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- Appointment of a Successor to M. Max Huber as President of the Governing Body of the Nansen International Office for Refugees:
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*S. d. N. 1.625 (F.), 1.495 (A.) 5/33 — Imp. de la T. de G.*
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NOTE BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

The records of the previous discussions of the Special Assembly convened at the request of the Chinese Government and which held its first meeting on March 3rd, 1932, have been published in the Official Journal (see Special Supplements Nos. 101, 102 and 111). The present volume (Volume IV) contains:

The records of the sixteenth, seventeenth and eighteenth plenary meetings of the Special Assembly held on February 21st and 24th, 1933. At its sixteenth meeting, the Assembly, after hearing a statement by the President on the work undertaken by the Special Committee in virtue of the Assembly resolution of December 9th, 1932, decided to examine the draft report prepared by that Committee under Paragraph 4 of Article 15 of the Covenant. The seventeenth meeting was devoted to the discussion of the report, which was subsequently adopted. Finally, at its eighteenth meeting, the Assembly adopted a draft resolution, submitted to it by the Special Committee, whereby an Advisory Committee was appointed to assist the Assembly in performing its duties under Article 3, Paragraph 3, of the Covenant and, with the same objects, to aid the Members of the League in concerted their action and their attitude among themselves and with the non-member States. It was understood that the Assembly would remain in session and could be convened by the President, after consultation with the Committee, whenever he might think fit.

The agenda of the above meetings of the Assembly also included the following question:

Resignation of M. Max Huber, President of the Governing Body of the Nansen International Office for Refugees, and Appointment of his Successor.

As the complete records of the discussions, both in the Council and in the Special Assembly, in connection with the appeal of the Chinese Government and all the documents relating thereto have been published in the Official Journal, the following list of the volumes in which those records appear is given for convenience of reference:

Council:
December 1931;
February 1932, pages 283 to 305;
March 1932 (Parts I and III);
May 1932;
July 1932, pages 1191 and 1192;
November 1932, pages 1730 to 1735 and 1860;
December 1932 (Part I).

Special Assembly:
Special Supplements Nos. 101, 102 and 111.

1 It has been considered inadvisable, owing to their length, to republish in the Official Journal the report of the Commission of Enquiry and the supplementary documents relating thereto (document C.663.M.320.1932.VII and Annexes).
LIST OF MEMBERS OF THE DELEGATIONS

The following list has been compiled from official communications received from Governments prior to or during the sixteenth, seventeenth and eighteenth meetings of the Special Assembly, the records of which are published in this volume. The Members of the League which are not included in the list have not notified any modifications in the composition of their delegations as published in the Official Journal, Special Supplements Nos. 101, 102 and 111.

* * *

CANADA

Mr. Walter A. Riddell, M.A., Ph.D. (Dominion of Canada Advisory Officer accredited to the League of Nations).

Substitute:
Mr. P. E. Renaud, Ph.D., LL.D.

Secretary-General:
Miss M. M. Clark.

Secretaries:
Miss M. E. Bridgman.
Miss M. F. Andrews.

DENMARK.

Dr. Peter Munch (Minister for Foreign Affairs).
M. Erik de Scavenius (Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs).
M. William Borberg (Permanent Delegate accredited to the League of Nations).

Secretaries:
M. Frants Hvass (Secretary at the Ministry for Foreign Affairs).
M. Sigurd Christensen (Secretary of the Permanent Delegation accredited to the League of Nations).

DOMINICAN REPUBLIC.

His Excellency M. Enrique Deschamps (Permanent Delegate to the League of Nations, former Diplomatic Representative to Spain and the United States).

ESTONIA (continued).

M. August Schmidt (Envoy Extraordinary and Minister Plenipotentiary at Rome and Berne, Permanent Delegate accredited to the League of Nations).

Substitute and Secretary:
M. Johannes Kódar (Secretary of the Permanent Delegation accredited to the League of Nations).

HAITI.

His Excellency M. Constantin Mayard (Envoy Extraordinary and Minister Plenipotentiary in Paris).

Substitute:
M. Alfred Addor (Consul-General at Geneva).

ITALY.

His Excellency Baron Pompeo Aloisi (Ambassador, "Chef du Cabinet" to the Head of the Government and Minister for Foreign Affairs).

Substitutes:
M. Augusto Biancheri (Envoy Extraordinary and Minister Plenipotentiary).
M. Gerolamo de Rossi (Envoy Extraordinary and Minister Plenipotentiary).
M. Giannino Ferrari dalle Spade (Professor at the Royal University of Padua).
M. Giuseppe Gallavresi (Professor at the Royal University of Milan).

Secretary-General:
M. Renato Bova Scoppa (Secretary of Legislation).

Secretaries:
M. Luigi Cortese (Secretary of Legation).
M. Alberto Mellini Ponce de Leon (Vice-Consul).
Baron Folco Aloisi de Larderel (Attaché).

His Excellency M. Enrique Deschamps (formerly Diplomatic Representative to Spain and the United States).

GENERAL.

His Excellency M. Jean Tônisson (Minister for Foreign Affairs, Member of the Chamber of Deputies).
General Johan L. Laidoner (former Commander-in-Chief of the Estonian Army during the War of Independence).
LITHUANIA.

His Excellency Dr. Dovas Zaunius (Minister for Foreign Affairs).

NORWAY.

Dr. Christian Lange.

ROUMANIA.

His Excellency M. Nicolas Titulesco (Minister for Foreign Affairs).

His Excellency M. I. Mihalache (former Minister).

His Excellency M. Constantin Antoniade (Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations).

SIAM.

Luang Bhadravadi (Third Secretary of Legation).

YUGOSLAVIA.

His Excellency M. Constantin Fotitch (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

Substitute:

Dr. Ivan Perne (Counsellor, Head of Section at the Ministry for Foreign Affairs).
TEXT OF THE DEBATES

SIXTEENTH PLENARY MEETING OF THE ASSEMBLY

Tuesday, February 21st, 1933, at 3.30 p.m.

CONTENTS:
Resignation of M. Max Huber, President of the Governing Body of the Nansen International Office for Refugees: Appointment of his Successor.
Question referred to the Assembly by the Council of the League of Nations.

APPEAL OF THE CHINESE GOVERNMENT.
Statement by the President on the Work undertaken by the Special Committee of the Assembly in virtue of the Assembly Resolution of December 9th, 1932: Proposal for a Discussion of the Draft Report prepared by the Special Committee of the Assembly under Paragraph 4 of Article 15 of the Covenant.

The President: M. HYMANS.


The President:
Translation. — I have convened this Assembly in pursuance of the resolution passed by the Assembly on December 9th, 1932; but, before discussing the question of the dispute between China and Japan, I would ask you first to settle a special question, which has been referred by the Council to the Assembly.

M. Max Huber, the former President of the Permanent Court of International Justice, has resigned his office as President of the Nansen International Office for Refugees, and it will be necessary to appoint his successor (document A.(Extr.).23.1933.VII). The news of his resignation has been received with very deep regret. M. Max Huber accepted the post at a particularly difficult juncture, and he has rendered the League inestimable services. I desire, on behalf of all, to express to him our sense of gratitude.

The conduct of the affairs of the Office necessitates the appointment without delay of a successor to M. Max Huber, and M. Huber himself, in placing his view before the Council, stated the reasons which make it desirable that his successor in office should be appointed at an early date. That was why it seemed expedient to lay the matter before the Assembly immediately, and you will, I think, agree with me that we should adopt a procedure calculated to facilitate the Assembly’s decision and to assist it in its choice.

I venture then to suggest that the Assembly should refer the question to the Bureau, which would be instructed, after examining such information as the Secretary-General may be able to collect and place at its disposal, to frame, in whatever form it considers most suitable, proposals which will then be submitted to the Assembly.

If no one has any observation to make, I shall take it that the Assembly approves my proposal, and the question will therefore be referred to the Bureau.

The President’s proposal was adopted.

The President:
Translation. — I ask the Secretary-General to make the necessary arrangements for convening the Bureau, and at the same time to obtain for its use any information that may facilitate the performance of the task now entrusted to it.


The President:
Translation. — You will remember that, at its last meeting, held on December 9th, 1932, the Assembly adopted a resolution laying down the future procedure for the conduct of its work. I will remind you of the text of that resolution:

“The Assembly,

“Having received the report of the Commission of Enquiry set up under the resolution adopted on December 10th, 1931, by the
Council, together with the observations of the parties and the Minutes of the Council meetings held from November 21st to 28th, 1932;

"In view of the discussions which took place at its meetings from December 6th to 9th, 1932:

"Requests the Special Committee appointed under its resolution of March 11th, 1932:

"(1) To study the report of the Commission of Enquiry, the observations of the parties and the opinions and suggestions expressed in the Assembly, in whatever form they were submitted;

"(2) To draw up proposals with a view to the settlement of the dispute brought before it under the Council resolution dated February 19th, 1932;

"(3) To submit these proposals to the Assembly at the earliest possible moment."

In accordance with this resolution, the Special Committee known as the "Committee of Nineteen" carried out the study it was requested to make and drew up proposals. I will now give you an account of the negotiations which were instituted by the parties in regard to the proposals and the outcome of those negotiations.

To perform its task, the Committee drew up, in the form of two draft resolutions and a statement of reasons, texts indicating generally the account of the negotiations which were instituted by Japan to the texts which had been communicated and drew up proposals. I will now give you an account of the negotiations which were instituted by Japan to the texts which had been communicated and which had been submitted to the Committee. The amendments suggested by a unanimous vote, including the votes of the parties, was necessary, I thought, and the Committee of Nineteen agreed with me, that it would serve no useful purpose to submit these drafts to the Assembly before having secured the acceptance of the Chinese and Japanese Governments. The Committee of Nineteen therefore authorised the Secretary-General and myself to enter into conversations with the two delegations. The texts were handed to them on December 15th, 1932, and two days later the conversations began. The Drafting Committee set up by the Committee of Nineteen, and the Committee of Nineteen itself, were naturally kept informed of the progress of these conversations. Both delegations proposed amendments. In particular, the first amendments submitted by the Japanese delegation were so extensive, and introduced such fundamental changes in the structure of the proposals, that it soon appeared that the Committee would have great difficulty in proposing to the Assembly a draft which could be adopted by a unanimous vote, including the votes of the parties.

The Committee desired, however, to pursue its efforts as long as possible and to give the parties an opportunity to consider, particularly the Japanese Government, all the time necessary to examine the question and make fresh proposals. The Committee accordingly decided on December 20th, 1932, to adjourn until January 16th, 1933, at latest, in order to allow the conversations with the parties to be continued.

Although, at the beginning of January, the situation had grown worse as a consequence of the occupation of Shanhaiwan and the first news of a threat to occupy Jehol, which Japan considers to form part of "Manchukuo"; and although, when it met again on January 16th, 1933, the Committee of Nineteen had no proposal submitted to it from the Japanese side, but only received the information that fresh amendments would be submitted within forty-eight hours, yet it was decided to continue to wait and not to regard the efforts made in the past month as having failed. When the new Japanese proposals were communicated to the Committee of Nineteen on January 16th, the latter could only regard them as unacceptable and contrary to the interests of all the parties. Since, however, the Japanese delegation, when submitting its Government's new proposals, had specially emphasised that the latter attached great importance to the stipulation that the body to be appointed for the settlement of the dispute should not include representatives of States not Members of the League, the Committee of Nineteen informed the Japanese delegation that, if this were the only objection raised by Japan to the texts which had been communicated to it and which it regarded as unacceptable, it would naturally keep informed of the progress of these conversations. It was on this basis that new conversations were begun with the Japanese delegation.

On January 21st, the Japanese delegation signified that its Government was not prepared to accept the Committee's texts, even if the invitation to non-member States to participate in the negotiations for a settlement were eliminated. In making this reply, the Japanese delegation submitted new proposals on behalf of its Government. Although the Committee had received a negative reply to its question, it did not refuse to examine the new proposals of the Japanese Government. It naturally examined at the same time the amendments submitted by the Chinese delegation to the texts drawn up by the Committee. It was clear from this study that it was impossible, at all events for the moment, to propose a procedure of settlement which the two parties would be ready to accept. The importance attached by the Chinese delegation and, indeed, by the Committee itself to the participation of the United States of America and of the Union of Soviet Socialist Republics in the negotiations for a settlement which may be presumed to be the conclusion of those negotiations. The Chinese delegation pointed out, however, that, as the Assembly was alone competent to make fresh proposals for the Committee, the Special Committee remained at the disposal of the parties for any fresh proposals they might desire to communicate to it. The preparation of the report provided for in Article 15, paragraph 4, of the Covenant.

The Committee of Nineteen pointed out, however, that, as the Assembly was alone competent to apply the provisions of Article 15, paragraph 4, of the Covenant.


2 See Annex V.
Japan had submitted in January 1933, and especially in December 1932; but, as certain doubts might exist as to the bearing of these amendments, the Committee thought it desirable to ask for further information in regard to them, and particularly the amendment proposed to paragraph 4 of draft resolution No. 1. While the text of the Committee of Nineteen stated that a Committee would be set up "whose duty it will be to conduct in conjunction with the parties the negotiations with a view to a settlement on the basis of the principles set out in Chapter IX of the report of the Commission of Enquiry and having regard to the suggestions made in Chapter X of that report", the amendment proposed by the Japanese delegation read as follows: 2

"Decides that it shall be the duty of the Committee of Nineteen to endeavour, in conjunction with the two parties, to secure conciliation with a view to settlement on the basis of the principles and conclusions set out in Chapter IX of the report of the Commission of Enquiry, applying them to events which have developed."

The Japanese delegation indicated that these last words, "applying them to events which have developed," were derived almost textually from Chapter X of the report of the Commission of Enquiry.

It appeared to the Committee of Nineteen that the scope of this new Japanese proposal required to be made clear. It would, indeed, have been useless, and would have been worthy neither of the League of Nations nor of its Members, to initiate a procedure of settlement based on a misunderstanding. China had clearly explained her position with regard to the regime at present existing in Manchuria. The Commission of Enquiry sent to the spot by the Council had also clearly set out the characteristics of this regime. In the Assembly's debates the general opinion had been that a settlement should be sought on the basis of the principles of Chapter IX of the report of the Commission of Enquiry. Did Japan, who in her first proposals had asked that two of these principles — Nos. 7 and 8 — should be eliminated, maintain the same position, or did she accept the general opinion of the other Members of the League? To avoid any misunderstanding, therefore, the Committee of Nineteen asked Japan if she accepted, as one of the bases of the contemplated conciliation, principle 7 in Chapter IX of the report of the Commission of Enquiry, regarding the establishment in Manchuria of a large measure of autonomy consistent with the sovereignty and administrative integrity of China. This question was put to the Japanese delegation on February 9th, 1933. 3

The Japanese delegation having replied on February 14th 4 that its Government was convinced that the maintenance and recognition of "Manchuko" constituted the only guarantee of peace in the Far East, and that the whole question would eventually be solved between Japan and China on that basis, the Committee of Nineteen was obliged, to its profound regret, to consider that for its part it had exhausted all possible efforts at conciliation.

Such, then, is the situation with which the League of Nations is faced to-day. Since September 21st, 1931, first the Council and then the Assembly have endeavoured to settle the dispute in agreement with the parties, in accordance with the articles of the Covenant in virtue of which the matter was referred to them. For exactly seventeen months the efforts at conciliation have been pursued. At the outset of the dispute, the Council received an assurance that the withdrawal of the Japanese troops into the zone of the South Manchurian Railway, which had already been begun, would be pursued as rapidly as possible in proportion as the safety of the lives and property of Japanese nationals was effectively assured, and that Japan hoped to carry out this intention in full as speedily as possible.

To-day, the Three Eastern Provinces are occupied; Japanese troops have crossed the Great Wall and attacked Shanhaikwan; it is announced that operations are being prepared for the occupation of the province of Jehol.

The procedure of conciliation is, of course, not yet closed. It cannot be formally closed until the adoption by the Assembly of the report provided for in Article 15, paragraph 4, of the Covenant. I hesitate, however, to make a new appeal with a view to conciliation, for it would be necessary not only that fresh proposals which the Assembly could accept should be made to it, but also that it should receive an assurance that the existing situation would not be aggravated and that no fresh military operations would be undertaken.

I shall not, however, propose to the Assembly that it should examine to-day the draft report drawn up under Article 15, paragraph 4, which has been communicated to it. I consider that, at this grave juncture, we must not give even the appearance of precipitancy. And as the draft report was only circulated last Friday, and all the Governments must be given time to send their instructions to their delegations at Geneva, I propose that we should not meet until next Friday, February 24th, to begin the discussion of the draft report.

If there are no objections to the proposal I have just made that the Assembly should meet on Friday next to begin its discussion of the report of the Committee of Nineteen, I shall consider my proposal adopted.

The proposal was adopted.

The Assembly rose at 4.15 p.m.

1 Document C.663.M.320.1932.VII.
2 See Annex V, Appendix 3.
3 See Annex V, Appendix 4.
4 See Annex V, Appendix 5.
APPEAL OF THE CHINESE GOVERNMENT:

Dr. Yen (China) — I rise with mingled feelings of relief and satisfaction. First, relief, because we have now come to condemn the violation of the Covenant even by an important Member State of the League of Nations. Seventeen months ago the world, including my country, was bound to admit of Japan's high place in the councils of nations. To-day, because of the lust and usurpation of power by her military chieftains, who are bent on defying the international instruments of peace and the force of world opinion, Japan finds herself all alone.

Secondly, satisfaction, because the cause and policy of my country have been upheld and vindicated, the sufferings of my people during the last seventeen months against the most wanton aggression ever recorded in the annals of human history have not been in vain, and because of the League's courageous verdict of the right and wrong of the dispute in which my country has been unhappily involved, the Geneva institution has emerged a stronger and a revitalised instrument for upholding the cause of international justice.

It is truly regrettable that we should have so come to the parting of the ways, but just as a good physician should be completed to read as follows: parting of the ways, but just as a good physician

Translation: Before we come to the agenda, I have a communication to make to you with courageous verdict of the right and wrong of the

President: M. HYMANS.

APPEAL OF THE CHINESE GOVERNMENT:

Translation: Before we come to the agenda, I have a communication to make to you with courage to Part IV, Section II of the draft report submitted to the Assembly by the Special Committee of the Assembly under Paragraph 4 of Article 15 of the Covenant.

The President:

Translation: Before we come to the agenda, I have a communication to make to you with courage to Part IV, Section II of the draft report submitted to the Assembly by the Special Committee of the Assembly under Paragraph 4 of Article 15 of the Covenant.

Dr. Yen (China) — I rise with mingled feelings of relief and satisfaction. First, relief, because we have now come to condemn the violation of the Covenant even by an important Member State of the League of Nations. Seventeen months ago the world, including my country, was bound to admit of Japan's high place in the councils of nations. To-day, because of the lust and usurpation of power by her military chieftains, who are bent on defying the international instruments of peace and the force of world opinion, Japan finds herself all alone.

Secondly, satisfaction, because the cause and policy of my country have been upheld and vindicated, the sufferings of my people during the last seventeen months against the most wanton aggression ever recorded in the annals of human history have not been in vain, and because of the League’s courageous verdict of the right and wrong of the dispute in which my country has been unhappily involved, the Geneva institution has emerged a stronger and a revitalised instrument for upholding the cause of international justice. It is truly regrettable that we should have so come to the parting of the ways, but just as a good physician

The negotiations between the parties should take place with the assistance of a Committee set up by the Assembly as follows: The Assembly hereby invites the Governments of Belgium, the United Kingdom, Canada, Czechoslovakia, France, Germany, the Irish Free State, Italy, the Netherlands, Portugal, Spain and Turkey each to appoint ..."

Since our last meeting, we have received several communications both from the Chinese and from the Japanese delegation. The Japanese delegation has sent us, in particular, its observations (document A.(Extr.)27.1933.VII) on the draft report submitted to the Assembly by the Special Committee. I feel sure that all the members of the Assembly have carefully studied this document. The members of the Special Committee, in particular, were in duty bound to examine it closely. They have authorised me to make the following declaration on their behalf:

"All the considerations set forth by the Japanese delegation were carefully weighed by the Special Committee of the Assembly in the course of its discussions. The Committee does not desire to make any change in the draft report which it has submitted to the Assembly. Further, as that draft expresses the unanimous opinion, set forth after conscientious reflection, of the delegates representing nineteen States which form the Special Committee of the Assembly, the members of the Committee have decided not to take part in the discussion."

The discussion is open. Dr. Yen, delegate of China, will address the Assembly.

1 Annex V.
2 Annex VII.
first eight chapters of the report of the Commissi-
on of China, as well as the reports addressed to the Assembly by the Chinese Commission of China.
In this connection, the Chinese delegation observes, first, that it has already had occasion to make comments both in the Council and in the Assembly and in its written communications to the League in regard thereto, which comments it still maintains. Secondly, in reading the report of the Commission of China, portions of which, as already noted, the report adopts as its own, it is to be observed that the Commission of Enquiry was appointed under Article 11 of the Covenant, and although the Chinese Government subsequently invoked Articles 10 and 15, the Commission continued to interpret its mandate in the terms of the resolution adopted by the Council on December 10th, 1931. It is for this reason that the Commission has, as it says in the report, "less insisted on the responsibility for past actions than on the necessity of finding means to avoid their repetition in the future". With the failure of the efforts on the part of the Assembly to settle the dispute by conciliation, the report of the Commission of Enquiry must of course be read in a new light.

Part II of the draft report before you is as accurate an historical summary of the development of this dispute since its inception as is permitted under the circumstances.

The Chinese delegation, in order to keep the records clear, ventures to comment, by no means exhaustively, first on Part III, wherein the Assembly has drawn certain conclusions and noted certain of the more important facts.

Manchuria is an integral part of China historically, politically, geographically and ethnically. The Chinese delegation is gratified, therefore, to take note of the conclusion reached by the report that "to cut off these provinces from the rest of China cannot but create a serious irredentist problem likely to endanger peace". The report states that "Japan had acquired or claimed in Manchuria rights the effect of which was to restrict the exercise of sovereignty by China in a manner and to a degree quite exceptional". In truth, the powers and functions usurped by the Japanese have made the South Manchuria Railway an imperium in imperio, in derogation of Chinese sovereign rights and in contravention of the principles of international law and the stipulations of treaties.

The sympathy which the report evinced towards the difficulties with which the Chinese Government has been confronted during this period of transition is deeply appreciated. I need hardly add here that China welcomes and will welcome, as it always has welcomed, the co-operation of friendly States in her work of national reconstruction.

The views of the Chinese Government on the subject of the boycott in general have been presented both in the Council and in the Assembly, and the Chinese delegation notes that the report also declares that "the use of the boycott by China subsequent to the events of September 18th, 1931, falls under the category of reprisals".

The Chinese delegation takes note of the conclusion reached by the report that the legitimate grievances, which the two parties have against each other, could be settled by the normal method of diplomatic negotiations and pacific means, and that, at the time of the outbreak on September 18th, 1931, "these means had not been exhausted".

The intention and willingness of the Chinese Government to settle all disputes with Japan, as to treaty interpretation, by arbitration or judicial settlement, and in pursuance of this purpose to conclude a treaty of arbitration is recalled in Part II of the report. The Chinese delegation deems it desirable in contrast to refer to the Japanese stand on the same question. The Japanese delegate in the Council, on January 29th, 1932, said that the Chinese representative "has stated that Japan has never submitted the present dispute between her and China to arbitration or pacific settlement according to the obligation defined in Article 12. That is quite correct. But, it is common knowledge that Japan is not prepared to accept arbitration with everyone."

To the Chinese delegation, this admission and the conclusion reached by the report establish beyond doubt that Japan has violated Article 12 of the Covenant, in refusing to submit the matter to arbitration or judicial settlement, and in resorting to measures of war to compel the settlement of alleged grievances.

As regards the military action taken by Japan on and since the night of September 18th-19th, 1931, the Chinese delegation notes with satisfaction the judgment rendered in the report that "the Assembly cannot regard the military operations by the Japanese troops during the night of September 18th-19th at Mukden and in other Manchurian towns as measures of legitimate self-defence". The Chinese delegation only desires to add to this connection that, even if the Japanese militarists on the spot were under the delusion or "belief" that they were acting in self-defence, it could not exonerate the Japanese Government of the responsibility for the consequences that followed.

The conclusions reached with respect to the creation by Japan of the so-called "independent State of Manchukuo" are emphatic and unmistakable. They confirm the view always maintained by the Chinese Government.

The report is unequivocal in stating that the territory of the Chinese Republic has been violated, when it says: "It is, however, indisputable that, without any declaration of war, a large part of Chinese territory has been forcibly seized and occupied by Japanese troops and that, in consequence of this operation, it has been separated from and declared independent of the rest of China". In face of such a situation, the provisions of Article 10 of the Covenant, which the report recalls, make it incumbent upon the Members of the League to consider the means whereby the obligation contained in the said article may be fulfilled.

The verdict that "China cannot be held responsible for the development of events since September 18th, 1931", completely exonerates my Government and the Chinese people of all responsibility for the events subsequent to September 18th, 1931. The Chinese delegation and those who control it are wholly responsible for those events. It is a verdict of guilty against the misguided leaders of Japan, who have wantonly inflicted so
much harm on my country. It is a crushing but fair verdict, and a terrible but just indictment of Japanese militarism and those who are responsible for Japanese policy and its consequences.

I come now to the most important part of the report — namely, the recommendations.

First of all, it is important to note the solemn reaffirmation of China's sovereignty over Manchuria, to the Assembly a solemn declaration: The

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much harm on my country. It is a crushing but

Sino-Japanese dispute in a correct perspective, but also to give due respect to a basic principle of the League.

The Chinese delegation notes that, while the report does not recommend the simple return to the status quo of September 18th, 1931, it confirms the de jure status of China in Manchuria, just as it is well said in the report of the Commission of Enquiry that the de jure authority of the Chinese Government in the Three Eastern Provinces had been unquestioned.

The Assembly will recall that by its resolution of March 11th, 1932, it expressly stated that the provisions of the Covenant are entirely applicable to the present dispute. The Chinese delegation notes, therefore, with satisfaction that this decision is recalled and confirmed in the report. It follows from this that whatever questions may arise concerning the treaty rights to which Japan lays claim will be dealt with in this dispute in the same way as all other questions of treaty interpretation.

Similarly, the Chinese delegation is happy to note that another point in the resolution of March 11th has been adopted in the report. Part A of Recommendation 1 lays it down that “the first object of the negotiations recommended herein-after should be to organise this evacuation and to determine the methods, stages and time-limits thereof”, and that, in consequence, no question of political conditions for evacuation can arise.

It likewise follows that the Declaration provided for in Part B of Recommendation 1, which is to determine the respective powers of, and the relations between, the Chinese Central Government and the local authorities in Manchuria is only to be made by the Chinese Government after the arrangement for the evacuation of Japanese troops has been concluded. This is in entire accord with Chinese views.

The Chinese delegation notes with satisfaction that the League, in standing firm on the non-recognition of “Manchukuo”, is taking a momentous step in the right direction. The Member States have already undertaken not to recognise any situation, treaty or agreement brought about by means contrary to the great international instruments of peace; they now decide to bind existence of millions of them have been plunged into misery and despair. With armies of communists ranging over a wider territory than the Nanking Government controls, a condition of chaos reigns throughout the country. Such distresses and miseries as exist among the Chinese people are beyond the imagination of the average man or woman living in western countries. And the end of this catastrophe is not in sight. No one can foresee how long it will continue.

The fundamental cause of the trouble in the Far East is the lawless condition in China, the impossible reign of self-will in that country, without recognition on her part of her obligations to her neighbours. China has long been derelict in her international duties as a sovereign State, and Japan, as her nearest neighbour, has been the


The Chinese Government heartily welcomes the collaboration of the Governments of the United States of America and of the Union of Soviet Socialist Republics with the League in its efforts to settle the present dispute. The eventual participation of these two great nations of the Pacific is highly desirable for the maintenance of peace in the Far East.

Mr. President, I have now the honour to make to the Assembly a solemn declaration: The Chinese Government will vote for the report.

I wish also to announce that, in accordance with instructions which I have received, upon the adoption by the Assembly of the report, the Chinese delegation will inform the Secretary-General of the League that the Chinese Government accepts without reserve the recommendations which the report contains.

But I must add this further statement. For Japan as well as for China, the only reservation is the one mentioned in the report in its conclusions, however, that Japan should not accept, but should reject the report and its recommendations, the rights of China as a party complying with the conclusions of the report, rights arising out of paragraph 6 of Article 15, remain wholly unaffected.

The President:

Translation: M. Matsuoka, delegate of Japan, will address the Assembly.

M. Matsuoka (Japan).—I do not feel called upon to reply to the discourse of my distinguished Chinese colleague, for most of the points brought up by him were made very clear in the observations of my Government and in subsequent speeches of mine; to some of them you will find that I reply as I proceed with my speech.

The Japanese delegation has notified the Assembly that it disagrees with the draft report prepared by the Committee of Nineteen and cannot accept it. It is hardly necessary for me to say that the Japanese Government has given careful and serious consideration to this document and that it is with sad disappointment that it has come to this conclusion.

One outstanding feature that is noticeable throughout the draft report is the failure on the part of the Committee of Nineteen to realise the actual situation in the Far East, the difficulties of Japan’s position in the midst of an unparalleled and appalling circumstance, and the ultimate aim that is impelling Japan in her action.

For over twenty years, China has been going through a revolution which has brought disaster to her people. Tens of millions of people have lost their lives as a result of internecine warfare, tyranny, banditry, famine and flood: hundreds of millions of them have been plunged into misery and despair. With armies of communists ranging over a wider territory than the Nanking Government controls, a condition of chaos reigns throughout the country. Such distresses and miseries as exist among the Chinese people are beyond the imagination of the average man or woman living in western countries. And the end of this catastrophe is not in sight. No one can foresee how long it will continue.

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greatest sufferer on that score. Since the beginning
of the revolution, which has shattered China
into parts, all of what were called under the Manchu
Dynasty the dependencies of the Empire have
been lost to the Republic. Over none of these former
dependencies has China any longer any control.
Tibet is independent; Chinese Turkestan is com-
pletely cut off from contact with China Proper;
Outer Mongolia became many years ago a part of
the Soviet Union. Only Manchuria has remained,
down to last year, a part of China—a part by
a measure of contact and association, under the
nominal sovereignty of that country. To say
that Manchuria was under the full sovereignty
of China would be a distortion of the actual and
historic facts. Now this territory has gone; it
has become an independent State.

China is a vast country; but it is not a nation
or country in the sense that western peoples use
the term. It is a country larger than Europe, a
region with as many governments in it as there are
governments in Europe, a region with almost as
many different groups of people, speaking almost
as mutually unintelligible dialects. That is one
reason why China, in spite of her size, in spite of
the enormous number of men in the various armies
of the many dictators, is unable to defend itself
to-day, unable to rid itself, as it desires, of the
foreign military forces stationed in and about its
treaty ports and the foreign naval vessels that ply
the Yangtze River. These forces, as I have said before,
are not only Japanese. They are British, American,
French, Italian and others. They guard the lives
of the diplomats accredited to the Central Govern-
ment, the so-called Central Government. Less
than five years ago, a portion of these forces,
British and American, had to go into action at
Nanking, the capital of the country, to save the
lives of their official representatives assaulted by
Government troops. For the moment, however she staked her existence as a nation on the out-
come of the many dictators, is unable to defend itself
of the trouble that finally resulted in what happened.

The impossible attitude and the inability to appreciate Japan's intentions
would be of benefit not only to Eastern Asia but
to the world at large. To achieve that end, Japan
was long prepared to co-operate with China, and
she sought this co-operation, sought it for years.
The Chinese, however, would not accept our
proffered friendship and assistance. Instead, they
in the face of violent criticism from a portion of her own
people. It has been Japan's hope and determina-
tion that Manchuria should become a land of law
and order, of peace and abundance, a land that
would be of benefit not only to Eastern Asia but
to the world at large. To achieve that end, Japan
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This is not the first time that China has accused
us of aggression. The impossible attitude and
the violent movement based on such psychology
on the part of the Chinese lay really at the bottom
of the trouble that finally resulted in what happened.
Japan's policy of patience and conciliation failed.
It failed because of China's, or rather Chang Hsueh-
liang's, inability to appreciate Japan's intentions
and friendliness.

It should not be necessary for me to dwell upon
the importance that Japan attaches to Manchuria.
The Assembly of the League should know by this
time the economic and political necessities of
Japan in that territory. But, at this critical
moment, I want to remind you again that Japan
fought two wars in Manchuria, in one of which
she staked her existence as a nation. She wants to fight no other.

It is true that international peace can be secured
only upon the basis of mutual concessions. There
are, however, with every nation, certain questions
so vital to its existence that no concession or com-
promise is possible. The Manchurian problem is
one of them. It constitutes such a problem to the
nation of Japan. It is regarded by our people as
a question of life and death.

The Powers of the world have long been dealing
in fictions regarding China. Long ago we should
have noticed that the first article of the Covenant
requires that a State, Dominion or Colony, to be a
Member of the League, shall be "fully self-
governing". China is no such State. Beyond
China Proper, the sovereignty of China has long
been gone, while within China Proper there has
been no constituted government supreme and able
to govern. The Nanking Government administers
to-day the affairs of less than four out of the
eighteen provinces.

The world cannot deal in such fictions as these
and call upon the League to uphold the letter of
treaties.

It is the firm conviction of the Japanese Govern-
ment that Japan has been and will always be the
mainstay of peace, order and progress in the Far
East. If she has taken a definite stand regarding
Manchuria in recent months, it is because she
has been actuated by the implicit faith that that
was the only course left to her after years of
unrewarded forbearance and waiting. If she insists upon the maintenance of the independence of Manchukuo, she is guided by the confident belief that, in the present circumstances, that independence offers the only guarantee of peace and order in the Far East.

Even after the present Sino-Japanese dispute began, Japan continued in her policy of conciliation. If China had been capable in those days of realising the actualities of the situation and had agreed to negotiations with Japan in a sincere desire to arrive at an agreement, such an agreement could have been reached without great difficulty. But China did not take that course. What did she do? Instead, she appealed to the League of Nations. She sought to bind Japan’s hands through the intervention of the Powers composing the League.

The League, not fully understanding the real issues involved or the actual conditions existing in the Far East, and perhaps not suspecting the real motive for the Chinese move, gave her encouragement. Here lies the trouble. It cannot be doubted that the League of Nations, in dealing with the Sino-Japanese dispute, endeavoured sincerely and conscientiously to bring about a satisfactory settlement at an early date. But, in point of fact, its actions have contained elements of, in giving China a false hope and in encouraging her to take an attitude of defiance against Japan. In making her appeal to the League, China was not, as you have been told, acting from her love of peace and her loyalty to principles. A country with more armed men than any other is not a nation of pacifists. A country which has habitually broken international pledges is not a nation that respects principles.

In proposing to the League to send a Commission of Enquiry to China, Japan was actuated by the belief that it is important and essential that the League should fully understand the realities of conditions existing there. But the result was disappointing to Japan. The report of the Commission proved to be, in some respects, superficial in character. It displayed, in parts, a lack of penetration. It often failed to probe the problem to its depths. One of the reasons for this was undoubtedly the brief time which the Commission had in which to make its investigations.

In this connection, let me say a word regarding the population of Manchukuo. A false impression has been given to the world by the Lytton report on this subject. There were no authentic statistics upon which the Commission could base its view. No reliable Chinese census has ever been taken, even in China Proper, and any figures placed before the Commission by Chinese authorities could not be regarded as dependable. For many years, the racial term “Chinese” has been applied, particularly by foreigners, including Japanese, to most of the people of the Chinese Empire. But this laxity in expression should not be taken to mean that Manchus and Mongols, or even the people of China Proper, are all of a single racial stock.

The majority of the people of Manchukuo are distinctly different from those of China. Even the people of North China, from the Provinces of Shantung and Hopei, who have migrated to Manchuria to the extent of several millions in recent years, are strikingly different from those of other Chinese Provinces, different from those of the Yangtze Valley, more different from those of South China, radically different from those of Western China. Different in physical appearance, different in many of their customs and, in some cases, even in their language. But even these immigrants who have gone from China to Manchuria in recent years do not form the bulk of the population. They form probably but a tenth, or at most but a fifth, of it. The great body of the population can properly be described as Manchurian. It is formed by the descendants of the old Manchu stock, by old Chinese stock which affiliated itself with the Manchu in former years, and by Mongols. The great majority of these people have never lived in China and have no such attachment to that country as the Lytton report describes. Here the report was clearly in error.

Regarding the report of the Committee of Nineteen, I am constrained to make a critical remark. I do not want to accuse that Committee of prejudice, but I cannot refrain from making the observation that, while China is exonerated, nothing whatever is said of the work of my country and people in their long and difficult efforts to preserve peace, to promote law and order, to benefit the people of Manchuria.

The good work of my country in Manchuria is on record. It is not on record, however, in the draft report, but you can see it in Manchuria. The physical developments that we have made in Manchuria are visible monuments of our efforts and our ability. The well-ordered cities of the Leased Territory, the thriving condition of the railway zone, the improvement of Chinese cities influenced by our initiative, the vast mining and industrial enterprises, the schools, the hospitals, the technical bureaux—these things, the like of which exist nowhere under Chinese administration, are testimo ny to our service to the people of the land. In short, we have been and are a great civilising and stabilising force in that wild country. If the Committee of Nineteen knew and understood what we have done to benefit the people of Manchuria, it might have gone out of its way to say just a word in favour of this great work of ours. If it did not know and understand why the people of China Proper migrate to Manchuria, it might have been more given to its duty to enquire. Yet the Committee has felt that its knowledge was sufficient to qualify it to suggest to the Assembly that it adopt the momentous proposal contained in this draft report. Do you really think it is right? Do you think it is common-sense?

At the beginning of Part I of the report are these lines: “I quote them:

“The issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background, should entitle anyone to express a definite opinion upon them.”

This passage was, as you know, taken from the Lytton report, and the Commission was right in having this passage in its report. Beginning with this statement, the Committee of the technical procedure to pass judgment in this dispute, judgment against a nation which is the bulwark of whatever law, order, and peace exist in the Far East, and in favour of one whose backward condition has been the cause of wars in the Far East for nearly a
century. I suppose I may take it that the members of this Assembly who are now about to vote on the draft report have all read histories of China written by impartial authors. But I am not too sure of that, for there seems to have been a lack of careful reading even of the Lytton report.

Let us now turn to the recommendations made by the Commission of Enquiry. Their full significance seems to have been overlooked in the draft report before us. I refer in particular to the tenth and final principle contained in Chapter IX. That principle reads as follows:

"Since the present political instability in China is an obstacle to friendship with Japan and an anxiety to the rest of the world (as the maintenance of peace in the Far East is a matter of international concern), and since the conditions enumerated above cannot be fulfilled without a strong Central Government in China, the final requisite for a satisfactory solution is temporary international co-operation in the internal reconstruction of China, as suggested by the late Dr. Sun Yat-sen."

I would ask the League to consider carefully this definite warning. I would ask that it be not misled by the thought or the hope that China can be changed by the mere sending of technical commissions to aid the harassed Government with advice regarding sanitation, education, railway, financial and other administration. More than that is needed, much more — so much that no great Power or group of them would be willing to undertake the task. Some form of international control may be helpful, but who is going to undertake it? Of this I am speaking earnestly, and I am speaking with knowledge of China — the real China, the China that exists in fact and not in theory or imagination, the China that has made many wars already, and now seeks to make another, the China that does not fight her own battles, but calls on distant friends to fight her near-by neighbour.

In the above connection, permit me to put one categorical question to my Chinese colleagues. Although my colleague Dr. Yen expressed — on behalf of the Government that exists at Nanking, but which does not rule the whole of China — his willingness to accept the recommendations without any reservation, I would put this categorical question to him and his colleagues to answer: Is the Chinese Government really prepared to accept these recommendations which envisage, in the final analysis, the imposition on China of an international control in one form or another? You cannot get away from that, however you may try to cover it up with words. Will you make the position of your Government clear on this point before the Assembly votes on the draft report before it?

I have no doubt that the attitude of the League in the present dispute has always been conceived with a genuine desire to uphold the sanctity of treaties and the principles of peace and to serve the cause of peace, but its efforts have had the result of adding confusion to the situation. The Jehol affair, which is giving all of us concern at the moment, is a case in point. It is a demonstration of China's part, made for the purpose of affecting the League's decisions. There would have been no onrush of Chang Hsiueh-liang's troops beyond the Great Wall except for instigation from the Nanking Government which, in turn, has been encouraged by the attitude the League of Nations has been taking vis-à-vis Japan. The Japanese Government is not in the least anxious about the outcome of a conflict with these Chinese contingents. They are not the troops of a modern army, well trained, well disciplined, well organised, well officered. They are not troops inspired with zeal for a cause or love of country. They are mercenary troops, with loyalty only to their military chief, and, like other Chinese armies, loyal because their chief provides for them the means of living. The moment some other chief tempts these soldiers with money or means of living they will desert their present chief. But Japan is loth to see further unnecessary bloodshed, and, for that reason, has not interfered. It is, and is endeavouring to persuade Marshal Chang to withdraw his forces. The prospects, however, do not seem at this moment very encouraging.

I refer to the situation in Jehol to bring home to you the possible effect the adoption of the report now before us may have upon the situation in the Far East. Please think seriously on this point. The adoption of this report would give the impression to the Chinese that they had been exonerated from all responsibility, that they could continue to defy Japan with impunity. It would serve further to embitter the feelings of the Japanese and Chinese peoples, whose interests are closely interwoven. The two peoples ought to be friends and co-operate with each other for their common welfare. By the adoption of the report before you, however, the Assembly would not be helping us, either Japanese or Chinese, along the road to that goal, nor would it serve the cause of peace or the interests of the suffering masses in China. There are two Chinas: the China of war lords, politicians, and of those gentlemen who have been educated abroad and represent an imaginary China at an Assembly like this, and the China that is heir to the glorious and fighting past, the China of four hundred and fifty million souls, suffering under the yoke of these war lords and politicians, who care nothing about their welfare. By the adoption of this report, would you be serving the cause of these suffering masses in China?

The report of the Committee of Nineteen, not only accepts the report of the Commission of Enquiry, but goes even further; it passes judgment on the basis of premises which are incongruous and far removed from actualities.

Chinese sovereignty in Manchuria was only nominal at most, but the draft report before us would undertake to establish Chinese sovereignty over Manchuria in a more or less effective manner — that is to say, it undertakes to introduce into Manchuria the power and influence that China has never had before. Let us pause and think; does that seem reasonable? It would, moreover, open the way for Chinese agitators and give rise to still more complications, only to end, I am afraid, in another and possibly worse catastrophe.

Again, the draft report makes an attempt to establish a measure of international control over Manchuria, where there has been and is no such control. A moment ago I was referring to the international control of China, but now I am referring to the setting up of international control in Manchuria. What justification is there for such an attempt on the part of the League of Nations? I cannot see. Would the American people agree to such control over the Panama Canal Zone? Would the British people permit it over Egypt? In any case, how would you do it? Which of your Governments would undertake it, assuming a grave and
heavy responsibility certain to entail sacrifices — sacrifices, I am sure, of great magnitude?

In this connection, let me state clearly, once and for all, that the Japanese people will, for reasons too patent to make it necessary for me to explain them, oppose any such attempt in Manchuria. You can be sure of that. We do not mean to defy the world at all; it is only our right. This must be plain to anyone who would take pains to read the history of the Far East.

A verdict is given in the draft report that the Chinese boycott against Japanese goods imposed after the outbreak of the present dispute falls within the purview of retaliatory measures. My distinguished Chinese colleague referred in particular to this, and you, gentlemen, will in time know what is meant. If the adoption by Powers of any forcible measures, made necessary by the exigencies of the situation, for the protection of their rights and interests and for the protection of the rights and property of their nationals in China, is on each occasion to be met lawfully by a retaliatory boycott, a very dangerous principle will have been established, and established by the League of Nations. The seeds of incalculable future trouble for each and every Power interested in China will have been sown.

You should think twice before you adopt a report which includes such a principle as this.

If you are interested in the problem of peace in the Far East, and I believe you are, you will find, as I had occasion to point out previously, that the real question, the greatest question, before us to-day is the anarchy in China. But you have not progressed to do anything in that connection. The Manchurian question is only the phase — or, rather, an upshot — of it. In your eagerness to deal with the Manchurian question, you are forgetting the big question that lies at the root of all the troubles in the Far East — the anarchy in China. What are you going to do about it?

In the actual circumstances in which Japan finds herself as above described, and for the reasons above stated at some length, there is no alternative for her to take in regard to the draft report before us. The Committee of Nineteen has left her none. She has promptly and unequivocally to answer: "No".

Our desire is to help China as far as lies within our power. We are sincere. This is a duty that we must assume whether we like it or not. Para-doxical as this statement may sound to you at this moment, it is true; and our present effort to assist Manchukuo to her feet, over which we are unfortunately having differences, will lead some day, I am confident, to the realisation of Japan's desire and duty to help China and thereby at last to succeed in firmly establishing peace throughout the region of Eastern Asia.

Gentlemen, will you give Japan a chance to realise this aim or will you not?

I beg this body to realise the facts and see a vision of the future. I earnestly beg you to deal with us on our terms and give us your confidence. Our history during the past sixty years is, I think, a guarantee of our good faith; it is that history of no worth beside China's history, the history of creating disturbances and bringing about catastrophes in the Far East? To deny us this appeal will be a mistake. I ask you not to adopt this report — for the sake of peace in the Far East and for the sake of peace throughout the world.

The President:
Translation: M. Zumeta, delegate of Venezuela, will address the Assembly.

M. Zumeta (Venezuela):
Translation: My reason for claiming the Assembly's attention for a few moments is that the Venezuelan delegation feels itself constrained by a sense of the contractual obligations entered into by the Member States, when subscribing to the Covenant of the League, to reaffirm its absolute respect for those undertakings and for the rights attaching thereto and to declare here and now its attitude towards the vote which it will shortly be invited to record.

Lord Cecil, in stressing M. Motta's statement at the thirteenth Assembly urging us not to "confuse the responsibilities of the States with the League's responsibilities", observed that wherever it has been fairly applied, without fear and without hesitation, the machinery of the League has produced admirable results. It might be added that wherever that machinery has not been fairly applied at the proper moment, while the responsible parties are the States themselves the victim is the League. It would be a dangerous illusion to look to the League for miracles, but it would be perilous in the highest degree to sanction deceptions which add extremely to the complications of our common task. Whenever we get away from the Covenant, whenever it is evaded or infringed, legal solutions and solutions of a pacific character become more difficult, if not impossible.

Notwithstanding the Versailles Covenant and the Pact of Paris, and although, as it recently recalled, the Council is responsible for the maintenance of peace, a long period of violence, of bloody encounters between nations, has subsisted in the Far East and in the Far West since 1931, as if the Covenant were not in force, as if subtle fictions, and now its attitude towards the vote which it will shortly be invited to record.

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of the League’s essential task — namely, the exercise of sole and sovereign jurisdiction for the effective and proper maintenance of de jure situations as between all the Member States, wherever and whenever occasion may arise, with due allowance for the facts of the situation and the existence of international responsibilities.

**The President:**

*Translation:* Dr. Riddell, delegate of Canada, will address the Assembly.

Dr. Riddell (Canada). — I am authorised by the Government which I have the honour to represent to make the following declaration:

His Majesty’s Government in Canada has learned with regret that the efforts to effect a settlement of the Sino-Japanese dispute, carried on under paragraph 3 of Article 15 of the Covenant, have not been successful. It recognises that, with the exhaustion of its efforts for conciliation, the Committee of Nineteen was bound to proceed to the preparation of a report in accordance with the provisions of paragraph 4 of Article 15. The report, before the Assembly, represents the unanimous and considered judgment of an informed and impartial Committee, jealous of preserving the peace of the world.

The Canadian Government has, from the inception of the dispute, supported every effort to secure its solution by peaceful means; it has scrupulously refrained from words or deeds that might have jeopardised the prospects of peaceful settlement, and it has withheld judgment on the facts and merits of the dispute, in the belief that premature or injudicious comment might have prejudiced the success of our collective efforts to restore that good understanding between China and Japan upon which peace in the Far East depends.

In accepting the report of the Committee of Nineteen, the Canadian Government desires to express its appreciation of the loyal and patient perseverance with which the Committee has pursued its anxious task. The public opinion of the world, in which the Canadian Government believes, lies the final and effective sanction for the maintenance of the integrity of international agreements, has watched the Committee’s exploration of every possibility of a peaceful settlement between the parties to the dispute, and it has recognised reluctantly that the Committee’s efforts have been unrewarded.

The Canadian Government believes that in the recommendations of the report will be found a solid basis for peaceful development in the Far East, and it earnestly hopes that the parties to the dispute may eventually accept a regime embodying such recommendations and thereby reconcile their conflicting claims and interests in so far as reconciliation is humanly possible.

It is not necessary to emphasise the gravity of the decision which the States Members of the League must take to-day. The faith of the world in the possibility of peaceful settlement has been shaken; if it is destroyed, the structure of security slowly built up on the foundation of scrupulous respect for international covenants will be undermined. As that structure shows signs of strain, the prospects of reducing the world’s burden of armaments are endangered and the task of achieving international economic co-operation is magnified.

For these reasons, we must vote for the adoption of the Committee’s report.

**The President:**

*Translation:* M. Zaunius, delegate of Lithuania, will address the Assembly.

M. Zaunius (Lithuania):

*Translation:* It is with feelings of acute anxiety that my speech has been following for all these months the development of the conflict which has set the Far East ablaze and threatens to strike a heavy blow at the principle lying at the very root of the Covenant of the League, the co-operation of the nations in guaranteeing peace and security.

The considerations I propose to submit to you are inspired by our sincere desire to contribute to that co-operation, and it is for that reason that I have come to this platform to urge the Assembly, in the name of the lofty ideal of peace, not to relax its efforts.

My first consideration is the further action to be taken in this affair itself. The draft report prepared by the Committee of Nineteen, which has just been submitted to the Members of the League for their approval, is based on Article 15, paragraph 4, of the Covenant. The Committee considers, as it points out in its report, that, in the present conflict, it has exhausted its efforts at conciliation and is compelled, to its great regret, to propose the solutions which it deems most equitable and most suitable in the circumstances.

As it is very difficult to foresee at the moment all the consequences of this recommendation, which may be very serious for peace in the Far East, I have felt it my duty to intervene in this debate to warn you against one possible consequence of this recommendation.

In no case must this so-called final recommendation, once it has been accepted, become, so far as the League is concerned, a mere record of failure. The organisation set up with a view to the pacification of the Far Eastern conflict of which the Covenant that its Members must foresee in any circumstances abandon the rôle assigned to it or drop a question submitted to it for examination. Such a result would not be consonant with the efforts we have made during all these months, or with the essential object of the League.

While we may be formally in order as far as the procedure laid down in the League Covenant — and, in particular, Article 15 — is concerned, we may nevertheless justifiably ask ourselves what is the real scope of that clause, and what our duty is, in view of another Pact of which we are all signatories — the Paris Pact.

It is most regrettable that the initiative of the Lithuanian delegation, taken at a time when the League was not yet at grips with this sanguinary conflict, to bring these two instruments into harmony with one another — a proposal taken up and supported by the United Kingdom — has not so far led to the establishment of a common rule for these two fundamental instruments of peace.

Article 15, paragraph 4, and Article 12 as well, were drawn up at a time when the nations did not yet feel themselves strong enough to shut the door completely on war, and that door remained ajar, to be opened again, three months after the Assembly’s decision. Far East, for a war which was henceforth legitimate. In the circumstances, is it not justifiable to regard Article 15, paragraph 4, as representing a kind of ransom extorted from those who were making a first timid effort to found the international community on the sole basis of law? It is therefore to be feared that the system of final recommendations, preceded by a statement of the facts and not followed by sanctions, may be regarded as a veiled legalisation of recourse to means other than conciliation at a time when war has been condemned
in all circumstances in virtue of the formal engagements contained in the Pact of Paris.

The anxiety felt by the Lithuanian delegation is also due to its own experience of ten years ago.

The members of this Assembly will certainly remember the occupation of the territory of Vilna by Polish armed forces - an occupation censured by the League at the outset with a vigour and clearness which did it honour. This coup de force was described by the President of the Council as a flagrant violation by Poland of her formal engagements. The Members of the League will perhaps remember also the subsequent development of the question before the League, and the recommendations which put a severe strain upon its prestige. The procedure of conciliation, vitiated in its origin by toleration of the fait accompli, was unsuccessful, and recourse was then had to the system of the so-called formal recommendation on the basis of Article 15, paragraph 4. The League subsequently dropped the whole question as if it had done its duty. The aggressor then enjoyed the results of the fait accompli for which it had been responsible, in contempt of all right and all justice. The outcome was a paradoxical situation which, although in accordance with the letter of Article 15, paragraph 4, none the less remains an open sore and a bar to peace and good understanding between the nations.

This experience has been too painful for our country for us to omit, on this occasion, to recall it to the Members of the League.

At a time when we are about to decide on the recommendation submitted to us by our Committee, it is important that we should not complicate a future solution in our immediate anxiety to accomplish an act the importance of which I should be the last to deny.

The remarks I have ventured to make have but one object - to draw the attention of the Members of the League, who are at the same time parties to the Paris Pact, to the imperative necessity - in the interests of peace both in the East and in the West - that the League of Nations, after accepting the recommendation, should not wash its hands of this question, as it did in the case of Vilna.

The President:

Translation: There are no more speakers on the list, and I accordingly declare the discussion closed. We will now proceed to vote on the report. I will read you paragraphs 4, 5, 6, 7 and 10 of Article 15 of the Covenant, which refer to the vote on the report:

"4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

"5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

"6. If a report by the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

"7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

"10. In any case referred to the Assembly, all the provisions of this article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute."

The parties may thus take part in the vote, but their votes will not count in deciding the question of unanimity; and, in the Assembly, unanimity means a unanimous vote of the States represented on the Council and a majority of the other States represented in the Assembly.

We will now proceed to take a vote by roll-call.

(The vote was taken by roll-call.)

The following States voted for the report: United Kingdom, Czechoslovakia, France, Germany, Guatemala, Irish Free State, Italy, United States of Mexico, Norway, Panama, Poland, Spain (Members of the Council); Union of South Africa, Albania, Austria, Belgium, Bulgaria, Canada, Colombia, Denmark, Estonia, Finland, Greece, Haiti, Hungary, India, Latvia, Lithuania, Luxemburg, Netherlands, New Zealand, Persia, Portugal, Roumania, Sweden, Switzerland, Turkey, Uruguay, Venezuela and Yugoslavia.

China, a party to the dispute, voted against the report.

Siam abstained from voting.

The President:

Translation: The result of the voting is as follows:

Number of States voting...
Number of votes in favour of the report...

The Members of the Council other than the parties to the dispute - that is, twelve Members - all voted for the report.

One State abstained from voting. It is regarded, under the Rules of Procedure, as not present.

As regards the parties to the dispute one, China, voted for the report and the other, Japan, voted against it.

I therefore declare the report unanimously adopted.

The Assembly, having duly observed all the formalities prescribed in the Covenant, has unanimously adopted the report of its Committee provided for under Article 15, paragraph 4, of the Covenant.

This vote is an act of grave import, carried out in circumstances which are both painful and disturbing. I need not dwell upon the juridical effects of the vote, but would simply remind you that Article 15, paragraph 6, of the Covenant provides as follows:

"If a report by the Council (or the Assembly) is unanimously agreed to by the members..."
thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report."

Article 12 provides further that Members of the League agree "in no case to resort to war until three months after . . . , the report by the Council (or the Assembly) ".

Having thus reminded you of the legal significance of the vote, I desire now to stress its political import.

The recommendations which we have formulated, and which the Assembly has unanimously approved, do not possess the executive force of an arbitral award; they stand as an offer of collaboration in the settlement of the dispute, an offer extended in all good faith and goodwill to the two nations parties to the dispute by the other nations with which they have entered into a voluntary association.

To-day our recommendations have been rejected by one of the parties, which is tempted to retire into isolation and to pursue its policy without considering the opinion of the other States.

I have not abandoned the hope that a day will come when our offer will be accepted by both the parties. I trust also that neither of them will be guilty of any irreparable act. The use of force, far from hastening or facilitating a solution of the dispute, can only prolong and aggravate it. Finally, the world fully realises that some day an international settlement will have to be reached and that the nations will have to continue to seek a solution for the present dispute.

Such a solution — which must be equitable and must reconcile the rights and interests of two great nations — is necessary for the progress of mankind, for the moral and material development of the East.

As for the League, the League is working and will continue to work amidst the tumult of passions, intent on carrying out the mission, assigned to it by the authors of the Covenant, of bringing into being, in a world profoundly divided by dissent and rivalry, by prejudice and misunderstanding, an international order under which justice and concord shall draw the peoples together and constitute a guarantee of peace.

M. Matsuoka, delegate of Japan, will address the Assembly.

M. Matsuoka (Japan). — On behalf of my Government, I wish to make a declaration.

It is a source of profound regret and disappointment to the Japanese delegation and to the Japanese Government that the draft report has now been adopted by this Assembly.

Japan has been a Member of the League of Nations since its inception. Our delegates to the Versailles Conference of 1919 took part in the drafting of the Covenant. We have been proud to be a Member of the League, associated with the leading nations of the world in one of the grandest purposes in which humanity could unite. It has always been our sincere wish and pleasure to co-operate with the fellow-Members of the League in attaining the great aim held in common and long cherished by humanity. I deeply deplore the situation we are now confronting, for I do not doubt that the same aim, the desire to see a lasting peace established, is animating all of us in our deliberations and our actions.

It is a matter of common knowledge that Japan's policy is fundamentally inspired by a genuine desire to guarantee peace in the Far East and to contribute to the maintenance of peace throughout the world. Japan, however, finds it impossible to accept the report adopted by the Assembly, and, in particular, she has taken pains to point out that the recommendations contained therein could not be considered such as would secure peace in that part of the world.

The Japanese Government now finds itself compelled to conclude that Japan and the other Members of the League entertain different views on the manner of achieving peace in the Far East, and the Japanese Government is obliged to feel that it has now reached the limit of its endeavours to co-operate with the League of Nations in regard to the Sino-Japanese differences.

The Japanese Government will, however, make the utmost efforts for the establishment of peace in the Far East and for the maintenance and strengthening of good and cordial relations with other Powers. I need hardly add that the Japanese Government persists in its desire to contribute to human welfare and will continue its policy of co-operating in all sincerity in the work dedicated to world peace, in so far as such co-operation is possible in the circumstances created by the unfortunate adoption of the report.

On behalf of the Japanese delegation, before leaving the room, let me tender its sincerest appreciation of the efforts ungrudgingly made to find a solution of the Sino-Japanese dispute before you, for the past seventeen months, by the President and Members of the Council, as well as by the President and Members of the General Assembly to whom we offer our sincere thanks.

(The Japanese delegation withdrew.)

The Assembly rose at 1.50 p.m.
EIGHTEENTH PLENARY MEETING OF THE ASSEMBLY

Friday, February 24th, 1933, at 5 p.m.

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APPEAL OF THE CHINESE GOVERNMENT: APPOINTMENT OF AN ADVISORY COMMITTEE: ADOPTION OF A DRAFT RESOLUTION SUBMITTED BY THE PRESIDENT OF THE SPECIAL COMMITTEE OF THE ASSEMBLY.

The President:

Translation: I have the honour, on behalf of the Committee of Nineteen, to submit to you the following draft resolution which was distributed a few hours ago to all the Members of the Assembly:

"Whereas, in virtue of Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter affecting the peace of the world, and therefore cannot regard with indifference the development of the Sino-Japanese dispute;

"And whereas, according to Part IV, Section III of the report¹ adopted by the Assembly in virtue of Article 15, paragraph 4, the Members of the League intend to abstain from taking any isolated action with regard to the situation in Manchuria and to continue to concert their action among themselves as well as with the interested States not Members of the League, and, in order to facilitate as far as possible the establishment in the Far East of a situation in conformity with the recommendations of the present report, the Secretary-General is instructed to communicate a copy of this report to the States non-members of the League who are signatories of or have acceded to the Pact of Paris or the Nine-Power Treaty, informing them of the Assembly's hope that they will associate themselves with the views expressed in the report, and that they will, if necessary, concert their action and their attitude with the Members of the League:

"The Assembly decides to appoint an Advisory Committee to follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-member States.

"The Committee will consist of the representatives of the Members of the Committee of Nineteen and the representatives of Canada and the Netherlands.

"The Committee will invite the Governments of the United States of America and the Union of Soviet Socialist Republics to co-operate in its work.

"It shall report and make proposals to the Assembly whenever it thinks fit. It shall also communicate its reports to the Governments of the States non-members of the League which are co-operating in its work.

"The Assembly shall remain in session and its President, after consulting the Committee, may convene it whenever he thinks fit."

The discussion on the draft resolution is open. M. Wellington Koo, delegate of China, will address the Assembly.

M. Wellington Koo (China). — Before I proceed with the subject about which I intend to speak to-day, you will perhaps permit me to make a very brief reference to the speech delivered by the Japanese delegate this morning.

I feel that, in fairness to my own country and in fairness to the Commission of Enquiry and to the Committee of Nineteen, I should not leave unmentioned certain allegations made this morning by the delegate of Japan. His speech was based, it seems to me, entirely upon a false assumption — that no nation understood China and the Far East except Japan, and that nobody had an accurate knowledge of conditions in China except the Japanese. It seems to me that, acting upon this assumption, the delegate of Japan made a number of statements which appeared to be wilfully misleading. If they were not wilfully made, then, in my opinion, they only serve to increase ignorance on his part of conditions in modern China than that with which he charged the Commission of Enquiry and the Committee of Nineteen.

The Commission of Enquiry was composed of five distinguished gentlemen of five different nations, and it made a unanimous report. The Committee of Nineteen was made up of nineteen eminent representatives of nineteen different nations, and its report was also unanimous. I will leave it to you, gentlemen, to choose, as regards the real conditions, circumstances and facts of the case, between the assertions of the delegate of Japan and the considered conclusions of the two highest organs of the League, which are interested in modern China than with which he charged the Commission of Enquiry and the Committee of Nineteen.

M. Matsuoka’s whole speech was a series of contradictions and misrepresentations, which added nothing new to his speech made before the Assembly in December last. The Chinese delegates, on several occasions, have already replied to his speech of December. I therefore do not propose to reply to it again. To do so, indeed, would be

¹ See Annex V.
merely adding to the voluminous literature of the League without serving any useful purpose. I cannot, however, refrain from observing that his remarks about my country are nothing but an unworthy attempt to discredit her without regard to real facts. They represent an effort at vituperation to the extent of self-contradiction. To give you one illustration: on one hand the Japanese delegate alleged that anarchy was reigning in China —

The President:

Translation: I beg your pardon. After having this morning declared the discussion on the report of the Committee of Nineteen closed and the Assembly having taken a vote on that report and on the recommendations contained in it, I do not think that it would be proper to re-open the discussion at this juncture.

I have submitted to the Assembly a new draft resolution, and the delegate of China can, of course, submit any observations on the subject that he may think fit, but I do not think that I ought to allow him now to re-open a debate which was closed this morning.

M. Wellington Koo (China). — Mr. President, of course I have no intention of departing from the ruling which you are in every way competent to give to the Assembly, but I wish to state respectfully that, so far as the whole situation in the Far East is concerned, it is very hard to define what is one subject and what is another. The situation which at present exists there is part of the situation which arose in September 1931. I wish very much that the League of Nations could reach a successful conclusion on the whole dispute. Unfortunately, we are not in such a happy position.

Mr. President, I do not wish to contravene your wishes, and I will not touch upon the point with regard to which I thought it was only fair to the delegation of China, to my own Government, to the Committee of Nineteen and to the Commission of Enquiry, that certain statements should be placed on record. The Japanese delegate this morning made his statement after the Chinese delegate, and he developed his point by referring to it; but, in deference to your wishes, Mr. President, I will not pursue this point further, and will reserve the right to send a written memorandum to the League. 1

I will proceed at once with the statement which I wish to make in connection with the subject on the agenda. The situation about which I wish to speak, and which I understand is fully in order is the situation in Jehol.

The adoption of the report by this Assembly under paragraph 4 of Article 15 of the Covenant marks the conclusion of one phase in the efforts of the League to find a solution for the Sino-Japanese conflict. The report points out a path along which the situation in Manchuria created by armed aggression on the part of Japan throughout the past seventeen months may be liquidated with the goodwill of the parties.

Under ordinary circumstances, this occasion should be one for general felicitation. I am, indeed, most reluctant to impose upon your indulgence again, but I should be remiss in the discharge of my obligations to my country and to the League if I did not, on behalf of the Chinese delegation, seize the opportunity to-day to tell you candidly that, while the requirements of justice in the case may be considered by the Assembly to have been met by the report which it has just adopted, the mission of peace, which is the principal object of the League's establishment and existence, remains yet to be fulfilled. I have an opportunity to invite your attention to the grave situation which prevails in the Far East at the present moment.

On the eastern borders of Jehol Province there exists to-day, not merely a threat of war, but actual warfare which has been started by the Japanese military forces for the avowed purpose of reducing this Chinese province to the plight of China's Three Eastern Provinces.

Jehol, another integral part of China, is a territory of 65,000 square miles, larger than the State of Czechoslovakia and more than four times the size of Switzerland. It has a population of three million and a-half Chinese nationals, equaling in number the population of Denmark. Strategically, it is a bulwark of protection to China Proper on the north just as Manchuria is on the east. If Jehol falls into the hands of Japan with Manchuria remaining under her military occupation, then the important cities in North China, such as Peiping, Tientsin, Tangshan, etc., and, in fact, the whole territory extending southward to the left bank of the Yellow River, will, as the history of China gives illustrations of this point, be also exposed to the danger of Japanese invasion.

Japan's determination, after occupying Manchuria, to proceed with the invasion of Jehol is in pursuance of a fixed policy of aggression and territorial aggrandisement on the mainland of Asia.

Let me read a description of that policy, given by one of the highest authorities in the world:

"The affair of Jehol seems to be another episode in the development of an historical process, carried through with great determination and cold-bloodedness . . . .

"Events in the Far East are obeying certain rules of logic, the relentless nature of which only superficial observers could missapprehend. To understand them, one must have a true idea of Japanese expansion from the years of 1894 and 1895, when the country of the Rising Sun, victorious over China, began to dismember the Celestial Empire by the Treaty of Shimonoseki. It must be recalled how rapid were the stages of this undertaking: annexation of Formosa and the Pescadores, the driving back of the Russians into the north of Manchuria by the Treaty of Portsmouth, and the annexation of Korea.

"The affair of Kiao-Chow should be studied. In these various episodes, connected by a thread, which sometimes seems invisible, but is ever present, the factor that rules and directs them is the determination of the Japanese, in whose eyes China appears to be an incomparable storehouse of raw material, and a rich market for consuming their manufactured goods . . . .

"For my part, I should be much surprised if this Shankaikwan incident, which I am trying above all to examine and understand, is not, in miniature, a fresh scene of that great historical drama, in whose name the Empire of the Rising Sun intends to subject China to her rule, with the vision in the distant future of achieving another victory — that of the yellow race over the white race."

1 See Annex X.
These grave words which I have just read were written a month ago by M. Herriot, the ex-Prime Minister of France. He wrote them in the light of the knowledge which he obtained when he was the Foreign Minister of his country. I beg every member of the Assembly to ask himself the question whether M. Herriot may not be right.

The first serious attempt to take Jehol by force was made as early as August 1932, when the Commission of Enquiry was still in Peiping drafting its report—a fact which was clearly mentioned at the point of a pistol, orders him to evacuate the house on the ground that he, the owner, is disagreeable. As this campaign failed, the authorities stationed on their own territory for its defence. The demand of Japan for the withdrawal of Chinese troops from Jehol will no more be considered by China any more seriously than the demand of a housebreaker who, having forcibly entered a house and driven its owner to a corner at the point of a pistol, orders him to evacuate the house on the ground that he, the owner, is disturbing the peace and order of the house.

But Japan's past attempts and present operations to attack Jehol Province reveal a stark intention to commit further aggression on Chinese territory. Recent Japanese communications to the League on the subject clearly prove to the world that Japan has not the shadow of a right or a shred of sound argument to support her pretensions. The claim that Governor Tang Yu-ling of Jehol proclaimed its independence on September 29th, 1931, or that he signed the declaration of independence of the new "State" on March 1st, 1932, is a baseless assertion. His efforts for the past year to defend Jehol against the threatened Japanese invasion constitute a complete answer to the insinuations against his loyalty to his own country. Indeed, it was due to his persistent refusal to do Japan's bidding that the Japanese authorities launched military operations on the Jehol border last August in the hope of coercing him into submission—a fact to which I have just adverted.

The objection on the part of Japan to the movement of Chinese troops in Jehol Province is incomprehensible and preposterous. To question China's sovereign right of defending her own territory against the menace of Japanese invasion is to deny her the right of national existence, to undermine the fundamental principles of international law, and strike at the very foundation of the new international order.

The Japanese military authorities now ask the Chinese commanders to withdraw Chinese troops from Jehol. In the words of the Japanese communication sent to the League three days ago:

"The Japanese representatives have on several occasions pointed out to Chang Hsueh-liang what a serious matter it was that hostile troops should be introduced into Jehol, but no heed seems to have been paid to these warnings."

I ask of Japan to tell the world by what right she demands the withdrawal of the Chinese troops stationed on their own territory for its defence. She speaks in the name of "Manchukuo", but what is "Manchukuo"? It is not even a puppet; it is a mere mask for the monstrosity of Japanese militarism. The demand of Japan for the withdrawal of Chinese troops from Jehol will no more be considered by China any more seriously than the demand of a housebreaker who, having forcibly entered a house and driven its owner to a corner at the point of a pistol, orders him to evacuate the house on the ground that he, the owner, is disturbing the peace and order of the house.

Yes, there is Japan's protocol concluded with "Manchukuo" on September 15th, 1932, "whereby", to quote again from the Japanese communication to the League, "Japan undertook to assist Manchukuo in maintaining internal order and meeting any external danger.

But, in the light of the findings of the Commission of Enquiry on the spot and of the conclusions of the Committee of Nineteen, what value should be assigned to this instrument? Far from being a charter of rights and obligations, it is an affidavit of Japan's self-confessed guilt. It is documentary evidence of the highest value that Japan's breach both of her undertakings under Article 10 of the Covenant to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League, and of her specific engagement in Article I of the Nine-Power Treaty of Washington "to respect the sovereignty, the independence, and the territorial and administrative integrity of China", was both willful and deliberate.

But without any right or reason recognisable by the world, Japan continues to pursue her plan of invasion into Jehol. The forces which Japan has concentrated and is disposing for the general offensive already number 100,000 men made up of five divisions of infantry, two divisions of cavalry and two regiments of artillery corps, with the necessary complements of tanks, machine-gun corps, armoured cars, and air squadrons. They are massing Jehol to-day by three principal routes from Kailu to Shanhaikwan, extending over the eastern border of the province to a distance of 450 kilometres. A serious engagement has already begun both on the Chaoyangsze front and on the Kailu sector to the north.

It goes without saying that my country is determined to defend her territory and resist the attack. We shall throw the whole force and power of our nation into our defence against invasion. We are in duty bound to exercise our right of legitimate self-defence and, to this end, we shall discharge our obligations undaunted.

On the borders of Jehol Province, then, we have a situation where peace is again broken by Japan and where her aggression continues. A sanguinary battle on a large scale with all the paraphernalia of modern warfare on the Japanese side and with a heroic determination to defend their territory and sovereignty on the Chinese side is already in the course of development.

The operations in Jehol will be far more serious than any yet seen since the foundation of the League of Nations. But in all human probability

1 See Official Journal, Special Supplement No. 111, page 79.
2 See Annex II, Communication No. 7.
In her effort to defend Jehol and recover Manchuria, in accordance with the Covenant, which provides whole Covenant. Members of the League and with non-Member a contravention of the spirit and purpose of the in order to concert effective action among the articles enjoining against a resort to war but also consider and take the necessary steps without delay to war? Her action is not only a breach of specific Committee, which you are about to set up, to decide, before is adournment to authorise the to appeal to the Assembly, in view of the grave situation affecting the peace of the world, to uphold the United Assembly, whose competence to everything that has gone before. Less than a month ago the Committee of Nineteen instructed the Secretary-General to warn Japan of the serious results which must ensue if new military operations were to be begun. In its last letter to Japan Article 3 of the Covenant, adjourn to-day only - the Assembly's report and in maintaining its prestige and authority before the world. Is it, then, unreasonable for me to ask you to support my country in upholding our common cause of international peace and security as sanctified in the Covenant?

As a well-wisher of the League of Nations, I wish to ask this Assembly not to adjourn its present session without making an effort to deal adequately with the grave situation in the Far East. I believe that the supreme interests of peace and the solemn obligations under the Covenant alike call for our action at this critical moment. If no action is taken now, the friends of the League — nay, the people of the whole world — will be keenly disappointed to see this august Assembly, whose competence to deal with any matter affecting the peace of the world is beyond question under paragraph 3 of Article 3 of the Covenant, adjourn to-day only — the Assembly's report and in maintaining its prestige and authority before the world. Is it, then, unreasonable for me to ask you to support my country in upholding our common cause of international peace and security as sanctified in the Covenant?

I ask the delegates present not to think only of the Chinese soldiers who will lose their lives in the fighting we cannot stop. I ask them to think also of the interests of their own countries, of their own peoples, and of the world at large. War, grim and cruel, is breaking out. May it not be that the choice before each delegation in this Assembly is really this: Shall they stand together to circumvent the Japanese aggression and prevent it from becoming a flood, a whirlpool of disaster?

In the name of the Chinese delegation, I wish to appeal to the Assembly, in view of the grave situation affecting the peace of the world, to decide, before its adjournment, to authorise the Committee, which you are about to set up, to consider and take the necessary steps without delay in order to concert effective action among the Members of the League and with non-Member States. To this end, the Chinese delegation is ready to collaborate with the Committee in every way possible. I submit that only by acting promptly in accordance with the Covenant, which provides

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\(^1\) See Annex I, Communication No. 5.

all the sanctions for just such a serious situation as now prevails in the Far East, will it be possible to convince the world that the League of Nations is not only mindful of the noble cause of international justice, as evidenced by the report which it has just adopted, but also equally earnest in the discharge of its supreme mission of international peace.

The President:

Translation: As no other delegates have sent in their names and no one has asked to speak, I declare the discussion on the draft resolution closed.

Under the Rules of Procedure, this proposal can be put to the vote, and, if the Assembly so desires, we will take a vote. If no one wishes for a vote, and if there is no objection to my suggestion, I can declare the draft resolution adopted.

The draft resolution was adopted.

APPOINTMENT OF A SUCCESSOR TO M. MAX HUBER AS PRESIDENT OF THE GOVERNING BODY OF THE NANSEN INTERNATIONAL OFFICE FOR REFUGEES: REPORT AND DRAFT RESOLUTION PROPOSED BY THE BUREAU.

The President:

Translation: We still have on the agenda the question of the appointment of a successor to M. Max Huber as President of the Governing Body of the Nansen International Office for Refugees.

The Assembly will remember that, at its meeting on February 21st, the question of the appointment of M. Max Huber’s successor was referred to the Bureau. The Bureau has now submitted to the Assembly the following report and draft resolution:

“The Members of the Assembly will no doubt remember that it was by a resolution dated September 30th, 1930, that the Assembly entrusted the humanitarian duties previously undertaken by Dr. Nansen to an international office pending the final winding up of the refugee work. At the same time, the Assembly asked M. Max Huber to prepare the organisation of the Office and to take over the duties of President of its Governing Body.

Since that time, M. Max Huber has devoted himself with tireless zeal and self-sacrifice to the performance of his duties. Thanks to his ability and sound advice the Office has been organised on a solid basis and has been able to surmount all the initial difficulties which must necessarily be encountered by any new organisation. To-day, the Office is normally and successfully pursuing its activities. But it is evident that the economic crisis renders its humanitarian task doubly difficult, the refugees being particularly exposed to all the initial difficulties which must necessarily be encountered by any new organisation.

As this proposal concerns the appointment of an individual, our decision should, strictly speaking, be taken by a secret ballot. But if there is no objection to the Bureau’s proposal, and if you are in favour of appointing M. Georges Werner, it is quite possible for us to dispense with the formality of the vote. The draft resolution proposed by the Bureau could be regarded as adopted, M. Werner thus being appointed President of the Governing Body of the Nansen International Office for Refugees in succession to M. Max Huber.

The draft resolution was adopted.

The President:

Translation: M. Werner is worthy in every respect of the confidence now placed in him by the Assembly. We are grateful to him for his willingness to accept so arduous and so delicate a task. We wish him every success in the exercise of his new duties, and assure him that he can always count upon the friendly, sympathetic and active assistance of the Assembly of the League.

I wish to take advantage of the opportunity afforded by M. Werner’s election to address a few words of regret and sympathy to his eminent predecessor, M. Max Huber. M. Huber knows

M. Max Huber’s resignation being irrevocable the Bureau has set about finding a successor to continue his work immediately. Being anxious to ensure the continuity of the work so successfully begun by M. Max Huber and wishing to give the Office every guarantee of good administration, the Bureau has selected M. Georges Werner, who is Professor of Law at the University of Geneva, Judge of the Geneva Court of Cassation, Vice-President of the International Red Cross Committee and a member of the Governing Body of the Office. M. Werner has thus been a collaborator of M. Max Huber on the International Red Cross Committee and on the Governing Body of the Office. He will, in consequence, be peculiarly fitted to carry on the same traditions and to direct the Office in the same spirit as M. Huber.

The Bureau therefore has the honour to propose the following resolution:

“The Assembly,

Having been notified by the Council of the League of Nations of M. Max Huber’s resignation of his duties as President of the Governing Body of the Nansen International Office for Refugees;

Accepts this resignation with regret, and warmly thanks M. Huber for the activity, devotion and disinterestedness he has shown in organising and directing the Office during a particularly difficult period;

Decides to proceed forthwith to the replacement of M. Huber in order that the Governing Body of the Office, which has important tasks to perform at its session in April 1933, should be able to operate in normal conditions;

Requests M. Georges Werner to accept the duties of President of the Governing Body of the Office in the same conditions in which they were offered to M. Huber;

Instructs the Secretary-General to give effect to the present resolution."

1 Document A.(Extr.) 30.1933.
2 This was originally to be completed by December 31st, 1939; on the proposal of the Governing Body of the Office the date was advanced by one year and the work will be finally wound up by December 31st, 1938.
3 See Official Journal, February 1933, page 221.
how fully entitled he is to our gratitude. We are in the happy position of feeling that the Assembly can always count upon him for any delicate tasks that it may wish to entrust to him.

I feel sure that, under M. Werner’s direction, the Nansen International Office for Refugees will continue to fulfil its purpose, as in the past, to the entire satisfaction of all those who are concerned in its activities.

M. Motta, delegate of Switzerland, will address the Assembly.

M. Motta (Switzerland):

*Translation*: You have just appointed as successor to my eminent friend and colleague, M. Max Huber, another Swiss national, Dr. Georges Werner, Professor of Law at the University of Geneva. May I be allowed to thank you most cordially for having thus appointed a second Swiss national to a high post of honour and responsibility? M. Werner also is a friend of mine, and I know him well enough to feel certain already that he will amply justify the confidence you have placed in him.

The Assembly rose at 6.20 p.m.
ANNEXES

I. COMMUNICATIONS REGARDING MILITARY OPERATIONS AT SHANHAIKWAN AND AGAINST THE PROVINCE OF JEHOL, TRANSMITTED BY THE CHINESE DELEGATION.

A.(Extr.)2.1933.VII.

1. COMMUNICATION, DATED JANUARY 3rd, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to transmit to you the following telegram which I have just received from the Ministry for Foreign Affairs, and to request that you will be good enough to cause it to be circulated among the Members of the Assembly:

"Marshal Chang Hsueh-Liang received a telephone message from Shanhaikwan on January 2nd stating that:

"On the night of January 1st, at 9.30 p.m., there appeared outside of the southern gate of Shanhaikwan several plain-clothes soldiers, who started to fire at the city gate. At the same time a bomb was thrown by the Japanese soldiers in the vicinity of the railway station. The police patrol of 'Manchukuo' and the Japanese gendarmerie also joined in in firing several shots. Afterwards firing ceased, and, on enquiry being made by the representative of Colonel Ho as to the cause of the hostile act, the Japanese replied that it was the Chinese soldiers who were responsible for the firing and undertook to prove their assertion by showing several bullet-holes in their headquarters. At the same time the Japanese military authorities despatched a note demanding the civilian population at Shanhaikwan to evacuate in case of possible danger and gave a time-limit of fifty minutes for reply. Representation is now being made with the Japanese authorities in the hope that the incident will be settled locally.

"Marshal Chang added that, apart from preparing to resist any possible attack, the Chinese authority is bent on effecting a just settlement of the incident. As to how far this case can be amicably settled will be known by to-morrow."

(Signed) W. W. YEN.

A.(Extr.)2.1933.VII.

2. COMMUNICATION, DATED JANUARY 3rd, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to transmit to you the following telegram which I have just received from the Ministry for Foreign Affairs and to request that you will be good enough to cause it to be circulated among the members of the Assembly:

"Marshal Chang Hsueh-Liang telegraphed from Peiping at midnight on January 2nd reporting that he had just received a telephone message from Shanhaikwan to the following effect:

"Shortly after ten o'clock this morning, following our refusal of the Japanese request to open the southern gate, more than a hundred Japanese soldiers attempted to scale the city wall of Shanhaikwan, but were frustrated by our guards. About noon, three Japanese troop trains arrived at Shanhaikwan station with more than three thousand soldiers, twenty field guns and six fighting planes. The attack on the city was launched at three o'clock in the afternoon and fighting was still continuing at the time when this message was being sent.

"A subsequent telegram to Marshal Chang despatched at 6.30 p.m. by Hsieh She An, Battalion chief at Shanhaikwan, says:

(Signed) W. W. YEN."
At noon on January 2nd, three Japanese troop trains arrived at the Shanhaikwan station with more than three thousand soldiers, twenty field guns and eight Japanese planes. The three armoured trains occupied the railway station outside of the southern gate and fired incessantly upon Shanhaikwan. The aeroplanes also dropped many bombs with the result that several parts of the wall have been destroyed, and a large number of civilians have been killed and wounded. The Japanese also used wooden ladders to climb the wall, but due to the brave resistance of our soldiers, the invaders were held back. The fighting is still continuing.

(Signed) W. W. YEN.

A.(Extr.)Com.Spéc.1.1933 VII.

3. COMMUNICATION, DATED JANUARY 4TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.81.]

Geneva, January 4th, 1933.

I have the honour to transmit to you the following telegram which I have just received from the principal Chinese public organisations in Shanghai, and to request that you will be good enough to cause it to be circulated among the members of the Committee of Nineteen:

"Japan concentrating forces on Jehol borders in consequence of League's lack of decisive action regarding Sino-Japanese dispute. Further procrastination of League will make ineffective any plan which may be reached later for a just settlement. We therefore appeal to the League to take immediate effective measures to avert further aggravation. — Associated Chambers Commerce; Shanghai Chamber Commerce; Shanghai Bankers' Association; Shanghai Exchange Guild."

(Signed) W. W. YEN.

A.(Extr.)5.1933.VII.

4. COMMUNICATION, DATED JANUARY 5TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref.A.82.]

Geneva, January 5th, 1933.

I have the honour to transmit to you the following telegram which I have just received from the Ministry for Foreign Affairs and to request that you will be good enough to cause it to be circulated among the Members of the Assembly:

"According to a telegraphic despatch from Marshal Chang Hsueh-Liang of January 3rd, he was in receipt of a telegram from Colonel Ho at Shanhaikwan, of January 2nd, reporting that, on the night of the 1st inst., the Japanese troops, before they openly launched the attack on Shanhaikwan, first blasted the gate to the headquarters of their own gendarmerie and then threw many bombs at surrounding places. At the same time a number of 'Manchukuo' military police, who were nearby, also joined in and fired several shots. He immediately sent his secretary, M. Chen, to the Japanese headquarters to enquire about the cause of the disturbance. The reply was that they were not fully informed, and in turn requested that he should investigate the case. The Japanese also demanded that the civilian population at Shanhaikwan be evacuated in the event of the development of any unforeseen danger, and gave a time-limit of fifty minutes for reply. At about midnight the Japanese presented four demands:

"(1) The southern gate be patrolled by Japanese;

"(2) The withdrawal of Chinese troops stationed at the southern gate;

"(3) The withdrawal of Chinese police and military guards from the southern gate; and

"(4) The withdrawal of all Chinese guards from the walls of Shanhaikwan."

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An immediate reply was asked for, which, if not giving satisfaction, would lead to a general attack on Shanhaikwan. The Japanese also demanded, in addition, that the southern gate be opened and that the south side of the city wall be patrolled by their troops. To this he firmly refused. Then the enemy troops at once rallied for an attack. In the meantime, our police stationed outside the southern gate were disarmed and M. Ma, a sub-bureau chief, was arrested. On the morning of January 2nd, at 8 o'clock, three Japanese troop trains carrying more than three thousand infantry, together with an armoured train, arrived at the Shanhaikwan station. They started the attack at about 10 o'clock with the Japanese planes dropping bombs on the city. Under the necessity of self-defence we returned fire. The enemy forces immediately commenced bombardment and more bombs were dropped. Casualties on both sides were heavy. The battle was still raging on the night of January 2nd. Colonel Ho again reported on the 3rd to the effect that the Japanese, in order to gain time for the arrival of their reinforcements, promised to enter into a peaceful settlement of the incident. However, their reinforcements continued to pour in, including the arrival of two destroyers on the coast. At ten o'clock on the morning of January 3rd the southern gate was subjected to a concerted attack by land, naval and air forces. The fighting was intense. A section of Japanese soldiers attempting to scale the wall were severely fought off by our soldiers, with the result that a great number of the enemy were either killed or wounded. At 11 o'clock, failing to make any headway, the enemy forces retreated.

(Signed) W. W. YEN.

A.(Extr.)6.1933.VII.

5. COMMUNICATION, DATED JANUARY 6TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to inform you that, in connection with the premeditated and unprovoked Japanese attack on, and occupation of, Shanhaikwan in the last few days, my Government has addressed to the Japanese Government a note of vigorous protest. The note commenced with a narration of the preliminary work of destruction as done by the Japanese gendarmerie in their own quarters, and of the distortion of facts concerning the circumstances preceding the attack in an attempt to evade responsibility of their unwarranted action.

The note stated further that the operations of the Japanese troops at Shanhaikwan were clearly the execution of a preconceived plan, calculated to aggravate the situation and contrary to promises made repeatedly by Japanese delegates at the League of Nations.

In conclusion, the note demanded the immediate withdrawal of Japanese troops from Shanhaikwan, the prevention of similar occurrences in the future, and the punishment of the Japanese involved in the disturbances. The note reserved further the right of the Chinese Government to claim reparation for damages sustained by China.

I shall be obliged to you to bring the above to the knowledge of the members of the Committee of Nineteen, and of the Special Assembly.

(Signed) W. W. YEN.

A.(Extr.)7.1933.VII.

6. COMMUNICATION, DATED JANUARY 11TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to inform you that I have received a telegram from my Government to the effect that no one has been appointed to negotiate with the Japanese authorities regarding the unwarranted attack on, and occupation of, the city of Shanhaikwan. Reports to the contrary are obviously untruths.

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

(Signed) W. W. YEN.
7. COMMUNICATION, DATED JANUARY 13TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref. A.85.]

Geneva, January 13th, 1933.

Under instructions from my Government, I have the honour to communicate to you the contents of a memorandum which it addressed on the 11th instant to the signatory parties of the so-called Protocol of 1901. The contents of the identical memorandum are as follows:

"The Chinese Government desires to call the attention of the Government to the fact that, taking unlawful advantage of a special privilege claimed under the Protocol of 1901, to which is a signatory party, Japanese troops have attacked and occupied the city of Shanhaiwan, slaughtered thousands of peaceful Chinese citizens, and inflicted considerable damage to property in and around that place, and are further concentrating in large numbers near Shanhaiwan and along the Peiping-Liaoning (Mukden) Railway.

"Under these circumstances, the Chinese Government is constrained to declare that it cannot assume responsibility for any situation, in law or in fact, which results from exercise by Chinese defensive forces of legitimate right in resisting the aggressive actions of the Japanese troops."

I shall be obliged to you to circulate this information among the Members of the Special Assembly.

(Signed) W. W. Yen.

A.(Extr.)9.1933.VII.

8. COMMUNICATION, DATED JANUARY 14TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Ref. A.87.]

Geneva, January 14th, 1933.

With reference to the letter communicated by the Permanent Bureau of the Japanese delegation to the League of Nations on January 4th, regarding the unwarranted attack on, and occupation of, Shanhaiwan, I have the honour to communicate herewith to you the following telegram, which has just been received from my Government by the Chinese delegation:

"According to a telegraphic despatch from General Chang Hsueh-Liang, the Japanese troops at Shanhaiwan were already prepared for armed encounter as early as the morning of January 1st. An empty train was sent by the Japanese along the so-called Mukden-Shanhaiwan Railway to the city of Suichang to transport soldiers to Shanhaiwan. In the same afternoon, at one o'clock, loud explosions and rifle firing, caused by the Japanese troops firing in all directions and at our patrols outside Nan-men (south gate), were heard. After our patrols had retreated within the wall, the Japanese continued firing at the city gate. Upon enquiry, the Japanese authorities not only denied their own responsibility, but accused our troops of having started the firing. At two o'clock in the early morning of the following day they presented to us four demands, and requested their immediate acceptance, threatening to seize the city by force in case of refusal. Our authorities replied that the matter should be discussed at daybreak, after the case had been thoroughly investigated. The Japanese, however, immediately detained M. Ma, chief of our Public Safety Bureau at Nan-men, and at 10 o'clock started a concerted attack by their land, sea and air forces.

"It is absolutely groundless that any agreement was signed or any document exchanged with the Japanese. As to the question whether M. Ma entered into any agreement with them, it is really of no concern; for, having been taken prisoner, he completely lost his liberty, and, under such circumstances, whatever he might have acquiesced in could not be valid.

"In another despatch, General Chang Hsueh-Liang points out that the purpose of attacking Shanhaiwan by the Japanese troops was to render secure the boundary of the illegal State. In fact, following the conclusion of the 1901 Protocol, there have been stationed Japanese military and naval forces at Shanhaiwan, thus rendering it impossible for us to launch any attack on the pseudo Manchukuo therefrom. Only by way of Jehol can any advance be made toward the bogus State. The Japanese, in capturing Shanhaiwan and Chiumengkou Pass, have further ensured that no advance can be made by us from that direction. They then will concentrate their attention on the invasion of the Province of Jehol."

1 See Annex II, Communication No. 2.
"For the Japanese to attack Jehol by way of Kailu, Chaoyang and Linyuan, cities on the eastern border of the Jehol Province, the distance is too great, and it is therefore inconvenient as well as difficult. Hence, Japan's plan was first to occupy the city of Lanchow, inside Shanhaikwan, and then, through Lengkou and Haifengkou, two gateways in the Great Wall, to reach the back of Linyuan and Pingchuan, two important cities in Jehol. The fact that the widely scattered troops of General Ho Chu-kuo would take three days to concentrate at Shanhaikwan in case of eventuality, made the Japanese start military activities immediately, with a view to striking them with lightning rapidity and to capture Lanchow without any difficulty. Contrary to the expectation of the Japanese, it took them three days to capture Shanhaikwan, and the invasion of their troops was subsequently blocked by Chinese troops under the command of General Li, on the western side of the Shih River. The Japanese forces at Chinwangtao were, therefore, unable to make a junction with the invading troops. As soon as the Japanese discovered that our troops were ready for defence along the Tang River, they were obliged to change their original plan and withdrew their eighth division, stationed at Chinchoh and intended to join the invasion, to Tahushan, and further declared that the occupation of Shanhaikwan should be considered as a local incident."

In transmitting the above communication to you, I have the honour to request that you will be good enough to cause the same to be circulated among the Members of the Assembly.

(Signed) W. W. Yen.

A.(Extr.)13.1933.VII.

9. COMMUNICATION, DATED JANUARY 26TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to inform you of another bombing outrage committed by the Japanese army on the border of Jehol Province on the 22nd instant.

On the day in question, six Japanese bombing machines arrived at noon at the town of Kailu, which they surveyed from the air for about two hours, and dropped many bombs. Many hotels, shops, social organisations, etc., were destroyed. Among the killed were 11 soldiers, 2 camp followers and over 100 civilians. The number of wounded was considerable.

Several bombs did not explode, and on all of them were found the words "extra heavy". They were several feet in height and weighed over 200 lb. each.

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

(Signed) W. W. Yen.

A.(Extr.)17.1933.VII.

10. COMMUNICATION, DATED FEBRUARY 2ND, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to transmit to you the following telegram in the form of a resolution passed at a mass meeting of the people of Chahar Province (Kalgan) on January 28th, in commemoration of the Japanese attack on Shanghai, and to request that you will be good enough to cause it to be circulated among the Members of the Assembly:

"From the time the Japanese invaded our north-eastern provinces and occupied Shanhaikwan until the present, when they are attacking Jehol and Kailu with unparalleled savagery and cruelty, our Government has always endeavoured to maintain the policy of peaceful settlement by the League of Nations. However, our restraint has its limit. If the solution of this question is still undecided, then there will be no guarantee of world peace, and the security of the States Members of the League will also be threatened. It is hoped that effective means will be adopted to put an end to Japanese aggression."

(Signed) W. W. Yen.
11. COMMUNICATION, DATED FEBRUARY 2ND, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. 

[Ref.A.93.] 

Geneva, February 2nd, 1933. 

I have the honour to communicate the following telegram, addressed to the Committee of Nineteen and the Drafting Committee, which I have just received from various public organisations of Chahar Province (Kalgan), and to request that you will be good enough to bring it to the knowledge of the Members of the said committees. 

"Since the withdrawal of our troops from Shanhaikwan, the Japanese military have again defiantly launched their ruthless campaign against Jehol. The Covenant of the League of Nations and the Nine-Power Treaty have long been regarded by them as mere scraps of paper. Our position is such that we cannot yield any further. We are assured that you will not be intimidated by the show of force, but, basing your recommendations on facts, will declare the rights and wrongs of the dispute, so that justice may finally be attained. — Chahar Chamber of Commerce, National Salvation Society, Labour Union, Farmers' Union." 

(Signed) W. W. YEN. 

12. COMMUNICATION, DATED FEBRUARY 10TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. 

[Ref.A.96.] 

Geneva, February 10th, 1933. 

I have the honour to forward the following telegram addressed to you by the presidents of the Chamber of Commerce and the Educational Association respectively, of Chento (capital of Jehol Province), and to request that you will be good enough to cause it to be circulated among the Members of the Assembly: 

"For a whole month we, defenceless people living in the unfortified districts in Jehol, have been subjected to ruthless aerial bombardment by Japan in defiance of the most elementary conceptions of humanity, particularly in Kailu, Hsiawah, Chaoyang, resulting in the death to date of nine hundred civilians, including many men, women and children, besides incalculable material losses. Such atrocious barbarities as have been committed in Manchuria and Jehol have been designed to terrorise and force us to join the puppet State of Manchukuo, to which we shall never acquiesce. Representing five million Chinese in Jehol Province, we appeal to the League of Nations to stop such wanton acts of destruction. — YEN WE-HSIN, President Chamber Commerce; HU SZU-YEN, President Education Association." 

(Signed) W. W. YEN. 

13. COMMUNICATION, DATED FEBRUARY 18TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. 

[Ref.A.98.] 

Geneva, February 18th, 1933. 

I have the honour to transmit herewith a telegram which I have just received from Marshal Chang Hsueh-Liang and to request that you will be good enough to cause it to be circulated among the Members of the Assembly: 

"Determination of Government and people of China to resist the Japanese invasion has crystallised in the concentration of our forces for the purpose. My presence in this capital city of the Province of Jehol in the company of T.V. Soong is to complete plans to meet the threatened continued violations of Chinese sovereignty and territorial integrity by Japan. The Chinese Government has endured unspeakable humiliations in its prolonged efforts loyally to avoid aggravating the situation in order to assist the League to arrive at a basis for conciliation in accordance with the Covenant and treaties. But our hope for conciliation has been time and again frustrated by Japan and our hope for peace has been destroyed by her military operations in Jehol in the face of solemn injunctions of the League. Japan made the specious claim that she invaded Manchuria to sustain treaty rights, but she has not even that pretext for invading Jehol, for there are no treaties in connection with this province. We have categorical orders from the Central Government to resist the invasion. We are now here to do our part. The people are determinedly behind us. You will assist by explaining our position and attitude to the League and the world. — CHANG HSUEH-LIANG." 

(Signed) W. W. YEN.
14. COMMUNICATION, DATED FEBRUARY 20TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to forward to you the following telegram which I have just received from the various prominent Chinese public leaders at Peking (Peking), acting on behalf of the National Defence League, and to request that you will be good enough to cause it to be circulated among the Members of the Assembly:

"League has won the heart of the Chinese nation by its epoch-making report and recommendations under section four of article fifteen, and we are fully confident in their adoption by unanimous Assembly to-morrow. We only wish to request the urgent attention of the League to the immediate Japanese invasion of Jehol, which is not only another act of war against the whole Chinese nation, but an unmistakable answer of mailed fist to League's judgment and recommendations. This fresh commission of act of war justifies the full application of article sixteen to the Covenant breaker. We therefore urge the Assembly to take necessary steps under article sixteen without waiting for Japan's formal rejection of the report and recommendations. The League can be assured of the fact that the Chinese people are doing their utmost in what is not only China's own fight against invasion, but in every sense war to make world safe for humanity. — Signed on behalf of the National Defence League: CHU CHING-LAN, CHOW Tso--MIN, HSIUNG HSI-LING, CHANG Po-LIN, Y. T. TSUR, CHU CHI-CHEN, CHIANG MON-LIN, Mrs. WANG CHEN-FU, Hu SIHIH, V. K. TING, CHANG CHIA-SUN."

(Signed) W. W. YEN.

A.(Extr.)33.1933.VII.

15. COMMUNICATION, DATED FEBRUARY 24TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


I have the honour to communicate to you the following telegram which I have just received from the Ministry for Foreign Affairs, and to request that you will be good enough to have it circulated immediately among the Members of the Assembly:

"M. Uyemura, secretary of Japanese Legation, handed to Dr. Lo Wen-Kan, Chinese Foreign Minister, the following memorandum at 5 p.m. to-day (February 23rd, Shanghai time):

"(1) The presence of troops under Chang Hsueh-Liang and other anti-Manchukuo forces is incompatible not only with the sovereignty of Manchukuo, but also with the restoration of peace and order in Jehol. The Manchukuo army is now putting into execution its plan to exterminate bandits and the remnants of soldier-bandits in the province of Jehol, and the Japanese army is obliged to give assistance to it under terms of protocol concluded between Japan and Manchukuo. The Manchukuo Government repeatedly demanded of Chang Hsueh-Liang to withdraw his troops to regions inside the Great Wall, but these demands were unheeded. Should this campaign in Jehol lead to an armed conflict between the Japanese army, in co-operation with the Manchukuo army, and Chang Hsueh-Liang's troops, and other anti-Manchukuo forces, it will be entirely due to the presence of Chang Hsueh-Liang's troops in Jehol, and the responsibility shall, therefore, rest with China, who has rejected the demands of Manchukuo.

"(2) The activities of Japanese troops in Jehol, whose aim is the purification of the Jehol province, as stated above, and who are co-operating with the Manchukuo forces, have no other objective than to ensure order and tranquillity in that province. In principle, they will remain within the territory of Manchukuo. But, if Chang Hsueh-Liang's troops and other anti-Manchukuo forces persist in taking positive action, it will be difficult to guarantee that fighting will not spread to North China. If any situation should arise as a result thereof, the responsibility shall rest entirely with China.

"(3) Manchukuo has always accorded generous treatment to the anti-Manchukuo forces who surrendered themselves. Should Tang Yu-lin and his troops, as well as the other anti-Manchukuo forces, surrender, they will be dealt with leniently in accordance with the policy hitherto followed."

(Signed) W. W. YEN.
16. COMMUNICATION, DATED FEBRUARY 24TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.  

Geneva, February 24th, 1933.

With reference to my previous communication (Ref.A.102), concernin’ the memorandum delivered by the Japanese Legation to the Minister for Foreign Affairs, Dr. Lo Wen-Kan, I have the honour to transmit to you herewith China’s reply to the said memorandum, and to request that you will be good enough to have it circulated immediately among the Members of the Assembly:

"(1) Since September 18th, 1931, Japan has effected the military occupation of the Three Eastern Provinces and has established therein the puppet regime. Japan is now again concentrating large forces and is attacking Jehol which, like the Three Eastern Provinces, is an integral part of China’s territory. The Chinese Government, in despatching troops to Jehol for defence against external military aggression, is exercising its inherent sovereign right. That the Japanese Government should demand the withdrawal of Chinese forces from Jehol is manifestly to extend the sphere of such an aggression, and further to violate the territorial sovereignty of China. The Japanese Government should, therefore, be absolutely responsible for the invasion of Jehol. As for the puppet regime in the Three Eastern Provinces, it is a Japanese creation pure and simple - a fact which is known to the whole world. For all its illegal activities Japan should all the more bear the entire responsibility. Against the puppet regime in the Three Eastern Provinces and the so-called Japan-Manchukuo Protocol, the Chinese Government has repeatedly lodged strong protests with the Japanese Government, declaring that the Chinese Government could never give them recognition. It is, therefore, unnecessary to enlarge on this subject.

"(2) That Japan should bear full responsibility for the attack on Jehol has already been stated. The fact that Japan is not only bent upon attacking and seizing Jehol, but also declares that her military operations may be extended to North China is sufficient to prove that her long-cherished policy of aggression remains unchanged. The Chinese troops, in resisting the Japanese troops and other forces in Jehol under Japanese direction or command, or in taking necessary defensive measures in any other part of the Chinese territory, will be acting within their rights. If the Japanese military operations should spread to North China, the Chinese troops will naturally exercise their right of self-defence in the protection of Chinese territory. Full responsibility for any situation which may be thus brought about should be borne by Japan.

"(3) General Tang Yu-lin, Chairman of Jehol Province, is a high provincial authority of the Chinese Government. Being in command of the Chinese military forces in Jehol, it is his duty to defend that province. The statements made by the Japanese Government concerning the Chairman of Jehol Province must be regarded as a deliberate affront. The Chinese Government hereby lodges its protest."

(Signed) W. W. YEN.

II. COMMUNICATIONS REGARDING MILITARY OPERATIONS AT SHANHAIKWAN AND AGAINST THE PROVINCE OF JEHOL, TRANSMITTED BY THE JAPANESE DELEGATION.

A.(Extr.)1.1933.VII.

I. COMMUNICATION, DATED DECEMBER 29TH, 1932, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Paris, December 29th, 1932.

I have the honour to communicate to you that I have received information to the effect that the mobilisation of the troops of General Chang Hsueh-Liang, which are being directed towards the province of Jehol, has been specially accentuated during the last few days.

In point of fact, General Chang Hsueh-Liang has mobilised his troops stationed near Peiping in order to replace the former contingents at Chinchow, which have advanced from the region south of the Great Wall towards the localities situated east of the town of Jehol.

1 See Communication No. 15 above.
The town of Peiping will apparently now be protected by the troops formerly stationed along the Peiping-Suxiuyuan and Peiping-Hankow lines.

Further, since November 20th, the troops of Chang Hsueh-Liang have been actively occupied in making trenches running from the east of the town of Jehol to Shanhaikwan. Other strong trenches have already been completely organised in the vicinity of the town of Tientsin, along the Tientsin-Pukow line.

Provided with ammunition in abundance and with many aircraft in particular, these troops have already begun to carry out preparatory tentative movements from time to time in the form of isolated offensive attacks against the Japanese forces, both in the Jehol district and in the Tientsin-Peiping areas.

I should be grateful if you would be good enough to communicate the foregoing to the Members of the Council and of the Assembly.

(Signed) S. SAWADA,
Director of the Japanese League of Nations Bureau.

A. (Extr.) 3.1933.VII.

2. COMMUNICATION, DATED JANUARY 4TH, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Paris, January 4th, 1933.

In a letter, dated December 29th last, I had the honour to inform you of the fact that the mobilisation of General Chang Hsueh-Liang’s troops directed towards the province of Jehol had been particularly accentuated during the last few days. Since then, the Japanese authorities at Peiping, in view of the fact that the invasion of the province of Jehol by General Chang’s forces constitutes a grave menace to the security of Manchukuo capable of entailing extremely serious consequences, have endeavoured in vain to persuade the General to put an end to such a movement on the part of his forces.

In these circumstances of tension and anxiety, a distressing incident occurred at Shanhaikwan on the confines of Manchukuo and China. At about 9.20 p.m. on January 1st, Chinese soldiers threw two bombs at the Japanese gendarmerie station at Shanhaikwan and, at the same time, other soldiers fired shots at the residence of the gendarmerie captain. Bombs were also thrown into the cantonments of the Manchu frontier guards.

In view of the danger of the situation, negotiations were immediately initiated with the Chinese military and civil authorities with a view to a pacific settlement of the incident and to arrange for the accommodation of the Japanese residents in the Japanese military cantonments. This agreement was concluded on the following morning; it provided that the soldiers of the Japanese garrison should patrol the Nankwan quarter of Shanhaikwan in order to protect the Japanese residents and ensure the protection of the railway.

Soon after the conclusion of this agreement, a detachment of the Japanese garrison proceeded to Nankwan, where it was received with bombs and rifle-shots, causing the loss of a lieutenant and two men. The Japanese were obliged to retaliate and occupied Shanhaikwan at about 2 p.m. on the 3rd.

It should be noted that it may be concluded from the foregoing that the incident occurred as a consequence of a Chinese provocation calculated so as to compromise Japan’s international situation, particularly as this incident occurred in connection with the invasion of Jehol by the Chinese troops, which was the subject of my previous communication. I should therefore be glad if you would communicate the contents of this note to the Members of the League, in order that they should not be deceived as to the bearing of any exaggerated information which may arrive from the Far East.

(Signed) S. SAWADA,
Director of the Japanese League of Nations Bureau.

A. (Extr.) 4.1933.VII.

3. COMMUNICATION, DATED JANUARY 5TH, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Paris, January 5th, 1933.

Further to my communication of yesterday, I have the honour to state that the Japanese Government has just informed us that it will endeavour to localise the Shanhaikwan incident by abstaining from any acts tending to aggravate the situation, except in the case of Chinese provocation, and that the necessary instructions have been telegraphed to the authorities on the spot. Kindly communicate the foregoing to the Members of the League.

(Signed) S. SAWADA,
Director of the Japanese League of Nations Bureau.

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1 See Communication No. 1 above.
2 See Communication No. 2 above.
4. COMMUNICATION, DATED JANUARY 18TH, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, January 18th, 1933.

Referring to document A.(Extr.)6.1933.VII,¹ I have the honour to inform you that, in reply to the note from the Chinese Government on the subject of the Shanhaikwan incident and pursuant to instructions from Tokio, the Japanese Minister to China sent on the 11th inst. a note to the Chinese Government in the following sense:

"According to investigations undertaken by the Japanese Government in regard to the Shanhaikwan incident, it has been made clear that a number of hand grenades were thrown at about 9.20 p.m. on January 1st at the station of the Japanese gendarmerie in the Nankwan quarter of Shanhaikwan, and in the vicinity of the Japanese army guard-house at Shanhaikwan railway station, and other places. They were followed by rifle fire. Immediately, the Japanese guard detachment at Shanhaikwan despatched a number of soldiers to the Nankwan quarter in order to afford protection to the large number of Japanese residents in that neighbourhood and to search and arrest the offenders in exercise of the right of jurisdiction accruing to the Japanese Government by virtue of notes exchanged on the occasion of the rendition of Tientsin in July 1902. On the other hand, the commander of the Japanese detachment entered into an agreement with the Chinese military authorities providing for the temporary control of the southern gate by Japanese forces.

"However, at about 11 o'clock in the morning of January 2nd, when the Japanese troops were proceeding to that gate in conformity with the terms of this agreement, they were fired upon by Chinese soldiers. Lieutenant Kodama was killed on the spot, while two soldiers received wounds.

"This act of patent insincerity and treachery on the part of Chinese soldiers compelled the Japanese troops to undertake action in self-defence against the Chinese.

"In view of these facts, it is evident that the responsibility for this incident rests entirely with China. The Japanese Government, however, reserves at this moment the right to present demands in regard to this incident.

I shall be glad if you will bring the above to the knowledge of the Members of the League.

(Signed) S. SAWADA,
Director of the Japanese League of Nations Bureau.

A.(Extr.)12.1933.VII.

5. COMMUNICATION, DATED JANUARY 24TH, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, January 24th, 1933.

Referring to document A.(Extr.)4.1933.VII,² I have the honour to inform you that I have received the following telegram from my Government concerning the evacuation of Shanhaikwan by Japanese troops:

"Detachments of the Kwantung Army, which had been sent to Shanhaikwan following the recent incident in that district, left the city at midnight of the 19th inst. to resume their original posts.

"Only one infantry battalion under the command of a lieutenant-colonel was left there for the time being to secure the safety of that city in co-operation with a very small number of gendarmerie and the garrison usually stationed there."

I beg to request you to be good enough to communicate this information to the Members of the Council and the Assembly.

(Signed) S. SAWADA,
Director of the Japanese League of Nations Bureau.

¹ See Annex I, Communication No. 5.
² See Communication No. 3 above.