6. COMMUNICATION, DATED FEBRUARY 3RD, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Geneva, February 3rd, 1933.

I have the honour to transmit you herewith a summary of official telegrams received by the Japanese delegation with regard to recent activities of the Chinese troops in Jehol and northern China.

I beg you to bring this information to the notice of the Members of the League.

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

SUMMARY OF OFFICIAL TELEGRAMS RECEIVED BY THE JAPANESE DELEGATION.

Situation in Jehol Province.

1. The forces hostile to Manchukuo which have penetrated into Jehol now amount to some 110,000 men. Their attitude having become specially threatening in the Kailu district, where an offensive against Tungliao was in preparation for the Chinese New Year in order to destroy the Tungliao-Tahanushan railway, the Japanese and Manchu troops took action in this district with a view to putting a stop to these designs. Between January 22nd and 24th, aircraft bombarded the headquarters of the band-leaders Ten Wen, Liu Chen Tun, Chieh Kuo Chen and Tan Tseu Hsin, and groups of soldiers in the neighbourhood of Kailu. Special pains were taken not to inflict damage on the civilian population.

2. The movement of the Chinese troops continues actively. In addition to the general eastward advance of the " voluntary armies " inside Jehol, the penetration by the regular forces of Chang Hsueh-Liang is increasing. Other forces have been brought from the area of the Peiping-Hankow and the Peiping-Suiyuen railway. On January 25th and 26th, six troop trains of Sung Che Yuan and seven troop trains of Sun Tien Ying passed to the south of Peiping on their way to the district north of the Peiping-Shanhaikwan railway. As transport by rail is easily distinguished, orders appear to have been given to the Chinese troops to move by road.

3. In the night of January 23rd, bandits attacked a Japanese detachment at Chaoyangsu on the boundary of Jehol. In the morning of the same day, an attack was made on the railway line from Chinchow to Ichow.

On January 26th, Chinese troops attacked Chiumenkow in Manchukuo territory. The attack was repeated in the morning of January 31st. The assailants, who came from the east, west and south, were repulsed after two and a half hours' fighting.

7. COMMUNICATION, DATED FEBRUARY 20TH, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Geneva, February 20th, 1933.

I have the honour to enclose a statement based on the latest information received from Tokio. I should be greatly obliged if you would kindly convey this communication to the Members of the League.

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

SITUATION IN JEHOL.

The situation in Jehol has been for some time, especially since the recent incidents at Shanhaikwan, a matter of concern to public opinion, and frequent references are made to Japanese military preparations for an invasion of that province — a rumour sedulously spread by Chinese propaganda.

Certain points in this connection should be made clear.

1. The province of Jehol, formerly known as Eastern Inner Mongolia, and one of the " Four North-Eastern Provinces ", has formed part of Manchukuo since the establishment of the latter. Tang Yulin was appointed Governor-General of the " special district " of Jehol by Chang Tsolin in 1926. He was confirmed in the office of Governor when the special district was included among the Four North-Eastern Provinces. Jehol proclaimed its independence on September 29th, 1931. Tang Yulin was a member of the Administrative Committee of the North-East, set up in February 1932, and signed the declaration of independence of the new State on March 1st, 1932; he was appointed Vice-President of the Privy Council on March 9th. In reply to a question from the Commission of Enquiry, the Government of Manchukuo stated officially, through the Japanese Assessor, that the frontier between Manchukuo and North China was the Great Wall. It will be remembered
that the Great Wall was built by the Han Emperors to mark the boundary of China Proper and protect it from the incursions of the northern peoples.

2. Meanwhile, Chang Hsueh-Liang, taking advantage of the fact that the Manchurian and Japanese troops were devoting their attention chiefly to putting down brigandage and disorder in northern Manchuria, did his utmost to sow the seeds of trouble in Jehol and to establish his influence there. He succeeded in compelling Tang Yulin to join him by military and financial pressure. The frontier of Jehol is only 120 kilometres from Peiping and the city of Jehol itself only 200 kilometres; the province is easy of access (particularly by a road used by the motor-coaches plying between the two cities), and Chang Hsueh-ti-ang could easily take troops there. Moreover, Jehol's chief source of revenue is opium, and, as that is marketed in Peiping, this afforded another useful form of pressure.

It will be remembered that Chang Hsueh-Liang organised "volunteer armies" with portions of his forces which had previously been dispersed, together with men recruited in North China and bodies of bandits. In consequence of the policy of positive military action adopted at the third general congress of the Nationalist Party in December last, further troops were concentrated in this area. One of the objects of this policy was to induce the Japanese, by "positive action" on the part of the Chinese troops, to take fresh military measure, thus provoking a conflict, and so to create a current of opinion unfavourable to Japan, especially in the League of Nations. Although he is by no means anxious to recall his own forces, Chang Hsueh-ti-ang is obliged, for financial reasons and reasons of domestic policy, to follow the directions of the Nanking Government, which, for its part, has every interest in not exposing its own troops, even if it were in a position to send them north.

3. For nearly two months past, troops have been continually despatched to the region in the neighbourhood of the frontier south of the Great Wall. Their number amounts to 79,600 men, including Chang Hsueh-Liang's troops and those of Generals Shang Chen, Sung Cheyuan, Pang Pingchun and Kao Kueitsu. Further contingents of Chang Hsueh-Liang's regular troops, and those of Sun Tienyin (20,000 men), are massing in the interior of Jehol itself, where Chang Hsueh-Liang now has seven brigades. With the 60,000 irregulars of the volunteer armies and Tang Yulin's 16,000 men, the forces hostile to Manchukuo in Jehol thus exceed 144,000 men.

On February 18th, it was learnt that Chang Hsueh-ti-ang and Chang Tsehsiang had been appointed Commanders of the First and Second Army Groups operating in Jehol, and had crossed the Wall.

Further, 100,000 of Chang Hsueh-Liang's men are in reserve in the Peiping and Tientsin area.

4. The presence of hostile troops in Jehol presents a most serious danger to Manchukuo, especially since the declared reason for this concentration of forces is not merely to occupy the province but "to regain the lost territories."

Forces occupying Jehol constitute a threat to the whole of Central Manchuria. Obviously, Manchukuo cannot regard such a situation with indifference.

It should be emphasised that Chang Hsueh-Liang and the authorities at Nanking have chosen the moment when the League is attempting to find a solution by conciliation to send an imposing number of their troops across the Great Wall. Those in control of Chinese policy are perfectly aware of the dangers of such action, inasmuch as the attitude of Manchukuo and Japan has been clearly defined. When, at an earlier period, Japanese detachments proceeded to Chaoyansu and Nanling in search of a Japanese subject, M. Ishimoto, who had been carried off by brigands, the Nanking Government protested, and the Japanese Government's reply was that it was simply engaged in maintaining order in the territory of Manchukuo with the latter's assent, and that there was therefore no ground for any intervention on the part of the Nationalist Government. Since then, 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.

5. The operations that will be necessitated by Chang Hsueh-Liang's attitude differ in no way from those that have already been carried out in Northern Manchuria for the purpose of restoring order, and to which no serious objection has been raised by China or by the League of Nations. Manchukuo is pursuing the work of restoring order which it has undertaken in another part of its territory and there can be no objection to this legitimate exercise of its rights. As regards the action of the Japanese forces, it is governed by the Protocol concluded between Japan and Manchukuo on September 15th, 1932, whereby Japan undertook to assist Manchukuo in maintaining internal order and meeting any external danger. Even should any joint operations be undertaken, the Japanese and Manchurian forces will not advance south of the Great Wall in the Peiping Tientsin area — unless, that is to say, the movements of the Chinese forces make it absolutely necessary for them to do so on strategical grounds — for there is no question whatever of intervention in Chinese territory or of any Japanese action against China; the sole object is to defend the territory of Manchukuo, in conjunction with the forces of that State, against an obvious provocation.
III. COMMUNICATIONS REGARDING THE GENERAL SITUATION IN MANCHURIA, TRANSMITTED BY THE JAPANESE DELEGATION.

A.(Extr.)11.1933.VII.

1. COMMUNICATION, DATED JANUARY 23RD, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

Geneva, January 20th, 1933.

I have the honour to forward herewith a summary of the official telegrams received by the Japanese delegation regarding the progress of order in Manchuria.

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

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

PROGRESS OF ORDER IN MANCHURIA.

1. Southern Manchuria.

At the beginning of December 1932, the Japanese forces co-operating with the Manchukuo troops drove out the disorderly elements in the region lying between the main South-Manchurian line and the Mukden-Antung line. The Manchurian authorities are at present actively engaged in re-establishing normal conditions and in re-organising the administration in that region. They are suppressing the last vestiges of disorder.

In the Chinchow region, the Cheng Kuelin "voluntary army," which was threatening the Suichung region, has been repulsed, and Yunganpao, the base of that army, was occupied on January 12th.

2. Northern Manchuria.

General Ting Chao, who occupied the region extending north of the eastern line of the Chinese Eastern Railway, surrendered at Paoching; General Li Tu fled on January 9th to Soviet territory near Hulin. Wan Teilin, who was at Tonging, appears also to have taken refuge with his forces in Soviet territory on January 10th.

Traffic on the Eastern line of the Chinese Eastern Railway, which had frequently been interrupted hitherto owing to the presence of rebels and bandits, was re-established on January 12th.

A.(Extr.)14.1933.VII.

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

[Translation.]

Geneva, January 26th, 1933.

With reference to my previous communication (document A.(Extr.)11.1933.VII),1 I have the honour to forward you herewith a summary of the official telegrams received by the Japanese delegation with regard to the restoration of order in Manchuria.

I request you to forward this information to the Members of the Council and of the Assembly.

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

SUMMARY OF OFFICIAL TELEGRAMS RECEIVED BY THE JAPANESE DELEGATION.

Restoration of Order in Manchuria.

1. Shu Ching-to, former subordinate of General Ma Chan-Lan, who, after the latter's defeat, had carried on activities hostile to Manchukuo in the region of Hei-ho, made his submission at the beginning of January. His troops (about 6,000 men) were sent south to the region of Nonchiang and Noho. A detachment of Manchukuo troops and of employees of the Posts, Customs, Gendarmerie and Financial Administration have gone to restore the administration in the Hei-ho district.

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1 See Communication No. 1 above.
One of Shu Ching-to's subordinates, Liu Lin-pin, who was at Lopei, fled to Soviet territory while 2,000 of his troops submitted. Thus, all the distant territories of the province of Heilungkiang are now under the full control of the Manchukuo authorities. Tranquility now reigns throughout the whole of this province.

2. The police of the special district of Harbin, which numbered about 2,000 men, have been increased since the Mrs. Woodruff outrage. Two hundred agents have been assigned to the protection of the chief foreign personalities. Since the freezing over of the Sungari, barbed-wire entanglements have been put up against the incursions of brigands. As a result of these precautions, no fresh outrages against foreigners have had to be deplored.

3. In the province of Kirin, the rebel chief Liu Wan-kuei, was ejected from Hsinglongku (100 kilometres to the south-west of Mishan) and took refuge in Soviet territory on January 18th. The chief of another band, Hsing Chan-ching, who was at Poli, also fled into Soviet territory on January 7th with 5,000 men. Since the flight of these two principal chiefs, about 7,000 men have submitted.

The Manchukuo authorities have thus succeeded in firmly establishing their authority in the north of the country.

A.(Extr.)15.1933.VII.

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

Geneva, January 26th, 1933.

Mr. Bronson Rea, Adviser to the Ministry of Foreign Affairs of the Government of Manchukuo, has sent me a copy of a letter and a list of documents which he sent you on January 23rd, 1933.

Having regard to the importance of these communications, of which I enclose a copy, I venture to call your special attention to them, and should be greatly obliged if you would kindly bring them to the notice of the Members of the League.

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

Annex.

A.(Extr.)15.1933.VII.

MANCHUKUO MISSION IN EUROPE.

Sir Eric Drummond,  
Secretary-General of the League of Nations,  
Geneva.

27, Quai du Mont-Blanc, Geneva, January 23rd, 1933.

The object of this communication is to bring to the attention of the League of Nations a series of 586 authentic documents, hereto attached, which, as far as possible under existing conditions, express the will of the people of Manchukuo. It is in the nature of a reply to the statement in the report of the Commission of Enquiry that the new State was created by the activities of the Japanese, in opposition to the desires of the people. It is also in the nature of an answer to the 1,550 letters which the Commission reported they had received — letters which, according to the investigation made recently, were written, in the main, by students of the North-Eastern University at Mukden at the instance of Marshal Chang Hsueh-liang's agents.

When the League Commission of Enquiry visited Manchukuo, the new State was in the process of organisation. The country was overrun with bandits. The dispersed armies of Chang Hsueh-liang terrorised the people and threatened them with death if they acknowledged the new Government. The commercial and financial elements allied with the old regime (whose officials had monopolised all lines of profitable business and acquired title to the most desirable farming-lands) were opposed to any change that might result in the loss of their privileged position and profits. The country was covered with agents of Chang Hsueh-liang, inciting the people to resist the new Government. Behind the Great Wall were massed the veteran divisions of the old Manchurian army, deprived of their main sources of revenues and awaiting an opportunity to re-establish their hold on the people. Although the masses desired any change that would liberate them from the yoke of their oppressors, they had learned through bitter experience to refrain from expressing

1 These documents are retained in the archives of the Secretariat.
openly their discontent. Uneducated, inarticulate, ignorant of their rights, distrustful of all persons in authority, and despairing of justice, the common people had suffered in silence and prayed for deliverance from their misery. But when the armies of their oppressor were dispersed, the enlightened leaders of the people grasped the opportunity, so providentially created, to start the movement for independence.

The new Government had hardly been formed when the League Commission arrived in China to investigate and report on conditions. The Commission entered Manchukuo accompanied by Dr. Wellington Koo and several others of Chang Hsueh-liang’s trusted advisers, leaving the new Government no alternative but to protect itself against what it considered as an attempt to undermine its authority. It was because of the presence of these Chinese with the Commission that many people in Manchukuo were afraid of meeting members of the Commission’s staff or of presenting themselves openly before that body. Under the circumstances, it was extremely hazardous for many persons to express their real convictions. As a result, the Commission was forced to hold secret interviews in order to arrive at conclusions, which often did not reflect the wishes of the exploited masses.

As the new Government slowly consolidated its power, reduced taxation, stabilised the currency, suppressed banditry, and in other ways lifted the crushing burdens from the people, provided security and an open market for the sale of their crops, public opinion came to its support from every district and hamlet throughout the country. Now, satisfied that they will not again be handed over to the tyrannical rule of Chang Hsueh-liang, the people of Manchukuo no longer fear that they will be condemned to torture and death for expressing openly their views on political affairs. It is difficult to determine the wishes of all the people of Manchukuo, as legal machinery has yet to be created for this purpose. The only practical system so far devised to arrive at a consensus of public opinion is through the traditional agency of the chambers of commerce, guilds and other civil organisations.

With this explanation, the Government of Manchukuo presents to the League of Nations the attached 586 documents, which accurately record the will and wishes of its people. These declarations, protests and appeals emanate from every chamber of commerce, political, educational and civil organisation in the State, written in the original Chinese or Mongol characters and duly signed and sealed by officials elected to represent and speak for the members of these bodies. These are the outspoken, voluntary, calm and deliberate expressions of opinion, and bear out clearly that the people of Manchukuo are firmly resolved that they will stand on their rights and defend themselves against any and all attempts to subordinate their independence to any faction in China Proper.

The Government of Manchukuo requests, in the name of justice and fair play, that due weight and consideration be extended to these documents.

(Signed) Geo. Bronson Rea,
Counsellor to the Ministry of Foreign Affairs,
Government of Manchukuo.

LIST OF ORIGINAL DOCUMENTS FROM THE PEOPLE AND PUBLIC BODIES OF MANCHUKUO DIRECTED TO THE LEAGUE OF NATIONS ATTESTING TO THE POPULAR DESIRE AND WILL FOR INDEPENDENCE.

I. November 15th, 1932. — Delegates of the People for the foundation of Manchukuo:
Copy of English translation of letter sent to the President of the Council, President of the Assembly, the Secretary-General of the League of Nations, and the League Commission of Enquiry.

II. November 15th, 1932. — People’s delegates of the various Mongolian banners:
Original resolution officially signed and sealed by twenty delegates.
English translation of telegram to the Council of the League.

III. November 21st, 1932. — General Association of Commerce, Hsinking:
Original statement officially signed and sealed by Shih Wei-han, President of Association; also English translation of statement.

IV. November 21st, 1932. — The Educational Association of Hsinking:
Original statement officially signed and sealed by Li Chin-wen, President; also English translation of statement.
V. *November 22nd, 1932.* — Schools (sixteen) of Heilungkiang Province:

Original documents in Chinese, signed and sealed by the principal, teachers and pupils of the following educational institutions of Heilungkiang Province:

1. First primary school;
2. Second primary school;
3. Primary school attached to the first normal school;
4. Idem;
5. First girls’ primary school;
6. Second girls’ primary school;
7. Primary school attached to the first girls’ normal school;
8. Autonomy society, students of the first girls’ normal school.

*November 24th, 1932:*

9. First normal school;
10. First agriculture vocational school;
11. Technical vocational school;
12. First girls’ normal school;
13. First middle school;
14. Primary school attached to first girls’ normal school;
15. Primary school attached to first normal school;
16. First girls’ primary school.

VI. *November 25th, 1932.* — Various public bodies of Heilungkiang Province.

Copies of English translation of letters mailed directly to the League of Nations by the following:

1. Educational Society of Heilungkiang, signed by:
   - Kwan Yun-han, President;
   - Hu Kung-a, Vice-President;
   - Hsin Shiu-pao, Vice-President.
2. Farmers’ Union, Heilungkiang, signed by:
   - Jen Yu-heng, President;
   - We Ju, Vice-President;
   - Kuan Yen-sheng, Vice-President.
3. Representatives of the Workers’ Union, Heilungkiang.
4. Representatives of the inhabitants of Heilungkiang Province, signed by:
   - Hsu Lan-po,
   - Kuan Yen-sheng,
   - Kuan Fu-fao,
   - Ho Tzu-hsiang,
   - Lin Yu-yung,
   - Fu Ming-hsu,
   - Ho Tien-hsiang,
   - Fu Wen-hsu.
5. Autonomy Guidance Society, Heilungkiang, signed by:
   - Hsu Chia-hsiang,
   - Kuan Fu-ling,
   - Chen Ching-chi,
   - Ming Chu-san,
   - Ho Tzu-hsiang,
   - Kuan Hsiao-chuan.
6. Representatives of inhabitants of Manchuria, signed by ten different Associations, as:
   - Chang Ting-ko, Chairman of Chamber of Commerce, Harbin;
   - Mu Wen-huan, Standing Commissioner;
   - Li Peng-piao, Vice-President of Harbin Special Self-Government Association;
   - Yang Kuan-san, Chief Councillor of the Town Council of Harbin;
   - Chang Pan, Chairman of Chamber of Commerce of Pin-kiang;
   - Wang Shih-chai, President of the Flour Mills Association of Harbin;
   - Sun Chi-chih, Chairman of the Oil Mill Association of Harbin;
   - Kuan Ta-chi, President of the White Russian Society;
   - Sung Shin-tang, Standing Committee of the Educational Association of the Harbin Special Area;
   - Yu Tso-chou, Chairman of the Guild of Grain Merchants of Pin-kiang.
(7) Representatives of ten other associations, as follows:
Chang Tin-ko, President of Chamber of Commerce, Harbin;
Mou Wen-huang, Acting Director of Chamber of Commerce, Harbin;
Lee Fun-piao, Vice-President of Municipal Council, Harbin;
Yang Kuan-san, Member of the Board of Councillors, Municipal Government of Harbin;
Chang Pan, President of Chamber of Commerce, Ping-kiang City;
Wang Shih-tson, Executive of the Millers’ Guild, Harbin;
Sun Chi-shu, Executive of the Oil Traders’ Guild, Harbin;
Kuan Ta-chi, President of the Russian Society of Real Property Owners, Harbin;
Sung Chin-tang and Liu Jen Hwa, Representatives of the Educational Society for the Eastern Special Area;
Yu Tsu-chow, Executive of the Foodstuff Merchants’ Guild, Harbin.

VII. November 28th, 1932. — Various public bodies of Fengtien Province.

Original letters (74) (no translations) signed by:

(1) Leading representatives of Fu District;
(2) Chairman of Wafangtien Commercial Association;
(3) Representatives of the inhabitants of Fu District;
(4) Representatives of Merchants’ Association, Fu District;
(5) Chairman of Agricultural Association, Fu District;
(6) Representatives of farmers, Fu District;
(7) M. Wang Shih-chung, people’s representative, Fu District;
(8) M. Chang Ming-an, people’s representative, Fu District;
(9) M. Ching Hai-pong, farmers’ representative, Fu District;
(10) M. Ko Ming-chih, farmers’ representative, Fu District;
(11) M. Hung Yu-shang, farmers’ representative, Fu District;
(12) M. Ma Wen-hai, farmers’ representative, Fu District;
(13) M. Lu Ta-cheng, farmers’ representative, Fu District;
(14) M. Chu Ta-shih, artisans’ representative, Fu District;
(15) M. Li Te-sheng, leaders’ representative, Fu District;
(16) Magistrate of Liaoyang District;
(17) Commercial and agricultural associations of Kaitung District;
(18) Commercial and agricultural associations of Kaiping District;
(19) Various associations of Huaite District;
(20) Various associations of Shingyang District;
(21) Various associations of Peichin District;
(22) Various associations of Chinsi District;
(23) Various associations of Fakumen District;
(24) Various associations of Kaiyuan District;
(25) Various associations of Hsinmin District;
(26) Representatives of merchants, Fu District;
(27) People’s representative, Fu District;
(28) People’s representative, Fu District;
(29) People’s representative, Fu District;
(30) People’s representative, Fu District;
(31) Various associations of Suichung District;
(32) Various associations of Suichung District;
(33) Various associations of Tungliao District;
(34) Various associations of Lihsu District;
(35) Various associations of Penchihu District.

VIII. November 29th, 1932. — Original letters in Chinese of views and observations on Lytton report, sent to President of League Council, President of Assembly, Secretary-General of League and League Commission of Enquiry.

Translations (8), signed by:
The Association of Koreans, Kirin Province;
Kirin Agricultural Association;
General Association of Mohammedans in Kirin Province;
Kirin General Association of Artisans;
The Association of Water-Transport Enterprises, Kirin Province;
The Whole Banner’s Society of Livelihood, Kirin Province;
Kirin Educational Society;
The Agricultural Association, Fengtien Province, signed by Woo Yu-tai;
The Educational Society, Fengtien Province, signed by Chen Kuo-chin;
Mukden Commercial Association, signed by Feng Yao-an;
Mukden General Association of Industry, signed by Oih Si-yuan.

IX. November 30th, 1932. — Department of Education:
Original letters (179) from twenty institutions in Special Area of Eastern Provinces
(no translations) signed as follows:
(1) 13 letters from the first primary school in the First District of
Special Area of Eastern Provinces;
(2) 4 letters from the second primary school, idem;
(3) 7 letters from the third primary school, idem;
(4) 19 letters from the fourth primary school, idem;
(5) 12 letters from the fifth primary school, idem;
(6) 7 letters from the sixth primary school, idem;
(7) 9 letters from the seventh primary school, idem;
(8) 6 letters from the eighth primary school, idem;
(9) 12 letters from the ninth primary school, idem;
(10) 13 letters from the tenth primary school, idem;
(11) 13 letters from the eleventh primary school, idem;
(12) 7 letters from the twelfth primary school, idem;
(13) 5 letters from the thirteenth primary school, idem;
(14) 4 letters from the fourteenth primary school, idem;
(15) 8 letters from the fifteenth primary school, idem;
(16) 13 letters from the experimental school attached to the normal
school in the Special Area;
(17) 5 letters from the rural experiment school attached, idem;
(18) 19 letters from the sixteenth primary school in the First District
of the Special Area;
(19) 10 letters from the seventeenth primary school, idem;
(20) 5 letters from the eighteenth primary school, idem.

X. December 1st, 1932. — Public bodies of Yingkow and Hsinking:
Original documents (7), signed and sealed (with English translations), as under:
(1) The General Chamber of Commerce, Yingkow;
(2) Agricultural Association, Yingkow;
(3) Jang Jsiin-tao, President, Education Society of Antung District,
and fourteen other representatives;
(4) Kung Chin-chin, representative of the Educational Society of the
Special City of Hsingking;
(5) Lu Chin-hsin, Ho Yu-po and Chao Hsuang-liang, people's
representatives of the Special City of Hsinking;
(6) Tong Li, Manager of Wei-hwa Bank, Hsinking;
Sun Ta-yu, Manager of Kwang-I-fu Bank, Hsinking;
Ma Pin-hsu, Manager of I-Tung Bank, Hsinking;
(7) Sun Fun-ming, President, Antung General Chamber of Commerce,
and fourteen other representatives.

XI. December 9th, 1932. — Public bodies of different provinces:
Letters of appeal (36): Originals signed and sealed (English translations):
(1) Kuei Heng-kuan and Ksien Ming-twin, delegates of the Korean
residents, Hsin-min District, Fengtien Province;
(2) Yi Jen, President, Manchurian Branch World Red Swastika
Benevolence Society (Shih Chieh Hung-Wantzu Hui);
(3) Association of Mohammedans, Keilung Province;
(4) Representatives of the Mongolians of Heilungkiang Province;
(5) Four representatives of Kirin Provincial Districts;
(6) United Chambers of Commerce, Heilungkiang Province;
Association of Merchants' Guilds, Heilungkiang Province;
Representatives of the Tsitsichar Citizens of Tsitsichar, Heilungkiang Province;

The President of the Educational Society of the whole Heilungkiang Province and the President of the first provincial normal school;

The President and representatives of Antung Agricultural Association;

The Chief, Executive Committee, Supervisory Committee and Judicial Committee of the Yaru-Hun Rivers Conservatory Association;

Representatives of the people of the Antung District, Fengtien Province;

The Lumber Merchants' Association of Antung;

The Educational Association of the Tungsheng Special District;

The representatives of the Middle-School Teachers' Association of Tungsheng Special District;

The representatives of the Primary-School Teachers' Association of Tungsheng Special District;

The representatives of the meeting of the middle-school students in Tungsheng Special District;

The meeting of the primary-school pupils in Tungsheng Special District;

The Athletic Association of Tungsheng Special District;

Joint Association of Students of North-Eastern Special District;

Representatives of the Institute of Public Education, North-Eastern Special District;

The Confucian Institute, Mukden;

Representatives (487) of the primary-school teachers of Fengtien Province;

Representatives of various students' unions, Fengtien Province;

Representatives of various students' self-governing societies, Fengtien Province;

Teachers of various provincial schools of Fengtien Province;

Mukden Buddhist Temple, Manchukuo;

Members of the Women's League, Fengtien Province;

Representatives of the First Library, North-Eastern Special District;

The First Gymnasium of Tungsheng Special District;

The First Association of the Popular Education;

The Secretary-General of the Research Society for Arts and Science;

M. Tso Chen, of the Research Institute for Science and Arts, and M. Liu Tsung-hand, of the People's Education Association;

The General Assembly of the Students' Federation of Heilungkiang Province;

The Public Educational Association of Heilungkiang Province;

Representatives of the Loyalty and Filial Piety Association of Heilungkiang Province;

The President of the Ethical Institute of the Five Religious Sects of Heilungkiang Province.

XII. December 13th, 1932. — Original statements (254) in Chinese, signed and sealed by the presidents of the following organisations:

(1) Agricultural associations .................................. 15
(2) Labour unions ............................................. 19
(3) Commercial organisations .................................. 20
(4) Educational bodies ......................................... 18
(5) Various people's associations ............................. 182

Total ......................................................... 254

C.125.M.53.1933.VII.

4. COMMUNICATION, DATED FEBRUARY 14TH, 1933, FROM THE JAPANESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, February 14th, 1933.

I have the honour to inform you that I have received from the representative of Manchukuo in Geneva a copy of the "Statement on the Population of Manchukuo" which was sent by him to yourself and to the Members of the Committee of Nineteen. In view of the importance of this document, of which I enclose a copy, I venture to call your special attention to it, and should be greatly obliged if you would kindly bring it to the notice of the Members of the League.

(Signed) S. Sawada,
Director of the Japanese League of Nations Bureau.
A STATEMENT ON THE POPULATION OF MANCHUKUO.

In order to facilitate the League of Nations in arriving at an equitable decision as to the rights of the people of Manchukuo to self-determination and independence, and, in order to keep the record straight so that the world may judge of the merits and justice of its cause, the Government of Manchukuo submits to the League the following facts:

1. The population of Manchukuo is not 97 per cent Chinese, but at least 75 per cent "Manchu".

2. The Chinese Government has never taken a scientific population census. All estimates are pure guess-work, based on the returns of taxable households and allowing a certain number of adults and "mouths" to the family. The last census of this nature was conducted by the Manchu Government in 1910, in which the family in China Proper was estimated at 5.5 persons and 8.3 in Manchuria.

3. The Chinese Government has no vital statistics. It has never attempted to classify the population.

4. The only approximately reliable statistics presented to the League Commission of Enquiry were compiled by the Research Bureau of the South Manchuria Railway. In this, and in all other compilations carried out by the Japanese, all inhabitants of Manchuria, other than Japanese subjects and foreigners, were classified as Chinese. The Chinese, having no statistics of their own to submit to the Commission, advanced these unofficial Japanese figures to establish and prove their case.

5. The Japanese immigration figures cover the years 1923 to 1930, the period of greatest influx. The Manchurian Year-Book, published by the Far East Economic Investigation Bureau, shows that, although 5,687,000 immigrants entered Manchuria during these years, only 2,783,000 remained. The statistics of the Research Bureau of the South Manchuria Railway for this same period (quoted in the supplementary studies of the Commission) show 3,129,000 remaining in the country for the same period. The Government of Manchukuo concedes the higher figure. There are no records for the years prior to 1923. All reports to the effect that millions of Chinese have settled in Manchuria during the past two decades are based on the above eight-year figures. Before and immediately after the Great War, the Commission states that the immigration was "temporary", that is, seasonal male labour, unaccompanied by wives or families. Not until 1923 did Chinese immigrants entering Manchuria begin to bring their wives with them, and then not more than 17 per cent. To prove further that this seasonal labour movement was not permanent or contributed to any material increase in the basic population of the country, it is only necessary to refer to the table on page 117 of the supplementary report of the Commission, which shows that 95 per cent of the workers returned to their homes at the end of five years.

The Government of Manchukuo is willing to accept the Japanese estimate of those remaining in the country for the first two years of the highest migration (1923-24) and concede that 150,000 annually remained in Manchuria for the 15-year period 1907 to 1922, a total of 2,250,000. It also accepts the statement of the Chinese Assessor that 100,000 immigrants entered annually in the years 1887 to 1900. It further concedes that all these workers remained in the country and extends the period to 1906, or a total of 1,900,000. These most liberal estimates show that, in forty-three years, not more than 7,279,000 Chinese entered and remained in Manchuria. Where then did the millions of Chinese farmers come from which the Commission says quietly occupied the land and determined its ownership after the Treaty of Portsmouth in 1905? If the total population is now 28,198,000 and not more than 7,000,000 have settled in the country in the last forty-three years (in their great majority, single males), it leaves 21,000,000 to be accounted for. Who are these people? Where did they come from?

6. The Government of Manchukuo declares that these 21,000,000 people are sons of the soil, born in the State, the rightful heirs to the lands handed down to them by their forefathers.

7. In order to maintain their homeland as a reservoir or base from which to draw replacements for their armies of occupation holding China in subjection, and as their natural refuge in the event of disaster or retreat, the Manchu authority created Manchuria into a closed preserve, a Crown area, the exclusive property of the Imperial Family, the ten Hereditary Princes and the twenty-four Banner Corps (eight Manchu, eight Mongol and eight Manchurian-Chinese). It then enacted and enforced rigid exclusion laws to keep the
Chinese out of Manchuria. Although at various times in the last three centuries a limited immigration was encouraged to till the land as tenants of the bannermen, the conditions of entrance were, for all practical purposes, equivalent to the naturalisation laws of other countries. The immigrants lost their rights as Chinese and became naturalised Manchus, distinct and apart from the Chinese in China Proper. No Chinese could pass the frontier barriers and enter Manchuria without a passport issued by the Peking authorities and visaed by the Banner Corps headquarters. These regulations were enforced, even with officially aided colonists, to the year of the revolution of 1911. At no time did the Manchus surrender sovereignty over their homeland. Furthermore, in order to keep the blood-strain pure and prevent the amalgamation of the two peoples, the Manchu emperors prohibited intermarriage between the bannermen and Chinese, a decree that was also strictly enforced up to 1902, when it was annulled.

8. This prohibition compelled the three privileged banner castes (Manchus, Mongols and Manchurian-Chinese) to intermarry amongst themselves only, and in three centuries they evolved an entirely new racial division, a homogeneous national unit, which, although not pure Manchu, is certainly not pure Chinese. Taking their name from that of their homeland, these people are Manchus.

9. On the abdication of the Emperor, the Republic of China entered into a solemn contract with the Manchu authorities which provided that the Emperor was to retain his title and enjoy "the respect due to a foreign Sovereign"; to receive an annuity of 4,000,000 taels; to be permitted to reside in the Winter Palace; to enjoy the use of his private property and to be free to perform the customary ceremonies at the imperial tombs which were to be guarded by Republican troops. In addition, there were two other agreements, one concerning the privileges of the Manchu and Mongol Princes and the other the treatment of the twenty-four Banner Corps, all three agreements being promulgated as the fundamental law of the Republic. Confiding in these solemn agreements, the Imperial Family, Princes and bannermen did not perceive the immediate necessity of returning to their own country, but remained in Peking, where they became prisoners of the Republic and saw their homeland come under the despotic sway of a war-lord who usurped their authority. Every provision of the abdication agreements has been violated.

10. The Peking and Nanking Governments subsequently entered into various treaties with foreign Powers which acknowledge and confirm their right to rule the entire country as it existed under the Empire of which Manchuria was an integral part. These treaties, however, do not invalidate the Agreement between the Republic of China and the Manchus. That Agreement still stands as the Fundamental Law of the Republic.

11. The dispute before the League as to whether or not Japan was justified in resorting to self-defence on the night of September 18th, 1931, has nothing to do with the independence of Manchukuo. The people of Manchukuo frankly admit that they took advantage of the opportunity, providentially created, to free themselves from tyranny and oppression and resume their centuries-old independence. They do not hide behind Japan, but assume full responsibility for their actions.

IV. COMMUNICATIONS REGARDING THE GENERAL SITUATION IN MANCHURIA, TRANSMITTED BY THE CHINESE DELEGATION.

A.(Extr.)16.1933.VII.

1. COMMUNICATION, DATED FEBRUARY 1st, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.


With reference to document A.(Extr.)15.1933.VII,\(^1\) circulating a communication from Bronson Rea, so-called adviser to the "Ministry for Foreign Affairs" of the "Government of Manchukuo", at the request of the Japanese delegation, I have the honour to repeat the protest, embodied in our letter of December 3rd last,\(^2\) against the circulation of such a communication.

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\(^1\) See Annex III, Communication No. 3.

As the Chinese delegation had the honour to point out in its letter mentioned above and in its comments on the Japanese memorandum of November 28th, 1932, and on the statements of the Japanese delegate in the Special Assembly on December 6th and 9th, 1932, the delegation had, as early as November 19th, 1932, occasion to warn the League of the fraudulent fabrication by Japanese agents in Manchuria of statements purporting to show "the will and wishes of practically the entire people" in favour of "Manchuko" and their imminent despatch to Geneva. The request of the Japanese delegation for the circulation of the two "Manchuko" documents has shown that the warning of the Chinese delegation was a timely and useful one in the interests of truth and honest dealing.

It may be of interest to the League to know that Bronson Rea is an American citizen and the publisher and editor of a magazine notorious for its pro-Japanese sentiments.

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

(Signed) W. W. YEN.

A.(Extr.)18.1933.VII.

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

[Ref.A.95.]

Geneva, February 5th, 1933.

With further reference to my previous communication (Ref.A.91) with regard to the circulation at the request of the Japanese delegation of the list of documents obtained by fraudulent methods from "the people and public bodies of Manchuko' attesting to the popular desire and will for independence", I have the honour to transmit to you the following telegram, which I have just received from the Korean Nationalist Party at Honolulu, and to request that you will be good enough to cause it to be circulated among the Members of the Assembly:

"We Koreans protest against the Japanese for having agitated the Koreans in Kirin to petition for the independence of 'Manchuko'. The Koreans in Manchuria are fighting against the Japanese and 'Manchuko', not supporting them. — DONGJHOI, Korean Nationalist Party."

(Signed) W. W. YEN.

A.(Extr.)21.1933.VII.

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

[Ref.A.97.]

Geneva, February 13th, 1933.

With reference to the communication from the Japanese delegation on January 26th (Ref.A.(Extr.)15.1933.VII) claiming the submission of Chinese volunteer forces and the restoration of order in North Manchuria, 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 cause it to be circulated among the Members of the Assembly:

"Words have been received from Marshal Chang Hsueh-Liang to the effect that, for strategic reasons, the volunteers in the Three Eastern Provinces have diffused their units instead of concentrating them. However, their efforts to resist the Japanese, which although have met with occasional setback, are continued in increased intensity, such as, for instance, their seizing and destruction of the Ta-shan station on January 16th; of Shou-shan station on January 22nd; of Tsien-shan station on January 24th (all along the South Manchuria Railway); of Yientungshan station along the Kirin-Hailun Railway during the first ten days of January; and of the Chinese Eastern Railway east of Harbin on January 4th.

"Again, in view of the desperate struggle that has been, and still is, put up by General Wang Teh-ling's unit at Chu-ho, Generals Teng Tiek-mei and Liu King-wen's
units at Chou-yen, General Cheng Kwei-ling’s unit at Sui-chang, General Peng Tseng-kuo’s unit at Ling-yuan, Generals Feng Tsan-hai, Li Hai-tsing, Liu Tseng-tung’s units in the Kai-lu district, the persistent and unyielding spirit of the volunteers is evident. As to Generals Su Ping-wen, Ma Chan-shan, Li-Chao and Ting To, although they have suffered reverses, the strength of their units has not been diminished, and they are now stationed in various districts in the Three Eastern Provinces under new and proper command.”

(Signed) W. W. YEN.

A.(Extr.)28.1933.VII.

4. COMMUNICATION, DATED FEBRUARY 20TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, February 20th, 1933.

I have the honour to call your kind attention to the enclosed document, entitled “Statement of the Koreans in Manchuria”, and its covering letter, which were sent to our delegation by their representative, M. Syngman Rhee.

In view of the extreme importance of these documents as an expression of the views of the Korean population in Manchuria, and their bearing on the settlement of the Sino-Japanese dispute, I beg you to be good enough to cause them to be circulated among the Members of the League.

(Signed) Hoo CHI TSAI,
Director of the Permanent Office of the Chinese Delegation to the League of Nations.

February 18th, 1933.

Your Excellency,

In view of the importance attached by the Lytton Commission to the interests of Koreans in Manchuria, we who represent Korean interests there venture to submit to you a short statement enclosed herewith explaining why in our views and in our own interest these three provinces of your Republic should not be separated from China Proper and transferred into the hands of Japan.

We trust that you will see your way to transmitting this document to the League, so that the League will take into consideration the views of an important element in Manchuria in its attempt to solve the present conflict between your country and Japan.

(Signed) Syngman RHEE,
Representing Koreans in Korea, Manchuria and elsewhere.

STATEMENT OF THE KOREANS IN MANCHURIA.

Geneva, February 18th, 1933.

In his statement to the Council, at the morning session of November 21st, 1932, M. Matsuoka, the Japanese representative, gave an answer to the question why Japan did not refer the matter of Manchuria to the League of Nations. Four reasons were given, the second being that, had she done so, “the position of Japanese subjects, including Koreans, in Manchuria would have been seriously undermined, in view of the delay invariably incidental to League procedure, and there are over one million Japanese subjects in Manchuria, including those of Korean origin”.

Apart from the fact that this statement betrays a complete lack of confidence in the League, it is difficult to understand how a reference of the matter of Manchuria to this world institution could have the effect of undermining the position of Japanese subjects there. For, if Japan had a good case, she would have nothing to fear in presenting it to the League. The League would, in all cases, act in accordance with the principles and provisions of the Covenant. It would not fail nor hesitate to render justice to any State to which justice is properly due. Provided that Japan’s case is a good one, there is no reason to doubt why an appeal to the League should not result in strengthening the position of her subjects in Manchuria instead of undermining it.

As far as we Koreans can perceive, the apprehensions entertained by the Japanese seem natural enough. For, if Japan brought her case before the League on the alleged ground that her interests there were being jeopardised by the Chinese, the League might
at once institute an enquiry into the facts of the case, and, as the number of Koreans in Manchuria is five times that of the Japanese there, the question of the status of Koreans in those provinces, their interests as well as their treatment under Chinese administration, would naturally form an important part of the enquiry. But any examination of the Korean question would be imperfect without at the same time carefully and thoroughly investigating our conditions in Korea. In this way, Japan's policy of absorbing Korea, as evidenced in many forms of her high-handed action towards the Koreans, would be fully brought to light; and her plan to push into China's Three Eastern Provinces in order to bring under her exclusive jurisdiction and complete mercy a million or more of the Koreans taking refuge therein would be exposed and thwarted. In this way, too, Japan's position in Manchuria would, from her point of view, suffer a serious setback. Herein lies the real fear of Japan in referring the case of Manchuria to the League.

In this connection, it would perhaps be useful to give a brief account of the existing condition in Korea under the Japanese regime. Japan's policy in Korea has been a series of changes; first assimilation, then terrorism and now extermination. Teaching of the Japanese language is made obligatory and universal. All text-books are printed in Japanese and carefully censored. Teachers wear uniforms and carry swords in class-rooms. Teaching of history and academic subjects is either forbidden or discouraged. Studying abroad is made almost impossible. The Koreans are only encouraged to pursue industrial knowledge of a practical nature so that they may be assimilated into a lower class of manual workers. They are denied freedom of speech, of assembly and of the Press. The Korean newspapers are subjected to daily censorship, being printed frequently with the types wrong side up, publication suspended and editors put in jail every now and then. They are not allowed to join any of the administrative and judicial offices in Korea, even if they care to co-operate with their alien administrators.

Moreover, they are also denied justice in courts. Contrary to the elementary principle of justice, when the accused is a Korean, he has to prove his innocence, while his guilt is presumed by the mere fact of his arrest and prosecution. In this way, many Koreans were sentenced to fines, flogging, torture, exile and imprisonment on flimsy charges. There are summary courts to deal with cases involving Koreans; in many cases, there was only a semblance of trial. The country is under a network of police, gendarmes and spies. The people are liable to be subjected to arrest and imprisonment at any moment and under any pretext. Besides, Japanese and Koreans are not even equals in law. A Japanese committing an offence would be visited with a punishment different, not only in degree, but also in kind, from that meted out to a Korean committing exactly the same offence. While flogging was declared abolished some fifteen years ago, this form of punishment continues in practice to-day.

Apparently, with a view to undermining the health and morals of the Korean people, the Japanese authorities have taken greater pains to introduce and encourage numerous social evils in Korea, including prostitution and narcotics. A Korean pastor who preached against cigarette-smoking was on one occasion punished for treason on the ground that, tobacco being an article of Government monopoly, one who spoke against the cigarette spoke against the Government.

Since the annexation of Korea by Japan in 1910, "Japan's policy was deliberately directed towards elbowing the Koreans out of their own land", according to the supplementary documents to the Lytton report, page 261, for a two-fold policy of making room for the Japanese immigrants to Korea and of using them, when in Manchuria, as "a vanguard of her economic and military penetration" in the Asiatic mainland. The Chinese Government and the people welcomed them as pioneers in rice cultivation, and permitted them the privileges of buying and leasing of land and living among themselves as if they were their own countrymen. When Japan, however, found a sufficient number of Koreans there to constitute an effective instrument in extending her political jurisdiction in China, she claimed that the Koreans were Japanese subjects and that, therefore, Japan must extend her police and gendarme surveillance in the Chinese territory. Furthermore, the Japanese refused to recognise the naturalisation of the Koreans as Chinese subjects. Even those Koreans who are natives of Manchuria — their ancestors having migrated there generations back — are to be treated as Japanese subjects against their own will.

Those Koreans who left their homes and homeland during the last twenty-five years only to escape the Japanese terrorism, and through long years of hardships, dangers and struggles have turned the wild waste of Manchuria into habitable settlements with the hope of enjoying their hard-earned livelihood and peace, are again being crushed under the ever-advancing iron heel of the Japanese military rule. It is therefore quite evident that, if
Manchuria is made to share the same fate as Korea, then all the horrors and indignities which the Koreans have in the past twenty years or so painfully experienced, and are still experiencing now, in their motherland will be repeated in this land of their migration; and they will have no more place to repair to where they can seek refuge and make a living.

It is for the reasons as stated above that we Koreans who form an important element amidst the Chinese population of the Three Eastern Provinces of China protest most energetically against their forcible separation from China Proper and their virtual transfer into the hands of Japan, our oppressor.

In view of the importance attached by the Lytton Commission to the interests of the Koreans in Manchuria, we feel confident that, pending a settlement of the Korean independence question, which we beg to reserve the right of bringing forward to the League on a more appropriate occasion in the future, our views as set forth in this short statement will receive due consideration from the League in its attempt to solve the present Sino-Japanese conflict.

(Signed) Syngman Rhee.

5. COMMUNICATION, DATED FEBRUARY 25TH, 1933, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Note by the Secretary-General of the League of Nations.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication, dated February 25th.

With reference to the Chinese delegation's protest against the circulation of the communication mentioned in the first paragraph of this letter, the Secretary-General has the honour to call attention to the fact that that document was circulated at the request of the Japanese Government, and that the Secretariat is bound to circulate any document at the request of a Member of the League.

[Ref. A.104.]

Geneva, February 25th, 1933.

With reference to the communication from the so-called "representative of Manchukuo in Geneva" (document C.125.M.53.1933.VII), I beg to renew the protest already embodied in the letters of the Chinese delegation on December 3rd, 1932, and February 1st, 1933, against the circulation by the League Secretariat of statements from this "representative", who, moreover, is not even a native of that puppet State.

Issued by a bogus representative of a bogus Government, none of such statements, of course, calls for rebuttal on the part of the Chinese delegation. However, lest the silence of the Chinese delegation should be interpreted as an admission of assertions contained in the statements referred to above, I wish to make the two brief observations as follows:

(1) The contentions contained in the statement referred to regarding the population of Manchuria have already been refuted by the Lytton report, especially in its Chapter II, where it is confirmed that the immigration of Chinese people from outside the Great Wall into Manchuria dates back for more than two thousand years and does not only begin in 1887 — the year which, as it is inferred from the statement, is conveniently chosen as the first year of Chinese immigration into Manchuria. It is, to say the least, grossly misleading to judge the importance of Chinese immigration into Manchuria, which has taken place during two thousand years, by statistical figures covering only the last half-century.

(2) In referring to the "three agreements" concluded between the Manchu Dynasty and the Republic of China on the occasion of the ex-Emperor's abdication, the statement carefully avoids mentioning the Imperial Edict of Abdication of February 12th, 1912, which formally confirms the fact that the Republic of China comprises the territories of the Ta Tsing Empire by enforcing the "union of all the territories of the five races of Manchus, Chinese, Mongols, Mohammedans and Tibetans into a great Republic of China". This edict is a complete answer to the argument that the Manchu dynasty always retained, and still retains, sovereignty over their "homeland" and the right to rule there.

I beg to add that, in view of the fact that the League has now pledged itself not to recognise the "Manchukuo", and consequently anything originating from any of its

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1 See Annex III, Communication No. 3.
3 See Annex IV, Communication No. 1.
representatives", it is obvious that no more statements or communications claiming to emanate from it should be circulated in the future.

I have the honour to request that you will be good enough to cause this communication to be circulated among the Members of the Assembly.

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

Series of Publications: 1933.VII.2.  
Official No.: A.(Extr.)22.1933.VII.

V. REPORT PROVIDED FOR IN ARTICLE 15, PARAGRAPH 4, OF THE COVENANT, SUBMITTED BY THE SPECIAL COMMITTEE OF THE ASSEMBLY IN EXECUTION OF PART III (PARAGRAPH 5) OF THE RESOLUTION OF MARCH 11TH, 1932, AND ADOPTED BY THE ASSEMBLY ON FEBRUARY 24TH, 1933.

LETTER FROM THE PRESIDENT OF THE ASSEMBLY TO THE SECRETARY-GENERAL.

[Translation.]

February 15th, 1933.

The Special Committee of the Assembly (Committee of Nineteen) has found that, after endeavouring, in accordance with the task entrusted to it, to prepare the settlement of the dispute in agreement with the parties, it was unable to make any proposals to the Assembly to this effect. The efforts made with this end in view since the Assembly adopted its resolution of December 9th last are described in Part II (Section 15) of the attached draft report.

This draft has been prepared by the Committee of Nineteen in execution of the task entrusted to it by Part III (paragraph 5) of the Assembly resolution of March 11th, 1932, under which the Committee, exercising its functions on behalf of and under the supervision of the Assembly, was instructed to prepare, if need be, the draft of the report provided for in Article 15, paragraph 4, of the Covenant.

I should be glad if you would circulate this draft report to the Members of the Assembly and inform them that, in virtue of the powers conferred on me by the last paragraph of the said resolution of March 11th, I request the Assembly to meet at Geneva on Tuesday, February 21st, 1933, at 3.30 p.m.

(Signed) Paul Hymans,  
President of the Assembly.

REPORT.

The Assembly, in view of the failure of the efforts which, under Article 15, paragraph 3, of the Covenant, it was its duty to make with a view to effecting a settlement of the dispute submitted for its consideration under paragraph 9 of the said article, adopts, in virtue of paragraph 4 of that article, the following report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Part I.


The underlying causes of the dispute between China and Japan are of considerable complexity. The Commission of Enquiry sent by the Council to study the situation on the spot expresses the view that 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." 1

The first eight chapters of the report of the Commission of Enquiry present a balanced, impartial and detailed statement of the historical background of the dispute and of the main facts in so far as they relate to events in Manchuria. It would be both impracticable and superfluous either to summarise or to recapitulate the report of the Commission of Enquiry, which has been published separately; after examining the observations communicated by the Chinese and Japanese Governors, the Assembly adopts as part of its own report the first eight chapters of the report of the Commission of Enquiry.

It is necessary, however, to complete the statement of the Commission of Enquiry by describing the measures taken by the Council and the Assembly in connection with the various phases of the dispute, as well as certain events which do not appear in the report of the Commission, more particularly those relating to the origin of the hostilities which occurred at Shanghai at the beginning of 1932. In regard to these events, the Assembly adopts as part of its own report the reports addressed to it by the Consular Commission of Enquiry. These reports have been published separately. 2 The story of what happened in Manchuria since the beginning of September 1932 must also be related, since the report of the Commission of Enquiry does not go beyond that date.

This brief historical summary of the development of the dispute will be found in Part II of the present report. It should be read in connection with the narrative of events given in the report of the Commission of Enquiry.

Part III describes the chief characteristics of the dispute and the conclusions drawn by the Assembly from the essential facts.

Part IV contains the recommendations which the Assembly deems to be just and proper in regard to the dispute.

Part II.

DEVELOPMENT OF THE DISPUTE BEFORE THE LEAGUE OF NATIONS.

I. SUMMARY OF THE DEVELOPMENT OF THE DISPUTE.

The decisions of the Council and of the Assembly in the long period which has elapsed since the dispute was first brought before the League of Nations were determined by the evolution of the conflict in the Far East.

At the outset, the incidents with which the Council was called upon to deal when the dispute was submitted to it by China under Article 11 occurred at Mukden and in some other places in Manchuria; the Council received repeated assurances from Japan that she had no territorial designs in Manchuria and that she would withdraw her troops within the South Manchuria Railway zone, subject to the sole condition that the safety of the lives and property of Japanese nationals were assured. Such was the purport of the resolution of September 30th and of the draft resolution of October 24th, 1931. The latter, which was agreed to by all the Members of the Council except Japan, enabled the Council once again to secure pledges from the Japanese delegation.

After the rejection of this draft resolution, Japan's insistence on the need of a settlement of the fundamental questions which divided the two countries led the Council, without prejudice to the execution of the undertakings embodied in the resolution of September 30th, to put forward measures with a view to a final and fundamental solution by the two parties of the questions at issue between them. On December 20th, 1931, the Council, acting on a proposal made by Japan, decided to appoint a Commission of five members with instructions to make an enquiry on the spot and to report to the Council on "any circumstance which, affecting international relations, threatens to disturb peace between China and Japan, or the good understanding between them upon which peace depends."

Between December and March, however, there was a considerable change for the worse in the situation in the Far East. Japanese troops completed the occupation of South Manchuria and began to occupy North Manchuria. Outside Manchuria a severe conflict, involving Chinese and Japanese regular forces, was begun and carried on at Shanghai. At the same time, the reorganisation of the civil administration in those parts of Manchuria occupied by the Japanese troops resulted in the formation of an "independent State" styled "Manchukuo", which did not recognise Chinese sovereignty. The Council was henceforth asked by China to deal with the dispute, not only under Article 11, but also under Articles 10 and 15 of the Covenant. On February 19th, 1932, as the result of a request by China submitted under the terms of Article 15, paragraph 9, the Council referred the dispute to the Assembly.

From January onwards, pending the receipt of the report of the Commission of Enquiry, without which the substance of the dispute could not be thoroughly examined, the chief concern of the Council, and subsequently of the Assembly, was to do everything in its power to stop hostilities and prevent an aggravation of the situation, while preserving the rights

2 The first three reports of the Consular Commission, with their supplements, are given in document A(Extr.) 3.1932 and the fourth report in document A(Extr.).15.1932. They are also reproduced in the Special Supplement to the Official Journal No. 101, page 193 at seq.
of the parties and the principles of the Covenant from suffering prejudice by reason of any fait accompli. The Assembly, by its resolution of March 11th, defined the attitude of the League of Nations towards the dispute. It declared that, pending a settlement in conformity with the Covenant, it was incumbent upon the Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

The hostilities at Shanghai were brought to an end, but fighting continued in Manchuria between Japanese forces or forces of the "Manchukuo" Government and irregular Chinese forces. In September 1932, some days after the signing at Peiping of the report of the Commission of Enquiry, there was a further fundamental change in the situation: the Japanese Government recognised the "Manchukuo" Government.

The report of the Commission of Enquiry could not reach Geneva before the end of September—namely, after the expiry of the time-limit of six months laid down in the Covenant for the report of the Assembly under Article 1 of the Assembly, therefore, with the assent of the parties, decided on July 1st to extend the time-limit for as long as might be strictly necessary, on the understanding that such extension should not constitute a precedent. The Commission of Enquiry was thus able to complete its report on the spot, the parties to submit their observations on the report, and the Council and Assembly to examine all the material thus collected.

The examination of this material and the exchanges of views with the parties continued from the middle of November 1932 to the beginning of February 1933. After the discussions by the Council, the Assembly endeavoured, but without success, to bring about a settlement of the dispute by negotiation between the parties under paragraph 3 of Article 15, on the basis of the information and conclusions contained in the report of the Commission of Enquiry. It has therefore adopted the present report in conformity with paragraph 4 of that article.

2. ORIGIN OF THE DISPUTE BEFORE THE LEAGUE OF NATIONS. — EVENTS OF SEPTEMBER 18TH-19TH, 1931, IN SOUTH MANCHURIA. — FIRST DISCUSSIONS OF THE COUNCIL.

China's request to the Council arose out of the action taken by the Japanese troops in Manchuria on the night of September 18th-19th, 1931.

In consequence of an incident near Mukden, in the South Manchuria Railway zone, which is guarded by Japanese troops, the Japanese command, on the ground that military precautions were necessary, sent troops outside the railway zone, more especially to the Chinese towns in the neighbourhood of the zone and to the Chinese railway lines terminating at Mukden. The Chinese towns of Mukden, Changchun, Antung, Yingkow and others were occupied and the Chinese troops dispersed or disarmed.

On September 21st, China appealed under Article 11 of the Covenant and asked the Council to take immediate steps to prevent the further development of a situation endangering the peace of nations, to re-establish the status quo ante and to determine the amount and character of such reparations as might be found due to the Republic of China.

On September 22nd, the Council authorised its President (the representative of Spain, M. Lerroux): (1) to address an urgent appeal to the two Governments to refrain from any act which might aggravate the situation or prejudice the peaceful settlement of the problem; (2) to seek, in consultation with the Chinese and Japanese representatives, adequate means whereby the two countries might proceed immediately to the withdrawal of their respective troops, without compromising the safety of the lives and property of their nationals.

On September 29th, the President-in-Office of the Council, explaining the situation to the Assembly then in ordinary session, on the basis of information supplied by the two parties, stated that "the withdrawal of the Japanese forces to within the South Manchuria Railway zone was being carried out" and that on September 28th "the Japanese representative had announced to the Council that the withdrawal was proceeding . . . Outside the railway zone, there only remained, apart from Kirin and Mukden, small detachments at Hsinmin and Chengchiatun for the protection of Japanese nationals against the attacks of bands of Chinese soldiers and brigands which at the same time were ravaging those districts".

Such was the position when, on September 30th, the Council adopted the following resolution:

"The Council,

"(1) Notes the replies of the Chinese and Japanese Governments to the urgent appeal addressed to them by its President, and the steps that have already been taken in response to that appeal;"
...Territory thus evacuated as would ensure there the safety of the lives and property of Japanese nationals outside that zone as the withdrawal of the Japanese troops continues and the Chinese local authorities and police forces are re-established;

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

(7) Requests both parties to furnish the Council at frequent intervals with full information as to the development of the situation;

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

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

The hopes of the Council were not fulfilled. On October 9th, the Chinese delegation asked for an urgent meeting of the Council on the ground that Japanese troops had begun further “aggressive military operations”. The reference was primarily to the aerial bombardment of Chinchow, where, after the capture of Mukden, the provincial Government had temporarily established itself.

The Council, at its meeting in September, had decided to forward to the Government of the United States of America the Minutes of its meeting and the documents relating to the Sino-Japanese dispute, and the Government of the United States had affirmed its whole-hearted sympathy with the attitude of the League of Nations.

On October 16th, it was determined to continue to co-operate with the Government of the United States of America, which was invited to send a representative to sit at the Council table. The representative of the United States was authorised by his Government “to consider with the Council the relationship between the provisions of the Pact of Paris and the present unfortunate situation in Manchuria and, at the same time, to follow the deliberations of the Council with regard to other aspects of the problem with which it is now confronted”.

On October 17th, a certain number of the Governments represented on the Council (the United Kingdom, France, Germany, the Irish Free State, Italy, Norway and Spain) decided, as signatories of the Pact of Paris, to address an identical note to the Governments of China and Japan, calling their attention to the provisions of that Pact and more especially to the terms of Article 2, whereby “the Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or whatever origin they may be, which may arise among them, shall never be sought except by pacific means.”

The United States Government sent a similar note to the two Governments.

On October 22nd, the President of the Council (the representative of France, M. Briand), submitted a draft resolution upon which the members of the Council, other than the parties, had unanimously agreed.

The draft resolution, after referring to the undertakings entered into by the Governments of China and Japan in the resolution of September 30th and to the declaration of the Japanese representative that this country had no territorial designs in Manchuria;

(2) Recognises the importance of the Japanese Government’s statement that it has no territorial designs in Manchuria;

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

(4) Notes the Chinese representative’s statement that his Government will assume responsibility for the safety of the lives and property of Japanese nationals outside that zone as the withdrawal of the Japanese troops continues and the Chinese local authorities and police forces are re-established;

(5) Being convinced that both Governments are anxious to avoid taking any action which might disturb the peace and good understanding between the two nations, notes that the Chinese and Japanese representatives have given assurances that their respective Governments will take all necessary steps to prevent any extension of the scope of the incident or any aggravation of the situation;

(6) Requests both parties to furnish the Council at frequent intervals with full information as to the development of the situation;

(7) Requests both parties to furnish the Council at frequent intervals with full information as to the development of the situation;

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

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

1 The bombardment of Chinchow (October 8th, 1931) is described on page 72 of the Report of the Commission of Enquiry.
On October 23rd, the representative of China accepted the draft resolution as a "bare minimum". The representative of Japan submitted a counter-draft and explained that his Government, in view of the tension in Manchuria and the state of disorder prevailing there, did not deem it possible to fix a definite date by which the evacuation could be completed. His Government regarded it as absolutely indispensable that a calmer frame of mind should be restored and, with this object in view, had determined a number of fundamental points which should be the basis for normal relations between China and Japan. He was not authorised to set out these fundamental points in a resolution or to discuss their details at the Council table; they could better be made the subject of direct negotiations between the parties.

The Council considered that it was impossible to refer to "fundamental points" in a draft resolution without knowing what they were.

The draft resolution was not adopted, the Japanese representative voting against it (October 24th, 1931). The Council, after taking the vote, adjourned until November 16th.

The Chinese representative, after the meeting of October 24th, made the following declaration to the President of the Council on behalf of his Government:

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

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

3. DEVELOPMENT OF JAPANESE MILITARY OPERATIONS IN NORTH MANCHURIA.

After the Council meeting in October, further Japanese military operations took place in Manchuria in the neighbourhood of the bridges carrying the Taonan-Angangchi railway over the River Nonni. These bridges had been destroyed in October by the Chinese troops of the President of the Heilungkiang provincial government, General Ma Chan-shan, in order to stop the advance of General Chang Hai-peng who, according to the Chinese, had taken the offensive at the instigation of the Japanese. To justify Japanese intervention for the repair of these bridges, the Tokio Government had represented to the Chinese Government 2 that the Taonan-Angangchi Railway had been built by the South Manchuria Company under a contract; that the Chinese authorities had not yet paid their debt; that they had refused to convert that debt into a loan, and that the railway might therefore be regarded as belonging to the South Manchuria Company, which had a great interest in preserving the property and in maintaining traffic on the line.

On November 2nd, the Japanese Government stated that, at the request of the South Manchuria and the Taonan-Angangchi Railway Administration, a company of sappers had been sent on that day to repair the railway bridge under the protection of troops (infantry, artillery and air forces). 3

The Japanese troops came into contact with the Chinese forces, which refused to retire and were driven back. 4 In November, the Japanese troops reached and even crossed the Chinese Eastern Railway, and took Angangchi and subsequently Tsitsihar (November 15th).

4. MEASURES FOR THE RE-ORGANISATION OF THE CIVIL ADMINISTRATION IN MANCHURIA.

While military operations were thus spreading towards the North of Manchuria, progress was made with the re-organisation of the civil administration. At Mukden, in particular, after the disorganisation caused by the incident of September 18th, the administration of the municipality was first entrusted to the Japanese Colonel Doihara and later, on October 20th, to a Chinese Mayor, Dr. Chao Hsin-po, Doctor of Law of the University of Tokio. Efforts were also made to organise a Liaoning provincial administration in opposition to the former administration which had taken refuge at Chinchow. The "Committee for the Maintenance of Peace and Order", constituted on September 24th, became in October the office of the autonomous Government of the Province of Liaoning. The latter in turn was converted, on November 7th, into an acting Provincial Government of Liaoning, which announced that it was breaking off relations with the former North-Eastern Government and with the nationalist Government at Nanking. At the same time, a Supreme Advisory Council was established, whose duties included those of directing and supervising the Provincial Government and encouraging the development of local autonomy. All the new authorities, as also the banks of issue, had received Japanese advisers, who were, in many cases, influential officials of the South Manchuria Railway. 5

4 These operations are described in the report of the Commission of Enquiry (page 72 et seq.).
The representative of China insisted that the Japanese army was responsible for setting up and maintaining, at Mukden, Kirin and other points in its occupation, these new authorities, who were the “puppets and creatures of the Japanese Army Command”. 1

The representative of Japan replied that the “Japanese authorities had no alternative but to encourage the formation by the Chinese themselves of bodies responsible for the maintenance of order. . . . The efficient performance of their duties by those bodies would make much easier the rapid withdrawal of troops, which was desired by the Japanese Government, as had been formally stated on several occasions.” 2

Moreover, several reports from Dr. Frederick A. Cleveland, Associate Chief Inspector of the Salt Revenue, were communicated to the Council in November 1931 by the Chinese delegation. These reports stated that the Japanese military authorities were forcibly seizing the salt revenues in the Manchurian towns. It was urged in a Japanese communication that the “action of the military authorities in intervening to transfer the surplus revenues of the Chinese Salt Tax Office to another Chinese body (the local Committee for the Maintenance of Order) could not be regarded as unjustifiable”. 3

5. SESSION OF THE COUNCIL IN NOVEMBER-DECEMBER 1931. — CONSTITUTION OF A COMMISSION OF ENQUIRY.

Meanwhile, the Council met in Paris on November 16th, 1931, and, on November 21st, a Japanese proposal for a Commission of Enquiry to be sent to the Far East was put forward, “the creation and despatch of this Commission in no way modifying the Japanese Government’s sincere desire to withdraw its troops as quickly as possible within the South Manchuria Railway zone in pursuance of the resolution of September 30th.”

This proposal was considered, and, on December 10th, the Council adopted the following resolution:

“The Council,

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

“(2) Considering that events have assumed an even more serious aspect since the Council meeting of October 24th:

“Notes that the two parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life;

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

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

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

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

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

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

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

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

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

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

The President (the French representative, M. Briand) emphasised, when he submitted the resolution, the great importance which the Council attached to its resolution of September 30th, 1931, and its conviction that the two Governments would carry out to the full the engagements which they had assumed under it. He further stated that it was indispensable and urgent that the two parties should abstain from any initiative which might lead to further fighting and from any other action likely to aggravate the situation.

The Government of the United States, on the adoption of the resolution of December 10th, expressed its gratification that definite progress had been made.

6. JAPANESE OPERATIONS AGAINST CHINCHOW. — DISAPPEARANCE OF THE LAST REMAINS OF CHINESE AUTHORITY IN SOUTH MANCHURIA.

While the Council was drawing up the text of this resolution, the two parties repeatedly called its attention to the danger of military operations spreading to South-West Manchuria, and efforts were made to establish a neutral zone between the Japanese troops and those of Marshal Chang Hsueh-liang at Chinchow. These efforts were unsuccessful. The representative of Japan, referring at the time of its adoption to paragraph 2 of the resolution of December 10th, stated that he accepted it "on the understanding that it was not intended to preclude the Japanese forces from taking such action as might be rendered necessary to provide directly for the protection of the lives and property of Japanese subjects against the activities of bandits and lawless elements rampant in various parts of Manchuria. Such action was admittedly an exceptional measure called for by the special situation prevailing in Manchuria, and its necessity would naturally be obviated when normal conditions should have been restored in that region."

On December 23rd, a Japanese offensive was launched in the direction of Chinchow, which was occupied on January 3rd, 1932. The Japanese forces then advanced as far as the Great Wall and established contact with Japanese troops stationed at Shanhaikwan to the south of the Wall. As the result of these operations, Chinese constituted authority disappeared entirely from South Manchuria.

7. THE SHANGHAI HOSTILITIES. — ORIGIN OF THE HOSTILITIES.

Outside Manchuria, from January 1932 onwards, the situation became worse also at Shanghai.

In connection with Shanghai, the League received four reports on events from their beginning up to March 5th from the Consular Commission 1 which was set up on the spot early in February 1932. Later events are described in the report of the Commission of Enquiry, 2 which was constituted as already explained in January 1932 and arrived at Shanghai on March 14th.

In this port, as in other parts of China, the serious anti-Chinese riots which had occurred in Korea, as described in the report of the Commission of Enquiry, 2 led, from July 1931 onwards, to a boycott of Japanese goods. The occupation of Manchuria by Japanese troops intensified the boycott with, in certain cases, the active support of official organisations and of the Chinese Government. Japanese trade suffered heavy losses. The tension between the nationals of the two countries became acute and serious incidents occurred, as a result of which the Japanese residents in Shanghai requested the despatch of troops and warships to put down the anti-Japanese movement. The Japanese Consul-General then presented five demands to the Chinese Mayor of Greater Shanghai.

The Mayor stated on January 21st that he had difficulty in complying with two of these demands (adequate control of the anti-Japanese movement; immediate dissolution of all anti-Japanese organisations engaged in fostering hostile feelings and anti-Japanese riots and agitation).

On the same day, the Admiral in command of the Japanese naval forces publicly announced that, if the reply of the Chinese mayor were unsatisfactory, he was determined to take such measures as might be necessary to protect Japanese rights and interests. On January 24th, Japanese naval reinforcements arrived off Shanghai. Rumours were current that the Chinese troops in the Chinese quarter of Chapel were also being reinforced. On January 27th, the Japanese Consul-General asked for a satisfactory reply to his demands by 6 o'clock on the following morning. The mayor, who had informed the representatives of the Powers of his intention to make all possible concessions to avoid a clash, succeeded in securing the closing down of the Anti-Japanese Boycott Association, and the Chinese police sealed various offices on the night of January 27th-28th. On the morning of January 28th, the Japanese Admiral notified the other foreign commanders of his intention to act on the following morning if the Chinese had not sent a satisfactory reply. The Municipal Council of the International Settlement met and decided that a state of emergency should be declared as from 4 p.m. on the same day. At 4 p.m. the Japanese Consul-General informed

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1 The Commission consisted of the Consuls of Italy (Chairman), the United Kingdom, France, Norway, Germany and Spain. The Consul of the United States collaborated in the work of the Commission.

2 The report of the Commission of Enquiry describes on page 62 et seq. the incidents which arose between Chinese and Korean farmers at Wanpaoshan (Manchuria) and how sensational and inaccurate accounts of these incidents provoked a massacre of Chinese in Korea.
the consular body that a Chinese reply accepting all the Japanese demands had been received, that this reply was entirely satisfactory and that, for the moment, no action would be taken.

Meanwhile, the Defence Committee of the International Settlement carrying out the plans called for by a state of emergency assigned to the different foreign forces the sectors they would have to defend. The Japanese sector, as fixed by the Defence Committee, included not only a part of the Settlement but a salient extending beyond it, bounded on the west by the Shanghai-Woosung Railway. The Japanese naval headquarters are situated near the northern extremity of this salient and in normal times there are posts of Japanese marines on two roads—North Szechuen Road and Dixwell Road—which belong to the Shanghai Municipal Council. At 11 p.m., the Japanese Admiral, referring to the state of emergency, announced that the Imperial Navy, anxious as to the situation in Chapei, where numerous Japanese nationals resided, had decided to send troops to this sector and hoped that the Chinese forces stationed at Chapei would be speedily withdrawn to the west of the railway.

One hour later Japanese marines and armed civilians proceeded towards the railway; the last detachment attempted to reach the station by the Honan Road gate leading out of the Settlement and the defence sectors. It was stopped by the Shanghai Volunteer Corps, who were guarding this sector and who had received strict orders based on the principle that the duty of defence forces was to defend and not to attack.

The Japanese troops sent to the Chapei sector in conformity with the plan of defence came into contact with the Chinese troops which, as the first report of the Consular Commission notes, would not have had time to withdraw even had they wished to do so.


This was the beginning of the battle of Shanghai, which the Council, then in session at Geneva, and the Powers having special interests in Shanghai repeatedly endeavoured to stop. It was immediately after the serious incidents described above that China, on January 29th, asked that the dispute should be dealt with under Articles 10 and 15.

On February 16th, the Members of the Council other than China and Japan addressed to the Japanese Government an urgent appeal calling attention to Article 10 of the Covenant from which it appeared to them to follow that “no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of that article ought to be recognised as valid and effectual by Members of the League”.

On February 19th, the Council, at the request of China, referred the dispute to the Assembly. The Assembly was convened to meet on March 3rd.

The Council, before the Assembly met, made a last effort to stop the fighting by proposing on February 29th that a round-table conference should be set up in Shanghai, subject to the making of local arrangements for a cessation of hostilities.

The proposal of the Council was not carried into effect. As fighting continued, the Assembly, after hearing the representatives of the two parties on March 3rd, adopted the following resolution on March 4th:

“The Assembly,

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

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

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

On March 5th, the Government of the United States of America intimated that the American military authorities at Shanghai had been instructed to co-operate.

The proposed negotiations began at Shanghai on March 14th. On two occasions, the Committee of Nineteen set up by the Assembly intervened, at China’s request, to smooth away difficulties. An armistice was finally signed at Shanghai on May 5th and the withdrawal of the Japanese troops began on the 6th. By May 31st, the divisions sent from Japan to Shanghai had been re-embarked, one of those divisions—the 14th—being sent to Manchuria. On July 1st, the Assembly was informed that Japanese naval landing troops, with very reduced effectives, were still temporarily stationed, in accordance with the agreement of May 5th, at a small number of

posts adjacent to the Settlement and to the extra-Settlement roads. These detachments were afterwards withdrawn.

The Chinese consider that the Japanese intervention at Shanghai cost them 24,000 soldiers and civilians killed, wounded or missing, and they estimate their material losses at about 1,500 million Mexican dollars.

9. DEVELOPMENT OF THE JAPANESE OCCUPATION IN MANCHURIA.—PROGRESS OF ADMINISTRATIVE RE-ORGANISATION.—THE CONSTITUTION OF "MANCHUKUO".

While the Shanghai affair was progressing, the situation was also developing in Manchuria. Harbin was occupied on February 5th by the Japanese army which, during the succeeding months, continued its operations against the remnants of the former Chinese army, the "volunteers", the "brigands" and other "irregulars". Guerilla warfare continued over a very large part of Manchuria.

Progress was also made with the administrative re-organisation, the first stages of which have already been mentioned above.

On February 17th, 1932, a supreme administrative council was constituted for the whole of Manchuria, and, on February 18th, this Council published a declaration of independence. On February 19th, the Japanese representative explained at a meeting of the Council in Geneva that in Manchuria "independence" was synonymous with "autonomy" and that "Japan had favourably regarded the establishment of this independence". On March 9th, the local administrations were amalgamated as an independent "State" under the name of "Manchukuo". M. Henry Pu-yi (the former Emperor Hsuan Tung) accepted the regency of this State.

The Chinese Government, which had already stated, on November 17th, 1931, that "the ex-Emperor was kidnapped and escorted by the Japanese from the Japanese concession in Tientsin to Mukden for the purpose of establishing a bogus Government with himself proclaimed as Emperor", repeatedly denounced the establishment of the so-called State "which from the very beginning, and at every subsequent stage of its development, had been created and maintained at the instigation and with the assistance of the Japanese military forces in Manchuria".


Meanwhile the Assembly, continuing its examination of the dispute at Geneva, adopted, on March 11th, 1932, after a full discussion, the following resolution:

"I.

"The Assembly,

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

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

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

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

"Adopting the principles laid down by the acting President of the Council, M. Briand, in his declaration of December 10th, 1931;

"Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League of Nations;

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

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

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

II.

The Assembly,

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

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

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

III.

The Assembly,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On March 12th, the Government of the United States of America declared that the action of the Assembly would go far towards developing into terms of international law the principles of order and justice which underlay the Paris Pact and the League Covenant. The United States Government was especially gratified that the nations of the world were united on a policy not to recognise the validity of results attained in violation of the treaties in question, and this was a distinct contribution to international law and offered a constructive basis for peace.

On July 1st, 1932, having been informed that the report of the Commission of Enquiry could not be completed before September, the Assembly, after obtaining the consent of the two parties, decided to prolong, to the extent that might be strictly necessary, the time-limit of six months laid down in the Covenant for the preparation of its report.
In the letter addressed on June 24th to the representatives of China and Japan, proposing an extension of the time-limit laid down in the Covenant, the President of the Assembly said:

"... It is my duty to add that I have every confidence that the undertaking not to aggravate the situation entered into by the two parties before the Council and recorded by the latter on September 30th and December 10th (1931) in resolutions which retain their full executory force will be scrupulously observed. I am sure that you will agree with me that these resolutions will continue to be fully valid during the period for which the time-limit of six months may be extended. I would also refer you to the resolution which the Assembly adopted on March 11th, and in which it recalled the two resolutions of the Council." 1

After the adoption of the extension of the time-limit, the President referred to this passage of his letter and added:

"Such being the case, the decision just taken by the Assembly authorises me to declare that the parties must abstain from any action that might compromise the success of the work of the Commission of Enquiry or of any efforts the League may make with a view to a settlement.

"I would remind you also that, on March 11th, the Assembly proclaimed 'that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris'." 2

II. THE ORGANISATION OF "MANCHUKUO". — RECOGNITION OF "MANCHUKUO" BY JAPAN.

Meanwhile the process of organising the Government of "Manchukuo" continued. The Government created a central bank and undertook the administration of the salt revenue (declaring its willingness to continue to pay an equitable proportion of the sums required for the service of the foreign loans secured on the receipts of the salt revenue), of the Customs (making a similar declaration as regards the loans and indemnities secured on the Customs revenue), of the postal services, etc. A "Manchukuo" army was created with the assistance of Japanese officers engaged as advisers. In a communication dated April 8th, 1932, the Japanese Government announced that "the Japanese forces are at present providing the forces of the new Government in a friendly spirit with such assistance as they may need to restore and maintain order and tranquillity". 3

According to the observations of the Japanese Government, dated November 18th, 1932, the presence of the Japanese troops in the country would "enable the principal bandit units to be wiped out within from two to three years". 4

The relations between Japan and the new State were defined after the dispatch to Changchun, capital of "Manchukuo", of General Muto, who, on August 8th, had been appointed Commander-in-Chief of the Kwantung Army and, at the same time, Ambassador Extraordinary and Plenipotentiary on Special Mission and Governor-General of Kwantung, in order to control the Consular service, the Government of the Leased Territory and all the Japanese forces in Manchuria. The new ambassador carried no credentials and the appointment was made unilaterally by Japan. 5

On September 15th, General Muto signed with the Prime Minister of "Manchukuo" a protocol containing the following provisions:

"Whereas Japan has recognised the fact that Manchukuo, in accordance with the free will of its inhabitants, has organised and established itself as an independent State, and,

"Whereas Manchukuo has declared its intention of abiding by all international engagements entered into by China in so far as they are applicable to Manchukuo;

"Now the Governments of Japan and Manchukuo have, for the purpose of establishing a perpetual relationship of good neighbourhood between Japan and Manchukuo, each respecting the territorial rights of the other, and also in order to secure the peace of the Far East, agreed as follows:

"(1) Manchukuo shall confirm and respect, in so far as no agreement to the contrary shall be made between Japan and Manchukuo in the future, all rights and interests possessed by Japan or her subjects within the territory of Manchukuo by virtue of Sino-Japanese treaties, agreements or other arrangements or of Sino-Japanese contracts, private as well as public;

"(2) Japan and Manchukuo, recognising that any threat to the territory or to the peace and order of the High Contracting Parties constitutes, at the same time, a threat to the safety and existence of the other, agree to co-operate in the maintenance of their

1 Official Journal, Special Supplement No. 102, page 35.
2 Official Journal, Special Supplement No. 102, page 16.
5 Japanese communication of August 11th; Official Journal, Special Supplement No. 102, page 47.
national security, it being understood that such Japanese forces as may be necessary for this purpose shall be stationed in Manchukuo.

"The present protocol shall come into effect from the date of its signature. . . ."

"Manchukuo" was thus formally recognised by Japan. The Chinese Government protested against this recognition. It represented that, "following the precedent of her policy in Korea, Japan has established a virtual protectorate over Manchuria as a step towards annexation".1

12. CONSIDERATION BY THE COUNCIL OF THE REPORT OF THE COMMISSION OF ENQUIRY.

The report of the Commission of Enquiry was signed at Peking on September 4th, 1932, and was communicated to the two Governments and to the Members of the League on October 1st. The Japanese Government asked for a minimum period of six weeks in which to communicate its observations upon it to the Council, and the Council decided on September 24th to begin its consideration of the report at latest on November 21st.

On this occasion, the President of the Council (the representative of the Irish Free State, Mr. de Valera) expressed regret—with which the Special Committee of the Assembly at its public meeting on October 1st associated itself—that, before even the publication of the Commission's report, Japan, not only by recognising but also by signing a treaty with what was known as the "Manchukuo" Government, had taken steps which could not but be regarded as calculated to prejudice the settlement of the dispute. "For almost a year", Mr. de Valera said, "the Council in its collective capacity and the individual Governments which composed it had scrupulously refrained from uttering any word of judgment on the merits of this grave dispute on the grounds that a Commission had been set up to investigate the dispute in all its bearings and that, until that Commission had reported, and its report had been considered by the organs of the League, the whole question was still to be regarded as sub judice."

The Council, at meetings held from November 21st to 28th, 1932, considered the report of the Commission and the observations of the parties. In reply to a question by the President, Lord Lytton stated, on behalf of the Commission of Enquiry, that the latter did not wish to add anything to its report.

As regards the recommendations contained in the report, the Council noted that it was not able to find in the declarations of the Chinese and Japanese representatives any measure of agreement between the parties which would enable it usefully to engage in a discussion and to submit observations or suggestions to the Assembly.

In these circumstances, the Council merely transmitted to the Assembly the report of the Commission of Enquiry, the observations of the parties and the Minutes of its meetings.

13. DISCUSSION OF THE REPORT OF THE COMMISSION OF ENQUIRY BY THE ASSEMBLY.—ATTEMPT TO NEGOTIATE A SETTLEMENT.

The Assembly met on December 6th, 1932. After a general discussion it adopted, on December 9th, the following 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."

The Special Committee of Nineteen drew up two draft resolutions and a statement of reasons indicating generally the basis on which it thought it possible to continue its endeavours to effect a settlement of the dispute.

These texts were as follows:

Draft Resolution No. 1.

"The Assembly,

Recognising that, according to the terms of Article 15 of the Covenant, its first duty is to endeavour to effect a settlement of the dispute, and that consequently it is not at present

called upon to draw up a report stating the facts of the dispute and its recommendations in regard thereto:

"Considering that, by its resolution of March 11th, 1932, it laid down the principles determining the attitude of the League of Nations in regard to the settlement of the dispute:

"Affirms that in such a settlement the provisions of the Covenant of the League of Nations, the Pact of Paris and the Nine-Power Treaty must be respected;

"Decides to set up a Committee whose duty 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;

"Appoints, to form a Committee, the Members of the League represented on the Special Committee of Nineteen;

"Considering it desirable that the United States of America and the Union of Soviet Socialist Republics should consent to take part in the negotiations, entrusts to the above-mentioned Committee the duty of inviting the Governments of the United States of America and the Union of Soviet Socialist Republics to take part in these negotiations;

"Authorises it to take such measures as it may deem necessary for the successful execution of its mission;

"Requests the Committee to report on its work before March 1st, 1933.

"The Committee will have power to fix, in agreement with the two parties, the time-limit referred to in the Assembly resolution of July 1st, 1932; should the two parties fail to agree on the duration of such a time-limit, the Committee will, simultaneously with the presentation of its report, submit proposals to the Assembly on the subject.

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

Draft Resolution No. 2.

"The Assembly thanks the Commission of Enquiry appointed in virtue of the Council’s resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations and declares that its report will stand as an example of conscientious and impartial work."

Statement of Reasons.

"The Assembly, in its resolution of December 9th, 1932, requested its Special Committee:

"(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."

"If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation, it would have found all the elements necessary for such a statement in the first eight chapters of the report of the Commission of Enquiry, which, in its opinion, constitute a balanced, impartial and complete statement of the principal facts.

"But the time has not come for such a statement. In accordance with Article 15, paragraph 3, of the Covenant, the Assembly must first of all endeavour to effect a settlement of the dispute by conciliation, and, if such efforts are successful, it shall publish a statement giving such facts as it may deem appropriate. If it fails, it is its duty, in virtue of paragraph 4 of the same article, to make a statement of the facts of the dispute and recommendations in regard thereto.

"So long as the efforts on the basis of Article 15, paragraph 3, are continued, a sense of the responsibilities placed on the Assembly in the various contingencies provided for in the Covenant obliges it to maintain a particular reserve. Hence, the Committee has confined itself, in the draft resolution which it is to-day submitting to the Assembly, to making proposals with a view to conciliation.

"By the Assembly’s resolution of March 11th, the Special Committee was instructed to endeavour to prepare the settlement of the dispute in agreement with the parties. Since, on the other hand, it is desirable that the United States of America and the Union of Soviet Socialist Republics should join in the efforts made in collaboration with the representatives of the parties, it is proposed that the Governments of these two countries should be invited to take part in the negotiations.

"In order to avoid misunderstandings, and to make it plain that what is contemplated at the present stage with the co-operation of two countries not Members of the League is solely the negotiation of a settlement by conciliation, the Special Committee suggests that it should be regarded for this purpose as a new Committee responsible for conducting negotiations and should be authorised in this capacity to invite the Governments of the United States of America and the Union of Soviet Socialist Republics to take part in its meetings.

"The Negotiations Committee will have all the powers necessary for the execution of its mission. In particular, it may consult experts. It may, if it thinks fit, delegate part of its powers to one or more sub-committees, or to one or more particularly qualified persons."
"The members of the Negotiations Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 11th, 1932, and, as regards matters of fact, by the findings set out in the first eight chapters of the report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them 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 the said report.

In this connection, the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, a mere return to the conditions previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution."

On December 15th, the two draft resolutions and the statement of reasons were submitted to the parties. The Chinese and Japanese delegations proposed amendments and the President of the Committee and the Secretary-General were authorised to enter into conversations with them. On December 20th, the Committee decided to adjourn until January 16th, 1933, at latest, in order to enable the conversations to continue.

**14. Japanese Military Operations at Shanhaikwan within the Great Wall.**

Early in January 1933 occurred the serious incidents at Shanhaikwan. Situated at the extremity of the Great Wall, halfway between Peiping and Mukden, this city has always been regarded as of great strategic importance. It is on the route followed by invaders who, coming from Manchuria, wish to penetrate into what is now the province of Hopei. Moreover, from Hopei is the easiest route into Jehol, a province which Japan regards as forming part of "Manchukuo." It was from the north of Hopei that, according to Japanese communications, Marshal Chang Hsueh-liang was sending considerable forces into Jehol and that, according to Chinese communications, the Japanese army intended to begin large-scale operations in Jehol.

A Japanese communication of December 29th, 1932, reported that during the last few days, the mobilisation of Chinese troops directed against Jehol was especially marked. The Japanese delegation further stated on January 4th, 1933, that the Japanese authorities at Peiping had vainly endeavoured to persuade General Chang to stop this movement of forces, and that in these circumstances of "tension and anxiety," an incident had occurred at Shanhaikwan on the night of January 1st-2nd.

Units of the Japanese army of Kwantung passed the Great Wall and the town was attacked. It was occupied on January 3rd.

The Chinese Government asserts that, during this operation, thousands of peaceful citizens were slaughtered. It addressed a protest on January 11th to the Powers signatories of the Protocol of 1901 against the unlawful advantage taken by Japan of a special privilege claimed under the Protocol. It declared that it could not assume any responsibility for a situation resulting from the exercise by Chinese defensive forces of their legitimate right to resist the aggressive acts of the Japanese troops.

**15. Failure of the Procedure for Negotiating a Settlement.**

The Committee of Nineteen met again on January 16th, 1933. It noted that, though the conversations with the representatives of the parties concerning the draft resolutions and the statement of reasons framed by it had continued, no new proposal had been received apart from the amendments submitted in December by the Chinese and Japanese delegations. The Japanese delegation, however, had stated that it was in communication with its Government regarding new proposals which would be submitted within forty-eight hours.

The Committee received these proposals on January 18th. It noted that they differed in several fundamental points from those which it had communicated to the parties on December 15th. As, however, the Japanese delegation, when submitting the new proposals of its Government, 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 include only Members of the League, the Committee of Nineteen felt that, if this were the only objection raised by Japan to the texts which had been communicated, it should not be impossible to settle the question in consultation with the parties. It therefore asked for supplementary information, particularly on the point whether, if this difficulty were overcome, Japan would be prepared to accept the draft resolution No. 1 of December 15th. The Committee thought it should await the Japanese reply on this point before continuing its conversations with the Chinese delegation, whose proposals did not differ so fundamentally as those of Japan from the texts communicated to the two parties.
CHIEF CHARACTERISTICS OF THE DISPUTE.

It will be seen from this review that for more than sixteen months the Council or Assembly has continuously tried to find a solution for the Sino-Japanese dispute. Numerous resolutions have been adopted based on various articles of the Covenant and other international agreements. The complexity, to which reference has already been made, of the historical background of the events; the special legal situation of Manchuria, where Japan, as will be noted later, exercised within Chinese territory extensive rights; finally, the involved and delicate relations existing in fact between the Chinese and Japanese authorities in certain parts of Manchuria justified and rendered necessary the prolonged efforts of negotiation and enquiry made by the League. However, the hopes entertained by the Council and the Assembly of an improvement in the situation, arising from the declarations of the parties and the resolutions adopted with their participation, were disappointed. The situation, on the contrary, tended to grow constantly worse. In Manchuria, or other parts of the territory of a Member of the League, military operations, which the report of the Commission of Enquiry has described as "war in disguise," continued and still continue.

Having considered the principal features of the dispute, the Assembly has reached, in particular, the following conclusions and noted the following facts:

1. The dispute between China and Japan which is submitted to the Assembly originated in Manchuria, which China and foreign Powers have always regarded as an integral part of China.
under Chinese sovereignty. In its observations on the report of the Commission of Enquiry, the Japanese Government contests the argument that the rights conferred on Russia and subsequently acquired by Japan in the extremely limited area known as the Southern Manchuria Railway zone conflict with Chinese sovereignty. They were, on the contrary, derived from the sovereignty of China.

The rights conferred by China on Russia and subsequently on Japan derive from the sovereignty of China. Under the Treaty of Pekin in 1905, "the Imperial Chinese Government consented to all the transfers and assignments made by Russia to Japan under the Treaty of Portsmouth. In 1915, it was to China that Japan addressed demands for the extension of her rights in Manchuria and it was with the Government of the Chinese Republic that, following on these demands, the Treaty of May 25th, 1915, was concluded concerning South Manchuria and Eastern Inner Mongolia. At the Washington Conference, the Japanese delegation stated, on February 2nd, 1922, that Japan renounced certain preferential rights in South Manchuria and Eastern Inner Mongolia and explained that, "in coming to this decision, Japan had been guided by a spirit of fairness and moderation, having always in view China's sovereign rights and the principle of equal opportunity." The Nine-Power Treaty, concluded at the Washington Conference, applies to Manchuria as to every other part of China. Finally, during the first phase of the present conflict, Japan never argued that Manchuria was not an integral part of China.

2. Past experience shows that those who control Manchuria exercise a considerable influence on the affairs of the rest of China—at least of North China—and possess unquestionable strategic and political advantages. To cut off these provinces from the rest of China cannot but create a serious irredentist problem likely to endanger peace.

3. The Assembly, in noting these facts, is not unmindful of the tradition of autonomy existing in Manchuria. That tradition, in one extreme case, and in a period of particular weakness on the part of the Central Government of China, made it possible, for instance, for the plenipotentiaries of Marshal Chang Tso-lin to conclude, in the name of the Government of the autonomous three Eastern Provinces of the Republic of China, the agreement of September 20th, 1924, with the Union of Soviet Socialist Republics concerning the Chinese Eastern Railway, navigation, the delimitation of frontiers, etc. It is obvious from the provisions of that agreement, however, that the Government of the autonomous three Eastern Provinces did not regard itself as the Government of a State independent of China, but believed that it might itself negotiate with the Union of Soviet Socialist Republics on questions affecting the interests of China in the three provinces, though the Central Government had, a few months previously, concluded an agreement on these questions with the self-same Power.

This autonomy of Manchuria was also shown by the fact that, first, Marshal Chang Tso-lin and later Marshal Chang Hsueh-liang were the heads both of the civil and military administration and exercised the effective power in the three provinces through their armies and their officials. The independence proclaimed by Marshal Chang Tso-lin at different times never meant that either he or the people of Manchuria wished to be separated from China. His armies did not invade China as if it were a foreign country but merely as participants in the civil war. Through all its wars and periods of "independence", Manchuria remained an integral part of China. Further, since 1928, Marshal Chang Hsueh-liang has recognised the authority of the Chinese National Government.

4. During the quarter of a century ending in September 1931, the political and economic ties uniting Manchuria with the rest of China grew stronger, while, at the same time, the interests of Japan in Manchuria did not cease to develop. Under the Chinese Republic, the "three Eastern Provinces" constituting Manchuria were thrown wide to the immigration of Chinese from the other provinces who, by taking possession of the land, have made Manchuria in many respects a simple extension of China north of the Great Wall. In a population of about 30 millions, it is estimated that the Chinese or assimilated Manchus number 28 millions. Moreover, under the administration of Marshals Chang Tso-lin and Chang Hsueh-liang, the Chinese population and Chinese interests have played a much more important part than formerly in the development and organisation of the economic resources of Manchuria.

On the other hand, 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. Japan governed the leased territory of Kwantung, exercising therein what amounted in practice to full sovereignty. Through the medium of the South Manchuria Railway, she administered the railway zones, including several towns and important parts of populous cities, such as Mukden and Changchun. In these areas, she had control of the police, taxes, education and public utilities. She maintained armed forces in certain parts of the country: the army of Kwantung in the leased territory; railway guards in the railway zones; consular police in the various districts. Such a state of affairs might perhaps have continued without leading to complications and incessant disputes if it had been freely desired or accepted by both parties and if it had been the expression and manifestation of a well-understood policy of close economic and political co-operation. But, in the absence of such conditions, it was bound to lead to mutual misunderstandings and conflicts. The interconnection of respective rights, the uncertainty at times of the legal situation, the increasing opposition between the conception held by the Japanese of their "special position"
in Manchuria and the claims of Chinese nationalism were a further source of numerous incidents and disputes.

5. Before September 18th, 1931, each of the two parties had legitimate grievances against the other in Manchuria, Japan taking advantage of rights open to question and the Chinese authorities putting obstacles in the way of the exercise of rights which could not be contested. During the period immediately preceding the events of September 18th, various efforts were made to settle the questions outstanding between the two parties by the normal method of diplomatic negotiations and pacific means, and these means had not been exhausted. Nevertheless, the tension between Chinese and Japanese in Manchuria increased and a movement of opinion in Japan advocated the settlement of all outstanding questions—if necessary, by force.

6. The present period of transition and national reconstruction in China, despite the efforts of the Central Government and the considerable progress already achieved, necessarily involves political disturbances, social disorder and disruptive tendencies inseparable from a state of transition. It calls for the employment of a policy of international co-operation. One of the methods of that policy would be that the League of Nations would continue to afford China the technical assistance in modernising her institutions which her Government might request with a view to enabling the Chinese people to re-organise and consolidate the Chinese State.

The full application of the policy of international co-operation initiated at the Washington Conference, the principles of which are still valid, has been delayed, chiefly by the violence of the anti-foreign propaganda carried on in China from time to time. In two respects—the use of the economic boycott and anti-foreign teaching in schools—this propaganda has been pushed to such lengths that it has contributed to creating the atmosphere in which the present dispute broke out.

7. The use of the boycott by the Chinese previous to the events of September 18th, 1931, to express their indignation at certain incidents or to support certain claims could not fail to make a situation which was already tense still more tense. The use of the boycott by China, subsequent to the events of September 18th, 1931, falls under the category of reprisals.

8. The object of the provisions of the Covenant of the League of Nations regarding the settlement of disputes is to prevent the tension between nations becoming such that a rupture appears to be inevitable. The Commission of Enquiry found that each of the issues between China and Japan was in itself capable of settlement by arbitral procedure. It is precisely because the accumulation of these issues increased the tension between the two nations that it was incumbent on the nation which regarded itself as injured to draw the attention of the League of Nations to the situation when diplomatic negotiations were unduly protracted.

Article 12 of the Covenant contains formal obligations as regards the pacific settlement of disputes.

9. Without excluding the possibility that, on the night of September 18th-19th, 1931, the Japanese officers on the spot may have believed that they were acting in self-defence, the Assembly cannot regard as measures of self-defence the military operations carried out on that night by the Japanese troops at Mukden and other places in Manchuria. Nor can the military measures of Japan as a whole, developed in the course of the dispute, be regarded as measures of self-defence. Moreover, the adoption of measures of self-defence does not exempt a State from complying with the provisions of Article 12 of the Covenant.

10. Since September 18th, 1931, the activities of the Japanese military authorities, in civil as well as in military matters, have been marked by essentially political considerations. The progressive military occupation of the Three Eastern Provinces removed in succession all the important towns in Manchuria from the control of the Chinese authorities, and, following each occupation, the civil administration was re-organised. A group of Japanese civil and military officials conceived, organised and carried through the Manchurian independence movement as a solution to the situation in Manchuria as it existed after the events of September 18th, and, with this object, made use of the names and actions of certain Chinese individuals and took advantage of certain minorities and native communities that had grievances against the Chinese administration. This movement, which rapidly received assistance and direction from the Japanese General Staff, could only be carried through owing to the presence of the Japanese troops. It cannot be considered as a spontaneous and genuine independence movement.

II. The main political and administrative power in the "Government" of "Manchukuo", the result of the movement described in the previous paragraph, rests in the hands of Japanese officials and advisers, who are in a position actually to direct and control the administration; in general, the Chinese in Manchuria, who, as already mentioned, form the vast majority of the population, do not support this "Government" and regard it as an instrument of the Japanese. It should also be noted that, after the Commission of Enquiry completed its report and before the report was considered by the Council and the Assembly, "Manchukuo" was recognised by Japan. It has not been recognised by any other State, the Members of the League in particular being of opinion that such recognition was incompatible with the spirit of the resolution of March 11th, 1932.

The situation which led up to the events of September 18th, 1931, presents certain special features. It was subsequently aggravated by the development of the Japanese military operations, the creation of the "Manchukuo Government" and the recognition of that "Government"
by Japan. Undoubtedly the present case is not that of a country which has declared war on another country without previously exhausting the opportunities for conciliation provided in the Covenant of the League of Nations; neither is it a simple case of the violation of the frontier of one country by the armed forces of a neighbouring country, because in Manchuria, as shown by the circumstances noted above, there are many features without an exact parallel in other parts of the world. 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.

The Council, in its resolution of September 30th, 1931, noted the declaration of the Japanese representative that his Government would continue, as rapidly as possible, the withdrawal of its troops, which had already been begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals was effectively ensured, and that it hoped to carry out this intention in full as speedily as might be. Further, in its resolution of December 10th, 1931, the Council, re-affirming its resolution of September 30th, noted the undertaking of the two parties to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which might lead to further fighting and loss of life.

It should be pointed out in connection with these events that, under Article 10 of the Covenant the Members of the League undertake to respect the territorial integrity and existing political independence of all Members of the League.

Lastly, under Article 12 of the Covenant, the Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council.

It should be pointed out in connection with these events that, under Article 10 of the Covenant the Members of the League undertake to respect the territorial integrity and existing political independence of all Members of the League.

Part IV.

STATEMENT OF THE RECOMMENDATIONS.

This part sets forth the recommendations which the Assembly deems just and proper in regard to the dispute.

SECTION I.

The recommendations of the Assembly take into account the very special circumstances of this case and are based on the following principles, conditions and considerations:

(a) The settlement of the dispute should observe the provisions of the Covenant of the League, the Pact of Paris, and the Nine-Power Treaty of Washington.

  Article 10 of the Covenant of the League provides that "the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League".

  According to Article II of the Pact of Paris, "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means".

  According to Article I of the Nine-Power Treaty of Washington, "the Contracting Powers, other than China, agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China".

(b) The settlement of the dispute should observe the provisions of Parts I and II of the Assembly resolution of March 11th, 1932.

In that resolution, which has already been quoted in this report, the Assembly considered that the provisions of the Covenant were entirely applicable to the present dispute, more particularly as regards:

1. The principle of a scrupulous respect for treaties;
2. The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;
3. Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement.

The Assembly has adopted the principles laid down by the President-in-Office of the Council in his declaration of December 10th, 1931, and has recalled the fact that twelve Members of the Council had again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League.
The Assembly has stated its opinion that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris. Pending the steps which it might ultimately take for the settlement of the dispute which had been referred to it, it has proclaimed the binding nature of the principles and provisions referred to above and declared that it was incumbent upon the Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

Lastly, the Assembly has affirmed that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party, and has recalled the resolutions adopted by the Council on September 30th and December 10th, 1931, in agreement with the parties.

(c) In order that a lasting understanding may be established between China and Japan on the basis of respect for the international undertakings mentioned above, the settlement of the dispute must conform to the principles and conditions laid down by the Commission of Enquiry in the following terms:

"1. Compatibility with the interests of both China and Japan.
   "Both countries are Members of the League and each is entitled to claim the same consideration from the League. A solution from which both did not derive benefit would not be a gain to the cause of peace.

"2. Consideration for the interests of the Union of Soviet Socialist Republics.
   "To make peace between two of the neighbouring countries without regard for the interests of the third would be neither just nor wise, nor in the interests of peace.

"3. Conformity with existing multilateral treaties.

"4. Recognition of Japan's interests in Manchuria.
   "The rights and interests of Japan in Manchuria are facts which cannot be ignored, and any solution which failed to recognise them and to take into account also the historical associations of Japan with that country would not be satisfactory.

"5. The establishment of new treaty relations between China and Japan.
   "A re-statement of the respective rights, interests and responsibilities of both countries in Manchuria in new treaties, which shall be part of the settlement by agreement, is desirable if future friction is to be avoided and mutual confidence and co-operation are to be restored.

   "As a corollary to the above, it is necessary that provision should be made for facilitating the prompt settlement of minor disputes as they arise.

"7. Manchurian autonomy.
   "The Government in Manchuria should be modified in such a way as to secure, consistently with the sovereignty and administrative integrity of China, a large measure of autonomy designed to meet the local conditions and special characteristics of the Three Provinces. The new civil regime must be so constituted and conducted as to satisfy the essential requirements of good government.

"8. Internal order and security against external aggression.
   "The internal order of the country should be secured by an effective local gendarmerie force, and security against external aggression should be provided by the withdrawal of all armed forces other than gendarmerie, and by the conclusion of a treaty of non-aggression between the countries interested.

   "For this purpose, a new commercial treaty between the two countries is desirable. Such a treaty should aim at placing on an equitable basis the commercial relations between the two countries and bringing them into conformity with their improved political relations.

   "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."

SECTION II.

The provisions of this section constitute the recommendations of the Assembly under Article 15, paragraph 4, of the Covenant.

Having defined the principles, conditions and considerations applicable to the settlement of the dispute,

THE ASSEMBLY RECOMMENDS AS FOLLOWS:

1. Whereas the sovereignty over Manchuria belongs to China,

A. Considering that the presence of Japanese troops outside the zone of the South Manchuria Railway and their operations outside this zone are incompatible with the legal principles which should govern the settlement of the dispute, and that it is necessary to establish as soon as possible a situation consistent with these principles,

The Assembly recommends the evacuation of these troops. In view of the special circumstances of the case, the first object of the negotiations recommended hereinafter should be to organise this evacuation and to determine the methods, stages and time-limits thereof.

B. Having regard to the local conditions special to Manchuria, the particular rights and interests possessed by Japan therein, and the rights and interests of third States,

The Assembly recommends the establishment in Manchuria, within a reasonable period, of an organisation under the sovereignty of, and compatible with the administrative integrity of, China. This organisation should provide a wide measure of autonomy, should be in harmony with local conditions and should take account of the multilateral treaties in force, the particular rights and interests of Japan, the rights and interests of third States, and, in general, the principles and conditions reproduced in Section I (c) above; the determination of the respective powers of and relations between the Chinese Central Government and the local authorities should be made the subject of a Declaration by the Chinese Government having the force of an international undertaking.

2. Whereas, in addition to the questions dealt with in the two recommendations 1A and 1B, the report of the Commission of Enquiry mentions in the principles and conditions for a settlement of the dispute set out in Section I (c) above certain other questions affecting the good understanding between China and Japan, on which peace in the Far East depends,

The Assembly recommends the parties to settle these questions on the basis of the said principles and conditions.

3. Whereas the negotiations necessary for giving effect to the foregoing recommendations should be carried on by means of a suitable organ,

The Assembly recommends the opening of negotiations between the two parties in accordance with the method specified hereinafter.

Each of the parties is invited to inform the Secretary-General whether it accepts, so far as it is concerned, the recommendations of the Assembly, subject to the sole condition that the other party also accepts them.

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 a member of the Committee as soon as the Secretary-General shall have informed them that the two parties accept the Assembly's recommendations. The Secretary-General shall also notify the Governments of the United States of America and of the Union of Soviet Socialist Republics of this acceptance and invite each of them to appoint a member of the Committee should it so desire. Within one month after having been informed of the acceptance of the two parties, the Secretary-General shall take all suitable steps for the opening of negotiations.

In order to enable the Members of the League, after the opening of negotiations, to judge whether each of the parties is acting in conformity with the Assembly's recommendations:

(a) The Committee will, whenever it thinks fit, report on the state of the negotiations, and particularly on the negotiations with regard to the carrying out of recommendations 1A and 1B above; as regards recommendation 1A, the Committee will in any case report within three months of the opening of negotiations. These reports shall be communicated by the Secretary-General to the Members of the League and to the non-member States represented on the Committee;

(b) The Committee may submit to the Assembly all questions relating to the interpretation of Section II of Part IV of the present report. The Assembly shall give this interpretation in the same conditions as those in which the present report is adopted, in conformity with Article 15, paragraph 10, of the Covenant.
SECTION III.

In view of the special circumstances of the case, the recommendations made do not provide for a mere return to the status quo existing before September 1931. They likewise exclude the maintenance and recognition of the existing regime in Manchuria, such maintenance and recognition being incompatible with the fundamental principles of existing international obligations and with the good understanding between the two countries on which peace in the Far East depends.

It follows that, in adopting the present report, the Members of the League intend to abstain, particularly as regards the existing regime in Manchuria, from any act which might prejudice or delay the carrying out of the recommendations of the said report. They will continue not to recognise this regime either de jure or de facto. They 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. As regards the Members of the League who are signatories of the Nine-Power Treaty, it may be recalled that, in accordance with the provisions of that Treaty: “Whenever a situation arises which, in the opinion of any one of them, involves the application of the stipulations of the present Treaty and renders desirable discussion of such application, there shall be full and frank communication between the contracting Powers concerned”.

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.

Appendix 1.

PROPOSALS MADE BY THE JAPANESE GOVERNMENT ON JANUARY 21ST, 1933.

A. DRAFT RESOLUTION No. 1.

The Assembly,

1. Recalling that, according to the terms of Article 15 of the Covenant, its first duty is to endeavour to effect a settlement of the dispute and that consequently it is not at present called upon to draw up a report stating the facts of the dispute and its recommendations in regard thereto;

2. Considering that, by its resolution of March 11th, 1932, it laid down the principles determining the attitude of the League of Nations in regard to the settlement of the dispute;

3. Considering that the principles set forth in Chapter IX of the report of the Commission of Enquiry constitute the useful basis for effecting such a settlement, and affirming that in such a settlement the provisions of the Covenant of the League of Nations, the Pact of Paris and the Nine-Power Treaty must be respected;

4. Considering that, in the best interest of world peace, it is its duty to determine how these principles can be applied to the development of the situation in the Far East:

5. Decides that for this practical work of settlement the Special Committee of Nineteen shall appoint from among its members a small committee to contribute towards a final and fundamental solution by the two parties of the questions at issue between them;

6. Authorises this small committee to take such measures as it may deem necessary for the successful execution of its mission;

7. Requests this committee to keep the Special Committee of Nineteen informed of its work, in order that the latter may be able to report to the Assembly before March 1st, 1933.

8. The Special Committee of Nineteen will have power to fix, in agreement with the two parties, the time-limit referred to in the Assembly resolution of July 1st, 1932; should the two parties fail to agree on the duration of such a time-limit, the Committee will submit proposals to the Assembly on the subject simultaneously with the presentation of its final report regarding the task entrusted to it by the Assembly under Article 15, paragraph 3.

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

B. DRAFT RESOLUTION No. 2.

The Assembly thanks the Commission of Enquiry appointed in virtue of the Council’s resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations, and declares that its report constitutes an invaluable contribution to the efforts of the League for the maintenance of peace.
C. Draft Declaration by the President.

1. The Assembly, in its resolution of December 9th, 1932, requested its Special Committee:

   "(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."

2. If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation, it would have found the elements necessary for such a statement in the first eight chapters of the report of the Commission of Enquiry.

3. But the time has not come for such a statement. In accordance with Article 15, paragraph 3, of the Covenant, the Assembly must first of all endeavour to effect a settlement of the dispute by conciliation, and, if such efforts are successful, it shall publish a statement giving such facts as it may deem appropriate.

4. So long as the efforts on the basis of Article 15, paragraph 3, are continued, a sense of the responsibilities placed on the Assembly in the various contingencies provided for in the Covenant obliges it to maintain a particular reserve. Hence, the Committee has confined itself, in the draft resolution which it is to-day submitting to the Assembly, to making proposals with a view to the settlement of the dispute.

5. By the Assembly's resolution of March 11th, the Special Committee was instructed to endeavour to prepare the settlement of the dispute in agreement with the parties.

6. For the practical work of settlement it is proposed that the Special Committee should appoint from among its members a small committee to contribute towards a final and fundamental solution by the two parties of the questions at issue between them.

7. The small committee will have all the powers necessary for the execution of its mission. In particular, it may consult experts and utilise their services.

8. The members of the small committee will be guided as regards matters of law by the principles of the Assembly resolution of March 11th, 1932, and, as regards matters of fact, taking into account the observations of the parties, by the findings set out in the first eight chapters of the report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them as laid down in paragraphs 3 and 4 of the resolution according to the principles set out in Chapter IX of the report of the Commission of Enquiry.

9. The report of the Special Committee of Nineteen will be submitted to the Assembly, which will take such decision as may be appropriate thereto. Further, in order that the settlement of the dispute may not be made more difficult, the Committee firmly expects, and I feel sure that the Assembly will agree, that no Member of the League will take action which is not in conformity with the principles contained in the Covenant of the League of Nations, the Pact of Paris, the Nine-Power Treaty, its own resolution of March 11th and the present resolution.

Appendix 2.

MEMORANDUM OF THE CHINESE DELEGATION PROPOSING CERTAIN AMENDMENTS TO THE RESOLUTION AND STATEMENT OF REASONS DRAWN UP BY THE DRAFTING COMMITTEE.

Geneva, December 26th, 1932.

1. In the conversations which they had the honour to hold with the Acting President of the Drafting Committee on December 16th and with certain members of the Committee on December 17th and 18th, the Chinese delegation drew attention to the basis which they had stated in the Special Assembly to be indispensable for a just settlement and conveyed to them the disappointment of the Chinese Government at the contents of the proposed draft resolution. A few essential modifications were suggested for the draft resolution and the statement of reasons, with a view to safeguarding the indisputable rights of China and the fundamental principles of the Covenant and other peace instruments.

2. In order to facilitate reference and consideration, the Chinese delegation deem it desirable to present their proposed modifications in the form of amendments, with a word of explanation for each. These following amendments are presented with special consideration for the effort at conciliation, and without prejudice to the original requests of the Chinese Government as stated in the Special Assembly, upon which they reserve the right of insisting:
A. That the fourth paragraph in the draft resolution No. 1 be amended to read:

"Decides to set up a committee whose duty will be to conduct, in conjunction with the parties, the negotiations with a view to a settlement, guided by the findings of essential facts set out in the first eight chapters of the report of the Commission of Enquiry, and on the basis of the principles laid down in its aforesaid resolution of March 11th, 1932, and those set out in Chapter IX of the said report, taking special note that the maintenance and recognition of the present regime in Manchuria cannot be regarded as a solution."

B. That the ninth paragraph in the same draft be amended to read:

"The Committee will have power to fix, in agreement with the two parties, the time-limit referred to in the Assembly resolution of July 1st, 1932; should the two parties fail to agree on the duration of such a time-limit the Committee, simultaneously with the presentation of its report, or the Special Committee of Nineteen, will submit proposals to the Assembly for a time-limit which, if it is necessary to make a report as provided for under paragraph 4 of Article 15 of the Covenant, shall not exceed one month from the date of such submission."

C. That the last paragraph of the "Statement of Reasons" be amended to read:

"In this connection the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, while fully respecting the sovereignty and the territorial and administrative integrity of China, a mere return to the de facto condition previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution."

II.

3. The addition of the phrase "guided by the findings of essential facts set out in the first eight chapters of the report of the Commission of Enquiry" is intended to preclude a debate on questions of facts relating to the origin, development and present character of the situation in Manchuria. These facts have been authoritatively ascertained by the Commission of Enquiry and want of mention in the draft resolution might give rise to a renewed discussion about them which could not serve any useful purpose. In fact, the League of Nations had deliberately deferred its efforts to effect a final settlement of the Sino-Japanese conflict in order to await an impartial account from the Commission of Enquiry of the relevant facts involved in the Manchurian situation. Now this account is available to the League. If it is to be overlooked or not to be fully utilised as the definitive basis of facts in the present attempt to find a solution, then all the delay in the past, which has entailed upon China a terrible sacrifice in lives lost, property destroyed and more territory invaded, has been meaningless and unwarranted.

4. It is believed, however, that, far from wishing to undermine the value of the essential findings of the report relating to Manchuria, the Drafting Committee's intentions generally correspond with the views of the Chinese delegation, as reference is made to these findings in the Statement of Reasons. For these considerations, therefore, it appears necessary to make specific mention in the text of the draft resolution itself.

5. The inclusion of the principles laid down in the Assembly resolution of March 11th, 1932, in the basis for a settlement of the Sino-Japanese conflict is necessary. The reference to the same resolution in the second paragraph of the draft resolution, while useful, is not sufficiently clear as to its purport. The March 11th resolution of the Assembly, not only enunciates the fundamental principle of non-recognition of any situation, treaty or agreement brought about by means contrary to the Covenant of the League and the Pact of Paris, but also recalls the continuing validity of the Council resolutions of September 30th and December 10th, 1931, to both of which China attaches great importance. In any settlement the execution of these resolutions of the Assembly and the Council, which unquestionably remain in full force, should, in the opinion of the Chinese delegation, constitute an essential and preliminary consideration.

6. The emphasis laid upon the clause that "the maintenance and recognition of the present regime in Manchuria cannot be regarded as a solution" is dictated by the fact that it embodies a fundamental principle of the sanctity of international peace instruments. The Covenant of the League and the Pact of Paris both enjoin the peaceful settlement of international disputes, while the Nine-Power Treaty of Washington specifically obligates the signatory parties to respect the sovereignty, the independence, and the territorial and administrative integrity of China. It was clearly in consideration of the paramount importance of preserving the sanctity of these instruments that the Special Assembly enunciated the principle of non-recognition in its resolution of March 11th, 1932, referred to above. The Commission of Enquiry, too, has stressed this point in its report. Any equivocation on this point would be interpreted by the world as a surrender on the part of the League of one of the most fundamental principles of its establishment and existence. The Chinese delegation desire to state clearly that, for their part, an explicit provision for the non-recognition and non-continuation of the present regime in Manchuria is an indispensable condition to their participation in any procedure looking to a final settlement.
It is proposed to omit reference to Chapter X of the report of the Commission of Enquiry because the suggestions contained therein, to quote the words of the report, "are intended as an illustration of one way in which the conditions we have laid down in the preceding chapter might be met". They are not necessary or indispensable elements of a fair and practical solution. Besides, in the view of the Chinese Government, several suggestions are objectionable in principle, while others, if adopted, would be difficult of execution in the light of the existing circumstances.

III.

8. The second amendment is proposed with a view to elucidating two points which the Chinese delegation believe to be of importance. The fixing of a time-limit is a constitutional question, proposals for the determination of which it is incumbent upon the League Members alone to submit. For this purpose the Committee of Nineteen would be the competent body to make suggestions, especially as the Special Assembly in July last has expressly entrusted it with this duty. But, according to the text of the draft resolution under consideration, it would appear to be the Special Committee to be set up which would be expected to submit proposals on the subject. A change of wording such as suggested in the amendment under discussion would not only meet the point but also serve to make clear that the creation of the proposed Special Committee does not prejudice the continued existence of the Committee of Nineteen nor affect its functions and duties entrusted to it by the Special Assembly other than those now to be delegated to the Special Committee.

9. The fixing of a definite period of time within which a report under paragraph 4 of Article 15 of the Covenant shall be made is considered especially important for the double purpose of securing an early settlement of the Sino-Japanese conflict and ensuring that this significant safeguard provided in the Covenant may not be further impaired. The Chinese delegation believe that the framers of the Covenant, which is clearly intended to be of universal application, were not unaware of the possible rise of complicated issues, and they provided the maximum period of six months for making a final report with that purpose in view. Only such a safeguard could inspire a sense of security that a breach of this organic law of the League, wherever arising, would be speedily dealt with and redress for the suffering party might be obtained without undue delay.

IV.

10. The amendment to the final paragraph of the Statement of Reasons consists in inserting the clause, "While fully respecting the sovereignty and the territorial and administrative integrity of China", and replacing the word "that" with the phrase "de facto". The purpose of this proposal is to emphasise a distinction of which the Drafting Committee has undoubtedly been already aware, between the de facto and the de jure character of the status quo ante. While the Chinese Government has no objection to effecting, of its own accord, desirable changes in the administration of Manchuria as it existed prior to September 1931, it cannot admit or agree that China's legal position in her Three Eastern Provinces should in any way be prejudiced in any settlement of the Sino-Japanese conflict. The proposed addition, it is believed, will help to clarify this point.

The Chinese delegation trust that the Committee of Nineteen will see its way to accept and incorporate in the final text of the draft resolution and Statement of Reasons the amendments which are herein above presented and explained and which the Chinese Government deems essential. They also wish to add that they reserve the right of suggesting additional amendments on further study or if other changes are made in the two texts as originally communicated to them.

Appendix 3.

PROPOSALS HANDED TO THE SECRETARY-GENERAL BY THE REPRESENTATIVE OF JAPAN ON FEBRUARY 8TH, 1933.

I. DRAFT RESOLUTION NO. I.

Draft of the Committee of Nineteen. Amendment proposed.

4. Decides to set up a Committee whose duty 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.

4. 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 a 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" (page 132 of the Report of the Commission of Enquiry).

1 Note by the Secretary-General. — These proposals assume that the passages in the resolution and Statement of Reasons (which would become a declaration of the President) regarding the invitation to Powers non-members of the League to participate in the Negotiations Committee are omitted.
2. DRAFT RESOLUTION NO. 2.

Draft of the Committee of Nineteen. Amendment proposed.

The Assembly thanks the Commission of Enquiry appointed in virtue of the Council’s resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations and declares that its report will stand as an example of conscientious and impartial work.

Amendment proposed.

The Assembly thanks the Commission of Enquiry appointed in virtue of the Council’s resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations and declares that its report constitutes an invaluable contribution to the efforts of the League for the maintenance of peace.

3. DRAFT DECLARATION BY THE PRESIDENT.

A.

Draft of the Committee of Nineteen. Amendment proposed.

If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation, it would have found all the elements necessary for such a statement in the first eight chapters of the report of the Commission of Enquiry, which in its opinion constituted a balanced, impartial and complete statement of the principal facts.

It would have found all the elements necessary for such a statement in the first eight chapters of the report of the Commission of Enquiry, which in its opinion constituted an invaluable contribution to the efforts of the League for the maintenance of peace.

B.

Draft of the Committee of Nineteen. Amendment proposed.

8. The Members of the Negotiations Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 11th, 1932, and as regards matters of fact by the findings set out in the first eight chapters of the report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them 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 the said report.

8. The Members of the Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 11th, 1932, and as regards matters of fact by the findings set out in the first eight chapters of the report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them, in conformity with paragraph 4 of the Resolution, 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.

C.

Draft of the Committee of Nineteen. Amendment proposed.

9. In this connection the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, a mere return to the conditions previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution.

9. In this connection the Committee of Nineteen notes that Japan has recognised the present regime established in Manchuria and that no other Member of the League has done so. It is to be noted that the report of the Commission of Enquiry states, in Chapter IX, the principles and conclusions of which the Assembly has adopted in paragraph 4 of the Resolution as the basis of the negotiations for a settlement, that a mere return to the conditions previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution, and also that a satisfactory regime for the future might be evolved out of the present one without any violent change (page 130).