been appointed Minister for Foreign Affairs at Nanking, had conversations with the Ministers of Great Britain, France and the United States of America on October 24th and made the following declaration:

“In order to avoid any collision, China, as a temporary measure and pending a general settlement of the Manchurian question, is prepared, if Japan insists, to withdraw the Chinese
troops from Chinchow to Shanghai-kwan, on condition that Japan gives a satisfactory under-taking to Great Britain, France and the United States not to penetrate into this zone and to leave intact the Chinese civil administration, including the police.”

The Japanese representative replied on November 28th to the communication of the President of the Council and rejected the proposal contained in this communication, but referred to the suggestion made by the Chinese Minister for Foreign Affairs:

“With reference to my letter of November 27th, I have the honour to acquaint you that my Government has just informed me that it has examined with great care the proposal submitted to the Governments represented on the Council.

“The policy which the Japanese Government has so far consistently pursued in the true interest of good relations between China and Japan has been not to resort, in disputes capable of direct settlement with China, to the interposition of third parties; and it cannot but pursue this line of conduct in the present case.

“Within these limits it will, of course, always be prepared to give the fullest consideration to any means of avoiding a conflict. It was in this spirit that it welcomed China's recent proposal, which was transmitted to it by His Excellency the French Ambassador at Tokio.

“With reference to my letter of November 27th, I have the honour to acquaint you that my Government has just informed me that it has examined with great care the proposal submitted to the Governments represented on the Council.

“The policy which the Japanese Government has so far consistently pursued in the true interest of good relations between China and Japan has been not to resort, in disputes capable of direct settlement with China, to the interposition of third parties; and it cannot but pursue this line of conduct in the present case.

“The Japanese Government at the same time expressed its readiness to order its competent authorities on the spot to enter into negotiations at any moment with the local Chinese authorities regarding the exact determination of the above-mentioned zone and the detailed measures for giving effect to this arrangement.

“Under these circumstances it would be desirable in the opinion of the Japanese Govern-ment to see how the above-mentioned suggestions will be received.”

Meanwhile, the bulk of the Japanese forces were withdrawing within the railway zone; only small detachments remained in a few localities between this zone and the Liao River and at Sinminfu, on the right bank of that river, for the protection of the zone against brigands.

After this withdrawal, the Japanese Government, continuing to fear that operations might have to be undertaken against the brigands, which might lead to a clash between Japanese forces and those of Marshal Chang-Hsueh-Liang, asked the Council to pursue its endeavours for the establishment of the neutral zone, referred to in its letter of November 28th.

The efforts of the members of the Council met with no success and, on the last day of the session, the President made the following statement:

“On November 26th, the two parties advised us of the apprehension which they felt owing to the situation in the Chinchow district. We thereupon took steps to avert the immediate danger thus brought to our notice and we remain ready to take any special action if the necessity should occur again. The observers sent to that area have noted, on the one hand, that the Japanese troops have been adequately withdrawn and, on the Chinese side, that no movements or preparations of an offensive character were taking place. The Council is therefore entitled to be confident that there will be no further hostilities and that, even if there is no official delimitation of a demilitarised zone, the definite undertakings which have been accepted on both sides will in any case suffice to prevent any further clash.”

Resolution of December 10th, 1931.

While pursuing their efforts to prevent an extension of hostilities in the south-west of Manchuria, the members of the Council, in agreement with the parties, prepared the final text of the draft resolution which was submitted at a public meeting on December 9th. This reads as follows:

“The Council:

“(1) Reaffirms the resolution passed unanimously by it on September 30th, 1931, by which the two parties declare that they are solemnly bound; it therefore calls upon the Chinese and Japanese Governments to take all steps necessary to assure its execution, so that the withdrawal of Japanese troops within the railway zone may be effected as speedily as possible under the conditions set forth in the said resolution;

“(2) Considering that events have assumed an even more serious aspect since the Council meeting of October 24th;
“Notes that the two parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life;

“(3) Invites the two parties to continue to keep the Council informed as to the development of the situation;

“(4) Invites the other members of the Council to furnish the Council with any information received from their representatives on the spot;

“(5) Without prejudice to the carrying out of the above-mentioned measures;

“Desiring, in view of the special circumstances of the case, to contribute towards a final and fundamental solution by the two Governments of the questions at issue between them:

“(4) Invites the other members of the Council to furnish the Council with any information received from their representatives on the spot;

“Decides to appoint a Commission of five members to study on the spot and to report to the Council on any circumstance which, affecting international relations, threatens to disturb peace between China and Japan, or the good understanding between them, upon which peace depends;

“The Governments of China and of Japan will each have the right to nominate one assessor to assist the Commission.

“The two Governments will afford the Commission all facilities to obtain on the spot whatever information it may require;

“It is understood that, should the two parties initiate any negotiations, these would not fall within the scope of the terms of reference of the Commission, nor would it be within the competence of the Commission to interfere with the military arrangements of either party.

“The appointment and deliberations of the Commission shall not prejudice in any way the undertaking given by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone.

“(6) Between now and its next ordinary session, which will be held on January 25th, 1932, the Council, which remains seized of the matter, invites its President to follow the question and to summon it afresh if necessary.”

The President then read the following declaration:

“It will be observed that the resolution which is before you provides for action on two separate lines: (1) to put an end to the immediate threat to peace; (2) to facilitate the final solution of existing causes of dispute between the two countries.

“The Council was glad to find during its present sittings that an enquiry into the circumstances which tend to disturb the relations between China and Japan, in itself desirable, would be acceptable to the parties. The Council therefore welcomed the proposal to establish a Commission which was brought before it on November 21st. The penultimate paragraph of the resolution provides for the appointment and functioning of such a Commission.

“I shall now make certain comments on the resolution paragraph by paragraph.

“Paragraph 1. — This paragraph reaffirms the resolution unanimously adopted by the Council on September 30th, laying particular stress on the withdrawal of the Japanese troops within the railway zone on the conditions described therein as speedily as possible.

“The Council attaches the utmost importance to this resolution and is persuaded that the two Governments will set themselves to the complete fulfilment of the engagements which they assumed on September 30th.

“Paragraph 2. — It is an unfortunate fact that, since the last meeting of the Council, events have occurred which have seriously aggravated the situation, and have given rise to legitimate apprehension. It is indispensable and urgent to abstain from any initiative which may lead to further fighting, and from all other action likely to aggravate the situation.

“Paragraph 4. — Under paragraph 4, the Members of the Council other than the parties are requested to continue to furnish the Council with information received from their representatives on the spot.

“Such information having proved of high value in the past, the Powers which have the possibility of sending such representatives to various localities have agreed to do all that is possible to continue and improve the present system.

“For this purpose, these Powers will keep in touch with the two Parties, so that the latter may, should they so desire, indicate to them the localities to which they would desire the despatch of such representatives.
"Paragraph 5 provides for the institution of a Commission of Enquiry. Subject to its purely advisory character, the terms of reference of the Commission are wide. In principle, no question which it feels called upon to study will be excluded, provided that the question relates to any circumstances which, affecting international relations, threaten to disturb peace between China and Japan, or the good understanding between them, upon which peace depends. Each of the two Governments will have the right to request the Commission to consider any question the examination of which it particularly desires. The Commission will have full discretion to determine the questions upon which it will report to the Council, and will have power to make interim reports when desirable.

“If the undertakings given by the two parties according to the resolution of September 30th have not been carried out by the time of the arrival of the Commission, the Commission should as speedily as possible report to the Council on the situation.

“It is specially provided that, 'should the two parties initiate any negotiations, these would not fall within the scope of the terms of reference of the Commission, nor would it be within the competence of the Commission to interfere with the military arrangements of either party'. This latter provision does not limit in any way its faculty of investigation. It is also clear that the Commission will enjoy full liberty of movement in order to obtain the information it may require for its reports.'"

On December 10th, the Japanese representative informed the Council that his Government would agree to the draft resolution.

As regards paragraph 2, he said "I am happy to accept it on behalf of the Japanese Government, on the understanding that it is not intended to preclude the Japanese forces from taking such action as may be rendered necessary to provide directly for the protection of the lives and property of Japanese subjects against the activities of bandits and lawless elements rampant in various parts of Manchuria. Such action is admittedly an exceptional measure called for by the special situation prevailing in Manchuria, and its necessity will naturally be obviated when normal conditions shall have been restored in that region."

The Chinese representative, M. Sze, declared that he accepted the resolution, as interpreted by the President of the Council, but, as the entire arrangement was a practical one designed to meet a pending emergency, it became necessary for him, in the interest of a complete understanding, to record certain observations and reservations on points of principle as follows:

I. China must and does fully reserve any and all rights, remedies, and juridical positions to which she is or may be entitled under and by virtue of all of the provisions of the Covenant, under all the existing treaties to which China is a party and under the accepted principles of international law and practice.

II. The present arrangement evidenced by the resolution and the statement made by the President of the Council is regarded by China as a practical measure embodying four essential and interdependent elements:

(a) Immediate cessation of hostilities;

(b) Liquidation of the Japanese occupation of Manchuria within the shortest possible period of time;

(c) Neutral observation and reporting upon all developments from now on;

(d) A comprehensive enquiry into the entire Manchurian situation on the spot by a Commission appointed by the Council.

The said arrangement being in effect and in spirit predicated upon these fundamental factors, its integrity would be manifestly destroyed by the failure of any one of them to materialise and be effectively realised as contemplated.

III. China understands and expects that the Commission provided for in the resolution will make it its first duty to enquire into and report, with its recommendations, on the withdrawal of the Japanese forces if such withdrawal has not been completed when the Commission arrives on the spot.

IV. China assumes that the said arrangement neither directly nor by implication affects the question of reparations and damages to China and her nationals growing out of the recent events in Manchuria, and makes specific reservation in that respect.

V. In accepting the resolution laid before us, China appreciates the efforts of the Council to prevent further fighting and bloodshed by enjoining both China and Japan to avoid any initiative which may lead to further fighting or any other action likely to aggravate the situation. It must be clearly pointed out that this injunction should not be violated under the pretext of the existence of lawlessness caused by a state of affairs which it is the very purpose of the resolution to do away with. It is to be observed that much of the lawlessness now prevalent
VI. China notes with satisfaction the purpose to continue and improve the present system of neutral observation and reporting through representatives of other Powers, and China will from time to time, as occasion requires, indicate the localities to which it seems desirable to despatch such representatives.

VII. It should be understood that, in agreeing to this resolution, which provides for the withdrawal of the Japanese forces to the railway zone, China in no way recedes from the position she has always taken with respect to the maintenance of military forces in the said railway zone.

VIII. China would regard any attempt by Japan to bring about complications of a political character affecting China’s territorial or administrative integrity (such as promoting so-called independence movements or utilising disorderly elements for such purposes) as an obvious violation of the undertaking to avoid any further aggravation of the situation.

The British representative, Lord Cecil, was glad to note that both China and Japan had accepted the resolution. As regards paragraph 2, he said, “There can be no doubt that the situation in Manchuria is difficult and exceptional, and that circumstances may well arise there which will cause danger to Japanese lives and property from elements of the population out of control. If an emergency of that kind should arise, it might become inevitable that Japanese forces in the neighbourhood should take action against bandits and the like. But I welcome the recognition by my Japanese colleague of the exceptional character of the situation, and that the necessity for such exceptional action will come to an end as soon as normal conditions have been restored. In saying this, I do not mean to suggest that the Japanese declaration weakens the obligation set out in paragraph 2 of the resolution to avoid any action which might lead to a recrudescence of fighting between the Chinese and Japanese troops, or a further aggravation of the situation.

M. de Madariaga (Spain) associated himself with Lord Cecil’s words.

The draft resolution was then unanimously adopted.

The President, after noting with satisfaction the results of the vote, recalled that the situation between China and Japan had been brought before the Council under Article XI of the Covenant. In such a special case the Council could not be expected to draw up a model settlement which could serve as a precedent for the future. Article XI, which required a unanimous vote, obliged the Council to seek a solution on the lines of conciliation and compromise. While the Council fixed no time-limit for the complete evacuation of the Japanese troops into the railway zone, it was none the less firmly convinced that the withdrawal would be carried out as rapidly as possible, under the conditions laid down in the resolution of September 30th. The despatch to the spot of a Commission of Inquiry would enable the Council to continue its effort with due regard to all the factors of the problem, which was of a very special character, owing to the exceptional nature of the treaty or customs relations existing in normal times between the two countries, and also because the special status of one of them was governed by the international obligations of the Nine-Power Convention concluded at Washington in 1922, which fixed no time-limit for the complete evacuation of the Japanese troops into the railway zone.

The President then summarised the first results obtained. The war which had threatened to be averted by the American Commission was about to leave for China and, long before it had been set up, both parties had freely agreed that neutral observers should be sent to the spot. The President concluded by thanking the United States for having assisted in the work of the Council by means of parallel and incessant activities within the limits it had itself determined.