
[Ref.A.II.]


I have the honour to inform you that the armistice meeting which was to have been held in Shanghai yesterday between the Chinese and Japanese representatives did not take place for the following reason:

As originally understood, the Chief Commanders of the two forces—namely, Generals Chiang Kwang-nai and Shirakawa—were to participate in the negotiations yesterday, but at the last moment the Japanese appointed Lieutenant-General Uyeda instead, so that General Chiang was obliged to stay away also from the meeting. It is now agreed that the formal armistice meeting will take place to-day (Thursday), and the Chinese Government has appointed General Tai-Chi as its military delegate.

(Signed) W. W. Yen.


[Ref.A.I2.]


I have the honour to communicate to you the following telegram concerning the proceedings of the Armistice Conference held yesterday (Thursday) at Shanghai, sent by our representative at the Conference, M. Quo Tai-Chi, Vice-Minister for Foreign Affairs.

"Two meetings were held to-day (Thursday, 24th), but the result was disappointing due principally to the fact that the Japanese representatives were continually insisting on the discussion of irrelevant questions. I declared at the morning session that I would dissociate myself from the discussion, if the Japanese should continue to bring up questions outside the scope of the agreed draft agenda. General Uyeda is the chief delegate of Japan, with Minister Shigemitsu as assistant. Discussion will be resumed on Friday (March 25th)."

I shall be obliged to you to circulate the above information to the Members of the Assembly.

(Signed) W. W. Yen.

6. Communication dated March 29th, 1932, from the Chinese Delegation to the Secretary-General of the League of Nations.

[Ref.A.I2.]


I have the honour to communicate to you the following summary of telegrams received from M. Quo Tai-Chi, Vice-Minister for Foreign Affairs, with regard to the armistice negotiations held in Shanghai during the last few days, and to request that you will be good enough to bring the attention of the President and Members of the Assembly to the same:

"The discussions on March 25th revealed unmistakably Japan's intention to ignore the provisions of the original draft Agreement and also the Assembly's resolution regarding the withdrawal of Japanese troops. The morning session was wasted over bickerings as to the accommodation of sick Japanese soldiers and horses in areas to be evacuated. During the afternoon's meeting, the military sub-committee, consisting of military representatives of both sides, assisted by the military attaches of the participating friendly Powers, brought in a report revealing that Japan was willing only to withdraw to what they called the second line, running straight from the Szetseling forts to Yanghangchen, Tatsand and Chenju.
It was obvious that Japan's idea of withdrawal meant the maintenance of the army of occupation in the so-called adjacent areas between the Settlement limits and the above-mentioned line. The Japanese representatives also declared that the time-limit required for the withdrawal to the above indicated line would be six weeks. Asked as to when the withdrawal into the International Settlement would begin, the Japanese stated that it was uncertain, depending upon conditions. It seemed impossible to continue discussions so long as Japan ignored the principle provided in the Assembly's resolution and the original draft Agreement, providing for withdrawal into the International Settlement and the extra-Settlement roads in the Hongkew district within a fixed period. However, both sides were urged strongly by the British and American Ministers to China to continue the discussions.

"The discussions on March 26th centred mainly upon Article 3 of the draft Agreement, regarding the constitution and functions of the Joint Commission to certify to the withdrawal. The article itself and the annex thereto were accepted by both sides with the additional provision, which was suggested by Sir Miles Lampson as a compromise to the Japanese demand for aerial reconnoitring. The additional provision reads:

"The Commission may, in accordance with its decision, invoke the assistance of representatives of the participating friendly Powers in arranging reconnaissance by aeroplane over such points as may be considered necessary in order to watch the performance of the provisions for the cessation of hostilities."

"The Japanese agreed to consider the above provision.

"The military sub-committee this morning reported that the Japanese were prepared to abandon the Szetseling-Chenju line, but proposed holding the Woosung, Yihng-siangh-sien, Kiangwan and Chapei districts. It was reported this evening the Japanese military were prepared to abandon Paoshan, Woosung, Kiangwan and Chapei, but wanted Yihngsianghsien for accommodating their troops. The participating foreign military attaches pointed out the difficulty confronting Japan's immediately withdrawing fifty thousand troops and five thousand horses.

"In the meeting on March 28th, the discussions practically reached a deadlock, as a result of Japan's refusal to declare complete withdrawal within a fixed period, on which the Chinese insisted and which the Japanese were equally determined to refuse.

"Another difficult problem lies in the definition and meaning of the phrase 'adjacent territory,' which the Japanese military declared must include the Woosung district, except the forts, and also Kiangwan, Chapei, and the north-eastern district adjoining Yangtsepoo. From all indications, it was clear that the Japanese were adamant in refusing to withdraw completely and insisting on occupying part of the territory under their control. In view of such an attitude on the part of the Japanese, it was futile to continue the discussions."

In communicating to you the above summary of telegrams for the information of the Assembly, I have the honour to point out that the Japanese seem bent on ignoring the original draft Agreement as well as the Assembly resolution concerning the Armistice, which cannot but bring in its train uncertainties in and around the Shanghai area for which the Japanese must be held responsible.

(Signed) W. W. YEN.


7. COMMUNICATION DATED APRIL 11TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.(20).]

Geneva, April 11th, 1932.

I have the honour to inform you that I have received a telegram from my Government to the effect that the armistice negotiations at Shanghai have again reached a critical stage, where agreement between the Chinese and Japanese Governments is very unlikely.

Under the circumstances, I am instructed by my Government to present the latest phase of the negotiations to the members of the Special Committee, and to request for a meeting of the same.

I shall be deeply obliged if you will kindly transmit the request to His Excellency M. Hymans, President of the Special Committee, so that a meeting of the Special Committee may be arranged at an early date.

(Signed) W. W. YEN.
I have the honour to enclose herewith copies of a memorandum, together with a summary of the proceedings, on the Shanghai armistice negotiations, which have been going on since March 14th. As the contents of the summary have been sent here by telegraph, it must be obvious that they cannot be complete, but they give a faithful account of what has happened at the negotiations. I shall be obliged to you to circulate the memorandum and its annex, the summary, among the members of the Special Committee.

(Signed) W. W. Yen.

On March 4th, the day after it opened in extraordinary session, the Assembly unanimously adopted a resolution calling upon the Governments of China and Japan to take immediately the necessary measures to ensure the effective cessation of hostilities and recommending that negotiations be entered into by the Chinese and Japanese representatives with the assistance of the military, naval and civilian authorities of the Powers which have special interests in the Shanghai settlements for the conclusion of arrangements which should render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces.

This resolution further refers to the plan of pacification announced by M. Paul-Boncour, the President of the Council, in the Council meeting of February 29th. On this occasion, M. Paul-Boncour had submitted a plan for the cessation of hostilities and holding of a Conference to restore peaceful conditions in the Shanghai area. The plan further indicated the basis on which the Conference should be held and added that the meeting of the Conference was, of course, subject to the making of local arrangements for a cessation of hostilities.

When the Special Committee of the Assembly met on March 17th, it took note of the fact that hostilities had virtually ceased and that the discussion for rendering this cessation definite and regulating the withdrawal of the Japanese forces had begun. It considered a communication from the Chinese Government stating that the armistice discussions at Shanghai had practically reached a deadlock because of the submission by the Japanese representative of a separate note and a request for an amendment to the agenda of the armistice conference. On this occasion, the President stated that if the separate note were being put forward as a condition for the armistice it would constitute making a political condition, which was incompatible with the Assembly resolution of March 4th for the cessation of hostilities and the restoration of peaceful conditions in the Shanghai area. The President further interpreted the proposed amendment to the agenda. Both the ruling of the separate note and the interpretation were concurred in by several members of the Committee, including the Japanese representative. The Minutes record the following observations of the Swiss delegate, M. Motta:

"The Chairman'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 Government on this point, and M. Motta was glad to observe that opinion was unanimous in this respect."

The President expressed his satisfaction that his interpretation of the amendment had been accepted by M. Sato, and that with reference to the separate note the Japanese representative had stated that it was merely a proposal to China and not an armistice condition. The President requested the Chinese and Japanese representatives to inform their Governments with regard to the statements made at the meeting of the Committee, and this information was duly sent by the Chinese representative.

More than three weeks have passed since the March 17th meeting and the armistice negotiations have reached no definite conclusion. It is true that for the time being fighting has virtually ceased and no blood is being shed. This is indeed a precious result and one for which the Chinese Government wishes herewith to express the profound gratitude of the Chinese people to the Assembly and its President.

But it is clear that the present situation is precarious and that, so long as agreement has not been reached, peace, which has never ceased to be troubled by occasional skirmishing and aeroplane raids, is at the mercy daily, almost hourly, of an incident. All the meetings and laborious discussions of the last three weeks have failed to achieve agreement on arrangements rendering definite the cessation of hostilities and regulating the withdrawal of the Japanese forces in accordance with the terms of the Assembly resolution of March 4th, and so have postponed the carrying out of the plan submitted by M. Paul-Boncour for the holding of a Round Table Conference at Shanghai.

The principal obstacle to the fulfilment of the Assembly resolution accepted by both China and Japan is in the view of the Chinese Government the steady insistence of the Japanese Government that the withdrawal of its forces to the International Settlement and the extra-Settlement
roads must be subordinated to Japanese views as to when "conditions" in and around Shanghai have sufficiently improved to warrant a sense of security by Japanese subjects. Meanwhile, the Japanese Government is pressing for the opening of the Shanghai Conference before Japanese troops have withdrawn.

In the circumstances, the urgent need of the situation appears to be, in the view of the Chinese Government, to dissipate the confusion and to adopt a clear-cut plan of procedure which should make it possible to bring the armistice discussions to a successful conclusion and so pave the way for holding the Shanghai Conference. It would seem urgently necessary to define clearly the nature and the mutual relations of the several negotiations now in progress or due to take place in Shanghai, in the light of the Assembly resolutions of March 4th and 11th, of the Council plan of February 29th and of the discussions in the Council and Assembly when the plan and resolutions were adopted and of the Special Committee of the Assembly when the Shanghai situation was discussed on March 17th.

The Chinese Government for its part ventures to submit the following proposals and conclusions, which in its view emerge from a careful consideration of the resolutions, plan and discussions referred to above:

1. An armistice must be concluded and must provide, in conformity with paragraph 3 of the Assembly resolution of March 4th, for arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of Japanese troops. The details of this armistice are to be negotiated on the spot with the help of the Ministers of the Powers having special interests in the Shanghai settlements. A Mixed Commission with neutral members should be constituted to follow and report on the withdrawal of troops.

2. The second task before the Chinese and Japanese Governments and the specially interested Powers, is to prepare and hold the Round Table Conference at Shanghai. This Conference, as the President of the Council, M. Paul-Boncour, pointed out on February 29th, has as its object the restoration of peaceful conditions in the Shanghai area. The basis for the deliberations of this Conference was likewise indicated at the same meeting of the Council. The Chinese Government for its part, it may be recalled, accepted the Council plan in a letter to the President of the Council dated March 2nd (document A.(Extr.).7.1932), on the understanding that the Conference should be held when the armistice had been accepted and carried out, that the Conference was concerned only with the restoration of peace in Shanghai and all questions arising out of the Sino-Japanese conflict in any part of China should be settled in accordance with the procedure invoked by China before the League, and that participation in the Conference was, of course, subject to agreement between the participating Governments as to its agenda.

3. In this connection, the Chinese Government, in pursuance of its policy of complete frankness and loyalty vis-à-vis the League, wishes to put on record for the consideration of the Assembly Committee its views on the following point:

The complete withdrawal of Japanese troops from territory under Chinese jurisdiction at Shanghai should take place by a date fixed as part of the armistice arrangements and cannot be subordinated to any political condition, including the acceptance of any proposal as regards the agenda or competence of the Round Table Conference, for to do so would be contrary to the resolutions of the Assembly as interpreted by the President.

Summary of the Shanghai Armistice Negotiations.

M. Quo Tai-Chi, the Chinese Vice-Minister for Foreign Affairs, met M. Shigemitsu, the Japanese Minister to China, at a tea-party given at Shanghai on Monday, March 14th, by Sir Miles Lampson (the British Minister), Mr. Nelson Johnson (the American Minister), M. Wilden (the French Minister), and M. Ciano (the Italian Chargé d’Affaires). As a result of the discussions, the following draft agenda for an armistice meeting was drawn up subject to the approval of the Chinese and Japanese Governments:

(1) The Chinese troops were to remain in their present positions, pending a later settlement.

(2) The Japanese troops were to withdraw to the International Settlement and the extra-Settlement roads in the Hongkew district as before the incident of January 28th. It was, however, understood that, in view of the number of the Japanese troops to be accommodated, some would have to be temporarily stationed in localities adjacent to the above-mentioned areas.

(3) There was to be a Joint Commission with neutral members to certify to the mutual withdrawal.

Note. — It was understood that no other questions of principle would be raised.

Separate Note. — Provided a definite agreement should be reached on the basis of the above points, the Chinese side would voluntarily give an undertaking that Mayor Wu’s letter of January 28th stood. This undertaking was subject to the approval of the Chinese Government.

* Now worded as "return to normal". See summary below.
On March 15th, M. Shigemitsu visited Sir Miles Lampson and made the following change to paragraph 3 of the original draft:

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

A formal meeting was arranged for the afternoon of March 16th to adopt the draft agenda, but it was postponed upon M. Shigemitsu's request on the ground that he had not received instructions from his Government.

Meanwhile the Chinese Government made it known that M. Shigemitsu's proposed amendments were unacceptable and that the separate note should not be raised at the armistice negotiations as it was tantamount to a political condition.

Two meetings were held on March 19th, as a result of which an agreement was reached. This draft agreement, which was still subject to the approval of the two Governments, was to the following effect:

(1) The Chinese troops would remain in their present positions pending later arrangements. The Chinese authorities would define the said positions. In the event of doubts arising in regard thereto, the positions in question would be ascertained by representatives of the participating friendly Powers.

(2) The Japanese troops would withdraw to the International Settlement and the extra-Settlement roads in the Hongkew district as before the incident of January 28th, 1932. It was, however, understood that, in view of the number of Japanese troops to be accommodated, some would have to be temporarily stationed in localities adjacent to the above-mentioned areas. The Japanese authorities would define the said localities. In the event of doubts arising in regard thereto, the localities in question would be ascertained by representatives of the participating friendly Powers.

(3) A Joint Commission including members representing the participating friendly Powers would be established to certify to the mutual withdrawal. This Commission would also collaborate in arranging for the transfer from the evacuating Japanese forces to the incoming Chinese police. The constitution and procedure of the Commission would be defined in the attached annex.

Annex.

The Joint Commission would be composed of twelve members—namely, one civilian and one military representative of each of the following: the Chinese and Japanese Governments and the American, British, French and Italian heads of mission in China being the representatives of the friendly Powers assisting in the negotiations in accordance with the resolution of the Assembly of the League of Nations of March 4th. The members of the Joint Commission will employ such numbers of assistants as they may from time to time find necessary in accordance with the decisions of the Commission. All matters of procedure will be left to the discretion of the Commission from the members representing the participating friendly Powers.

The following was a separate voluntary declaration by the Chinese Government:

"In order to ease the general situation and to secure the prompt re-establishment of stability and normal conditions in the affected areas, the Chinese Government hereby intimate their intention immediately to establish on their own initiative for the maintenance of peace and order in the evacuated area in the vicinity of the Shanghai Settlements a force of special constabulary for which they contemplate the employment of foreign officers and instructors. It is understood that the incoming Chinese police referred to in the penultimate sentence of paragraph 3 of the agreement for the cessation of hostilities will be drawn from the above special constabulary."

In the discussions on the constabulary it was suggested that the Pao-an-tui (gendarmerie) be immediately despatched from Peiping for service in the evacuated areas.

Subsequently, the following phrase was added to the beginning of paragraph 2 of the draft agreement reached on March 19th:

"In accordance with the definite programme regulating the withdrawal as shown in Annex... of this Agreement."

In the voluntary declaration to be made by the Chinese Government, the words "experts as" were substituted for the word "foreign," while the following verbal note was taken at the meeting:

"In discussing this phrase, M. Quo Tai-Chi intimated that the Chinese Government contemplated the employment of foreigners among the experts in question."

The meeting for Wednesday, March 23rd, did not take place, because the Japanese appointed General Uyeda as military representative instead of General Shirikawa, the Chief Commander,
as originally understood. For this reason, General Chiang, Chinese Chief Commander, declined to attend the meeting. The Chinese Government appointed, thereupon, General Tai Chi, Commander of the Shanghai-Woosung Garrison, in the place of General Chiang.

Two meetings were held on March 24th, but the results were disappointing, as the Japanese representatives insisted continually on the discussion of irrelevant questions. M. Quo declared Commander of the Shanghai-Woosung Garrison, in the place of General Chiang. To attend the meeting. The Chinese Government appointed, thereupon, General Tai Chi, as originally understood. For this reason, General Chiang, Chinese Chief Commander, declined to attend the meeting. The Chinese Government appointed, thereupon, General Tai Chi, Commander of the Shanghai-Woosung Garrison, in the place of General Chiang.

During the afternoon meeting, the military Sub-Committee, consisting of military representatives of both sides assisted by the military attachés of the participating friendly Powers, brought in a report, which revealed that Japan was willing to withdraw only to what she called the "second line", running from Szetseling forts (Woosung) to Yanghangche, Tatsang and Chenju (on the Shanghai-Nanking Railway). In other words, Japan's idea of withdrawal meant the maintenance of her army of occupation in areas between the Settlement limits and the above-mentioned line. The Japanese representatives declared further that the withdrawal to the above-indicated line would require a time-limit of six weeks. When the Japanese were asked as to the time when they would withdraw to the International Settlement, the reply was that it was uncertain, all depending on the conditions. Under the circumstances, a rupture of the negotiations was prevented only by the mediation of the British and American Ministers.

The discussions on March 26th centred upon the constitution and functions of the Joint Commission, which is to certify to the mutual withdrawal. The article itself with annex thereto was accepted by both sides. In the place of the Japanese demand for aerial reconnoitring, provision was made for neutral aerial observation. The military Sub-Committee reported that the Japanese were still insisting on having Ying-hsiang-hsien for accommodating their troops.

On March 28th, the negotiations practically reached a deadlock as Japan refused to declare complete withdrawal within a fixed period. Japan's definition of "adjacent territory" also included the Woosung area, Kiangwan, Chapei and the north-eastern district adjoining Yangtzepoo of the International Settlement.

The deadlock continued at the meeting of March 29th, as the Japanese flatly refused to give a date for complete withdrawal.

On March 30th, the Japanese named four localities as minimum for quartering their troops: (1) the Woosung district, including Chang Wah Pang and Wen Chao Pang; (2) the Chapei district; (3) the Yin Hang Chen district, north-east of Kiangwan race-course, and (4) the Ying-hsiang-hsien district, north-east of Yangtzepoo, thus embracing a total territory of fifty square li.

At the meeting on April 4th, the Japanese again declared that they would not set a time-limit to complete withdrawal, but offered a separate declaration stating that withdrawal to the Settlement would take place when conditions improved, so as to afford a sense of security to Japanese lives and interests. This declaration without time-limit was considered unsatisfactory by the Chinese delegate.

The latest meeting took place on April 9th, and a formula setting a time-limit for complete withdrawal to the International Settlement of the Japanese troops was suggested by the British Minister, reading as follows:

"The Japanese Government takes this opportunity to declare that, as soon as local conditions in and around Shanghai so improve as to afford a sense of security to Japanese nationals as regards protection of lives and property and lawful pursuits (and it hopes that conditions will have so improved within six months or sooner), the Japanese troops will be further withdrawn to the International Settlement and extra-Settlement Roads in Hongkew district as before the incident of January 28th."

After discussion the formula was amended to read:

"The Japanese Government takes this opportunity to declare that, as soon as local conditions in and around Shanghai return to normal—and it hopes that conditions will have so returned within six months or sooner—the Japanese troops will be further withdrawn to the International Settlement and the extra-Settlement Roads in the Hongkew district as before the incident of January 28th."

The amended formula has been forwarded by the Chinese and Japanese delegates to their respective Governments. The Chinese Government considers the formula, even as amended, as unsatisfactory.
9. Communication dated April 25th, 1932, from the Chinese Delegation to the
Secretary-General of the League of Nations.

[Ref. A.27.]


Referring to my communication of the 11th instant (Ref. A.20),¹ wherein I had the honour
to request that a meeting of the Special Committee of the Assembly might be arranged so that
the latest phase of the negotiations of the Shanghai armistice might be presented to it, I have
the honour now to request that, in view of the probable adjournment of the Disarmament Conference
for a few weeks, the members of the Special Committee will see to it that the Shanghai negotiations
will be given the necessary directions before their departure from Geneva, so that the said nego-
tiations will be promptly concluded in accordance with the letter and spirit of the resolutions of
the Assembly as interpreted by the President.

(Signed) W. W. YEN.

D. COMMUNICATIONS FROM THE JAPANESE DELEGATION.

A. (Extr.) 66.1932.VII.

1. Communication dated March 18th, 1932, from the Japanese Delegation
to the Secretary-General of the League of Nations.

[Translation.]

Geneva, March 18th, 1932.

With reference to the communication I had the honour to make to the Committee of Nineteen
regarding the negotiations for the cessation of hostilities at Shanghai, I have the honour to inform
you that the Japanese Minister at Shanghai has just notified me that an official meeting will
take place on the 19th at 10 a.m.

Requesting you to communicate the foregoing to the Members of the Council of the League.

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

A. (Extr.) 69.1932.VII.

2. Communication dated March 19th, 1932, from the Japanese Delegation
to the Secretary-General of the League of Nations.

[Translation.]

[65/1932.]


I have the honour to inform you that, in the course of the negotiations for the cessation of
hostilities which took place to-day at Shanghai, the Japanese and Chinese representatives reached
a general agreement, which has just been submitted to their respective Governments.

A further meeting will be held on March 21st, at 10 a.m., at which the final decisions, on
matters of detail, will be taken. It has been decided not to publish any records of the negotiations
until they have been approved by the Governments.

I beg you to bring the above to the notice of the Members of the Council and of the League.

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

A. (Extr.) 76.1932.VII.

3. Communication dated March 22nd, 1932, from the Japanese Delegation
to the Secretary-General of the League of Nations.

[Translation.]

[68/1932.]


Referring to my communication of March 19th (65/1932),² I have the honour to inform you
that, as a result of the negotiations which took place on March 21st, a meeting has been arranged

¹ See Annex XIV, C, Communication No. 7.
² See previous communication.
for the morning of the 23rd at which military, naval and civilian representatives of Japan and China, and of the four Powers, will be present.

(Signed) N. Sato,
Representative of Japan on the Council of the League of Nations.

A.(Extr.).80.1932.VII.

4. COMMUNICATION DATED MARCH 23RD, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]


[70/1932.]

In my letter of March 22nd, 68/1932, 1 I had the honour to inform you that an official meeting of the Japanese, Chinese and foreign military, naval and civilian representatives had been arranged for 10 o'clock this morning. I have just received a telegram informing me that at 9 o'clock this morning M. Kuo requested the Japanese Minister in China to postpone the meeting provisionally, as General Chang, Commander-in-Chief of the 19th army, had not agreed to attend.

(Signed) N. Sato,
Representative of Japan on the Council of the League of Nations.

A.(Extr.).87.1932.VII.

5. COMMUNICATION DATED MARCH 25TH, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]


[72/1932.]

With reference to my communication of March 23rd, 70/1932, 2 I have the honour to inform you that the official negotiations for the cessation of hostilities began on March 24th. Two meetings were held in the course of that day. The negotiations are being continued to-day. The Japanese delegates are: General Uyeda, M. Shigemitsu, Japanese Minister in China, M. Tashiro, Chief of the General Staff of the Army, and M. Shimada, Chief of the General Staff of the Navy. The Chinese delegates are: General Taichi, General Wong and M. Kuo Taichi. The British and United States Ministers and the Italian Chargé d’Affaires are present at the negotiations; the French Minister, being indisposed, is represented by a secretary.

(Signed) N. Sato,
Representative of Japan on the Council of the League of Nations.

A.(Extr.).88.1932.VII.

6. COMMUNICATION DATED MARCH 25TH, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]


[73/1932.]

With reference to the statement made by the Chinese delegate at the meeting of the Special Committee on March 17th, 1932, to the effect that there had been no question of observing secrecy in regard to the negotiations for the cessation of hostilities at Shanghai (document A.(Extr.)/Com. Spec./P.V.I) 3, I have the honour to inform you that M. Quo Taichi, the Chinese delegate, expressed to the Japanese Minister in China his regrets that the agreement reached regarding the non-publication of the proceedings had not been observed, as M. Kao had unfortunately delayed in informing the Chinese delegation at Geneva.

(Signed) N. Sato,
Representative of Japan on the Council of the League of Nations.

1 See previous communication.
2 See previous communication.
3 See Annex VIII, Communication No. 1.
7. Communication dated March 31st, 1932, from the Japanese Delegation to the Secretary-General of the League of Nations.

[Translation.]


Following on my previous communications concerning the Shanghai Conference, I have the honour to inform you that negotiations have been proceeding since March 24th on the bases of the preliminary agreement and of the League resolution of March 4th. The Chinese delegation contested several points proposed by the Japanese delegation, but, thanks more particularly to the conciliatory efforts of representatives of the friendly Powers, agreement has been reached on the majority of the articles. Certain difficulties are still outstanding. It is hoped, however, that they will be settled at the next plenary meeting, which is to be held at 10 a.m. on April 2nd. The military Sub-Commission is continuing its work.

The above-mentioned difficulties refer more particularly to the delimitation of the quarters required for the Japanese forces and to the date of their complete withdrawal within the Settlement. The Japanese delegation is endeavouring to reach an agreement as rapidly as possible, in the spirit of the Assembly resolution.

Wide propaganda is at present being carried on in China in favour of the continuation of hostilities against Japan. It must be noted that such propaganda is bound to make it more difficult to re-establish a normal situation at Shanghai which shall ensure the security of Japanese nationals. The Japanese Minister has duly directed the Chinese delegation's attention to this fact.

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

C.382.M.215.1932.VII.

8. Communication dated April 14th, 1932, from the Japanese Delegation to the Secretary-General of the League of Nations.

[Translation.]

Geneva, April 14th, 1932.

In continuation of the previous communications concerning the Shanghai negotiations, I have the honour to transmit to you the following summary of the discussions:

1. The majority of the difficulties which had arisen during the discussions have been settled in co-operation with the representatives of the four friendly Powers. One of the points remaining in suspense—the determination of the places in which the Japanese troops would be accommodated—was settled at the Technical Commission's meeting on the afternoon of April 11th. This Commission was also on the point of settling the question of the position of the Chinese forces. Unfortunately, the Conference having been suspended since April 11th at the Chinese delegation's request, as will be explained below, the Technical Commission also suspended its proceedings on April 14th.

2. The only difficulty which still subsists is the question of the date of the withdrawal of the Japanese troops to the Settlement and extra-Settlement roads.

The Japanese view on this subject is that, owing to the reasons which necessitated the despatch of Japanese troops to Shanghai and the present state of affairs in China, the responsible Japanese authorities cannot determine in advance a definite date for this withdrawal. The Chinese, on the other hand, demand that such a date should be fixed. After long discussions, the British Minister in China proposed, at the meeting of April 7th, that one of the three draft declarations which he had drawn up in this connection should be selected.

These drafts were far from agreeing with the above-mentioned views of the Japanese Government, and it was extremely difficult for the latter to accept them. Wishing, however, to make some response to the great efforts of the British Minister, supported by the representatives of the friendly Powers, and to reach as quickly as possible an agreement with regard to the final cessation of hostilities, the Japanese Government decided to accept the British draft No. I, which reads as follows:

"The Japanese Government takes this opportunity to declare that, as soon as local conditions in and around Shanghai so improve as to afford a sense of security to Japanese nationals as regards protection of lives and property and lawful pursuits (and it hopes that conditions will have so improved within six months or sooner), the Japanese troops will be further withdrawn to the International Settlement and extra-Settlement roads in the Hongkew district, as before the incident of January 28th, 1932."

At the meeting of April 9th, the Japanese delegates announced the acceptance of this draft. On the Chinese side, no mention was made of drafts II and III, but objections were raised with regard to draft I on the ground that no date for the withdrawal of the Japanese forces was clearly mentioned and that the period of six months was too long. The Chinese delegation therefore
proposed that the text of the declaration should be amended so as to stipulate that the withdrawal of the Japanese troops should be completed within a period of four months or sooner, by which time normal conditions would have been restored in and around Shanghai.

The Japanese delegation was extremely surprised at this proposal, for it had been understood that one of the three texts proposed by Sir Miles Lampson should be chosen and that there would be no question of introducing amendments.

After a fresh exchange of views, Sir Miles Lampson, in a last effort at conciliation, prepared a new text modifying his first draft so as to include certain points of the Chinese proposals. This text stated that Japan would withdraw her troops to the International Settlement and the extra-Settlement roads as soon as local conditions in and around Shanghai had returned to normal—the Japanese Government hoping that conditions would have so returned within six months or sooner.

This text, while maintaining the period of six months, took into account the Chinese desiderata, notably by replacing the reference to “a sense of security” by the expression “return to normal conditions”. It was decided that the two parties would apply to their Governments for final instructions and would make known their replies at the meeting arranged for April 11th. The Japanese Government, wishing to give evidence once more of its goodwill, decided to accept it, and the Japanese delegation notified the British Minister accordingly. On April 11th, however, the Chinese delegation asked for a postponement of the meeting arranged for that date, the instructions asked by Nanking from the President of the Administrative Yuen at Loyang not yet having been received.

In these conditions, it has not yet been possible to fix the date of the next meeting.

3. In spite of these circumstances, the Japanese Government still entertains the firm hope that an agreement will shortly be reached at Shanghai, in view of the efforts of the representatives of the friendly Powers and the fact that such questions can only be settled in practice by negotiations on the spot.

Requesting you to communicate the foregoing to the Members of the Council and the League.

(Signed) H. NAGOAKA,
Representative of Japan on the Council of the League of Nations.


9. COMMUNICATION DATED APRIL 15TH, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Geneva, April 15th, 1932.

Memorandum concerning the Shanghai Negotiations.

I.

The resolution passed on March 4th by the Assembly of the League of Nations concerning the cessation of hostilities between the Japanese and Chinese forces in the Shanghai region, being in conformity with the line of conduct which the Japanese Government intended to pursue, the latter willingly accepted it. With the assistance of the representatives of the friendly Powers, it accordingly opened and carried on conversations with China.

Through the intermediary of the British Minister in China, the basis of the negotiations had been settled during the unofficial conversations which opened at Shanghai on March 14th. The Japanese Minister in China, the Chinese Vice-Minister for Foreign Affairs, and the representatives of the United Kingdom, the United States of America, France and Italy, had taken part in those preliminary conversations. Four meetings were held (on March 14th, 16th (morning and afternoon) and 21st). The result of these conversations was communicated by the Chinese delegation in its memorandum of April 12th (document A.(Extr.)/Com.Spec./2/1932).1

The official Conference held its first meeting on the morning of March 24th, taking as a basis for its discussion a draft framed by the Japanese delegation. That draft was based on the text drawn up by the preliminary Conference with the addition of the necessary technical details.

Fourteen meetings were held between March 24th and April 9th. Thanks to the efforts of the British Minister and of the representatives of the other friendly Powers, most of the questions were settled on March 28th and 29th, and various articles were approved (see below).

A technical Commission consisting of the Japanese and Chinese experts and the military attachés of the friendly Powers had been constituted, and the only important question submitted to it which was still outstanding was the determination of the eventual positions of the Japanese

1 See C of this Annex, Communication No. 8.
and Chinese forces. The question of the date of the withdrawal of the Japanese forces within the Concession was engaging the attention of the plenary Conference.

The questions raised during the discussions will be explained below, article by article.

II.

Article 1: This article was drawn up at the meeting of the Conference on March 29th. Its object is to render final the cessation of hostilities.

The Japanese delegation had asked that the prohibition to use plain-clothes soldiers and irregulars should be expressly mentioned, but as the outcome of the discussion the term "all and every form of hostile acts" was adopted.

Article 2: This article refers to the determination of the position of the Chinese forces. It was drawn up at the meeting on March 31st.

Article 3: This article is closely connected with Annexes 2 and 3. It determines the position and withdrawal of the Japanese forces. The interpretation of the term "temporarily" gave rise to the most serious difficulties. On the Chinese side it was asked that, without taking into account the circumstances of the moment, the date by which the Japanese forces were to withdraw to the Settlement and Extension roads should be fixed. The Japanese delegation, for the reasons explained later and also in the note dated April 14th from the Japanese representative on the Council, could not agree to fix this date in advance.

Article 4: This article deals with the constitution, etc., of the Joint Commission and the transfer to the Chinese police of the maintenance of order in the evacuated zone.

Article 5: This article deals with the entry into force of the agreement and the text which is to be authoritative.

Annex I: Position of the Chinese troops. — The positions of the Chinese troops formed the subject of discussion in the Technical Commission. No difficulty was raised as regards the troops to the north and north-west of Shanghai. On the other hand, the question of the positions of the Chinese forces south of the Soochow River and in the Pootung region (where there are big Japanese works and wharves) formed the subject of lengthy debate.

(a) As regards the region south of the Soochow River, the Chinese delegates indicated at the meeting of the Commission on March 26th, Huatsoachen, Hunjaochen, Lunghuachen, as being their most advanced positions. They stated that they did not desire to operate movements of troops east of those localities.

(b) At the meeting of the Commission on April 11th, the British military attaché proposed that the Chinese should inform the foreign military attachés of the localities beyond which their troops would not advance; the military attachés, in their turn would inform the Japanese of the Chinese communication; these communications would be annexed to the general agreement.

The sittings of the Conference having been suspended after the 11th—although the work of the Sub-Commission was continued on the 12th and 13th, it was suspended from the 14th until the resumption of the sittings of the Conference—the above-mentioned point could not be definitely settled.

Annex 2: The first paragraph of this Annex refers to the commencement of the withdrawal of the Japanese troops to the vicinity of the Concession, and the period during which that withdrawal might be completed. The above-mentioned Chinese communication states that the period was fixed at six weeks. The Japanese agreed, however, at the meeting on March 28th, to reduce it to four weeks.

The second paragraph concerns the care of invalids or sick or injured animals which it might not have been possible to evacuate in time. The Chinese communication (page 11) would appear to indicate that the absence of such a question reflected an intention on the part of Japan to ignore the provisions of the original draft agreement. It is obvious, however, that such a question is purely technical in character, and in no way at variance with the agreement previously concluded.

The Chinese delegation had asked that a clause should be inserted, fixing clearly the date of the withdrawal of the Japanese forces to the International Settlement and the Extension roads. This question was to form the main subject of the subsequent discussions.

The Japanese Government has the liveliest and most sincere desire to withdraw its troops as rapidly as possible inside the Concession and, eventually, to bring them back to Japan. But it must not be forgotten that the reason for which these forces had to be sent to Shanghai was the need of protecting Japanese nationals. To fix a date for the withdrawal of these troops without the assurance that this protection will be secured would be to render the despatch of the troops itself senseless; and in the light of the state of affairs at present prevailing in China it is evident that the Japanese Government cannot at present make provision for any such date (see in this connection part III below).

In presence of the repeated demands from the Chinese and by way of response to the efforts made by the representatives of the friendly Powers to bring about agreement, the Japanese Government, in spite of the difficulties involved in the acceptance of a time-limit, agreed, in the hope that such a proof of goodwill would help to hasten the conclusion of an agreement, to the compromise proposed by the Minister of the United Kingdom (see letter 81/1932 of April 14th from the Japanese representative on the Council).

The meeting of the Conference was proposed for April 11th, and the two delegations were to give the final replies of their Governments in regard to the last draft declaration proposed by Sir Miles Lampson. On the morning of the day fixed, the Chinese delegation stated that, in the absence of instructions, it would not be in a position to attend the Conference, and asked for the meeting to be postponed to a subsequent date.
Annex 3: The Chinese communication appears to seek to give the impression that an effort is being made on the Japanese side to impose a solution in regard to the positions which the Japanese forces may take up. This is not correct. On April 6th, the Technical Commission reached agreement in regard to the Japanese positions—viz., in Woosung, Kianwan, Chapei and the district on the east of the Concession. On the following day, the members of the Commission (including the foreign military attachés) visited the districts in question and, on the 11th, the agreement was confirmed.

The points in question are the following:

(a) District of Woosung: an area of about four square miles extending to the north of Woosung Creek along the bank of the Whangpoo, but not including Woosungchen and the land in the neighbourhood of the schools and hotels;

(b) District of Chapei: area to the east of Hongkew Creek;

(c) Neighbourhood of Kiangwan: district to the east of the railway-line Shanghai-Woosung;

(d) Eastern part of the Concession: area of one mile radius on the bank of the Whangpoo.

Annex 4: Paragraph 1 deals with the situation and procedure of the Joint Commission. No difficulty has been raised in this connection.

Paragraph 2 deals with the steps to be taken to supervise the observance of the agreement. The text agreed on provides for the Commission to have powers to take such steps as it considers most appropriate in execution of Articles 1, 2 and 3.

Spontaneous Declaration by the Chinese Government: This question had already been decided during the preliminary discussions.

The text of the declaration in which the Japanese Minister and the Foreign Ministers interested "take note" (March 21st) is reproduced at the end of the communication from the Japanese representative on the Council, dated April 15th.

III.

The Chinese communication of April 12th states that the principal obstacle to the fulfilment of the Assembly legislation is the steady insistence of the Japanese Government that the withdrawal of its forces to the International Settlement and the extra-Settlement roads must be subordinated to Japanese views as to when "conditions" in and around Shanghai have sufficiently improved to warrant a sense of security by Japanese subjects; or again that the complete withdrawal of Japanese troops from territory under Chinese jurisdiction at Shanghai cannot be subordinated to any political condition including the acceptance of any proposal as regards the agenda or competence of the Round Table Conference. It thus endeavours to show that, in the course of the three weeks during which the discussions of the military conference continued, Japan raised the political conditions which had been discussed by the Assembly and the Special Committee. Such an allegation is completely unfounded.

Even in the preliminary negotiations it was definitely recognised that, owing to the size of the Japanese forces, some of them must be temporarily stationed outside the Settlement and the Extension. The withdrawal of these troops into the Settlement would entail a considerable decrease in their strength, and it is plain that such a decrease could not be effected unless the lives and property of Japanese nationals in the Shanghai area were safeguarded and could not be endangered by this decrease in the forces sent to protect them. During the discussion at the first meeting of the General Commission of the Assembly, when the draft resolution was discussed, M. Hymans, President of the Committee, said:

"... I think it is the idea of the authors of the draft resolution that all questions relating to security are part of the arrangements that will have to be negotiated on the spot for the purpose of making the cessation of hostilities definitive and settling the details of the withdrawal of the Japanese forces."

The questions relating to security must necessarily be settled according to the circumstances themselves, and it goes without saying that the Japanese authorities are obliged to take into account the conditions prevailing upon the spot in regulating the withdrawal of their troops. To say that this constitutes a political condition is a flagrant error. (It should be noted that, at the meeting of March 28th of the Shanghai Military Conference, the British Minister, having quoted extracts from the Minutes of the meeting of the General Commission of the Assembly with regard to the statements of M. Sato and M. Hymans, added that, in his opinion, a return to normal conditions—in which the safety of the Japanese was ensured—was not a new political condition raised by Japan, but had been stipulated by the authors of the resolution. Subsequently the Ministers of the United Kingdom and the United States of America again maintained this point of view.) As regards the question of the Round Table Conference, Japan has no desire to exercise pressure on China by the presence of the Japanese forces in order to obtain conditions favourable to Japan in regard to "the programme or the competence of the Conference". The Japanese Government understands that, according to the plan of the President of the League Council of February 29th, the Round Table Conference should begin as soon as the negotiations for the final cessation of hostilities have succeeded. It is therefore convinced that when that time comes China will be under the obligation to participate in this Conference and that, should any efforts be made to circumvent the opening of the Conference, Japan would be entitled to demand, on the basis of the plan, that China should take part in the Conference.

— 248 —
Japan has in no way modified the attitude which she took up at the outset at the time of the adoption of the Assembly resolution of March 4th, and has not departed from this attitude during the Shanghai negotiations.

The representatives of the four friendly Powers who have taken part in these discussions have always endeavoured to promote their success in accordance with the spirit and the letter of the resolution of March 4th. Thanks to their efforts, the Conference had nearly achieved its aim, and the Japanese Government had even taken the last step necessary to the success of the negotiations, as the Japanese representative explained in his letter of April 14th. The representatives of the Powers who thus took part in the negotiations evidently regarded as just and reasonable not only the clauses on which agreement had been reached, but also the last proposal which Japan decided, in spite of great difficulties, to accept.

IV.

1. The Japanese forces already withdrawn from the Shanghai area amount to about 33,000 men and are the following:

<table>
<thead>
<tr>
<th>Date of moving orders</th>
<th>Troops</th>
<th>Effectives (approximately)</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 14th . . . . . .</td>
<td>1 division . . . . . . . . .</td>
<td>10,000</td>
</tr>
<tr>
<td>March 14th . . . . . .</td>
<td>1 mixed brigade . . . . . .</td>
<td>5,000</td>
</tr>
<tr>
<td>March 26th . . . . . .</td>
<td>Heavy artillery and line of communications formations . . . . . .</td>
<td>6,000</td>
</tr>
<tr>
<td>April 11th . . . . . .</td>
<td>1 division (partially) . . .</td>
<td>10,000</td>
</tr>
<tr>
<td>April 15th . . . . . .</td>
<td>Air formations, heavy artillery and l. of c. troops . . . . . .</td>
<td>?</td>
</tr>
</tbody>
</table>

2. Forces remaining stationed at Shanghai: 2 divisions, about 20,000 men (not including other train and l. of c. formations).

Present number of horses: about 2,000 (there are difficulties in the way of bringing such a number of horses back inside the Concession).

There is also considerable material (aeroplanes, artillery, munitions, provisions, surgical dressings, miscellaneous stores, fodder, motor-cars, wagons, etc.).

3. The Japanese forces are on the line Lieuhochen-Katingchen-Nanziang-Chenzu.

4. Japanese nationals continue to be subjected to violence on the part of Chinese, even in the Concession where the municipal police endeavour to protect them (see communication of April 14th). The movements of Chinese troops continue (see communications of April 8th and 15th).

A.(Extr.).108.1932.VII.

XIII. REPORT PRESENTED BY THE SPECIAL COMMITTEE OF THE ASSEMBLY IN EXECUTION OF PARAGRAPH II (PART III) OF THE RESOLUTION ADOPTED BY THE ASSEMBLY ON MARCH 11TH, 1932.¹

The resolution adopted by the Extraordinary Assembly on March 11th states in part III, paragraph 1, that the Special Committee is instructed:

"... to report as soon as possible on the cessation of hostilities in the Shanghai area 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 report on the situation mentioned in paragraph 7 of the same resolution will be distributed to the Members of the Assembly shortly.

I.

According to the information received by the Committee, the situation at Shanghai is as follows:

1. A large part of the Japanese effectives has been withdrawn.

On March 15th, a report by the representatives of the four Powers having special interests in the Shanghai Settlements (document A.(Extr.).56)² announced that orders for the return to Japan of the 11th Division of the 24th mixed brigade had been received at the Japanese army headquarters. Further reports from the representatives of the four Powers (March 17th, 21st

¹ See records of the fourth plenary meeting of the Assembly.
and 22nd) announced that the troops in question had embarked. The representatives of the
Powers estimated that after their embarkation the Japanese forces would be reduced to about
37,000 men.

A communication from the Japanese delegation, dated April 15th (document A.(Extr.)./Com.Spec.7), 1 stated that, after March 22nd, other orders for departure had been given—namely, on March 26th for heavy artillery and 1. of c. formations; on April 11th for one division (in part); and on April 15th for air formations, heavy artillery and 1. of c. formations. The same communication added that about 33,000 men had already been withdrawn from the Shanghai area and that the forces remaining stationed there amounted to two divisions, about 20,000 men (not including other train and 1. of c. formations). There remained with these troops 2,000 horses and considerable material (aeroplanes, artillery, munitions, provisions, surgical dressings, miscellaneous stores, fodder, motor-cars, waggons, etc.).

Further, both the representatives of the four Powers and the Japanese delegation have announced the departure of certain naval units.

2. It likewise appears from the reports sent by the representatives of the four Powers that the orders given by both sides for the cessation of hostilities have, generally speaking, continued to be carried out.

The last report received (April 1st) added that the attention of the respective staffs had been officially drawn to the skirmishes referred to in the previous reports, and that they were considering what steps to take. This report further stated that the two armies were continuing to strengthen their respective positions.

Thus the two armies remain facing each other on positions which they have consolidated. According to the Japanese delegation's communication of April 15th (document A. (Extr.)./Com.Spec.7), the Japanese army is on the line Lieuhochen-Katingchen-Nanziang-Chenzu.

Since April 1st, another skirmish has been reported, on the 8th, in a communication from the Japanese delegation (document A.(Extr.).103) 2. Further, on April 15th, the Japanese delegation communicated a summary of official telegrams announcing, on the basis of reports published at Shanghai on the same day in a newspaper issued in English, an advance by Chinese forces (about one regiment) south of the Soochow river. This communication added that at the meeting that took place at Shanghai on March 26th, the Chinese had mentioned Hwatsaochen, Hunjao and Longhua as being the most advanced positions in that area, beyond which they did not wish to go, that the present movements of the Chinese troops had brought them well in front of the line joining these three places, that they might threaten the flank of the Japanese army, and that it was superfluous to emphasise the grave character of such a movement, notwithstanding the de facto cessation of hostilities, in the existing state of the negotiations. The Japanese military authorities therefore attached great importance to the result of the investigations to be carried out by the foreign military attachés.

On the Chinese side, document A(Extr.)./Com.Spec.2, of April 12th, 3 states that, for the time being, fighting has virtually ceased and no blood is being shed; that this is a precious result, and one for which the Chinese Government wishes to express its profound gratitude to the Assembly; that it is nevertheless clear that the present situation is precarious, and that as long as agreement has not been reached, peace, which has never ceased to be troubled by occasional skirmishes and aeroplane raids, is at the mercy daily, almost hourly, of an incident.

II.

In order to put an end to this situation, the Assembly, in its resolution of March 4th, had recommended that negotiations should be entered into by the Chinese and Japanese representatives, with the assistance of the military, naval and civilian authorities of the other Powers which have special interests in the Shanghai Settlements, for the conclusion of arrangements which should render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces.

Negotiations began at Shanghai on March 14th.

From the outset, difficulties arose in connection with the agenda of the Conference, and the Chinese representative laid them before the Committee of the Assembly.

The Committee invited the representatives of the two parties to its public meeting on March 17th.

The first difficulty was in connection with a proposal for an addition to Point III of the agenda, brought forward by the Japanese Minister in China. He asked for a joint commission with neutral members, which was to certify to the carrying out of the Agreement proposed, to have the power to “watch and observe the general conditions in the evacuated area until a later settlement”. The second difficulty arose in connection with a Japanese proposal for a separate note, under which the two parties, “subject to the approval of the Chinese Government”, agreed to the following understanding:

“... 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 28th stands.”

1 See Annex XII, D, Communication No. 9.
3 See Annex XII, C, Communication No. 8.
The Committee found that the first Japanese proposal was acceptable, on the ground that, on the one hand, the first point in the draft agenda, which none of the parties questioned, laid down that the "Chinese troops are to remain in their present positions, pending a later settlement", and, on the other hand, that there was nothing in the Assembly's resolution of March 4th which was opposed to the appointment of a joint commission with neutral members to watch and observe the general conditions in the evacuated area until a later settlement.

The second Japanese proposal was also studied by the Committee, with reference to its conformity with the spirit of the resolution of March 4th.

The President, with the approval of his colleagues, recalled that the Assembly had clearly shown its desire for the elimination of all political conditions from the negotiations with regard to the cessation of hostilities and the withdrawal of the Japanese forces.

The Japanese representative observed that his Government had no intention of making the acceptance of the separate note a condition for the conclusion of an armistice, as was apparent from the wording of the Japanese proposal, which began with the words "subject to the approval of the Chinese Government", and expressly formulated the condition "provided a definite agreement is reached on the basis of the above points...".

While drawing attention to the importance which his Government attached to the question raised by it in the proposal for a separate note, the Japanese representative stated that the discussion on this point might be postponed to a later date.

These two preliminary difficulties having thus been eliminated, the negotiations continued at Shanghai. But by a communication dated April 11th (document A.(Extr.)./Com. Spec. 3)¹, the Japanese delegation pointed out that the negotiations had again entered on a critical stage in which an understanding between the Chinese and Japanese Governments appeared unlikely.

Under these circumstances, the Chinese Government had instructed its representative to give an account to the members of the Committee of the Assembly of the last phase of the negotiations, and to ask for the meeting of the said Committee.

The Chinese delegation, by a communication dated April 12th (document A(Extr.)./Com. Spec. 2)², submitted to the Committee a memorandum and a summary of the Shanghai negotiations.

The Japanese delegation, for its part, submitted, on April 14th, a summary of the negotiations (document C.382.M.215),³ and, on April 15th, a memorandum (document A.(Extr.)./Com. Spec. 7).⁴

The Committee of the Assembly met on April 16th.

After taking note of the articles and annexes of the draft Agreement, which had been communicated to it,⁵ the Committee reached the conclusion that the articles in question, which had been accepted by the two parties, were in conformity with the spirit of the resolutions adopted on March 4th and 11th. The Committee at the same time noted that the hold-up of the negotiations was due to the fact that the wording proposed made no provision for a time-limit, except in the case of an initial withdrawal of the Japanese forces to certain positions outside the Settlement, the Chinese proposal for a time-limit for the complete withdrawal of the Japanese troops from the Settlement and from the roads outside the Settlement not having been accepted by the Japanese representatives.

During the negotiations, the suggestion had been made that a paragraph should be inserted in Annex II to the Agreement containing a formula designed to reconcile the Japanese and Chinese points of view. The Japanese Government rejected this formula, but put forward a counter-proposal to the effect that a declaration should be made by the Japanese Government in the following terms:

"The Japanese Government takes this opportunity to declare that as soon as local conditions in and around Shanghai so improve as to afford a sense of security to Japanese nationals as regards protection of lives and property and lawful pursuits (and it hopes that conditions will have so improved within six months or sooner) the Japanese troops will be further withdrawn to the International Settlement and extra-Settlement roads in Hongkew district as before the incident of January 28th, 1932."

The Chinese delegation, regarding this declaration as inadequate, proposed to alter it in the sense of stipulating a period of four months or less for the withdrawal of the Japanese troops, during which period normal conditions were to be re-established in and around Shanghai.

The Japanese delegation rejected this amendment, but eventually, at the fourteenth meeting of the Conference held on April 14th, both delegates agreed to refer the following new formula from the Japanese delegation to their respective Governments:

"The Japanese Government takes this opportunity to declare that as soon as local conditions in and around Shanghai return to normal—and it hopes that conditions will have so returned within six months or sooner—the Japanese troops will be further withdrawn to the International Settlement and the extra-Settlement roads in the Hongkew district as before the incident of January 28th, 1932."

The representatives of the friendly Powers participating in the negotiations understood that the Japanese Government would be willing to make a declaration to this effect. The Chinese

---

¹ See Annex XII, C, Communication No. 7.
² See Annex XII, C, Communication No. 8.
³ See Annex XII, D, Communication No. 8.
⁴ See Annex XII, D, Communication No. 9.
⁵ Summaries of the draft will be found in the Chinese communication of April 12th (document A.(Extr.)./Com. Spec. 2) and in the Japanese memorandum of April 15th (document A (Extr.). Com. Spec. 7).
Government, however, regarding the new formula as being also inadequate, interrupted the Shanghai negotiations and decided to submit the question to the Committee of the Assembly. The Committee instructed its President to put himself in touch with the representatives of both parties, and to endeavour, in conjunction with them, to find a means of smoothing over this difficulty.

As a result of the conversations which he had had with the Chinese and Japanese delegates, the Chairman informed his colleagues that the text of the agreement negotiated at Shanghai appeared to furnish the means for reconciling the two parties.

The agreement provided as follows:

**Article I:** Final cessation of hostilities, undertaking that the forces of the two parties will, so far as it lies in their control, cease all and every form of hostile acts in the neighbourhood of Shanghai. In the event of doubts arising in this connection, verification by representatives of friendly Powers.

**Article II:** The Chinese troops to remain in their present positions pending later arrangements concerning the re-establishment of normal conditions in the area dealt with by the agreement.

**Article III:** The Japanese troops to withdraw to the International Settlement and the extra-Settlement roads in the Hongkew district, to the positions in which they were stationed before the incident of January 28th, 1932, it being understood, however, in view of the numbers of Japanese troops to be accommodated, that some of them would have to be temporarily stationed in localities adjacent to the above-mentioned areas.

**Article IV:** Establishment of a Joint Commission, including members representing the friendly Powers participating in the negotiations, in order to survey mutual withdrawal and to collaborate in arranging for the transfer of the territory evacuated by the Japanese forces to the Chinese police, who will take over as soon as the Japanese forces withdraw.

**Article V:** The agreement to come into force on the day of signature.

**Annex I:** Definition of the positions now occupied by the Chinese troops. In the event of doubt, verification of the said positions, at the request of the Joint Commission, by the representatives of the friendly Powers, members of the said Commission.

**Annex 2:** Withdrawal of the Japanese troops to the localities where they are to be temporarily stationed, such withdrawal to begin in the week following the coming into force of the agreement, and to be completed four weeks after the commencement of the withdrawal.

**Annex (now Annex 3):** Composition of the Joint Commission which will contain representatives of the Chinese and Japanese Governments and of the heads of the missions in China of the four friendly Powers taking part in the negotiations. All matters of procedure will be left to the discretion of this Commission, whose decisions will be taken by majority vote, the Chairman having a casting vote. The Commission will watch in such manner as it deems best, in accordance with its decisions, the carrying out of the provisions of Articles I, II and III of the agreement.

In view of the terms of the agreement and the explanations supplied to its Chairman by the representatives of the two parties, the Committee considered that it would be fulfilling its role as a conciliating body in accordance with paragraph 3 of the Assembly resolution of March 11th (part III) in communicating to Governments through the intermediary of their delegates a preliminary draft resolution (April 19th).

The provisions of this resolution, with the exception of paragraph 11, were identical with those of the resolution which the Committee is now recommending for adoption by the Assembly. In paragraph 11, the Special Committee stated that it “is of opinion that the powers, as defined in Annex 4 (now Annex 3) of the draft Agreement, of the Commission which is to watch the carrying out of Articles I, II and III of that Agreement include the competence to declare at the request of one of the parties that the moment has come when the complete withdrawal of the Japanese troops can reasonably be effected.” The Committee added that it “hopes that all the decisions of the Joint Commission will be unanimous, but observes that under the terms of the annex referred to above, if unanimity is not possible, effective decisions are to be taken by majority vote, the Chairman having a casting vote.”

The Chinese Government accept the draft resolution as a whole. The Japanese Government stated that it could not accept paragraph 11.

At its meeting of April 26th, the Committee was informed that the two parties could probably arrive at an agreement on the basis of a new formula which, after being proposed to the Chinese Government by the President of the Commission of friendly Powers participating in the Shanghai negotiations, had been communicated to the Japanese Government.

At its meeting of April 28th, the Committee was informed that the negotiations had been resumed at Shanghai and that it had been agreed to insert at the end of Annex 3 the following words:

“...the Commission will ... watch ... and is authorized to call attention to any neglect in the carrying out of the provisions of the three articles mentioned above.”

The parties having reached an agreement on this new formula, the Committee has adopted the following text for paragraph 11 of its draft resolution:

“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."

The full text of the draft resolution has been distributed to the Assembly in document A.(Extr.),
together with the preliminary report from the Council of Ministers.

XIV. COMMUNICATIONS RELATING
TO THE "INDEPENDENCE MOVEMENT" IN MANCHURIA.

A. COMMUNICATIONS FROM THE CHINESE DELEGATION.

A(Extr.).26.1932.VII.

I. COMMUNICATION, DATED MARCH 8TH, 1932, FROM THE CHINESE DELEGATION
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.290.]

Geneva, March 8th, 1932.

I have just received the following telegram from the Hon. T. V. Soong, Vice-President of the
Council of Ministers, dated to-day, Shanghai, and have the honour, therefore, to request that you
will be good enough to bring the same to the attention of the Assembly:

"The New York Times published an exclusive interview which its Shanghai correspondent
had with General Shirakawa yesterday. Among other things, Shirakawa declared: 'Politico-
military reports from North China indicate grave danger of internal trouble in the Peiping-
Tientsin area, where revolt against Chang Hsueh-Liang or attempt to overthrow the ousted
Manchurian war-lord is likely. In that event', he added, 'Japan must be prepared to defend
Tientsin Concession and the lives and properties of the Japanese in that general area. But
this danger he defined as an entirely separate thing from the Shanghai situation, which
militarily Japan considers as purely local and which should also be settled diplomatically
as a local issue.'

"This statement is causing the gravest apprehensions here, because experience has
shown that whenever Japan plans military action, she invariably attempts to precede it by
fomenting disturbances with hired thugs and ronins as happened during the Sino-Japanese
fighting in Tientsin last November. Shirakawa's remark about the 'general area' in his
references to defend lives and properties in the Tientsin Concession is regarded especially
significant as extensive theatre of operations in North China is contemplated. Japan
evidently regards the time as ripe for other military adventures, beside those around
Shanghai."

(Signed) W. W. YEN.

[Ref.287.]


I have the honour to communicate to you the following telegram, dated Shanghai to-day,
from the Hon. T. V. Soong, Vice-President of the Council of Ministers and Minister of Finance:

"1. Japanese Consul at Antung has privately notified the Customs Commissioner to
hand over the Customs House to so-called new government at Mukden. The Chinese Government
protests solemnly against the action of the Japanese Government and desires to bring
the matter to the notice of the Assembly.

"2. The Chinese Government wishes also to call the attention of the Assembly to the
fact that Japan, taking advantage of the delay in arrival in Manchuria of the Commission of
Enquiry, is aggravating the situation there by completing as hurriedly as possible the
plan of establishing an independent state."

(Signed) W. W. YEN.
3. COMMUNICATION, DATED MARCH 10TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

For the information of the Assembly, I have the honour to communicate to you the following telegram, dated March 9, which I have just received from the Hon. T. V. Soong, Vice-President of the Council of Ministers and concurrently Minister of Finance:

"Inspector-General F. W. Maze reported receipt of the following telegrams dated 8th from R. M. Talbot, Commissioner of Customs at Antung (Manchuria):

"1. The Japanese Consul privately informs me to be prepared for request from the Superintendent to hand over possibly at once."

"2. The Superintendent received instructions from the north-east Administrative Committee that the Customs be under its control, that the Superintendent carry on, and that a certain Japanese has been invited to be adviser of your office. When there is any question, you are to consult with him how to carry into effect. " Two other Japanese appointees have arrived to assist in taking over, but no indication as yet how the new Customs is to be staffed. The Consul says the present Customs employees have the option of joining up, but the old salaries, etc., will not be paid."

In submitting the above, I have the honour to state that my Government will not for a moment countenance the usurpation of its administrative powers by the so-called North-East Administrative Committee at the instigation of the Japanese authorities, for the taking over of such Customs revenues cannot but disrupt the services of domestic and foreign loans secured thereon.

(Signed) W. W. YEN.

4. COMMUNICATION, DATED MARCH 10TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

We, the provincials of the three eastern provinces of China (Manchuria), solemnly declare that the independence movement in the Japanese occupied territory is purely under the Japanese manipulation. For months past, the world has been aware of the frantic efforts being made by the Japanese to work up a semblance of popular enthusiasm, but the only response has come from their hirings and people under coercion. The leaders are not free agents. We appeal to the world to discountenance such a manipulated movement engineered entirely by the Japanese as a step forward to realise their territorial ambitions. — CHIN EN-CHI, LU KUANG-CII, WANG HUA-YI, Chairman of the Committee of the Provincials of the Three Eastern Provinces of China."

(Signed) W. W. YEN.

5. COMMUNICATION, DATED MARCH 11TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

"We, the Members of the Faculty and the Students' Union of the North-Eastern University, Mukden, compelled to abandon the university plant under Japanese military
pressure and carrying on in temporary quarters at Peiping, strongly denounce the new independent state, set up in the north-eastern provinces of China under Japanese manipulation in utter disregard of the wishes of the Chinese people. Such action constitutes a violent attack on China's territorial integrity and makes a mockery of the principle of self-determination. We earnestly solicit the support of the Governments and peoples of the world in our determined effort to defeat Japan's aggressions. — Ning En-cheng, Chief Secretary (for the Faculty), Liu Te-lin, Chairman (for the Students' Union). ”

(Signed)  W. W. Yen.

A.(Extr.).55.1932.VII.

6. Communication, dated March 14th, 1932, from the Chinese Delegation to the Secretary-General of the League of Nations.

[Ref.A.2.]

Geneva, March 14th, 1932.

I have the honour to communicate the following summary of telegrams received during the last few days from Nanking by the Chinese delegation and to request that you will be good enough to communicate the same to the Assembly:

1. According to telegraphic reports from Marshal Chang Hsueh-Liang, since the inauguration of the puppet government in Manchuria, the trains running between Mukden and Shanhaikwan have been flying the flag of the illegal government. The Japanese authorities have been forcing the village elders of Chinhow, Ihsien, Hsin-chen and Suichung (districts in the western part of Liaoning Province) to sign documents to the effect that the stationing of Japanese troops in the said localities was requested on their initiative for the protection of the people. As to the puppet government, the Japanese also allege that it was formed by the will of the people.

2. According to telegraphic reports from our legation in Tokio, it was learned that the Japanese Cabinet decided not to accord for the present official recognition to the puppet government, but was prepared to negotiate directly with the said government on questions which relate to Japan's national policy or to the finances of Manchuria.

As to increasing the strength of permanent Japanese military effectives in Manchuria, investments and otherwise economically developing Manchuria, it was decided to leave them to be considered by the proper authorities concerned. When important matters relating thereto should come up, they would be considered by the Cabinet.

3. According to reports of the Shanghai Commissioner of Customs, nine Japanese war vessels entered the harbour on March 13th, loaded with aeroplanes and war materials.

(Signed)  W. W. Yen.

A.(Extr.).72.1932.VII.

7. Communication, dated March 22nd, 1932, from the Chinese Delegation to the Secretary-General of the League of Nations.

[Ref.A.6.]


I have the honour to communicate herewith the following telegram, dated March 21, from M. T. V. Soong and M. Quo Taichi, Minister of Finance and Vice-Minister of Foreign Affairs respectively, and to request you to be good enough to circulate the same among the Members of the Assembly:

“ Despite the injunction of the Assembly's resolution for the cessation of further aggravation of the situation, Mr. F. W. Maze, Inspector-General of the Customs, reports that through the puppet government in Manchuria, the Japanese have been proceeding to seize the Customs revenue in Manchuria, appointing Japanese advisers, and asking that the Customs revenue be turned over to the puppet government. They also insist that all appointments to the Customs staff in Manchuria and all tariff changes are to be submitted to the puppet government for decisions. It is threatened that any refusal to comply will be met by outright seizure of the Customs service. Thus, the only remaining link of the three eastern provinces with the rest of China is being broken, with the following consequences: (1) while there is pretence at offering the payment of the Boxer Indemnity and foreign loan quotas, there will
be no payment allowed for meeting domestic loans charged on the Customs; (2) the control of the Customs service will have the effect of closing the open door in Manchuria not only to foreign trade but also domestic trade with the rest of China; (3) we have definite knowledge that the Japanese are arranging a Customs union of the three eastern provinces with Japan, thus completely severing Manchuria from China and attaching it to Japan."

In requesting you to draw the attention of the Assembly and of the Committee of Nineteen to the telegram and having in view the repeated Japanese obligation to recognise the political and territorial integrity of China, I am instructed by my Government to protest in the most solemn manner against the threatened proceedings and to declare that my Government will refuse to recognise the legality of such proceedings should they be carried out.

(Signed) W. W. YEN.

A.(Extr.).7.1932.VII.

8. COMMUNICATION, DATED MARCH 22ND, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.7.]


At the request of the provincials of the three eastern provinces now resident at Nanking, I have the honour to transmit to you the following telegram, dated March 21st, and shall be grateful if you will bring the same to the attention of the Members of the Assembly:

"It is no less than half a year that the three eastern provinces of China have been groaning under the iron heels of the Japanese militarists. In utter disregard of the resolutions of the Council and of the Assembly, which enjoined the parties concerned not to aggravate the situation, the Japanese, however, have proceeded without the least hesitation to complete their aggressive plan for the annexation of the three eastern provinces, as they did to Chosen, by instigating and compelling the outlaws, captives and rebel elements to set up the so-called Manchukuo government (the puppet government). The allegation that the government is established at the will of the people of Manchuria is but a fabrication to fool the world.

"The Commission of Enquiry of the League of Nations will be due soon on the spot. We trust they will report to you the truth and unbar the intrigues of the Japanese, and we earnestly request that the League of Nations will, in pursuance of its sole purpose for the maintenance of world peace, do justice to China by denouncing the puppet government, to which the Chinese people are bitterly opposed, and restoring to China her sovereign rights, recognised by the world."

(Signed) W. W. YEN.

A.(Extr.).78.1932.VII.

9. COMMUNICATION, DATED MARCH 23RD, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.9.]


I have the honour to communicate to you the following telegram, dated Shanghai, March 23rd, from the President of the Chamber of Commerce, with the request that you circulate the same among the Members of the Assembly:

"During the past few months, Japan has on repeated occasions denied any intention of aggressive action in China, but has almost immediately after taken steps, which contradict directly such declarations. The Chinese Government has now incontestable evidence foreshadowing Japan's intention to deprive China of control of Chinese Maritime Customs in Manchuria, although, in order to disarm foreign criticism, Japan may continue remittance of foreign loan quotas from the Customs revenue. Such measures, if permitted, would be direct infringement of China's sovereign rights, would seriously undermine the position of Chinese national finance, and would destroy the integrity of Chinese Maritime Customs. The Chinese Customs Service, which is the result of international co-operation extending over many years, has long been the backbone of Chinese national finance and has remained intact even
through most difficult periods of China's history. In addition, Japanese control of the Customs tariff of Manchuria would certainly result in discrimination against all foreign trade other than Japanese and would thus constitute a serious threat to the policy of the 'open door' in Manchuria. The Chamber of Commerce of Shanghai appeals, therefore, to the League of Nations to take immediate and appropriate steps to prevent Japan from presenting again to the world a fait accompli, which might prove the first step to the disintegration of China. — WANG SHAO-LAY, Chairman."

(Signed) W. W. YEN.

A.(Extr.)92.1932.VII.

II. COMMUNICATION, DATED MARCH 29TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.13.]


I have the honour to transmit to you the following telegram, dated Shanghai, March 28th, which I have just received from the Hon. T. V. Soong, Vice-President of the Executive Yuan (Council) and concurrently Minister of Finance, and shall be most obliged if you will have it circulated among the Members of the Assembly:

"Mr. F. W. Maze, the Inspector-General of Customs, reported to me the following:

1. The Commissioner of Customs at Antung telegraphs: 'I am informed that the Superintendent of Customs introduced his Japanese adviser to the manager of the Bank of China to-day (March 26th ?), when the adviser handed to the manager the written circular instructions from Manchukuo (puppet government) that all revenues in the hands of the Bank of China on March 26th and all collection from that date should be paid to Tung San Sheng Kuang Yin Hao (Bank of the Three Eastern Provinces). The manager replied that he could do nothing without instructions from the Maritime Customs. So far I have not been approached on the matter, but the Bank of China requests instructions, which I now solicit from you. Question is also raised of the present agreement with the Bank of Chosen.'

2. The Commissioner of Customs at Newchwang telegraphs: 'The Japanese adviser to the Superintendent of Customs and the manager of the Bank of the Three Eastern Provinces called this morning (March 26th?) on the manager of the Bank of China with a despatch, dated March 24th, from the Finance Ministry of Manchukuo (puppet government) to him, instructing him to hand over immediately all the Customs revenue held by the Bank of China on March 26th and all future collection to the Bank of the Three Eastern Provinces. They thereupon demanded the immediate handing over of the funds to them. The manager of the Bank of China refused, saying that he should consult me (the Commissioner of Customs at Newchwang) and would inform them on their return this afternoon that the Commissioner of Customs has wired the Inspector-General for instructions.'

Dr. F. A. Cleveland, Associate Chief Inspector of Salt Revenue, has received the following telegram from the district inspectors at Liaoning (Mukden): 'We learn from reliable sources that the Salt Commissioner has received order from the Finance Minister of the puppet government to take over by force our office and sub-offices including revenue balance, files and everything on March 28th.'"

(Signed) W. W. YEN.

A.(Extr.)99.1932.VII.

II. COMMUNICATION, DATED APRIL 5TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.16.]

Geneva, April 5th, 1932.

At the request of various public bodies in the Province of Chahar, I have the honour to transmit to you the following translation of a telegram, which I have just received from them, and shall be most obliged if you be good enough to circulate it among the Members of the Assembly:

"Since their forcible occupation of the three eastern provinces from September 18th last, the Japanese, in utter disregard of our territorial and administrative integrity, have instigated a few outlaws to set up an illegal government to prepare the way for their future annexation of the three provinces. A month ago, Puyi, the deposed Emperor of China, under
Japanese duress, was taken to Manchuria to assume the presidency of the puppet government.
In name, he is the head of the government, but in fact the Japanese themselves are the
actual rulers. To crown it all, the Japanese have now advised the puppet government
to ask for international recognition.

“For the sake of world peace, as well as the preservation of our territorial and adminis-
trative integrity, we, the people of the Chahar Province, oppose to our last breath the legality
of this organisation and earnestly request that the League of Nations will do justice to China
by restoring to her the sovereign rights which rightly belong to her, so as to maintain world
tranquillity and to uphold the sanctity of the Covenant of the League as well as other inter-
national instruments of peace.”

(Signed) W. W. Yen.

A.(Extr.).105.1932.VII.

1. COMMUNICATION, DATED APRIL 21ST, 1932, FROM THE CHINESE DELEGATION
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


The Puppet Government of Manchuria.

I. Japanese Ambitions in Manchuria.

It does not always happen that a State, when pursuing a national policy which involves
for its execution an invasion of the sovereign rights of another and friendly State, makes that
policy clearly evident. This, however, has happened with regard to Japan’s policy towards
China, and especially as concerns Japan’s desire and intention, when circumstances seem to permit
to bring under substantial political control that great part of China known as Manchuria, or the
three eastern provinces.

The actions of Japan since September 18th, 1931, are alone sufficient to demonstrate this,
but, when these actions are placed in historical relation to earlier actions of Japan, the certainty
of their significance becomes still more evident. It is appropriate, therefore, before referring
specifically to certain of the features of Japan’s military invasion of Manchuria, beginning with
September 18th, that something should be said as to events prior to that date.

At no time since the Russo-Japanese war of 1904 and 1905 has the Chinese Government
doubted the purpose of Japan to seize Manchuria whenever an opportune occasion might arise. ¹
Ten years before this, Japan had demanded, by the Treaty of Shimonoseki which concluded the
Sino-Japanese war, that China should cede to Japan the Liaotung Peninsula, but had been
compelled, by the pressure of Russia, Germany and France, to forgo this demand in exchange
for an increased money indemnity from China. However, with the defeat of Russia in 1905,
Russia was compelled to cede to Japan the lease of the Liaotung Peninsula (which, in the meantime,
Russia had obtained from China) and Russian interests in the portion of the South Manchurian
Railway south of Changchun. To these transfers, China was not able to refuse her consent.
From this date, as has been said, China has had no doubt as to the ultimate designs of Japan upon
Manchuria.

In 1915 came the Twenty-one Demands to many of which China, in the face of a direct
ultimatum from Japan which threatened immediate war, was compelled to accede. ² By means
of the Agreements, thus obtained under duress and with no *quid pro quo*, Japan was enabled to
strengthen her economic interests and political influence in Manchuria. At this time, 1915,
Japan, by the nature and scope of her demands in their original form, came out boldly and cynically
into the open, and without disguise made known what her policies were to be with reference to
Manchuria, and, indeed, with reference to the whole of China, which she would then have brought
into political subjection herself, had she felt it wise, at that time, to insist upon a full compliance
with her demands as originally presented.

The next year, in 1916, in connection with a fracas between Chinese and Japanese soldiers
occurring at Chengchiutan, near the border of Mongolia, came again a clear revelation of what
were Japan’s desires with regard to Manchuria and Eastern Lower Mongolia. New demands
upon the Chinese Government were then made by Japan which, in addition to other requirements,
asked that China should agree “to the stationing of Japanese police officers in places in South
Manchuria and Eastern Lower Mongolia where their presence was considered (by Japan) necessary
for the protection of Japanese subjects. China also to agree to the engagement by the officials
of South Manchuria of Japanese police advisers”. “In other words”, says Willoughby in his

¹ See Appendix V of “Statement communicated by the Chinese Delegation in conformity with Article 15,
Paragraph 2, of the Covenant of the League of Nations (Annex III).
² See Appendix I, Chinese Statement (Annex III).
treatise on "Foreign Rights and Interests in China" (second edition, Vol. I, page 206), "that Japan should be given an indefinite and therefore general right to participate in the policing of whatever portions of South Manchuria and Eastern Lower Mongolia she might think desirable".

In addition to these demands certain "desiderata" were also presented by Japan. These demands and desiderata, as observed by Willoughby, were based upon facts as alleged by the Japanese, and not as determined by any thorough or bilateral examination as to who were in the wrong.

China, fortunately, found it possible not to yield to the demands in so far as they would have meant a recognition by herself of an extension of Japan's political rights in Manchuria and Eastern Lower Mongolia, but the fact that the demands were made, and strongly urged by Japan, indicated the extent of her desires with reference to the territories concerned.

In the diplomatic discussions between Japan, the United Kingdom, France and the United States of America, beginning in July 1918, and terminating in January 1921, in the creation of a new banking consortium, Japan made strenuous but unsuccessful efforts to obtain the recognition by the other Powers with whom she was negotiating of her special rights to the economic exploitation of Manchuria. Here, again, Japan made plain her desires with reference to Manchuria.

At the Washington Conference of 1921 and 1922, Japan was prevailed upon to make certain concessions with regard to powers which she had been exercising in China, but, it is to be noted, so far as concerned her claims to rights, economic and political, in or relating to Manchuria, she refused to make any concessions—not even as to the rights which she had obtained under such infamous circumstances in 1915. Thus, once more, were demonstrated the policies which Japan intended to pursue with reference to Manchuria.

Since the Washington Conference, Japan has, upon several conspicuous occasions, asserted and exercised rights to control political conditions in or relating to Manchuria which have been without any justification under either international law or existing treaties. Thus, despite her engagement in the Sino-Russian Treaty of Portsmouth (Article IV) "not to obstruct any general measures, common to all countries, which China may take for the development of the commerce and industry of Manchuria"; and despite her and Russia's engagement in Article VII of the same treaty "to exploit their respective railways in Manchuria exclusively for commercial and industrial purposes and in no wise for strategic purposes," Japan has continually, and, in a number of cases, successfully, prevented needed railway development by China in the provinces of Manchuria, and has made the South Manchurian Railway a powerful governmental agency for other than purely commercial or industrial purposes.

It is, however, to be noted and emphasised that, during these more than twenty-five years, Japan has never denied that Manchuria constitutes an integral part of the territory of China. She has sought in every possible way to increase her economic and political influence and control in Manchuria, but, at the same time, has repeatedly, and in the most solemn and official manner, recognised the fact that China's territorial sovereignty extends over Manchuria. This formal recognition she has made no effort to withdraw up to the present time.

It is clear, then, that Japan has hoped and believed that, while conceding the formal or technical sovereign territorial jurisdiction of China over the Manchurian provinces, she will be able so to increase her actual economic and political influence and control over these provinces as to give her the substance of power while leaving to China only a formal and wholly unsubstantial political authority. This, at any rate may certainly be regarded as Japan's policy up to, and until, the events beginning with September 18th.

Since September 18th, 1931, it undoubtedly appears that, while not changing her main policy Japan has decided that the quickest and most effective way to realise it will be, first, to break down in every possible way the existing organs of control and administration of China in Manchuria, and then to take steps to have created, and to support with her armed forces when created, a new set of governmental agents in Manchuria who will declare their independence of China, and who and when formally recognised by Japan as the de jure government of Manchuria, will be disposed to grant to Japan such treaty rights as she may desire.

II. Chinese Representations to the League.

As soon as it was seen that the military forces of Japan which had invaded Manchuria in September last, were setting to themselves the task of ousting from authority all Chinese organs of political administration in Manchuria, the Chinese Government perceived the significance of this line of action and took pains to give notice to the Members of the League of Nations represented upon the Council that such acts upon the part of the Japanese forces were not only

---

1 Generally, with regard to these Japanese demands and desiderata, see MacMurray, "Treaties and Agreements with and concerning China", Vol. II, pages 1347 to 1352.
in violation of established principles of international law and justice, but were in violation of
the specific undertakings of Japan, as given in the Nine Power Treaty resulting from the
Washington Conference of 1921 and 1922 and of Article 10 of the Covenant of the League of
Nations.

It is to be observed that, in the first communication to the League in which China made
appeals to the Council under Article 11 of the Covenant, China asked, not only that the Council
should take immediate steps to prevent a development of the situation which Japan had created
and which was endangering the peace of nations, but also to re-establish the status quo ante.
Thus, when the Council adopted unanimously its resolution of September 30th, the Chinese
representative, Dr. Sze, took pains to say that China expected the Council to see to it not only
that the Japanese troops should be completely withdrawn from Manchuria or to within the
South Manchurian Railway Zones, but that there should be a "full re-establishment of the
status quo ante". He further said (Official Journal, December 1931, page 2308):

"... that by October 14th (the date to which the Council proposed to adjourn)
the complete withdrawal and the re-establishment of the status quo ante had been effected,
the measures at present being employed would prove adequate, but if this happy result
was not achieved by that date, the Council would, of course, have to examine what other
measures might be required in the circumstances."

Again, when accepting the draft of the resolution of October 24th, 1931, which was adopted
unanimously by the Council except for the single vote of Japan, the Chinese representative said
(Official Journal, December 1931, page 2345):

"The terms 'evacuation' and 'taking over of evacuated territory' in the resolution
I understand to include all Japanese forces of a military or quasi-military character, such
as gendarmerie, police, and aeroplanes of all kinds, the restoration to Chinese possession
of all property, real and personal, public and private, which has been seized by the Japanese
since the night of September 18th, and the release from all forms of restraint of Chinese
authorities and citizens, and banking or other commercial or industrial establishments.
In short, that, so far as possible, the status quo ante shall be re-established.""

page 2540), the Chinese delegation, in a communication to the Secretary-General of the League
with reference to information supplied therein and to a memorandum filed the previous day, said:

"It is now clear that the Japanese Army of Occupation are pursuing a deliberate policy
of trying to substitute for the authority of the Chinese Government the rule of various
groups and individuals set up and maintained by the Japanese themselves. Yesterday's
memorandum predicted that a further step in this policy was imminent. It has now been
taken; the Japanese military are confiscating the salt revenues and trying to divert them
into the hands of the puppet authorities set up by themselves... the situation is
of the utmost gravity."

Again, in a communication to the Secretary-General of November 7th, 1931 (document
representative on the Council said:

"This concrete example casts a vivid light on the proceedings of the Japanese military
in Manchuria, and shows how, on the pretext of maintaining law and order, they are every-
where destroying the authority of the lawful Chinese Government, and, under the guise of
'committees for the maintenance of peace and order', or other aliases, are setting up and
maintaining, at Mukden, Kirin and other points under Japanese occupation, the arbitrary
rule of persons and groups who are the puppets and creatures of the Japanese Army Command."

Still again, on November 17th, 1931 (document C.868.M.446.1931.VII, Official Journal,
December 1931, page 2550) the Chinese representative called to the attention of the Council of the
League the fact that it was reported that the Japanese authorities had taken ex-Emperor Puyi,
of the former Manchu dynasty, from the Japanese Concession in Tientsin, where he had been
sheltering himself, to Mukden (as later appeared for a part of the way upon a Japanese warship
with a military escort), for the purpose of establishing there a bogus government with Puyi as
its head. The following declaration was then made by the Chinese Government:

"The National Government (of China) has already declared to the League of Nations
and to the Governments of friendly Powers that the Chinese Government and people will not
recognise any illegitimate institutions established in subversion of China's administrative
integrity in those places of the north-eastern provinces which remain under the occupation
of Japanese troops. In the event that establishment of Puyi's government is confirmed,
the National Government (of China) will regard such government as a seditious institution
and at the same time as an auxiliary organ of the Japanese Government in disguise, while
all acts of such government, which are necessarily illegal, will be repudiated by the National
Government."
In his communication of November 12th, 1931 (document C.854.M.432.1931.VII, Official Journal, December 1931, pages 2571 and 2572), the Japanese representative upon the Council, while asserting that his Government had forbidden its nationals "to mix themselves up in any way with local independence movements", nevertheless went on to assert that the Japanese military authorities in Manchuria had "had no alternative but to encourage the formation among the Chinese themselves of bodies responsible for the maintenance of order".

We have also the frank statement made by the Japanese representative, M. Sato, to the Council at its meeting on February 19th, 1932, that the Japanese Government viewed with sympathy the independence movement in Manchuria.

At the time of the unanimously adopted Council Resolution of December 10th, the Chinese representative said (Official Journal, December 1931, page 2377):

"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 purpose, as an obvious violation of the undertaking to avoid any further aggravations of the situation."

Finally, on February 22nd, 1932, the Chinese Government made the following formal statement with regard to the puppet governmental agencies which the Japanese authorities had been establishing and supporting with armed forces in Manchuria (see Appendix VIII of "Statement by Chinese Delegation in Conformity with Article XV, Paragraph 2, of the Covenant of the League of Nations" (Annex III), dated February 29th, 1932, see also, for the same, document C.268.M.156.1932.VII):

"The three eastern provinces, also known as Manchuria, are always an integral part of China and any usurpation or interference with the administration therein constitutes direct impairment of China's territorial and administrative integrity. Article of the Organic Law of the National Government of October 4th, 1928, which was proclaimed in the three eastern provinces (Manchuria) as well as in other provinces of the Republic, provided that the National Government shall exercise all governing powers in the Chinese Republic. The Provisional Constitution of June 1st, 1931, expressly provides that the territory of the Chinese Republic consists of the various provinces, Mongolia, Tibet, and that the Republic of China shall be a unified Republic for ever.

"The territorial, political and administrative integrity of the Chinese Republic, besides being an attribute of a sovereign State and of international law, is guaranteed by Article 10 of the Covenant of the League of Nations and Article 1 of the Nine Power Treaty. Such guarantee has been implemented by Japan when she adhered to the League Council resolution of September 30th last, which reads partly as follows:

"The Council recognises the importance of the Japanese Government's statement that it has no territorial designs in Manchuria... 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."

"In the resolution of October 24th last, the Council emphasised the importance of these assurances, saying that it '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."'

"The Council further states in the resolution of December 10th last that:

"Considering that events have assumed an even more serious aspect since the Council meeting of October 24th, the Council 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."

"This resolution was also accepted by Japan. The Chinese delegate who endorsed it declared:

"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 of utilising disorderly elements for such purposes) as an obvious violation of the undertaking to avoid any further aggravation of the situation."

"Now, in defiance of all law and solemn obligations, the Japanese authorities who are in unlawful occupation of the three eastern provinces are endeavouring to set up in these provinces a so-called independent government and are trying to compel Chinese citizens..."
to participate in the puppet organisation. The National Government has repeatedly and emphatically protested against the illegal actions of the Japanese Government in this regard, and hereby again declares that it will not recognise the secession or independence of the three eastern provinces or any part thereof, or any administration which may be organised therein without its authority and consent.”


As regards the amount of Japanese military support required to maintain in nominal existence the puppet government in Manchuria, we have a recent statement by the Japanese that they still have there some thirty thousand troops. The information which the Chinese Government has is that a much larger number of Japanese troops are still in Manchuria, possibly more than twice that number.

For specific instances, communicated to the Council of the League, in which the Japanese military forces were taking steps to break down Chinese civil authority and institutions in Manchuria and to replace them with authorities of their own establishment, reference may be made to the following documents:

C.627.M.251.1931.VII, page 2466
C.733.M.338.1931.VII, pages 2496 and 2497
C.863.M.441.1931.VII, page 2526
C.812.M.402.1931.VII, pages 2543 and 2544
C.839.M.419.1931.VII, page 2546

IV. Attitude of the United States of America and the League.

It is thus clear that, from the beginning, China has advised the League, and by so doing has given notice to the world, that she will not be satisfied with any outcome of the situations created in Manchuria by the acts of Japan since September 18th, 1931, which brings into existence a situation that departs in any substantial manner from that which existed prior to that date; and that she conceives that, in pursuance of the obligations created by the Covenant of the League of Nations, it is incumbent upon the League to use, to the fullest extent necessary, its authority to prevent such a changed political situation from being created, or, if created de facto, from being recognised by the League or by its members as of a de jure character. Indeed, if brought into a de facto existence by violation of the Covenant of the League (not to speak of the Washington Nine-Power Treaty or the Paris Peace Pact), it is the contention of the Chinese Government that the League should use its authority to break down that de facto situation in order that the political order existing prior to September 18th may be re-established.

The Chinese Government notes with satisfaction the official statement of the United States Government of January 7th, 1932, communicated in identical terms to the Governments of China and Japan calling attention to the fact that with the recent military operations about Chinchow, the last remaining administrative authority of the Government of the Chinese Republic in South Manchuria, as it existed prior to September 18th, 1931, had been destroyed, and, in view of that fact, declaring:

“The American Government deems it to be its duty to notify both the Government of the Chinese Republic and the Imperial Japanese Government that it cannot admit the legality of any situation de facto nor does it intend to recognise any treaty or agreement entered into between those Governments, or agencies thereof, which impair the treaty rights of the United States of America or its citizens in China, including those which relate to the sovereignty, the independence or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the ‘open-door’ policy; and that it does not intend to recognise any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27th, 1928, to which treaty both China and Japan, as well as the United States, are parties.”

The Chinese Government also notes with satisfaction that all the Members of the League of Nations have, by the unanimously adopted Assembly resolution of March 11th, 1932, placed themselves upon substantially the same ground as the United States. In the resolution, it is declared:
The Assembly . . .

Adopting the principles laid down by President of the Council, Briand, in his declaration of December 10th, 1931:

Recalling the fact that twelve members of the Council again invoked these principles in their appeal to the Japanese Government February 16th, when they declared, no infringement of territorial integrity and no change in 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 the Members of the League of Nations . . . .

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

It is clear, then, that both the United States of America and all the Members of the League of Nations have committed themselves to the proposition that any change in the political status of Manchuria brought about by means that are in violation, in the one case, of treaties to which the United States is a party, and, in the other case, of provisions of the Covenant of the League of Nations, will not, and properly cannot, be effective to bring about a situation which can claim to be of a de jure character, or even of such de facto character as to entitle it to recognition of any sort by other Powers.

That Japan, since September 18th, has been acting in Manchuria in violation of treaties and of the Covenant of the League of Nations is now denied by no one except herself. Equally certain is it that Japan has employed her armed forces in Manchuria with a deliberate intent to destroy the administrative integrity of China so far as Manchuria is concerned. She has sought to justify these acts by asserting that, by so doing, she has been able to obtain Chinese authorities more compliant to her will and thus—though the connection is not plain—to secure a greater degree of safety for her nationals and their property. Even if this were true (which the Government of China denies), no argument is needed to show that no principle of international law justified such action by one country within the territory of another Power. As to this, it is sufficient to refer to the statements of Lord Cecil at the second meeting of the Council of its sixty-fifth session, September 22nd, 1931 (Official Journal, December 1931, page 2270); to the statement of M. Briand, as President of the Council at its October meeting 1925 (Official Journal, November, 1925, page 1709); to the declaration at the same time of Sir (then Mr.) Austen Chamberlain—these declarations being approved by Viscount Ishii speaking for Japan—and to the convincing argument of M. de Madariaga at the fifteenth meeting of the sixty-fifth session of the Council, October 24th, 1931 (Official Journal, December 1931, pages 2352 and 2353).

V. Japanese Subversive Acts in Manchuria.

But, whatever may be her attempted excuse or justification, Japan has not denied that she has ousted from office the administrative agents of the Chinese Government in Manchuria, and supported in office, in their place, agents who have derived no official status whatever from the Chinese Government. Thus, Japan sought to relieve herself from the odium of having seized and controlled the disposition of funds of the Chinese " Salt Gabelle " by asserting that she had turned these seized funds over to other Chinese persons whom she, Japan, had recognised as qualified to receive and use them. Japan has not denied that this transfer was in opposition to the protests of the agents of the Chinese Government who were authorised by the Government to receive them, nor has Japan denied that this transfer was accomplished with the direct aid of her armed forces. Thus, in an official communication of the Japanese Government transmitted to the Council of the League of Nations on November 13th, 1931, we find declared:

"It has now become evident . . . that Chang Hsueh-liang (Chinese official head of the Manchurian Government) is directing Chinese forces stationed in various parts of Manchuria and, with the help of bandits (an unsupported allegation), is striving by every means to attack the security of our troops and the interests of Japanese nationals in Manchuria. It is therefore perfectly comprehensible that, in these exceptional circumstances, the Japanese military authorities should have interfered with the despatch of funds which were aimed at maintaining activities directed against themselves."

The Japanese communication continues:

"Furthermore, local organs have been established by the Chinese to maintain order in Manchuria. To place at the disposal of the Committee for the maintenance of order organised at Mukden the resources which have hitherto gone to Chang Hsueh-liang amounts, in short, to reinforcing the action of the body which is, in fact, responsible for the maintenance of order until the restoration of normal conditions, and, to this extent, this action can only be regarded as highly desirable. Accordingly, the action of the military authorities (of Japan) in intervening to transfer the surplus revenues of the Chinese Salt-Tax Office to another Chinese body cannot be regarded as unjustifiable."

The "local organs", and the "Committee for the maintenance of Peace", referred to in the last paragraph that has been quoted from the Japanese communication, derived no official
authority from the Government of China, and had, in fact, been brought into existence and
maintained in power by the Japanese military authorities.

In the foregoing communication—and others might be quoted if it were necessary—we have
the clear admission by the Japanese Government that, not only were its military forces operating
to prevent the \textit{de jure} Chinese officials in Manchuria from functioning, but that they were enabling
other persons, deriving no official authority whatever from the Chinese Government, to function
in their place.

Indeed, it is well known that the determination of the Japanese to take possession of the city
of Chinchow was almost wholly, if not wholly, based upon the desire of the Japanese Government
to oust from authority the last remnants of Chinese official administration and control in Manchuria.
Certainly, there was no military need for the occupation of the city by the Japanese military
forces for neutral observers on the spot unanimously reported that Chinese forces were not concen-
trating there, and that those Chinese forces which were already there were not engaged in any
operations that would indicate any offensive against the Japanese forces; nor at the time were
there in or near Chinchow any Japanese nationals to be protected.

The purpose had in view by the Japanese Government for the occupation of Chinchow was
plainly declared in a printed handbill which the Japanese aeroplanes dropped in great numbers upon
the city. This circular declared that the Imperial Japanese army would never recognise the
Government which Chang Hsueh-liang had established at Chinchow after the Government at
Mukden had been destroyed by the Japanese, and that the army would take “drastic measures
to suppress such Government.” The people of Chinchow were exhorted to submit to the kindness
and power of the army of the great Japanese Empire and to oppose and prevent the establishment
of Chang Hsueh-liang’s Government, “otherwise”, the handbill declared, “they will be regarded
as decidedly opposing the army of the great Japanese Empire, in which case the army will ruthlessly
destroy Chinchow”.

Given the conditions that have existed in Manchuria since September last, it is clear that there
is overwhelming evidence to the effect that, as has been shown, from the very beginning, and at
every subsequent stage of its development, the so-called State of Manchukuo has been at the
instigation of, and with the military assistance of, the Japanese military forces in Manchuria.\footnote{If further evidence is needed as to the destruction of Chinese authority in Manchuria by the Japanese military, and its attempt to take full control of economic and commercial as well as of political affairs in Manchuria, reference might be made to the summary of these acts published in the \textit{Manchester Guardian} of January 15th, 1932, and in the \textit{Baltimore Sun} (United States of America) of January 19th and 20th.}

\textbf{VI. The Puppet Government and International Law.}

International law is so clear that it is not necessary to present an array of authorities, that
any aid given by an outside Power to the people of a portion of the territory of another friendly
State who are taking steps to separate themselves and their territory from the sovereignty of that
State is an act of the most unfriendly character and furnishes a just \textit{casus belli} should that State
decide so to regard it. As typical of the established view of all international law-writers may be
quoted the statement of Thomas Baty, an eminent authority and one who has for years served as
an adviser in matters of international law to the Imperial Japanese Government. In an article
entitled “The relations of Invaders to Insurgents” (\textit{Yale Law Journal}, May 1927), he says:

“At last we can approach the final and crucial group of cases; those that is, in which the
invading enemy not only desires to avail himself of revolution, but actually inspires and
foments it. Here, it would seem, there can exist no doubt. It is not open to an occupying
enemy to do indirectly what he cannot do directly and force the local population into active
hostility to their sovereign under cover of insurrection. If, during the war of 1812, the
United States had occupied Lower Canada, and had availed themselves of local dissatisfaction
to secure a proclamation of secession and alliance with themselves, the allegiance of the people
of Quebec would not have been in the least degree affected.”

Dr. Baty is here speaking of a situation of open war. \textit{A fortiori}, his doctrine would apply
to a party which has invaded the territory of a friendly Power and declared that its sole purpose
and justification for doing so is, temporarily, to provide protection to its own nationals living in
that territory.

As has been already shown, Japan would have been stopped by general principles of inter-
national law from giving an encouragement or aid to the people of Manchuria, had they sponta-
neously sought to assert their independence of China. How much stronger, then, was her legal
and moral obligation to refrain from giving encouragement and aid in view of the specific treaties
which she had freely and voluntarily entered into!
B. COMMUNICATIONS FROM THE JAPANESE DELEGATION.

A. (Extr.).60.1932.VII.

I. COMMUNICATION, DATED MARCH 16TH, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]


Referring to the Communication of the Chinese delegation (document A.(Extr.).39.VII)¹ concerning a telegram from M. T. V. Soong, Finance Minister, with regard to the Customs at Antung, I have the honour to inform you that our Consul in that town informed Mr. R. M. Talbot, Customs Commissioner, of the contents of the Chinese communication, and that the latter has replied to the following effect:

(1) That he has been officially informed by the Superintendent of the arrival of a Japanese Adviser;
(2) That paragraph 1 of the Chinese communication is incorrect;
(3) That the last part of paragraph 2 concerning the declarations of the Consul is also incorrect;
(4) That he (Mr. Talbot) in his telegram to Inspector-General Maze, had expressed a personal opinion and had reported current rumours, but that he had certainly not attributed to the Japanese Consul the statements which M. Soong’s telegram alleged him to have made. He (Mr. Talbot) had sent a telegram to Mr. Maze contradicting this information and asking him to rectify it.

(Signed) N. SATO.

A.(Extr.).96.1932.VII.

II. COMMUNICATION, DATED APRIL 2ND, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[77/1932.]

[Translation.]

Geneva, April 2nd, 1932.

With reference to the communication from the Chinese delegation dated March 22nd (document A.(Extr.).72.1932.VII)², I have the honour to inform you that it is entirely untrue that the Japanese authorities have taken measures to seize the Customs revenue in Manchuria or taken steps with a view to this revenue being transferred to the Government of the State of Manchuria. It is also untrue that the Japanese authorities are insisting on appointments to the Customs staff and all tariff changes being submitted for the decision of that Government.

All these questions are within the competence of the Government of Manchuria and not of the Japanese authorities, the Japanese Government being in the position of a third party with regard to the maritime Customs of Manchuria. The news of a proposed Customs union between Japan and Manchuria is also inaccurate.

The Japanese Government is not aware of the intentions of the Government of Manchuria with regard to the payment of the service of foreign loans and other subjects mentioned in the Chinese communication. It has, however, noted the assurances given by the Minister for Foreign Affairs of that Government in his telegram of March 12th last addressed to the Ministers for Foreign Affairs of Japan and other Powers, to the effect that the Government of Manchuria has decided to respect international undertakings and, in particular, the maintenance of the “open door”.

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

¹ See Annex XIV, Communication No. 2.
² See Annex XIV, Communication No. 6.
V. REQUEST FOR INFORMATION FROM THE CHINESE AND JAPANESE DELEGATIONS AS TO THE MEASURES PROPOSED TO GIVE EFFECT TO THE RESOLUTIONS ADOPTED BY THE COUNCIL ON SEPTEMBER 30TH AND DECEMBER 10TH, 1931: DECISION TAKEN BY THE SPECIAL COMMITTEE OF THE ASSEMBLY ON MARCH 17TH, 1932.

A. (Extr.). 64.1932.VII.
[Extract.]

1. LETTER, DATED MARCH 18TH, 1932, FROM THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS TO THE REPRESENTATIVES OF CHINA AND JAPAN.

Geneva, March 18th, 1932.

At a meeting held on March 17th, the Special Committee which was set up by the Assembly at its meeting of March 11th decided, in execution of the functions entrusted to it by the Assembly, to invite the Governments of China and Japan to inform it of the measures which they have taken, or expect to take in the near future, in order to carry into effect the resolutions adopted by the Council on September 30th and December 10th, 1931.

I am accordingly instructed by the Committee to request you to take steps to ensure that the information in question is communicated at the earliest possible moment to me for transmission to the Committee.

(Signed) Eric DRUMMOND,
Secretary-General.

C.357.M.208.1932.VII.

2. LETTER, DATED APRIL 8TH, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[79/1932.]

Geneva, April 8th, 1932.

The Japanese Government, pursuant to the resolutions of the Council of the League of Nations of September 30th and December 10th, 1931, has duly kept the Council informed of the events which have occurred with reference to the Sino-Japanese conflict during the last few months.

Acting on instructions from my Government, I have the honour to forward herewith a further communication arising out of the two above-mentioned resolutions, concerning the general situation.

(Signed) N. SATO,

COMMUNICATION CONCERNING THE GENERAL SITUATION.

1. The policy laid down in the Council's resolutions of September 30th and December 10th, 1931, was in perfect agreement with the line of conduct which the Japanese Government proposed to follow in Manchuria. The latter therefore willingly accepted these resolutions and has always sincerely hoped that it would be able to put them into operation, particularly as regards the withdrawal of the Japanese troops as rapidly as possible within the railway zone as soon as the protection of the lives and property of Japanese nationals was effectively provided for.

2. Following upon the incident of September 18th of last year, the majority of the officials of the North-Eastern Government had fled, its troops were disorganised and disorder soon began to prevail throughout Manchuria.

To remedy this situation and restore order, two methods might have been followed on the Chinese side. The first was to send officials to Manchuria to re-organise and rally the Chinese troops and thus restore tranquillity and security to the country. The second was the re-establishment and maintenance of order by local organisations and by the population itself.

3. As regards the first of these methods, the Japanese Government could not but recognise the great danger which would have been presented by a reassembling of the Chinese forces, even with a view to the simple maintenance of order, in consequence of the excited state of feeling
both on the Chinese and Japanese side. The presence face to face of Japanese and Chinese forces in the atmosphere of tension following upon the collisions which had occurred between them, was indeed particularly dangerous. In order that this first method could be effectively followed it was necessary to relieve the tension between the two nations by means of co-operative action. The Japanese Government regarded it as necessary as a first step in this direction to initiate direct negotiations between the two countries. On several occasions it stated its ideas on this point both to China and to public opinion in general.


“Japanese Government considers most urgent task of moment is collaboration of our two Governments with a view to calming excited national feelings by rapidly establishing through direct negotiation fundamental points capable of constituting a basis allowing of resumption of normal relations. Once national feelings are allayed by direct negotiation, Japanese troops might without overmuch apprehension return entirely to railway zone, thus facilitating assertion of authority and maintenance of order in localities in question.”

In its reply of October 12th to the appeal of the President of the Council, dated October 9th, 1931 (document C.706.M.312.1931.VII, Official Journal, twelfth year, No. 12, page 2484) the Japanese Government further said:

“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 26th, the Japanese Government stated (document C.764.M.362.1931.VII) 2 that, with the future welfare of both nations in mind, it felt that:

“Urgent need at present moment is arrive at solution of problem by co-operation of two countries and thus seek path of common happiness and prosperity. Their willingness remains unaltered and unabated to open negotiations with Chinese Government on subject of basic principles, above formulated, relating to normal relations between Japan China and on subject of withdrawal Japanese troops to South Manchurian.”

In its notes to the Chinese Government, dated October 31st and November 16th, the Japanese Government reverted once more to these ideas (documents C.794.M.388.1931.VII 3 and C.873.M.449.1931.VII) 4. The second method mentioned above was soon put into application. Chinese notables set up local bodies for the maintenance of order at Mukden, Kirin and other localities. The Japanese Government, as it stated in its note to the Chinese Government dated October 1st, 1931 (see Annex I), while forbidding “its military and civil officials to give any encouragement or assistance whatever to the political movements of the Chinese with a view to the constitution of a new Government” and “preventing Japanese nationals from participating in movements of this kind” could only “regard with favour the constitution of local bodies for the maintenance of order.” In view of the state of disorder caused by the activities of brigands and other disorderly elements, the constitution of such bodies, in its opinion, “helped to restore order, ensure the safety of Chinese and foreign inhabitants and facilitate the return of the Japanese forces within the railway zone” 5.

4. Nevertheless there was no proof of a sincere desire on the Chinese side to bring about an improvement in the situation. Not only did the Chinese Government not reply to the Japanese proposals for direct negotiations, but it took up an attitude tending towards a deliberate aggravation of the situation.

On September 23rd, Chang Hsueh-liang set up the Chinchow Government and endeavoured to foment disturbances along the South Manchurian railway line and in the districts inhabited by Japanese and Koreans. At this Government’s instigation, elements of disorder—brigands,

---

1 See Official Journal, December 1931, page 2483.
irregulars and disbanded soldiers—attacked and imperilled the lives and property of our nationals. The Japanese forces were thus obliged to combat these elements of disorder in different parts of Manchuria. ¹

5. The Japanese Government had hoped that order would soon be restored and maintained as a result of the operations mentioned above and particularly of those on a considerable scale carried out to the west of the Liao towards the end of last year, taken in conjunction with the increasingly effective assertion of authority by the local autonomous bodies. The latter were gradually assuming the character of local governments, were rallying the disbanded or disaffected troops, were setting up new police formations and were succeeding to some extent in suppressing disorder even in the districts of the interior.

Their authority is nevertheless not as great as the situation requires. On the other hand, the endeavours of the Chinese Government and of Chang Hsueh-liang’s Government to stir up disorder in Manchuria are continuing. In these circumstances, general disturbances caused by the activities of disorderly elements or fresh dangers to the lives and property of our nationals are still to be feared. In such an eventuality, some action on the part of the Japanese forces would be inevitable and, indeed, essential. ²

6. Manchuria has always been distinct from China proper, both by its customs and from the historical, economic and political points of view. Some years ago, Marshal Chang Tsolin set up a government which was independent in name and in fact from that of China proper. Its freedom of action was such that the agreement between the Central Government and the Government of the Union of Soviet Socialist Republics signed in May 1924 could not be applied as regards Manchuria until a new agreement had been concluded in September of the same year between the Union of Soviet Socialist Republics and Marshal Chang. Even after Chang Tsolin had submitted to the Nanking Government, he nevertheless retained his independence in practice. These facts show the special situation which exists in Manchuria.

Meanwhile strong opposition had grown up in Manchuria against the repeated abuses of the military dictatorship exercised by Chang Tsolin and his son. A movement in favour of a civil government had gained strength among the population. The local bodies mentioned above were set up in this atmosphere and their efforts for the maintenance of order seem to have become naturally transformed, under the direction of the Governors of the Provinces, into a movement for the independence of Manchuria.

These elements have recently set up a new government hostile to the exercise of authority over Manchuria by the nationalist Government or any other political faction of China proper.

In view of the importance of its rights and interests in this area, the Japanese Government cannot but follow with profound interest the development of the political situation in Manchuria. Apart from the effects it might have from the point of view of the Japanese forces and of our nationals, it must be recognised that the first method mentioned above of restoring order in Manchuria has become impracticable as a result of the political changes which have occurred recently.

The newly constituted Government shows itself definitely hostile to the governmental authority of China proper; and the disorganised Chinese forces have also been re-formed by the new Government.

In these circumstances, the Japanese Government greatly hopes that a situation in which order will be effectively restored throughout Manchuria will as soon as possible be brought about under the direction of the new Government. The Japanese forces are at present providing the forces of this Government in a friendly spirit with such assistance as they may need to restore and maintain order and tranquillity.

7. No doubt is possible as to the part played by the Nationalist Government in the direction and organisation of anti-Japanese agitation in China proper. The Japanese Government considers that this is not only a violation of the Council’s resolutions concerning the non-aggravation of the situation and the non-extension of the conflict, but that these activities constitute acts of hostility by the use of means other than force. It has repeatedly drawn the serious attention of the Nationalist Government and of the local Chinese authorities, as well as that of the League of Nations, to this state of affairs. Nevertheless, the Chinese Government is not only doing nothing to repress the anti-Japanese agitation but is inclined to favour it and this movement is growing in violence. These facts have been described in detail in the Japanese Government’s explanatory note concerning the Shanghai incidents (document A.(Extr.).6.1932.VII) ³. Explanations regarding these incidents were also given in the same note.

Annex I.

JAPANESE GOVERNMENT’S REPLY, DATED OCTOBER 1ST, TO THE CHINESE NOTE OF SEPTEMBER 29TH, 1931.

As a measure of defence the Japanese forces had temporarily occupied certain points outside the Japanese railway zone in Manchuria but they are withdrawing gradually as the local bodies

¹ See various communications to the Council of the League of Nations and Annex II below.
² As regards the restoration of order and the subversive activities in Manchuria see Annex III below.
³ See Annex IV.
set up by the Chinese for the maintenance of order establish their authority. The Japanese forces have never set up any military administration in this district. The Japanese Government has also strictly forbidden its military and civil officials to give any encouragement or assistance whatever to the political movements of the Chinese with a view to the constitution of a new Government and has taken all possible measures to prevent Japanese nationals from participating in movements of this kind. Consequently the Japanese Government cannot assume any responsibility for such movements on the part of the Chinese.

As regards the constitution of local bodies for the maintenance of order, the Japanese Government, in view of the present state of disorder caused by the activities of bandits and other disturbing elements, can only regard this with favour since it may help to restore order, ensure the safety of Chinese and foreign inhabitants and facilitate the return of the Japanese forces within the railway zone.

Annex II.

DISORDER IN MANCHURIA CAUSED BY BANDITS AND IRREGULAR ELEMENTS.

1. At the very outset of the present conflict, the Japanese delegation drew the attention of the League Council to the situation created by the “undisciplined bands” who even in peaceful times infest Manchuria (document C.504.M.237.1931 VII, September 22nd, 1931, Official Journal, twelfth year, No. 12, page 2477) but for whom events were to provide an opportunity to cause considerable damage. To the activities of these bands were added those of fugitive soldiers, then of groups of irregulars and other disorderly elements supported by Marshal Chang Hsueh-liang. In a communication dated October 17th, 1931 (document C.725.M.330.1931 VII) the Japanese delegation drew the Council’s attention to the “serious danger which has been caused for some time past by the growing activity of large bodies of mounted bandits and the presence of groups of disbanded soldiers”; it also communicated a map showing the distribution of the principal bands and groups of soldiers on November 30th, 1931.

From the month of November onwards the activities of these disorderly elements increased still further and in December it was necessary to carry out punitive expeditions on a large scale. An outline of the situation and of the task devolving upon the Japanese forces and local authorities was given in communications dated December 23rd and 29th (documents C.1007.M.559.1931 VII and C.1012.M.564.1931 VII).

2. The importance of the ravages caused by disorderly elements may be gauged by the following figures:

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of raids</th>
<th>Killed and wounded</th>
<th>Hostages</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1st to 10th</td>
<td>+ 199</td>
<td>+ 253 (3)</td>
<td>+ 218 (18)</td>
</tr>
<tr>
<td>11th to 20th</td>
<td>+ 212</td>
<td>+ 36 (3)</td>
<td>+ 204 (133)</td>
</tr>
<tr>
<td>21st to 31st</td>
<td>+ 37</td>
<td>+ 118 (4)</td>
<td>+ 43 (9)</td>
</tr>
<tr>
<td>November 1st to 10th</td>
<td>+ 278</td>
<td>+ 63 (8)</td>
<td>+ 107 (16)</td>
</tr>
<tr>
<td>11th to 20th</td>
<td>+ 341</td>
<td>+ 72 (6)</td>
<td>+ 304 (2)</td>
</tr>
<tr>
<td>21st to 30th</td>
<td>+ 348</td>
<td>+ 24 (1)</td>
<td>+ 176</td>
</tr>
<tr>
<td>December 1st to 10th</td>
<td>+ 472</td>
<td>20</td>
<td>173</td>
</tr>
<tr>
<td>11th to 20th</td>
<td>+ 372</td>
<td>30</td>
<td>99</td>
</tr>
<tr>
<td>21st to 31st</td>
<td>+ 616</td>
<td>30</td>
<td>224</td>
</tr>
<tr>
<td>January 1st to 10th</td>
<td>+ 686</td>
<td>9</td>
<td>79</td>
</tr>
<tr>
<td>11th to 20th</td>
<td>+ 825</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21st to 31st</td>
<td>+ 769</td>
<td>22</td>
<td>371</td>
</tr>
<tr>
<td>February 1st to 10th</td>
<td>+ 572</td>
<td>12</td>
<td>208</td>
</tr>
<tr>
<td>11th to 20th</td>
<td>+ 536</td>
<td>5</td>
<td>263</td>
</tr>
<tr>
<td>21st to 29th</td>
<td>+ 493</td>
<td>13</td>
<td>230</td>
</tr>
</tbody>
</table>

It should be noted that a large number of foreigners other than Japanese have been the victims of bandits and of Chinese. (See, for instance, documents C.659.M.270.1931 VII (Official Journal, December 1931, page 2479), C.879.M.455.1931 VII (Official Journal, December 1931, page 2584), C.971.M.534.1931 VII.)

We would also recall the fact that from October to the end of December the Japanese forces were compelled to carry out more than 100 punitive operations (October 35, November 48 December 20). These figures do not include local alarms, movements of armoured trains and air expeditions. From September 18th to November 15th the Japanese police carried out 36 expeditions, the Chinese forces 3, and the Chinese police 55 (document C.879.M.455.1931 VII).
The number of Japanese nationals (Koreans included) who were obliged to abandon their homes in Manchuria amounted on November 25th, 1931, to 10,125; on January 7th, 11,125 Koreans were compelled to flee from the districts near the South Manchurian Railway and the Peiping-Mukden line.

3. The figures relating to the disturbances in Manchuria for the month of March have not yet been compiled. It should be noted that there was a recrudescence of activity on the part of the elements supported by Chang Hsueh-liang.

On the 21st, the railway was destroyed by an explosion between Tatun and Mengchiatung, near Ssupingkai. On the 22nd, a band of 200 brigands plundered the neighbourhood of Taochiatung station, and about 100 soldiers were sent from Kungjuling to repulse them. Five Japanese officers and soldiers were killed.

Serious incidents took place in the Puyo district, where a band of some 3,000 men under the orders of Li Haiching attacked the environs of Nengan on March 28th. The Japanese women and children were sent to Changchun, and the other members of the Japanese colony took refuge on March 30th along the Chinese Eastern Railway.

Communications concerning Brigandage in Manchuria.

(Specially important communications are marked with an asterisk.)


After December 10th, 1931:
C.997.M.553. December 12th, 1931, Official Journal, XIII. 2, page 298. (Brigandage, expedition to Hanchiaotze and to the west of Chenchiutung.)
PRESENT POSITION IN REGARD TO THE MAINTENANCE OF ORDER IN MANCHURIA.

Since the incidents of September 1931, the Chinese forces belonging to the North-Eastern Government, which had remained in Manchuria, have been abandoning the North-Eastern Government little by little in favour of the new authorities.

(a) The present forces of the Mukden Provincial Government are approximately as follows:
Some 8,000 men under the orders of General Ow Shishan are posted along the Mukden-Hailung railway. Some 9,000 men under the orders of General Chang Haipeng are posted along the Taonan-Angangchi railway. Some 2,000 men under the orders of General Wang Tienchung are posted along the railway from Mukden to Shangkewan and in the region to the west of the Liao. There are also small local forces.

It is obvious that the above armed forces are not adequate to maintain order completely; but they are successful up to a point in checking the activities of bandits and irregulars.

Chang Hsueh-liang is continuing his efforts to create disorder in order to regain power, by organising "voluntary armies". Of these voluntary armies mention may be made of "The Anti-Japanese Voluntary Army of the North-East for the Salvation of the Country", under the orders of General Hu Yukun, which operates in the Liao basin and in particular to the south of Chinchow. It is composed of some fifty groups of from 200 to 1,000 men. These forces have been particularly active in the region of Suichung and along the Takushan-Tungliao railway. Behind this "army", in the region of Shanhaikwan, is the "Anti-Japanese and Patriotic Army of the People of the North-East", consisting of some twenty groups under Chin Tseming. These troops are said to be preparing an advance in Manchuria.

In Manchuria itself, the "Voluntary Army of the People of the North-East", under the orders of Wu Chiahsing, continues its clandestine activities. At the beginning of March, it endeavoured to create disorder in the neighbourhood of Mukden. In the north-east of Mukden province, the association of the "Great Sword" (Ta-Tao-Hui) is operating. The adherents of this association recently advanced in the region of the Mukden-Antung railway. In the region west of Hsinmin, the association of the "Red Lance" (Hung-Chiang-Hui) is busily at work.

(b) In the Kirin province, a government was set up by Hsi-Hsia who had fairly considerable forces at his disposal. But the forces opposed to him were not inconsiderable, and the new government was compelled to reckon with the customary tendency of Chinese soldiers to transfer their allegiance. In the early part of January, the Kirin government sent some 10,000 men to fight the hostile forces of Chang Tschoch, Tan Shanhai and Li Tu, which were concentrated in the region of Yushu Pincisien Changchen. The movements of these troops gave rise to disturbances in the region of Harbin where Japanese and Koreans were assassinated by soldiers of the party opposed to the Kirin government at the end of January. Japanese forces had to be rushed to the spot.

The forces opposed to the Kirin government (approximately 13,000 men) including the forces under General Ting Chao, head of the Railway Guards of the Chinese Eastern Railway, withdrew from Fangcheng to Liao; but about February 20th they took Wuchihio, Imiempa and Weiho on the Eastern Railway line and looted the neighbourhood. As there were numerous Japanese nationals in the district to the east of the Chinese Eastern Railway, Japanese forces were sent on March 3rd from Harbin to Hailin and Ninguta. Negotiations are now proceeding between the opposing Chinese forces: but the situation is far from being established.

In the Chientao, General Wang Tehling attacked the Kirin government at the beginning of February with his troops and looted the whole of the neighbourhood. On February 16th, some of these troops destroyed the Kirin-Tunhua railway line between Lafaotan and Tachiaohao and between Weihuling and Huangnihotzu. A detachment of Japanese forces was sent on the 17th from Changchun to Kuchia, where it was attacked by Chinese forces on February 20th.

The anti-governmental Chinese forces are at present ravaging the Ninguta district and the regions farther to the south.

On March 20th, the district to the south of Tunhua was looted by bandits, and a small Japanese detachment was sent to deal with them.
(c) The armed forces in the Heilungkiang province (approximately 12,000 men) have come to the support of the new Government. The attitude of Su Pingwen, who has some 6,000 men under him in the Manchuli district, is alone still uncertain. Occasional disturbances have taken place.

On March 10th, a revolt occurred at Heiho and Japanese nationals were compelled to take refuge at Blagoveschensk.

On the 12th, further disorders took place at Manchuli, in the course of which a Japanese was killed. On the 15th, the women and children of the Japanese nationals (77 persons) fled for refuge to T’setsihar and Harbin.


Geneva, April 13th, 1932.

I have the honour to acknowledge the receipt of your letter 1 of March 18th and to communicate herewith a memorandum submitted in compliance with the decision of the Special Committee at its meeting on March 17th, to invite the Governments of China and Japan to inform it of the measures which they have taken or expect to take in the near future, in order to carry into effect the resolutions adopted by the Council on September 30th and December 10th, 1931.

From this memorandum, it must be evident to the Committee that the measures which the Chinese Government have taken or expect to take in order to faithfully carry out the said Council resolutions have all been frustrated by the Japanese Government, which must, therefore, be responsible for the abnormal state of things now prevailing in the three eastern provinces as a consequence of the non-execution of the said Council resolutions on the part of Japan.

(Signed) W. W. YEN.

MEMORANDUM CONCERNING THE MEASURES TAKEN BY THE CHINESE GOVERNMENT IN COMPLIANCE WITH THE COUNCIL RESOLUTIONS OF SEPTEMBER 30TH AND DECEMBER 10TH, 1931.

The following memorandum has been compiled in response to the request of the Committee of Nineteen at its meeting on March 17th, for information at the earliest possible moment on the measures which the Chinese Government has taken or expects to take in order to carry into effect the resolutions adopted by the Council on September 30th and December 10th, 1931.

Obligations assumed under the Resolution of September 30th.

Under the resolution of the Council of September 30th the parties undertake to furnish the Council with full information as to the development of the situation and to take all necessary steps to prevent any extension of the scope of the incident or any aggravation of the situation. The former obligation is, so to speak, non-controversial and has been constantly and faithfully carried out. The latter obligation has been complied with in full by the Chinese Government but not by the Japanese. All the Chinese military measures have been strictly limited to self-defence, and nothing has been done to aggravate the situation.

The principal obligations accepted respectively by the two parties are contained in the following paragraphs of the Resolution:

"Notes the Japanese representative’s statement that his Government will continue as rapidly as possible the withdrawal of its troops, which has already been 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 possible.

"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 Japanese troops continues and the Chinese local authorities and police forces are re-established."

(Official Journal, December 1931, page 2307.)

1 See Annex XV, Communication No. 2.
Steps taken by China to carry out the Resolution.

The Chinese Government took immediate steps to carry out its part of the contract:

On October 5th, the following despatch from the Chinese Government was transmitted to the Council:

"General Chiang Kai-shek, the President of the National Government and concurrently the Commander-in-Chief of the land, naval and air forces of the Republic of China ordered yesterday Marshal Chang Hsueh-liang to appoint high military officers who have been commanding the military forces of the three eastern provinces to take over the places to be evacuated by the Japanese troops and to be strictly responsible for the restoration of order in those places which had been disturbed by the Japanese soldiers."


The next day the Council was informed that action had duly been taken in conformity with this despatch in the following cable message from the Chinese Government:

"Acting under the instruction of General Chiang Kai-shek, the President of the National Government, Marshal Chang Hsueh-liang has appointed Generals Chang Tso-hsiang and Wang Shu-chang to take over the places to be evacuated by the Japanese troops and to be strictly responsible for the restoration of order therein."


The Chinese Government took immediate steps to notify the Japanese Government of the action it had taken and duly informed the Council of this action in a despatch, dated October 8th, reading as follow:

"Chinese Minister in Tokio notified Japanese Government on October 6th that Chang Tso-hsiang and Wang Shu-chang have been appointed representatives to take over places to be evacuated by Japanese military forces and asked for telegraphic instructions to be sent to Japanese military commanders to begin handing over. No reply received up to date. Chinese Minister is instructed to deliver second note as follows:

"Fulfilment of Council resolution September 30th requires immediate transfer to Chinese authorities of localities occupied by Japanese troops since September 18th. Chinese Government having pledged itself to assume responsibility for safety of lives and property of Japanese nationals during process of withdrawal of Japanese troops and re-establishment local Chinese authorities and police forces, notified Japanese Government October 6th of appointment of its representatives and asked it to make immediate arrangements to enable Chinese troops effectively to take possession evacuated localities and thus to protect lives and property of residents in conformity with its undertaking given to Council. As no reply received and matter extremely urgent, I am instructed to request: First, that Japanese Government indicate localities to be taken over this week; secondly, that in the course of the day instructions be telegraphed to military commanders so that re-occupation can be begun tomorrow."


The Japanese Attitude.

The Japanese Government, in a reply, a copy of which was communicated to the Council (document C.691.M.297.1931), reiterated its assertion that Japanese action in Manchuria had been undertaken only to protect the lives and property of Japanese subjects, and proceeded to define its attitude as follows:

"1. Military occupations undertaken by Japanese army along South Manchurian railway line since incident of night of September 18th between Chinese and Japanese troops near Mukden were designed solely to avert by preventive action the potential menace constituted by presence in these districts of Chinese armies in crushingly superior numbers. Japanese troops have in fact suffered considerable losses of men in spite of proclamation of non-resistance of Chinese troops.

2. Chinese Government proposes appoint Generals Chang Tso-hsiang and Wang Shu-chang to arrange with Japanese military authorities for suitable means of maintaining order in certain localities in railway zone after withdrawal of Japanese troops. The present concentration in these localities of armed Chinese soldiers to cope with any eventualities, although maintenance of order is sole object in view, would very probably under present circumstances, as at time of incident, have regrettable effect of reviving troops' feeling of serious impending menace. In view of extreme tension of national feeling on both sides danger of conflict between troops of both parties is probably greater than at any moment hitherto.

3. Japanese Government considers most urgent task of moment is collaboration of our two Governments, with a view to calming excited national feelings by rapidly establishing..."
through direct negotiation fundamental points capable of constituting a basis allowing of resumption of normal relations. Once national feelings are allayed by direct negotiation, Japanese troops might without overmuch apprehension return entirely to railway zone, thus facilitating assertion of authority and maintenance of order in localities in question.

"4. Japanese Government is ready to negotiate immediately with responsible representatives of Chinese Government in order to establish fundamental points referred to."

(Document C.691.M.207.1931; Official Journal, December 1931, page 2483.)

The issue of direct negotiations on unspecified "fundamental points" governing the relations between the two countries as a preliminary to Japanese withdrawal was thus for the first time raised and has ever since proved an insuperable stumbling-block to the execution of the Council resolutions.

China's Reply.

On October 12th, the Chinese Government communicated to the Council a copy of its reply to the Japanese note. The following passages may be quoted:

"In defiance of international law and in violation of Covenant League Nations as well as Peace Pact of Paris and Nine-Power Treaty signed at Washington, Japan has suddenly and without provocation invaded and occupied portions of the Chinese provinces of Liaoning and Kirin, overturned lawful provincial and district administrations, and in course of invasion committed many acts of war, and others not permitted by international law even in war, such as killing of innocent civilians, bombardment of unfortified towns, bombarding of passenger trains, and removal and seizure of public and private property, etc. . . .

"China and Japan being both bound by above-mentioned international agreements imposing on their signatories obligations to seek for peaceful settlement of all disputes, China at once appealed to Council of League of Nations. Council called upon Japanese Government to give orders for immediate withdrawal of their troops from areas occupied since September 18th and decided to accept solemn pledge, given by Japan to comply with its request, fixing its further meeting for October 14th, should by that time that pledge remain unfulfilled.

"Chinese Government refrained from every beginning from any and every act of hostility, going to length of strictly ordering all military forces not to offer resistance in whatever form to continuous advance of Japanese troops, and in spite of provocative actions increasing every day in intensity and embracing ever wider areas.

"At same time, strictest discipline was imposed on the nation for protection in every way of lives and property of Japanese residents within Chinese territory under Chinese administration and the fact that no untoward incident has occurred anywhere in the vast area under Chinese jurisdiction proves conclusively that the undertaking given by the Chinese Government to Council of League of Nations is being observed most scrupulously. Repeated Government orders and proclamations have confined righteous indignation of our people within legal bounds, and mandate of the Chinese Government issued on October 7th, ordering all local authorities to give full protection to foreign nationals and to prevent undesirable elements from taking advantage of situation in inciting any unlawful actions further strengthened Government injunctions just at the time when it became only too obvious that Japanese Government was not fulfilling its pledge of withdrawal.

"Acting upon resolution of Council of League of Nations, Chinese Government has appointed two high officers to take over places to be evacuated and duly notified Japanese Government and Council to that effect, but Japanese Government has not yet carried out its declared intention to hand over places under their occupation to Chinese authorities. As is shown by the report of a neutral observer, such places as Shenyang, Kirin, Tunghuo, Chuluho, Sinmin, Tienchangtai, etc., are still under control of Japanese troops. Meanwhile these troops keep on killing and wounding innocent citizens and destroying property without slightest justification.

"It must therefore be a matter of surprise to the world that popular indignation in China has limited itself to mere refusal to purchase Japanese goods. Freedom to choose one's purchases is an individual right with which no Government interferes, and, while it is the duty of every Government to protect foreign nationals, it is bound neither by any recognised standard of governance nor by any principle of international law to prohibit or punish exercise of an elementary right of citizenship. If there be responsibility at all in the matter, it lies entirely with Japanese Government which has, by many acts of unfriendliness since Wan-pao-shan incidents, created this general prejudice against Japanese merchandise."

The View of all the Members of the Council except Japan.

The next development was the adoption by all the Members of the Council except Japan of the so-called October 22nd resolution. This document not only retains its full moral force as pointed out subsequently by M. Briand, the President of the Council, but is of the highest political value, since it represents the considered view of all the governments Members of the Council, except Japan, on how to implement the Council resolution of September 30th. Paragraphs 1, 4, 5 and 6 of this resolution may be quoted:

The Council,

"1. Recalls the undertakings given to the Council by the Governments of China and Japan in that resolution (of September 30th), 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;

"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 and lives 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 in 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 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."


This resolution crystallised the views of the President and various members of the Council regarding the issue of direct negotiations on the basis of Japanese military occupation. These views, which are a complete vindication of the attitude the Chinese Government has adopted on this issue from the outset of the conflict and are impregnably based on the plain meaning of the Covenant and the Paris Pact, are recorded on pages 13 to 18 of China's statement of her case under Article 15 of the Covenant (document A.(Extr.).1.1932, Annex III).

China's Acceptance and Japan's Rejection.

The Chinese delegate in the Council meeting of October 23rd expressed the entire readiness of the Chinese Government to accept all the obligations laid upon it by the Council resolutions, and to go further and to co-operate with the League in devising any supplementary arrangements that the Council might think desirable, in the following terms:

"In the view of the Chinese Government, the heart of the proposal is contained in the provision that the Council should meet again on November 16th, that it calls upon the Japanese Government to begin its withdrawal immediately, to proceed progressively with that withdrawal, and to complete it before the above date, and requests the Chinese Government to associate with the Chinese authorities designated to make arrangements for taking over the territory thus evacuated and ensuring the safety of the lives and property of Japanese subjects there, representatives of other Powers, in order that such representatives may follow the execution of these arrangements.

"... the Chinese Government accepts this proposal and declares its readiness to carry out to the full all the obligations it lays upon China. Not only does my Government..."
accept, it is willing to go further and to do everything possible to dissipate the apprehensions of the Japanese representative with regard to the safety of Japanese lives and property in the areas re-occupied by the Chinese authorities. I believe these apprehensions to be entirely unfounded. In the view of the Chinese Government, the insecurity and disorder that have arisen within the area occupied by the Japanese troops have their origin precisely in the Japanese occupation, will grow the longer the occupation continues, and will disappear with its termination. But I wish to state that I owe it to courtesy to declare that I am convinced the Japanese Government’s anxiety is genuine, and I would ask my Japanese colleague in return to believe that the Chinese Government is sincerely desirous to remove any possible apprehension on this score.

"So strong is this desire, indeed, that not only do I accept the proposal in the resolution to invite neutral officers, but I am prepared to go further and to assure the Japanese representative and other members of the Council that the Chinese Government is willing to examine in the most conciliatory spirit here and now any proposals for extending the system of neutral officers or, with the help of the League, devising any other arrangements on the spot to guarantee the safety of Japanese lives and property in the re-occupied territory, in order to dispel any apprehensions the Japanese Government may entertain as to the danger to its subjects that might result from compliance with the Council’s resolution."

The Chinese Government on October 27th communicated a note to the Japanese Government, informing it of the appointment of a Chinese Commission to settle the details relating to the carrying out of the evacuation and to designate representatives to be associated with the Chinese authorities, under paragraph 4 (b) of the Council’s resolution."

(Official Journal, December 1931, page 2345.)

The Japanese Government refused to accept the resolution and re-affirmed its position as regards direct negotiations on the "fundamental principles" as a condition precedent to Japanese evacuation.

The President of the Council’s Intervention.

Following upon the condemnation of this attitude in the Council on October 23rd, the President of the Council, in a communication to the Japanese Government (document C.776.M.371.1931; Official Journal, December 1931, page 2515), pointed out that, in the resolution of September 30th, the Japanese Government had undertaken to:

"... 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.

"No indication whatever was given at that time by the Japanese representative that matters such as an agreement as to the treaty rights of Japan in Manchuria were in any way connected with the safety of the lives and property of Japanese nationals."

The President then went on to argue that the various pledges given by the Chinese Government fully covered the "fundamental principles" as formulated by the Japanese Government itself in its counter proposals to the Council resolution, and concluded:

"In these circumstances, I feel confident that the Japanese Government, being desirous of fulfilling the undertaking which it solemnly contracted under the terms of the resolution of September 30th and which, moreover, it repeatedly confirmed by its declaration during the last session of the Council, at the meetings of October 22nd, 23rd and 24th, will continue as rapidly as possible the withdrawal of its troops into the railway zone and that it will thus be able to carry out that intention to the full in the shortest possible time.

"In view of the extreme importance which your Government attaches to the safety of the lives and property of Japanese nationals in the territories evacuated by its troops, I venture to call Your Excellency’s attention to paragraph 5 of the resolution submitted to the Council on October 24th, which recommends the two Governments ‘to appoint immediately representatives to settle the details relating to the carrying out of the evacuation and to the taking over of the evacuated territories, in order that these operations may be carried out in a regular manner and without delay’.

(Official Journal, December 1931, page 2516.)

Chinese Action and Japanese Recalcitrance.

The Chinese Government on October 27th communicated a note to the Japanese Government, informing it of the appointment of a Chinese Commission to settle the details of evacuation and the taking over of the evacuated territories, in accordance with paragraph 5 of the October 24th resolution, and asking it to appoint the Japanese representatives. The Japanese Government reiterated its original position as regards direct negotiations, thus once more flouting the authority of the Council and of its President.