

LEAGUE OF NATIONS

Official Journal

SPECIAL SUPPLEMENT No. 177

SINO-JAPANESE CONFLICT

APPEAL

BY THE

CHINESE GOVERNMENT

CONTENTS

Extract from the Minutes of the Third Meeting of the Ninety-eighth Session of the Council (September 16th, 1937).

Minutes of the Third Session of the Far-East Advisory Committee, set up by the Assembly Resolution of February 24th, 1933 (September 21st to October 5th, 1937).

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Documentation received up to October 31st, 1937.

GENEVA, 1937.

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I.

EXTRACT FROM THE MINUTES OF THE THIRD MEETING OF
THE NINETY-EIGHTH SESSION OF THE COUNCIL.

Held at Geneva on Thursday, September 16th, 1937, at 4.30 p.m.

3939. **Appeal by the Chinese Government: Procedure to be followed.**

The PRESIDENT. — At our last meeting,¹ we put on the agenda the appeal by the Chinese Government. To-day we have to discuss the question of the procedure to be adopted for the examination of the appeal.

M. Wellington KOO. — The Chinese Government has appealed to the Council under Articles 10, 11 and 17 of the Covenant (see appendix) because of the extreme gravity of the situation created by continued Japanese armed aggression, which threatens the territorial integrity and political independence of China, a Member of the League of Nations, and calls for wise and effectual action to safeguard the peace of nations.

The nature and extent of this aggression, the scope and the purpose of the policy which has inspired it, its menace to law and order in international relations, its danger to the peace of the world, and the general nature of the action which, in the view of the Chinese Government should be taken by the League, were all explained in the statement which I had the honour to make in the Assembly yesterday, while an account of the principal facts relating to the origin and development of the crisis was summarised in the two statements which the Chinese Government sent to the League on August 30th² and September 12th, 1937.³ I hope, therefore, that my colleagues on the Council will understand if I do not propose to dwell upon them here, but content myself for the present with requesting them to refer to the three statements for a full appreciation of the seriousness and the far-reaching significance of the situation.

As regards the question of procedure before us, I, while referring to the terms of the Chinese Government's appeal, in my statement before the Assembly yesterday, mentioned three possibilities. It is for the Council to-day to take a decision. Let me hasten to add, however, that my purpose in doing so, far from underestimating the importance of procedure, was, and is, to leave to the Council full freedom to choose the most effective method of action in the existing circumstances. In view of the urgency of the situation, the Chinese Government is prepared for the present to subordinate considerations of procedure to the results to be achieved.

The PRESIDENT. — The Council has just heard the statement of the representative of China. Yesterday, in the Assembly, we heard his speech, which concluded with these words:⁴

“ In short, the Far-Eastern situation, on account of its utmost gravity, calls for urgent action by the League. The Chinese Government has formally appealed to the Council, invoking Articles 10, 11 and 17 of the Covenant. It is now for the Council to decide whether to proceed itself to consideration and action at once, to lay the question before the Assembly at the same time, or to refer it first to the Advisory Committee on the Sino-Japanese conflict set up by the Assembly of February 24th, 1933.”⁵

I would remind you of the terms of reference of that Advisory Committee. They are derived from Article 3, paragraph 3, of the Covenant, according to which “ the Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world ”.

According to the terms of the resolution under which this Committee was set up, it is appointed “ to follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-member States ”.

In view of these terms of reference, I think, if the Chinese representative agrees, the Council might request the Secretary-General to take the necessary steps so that the Advisory Committee may meet as soon as possible and proceed to examine the situation to which attention has been directed by China.

I would further remind the Council that, according to the request made by the Chinese delegation, the statements put forward by the Chinese Government and dated August 30th and September 12th, 1937, have already been communicated to the members of the Advisory Committee and to the Members of the League of Nations.

¹ See *Official Journal*, December 1937, page 887.

² See *Official Journal*, August-September 1937, page 653.

³ *Ibid.*, page 655.

⁴ See *Official Journal*, Special Supplement No 169, page 50.

⁵ See *Official Journal*, Special Supplement No. 112, page 24.

I think it would also be helpful if the Secretary-General were to communicate to the members of the Advisory Committee the speech delivered yesterday in the Assembly by the representative of China together with the Minutes of the present meeting.¹

M. Wellington Koo. — I accept the proposal the President has just made, subject to the understanding that the Council in referring first to the Advisory Committee on the Sino-Japanese conflict set up by an Assembly resolution of February 24th, 1933, the subject matter of the Chinese Government's appeal of September 12th, 1937, duly submitted in accordance with the terms of the Covenant, remains seized of the appeal itself and that the Chinese Government reserves the right, if and when circumstances require it, to ask the Council to take action in accordance with the procedure of Article 17 of the Covenant, which, in addition to Articles 10 and 11, has been formally invoked in the aforesaid appeal.

The PRESIDENT. — Note is taken of the declaration made by the representative of China.

The President's proposal was adopted.

C.377.M.254.1937.VII.

Appendix.

LETTER, DATED SEPTEMBER 12TH, 1937, FROM THE CHINESE GOVERNMENT TO THE SECRETARY-GENERAL.

Geneva, September 12th, 1937.

Under instructions from my Government, I have the honour to invite you to take cognisance of the fact that Japan has invaded China and is continuing the invasion with all her army, navy and air force. It is an aggression against the territorial integrity and existing political independence of China, a Member of the League of Nations, and clearly constitutes a case to be dealt with under Article 10 of the Covenant. The grave situation which the Japanese aggression has thus created also falls within the purview of Article 11 of the same instrument and, therefore, is a matter of concern to the whole League.

For the facts of the case, I beg leave to refer to the statements which the Chinese Government has communicated on August 30th and September 12th, 1937,² to the League for the information of the Members of the League and the Advisory Committee set up under a resolution of the Assembly of February 24th, 1933, adopted in virtue of paragraph 3, Article 3 of the Covenant.

In view of Japan's present relation to the League and her action in China, the Chinese Government holds, without prejudice to the continuing validity and binding effect of all the decisions hitherto taken by the Assembly and Council in the Sino-Japanese conflict, that Article 17 of the Covenant is also applicable.

In the name of my Government I hereby invoke the application of Articles 10, 11, and 17 of the Covenant and appeal to the Council to advise upon such means and take such action as may be appropriate and necessary for the situation under the said articles.

(Signed) V. K. Wellington Koo,
First Delegate of the Republic of China.

¹ See *Official Journal*, Special Supplement No. 160, pages 46 et seq.
² See *Official Journal*, August-September 1937, page 653.

II.

MINUTES OF THE THIRD SESSION OF THE FAR-EAST ADVISORY
COMMITTEE, SET UP BY THE ASSEMBLY RESOLUTION
OF FEBRUARY 24TH, 1933.

Held at Geneva from September 21st to October 5th, 1937.

LIST OF MEMBERS OF THE ADVISORY COMMITTEE.

Chairman: His Excellency M. V. MUTERS (Latvia).

Members:

<i>Australia:</i>	The Rt. Hon. S. M. BRUCE, C.H., M.C.
<i>Belgium:</i>	His Excellency M. Paul-Henri SPAAK; M. Maurice BOURQUIN.
<i>United Kingdom:</i>	The Right Hon. Anthony EDEN, M.C., M.P.; Viscount CRANBORNE, M.P.; Sir John PRATT, K.B.E., C.M.G.
<i>Bolivia:</i>	His Excellency M. Adolfo COSTA DU RELS.
<i>Canada:</i>	The Honourable Raoul DANDURAND, K.C.; Mr. W. A. RIDDELL (<i>Substitute</i>).
<i>China:</i>	His Excellency Dr. V. K. Wellington Koo; His Excellency M. QUO Tai-chi; His Excellency Dr. V. Hoo Chi-tsai.
<i>Colombia:</i>	Dr. Francisco UMAÑA-BERNAL.
<i>Czechoslovakia:</i>	His Excellency M. Štefan OSUSKÝ; M. Arnošt HEIDRICH (<i>Substitute</i>).
<i>Ecuador:</i>	His Excellency Dr. J. Antonio QUEVEDO; M. Alejandro GASTELÚ (<i>Substitute</i>).
<i>France:</i>	His Excellency M. Yvon DELBOS; M. DE TESSAN; M. LAGARDE.
<i>Hungary:</i>	His Excellency General Gabriel TÁNCZOS; His Excellency M. László DE VELICS; M. Paul SEBESTYÉN.
<i>Iran:</i>	His Excellency M. Enaytollah SAMIY; His Excellency M. Abdollah BAHRAMY.
<i>Latvia:</i>	His Excellency M. V. MUTERS; His Excellency M. J. FELDMANS.
<i>Netherlands:</i>	Jonkheer A. C. D. DE GRAEFF.
<i>New Zealand:</i>	Mr. William Joseph JORDAN; Mr. R. M. CAMPBELL (<i>Substitute</i>); Mr. C. A. KNOWLES, C.B.E. (<i>Substitute</i>).
<i>Peru:</i>	His Excellency Dr. Alberto ULLOA.
<i>Poland:</i>	His Excellency M. Tytus KOMARNICKI; M. Thadée GWIAZDOWSKI (<i>Substitute</i>); M. Władysław KULSKI (<i>Substitute</i>); M. Kazimierz TRĘBICKI.
<i>Portugal:</i>	His Excellency Professor Dr. José CAEIRO DA MATTA.
<i>Roumania:</i>	His Excellency M. V. V. PELLA; His Excellency M. G. CRUZESCO (<i>Substitute</i>).
<i>Sweden:</i>	His Excellency M. R. J. SANDLER; His Excellency M. K. I. WESTMAN.
<i>Switzerland:</i>	His Excellency M. Giuseppe MOTTA; M. Camille GORGÉ.
<i>United States of America:</i>	Mr. Leland HARRISON.
<i>Union of Soviet Socialist Republics:</i>	M. Maxime LITVINOFF; M. Jacques SOURITZ; M. Boris STEIN.

FIRST MEETING (PRIVATE).

Held on Tuesday, September 21st, 1937, at 6 p.m.

Chairman: M. MUNTERS (Latvia).

Election of the Chairman.

The SECRETARY-GENERAL recalled that at the last meeting of the Advisory Committee on May 16th, 1934—the Committee had not met since 1934—the then delegate of the Netherlands, M. Moresco, was in the chair. M. Moresco was not now in Geneva and would not be able to be there for the present session. Under those circumstances, it would appear that the Committee might proceed at once to the appointment of a new Chairman.

Jonkheer DE GRAEFF (Netherlands) said that, in view of the geographical position of the Netherlands colonies, the Netherlands Government was of the opinion that it was too closely concerned in the Sino-Japanese conflict to allow of a Netherlands delegate conducting the proceedings of the Committee with the requisite impartiality, and that it would be better to appoint as Chairman the representative of some other country which was not in the same position. He ventured to suggest the name of M. Munters, first delegate of Latvia.

M. KOMARNICKI (Poland) seconded the proposal.

M. MUNTERS (Latvia) *was elected Chairman.*

M. MUNTERS (Latvia), on taking the chair, said that his appreciation of the honour done to his country by reason of his appointment was mingled with a feeling of hesitancy due to the disparity between the scope of the problem and his own qualifications as Chairman. He asked for the Committee's helpful and, if he might say so, tolerant support. The delicate character of the task before the Committee would require all the prudence and circumspection it could muster; but the conviction that the mission entrusted to it was one of peace would be a source of strength and patience. Both parties to the conflict entertained friendly relations with many Members of the League, and great interests were at stake in the Far East. He hoped that, whatever the result of the Committee's work, whether success or failure, it would not be deemed to deserve one reproach—that of having shelved responsibility.

Publicity of the Meetings.

The CHAIRMAN invited suggestions as to whether the meetings of the Committee should be public or private.

Viscount CRANBORNE (United Kingdom) understood that, on the last occasion when the Committee sat, the proceedings took place in private. He thought it would be better on every ground to do the same on the present occasion.

The Committee decided to hold its meetings in private.¹

Terms of Reference of, and Documentation before, the Committee.

The CHAIRMAN said that under its terms of reference the Advisory Committee was appointed² "to follow the situation, to assist the Assembly in performing its duties under Article 3, paragraph 3, and, with the same objects, to aid the Members of the League in concerting their action and their attitude among themselves and with the non-member States".

The Committee had before it the Minutes of the private meeting of the Council held on September 16th, 1937, and the appeal of the Chinese Government to the Council.³ There were, further, two memoranda from the Chinese Government (documents C.342.M.232.1937.VII and C.376.M.253.1937.VII),⁴ the verbatim report of the speech of the first delegate of China at the eighteenth Assembly,⁵ and a further communication from the Chinese delegation (document A.41.1937.VII).⁶ Two other documents had been communicated that day to the members of the

¹ See also 10.

² See *Official Journal*, Special Supplement No. 112, page 24.

³ See pages 5 and 6.

⁴ See *Official Journal*, August-September 1937, pages 653 and 655.

⁵ See *Official Journal*, Special Supplement No. 169, pages 46 et seq.

⁶ See page 46.

Committee—namely (1) a letter, dated September 20th, 1937, from the United States Minister at Berne¹ indicating the conditions under which he was in a position to participate in the deliberations of the Committee and (2) a communication, dated September 21st, 1937, from the Chinese delegation (document C.397.M.261.1937.VII),² drawing attention to the situation in Nanking and the bombardment of that capital.

Question of inviting Powers not represented on the Committee to participate in its Work.

The CHAIRMAN asked the Committee to consider whether it was desirable to invite Powers not represented on the Committee to participate in its work.

The SECRETARY-GENERAL pointed out that neither of the two parties to the dispute was a member of the Committee as originally constituted. Hence the absence of any representative of either Japan or China on the present occasion. This, he suggested, was one of the first points for the Committee's consideration in connection with the question of invitations.

Viscount CRANBORNE (United Kingdom) said that His Majesty's Government in the United Kingdom thought the two parties to the conflict should be invited to attend. He understood that Germany had been a member of the Committee when it had sat previously. He suggested that Germany should also receive an invitation.

M. DELBOS (France) supported Lord Cranborne's proposal. He further suggested that Australia should receive an invitation.

The Committee decided to invite China and Japan, as parties to the dispute, and also Germany and Australia, to participate in its work.

The CHAIRMAN proposed that the invitations in question should be sent out immediately and that the work of the Committee be suspended pending the receipt of the replies.

M. LITVINOFF (Union of Soviet Socialist Republics) asked how long it was proposed to wait for the replies to the invitations. He suggested an adjournment of not more than three days.

Viscount CRANBORNE (United Kingdom) would prefer to wait for the answers till the following Monday. That would give a little more time and perhaps be more courteous on the part of the Committee.

M. LITVINOFF (Union of Soviet Socialist Republics) agreed, but suggested that if the replies, whether affirmative or negative, were received before Monday next, the Committee should meet earlier and get on with its work.

The proposal of Viscount Cranborne, as amended by M. Litvinoff, was adopted.

SECOND MEETING (PRIVATE AND PUBLIC).

Held on Monday, September 27th, 1937, at 5.30 p.m.

Chairman: M. MUTERS (Latvia).

Replies to the Invitations sent to Powers not represented on the Committee to participate in its Work.

The CHAIRMAN recalled that at the last meeting the Committee had decided to invite four countries to participate in its work. Replies to the four invitations sent out by the Secretary-General in the name of the Committee had now been received. Australia and China had accepted the invitation, and Germany and Japan had declined. The text of the replies of the four Governments had been communicated to the Committee.³ He welcomed the representatives of Australia and China accordingly.

¹ See page 52.

² See page 46.

³ See page 36.

Further Documentation submitted to the Committee.

The CHAIRMAN said that since the last meeting, on September 21st, the Committee had received two new communications (documents C.430.M.293.1937.VII and C.431.M.295.1937.VII),¹ in which the Chinese Government called attention to bombing by Japanese aircraft in China.

Method of Work of the Committee.

The CHAIRMAN thought that the best way of proceeding, in view of what was said by the President of the Council when referring the matter to the Committee,² was to "proceed to examine the situation to which attention has been directed by China", and to begin by listening to a statement by the Chinese representative.

Publicity of the Meetings (continuation).

The CHAIRMAN, referring to the Committee's previous decision on this matter,³ said he had been asked by certain delegations whether it would not be advisable, in principle, to hold the meetings in public. He asked the Committee to take a decision on the question.

The Committee decided that its meetings should be public, unless it were otherwise decided.

(The Committee went into public session.)

General Statement by the Chinese Delegate.

M. Wellington Koo (China). — I wish first of all to say that my Government welcomes the opportunity of being represented on this Committee and of taking part in its deliberations.

My primary purpose in speaking, however, is to outline to you for your consideration and action the principal issues raised by the renewed outburst of Japanese armed aggression against China and the steps which, in the view of my Government, should be taken to deal with it.

The grave character of the situation in the Far East and the facts relating to its immediate origin and subsequent development have been given in the statements of the Chinese Government and of the Chinese delegation communicated to the League for the information of this Committee as well as of Members of the League in general, and in the speech which I had the honour to make in the Assembly on September 15th last.⁴ These documents, I understand, have all been laid before you and officially communicated to you by the Secretary-General at the request of the President of the Council.

I shall not, therefore, take up your time by dwelling on details, but shall content myself with recalling to you the important issues involved in the situation—issues of momentous consequence to the safety, well-being and destiny of my country and of far-reaching effect upon the future of the League of Nations and the peace of the world in general.

Before taking up this point, however, permit me to draw your attention to the fact that, in the fortnight since I spoke in the Assembly, Japan has rushed more troops to China. Her army of invasion in my country has now reached a strength of 350,000 men. They have attacked and occupied more cities and towns in the north and penetrated further into the interior. In the Shanghai sector, they have launched new offensives which, thanks to the bravery of the Chinese troops, have as signally failed as their former attacks. The Japanese navy has accentuated its interference with foreign and Chinese shipping through its illegal blockade of China's entire coast. The Japanese air force has intensified its inhuman method of terrorisation and mass murder of the civilian population—notably in Nanking, Canton, Nanchang and Hankow. This method of aerial bombardment is so revolting to the conscience of mankind and so repugnant to the principles and rules of international law and decency and carries with it such ominous portents for the safety of innocent men, women and children in all countries in future conflicts that I shall be obliged to deal with it more fully later in this statement.

Japan's armed invasion of China on land, on the sea and from the air is a clear case of aggression. Whatever incidents there were at the beginning, they were of Japanese creation in order to have an apparent pretext for the Japanese plan of territorial conquest. Even if the incidents had been free from Japanese instigation, they could not justify such a formidable invasion of the territory of a peace-loving neighbour. Given peaceful intentions on the part of Japan, every incident, however serious it might appear in character, could have been settled amicably and without disturbing the peace between the two countries. For China had from the very beginning proposed and insisted, in the case of the Hungjao aerodrome incident in Shanghai just as in the case of the Loukouchiao incident in the north, to settle these questions through the normal diplomatic channels.

¹ See page 47.

² See page 5.

³ See page 8.

⁴ See *Official Journal*, Special Supplement No. 169, pages 46 et seq.

It is also a fact on record that even after Japan had concentrated 20,000 troops and 100 warplanes in the Peiping-Tientsin area, China, after failing to persuade Japan to accept a peaceful settlement, had appealed to the Governments of the Powers signatory to the Nine-Power Treaty of Washington and the Governments of the two other Powers having important interests in the Far East—Germany and the Soviet Union—announcing her readiness to settle her differences with Japan by any peaceful means known to international law or treaties. But Japan persisted in her policy of force and plunged forward once more to invade China, in her attempt to realise her fixed programme of conquest on the Asiatic mainland. Her action constitutes an aggression, pure and simple, against the territorial integrity and existing political independence of China, a Member of the League, and a challenge to the League of Nations, whose Members undertake, under Article 10, "to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League". It also constitutes a violation of the peace of nations which, under Article 11, is a matter of concern to the whole League.

The real intention of Japan is obvious. It is the subjugation and conquest of China as an essential step to the fulfilment of her so-called sacred mission to dominate Asia, the Pacific, and eventually the world. It may prove to be a mere dream on her part, but it nevertheless constitutes a real menace to the peace and security of nations. The responsible leaders of the Japanese Government have repeatedly and publicly declared their desire to "punish China" for lack of "sincerity" and relying upon their mighty war machine to "beat China to her knees". Let me ask what sins China has committed to deserve "punishment" from Japan. Is it because she has refused to kneel down on her own initiative and kiss the feet of Japan? What sincerity does Japan expect from China? Is it that of taking orders from Tokio and doing its bidding?

The Foreign Minister of Japan, in his reply to the invitation of this Committee,¹ tries to disguise the Japanese wolf in the lamb's coat by complaining that the Chinese Government makes opposition to Japan and anti-Japanese agitation the basis of its national policy, and professing a desire that the Chinese Government should entertain other sentiments. But what other sentiments China should entertain towards Japan are not specified. I presume it is not meant that the Chinese Government should cherish nothing but friendship, love and even perhaps gratitude to Japan for her never-ending invasion of China's territory, for her ruthless slaughter of tens of thousands of innocent Chinese men, women and children, for her wanton destruction of hundreds of millions of dollars' worth of property, and for her tearing away from the Chinese body politic one province after another by the power of the mighty Japanese arms. Is it by such methods of devastation and spoliation that the Japanese Foreign Minister expects to establish "a harmonious co-operation between China and Japan"?

The declarations of responsible Japanese statesmen betray the existence of a war mania and the lust for conquest in Japan as clearly as the actions of the Japanese armed forces in China constitute a most flagrant form of international aggression. This attitude and this policy must be denounced, because they are in violation of the principles of international law and treaty obligations, including, particularly, the Kellogg-Briand Pact of Paris and the Nine-Power Treaty of Washington to which Japan is still a party; because they are responsible for the hostilities in my country and the sufferings of the Chinese people; and because they menace the peace and security of other nations.

What should the League do? I know there are people who are devoted to the cause of peace but who, before answering this question, would like to ask what could the League do. While I realise that the experience of the League in the past years calls for prudence and circumspection on our part, it does not follow that nothing could be done and therefore nothing should be attempted in the presence of a grave danger alike to the safety of a Member State and the peace of the world.

If the League cannot defend right in the face of might, it can at least point out the wrong-doer to the world. If it cannot stop aggression, it can at least denounce it. If it cannot enforce international law and the principles of the Covenant, it can at least make it known that it has not abandoned them. If it cannot prevent the ruthless slaughter of innocent men, women and children and the wanton destruction of property by the illegal and inhuman method of aerial bombardment, it can at least make clear what its own sentiments are, so as to reinforce the universal demand of the civilised world for their immediate abandonment.

In the moral and juridical fields, there is nothing that prevents the League from discharging its obligations under the Covenant. On the contrary, in the interest of its own prestige and of the cause of peace, the safeguarding of which is the *raison d'être* of its own existence, there is every reason that, confronted with a grave situation such as the present one in the Far East, the League should pronounce its condemnation of the flagrant violations of international law, treaty obligations, and the elementary principles of justice and humanity.

This is particularly true as regards the necessity of voicing its horror and indignation at the inhuman method of air-bombing on cities and towns by the Japanese air force. The ruthlessness of the Japanese war aviation in China has evoked strong protests from the Governments of the principal Powers and called forth the condemnation of the whole civilised world. The Press in the leading capitals, regardless of its political complexion or its traditional policy on foreign

¹ See page 36.

questions, has lifted its voice in unison against this practice and has demanded of the peoples in their respective countries to denounce it, to take concrete action and co-operate in order to bring about its abandonment.

It is to be noted, too, that the American Secretary of State, Mr. Cordell Hull, following a warning given by the Commander-in-Chief of the Japanese fleet at Shanghai of the intention of the Japanese air force to bomb Nanking, the capital, out of existence, states that "the Government of the United States disapproves of this imperilling of its citizens and of all the other non-combatants in general, as well as the suggestion that its civil servants and citizens at present residing in Nanking should evacuate the region in which they continue legally their legitimate occupations", and that "the Government of the United States holds that any general bombardment of an extensive region in which a large civil population resides is unjustifiable and contrary to legal and humanitarian principles".

The note of the United Kingdom Government to the Japanese Government in regard to the attack on the British Ambassador in China by Japanese warplanes stated that "it is one of the oldest and best established rules of international law that direct and deliberate attacks on non-combatants are absolutely prohibited, whether inside or outside the area in which hostilities are taking place". It considers the practice of bombing non-combatants "as illegal as it is inhuman".

According to the Press, on the occasion of the recent bombing of Nanking and Canton by Japanese airmen, the United Kingdom Government instructed its Ambassador at Tokio to express to the Japanese Government "the horror and indignation felt in Great Britain at the deplorable loss of life among the civilian population".

Since the announcement of the sinister intention to resort to wholesale butchery of the Chinese civilian population, Japanese warplanes have already made nine bombing raids on Nanking, five on Canton and extended their ruthless attacks to Soochow, Hankow, Nanchang, Tsinan, Hsuechow and a dozen other cities, levying in only a few days a toll of death of perhaps 10,000 innocent men, women and children. A number of non-military objectives, including the Central Institute of Hygiene and the Central Hospital in Nanking, have been damaged or destroyed by Japanese air raids.

Japan's persistent resort to this form of indiscriminate slaughter of non-combatants is a challenge to civilisation. If it is left unheeded, there is no assurance that the dangerous precedent thus created will not be followed in some future conflict in the Occident. It makes one shudder to think of the possibility of this horrible form of killing and devastation being inflicted upon the great capitals of Europe and America. If the challenge is not squarely faced, there is a probability that other cruel methods will be resorted to by the Japanese army in its desperate attempt to break the determined resistance of the brave Chinese defenders. Already Japanese official news agencies have been preparing the world for the adoption of such methods, as evidenced by their repeated accusation of the Chinese troops using asphyxiating gas, which is sheer fabrication and only betrays Japan's own sinister intention.

The League of Nations, under Articles 23 and 25 of the Covenant, has a humanitarian mission to perform. In the view of the Chinese delegation, it cannot remain silent on this aspect of the Far-Eastern situation any more than it can refrain from pronouncing itself on Japan's flagrant aggression against China's territorial integrity and political independence. The least it can do in regard to Japan's illegal and inhuman practice of bombing the civilian population is to place its condemnation on record and recommend the Governments of the Member States to take all feasible measures, so that it may to some extent help to curtail Japan's power of killing innocent non-combatants through aerial bombardments, contrary to the most elementary laws of decency and humanity as well as to all conventional rules of prohibition.

As regards concrete measures to discourage the continuance of general aggression on the one hand and encourage resistance to it on the other, the obligations of the Member States of the League under the Covenant are clear. The Chinese Government believes that, in spite of past experience, there are certain concrete and feasible measures which the League could recommend to the Governments of the Member States for this purpose, and that the question of what measures will be at once most effective and practicable in the present circumstances to aid China should be studied by the Committee without undue delay. The Chinese Government particularly asks that, within the limit of feasibility, the utmost measure of encouragement and assistance be extended to China, the victim of flagrant aggression.

In conclusion, let me emphasise again that the situation in the Far East created by the Japanese armed invasion is very grave. It calls for urgent consideration and action by this Committee. Every new day means to China, without counting the loss of life on the field of hostilities, the killing of more hundreds, nay thousands, of innocent men and women whose eyes are turned on the civilised world and whose hopes are pinned upon this great institution dedicated to the principles of peace and humanity, praying that the one and the other will hasten to do something to restrain the unbridled forces of aggression, to rescue them from indiscriminate slaughter and to mitigate their sufferings. In the name of humanity, as well as in the interest of justice to my country and peace in the world, I express the earnest hope that this Committee will not let the main issues be lost in a labyrinth of procedure, but will act speedily as well as effectively.

**Question of the Preparation of a Text condemning the Aerial Bombardment of Open Towns:
Proposal by the United Kingdom Delegation.**

Viscount CRANBORNE (United Kingdom). — We have all, I am sure, listened with deep concern to the statement made by the delegate of China, whose presence in the Committee we welcome to-day. Regarding the general problem arising from the recent lamentable happenings in China, it will clearly not be possible to finish the general discussion to-day, and I propose to keep what I have to say on the wider aspects till a later stage.

But there is one step which I suggest the Committee could immediately and properly take. It could express its view with regard to the air-bombing, and I hope it may be possible for it to do so in unmistakable terms before the close of to-day's sitting.

The bombing of open towns, which has stained the present conflict, is an affair of less wide scope perhaps than the general problem, but it has even greater urgency. Words cannot express the feeling of profound horror with which the news of these raids has been received by the whole civilised world. They are often directed against places far from the actual areas of hostilities. The military objective, where it exists, seems to take a completely second place. The main object seems to be to inspire terror by the indiscriminate slaughter of helpless civilians.

In so far as the lives and property of British nationals have suffered or been in danger, His Majesty's Government has already protested and has reserved all its rights as regards holding the Government concerned responsible for the consequences of such bombing.

But this is a matter which goes beyond the interests of any one single nationality and represents a menace, not only to the unhappy people who are suffering so grievously from it to-day, but to the whole world. If this tendency is to continue and to be intensified, can civilisation itself survive?

His Majesty's Government in the United Kingdom desires here, in Geneva, to place on record its profound horror at the bombing of open towns which is now taking place in China and to express the hope that this Committee may condemn such practices in no uncertain terms. Their effect on world opinion is, I suggest, a factor which those responsible would do well to take into account.

M. DELBOS (France). — I have listened with attention to M. Wellington Koo's statement, which has deeply moved me. All that he has pictured to us profoundly shocks the conscience of the world. I propose to deal to-day only with this aspect of the conflict, pending our examination of others.

To military operations have been added horrors the shocking nature of which is daily becoming more marked. As if the massacres on the battle-fields were not enough, the civilian populations are in their turn victims of the most cruel and most powerful means of destruction.

No one can read without the deepest pity and indignation the accounts which have reached us of the bombing by air of Nanking, Canton and Hankow. If we close our eyes to this, we shall be doubly guilty—guilty towards China and towards ourselves, for we should be guilty of complicity if we held our peace. Civilisation itself would be threatened if the conscience of the world did not lift up its voice.

We must denounce in scathing terms methods which tend to ruin and exterminate innocent populations. The French Government has signified its disapproval of such acts. It now reaffirms it. It is ready to join in their solemn condemnation, which must be re-echoed throughout the civilised world.

M. SANDLER (Sweden). — The speeches we have just heard have brought to the Committee's notice a special question which comes within the scope of the Chinese appeal but relates to a particular aspect of it—namely, the situation produced by the air-bombings in China. This urgent question should have immediate attention, and I hope that it will also lead to an immediate statement by the Committee. As far as I am concerned, I shall confine myself to endorsing to the full all the statements and suggestions made by the last two speakers regarding the bombing from the air to which China is being subjected to-day, and which is stirring the conscience of the world. I think it of the utmost importance that our Committee should express immediately its sentiments and its opinion on this matter.

M. LITVINOFF (Union of Soviet Socialist Republics). — I wish to give my full support to the proposal put forward by the delegate of the United Kingdom, Lord Cranborne, on the condemnation of the bombardment of open towns. I wish only that it should be made clear that by condemning this particular means of warfare, means of so-called totalitarian war invented by some countries, we do not condone other military operations, other forms of attack in China, that we are only expressing an opinion on this particular point in view of its urgency, in view of the bombardment which has horrified the whole world, and that subsequently we shall deal as well with other methods of warfare, other methods of attack in China.

I hope that the resolution which we are going to adopt on this point may be subscribed to by all the States represented in the League of Nations, all the States represented in the Assembly, and not only by those States but by the whole civilised world.

The CHAIRMAN. — The suggestion has been made that, in view of the urgency of the matter, the Committee should immediately express its views in regard to aerial bombardment, and that other aspects of the problem before us should be examined at a later stage, when we can proceed with our general discussion.

If that be the view of the Committee, I will make a proposal as to procedure. I propose that the Committee should entrust me, in consultation with the members of the Committee who have spoken, with the drafting of a text, and that for that purpose the meeting should be suspended for fifteen minutes.

The Chairman's proposal was adopted.

(The Committee adjourned and subsequently continued its proceedings in private session.)

Examination and Adoption of a Resolution condemning the Aerial Bombardment of Open Towns.

The CHAIRMAN read the text of a resolution drafted, in the light of the discussion which had taken place at the public meeting, in consultation with those who had taken part in that discussion. The text was as follows:

“ The Advisory Committee,

“ Taking into urgent consideration the question of aerial bombardment of open towns in China:

“ Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardment;

“ Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world.”

M. QUEVEDO (Ecuador) proposed to add at the end of the last paragraph the words “ and solemnly condemns such acts ”.

M. Wellington Koo (China) supported the amendment proposed by the delegate of Ecuador, but suggested that the second paragraph should read:

“ Taking into urgent consideration the question of aerial bombardment of non-combatants and open towns in China by Japan.”

With the present wording, the country which was clearly the aggressor was not named; and the text might convey the idea that China was also liable to the accusation it embodied.

A telegram had reached the Chinese delegation the previous night, which made it all the more important that the country responsible for the horrors in question should be mentioned by name. It appeared that two Japanese aeroplanes, which dropped two bombs in the province of Anhwei, had the Chinese national emblem painted distinctly on their wings, doubtless with the intention of shifting responsibility on to China. In view of that device, and in view of all the other endless devices by which the invading forces endeavoured to shift responsibility from their own shoulders and to confuse public opinion, he thought it was necessary to incorporate the words “ of non-combatants and open towns in China by Japan ” in the resolution, in order both to strengthen the resolution and at the same time to prevent misunderstanding.

VISCOUNT CRANBORNE (United Kingdom) fully appreciated M. Wellington Koo's point; but he hoped the latter would not insist on it. There had been a discussion and the Committee had before it a resolution. There could be no sort of doubt as to what the resolution meant. The Chinese delegate need not have the slightest fear that the blame for the bombing would be placed at the door of his own country. Why should Chinese airmen go out of their way to bomb their own fellow-countrymen? In the circumstances, he could not help thinking that M. Wellington Koo would do better to leave the resolution as it stood.

M. LITVINOFF (Union of Soviet Socialist Republics), for his part, had no objection to the proposal made by the delegate of China. Though he agreed with Lord Cranborne that there could hardly be any mistake on the part of the outside public in general as to the party to whom the resolution referred, there was one country in which it might be misunderstood—a country where the Press was controlled by the Government. The Government of that country might misrepresent the resolution to public opinion there as referring to China, or as attaching blame to China as well as to themselves. It was desirable, therefore, to record the name of the country which was the author of this criminal warfare.

M. Wellington Koo (China) quite appreciated Lord Cranborne's contention that there could be no misunderstanding so far as China was concerned; but to add the words “ by Japan ” or “ by the Japanese air force ” was merely to state a fact which had been recognised throughout the world, and had even formed the basis of formal official protests to Tokio by the principal

Governments of the world. Therefore, unless there was some strong reason for not inserting the words, he would ask Lord Cranborne to accept the modification.

M. QUEVEDO (Ecuador) observed that there was nothing new about the addition he had proposed. When the Spanish Government's appeal had come up for discussion in May 1937, the Council of the League had approved a resolution which condemned the bombing of open towns.¹ Acceptance by the Committee of his proposed addition would merely be in conformity with the precedent set by the Council.

M. DELBOS (France) agreed, but suggested that the paragraph should read:

"Solemnly condemns such inexcusable acts, which have aroused horror and indignation throughout the world."

M. SPAAK (Belgium) agreed with the Chinese delegate that, in the absence of any specific reason for not mentioning Japan, the first paragraph would be clearer with the addition of the words "by Japanese aircraft" after the words "in China".

As to M. Quevedo's amendment, he thought it would probably be best to leave the final paragraph as it stood, and to add another paragraph after it, to read: "It solemnly condemns them".

Mr. BRUCE (Australia) was opposed to the addition at the end of the first paragraph of the words "by Japanese aircraft". The Committee was concerned with the terrible practice of bombing open towns and non-combatants by any country; and, that being so, it was better to give the first paragraph a broad basis. That need not prevent the Committee from considering whether it should not insert a separate paragraph with a specific reference, for example, on the following lines:

"Having been convinced by the evidence before the Committee that bombardments of this character have taken place by Japanese aircraft."

VISCOUNT CRANBORNE (United Kingdom) agreed with Mr. Bruce. What the Committee was anxious to condemn was the general practice of bombing from the air; and it was doing so in no half-hearted manner. There was no question but that the resolution was at least as strong as anybody expected it to be. But it was a general resolution, dealing with what had been recognised by every speaker to be a general problem and a general danger to all countries. Viewing it from that standpoint, he preferred to leave it in its present form.

Mr. JORDAN (New Zealand) said that the Committee had been set up to deal with the dispute between China and Japan. It had heard the evidence of the bombing of Chinese towns by Japanese aircraft: and now it was suggested that it should make no reference to bombardment by Japanese aircraft, but pass a general sort of resolution to say that it was opposed to bombing generally. In other words, it was proposed that the Committee should run away from the purpose for which it was set up. That seemed to him a very remarkable state of affairs. Was the Committee not prepared to face up to the question and the evidence brought before it of the bombing by Japanese aircraft of innocent men, women and children in China? Where was the Committee going? Was it to send an apology for meeting at all? It seemed to him that that was where the Committee was going!

If it were proposed to pass some kind of general resolution condemning something somewhere, without particularising it, Mr. Jordan said very definitely that he did not wish to be associated with it. He himself and the country he represented were appalled at the bombardment of China by Japan, and were willing to stand up and say so in public or in private.

The amendment proposed by M. Quevedo was adopted.

M. DELBOS (France), referring to the addition proposed by the Chinese delegation, pointed out that the idea it conveyed was embodied in the following paragraph, which expressly referred to "innocent civilians".

M. Wellington Koo (China) was satisfied and withdrew his proposed addition.

M. SPAAK (Belgium) supported M. Wellington Koo's proposal to insert words so as to make clear that the bombing was done by Japanese aircraft; but he thought the proposed insertion would be better in the first paragraph, which would then read:

"Taking into urgent consideration the question of aerial bombardment of open towns in China by Japanese aircraft."

M. Wellington Koo (China) accepted the proposal.

Mr. BRUCE (Australia) was prepared to accept the text in the form now proposed, in order not to hold up the Committee's proceedings. But he was concerned to point out to the Committee

¹ See *Official Journal*, May-June 1937, page 334.

that the addition of the words " by Japan " opened the door to challenge of the resolution, because Japan would at once argue that Chinese aircraft had been doing just the same. The Chinese delegate suggested that Chinese signs had been painted on Japanese aeroplanes. Mr. Bruce expressed no opinion on that suggestion: but he thought it would be much better in any case to adopt a resolution that was not open to challenge.

M. LITVINOFF (Union of Soviet Socialist Republics) was not aware whether Canton and Nanking were open towns or not; but in any case there was official confirmation from the Japanese Government of the fact that it proposed to bomb Nanking. The Government of the Union of Soviet Socialist Republics, the United Kingdom Government and the French Government had all been notified to that effect. How could the Japanese challenge the Committee's resolution for merely repeating what they had already affirmed themselves—namely, that they were bombing Nanking, Canton and other towns as well?

The first paragraph was adopted in the form proposed by the Belgian delegate.

The resolution as a whole was adopted in the following form:

" The Advisory Committee,
" Taking into urgent consideration the question of the aerial bombardment of open towns in China by Japanese aircraft:
" Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments;
" Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world;
" And solemnly condemns them."

Transmission to the Assembly of the Resolution condemning the Aerial Bombardment of Open Towns: Proposal by the Swedish Delegation.

M. SANDLER (Sweden) observed that some twenty-five delegations were represented on the Committee. Would it not be logical to give the other delegations present at the Assembly a chance of acceding to the resolution?

After a brief exchange of views, *the Committee decided that its Chairman should communicate the resolution by letter to the President of the Assembly, and request the latter, on behalf of the Committee, to submit it to the Assembly for approval.*¹

THIRD MEETING (PUBLIC).

Held on Wednesday, September 29th, 1937, at 5.30 p.m.

Chairman: M. MUNTERS (Latvia).

Resolution condemning the Aerial Bombardment of Open Towns: Communications by the Chairman and the United States Representative.

The CHAIRMAN. — In conformity with the Committee's decision at the last meeting, I have communicated the text of the resolution it adopted to the President of the Assembly and asked him to lay the resolution before the Assembly with a view to its adoption. As you are aware, the Assembly, on September 28th, 1937, adopted the resolution unanimously.

Mr. HARRISON (United States of America). — Under instructions from my Government, I take leave to read the text of the statement made public by the Secretary of State yesterday:

" The Department of State has been informed by the American Minister to Switzerland of the text of the resolution unanimously adopted on September 27th by the Advisory Committee of the League of Nations on the subject of aerial bombardment by Japanese air forces of open towns in China.

" The American Government, as has been set forth to the Japanese Government repeatedly, and especially in this Government's Note of September 22nd, holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to the principles of law and humanity."

The CHAIRMAN. — The Committee takes note of the above statement.

¹ The resolution was adopted by the Assembly on September 28th, 1937 (see page 27).

Sino-Japanese Conflict: General Discussion: Question of the Appointment of a Sub-Committee.

M. QUEVEDO (Ecuador). — The facts of the situation as set forth by the Chinese delegation are so clear that they cannot be mistaken. There is no question of having to find out where the truth lies; it is too obvious. The position is such as to involve imminent danger to the effectiveness of the League of Nations.

If the League is to continue to exist, it must condemn—morally, at least, if not otherwise—and with sufficient promptness to ensure the efficacy of the condemnation, all breaches of the Covenant, of international law and of engagements between States, whenever and wherever they occur. It must proclaim its condemnation of such breaches without regard to the special interests of any one or more Governments.

Should the League fail to give at any rate moral support to a country like China, a great nation with hundreds of millions of inhabitants, in which—for I do not lose sight of the material aspects of the problem—a number of Great Powers have extensive economic interests, what hope can there be in similar cases in the future of help from the League of Nations for other weaker and less wealthy countries, in which other States do not stand to lose anything and have no special interests at stake?

The League of Nations is going through one of the most dangerous passages in its existence. It cannot afford to stray from the true path.

Foreign intervention in the internal political life of any country must be stigmatised as and when it occurs. Aggression must be condemned. Where right is wronged, the League must have the courage to say so.

The principle of legal equality between nations does not allow of any one State seeking to penalise another because of the sentiments which the latter entertains for its stronger neighbour.

Accordingly, just as in my capacity as delegate of Ecuador, I gave my vote as a member of this Committee in favour of the resolution adopted at its last meeting¹ explicitly and formally condemning the bombing of open towns from the air, so the vote of Ecuador will always be given on the side of right, justice and the higher interests of civilisation.

On these grounds, I am concerned to express my sincerest hope that the Committee will see its way to take—and take quickly—positive steps to raise the prestige of the League to the level of the humanitarian and purely juridical ideals which constitute the very basis of the Covenant.

M. DE TESSAN (France). — At our first meeting, we dealt with one special point of the general problem of China—namely, the question of bombing from the air—a question which has stirred the conscience of the whole world. We had no difficulty in arriving at an agreed resolution. But we have now to deal with the whole body of this problem, which is undoubtedly complex. In these circumstances, the first essential task is to establish a satisfactory method of work. The French delegation is of opinion that the work will proceed quicker and the results will be more certain if the problem as a whole is handed over to a small committee or sub-committee.

Viscount CRANBORNE (United Kingdom). — The discussion which was held in this Committee last Monday, culminating in a resolution on the subject of aerial bombardment, is some indication of the seriousness of the situation which exists in the Far East. We are met here to-day for a general discussion of that situation, and it would, I suggest, be proper that I should begin by recording the attitude and actions of His Majesty's Government in the United Kingdom with regard to it.

I do not propose to attempt to tell the story of the origin and progress of the hostilities. It will, however, be remembered that they arose out of a comparatively trivial incident which occurred in North China on the night of July 7th, 1937. It was the sort of incident that could not have happened except in the wholly anomalous situation that exists in the northern provinces of China; but given such a situation, an incident of this kind was liable to happen at any moment.

The policy of His Majesty's Government in this situation can be very simply stated. Its policy is based, in the Far East as elsewhere, on the necessity of maintaining peace. Only if peace is maintained, can the political and economic development of the Far East be assured. Only if peace is maintained, can the vast legitimate and long-standing interests which other countries possess in the Far East be preserved. It is a policy which calls essentially for the fullest international co-operation. It is a policy which is in complete harmony with the principles of the Covenant of the League of Nations. It is a policy which demands, above all, the establishment of a friendly understanding between China and Japan.

His Majesty's Government recognises, of course, that the relations between China and Japan are normally a matter for these two countries to settle between themselves without the intervention, or even the mediation, of third Powers; but in the unhappy event of an armed conflict such as that which has now arisen between the two countries, it is, quite apart from any question of League obligations, obviously impossible, for the reasons which I have stated, for His Majesty's Government to accept the thesis that this is a matter only affecting the parties to the conflict and that third

¹ See page 16.

parties must stand completely aside. This is a matter which must affect, in greater or less degree, many Powers with interests in the Far East, whether they be Members of the League or not.

In these circumstances, His Majesty's Government has made continued efforts to bring about a settlement of the dispute. It expressed at the outset, both to the Japanese and to the Chinese Governments, its deep concern at the situation. It recommended moderation and negotiation. It repeatedly stated that it would be glad to receive any suggestions as to assistance which it could give towards a solution. It made practical proposals itself—as, for example, those advanced in the middle of August regarding the withdrawal of the forces of both sides from the area of hostilities in Shanghai. Ever since the beginning of the crisis, there has been close and constant communication between His Majesty's Government and the other Powers specially interested in the Far East, whether Members of the League or not, and in many of the steps which were taken the co-operation of other Powers was, in greater or less degree, secured.

There seems no valid reason why the dispute should not have been localised and a satisfactory solution found, either by direct negotiation between the Japanese and Chinese Governments, or through the conciliatory efforts of His Majesty's Government and other foreign Powers. Yet all efforts to secure the cessation or even the moderation of the conflict have, unhappily, failed.

The incident of July 7th, 1937, was, in itself, insignificant. The action taken by Japan in reply to that incident has been out of all proportion to it. The conflict has continued to be waged with ever-increasing ferocity and lack of all regard for the accepted standards of humanity. The Committee has already placed upon record, in its resolution of September 27th, 1937, its solemn condemnation of methods that have been followed in the present fight. There can be no difference of opinion on the fact that that resolution expresses a feeling which is shared by all civilised peoples. The Committee would have failed in its duty, had it not placed its views on record.

Obviously, it would do no good—it would indeed do harm—if this Committee gave the impression that it contemplated action which it was not in fact able to carry out. Mere words, however brave, are in themselves no solution of our problem, unless they can be implemented. To use an old English saying, we must cut our coat according to our cloth.

But there are definite lines on which, I submit, progress can be made. Efforts to bring about a cessation of hostilities must not be relaxed. The door must not be closed on any future action that may become possible. A vigilant watch must be kept for any improvement in the international or local situation. In a recent speech at the Assembly,¹ the delegate of Australia suggested that there should be a Conference of the Powers most vitally concerned in the position in the Far East, whether Members of the League or not, with a view to endeavouring to arrange some settlement or concerting such measures as may be necessary or practicable. I think that we shall all agree that this is a proposal of very great value which we should keep constantly in mind. His Majesty's Government in the United Kingdom would certainly be ready to concur in it if all the other Powers principally interested were also ready to agree.

All possible solutions, indeed, should be diligently sought. For this purpose, the sub-committee consisting of members of this Committee, which the delegate of France has proposed should be set up, would be an eminently suitable body. Such a sub-committee should have, I suggest, the same terms of reference as the Advisory Committee itself; but, being smaller, it should prove a more flexible instrument for carrying out the tasks entrusted to it.

On behalf, therefore, of His Majesty's Government in the United Kingdom, I warmly support the proposal of the delegate of France. His Majesty's Government trusts that this body which it is proposed to set up, while taking account of the realities of the situation (and no responsible person could wish to ignore them), will play its part in bringing about a settlement of this dispute; for so long as the dispute persists, it can only bring misery to millions and increased trouble to our much troubled world.

M. Wellington Koo (China). — I will not again emphasise the excessive gravity of the situation raised by Japanese aggression. As I said before, and as has been just pointed out by the United Kingdom delegate, hostilities are going on continually. Every day means to China the killing of more men, women and children—innocent people—not counting those that fall on the field of battle. The prompt adoption of the resolution on bombing from the air at our last meeting gave us the hope that the Committee had a proper appreciation of the seriousness of the situation. I wish therefore to express my very fervent hope that the Committee will proceed to consider this question as promptly as it dealt with the question of bombing from the air.

The question of the Chinese situation as a whole can be divided into two parts. There is first the general question of aggression and, secondly, there is the question of the concrete, positive measures which it may be found practicable to take, in the circumstances, to discourage aggression and encourage resistance to it. I believe the question falls naturally into those two categories.

¹ See *Official Journal*, Special Supplement No. 169, page 76.

As regards the method of work, I quite accept the idea of setting up a sub-committee. That is the usual method of working out details. The question of the concrete measures to be taken is one quite appropriate for the sub-committee to examine.

As regards the general question of aggression, however, I believe this Committee to be the appropriate body to pronounce upon that matter. I venture to hope and believe that there is no one in this Committee who would deny the existence of aggression. To-day, as I said before, 350,000 alien troops have invaded Chinese territory. The whole navy of the invading Power has declared an illegal blockade of China and is engaged in stopping, not only Chinese shipping, but also foreign shipping. It is engaged in killing innocent fishermen without warning. The air force of the same invading Power has been bombing open towns and cities in fourteen provinces. The army has occupied a dozen cities and to-day is penetrating into territory at least 200 miles from the coast.

These are facts which are obvious. They are facts which the whole world has witnessed, and they are facts which ought to form the basis of our pronouncement. Some of those facts have formed the basis of official protests of the Governments of the principal Powers. Therefore, as regards this part of the question, I venture to express the hope that the Committee itself will discuss it and pronounce its opinion on it.

As regards concrete measures, although I accept the idea of referring that question to a sub-committee, I wish to offer certain observations. In the first place, I think that the sub-committee, while it should not be so large as to hinder effective, efficient work, should nevertheless not be too small. As the United Kingdom delegate has very well said, the question of the present situation in the Far East is not a question between China and Japan, but is a question of world-wide importance.

It is a question that touches the interests and the security, not only of the Powers having territorial possessions and commercial interests in the Far East, but also of all the nations of the world. Therefore, I venture to suggest that the composition of the sub-committee should be of such a nature that it will not have a regional character. It should be as representative as possible of this Committee. In the second place, I should like to suggest that, in order to make it easier for the sub-committee to proceed with its work, this Committee should give certain directions which would form a juridical basis for its work. Unless some definite basis is fixed, it will be very difficult for the sub-committee to proceed far in its discussions. I think that, in order to establish that basis, a general pronouncement by this Committee on the question of the existence of Japanese aggression would be of great help.

The CHAIRMAN. — If no other delegate wishes to speak, I desire to consult the Committee on the suggestion made to it by the French delegate and seconded by the delegate of the United Kingdom. I would ask whether the Committee agrees that a sub-committee be set up. I will, for the time being, leave on one side the question of the terms of reference of the sub-committee.

Mr. DANDURAND (Canada). — The Canadian delegation is without positive instructions as to the appointment of a sub-committee. We shall need further instructions and, in the meantime, will content ourselves with abstention.

Mr. BRUCE (Australia). — The delegate of France, in putting forward his suggestion for a sub-committee, indicated that the intention behind the proposal was that the sub-committee should consider the whole of the problem with which we are confronted and determine upon the most suitable method of work. On the distinct understanding that we are settling nothing now with regard to the dispute, coming to no decision at all other than to set up a sub-committee to consider what is the best method of dealing with the problem, I am content to accept the proposal.

The CHAIRMAN. — Do I take it that it is the wish of the Committee to constitute a sub-committee, leaving aside for a moment the question of the membership of such sub-committee? If there are no objections, I would suggest that you allow your Chairman to make at the next meeting suggestions for the composition of the sub-committee.

The Chairman's proposal was adopted.

Terms of Reference of the Sub-Committee.

The CHAIRMAN. — We come now to the question of the terms of reference of the sub-committee. It was suggested by Lord Cranborne that the sub-committee should have exactly the same terms of reference as this Committee. On the other hand, it was suggested by the delegate of Australia that it should study the best methods of undertaking the task on hand.

Mr. BRUCE (Australia). — Perhaps I may try to make a little clearer the point I endeavoured to bring before the Committee just now. I want to have it quite clear that the sub-committee now being constituted will have before it the whole of this question and will consider how it should be dealt with. I want it to be quite clearly understood that the sub-committee will be going forward with the work which is at the moment before this Committee, unless, of course, some alteration is made when the mandate is given to it. I want to leave no impression that this sub-committee is merely being created to watch the situation, as perhaps might have been gathered from the speech of the delegate of the United Kingdom.

The CHAIRMAN. — For my part, I do not see any contradiction between the two statements. In the decision of the Council,¹ on the basis of which this work was referred to the Advisory

¹ See page 5.

Committee, it was stated that the Committee should study the situation as indicated to it by China, on the basis of the following terms of reference:

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

Do I take it that the two proposals may be accepted as one, so that the sub-committee which is to be appointed can proceed on the mandate given to this Committee by the Council?

M. Wellington Koo (China). — For my part, I do not quite see the significance of giving the sub-committee the same mandate as the Committee itself, unless it is intended that the sub-committee, although a smaller body, should, in view of the gravity of the situation, proceed itself to take action where action is urgently required. On the other hand, if there are matters which require general consideration and action, the sub-committee will function as an ordinary sub-committee under a general mandate and report back to this Committee, by which any necessary action can be taken—such action, for example, as I emphasised in speaking a few moments ago when I said that on the general question of aggression this Committee should declare its sentiment. In other words, as I understand it, the sub-committee is not to be a substitute for this Committee or to replace it; it is a sub-committee to be set up for two reasons: first, to facilitate work and discussion and, secondly, to be in a position to take action where action is urgently necessary. If my understanding of the character of the sub-committee is not correct, I should like to be informed.

The CHAIRMAN. — Does the Chinese delegate's interpretation meet with the approval of the Committee?

Viscount CRANBORNE (United Kingdom). — I should like to ask for certain explanations myself, perhaps from the Secretary-General. Is it possible for a Committee which has received a mandate to pass on that mandate to a sub-committee? Can a sub-committee with such a mandate only report back to the parent Committee? My idea as to the importance of setting up the sub-committee was that we are faced with a situation which, alas, is likely to remain for some considerable time, and will necessitate meetings of the Committee at intervals if it is to keep in touch with the situation. If the body so assembled must include all the members of this Committee, it would be unwieldy, and it would be more feasible to have a representative selection of members for the purpose I have indicated.

The other point raised by the delegate of China is really a matter of procedure which I am not competent to discuss—namely, whether it is possible for the Advisory Committee to confer its rights upon a sub-committee and whether that sub-committee must refer back all its recommendations to the Advisory Committee.

The SECRETARY-GENERAL. — The point is one which cannot be finally settled except by legal experts. If I state my opinion, it is subject to more authoritative legal views.

So far as external communications are concerned, I think the Committee can give full powers to a sub-committee. But it is quite certain that reports to the Council and Assembly must come from the Committee as a whole.

M. SPAAK (Belgium). — I confess I am more and more at a loss. I had understood, when it was proposed to appoint a sub-committee, that the latter would be instructed to prepare the work in the course of the next few days, to clear the ground, so to speak, and, if necessary, to submit proposals to the present Committee of Twenty-three. It appears, however, that it is now proposed to give the sub-committee full powers, the effect of which will be for the sub-committee to take the place entirely of the Committee of Twenty-three, which will then have nothing to do except to wait until it is convened again:

If that is the idea, I am very much afraid that the effect of such a decision on outside opinion will not be to strengthen the prestige of the League: on the contrary, I think it will disappoint, not a little, those who look for energetic action by the League in this conflict between China and Japan.

The CHAIRMAN. — Our task at the moment is to determine the terms of reference to the sub-committee, and therefore every proposal is welcome. We have two proposals before us, one by Lord Cranborne and the other by M. de Tesson and developed by the Australian delegate. It is for the Committee to decide the terms of reference of the sub-committee.

Mr. BRUCE (Australia). — May I try to clarify my position in this matter? In my intervention I had only one point in view, and when I have made that clear I can refrain from putting forward any proposal.

A suggestion was made to appoint a sub-committee. I entirely agree with the delegate of Belgium that this issue is a very important and a very serious one. It will be most damaging to the prestige of the League if we appear in any way to be side-tracking the matter. My only object in intervening was to make sure that the suggestion for a sub-committee was made in order to facilitate and expedite the work that was being done, and was not some method by which we were going to let the problem remain somewhat in suspense and not deal with it immediately.

The CHAIRMAN. — Perhaps it would be advisable to postpone also this question of the terms of reference until we nominate the sub-committee. It is evident that the Committee cannot give the sub-committee a mandate which is larger than its own, but the question is whether it can be given the same mandate, subject to the reservations indicated by the Secretary-General or whether it is desired to add certain other functions, within the terms of reference but in a more specific way, to the functions of that sub-committee.

The Chairman's proposal was adopted.

M. LITVINOFF (Union of Soviet Socialist Republics). — I would only express a wish that some action should be taken by the sub-committee or by this Committee while the present Assembly is still in being. I understand that the Assembly is coming to an end in a few days, and unless the sub-committee or this Committee acts quickly, nothing will be achieved. The Assembly will disperse, and then it will be difficult to reassemble even the twenty-three nations which are represented in this Committee.

Viscount CRANBORNE (United Kingdom). — I should like to support what M. Litvinoff has said. I do not see why the Advisory Committee should not meet to-morrow to settle the outstanding points or why the sub-committee should not meet before the Assembly closes. I think that that would be most desirable.

M. DE TESSAN (France). — The French delegation is in agreement with Lord Cranborne's suggestions.

The CHAIRMAN. — As proposed, therefore, the Committee will meet to-morrow to appoint its sub-committee and to confer upon the sub-committee its mandate.

FOURTH MEETING (PUBLIC).

Held on Friday, October 1st, 1937, at 11 a.m.

Chairman: M. MUNTERS (Latvia).

Terms of Reference of the Sub-Committee (continuation).

The CHAIRMAN. — The Committee has first to consider the terms of reference of the Sub-Committee which it has been decided to set up, and secondly, its composition.

With regard to the terms of reference of the Sub-Committee, I should like to state, in order to avoid misunderstanding, after having perused the Minutes of the last meeting, and in consultation with the authorities on procedure, that, in the first place, there is no intention to substitute the Sub-Committee for the Committee itself; secondly, all proposals will have to be submitted to the Committee, which alone is authorised to report on the whole subject, and, thirdly, the first report of the Sub-Committee should be made whilst the Assembly is still in session. To this last point the General Committee of the Assembly, meeting this morning, has agreed.

Viscount CRANBORNE (United Kingdom). — I entirely agree with what the Chairman has just said. It seems to me quite clear that none of us wishes the Sub-Committee to take the place of the Committee. It should be, so to speak, a microcosm of this Committee, representing and reporting to it.

Another of the Chairman's remarks which I think will find general support is that the Sub-Committee should make its first report before the end of the Assembly. It will then be quite clear to everyone that the appointment of the Sub-Committee is not a delaying manoeuvre but a step to increase the efficiency of the Committee's action.

With regard to the terms of reference of the Sub-Committee, I myself put forward certain proposals at our last meeting. I said that they should be the same as those of the main Committee. This proposal, however, was somewhat criticised on the ground that it was too vague, and after thinking the matter over, I am of opinion that the criticism was very fair. I have tried, therefore, to draft some new terms of reference of a simple and comprehensive character to enable the Sub-Committee to carry out the functions for which it is being formed. The terms which I propose are the following:

“To examine the situation in China, to discuss the questions involved, and to submit to the Committee such proposals as it might deem fit.”

The Committee will see that these terms of reference cover practically any questions which might be brought before the Sub-Committee. The latter will be enabled to examine the whole situation in China or any aspect of it and submit to the Committee whatever proposals were

thought fit. It has been suggested to me that these terms of reference might not cover such propositions as already have been put forward by various delegations in the debates in this Committee. I think, however, that that suggestion is not justified. I put forward my proposal optimistically, hoping that it may be immediately acceptable.

M. DE TESSAN (France). — On behalf of the French delegation, I accept the procedure proposed by the Chairman, and I thank Lord Cranborne for having expressed so clearly my point of view. In any case, my principal desire has been to ensure, by a better method of work, the prompt completion of the task we have before us. In connection with a recent matter, we saw the advantages of discussion in a small committee and, on the contrary, the disadvantages of a too large participation in difficult debates. Such is my object and such are the considerations to which it gives rise.

M. Wellington Koo (China). — The terms of reference proposed by the delegate of the United Kingdom seem to give great clearness to the mandate for the Sub-Committee, and a certain amount of concreteness to the task to be undertaken by the Sub-Committee.

I have merely a verbal modification to suggest. As regards the first item, it is proposed that the Sub-Committee is "to examine the situation in China". Could that not be modified to read: "the situation arising out of the Sino-Japanese conflict in the Far East"? That text would obviate any misunderstanding and would, perhaps, describe the nature of the question more fully and clearly.

Viscount CRANBORNE (United Kingdom). — As I proposed the original formula, I should like to say that I am in full agreement with the amendment proposed by the delegate of China.

The Committee approved the terms of reference proposed by Lord Cranborne, as amended by M. Wellington Koo, and reading as follows:

"To examine the situation arising out of the Sino-Japanese conflict in the Far East, to discuss the questions involved, and to submit to the Committee such proposals as it may deem fit."

Composition of the Sub-Committee.

The CHAIRMAN. — I would suggest the following list of countries which the Committee might invite to serve on the Sub-Committee: Australia, Belgium, the United Kingdom, China, Ecuador, France, the Netherlands, Poland, Sweden, and the Union of Soviet Socialist Republics.

We should also ask the United States of America to take part in the work of the Sub-Committee —of course on the same conditions as govern her participation in the work of the Advisory Committee.

Viscount CRANBORNE (United Kingdom). — There was one name that I missed in the list of countries, just read out by our Chairman. I refer to Latvia.

We are very fortunate in having a delegate of Latvia as our Chairman in this Committee, and I am sure that we should all be glad if M. Munters would kindly undertake the duties of Chairman of the Sub-Committee.

M. Wellington Koo (China). — I wish to associate myself fully with Lord Cranborne's proposal. We are fortunate in having so competent a Chairman as M. Munters.

M. KOMARNICKI (Poland). — The Chairman has been good enough to invite Poland to be a member of the Sub-Committee; if the Committee approves the list submitted to it, I shall be bound to consult my Government before accepting the invitation. Pending the receipt of instructions, I must abstain from participating in the Sub-Committee's work.

M. LITVINOFF (Union of Soviet Socialist Republics). — I think the Sub-Committee is too numerous; I should have preferred a smaller Sub-Committee from the point of view of efficiency of the work. However, since we are not guided by that principle, I would propose to add the delegate of New Zealand.

Viscount CRANBORNE (United Kingdom). — I second that proposal.

M. DE TESSAN (France). — The French delegation also supports the proposal.

The list of members of the Sub-Committee proposed by the Chairman, with the addition of the delegates of Latvia and New Zealand, was approved.

Sino-Japanese Conflict: Draft Resolution submitted by the Chinese Delegation.

The CHAIRMAN. — I have received from the Chinese delegation a draft resolution as follows:

"Whereas Japan has taken the initiative of sending to China powerful armies which have invaded large portions of Chinese territory;

"Whereas Japan has proclaimed a maritime blockade of China, and her fleet has bombarded various Chinese ports;

"Whereas the Japanese air force has also proceeded in Chinese territory to aerial bombardments, the illegal character of which has been condemned by a resolution of this Committee dated September 27th, 1937, which was endorsed by the Assembly at its meeting on September 28th;

"Whereas Japan has rejected the overtures made to her with a view to arriving at a pacific settlement of the dispute;

"Whereas she has in particular declined the invitation made to her on September 21st to participate in the work of the Advisory Committee;

"Whereas Japan has undertaken hostilities in defiance of the provisions of the Washington Treaty of February 22nd, 1922, and of the Pact of Paris of April 27th, 1928, of which she is a signatory, and of the fundamental rules of international law:

"The Advisory Committee condemns these violations of international law and of contractual obligations;

"Condemns the illegal blockade of the Chinese coasts;

"And declares that the facts noted above constitute a case of external aggression against a Member of the League of Nations under Article 10 of the Covenant."

I will invite M. Wellington Koo to comment on that resolution and thus furnish a basis for further discussion.

M. Wellington Koo (China). — The draft resolution which I have the honour to submit for the consideration of the Committee is so simply worded that I venture to believe that it calls for very little explanation. The facts stated in the preamble are obvious and are known to the whole world. The activities of the Japanese invading army on land, of the Japanese navy on the coast of China and on the high seas, and of the Japanese military aviation in the air confirm these facts. The official documents of the Governments of the principal Powers and the files of this Committee also provide further evidence. We believe that they are incontestable and we ask the Committee to take note of them. Every day of the activities of the Japanese armed forces in China gives us further evidence of the facts stated in the draft resolution.

The facts being as they are stated, in our opinion they constitute a clear case of external aggression against China, a State Member of the League of Nations, within the intent and purpose of Article 10 of the Covenant. This is the conclusion which we believe is fully justified and even compelled by the facts recited. We cannot escape from it, and we ask the Committee to confirm it by a suitable pronouncement. I realise that there may be some people who would hesitate to make such a pronouncement, not because of any doubt as to the facts of the case, but because of the possible consequences which it may entail for them in regard to their obligations under the Covenant in such a case.

But let me make it clear that we are not asking now for a discharge of all the obligations of the States Members under the Covenant in the face of the existing aggression against China's territorial integrity and political independence. We realise that the unsatisfactory experience of the League in the past, and the unsettled conditions in the world elsewhere, adding greatly to the preoccupations of most Governments, enjoin prudence and call for moderation on the part of the League. But this consideration, sensible as it is, applies only when we come to consider the definite steps and measures to be taken to check the forces of aggression and hasten the restoration of peace in the Far East.

On the question of reaffirming the principles of the Covenant, there should be no compromise. To-day, the victim of the present aggression is China; to-morrow, other countries, other parts of the world, may be its objective. The world will understand, in the present circumstances, that the League of Nations does not attempt to put its whole machinery into operation for the purpose of checking aggression, but it will not understand if the League does not make its position clear on the question of right and wrong. It would be only mocking its own conscience and helping to undermine further its authority and prestige as a great moral force if it does not face the facts frankly, recognise the truth and courageously pronounce its opinion. Notwithstanding the present circumstances, there is nothing which prevents the League—the great institution which stands for law and order in international relations and for the cause of peace and security of nations—from making known to the world its opinion based on the fundamental principles of its own existence. In fact, we believe that this is what is expected of the League, not only by China, but by the whole world.

The CHAIRMAN. — I would suggest that this draft resolution should be referred to the Sub-Committee, so that it may be dealt with more expeditiously.

M. SPAAK (Belgium). — Our Chairman has just made a proposal that I was myself about to put forward. I do not intend at this stage to discuss the statement we have just heard from the delegate of China, or the draft resolution just submitted. I wish, however, to point out that, if we desire to be consistent in our work, we shall have to refer all the texts we receive to the Sub-Committee. I hope the Sub-Committee will meet as soon as possible, so as to be in a position to submit resolutions to the Committee, either to-morrow or on Monday.

M. LITVINOFF (Union of Soviet Socialist Republics). — I wonder whether we should pass on a resolution of this kind to the Sub-Committee without expressing some of the ideas which are in our minds on the general question it envisages. The substantial part of the resolution is a question of principle—namely, that the facts which are noted therein constitute a case of external aggression

against a Member of the League. Are we going to support the Chinese delegation on that point? A small Sub-Committee of five or six persons can work very efficiently and may be able to prepare a final draft, but such a Sub-Committee as we have appointed should have some ideas from its parent body as to the lines on which it is to work.

Viscount CRANBORNE (United Kingdom). — I hope the Committee will accept the Chairman's view. His proposal does not concern the substance of the resolution. We all have our views on that point, and some of us have expressed them. The point raised is one of procedure, a question which, inasmuch as it relates to an article of the Covenant, is a juridical question in part, and it is only proper that it should be examined from that point of view. There is no question of any delaying procedure. The Chairman has already announced that the Sub-Committee will report before the end of the Assembly, and no doubt it will indicate its attitude towards this question. But as we have appointed a Sub-Committee, it would be a great duplication of procedure to discuss the question now in the main Committee.

M. LITVINOFF (Union of Soviet Socialist Republics). — From a practical point of view, having in mind experience gathered in other commissions, I still hold that what I have just suggested would be the proper line to take. But I do not insist, and I am willing to accept the view of the majority of the Committee.

M. Wellington Koo (China). — The Chinese delegation is in agreement with the point of view put forward by the delegate of the Union of Soviet Socialist Republics. On general principles it would be well if this Committee could see its way to engage in a general discussion, which would facilitate and expedite the Sub-Committee's work. But if the majority of the members of the Committee think otherwise and hesitate to express their views now, the Chinese delegation has no objection to referring the draft resolution first of all to the Sub-Committee. This must be on the clear understanding, however, as the Chairman has already said, and as two or three members of the Committee have made clear, that the Sub-Committee is to report as soon as possible to the Committee, and in any case before the end of the Assembly. Moreover, I take it that its report will bear, not only on the draft resolution, but on the general aspect of the question as a whole.

The CHAIRMAN. — There are two points before the Committee. One is the question of procedure. The Sub-Committee, if it considers that it cannot do the work of drafting itself, may set up a special drafting committee. It would not, however, be expedient to have a special drafting committee for the Chinese resolution alone, because its work might run parallel with the discussions of the Sub-Committee.

The second point is the question of the continuation of the general discussion, which, of course, is in no way suspended.

M. DE TESSAN (France). — The view expressed by the Chairman is so wise that it cannot but be unanimously accepted by the Committee. In any event, the French delegation supports it.

The Chairman's proposal to refer to the Sub-Committee the draft resolution submitted by the Chinese delegation was adopted.

FIFTH MEETING (PUBLIC):

Held on Tuesday, October 5th, 1937, at 7 p.m.

Chairman: M. MUNTERS (Latvia).

Sino-Japanese Conflict: Examination and Adoption of the Reports of the Sub-Committee and of the Report, together with a Resolution, of the Advisory Committee to the Assembly.

The CHAIRMAN. — The Sub-Committee which was appointed by the Committee at its meeting on October 1st has been working almost uninterruptedly for four days, and presents to you to-night the results of its deliberations in the form of two reports.¹ The reports were adopted unanimously by the Sub-Committee, but the Polish delegate made a general reservation as to the conclusions of the first report and as to the whole of the second report.

I propose now to open the general discussion on both documents, and I may point out that it is my intention to ask you to adopt the reports, so as to enable the Committee to submit them to the Assembly to-night. It is therefore in the interests of expedition that speeches and

¹ For the final texts of the reports, see documents A.78.1937.VII and A.80.1937.VII, pages 37 and 43.

amendments should be as brief as possible, in order to meet the convenience of delegates to the Assembly, many of whom have already made arrangements for their departure.

In addition to the two reports of the Sub-Committee, I have prepared a draft covering report and a draft resolution, both of which have been distributed and which I intend to submit to the Committee later.

M. KOMARNICKI (Poland). — The Polish delegation reserved the right in the Sub-Committee to submit certain general observations on part IV of the first report of the Sub-Committee and on the second report.¹

In the first place, serious doubts of a legal nature are felt by the Polish delegation. The question may well be asked whether Article 3 of the Covenant can authorise the Assembly of the League of Nations to make findings and contemplate action in regard to an international conflict, independently of the other articles of the Covenant. As far as I am aware, it is the first time that this has occurred in the history of the League. Can Article 3 be substituted for other articles of the Covenant which clearly define the competence of the Council and of the Assembly, and the procedure relating thereto? The isolated and extended use of Article 3 might establish an entirely new procedure and add to the duties of Members of the League further obligations, hitherto unknown and of indefinite range.

Moreover, the principal proposal, which is that a Diplomatic Conference of the Powers especially interested should be convened under the auspices of the League of Nations and on its initiative, leads me to make the following observations:

Without wishing to question the political value of such a Conference, which might contribute to a relaxation of tension in the Far East, I am obliged to state that I could not support the idea that the League should give a mandate to a group of Powers. The latter cannot, in the opinion of the Polish delegation, commit by their action other Members of the League.

For all these reasons, my delegation will abstain from voting.

Mr. JORDAN (New Zealand). — I wish to explain the attitude of the New Zealand delegation. I mentioned in the Sub-Committee that I intended to refer elsewhere to the discussion in that Sub-Committee. A Drafting Committee was set up by the Sub-Committee of Thirteen and it produced a report of which the final paragraph read: "In the meantime, and pending the results of the action proposed, the Committee invites the Assembly to express its moral support for China and to recommend that Members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict".²

I endeavoured to point out to the Sub-Committee that the appeal to the Members of the League to refrain from taking any action which would increase China's difficulties could be interpreted as an appeal to the Members of the League not to apply economic sanctions against China, a thing which seemed to be unreasonable, and pointed out that it was not the desire of Members of the League to weaken China's power of resistance. That matter was discussed pretty fully, and I laid stress on the fact that in the report no assistance was offered to China in her unfortunate position and that no reference was made to the attacks which are being made by Japan and which are being condemned, at least as to their form, from pulpit, platform and meeting practically throughout the world.

An amendment was moved striking out the words "In the meantime" from the first part of the paragraph, and then Lord Cranborne, on behalf of the United Kingdom delegation, moved a further amendment to add the words "and should also consider how far they can individually extend aid to China". That amendment was appreciated, and was carried.

I then moved that we should consider how to deter Japan from continuing its present form of aggression, suggesting that we should insert some such words as that nations should "endeavour to" or "be recommended to use their influence" to deter Japan from continuing its present form of aggression. That amendment was put to the vote, and of thirteen members six refrained from voting, four opposed the proposal that we should consider how to deter Japan from continuing its present form of aggression, and three supported the motion. Consequently, of the thirteen members of the Sub-Committee, four effectively prevented the amendment from passing.

I wish it to be known that it was proposed, in the Sub-Committee, that we should recommend that Members of the League should consider how, or use their influence, or endeavour to deter Japan from continuing its present form of aggression, and that the amendment was defeated.

M. GORGÉ (Switzerland). — I regret to say that it was impossible for me to study the texts before the Committee sufficiently thoroughly to enable me to consult my Government, or even the Head of the Swiss delegation, who is absent. In these circumstances, without expressing an opinion on the substance of the report, I am obliged to abstain from voting.

M. DANDURAND (Canada). — This is the first time I have seen the two reports under discussion. I notice that they contain conclusions of great importance. I have no instructions from my Government, to which I would at least like to communicate the conclusions with a view to obtaining

¹ See documents A.78.1937.VII and A.80.1937.VII, pages 37 and 43.

² See document A.80.1937.VII, page 44.

its approval as soon as possible. In the circumstances, therefore, I am bound to suspend my adhesion to these reports until such time as I have received these instructions. I trust they will be available before the matter is discussed by the Assembly, when I hope that I shall be able to support the reports.

The two reports of the Sub-Committee were adopted.

The CHAIRMAN. — We now come to the other two documents before the Committee. One is the draft report which this Committee is to address to the Assembly, and the other is the draft resolution submitted for adoption by this Committee for transmission to the Assembly.¹

M. KOMARNICKI (Poland). — I would ask the Chairman of the Committee to inform the Assembly that I abstain from voting on the report and resolution.

The CHAIRMAN. — I take note of M. Komarnicki's request.

The report of the Far East Advisory Committee to the Assembly and the resolution were adopted.²

Close of the Session.

The CHAIRMAN. — I should grossly fail in my duties if I did not take this opportunity of expressing my very sincere thanks to the members of the Sub-Committee who have, with unfailing energy and goodwill, helped us to arrive at a speedy solution and report as was desired by the Assembly. I think I shall also be interpreting the feelings of the Committee in expressing thanks to the members of the Secretariat, who have spared no efforts to help us in our task.

Jonkheer DE GRAEFF (Netherlands). — It would not be proper to leave this room without offering our sincere thanks to our Chairman for the way in which he has conducted the meetings, not only of the Committee, but also of the Sub-Committee. He has not spared himself, and it is thanks to him that we have reached this result.

Mr. BRUCE (Australia). — I desire to give my support to what has been said and to add my tribute to the wonderful work which you, Sir, have done. I can speak as a member of this Committee, of the Sub-Committee and of the Drafting Committee, and I think we all have to recognise that the fact that we have been able to achieve the work which we are now completing is in great measure due to the quite marvellous way in which our Chairman has handled each one of these bodies over which he has so ably presided.

M. LAGARDE (France). — I wish to associate myself with the declarations which have just been made by Jonkheer de Graeff and Mr. Bruce. We all appreciated the impartiality and skill with which the Chairman conducted our debates.

M. Wellington KOO (China). — I consider it a great privilege to associate myself with the remarks which have just been made. No words of mine could add to the high tribute which has already been offered. For the way in which our Chairman has conducted our proceedings, for the spirit of impartiality and the ability with which he has guided them, I want to express the thanks of the Chinese delegation.

The CHAIRMAN. — I thank the members of the Committee for their very kind words, and pronounce the session adjourned.

¹ See document A.79.1937.VII, page 35.

² The resolution was adopted by the Assembly on October 6th, 1937.

III.

EXTRACTS FROM THE VERBATIM RECORD OF THE PLENARY
MEETINGS OF THE EIGHTEENTH ORDINARY SESSION
OF THE ASSEMBLY.

I. NINTH PLENARY MEETING.

Held on Tuesday, September 28th, 1937, at 10.30 a.m.

37. Sino-Japanese Conflict: Adoption of a Resolution dated September 27th, 1937, of the Far-East Advisory Committee set up under a Resolution of the Assembly dated February 24th, 1933.

The PRESIDENT. — His Excellency M. Munters, Chairman of the Advisory Committee of Twenty-three appointed to study the request of the Chinese Government, has addressed two letters to me, which I will read to the Assembly. The first letter, dated September 28th, 1937, is as follows:

" I have the honour to inform the Assembly, through you, that the Advisory Committee set up under a resolution of the Assembly dated February 24th, 1933, at a meeting held yesterday,¹ adopted the following resolution: ²

" ' The Advisory Committee,

" ' Taking into urgent consideration the question of the aerial bombardment of open towns in China by Japanese aircraft:

" ' Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments;

" ' Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world;

" ' And solemnly condemns them.

" (Signed) MUNTERS,
Chairman of the Advisory Committee."

The second letter, dated September 28th, 1937, reads as follows:

" With reference to the letter by which, through you, I communicated to the Assembly the text of the resolution adopted yesterday by the Advisory Committee, I have the honour to inform you that the Committee, in order to enable delegations which are not represented on the Committee to adhere to this resolution, decided to ask you to lay it before the Assembly in order that the latter might adopt it as its own resolution.

" (Signed) MUNTERS,
Chairman of the Advisory Committee."

The PRESIDENT. — M. Alvarez del Vayo, delegate of Spain, will address the Assembly.

M. ALVAREZ DEL VAYO (Spain):

Translation: At the moment when a decision is to be taken on the resolution that has just been submitted to us, the vote of Spain cannot be absent. We have constantly said, both in the Council and in the Assembly, that we do not appear here merely in order to advance claims that are peculiar to ourselves; we are here also to defend the general cause of peace by doing everything in our power to assist the League to cope with the aggressor. We condemn with equal severity the criminal bombardments of Nanking and of Madrid. From this tribune of the Assembly, which is still the tribune of justice and of right, we send to the great Chinese nation, engaged, like Spain, in an unsought and epic struggle for independence, a warm and fervent expression of our solidarity.

¹ See page 16.

² Document A.56.1937.VII.

The PRESIDENT. — The Advisory Committee of Twenty-three is an organ that is dependent on the Assembly and is entitled to submit proposals to the Assembly. The Committee proposes that the Assembly should in its turn adopt this resolution. The resolution has already been published and distributed, and delegations have had an opportunity of taking cognisance of it. I therefore ask the Assembly whether it is ready to give its opinion on the resolution.

In accordance with the procedure generally followed, I shall take the silence of the Assembly as a sign of assent.

If there are no observations and if no delegation wishes to speak, I shall consider that the Assembly unanimously adopts the resolution.

The resolution was adopted.

The PRESIDENT. — M. Wellington Koo, first delegate of China, wishes to address the Assembly.

M. Wellington Koo (China). — In the name of the Chinese delegation, I wish to express my appreciation to the Assembly for its prompt and unanimous adoption of the resolution before it. I am confident that this proof of the League of Nations' devotion to the cause of humanity and the principles of international law, in full harmony with the spirit of the Covenant, will be received with satisfaction by the whole of the civilised world.

2. THIRTEENTH PLENARY MEETING.

Held on Tuesday, October 5th, 1937, at 6.30. p.m.

48. Reports of Committees for the Presentation of which the Simplified Procedure provided in Rule 14 (a) of the Rules of Procedure is not applied.

The PRESIDENT. — We have on the agenda the examination of reports of Committees for the presentation of which the simplified procedure provided in Rule 14 (a) of the Rules of Procedure is not applied.

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III. SINO-JAPANESE CONFLICT: REPORTS SUBMITTED BY THE FAR-EAST ADVISORY COMMITTEE: RESOLUTION.

The PRESIDENT. — Before I proceed further, I should like to know the general feeling of the Assembly, so that I may be guided by it.

I fully realise that, for various reasons, among them their wish to get into touch with their Governments, a great many delegations desire that this session should adjourn to-night. With that end in view, I therefore propose—unless I hear important voices to the contrary—to proceed with the business on the agenda and adjourn the session to-night.

The President's proposal was approved.

The PRESIDENT. — The next item on the agenda is the report of the Far-East Advisory Committee. On account of the special circumstances known to all the delegations to the Assembly, the report and resolution submitted by the Far-East Advisory Committee have only just been distributed (document A.79.1937.VII).¹

(On the invitation of the President, M. Munters, Chairman of the Far-East Advisory Committee, took his place on the platform.)

The PRESIDENT. — M. Munters, Chairman of the Far-East Advisory Committee, will address the Assembly.

¹ See page 35.

M. MUNTERS (Latvia), Chairman of the Far-East Advisory Committee. — In conformity with the decision of the Council at its meeting of September 16th, 1937, the Advisory Committee set up by the Assembly on February 24th, 1933,¹ has met to examine the situation to which attention was directed by China.

I have the honour, in my capacity as Chairman, to submit to the Assembly the report of the Advisory Committee and the draft resolution for the approval of the Assembly.

To the documents before the Assembly I have very little to add. They were adopted unanimously by the Advisory Committee. The Polish delegate made a general reservation as to the conclusions of the first report of the Sub-Committee of the Far-East Advisory Committee (document A.78.1937.VII)² and as to the whole of the second report of the Sub-Committee (document A.80.1937.VII).³ He likewise abstained from voting on the draft resolution. Two other delegations indicated that they were not yet in a position to accede to the two reports, pending instructions from their Governments.

The draft resolution proposed by the Advisory Committee reads as follows:

“ The Assembly:

“ Adopts as its own the reports submitted to it by its Advisory Committee on the subject of the conflict between China and Japan;

“ Approves the proposals contained in the second of the said reports (document A.80.1937.VII) and requests its President to take the necessary action with regard to the proposed meeting of the Members of the League which are Parties to the Nine-Power Treaty signed at Washington on February 6th, 1922;

“ Expresses its moral support for China, and recommends that Members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China;

• “ Decides to adjourn its present session and to authorise the President to summon a further meeting if the Advisory Committee so requests.”

The PRESIDENT. — His Excellency Phya Rajawangsan, delegate of Siam, will address the Assembly.

PHYA RAJAWANGSAN (Siam). — As a sister nation of China and Japan, to both of whom my country is bound by close ties of traditional friendship, Siam deeply deplores the present conflict and ardently desires the restoration of peace with the least possible delay. My Government would therefore be happy to welcome any action that would bring about the blessing of peace desired by all. In order to secure peace, the various contributing factors must be so determined as effectively to lead to the common end desired.

As it has not been possible for me to put my Government in a position to study the draft resolution with all the elements required for taking a decision, I shall abstain from voting.

The PRESIDENT. — His Excellency M. Komarnicki, delegate of Poland, will address the Assembly.

M. KOMARNICKI (Poland):

Translation: The delegation of Poland has reserved the right to repeat before the Assembly the declaration which it made in the Advisory Committee.⁴ The few remarks I wish to make are of a general character and are connected with Section IV of the first report of the Sub-Committee (document A.78.1937.VII.), with the second report of that Sub-Committee (document A.80.1937.VII), and with the Assembly's draft resolution (document A.79.1937.VII).

In the first place, the delegation of Poland entertains serious doubts on legal grounds. It is open to question whether Article 3 of the Covenant can authorise the Assembly of the League to establish findings and to contemplate action in regard to an international conflict independently of the other articles of the Covenant. This is the first time that such a proposal has been made, to my knowledge, in the history of the League. Can we substitute Article 3 of the Covenant for other articles in which the competence of both Council and Assembly and the relative procedures are precisely defined? An isolated and far-reaching application of Article 3 might initiate an entirely new procedure, and may add to the duties of Members of the League obligations hitherto unknown and of indefinite scope.

Moreover, the principal proposal, that a diplomatic conference of the Powers chiefly concerned should be summoned under the auspices of the League and on its initiative, leads me to make the following observation.

While not intending to dispute the political expediency of such a conference, which might help to relieve the tension in the Far East, I am bound to declare that I cannot support the idea of a mandate from the League to be given to a group of Powers. In the opinion of the delegation of Poland, those Powers cannot by their action commit the responsibility of other Members of the League.

For all these reasons, my delegation will abstain from voting.

¹ See *Official Journal*, Special Supplement No. 112, page 24.

² See page 42.

³ See page 43.

⁴ See page 25.

The PRESIDENT. — M. Hambro, delegate of Norway, will address the Assembly.

M. HAMBRO (Norway). — The Rapporteur has told us that some of the delegations represented on the Far-East Advisory Committee had found it impossible to vote because they had been unable to get in touch with their Governments. Those delegations which were not represented on the Advisory Committee and which only saw, a minute or two ago, the documents on which they are invited to vote to-night find themselves in similar difficulties. Not only has it been impossible for them to get in touch with their Governments, but it has not been possible for members of those delegations to consult with each other.

The Norwegian delegation regards this matter as one of the most important and gravest items on the agenda of this Assembly, but finds itself in the position that, if the resolution before the Assembly is put to the vote to-night, it will be bound to abstain from voting. There has been no time to study the resolution. We do not know whether it goes as far as some of us might wish to go, or whether it goes too far. We have not been able to discuss it among ourselves, we have not been able to discuss it with other delegations here, nor have we been able to get in touch with our home Governments.

We have no wish to obstruct in any way the work of the Assembly, and I can understand the wish that our deliberations should come to an end; but we find it utterly deplorable that a matter of such gravity to one of the greatest Members of the League should be treated in a way which seems to us to be very offhand.

The PRESIDENT. — Dr. Gie, delegate of the Union of South Africa, will address the Assembly.

Dr. GIE (Union of South Africa). — I wish to associate the South African delegation completely with what has been said here by the delegate of Norway. These very important documents were placed before us just as the Assembly met this evening. My delegation has not had an opportunity of studying them, much less of consulting its Government. If they are put to the vote, I shall therefore have to abstain, but I wish to make it quite plain that my abstention will stand in no relation to the substance of the proposals before us.

The PRESIDENT. — The Right Hon. Walter Elliot, delegate of the United Kingdom of Great Britain and Northern Ireland, will address the Assembly.

The Right Hon. Walter ELLIOT (United Kingdom of Great Britain and Northern Ireland). — It is true that the time for consideration of these documents by the Assembly itself has been short, yet they represent the work of twenty-three nations, and the work which has been put into the preparation of these documents has in no way been hastened or scamped. The decision to proceed to their consideration to-night is a decision of the Assembly itself, a decision arrived at unanimously after an adjournment, after the offer of a further adjournment from the Presidential chair. A unanimous decision is a decision by which we are all bound, and it is by a unanimous decision that the Assembly proceeds to-night.

The Assembly has before it the text of the report and recommendations which its own Advisory Committee has drawn up. I wish only to emphasise two conclusions which they contain.

In the first place, if ever there were a conflict in which the powers of conciliation possessed by the League needed to be invoked, even at the eleventh hour, it is the conflict now existing between China and Japan. The proposals of the Advisory Committee seek to give these powers of conciliation the fullest possible scope.

Secondly, the nature of the situation in the Far East renders it imperative that the base on which the League is to exercise its powers of conciliation should be as broad as possible. We have, while not ourselves departing in any way from the framework of the League, sought to discuss with other Powers outside the League, signatories of the treaties for ensuring peace in the Far East, the special aspects which this problem presents. We are all intimately and legitimately concerned in the maintenance both of these treaties themselves and of the peace in which alone their and our great interests can flourish and develop.

The situation is, in short, one which calls for a review which should be, at the same time, swift, realistic and constructive. It is in the belief that these demands are fulfilled to the furthest practicable limit by the proposals now before us that I, on behalf of His Majesty's Government in the United Kingdom, urge their acceptance on the Assembly.

The PRESIDENT. — His Excellency M. Paul-Boncour, delegate of France, will address the Assembly.

M. PAUL-BONCOUR (France):

Translation: Like the delegate of the United Kingdom, I wish, not only by my vote, but also by this public statement, to associate the French delegation expressly with the resolution that has been submitted to the Assembly. I quite understand the reservation made by certain delegations in view of the importance of the problem and the short time available for considering this motion; and I am glad that, in making even that reservation, they have explained that their abstention in no way connotes lack of sympathy with the motion submitted.

The hour is a grave one, and the facts on which you have to pass judgment are grave enough too for it to be desirable that there should be unanimous agreement in this Assembly, at least in the hearts of its members.

The French delegation, which has been very closely associated, through my colleague M. de Tessan and his other colleagues who took part with him in every stage of the proceedings—Advisory Committee, Sub-Committee, Drafting Committee—accedes explicitly and unreservedly to the motion.

We consider that, in adopting the motion and avoiding anything that might add, whether in form or in substance, to the present difficulties or hinder the attempts at conciliation which we all hope will be made, the Assembly will nevertheless have shown, as regards the three essential points, what was and what inevitably had to be the League's position.

It will give moral support to a country for which we all have deep affection and whose ancient civilisation—older than most of our own—we value so highly; a country that is enduring cruel suffering in its territory and in the bodies of its people.

Then there is the recommendation to the Members of the League to do nothing that might affect Chinese resistance to the acts which are being committed against her.

Lastly, the nations particularly concerned are advised to accord to China such aid as they can.

It is impossible, I think, to be either clearer in our affirmations or more moderate in the expression of them.

In our opinion, too, this motion has the advantage of showing clearly the relationship between the League itself and one of those regional agreements which, within the universality of law itself, necessarily expresses closer solidarity and more clearly defined duties.

This motion, again, does not throw the burden and responsibility upon the nine Powers that are bound by a special treaty in respect of China and the Pacific in general. The League is doing its duty; but at the same time it leaves this more restricted body, which is more directly associated with the very grave events that are taking place in that part of the world, to act in the interests of peace and also in agreement with the League; the League meanwhile declares itself ready at any moment to accord to that body the effective support which is its due.

I think that at the present hour any lengthier comment would be inexpedient. In explaining the reasons why the French delegation associates itself with a motion which a great country and a Member of the League has asked us to adopt, and which we owed it to that country to adopt, my purpose was simply to justify still further our accession to the motion.

The PRESIDENT. — M. Litvinoff, first delegate of the Union of Soviet Socialist Republics, will address the Assembly.

M. LITVINOFF (Union of Soviet Socialist Republics). — The Soviet delegation has taken part in the work of the Advisory Committee, of the Sub-Committee and of the Drafting Committee. Throughout those proceedings, its activity has been inspired solely by the loyalty of the Soviet Government to the Covenant of the League and to the principles of the League. We acted on all those Committees in the same way as we acted yesterday during the Ethiopian conflict, and as we shall act to-morrow if some other Member should unfortunately become the victim of aggression, regardless of the part of the world where that State is to be found, regardless of the relationship between my country and that State.

We could have wished that the League of Nations should itself take certain steps to give China not only moral but also some substantial assistance without referring the matter to other organisations; but we are taking into consideration the opinions of other members of the Committee and of the League, and therefore we agree to the proposal to see whether something can be done to help China indirectly through the union of a group of Powers.

The Committees have impartially examined all the facts brought before them by the Chinese delegation, and have found these facts correct. We found in the action of the Japanese Government all the elements that constitute aggression, but still we did not use the word "aggression". We have not drawn the necessary conclusions from the statements we have made, out of deference to the opinions of some Members of the League, but still we are satisfied that we have given a certain moral encouragement to China, expressed our sympathy with the Chinese people, and that by keeping the session of the Assembly open, by keeping the Advisory Committee in session, the steps we have taken are the first steps, as stated in the resolution. I hope that, if it becomes necessary, the League of Nations will do its full duty towards China.

The PRESIDENT. — His Excellency Dr. Wellington Koo, first delegate of China, will address the Assembly.

M. Wellington Koo (China). — The Chinese Government appealed to the League of Nations on September 12th last under Articles 10, 11 and 17 of the Covenant to deal with the serious situation in the Far East created by Japanese aggression against China.

In accepting the decision of the Council at its meeting of September 16th to refer the subject matter of the appeal to the Advisory Committee set up by the Assembly resolution of February 24th, 1933, my Government reserved its right to take up the matter before the Council particularly with reference to Article 17 of the Covenant.

The situation has been of such a grave character as to call for urgent as well as earnest consideration by the Advisory Committee. The discussions in the Committee itself, in the Sub-Committee and in the Drafting Committee have borne testimony to a sense of appreciation on their part of the gravity of the problem and the significance of the questions involved. The question of law and order in international relations, and the cause of peace and the security of nations, underlie the Sino-Japanese conflict. There must be no premium placed upon aggression.

The Sub-Committee and the Drafting Committee, under the distinguished and able Chairmanship of His Excellency M. Munters, the first delegate of Latvia, sat day and night and worked hard to produce the present report. We would have preferred that the discussions on such a grave question should have started earlier in the course of the present Assembly and should have proceeded at a more stately pace, but we realise at the same time that the multitude of questions before the Assembly and the multiplicity of meetings incidental to the annual meeting of our Assembly made it difficult to avoid rushing. Let me say that the earnestness of the efforts of the Advisory Committee, of the Sub-Committee and of the Drafting Committee was noteworthy.

I should be lacking in candour, however, if I did not say that the proposals which the Committee makes in its second report fall far short of what the Chinese delegation asked. Nevertheless, in a spirit of solidarity the Chinese delegation is prepared to accept the reports which are now before the Assembly, it being, of course, understood that, as regards the proposals which the Chinese delegation submitted but which the Advisory Committee was not able to accept, the Chinese Government reserves its right to present them on future appropriate occasions.

The PRESIDENT. — M. Hambro, delegate of Norway, will address the Assembly.

M. HAMBRO (Norway). — Reluctantly I must ask permission to make a few remarks on the question of procedure. I feel compelled to do so by the observations made by the United Kingdom delegate.

Some of the delegates believed that the Assembly had unanimously consented to continue the meeting in order to hear the debate and then adjourn. We understood that the proposal to adjourn meant that the Assembly would vote to-morrow after an adjournment of the meeting to-night. The delegate of the United Kingdom interpreted the matter differently—namely, that it had been unanimously decided finally to adjourn the present Assembly to-night. If that is the right interpretation, I regret that we did not so understand it. If we had understood that that was the idea, some of the delegations would have demanded at once that the vote should not be taken to-night. We do not adopt that attitude because we do not appreciate the importance of what we are about to do; on the contrary, it is because we feel that importance so greatly that we demand that the Assembly should not take decisions with a lack of opportunity for reflection and a lack of respect for due form that would be impossible in any national parliament in the world.

I think that those delegations, more than twenty-five in number, which were not represented on the Committee of Twenty-three have a legitimate right to ask that they should be given some time for reflection. Moreover, we should like the resolution that is eventually adopted to be adopted with as few abstentions as possible, in order to give greater weight to the decision of the Assembly. Any parliamentarian, I think, will understand that a delegation cannot accept any far-reaching proposal without having been given time for reflection and consultation.

The PRESIDENT. — I am sorry that I did not explain more clearly what was meant, and that there has been some misunderstanding. I thought I had made the position clear, and that when I said so many delegations wanted to leave Geneva I had left no doubt as to my meaning. In view, however, of the fact that there has been some misunderstanding, I propose to take a vote in order to ascertain the wishes of the delegations in this matter. The vote will be taken by a show of hands.

M. HAMBRO (Norway). — I thank the President very much for his kindness. In view, however, of the number of abstentions there have been in connection with certain votes taken in this Assembly, I would ask the President not only to note those voting in favour of an adjournment until to-morrow but also, if necessary, those voting against, in order that we may know where the majority of voters are.

M. Wellington Koo (China). — May I ask a question? If the Assembly is to adjourn, at what time is it likely that the next meeting will be held?

M. DANDURAND (Canada):

Translation: I do not quite understand the question that the delegate of China has just asked. Is he asking at what time the Assembly will meet to-morrow if it adjourns this evening? Before the President replies to that question I should like to say that I hope it will not be before 4 p.m., because our own country is a distant one, and a certain time will be required to enable us to obtain a reply from our Government.

The PRESIDENT. — I suggest that, unless there is a good deal of opposition in the Assembly, the Assembly should meet to-morrow afternoon at 5 o'clock.

(A vote was taken by a show of hands, giving a majority in favour of the President's proposal to adjourn the meeting.)

The PRESIDENT. — The meeting is adjourned. The next meeting will therefore be held at 5 o'clock to-morrow afternoon.

3. FOURTEENTH PLENARY MEETING.

Held on Wednesday, October 6th, 1937, at 5 p.m.

49. Reports of Committees for the Presentation of which the Simplified Procedure provided in Rule 14 (a) of the Rules of Procedure is not applied.

SINO-JAPANESE CONFLICT: REPORTS SUBMITTED BY THE FAR-EAST ADVISORY COMMITTEE: RESOLUTION (*continuation*).

The PRESIDENT. — We have on our agenda the continuation of the discussion on the reports of the Far-East Advisory Committee (documents A.78, A.79 and A.80.1937.VII).

After the general discussion which took place last night on the report and resolution submitted by the Advisory Committee (document A.79.1937.VII), the Assembly decided to adjourn the meeting in order to give delegations the necessary time to consult their Governments.

During the first part of the general discussion, several delegations declared their intention of abstaining from voting. I have duly taken note of those declarations.

As the discussion last night was not formally closed but merely adjourned, I would ask if it is the Assembly's wish that it should now be continued.

As there are no observations, I take it that the Assembly agrees.

(On the invitation of the President, M. Munters, Chairman of the Far-East Advisory Committee, took his place on the platform.)

The PRESIDENT. — M. Hambro, delegate of Norway, will address the Assembly.

M. HAMBRO (Norway):

Translation: On behalf of the delegation of Norway, I desire to make the following declaration: The delegation of Norway will support the proposals of the Advisory Committee, and will give its approval to any action that may be taken within the scope of the work of the League of Nations.

The PRESIDENT. — Dr. Gie, delegate of the Union of South Africa, will address the Assembly.

Dr. GIE (Union of South Africa). — Mr. President, I wish first to thank you for your ruling that the discussion which was started yesterday should be continued at this meeting. I have

now been able to consult my Government, and am in a position to say that the Government of the Union of South Africa has instructed its delegation to vote in favour of the proposals submitted by the Far-East Advisory Committee.

The PRESIDENT. — Does any other delegate wish to address the Assembly?

Unless a vote is requested, I will take it that the Assembly does not wish to proceed to a vote.

As there are no further observations, I shall interpret the silence of the Assembly as a sign that it adopts the resolution submitted by the Advisory Committee. It also takes note of the two abstentions which have been announced—namely, those of Siam and Poland.

The resolution was adopted.

The PRESIDENT. — I shall not fail to take the action which, as President of the Assembly, I have been requested to take by the resolution that has just been adopted.

Further, the Assembly has decided that the present plenary session shall be adjourned and not closed.

IV.

A.79.1937.VII.

REPORT OF THE FAR-EAST ADVISORY COMMITTEE AND RESOLUTION ADOPTED BY THE ASSEMBLY ON OCTOBER 6TH, 1937.

In conformity with the decision of the Council at its meeting of September 16th, 1937,¹ the Advisory Committee set up by the Assembly on February 24th, 1933, has met to examine the situation to which attention was directed by China.

The Committee elected M. V. MUNTERS, Minister for Foreign Affairs of Latvia, to be its Chairman. The Committee has held five meetings during its present session.

It proceeded at once to invite China and Japan, as parties to the dispute, and also Germany and Australia, to participate in its work. This invitation was accepted by China and Australia, and declined by Germany and Japan. The texts of the replies received from the four Governments in question are annexed to the present report.²

On September 27th, 1937,³ the Committee adopted a resolution with regard to the air bombardments carried out in China by Japanese aircraft. This resolution was communicated to the Assembly and unanimously adopted by the Assembly as its own on September 28th, 1937.⁴

The Committee appointed a Sub-Committee⁵ whose duty is:

- To examine the situation arising out of the Sino-Japanese conflict in the Far East;
- To discuss the questions involved;
- To submit to the Committee such proposals as it may think fit.

The Committee remains the only body which is authorised to report, and to make proposals, to the Assembly. At the same time, the Committee considers that it would be right to allow the Sub-Committee, should it so desire, to communicate for information to Members of the League and non-members any reports which it may submit to the main Committee. In that event, it would follow on practical grounds that such reports would also be published.

The Committee decided to communicate its *Procès-verbaux* for the information of the Assembly. They will be issued as soon as possible in the form of an Annex to the present report.⁶

The Committee has received two reports from its Sub-Committee⁷ and adopts the following resolution:

"The Advisory Committee adopts as its own the two reports submitted to it by its Sub-Committee on October 5th, 1937, and decides to communicate them to the Assembly, to the Members of the League, and to the Government of the United States of America."

The Committee submits the following draft resolution for the approval of the Assembly:

"The Assembly:

"Adopts as its own the reports submitted to it by its Advisory Committee on the subject of the conflict between China and Japan;

"Approves the proposals contained in the second of the said reports (document A.80.1937.VII) and requests its President to take the necessary action with regard to the proposed meeting of the Members of the League which are Parties to the Nine-Power Treaty signed at Washington on February 6th, 1922;

"Expresses its moral support for China, and recommends that Members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China;

"Decides to adjourn its present session and to authorise the President to summon a further meeting if the Advisory Committee so requests."

¹ See page 5.

² See page 36.

³ See page 16.

⁴ See page 27.

⁵ The Sub-Committee is composed of the following Members: Latvia (*Chairman*), Australia, Belgium, United Kingdom, China, Ecuador, France, New Zealand, Netherlands, Poland, Sweden, Union of Soviet Socialist Republics, the United States of America participating on the same conditions as those which govern her participation in the Advisory Committee.

⁶ See pages 8 to 26.

⁷ See pages 37 and 43.

APPENDIX.

REPLIES FROM GOVERNMENTS TO THE ADVISORY COMMITTEE'S INVITATION.

Germany.

[Translation.]

Geneva, September 23rd, 1937.

To the Secretary-General.

I have the honour to confirm our conversation of to-day, in the course of which I conveyed to you the German Government's reply to your telegram of September 21st.

Under instructions from my Government, I had the honour to inform you of the reasons which, to its regret, prevent the German Government from taking part in the work of the Advisory Committee that is meeting to consider the situation in the Far East.

(Signed) KRAUEL.

China.

Geneva, September 23rd, 1937.

To the Secretary-General.

I have the honour to acknowledge your letter of September 22nd, 1937, inviting the Chinese Government in the name of the Advisory Committee to participate in its work.

I have duly conveyed the invitation to my Government and, in reply, I am authorised to inform you of its cordial acceptance.

(Signed) V. K. Wellington Koo,
Representative of China on the Council
and First Delegate to the Assembly.

Japan.

[Translation.]

Tokio, September 25th, 1937.

To the Secretary-General.

In acknowledging receipt of your telegram of September 21st last, inviting the Imperial Government to take part in the work of the Advisory Committee, I have the honour, in reply, to inform you of the following:

The maintenance of peace in Eastern Asia by harmonious co-operation between Japan and China is the aim which the Imperial Government has always had before it and to which it has devoted every effort. The Chinese Government has, however, made opposition to Japan and anti-Japanese agitation the bases of its national policy; acts of provocation have continued to be committed throughout its territory, thus bringing about the present unhappy affair. The Japanese Government can therefore only express the hope that the Chinese Government, realising this state of affairs, will soon change its sentiments.

As regards the settlement of the present affair, the Imperial Government, as it has stated on many occasions, is firmly convinced that a just, equitable and practical solution of the questions concerning Japan and China can be found by the two countries.

Consequently, the Japanese Government, seeing no reason to depart from the line of conduct it has hitherto followed with regard to the political activities of the League of Nations, regrets that it is unable to accept the Advisory Committee's invitation.

(Signed) HIROTA,
Minister for Foreign Affairs
of Japan.

Australia.

Geneva, September 27th, 1937.

To the Secretary-General.

You will recall that on September 22nd, in acknowledging the receipt of your letter of the same date conveying an invitation to His Majesty's Government in the Commonwealth of Australia to take part in the work of the Advisory Committee set up by the Assembly resolution of February 24th, 1933, I advised that I was referring that invitation to my Government for decision.

I am now instructed by my Government to accept the invitation to take part in the work of the Advisory Committee.

(Signed) S. M. BRUCE.

V.

A.78.1937.VII.

FIRST REPORT OF THE SUB-COMMITTEE OF THE FAR-EAST ADVISORY COMMITTEE, ADOPTED BY THE COMMITTEE ON OCTOBER 5TH AND BY THE ASSEMBLY ON OCTOBER 6TH, 1937.

The Sub-Committee has not attempted to deal with the historical and underlying causes of the conflict in the Far East. It has not, for instance, thought it necessary to revert to the Manchuria affair, which is dealt with in the report adopted by the Assembly on February 24th, 1933. Nor has it attempted to describe in detail the development of events either in the sphere of military action or in that of negotiation and policy. The accounts issued by the two parties in regard to these are contradictory, and on the basis of the material available it would be impossible to do so, especially in view of the fact that Japan, which, since March 28th, 1935, is no longer a Member of the League, did not agree to send a representative to sit on the Committee.

In any case, a detailed study is unnecessary. At the beginning of July 1937, there was no indication from either side that there was anything in their relations which could not be settled amicably. All that the Committee has to do is to describe and assess the events which led from a state of peaceful relations to a situation where large armies are in conflict.

It has, accordingly, been possible, in the time available, to trace the main development of events, to examine the treaty obligations of the parties to the conflict and to draw conclusions which are set out at the end of this report.

I.

At the beginning of July 1937, there were about 7,000 Japanese soldiers in Northern China. These troops were kept there on the basis of the Protocol of September 7th, 1901 (and its annexes), concluded between China and the Powers having legations at Peking. Under these Agreements, China recognised the right of each Power to maintain a permanent guard in the legations quarter at Peking and to occupy twelve specified points¹ for the maintenance of open communication between the capital and the sea. Under the terms of a supplementary Agreement of July 15th-18th, 1902, the foreign troops stationed at these points had "the right of carrying on field exercises and rifle practice, etc. . . . without informing the Chinese authorities, except in the case of *feux de guerre*".

The Powers other than Japan which at present² maintain contingents at Peiping (Peking), and certain of the points specified in the Protocol of September 7th, 1901, only have very small detachments there. The number of British troops stationed in North China at the beginning of July this year was 1,007; that figure includes the 252 members of the Legation guard. Similarly, the strength of the French effectives stationed in Hopei varies between 1,700 and 1,900, the bulk of whom are at Tientsin. The rest are divided among the garrisons of Shan-hai-Kuan, Chin-wang tao, Tongku and Peking, the detachment in the latter town forming the Embassy guard. At present, the total strength of those troops is 1,600 men and 60 officers; the Embassy guard consists of 120 men.

In addition to the events and developments in Manchuria and Jehol, Japan's political activity in North China, the presence of Japanese effectives greatly in excess of the contingents of the other Powers, and the frequency of their exercises and manœuvres³ disquieted the Chinese. It was in an atmosphere of tension that on July 7th last an incident occurred which was not essentially different from those which had preceded it, but which was the occasion from which flow the Japanese army's present operations in Northern China.

¹ The points are Huang-tsun, Lang-fang, Yang-tsun, Tientsin, Chunliang Ch'eng, Tang-ku, Lu-tai, Tang-shan, Lan-chou, Chang-li, Ch'in-wang tao, Shan-hai kuan.

² The Union of Soviet Socialist Republics, having from 1924 onwards given up Russia's right to maintain troops in China in virtue of the 1901 Protocol, now keeps no military contingent there.

³ In point of fact, the Japanese Embassy guard carried out manœuvres every summer in the country to the west of Peking. The other foreign guards do not seem to have been in the habit of engaging in manœuvres in the strict sense of the term; they confined themselves to musketry exercises on the rifle-range and route-marches in the country-side.

This initial incident occurred at Loukouchiao, thirteen kilometres to the south-west of Peiping (Peking), between the Chinese garrison and the Japanese troops carrying out night manoeuvres in that district.

The Chinese and Japanese versions of the incident differ.

According to the Japanese version, it was the Chinese soldiers of the 29th Army who opened fire; a temporary cessation of hostilities was arranged on the morning of July 8th by the Chinese and Japanese military authorities—this was to permit of the immediate opening of negotiations between these same authorities, with a view to the settlement of the incident; the Chinese soldiers did not abide by this agreement, nor by the agreement concluded next day for the mutual withdrawal of the Chinese and Japanese troops; this aggressive attitude on the part of the Chinese troops rendered vain the agreement¹ concluded on July 11th for the settlement of the incident by the Japanese military authorities on the one hand and the Mayor of Tientsin and the Chief of the Public Safety Bureau of Hopei on the other.

According to the Chinese version, on the pretext that one of their men was missing, the Japanese troops which were carrying out manoeuvres in the night of July 7th asked permission to enter Wanping (Loukouchiao) in order to make investigations; this having been refused, Wanping (Loukouchiao) was attacked by the Japanese infantry and artillery; the Chinese garrison resisted; the situation was aggravated, not by the action of the Chinese troops, which even before the Japanese troops had begun their withdrawal, complied with the agreement for the withdrawal of troops, but by the action of the Japanese troops, which, having received large reinforcements, resumed the offensive in the Wanping (Loukouchiao) zone, extending their operations to the immediate vicinity of Peiping; the Chinese Government made no objection to the terms of the agreement concluded on July 11th between the Chinese local authorities and the Japanese army, but the Japanese attempted to impose measures supplementary to this agreement; moreover, disregarding the agreements concluded for the mutual withdrawal of troops, the Japanese army extended its operations in Northern China.

Leaving on one side the obvious discrepancies between these Chinese and Japanese versions of the events, it may be observed that, while these discussions between local authorities for local settlement were going on, and while communications were passing between the Japanese Government and the Chinese Government, the former insisting that a local solution which would confirm its influence in North China should be obtained without Nanking, extensive movements of troops were making the situation worse. As a result of the arrival at Tientsin and in the suburbs of Peiping of reinforcements, hastily sent from Manchuria, the Japanese effectives on July 12th, according to Chinese reports, exceeded 20,000 men, and the Japanese Air Force consisted of 100 aeroplanes. It was also announced that troops of the Central Chinese Government were moving north.

Just as it had advised Nanking not to intervene in the settlement of the incident of July 7th, the Japanese Government gave the Chinese Government a warning regarding the movements of its troops towards the north. Invoking the Tangku Armistice Convention of May 31st, 1933, and the Umezu-Ho-Ying-ching Agreement of June 10th, 1935, an agreement disputed by China, Japan warned the Nanking Government of the serious consequences that would follow on the despatch of its troops into Hopei.

At the end of July hostilities began in North China, at a time when local negotiations were being carried on. The Japanese occupied Peiping and Tientsin and seized the railway lines running south which connect these two cities with Central China. A new Government which favoured the Japanese influence was set up in Hopei.

The Japanese army then progressed towards the west along the railway which connects Peiping and Sui-yuen through Kalgan and Ta-tung. It also progressed along the frontier between Hopei and Chahar Province; the taking of the Nankow Pass, some 80 kilometres north-west of Peiping, facilitated the penetration of the Japanese Manchurian divisions into Inner Mongolia.

The operations of the Japanese troops in North China provoked a lively reaction in China. By the declarations of Japanese statesmen to the effect that China must give way, the emergency financial measures taken at Tokio, and the departure of the Japanese nationals resident in China, the Government and the people of China were led to the conclusion that Japan was determined to break their resistance by force of arms.

They were confirmed in this conviction, when at the end of the second week of August, the Shanghai region became a second theatre of operations, despite the efforts that were made to keep hostilities at a distance from a city in which the interests of China and those of other nations are so closely interlocked.

It will be remembered that, in 1932, the hostilities in the Shanghai region had been brought to an end by the conclusion of the Agreement of May 5th, of which Article II stipulated that the Chinese troops would remain in the positions they occupied at that date pending later arrangements upon the re-establishment of normal conditions in the area dealt with by this Agreement. The Chinese delegation to the Shanghai Conference, in accepting the Agreement, declared in particular that it was understood that "nothing in this Agreement implies any permanent restriction on the movements of Chinese troops in Chinese territory".

¹ This Japanese version is to be found in the dispatches of the Domei Newsagency. The agreement of July 11th consisted of three points:

- (1) Apology by the representatives of the 29th Army and punishment of those directly responsible;
- (2) Chinese troops to evacuate Loukouchiao and to be replaced by the Peace Preservation Corps for the purpose of keeping the Chinese troops sufficiently separated from the Japanese;
- (3) Adequate measures to be taken for curbing the activities of the Blue Shirts and Communists.

The Japanese Minister for Foreign Affairs, in a speech which he made in the Imperial Diet on September 5th, 1937, described as follows the initial incident at Shanghai on August 9th and the difficulties which occurred on the following days:

" . . . on August 9th, at Shanghai, Sub-Lieutenant Oyama and Seaman Saito, of the landing party, were murdered at the hands of the Chinese Peace Preservation Corps.

" Even then, Japan, adhering to a peaceful cause, sought to settle the affair through the withdrawal of the Peace Preservation Corps and the removal of all military works that had been erected in violation of the 1932 Truce Agreement. China refused to comply with our demands under one pretext or another, and proceeded, instead, to increase her troops and multiply her military works in the prohibited zone, and finally launched an unwarranted attack upon the Japanese.

" Thereupon, as a matter of duty, our Government despatched small naval reinforcements to Shanghai as an emergency measure to ensure the protection of our nationals in that city."

After describing the efforts of the Powers to exclude Shanghai from the zone of hostilities, M. Hirota said that " in the afternoon of August 13th, the Chinese armies that had been pouring into the Shanghai area took the offensive ".

With this version may be contrasted that contained in the Chinese Government's statement communicated to the League of Nations on August 30th.

The incident of August 9th is described as follows:

" One Japanese naval officer, one Japanese seaman, and a member of the Chinese Peace Preservation Corps were killed in a clash arising from the Japanese naval men's attempt to approach the Chinese military aerodrome near Shanghai regardless of Chinese warnings."

Recalling, moreover, the above-mentioned declaration by its representative at the time of the conclusion of the Agreement of May 5th, 1932, the Chinese Delegation, while mentioning that its Government had repeatedly ordered the local authorities of Shanghai to take special precautions against the occurrence of any untoward incident, maintains that movements of Chinese troops in Chinese territory cannot be considered as a breach of the Agreement.

The opening of hostilities at Shanghai is described by the Chinese note in these words:

" Within less than forty-eight hours, Japan concentrated about thirty warships at Shanghai, and had her armed forces there increased by several thousand. At the same time, however, demands calculated to remove or undermine Chinese defence were made on the Chinese authorities. The expected attack opened on August 13th, four days after the incident."

Since then furious fighting has been going on round Shanghai. At the beginning of July, the strength of the Japanese troops stationed in the International Settlement and on the extra-Settlement roads amounted to 4,000 men. At the end of September, under the protection of 38 Japanese warships assembled at Woosung, reinforcements had been landed which the Chinese authorities estimated at over 100,000 men.

During the last few weeks, Japan has developed her military action, not only in the Yangtse valley, where, *inter alia*, Japanese aircraft have several times bombed the capital of China, but along the Chinese coast and in the interior, where numerous aerial bombardments have been carried out.

At present, apart from the operations of the Japanese armies in North and Central China, and the raids carried out by Japanese aircraft on the ports and the cities of the interior, the Japanese fleet, while continuing to co-operate with the army, more especially before Shanghai, is patrolling the coast to prevent supplies from being brought to China by Chinese ships, a number of which have been sunk.¹

Since July 7th, faced by a growing resistance, Japan has not ceased to intensify her action, employing larger and larger forces and more and more powerful armaments. According to Chinese estimates, in addition to the 100,000 men in the Shanghai region, the strength of the Japanese troops operating in China exceeds 250,000 men.

As regards the activity of the Japanese aircraft, the Advisory Committee, in its resolution of September 27th, condemned the aerial bombardments of open towns in China. The Assembly has endorsed this resolution.²

¹ On August 25th, 1937, Vice-Admiral Hasegawa, commanding the Japanese naval forces, published the following proclamation at Shanghai:

" A blockade of the Chinese coasts from 32° 4' North and 121° 44' East to 23° 14' North and 116° 48' East, on and after 6 p.m., on August 25th, against Chinese vessels, is hereby proclaimed.

" Vessels of a third party and also Japanese vessels are free to pass the blockaded area."

On September 5th, the Tokio Navy Office announced that, from noon of that day, the entire coast of China would be closed to Chinese vessels. The port of Tsingtao and the leased territories of third Powers are excluded.

² The Assembly, at its meeting of September 30th, adopted a report of the Sixth Committee whereby the said Committee, having heard a statement from the Chinese delegate, urged that in armed conflicts artistic monuments and cultural institutions representing the high-water mark of civilisations should be spared.

II.

For the purpose of examining the facts of the present situation, it does not seem necessary to discuss the treaties regulating commercial matters and such matters as the extra-territorial status of Japanese nationals in China. There are only three main treaties which are relevant to our present purpose—namely, the Final Protocol of September 7th, 1901, the Nine-Power Treaty signed at Washington in 1922, and the Pact of Paris of 1928, to which may be added the Hague Convention No. I of October 18th, 1907,¹ which has a somewhat different character. There are, in addition to these, an indeterminate number of bilateral agreements which have been negotiated at various times locally between Chinese and Japanese authorities. The exact terms, the scope, the interpretation of the validity of these agreements are matters of dispute. They cannot affect or override the obligations undertaken by either of the parties in the three multilateral engagements referred to above.

Under the Protocol of September 7th, 1901, and annexed instruments, Japan, together with certain other Powers, is entitled to station troops at certain points in the province of Hopei, along the Peiping-Mukden Railway, for the purpose of keeping open communications between the legations in Peiping and the sea. These troops "will have the right of carrying on field exercises and rifle practice, etc., without informing the Chinese authorities, except in the case of *jeux de guerre*".

Under the Nine-Power Treaty of 1922 regarding the principles and policies to be followed in matters concerning China, the contracting Powers, other than China, agreed, *inter alia*, to respect the sovereignty, the independence and the territorial and administrative integrity of China; to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government. The contracting Powers (including China) further agreed that whenever a situation arose which, in the opinion of any one of them, involved the application of the stipulations of the Treaty and rendered desirable discussion of such application, there should be full and frank communication between the contracting Powers concerned.

Under the Pact of Paris of 1928, the parties solemnly declared in the names of their respective peoples that they condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy in their relations with one another. They further agreed that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they might be, which might arise among them, should never be sought except by pacific means.

III.

Prima facie, the events described in the first part of this report constitute a breach by Japan of her obligations towards China and towards other States under these treaties. The conduct of hostilities by Japanese forces under the circumstances described by land, water and air throughout China is *prima facie* inconsistent with an obligation to respect the sovereignty, the independence and the territorial integrity of China, and also with the obligation never to seek the solution of a dispute with China, of whatever origin or character, except by pacific means. It would seem that only if it could be shown to be a measure necessary for self-defence (including the defence of the Japanese forces and nationals lawfully upon Chinese territory) could the position of the Japanese forces in China possibly be reconciled with Japan's treaty obligations.

Among the elements by which this question can be judged must be included the official statements made by the Parties themselves as to their attitude and policy during the development of the conflict up to the present time.

The attitude of China was set out by the President of the Executive Yuan, Generalissimo Chiang Kai-shek, in a speech made on July 17th, 1937, in which he emphasised that national existence and international co-existence were the twin aims of the external policy of the Chinese National Government. . . . China was not seeking war; she was merely meeting attacks on her very existence. On the other hand, she was still seeking peace. Whether it would be peace or war depended entirely on the movements and activities of the Japanese troops. He then mentioned four points as representing the minimum considerations on the basis of which a pacific solution could be sought. These points were:

- (1) Any settlement must not contain any terms constituting an encroachment on China's sovereign rights and territorial integrity;
- (2) Any unlawful alteration in the administrative systems of the two provinces of Hopei and Chahar would not be allowed;

¹ China and Japan have signed and ratified the Hague Convention No. I of October 18th, 1907. Under Article I of that Convention, the contracting Powers, "with a view to obviating as far as possible recourse to force in the relations between States", agreed "to use their best efforts to insure the pacific settlement of international differences". The Convention recommends recourse, according to the case, to mediation, arbitration, or international commissions of inquiry.

- (3) The removal of the provincial officers appointed by the Central Government, . . . through outside pressure, would not be allowed; and
- (4) No restrictions should be imposed on the garrison districts of the 29th Route Army.

In the memorandum presented by the Chinese Foreign Office to the Japanese Embassy in Nanking on July 19th, the Chinese Government "renewed its proposal for simultaneous cessation of troop movements on both sides and mutual withdrawal of troops to their respective original positions on a date to be agreed upon by both parties". It also unequivocally stated that for the settlement of the incident the Chinese Government was prepared to accept any pacific means known to international law or treaties, such as direct negotiations, good offices, mediation and arbitration.

The general attitude of the Japanese Government towards the dispute was set forth in a statement made by the Japanese Prime Minister on July 27th, when, in answer to a question in the Diet, he said:

"Japan has no territorial ambitions whatever in China. If she had such designs as the Chinese professed, the army might already have occupied the whole of North China. Surely the Chinese Government and the Powers realise this. Japan wants Chinese co-operation, not Chinese territory. By co-operation, I do not mean that Chinese interests are to be subordinated to those of Japan, but that the two countries should contribute on a basis of equal mutual assistance to the development of Far-Eastern culture and prosperity."

In his speech before the Diet of September 5th, M. Hirota, the Minister for Foreign Affairs, declared that the policy of the Japanese Government had been one of local settlement and non-aggravation and that the Japanese Government had exerted every effort to effect a speedy solution.

On September 15th, the spokesman of the Japanese Foreign Office declared that the Japanese Government, in accordance with the policy of local settlement and non-aggravation, had done everything to arrive at a speedy settlement.

Statements such as these appear to show that both sides believe that at an early stage of events the incident could have been localised and a pacific solution found. This result, however, proved unattainable.

It is noteworthy that Japanese official statements declare that it was the movements of Chinese troops and the aggressive intentions of the Chinese Government which frustrated the pacific intentions of the Japanese Government. Chinese official statements, on the other hand, bring exactly the same charge against Japan—namely, that it is the invasion of Japanese troops and the aggressive intentions of the Japanese Government that have swelled a local incident into a great catastrophe.

At a comparatively early stage, it began to appear that Japan, in addition to reaching a local settlement, was also determined to obtain a settlement of all the questions at issue between China and Japan.

On the evening of July 11th, a statement prepared at the Cabinet meeting earlier in the day was issued by the Japanese Foreign Office. The effect of the statement was that, though anxious to maintain peace and order in North China, the Japanese Government intended to take all necessary measures for despatching military forces to that region.

On July 27th, Prince Konoye made a speech in which the following statement occurred:

"I think that not only must problems with China be settled locally but also we must go a step farther and obtain a fundamental solution of Sino-Japanese relations."

M. Hirota said in the Diet on September 5th that "it is hardly necessary to say that the basic policy of the Japanese Government aims at the stabilisation of relations between Japan, 'Manchukuo' and China, for their common prosperity and well-being. Since China, ignoring our true motives, has mobilised her vast armies against us, we cannot do otherwise than counter the mobilisation by force of arms. . . . We firmly believe that it is in accordance with the right of self-defence as well as with the cause of righteousness that our country is determined to deal a decisive blow to such a country (China), so that it may reflect upon the error of its ways. . . . The sole recourse open to the Japanese Empire is to administer the foregoing blow to the Chinese army, so that it may lose completely its will to fight."

On the Chinese side, Generalissimo Chiang Kai-shek issued a statement on July 30th, containing the following observations:

"The declaration I made at Kuling and the minimum four conditions laid down by me for the settlement of the Loukouchiao affair are unalterable. It is out of the question that, having reached this crucial juncture, we could still consider the situation of Peiping and Tientsin as a matter for local settlement, or that the Japanese army could be tolerated to run rampant in the North or to set up another puppet government there. The only course

open to us now is to lead the masses of the nation, under a single national plan, to struggle to the last. In short, the Government's policy *vis-à-vis* Japanese aggression remains the same and has not changed. It is to preserve China's territorial integrity and political independence."

The Japanese Government has on a number of occasions stated its desire for a peaceful settlement and for harmonious co-operation between Japan and China. It has, however, insisted throughout that this result must be achieved by China and Japan alone, without any interference from third parties. Thus, in reply to a suggestion in the Budget Committee of July 29th that the Governments should make a firm statement to forestall the intervention of third Powers, the Japanese Minister for Foreign Affairs replied that he did not anticipate intervention, and that were any such proposals to be made, the Government would not fail to reject them.

Further, in his telegram of September 25th declining the Advisory Committee's invitation to take part in its work, M. Hirota declared that as regards the settlement of the present affair the Imperial Government, as it has stated on many occasions, is firmly convinced that a just, equitable and practical solution of the questions concerning Japan and China can be found by the two countries.

As regards the attitude of China, reference may be made to the statements made to the Assembly and the Committee by the Chinese Delegation. There seems no reason to doubt that the memorandum of July 19th, which has already been quoted, continues to represent the policy of the Chinese Government.

IV.

CONCLUSIONS.

It is clear that the two countries take very different views as to the underlying grounds of the dispute and as to the incident which led to the first outbreak of hostilities.

It cannot, however, be challenged that powerful Japanese armies have invaded Chinese territory and are in military control of large areas, including Peiping itself; that the Japanese Government has taken naval measures to close the coast of China to Chinese shipping; and that Japanese aircraft are carrying out bombardments over widely separated regions of the country.

After examination of the facts laid before it, the Committee is bound to take the view that the military operations carried on by Japan against China by land, sea and air are out of all proportion to the incident that occasioned the conflict; that such action cannot possibly facilitate or promote the friendly co-operation between the two nations that Japanese statesmen have affirmed to be the aim of their policy; that it can be justified neither on the basis of existing legal instruments nor on that of the right of self-defence, and that it is in contravention of Japan's obligations under the Nine-Power Treaty of February 6th, 1922, and under the Pact of Paris of August 27th, 1928.

VI.

A.80.1937.VII.

SECOND REPORT OF THE SUB-COMMITTEE OF THE FAR-EAST ADVISORY COMMITTEE, ADOPTED BY THE COMMITTEE ON OCTOBER 5TH AND BY THE ASSEMBLY ON OCTOBER 6TH, 1937.

1. In the report which the Sub-Committee has already submitted to the Advisory Committee,¹ the facts of the present situation in China and the treaty obligations of Japan have been examined. That report shows that the action taken by Japan is a breach of Japan's treaty obligations and cannot be justified.

2. The establishment of the understandings of international law as the actual rule of conduct among Governments and the maintenance of respect of treaty obligations in the dealings of organised peoples one with another are matters of vital interest to all nations.

3. The present situation in China is a matter of concern not only to the two States in conflict but, to a greater or lesser degree, to all States. Many Powers are already directly affected in the lives of their nationals and in their material interests. But even more important than this is the interest which all States must feel in the restoration and maintenance of peace. This, indeed, is the fundamental purpose for which the League exists. It has thus the duty as well as the right to attempt to bring about a speedy restoration of peace in the Far East, in accordance with existing obligations under the Covenant and the treaties.

4. The Sub-Committee has considered in the first place the obligations which the Covenant places in such circumstances upon Members of the League.

5. The Advisory Committee has been set up under the wide terms of Article 3 (3) of the Covenant, which authorises the Assembly to deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

6. This Article places no limit upon the action of the Assembly, and Article II which, *inter alia*, has been invoked by China provides that "the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations".

7. The Sub-Committee has examined the situation with a view to determining what action would be "wise and effectual".

8. It cannot be admitted that the present conflict in the Far East, which has been shown to involve an infringement of Japan's treaty obligations, is one which can as of right only be settled by direct methods between the Chinese and Japanese Governments. On the contrary, the whole situation must be taken into the fullest consideration and in particular any appropriate means by which peace may be re-established, in conformity with the principles of the Covenant and of international law and with the provisions of existing treaties, must be examined.

9. The Sub-Committee is convinced that even at this stage of the conflict, before examining other possibilities, further efforts must be made to secure the restoration of peace by agreement.

10. In attempting a settlement, by negotiation, of the present conflict, the League cannot lose sight of the fact that one party is not a member of the League and has, in relation to the work of the Advisory Committee, explicitly declined to co-operate in political matters with the League.

11. The Sub-Committee notes that under the Nine-Power Treaty signed at Washington, the contracting Powers, other than China, agreed, *inter alia*, to respect the sovereignty, the independence, and the territorial and administrative integrity of China, and that all contracting Powers, including China, agreed that, whenever a situation should arise which involved the application of the stipulations of the Treaty and rendered desirable the discussion of such application, there should be full and frank communication between the Powers concerned. It appears, therefore, to the Sub-Committee that the first step which the Assembly should take, in the name of the League, would be to invite those Members of the League who are parties to the Nine-Power Treaty to initiate such consultation at the earliest practicable moment. The Sub-Committee would suggest that these Members should meet forthwith to decide upon the best and quickest means of giving effect to this invitation. The Sub-Committee would further express the hope that the States concerned will be able to associate with their work other States which have special interests in the Far East to seek a method of putting an end to the conflict by agreement.

¹ See page 37.

12. The States thus engaged in consultation may at any stage consider it desirable to make proposals through the medium of the Advisory Committee to the Assembly. The Sub-Committee recommends that the Assembly should not close its session and should declare the League's willingness to consider co-operation to the maximum extent practicable in any such proposals. The Advisory Committee should in any case hold a further meeting (whether at Geneva or elsewhere) within a period of one month.

13. Pending the results of the action proposed, the Advisory Committee should invite the Assembly to express its moral support for China and to recommend that Members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China.

VII.

INVITATION¹ ADDRESSED BY THE PRESIDENT OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY TO THE MEMBERS OF THE LEAGUE WHO ARE PARTIES TO THE NINE-POWER TREATY (SIGNED AT WASHINGTON ON FEBRUARY 6TH, 1922) IN ACCORDANCE WITH THE ASSEMBLY RESOLUTION OF OCTOBER 6TH, 1937.

I. COMMUNICATION, DATED OCTOBER 6TH, 1937, FROM THE PRESIDENT OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY TO THE MEMBERS OF THE LEAGUE WHO ARE PARTIES TO THE NINE-POWER TREATY.

Geneva, October 6th, 1937.

By a resolution of October 6th, 1937, the Assembly of the League of Nations adopted two reports submitted to it by its Advisory Committee regarding the dispute which is the subject of the appeal made to the League by the Chinese Government.

The resolution and reports in question are reproduced in documents A.78.1937, A.79.1937, and A.80.1937, enclosed.

As you will see, the second report (document A.80.1937) contains the following paragraph:²

"The Sub-Committee notes that under the Nine-Power Treaty signed at Washington, the contracting Powers, other than China, agreed, *inter alia*, to respect the sovereignty, the independence, and the territorial and administrative integrity of China, and that all contracting Powers, including China, agreed that, whenever a situation should arise which involved the application of the stipulations of the Treaty and rendered desirable the discussion of such application, there should be full and frank communication between the Powers concerned. It appears, therefore, to the Sub-Committee that the first step which the Assembly should take, in the name of the League, would be to invite those Members of the League who are parties to the Nine-Power Treaty to initiate such consultation at the earliest practicable moment. The Sub-Committee would suggest that these Members should meet forthwith to decide upon the best and quickest means of giving effect to this invitation. The Sub-Committee would further express the hope that the States concerned will be able to associate with their work other States which have special interests in the Far East, to seek a method of putting an end to the conflict by agreement."

In conformity with the aforementioned resolution, I have the honour, in the name of the League of Nations, to address to your Government the invitation contemplated in the paragraph quoted above.

(Signed) AGA KHAN,
President of the Assembly.

C.475.M.317.1937.VII.

2. REPLY, DATED OCTOBER 8TH, 1937, FROM THE CHINESE GOVERNMENT TO THE PRESIDENT OF THE EIGHTEENTH ORDINARY SESSION OF THE ASSEMBLY.

Nanking, October 8th, 1937.

I have been apprised of the invitation extended by Your Excellency, in pursuance of the resolution adopted by the Assembly on October 7th, to the Chinese Government to initiate with other signatories of the Nine-Power Treaty consultation regarding the situation arising out of the aggressive action of Japanese armed forces in China.

The Chinese Government gladly accepts this invitation and expresses the hope that, as Japan's armed invasion of China is proving more and more disastrous in its effects with the passing of every day, the Powers concerned will lose no time in proceeding with such consultation as is contemplated and adopt most useful and effective measures to put immediate end to the conflict. — WANG CHUNG HUI.

¹ The letter of invitation was addressed to the following Governments: the Union of South Africa, Australia, Belgium, Bolivia, the United Kingdom, Canada, China, Denmark, France, India, Italy, Mexico, Netherlands, New Zealand, Norway, Portugal, and Sweden.

² See page 43.

VIII.

COMMUNICATIONS RECEIVED BY THE SECRETARIAT IN
CONNECTION WITH THE SINO-JAPANESE CONFLICT.

A. FROM THE CHINESE GOVERNMENT.

A.41.1937.VII.

I. COMMUNICATION, DATED SEPTEMBER 20TH, 1937, TRANSMITTING A MESSAGE
TO THE ASSEMBLY FROM DR. W. W. YEN, CHAIRMAN OF THE CHINA INSTITUTE
OF INTERNATIONAL RELATIONS.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to distribute the following telegraphic message to the Assembly from Dr. W. W. Yen, Chairman of the China Institute of International Relations.

Shanghai, September 13th, 1937.

Since the dawn of her civilisation, China has always cherished the ideal of a peaceful world order. Her belief in living at peace with all her neighbours was not able to be shaken even when Japan launched in 1931 the series of invasions upon Manchuria and elsewhere.

During the past six years, while China was endeavouring to arrive at an amicable settlement and a fundamental readjustment of her relations with Japan, the Japanese militarists have relentlessly sought to carry out their programme of encroachment upon Chinese territory. Now that a large part of North China, including Peiping and Tientsin, has been forcibly occupied by the Japanese and that their military operations are extended to Shanghai and its vicinity, the existence of China as a State is seriously menaced. In order to defend her territorial integrity and political independence, the Chinese people and Government have no other alternative but to resist their invaders even at great sacrifice. The war activities of Japan not only have terrifically disturbed the stability of Eastern Asia, but will have serious repercussions in the other parts of the world.

The undersigned therefore appeals to you to take immediately the most effective measures within the competence of the League Covenant to curb Japanese aggression, so that the system of collective security in the Far East may be preserved and the peace of the world may be maintained.

(Signed) W. W. YEN,
China Institute of International
Relations, Shanghai.

C.397.M.261.1937.VII.

2. COMMUNICATION, DATED SEPTEMBER 21ST, 1937.

Geneva, September 21st, 1937.

I have the honour to inform you that, as a further proof of acts of wanton destruction and terrorisation on the part of the Japanese forces, and in utter disregard of all rules of international law, the Japanese third fleet announced their intention to bomb from the air on a large scale Nanking, the capital of the Republic of China, in addition to the almost daily raids previously carried out in the past six weeks, and notified all the embassies and legations of the various Powers to that effect, at the same time demanding the evacuation of the foreign diplomatic and consular officials and residents before noon, September 21st.

Even before the specified date, however, a number of intensive raids were carried out on Nanking on the 19th and 20th. In the course of the attacks on the 20th, about eighty warplanes took part in the raid, causing an appalling loss of civilian life and property.

It is needless to add that if such indiscriminate air attacks on the capital of a country, as such, were to be tolerated, a most dangerous precedent would be created in the practice of aerial warfare.

I shall feel obliged if you will transmit this note at once to the Advisory Committee for consideration; with a view to taking urgent measures to stop such illegal and inhuman practice, and circulate it to the Members of the Council and the Assembly for their information.

*(Signed) V. K. Wellington Koo,
Representative of China on the Council
and First Delegate to the Assembly.*

C.430.M.293.1937.VII.

3. COMMUNICATION, DATED SEPTEMBER 24TH, 1937.

Geneva, September 24th, 1937.

I have the honour to send you some further information concerning the wanton bombardment of Nanking, Canton and Soochow by Japanese warplanes in the last few days as follows:

1. On September 20th, the railway-station of Soochow was reduced to shambles as a result of a Japanese air raid at 4 p.m. Twenty bombs were dropped, killing and wounding a large number of refugees, mostly women and children, awaiting trains to leave the city. On the same day, numerous bombs were dropped at seven places within the city of Nanking. Fifteen civilians were killed and sixteen injured. Fifty private houses were destroyed. Japanese planes also made numerous reconnoitring flights over Shantung during the last two days, foreshadowing the further extension of bombing operations in North China.

2. On September 22nd, flying from their base in Shanghai, a large number of Japanese planes raided Nanking at 10.30 a.m. Over thirty planes were counted as they passed Wusih. Twenty-four planes actually reached the city, dropping a large number of bombs. The raid lasted an hour and a half, during which the city rocked with bomb explosions and anti-aircraft and machine-gun fire. Four raiders were shot down, one at Pukow and another at Hsiakuan outside Nanking. The extent of the casualties and of damage is great, especially among the civilian population and dwellings. Less than an hour after the first attack, a group of about a dozen planes again raided Nanking. The bombs dropped fell mostly in the Hsiakuan district. One improvised shelter for local inhabitants was smashed and over one hundred people who had sought safety therein were instantly killed.

3. Since September 22nd, the Japanese have been making daily and nightly air raids on the densely populated areas of Canton, the great city of south China, deliberately wiping out numerous dwellings and places which were entirely of no military importance, and killing or wounding thousands of civilians.

I shall feel obliged if you will transmit this note to the Advisory Committee as well as to the Members of the Council and the Assembly for their information and consideration.

*(Signed) V. K. Wellington Koo,
Representative of China on the Council
and First Delegate to the Assembly.*

C.431.M.295.1937.VII.

4. COMMUNICATION, DATED SEPTEMBER 26TH, 1937.

Geneva, September 26th, 1937.

I have the honour to inform you that the Japanese air force, entirely ignoring the protests of the Governments of the various friendly Powers as well as the world-wide exhortations against indiscriminate aerial attacks, has replied with even more intensified bombings on open cities and towns in China, with the result that civilian casualties are being daily increased by hundreds and in certain cases even thousands. The facts are briefly as follows:

1. On September 23rd, the residential and business sections of the city of Canton were bombed in three successive raids, resulting in a very heavy toll of death amongst the civilian

population. Although the list of casualties has not been completed, already two thousand of the killed, wounded or maimed have been counted.

2. On the same day, over one hundred Japanese warplanes took part in a series of raids over a number of other cities, including Nanchang, in Kiangsi Province, Yenchow and Tsinin in Shangtung Province, and Kiangyin, Hsuehchow and Haichow, in Kiangsu Province. About fifty machines were employed in the raid on Kiangyin, where twenty bombs were dropped.

3. On September 24th, the two cities of Hankow and Wuchang, in Hupeh Province, were bombed by twenty-one bombers, killing and wounding over five hundred civilians, as a large number of bombs were dropped on the densely populated districts.

4. On the same day, twelve bombers and ten pursuit planes visited Nanchang, dropping bombs and causing a dozen of civilian casualties.

5. At the same time, many points along the Tientsin-Pulow railway were also bombed. Twelve planes attacked the vicinity of Lienyunkang, eastern terminus of the Lunghai railway and dropped numerous bombs on the railway building.

6. On the 24th, Canton was again raided, resulting in the destruction of a part of the Chungshan Memorial Hall.

7. On the 25th, resuming the attempt to destroy Nanking after an interruption of two days, a large number of Japanese planes again raided the capital at 9.45 in the morning. The raiders were engaged by the Chinese combat planes outside Nanking, but thirty-one of them succeeded in reaching the city in two groups. Bombs dropped mostly fell on the densely populated districts of Hsiakuan and Futsemiao. Four raiders were shot down in flames by anti-aircraft shells.

8. Between 12.30 and 16 o'clock on the same day, the Japanese planes made two more raids on Nanking, with the National Health Administration and the Central Hospital as their principal targets. Fifteen bombs were landed on the compounds of the hospital and the Health Administration, with the result that the latter was badly damaged while the kitchen of the hospital was destroyed. The patients are being evacuated by the hospital authorities. The offices of the Central News Agency and the neighbouring houses were wrecked, resulting in the killing and wounding of a large number of civilians. The power station at Hsiakuan was also damaged.

9. At 10.10 this morning, two Japanese monoplanes flew low over Kwangteh, in Anhwei Province, and dropped two bombs before they left. These two Japanese planes had the Chinese national emblem distinctly painted on their wings, betraying a sinister intention to shift responsibility to China in the event that damage should be caused to life and property belonging to foreign nationals.

I shall feel obliged if you will transmit this note to the Advisory Committee as well as to the Members of the Council and the Assembly for their information and consideration.

(Signed) V. K. Wellington Koo,
*Representative of China on the Council
and First Delegate to the Assembly.*

C.466.M.311.1937.VII.

5. COMMUNICATION, DATED OCTOBER 3RD, 1937.

Geneva, October 3rd, 1937.

In continuation of the notes which I had the honour to address to you on September 21st, 24th, and 26th,¹ I now have the honour to inform you of the following facts:

1. Belated reports from Chingyuen, in the interior of Kwangtung Province, stated that over two hundred civilians were killed and wounded on September 26th, when three Japanese planes bombed that defenceless city.

2. On the same day, Nanking was again subjected to aerial bombardment by Japanese warplanes, resulting in killing and wounding at least 600 civilians.

3. On September 27th, when the German liner *Scharnhorst* called at Hong-Kong, it was revealed that on September 22nd a Japanese submarine had attacked twelve Chinese fishing-junks off Cheelengkau point, with the result that only ten survivors of the total crew of over 300 fishermen

¹ See Communications Nos. 2, 3 and 4 above.

were picked up by the liner and landed at Hong-Kong. Those who perished included the wives and children of the fishermen. Two days later, two more of the fishermen, who were rescued by the steamer *Katming*, of the Butterfield and Swire Co., also arrived at Hong-Kong.

4. On September 27th, a further number of fishing-junks were attacked off Kwangtung coast and destroyed by armed pinnaces, which were lowered from three Japanese destroyers, again resulting in the drowning of several hundreds of fishermen with whom were a large number of women and children who lived with their bread-earners aboard the fishing-craft.

5. On September 28th, twelve Japanese planes raided Nanking at noon and dropped some fifty bombs.

6. On the same day, at 1 o'clock p.m., fifteen Japanese bombers visited Wuhu and rained down no less than one hundred bombs, setting fire to many houses and killing a large number of civilians.

7. On September 29th, Canton experienced four air raids, while other cities raided included Hsuehchow and Tsingkiangpu, in Kiangsu Province.

I have the honour to emphasise the fact established above that the Japanese air force has been continuing its indiscriminate attacks on Chinese cities, in disregard of the appeal contained in the resolution adopted by the Advisory Committee on September 27th and by the Assembly the following day,¹ solemnly condemning such acts.

I shall feel obliged if you will transmit this note to the Advisory Committee as well as to the Members of the Council and the Assembly for their information and consideration.

(Signed) V. K. Wellington Koo,
Representative of China on the Council
and First Delegate to the Assembly.

C.478.M.319.1937.VII.

6. COMMUNICATION, DATED OCTOBER 13TH, 1937.

[Translation.]

Geneva, October 13th, 1937.

In continuation of the notes addressed to you by His Excellency the Ambassador V. K. Wellington Koo, I have the honour to bring to your notice the following facts which have occurred since the last Chinese communication of October 3rd,² and to request you to transmit them to the Members of the Assembly, the Council and the Advisory Committee:

October 3rd. — During an attack on the Lotien front, the Japanese troops used poison gas.

October 4th. — Wusih was bombed and another attempt was made to bomb Nanking.

During the night of October 4th-5th, the Japanese again used gas in the Lotien-Liuhsang sector. Of the fifty Chinese soldiers affected, twenty-one died, six are in a critical state and others are still unconscious. The enquiry further showed that Japanese tactics consist in using gases mixed with sternutatory gases.

On the same front, the Japanese have dum-dum bullets.

October 6th. — In the morning of October 6th, Nanking and Wuhu were again bombed. A further attempt to bomb Nanking during the afternoon failed. On the same day, some thirty bombs were dropped on Wusih; about a thousand civilians were killed or wounded; many houses were destroyed.

On the same day, the Japanese used gas in the Lotien sector for the third time.

October 7th. — On the Shanghai front, the Japanese heavily bombarded the districts lying behind the fighting-lines; many inhabitants of the surrounding villages were killed.

October 8th. — At Chapei, the Japanese used flame-projectors. A number of raids by Japanese aeroplanes took place along the Canton-Hankow railway line, where thirty Japanese aeroplanes dropped about sixty bombs near Hokiang station. Two villages were destroyed and about a hundred peasants killed. Another small town situated near the same station was bombed; many shops were destroyed and 150 civilians were killed or wounded.

On the same line, Hsiao-Ping was also bombed, but the losses and damage, which are believed to be considerable, are not yet known.

At Shaokwan (province of Kwangtung), which was bombed on the same day, there were between 200 and 300 casualties.

On the same day, three raids were made on Canton; there were 150 casualties.

¹ See pages 16 and 27.

² See above.

On October 8th also, ten bombs were dropped on Soochow railway-station; three wagons were destroyed and a large number of persons killed.

About thirty bombs were dropped on Wusih railway-station on the same day. Three carriages of the Peiping-Shanghai train were destroyed, together with one carriage of another train; about fifty passengers were killed. Several commercial buildings were destroyed; there was heavy loss of life.

October 9th. — At Wentsaopang Creek, on the Shanghai front, the Japanese used tear gas.

October 10th. — At Wentsaopang Creek, the Japanese again used gas, which caused the death of twenty-four Chinese soldiers.

October 11th. — Again, in the district of Wentsaopang Creek, the Japanese used cylinders containing poison gas.

October 12th. — Japanese aeroplanes fired with machine-guns, in the non-military district of Ming-Hong, on a British embassy car containing the British military attaché, a Soviet official and an American. The car had the Union Jack painted on the roof.

I venture to draw attention to the violation by Japan of all the international Conventions prohibiting the use of poison gas and dum-dum bullets, together with the complete disregard by the Japanese air forces of the Assembly resolution condemning bombing from the air.

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

C.478.M.319.1937.VII.

7. COMMUNICATION, DATED OCTOBER 13TH, 1937.

[*Translation.*]

Geneva, October 13th, 1937.

Further to my letter No. 329/937 of even date, I have the honour to forward herewith the text of a statement signed by the Chief Medical Officer of the Red Cross Hospital in Nanking, by Dr. E. F. Ettinger and by Dr. Borcic, representing the Health Organisation of the League in China. This statement affords positive proof of the use of poison gas by the Japanese on the Shanghai sector.

The medical officers named above examined three patients admitted to the general Red Cross Hospital at Nanking, in whom poisoning by gas had been diagnosed, and reported as follows:

“ The patients show marked symptoms of conjunctivitis accompanied by photophobia; they are covered with phlyctenæ varying in diameter between 0.2 and 5 centimetres. Some phlyctenæ are now beginning to dry, while others show signs of secondary infection and ulceration. Most of the lesions are of a copper colour, although some show black discoloration. Permanent hoarseness of the voice is present. Two of the patients show œdema of the eyelids and continuous watering of the eyes, while one was admitted with marked bronchial pneumonia.

“ The patients show no wounds; they state that some three to four hours after an enemy bombardment by artillery and aircraft they experienced a burning sensation over the entire body, while their eyes began to sting and to water. The youngest of the three soldiers in question began to feel pain one hour after the bombardment.

“ The clinical examination and findings have convinced us that these patients are suffering from the effects of a vesicant agent, probably of the mustard-gas group, released by means of gas bombs or shells, but that this agent was much diluted when it acted upon them.”

I would ask that you be so good as to bring this statement to the notice of the Members of the Assembly, the Council and the Advisory Committee for information and examination.

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

C.525.M.364.1937.VII.

8. COMMUNICATION, DATED OCTOBER 27TH, 1937.

[Translation.]

Geneva, October 27th, 1937.

I have the honour to inform you that since my last communication, dated October 13th,¹ the Japanese have continued to bomb indiscriminately Chinese towns in the interior and the civilian population, and to destroy Chinese fishing-junks, thus rendering destitute tens of thousands of non-combatants.

October 13th. — The Chinese Fishermen's Association of Hong-Kong informed the Chinese Government by a telegram dated this day that, during the month of September, two hundred fishing-junks were destroyed along the coast of Kwangtung and five hundred persons perished. Only three hundred members of the crews of the junks destroyed by the Japanese were saved.

On that same day, Japanese sailors who had landed on the island of Toomaotao (off the promontory of Shantung) destroyed thirty fishing-vessels.

A telegram from Shanokuan (province of Kwangtung), dated October 13th, stated that about fifty large bombs were dropped on that town during the previous days; hundreds of houses and shops were completely destroyed.

On the Shanghai front, the Japanese again employed, on October 13th, their usual tactics, consisting in bombing villages in the rear; the number of casualties among civilians caused by these bombardments is considerable.

On that day and the following days, the Japanese bombed the civilian districts of Wusih several times. The Chingfong spinning-mill, one of the most important Chinese spinning-mills, was destroyed by Japanese bombs; several workmen were killed or injured.

October 15th. — Japanese aircraft bombed the Hangchow railway-station. The civilian population suffered severely and serious injury was caused to British interests.

October 16th. — The Japanese extended their bombardments to a new province—namely, Kwangsi.

A group of large Japanese aircraft made a raid over Kweilin, the capital of that province, dropping about twenty bombs, six of which exploded in the town, killing fifty-three persons and injuring about two hundred. In the suburbs, the number of victims amounts to three hundred.

Japanese aircraft also bombed Wuchow (on the frontier of the provinces of Kwangsi and Kwangtung), where eleven bombs were dropped, destroying sixteen houses and a large number of vessels lying in the river Sikang. The number of casualties is estimated at about one hundred.

On the same day, twenty other unprotected towns were bombed. At Tsengshen, east of Canton, the number of victims reached three hundred and the losses are considerable.

Again, on October 16th, seven bombs were dropped on Kasha, a station on the Shanghai-Hangchow railway line, at which a refugee train and a train carrying wounded soldiers had stopped. The Red Cross emblem was very visibly painted on the carriages bombed by the Japanese. The refugees and wounded soldiers who were endeavouring to shelter from the bombs were machine-gunned by the Japanese aircraft firing from a very low altitude; forty persons were hit.

On the Shanghai front, the Japanese again bombed the villages behind the zone of hostilities, and the inhabitants who were seeking safer shelter were machine-gunned by the Japanese.

October 17th. — The Japanese bombed Kashing station, on the Shanghai-Hangchow line. The station buildings were slightly damaged.

October 18th. — Japanese bombardments destroyed over thirty houses belonging to peasants in the village of Hungjao, where the defenceless rural population was fired on with machine-guns by the Japanese airmen.

On the same day, the stations of Yehsah and Chachang (on the Shanghai-Hangchow-Ningpo railway line) were bombed. Thirty-two persons were killed or wounded in this region, where there are no military forces or depots.

October 20th. — The Japanese bombed and machine-gunned the stations of Pingwang, Pa-tse, and Ming-hsing-chiao (on the Hangchow-Ningpo railway line), causing considerable losses to the civilian population.

October 22nd. — A passenger-train was bombed at the Sungkian station at Soochow.

¹ See Communication No. 7 above.

October 24th. — In the western suburbs of Shanghai, a very large number of civilians and a British soldier were killed by the Japanese aerial bombardment.

October 26th. — Kashing station was again bombed and numerous civilians were killed.

I should be glad if you would communicate these facts to the Members of the Council, the Assembly, and the Advisory Committee, for information and consideration.

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

B. FROM THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

Com.Cons./Requête chinoise/3.

I. COMMUNICATION, DATED SEPTEMBER 20TH, 1937, FROM THE UNITED STATES MINISTER AT BERNE TO THE SECRETARY-GENERAL.

Geneva, September 20th, 1937.

I am instructed by my Government to inform you that I have been authorised to attend the meeting of the Advisory Committee summoned for Tuesday, September 21st, in the same capacity and for the same purposes as those in and for which Mr. Hugh Wilson previously attended, which were indicated in a communication¹ from Mr. Wilson to Sir Eric Drummond dated March 12th, 1933.

The American Government recalls that the Advisory Committee was created subsequent to and on the basis of a major decision in the field of policy arrived at by the Assembly in regard to a matter referred by the Council to the Assembly. In the understanding of the American Government, the Advisory Committee was created to aid the Members of the League in concerting their action and their attitude among themselves and with non-member States for the carrying-out of policy recommended by the League. At present, until the American Government is informed regarding the functions which the League will expect the Committee to perform, it is impossible for the American Government to say to what extent it will be able effectively to co-operate. In order that there may be no misunderstanding in regard to the American Government's position and no confusion or delay flowing from uncertainty, the American Government feels constrained to observe that it cannot take upon itself those responsibilities which devolve from the fact of their membership upon Members of the League. It assumes that Members of the League will arrive at their common decisions in regard to policy and possible courses of action by and through normal League procedure. The American Government, believing thoroughly in the principle of collaboration among States of the world seeking to bring about peaceful solutions of international conflicts, will be prepared to give careful consideration to definite proposals which the League may address to it but it will not, however, be prepared to state its position in regard to policies or plans submitted to it in terms of hypothetical enquiry.

(Signed) Leland HARRISON,
American Minister.

Appendix.

LETTER, DATED MARCH 12TH, 1933, FROM THE UNITED STATES MINISTER AT BERNE TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Berne, March 12th, 1933.

With reference to your letter of February 24th, by which you were good enough to transmit to the Secretary of State of the United States an invitation to co-operate with the Advisory Committee set up under the terms of the resolution of February 24th of the Assembly of the League of Nations, I append hereto the reply of the Secretary of State, dated March 11th, which I have just received by cable.

(Signed) Hugh R. WILSON,
American Minister.

¹ Note by the Secretary-General. — This communication is annexed to the present document.

REPLY OF THE SECRETARY OF STATE OF THE UNITED STATES TO THE SECRETARY-GENERAL.

Washington, March 11th, 1933.

I have the honour to acknowledge the receipt of your letter of February 25th, 1933, enclosing the text of a resolution adopted on February 24th by the Assembly of the League of Nations providing for the appointment of an Advisory Committee. You inform me that the Advisory Committee set up under the terms of this resolution held a meeting on February 25th and requested, in accordance with instructions of the Assembly, that you convey to the Government of the United States an invitation to co-operate in its work.

In reply, I am happy to inform you that the American Government is prepared to co-operate with the Advisory Committee in such manner as may be found appropriate and feasible. As it is necessary that the American Government exercise independence of judgment with regard to proposals which may be made and/or action which the Advisory Committee may recommend, it would seem that appointment by it of a representative to function as a member of the Committee would not be feasible. However, believing that participation by a representative of this Government in the deliberations of the Committee would be helpful, I am instructing the American Minister to Switzerland, Mr. Hugh R. Wilson, to be prepared to participate, but without right to vote, if such participation is desired.

(Signed) Cordell HULL.

A.81.1937.VII.

2. COMMUNICATION, DATED OCTOBER 7TH, 1937, FROM THE UNITED STATES MINISTER AT BERNE TO THE SECRETARY-GENERAL.

Geneva, October 7th, 1937.

I take pleasure to transmit to you herewith copy of the text of a public statement issued by the Secretary of State yesterday.

(Signed) Leland HARRISON.

* * *

Washington, October 6th, 1937.

The Department of State has been informed by the American Minister to Switzerland of the text of the report adopted by the Advisory Committee of the League of Nations setting forth the Advisory Committee's examination of the facts of the present situation in China and the treaty obligations of Japan.¹ The Minister has further informed the Department that this report was adopted and approved by the Assembly of the League of Nations to-day, October 6th.

Since the beginning of the present controversy in the Far East, the Government of the United States has urged upon both the Chinese and the Japanese Governments that they refrain from hostilities and has offered to be of assistance in an effort to find some means, acceptable to both parties to the conflict, of composing by pacific methods the situation in the Far East.

The Secretary of State, in statements made public on July 16th and August 23rd, made clear the position of the Government of the United States in regard to international problems and international relationships throughout the world and as applied specifically to the hostilities which are at present unfortunately going on between China and Japan. Among the principles which, in the opinion of the Government of the United States, should govern international relationships, if peace is to be maintained, are abstinence by all nations from the use of force in the pursuit of policy and from interference in the internal affairs of other nations; adjustment of problems in international relations by process of peaceful negotiation and agreement; respect by all nations for the rights of others and observance by all nations of established obligations; and the upholding of the principles of the sanctity of treaties.

On October 5, at Chicago, the President elaborated these principles, emphasising their importance, and in a discussion of the world situation pointed out that there can be no stability or peace either within nations or between nations except under laws and moral standards adhered to by all; that international anarchy destroys every foundation for peace; that it jeopardises either the immediate or the future security of every nation, large or small; and that it is therefore of vital interest and concern to the people of the United States that respect for treaties and international morality be restored.

In the light of the unfolding developments in the Far East, the Government of the United States has been forced to the conclusion that the action of Japan in China is inconsistent with the principles which should govern the relationships between nations and is contrary to the provisions of the Nine-Power Treaty of February 6th, 1922, regarding principles and policies to be followed in matters concerning China, and to those of the Kellogg-Briand Pact of August 27th, 1928. Thus the conclusions of this Government with respect to the foregoing are in general accord with those of the Assembly of the League of Nations.

¹ See page 35.

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