

**MICROCOPY**

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**16**

**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

Microfilm Publication M976

RECORDS OF THE DEPARTMENT OF STATE  
RELATING TO POLITICAL RELATIONS  
BETWEEN CHINA AND JAPAN, 1930-1944

Roll 16

1930-39

793.94/4831-4870  
Mar. 1932



**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1975

## NATIONAL ARCHIVES MICROFILM PUBLICATIONS

### INTRODUCTION

On the 96 rolls of this microfilm publication are reproduced the records from the decimal file of the Department of State, 1930-44, that relate to political relations between China and Japan. The records are mostly instructions to and despatches from diplomatic and consular officials; the despatches are often accompanied by enclosures. Also included in these records are notes between the Department of State and foreign diplomatic representatives in the United States, memorandums prepared by officials of the Department, and correspondence with officials of other Government departments and with private firms and persons. The State Department divided the decimal file into chronological segments to retire inactive records. This division has been maintained in this microfilm publication. The records for the period 1930-39 are filmed on rolls 1-88 and those for 1940-44 on rolls 89-96.

The Lists of Documents or "purport lists" filmed on rolls 345 and 346 (1930-39), roll 532 (1940-June 1944), and roll 628 (July-Dec. 1944) of M973 give brief abstracts of the documents reproduced in this microfilm publication and serve as a finding aid to the documents themselves. The arrangement of the entries on these lists generally corresponds to the arrangement of the documents in the file.

From 1910 to 1963 the State Department used a decimal system for its central files, assembling and arranging individual documents according to subject and assigning decimal file numbers. The decimal file consists of nine primary classes numbered 0 through 8, each covering a broad subject area. The records reproduced in this microfilm publication are in Class 7, political relations of states. Each country had been assigned a two-digit number. The country numbers assigned to China and to Japan, for example, are 93 and 94, respectively. Thus, documents bearing the file number 793.94 concern political relations between China and Japan.

When one or more digits follow the second country number, they represent a specific subject. This number, in turn, may be followed by a slant mark (/). In such cases the numbers after the slant mark were assigned to individual documents as they were accumulated on a specific subject. For example, a decimal file number taken from a document reproduced in this microfilm publication is 793.943/5. The number 3 following the country number for Japan (94) signifies that the subject is extraterritoriality, and the number after the slant mark indicates the number of documents on this subject.

## NATIONAL ARCHIVES MICROFILM PUBLICATIONS

The documents under one subject classification are generally in chronological order, coinciding with the assigned document number, which follows the slant mark. There are instances, however, when a document file number was not assigned until a date considerably later than the one on which the document was received.

In July 1944 the number after the slant mark began to reflect the date of the document instead of the number of documents; for example, a document dated November 20, 1944, would be numbered /11-2044. Documents dated as early as 1939 but not indexed until after July 1, 1944, also have been assigned date numbers.

Cross-reference sheets referring to related records under other subject classifications in the decimal file have been reproduced as they occur, and appropriate cross-reference notations appear in the Lists of Documents.

The file contains documents that were security classified by the State Department, as well as those received from and classified by foreign governments and other Federal agencies. Documents that have not been declassified are not available as part of this microfilm publication. The National Archives and Records Service (NARS) does not have authority to make reproductions of such documents available to searchers. Documents that remain classified have been removed from the file and replaced by a withdrawal notice that identifies the document and indicates the reason for its removal.

The records reproduced in this microfilm publication are part of General Records of the Department of State, Record Group 59, and are a continuation of the records concerning political relations between China and other states, 1910-29, which have been microfilmed as NARS M341.

In the same record group are several diplomatic correspondence series containing documents on relations between China and the United States. They are copies of instructions from the State Department to U.S. Ministers to China, 1843-1906 (rolls 38-43 of M77); notes to the Chinese Legation in the United States from the Department, 1868-1906 (rolls 13 and 14 of M99); despatches from U.S. Ministers to China to the Department, 1843-1906 (M92); and notes from the Chinese Legation in the United States to the Department, 1868-1906 (M98). Also related to matters concerning China are communications to special agents of the United States from the Department, 1852-86 (roll 154 of M77).

Several series of volumes contain material on relations between Japan and the United States. There are copies of instructions from the State Department to U.S. Ministers to



## NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Japan, 1855-1906 (rolls 104-108 of M77); despatches from U.S. Ministers to Japan to the Department, 1855-1906 (M133); notes to the Japanese Legation in the United States from the Department, 1860-1906 (rolls 66 and 67 of M99); and notes from the Japanese Legation in the United States to the Department, 1858-1906 (M163). Also related to matters concerning Japan are communications to special agents of the United States from the Department, 1823-86 (rolls 152 and 154 of M77); and despatches from special agents to the Department, 1794-1837 (roll 10 of M37).

Despatches from U.S. consular officials in China and Japan before 1906 are available as separate microfilm publications for each post. Complementary to the despatches from consuls are instructions to consuls.

The method of arranging the diplomatic and consular series cited above was discontinued in 1906, when the State Department adopted the practice of filing incoming and outgoing correspondence, memorandums, and other documents by subject in a single numerical series. Information on documents relating to China and Japan for the 1906-10 period may be found through the use of card indexes and Lists of Documents in the National Archives of the United States. The Numerical File is available as microfilm publication M862.

Several series in the State Department decimal file, 1910-29, that relate to Chinese and Japanese affairs are available as microfilm publications. In Class 7 there are two series regarding Chinese affairs: one concerning political relations between the United States and China (M339) and the other concerning political relations between China and other states (including Japan) (M341); and two series regarding Japanese affairs: one concerning political relations between the United States and Japan (M423) and the other concerning political relations between Japan and other states (M424). Class 8, internal affairs of states, has records concerning internal affairs of China (M329) and internal affairs of Japan (M422). Additional documents are in the remaining classes of the State Department decimal file:

- Class 0. General. Miscellaneous.
- Class 1. Administration, Government of the United States.
- Class 2. Extradition.
- Class 3. Protection of Interests.
- Class 4. Claims.
- Class 5. International Congresses and Conferences. Multi-lateral Treaties. League of Nations.
- Class 6. Commerce. Customs Administration. Commercial Relations, Treaties and Conventions. Commercial and Trade Agreements.

## NATIONAL ARCHIVES MICROFILM PUBLICATIONS

In Records of Boundary and Claims Commissions and Arbitrations, Record Group 76, there are records relating to the Claims Commissions of 1858 and 1901 between the United States and China.

In Records of International Conferences, Commissions, and Expositions, Record Group 43, are records of several conferences in which the United States and Japan participated. There are records of the Washington Conference on Limitation of Armament, 1921-22, which met to consider the limitation of armaments and certain questions relating to Pacific and Far Eastern problems. There are also records of the Commission To Represent the United States at the Grand Exhibition of Japan, 1917. The exhibition was planned for 1912 but had been postponed, and the records relate mainly to the visit of U.S. Commissioners to Japan in 1908 and to their conferences with Japanese officials. Other relevant records in Record Group 43 are those concerning the Sino-Japanese Dispute, 1930-32 (documents gathered by Gen. Frank McCoy, U.S. representative on the Lytton Commission), those of the U.S. Element, Allied Council for Japan, 1946-52, and those of the Far Eastern Commission, 1945-51.

In Records of the Foreign Service Posts of the Department of State, Record Group 84, are records originally kept at U.S. diplomatic and consular posts. Among these are records of the U.S. Legation (later Embassy) in China, 1843-1945, and of the U.S. Legation (later Embassy) in Japan, 1855-1936, as well as those of various consular posts in those countries.

The records reproduced in this microfilm publication were prepared for filming by Ralph E. Huss, who also wrote these introductory remarks.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 811.43-Institute of Pacific FOR Memo.  
Relations/37

FROM State Dept. Div. ( Jacobs ) DATED Jan. 23, 1932.  
TO of Far Eastern Affairs. NAME 1-1127 ...

REGARDING: Political relations between China and Japan. "Secret  
Protocols" to the Simo-Japanese Treaty of Dec. 22, 1905,  
under which Japan claims that China has no right to build  
railways parallel to the South Manchuria Railway lines.  
The matter discussed with Frederick V. Field of the  
American Council, Institute of Pacific Relations.

th

793.94 / 4831

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 811.7393 673/55 FOR Tel. # 8pm

FROM Shanghai ( Cunningham ) DATED Feb. 4, 1932.  
TO NAME 1-1127 090

REGARDING:

Destruction of Cables at Woosung.  
Commercial Pacific cable and Eastern Extension cable destroyed  
this afternoon by persons unknown. Japanese Legation expressed  
opinion that it was Chinese. Both presumably destroyed under  
ground between Shanghai and cable hut. Admiral Ozawa will aid  
in restoring cable and is willing to protect repairmen as soon  
as conditions permit this afternoon or tomorrow, provided Japan-  
ese marines are in charge of Woosung forts.

jr

793.94 / 4832

0002

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 893.01 Manchuria/58 FOR Tel. # 354, 4 pm

FROM China (Perkins) DATED March 18, 1932  
TO NAME 1-1127 \*\*\*

REGARDING: Establishment of the Independent State of  
Manchuria with Hsieh Chieh Shih as Minister  
for Foreign Affairs.

793.94/4833

hs

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

GRAY

Peiping via N. R.

Dated March 18, 1932

Rec'd 3:40 a. m.

Secretary of State,  
Washington.

354, March 18, 4 p. m.

Following from American Consul General, Harbin:

"March 17, 3 p. m.

One. I have received a formal letter March 15th, which is written in English, which is headed "Department of Foreign Affairs, the State of Manchuria", and which is signed by "Hsieh Chieh Shih, Minister for Foreign Affairs", informing me that he had telegraphed under date of March 12th and had written under date of March 15th to the Secretary of State of my Government in regard to the establishment of the State of Manchuria, and stating that the State of Manchuria had been created, that its Government had been established and that he (Hsieh) had been charged with the conduct of Foreign Affairs of the new state.

Two. I shall file but not (repeat not) acknowledge the receipt of this letter.

Three. The local Soviet Consul General informed me last evening that he had not received any communication from his

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gusafin NARS, Date 12-18-75

REP

2-#354, from Peiping, Mar. 18, 4p.m.

from his Government in regard to its attitude toward the question of the recognition of the new state but it was apparent to me that he was not pleased with the turn of events.

Four. Local authorities have prohibited the export of wheat, flour and kaoliang ostensibly on the ground that these articles are needed by the local inhabitants but really to stop the Soviet export H. L. E. B. from shipping more wheat and flour to Vladivostok. The prohibition comes too late as the export H. L. E. B., having shipped recently 16,000 tons, has ceased its operations. There might be a demand for American flour at Vladivostok.

Five. Rolling stock and other Chinese Eastern Railway movable property are still being sent but as the Soviet side claims that the ownership of all the railway's property is invested.

(END PARTS ONE AND TWO).

PERKINS

WSB  
RR

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

RB

GRAY

Peiping via H. R.

Dated March 18, 1932

Rec'd 4:25 a. m.

Secretary of State

Washington.

354, March 18, 4 p. m.

(PART THREE.)

in Soviet Russia it is difficult for the Manchurian officials or the Japanese military to find a pretext to stop this movement by force without incurring the further displeasure of Soviet Russia. The local Japanese inspired press warns the Soviet Government not to countenance this movement which it states may net the deprecators a few score millions but which may bring harm reckoned in billions to Russia and Japan.

Six. Five local Chinese judges and two prosecuting attorneys have resigned because they did not wish to function under the new Government."

(END MESSAGE.)

FOR THE MINISTER

PERKINS

RR



0006

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

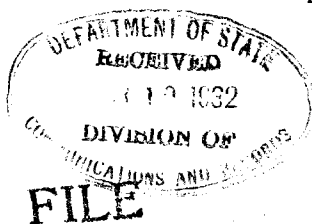
COPIES SENT TO  
 O.N.I. AND M.I.D.

*FEE*

TELEGRAM RECEIVED

*793.94  
 793-102  
 793.94/119  
 793.94-Commission*

REP



FROM

GRAY

Shanghai via N. R.

Dated March 19, 1932

Rec'd 8:55 a. m.

*A-9/C*  
*Miss. Is*  
*Lawrence 3/24/32*  
*Dof*

F/LS 793.94/4834

Secretary of State,  
 Washington.

190, March 19, 1 p. m.

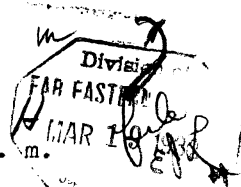
My telegram No. 182, March 13, 2 p. m.

One. The peace negotiations and League of Nations

Commission has occupied public attention through the week.  
 Commission received remarkable welcome on arrival here  
 been  
 March 14 and has extensively entertained. A certain  
 reaction against the Commission in Chinese press has been  
 manifested yesterday and today on account of Lord Lytton's  
 speech on Wednesday in which he is reported to have said  
 that it is not possible for any nation to cultivate hatred  
 toward another and expect the League to step in and save it  
 from consequences of that attitude.

Two. An attempt is being made by Chinese and foreign  
 manufacturing concerns to resume operations. A total of  
 67 concerns had resumed wholly or partly by March 18th.  
 There is some difficulty in obtaining workers due to  
 departures from Shanghai. All Japanese mills remain closed.

Majority



MAR 28 1932

FILED

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Huefner NARS, Date 12-18-75

REP

2-#190, from Shanghai, Mar. 19, 1p.m.

Majority of Chinese shops are not yet fully open although  
most of them are doing business.

Three. Americans from Soochow report some nervousness  
among Chinese population there due to presence of Chinese  
troops but conditions generally quiet.

Repeated to Legation, Nanking, copy to Minister.

CUNNINGHAM

WSB

HPD

0008

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

for.

In reply refer to  
A-C/C 793.94/4834

March 24, 1932.

MEMORANDUM FOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE

The Commercial Office of the Department of State quotes below, for the information of the Bureau of Foreign and Domestic Commerce, a paragraph of Cable No. 190 of March 19, 1932, 1 p.m., from the American Consul General at Shanghai, China, containing data of interest pertaining to trade conditions at Shanghai:

\*\*\*\*Two. An attempt is being made by Chinese and foreign manufacturing concerns to resume operations. A total of 67 concerns had resumed wholly or partly by March 18th. There is some difficulty in obtaining workers due to departures from Shanghai. All Japanese mills remain closed. Majority of Chinese shops are not yet fully open although most of them are doing business.\*\*\*\*

793.94/4834

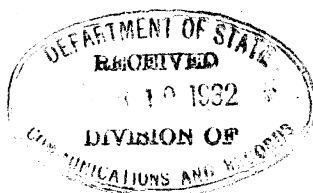
A-C/C WOJ:KPH

FE  
m.m.h.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

TELEGRAM RECEIVED

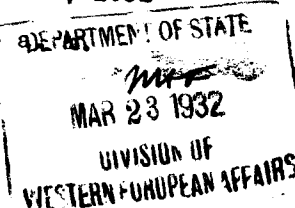
793.94  
893.1028  
793.94119  
793.94  
5-00.0111  
5-00.0112



FROM GREEN  
Geneva

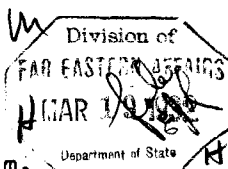
Dated March 19, 1932

Rec'd 8:40



F/LS  
793.94/4835

Secretary of State,  
Washington.



128, March 19, 10 a. m.

One. The following is the text of a letter addressed by Drummond on March 18th to the representatives of China and Japan:

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

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

Two. The following is the text of a letter addressed by Drummond on March 18th to the Acting President of the Council:

"In

MAR 24 1932

FILED

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

REP

2-#128, from Geneva, Mar. 19, 10a.m.

In execution of the mandate given to him at its meeting of March 17th the President of the Special Committee of the Assembly has instructed me to inform you that referring to the penultimate paragraph of the Assembly's resolution of March 11th the Committee would attach great importance to receiving, at the earliest moment which the Council may find possible, any reports which may reach the Council from the Commission appointed by its resolution of December 10, 1931. In particular the Committee desires to receive information as soon as may be possible in regard to the general situation in Manchuria. The Committee would be most grateful to you if, in your capacity as President of the Council, you would consider what steps may be taken in order to give effect so far as possible to the wishes which it has expressed."

Three. The following is the text of a letter addressed by Drummond on March 18th to the President of the Assembly:

"I have the honor on behalf of the President of the Council of the League of Nations to acknowledge receipt of the letter dated March 18th which you addressed to him through my intermediary on behalf of the Special Committee of the Assembly. The President of the Council is communicating this letter without delay to the members of the Council and also to the Commission of Inquiry which was appointed by the Council by its resolution of December 10, 1931."

WSB - RPF

GILBERT

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

# TELEGRAM RECEIVED

A portion of this telegram must be closely paraphrased before being communicated to anyone.

SHANGHAI

FROM

Dated March 19, 1932

Rec'd 7:42 a. m.

Secretary of State,  
Washington.

March 19, 3 p. m. (GRAY)

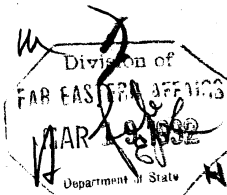
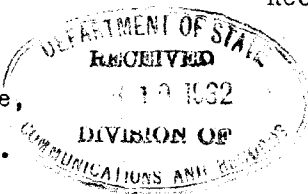
CONFIDENTIAL FOR THE SECRETARY.

By March 15, 10 a. m., and March 18, 7 p. m.

One. Shigemitsu and Kuo met at 10 a. m. today in the presence of American, British, French and Italian chiefs of mission to discuss draft of agenda quoted in my telegram above referred to. After some discussion meeting adjourned at 12 noon to enable Lampson, Teichman and myself, to put on paper the results of our discussions in the form of a more complete agenda. These results will be laid before Shigemitsu and Kuo at 4 o'clock this afternoon and will be telegraphed later.

Two. Taking up items of agenda one by one it was substantially agreed: Item one, Chinese military will defend line now and any doubt will be resolved by inspection of line by military attaches of friendly powers. Item two, Shigemitsu dwelt at some length upon lack of physical accommodations within Settlement limits and Hongkew salient

for



F/LS

793.94/4836

MAR 24 1932

FILED

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Huntington NARS, Date 12-18-75

REP

2-from Shanghai, Mar.19,3 p.m.

for large number of Japanese soldiers now here; pointed out that large concentrations of munitions and supplies at railroad landing near Woosung village necessitated retention of the place for accommodation Japanese troops temporarily.  
(END GRAY)

Pressed by Kuo to indicate length of time troops would be held in that area Shigemitsu refused to commit himself, insisting this was a matter to be settled by military. Kuo suggested neutral commission fix time but Shigemitsu insisted military must not be bound as to movement and disposition Japanese troops. It was distinctly intimated in Shigemitsu's stand that Japanese military would hold troops here until Japan was satisfied that boycott had ceased and all anti-Japanese (\*) had been suppressed although he did not say this in so many words. At this point Kuo stated that while matter was not subject to discussion he wanted to say that Mayor's letter of January 28th was still valid.

(GRAY) Upon this Shigemitsu apparently agreed that separate note quoted in my March 15, 10 a. m. could be dropped. Shigemitsu stated very earnestly that he hoped that it would be possible for Japanese forces to leave very soon. Finally it was agreed military attaches of friendly powers might certify first necessity for a reinstatement Japanese troops

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REP

3-from Shanghai, Mar. 19, 3 p.m.

troops at points outside Settlement areas.

Shigemitsu indicated a desire on the part of the Japanese to make some kind of arrangement for the maintenance of order in evacuated area. Kuo stated that Chinese were already prepared to bring specially trained police from areas unaffected by military activities of Japanese to take over policing of areas around Settlement. Shigemitsu referred to paragraph two of League's resolution of March 11th. We pointed out that League request was contingent upon necessity of outside help and both Lampson and I stated that presence of specially trained Chinese constabulary in area mentioned seemed to us to meet the situation. Shigemitsu stated that he raised the question because his nationals were afraid and it was necessary to do something to help allay their feelings.

(In this connection I desire to point out that Japanese are not safe on the streets of the International Settlement in sectors guarded by British and American troops. We have had to warn them to keep within doors as several have been mobbed and killed or seriously injured by the Chinese. Neither Lampson nor I wish to be made responsible for the safety of the Japanese lives within evacuated areas where feelings of Chinese have been exacerbated to a very high degree by the way in which Japanese military have dealt with civilian population. We are prepared to work out some plan

393.94



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

4- from Shanghai, Mar. 16, 3p.m.

plan that will aid in liquidation of present military situation but I think that it will be unreasonable for Japanese to expect us to guarantee safety of Japanese lives within evacuated areas). (END CRAY) ✓

Three. Shigemitsu indicated that Japanese intended to leave negotiations entirely in the hands of military. Sir Miles and I insisted that ~~whatever~~ agreement was reached should be made between civilians as well as military. Shigemitsu is seeking new instructions in regard to this.

JOHNSON

WFD

WSB

(\*) Apparent omission.

0015

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

1-138  
 PREPARING OFFICE  
 WILL INDICATE WHETHER

TELEGRAM SENT

Collect

Charge Department

Department of State

1-138

TO BE TRANSMITTED

CONFIDENTIAL CODE

NONCONFIDENTIAL CODE

PLAIN

Washington  
 March 17, 1932.

AMERICAN CONSUL

SHANGHAI (China).

STRICTLY CONFIDENTIAL FROM THE SECRETARY FOR THE MINISTER.

Department's No. 103, March 17, 1 p.m. and your  
 March 19, 1932, 3 p.m.

One. The question of possible assistance toward liqui-

dating the military situation at Shanghai has been discussed  
 in ~~my~~ <sup>this department's</sup> telegram under reference. Prior to the receipt of  
 information from you that definite steps are in progress  
 toward that objective, officers of the Department were  
 working on a draft of a project in reference to problems  
 which might need to be discussed in order to insure withdrawal  
 by the Japanese and for the regulation of the situation after  
 their withdrawal. I now send you an outline of this project  
 in order that you may have the benefit of and may use as your  
 own any suggestions therein which in the course of the nego-  
 tiations you may find helpful. Please understand that I do  
 not offer this project as a formal recommendation or desideratum  
 of the Department and that in sending you an outline thereof  
 it is not my thought to interfere or even to suggest the  
 adoption of any of these ideas as a formula for the solution  
 of the problems involved at Shanghai, which can only be  
 worked out by yourself and your colleagues who are in touch  
 with the details of the local situation.

Enciphered by \_\_\_\_\_

TWO.

Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_

735.94/4836

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

1-138  
 PREPARING OFFICE  
 WILL INDICATE WHETHER

Collect  
 Charge Department  
 OR

Charge to  
 \$

TELEGRAM SENT

Department of State

1-138  
 TO BE TRANSMITTED  
 CONFIDENTIAL CODE  
 NONCONFIDENTIAL CODE  
 PLAIN

- 2 -

Washington,

Two. For your guidance, please also understand that my views as to the limited scope of the conference provided for in the Assembly resolution of March 4 as reported to you in my 77, March 5, 9 p.m. and my 82, March 8, 6 p.m., are unchanged, and, as previously stated, I do not understand that they differ from the Assembly's own interpretation. As pointed out in paragraph two of my 82, March 8, 6 p.m., I have always felt that in spite of the limited scope of this conference the question of safety and order in the evacuated areas could not be avoided. A reading of the debate in the Assembly at the time of the passage of the resolution indicates, moreover, that, although the Assembly definitely rejected the Japanese proposal that the conference should discuss QUOTE conditions UNQUOTE of withdrawal, they had in mind to exclude discussion of conditions in a broad or political sense but not repeat not to exclude discussion of really pertinent to the problem of measures ~~XXXXXX~~ protection of lives and property of Japanese and other foreigners. It is true that Yen made the statement quoted in your March 14, 2 p.m. regarding his interpretation of the resolution and that no other delegate commented upon it. On the other hand, the following colloquy between Sato and Hymans, the President of the Assembly, quoted from the minutes of the Assembly meeting on

Enciphered by .....

March 4,

Sent by operator ..... M., ..... 19.....

0017

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

1-138  
 PREPARING OFFICE  
 WILL INDICATE WHETHER

Collect  
 Charge Department  
 OR

Charge to  
 \$

## TELEGRAM SENT

1-138  
 TO BE TRANSMITTED  
 CONFIDENTIAL CODE  
 NONCONFIDENTIAL CODE  
 PLAIN

## Department of State

- 3 -

Washington,

March 4, as transmitted to the Department, will perhaps  
 help to clarify in your mind the meaning of the resolution:

*Begin quote*  
 QUOTE Sato immediately announced that he would accept  
 paragraphs one and two. With regard to paragraph three he  
 proposed that the final half of that paragraph should read  
 SUBQUOTE for the conclusion of arrangements which shall  
 render final the cessation of hostilities and regulate the  
 conditions and the details concerning the withdrawal of  
 the Japanese forces and the future situation of the Chi-  
 nese forces END SUBQUOTE.

He emphasized that arrangements should be made to  
 settle not only the details of Japanese withdrawal but  
 also the conditions of that withdrawal. He considered  
 that the reference to the future situation of the Chinese  
 forces was in keeping with the announced Japanese policy  
 to withdraw as soon as security is restored in Shanghai.

To this Hymans replied SUBQUOTE There is a very con-  
 siderable difference between the amended treaty and the  
 text as it is before you because INNERQUOTE conditions  
 END INNERQUOTE implies an event by which withdrawal is  
 conditioned. That, I gather, is the meaning of M. Sato's  
 amendment, but that was not the intention of those who  
 drafted this text. We referred to the technical details

Enciphered by \_\_\_\_\_

of

Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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PLAIN

- 4 - Washington,

of withdrawal|whereas|INNERQUOTE|conditions|END INNERQUOTE|  
might|imply|political conditions|and therefore|it|altogether|  
changes|the meaning|of the|text|END SUBQUOTE|

Sato|responded|that|while|Japan|did not|wish to|hamper|  
the present|efforts|it is|only by|taking into account|all  
the|prevailing|circumstances|on the|spot|that|it will be|  
possible|to decide|upon the|details of|withdrawal|He  
explained|that|SUBQUOTE|conditions|END SUBQUOTE|meant|the|  
maintenance|of|security|and|protection|for the|lives and  
property|of|Japanese|nationals|

Hymans|expressed|the view|that there was|only a|slight|  
difference between|the text|proposed by|the|Bureau|and the|  
text|as|amended by the|Japanese|in view of|Sato's|explana-  
tion|He considered|that|conditions|concerning|security|  
would|naturally|be provided for|and included|in the|arrange-  
ments|which are|referred to|in the|Bureau's|draft|to|SUBQUOTE|  
render|definite|the|cessation of hostilities|and|regulate|  
the withdrawal|of the|Japanese forces|END SUBQUOTE|

Sato|after|recalling|that the|Japanese|attended|  
this|Assembly|with|certain|reservations|regarding|the  
application of|Article|15|announced that|following|the  
interpretation|which the|President|had given|of the|  
resolution|the Japanese|delegation|SUBQUOTE|can accept|the  
text,

Enciphered by \_\_\_\_\_  
Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_

0015

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Huston NARS, Date 12-18-75

1-138  
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 NONCONFIDENTIAL CODE  
 PLAIN

## Department of State

- 5 -

Washington,

text, that is to say, we raise no obstacle to its acceptance  
 by the Assembly. END SUBQUOTE END QUOTE. (End para)

Three. The outline of the project/prepared in the  
 Department/and/referred to above/is/as follows:/

QUOTE The Chinese national authorities/shall, pending  
 a/settlement of the major issues between China and Japan,/give undertakings: /

(a) That any/person or persons subject to Chinese  
 jurisdiction carrying/on within the area of the Municipality/  
 of Greater Shanghai (including the International Settlement/  
 and the French Concession), by means of/violence or by  
 means/calculated to/incite violence, anti-Japanese/or other  
 anti-foreign agitation shall be/prosecuted by the appropriate  
 authorities/within the/areas/referred to/before the appro-  
 priate tribunals/under the applicable provisions of the  
 Chinese Criminal Code,/particularly the applicable sections  
 of Chapter III, Offenses/Against Friendly Relations/with  
 Foreign States ; Chapter VII /Offenses/Against Public  
 Order ; Chapter XI /Offenses/Against Public Safety ;  
 Chapter XXV /Offenses/Against Personal Liberty ; and  
 Chapter XXXVI, Mischief .

(b) That if in the process of judicial decision/  
 existing provisions of Chinese law are found to be

Enciphered by \_\_\_\_\_

Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_,

insufficient

0021

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 Department of State letter, August 10, 1972  
 By Milton D. Huie NARS, Date 12-18-75

1-138  
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 OR

## Department of State

Charge to  
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- 6 -

Washington,

insufficient to prevent the use of violence or means calculated to incite violence in anti-Japanese or other anti-foreign agitation, the Chinese Government shall immediately promulgate adequate remedial legislation for application within the areas referred to in (a) above.

(c) That the Chinese judicial authorities administering Chinese law within the areas referred to shall be instructed to enforce strictly the provisions of the applicable laws.

(d) That no official assistance or encouragement of any sort shall be given to any violent anti-Japanese or other anti-foreign agitation within the Municipality of Greater Shanghai.

(e) That the administration of the Chinese area of the Municipality of Greater Shanghai shall be turned over completely to the Chinese civil authorities functioning within that area under the leadership of the Mayor.

(f) That no Chinese military forces whatsoever shall be brought within the area of the Municipality of Greater Shanghai except such limited number of Chinese troops as the Mayor of the Municipality of Greater Shanghai may, for some specific purpose of emergency and for a limited period, be permitted to bring into that area with the

Enciphered by \_\_\_\_\_

consent

Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_

0021

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

1-138  
 PREPARING OFFICE  
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TO BE TRANSMITTED  
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 PLAIN

## Department of State

- 7 -

Washington,

consent of the majority of the members of the Consular Body at Shanghai, provided, always that if, any, irregular Chinese military forces not under the control of the Chinese national authorities attempt, or there is reason to believe that any Chinese troops will attempt, to enter the said area without the permission referred to, the Consular Body at Shanghai, in consultation with the interested Legations, the foreign defense commanders, and municipal authorities at Shanghai, may upon their own initiative, after informing the Chinese national authorities if that be possible, take such steps as may be necessary to prevent such entry.

The Japanese Government shall, when the above undertakings of the Chinese national authorities have been given, give undertakings:

(a) That the Japanese military forces shall immediately be withdrawn from the Shanghai area except such number in the International Settlement and in the extra-Settlement road areas as may be necessary to enable Japan to cooperate with the other foreign defense forces at Shanghai in the protection of the Settlements.

(b) That the Chinese areas occupied by Japanese troops since January 28, 1932, shall immediately be handed over

Enciphered by .....

to

Sent by operator ..... M., ..... 19.....



0022

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

1-138  
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Department of State

Charge to

- 8 - Washington,

Dec 6

to the appropriate Chinese authorities.

(c) That the areas of the International Settlement and its extra-Settlement roads and properties occupied by Japanese troops since January 28, 1932, shall be immediately handed over to the authorities of that Settlement in order that those authorities may resume their normal functions therein. UNQUOTE.

Four. You will note that certain portions of (a), (b), (c) and (d) of the above project deal with the question of violent boycott methods. I still believe that the boycott question in general is appropriate only to a conference in which Sino-Japanese relations as a whole are discussed, including Manchuria. As a practical matter, however, I realize that the subject of violent boycott demonstrations at Shanghai can with difficulty be excluded from the conference immediately proposed, and in view of the fact that violent boycott disturbances in the Municipality of Greater Shanghai might react unfavorably on the peace and order of the Settlements, there <sup>would</sup> seem to be justification for our approval of measures such as are suggested in this project. (I understand that the Mayor of Greater Shanghai did, on January 28, 1932, agree to meet certain Japanese demands

✗

Enciphered by \_\_\_\_\_

in

Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_

0023

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

1-138  
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## Department of State

OR  
 Charge to

- 9 -

Washington,

*See 9*  
*demanded* in regard to anti-Japanese boycott activities).

Five. You will also note that the question of preventing contact between the Chinese and Japanese armies during withdrawal is not covered by this project but is covered in paragraph three of my telegram under reference.

Six. Understand clearly that the material above is sent you purely for purposes of information, suggestion and guidance, and in no sense by way of specification or express direction as to action which you shall take. Keep in mind the principle that this Government does not to take and does not desire desire/that you take any initiative toward any broadening of interpretation of the League's Resolutions.

~~See~~ Carr Acting  
*J.G.P.*

SKH  
 FE:JEJ/VDM  
 ATK  
*Q.Z.K.*

*adm*  
 FE  
*SKH*

*✓*  
 MAR 19, 1982. P.M.  
*MA*

Enciphered by \_\_\_\_\_

Sent by operator \_\_\_\_\_ M., \_\_\_\_\_, 19\_\_\_\_

Index Bu.—No. 60.

U. S. GOVERNMENT PRINTING OFFICE: 1975 1-138

0024

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Called MID 3-19-32

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793.0146  
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121.5493

REP

TELEGRAM RECEIVED

RECEIVED

DIVISION OF

FROM

GRAY

Shanghai via N. R.

Dated March 19, 1932

Rec'd 9:15 a. m.

Secretary of State,  
Washington.

191, March 19, 2 p. m.

FOLLOWING FROM COLONEL DRYSDALE FOR WAR DEPARTMENT:

"35. Mayer returned 6 p. m. March 18th. Lu Ti Ping is moving units of 9th Route Army from Kiangsi into Chekiang. Believe move only for protection against Japanese advance into Chekiang and there appears to be no intention of crossing the Kiangsu border. Troops in Chekiang: Chiashing and Chiashan area 36th Independent Brigade and 25th Brigade of 9th Division Hangchow one brigade possibly 26th of 9th Division and one regiment provincial guard, one brigade possibly 27th of 9th Division believed to be enroute from Kiangsi toward Hangchow, 18th Division believed to be, still in Kiangsi. In addition to above there are two regiments provincial guard scattered along Hangchow Bay. Main portion of Japanese 24th mixed brigades plus tanks and some of the launches used in Liuho landing have embarked."

Repeated to the Legation.

CUNNINGHAM

WSB

HPD

F/LS  
793.94/4837

FILED

MAR 24 1932

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

MAR 17 1932

No. 1808

The Honorable

Hugh R. Wilson,  
American Minister,  
Berne.

793.94/A

793.94/4837A

Sir:

The Department encloses, for your information, copies of telegrams, as listed below, received by the Department in regard to developments in Manchuria for the period March 1 to March 14, 1932.

In the event that other governments are communicating to the Secretary General of the League of Nations information of similar character, the Department would have no objection to your communicating the information contained in the enclosure to the Secretary General, for his discreet use, confidential as to source. The Secretary General should not disclose the names or designations of persons mentioned in these messages.

Very truly yours,

For the Secretary of State:

JAMES CRAWFORD ROGERS

Enclosures:

- Telegrams from Peiping:
- (294) March 2, 11 A.M.
- (302) March 4, 3 P.M.
- (306) March 5, noon
- (309) March 6, noon (Extract)

A true copy of  
the signed original  
inal

0026

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

(319) March 9, 12 P.M.  
(328) March 11, 3 P.M.  
(329) March 12, 11 A.M.  
(336) March 14, 8 P.M.

MAR 17 1968

FE:RPS:KC  
3/15/32

FE

M.H.

7/1/75

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

COPY:KC

PEIPING VIA NR

Dated March 6, 1932

Rec'd. 3:40 A.M.

EXTRACT

SECRETARY OF STATE

WASHINGTON

309, March 6, noon

Following from Consul General Harbin:

"March 5, noon. One. Japanese troops have de-trained at Hailin on eastern line of Railway.

Two. Li Shao-ken has been appointed president of Chinese Eastern Railway by new government of Manchuria in place of Mo Teh-hui.

Four. Mayor Pao has decided to spend local dollars one hundred thousand of municipal funds to celebrate on March 9th, 10th and 11th inauguration of new state."

For the Minister

PERKINS

0028

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

MAR 17 1932

No. 1807

The Honorable

Hugh R. Wilson,  
 American Minister,  
 Berne.

Sir:

The Department encloses, for your information, copies of telegrams, as listed below, received by the Department from the Consul General at Shanghai, in regard to developments in that area for the period February 26 to March 10, 1932.

In the event that other governments are communicating to the Secretary General of the League of Nations information of similar character, the Department would have no objection to your communicating the information contained in the enclosure to the Secretary General, for his discreet use, confidential as to source. The Secretary General should not disclose the names or designations of persons mentioned in these messages.

Very truly yours,

For the Secretary of State:

JAMES CRAFTON ROGERS

Enclosures:

- Telegrams from Shanghai:
- (120) February 27, 4 P.M.
  - (122) February 27, 6 P.M.
  - (124) February 28, 5 P.M. (Extract)
  - (130) Undated
  - (131) February 29, 7 P.M. (Extract)
  - (133) March 1, noon
  - (138) March 1, 6 P.M.
  - (143) March 2, 3 P.M.

(145)

793.94/4837B

793.94/A  
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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

(145) March 2, 5 P.M.  
 March 3, 4 P.M.  
 (159) March 5, 4 P.M. (Extract)  
 (163) March 7, 5 P.M.  
 (168) March 8, 5 P.M.  
 (173) March 9, 3 P.M.  
 (174) March 9, 4 P.M. (Extract)  
 March 10, 4 P.M.  
 March 11, 2 P.M.

FE:RPH:EJL

3/14/32

FE

MAR 17 1932



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

EXTRACT

SHANGHAI

Dated February 28, 1932

Rec'd. 10:50 a.m.

Secretary of State,

Washington.

124, February 28, 5 p.m.

One. Continued aerial raids, cursory bombardment  
Chapei, sporadic fighting along entire line, arrival of  
both Japanese and Chinese reinforcements, great  
destruction property by numerous fires in Chapei, heavy  
casualty lists are prominent features of 31st day of  
Sino-Japanese conflict.

Two. The restoration of the International Settlement  
to Municipal authorities has advanced considerably  
during recent days and an officer of the Settlement  
states that functioning is "quite a bit better". Much  
remains to be done, however, before it will come com-  
pletely under the control of the municipality.

Three. American evacuation plans were issued last  
night. Those in charge are prepared to evacuate  
Americans in event of extreme emergency.

Repeated to Legation and Nanking.

CUNNINGHAM

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

EXTRACT

SHANGHAI via N.R.

Dated February 29, 1932.

Rec'd 10:40 a.m.

Secretary of State,

Washington.

131, February 29, 7 p.m.

Continuing my report of yesterday's date.

Except for occasional short bursts of rifle and machine gun fire Chapel remained comparatively quiet. Early this morning the Paoshan Road sector was heavily shelled by Japanese artillery to which the Chinese replied with machine gun fire.

Air raids continue along all fronts. Bombing back of the lines also continues.

CUNNINGHAM

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

EXTRACT

Shanghai via NR

Dated March 5, 1932

Recd 9:10 a.m.

Secretary of State,

Washington.

159, March 5, 4 p.m.

Continuing my daily report 154, March 4, 5 p.m.

Two. The majority of sand bag emplacements and barbed wire entanglements erected by Chinese soldiers in various sections of western Chapei were removed by Japanese soldiers late yesterday afternoon.

Four. Last night Shanghai had a remarkable demonstration of Chinese mob psychology. As a result of the issue of circular by unknown parties containing a fictitious report of the death of General Shirakawa commanding Japanese forces and the overwhelming defeat of the various Japanese armies by the 19th Route Army the Chinese population suddenly broke loose in a mad frenzy of excitement which was ushered in by the wholesale firing of cracker and waving of flags all over the city. Excitable mobs poured down all the main avenues and streets and were with difficulty controlled. Several baton charges were made and it was necessary to call out reserves, the police even threatening to fire if the mob did not disperse. In some places the police and reserves

were

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2- #159, from Shanghai

were taken. The mobs were finally dispersed by ten o'clock.

Five. An investigation reveals the fact that within a year no less than 162,000 workers in various trades who have been out of work as a result of the Sino-Japanese hostilities. Some 65,000 of these are living within the limits of the Settlement.

Repeated to Legation, Nanking, copy to the Minister.

CUNNINGHAM

0034

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

EXTRACT

REP

Shanghai via N. R.

Dated March 9, 1932

Rec'd 11:30 a. m.

Secretary of State,  
Washington.

174, March 9, 4 p. m.

Referring to my telegram No. 173, March 9, 3 p. m.

One. The Senior Consul has received from the Chairman of the Shanghai Municipal Council a copy of a letter dated March 8 addressed by him to the Mayor of Greater Shanghai. This letter in full is as follows:

"I have the honor to invite your attention to the grave danger arising from the disorganized and insanitary state of those portions of Chapei which, as the result of the recent conflict, have been left without any sanitary or other essentials of public service. In particular I would emphasize that in those portions of Chapei abutting on the Settlement, and in the area adjoining North Szechuan and Dixwell Roads, any further delay in restoring sanitary conditions constitutes the grave menace to the health of the Settlement and of the whole of Shanghai. The Settlement has recently been threatened with a very severe smallpox epidemic which was largely due to imported cases, and it is feared

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REP

2-#174, from Shanghai, Mar. 9, 4p.m.

feared that with the complete paralyzing of the normal conservancy and sanitary arrangements in the Chapen area, the health of the whole community will be endangered.

In so far as its assistance has been requested in sending the municipal fire brigade and obtaining a water supply to check the spreading fire, the Council carried out what was obviously a public duty. As it has already indicated to officials of your municipality, the Council would further welcome the immediate initiation by you of sanitary work in the areas concerned, and would gladly cooperate in whatever way it could be of assistance.

Whilst the Council assures you that it has no desire to function even temporarily outside the limits of its own administration, it feels, however, that if nothing is done immediately to remove the menace to health in the contiguous areas it will be compelled of necessity to make a survey of the problem and take steps to render such sanitary supervision and service as may be required under the circumstances.

As you are already aware of the position I hardly need assure you further that the Council is solely actuated by the desire to assist and cooperate with you in a matter of public duty which, in the interest of humanity, must be undertaken by some organized body."

CUNNINGHAM.

0038

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

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TELEGRAM RECEIVED

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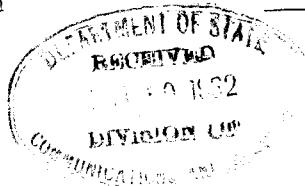
GRAY

SHANGHAI

Dated March 19, 1932

Rec'd 1 p.m.

FROM



793.94  
 note  
 893.1025  
 793.94119  
 893.0146  
 893.105-2

Secretary of State

Washington

March 19, 11 p.m.

My March 19, 3 p.m.

One. Please consider following text and comments as confidential as both Japanese and Chinese have accepted them at referendum.

Two. Shigemitsu and Kuo met at 4 p.m. in the presence of British Minister, French Minister and myself and Italian Charge d'Affaires. It is proposed to have further meeting when both delegates have received their instructions.

Three. "Draft of March 19, 1932. It is agreed that the cessation of Sino-Japanese hostilities shall be rendered definite and the withdrawal of the Japanese forces shall be regulated in accordance with the following provisions:

(1) The Chinese troops will remain in their present positions pending later arrangements. The Chinese

F/LS 793.94/4833

MAR 25 1932

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

man

2- from Shanghai, March 19, 1932

Chinese authorities will define said positions. In the event of doubts arising in regard thereto the positions in question will be ascertained by representatives of the participating friendly powers.

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

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



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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

nam

3- from Shanghai, March 19, 1932

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

Agreed minute or separate voluntary declaration by the Chinese Government.

In order to ease the general situation and to secure the prompt reestablishment of stable and normal conditions in the affected areas the Chinese Government hereby intimate their intention immediately to establish on their

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Department of State letter, August 10, 1972  
By Milton D. Huie NARS, Date 12-18-75

man

4- from Shanghai, March 19, 1932

their own initiative for the maintenance of peace and order in the evacuated area in the vicinity of the Shanghai Settlements a force of special constabulary for which they contemplate the employment of foreign officers and instructors. It is understood that the incoming Chinese police, referred to in the penultimate sentence of paragraph three of the agreement for cessation of hostilities, of blank date, will be drawn from the above special constabulary".

(END SECTION ONE)

JOHNSON

WSB

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

### TELEGRAM RECEIVED

cib

This telegram must be  
 closely paraphrased be-  
 fore being communicated FROM  
 to anyone.

Shanghai

Dated March 19, 1932

Recd 12:58 a.m., 20th.

Secretary of State

Washington.

DIVISION OF

March 19, 11 p.m. (SECTION TWO)

Four. By way of comment: An attempt was made  
 in <sup>item</sup> ~~(#)~~ 2 of agenda to arrange for some time for Japanese  
 withdrawal. Shigemitsu refused categorically to accept  
 any stipulation that right limit stay of Japanese troops  
 stating that while he was willing to express the desire  
 of his government to withdraw its troops at an early date  
 we must accept his word to that effect as Japanese military  
 must be allowed to decide for themselves when it was wise  
 to withdraw. In connection with item 3 Kuo made objection  
 to inserting any agreement in reference to establishment  
 by Chinese of a specially organized police. It was finally  
 agreed that he should refer to his government the question  
 as to whether the item marked agreed minute should stand  
 as an agreed minute of the conference or become a voluntary  
 declaration by the Chinese delegate.

Five. Shigemitsu in this connection while express-  
 ing approval of establishment of special constabulary  
 similar to

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

-2- from Shanghai, March 19, 1932,  
 (SECTION TWO).

similar to constabulary used in Peking raised question of maintenance of order in interval between evacuation and taking over by Chinese forces. He suggested to use of neutral patrols saying Japanese population in area (and he refers specifically to Chapei immediately adjacent Hongkew salient) were fearful and that he desired that some practical measures be taken to allay their fears. I objected to the use of neutral patrols for police work suggesting that responsibility should be placed squarely upon shoulders of Chinese with as little delay as possible. Shigeritsu suggested the use of Settlement volunteers but Lampson and I objected to this. Neither French Minister, British Minister nor I and we believe our military agree with us, wish to use our national forces for police purposes in any part of the evacuated area. It may become necessary to offer some kind of patrol to supervise turning over process but <sup>if so</sup> ~~of this~~ we have nothing to offer at present. However I am certain that Japanese will continue to insist upon use of some kind of neutral patrol before they will agree to evacuation.

Six. It is not expected that there will be a further meeting before Monday. (END MESSAGE).

(#) Apparent omission.  
 JS CIB

JOHNSON

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

## DOCUMENT FILE

## NOTE

SEE 894.00/373 FOR Tel 359 1pm

FROM China ( Parkins ) DATED March 19, 1932  
TO NAME 1-1127 \*\*\*

## REGARDING:

General Shirakawa's farewell message to the Japanese soldiers on their departure for Japan from Shanghai.

793.94/4839

ek

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

cib

PLAIN

Peiping via NR

Dated March 19, 1932

Recd 5 a.m.

Secretary of State

Washington.

359, March 19, 1 p.m.

Following from Reuter, Shanghai, March 17th:

"In view of reports from Japan that the Seiyukai Ministry, in spite of its huge majority in the Diet, is proving incapable of dealing effectively with the economic, political and social crisis and that a strong political clique is maneuvering to form a strong 'national' government, failing which the army may be compelled to take temporary control for the purpose of curbing a violent reactionary government, which appears to be daily growing in momentum and which threatens to precipitate serious disorders, possibly leading to a fascist uprising, considerable importance attaches to the farewell message from General Shirakawa to the Japanese troops who are going home.

This message concludes by saying: 'Conditions  
at home

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

-2- # 359 from Peiping.

at home and abroad increase in difficulty day by day and the responsibility of the Imperial troops in the face of these circumstances is mounting. Even upon your return home, you - who are going back by order of the Government - have to train yourselves sufficiently to be ready to rally to the call immediately when things should happen. Only thus can you answer to His Majesty's reliance upon you."

For the Minister.

PERKINS.

JS CIB

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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TELEGRAM RECEIVED

REP

A portion of this telegram must be closely paraphrased before being communicated to anyone.

FROM SHANGHAI

Dated March 21, 1932

Rec'd 5:55 a. m.

Secretary of State,  
Washington.

March 21, 10 a. m.

Japanese Military Attache informs our Military Attache that the Japanese will request to hold a line running from Paoshan-Yanghang-Tachang to the northwest corner of the International Settlement for the purpose of giving depth to the area held by some 37,000 Japanese troops. (END GRAY)  
This does not (repeat not) coincide with statements made by Shigemitsu (see my March 19, 3 p.m.) and would indicate intention of Japanese military to remain here more or less indefinitely. The Chinese intimate they will insist that the negotiations here arrange for complete withdrawal of Japanese in accordance with League resolution of March 4th.

JOHNSON

KLP

WSB



F/LS

793.94/4840

FILED

MAR 28 1932

793.94  
893.10  
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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

DEPARTMENT OF STATE



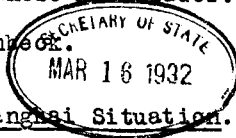
DIVISION OF FAR EASTERN AFFAIRS

Conversation.

March 16, 1932.

The Japanese Ambassador.

Mr. Hornbeck.



Subject: Shanghai Situation.

793.94  
793.102-S  
793.941

The Japanese Ambassador came to me after dinner last evening and said that he had had yesterday afternoon a very satisfactory conversation with the Secretary of State. He said that he had informed the Secretary of the Japanese Government's intention to remove one-half of their troops from Shanghai. He said that they expected later to remove more, but that they might keep there two divisions at peace strength. He said that they wanted to view the situation on a "practical" basis. They do not want anything for themselves, but it was important to insure the safety of foreign lives and property. They must insure the safety of the International Settlement. For that, Chinese troops should not be allowed to come near. The Japanese could not risk "another incident" -- which the presence of Chinese troops in the neighborhood would always make possible. Some provision must be made for the policing of an area round about the Settlement; there should be some sort of an elastic buffer area. He hoped that I would "give the Secretary of State some suggestions for a practical solution".

FILED

MAR 21 1932

793.94/4841

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

- 2 -

I said that if I might take the liberty of speaking frankly, it did not seem to me that the presence of Chinese troops had caused the trouble which began on January 28; the incidents which preceded that had been clashes between Chinese and Japanese civilians; the clashes of that night and the subsequent fighting had been brought on by the movement of Japanese bluejackets into Chinese territory. The Ambassador said that that was quite true, but that a new situation had been created in which a return of Chinese troops to that area would create the likelihood of trouble. It was a "practical" problem.

I asked what solution the Ambassador would suggest. He said that he had no particular suggestion to make -- except as to principle: Chinese troops must be kept outside of some limit, and Chinese police were not of much use. Japan did not wish to take advantage of the present situation to gain anything for herself, but the situation offered an opportunity for some "practical constructive measure". He felt that I was thoroughly familiar with the various problems in relation to Shanghai.

I said that a number of the problems in relation to Shanghai had had the thought of people interested in the Far East over a good many years past, especially the last three or four; that those problems were separate from the problem which has arisen since the end of January, the problem of liquidating the present military situation. I felt that this new problem should be

dealt

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 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

- 3 -

dealt with first; such has clearly been the view of the League of Nations and the view of the American Government. After that problem is taken care of, the problem of the port of Shanghai will call for attention -- as before -- on its own merits. The Ambassador said that the two problems are of course separate but are inter-related. He reiterated that the whole matter is a "practical" problem.

At that point, we were interrupted and the conversation ended.

NOTE: Reviewing this conversation in the light of Shanghai's telegram of March 16, 9 a.m.,<sup>\*</sup> received this morning, I am inclined to believe that the Ambassador has received instructions of some sort with regard to the problem of policing a neutral zone and that he was attempting to plow ground in relation to that subject.

\* The questions raised  
 in this telegram is  
 receiving the attention  
 of FE.

SKH

FE:SKH/ZMF

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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793.94  
893.1025  
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MET

Shanghai

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Dated March 21, 1932

Rec'd 1:10 p.m.

Secretary of State,

RECEIVED  
11 21 1932  
DIVISION OF  
COMMUNICATIONS AND RECORDS

Division of  
FAR EASTERN AFFAIRS  
MAR 21 1932  
Department of State

Washington

March 21, 9 p.m.

(GRAY) CONFIDENTIAL FOR THE SECRETARY.

My March 19, 11 p.m.

One. Shigemitsu and Quo met at 4 p.m. today in the presence of British Minister, myself and Italian Charge d'Affaires. French Minister was ill and represented by secretary of Legation. They agreed to accept in principle draft of March 19th to be used as a base for formal negotiations, military on each side participating, now set for Wednesday, March 23, 10 a.m. (END GRAY)

Two. At the meeting today Quo insisted that League resolution of March 4th requires that he and Shigemitsu with the assistance of friendly powers negotiate to regulate withdrawal of Japanese troops and to that end he desired to insert at the beginning of paragraph two before the word "the Japanese troops" the following words "in accordance with the definite program regulating withdrawal

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

MET

2-from Shanghai, March 21, 9 p.m.

withdrawal as shown in annex (blank) to this agreement". Shigemitsu objected strenuously to this but finally consented to refer the matter to his military saying his military would insist upon being consulted as to the program.

Three. With reference to text of agreed minute Quo insisted that words "for which they contemplate the employment of foreign officers and instructions<sup>grs</sup>" be omitted saying that at this time it would be very difficult for them to make a promise of this kind although he was willing to make the Mayor promise privately and would be glad if we took note thereof. After much discussion I suggested that the word "foreign" be omitted and the words "experts as" be substituted therefor, it being additionally suggested that we all make the following note for our own and our Governments' confidential information. (GRAY) "In discussing this phrase Quo intimated that the Chinese Government contemplated employment of foreigners among the experts in question". Quo accepted this version for reference to his Government and it is hoped that both parties will have received instructions on these two points by Wednesday. (END GRAY)

Four.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

MET

3--from Shanghai, March 21, 9 pm.

Four. Shigemitsu declared that he had participated in negotiations and had accepted texts as basis for formal negotiations at which his military would have to be present as principals. He argued that this was necessary because matter being discussed was an armistice and should of necessity be settled between the military. It was agreed that on Wednesday, March 23rd, a formal meeting would be held at which the Japanese would be represented by General Uyeda and his chief of staff General Tashiro and Shigemitsu accompanied by two interpreters. The Chinese will be represented by General Tsai Ting Kai accompanied by General Gaston Wang, Mr. Quo Tai-chi and an interpreter. They are to meet in our presence as heretofore.

(GRAY) Five. With reference to your telegram 103, March 17, 1 p.m.; and 110, March 19, 2 p.m., I am hopeful that the situation is developing in such a way as to make it unnecessary for us to follow any plan such as that suggested by the Department. (END GRAY). The feeling among the Chinese is such that it would not in my opinion be wise for us to take the initiative in suggesting any plan which

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

MET

4--from Shanghai, March 21, 9 pm.

which would call for permanent undertakings on the part of the Chinese in regard to the presence of Chinese soldiers. However, I shall keep plan in mind and watch developments here and should occasion warrant make such use of it as seems to me wise, not however without first informing the Department. Lampson and I hope that it will be possible to maneuver the negotiations into a position where participation by friendly powers will be on the smallest scale possible.

JOHNSON

WSB

RR

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75



EMBASSY OF THE  
 UNITED STATES OF AMERICA

Mexico, March 15, 1932.

No. 1324

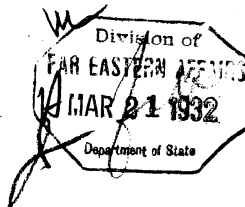
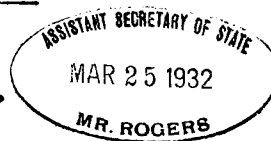
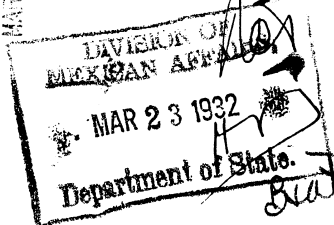
Subject: The Diplomacy of the United States in the  
 Sino-Japanese Conflict.

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PM RECD



MAR 21 1932



F/LS 793.94/4843

The Honorable

The Secretary of State,  
 Washington.

Sir:

I have the honor to enclose as of possible interest to the Department a translation of a special article entitled, "The United States and the Sino-Japanese Conflict", by A. G. Pozz de Besta, which was published in EXCELSIOR of March 14, 1932, and in which the author characterizes the conduct of the United States in the present Sino-Japanese conflict, especially with reference to the League of Nations, as a masterpiece of diplomacy.

MAR 25 1932

FILED

Respectfully yours,

*J. Reuben Clark Jr.*  
 J. Reuben Clark, Jr.

Enclosure:

Translation of an article from EXCELSIOR, 3/14/32.

710 United States-Japan.

JCS:B



0054

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure to despatch number 1324 of March 15, 1932,  
from the Embassy at Mexico City.

TRANSLATION

(Contributed article - EXCELSIOR - March 14, 1932)

THE UNITED STATES AND THE SINO-JAPANESE  
CONFLICT.

By A. G. Pozz de Besta.

Many harsh things have been said and written about the League of Nations because it could not settle in a prompt and satisfactory manner the Sino-Japanese conflict.

To those who know anything about the League of Nations, this failure will not be a surprise; the surprise would have been if the League had settled a problem arising so precipitately, say we, with great enthusiasm, forgetting that the society not only is very young and very weak for the undertaking, but also is very far from Manchuria.

It appears, moreover, that the problems of the Far East require different methods from those employed in Western countries.

In addition, the statesmen charged with the settlement of this extremely intricate problem lacked a direct knowledge of things Chinese and Japanese. Therefore, failure was almost inevitable. And whatever may be the result of the conflict, one or the other of the interested parties will accuse the League not only of inefficiency but very probably of bad faith.

In view of this situation, it might be interesting to determine if the League of Nations (or, to be exact, the Council

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

the Council of the League and the Secretariat thereof) could have prevented a problem which was far too great a one for its young shoulders, since the existence of the League is more important than its mediation between two countries of the Far East.

It is not necessary to remain long in either Japan or China to realize that things there are entirely different from things in the western hemisphere and that economic, political and racial conflicts must be settled in a manner different from that employed in European and American countries.

And it is surprising that the young United States appear to have understood this better than the older and more experienced European diplomatists, for the conduct of Washington during the conflict (and especially its conduct towards the League of Nations) deserves to be pointed out as a masterpiece of diplomacy.

But alas! masterpieces of this kind must always be accomplished at the expense of someone. And this time the parties affected are the League of Nations and the two litigants.

It appears now that all are agreed that the Council of the League committed grave mistakes in the first stages of the Manchurian conflict. Students of political science, as well as friends of the League of Nations, probably observed that the most serious mistake of the latter consisted in approaching the problem without being sure that it was possible, first, to find a solution and, second, to impose it. It would be very interesting to know why the Chinese Government appealed only to the League of Nations and did not at the same time invoke the Nine-Power

Pact

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

Pact and the Briand-Kellogg Pact.

What role did the United States then play?

Did they encourage China to appeal to the League of Nations, or was this act spontaneous on the part of the Chinese Government?

The people of Europe, China and Japan are not only interested in this question but also in the collaboration of the United States with the League in Geneva and their withdrawal from the Council of the League in Paris, that is, the conduct of the United States before and after the 16th of November, 1931.

In reality, the North Americans decided to send an observer to the sessions of the Council in Geneva, but they were very careful not to hurt in any way the susceptibilities of the Japanese.

A careful review of the participation of the United States in the Geneva meetings reveals that Washington did not commit itself in any way and that it assumed no responsibility in case the decision of the Council that the Japanese should withdraw to the Meridional Railroad of Manchuria proved an unfortunate step. It was a very unfortunate one, as subsequent events proved.

The Council of the League, encouraged in its attitude towards the Japanese by the presence at the meetings of a North American observer, and supported in addition by the European press which considered the presence of that observer as the beginning of a closer collaboration between the United States and the League of Nations, appears to have thought that the Empire of the Rising Sun would follow its suggestion and withdraw from Manchuria.

Then

- 4 -

Then something occurred which was expected by all familiar with politics in the Far East: on the 16th of November the Japanese announced definitely that the evacuation of Manchuria was absolutely impossible. And more: that they would not withdraw from that territory even if the lives and properties of their nationals were guaranteed.

The situation looked for by well-informed North American diplomacy had been created. And the United States did precisely what was expected everywhere but in League circles: they withdrew their observer from the Council, thereby demonstrating unmistakably that they did not wish to have any further relations with a League so unfortunately compromised.

The essence of North American diplomacy in this conflict can be stated simply in a few words: Washington did everything possible to place upon the League of Nations the responsibility for any failure in the intervention of a third party in the Manchurian conflict, while if that intervention had had favorable results, the United States would have shared in the glory of the success merely through having been represented on the Council.

This was the masterpiece of North American diplomacy and it must be said that its success is even more to be admired because the gentlemen forming the Council are men of great intelligence and perspicacity, while North American diplomacy is young and relatively inexperienced.

For this reason, our admiration for the diplomatic move of the United States in this tangle is all the more sincere.

But there

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 5 -

But there are two sides to all questions and we have yet to see, not within the next few years but the coming decades, if this North American policy is to benefit the interests of the United States in the Far East.

One can not but admire the tactics of those who are good friends to all; but when those tactics are practiced at the expense of another, their results can not come up to the expectations of those following them.

In my judgment, a united front of the League of Nations with the Government at Washington might have brought about a temporary solution of the matter, which probably may not now be found.

The fact that the losing party, probably China, may throw the responsibility upon the League of Nations, will not improve matters in the Far East.

The reason why the United States did not wish to appear in this conflict can be inferred from the fact that their investments in China are not so important as those in Japan.

Therefore, the policy of the United States in the Far East can be branded as vague, to say the least.

Washington demands the so-called "open door" policy in China, but North American capital is not much interested in Manchurian matters.

On the other hand, the United States had a great part in the conclusion of the Nine Power Treaty, signed in Washington, and, in accepting it, they assumed a responsibility which apparently they now wish to evade.

The United States, during the presidency of Woodrow Wilson, were disposed to assume a moral jurisdiction over the world.

0055

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 6 -

the world. But since the demise of that President, the policy at Washington has been vacillating. In the United States more than in any other country, the policy lies with a President vested by the Constitution with a power verging upon that of a dictator.

Should we censure Washington for its conduct in the Sino-Japanese conflict? I do not believe so, since that conduct corresponds simply to the moral policy obtaining in all the countries of the globe.

The wise action of its diplomats in the matter can easily be attributed to a state of mind which should be corrected as soon as possible. If the United States do not wish to assume the responsibility which they accepted in signing the Briand-Kellogg Pact and the Nine Power Treaty, then we should compel them to accept that responsibility, not only in the interest of China and Japan but in the interest of all humanity.

However, if at this time steps should be taken towards this end, nothing much would be accomplished.

It remains to be seen if universal indignation and reproof provoked by the League will be sufficient to help Japan against its militarists, which is doubtful. That will be the time for coöperation between the United States and the League and a real solution of the Manchurian problem will then be possible of attainment.

The mere restoration of the "status quo ante" is not a real solution of so complex a problem as this. The real solution will be that which conciliates the rights of Japan in Manchuria with Chinese sovereignty, and a means will have to be sought which will insure peace and mutual helpfulness between the two most important

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 7 -

portant nations in the Orient.

Perhaps the solution may not be a complete restoration of Chinese and Japanese interests; but it must be of such a nature as to guarantee, above all else, the well being of the Manchurian State and the peaceful progress of the three eastern provinces, without detriment to Chinese sovereignty and (the interests of) the Japanese colonists.

Translated by  
 LC

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

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DEPARTMENT OF STATE  
 RECEIVED  
 MAR 22 1932  
 DIVISION OF  
 COMMUNICATIONS AND RECORDS

FROM  
 SHANGHAI

PLAIN  
 MAR 22 1932  
 DEPARTMENT OF STATE

Dated March 22, 1932

Rec'd 3:05a.m.

Secretary of State,

Washington, D.C.

March 22, 8 a.m.

Situation report No. 12, March 21st:

"One. Embarkation of Eleventh Division for Japan begins today. Movement is expected to be completed by 22nd.

Two. On completed departure of this Division there will still be approximately 37,000 Japanese troops remaining."

JOHNSON

JS

F/LS  
 793.94/4844

DEPARTMENT OF STATE  
 MAR 22 1932  
 DIVISION OF  
 COMMUNICATIONS AND RECORDS

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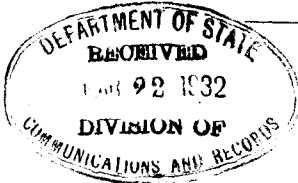


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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

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TELEGRAM RECEIVED



FROM

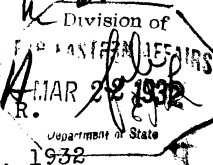
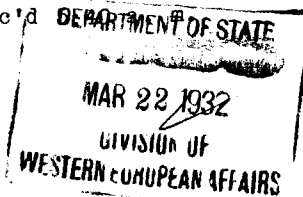
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PLAIN

Peiping via N. R.

Dated March 22, 1932

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F/LS

793.94/4345

FILED

MAR 26 1932

Secretary of State,  
 Washington.

362, March 22, 2 p. m.

One. Following from Nippon Dempo, Tokyo, March 21st:

According to the petition of Mr. Shigemitsu, Japanese Minister to China, regarding the truce arrangements, the Foreign Office yesterday conferred with the War Office in the afternoon, though they have not arrived at an agreement. It will be discussed again this morning, and consequently it seems there will be no official negotiations today in Shanghai. The following is the plan of the Japanese Government:

(First) The withdrawal of the Japanese troops shall not be controlled by neutrals and the voluntary withdrawal shall be made to the Shanghai-Woosung line.

(Second) The guarding of the withdrawn areas shall be entrusted to the Chinese, that the policing of these areas shall either be entrusted absolutely to the Chinese police authorities or the Japanese police authorities <sup>or</sup> of the international troops shall be stationed therein.

(Third) The truce arrangements are temporary.

Therefore,

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REF

2-#362, from Peiping, Mar. 22, 2 p.m.

Therefore, in order to ensure eternal peace a round table conference shall be convened, announcement of which shall be made at the truce negotiations.

(Fourth) The withdrawal of the Japanese troops is for the truce arrangements, therefore, the withdrawal which will be effected after the security of the eternal peace, shall be separated from it."

Two. Following from Rengo, Tokyo, March 21st:

"The Foreign Office having received the draft agreement for suspending hostilities, which was drawn up at the meeting held on the 19th between Japanese Minister Shigemitsu and Chinese Vice Foreign Minister Kuo Tai Chi, and send home for instructions Saturday evening, high officials of the Gaimusho and War Office met on the 20th and deliberated on it. As objections were found on various points, it was impossible to send instructions in reply during Sunday, so that the negotiations can be resumed at Shanghai on Monday. The points on which Japan objects are as follows:

(First) The second paragraph of the draft agreement does not include the expression 'The Japanese army shall be withdrawn to the Shanghai Woosung line' as mentioned in the reply instructions of the Japanese Government sent on the 18th, and instead, it is stated that the Japanese army shall withdraw to the Settlement and Settlement Extension Road, or

a region

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REP

3-#362, from Peiping, Mar. 22, 2p.m.

a region close to it. It is further stated that in case of doubt rising as to the point to which the Japanese army is to be withdrawn, neutral foreign military attaches shall assist for adjustment and surveillance. The Japanese authorities maintain that the withdrawal of the Japanese army is made voluntarily and that Japan cannot give her consent to any article admitting the interference of a third country.

In connection with the withdrawal of her troops, the Japanese Government adheres to the original form of the text about withdrawing the army to the Shanghai-Woosung line. It is further maintained that the Japanese army being withdrawn for the purpose of suspending hostilities, the difference between that and the return of the Japanese army to home should be clearly defined.

(Second) The third paragraph of the draft agreement says that the evacuated zone is to be guarded by the Chinese police under the supervising of a mixed committee made up of the representatives of Japan, China and neutral countries. But the Japanese Government has misgivings about peace being maintained by the Chinese police and suggests the stationing therein the Japanese police, of international police of international troops. Japan has no objection to the organization of the proposed mixed committee.

(Third)

7061  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

REP

4-#362, from Peiping, Mar, 22, 2p.m.

(Third) As stipulated in the resolution of the League Council of February 28th, the agreement for the suspension of hostilities anticipates the convocation of a round table conference. Unless a round table conference is held following the conclusion of the truce agreement, and guarantee for peace is secured, there is the danger of the truce agreement resulting to insignificance. It is absolutely necessary, therefore, to make China explicitly and positively agree, at the time of concluding the truce agreement, to hold a round table conference and discuss measures to rehabilitate Shanghai."

For the Minister

FERKINS

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WSB

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 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

**The Present**  
**Situation in**  
**Manchuria**  
**and Shanghai**

THE REASON  
 WHY JAPAN  
 DECIDED TO  
 DISPATCH A  
 PORTION OF  
 HER ARMY TO  
 SHANGHAI

Division of  
 FAR EASTERN AFFAIRS  
 MAR 22 1932  
 Department of State

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 Department of State letter, August 10, 1972  
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## PREFACE

The Japanese Chamber of Commerce of Los Angeles proposes to publish a pamphlet, containing the authentic reports and facts regarding the Sino-Japanese conflict, for the purpose of distributing these among our American friends. We believe that, by doing so, it will be fulfilling one of our duties which is to make the people clearly understand the present situation of the Far East. For there is no doubt that the establishment of permanent world peace requires real and impartial understanding of international affairs.

True, the report of the Sino-Japanese conflict has been promptly circulated throughout the world by the usual facilities of news supply. However, it must be noted that many facts have been necessarily omitted and errors have inevitably entered such reports—so much so that they would hardly be sufficient for a basis of an unprejudiced world opinion regarding the Sino-Japanese situation.

## THE DIFFICULTY IN MANCHURIA

The whole difficulty in Manchuria originated from a long series of the open disregard, by China, of the Treaties which are essential to the security of that region.

Its immediate cause is now well known to be the violent attack of September 18th, last; which was made by Chinese troops on the Railway Zone under the protection of the Japanese Army.

We are too apt to forget that between 1895 and 1904, China had allowed Russia to get Manchuria completely into her grasp. It was practically a Russian province. By the war of 1904-5, Japan wrested it from the control of the Czar, and handed it back to China, only stipulating in a treaty the retention of the South Manchuria Railway and the right of military protection of that Line, together with the lease of Kwantung.

Under the Sino-Japanese agreement of 1915, the Koreans and Japanese have a legal right to lease land for agricultural purposes. As a matter of fact, this right has never been fully exercised, because the Manchurian Government issued secret orders to local governors forbidding the landowners from leasing land to Japanese subjects, thus converting the 1915 agreement into a dead letter. Japan's repeated protests in this case, as on numerous other occasions, have never been heeded.

China's oppressive policy towards the Japanese with her border particularly made manifest in recent years in the boycotting and confiscation of Japanese goods under the instigation of national leaders, in unjust taxation, in illegal arrests and in slights and insults of various descriptions.

Often, the Japanese are even prevented from obtaining the daily necessities of life. Such persecution is indeed of a nature warranted at best only in time of war.

## WHAT JAPAN HAS DONE FOR MANCHURIA

The war with Russia cost Japan 200,000 lives and 2,000,000,000 yen (1,000,000,000 dollars at par value) in gold. This colossal outlay has since been followed by vast investment for economic purposes.

The South Manchuria Railway Company forms both the nucleus and the mainspring of Japan's economic activities throughout Manchuria and Mongolia. This company has invested an amount of 900,000,000 yen (450,000,000 dollars) in these countries. In addition to this, the investments made there by the Japanese Government and individuals roughly amounted to 700,000,000 yen (350,000,000 dollars). In other words, Japan's total capital investment reaches 1,600,000,000 yen (800,000,000 dollars). Moreover, if account is taken of the public and private Japanese property not included in the above figures, it will be found, according to reliable authority, that the total Japanese investment in Manchuria foots up to 2,147,000,000 yen (1,073,500,000 dollars). During the past twenty-five years, Japan has consistently followed a policy of peaceful economic development, to the sole end of promoting the prosperity and well-being of both her own and Chinese people. We firmly believe that this Japanese policy has been enormously beneficial to the natives. In the last decade some 5,000,000 Chinese have immigrated into Manchuria. Japan's sole desire in Manchuria is to create the peaceful conditions needed to assure the prosperity of her interests and the existence of a sound and healthy neighbor, able to cooperate toward the ideal of world welfare. In doing this, she sees nothing wrong; rather, there has been disappointment here that the world has not fully understood and which has given no moral support.

By the treaty of Portsmouth, Japan has the right to maintain military guards along the railway zone, its strength being limited to fifteen men per kilometer. Due to these guards, peace and order have been maintained in Manchuria, which is the only peaceful part in all China. Will this peaceful condition continue to prevail if Japan is forced out of this country? The answer is plainly written in China's own book of contemporary history.

## MANCHURIA—PAST AND PRESENT

The history of Manchuria's civilization begins with the coming of Russian railways. Manchuria had been a vast wilderness, infested by bandits and wild animals, and strung loosely by roads that were scarce and dangerous. Dairen, the second greatest seaport of China today, was yet unborn. There was no traffic except the small fur trade carried along the Siberian border. Into this primitive land came the Russian railway to mark a new epoch in the history of progress.

Unfortunately, however, this implement of modern civilization brought very little improvement to Manchuria, because it was built and used mainly for military purposes.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

In 1905, Japan went to war with Russia. This war was waged in order to protect China's sovereignty in Manchuria, peace of the Orient and her own national existence. When Japan emerged victorious, Russia, with full consent of the Chinese Government, ceded to Japan her unexpired portion of the lease in Liaotung and several other rights. To enumerate the most important of the rights which Japan obtained at this time, they were:

1. Lease of Liaotung. (This area is now referred to as the Leased Territory of Kwantung.)
2. Operation of a part of the Chinese Eastern Railway, extending 700 miles between Dairen and Changchun. (This line was later named South Manchuria Railway.)
3. Maintenance of about 15,000 soldiers to guard the above railroad.

It will be well to mention here that these were a part of the rights Russia had enjoyed, and that Japan received these, not from China, but from Russia with the consent of China.

In the years that followed, swift changes came to Manchuria. Most marked was the improvement that occurred in the territory leased, and the railway operated by Japan. The old single track rails were substituted by up-to-date double tracks; all forms of modern conveniences, such as telephone and telegraph service, water, electricity and gas systems were installed. Well equipped laboratories were built in order to improve and develop agricultural and mining industries, as well as to find new uses for various raw materials. Social and cultural institutions, like hospitals and schools, were established, not only for the benefit of the Japanese, but of the Chinese as well. Foreign trade was encouraged by opening and equipping no less than twenty cities for free and impartial international commerce. Peace and order were maintained by the efficient functioning of the railroad guards.

Japan not only so improved these areas, but also promoted cultivation of other parts by giving physical and financial assistance to the construction of many Chinese railways. The capital she lent to China for this purpose amounts, considering Manchuria and Mongolia alone, to 163,000,000 yen (82,000,000 dollars), which is still unpaid by China both in principal and interest.

As a result of Japan's endeavors, the prosperity of Manchuria was tremendously increased. The foreign trade, which had amounted to 100,697,157 Haikwan Taels in 1908, grew to 755,255,360 Haikwan Taels in 1929. The population, which had numbered 17,156,200 in 1908, multiplied to 29,197,920 in 1929.

This progress of Manchuria benefited many countries. In 1898, only 168 British ships, with an aggregate tonnage of 161,000, entered Manchurian ports. In 1928, this increased to 556 ships and 2,700,000 tonnage. In 1898, only four

American sailboats, with a tonnage totaling 2,400, had called at Manchurian ports, while in 1928, no less than 127 ships, with 500,000 tonnage, entered. But by far the greater beneficiary was China herself. She not only had her territory developed, but is receiving large amounts of profit from it. The South Manchuria Railway employs more Chinese than Japanese; and the amount of wages these Chinese employes receive is more than thirteen million dollars. And as to the income Chinese merchants, landlords, manufacturers and others receive, it is beyond calculation. The Chinese Government, however, not only failed to give support, but seriously hindered and endangered the world by conducting a systematic anti-Japanese movement. Precisely speaking, Chinese are not only anti-Japanese, but anti-foreigner. In 1925, she conducted an anti-British movement, and succeeded in driving English out of the concessions at Hankow and Kiukiang. Later she carried on similar agitation against Russia. From time to time, American missionaries and tourists were subjected to outrages. That famous Boxer uprising of 1900 was a significant outburst of this anti-foreignism.

This anti-foreignism was now directed against Japanese. Knowing that the stake Japan has in Manchuria is greater than that of England or Russia, and, therefore, more difficult to deal with, China gave double edge to her sword. Her hands of persecution appeared everywhere and in every conceivable manner and occasion. She instituted wholesale boycott on Japanese goods and currency. She compelled Chinese land owners to nullify or violate the leases they had given to the Japanese. And she imposed heavy penalty and even death on the merchants and landlords who continued to deal with Japanese.

She struck hatred of Japanese in the hearts of young Chinese by making cultivation of anti-Japanese sentiment a part of the curriculum in public schools.

Not content with these illegal persecutions, China resorted to the most atrocious type of terrorism. That Wampaushan incident, in which more than a hundred innocent Koreans were brutally maltreated, and the Nakamura incident, in which a Japanese army captain and his lieutenant were murdered and burnt by a Chinese regular army in Inner Mongolia, are still fresh in our memory. But these are only a few of many similar outrages. Plunder and massacre were held in Nanking, Tsinan, Hankao. In the Nanking incident, the Japanese consulate and residences were looted by Chinese soldiers, and men and women were unspeakably outraged; while in the Tsinan incident, men and women were killed with indescribable insult and torture.

Japan endured these outrages with utmost patience. Knowing that the progress and prosperity of Japan and China depended upon cordial relationship, she not only turned the other cheek, but even sought to shake the hand that had struck her. Many are the things Japan has done for the sake of friendship with China. To give a few examples: Japan spent annually about 3,000,000



0071

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

yen (1,500,000 dollars) for the exchange of Japanese and Chinese cultures. Utilizing the Boxer indemnity and others paid by China, she established various institutions of research and dissemination, as well as offered scholarships to Chinese students. This act, which was erroneously branded by some Chinese as intellectual aggression, was done in order to promote better understanding and closer relationship between the two nations.

When Hankao was devastated by a flood, Japan rushed relief funds to the afflicted area. Although the disaster had occurred after the Wampaushan and the Nakamura incidents, Japan lost no time in going to the rescue of the Chinese. Even school children added their pennies to the sympathy fund.

This friendship and sympathy gave Japan the strength to endure China's continued persecution. She refused to act even when a certain power, aroused over the Nanking outrage, urged her to take a punitive measure.

Unfortunately, this tolerant attitude of Japan served only to embolden China. And, finally, on September 18th, the picked soldiers of Chang Hsue-Liang, the first division of the North Eastern army, under command of Major-General Wang-I-tei, destroyed a portion of the South Manchuria Railway a few miles north of Mukden.

Japan regards Manchuria as the market for her products, and the source of raw materials for her industry. Even in this she does not seek exclusive rights. As can be seen by the fact that she opened more than twenty cities for foreign trade, she likes all other countries to share the benefit of Manchuria's growing prosperity.

#### JAPAN'S ACTION AT SHANGHAI

Our action at Shanghai is not different in nature to what all leading powers have done in the district in the past. It is purely to protect the life and property of our countrymen. At the same time, our country has merely enlarged the number of troops in the Shanghai district, due to the present critical condition. Our consulate officers are negotiating closely with the consuls of the leading powers in Shanghai. We possess no political ambition and, needless to say, we absolutely respect the rights of the other countries having interests in the Shanghai district.

In Shanghai there are people of many countries. According to statistics, approximately 70,000 foreigners reside in that city. Out of those, 25,000—more than one-third—are Japanese. Most of these people live in a quarter known as International Settlement. This International Settlement has a composite administrative body, which, for convenience, may be called Council of Foreign Nations. It is a composite body because it consists of representatives of the foreign nations residing in that district. Japan, having many of her nationals in the Settlement, occupies a seat in the Council.

Because so many different nationals are present in Shanghai, anything that

occurs in that city stirs up wide waves of interest and sensation. Thus, the situation that recently developed in Manchuria is now the center of the world's interest.

Shanghai became the latest center of the Far Eastern drama when Chinese conducted on the Japanese in that city the same illegal and violent persecution as they had executed in Manchuria. Many Japanese establishments were plundered and destroyed, many men and women were attacked and some were killed. Showing no respect even for religion, they assaulted a group of Japanese priests, dangerously wounding two and killing one.

Since the occurrence of the conflict in Shanghai, all sorts of reports were sent to America. These reports are a mixture of true facts and rumors and propaganda broadcast by the people living under abnormal conditions. This is particularly true of the reports concerning Japanese. The sector occupied by the Japanese is the most dangerous area in Shanghai, for it is the target of Chinese artillery, soldiers and snipers. On the night of January 31, about three thousand Chinese regulars, stealing into that quarter, attacked civilians, killing some, wounding many.

This fact, and the fact that the area is most closely guarded, make it extremely hazardous and difficult for reporters to approach that sector. Consequently, the news about Japan is difficult to obtain. Many of the reports that come, therefore, are second-hand material or the result of long distance observation. To give a few examples:

Japanese were once reported to have bombarded an American Mission. Later reports, however, showed that it was Chinese mortar that fired the shot, and that the fragments of the Chinese shrapnel are now in the hands of the Settlement police.

Japanese warships were said to have cannonaded Nanking unprovoked. But authentic reports indicate that the first shot was fired by the Chinese fort. Commander Shiosawa said that the Chinese fort opened fire and, simultaneously, a band of Chinese regulars launched a surprise attack on the Japanese marine guarding a Japanese factory.

Here is an amusing story that came from a perfectly reliable source. The Chinese, in order to cast discredit upon Japan, planned to fire upon Japanese warship, and then, when Japanese retaliated, to send the report that Japan had attacked Nanking unprovoked. By some confusion in time, the news of the naval engagement went abroad before bombardment actually commenced, thus testifying to the wonderful ability of Chinese as propagandists.

Japanese warships were accused of bombarding an American oil company unprovoked. Mistaking the firecrackers some Chinese were shooting in celebration of a holiday, Japanese warship opened fire on the Texas Oil Company. How strange that Chinese should shoot firecrackers toward enemy ships at a time like this!

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

The facts concerning the Shanghai situation. Japan, instead of being an aggressor, is the victim of China's aggression, and is now making desperate efforts to safeguard the lives and properties of her nationals.

### JAPAN EXPLAINS WHY IT DECIDED TO DISPATCH ARMY TO SHANGHAI

**Troops will be used merely to cooperate with Naval Marines already there, protect Japanese Nationals and International Settlement.**

The Japanese Government, February 7th, issued an official statement explaining to the world at large the reason why it decided to dispatch a portion of her army to Shanghai to cope with the situation in that city.

In the statement, the Japanese Government made it clear that the army forces will be sent because, in view of the aggravation of the situation, it would be impossible for the Naval Marines already there to handle the situation by themselves.

The troops will be dispatched to cooperate with the Marines to help restore order in Shanghai so that Japan may fulfill her International Settlement in that city.

The number of troops to be sent will be limited to what is necessary to handle the situation.

Japan has no political ambitions in this expedition, the statement emphasizes. The statement follows:

1. It is immutable policy of the Japanese Government to ensure all means in their power for tranquillity of the Far East and to contribute to the peaceful progress of the world. Unfortunately, of late years, internal discord and unsettled political conditions prevailing in China, coupled with rampant anti-foreign agitation, have given cause for serious concern to all other powers, especially Japan, which, because of her geographical proximity and vast interests of hers which are involved, has been made to suffer in far greater degree than any other. While the Japanese Government in their solicitude for neighborly amity and international good understanding have exerted every effort to maintain conciliatory attitude, China, taking advantage of our moderation, has resorted to frequent infringements of our rights and interests and to various acts of violence towards Japanese residents and to intensifying a vicious anti-Japanese movement, which is without parallel elsewhere, as it is under the direct and indirect guidance of the Nationalist Party, which is identified with the Nationalist Government itself.

2. It is under these circumstances that the Shanghai incident has broken out. It is similar to numerous outrages and insults that had previously been perpetrated at Tsingtao, Foochow, Canton, Amoy and elsewhere in that they

are all characterized by Chinese contempt for Japan and Japanese, and by acts of physical violence. The Shanghai incident only happened to be the most flagrant case. On the 9th of January, last, a vernacular journal, "Minkuo Daily News," published an article insulting the honor of our Imperial House. Shortly afterwards, on the 18th, a party of Japanese priests and their companions, five persons in all, were subjects of unprovoked attack by Chinese desperadoes. As a result, three of the victims were severely wounded and one was killed. Shock of these events is sufficient to explode the long pent-up indignation felt by Japanese residents in Shanghai, who had suffered many years past from, and had exercised utmost restraint in the face of, increasing Chinese atrocities and affronts.

3. Noting the extreme gravity of the situation, the Japanese Consul General, under instructions from the Government and in order to do all that was possible to prevent by local solution of the question any aggravation of the case, presented to the Mayor of Shanghai, on January 21st, a set of four demands, including one for dissolution of anti-Japanese societies. At three o'clock in the afternoon of January 28th, the Mayor's reply acceding to above demands was received. The Japanese authorities, hoping that tension might then relax, decided to wait and watch the performance of their promise on the part of the Chinese. However, soldiers belonging to the 19th army then concentrated in the vicinity of Shanghai began, for reasons connected with internal politics, to display signs of recalcitrance towards Nanking authorities, and appeared to be making hostile preparations in spite of the Mayor's acceptance of our terms, thus creating a new source of danger. In the meantime, Chinese soldiers in civilian costume and various lawless elements had stolen into the International Settlement, creating a source of danger to the quarter in the vicinity of municipal offices. Many alarming rumors were in circulation and residents were plunged into agony of terror, police of Chapei district having taken flight. Thereupon, on the 28th at four o'clock in the afternoon, authorities of the Settlement proclaimed a state of siege, and armed forces of powers were ordered out to duty in accordance with the plan that had been previously agreed upon. It was when Japanese marines were proceeding to their assigned sector in Chapei that the Chinese opened fire upon them, precipitating conflict between Chinese and Japanese armed forces, of which the present situation is the outcome.

4. As is clear from what has been said, the incident of the Chinese assault upon the Japanese priests and the incident of armed Sino-Japanese conflict were entirely separate affairs. With regard to armed collision . . . as it was entirely contrary to every intention of ours, and as British and American consul generals offered tender of their good offices, Japanese authorities sought to effect cessation of hostilities, and in fact succeeded, on the 29th, in arriving at an agreement for truce. But on the following day, the Chinese, in contravention

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

of their pledge, opened fire once more. At the conference summoned on the 31st, it was agreed that opposing forces should cease from all hostile action during progress of negotiations for establishment of neutral zone. However, the Chinese, resuming offensive, are continuing concentration of troops in the neighborhood of Shanghai. So far the Japanese Navy desiring, in view of the international character of Shanghai, not to aggravate the situation, has refrained from taking any drastic action, while the Chinese, spreading news of Japanese defeats, are manifesting even greater vehemence in their actions.

5. In the existing state of affairs in China uncontrolled, and in view of historical precedents in such cases, we can have no assurance as to possible behavior of vast armies congregated in Shanghai area, should unscrupulous politicians care to incite them. Our Marines, opposed to Chinese forces outnumbering them by more than ten to one, are being wearied to exhaustion, while the predicament of Japanese residents facing imminent danger as they do is beyond description. In order to meet the absolute necessity of at once despatching adequate military reinforcements (as there are obvious limitations to naval units which can be landed) so as to put an end to the menace of Chinese armies, to restore Shanghai to normal conditions and to relieve inhabitants of all nationalities from strain of fear and disquiet, decision was taken to order the necessary military forces to Shanghai.

6. It should be stated that this despatch of military force carries no more significance than the despatch of Marines in accordance with practice on several previous occasions, and that the Japanese Government are prompted by no other motive than that of discharging their international duty, and of safeguarding the large number of Japanese nationals and Japanese property worth many hundreds of millions involved in the affair.

Expeditionary force has been, therefore, limited to strength absolutely required for above purposes, and its action will be guided solely by policy of protecting the common interests of all powers. Unless Chinese, by continuing hostilities or by obstructing our army in attaining the above ends, compels it to take necessary action, there is, of course, no intention whatever that it should enter upon aggressive campaign. The Japanese Government have already declared that they cherish no political ambitions in the region of Shanghai, nor any thought of encroaching there upon rights and interests of any other powers. What they desire is to promote safety and prosperity of that region by co-operation with other powers and mutual assistance and so to contribute to the peace and well-being of the Far East.

## ANTI-JAPANESE MOVEMENT IN CHINA ANTI-JAPANESE BOYCOTTS AND OTHER MOVEMENTS DURING THE 20 DAYS AFTER THE OUTBREAK OF THE MANCHURIAN INCIDENT

(Investigations Ending on October 10, 1931)

### I. A General Account of the Anti-Japanese Movements

When the outbreak of the Manchuria Incident occurred, anti-Japanese movements in China had shown a divergent aspect in different localities. They had made ups and downs along the Yangtze Valley, the provinces under the influence of the Nanking Government, as well as in Peiping and Tientsin. In Shanghai, the anti-Japanese boycotting had become more systematized, and a plan was afoot for their extension throughout the entire country. Anti-Japanese forces have been marshaled for the purpose of pushing the boycotts under the leadership of the Association for Protest Against Japan, their object being to drive Japanese merchants and shipowners out of business.

To summarize: during the three weeks following the outbreak of the Manchurian affair, anti-Japanese movements along the Yangtze Valley and the coast of South China took the form of boycotting against Japanese goods and shipping business. Whereas anti-Japanese movements in North China rather became moderate during the same period owing to the strict control of the local Chinese authorities and the precaution taken by the officials of the powers interested in the movements, the agitation in Canton and Hongkong became much aggravated.

### II. People Who Carry On Anti-Japanese Movements

As time has passed since the outbreak of the Manchurian Incident, the fact has become increasingly clear that the Chinese officials and the members of the Kuomintang have been taking an active part in carrying out anti-Japanese boycotts and other movements against Japan. In fact, their active participation has been largely responsible for the systematic execution of the movements.

Then, the anti-Japanese merchants' organization changed its name by way of showing its greater determination to agitate against Japan. They have also organized a volunteer corps whose object was to "oppose Japan." Their rejuvenated agitation was participated in by the members of the Chinese Postal Workers' Union as well as by Chinese students who had hitherto been officially prohibited to join such a movement. Furthermore, the National Federation of Chinese Chambers of Commerce openly advocated an economic disruption with Japan. Thus, all the classes in China have joined their hands in opposing Japan. In all important local points, the officials of the local branches of the Kuomintang have led the anti-Japanese associations to carry on their movement with redoubled vigor. In large cities, the participation of students and workers has been compulsorily solicited.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

It is to be noted that in Shanghai the Chinese merchants have assumed the position of leadership and have also executed the anti-Japanese movements, while those in cities such as Hankow and other cities along the Yangtze River, have stood aloof from the anti-Japanese movements and are at heart opposed to such movements. The officials in these latter cities have skillfully managed to keep hands off these movements at least in outward appearances, so that it is impossible to prove their direct connection with the movements. However, exceptions have been seen in several cities. In Hangchow, for instance, newspapers have published documents containing the financial subsidies which the municipal government of that town had given to the anti-Japanese association there. A more complicated situation was witnessed in Swatow where Chinese merchants were either imprisoned or fined by the police officials for having purchased Japanese goods. The Chinese who were employed by Japanese in the same port were imprisoned, and the lighters which did business with Japanese vessels were seized by the police. In the city of Chengtu, an insult was made to the Imperial Consulate there, when the Chinese police officials allowed the anti-Japanese pickets to make an abusive oral demonstration against Japan for about 15 minutes in front of the consulate.

In Tsungchow, the military authorities prohibited the unloading of a Nisshin Kisen Kaisha's vessel.

In Shanghai, the communists have seized the opportunity in agitating in favor of a general strike in all Japanese factories, anti-Japanese boycott, the bolshevization of Chinese workers, and an anti-Japanese and pro-Soviet policy.

### III. Methods of Anti-Japanese Movements

Prior to the outbreak of the Manchurian Incident, the anti-Japanese law was the main basis of boycotts and agitation against Japan, the following methods having been based upon that law:

1. Registration required of Japanese goods.
2. The collection of the registration fees.
3. The issuance of the transit certificate for Japanese goods.
4. The inspection of Japanese goods (in shops as well as in streets).
5. The seizure of Japanese goods.
6. A special levy for Japanese goods in China. Anti-Japanese gathering, picketing, telegraphic communication, written communication, oral communication and chain-letter.

After the Manchurian Incident, the anti-Japanese methods have been strengthened as the following would indicate: refusal to buy or sell Japanese goods and to transport them; suspension of supplying raw material and daily provisions; boycotting Japanese vessels; boycotting Japanese currencies; suspension of business transaction with all Japanese banks; withdrawal of deposits from Japanese banks; boycotting by Chinese employees of Japanese; boycotting

of Japanese newspapers by Chinese advertisers; suspension of social intercourse with Japanese.

The following methods were also adopted in order to enforce the above boycotting:

Inspection at stations and waterfront; seizure of Japanese stock exceeding seven days' provisions; inspection of Japanese goods in shops; order that Japanese currencies must be exchanged within three days and Japanese bank deposits be withdrawn within the same period of time; refusal to pawn with Japanese goods as mortgage; walk-out of Chinese employees in Japanese shops and factories within three days.

Violators of the above-mentioned orders were punished variously; those whose violation had been found grievous were put to death charged with treason. In some cases, the Japanese goods in their possession were seized; other were given public warning; their property is seized; imprisoned; were led through streets; exposed to public gaze in traitor's dress.

### IV. How Anti-Japanese Movements Are Controlled by the Chinese Authorities

During the period under consideration, the following incidents have occurred:

- a. The anti-Japanese association in Shanghai, on September 29, seized 120 bales of Japanese cracknel which were being transported by a Japanese merchant and carried them away on a motor truck.
- b. The same association on the same day tried to seize five rolls of cotton piece goods which were being transported by a Japanese merchant but failed in the attempt.
- c. Some members of the anti-Japanese association in Shanghai seized some merchandise which were being transported within the foreign settlement.
- d. On the same day, the carriers of Japanese newspapers were robbed of their property while in act of distribution.

The Japanese industries and trade along the Yangtze Valley and South China have been severely hit by the worsened anti-Japanese movements, following the recent outbreak of the Manchurian Incident.

After September 21, the Chinese customs brokers refused to deal with Japanese cargoes, the Chinese bankers and money exchanges suspended their business against Japanese interests, and the transaction of Japanese cotton goods came to stoppage. After September 23, the delivery of Japanese textile goods was stopped, many large-scale contracts of cotton textiles were cancelled, cotton yarns and textiles brokers discontinued their business, sugar transactions were reduced to naught, contracts of general merchandise were cancelled; and only papers for newspapers were delivered. After the 26th of the same month, the shipment of general merchandise was suspended to a great extent. The shipment of freight to the interior regions also largely came to be suspended.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

The inspection of Japanese parcels and substitutes for daily necessities was commenced from October 1, and in consequence, the amount of cargoes for the vessels of the Nisshin, Dairen and Osaka Shosen steamship companies was reduced drastically. Stoppage in the transaction of coal made one Japanese sugar refining plant to suspend its operation. After October 3, the Chinese money exchanges completely suspended their business with Japanese; the brokers at the Chinese money exchange refused to take up any new transaction; Chinese dockyards refused to admit Japanese vessels in need of repair; Chinese merchants dealing with ship implements and lumber discontinued their business with Japanese merchants. The commodity exchange demanded the Japanese brokers who were connected with it to close their business. The shipment of cotton yarn and textiles to Canton and Hankow was suspended. The amount of cotton business during the first week after the Manchurian Incident was the lowest in recent years.

The Chinese compradors and cashiers of big Japanese firms were forced to resign by anti-Japanese associations. After October 6, the Chinese longshoremen began to refuse the handling of Japanese goods; disturbances were seen in some Japanese factories, one of which were forced to close down in consequence. Middle and smaller industrialists were placed in a position of extreme difficulties and the shipment of Japanese goods stored in Chinese warehouses became impossible. The export of Japanese cracknel, rape-seeds, and rape-seed cakes has been practically suspended.

An anti-Japanese mass meeting was opened on September 23 at the auspices of the Kuomintang and government officials and the citizens of Nanking participated. The meeting decided to post handbills urging "to murder Japanese," and to "rush to Tokyo."

Many riotous people gathered in front of the Japanese Consulate and the residences of prominent Japanese nationals in order to stage demonstrations. Some Japanese pedestrians of both sexes were stoned by Chinese mobs. So imminent became physical violence on the Japanese that all Japanese women and some of the Japanese men had to seek refuge by taking a boat for Shanghai on October 23.

The situation in Shanghai has been no less serious. Mobs began to stone on Japanese children from September 21 on which alone some 93 cases were reported. Chinese newspapers printed articles and stories for the purpose of abetting citizens to resort to extreme measures, as in the case of other cities. One Chinese police chief told a Japanese member of the Shanghai Municipal Council that it would be extremely difficult to extend protection to Japanese nationals outside of the settlement.

On October 22, the anti-Japanese mass meeting led by the officials of the Kuomintang, Chinese Chamber of Commerce and other civic bodies adopted the following measures:

1. To ask the Nanking Government to pursue a revolutionary diplomacy against Japan.
2. To stop internal quarrels in order to meet Japan.
3. To declare war against Japan.
4. To carry on anti-Japanese boycotting more thoroughly.
5. To put to death anyone who should oppose the anti-Japanese movements.
6. Not to sell food to any Japanese.
7. To strike against Japanese cotton mills.

On October 23, the students' mass meeting adopted a resolution in favor of sending troops to Shantung in order to repulse the Japanese troops there.

e. In Peiping, the students of the Peiping Military College met and adopted a resolution in favor of asking the immediate cessation of internal quarrels and to ask the Central Government to declare war against Japan. They also urged the Japanese instructors to resign at once. Other Chinese students also met in protest against Japan and many Japanese were struck by them.

On September 21, the Chinese Chamber of Commerce resolved to carry out an economic disruption with Japan, to suspend all business transaction, and to carry on a thorough-going boycott against Japanese residents. On September 23, a general mass meeting was held by Chinese students, and adopted a resolution in favor of the declaration of war against Japan. General Chang Hsueh-liang called on foreign military officials and notified them that he would declare war on Japan, provided they did not take sides with Japan.

f. Three Chinese generals in Tientsin, in conjunction with several others, advised General Chang to open hostilities against Japan in the afternoon of September 19. The Chinese students of the city resolved in favor of declaring war on Japan and asked the military authorities to give them arms and ammunition. Many Japanese nationals were struck by Chinese and 50 of them took a steamer for Japan because of the increasing threats on their lives.

## ANTI-FOREIGNER EDUCATION IN CHINA JAPAN'S DEVELOPMENT IS BRANDED AS AN INVASION

### China's Ceded Territories

(New Chinese Geography for Advanced Students, 3, XII)

At the beginning of the Ching regime, we had an extensive area of territory and many dependencies. With the spread of the influence of the White Nations in the Far East, China came to be subjected to their imperialistic invasion. An extensive territory and dependencies were snatched away by Powers such as Russia, Japan, Great Britain and France. All the territories China has thus lost constitute one-third of her total area.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

### HOW THE BOXER INCIDENT IS TAUGHT

(Reading in Nationalizing of Primary School Education, III)

#### The Boxer Protocol

The Boxer Protocol was signed on September 7, 1901, under the intimidation of the Allied Expeditionary Forces of Eight Nations. Its salient terms are as follows:

1. The amount of the indemnity was fixed at 450,000,000 taels to be paid in 39 years.
2. The Taku forts were to be grazed and the foreign troops were to be stationed at several specified places between Taku and Peking.
3. No Chinese are to be allowed to reside within the legation quarters at Peking.

The Allied Expeditionary Forces of Eight Nations attacked China on the pretext that the Boxers had killed foreigners, but the truth of the matter was the foreigners had long before planned to oppress the Chinese by their united military forces. After this initial success, their method of attacks on China has been always cooperative action among them.

It is imperative that we wake up to the gravity of the situation, before it is too late for us to save the country, and abolish the Boxer Protocol and all other unilateral treaties China concluded with foreign countries.

Our country paid an immense amount of indemnity and apologized for having killed but a few foreigners. What are the foreigners going to do for us, now that they have set fire in our own country and plundered many people?

#### THE POWERS

(One-Thousand Character Lesson in the Three Principles, 1, XIV)

What is meant by the Powers? The word Power signifies force. The Powers are the countries which are powerful. They are called Powers because they often oppress weaker nations through unilateral treaties. In China, all countries are known as Powers who oppress our country through such treaties. There are seven or eight such countries. Great Britain, Japan, France, and the United States are such countries. But Great Britain and Japan have been especially oppressive towards this country.

#### First example:

#### THE INTERNATIONAL STATUS OF CHINA

(New Age Three Principles Reader, 1, IV)

The international status of China at present is that of a sub-colony which is lower than ordinary colonies. A colony in the ordinary sense is a slave nation to some single power; for example, India is a slave nation to Great Britain. But our country is a slave nation to more than ten powers, and our privation is greater than that of the Indian people.

So long as our unilateral treaties stand, we occupy the status of a slave nation.

#### Second example:

#### NATIONAL HUMILIATION COMMEMORATION PICTURE

(New Age Reader for Beginners, 6, XVIII)

The crowd of students who saw two pictures failed to understand their meaning, whereupon Hanmin said:

"Our people are treated with contempt and derision, but we do not feel them. Thus, some liken us to a slumbering lion. The lion is a ferocious animal but he cannot do anything if he does not wake from his slumber. The lion in one of the pictures represents our country, while those small animals such as the wolf, fox, rabbit, etc., represent the foreign powers. The students understood the meanings of the pictures for the first time.

#### Third example:

#### FOREIGNERS HAVE CHEATED US OUT OF OUR MONEY

(New Age Three Principles Text-Book for Beginners, 1, XIX)

Foreigners have cheated us out of our money in stupendous sums. How? By bringing into our land foreign goods.

#### VARIOUS LEASE TREATIES

(Three Principles One-Thousand Character Lesson, 1, XXVIII)

Germany occupied Kiaochow-wan in 1897 because two German missionaries were killed by Chinese. A year later she demanded its lease, its term being for 99 years. The Kiaochow Railway was also built by Germany.

After this, the powers eagerly demanded for leased territories. Russia leased Port Arthur and Dairen; England, Weihaiwei, and France, Kiangchow-wan. Later, Russia was defeated in war by Japan and Port Arthur passed into Japanese hands. Kiaochow-wan has since been restored to China; although both England and France consented to the restoration of their leased territories, they have not carried out their promise. But Japan refuses to restore Port Arthur to our country.

#### RECOVERY OF FOREIGN SETTLEMENTS

(Reading in Nationalizing of Primary School Education, 5, XXXIV)

Q. Are the foreign settlements territories of foreign countries?

A. No. They are our own territories. They were leased to foreigners for commercial purposes.

Q. When did the foreign settlements originate?

A. They came into being at the time of the signing of the Sino-British Treaty of Humen 69 years before the establishment of the Republic.

Q. How many kinds of settlement are there?

A. There are two kinds, exclusive and international settlements.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Q. If the settlements are Chinese territories, why is it that they are administered by foreigners?

A. At the time the settlements were first instituted, the sovereign power of China in them was not lost. During the Ching regime, a poll-tax was levied on the Chinese in the Shanghai settlement. As the intelligence of our people was low and our government officials knew very little about international law, the foreigners in the settlements gradually made encroachments until they came into complete possession of the right of administration in the settlements, which now seem as if they are foreign territories.

Q. But if the foreign settlements are Chinese territories, why should we attempt to recover into our hands?

A. By the recovery of settlements is meant that we no longer lease the territories to foreigners and to prevent the administration of the territories by foreigners. Foreigners will be allowed to engage in their daily activities but they will have to obey the Chinese laws.

Q. Was any settlement restored to China already?

A. The settlements at Hankow and Kiukiang have been already recovered.

Q. Can all the settlements be recovered?

A. Of course, they all can.

Q. How can we recover them all?

A. We can recover them by pushing the Nationalist Revolution and by denouncing unilateral treaties.

An example concerning communication facilities:

#### THE TELEGRAPH OF OUR COUNTRY

(New Doctrine Social Readers, 7, XXIII)

Japan, Great Britain, the United States and France have established radio stations in our country without permission. They have also laid cables in our seas. These communication facilities must also be recovered into our own hands.

An example of propaganda regarding the so-called cultural invasion in China:

#### WHAT DAY IS DECEMBER 25?

(Reading in Nationalizing Primary School Education, 5)

About one hundred years ago, when China opened her ports to foreign countries, she allowed evangelization by foreigners and the establishment of foreign Christian schools. They celebrated the birth of Christ on every December 25, and many Chinese participate in the celebration. Later, the Chinese Christians came to observe the day as Christmas and forget that it was the day on which the Nationalist Revolution first broke out in the Province of Yunnan.

Recently, the Chinese came to realize the fact that the foreign missionaries are carrying on a cultural invasion into China and have been acting as the instrument of imperialism. Whereupon, an anti-religious movement was started for the purpose of recovering the right of education from foreign hands.

## LAWLESS ACTIVITIES OF BANDITS AND ROUTED SOLDIERS IN MANCHURIA

### INVESTIGATION I.

#### Lawless Activities of Bandits and Routed Soldiers

The following facts gathered by the League of Nations Association of Japan concern themselves with the lawless activities of the Chinese mounted bandits and routed troops in the region since the occurrence of the Manchurian incident:

1. Around Chienshan Station on the main line of the South Manchuria Railway.

Chienshan Station, in the south of Liaoyang, was attacked by about 300 mounted bandits possessing up-to-date machine guns at two o'clock in the morning of September 26. After having made an attack on a Chinese transportation agency, broke into a Japanese brewery, shot to death two night watchmen, seized money, captured the proprietor and six Chinese employees as hostages for the ransom of 200,000 yen, and fled towards the eastern mountains.

2. In Changtze and Faku and their vicinity.

The mounted bandits who attacked Tungkiangkow, as has been already reported, moved over to Changtze. On October 28, about 500 routed Chinese soldiers made a sudden assault upon Faku. About 100 Chinese soldiers were also lurking near Tiehling and Faku, and over the highways leading to them.

3. In Kirin district.

Koreans in the Wenho district were pillaged by the defeated soldiers of the Kirin army on their way to joining the army of General Chang Tso-hsiang, which was located in the Wushu district. These routed soldiers at first were friendly towards Japan but later changed their attitude and began their march to join General Chang's troops on October 23 or thereabout.

4. In Tunghwa district.

About 600 men belonging to the routed Chinese troops in the Tunghwa district made an assault on Yunglingkai in Hsinkingien, which is situated about 60 miles east of Port Arthur, in the first part of October, but were annihilated by the Chinese military authorities at Peshanchengtze; the other group was reported in the middle of the same month marching towards the South Manchurian Railway line.

5. In Linkiang district on Yalu River.

The report had been received at Tungkow towards the close of October to the effect that about 500 routed soldiers of General Wang I-che were marching towards the Linkiang district for the purpose of attacking and that the Chinese military authorities there were preparing for their attack.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

## INVESTIGATION II.

### Lawless Activities of Routed Chinese Soldiers and Bandits Along the Railway Lines in Manchuria. The Following is a Rough Description of the Conditions Prevailing on November 9:

1. About 1,000 routed Chinese soldiers made a sudden appearance in the northwest of Haicheng and one Japanese battalion is attempting to subjugate them. So far the casualties of the Japanese side have been slight, only two men having been lightly wounded. About 30 Chinese soldiers were either killed or wounded and 20 horses have been found killed. Chinese defeated soldiers and bandits numbering about 700 in all made their appearance at a point about twelve miles from Haicheng but were quickly repulsed by one Japanese infantry company.

2. One Japanese infantry company and one machine-gun squad are engaged in the subjugation of about 700 Chinese routed soldiers and bandits who marched towards the north of Ssupingkai.

3. One Japanese infantry company is facing about 100 Chinese bandits at a point between Tiehling and Kaiyuan.

4. A clash has been reported between one Japanese infantry company and about 100 Chinese bandits at a point northwest of Sinmin.

5. About 500 Chinese routed soldiers and bandits made an assault on 30 Koreans in Kaiyuan and burnt the latter's crops.

The attack of reckless Chinese soldiers and bandits have been on a steady increase and there is no sign of their abatement in the near future. Due to their lawlessness, the telephone and telegraph service near Haicheng was crippled for some time but it has now been restored by Japanese hands.

## INVESTIGATION III.

### Lawlessness Created by the Presence of Routed Chinese Soldiers and Bandits in Various Points in Manchuria

Districts around the city of Mukden, including Hsiehyang, Fushun, Penchi, Sinmin, Pengwu, Heishan, Yuanjen, Tunghwa, Hsingking, Yuanho, Huinan, Hailung, Chinchuan, Chingyuan, have been comparatively free from disorder and banditry. The districts which have been most severely hit by the defeated soldiers and bandits are the following: Liaoyang (town of Liaoyang, Liaochu, Tainan), Chengkiatun (Liaoyuan, Taonan, Kaitung, Taonan, Ankwan, Chentung, Tuchuan, Shuangshan, Tanyu), various principal cities in East Mongolia, Tienlin (town of Tienlin, Kaiyuan, Taifeng, Sian, Sifeng, Chanhshing, Kanpin, and Faku), Chanchun (Itung, Fengan, Chanlin and Tehui). The Chinese soldiers and bandits are usually armed with rifles and machine guns and in some cases with field guns. The following are the general conditions in various points in the disturbed area in Manchuria:

1. There are about 1,000 defeated soldiers and bandits around Faku and Kangpin. Their chiefs are Hsiao Pen-lun and Ta Sun, and the men are well armed with rifles in great numbers. They seem to have close connections with the Chinchow Government. They call themselves by the name of "Anti-Japan Volunteers."

2. There are about 1,000 soldiers and bandits operating at Kungchuling and Itung. They are led by two chiefs, namely, Chuanshe and Shung Yanghao. Since the latter part of September, the troops attacked the town of Kungchuling several times and set fire on the Chinese houses in the same town and pillaged the townspeople. They possess a large number of rifles.

3. There are about 200 bandits, with Ssupingkai as the basis of their operations. They are led by Lao Lai-hao and Wu Sheng, and have been a source of much trouble to the Japanese garrison army and police.

4. Approximately 1,000 routed soldiers and bandits have been found operating between Tungliao and Chengkiatun. They are led by the following chiefs: Chuan Chan, Tien Hsia-hao, Chu Shan-hao, and Kai Shanchang. The men also possess a large number of rifles, have carried out incendiarism and pillage with much impunity, and tried to wreck trains and railway tracks.

5. About 800 bandits, led by Chinese military officers in uniform, have been operating between Chengkiatun and Taonan. They also possess a large number of rifles and are led by Tsao Shang-fei and Chan Pien-ti. The bandits have attempted to wreck trains.

6. Routed soldiers and bandits numbering about 2,000 in all have assembled along the railway line between Ihuaishu and Sankiangkow, in the southwest of Chengkiatun. (Captain Kurihara, of the Japanese Army, died in an engagement with these bandits on October 28, his troops having been dispatched from Chengkiatun to the scene of operations by the bandits.)

7. About 3,000 bandits, under the leadership of Lao San-she, have been pillaging the Chinese inhabitants of Changtze and Pameencheng. They also possess a large number of rifles.

8. About 1,000 bandits operating in Liaochu and Tainan are led by four chieftains and have an ample supply of rifles and ammunitions. They seem to keep in close touch with the Chinchow Government. It was these bandits that have taken as a prisoner Ling Yin-ching, head of the Northwestern Volunteer Army.

9. There are approximately 200 bandits assembled at Haicheng, who are led by Chien Shan-hao and Pe Shun. They made an assault on the Japanese Treaty Zone on October 26, setting fires on houses and structures and pillaging inhabitants.

10. At Newchwang, took refuge in the direction of Taishihkiao in the first part of October.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

11. There are several bandits assembled in the Panshan district who are led by Kao and Te Chuan.

12. In the Kwaite district, there are about 300 bandits under the leadership of Tien Hsia-hao and Sao Pe. They have caused much trouble to the Korean inhabitants, about 400 of whom took refuge to Kungchuling in the first part of November.

13. About 500 routed soldiers and bandits have assembled in the Chinyuan district. Every one of them is provided with a rifle and ammunition, and the Chinese and Korean inhabitants there have been subjected to a severe mistreatment.

14. There are about 500 bandits assembled in the vicinity of the Yentai coal mines. They are led by Sin Lai-hua and Shansheng. Several hundred bandits have been found lurking in the east of Penchihu.

15. There is a group of bandits in the east of Fenghuangcheng. They are led by Wu Te-hou.

16. There are about 400 bandits in the Kiangchiao district who are led by the three chiefs of Ni Hu, Hei Hu, and Chan Chu-yang.

17. In the east of Tunghwa there are about 1,000 bandits under the leadership of Ta Tao-chin.

18. In the vicinity of Liuho, there are about 700 bandits under the leadership of Man Shan-hua.

19. In Tunhwa, there are approximately 200 bandits under the command of Yet Mao.

20. Between Kirin and Tunhwa, there are about 200 bandits who obey their leaders, Lao Kang-i and Chan Chu-yang.

21. There are about 100 bandits under the directorship of Tung Ta-hua.

22. There is a group of bandits in the east of Taishihkiao.

23. There are about 100 routed soldiers under the command of Ta Yangtze in the northeast of Sinmintun, near the Peining Railway line. They are well provided with rifles. There are four foreigners who were carried out by these bandits.

24. There are about 600 bandits lurking in the west of Sinmintun. They are led by Ai Kuo and Chu Kuo, and are well provided with rifles.

25. There are about 100 bandits under the leadership of Chin Lung in the middle section of the Kirin-Changchun Railway.

26. About 600 bandits, under the command of Tien Ming, are found in the Fengan district.

## SOME STATISTICAL DATA CONCERNING THE LAWLESS CONDITIONS IN MANCHURIA

### I. Casualties of Korean Inhabitants in Manchuria

The following are the statistics collected by the Japanese Consulate-General at Mukden regarding the casualties of Korean inhabitants in Chingyuan-hsien and Nitaohotze district who were attacked by Chinese soldiers and bandits:

Number of households attacked .....	135
Number of male population attacked .....	504
Number of female population attacked .....	314
Number of people murdered .....	26
Number of persons wounded seriously .....	3
Number of missing persons .....	9
Number of houses burnt .....	12
Amount stated of property pillaged .....	15,040 yen
Amount assessed by the Consulate .....	12,695 yen
Period of casualties .....	several days after Oct. 25
Soldiers attacked .....	About 200 routed soldiers of the Seventh Chinese Brigade which was commanded by General Wang I-che.

Besides the foregoing, one person was shot to death accidentally by the members of the Chinese defense committee. Many Chinese inhabitants were also pillaged by the same soldiers.

### II. Number of Casualties in Manchuria and China up to November 5

The following are the statistical data of casualties of Japanese up to November 5 since the outbreak of the Manchurian Incident:

#### (a) In Manchuria

Fengcheng-hsien, 2 Koreans were wounded.  
 Linkiang-hsien, 8 Koreans were brutally murdered.  
 Yingkow-hsien, 1 Japanese soldier wounded.  
 Panshan-hsien, 3 Japanese civilians were carried away.  
 Liaoyang-hsien, 3 Japanese police officers were wounded, 1 Japanese civilian abducted.  
 Hsiehyang-hsien, 6 Japanese soldiers killed, 1 Japanese civilian brutally murdered, 1 Korean murdered, 1 Japanese soldier wounded, 1 Japanese wounded.  
 Chingyuan-hsien, 25 Koreans murdered, 2 Koreans abducted.  
 Liaoyuan-hsien, 2 Japanese soldiers killed and 3 Japanese soldiers wounded.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Tungliao-hsien, 5 Japanese soldiers killed, 1 Japanese civilian abducted, and 150 Koreans are missing.

Tiehling-hsien, 80 Koreans murdered, 4 Koreans wounded.

Kaiyuan-hsien, 7 Koreans killed.

Changtze-hsien, 1 Japanese soldier killed, 3 Japanese police officers killed, 8 Japanese soldiers wounded, and 4 Koreans wounded.

Hsian-hsien, 1 Japanese killed.

Changchun-hsien, 1 Japanese civilian murdered.

Lishu-hsien, 1 Japanese soldier killed.

Yungki-hsien, 28 Koreans murdered, 22 Koreans wounded and 19 Koreans abducted.

Hwatien-hsien, 9 Koreans murdered and 5 Koreans abducted.

#### (b) The Number of Dead

Japanese soldiers	14
Japanese police officers	3
Japanese civilians	5
Koreans	165
Total	187

#### The Number of the Wounded

Japanese soldiers	15
Japanese police officers	3
Japanese civilians	2
Koreans	34
Total	54

#### Number of Persons Abducted or Missing

Japanese civilians abducted	5
Koreans abducted	27
Number of people missing	150
Total	182

NOTE—The foregoing Japanese soldiers and police officers killed do not include those who lost their lives in battle against Chinese regulars; on the other hand, they are those who perished in defending Japanese and Koreans against the routed Chinese soldiers and Manchurian bandits, who ravaged the different parts of the region.

#### (c) China Proper

The following cases have been reported up to October 18:

Shanghai: 178 cases of violence, assault, and maltreatment, the number of persons involved being 287; and the number of Japanese school children, who were stoned while passing through the streets, is 394.

Hankow: The number of violence and persecution, 5.

Chungching: One Japanese was stoned.

Hongkong (up to the first part of October): Six Japanese killed, 9 Japanese wounded, 12 Japanese beaten, and 103 Japanese school children maltreated.

The number of violence has been on a steady increase.

A telephone message from Sinminfu has reported that the proprietor of Keining Hotel and three others who were on a hunting trip to Chienyungsu at about three miles north of Sinminfu were attacked by about 30 mounted bandits and carried off in the direction of Liuchiakou. Only the Chinese companions were allowed to return to Sinminfu. Japanese police in conjunction with the Chinese police are pursuing the bandits.

#### (d) Casualties of Westerners

The party of four westerners who were reported to have been captured by routed Chinese soldiers were released on the night of October 15. They were two Germans, one Czechoslovakian, and one Estonian. Two of them were severely beaten. All their belongings with the exception of their hunting rifles were seized by the bandits. They were barely clothed when they reached Mukden. The following is an outline of their story as told by them:

"We were imprisoned in a Chinese house for three hours and were given a maltreatment. We jumped with joy when a Japanese aeroplane, in search of us, appeared in the sky. The Chinese fired the aeroplane with great persistence. In the meantime, a Chinese officer returned and we were released. There were about 70 soldiers in all and they were well provided with machine guns."

### III. The Casualties of Japanese, Koreans, Chinese Due to Attacks Made by Chinese Routed Soldiers and Bandits (Sept. 18-Nov. 12)

Between September 18, on which the explosion of the S. M. R. line, and November 12, the casualties of Japanese, Koreans, Chinese due to attacks made by Chinese routed soldiers and Manchurian bandits, so far as known, are as follows:

Number of cases reported	964
Extended number of bandits attacked	146,581

#### Number of Persons Killed

Japanese soldiers	15
Japanese police officers	3
Japanese civilians	4
Koreans	113
Westerner	1
Chinese police officers	27
Chinese civilians	305

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

#### Number of Persons Wounded

Japanese soldiers	16
Japanese police officers	3
Japanese civilians	3
Koreans	93
Westerners	7
Chinese police officers	14
Chinese civilians	65

#### Number of Persons Carried Away

Japanese	3
Koreans	194
Chinese police officers	12
Chinese civilians	366

#### Other Cases of Violence

Number of attacks made on Japanese armored trains	2
Number of Japanese warehouses burnt	3
Number of Japanese farms attacked	1
Number of Korean houses burnt	28
Number of attacks made on Chinese public houses	14
Number of towns and villages captured	3
Number of Chinese vessels attacked	5
Number of attacks made on Chinese trains	2
Number of attacks made on Chinese stations	2
Number of towns and villages burnt down	2
Number of damages to telegraphic wires	10
Number of Chinese houses burnt down	411

#### Number of Punitive Expeditions

Japanese garrison army	51
Japanese armored trains	5
Japanese police	33
Chinese army	3
Chinese police	91

#### IV. Lawless Activities of Routed Soldiers During 10 Days From November 1

##### (Investigation Made by the Police Authorities of Tutung)

According to an investigation carried out by the police authorities of Tutung, the following were the conditions of the lawless activities of routed Chinese soldiers and bandits during the ten days from November 1:

1. There were all together 278 cases of brigandage (as compared with 34 cases during the corresponding period in the previous year).

The following is the sub-division:

Changchun, Kungchuling, Ssuping kai	54
Kaiyuan and Tiehling	136
Mukden, Fushun, Pengchihu	45
Liaoyang, Ansan	18
Taishihkiao and Yingkow	25
Antung	6
Pitzeko	5

#### Classified in Number of Group

Those less than 50	185 cases
Between 50 and 200	54 cases
Above 200	23 cases
Number unknown	2 cases

#### CHINESE VIOLATIONS OF JAPANESE RIGHTS AND INTERESTS IN MANCHURIA

##### Traffic Obstructions by Chinese to the South Manchuria Railway

Following are the damages, done by Chinese, within the railway zone of the South Manchuria Railway:

Kind of Cases	1929	1930
Obstructions to the operation	87	84
Theft during operation of trains	114	75
Theft of railway equipments	17	75
Theft of telegraph wires	13	13

#### Double Taxation at Dairen

In the case of goods imported at an open port and transported to another Chinese port, the double imposition of import duty has hitherto been avoided by means of drawback. After the drawback was abolished in May, 1931, Exemption Certificates were issued at the ports of export for goods re-exported to Chinese ports (Dairen not included among them), and thereby double taxation was avoided. But no Exemption Certificate is now issued for goods shipped to Dairen, and in spite of the Japanese Government's repeated protests the Chinese Government has taken no steps to remove the double taxation on such goods.

#### Appropriation of Yen 10,000,000 Advanced in Accordance With the Loan Contract Relating to Kirin-Huining Railway

In accordance with the Agreement of April 15, 1907, regarding the Sinminfu-Mukden and Kirin-Changchun Railways and the Agreement of September 4, 1909, regarding Chientao, a preliminary loan contract relating to

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Kirin-Huining Railway was signed between three Japanese banks and the Ministry of Communications of the Chinese Government on June 18, 1918, and the three Japanese banks advanced Yen 10,000,000 to the Chinese Government. The Chinese Government attempted not only to evade the construction of the Kirin-Huining Railway but also to deny the loan itself.

**Pressure Upon the Japanese Residents in the Walled City of Mukden**

In spite of the fact that Mukden was opened to trade and residence by the Sino-American Treaty of Commerce of 1903, the Mukden Chinese authorities designated a certain restricted area outside the Walled City of Mukden as an international mart, for the purpose of trade and residence by foreigners. At this moment, by applying pressure upon the Chinese landlords of Japanese residents within the walled city, and in disregard of the protests of Japan as well as other interested countries, the Chinese authorities compel Japanese, as well as foreigners, to withdraw from the Chinese native city, where there remain at present only forty-four Japanese householders.

**Pressure Upon Japanese Residents Within the Walled City of Sanshing**

In spite of the fact that Sanshing, in Kirin Province, was opened to trade and residence by an annex to the Sino-Japanese Treaty of 1895, the Chinese authorities resort to the same unreasonable excuses as in the case of Mukden. And by bringing about direct or indirect pressure upon the Japanese within the Walled City of Sanshing they have made it impossible for them to reside or carry on trade there. As a result there are only five or six Japanese residents remaining, and establishing of new residences or shops by Japanese is absolutely impossible.

**Illegal Arrests and Conviction of Koreans**

Recently the Chinese authorities in Three Eastern Provinces, in disregard of treaty rights, arrested and imprisoned Koreans promiscuously, and confined them to prison for several months, even over a year, without process of law. It has been discovered, actually, since the present Mukden incident took place, that there were sixty such prisoners in the Mukden penitentiary, one hundred and forty in the Tungkwa, two hundred and thirty at the Kirin, and about forty in the Harbin.

**The Universal Use of Anti-Japanese Text-Books**

Recently the Chinese Government has inserted many anti-Japanese sentiments in schoolbooks throughout the country nursing, thereby, the spirit of revenge in the minds of the coming generation of China. (See No. 2 of this Supplement.)

**Oppression of the Newspaper "Shangking Shihpao" (Seykyojiho)**

This Chinese language newspaper in Mukden is a Japanese enterprise. By applying pressure, the Chinese authorities undertook to obstruct thoroughly

the Chinese patronage in 1928 and 1929 for a period of about ten months and made it impossible for the management to carry on business. Again, from June, 1930, to August of the same year, by persecuting the Chinese sales agents of the paper, they made its distribution impossible; and from July to August this year, the Chief of the Bureau of Public Safety, secretly allied with the Liaoning People's Diplomacy Association, imprisoned important Chinese distributors of the paper in Mukden, in the above named bureau and persecuted them.

**The Nakamura Incident**

Captain Nakamura, accompanied by a Japanese named Y. Isugi, one Mongolian and one Russian, while traveling through Kungantung Reclamation district, on July 26, 1931, was arrested by men of the 3rd Regiment of the Reclamation Army, stationed in the above named district, and was later murdered with his party by the Commander of the said Regiment.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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PH REGD

No. -----

793.94  
8/2/81

AMERICAN CONSULATE  
GENERAL,  
Mukden, China, February 25, 1932.

SUBJECT: Banality. MAR 22 32

(9)

Division of  
FOR EASTERN AFFAIRS  
MAR 23 1932  
Department of State

THE HONORABLE

THE SECRETARY OF STATE,  
WASHINGTON.

SIR:

I have the honor to enclose herewith a copy of my  
despatch No. 537 to the Legation at Peiping, China,  
dated February 24, 1932 on the above subject.

Respectfully yours,

*M. S. Myers*  
M. S. Myers  
American Consul General.

MAR 30 1932

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Enclosure:

Copy of despatch No. 537 to the  
Legation at Peiping, China.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

No. 537.

AMERICAN CONSULATE GENERAL

Mukden, China.

February 24, 1932.

SUBJECT: Banditry.

The Honorable

Nelson Trusler Johnson,

American Minister,

Peiping, China.

Sir:

1/ Supplementing my confidential despatch No. 534, dated 17, 1932, regarding banditry conditions in South Manchuria, I have the honor to enclose herewith a copy of an article entitled "The Chinese will be 'Good Boys'" which appeared in the Manchuria Daily News of February 16 and 17, 1932. This article lists the different bandit groups in Manchuria, 13 in all, which have surrendered or have offered to surrender to the Chinese or the Japanese forces. The aggregate strength of these groups according to the figures given is 8,500, of which number 4,850 are reported to have surrendered.

Japanese Headquarters have reported during the past week several banditry operations worthy of note. On February 15, it was stated that Iao Pei-feng, a well known bandit chief mentioned in the enclosure,

has

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

has lost all his power and that most of the bandits in the region of Yingkow want to submit to the Japanese but hesitate to give up their arms. It was announced that the main body of the Japanese 58th Brigade at Suichung and Hsingcheng, along the Peiping-Liaoning Railway, was despatched on February 14 toward Chihhsi to suppress bandits in that vicinity. Another report stated that Chang Hai-p'eng's troops expelled about 1,000 bandits from Ch'angwu, on the Tahushan-Tungliao Railway, on February 12, and that their losses were 100 killed and 13 wounded. On the 16th they were reported to have disarmed 600 bandits in this vicinity. Information from an independent source was to the effect that the bandits looted Ch'angwu early in the morning of the 12th, but that they were subsequently driven out of the city. Headquarters also reported that on the 14th two companies of Japanese troops attacked 400 bandits at Tsao-hokou on the Mukden-Antung Line, and that the latter lost 54 killed. On the 18th, 200 bandits near Kaiyuan surrendered to the Chinese police. On February 20 Headquarters reported that the Japanese garrison at Tunhua, on the Kirin-Tunhua Railway, had repulsed an attack by Chinese plain clothes men and that reinforcements with several armoured cars were being rushed to their relief. Several bombing planes were also despatched to Tunhua.

Banditry in the Chientao region, along the Korean border, is again rampant according to a Japanese War Office Communique, a copy of which as published in the

Japan

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

2/ Japan Chronicle of February 20, 1932, is enclosed. Wang Te-lin, a battalion commander - General Wang in the communique - , revolted a few weeks ago and it was a part of his following which cut the Kirin-Tunhua Railway last week and made a surprise attack on Tunhua on the 20th.

From other sources it has been learned that the Takushan-Tungliao Railway is now guarded by troops of General Chang Hai-p'eng and that the Third Cavalry Brigade, under Chang Ting-shu, is still loyal to Marshal Chang-Hsueh-liang and is reported to be in hiding in the vicinity in Tungliao and to have discarded their uniforms.

Another report states that bandits were still very active near Takushan, along the coast on the Korean bay.

In the Manchuria Daily News of February 17, 1932, the Japanese casualties in Manchuria between September 18, 1931 and February 5, 1932 were given as 338 killed and 698 wounded, a total of 1,036. Of the wounded 530 had been sent back to Japan or Korea.

Respectfully yours,

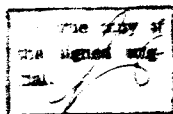
K. S. Myers,  
 American Consul General.

Enclosures:

- 1 The Chinese will be "Good Boys"
- 2 Chientao "Bandit" Ridden.

Original and one copy to Legation  
 Five copies to Department  
 One copy to Embassy, Tokyo.

MSM:CC  
 600





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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. 1 to despatch No. 537 of M. S. Myers.  
 Consul General, Mukden, China, dated February 24,  
 1932, on the subject "Banditry".

# THE CHINESE WILL BE "GOOD BOYS"

Only When Cut off from all Hopes of Help

From The Manchuria Daily News, Feb. 16 & 17, 1932.

(The elimination of the dummy Chinchow government has deprived the hunghudze and "volunteers" of the chief source of men and funds in South Manchuria. Next, the recent entry of the Japanese Expedition into Harbin has removed the last foothold of the anti-Japanese insurgents and "volunteers" who were encouraged to hope for something from the Soviet source, but have been sorely disappointed in this visionary dream.

Naturally, many hunghudze chieftains shorn of their last hopes, are thinking of throwing themselves to the Kwantung Army.)

We might add a word in this connection that the moment every conceivable source of help has failed the Chinese, and then only, the Chinese can be whipped into good conduct, and not before.

Now that all hopes for outside help having been cut off for the hunghudze, Manchuria is on the fairway to restored peace and revived economic activity.

Turning to the Shanghai Affair, as long as a strand of hope is left for outside intervention from the League of Nations or some mighty Friend to the weaker, the Chinese about Shanghai will stick it up, patiently waiting for the expected helping hand to reach them.

They will of course try every quarter, the League of Nations, the mighty Western Powers, and even the Municipal Council, Shanghai.

If the Powers wish to have them whipped into good conduct in quick time, the only way open to them will be to say to the Chinese in plain terms that none of them are open to sympathy with China unless China is in the right, and that no manner or amount of excellently concocted propaganda on the Chinese part can any longer deceive them.

In

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

In straight speaking, we thought that the League Council learned a severe lesson at China's hands with the Manchurian Issue, and imagined, not without good reason, that it would have profited by the same lesson. Its apparent credulity to the extravagant Chinese propaganda regarding the Shanghai Affair has come to all Japanese as a shock.

The newspapers say that one of the mighty Powers proposed to Japan to refer the Shanghai Affair to an International Conference.

Any such proposition on the part of the Mighty cannot fail to impress the Chinese with an idea that the same mighty Power has not quite forsaken them, and they will clutch at the straw of hope like a drowning man.

In the meantime, the Shanghai Affair will drag on needlessly, wastefully and deplorably.

To return, the following is a table of the hunghudze chieftains in Manchuria, each with a powerful following, who have already surrendered or are applying for surrender:-

(1) Kaotien (with about 400 men)

When another Bandit Chieftain Laopeifang at the head of 2,000 men plotted to attack Takaoting in Yingkou Prefecture, Kaotien, on the inhabitants' request, beat the raiders back, and subsequently rendered like services to the same locality, thereby earning much trust and gratitude. He was asked to guard the villagers upon the monthly allowance of, say, \$10,000.

At present, this man is distributing his men in Yingkou Prefecture, north of Old Newchwang, and in Haicheng Prefecture, to preserve peace and order.

(2) Shangchiutayeh (with about 1,000 men)

This man surrendered in response to the counsel given by Gov. Hsi-hsia of Kirin, and massed his men at Hsiachiutai, on Kirin-Changchun Line on Dec. 20-23 last, receiving supplies of clothing, arms, and ammunition from the Kirin Anti-hunghudze Expedition, serving as the right column of the Kirin Expedition.

(3) Chinshan (with about 600 men)

He capitulated as advised by Yu-chenchung, commanding the anti-Hunghudze Expedition from Kirin, and started on foot for Chitapu, 100 Chinese "li" north of the city of Kirin.

(4) Tungshan, Fenghao, and Shuangchieh (with 900 men)

These three chieftains surrendered as counselled by the Kirin anti-hunghudze army and got re-organized into three cavalry battalions near Mutupalatan, Inner Mongolia.

each

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

each appointed to the command of a battalion.

They are massed about Tsengohengyang Distillery, 120 Chinese "li" north of Fuyang and have joined the anti-hunghudze army on a stipulated allowance.

(5) Taimien (with about 600 men)

He also capitulated to the anti-hunghudze army, Kirin, and has joined it.

(6) Pinhsi (with 300 men)

The same as above.

(7) Tashuntzu (with some 450 men)

On the overthrow of the dummy Chinchow government, he was afraid of being attacked by Kwantung Army, and proposed to capitulate through Liaoyang Chinese, and has been accepted.

His men were reorganized into volunteers assigned to patrol the 10th district (Liaoyang Prefecture).

(8) Ho-Shengyu (with about 600 men)

Acting on the advice of Kwantung Army, he proposed to capitulate to the Japanese Railway Guard, Chikuanshan on Mukden-Antung Line on Jan. 16. The officer commanding the Railway Guard, Chikuanshan, then consulted with the Self-Governing Guiding Committee, Fenghuangcheng, and arranged to appoint him to the command of the Fenghuangcheng police battalion, engaging for the present in the anti-hunghudze campaign under the same officer at Chikuanshan.

(9) Hsu-wenhai (with about 1,000 men)

He is being approached by Chinese Chief-of-Police Chiang-chuanwu, Antung, to capitulate since Jan. 14.

(10) Chungtzuchen (with about 1,000 men)

The Penchihu Self-Governing Guiding Committee is counseling him to capitulate, on consulting with the Prefect, acting on the wishes of the Japanese Military.

(11) Sansheng (with some 500 men)

Sansheng was friendly inclined to the Japanese military and entertained a wish to surrender. On Jan. 22, he called at the Liaochung Self-Government Guiding Office for an understanding and then appeared at the Japanese Army Headquarters, Mukden, accompanied by a member of the

Liaochung

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 4 -

Liaochang Guiding Committee.

(12) Changcheng (with about 150 men)

His brother, Kaotien, having already surrendered and got himself a snug berth, he repented and appeared at the Japanese Gendarmerie, Haichang, accompanied by an officer of the Chinese volunteer patrols, Yingkou, and a Japanese interpreter, proposed to surrender. The matter has been referred to the Army Headquarters.

(13) Laopeifeng (with about 1,000 men)

On Jan. 26, Laopeifeng sent a messenger to Chinese Chief-of-Police Wang-yusan of Yingkou, then sent to Tien-chuangtai, asking him to intercede with the Japanese military to assign to him some zone to patrol as local volunteers, declaring that he had no hostile feeling to the Japanese army.

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. 2 to despatch No. 537 of M. S. Myers,  
 Consul General, Mukden, China, dated February 24,  
 1932, on the subject "Banditry".

CHIENTAO "BANDIT" RIDDEN.

Chinese Salvation Army Raids all Pro-Japanese.

Troops to be Sent.

From The Japan Chronicle, February 20, 1932.

Banditry is again rampant in Chientao, and the Japanese and Korean residents are alarmed. In view of the daily growth of unrest, the Japanese military authorities have decided to dispatch a contingent for the suppression of brigandage. With Imperial sanction, formal announcement of the step will be made.

A War Office Communique says that about the 11th instant, the men under command of General Wang, stationed at a point some 40 kilometres north of Chutzukai rose in revolt. They attacked the local police headquarters, and disarmed the police. Their ranks have gradually expanded until they have grown to six or seven hundred. They call themselves the First National Salvation Army, and have for their slogans the subjugation of the Japanese, raids on pro-Japanese Chinese, the overthrow of General Hsai's rule in Kirin province, the demand of the retirement of the local magistrate, the disarming of the Chientao military police, and the levy of contributions on the inhabitants according to their wealth. The local magistrate is mobilising the Kirin troops scattered over the district to organize a punitive expedition, but neither the officers nor the men have any stomach for fighting the insurgents. They show an inclination either to surrender or desert the ranks. The groups of bandits who have made common cause with the rebels who recently made trouble in Kirin province are, on the other hand, joining the ranks of the insurgents. These wrecked the Kirin-Tunhua railway line on the 16th instant. As the main force of the Kirin troops is now in Harbin and region, there is not a sufficient force available to suppress the bandits in Chientao and along the Kirin-Tunhua line. In such circumstances, the inhabitants of Chientao are thrown into great uneasiness.

Chientao is largely inhabited by Koreans, the War Office Communique continues the Korean population being put roughly at 40,000. Under the treaty concluded in

September,

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

September, 1909, Koreans are entitled to mixed residence with the promised protection by the Chinese Government. Since the annexation of Korea by Japan, the Koreans, as Japanese subjects, have shared in all the rights possessed by the Japanese in Manchuria and Mongolia. In short, Chientao is a district where the Japanese have held a predominant position, geographically, historically and in point of population.

Prior to the outbreak of the Manchurian affair, the Communique further says, the Koreans in Chientao had been reduced to distress by the persecution of the Chinese authorities and by the rampancy of banditry, but since the practical settlement of the affairs, tranquility has been restored and the inhabitants have been gradually settling down to their peaceful pursuits, when unfortunately the present trouble has started. The future developments of the situation deserve anxious attention.

0092

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

NO. 249 Political

AMERICAN CONSULATE,  
Geneva, Switzerland, March 11, 1932.

MAR 22 32

793.94/4452  
1-1066 GPO  
SUBJECT: Sino-Japanese Conflict - Transmitting  
Council Minutes and Documents for Period  
February 17 to March 4, 1932, Inclusive.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

793.94/4452  
I have the honor to refer to the Consulate's despatch  
No. 236 Political of February 17, 1932, and previous des-  
patches transmitting documents relating to the appeal of  
the Chinese Government under the Covenant of the League of  
Nations.

1/ In pursuance of the practice adopted in the despatches  
under reference, I am forwarding further documents mentioned  
in the enclosed list which were issued during the period  
from February 17 to March 4, 1932, inclusive.

For the sake of future reference, it is thought useful  
to mention that subsequent to March 4 a new series bearing  
an Assembly notation and number was issued in connection  
with the submission of the appeal by China to the Extra-  
ordinary Session of the Assembly which convened March 3.

These documents

DEPARTMENT OF STATE

MAR 23 1932

DIVISION OF  
WESTERN EUROPEAN AFFAIRS

Division of  
EASTERN AFFAIRS

MAR 24 1932

Department of State

Division of  
EASTERN AFFAIRS

MAR 24 1932

Department of State

F/LS

793.94/4848

APR 9 - 1932

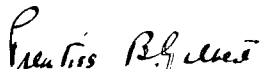
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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

These documents will be sent forward as soon as the  
set is completed.

Respectfully yours,

  
Prentiss B. Gilbert,  
American Consul.

✓ Enclosure:  
No. 1 - List of documents enclosed

Original and five copies to Department of State  
One copy to American Legation, Berne, Switzerland



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. 1  
with No 249 of  
Mar. 11, 1932

LIST OF DOCUMENTS

Transmitted with Geneva Consulate's Despatch  
No. 249 Political of March 11, 1932.

Council Minutes:

C./66th Session/P.V.12(1)

Miscellaneous Documents:

C.239  
C.L.40  
C.M.129 to 130  
C.M.132 to 136  
C.M.138 to 148  
C.M.151 to 152  
C.M.154 to 160  
C.M.162 to 166  
C.M.168 to 188  
C.M.190 to 193

0095

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
C. 66th Session/P.V. 12(I). Mar 11, 1932

## LEAGUE OF NATIONS

# SIXTY-SIXTH SESSION OF THE COUNCIL

## MINUTES

### TWELFTH MEETING (PUBLIC).

*Held on Friday, February 19th, 1932, at 5.30 p.m.*

Present: All the representatives of the Members of the Council, and the Secretary-General. Germany was represented by M. VON WEIZSÄCKER, and Italy by M. Rosso.

#### 3002. Appeal from the Chinese Government in Virtue of the Covenant.

The PRESIDENT. — The Council is meeting to-day to consider the action to be taken with regard to the Chinese Government's request under Article 15, paragraph 9, of the Covenant of the League that the dispute before the Council should be submitted to the Assembly under this article.

I shall shortly submit to the Council a draft resolution concerning the steps to be taken in response to this request. As, however, the Chinese representative desires to explain his preoccupations with regard to impending events at Shanghai, I shall ask the parties to furnish the necessary explanations before placing the Council resolution before you.

M. YEN. — I had the honour to ask for a special meeting of the Council in order that I might be afforded the opportunity of presenting to you the latest information I have received.

Since our last meeting, I have communicated to you various telegrams from the Chinese Government at Nanking and from Shanghai. These telegrams once more contained information of many cases of Japanese atrocity at Shanghai in their undeclared war, such as the bombing from the air of a cotton mill, killing several women, the bombing of a flood-refugee camp for three successive days, killing fifty persons, and so on. They also brought more information of huge reinforcements of Japanese troops for the Shanghai area, so that to-day there are more than 40,000 Japanese soldiers and forty ships of war there. On the 13th, the Japanese forces launched a furious attack, and under the protection of pyrosulphuric shells they crossed two bridges near Woosung, but were repulsed. The use of dum-dum bullets by the Japanese has been certified to by a German doctor.

In short, the Japanese military were bent on continuing their policy of force, creating, as the Shanghai report says, a reign of terror in that metropolis. The Right Hon. J. H. Thomas said that the situation in Shanghai was war in everything but name. The Shanghai report says that a state of open war existed from February 3rd, and that the offensive was entirely in the hands of the Japanese, meaning by that that the Japanese were the aggressors. They have also persisted in using the Settlement as their base of operations.

I need hardly reply to the attempt of the Japanese Consul-General to blacken the reputation of our gallant Nineteenth Army. I know it for a fact that this same army is not only not communistic in character at all, but has in fact been fighting against the communists in the province of Kiangsi. One can understand that the Japanese military have no liking for the Nineteenth Army, but it does seem incredible that the Consul-General would stoop to methods so extraordinary to hurt a gallant opponent.

But I must go on to matters that are more weighty and deserving of your serious and immediate attention.

Three days ago, the Members of the Council, other than the representatives of China and Japan, addressed an urgent appeal to the Japanese Government. Among other things, the appeal stated that Japan had an incalculable responsibility before the public opinion of the world to be just

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

and restrained in her relations with China. One was justified in expecting some consideration on the part of the Japanese Government for the appeal. But what is the actual situation?

I have just received reports from my Government to the effect that the negotiations between the Chinese and Japanese commanders, which were brought about in Shanghai by the good offices of Sir Miles Lampson, the British Minister, proved to be abortive. The Japanese demanded that the entire Chinese forces should withdraw twenty kilometres beyond the boundaries of the International Settlement. The Chinese refused to consider this unreasonable demand without a corresponding commitment on the part of the Japanese forces. An ultimatum by the Japanese commander has now been delivered to the commander of the Chinese forces, fixing five o'clock on Saturday afternoon as the time limit when the compliance with this demand must be forthcoming, failing which the Japanese commander would take the necessary action.

In short, we are on the eve of a great battle, wherein some hundred thousand men, equipped with all the modern weapons of war, and on the side of Japan aided by some forty ships of war, will participate. And why? Because it is the will and pleasure of the Japanese military that our troops, who are on their own national territory, should withdraw, while the Japanese soldiers are to remain in their position of offensive and provocation. The situation is simply intolerable.

I have the honour therefore to request that the Council should, in virtue of the powers with which it is invested by the Covenant, consider immediately and put into execution conservatory measures, to the end that the bloodshed, which will begin to-morrow through the outrageous demand of the Japanese military, and for which they will be entirely responsible, may be stopped.

This is why I felt it my imperative duty to ask for a special meeting of the Council.

Before I conclude, I wish to read the text of a telegram, dated February 19th, received from Nanking, from the Chinese Government, by the Chinese delegation, which gives more details on the situation:

"On February 18th, at 8.45 p.m., the Japanese military commander, General Uyeda, and the Japanese Consul-General, M. Murai, delivered an ultimatum to General Tsai Ting-kai, the commander of the Nineteenth Chinese Army, and M. Wu Teh-chen, Mayor of the Shanghai Municipality, demanding among other things the withdrawal of Chinese troops from Chapei, Woosung and Pootung (east of the Whangpoo River) to a distance of twenty kilometres, and the permanent dismantling of the Woosung Forts and other military works in the evacuated areas; the withdrawal from our first defence line in Chapei to commence at 7 a.m., February 20th"—(that means about midnight to-night)—"and the complete evacuation from twenty kilometre area north, east and west of the International Settlement to be terminated by 5 p.m. of the same day." (That is, about 10 o'clock to-morrow morning, Geneva time.) "The Japanese commander threatens that he will take necessary action if the Chinese fail to comply with his demands."

"General Tsai Ting-kai replied to General Uyeda's ultimatum on the evening of February 19th to the effect that the Nineteenth Army is under the direct command of the Chinese National Government and, therefore, knows only the orders of the Government. Simultaneously, M. Wu Teh-chen replied to M. Murai, stating that the situation in Shanghai is the result of Japan's wanton destruction of the lives and property of Chinese nationals. The entire incident can only be considered as part of the whole Sino-Japanese issue. He also added that the boycott is only the natural result of Japan's aggression. In conclusion, he said that he is referring the ultimatum to the National Government."

"The Japanese Commander stated that the Japanese troops would be ready to begin the offensive at 7 o'clock to-morrow (February 20th) morning."—(That is to say, about midnight to-night, Geneva time.)—"We" (the Chinese troops) "are prepared to resist."

The second telegram has again reference to the Nineteenth Army. Referring to the allegations of the Japanese delegation, communicated to the Council on February 17th, that the Nineteenth Chinese Army contains numerous communist elements and that the troops of the Chinese Government have taken positions around the Nineteenth Army, isolating it and keeping watch on its movements, I have just received a telegram from my Government. It reads as follows:

"The allegations of the Japanese delegation are absolutely unfounded. The Nineteenth Army is a part of the National Army, and it has not only no communist elements, but it was actively engaged in campaigns against communists in the Province of Kiangsi before being transferred to Shanghai. It is now defending Shanghai under the orders of the National Government, which supplies it with ammunition and funds. This army is in full co-operation with other Government troops, despatched as reinforcements in view of the heavy increase of Japanese troops in Shanghai. Any attack on the Nineteenth Army will be regarded by the National Government as an attack on the whole Chinese army."

M. SATO. — I have first to make an announcement concerning the killing of certain innocent victims in the Settlement by bombs dropped from Japanese aeroplanes. As the Chinese representative has said, we received a protest from the British authorities. We admit that this is a most regrettable incident. Accordingly, the Japanese Consul-General at Shanghai hastened to present our apologies to the British authorities. I have sent a communication on the subject to the Secretary-General for distribution through the Secretariat. I refer to events which took place on February 5th, 6th and 7th. Our Consul-General immediately got into touch with Sir John

- 3 -

Hope Simpson, from whom he had received a protest concerning the bombardment of the flood-refugees camp. Our naval authorities instructed the Japanese Consul-General to express our deep regret for this incident, which was due to a deplorable mistake. The refugees camp was near certain Chinese field-works and trenches which the Japanese Flying Corps had been instructed to destroy. Moreover, the camp was surrounded with barbed wire. The Japanese planes were unable to see clearly that it was a refugees camp. The Consul-General and the naval authorities were not informed of the mistake until February 10th. We deeply regret that we learned the facts too late and that we were unable to prevent such a mistake in due time. Our authorities immediately offered our apologies to the British authorities.

I should like now to deal with certain points in the Chinese representative's observations, against which I must enter a formal protest in the Council.

According to his information, our troops have been using dum-dum bullets and poison gas. There is no need for me to tell the Council that during the Russo-Japanese War, which was so important an event for my country, our troops never used dum-dum bullets. Is it possible that we should have done so now, eighteen years later? Our troops cannot have used these bullets. It is out of the question, and I will ask the Chinese representative to send us a specimen if he can find one.

As to gases, whether poisonous or non-poisonous, I can say that our troops only use, when circumstances so require, a smoke-screen, and a smoke-screen must not be mistaken for poison gas. I wrote a few days ago to the Secretary-General on this subject, in order that the Council might be informed that, if we did use smoke-screens, they were in actual fact only smoke-screens and not poison gas.

The Chinese representative has again alleged that acts of aggression have been committed and that it is once more the Japanese who have taken the offensive. I enter the same protest against this assertion.

We have repeatedly explained that, if we resorted to force, it was solely to defend our interests and the lives of our nationals. We have never employed our forces and we should never think of attacking our opponents unless it was necessary and unless we had been provoked to do so by them.

The Chinese representative has said that our information concerning the Nineteenth Army is incorrect. I have, however, received confirmation of the Japanese Consul-General's statement regarding that army's activities. I cannot say whether our information is absolutely accurate, but, in view of the particulars which have been collected on the spot, I can confirm what we have said.

The Chinese representative has also requested the Council to take conservatory measures. We did everything in our power to put a stop to hostilities and we put forward various proposals to prevent the present calamities. For some time, we had hopes of an agreement on the terms of an armistice. Unhappily that has not been brought about, notwithstanding our endeavours and the mediation of the diplomatic authorities of the various Powers.

I shall explain later the reasons why we are compelled to remain where we are and to demand that the Chinese forces should retire.

In spite of the great efforts we have made, we have arrived at a critical moment. We have done everything that ought to have been done, and conservatory measures, if they could be found, ought to have been proposed long ago.

At the beginning of the meeting, the President stated that the Council was about to adopt a resolution transferring this question to the Assembly in compliance with the Chinese request. I have not yet seen the terms of the resolution, but, as the Council is about to decide to submit the matter to the Assembly, this will, I suppose, be the last opportunity I shall have of speaking of it in the Council. That being so, I must ask for your indulgence, because I shall have to give you as full an explanation as possible, so that when the matter comes before the Assembly the latter may be in possession of all the facts of the dispute.

There is one thing which I regret to have to say. So far, I have refrained from referring to the origin of the difficulties between our two Governments. Having regard to the stage we have reached in our deliberations and the fact that, contrary to the normal procedure, the Council has been led to transfer the matter to the Assembly, thereby creating a difficult—I might even say a humiliating—situation (since this would seem to indicate that it cannot settle the dispute itself), I should like to lay before you the whole regrettable position which exists in the Far East, so that you may have as accurate and clear a knowledge as possible of our grievances and our wrongs.

The preamble to the Covenant of the League specifies distinctly that the Covenant applies to organised peoples. It regulates the relations between such peoples. I am obliged to state that in the Far East we have to deal with a country—I regret to have to say so, but it is the truth—which has for more than ten years been in a state of civil war, in a condition of complete chaos and incredible anarchy.

Such are the circumstances in which difficulties arose between Japan and China. Had such difficulties arisen with another country which had a properly organised and efficient administration, our action would have been different. There would have been no need for us to go to the point we have reached now. We would have accepted any peaceful settlement of the dispute. We could have observed literally the provisions of the Covenant. Unfortunately, that was not the case.

China was admitted to membership of the League twelve years ago, because she was regarded as an organised country with a regular administration. It was in that capacity that she was admitted. Events, however, have brought about a complete change in China. There have been wars between the Chinese generals, and this has led to a state of complete anarchy, with the result that the rights and interests of foreigners ensuing from various treaties and conventions have ceased

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 4 -

to be protected. That is why the countries with interests in China have often been compelled to employ methods which would not have been permitted if the same difficulties had occurred elsewhere in a really organized country. We do not lack precedents in this connection. Our position is similar to that in which several Powers have found themselves in the last few years. We are obliged to take the protection of the lives and rights of our nationals into our own hands. If the use of a method of legitimate defence, or protection, was admitted and recognised as permissible for one Power a few years ago, Japan can claim the same right to-day. If we are censured for having committed acts of aggression, similar acts should have been censured when committed by certain other Powers having interests in China. If the Council censures the acts of hostility committed by Japan, it must first tell us what view it takes of similar acts we all have in mind that took place previously. All that is the outcome of the circumstances now existing in China. Had the position been normal in China, the Powers which in the past had recourse to extreme measures would not have done so. They would not have found it necessary to do so. They would have appealed to the League Council to settle their dispute by pacific and regular methods. The fact that they were unable to do so proves that the League—and the Council in particular—could not, as would have been natural and normal in other circumstances, apply the Covenant to its full extent and in accordance with the strict interpretation of its wording.

Japan to-day is under the same imperious necessity. It is solely to protect our interests that we have had to act as we have done.

Retirement from Shanghai would mean for Japan the abandonment of the defence of all her rights and interests. In no case could Japan agree to that. No Government could do so.

Let me quote a few figures to illustrate the position at Shanghai.

From the point of view of invested capital Japan occupies the second place, the first being held by Great Britain, whose invested capital amounts to 534 million taels, while the Japanese capital represents 380 million taels. The invested capital of the United States totals 163 million taels. In foreign trade we come third, the first place being held by Great Britain and the second by the United States.

I described to you the other day the way in which we were being encircled and threatened by the intrigues of the Chinese authorities and the danger we ran of being driven from all parts of China. There is no need to repeat what I said on this point. We cannot entrust the protection of our interests to the Chinese authorities or to anyone. Unfortunately the League had, it appeared, no effective means of safeguarding our position or defending our rights. We have therefore been forced to employ methods which various Powers felt constrained to employ some years ago. Had the League, or the Council, been able to devise effective measures to safeguard our interests and the interests of the other Powers, such things would never have occurred, but unhappily the rigorous application of the Covenant and the strict interpretation of its provisions are impossible in the case of a country where the situation is quite abnormal. We cannot afford to be mere idealists. The Council—and I apologise for speaking in this way—must seek, on the basis of the facts, for effective means of reaching the desirable solution. In other words, an ideal solution cannot apply to all cases. The solutions adopted by the Council must differ according to place and according to the existing conditions.

Three days ago, I transmitted to my Government the appeal drawn up by the Committee of Twelve. I have so far received no communication from my Government on the subject and cannot therefore acquaint you with its views. I should like, however, to deal with one or two points in the appeal. Reference is made in it to the terms of Article 10 of the Covenant, and care has been taken to add that no act committed in defiance of that article ought to be recognised as valid and effectual by the Members of the League of Nations.

In this connection, I have to make an announcement which I believe will not cause the Council undue surprise and which has already appeared in certain newspapers—namely, the proclamation of the independence of the Manchurian provinces. I shall have an opportunity of dealing with this event at the Assembly, but, as probably I shall be unable before the Assembly to make a statement on the present situation of Manchuria, I should like to consider this matter for a few moments.

The leading men in the Manchurian provinces, among them some very prominent persons, including Chang Chinhui, Governor of Tsitsihar, Tsangshii and General Ma Chansan, met at Mukden on February 17th and formed an Executive Committee of the North-East Provinces, Chang-Chinhui assuming the presidency. On the following day, the Executive Committee sent out a circular telegram proclaiming the independence of the four North-East provinces and the breaking of relations with the central Government. That is the information I received this morning.

On this subject I should like to give a few explanations, to clear up the very puzzling situation existing at present in Manchuria. In the first place, there is no need for surprise at the use of the word "independence". Independence has a quite different meaning for the Chinese from that attached to it by Europeans or Americans. I myself spent five years at Harbin as Consul-General during the Great War. I had frequent opportunities of observing personally the way things happen in Manchuria. Marshal Chang Tso-lin seized power in the province of Mukden, but he had as opponents the Governor of Kirin and other generals. They went to war, and during this period of chaos the provinces which, for one reason or another, had joined neither belligerent proclaimed their independence. An isolated province cannot of course enjoy complete independence. Nevertheless, it proclaims it. Independence in that region is synonymous with autonomy, and Manchuria's independence is equivalent to autonomy. In other words, Manchuria will not

- 5 -

maintain close relations with the Government at Nanking. Japan has regarded favourably the establishment of Manchuria's independence, the Japanese having suffered too severely in Manchuria from the arbitrary and oppressive measures of the Governors at Mukden.

We have suffered too much while safeguarding our interests and peaceful activities in Manchuria. That is why we felt so much sympathy for a movement that began in the country itself. We hoped that one day this political movement would deliver us from the arbitrary methods of the Mukden authorities. It was a powerful movement with the motto, "Manchuria for the Manchus". That autonomy is now becoming a fact, and I hope that it will enable us to live in peace in Manchuria and to go about our lawful occasions there, without our rights being interfered with. Our invested capital in Manchuria is too considerable to make it possible for us to accept any system of government in that country. We cannot acquiesce in an arbitrary system of government, one that jeopardised this capital, which represents very large sums of money.

That is why we welcome hopefully the new autonomous regime. When China has a properly organised and co-ordinated central Government, Manchuria will perhaps enter into negotiations with this Government with a view to settling the status of Manchuria, but for that we must wait and see.

We have often been charged with failing to conform to the resolutions adopted by the Council in September and December. Allow me first to deal with the September resolution.

We undertook to withdraw our forces within the railway zone as soon as the life and property of our nationals in Manchuria had been safeguarded. The abnormal situation has, however, continued, and we have so far been unable to withdraw our troops. Since the September resolution was adopted, conditions in Manchuria have developed in an extraordinary way. No one could have foreseen them. It was my Government's definite intention to liquidate the local conflict at Mukden as soon as possible, and at the very outset. We desired to negotiate with China and settle this incident with her by direct conversations. Matters, however, developed in an altogether unexpected manner. The boycott in central and southern China became extremely active. The anti-Japanese movement was inconceivably violent. It is a systematic movement, encouraged by the Kuomintang, and often begun at the instance of the authorities themselves. The newspapers have published reports showing that the movement has had many victims. While I do not propose to give you details of individual cases, I can say for certain that the outcome of the movement was that we were being driven from China. We have lost all our trade and our place has been taken by others. Even if normal relations were re-established to-morrow, our Chinese trade would none the less be lost to us for years to come.

Unfortunately, too, Japan is in an unfavourable situation from the economic, commercial and demographic point of view, and more particularly with regard to emigration. There is no country, or almost no country, to which we can send our emigrants. None of the countries that possess immense territories but have not yet a sufficient population to develop them will receive our emigrants. In North and South America all countries save one or two are closed to us. The same applies to Oceania and South Africa. We, however, have been compelled to accept these existing conditions. Ten years ago, when we came to the League, my Government made an appeal for equitable treatment for our people and our trade. But we immediately encountered barriers that we have not been able to cross. We must accept the *status quo*. I have no intention of suggesting that we desire to destroy this existing order of things. The point I wish to make is that my country is faced with immense difficulties in this matter. We are subjected to treatment which is derogatory to our dignity and against which we constantly protest. On the one hand, almost all countries in the world are closed to us, and, on the other, we are driven from central and southern China and have lost our entire trade there. That being so, we must seek a solution and look near Japan—in Manchuria.

Were there any question of a permanent occupation of Manchuria by Japan, I should have no right to speak at the Council table. We have, however, repeatedly assured you that we had no territorial ambitions in Manchuria. Immediately after the Russo-Japanese War, from which we fortunately emerged victorious, we might have annexed Manchuria. That was a step open to the victors. We did not, however, do so. We restored Manchuria to China, although the latter was the secret ally of Russia, Japan's adversary. Had we intended to invade or occupy Manchuria permanently, we should have carried out such an intention at that time. It would have been far easier for us to do so then. Why raise such a question to-day? My country can have no interest in doing so. Consequently, the question of Japan's territorial ambitions is one that has been decided so far as we are concerned.

We wish, however, to preserve in Manchuria a field of action for the Japanese, and that is all we wish to preserve. This means that we intend that the territory of Manchuria shall be respected and that the principle of the open door as well shall be respected. We want nothing but peace, order and good administration. Our only desire is to live in peace side by side with the Chinese immigrants and with any foreigners who may settle in the territory. We wish to carry on our business and to preserve our undertakings there, and foreign capital will be welcome, since Japanese capital alone will not suffice to open up so vast an area of such extraordinary wealth.

Do we, then, deserve to be criticised? Quite sincerely, I do not think so, and I desire to maintain the Japanese point of view with regard to Manchuria. We cannot relinquish our position, for

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 6 -

that would be equivalent, in our eyes, to an act of self-condemnation. No Japanese could acquiesce in such a position.

If ever the Council, or the League, or any other body, were to indict us for our action in Manchuria, we should protest vigorously, and we should be right. Did the League ever protest against the disappearance of Outer Mongolia from the map of China? I have never heard it. Nevertheless, Outer Mongolia has vanished from the political map of China. It has been annexed to the Soviet group of countries. Before passing judgment on our acts in Manchuria, when we have no territorial designs, the League should first reflect on the disappearance of Outer Mongolia. Is its disappearance recognised by the League? Are we, then, who are doing nothing to infringe Chinese sovereignty, to be regarded as guilty of an inadmissible act? Our only intention is to live and work in Manchuria, and let me say once again we have no other design.

In conclusion, let me say two words on Shanghai. We have but one desire—to protect ourselves. As soon as that has been achieved, we shall withdraw and leave it to neutral forces to guard the neutral zone which will ultimately be set up. If a settlement of that kind can be brought about on the spot, we shall be entirely prepared to withdraw from Shanghai.

M. YEN. — I can fully understand the Japanese representative's motive in occupying so much of our time when we have only four or five hours in which to take vigorous measures to try to stop this terrible battle which will begin about midnight (Geneva time). Nevertheless, he has made so many insulting remarks against the Chinese Government that I feel I must take up a little of your time in order to refute what he said.

I have myself been living in China for the last twelve or thirteen years, so I can testify to the actual state of affairs in my country. I have lived in North China and in South China, and I have travelled very extensively. While I admit there is a certain amount of disorder, it must be remembered that China is as large as Europe and has a population of four hundred million people. How can you expect perfect peace and perfect order in a country as large as that? You must also remember that China was an absolute monarchy and was suddenly transformed into a republic. In the process of readjustment, there must be a certain amount of unrest and commotion. But to describe China as being in a state of chaos and of anarchy is a libel of the clearest kind.

The Japanese representative speaks of a well-organised State. I wonder whether a State like Japan, with the army and navy running amok and out of the control of the Government, is an organised State. When her diplomats come to the Council table and give promises one after another, apparently in sincerity and good faith, and when these same promises are violated the next day, does that represent a well-organised Government? The Japanese gave solemn promises to the Governments of two or three great Powers not to go to Chinchow, and in a few days they were there. Does that represent a well-organised Government?

Our people have been massacred in Japan itself during the earthquake, and over a hundred innocent Chinese merchants were killed in Korea only in the past year or so in pogroms. Does that represent a well-organised Government?

To my mind, however, the Japanese representative is somewhat contradictory in what he has said. On the one hand, he says China had no organised Government, that there is chaos and anarchy; and, on the other hand, Japan insists on negotiating with that very same Government. If it is a disorganised Government, why should Japan insist on direct negotiations with it? Why not have the matter settled in the League of Nations? That certainly is very difficult for me to understand.

I may say at once that, if there has been disorder and civil war in China, a large part of the blame must be put on the shoulders of Japan, because she has subsidised and helped one party against the other from year to year. Anyone who knows the history of China in the past twenty years can testify very clearly to the help, in the form of money and even soldiers and artillery, which Japan has given to one political party against another. Why is this so? It is because Japan does not want to see China united and strong. It is here that one sees a tremendous contrast between the policy of Japan and that of the great European Powers and America. I remember distinctly when Lord Grey (then Sir Edward Grey) declared in the British Parliament that Great Britain would like to see a strong, united China. I can, however, assure you that Japan wishes to see just the opposite in our country. In the Nine-Power Treaty there is another instance of the desire and will of the Western Powers to protect China in her days of difficulty.

Every country must go through revolutionary periods; they are the birth-pains of every nation, and cannot be avoided. All the great Powers, in America and in Europe, have gone through the same experience. We are only going through it at a later period. But Japan has always taken advantage of our difficulties and, as I have said, has always opposed a strong, united China. Every time China had the opportunity of becoming united under a great man, like, for instance, the late President, Yuan Shih-kai, and at present, under General Chang-Kai-Shek, Japan has come forward and put all kinds of obstacles in the way to prevent the success of such a movement. If disorder and confusion exist in China, this is due to a great extent to the intrigues of Japan.

Now, at the present moment, with Shanghai in a state of war, with Manchuria under the iron heel of our invaders and Nanking bombarded, can you expect our Government to remain quiet in Nanking and work? It is only natural that the different Ministries in Nanking should try to

- 7 -

find other more secure places where they can carry on their duties. I can assure you that China was never more united than she is to-day. Our generals who, it is true, fought against each other in former days, have now come together in the same army and are conferring how to defend our country against the foreign aggressor.

It is to me amusing to hear the Japanese representative complain that he gets no protection from the League. What kind of protection does he want? I should imagine that, so far from receiving protection, Japan is deserving of some severe punishment. After the setting up of a puppet government in Manchuria, after all the bombarding that has gone on, Japan comes now to the League of Nations and asks for protection. I think that such a request is absurd.

I think that the Japanese representative has also, in his remarks, been somewhat insulting to the other Powers, because he says that other Powers have been doing the same thing in China and that the League of Nations took no notice. I have been in China, as I said, for the last twelve years; I know the foreign history of my country fairly well, and I can remember no such act in the history of the relations between China and any other foreign Power. I can remember no acts of aggression that any other Power has committed, such as have been committed by Japan in the last few months.

The Japanese representative mentioned the late Marshal Chang Tso-lin. I knew him very well; he commenced life as an ordinary soldier; he rose from the ranks and became the uncrowned king of Manchuria. He was a very clever man; but at one time he was unwise enough—and I think at the instigation, again, of Japan—to rebel against the central Government. An army was sent to chastise him, and the Marshal again got the help of Japan to fight against the forces of the central Government. Japan in giving that help obtained certain concessions; but the Marshal was a patriot, and when he went through the war, he refused to carry out those promises, and was murdered by the Japanese through the explosion of a bomb falling on the train in which he was travelling to Mukden. That is, in brief, the history and the fate of Marshal Chang Tso-lin.

Japan has invaded China now and has done so in contradiction to the great virtues which we have always praised. There is, first, benevolence. China was suffering from enormous floods and forty million people were rendered starving and destitute. I remember at this Council table reading documents which stated that the Members of the League of Nations had extended their sympathy to China, and sent medical supplies and funds, and so on, to help during our days of desolation.

Sir John Hope Simpson is out there working for us, and yet Japan has taken the opportunity of attacking and invading us in direct contradiction to our conception of the idea of benevolence. Japan is famed for knightlihood, bravery and courage, and yet she is fighting this time against China in an undeclared war, taking all the advantages of war and refusing to shoulder its responsibilities. Is that bravery? Is that courage?

Lastly, Japan, I think, has not acted wisely. I was a friend of Japan, but I must say that in the present instance, by using force and by using aggression, she is only antagonising our people, who formerly were really anxious to become the friends of Japan. Is that wise?—because I can assure you that no settlement this time with Japan through the use of force and menaces and threats will ever be a permanent settlement; and if it is not going to be a permanent settlement, it is the height of folly for Japan to act in the way she has done.

Manchuria is the granary of China. In the past twenty years, twenty million Chinese have gone to Manchuria. China has an enormous population and needs vacant places to which she can send her surplus population. The Japanese representative has insisted on the necessity of Japan finding an outlet for her population. I grant that; but I tell you she has failed absolutely to settle down in Manchuria. She has been there for twenty-five years, and, in spite of all Government encouragement and the supply of funds, Japan has to-day in Manchuria only two hundred thousand of her nationals, while in one year we are sending a million Chinese there. Also, to speak of Manchuria as the land of the Manchus is absolutely absurd. Manchuria was Chinese a thousand years ago, and with the coming of the Manchus into China the relations between the two parts have become very close and intimate. As you know, China is a republic composed of five races, and the Manchus are one of the five races of China. But to-day the majority of the Manchus are no longer in Manchuria; they followed the Emperors to China and are now scattered all over China, and to-day Manchuria is purely Chinese. Manchuria is politically, historically and ethnically Chinese, so that the attempt of the Japanese representative to make you believe that Manchuria is Manchu and non-Chinese is not a thing to be believed.

He speaks also of Mongolia and complains that the League took no notice of that. Mongolia was separated from China, in a non-judicial way, but that incident took place before the League was founded. How could the League take notice of an act that took place before its birth? There is absolutely no comparison between Mongolia and Manchuria.

The Japanese representative said, and he has said it repeatedly, that Japan has no intention to annex Manchuria. I am very much gratified to hear that; but if my memory does not fail me, I think some years ago I heard the same thing about Korea. Japan was never to annex Korea,



— 8 —

and yet to-day, if I am not mistaken, Korea is an integral part of the Japanese Empire. So that these assertions of the Japanese representative are not always to be taken at their face value.

But I am not going to take up too much of your time. It seems to me the important thing this evening before the Council is this: I have requested measures of a conservatory character. We are on the eve of a great battle. What is the Council going to do to attempt to put a stop to the bloodshed which is going to begin in about four hours' time—7 o'clock to-morrow morning, Shanghai time? That, it seems to me, is the urgent matter which is before us, and I wish sincerely to hear from the Council what its decision is.

M. SATO. — The Chinese representative had just accused Japan of fomenting trouble and encouraging agitation. He claimed that my country found a satisfaction in creating disorder in China.

I must state at once that we do not deserve this accusation. We desire order and calm to prevail in China, for these are the indispensable conditions for our economic activity. We are endeavouring to develop our trade as far as possible; we cannot do so unless there is a satisfactory administration. Order is therefore essential to us. How, in these circumstances, can you believe that Japan is fomenting trouble in China?

I would add one word. Many political movements exist within China, each fighting for its own interests. It is very difficult to understand the political actions to which they lead without a thorough knowledge of these various movements.

The PRESIDENT. — You need not apologise for detaining the Council so long. On the contrary, we have to thank you for your very full statements on the tragic situation in the Far East. Now, that, in accordance with the Chinese representative's request, we must convene the Assembly, we shall no longer have the duty, or the possibility, of deciding on the substance of the dispute. I would ask you to believe that we have overlooked none of the considerations which you have so clearly placed before us.

Had the Council been able to complete its task, it would certainly, having made its recent friendly appeal to the Government at Tokio a few days ago, have taken account of Japan's important interests in China, interests which are deserving of every consideration, as well as the special difficulties of that country, regarding which M. Yen has made us such moving explanations. It would, moreover, have been our duty to do so.

Although the Council is about to decide to convene the Assembly, I ask you to believe that this is not because it feels incapable of fulfilling its mission; China has made a request in virtue of Article 15 of the Covenant, and the Council cannot act otherwise. The recommendations which it would have made with regard to the substance of the dispute would have shown—as will, I am sure, those made by the Assembly itself—the greatest impartiality and also the fullest understanding of any very special conditions in the relations of the two countries concerned in the dispute.

The League, to its honour and to some extent to its sorrow, while aiming at universality, is faced with extremely complex and dissimilar conditions, and within the limits of the Covenant it must adapt its decisions to meet those diverse conditions.

The powerlessness—or relative powerlessness—from which the League is suffering arises from the fact that, while its procedure—the slowness of which is due to the seriousness and conscientiousness it devotes to its task—is developing, the negotiations are not taking place in an exclusively pacific atmosphere; in view of the use of force in constantly recurring incidents, the Council cannot but realise that, in spite of its efforts and good will, it is unable to accomplish its chief task—namely, to prevent hostilities and to see that the proceedings are kept on a pacific plane.

That, Sir, is why a unilateral appeal was addressed to your Government several days ago in a form which it seems to me could not wound any susceptibilities. In the first place, at the present stage of the procedure it was not, and could not be regarded as, a judgment on the substance of the dispute; secondly, we were addressing a great military and naval Power, a Power which is great not only because of its military and naval strength, but also because it has shown so great an example of development and progress. Finally, your country is a permanent Member of the Council of the League, and we have often had the advantage of its collaboration in that capacity. All this justifies us in appealing to you in the perfectly deferential form to which I have just referred; precisely because of your power and also of the fact that you are on Chinese territory, it is for you first of all—I do not say for you alone—to put a stop to the present hostilities, which threaten to become more serious.

We are now in presence of an ultimatum which will perhaps expire in a few hours. In that case, if the meeting continues a little longer, we may be in the ironical situation that an actual battle—in view of the number of men involved—will be taking place at the very moment when we are discussing the matter here.

You have given us once again an assurance to which, coming as it does from you and from your country, we attach the utmost importance—the assurance that you intend to respect Article 10 of the Covenant. You have told us that as soon as the Japanese have, by the operations now impending, ensured the security of their nationals, there will be no question of their remaining on the ground won by their troops. That being so, I ask, and with a sincerity and emotion which

— 9 —

you will certainly find in my words, whether there is not an appalling inconsistency between your freedom from territorial interests and the fact that a battle is about to be joined and that the field will be strewn with dead, whereas, whatever the outcome, it follows, from your quite unambiguous statement, that the Japanese will evacuate the field as soon as they have achieved their object.

You pointed out, briefly, but perfectly clearly, the method by which hostilities could be prevented. You said that as soon as the fighting was over, neutral forces could easily guarantee order in the neutral zone between the two parties, thus assuring the safety of both.

In these circumstances I wonder whether, in order to avert the impending struggle, it would not be possible to agree at once upon a solution which would be put into effect later. I feel sure that China would not reject the mediators' proposal for a neutral zone, which in that case would cease to have any derogatory significance for her, but which would, on the other hand, be a common guarantee against the possibility of the opposing forces coming into collision.

If you could prevent the ultimatum expiring within a few hours, what an example you would have given, what a service you would have rendered to the League! In the simplest possible words, I beg you to do so with a conviction which you certainly cannot fail to realise.

The Chinese representative presses the League a little hard when he asks it to take conservatory measures at this eleventh hour. What conservatory measures has he in mind? He knows that under the Covenant conservatory measures can only be adopted with the agreement of the parties. The parties are here. Their Governments are far off. Can an agreement be brought about? We here cannot work out its details, but at Shanghai there are Powers more directly concerned in the situation, Powers which are represented on the Council and with whose action the United States have, we are very glad to say, associated themselves. The Council did not resign to another the duty of making these *démarches*, but when they were brought to our notice at one of our meetings by the representative of the British Empire, I can say that we gave them our entire moral support; that is not a strong enough expression: we backed with all our most anxious hopes these negotiations which the Powers were pursuing. If the ultimatum could be extended long enough to allow the negotiations to be reopened, and if the desire—I feel certain, the unanimous desire—of the Council, including the opposing parties, could help to bring about their immediate resumption, thanks to the prolongation of the ultimatum, we could, I think, go to sleep with lighter hearts to-night.

I should be glad to know whether my colleagues share the feelings I have expressed and whether I have expressed sufficiently clearly those which I am sure they entertain.

The Marquess of LONDONDERRY. — Mr. President, I feel there is very little need for me to add to the impressive remarks which you have addressed to this assembly, but I desire, on behalf of the British Empire, which I have the honour to represent, to associate myself with all that you have said.

A situation is developing, a very dangerous situation, of which we were painfully aware even though we had not heard the very serious statements which have been made by the representative of China and by the representative of Japan. It would be impossible for us to exaggerate the gravity of that situation. The Council of Twelve, as you, Sir, have said, has directed in the last few days an appeal to Japan. That appeal contained no indictment; it embodied no judgment; it was an appeal to the strength and to the honour of Japan. It is perhaps unfortunate that the circumstances which have followed have not carried out the spirit which we were endeavouring to convey. You, Sir, in your remarks have emphasised that appeal. That is the line which it is our duty to take.

I do venture to endorse your appeal to the representative of Japan, that the ultimatum which has been delivered may be deferred so that it may be possible to avert what I may call the impending catastrophe.

The efforts of the Council have been directed towards that object and are being directed towards that object now. We must all sincerely hope that we shall be successful in the efforts that we have put forward.

I think I may be allowed to say that the Government which I have the honour to represent has been untiring in its efforts in this direction. You, Sir, are aware of the efforts which have been put forward by our representative in China, Sir Miles Lampson. We have been able to hope at various times that those negotiations for which he has been responsible would be crowned with success.

I for one am certainly not losing hope, although we have heard it very definitely stated that there are but a few hours between now and the time when the forces which are facing each other may be engaged in a life and death struggle. I can assure you, Sir, that the representative of the British Government even now is not relaxing those efforts, and I can only hope that those efforts will be followed by success. I feel, Sir, that my duty on behalf of the Government I represent is to endorse fully the remarks which you have addressed to this assembly.

M. Rosso. — I also associate myself with the President's observations. I am able to do so on behalf of my Government, because it shares the anxiety and fears just expressed by the President.

Once again during the past few days my Government, in close collaboration with a number of other Governments, has spared no effort, through its diplomatic representatives at Tokio and Shanghai, to bring about a pacific settlement of the very serious dispute between China and Japan. I therefore associate myself, on behalf of my Government, with the President's moving appeal to the Japanese representative.

— 10 —

M. VON WEIZSÄCKER. — I am profoundly touched by the tragic development of the dispute in the Far East, and associate myself with the President's moving words. I should like to draw special attention to the remarks relating to the efforts of the representatives of the Powers in China to ensure peace, and to bring the hostilities to an end, even at this late hour.

I have only to express my sincere and ardent desire that their efforts may be immediately and completely successful.

M. DE MADARIAGA. — Since September 18th, the dispute between the two great Powers, Members of the Council, has, both from a military and a juridical point of view, constantly changed and we must all recognise that it has changed for the worse. This is a distressing fact, as truth so often is; but it is our duty not to conceal it.

Although the Japanese representative has just appealed to us and emphasised the necessity of making the application of the Covenant elastic, so as to deal with disputes occurring in different parts of the world, I am sure that he himself will agree that the Council has endeavoured to show the greatest understanding and patience. It is obvious, however, that the situation has now become so serious that those countries, such as my own, which regard the two States concerned with equal friendliness and whose interest in this question is essentially the interest they have as Members of the Geneva organisation, may well view it with real anxiety, and enquire, not only what will become of the peace of the world, but also what will become of the League Covenant.

I will not now enter into the details of certain arguments and facts mentioned by the Japanese representative, which I consider extremely grave. Perhaps we shall have time to discuss them in the Assembly. I shall confine myself, in view of the seriousness of the matter and the short time at our disposal, to supporting most earnestly the President and my other colleagues. I desire to say that my country gives its entire moral support to the negotiations which certain Powers are carrying out on the spot, and I hope the Republic of the United States of America, without whose aid it thinks it would be very difficult to achieve results, will co-operate fully in these negotiations.

M. MATOS. — On behalf of my Government, I support the President's very moving words, and once more express the sincerest hopes that the parties concerned, conscious of the seriousness of the situation, will reach a solution which will put an end to their warlike activities and to the horrors of war.

M. ZALESKI. — After your eloquent words, there is very little for me to say, except that I also hope that the efforts of the mediators on the spot will be successful and that the shedding of blood, so distressing not only to the Members of the League, but also to mankind, will cease.

M. COLBAN. — I also support the eloquent words of the President on this unhappy affair. We are at a decisive point in the development of the dispute, and I believe that the possibility of peace in the Far East for the future will to a great extent depend on what happens during the next few days.

Not only have the Council and the League followed this dispute with anxiety and emotion for weeks and months; world public opinion is deeply concerned at this conflict.

I am glad certain Powers that have representatives on the spot have assured us that they have not abandoned all hope of bringing about an arrangement by mediation which will spare us the horror of an extension of the hostilities, repugnant to our deepest feelings and to our hopes as close friends of the two great nations whose interests are at stake.

M. FOTITCH. — I unreservedly associate myself with the statements of the President and my other colleagues. I find it difficult to add anything to the very moving words addressed to the Japanese representative. I only hope that the parties will listen to them and that our efforts will prevent the horrors of a war.

M. BARRETO. — I just wish, on behalf of my Government, to associate myself with your very eloquent words and with your very pressing appeal to the Japanese Government.

Mr. LESTER. — It is my duty, as representative of the Irish Free State, to associate myself fully with what the President has said and with the hope which has been expressed by him and by our other colleagues that some way may yet be found to avoid what threatens to be one of the worst developments in the crisis in the Far East.

M. GARAY. — You have very eloquently expressed our thoughts and feelings, Mr. President, in your appeal to the Japanese representative. You said implicitly, it seems to me, that in your opinion the fate of the League of Nations is to a great extent in his hands, and that to a great extent it depends on him whether the League of Nations will become what we all wish it to be—

— 11 —

a great moral force making for peace in the world, able to watch over disputes between sovereign States and to ensure victory for those humanitarian aims and high ideals for which it was created.

I fully support your words and only regret that I myself have not your powers to make so moving an appeal.

Having said this, I would ask permission to add one word. At the Council meeting held in Paris in December, when we discussed and adopted the resolution which has for some time been the legal basis of the Council's action, I ventured, in a declaration which I read, to make certain reservations and to give certain explanations which were inserted in the Minutes of the meeting.

I now wish, integrally and *a fortiori*, to repeat those reservations.

M. SATO. — I have listened with emotion to your sincere and urgent appeal, which all the Members of the Council have supported.

I well understand the anxiety and preoccupations of the representatives, in particular, of countries with many nationals in the Far East. I express my great regret that, owing to unfortunate circumstances, they have been caused such anxiety.

I well understand, Mr. President, that you are anxious to preserve peace. My country cannot but rejoice if this object is achieved. We therefore welcome the mediation of the Powers directly interested. It will forward your appeals to my Government.

I must nevertheless also express regret that the Council does not think it possible to make as urgent an appeal to the other party of the dispute.

For several weeks past our situation at Shanghai has been distressing. We have been constantly menaced. To abandon the position assigned to us would have been completely to abandon a position acquired with much energy and effort. There are some things which I can do and others which are beyond me, for they exceed my competence. Should the Council recommend my country to withdraw, I should be unable to forward this request to my Government.

At this critical moment, there is one thing I can still do, if the Council so desires. For several weeks now the situation has been extremely dangerous owing to the firing by the two opposing forces. The cessation of firing is the first desideratum, but that depends not only on ourselves but on the other party as well.

The Council would be taking useful action if it addressed to the other party as pressing an appeal as it has addressed to us.

The PRESIDENT. — I wish first to thank M. Sato very warmly for consenting to acquaint his Government with the views I have expressed and which my colleagues have unanimously approved. I was deeply touched both by their approval and by the way in which they gave it.

At this late hour M. Sato will, I feel sure, communicate our sentiments to his Government by the quickest method—by telegraph.

If I ventured to make a more pressing appeal to him, it was because all prospect of mediation and negotiation depends on the ultimatum of the Japanese commander. I have, however, no need to say that I make an equally pressing appeal to the Chinese representative and ask him to assure us that, if we are fortunate enough to see the ultimatum prolonged—supposing there is still time for that—the armistice will, as a first condition, be scrupulously respected by both sides and that subsequently his Government, like the Japanese Government, will give its most careful consideration to any proposals that may be advanced by the representatives of the Powers now conducting the negotiations at Shanghai.

In appreciating the facts and likewise determining what conservatory measures should be adopted, we Members of the Council cannot take the place of those on the spot, who alone are in a position to form an opinion. Our appeal, the object of which is to stop hostilities so as to allow negotiations to be resumed, is addressed to both parties with the same energy and in an equally pressing manner, in the hope that the suggestions of the Powers negotiating at Shanghai may be listened to and taken into consideration.

May I ask those of our colleagues whose Governments are represented by negotiators at Shanghai to telegraph to them the desire that has been unanimously expressed by the Members of the Council, to inform them of the hope we entertain that the ultimatum may not perhaps become effective, and to request them to resume, with an even stronger determination to succeed, the negotiations that were begun?

I will now read the following draft resolution:

" The Council,

" (1) Considering the request submitted by the representative of China, under the provisions of paragraph 9 of Article 15 of the Covenant, to the effect that the Sino-Japanese dispute should be referred to the Assembly:

" Decides that the said dispute is referred to the Assembly in accordance with Article 15, paragraph 9, of the Covenant.

" (2) Considering that delegations from almost every Member of the League are now present in Geneva in order to take part in the Conference for the Limitation and Reduction of Armaments, thereby enabling the Assembly to meet at short notice,

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

— 12 —

" The Council

" Decides that a meeting of the Assembly shall be held on March 3rd.

" (3) Notes that the measures which have already been instituted in order to obtain information necessary for the consideration of the dispute will be continued.

" (4) Requests the parties to the dispute to use all diligence in communicating to the Secretary-General, for the use of the Assembly, the statements of their case with all the relevant facts and papers as provided for in Article 15, paragraph 2.

" (5) The duty of the Council to continue its work for the maintenance of peace in accordance with the Covenant remains unaffected by the present decision."

*The draft resolution was adopted.*



0105  
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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure  
with No 249 of  
Mar. 11, 1932

SOCIETE DES NATIONS

C.L.40.1932.VII.

APPEL DU GOUVERNEMENT CHINOIS.

Confirmation d'un télégramme envoyé le 20 février 1932.

C.L.40.1932 Gouvernement chinois ayant demandé au Conseil conformément Article 15 du Pacte de saisir l'Assemblée du différend sino-japonais Conseil a décidé convoquer l'Assemblée pour le trois mars (stop) Vous prie vouloir bien me faire connaître composition votre Délégation.

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LEAGUE OF NATIONS

APPEAL FROM CHINESE GOVERNMENT.

Confirmation of telegram despatched February 20th, 1932.

C.L.40.1932 Chinese Government having requested Council in accordance Article 15 of Covenant to refer Sino/Japanese dispute to Assembly Council convokes Assembly March third (stop) May I be informed names of representatives.

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010  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure  
with No 249  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council.

C.239.1932.VII.

Geneva, February 17th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Preliminary Statement forwarded by the Chinese Representative  
in compliance with Article XV (paragraph 2) of the Covenant  
and with the Notes exchanged with the Secretary-General on  
the subject of this Statement.

I.

Letter, dated February 9th, forwarding the Preliminary  
Statement.

To the Secretary-General.

I have the honour to hand you herewith the statement  
submitted by the Republic of China in compliance with  
Paragraph 2 of Article XV of the Covenant of the League of  
Nations.

The Chinese Delegation will within the next few days  
submit a more complete statement giving the facts of the case  
in greater detail.

(Signed) W.W. YEN.

0104

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 2 -

ANNEX.

Statement submitted by the Republic of China in compliance with  
paragraph 2 of Article XV of the League of Nations.

The official records of the League of Nations in the  
proceedings taken before the Council since September 18th last  
disclose the following undisputed facts.

1. On the evening of September 18th, 1931, Japan without  
warning launched a violent attack with armed forces upon  
the territory of China.

2. Notwithstanding the active efforts of the Council, in the  
exercise of its conciliatory function under Article XI  
of the Covenant, this attack has been steadily and con-  
sistently developed into a formidable invasion and occupa-  
tion, not only of Manchuria but of other parts of China.

3. Japan has failed to comply with the Resolutions of the  
Council providing for the cessation of her hostile action  
and the withdrawal of her armed forces. The Resolutions  
of September 30th, and of December 9th, consented to by  
Japan herself, have not been carried out either in letter  
or in spirit.

4. The efforts of Members of the League acting in collabora-  
tion with the United States of America have likewise proved  
unavailing to bring about a cessation of Japan's armed  
aggression, which still continues, not only in Manchuria  
but also at Shanghai and elsewhere. Nanking, the capital  
of China has been bombarded, and is threatened with further  
bombardment; the Government has been obliged to transfer  
its seat from Nanking to Loyang.

5. The violation by Japan of the League Covenant, of the  
Pact of Paris, and of the Nine Power Treaty is a fact which  
has been made so clear as to admit of no dispute.

6. China respectfully submits that the elementary facts  
of the situation as above stated plainly call for the  
exercise of the full powers of the League under its Coven-  
ant to bring about an immediate cessation of hostile and  
aggressive action by Japan, the prompt evacuation of China's  
territory by Japanese forces, and the settlement of the  
entire controversy between China and Japan by peaceful  
means.

February 9th, 1932. \_\_\_\_\_

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 3 -

II.

Letter from the Secretary-General dated February 10th.

To the Chinese Representative on the Council.

I have the honour to acknowledge receipt of your communication dated February 9th, to which was attached the statement submitted by the Chinese Representative in accordance with the second paragraph of Article 15 of the Covenant. In the second paragraph of your letter you informed me that the Chinese delegation will submit a fuller statement in the course of the next few days.

I should be greatly obliged if you would inform me whether you desire the statement you sent me on February 9th to be communicated immediately to the Council, or whether you do not wish any communication to be made to the Council until I have received the further statement with all the relevant facts and papers for which Article 15 of the Covenant provides.

(Signed) ERIC DRUMMOND

Secretary-General.

0101  
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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 4 -

III.

Letter, dated February 11th, from the Chinese Representative  
on the Council.

To the Secretary-General.

I have the honour to acknowledge the receipt of your communication of the 10th instant, wishing to know whether I desire to have the preliminary statement, which was sent in to the Secretariat on the afternoon of the 9th instant, immediately communicated to the Council, or whether I desire that no communication be made before you receive the more complete statement from us.

In reply I have the honour to say that as this is a matter of procedure, I leave it to your honourable self to decide. The preliminary statement was sent in to comply with paragraph 2 of Article 15, so that the Council might not feel embarrassed in any way in taking immediate action on account of a technicality.

The President of the Council having referred to the matter at the public meeting on the 9th instant, I stated that the preliminary statement was being sent to the Secretary-General in accordance with precedent. I also read the last paragraph.

In view of the exceedingly critical situation at Shanghai and elsewhere, I do trust that the way is now clear for the Council to take strong action to put an end to the intolerable state of affairs created by the Japanese on Chinese territory and waters.

(Signed) W.W. YEN.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

IV.

Letter from the Secretary-General dated February 12th.

To the Chinese Representative on the Council.

I have the honour to acknowledge receipt of your letter Rf/211 of February 11th.

In view of the fact that you do not express a wish for the preliminary statement which you sent me on February 9th to be withheld from communication to the Council until I have received the fuller statement of which you have given me notice, I consider myself ~~under obligation~~, unless I hear from you immediately that such is not your desire, to forward your preliminary statement to the Council together with the exchange of notes to which it has given rise.

(Signed) ERIC DRUMMOND.

Secretary-General.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.306.M.193.1932.VII.

Geneva, March 4th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication, dated March 4th, which he has received from the Chinese Delegation.

Ref./269

Geneva, March 4, 1932.

To the Secretary-General.

I have the honour to communicate herewith the following official telegram, dated March 4th, which I have just received from Shanghai, and shall be obliged if you will circulate it among the Members of the League:

"Japanese transports are now pouring troops into the region beyond Liuho. Some 35,000 more with tanks and cavalry were landed to outflank our present positions near Kuansan (a city on the Shanghai-Nanking Railway, about 40 miles west of Shanghai). Eight more Japanese transports entered the Yangtze River this afternoon (March 4th). Severe fighting is in progress.

"Our regiments, who were defending Woosung, were killed to the last man, rather than surrender. Foreign eye-witnesses saw our peasants being forced by the Japanese at Bayonet's point to throw the corpses of our soldiers into the river.

"Japanese troops were landed today (March 4th) at Pootung (on the eastern bank of the Whangpoo River, opposite to Shanghai) to strike at the Hangchow region. The Japanese military officers make no secret that they intend to take the entire region between Shanghai and Nanking."

(Sgd) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.305.N.192.1932.VII.

Geneva, March 4th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 3rd, which he has received from the Chinese Delegation.

To the Secretary-General.

I have the honour to communicate herewith two official telegrams, dated the 3rd of March, which I have just received from Peiping and Shanghai respectively:

(1) "Under the compulsion and supervision of the Japanese military forces, the local authorities of the Three North-eastern Provinces have brought into existence a so-called administrative committee, in which the decision has been reached to set up a new state to be called by the name of the Manmon (Manchuria and Mongolia) Republic and to adopt this year as the first year of Ta-tung (meaning cosmopolitan) in place of the 21st year of the Republic of China."

(2) "The Commissioner of Customs at Dairen wired to Mr. F. W. Maze, the Inspector-General of the Chinese Customs, the following message:

"The Manchu Kuo Cheng Fu (the puppet government) in a declaration, dated the first of March, stated inter alia that the new state would respect all the existing relations with foreign states and would recognise and fulfil proportionately the loan obligations, imposed by the treaties on the territory of the new state, except in the case of the Republic of China."



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quigley NARS, Date 12-18-75

( )  
-2-

In submitting the above to you, I have the honor, first, to state that my Government in a statement issued on October 2nd last declared that it would not recognize any unlawful organization in the Three North-eastern Provinces of China and reiterated in a statement made public on February 22nd, 1932, that it would not recognize the secession or independence of the Three North-eastern Provinces, or any part thereof, or any administration which might be organized therein without its authority and consent; and secondly, to point out that the violation by the Japanese of the Chinese customs' integrity will not only seriously interfere with China's administration of services of foreign loans owing to Powers, but also affect unsecured foreign and domestic indebtedness as well as domestic loans, charged on the customs, that are widely held by foreigners as well as by Chinese, besides jeopardizing the trade in Manchuria. I shall be most obliged, if you will immediately circulate the same among the Members of the League for their information and necessary action.

(s) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.304.M.191.1932.VII

Geneva, March 4th, 1932

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated March 3rd, which he has received from the Chinese Delegation.

Ref./265

1A/31334/31334. 4/3

Geneva, March 3rd, 1932.

To the Secretary-General.

I have the honour to communicate herewith the following telegram, dated the 3rd of March, which I have just received from Shanghai, and shall be obliged if you will circulate it among the Members of the Council and of the League:

"A portion of the garrison at the Woosung Forts has been ordered to hold out to the last minute, although the main body has been ordered to withdraw to the second line of defence. Woosung is now completely surrounded and the Japanese are fiercely bombarding it on all sides. Fate of the remaining garrison is sealed, as all the guns have been put out of action. Severe fighting is in progress near Nankiang, our rear guards are staging frequent counter-attacks to cover the retirement. Japanese troops are planning to press beyond the twenty kilometer line. Several Red Cross units, proceeding from the Settlement to bring in the wounded soldiers, were fired upon by Japanese troops and were forced to turn back."

(Signed) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.308.M.120.1932.VII.

Geneva, March 4th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated March 3rd, which he has received from the Chinese Delegation.

Ref./266

Geneva, March 3, 1932.

To the Secretary-General.

I have the honour to transmit herewith the following statement, issued by my Government on March 3, 1932, concerning the cessation of hostilities at Shanghai, and should be grateful, if you would bring the same to the knowledge of the Members of the Council and of the League;

"Pursuant to our policy of peace, the Chinese Government has instructed the commander of the Chinese forces to order a general cessation of hostilities against the Japanese, unless again attacked. It is to be pointed out, however, that Japanese troops in advancing to Kiating, Nankiang and Chenju have taken undue advantage of the withdrawal of the Chinese troops, which was ordered for the purpose of facilitating the bringing about the cessation of hostilities. Although under such circumstances, the Chinese army has every right to take such action as will enable it to recover the evacuated area at once, the Chinese Government desired to follow the policy of forbearance, in order to give every opportunity to the Assembly now sitting at Geneva to work out an equitable and pacific solution. Pending such solution, the Chinese forces will faithfully observe the Government's order to cease hostilities against the Japanese troops."

(Signed) W.W. YEN.

111

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.301.II.166.1932.VII.

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Chinese Delegation.

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Ref./257

Geneva, March 2, 1932.

To the Secretary-General.

As requested, I have the honour to transmit to you the following telegram, dated the 1st of March, for circulation to the Members of the Council:

"In justice to China, we urge that the Extraordinary Session of the League Assembly will meet, as announced, on March 3rd. Japan's peace move is merely an effort to forestall the Assembly. The Japanese are landing huge reinforcements and have announced that they will bombard and destroy the Shanghai-Nanking and Shanghai-Hangchow Railways after March 2nd.

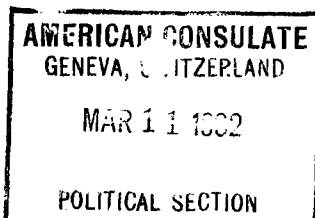
(Signed):

General Chamber of Commerce,  
The Bankers' Association,  
The Native Bankers' Guild,  
The Cotton Mill-owners' Association,  
Labour Union, and  
Universities Union."

(s) W.W. YEN.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75



Enclosure No. —  
with No 249 of  
Mar. 11. 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members of the  
League.

C.300.M.187.1932.VII.  
Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Chinese Delegation.

Ref./263.

Geneva, March 2nd, 1932.

To the Secretary-General.

I have the honour to communicate to you the following three official telegrams, and to request that they be duly circulated among the Members of the Council and of the League:

"(1) The press reports that China will associate herself with Russia and that the Chinese Government will revive diplomatic relations with the Soviet Government are incorrect. They are only the ideas of some individuals and have not been taken into consideration by the Government.

"(2) General Ting Chao, who was once defending the city of Harbin against the invasion of the Japanese troops, was obliged to retreat to Fangtseng, a city about 110 miles east of Harbin, on the northern border of the Kirin Province. All our forces under his command are concentrating in that area and ready to resist, if they be pursued by the Japanese.

"(3) The report that General Ma Chan-shan, who once defended Tsitsihar, the capital of the Province of Heilunkiang against the Japanese invasion, has been assassinated is without foundation."

(signed) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.259 M.186 1932.VII  
Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Chinese Delegation.

Geneva, March 2, 1932.  
To the Secretary-General.

I have the honour to communicate to you the following telegram, dated the 2nd of March, which I have just received from my Government, and to request that you be good enough to circulate it among the Members of the Council and of the League:

"Our forces have withdrawn voluntarily and in good order to second line of defence, which is running from Nanhsiang, a city on the Shanghai-Nanking Railway, about 15 miles west of Shanghai, to Kating, a city about 20 miles west of Woosung.

"The Japanese are landing at Liuhoo and at Shanghai two divisions of fresh reinforcements of over 40,000 men, thus making the total of the Japanese troops in the area of Shanghai more than hundred thousand.

"Our military authorities issued a statement today (March 2nd), declaring that our withdrawal from the Chapei-Woosung area is due to strategical reasons and also is according to our previous plan. It further deprived the Japanese of any pretext for not ceasing hostilities at Shanghai immediately.

"They continued in saying that the Chapei-Woosung line is not a military one, and it was held because of political expediency. The presence of the Japanese fleet on the Whangpoo River, which runs parallel with our first line of defence, placed our troops in a very disadvantageous position. Also, the possession by the Japanese of the Shanghai-Woosung motor road, enabled them to use tanks and heavy artillery against our troops, who have been obliged to operate in the paddy fields. Our withdrawal to the second line of defence would turn the advantage in favour of our forces. If the Japanese troops attack us again, fighting will be sure to continue stage by stage.

"Should our troops be compelled to withdraw owing to superiority of Japanese equipment, the Government would, however, never conclude any agreement detrimental to our nation's sovereign rights.

"The Shanghai battle at least shows two things: first, the theory of the good fighting ability of the Japanese troops has been exploded; and secondly, it has definitely proved the futility of the Japanese propaganda."

(signed) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No -  
with No 249 of  
Mar. 11, 1932

Communicated to the  
Council and Members  
of the League.

LEAGUE OF NATIONS.

C.298.M.185.1932.VII

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Chinese Delegation.

Ref./260

Geneva, March 2nd 1932.

To the Secretary-General.

I have the honour to transmit to you the following telegram of today's date, which was addressed by Dr. Tsai Yuan-pei, the President of the Academia Sinica of the Chinese Government, to educational leaders of different countries, and to request that you be good enough to have it circulated among the Members of the Council and of the League for their information:

"In their present campaign of aggression against China, the Japanese military by their indiscriminate bombardment of Shanghai have particularly aimed at the whole-sale destruction of China's educational and cultural establishments. Up to date, such organs which have been razed to the ground, include the well-known Commercial Press, China's premier publishing concern, which has been bringing out 70 percent of the country's textbooks for the past two decades together with its priceless public library; the well-known National Chi-nan University; Tung-chi University; Chi-chi University and the Medical College of the Central University. Wherever the arms of Japanese militarism reach, China's educational and cultural organs collapse under their wanton aerial and artillery bombardment.

"Wilful destruction of educational and cultural organs is prohibited even in time of war, and while the Tokyo Government have, on the one hand, openly declared that Japan is not waging war against China, on the other hand, their military have deliberately destroyed even what, international law has definitely decreed, shall be preserved.

"It is to be hoped that the intellectual leaders of the world will feel constrained to publicly condemn such barbarity of the Japanese military in destroying China's educational and cultural organs and also to devise means for the prevention of any such further action on the part of Japan.

(Signed) Tsai Yuan-pei,

President, Academia Sinica,

Nanking, China."

(Signed) W.W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.297.M.184.1932.VII.

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Chinese Delegation.

To the Secretary-General.

I have the honour to communicate to you the following telegram, dated the 2nd of March, which I have just received from the Chinese National Crisis Salvation Association, and to request that you be good enough to circulate it among the Members of the Council and of the League:

"In view of Japan's continued violation of existing international treaties, repeated breaches of her solemn promises and open defiance of the Council Resolutions, her endeavour to postpone the meeting of the Assembly on the 3rd, instant, should be vigorously resisted. If her desire for peace is sincere, why should she continue pouring division after division of her troops into Shanghai. We are convinced that, while pourparlers for cessation of hostilities are proceeding here, the meeting of the Assembly on Thursday as already appointed will, nevertheless, greatly help in bringing about peace.

(Signed) Tsen Chun-hsian, Hsiung Hsi-ling,  
Chen chin-tao, Wen Tsung-yao, Chang Yao-tsen,  
Chu Ching-lan, Huang Yen-pei, Tao Chia-yao,  
and Cha Liang-chao, representing National  
Crisis Salvation Association."

(Signed) W. W. R. .



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Reserve No. —  
( ) with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.296.M.183.1932.VII.

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Chinese delegation.

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Geneva, March 2, 1932.

To the Secretary-General.

At the request of the following leading organizations at Shanghai, I have the honour to communicate herewith the following telegram of the 1st of March and to request that you be good enough to have it circulated to the Members of the League:

"In total disregard of the Covenant of the League, Japan invaded Manchuria, a part of the Chinese territory, when League Assembly was at its last session. Since then she persistently pushed her program of aggression, defying the Resolutions of the Council and flouting world opinion. She marched on Tsitsihar, when the Council of the League adopted its second Resolution and on Chinchow, soon after the Council adopted the third Resolution. Not satisfied with such acts of violence, she extended her military operations to Shanghai, China's metropolis of international commerce.

"Following riots created by Japanese ronins (lower class Japanese armed civilians), Japan served an ultimatum making unreasonable demands on China. After the Mayor of the Shanghai Municipality accepted the demands to the satisfaction of the Japanese Consul-General in pursuance of China's settled policy in avoiding conflict, Japan opened attack on Chinese controlled territory on the night of January 28th. In self-defence, China resisted, and up to date Chinese manhood has withstood the onslaught of the Japanese arms. For many months, Japan has laid waste of Chinese territory with army, naval and aerial forces, causing thousands and thousands to be homeless and killing an unknown number of defenceless civilians. As if unsatisfied with such vandalism, the Japanese military indulged in practices which are not even allowed by international law, such as using of dumdum bullets and bombing of red cross corps, hospitals and refugee camps. Women have been raped, children have been murdered and men have been subjected to

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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-2-

indescribable tortures. Besides using the International Settlement as the base for military operations, Japanese have freely made illegal arrests in the Settlement.

"To carry the aggression further, Japan served a new ultimatum on China on February 18th, demanding that Chinese defenders should withdraw to a distance of 20 kilometers and demolish all fortifications in the Shanghai area. The terms are so excessive and the spirit is so arrogant that China had no option but to continue her resistance. Since then continuous reinforcements have come from Japan. Soochow, 60 miles west, and Hangchow, 100 miles south, of Shanghai, have been bombarded. Even on the eve of the session of the League Assembly, Japan delivered an ultimatum giving notice that the Shanghai-Nankin, and Shanghai-Hangchow railways would be bombarded on March 2nd. Such cruelties and belligerent actions are incomprehensible except as those of mad people. Nothing less than the economic sanctions as provided in Article 16 of the League Covenant can stop the acts of violence of Japan.

"In upholding the sanctity of the League Covenant, China has not hesitated to meet Japan's steel with flesh. It is high time for the other Members of the League to apply economic measures. (Signed): General Chamber Commerce, The Bankers' Association, The Native Bankers' Guild, The Cotton Mill-owners' Association, Labour Union and Universities Union."

(s) W. W. YEN.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

AMERICAN CONSULATE  
GENEVA, SWITZERLAND

MAR 11 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.225.M.182.1932.VII

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, addressed by the Representative of Japan to the President in Office of the Council.

To the President of the Council.

I have the honour to acknowledge receipt of your letter<sup>(1)</sup> of March 2nd concerning the acceptance<sup>(2)</sup> by the Japanese Government of the proposal put forward by the Council on February 28th.

The Japanese Government firmly intends to secure the cessation of hostilities at the earliest possible moment, whatever may be the turn taken by the military operations. But it is quite obvious that the agreement can only be concluded in the area of hostilities itself. The Japanese Government has therefore issued appropriate instructions to the Japanese Minister at Shanghai; negotiations are being actively pursued and I have the honour to transmit to Your Excellency the information which I have just received on this subject.

(Signed) S. SATO

Representative of Japan on the Council  
of the League of Nations.

INCIDENTS AT SHANGHAI.

Summary of official telegrams received by the Japanese Delegation.

Negotiations for the suspension of hostilities.

Shanghai, March 2nd.

Admiral Nomura and M. Matsuoka proceeded at 9-0 p.m. to the "Kent" and informed Admiral Kelly of the general conditions on which the Japanese Government would be prepared to agree to a suspension of hostilities. Admiral Kelly immediately transmitted this information to the Chinese.

Following on this action, it was decided that a new meeting of the Japanese and Chinese delegates should take place to-morrow at 1-0 p.m. in the "Kent".

(1) See Document C.223.M.180.1932.VII

(2) See Document C.288.M.145.1932.VII

112  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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- 2 -

INCIDENTS AT SHANGHAI.

Summary of official telegrams received by the Japanese Delegation.

Negotiations for the cessation of hostilities.

The conditions on which the Japanese Government will be prepared to agree to a cessation of hostilities and which were communicated to the Japanese Minister in China are as follows:

1. The Japanese forces to suspend hostilities and not <sup>to</sup> advance beyond the positions which they are occupying, for a certain time to be determined on the spot between the officers commanding the two armies, if China gives an assurance that the Chinese troops will withdraw from Shanghai to a certain distance to be determined on the spot.

2. The representatives of the Powers having interests at Shanghai to meet in Round Table Conference after hostilities have been suspended as above, to discuss the question of the withdrawal of the two armies and specific measures for ensuring tranquillity in the Shanghai area.

With regard to the withdrawal of the combatant forces, Japan proposes:

a) As soon as the withdrawal of the Chinese forces (including soldiers in civilian clothing) has been officially noted, the Japanese army will withdraw to the close proximity of Shanghai and Wocung;

b) The Japanese land forces will leave Chinese territory as, and to the extent that, tranquillity is restored.

3. The violation by either of the parties of the conditions for the suspension of hostilities will entitle the other to resume hostilities as soon as the truce period has expired.

112  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.294.M.181.1932.VII.  
Geneva, March 2nd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 2nd, which he has received from the Japanese Delegation.

-----  
Geneva, March 2nd, 1932.

To the Secretary-General,

Referring to the letter dated February 23th, 1932, from the Chinese delegation (Document C.287(1).M.174(1).1932.VII), I have the honour to state that the Consulate General at Shanghai informs me that M. Matsuoka did not utter the words attributed to him in that communication.

As regards the seventh point, M. Matsuoka did, it appears, express the opinion in private conversation that the efficacy of the Briand-Kellogg Pact would have been strengthened further if it had defined economic boycotts as acts of war.

I should be grateful if you would bring the above to the knowledge of Members of the Council and of the League of Nations and have the honour to be, etc.

(Signed) S. SATO

Representative of Japan on the Council.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 1, 1932.

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.293.M.180.1932.VII.

Geneva, March 2nd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the President in Office of the Council

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication sent by the President in Office of the Council on March 2nd to the representative of Japan.

Geneva, March 2nd, 1932.

To the Representative of Japan.

(2) I have the honour to acknowledge the receipt of your letter 1) of March 1st by which you inform me that the Japanese Government willingly accepts the plan which I submitted to the Council on February 29th.

I have taken immediate steps to bring Your Excellency's letter to the knowledge of my colleagues on the Council.

While I am extremely happy to note the acceptance by the Japanese Government of the plan, I venture to point out that the proposals set out therein are "subject to the making of local arrangements for a cessation of hostilities", and that the Council expressed the hope that such a cessation would be brought about very speedily. Indeed, it is not too much to say that the execution of the plan is dependent on the final cessation of all fighting, and I should, therefore, be glad to learn whether Your Excellency is in a position to give me any assurances or information on this point, which not only I, but my colleagues, consider to be of primary importance.

President in Office of the Council

(Signed) PAUL-BONCOUR

1) See Document C.285.M.175.1932.VII.

0124

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar 11, 1932.

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.292.M.179.1932.VII.

Geneva, March 2nd 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour  
to circulate to the Members of the Council  
and of the League the following communication,  
dated March 1st, which he has received from  
the Chinese Delegation.

Ref./254.

Geneva, March 1, 1932.

To the Secretary-General.

I have the honour to communicate herewith the  
following telegram, dated the 1st of March, 5.0 p.m.,  
which I have just received from my Government:

"Beginning at 10.0 a.m. to-day (March 1st),  
Japanese troops commenced very severe attacks on  
our lines, using heavy artillery, tanks and aero-  
planes. Their planes bombed Kunshan (a large  
city on the Shanghai-Nanking railway, about 40 miles  
west of Shanghai) and Nanziang (also a city on the  
Shanghai-Nanking railway, about 15 miles west of  
Shanghai). Over one division of Japanese troops  
landed at Liuhø (a city at the mouth of the Yangtze  
River, about 15 miles north-west of Woosung).  
Fighting is still proceeding."

In submitting the above to you, I have the honour to  
point out that, while we are making every effort to bring  
about the cessation of hostilities, it is most surprising  
that the Japanese should attack us on even a more intensive  
scale. It would be most unfortunate, if the present pour-  
parlers should fall through, on account of the Japanese  
offensive. I shall be most obliged if you will circulate  
the same among the Members of the Council and of the League.

(Signed) W.W. YEN

1124  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Dunlap NARS, Date 12-18-75

Enclosure A—  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.291.M.178.1932.VII.

Geneva, March 2nd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 1st, which he has received from the Chinese Delegation.

Ref./253.

Geneva, March 1st, 1932.

To the Secretary-General.

I have the honour herewith to communicate to you a telegram, dated March 1, which I have just received from Messrs. T. V. Soong and Wellington Koo at Shanghai, and to request that you will be good enough to circulate the same among the Members of the Council and of the League:

"The Sino-Japanese exchange of views on board the "Kent" in the presence of Admiral Kelly yielded the following five points: (1) mutual simultaneous evacuation of troops; (2) no question of the permanent dismantling of the forts at Woosung to be raised; (3) a Sino-Japanese Commission with neutral observers to supervise the evacuation on both sides; (4) the evacuated area to be administered by Chinese authorities with Chinese police as heretofore; (5) the Chinese forces to withdraw to Chenju, a station on the Shanghai-Nanking Railway, 10 miles west of Shanghai, the Japanese forces to withdraw to the Settlement and extra-Settlement roads, after which, the Chinese forces to withdraw to Nanziang, a station on the Shanghai-Nanking Railway, about 15 miles west of Shanghai and the Japanese forces to embark. Both sides were to refer to their respective Governments for approval. If approved, a formal meeting with accredited diplomatic and military representatives will be held. Nanking has approved the terms as above-stated and Admiral Kelly was informed to this effect yesterday."

(Signed) W. W. YEN.



012  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

ENCLOSURE A -  
with No 249 of  
Mem. 149 32

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.290.M.177.1932.VII.

Geneva, March 2nd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 1st, which he has received from the Chinese Delegation.

Ref./252.

Geneva, March 1st, 1932.

To the Secretary-General.

I have the honour to communicate the following telegram from Shanghai, dated March 1, 1932, and to request that you will be good enough to have it circulated among the Members of the Council and of the League:

"A see-saw battle has been going on all day Monday at Patzschiao, north-west of Kiangwan, and is still continuing.

"Shanghai foreign papers published a telegram from Geneva, reporting that Japan addressed to the League Council a telegram intimating new terms for a truce. The North China Daily News published the following proposals: first, mutual withdrawal of troops; second, appointment of a mixed committee of Sino-Japanese officers to supervise the withdrawal, with neutral observers, if desired; third, immediate convocation of a conference in which representatives of powers interested are to participate to discuss the protection and status of Shanghai and arrange for the policing of the evacuated zone. The Chinese believed the proposal insincere, in view of the following facts: first, General Murai notified Mayor Wu Teh-chen that, after March 2nd, Japanese planes would bomb the Shanghai-Nanking and the Shanghai-Hangchow Railways; secondly, two Japanese divisions are arriving to-night. Therefore, it is considered to be a temporizing move to allow preparation for a new Japanese offensive.

"General Wong Kang, commanding the second brigade of the 87th Division, was arrested on Saturday in the Astor House Hotel by Japanese marines. Mayor Wu Teh-chen protested to the Consular Body against the illegal arrest, as an unarmed soldier is entitled to safe conduct within the Settlement, and the arrest of suspects must be done by the Municipal Police. The Japanese declare General Wong Kang to be a military prisoner. His fate is unknown."

(Signed) W.W.YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

( )  
with No 249 of  
Mar. 1, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.289.M.176.1932.VII.

Geneva, March 2nd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication From the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated March 1st, which he has received from the Chinese Delegation.

Ref./253.

Geneva, March 1, 1932.

To the Secretary-General.

I have the honour to transmit to you the following telegram, dated the first of March, which I have just received from Shanghai, and to request that you will be good enough to have it circulated among the Members of the Council and of the League:

"The continuous artillery and aerial bombardments of the Japanese troops on our positions in the Chapei and other areas were fruitless to-day. Some of the foreign military observers declared that it would be impossible for the Japanese to defeat us, unless the Japanese should be prepared to make a heavy sacrifice of their lives, which, as reported, is not the policy of the Japanese military commander, General Shirakawa.

"The surprising and large-scale offensive launched on our troops by the Japanese to-day (March 1st) made us doubtful of the success of the informal peace talks. It is believed that Japan is merely playing for time with the purpose to cause the postponement of the extraordinary session of the League Assembly, and also to enable them to consolidate their war positions and to complete their military preparations.

"It was only after strong protests, General Wang Kang was released this morning (March 1st).

(Signed) W.W. YEN.

3128

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.288.M.1751932.VII

Geneva, March 2nd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation . . .

Note by the Secretary-General.

The Secretary-General has the honour to circulate  
to the Council the following letter, dated March 1st, addressed  
by the Japanese Delegation to the President in Office of the  
Council.

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Geneva, 1st March 1932.

To the President of the Council.

" I have the honour to inform you that the Japanese  
Government willingly accepts the Plan which Your Excellency  
submitted to me yesterday at the Council meeting. "

(Signed) S. SATO

Representative of Japan  
on the Council of the  
League of Nations.

0125  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No. 249 OR  
Mar. 11/1932

This document replaces C.287.M.174.1932.VII, the first paragraph of the Chinese communication having been inadvertently omitted.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 29th, which he has received from the Chinese Delegation.

February 29th, 1932.

To the Secretary-General.

I have the honour to communicate the following telegram from Shanghai relative to an interview given by Mr. Matsuka, spokesman in China of the Japanese Foreign Office, and to request that you will be good enough to circulate the same among the Members of the Council and of the League:

"Firstly, Manchuria is a closed question. Secondly, Japan considers herself master of the Far East, maintaining and defending an equivalent of the Monroe Doctrine for the Far East. Thirdly, the Nine Power Treaty is a dead letter, because it was originally forced on Japan. Fourthly, Japan undertakes to restore peace in China to make trade possible for all nations. Fifthly, Japan must win victory in order to dictate peace terms to China. Sixthly, the present campaigns of Japan are punitive expeditions. Seventhly, it was a mistake that the Kellogg-Briand Pact failed to define economic boycotts as acts of war. Eighthly, Japan intends to effect demilitarization of the Shanghai area."

(Signed) W. W. YEN.

113

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.287(1).M.174(1).1932.VII.

Geneva, March 1st, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 29th, which he has received from the Chinese Delegation.

February 29th, 1932.

To the Secretary-General.

I have the honour to communicate the following telegram from Shanghai relative to an interview given by Mr. Matsuka, spokesman in China of the Japanese Foreign Office, and to request that you will be good enough to circulate the same among the Members of the Council and of the League:

"Firstly, Manchuria is a closed question. Secondly, Japan considers herself master of the Far East, maintaining and defending an equivalent of the Monroe Doctrine for the Far East. Thirdly, the Nine Power Treaty is a dead letter, because it was originally forced on Japan. Fourthly, Japan undertakes to restore peace in China to make trade possible for all nations. Fifthly, Japan must win victory in order to dictate peace terms to China. Sixthly, the present campaigns of Japan are punitive expeditions. Seventhly, it was a mistake that the Kellogg-Briand Pact failed to define economic boycotts as acts of war. Eighthly, Japan intends to effect demilitarization of the Shanghai area."

(Signed) W. W. YEN.

113  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

C.286.M.173.1932.VII.

Communicated to  
the Council and  
the Members of  
the League.

APPEAL FROM THE CHINESE GOVERNMENT.

Geneva, February 29th, 1932.

Letter from the Secretary-General to Mr. Wilson, United  
States Minister at Berne and Mr. Wilson's reply.

I. Letter from the Secretary-General.

23th February, 1932.

To His Excellency  
The Honourable Hugh Wilson.

Sir,

I have the honour to transmit to you a copy of a communication made by the President of the Council to his Colleagues setting out certain proposals which the Chinese and Japanese Representatives have promised to submit immediately and to recommend to their Governments with a view to bringing about the restoration of peaceful conditions in the Shanghai area.

May I be allowed to call your special attention to the request made in paragraphs 2 and 3 of the communication for the collaboration of the United States Government in the steps which the Council propose in order to effect the above-mentioned aims?

(Signed) Eric Drummond.  
Secretary-General

II. Letter from Mr. Wilson, United States  
Minister at Berne.

February 29, 1932.

My dear Sir Eric,

In reply to your letter of today's date, in which you inform me of the proposal made by the Council (which the Chinese and Japanese representatives have promised to transmit immediately to their respective Governments), concerning a conference for the restoration of peace within the Shanghai area, and the negotiations now going on toward the immediate cessation of hostilities in that zone, I have to inform you that the Government of the United States is happy to associate itself with this effort for the re-establishment of peace.

My Government will instruct its representatives in Shanghai, in the event that this offer is acceptable to the Chinese and Japanese Governments, to cooperate with the representatives of the other Powers.

(Signed) Hugh R. Wilson.

13  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.285.M.172.1932.VII.

Geneva, February 29th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated February 28th, which he has received from the Chinese Delegation.

Ref./249.

Geneva, February 28, 1932.

To the Secretary-General.

I have the honour to communicate to you the following telegram dated the 26th of February, which I have just received from Shanghai, and to request that you will be good enough to have it circulated among the Members of the Council and of the League:

"Fighting has slackened today (Feb. 28th), owing to the fact that the Japanese were content with holding the lines pending the arrival of fresh reinforcements. Our military headquarters at Shanghai announced that it was necessary for us to withdraw from the village of Kiangwan, as the village has been practically levelled to the ground by Japanese artillery and aerial bombardments. Also, large number of dead bodies of the innocent civilians in the village had made the place uninhabitable. The withdrawal was effected on the evening of the 26th, and the Japanese troops entered the village on the evening of the following day without meeting any resistance. Nevertheless they announced that a severe battle had been fought with our troops, whom they overcame.

"Part of the 11th division of the Japanese Imperial Army landed this evening (Feb. 28th) at the Shanghai-Woosung Harb, which is beyond the limit of the Settlement. Our reinforcements are arriving to strengthen the defence.

"The North China Daily News published an article today that the Japanese would agree to a peace proposal on the basis of mutual withdrawal under foreign supervision and of a subsequent convocation of a round table conference to discuss the policing of the evacuated area and the future status of Shanghai. Well-informed Japanese circles, however, declared that the proposal would be unacceptable, until their General Staff has carried out its present campaign relative to Shanghai.

"The total number of Chinese civilians, who were killed by the Japanese artillery and aerial bombardments in the Shanghai area, has already reached as high as 7,000 persons."

(s) W. W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

Communicated to the  
Council and Members  
of the League.

C.284.M.171.1932.VII.

Geneva, February 22th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated February 27th, which he has received from the Chinese Delegation.

Ref./247.

Geneva, February 27, 1932.

To the Secretary-General.

I have the honour to transmit to you the following telegram, dated the 27th of February, which I have just received from Shanghai, and to request that you will be good enough to have it circulated among the Members of the Council and of the League:

"Japanese army attack has been comparatively quiet, but their aeroplanes were busily engaged in bombing Chinese aerodromes and aerial fields around Shanghai. They have practically and completely destroyed our aerial field at Lunghua (south of the International and French Settlements) by several bombardments from aerial bombers on 24th and 25th.

"On the 25th, nine Japanese aeroplanes dropped many bombs on the city of Soochow (one of the four densely populated cities on the Shanghai-Nanking railway line, about 55 miles from Shanghai).

"On the 26th, twenty-five Japanese bombers and pursuit planes visited Hangchow (the Capital of the province of Chekiang about 110 miles from Shanghai) and dropped there many bombs. Seven large bombs were dropped on the rail tracks of the Shanghai-Hangchow Railway, destroying partially some of the station platforms and several parts of the rails.

"To-day (February 27th) Japanese destroyers joined bombers in extensive bombardment of the areas of Woosung and Paoshan (a city near Woosung) and of the forts of the Lion Hill (at Nanking?). The bombs they dropped are all 250 pounds in weight. Their big guns and howitzers are pounding Chinese defence in Chapei and the rear of Chinese defence lines. It seemed that the Japanese have given up the idea to attack by infantry assault and are using demoralising bombardment from aerial bombers and heavy artillery.

"Both American and British Consular officials are preparing the immediate evacuation of their citizens; definite plans and centre of concentrations have been prepared and issued to their people, although it is stated that there is no cause for immediate alarm."

(Signed) W. W. YEN.



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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.283.M.17C.1932.VII.

Geneva, February 29th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated February 29th.

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Observations by the Japanese delegation on the  
third report of the Shanghai Commission.

1. The text of the demands addressed on February 18th by the Officer Commanding the Japanese forces to the Officer Commanding the 19th Army does not appear to have been taken from the official communication of the Japanese authorities (~~text of which is attached~~), but from a document probably of Chinese origin. It is not in exact accordance with the demands in question, e.g. in the case of the limits of the zone to be evacuated. ( )

2. The last paragraph of the report suggests that all the Japanese forces had made the Concession their basis of operations. The report omits to state that a large part of the Japanese forces were stationed outside the Concession, and commenced operations from Woo-Sung.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

ANNEX.

DEMANDS MADE BY GENERAL UEDA, Commander  
of the Japanese troops, to the Commander  
of the 19th Army, February 18th, 1932.

The Chinese troops shall withdraw from all the points within a distance of twenty (20) kilometres from the boundary of the International Settlement to the north of the following lines, namely: the northern boundary line of the Settlement; a line connecting the north-westernmost end of the Settlement, Tscachiatuchen, Chouchiachiaochen and Pusungchen and running outward from the last-named position and on the right of the Whangpoo River; a line connecting Lannitu and Changchia Louchen and running outward from these positions respectively; the aforesaid withdrawal of the Chinese troops shall be effected by completing the withdrawal of the forefront by 7 a.m. on February 20th, 1932 and that of the remainder by 5 p.m. on the same day. All the forts and other military equipments of China shall be removed from and shall not be reinstalled or newly erected within the aforesaid distance of twenty kilometres. The Shitzulin forts shall be deemed to be within the same distance.

The Chinese authorities shall protect the lives and property of the Japanese subjects in districts around Shanghai other than the aforesaid area evacuated by the Chinese troops; in the event of the protection accorded by the Chinese authorities being unsatisfactory, the Japanese authorities may take such measures as they consider necessary. The Chinese authorities shall completely suppress all the activities of plain-clothes gunmen.

2. Upon having ascertained the withdrawal of the Chinese troops the Japanese forces will maintain only the Extension Road area in the Hongkew district including the area around the Hongkew Park. The Japanese forces will not engage in attacks, shooting or bombardments after the commencement of the withdrawal of the Chinese troops but may carry on reconnoitring flights.

3. After the withdrawal of the forefront of the Chinese troops, the Japanese forces will dispatch their representatives accompanied by bodyguards to ascertain the completion of the withdrawal.

4. Further negotiations shall be made with regard to the protection of foreign residents in districts around Shanghai, including the area evacuated by Chinese troops.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.262.M.169.1932.VII.

Geneva, February 27th 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 27th, which he has received from the Chinese Delegation.

Ref. /246

Geneva,  
February 27, 1932.

To the Secretary-General.

Under instructions from my Government, I have the honour to make the following statement which I shall be obliged to you to have circulated among the Members of the Council and of the League:

In view of the fact that the Japanese forces have continually made use of the Settlements in Shanghai as a base of military operations against the Chinese forces, the Chinese Government has been obliged to declare that in the proper exercise of its right of self-defence, it will not hold itself responsible for any damage that may be caused to the said Settlements. At the same time the Chinese Government must also declare, in order to dissipate the apprehension, current in the minds of many a foreign national and created by the pernicious propaganda circulated by certain quarters, that nothing is farthest from its intentions to attack or occupy by force the said Settlements in Shanghai.

(Signed) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. 1  
with No 249 of  
Mar. 11/19 32

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.281.M.168.1332.VII.

Geneva, February 27th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated February 27th, which he has received from the Chinese Delegation.

Ref./245.

Geneva,  
February 27th, 1932.

To the Secretary-General.

I have the honour to communicate herewith the following telegram, dated February 26, which I have just received from Shanghai and to request that you will be good enough to have it circulated among the Members of the Council and of the League:

"The Japanese bombing of our Hangchow (Chekiang Province, on Hangchow Bay) Aerodrome has been confirmed. We are expecting the Japanese to exert their supreme effort to dislodge us before the League Commission arrives at Shanghai on March 4th. We are prepared for the Japanese offensive which is expected on Friday night (February 26th)."

(Signed) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.273 M.166 1932.711.

Geneva, February 26th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 25th, which he has received from the Chinese Delegation.

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Ref. 243

Geneva, February 25, 1932.

To the Secretary-General.

I have the honour to inform you that Mr. Wang Shing-wei, the President of the Executive Yuan of the Republic of China, issued an appeal to the Chinese people on the 20th February, the summary of which is as follows :-

After reviewing the aggressive acts of the Japanese troops in Shanghai and Woosung since the 28th of January and the repeated attempts of the League of Nations as well as of the British, American, French and other Governments to find a way for the peaceful solution of the conflict, Mr. Wang pointed out that, though China has accepted every proposal for mediation, Japan has persistently rejected a pacific settlement.

The Government, he continued, instructed the Mayor of the Shanghai Municipality and General Tsai Ting-kai to reject the ultimatum of the Japanese Consul-General and the Japanese military commander at Shanghai. If the Japanese troops should launch an offensive on us, we would resist with all our strength. Should the Japanese cease military activities and express their sincerity for a peaceful solution, the Chinese Government would certainly also take the matter into consideration.

Although hostilities have now been confined to the Shanghai and Woosung area, they affect greatly the whole nation. The whole Chinese people should put up a united front against foreign aggression and be prepared for a long resistance at any cost.

In submitting the above to you, I have the honour to request that you will be good enough to have the same circulated among the Members of the Council and of the League for their information.

(s) W.W.YEN:

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No. 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.278.M.165.1932.VII.

Geneva, February 26th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 25th, which he has received from the Chinese Delegation.

Ref./E42

GENEVA.  
February 25, 1932.

To the Secretary-General.

I have the honour to enclose copies of the British Labour's Declaration on the Far Eastern situation, issued by the National Joint Council, London on the 23rd of February, and to request that you will be good enough to have the same circulated among the Members of the Council and of the League.

(s) W. W. YEN.

BRITISH LABOUR'S DECLARATION ON FAR EASTERN SITUATION ISSUED  
BY THE NATIONAL JOINT COUNCIL, LONDON ON 23RD FEBRUARY, 1932.

The National Joint Council, representing the General Council of the Trade Union congress, the National Executive of the Labour Party, and the Parliamentary Labour Party, have watched with growing anxiety the development of events in the Far East. At one of the most critical moments in

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2-

post-war history, when the harmonious co-operation of all peoples and Governments in peace and security is the world's greatest need; when floods have devastated whole provinces of China, still in the throes of a political revolution, foreign armies have brought war to that unfortunate country.

The Japanese Armed Forces, in flagrant violation of Japan's many treaty obligations, and with a complete disregard of pledges given to the Council of the League of Nations and to the Powers, have invaded, occupied, and established a virtual protectorate over the vast Chinese provinces of Manchuria, rich in agricultural and mineral resources, where Japanese capitalism has important interests and the Japanese population is insignificant in numbers. Japanese Armed Forces now seek to occupy Shanghai, the commercial capital of China. The Japanese Navy is in Chinese waters. A great offensive has begun, and Japanese troops are still crossing the seas. Repeated and strong protests by the Powers against making the International Settlement the base for Japanese aggressive operations against China have been disregarded.

It is clear, therefore, that a state of war exists between China and Japan. It is equally clear that Japan is responsible for this state of war. These war operations have been undertaken by the Japanese Armed Forces on unsubstantial grounds, satisfaction for which could easily have been obtained if Japan had made full use of the methods of peaceful settlement provided in the Covenant. On the other hand, we cannot but recognize, as the Council of the League of Nations has done, that "from the beginning of the conflict, which has been taking place on her territory, China has put her case in the hands of the League and agreed to accept its proposals for a peaceful settlement."

-3-

Political disorder in China is no justification for the invasion of its territory by any Foreign Power. Japan undertook, in the Nine Power Treaty, signed at Washington in 1922, to "provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government." In 1926, British goods were boycotted and British lives and property were in danger. Nevertheless, the British Government adopted a policy of liberal and friendly co-operation with New China, and in a memorandum to China on May 28, 1926, laid down the principles which we now recall, that all the Powers "should abandon the idea that the economic and political development of China can only be secured under foreign tutelage," and that it should be the policy of the Powers "to endeavour to maintain harmonious relations with China without waiting for or insisting on the prior establishment of a strong Central Government". This policy has been a success. We are certain that Japan also can only ensure her future prosperity by substituting friendly co-operation with China for a policy of force.

But Japan has chosen the policy of force. Japan and China are both Members of the League of Nations. Any war, or threat of war, is a matter of concern to the whole League. It is also a matter of concern to every citizen of a State Member of the League of Nations, and to every organised body of such citizens. Wars cannot be localised - British lives and property are already in danger: the range of their influence cannot be limited. If the nations of the world take no action to uphold the Covenant of the League of Nations, they will thereby destroy this collective system of world law; they will be unable to appeal for its aid in one part of the world if they allow it to be defied in another; they will leave armed force as the determining factor in Asia, and elsewhere; they will gravely increase the existing sense of international insecurity; they will shatter all hopes for the reduction of armaments in the West, as well as in the East. Other wars will then become inevitable.

The National Joint Council, therefore, urges the Government to request the Council of the League of Nations immediately to consider the advisability of calling upon all the Members of the League and Signatories of the Peace Pact to withdraw their Ministers or Ambassadors from Tokyo. We trust this withdrawal will not be necessary, and hope and believe that a manifestation of world opinion that the war must cease will not go unneeded in Japan. If the Japanese Government, in defiance of the public opinion of the world, continues the war, our Government will be obliged, in conformity with its undertakings as a Signatory of the Covenant (Article 16), to propose to the Special Assembly of the League whatever cooperative and graduated measures of financial and economic constraint may be necessary - in association and agreement with the United States and the Members of the League - to restore peace and to ensure a just settlement of all outstanding questions between Japan and China, on the basis of the Covenant of the League of Nations, the Nine Power Treaty and the Pact of Paris.

Signed on behalf of:

General Council of the Trade Union Congress: John Bromley (Chairman)  
W.M. Citrine (Secretary)

National Executive of the Labour Party: George Lathan (Chairman)  
J.S. Middleton (Asst. Sec.)

Parliamentary Labour Party: George Lansbury (Chairman)  
H.S. Lindsay (Secretary)



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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. 249 of  
with No. 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.276.M.164.1932.VII

Geneva, February 26th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Note by the Secretary-General

The Secretary-General has the honour to communicate for the information of the Members of the League the following letter from the Secretary of State, Mr. Stimson, to Senator Borah, Chairman of the Foreign Relations Committee of the Senate, which was transmitted to the Secretary-General on February 25th by the Minister of the United States of America at Berne.

The Honorable William E. Borah, Chairman,  
Committee on Foreign Relations,  
United States Senate.

My dear Senator Borah:

You have asked my opinion whether, as has been sometimes recently suggested, present conditions in China have in any way indicated that the so-called Nine Power Treaty has become inapplicable or ineffective or rightly in need of modification and if so what I considered should be the policy of this Government.

This Treaty as you of course know, forms the legal basis upon which now rests the "open door" policy towards China. That policy enunciated by John Hay in 1899 brought to an end the struggle among various powers for so-called spheres of interest in China which was threatening the dismemberment of that empire. To accomplish this Mr. Hay invoked two principles (one) equality of commercial opportunity among all nations in dealing with China and (two) as necessary to that equality the preservation of China's territorial and administrative integrity. These principles were not new in the foreign policy of America. They had been the principles upon which it rested in its dealings with other nations for many years. In the case of China they were invoked to save a situation which not only threatened the future development and sovereignty of that great Asiatic people but also threatened to create dangerous and constantly increasing rivalries between the other nations of the world. War had already taken place between China and Japan. At the close of that war three other nations intervened to prevent Japan from obtaining some of the results of that war claimed by her. Other nations sought and had obtained spheres of interest. Partly as a result of these actions a serious uprising had broken out in China which endangered the Legations of all of the powers at Peking. While the attack on those Legations was in progress Mr. Hay made an announcement in respect of this policy as the principle upon which the powers should act in the settlement of the rebellion. He said "the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire." He was successful in obtaining the assent of the other powers to the policy thus announced.

In taking these steps Mr. Hay acted with the cordial support of the British Government. In responding to Mr. Hay's announcement above set forth Lord Salisbury, the British Prime Minister, expressed himself "most emphatically as concurring in the policy of the United States."

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

For twenty years thereafter the open door policy rested upon the informal commitments thus made by the powers, but in the winter of 1921 to 1922, at a conference participated in by all of the principal powers which had interests in the Pacific, the policy was crystallized into the so-called Nine-Power Treaty, which gave definition and precision to the principles upon which the policy rested. In the first article of that Treaty the contracting powers other than China agreed,

(One) to respect the sovereignty, the independence and the territorial and administrative integrity of China.

(Two) to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

(Three) to use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

(Four) to refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states and from countenancing action inimical to the security of such states.

This Treaty thus represents a carefully developed and matured international policy intended on the one hand to assure to all of the contracting parties their rights and interests in and with regard to China and on the other hand to assure to the people of China the fullest opportunity to develop without molestation their sovereignty and independence. According to the modern and enlightened standards believed to maintain among the peoples of this earth at the time this treaty was signed, it was known that China was engaged in an attempt to develop the free institutions of a self-governing republic after her recent revolution from an autocratic form of government, that she would require many years of both economic and political effort to that end and that her progress would necessarily be slow. The treaty was thus a covenant of self-denial among the signatory powers in deliberate renunciation of any policy of aggression which might tend to interfere with that development. It was believed and the whole history of the development of the "open door" policy reveals that faith that only by such a process under the protection of such an agreement could the fullest interests not only of China but of all nations which have intercourse with her best be served.

In its report to the President announcing this treaty the American Delegation, headed by the then Secretary of State, Mr. Charles E. Hughes, said, "It is believed that through this treaty the 'open door' in China has at last been made a fact."

During the course of the discussions which resulted

- 3 -

in the Treaty, the Chairman of the British Delegation, Lord Balfour, had stated that "The British Empire Delegation understood that there was no representative of any Power around the table who thought that the old practice of spheres of interest was either advocated by any Government or would be tolerable to this Conference. So far as the British Government were concerned they had in the most formal manner publicly announced that they regarded this practice as utterly inappropriate to the existing situation". At the same time the Representative of Japan, Baron Shidehara, announced the position of his Government as follows. "No one denies to China her sacred right to govern herself. No one stands in the way of China to work out her own great national destiny".

The Treaty was originally executed by the United States, Belgium, The British Empire, China, France, Italy, Japan, The Netherlands and Portugal. Subsequently it was also executed by Norway, Bolivia, Sweden, Denmark and Mexico. Germany has signed it but her Parliament has not yet ratified it.

It must be remembered also that this Treaty was one of several treaties and agreements entered into at the Washington Conference by the various Powers concerned, all of which were interrelated and interdependent. No one of these treaties can be disregarded without disturbing the general understanding and equilibrium which were intended to be accomplished and effected by the group of agreements arrived at in their entirety. The Washington Conference was essentially a Disarmament Conference aimed to promote the possibility of peace in the world not only through the cessation of competition in naval armament but also by the solution of various other disturbing problems which threatened the peace of the world, particularly in the Far East. These problems were all interrelated. The willingness of the American Government to surrender its then commanding lead in battleship construction and to leave its positions at Guam and in the Philippines without further fortification was predicated upon, among other things, the self denying covenants contained in the Nine Power Treaty which assured the nations of the world not only of equal opportunity for their Eastern trade but also against the military aggrandizement of any other Power at the expense of China. One cannot discuss the possibility of modifying or abrogating those provisions of the Nine Power Treaty without considering at the same time the other premises upon which they were really dependent.

Six years later the policy of self denial against aggression by a stronger against a weaker power upon which the Nine Power Treaty had been based received a powerful reinforcement by the execution by substantially all the nations of the world of the Pact of Paris, the so-called Kellogg-Briand Pact. These two treaties represent independent but harmonious steps taken for the purpose of aligning the conscience and public opinion of the world in favor of a system of orderly development by the Law of Nations including the settlement of all controversies by

146

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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methods of justice and peace instead of by arbitrary force. The program for the protection of China from outside aggression is an essential part of any such development. The signatories and adherents of the Nine Power Treaty rightly felt that the orderly and peaceful development of the four hundred million of people inhabiting China was necessary to the peaceful welfare of the entire world and that no program for the welfare of the world as a whole could afford to neglect the welfare and protection of China.

The recent events which have taken place in China, especially the hostilities which, having been begun in Manchuria, have latterly been extended to Shanghai far from indicating the advisability of any modification of the treaties we have been discussing, have tended to bring home the vital importance of the faithful observance of the covenants therein to all of the nations interested in the Far East. It is not necessary in that connection to inquire into the causes of the controversy or attempt to apportion the blame between the two nations which are unhappily involved for regardless of cause or responsibility it is clear beyond peradventure that a situation had developed which cannot under any circumstances be reconciled with the obligations of the covenants of these two treaties and that if the treaties had been faithfully observed such a situation could not have arisen. The signatories of the Nine Power Treaty and of the Kellogg-Briand Pact who are not parties to that conflict are not likely to see any reason for modifying the terms of these treaties. To them the real value of the faithful performance of the treaties has been brought sharply home by the perils and losses to which their nationals have been subjected in Shanghai.

That is the view of this Government. We see no reason for abandoning the enlightened principles which are embodied in these treaties. We believe that this situation would have been avoided had these covenants been faithfully observed and no evidence has come to us to indicate that a due compliance with them would have interfered with the adequate protection of the legitimate rights in China of the signatories of these treaties and their nationals.

On January seventh last upon the instruction of the President this Government formally notified Japan and China that it would not recognize any situation, treaty or agreement entered into by those Governments in violation of the covenants of these treaties which affected the rights of our Government or its citizens in China. If a similar decision should be reached and a similar position taken by the other Governments of the world a caveat will be placed upon such action which we believe will effectively bar the legality hereafter of any title or right sought to be obtained by pressure or treaty violation and which, as has been shown by history in the past, will eventually lead to the restoration to China rights and titles of which she may have been deprived.

In the past our Government as one of the leading Powers of the Pacific Ocean, has rested its policy upon an abiding faith in the future of the people of China and upon the ultimate success in dealing with them of the principles of fair play, patience and mutual goodwill. We appreciate the immensity of the task which lies before her statesmen in the development of her country and its Government. The delays in her progress, the instability of her attempts to secure a responsible Government, were foreseen by Messrs. Hay and Hughes and their contemporaries and were the very obstacles which the policy of the Open Door was designed to meet. We concur with those statesmen representing all the nations in the Washington Conference who decided that China was entitled to the time necessary to accomplish her development. We are prepared to make that our policy for the future.

Very sincerely yours,  
(Signed) HENRY L. STILSON

114F

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No -  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.275.M.163.1932.VII.

Geneva, February 25th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 24th, which he has received from the Chinese delegation.

To the Secretary-General.

I have the honour to communicate herewith the following telegram, dated February 23rd, which has just been received from Nanking by the Chinese Delegation, and to request that you will be good enough to circulate it among the Members of the Council and of the League:

"From the 21st to 22nd of February, the Japanese launched several vigorous attacks at Kiangwan and Miaoshinchen with tanks, aeroplanes and infantry, but they were repulsed, suffering very heavy casualties. They withdrew under the cover of barrage from the Japanese warships with our troops pursuing.

"On Monday (22nd) night, our troops in a counter-attack pushed as far as Minghong Road and inflicted heavy losses on the Japanese troops in the North Szechuen Road and Dixwell Road sections; but we returned to our original lines on Tuesday morning, when Japanese reinforcements arrived. Our artillery shells took effect in the neighbourhood of the Japanese barracks at the end of North Szechuen, Range and North Honan Roads. Our troops were winning on every front.

"On Tuesday, fighting was confined to Miachang; the Japanese offensive brought no result. Japanese aeroplanes in effectively bombed our Hungjao Aerodrome, our aeroplanes having been previously removed therefrom. General Uyeda, the Japanese commander, dispatched an urgent request for reinforcement. It is reported that a large number of Japanese troops was already on their way to Shanghai."

(signed) W. W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the Council  
and Members of the League.

C.274.M.162.1932.VII.

Geneva, February 25th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February, 24th, which he has received from the Chinese Delegation.

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Ref./240.

GENEVA, February 24, 1932.

To the Secretary-General.

I have the honour to communicate to you the following, telegram, dated the 24th of February, which has just been received from Nankin, by the Chinese Delegation:

"Our legation at Tokyo reported that on the 23rd of February, the proposal, submitted by the Minister of War, Mr. Araki, that more reinforcements should be sent to China, was discussed in the Cabinet meeting for several hours and was finally adopted. Orders have been given for their immediate departure."

In submitting the above to you, I have the honour to point out that the Japanese Government is bent upon continuing and extending their military activities in China and defying the appeal of the Twelve Members of the Council and, therefore, to request that you will be good enough to have this communication circulated among the Members of the Council and of the League for their information and necessary action.

(signed) W.W. YEN.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

AMERICAN CONSULATE  
GENEVA, SWITZERLAND

MAR 11 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and ~~Mem~~<sup>POLITICAL SECTION</sup>  
of the League.

Enclosure <sup>1</sup>  
with No 249 of  
Mar. 11, 1932

C.272.N.160.1932.VII.

Geneva, February 24th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council as an element of information in the dispute between China and Japan, the following supplement to the third report which he has received from the Committee on which certain Members of the Council were good enough to allow their officers to serve.

LEAGUE OF NATIONS GENEVA

SHANGHAI  
24.2.1932.  
(desp. 11.12 p.m.)

I am requested to transmit following supplement to the Third Report of the Shanghai Committee.

In reply to an enquiry whether any answer had been sent by Chinese Government to the Japanese Minister on the subject of Japanese demand, following communication was received by the Secretary-General of the Shanghai Committee from the City Government of Greater Shanghai:

"Chinese Foreign Minister's reply to Japan despatched on 20th February took the form of vigorous protest lodged with Japanese Minister in China against the action of the Japanese Commander and the Consul-General in delivering their identical note to the Commander of the Chinese 19th Route Army and Mayor of Greater Shanghai.

"The Chinese Note stated that ever since their unprovoked attack on Mukden on 18th September Japanese military forces have kept pushing forward and have occupied many important areas in the North East. Then on 28th January they suddenly shifted the scene of their military adventure to Shanghai and staged a surprise attack on the Chapai district and for twenty days Japanese Army naval and air forces have carried on a terrific bombardment of the Chapai and Woosung district. Local Chinese garrison forces were constrained to resist their onslaught as a measure of self-defence. As though this were not enough Japanese Commander and Japanese Consul-General now present to Commander of the Chinese 19th Route Army and Mayor of Greater Shanghai respectively a set of demands of an impossible nature.

"The note concluded by declaring that should Japanese forces attempt to renew their attack Chinese troops would not hesitate to resist to the best of their ability and stating that the Japanese Government would be held entirely responsible all consequences".

CIANO (Chairman)

CHARREPE (Secretary).

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Department of State letter, August 10, 1972  
By Milton D. Hueston NARS, Date 12-18-75

Enclosure No. —

with 249 of

Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.271.M.159.1932.VII.

Geneva, February 24th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication, dated February 22nd, which he has received from the Chinese Delegation.

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Geneva, February 22, 1932.

To the Secretary-General.

I have the honour to communicate to you the following telegram, which I have received from my Government, and to request that you will be good enough to circulate it among the Members of the Council:

"With reference to tendentious reports coming from foreign source that anti-foreign feeling has been developed among the Chinese populace, the Chinese Government deems it necessary to declare categorically that the reports are but fabrications. The Chinese people not only have no anti-foreign feeling of whatever sort, but are cultivating a closer friendship and more amiable relationships with foreign nationals who are friendly to and sympathetic with China. The high indignation of the Chinese public towards the Japanese is only a natural result of the aggressive acts of the Japanese troops in the three North-eastern Provinces of China (Manchuria) and in Shanghai as well as in other parts of China; and the Chinese troops are but taking lawful measures against the aggressors in defence of China's sovereignty.

"The said reports or rumours may be derived from the fact that the Chinese local authorities at Shanghai have repeatedly lodged protests with the Shanghai Municipal Council against the landing of Japanese troops in the International Settlement and the using of it as a base of military operations against the Chinese troops and from the declaration of the Chinese authorities that China will not be held responsible for any casualty that might happen when the Chinese are defending themselves from invasion. It is obvious that this fabrication is only manufactured by our enemies to draw away from China the international sympathy.

"It is certainly regrettable that two British marines have already been victims of the hostilities started by the Japanese and responded to by the Chinese. Although it is yet to be ascertained whether the bullets that hit the two sailors came from the Chinese or Japanese side, the Chinese Government expressed its sympathy to the British representative in China on account of this unfortunate but inevitable happening, so long as the Japanese have been permitted to use the International Settlement as their base of military operations.

(Signed) W. W. YEN.



0150

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

0.270.M.158.1932.VII.

Geneva, February 24th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated February 23rd which he has received from the Chinese Delegation.

To the Secretary-General.

With reference to the denial by the Japanese Delegate at the Council Meeting of February 19th. of the use by the Japanese of dumdum bullets, I have the honour to communicate to you the following report, published by Dr. G. E. Bume, a German consulting surgeon of the Chinese Red Cross Hospital at Shanghai, which I have just received from my Government, and to request that you will be good enough to have it circulated among the Members of the Council and of the League:

"Having gained experience in minor war surgery during the European War, I wish to put before you two particular cases of rifle shot-wounds.

"Case I. Part of a projectile was found in the intestines of a soldier by Dr. Lowe, who showed me the projectile. It is a piece of lead of 2.4 centimetres long with average width of 0.4 centimetres. It has an end very much deformed. From deformed shape of the projectile and from certainty that the piece of lead is not from any kind of artillery projectile, I am of the opinion that that part of projectile in question is from a dumdum bullet.

"Case II. Mrs. Kien was wounded by rifle shot on the 12th of January. I saw a small, practically closed, entrance wound on the left posterior chest. The exit wound presented a defect of the size of a man's palm on the left upper anterior C. Wall. It is a well-known fact that rifle shots with small normal entrance wound and big defects at the place of exit are caused by dumdum bullets.

"I, herewith, definitely state the above cases to be those of dumdum bullet shots.

(Signed) G. E. Bume, M.D., Vienna."

Accept, Sir, the renewed assurance of my highest consideration.

(Signed) W. W. YEH.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.269.M.157.1932.VII

Geneva, February 24th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 23rd, which he has received from the Chinese Delegation.

Ref/236.

Geneva, February 23rd, 1932.

To the Secretary-General.

I have the honour to communicate to you the following telegrams, dated the 22nd and 23rd of February, which I have just received from Shanghai and Nanking respectively, and to request that you will be good enough to have them circulated among the Members of the Council and of the League:

"1. The Japanese offensive continuing for two days in the Kiangwan sector finally collapsed on Monday morning (February 22nd) as we retook all the positions to the west of the Shanghai-Woesung Railway.

"The Japanese launched an offensive in Michang, which is our right flank to the North-west of Kiangwan. Fighting lasted for eight hours, between 7:00 A.M. and 3:00 P.M. on February 22nd. The enemies were repulsed with heavy losses.

"On the same day, Japanese attacked Tochang (a village about 3 miles west of Kiangwan) area, but repulsed by us.

"In the Chapei area, we attacked and occupied the area up to the Range Road, which is the boundary of the International Settlement, but returned to our original positions, as Japanese reinforcements arrived. Our artillery fire demolished the Japanese Naval Landing Headquarters in Hongkew.

"The North China Daily News, a foreign newspaper, has been heretofore uncritical of Japan, but its editorial of the Monday issue, referring to General Uyeda's ultimatum commented 'if there had been real desire for peaceful settlement, the ultimatum to the Chinese authorities would

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

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- 2 -

hardly have been worded in so presumptory a manner and with so little regard for amenities of diplomatic language. It is not too much to say that the ultimatum was presented with such lack of cordiality that even if its actual terms had been acceptable, the Chinese could hardly be blamed for rejecting it. Japanese intentions seemed all too clear. The way was paved for the resumption of operations: that was the sole aim and object of the ultimatum. The preceding discussions were farcical."

"2. On the 21st of February, Japanese aeroplanes bombed Nankiang (one of the big cities on the Nanking-Shanghai Railway about 20 miles from Shanghai), killing the station master and over thirty refugees, and Tachang (a village about 3 miles west of Kiangwan), killing more than forty refugees. The entire populace of Kongschiang village (a village near Kiangwan, which was for a time occupied by the Japanese troops but retaken by us) was massacred, only three children escaped; and practically all the houses in the Kiangwan village were destroyed. We, however, are holding our positions on all fronts with heavy casualties on the Japanese side".

(Signed) S.M. YEN

115  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

with No 249 of  
Mar. 1, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.268.M.156.1932.VII

Geneva, February 24th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication dated February 23rd, which he has received from the Chinese Delegation.

Ref./233

Geneva, February 23rd, 1932.

To the Secretary-General.

I have the honour herewith to enclose copies of a Statement of my Government made public on February 20th, 1932, on Manchuria's puppet government and to request that you will be good enough to have it circulated among the Members of the Council and of the League.

(Signed) W. W. YEN

CHINESE STATEMENT ON MANCHURIA'S PUPPET GOVERNMENT

(FEBRUARY 20, 1932)

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

The territorial, political and administrative integrity of the Chinese Republic, besides being an attribute of a sovereign state and of international law, is guaranteed by Article X of the Covenant of the League of Nations and Article I of the Nine Power Treaty. Such guarantee has been implemented by Japan when she adhered to the

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

League Council Resolution of September 30 last which read partly as follows:

"The Council recognizes the importance of the Japanese Government's statement that it has no territorial designs in Manchuria; ..... being convinced that both Governments are anxious to avoid taking any action which might disturb the peace and good understanding between the two nations, notes that the Chinese and Japanese representatives have given assurances that their respective Governments will take all necessary steps to prevent any extension of the scope of the incident or any aggravation of the situation ..."

In the Resolution of October 24 last, the Council emphasized the importance of these assurances saying that it "recalls the Japanese statement that Japan has no territorial designs in Manchuria, and notes that this statement is in accordance with the terms of the Covenant of the League of Nations, and of the Nine Power Treaty, the signatories of which are pledged to respect the sovereignty, the independence, and the territorial and administrative integrity of China."

The Council further states in the Resolution of December 10 last that "considering that events have assumed an even more serious aspect since the Council meeting of October 24th notes that the two parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life."

This Resolution was also accepted by Japan. The Chinese delegate who endorsed it declared: "China would regard any attempt by Japan to bring about complications of a political character affecting China's territorial or administrative integrity (such as promoting so-called independence movements or utilising disorderly elements for such purposes) as an obvious violation of the undertaking to avoid any further aggravation of the situation."

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

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

( )  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.267.M.130.1932.VII.

Geneva, February 24th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Members of the Council and of the League the following communication, dated February 23rd, which he has received from the Chinese Delegation.

Geneva, February 23rd, 1932.

To the Secretary-General.

I have the honour to communicate to you the following telegram which has just been received by me from my Government and to request that you will be good enough to circulate the same among the Members of the Council and of the League:

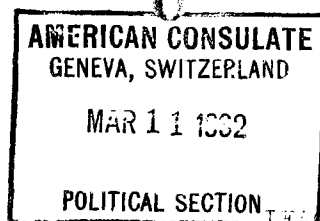
"At the Council Meeting on the 19th of February, Mr. Sato stated that the Japanese Government expressed great sympathy with the independence movement in Manchuria. We have already telegraphed our declaration to you, concerning the same.

"We wish to state further that on the morning of September 27, 1931, Mr. Ting, the Secretary of our Legation at Tokyo, called on the director of the Asiatic Division of the Japanese Foreign Office in connection with the alleged establishment of a buffer state. The Japanese Foreign Office representative assured him that the Japanese Government had strictly forbidden Japanese nationals to take part in any such movement and would deport any Japanese who disobeyed this order. Again, on October 1, 1931, our Minister to Japan, Mr. Tsiang telegraphed to say that he had protested with the Japanese Government concerning the organisation of an independent government in Manchuria, and he obtained the assurance that the Japanese Government had strictly forbidden Japanese nationals to lead, encourage or participate in any plan for an independence movement on the part of the Chinese. We issued a public statement on October 2 last that the Chinese Government would not recognize any unlawful organisation in the Three Eastern Provinces of China (Manchuria). It is surprising, therefore, that Mr. Sato should now give public approval to an independence movement in Manchuria. His attitude is diametrically opposed to the declared policy of the Japanese Foreign Office."

(Signed) W. W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75



Enclosure No. —  
with No. 249 of  
Mar. 11, 1932

Communicated to the  
Council and Members  
of the League.

C.266M.154.2932.VII

GENEVA, February 23rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication dated February 23rd, 1932, which he has received from the Japanese Delegation.

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February 23rd, 1932.

Sir,

With reference to my letter of February 16th, I have the honour to send you herewith a note from the Minister for Foreign Affairs addressed to Your Excellency with an Annex.

These documents will be published in the morning editions of the Japanese press on February 24th.

I have, etc.,

(Signed) N. SATO.

Japanese Representative on the  
Council of the League of Nations.

H.E. M. Paul-Boncour,  
President of the Council,  
League of Nations,  
GENEVA.

0157

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

Tokio, February 23rd, 1952.

Your Excellency,

I have the honour to acknowledge your note of the 16th February, 1952, addressed to the Ambassador of Japan at Brussels, the representative of Japan on the Council of the League of Nations, covering a communication from the twelve members of the Council of the League.

I must in the first place express my thanks to you for your courtesy in becoming intermediary of this communication which has had, as I need not say, my most earnest and immediate attention. I would ask you to express to your colleagues who collaborated in its composition my very real and sincere appreciation of the extremely courteous and sympathetic terms in which it is couched; terms which are flattering to the legitimate pride taken by the Japanese people in the record of their country as a devoted friend of peace.

No one can read their statement without being profoundly impressed by their keen realization of the perils and difficulties of the situation and by the generous anxiety which is apparent on their part to leave no avenue unexplored, by which the unhappy state of affairs now unfortunately prevailing in the neighbourhood of Shanghai might be remedied.

I cannot but feel, however, that they have addressed their moving appeal to a quarter, where it is not necessary. They are "forcing open door." It lies in the hands of the Chinese leaders to bring about the discontinuance of the armed conflicts which Japan would never have begun, and which she intensely deplores and dislikes.

His Excellency  
Monsieur Paul-Boncour,  
President of the Council of  
the League of Nations,  
Geneva.



0158  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

Your Excellency will find enclosed a statement by my Government in which their views are set forward in detail, and which I shall be obliged if you will be good enough to lay before those members of the Council who participated in the statement transmitted by you as above. I trust, however, that I may be allowed without being misunderstood to deprecate the growth of the practice of substituting for discussions by the Council of the League, discussions by a select Committee of whatever composition.

This appears to be in accordance neither with the spirit nor the letter of the Covenant, which implies that the discussions arising out of every case submitted to the Council will be conducted in the presence of all the members - whatever weight may be attached to their respective votes in the result. Whilst conscious of the fact that the Powers are actuated by the best motives, and that they are hampered by very considerable difficulties, my Government cannot but decline to recognise that these regular and repeated ex parte discussions are really compatible with the procedure of the League. The public naturally confere them with the proceedings of the Council, with most unfortunate results.

As a matter of courtesy, however, I have willingly responded to the individual desires of your colleagues, by drawing up the statement above referred to for submission through your good offices to each of these Powers, whose strenuous efforts in the cause of humanity and peace I desire gratefully to acknowledge. Japan is only too anxious to put a stop to the conflict.

I have the honour to be, with the highest consideration,

Your most obedient and humble servant,

(Signed) YOSHIKAWA.

- 4 -

STATEMENT.

The Japanese Government cannot understand why an appeal of the twelve Powers should be addressed to Japan, as though she were able, by exercise of some unspecified act of forbearance, immediately to bring about the cessation of the alarming situation at Shanghai.

It is to the Chinese, as the attacking party, to whom the appeal might be effectively made. At the very least, it is impossible to see why it should be made to Japan alone. It does not appear to be suggested that Japan was wrong in resisting the attack made on her marines, and unless that is assumed, why is she called upon to discontinue that resistance?

2. If the note had any positive suggestion to offer, such as the establishment of a "safety zone" adjoining Shanghai, with a view to effective separation of the Chinese from the Japanese forces, or indeed any other guarantee for cessation of conflict, the appeal would be intelligible. But no such suggestion is made. The Japanese forces are expected to lay down their arms, or to withdraw to Japan to allow the Chinese troops to occupy the international settlement - for that would be the inevitable result. If it is said that the Chinese would be afraid to put themselves thus definitely in the wrong, the answer is that they already have done so twice; moreover the storming of Shanghai could always be attributed to irresponsible soldiery.

3. A strong exception must be taken to the assumption that China is willing to resort only to peaceful measures for the solution of the dispute, while Japan is not so disposed. China may undoubtedly and formally declare her willingness to take none but peaceful measures, but deeds speak louder than words. There is no possible reason why aggressive measures of China should be condoned, because of her pacific declarations, while defensive measures of Japan are branded as hostile. While Japan is daily sustaining losses of life and treasure through Chinese military attacks, it is distinctly surprising to be told that China is willing to settle all disputes by peaceful means!

The Japanese Government do not understand the observation that "Japan has not found it possible to have recourse unreservedly to methods of pacific settlement provided for in the Covenant of the League of Nations." Japan has participated unreservedly in the process of settlement provided for in the Covenant; it surely cannot be supposed that these methods exclude interim measures of self-defence which are interdicted by no resolution of the League, or that these methods compel her to accept a departure from their own express provisions, in the shape of a majority decision.

It is a universally accepted axiom that all treaties of pacific settlement leave unimpaired the right of legitimate self-defence! The gravamen of the regret appears rather to be

- 5 -

that Japan has not unreservedly put herself in the hands of her colleagues: and this with great respect she was legally and morally entitled to decline to do. Legally because she was under no promise to do otherwise. Morally because although reposing greatest confidence in their judgment and goodwill, she believes that she is naturally and necessarily in a far better position to appreciate the facts than any distant Power can possibly be.

4. The appeal invokes Article 10 of the Covenant of the League of Nations. The measures of Japan, strictly defensive, do not infringe the provisions of that Article. That they do not do so is illustrated by the fact that neither when strong reinforcements were despatched by other Powers five years ago to defend Shanghai, nor when American and British forces bombarded Nanking, nor on various other occasions which will readily be recalled, was any question raised by any Power concerning this provision of the Covenant. It is a very proper provision; but it does not exclude self-defence, nor does it make China a "chartered libertine", free to attack other countries without their having any right to repel the attack.

5. As Japan does not, any more than it was contemplated on those occasions, contemplate any attack on territorial integrity or independence of a member of the League of Nations, it is superfluous to say that the bearing of the observation that attacks of such a character made in defiance of Article 10 of the Covenant cannot be recognised as valid and effective, is notably obscure to the Japanese Government. They take this occasion of once more firmly and emphatically declaring that Japan entertains no territorial or political ambitions whatsoever in China.

6. The Japanese Government are also unable to suppose that the duty of justice and moderation towards China is one which flows from the "Nine Power" Treaty of Washington. The duty of justice and moderation towards all Powers is entirely independent of the treaty, and it is most willingly and gladly accepted by Japan who is equally appreciative of the justice and moderation shown to herself by others. Japan is fully prepared to stand by all her obligations under the "Nine Power" Treaty, but it is conceived that it would be inconvenient and improper to enter upon a discussion of its terms with Powers other than those who are Parties to that engagement and in the absence of some who are Parties.

7. Finally it must be emphasized that the Japanese Government do not and cannot consider that China is an "organized people" within the meaning of the Covenant of the League of Nations. China has, it is true, been treated in the past by common consent as if the expression denoted an organized people. But fictions cannot last for ever nor can they be tolerated when they become grave sources of practical danger. Time has inevitably come when realities, rather than fictions,

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 6 -

must be reckoned with. The general desire to see China happy, prosperous and united, has led the world to treat her as united in a way in which in sober fact she was not. Its population is not organized except in patches. If Japan had no interests there, it might be possible to go on indefinitely respecting the fiction that the region is occupied by an "organized people".

Japan, however, has enormous interests there. It is impossible any longer to treat the chaos in China as if it were the order. The authorities which subsist in various parts of China derive theirs simply from the fact that they do exercise control within limited areas. But they can have no title nor extend their control beyond them. This anomalous state of things cannot but profoundly modify the application to Chinese affairs of the Covenant of the League. Instead of a single organized people we have there various rudimentary nuclei of organizations. The Japanese Government do not pretend that it is easy to work out implications and consequences of this situation. It is not easy, but it is necessary. We must face the facts: and the fundamental fact is that there is no unified control in China and no authority which is entitled to claim entire control in China.

8. The considerations have now been stated in short compass which this Government desire to adduce in answer to the appeal to them, an appeal of which they keenly feel the generosity and lofty humanity. It has been shown that the Powers, in appealing to Japan, are forcing an open door, and that it is the aggressive Chinese forces to whom the appeal should be addressed. It has been suggested that to be really useful and practical, the appeal should comprise some specific plan, such as creation of a "safety zone". The charge has been rebutted that Japan is less disposed than China to settle matters by peaceful means. Lastly it has been shown that China cannot be dealt with on any other footing than that of fact and reality, and that the fact is that China does not constitute an "organized people". It remains for the Japanese Government to repeat their deep sense of the high purpose and philanthropic energy which have actuated the Powers in taking this unusual step.

It is their sincere belief that on reflection those Powers will come to coincide with the views now advanced and it is earnestly hoped that they will not relax their utmost efforts to induce the Chinese to refrain from aggressive acts such as those which have precipitated armed conflicts of the past five months.

Japan altogether repudiated the stigma which is attempted in some quarters to be attached to her, of favouring and desiring war. Her people yield to none in their detestation of war and its inevitable horrors. If the efforts of the twelve Powers should succeed in bringing about a pacific attitude on the part of China, nowhere will more sincere delight be felt than in Japan.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.264.N.152.1932.VII  
Geneva, February 28th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication, dated February 22nd, which he has received from the Chinese Delegation.

Geneva, February 22nd, 1932.

To the Secretary-General.

I have the honour to communicate to you copies of a Statement on conditions in the Three Eastern Provinces (Manchuria) issued by the Sino-Scottish Society on the 13th instant, at Edinburgh. The Statement is of special weight and significance because the President of the Society, Dr. Dugald Christie, C.M.G., 15 Dick Place, Edinburgh, is internationally known, having been for many years medical missionary and President of the Medical College in Mukden.

I shall be deeply obliged to you if you will be good enough to circulate the Statement among the Members of the Council.

(Signed) W. W. YEN

016

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

STATEMENT OF THE SINO-SCOTTISH SOCIETY,  
ISSUED IN EDINBURGH ON FEBRUARY 13th, 1932.

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The Sino-Scottish Society would like to call public attention to some facts regarding the present situation in China. They do not enter into the question of rights or grievances which Japan may have had in Manchuria. These might have been brought forward and made public by Japan in the ordinary ways, and steps taken for their removal by diplomacy or through the League of Nations. It is the present that we have to do with.

The violent attacks on Shanghai have diverted general interest from Manchuria, which lies behind a curtain of Japanese manufacture, so that little knowledge can reach the world until the Commission of the League, now on its way, presents its Report some months hence. Meantime the slow martyrdom of the people of Manchuria continues.

The sudden and violent ejection by Japan of all who ruled and restrained, the forcible dispersion of innumerable soldiers, without pay, and the cessation of work for thousands, had their natural consequence in a great and unprecedented increase of brigandage. That curse had always existed, but had been kept in check by the Chinese Government. Throughout the country generally there had been peace and prosperity, and the harvest of 1931 was one of the best on record. Now the disbanded but not disarmed soldiers depend for food on what they can seize, and everywhere despoil the farmers. After they have worked their will on a village, it is shelled by the Japanese on the ground that it harbours brigands. Many innocent people are thus being killed, an thousands rendered homeless and destitute. Such events are happening daily, and the people are forced to abandon their homes and their harvests and take refuge in the larger centres.

Mukden was a rich city with half-a-million inhabitants. When the crash came, all escaped who could, to the number of over two hundred thousand, and business came abruptly to a standstill. Those who remain are the poor, there is no work to be had, and the refugees are pouring in from the country, so that the situation is desperate. There has been no declaration of "War", yet Manchuria continues to be devastated by a one-sided war of the worst and most ruthless kind, upon a defenceless people.

What is happening in Shanghai is better known to the world. There is one point, however, which requires emphasis. China is by nature and tradition non-militarist. The glories of war have no attraction for her. Her age-long principle, embodied in her ancient classics, has been that of arbitration. Even when not acted upon, this is believed in, and the civil wars of recent years have been neither desired nor supported by ninety-nine per cent of the people. Now a striking change has come. The action of Japan and her ruthlessness in carrying out her policy have aroused a bitter resentment throughout the country, and have united it as has never before been known. In the youth of the whole nation hatred has reached boiling-point. The heroic resistance of the defenders

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

of Chapei and Woosung, even unto death, has created that admiration of military glory which has not hitherto existed, and this is combined with passionate patriotism.

At the beginning of this trouble, China placed her case with confidence in the hands of the League of Nations, deliberately refraining from resistance in Manchuria. That this could well have been made it evident from what is happening now round Shanghai. The only result of her trust in the League has been the Japanese occupation of Manchuria with its disastrous results to the people, followed by the attack on Shanghai. China is still hoping against hope that something may yet be done to effect the restoration of her territorial and administrative integrity, as guaranteed by treaty, but the situation becomes more desperate each day, as the thousands of destitute increase, and the bombing of homes and unarmed citizens continues, both in Manchuria and in Shanghai. She cannot but be bitterly conscious that she, with her lack of military power, has failed to secure a settlement of the dispute by pacific means, whereas Japan, with her strong army and navy, has been permitted to carry out her aims by force, in defiance of the remonstrances of the nations.

The result of all this is that China is rapidly being convinced that she must needs set herself determinedly to become a first-class military power. It will be a tragedy of the greatest magnitude, both for China and for the world, if this nation of 450 millions, hitherto peace-loving and patient, should be stirred up to warlike ambitions and the insatiable desire for revenge.

The Office-Bearers and Members of the Sino-Scottish Society desire to express their regret that the League of Nations did not succeed in taking decisive action at the beginning, and their earnest hope that the British nation, both through its Government and through the League of Nations, will spare no effort to make its influence felt more effectively in the Far East, and bring to an end this conflict which has led to such deplorable violation of the League's Covenant, the Paris Pact, and the Nine-Power Treaty of 1922.

The Society feels that while Commissions from Europe and America are of undoubted value, such methods are too slow to meet the clamant need of the hour, and it would urge that the hands of the "League of Nations Consular Commission", or any similar body of men now on the spot, should be strengthened and their powers extended, so that they may take steps to put an immediate end to the fighting and to the sufferings of the people.

(Signed) Dugald Christie, C.I.G.,  
President,

H. L. Chow,  
Vice-President,

R. W. Kenneth,  
Secretary.

1165

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
With No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.263.11.151.1932.VII

Geneva, February 23rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Council the following communication dated February 22nd.

Ref./231.

GFILEVA  
February 22, 1932.

To the Secretary-General.

At the requests of the Chairman of the Chinese General Chamber of Commerce and the Chinese Bankers Association at Shanghai, and of the General Manager of the Chinese Commercial Press, I have the honour to communicate to you the two following telegrams, requesting that you will be good enough to circulate them among the Members of the League:

"In view of the libelous allegations of the Japanese Delegation at Geneva against the 19th route of the Chinese army, the businessmen in China avail themselves of this opportunity again to record their support and admiration for this army. They are the embodiment of Chinese patriotism and every one of them is upheld by the businessmen as national hero. For two years, they waged war, suppressing the Communists in the Province of Kiangsi. They are now fighting against the Japanese in defence of our national cause. Every businessman devoted to this army and would give everything in his power to support their fight in defence of Shanghai and for the maintenance of Chinese sovereignty.

(Signed) Wang Shao-lai, Chairman General  
Chamber Commerce,  
Li Ming, Chairman Bankers Association."

"On the 29th of January, Japanese aeroplanes deliberately bombed and destroyed completely the plant of the Company. On the 2nd of February, the Japanese troops burned down the Oriental Library, which is a part of the Company, causing tremendous loss and a set back to culture and education.

(Signed) Chang Yuan-Chi, Commercial Press."

(s) W. W. YEN.



7166  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 244 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to  
the Members of  
the League.

C. 259.M.148.1932.VII

Geneva, February 21st, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Members of the League the following communication dated February 20th, 1932.

February 20th, 1932.

Sir,

I have the honour to communicate to you the following telegram, dated the 20th of February, which I have just received from Shanghai and to request that you will be good enough to circulate it among the Members of the League:

"Up to 4.0 p.m. (Shanghai time), Saturday, (February 20th), four Japanese tanks were destroyed and one damaged by mines during two clashes this morning in the Kiang-wan sector (mid-way between Chapai and Woosung). Our anti-aircraft guns precipitated two Japanese aeroplanes (bombers), flying over Chapai; one of which was piloted by a White Russian. We are holding our line on all sections."

Accept, Sir, the renewed assurance of my highest consideration.

(Signed) W.W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932.

LEAGUE OF NATIONS.

Communicated to the  
Council and the Members  
of the League.

C.258.M.147, 1932.VII

Geneva, February 21st, 1932.

APPEAL OF THE CHINESE GOVERNMENT.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council as an element of information in the dispute between China and Japan, a third report which he has received from the Committee on which certain members of the Council were good enough to allow their officers to serve.

DRUMMOND, NATIONS, GENEVA.

Shanghai, February 20th, 1932

In conformity with request contained in your

telegram of February 19th I send hereafter Third Report of Shanghai Committee. Report begins.

Through intermediary neutral diplomatic representatives suggestion for meeting of military commanders on both sides was accepted with a view to discussion on the basis of mutual evacuation.

Meeting held morning of February 18th, Chinese and Japanese commanders being represented by their Chiefs of Staff.

Japanese representatives presented their terms which Chinese representative declared were unacceptable. After two hours' fruitless discussion Japanese representative said Japanese side would send in written communication of their terms before 9 p.m., and he hoped Chinese would return reply as soon as possible. Meeting then broke up.

About 9 p.m. separate despatch containing Japanese terms was delivered to the Mayor and the Commander of the Chinese 19th Army. Terms differing in words, but following in substance:

- 2 -

Paragraph 1. Chinese forces to cease hostilities and complete evacuation of their first lines by 7 a.m., February 20th, and complete evacuation whole area by 5 p.m. same day to a depth of 20 kilometres North of following lines, including "skotscline" forts, namely, line formed by North border of Settlement and the Soochow Creek to Pusungchen and on the East of Whangpoo line from Lannidu to Changchiachiao. This is practically line of the Soochow Creek extended Eastward. All fortifications and military works in the evacuated area to be removed and no new ones created.

Paragraph 2. Japanese troops will not attack or pursue but aeroplanes may be sent off on observation duty. After Chinese evacuation Japanese troops will maintain only the municipal road areas adjacent to Hongkew, including Hongkew Park.

Paragraph 3. Japanese investigator with Japanese military guard and flag to be sent to evacuated area after evacuation of the first line by the Chinese.

Paragraph 4. Chinese to assume responsibility for safety of Japanese lives and property outside evacuated area, failing which Japanese would take necessary steps. Plain-clothes men to be effectively suppressed.

Paragraph 5. Question of the protection of foreigners in vicinity of Shanghai evacuated area to be dealt with subsequently.

Paragraph 6. As regards anti-Japanese movement Mayor's promises of January 28th to be strictly enforced and the matter to be dealt with by diplomatic negotiations between Japanese Foreign Office and Chinese Civil Officials of Shanghai. Failing compliance with above articles Japanese troops will be compelled to take action.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

On the following day, namely February 19th, reply was delivered by Mayor to Japanese Consul and by Chinese Commander to Japanese Commander. Mayor stated that grave situation in Shanghai was due to invasion of Chinese territory and brutal murders of Chinese people by Japanese troops in violation of all international treaties and law. Inasmuch as measures called for in Consul General's letter had direct bearing on general relations between China and Japan, they should be dealt with by diplomatic authorities of the two countries, and he had therefore transmitted Consul-General's letter to his Government for consideration and reply to Japanese Minister through Ministry of Foreign Affairs. He pointed out further that Chinese indignation had been daily intensified by continued acts of provocation by Japanese troops, and it was natural, therefore, so called anti-Japanese activities should fail to cease. Chinese Commander's reply was to the effect that his troops were part of national forces and subject to directions of National Government, to whom accordingly he had submitted Japanese Commander's letter. It is not yet known what reply, if any, has been sent by Chinese Government.

During the night February 19th - February 20th, Japanese reinforcements were moved from their base in the International Settlement to the Japanese lines, and after preliminary aerial reconnaissance which satisfied Japanese that Chinese had not evacuated their lines in conformity with demand, Japanese opened attack February 20th at 7.30 a.m. in Kiangwan and Woosung areas. Hostilities continued whole day.

CIANO Report ends.

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7176

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.200.M.146.1932.

Geneva, February 20th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Council the following telegram dated February 19th.

Ref/237

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TEXT OF A TELEGRAM, DATED FEBRUARY 19th, RECEIVED  
FROM NANKING BY THE CHINESE DELEGATION.

1. On the 18th of February, at 8.45 p.m., the Japanese military Commander General Uyeda and the Japanese Consul-General, Mr. Murai delivered an ultimatum to General Tsai Ting-kai, the Commander of the 19th Chinese Army, and Mr. Wu Teh-chen, Mayor of the Shanghai municipality, demanding among other things the withdrawal of Chinese troops from Chapei, Woosung and Pootung (East of the Whangpoo River) to a distance of twenty kilometres and the permanent dismantling of the Woosung Forts and other military works in the evacuated areas; the withdrawal from our first defence line in Chapei to commence at 7 a.m., February 20th, and the complete evacuation from twenty kilometre area North, East and West of the International Settlement to be terminated by 5:00 p.m. of the same day. The Japanese Commander threatens that he will take necessary action, if the Chinese fail to comply with his demands.

General Tsai Ting-kai replied General Uyeda's ultimatum on the evening of February 19th to the effect that the 19th Army is under the direct command of the Chinese National Government and, therefore, knows only to carry out the orders of the Government. Simultaneously, Mr. Wu Teh-phen replied to Mr. Murai, stating that the situation in Shanghai is the result of Japan's wanton destruction of the lives and property of the Chinese nationals. The whole incident can only be considered as part of the whole Sino-Japanese issue. He also added that boycott is only the natural result of Japan's aggression. In conclusion, he said that he is referring the ultimatum to the National Government.

The Japanese Commander declared that the Japanese troops will be ready to start offensive at 7 o'clock tomorrow (Feb. 20th) morning. We are prepared to resist.

2. With reference to the allegations of the Japanese Delegation, communicated to the Council on the 17th of February, that the 19th Chinese Army contains numerous communist elements and that the troops of the Chinese Government have taken positions around the 19th Army isolating it and keeping watch on its movements, I have just received a telegram from my Government reading as follows:

"The allegations of the Japanese Delegation are absolutely of no foundation. The 19th Army is a part of the National Army and it has not only no communist elements, but also actively engaged in campaigns against Communists in the Province of Kiangsi before being transferred to Shanghai. It is now defending Shanghai under the orders of the National Government, which supplies it with ammunition and funds. This army is in full cooperation with other Government troops, despatched as reinforcements in view of the heavy increase of Japanese troops in Shanghai. Any attack on the 19th Army will be regarded by the National Government as an attack on the whole Chinese army."

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No. 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.254.M.145.1932.VII

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to circulate to the Council the following communication dated February 19th.

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SHANGHAI INCIDENTS.

Instances of Chinese Propaganda.

Summary of official telegrams received by the Japanese Delegation.

1. On February 16th, the Canton newspapers announced the complete victory of the Chinese troops, stating that the Japanese forces had taken refuge in the British Concession, and that 7,000 men had been disarmed; that the British, American and French forces had intervened to prevent the Japanese forces from taking action and that hostilities were therefore at an end. Other papers announced the capture of General Uyeda, Commander-in-Chief of the Japanese forces. In consequence of these reports, the Nationalist Party and various associations organised demonstrations all over the city. For four or five hours the town was filled with the din of rockets; the disorder was so great that in order to restore quiet the Chinese police had to post up a fictitious telegram that the Chinese forces were in a difficult position and that heavy fighting was proceeding.

2. A recent statement (February 14th) issued by the headquarters of the 19th Cantonese Army at Shanghai says that in the struggle with the Japanese money has played a great part in connection with the activities of soldiers in civilian dress. Such soldiers, it is stated, succeeded in making their way into Japanese lines, and did considerable damage there by buying badges worn by Japanese volunteers. On learning of this the Japanese authorities, it is added, changed the badges and ordered that anyone wearing the old badges should be arrested.

At 9 a.m. on February 16th, Colonel Tajiro, Chief of Staff of the 2nd Japanese Division, accompanied by an officer, met the Chief of Staff of the 19th Cantonese Army, accompanied by one of his officers and a member of the Municipality of Greater Shanghai.

Colonel Tajiro explained the Japanese requests concerning the withdrawal of the Chinese forces and the reasons for these requests. The Chinese representative stated that they could not agree to withdraw their forces to a distance of 20 kilometres and that it would be difficult to obtain the Chinese Government's consent as regards the dismantling of the fortresses. The Japanese and Chinese representatives are to make a report to their respective chiefs with regard to this interview. The Japanese requests will again be communicated in writing to the General commanding the 19th Army at 9 p.m.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.253.M.144.1932.VII.

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

DRAFT RESOLUTION.

The Council,

- 1) Considering the request submitted by the Representative of China, under the provisions of paragraph 9 of Article 15 of the Covenant, to the effect that the Sino-Japanese dispute should be referred to the Assembly;

Decides that the said dispute is referred to the Assembly in accordance with Article 15, paragraph 9 of the Covenant.

- 2) Considering that delegations from almost every member of the League are now present in Geneva in order to take part in the Conference for the Limitation and Reduction of Armaments, thereby enabling the Assembly to meet at short notice,

The Council

Decides that a meeting of the Assembly shall be held on .....

- 3) Notes that the measures which have already been instituted in order to obtain information necessary for the consideration of the dispute
- 4) Requests the parties to the dispute to use all diligence in communicating to the Secretary-General for the use of the Assembly the statements of their case with all the relevant facts and papers as provided for in Article 15, paragraph 2.
- 5) The duty of the Council to continue its work for the maintenance of peace in accordance with the Covenant remains unaffected by the present decision.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.252.M.148.1932.VII

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Council the following communication dated February 16th.

Statement by the Chinese delegation.

Ref. 226.

Geneva, February 18th, 1932.

The information given by the Japanese delegation in its communication of February 17th (C.240), whereby it endeavours to give an impression of discord between the National Government and the Nineteenth Army, is absolutely incorrect. The assertion of the Japanese delegation with regard to what the Chinese Government "was intending" to do, and what the Chinese "regard....as desirable" etc., xxxxxx and other divagations of the same nature, are purely gratuitous and are contradicted by the most patent facts.

The Chinese delegation desires to issue the following denial:

- 1) The Nineteenth Army is acting strictly under the orders and according to the instructions of the Government. Its duty is to defend the national soil against the invader, and it has successfully resisted the furious and repeated attacks of the Japanese.
- 2) Not only does the Nineteenth Army contain no communist elements, but it has taken part in all the punitive campaigns that have been carried out during the last three years against the communists in China.
- 3) When the communists provoked the incidents at Nanking in 1927, the Nineteenth Army with all its divisions was at Hankow, 800 km. from Nanking.
- 4) There has never been any question of disbanding the Nineteenth Army, which is regarded as one of the best in China.
- 5) The International and French Concessions at Shanghai are in no way threatened by the Chinese, but they are threatened by the Japanese troops, who are taking the International Concession as a base for their military operations, and by Japanese civilians, who have committed all kinds of excesses there.



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.251.M.142.1932.VII

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication dated February 18th, which he has received from the Chinese Delegation.

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GENEVE.

Ref./222.

February 18th, 1932.

To the Secretary-General.

At the request of the Presidents of the Chinese Flood Relief Society and of the Federation of Universities and Colleges, Shanghai, I have the honour to enclose copy of the telegram, dated the 17th of February, which has just been received by the Chinese Delegation and to request that you will be good enough to circulate it among the Members of the Council and to the press.

(sgd.) W.W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 1 -

TELEGRAM FROM THE PRESIDENT OF THE CHINESE  
FLOOD RELIEF SOCIETY AND THE PRESIDENT OF  
THE FEDERATION OF UNIVERSITIES AND COLLEGES,  
DATED SHANGHAI, FEBRUARY 17, 1932.

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"After four years' hard struggle, practically all the nations in the world pledged themselves for international mutual respect and earnest preservation of international peace. Clear and categorical international agreements were entered, first, in the Covenant of the League of Nations; secondly, in the Nine Power Treaty; thirdly, in the Locarno Pact of 1925, and, fourthly, but recently in the Briand-Kellogg Pact that international aggression shall be deemed a criminal act and that united action shall be taken to preserve as against external aggression the territorial and existing political independence of one another.

"In view of the unprecedented Japanese bombardments in different parts of China, the supreme test before all nations is: despite all sacrifices during the European war and the above-mentioned agreements, shall war be again employed as an instrument in international dealing? If so employed, what will happen to the world, in which nations can no longer be living isolated? Can there be no effective remedy to this Far Eastern conflict while the destiny of mankind is so much at stake?

"To the Governments that signed the Covenant, the Treaty or the Pact aforementioned, the imperative question is this: why is it that this undeclared and terrific war against China by another signatory power has not been stopped by united action but actually countenanced?

"We are already reminded how strong the Japanese military organisation must be, but, conscious of the responsibility to defend their country, Chinese soldiers are bravely resisting the invaders. Surprised and bewildered the Chinese people cannot help looking to you for assistance. Their existence now is in imminent danger and their problem is universally international. Militarily weak, how can China continue to resist whatever Japan may at any time demand? Disabled how can China champion alone the cause of world peace, which Japan by military aggression threatened to destroy? Shall the strong in arms be the master and the weak surrender, regardless of what is right? Then, if there is no regard to right, what will be the consequence of might to all nations on the earth - particularly to the interested nations in the Far East?

"Facing the terrible menace of floods, famines, conflagration, untold miseries, inhuman attacks and continual bombardments and yet with goodwill towards all speaking in the name of justice and humanity, may we not solicit the most serious consideration upon this world question of the Japanese invasions?

"The Japanese invasions are abhorrent for reasons based upon the following facts, which cannot be obscured by threatening diplomacy or propaganda: firstly, forcible occupation of a large part of the Three Eastern Provinces (Manchuria) of China, where damage of life and property so far inestimable; secondly, forcible control of all local governments, public utilities,

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

railways, business houses, schools, etc. of the occupied areas; thirdly, forcible instigation in occupied areas of Chinese outcasts against Chinese national authorities; fourthly, ruthless attacks at Shanghai by Japanese marines, soldiers and armed civilians upon the innocent people, regardless of race, age and sex; fifthly, ruthless invasions of factories, houses, schools, hospitals and churches by setting fire to them at will; sixthly, ruthless bombardments from aeroplanes by Japanese troops and warships on populous and unfortified territories adjacent to the International Settlement of Shanghai which Settlement is still used as the base of Japanese military operation; seventhly, ruthless killing of captured soldiers and civilians, including pastors, educators, students, women, children and flood refugees; eighthly, thousands of houses, shops, together with factories, theatres, hospitals, schools, libraries, laboratories destroyed; ninthly, hundreds of thousands of people rendered homeless, disabled, unemployed and lost to schools and churches; tenthly, thousands of lives lost which have not yet been ascertained; eleventhly, business and property losses already estimated at more than one hundred million dollars".

By order

Chu Chinglan,  
President of the Chinese Flood  
Relief Society.

Li Chiao-chuan,  
President of the Federation of  
Universities and Colleges,  
Shanghai.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.250.M.141.1932.VII.

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Council the following communication dated February 18th.

February 18th, 1932.

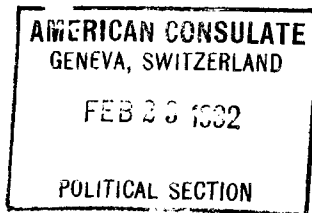
To the Secretary-General.

I have the honour to transmit herewith a telegram which I have just received from my Government, dated February 18, 1932, and to request that you will be good enough to circulate the same among the Members of the Council and of the League of Nations:

"The Sino-Japanese military negotiations to-day are abortive. The Japanese delivered an ultimatum at nine o'clock to-night, demanding Chinese withdrawal from the first line before seven o'clock Saturday morning, and entire withdrawal by five o'clock Saturday afternoon to a distance of twenty kilometres both east and west beyond the International Settlement."

(Signed) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75



Enclosure No. 1  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.248.M.140.1932.VII.

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Information supplementary to the first report of  
the Shanghai Committee, communicated by the Committee in  
response to a request from the  
representative of China.

Note by the Secretary-General.

The Secretary-General has the honour to communicate  
to the Council:

- I. A letter from the representative of China, dated  
February 9th, requesting supplementary information  
in regard to the first report of the Shanghai  
Committee (C.185.M.90.1932.VII).
- II. The Committee's reply to this request.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Rf/810.

I.

February 9, 1932.

To the Secretary-General.

Referring to the first part of the Report from your Shanghai Committee (C.185.M.90.1932.VII), I have the honour to request you to telegraph to Shanghai for some supplementary information regarding two items contained therein.

1. On p.4, paragraph 3, it is stated that "Japanese Admiral notified commanders other national defense forces HE PROPOSED TO TAKE ACTION FOLLOWING MORNING..... municipal Council of international Settlement held meeting during the morning and decided that state of emergency SHOULD BE DECLARED AS FROM 4 P.M. Declaration of state of emergency is effective notice.....TO DEFEND THEIR (Commanders') SECTIONS."

It is clear from the above that it was the Japanese who intended to attack and not the Chinese. Such being the case what was the motive for the Council to declare a state of emergency, which as stated above is "effective notice to defend"? Was it meant to defend the Settlement against the Japanese, the attacking party, or against the Chinese troops, the attacked party, which would of course be absurd?

2. On p.6, 7th line from the bottom of page, it is stated that "the final party of about 100 marines,..... attempted to pass through gates dividing Settlement from Chinese territory.....BUT WERE PREVENTED BY SHANGHAI VOLUNTEER CORPS....."

I should be grateful if you will be kind enough to ascertain in this case why the Volunteer Corps prevented the Japanese marines, accompanied by armoured cars, from passing through the gates. Did the Volunteer Corps have orders from the Municipal Council to do so, and if in the affirmative, were not these orders based on the notion of neutrality of the International Settlement?

(Signed) W.W.YEN.

118

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

II

Telegram

SHANGHAI

13.2.1932

(10.10 p.m.)

IRUHQONT  
NATIONS  
GENEVA.

Shanghai Committee has adopted following text in reply to your request for further information regarding two points which you transmitted by your telegram of 12th:

Reply begins: Question 1. Declaration state of emergency brings into operation Defence Scheme. Purpose of Defence Scheme is twofold - (i) to protect foreign area from internal disorder and (ii) to defend it against external aggression.

When state of emergency was declared Council had in mind that either (a) Chinese would not accept Japanese terms, in which case Japanese would take some action and there might be rushes of excited refugees and possibly of disorganised military elements attempting to enter Settlement, or (b) that Chinese would accept Japanese terms, in which case there might be storm of protest on part of Chinese population, resulting in riot and disorder both inside and outside Settlement. Mayer himself was apprehensive of this. Therefore, although there was reason to expect trouble, it was not known from what direction it would come, and declaration of state of emergency was merely precautionary measure not directed against any particular party.

Question 2. Honan Road Gate gives access from Settlement to Chinese territory not comprised in Defence Scheme, and strict instructions, based on principle that the duties of defence force are defensive and not offensive, had been given by Commandant Shanghai Volunteer Corps, in whose section it is situated, that in no circumstances was it to be opened to permit of either entrance or exit.

CIANO (Chairman)

HAAS (Secretary-General).

118

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.247.M.139.1932.VII

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Council the following telegram dated February 18th.

Shanghai, February 18th, 1932.

"The Chinese and Japanese staff chiefs attended Lampson (Sir Miles Lampson, H.B.M.'s Minister to China) meeting, Thursday, whereat the Japanese reiterated peace possible only if the Chinese troops would withdraw twenty kilometres without corresponding Japanese commitment. The Chinese refused the unreasonable demand. Large-scale hostilities appear inevitable.

"Mr. T.V. Soong, Minister of Finance, said in a statement that the report from Tokyo that the impending Japanese ultimatum was directed only against the 19th Army, not Chiang-Kai-shek's troops, 'fills us with indignation and disgust.' He further declared that it was the policy of the Japanese to treat all questions with China as 'local'. 'The 19th Army is a part of national army and is supported by every unit of national army as well as entire people of China. It is financed and munitioned by the National Government and it is carrying out explicit orders of the National Government in defending Shanghai. If the Japanese army carries out its threat and attacks the 19th Army again, it will find Chiang Kai-shek's troops cheerfully ready to die side by side with their comrades of the gallant 19th Army.'

"Dopter Bume, German consulting surgeon of the Chinese Red Cross Hospital, certified that the Japanese used dum-dum bullets and formally reported two specific cases of one soldier and one non-combatant woman, hit by such bullets."



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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
 with No 249 of  
 Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
 Council and Members  
 of the League.

C.246.M.136.1932.

Geneva, February 19th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication, dated February 18th, which he has received from the Chinese Delegation.

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Ref./224.

February 18, 1932.

To the Secretary-General:

In view of the facts that the military negotiations between the Chinese and Japanese commanders to-day in Shanghai have proved abortive and that the Japanese have demanded in an ultimatum the entire withdrawal of the Chinese forces to a distance of twenty kilometers north, east and west from the International Settlement by five o'clock P.M., Saturday (twentieth), failing which the Japanese commander will take necessary action, I have the honour to request that you will be good enough to summon a public meeting of the Council tomorrow to discuss the extreme gravity of the situation.

(Signed) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

with No 249 of  
 Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
 Council and Members  
 of the League.

C. 245 M.136. 1932.VII  
 Geneva, February 18th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the  
 Secretary-General has the honour to circulate to the  
 Council the following communication dated February 18th.

INCIDENTS AT SHANGHAI.

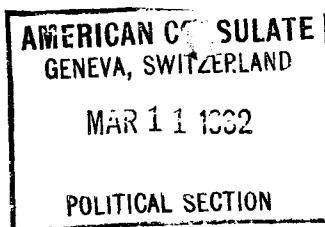
Summary of official telegrams received by the  
 Japanese Delegation.

1. The Japanese Minister at Shanghai has had  
 since February 15th numerous conversations with the  
 foreign representatives, in particular with the Minister  
 of Great Britain. The Chinese would seem to be dis-  
 posed to enter into negotiations regarding the withdrawal  
 of the Chinese forces and the retreat of the Japanese  
 forces.

2. On February 17th, an interview was arranged  
 for the following morning at 9 a.m. between the heads  
 of the Japanese and Chinese General Staffs. The  
 Japanese authorities continue to hope that this interview  
 will lead to positive results which will enable hostilities  
 to be avoided.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75



with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.244.M.135.1932.VII.

Geneva, February 18th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Observations of the Japanese delegation on the Second Report  
of the Shanghai Commission (Doc. C.227.M.121.1932. VII).

Note by the Secretary-General.

At the request of the Japanese delegation the Secretary-General has the honour to circulate to the Council the following observations dated February 18th.

1. The report mentions that the offensive is entirely in the hands of the Japanese. In this connection it should be borne in mind that the present combats are merely the outcome of the clash between the Chinese forces and the Japanese troops who were proceeding to occupy their line of protection on January 28th. At first, the Japanese marines numbered only 1,500 and this small force, which subsequently reached some 3,000 men had to defend a large sector inhabited by some 30,000 Japanese against hostile forces numbering more than 30,000 men. The Japanese delegation has already mentioned the special circumstances in which the 19th Chinese Army was placed and which explain the violence of its attitude.

Efforts were made to bring about a suspension of hostilities, which was naturally desired by us in view of the disproportion between the conflicting forces. In spite of the truce arranged, a Chinese armoured train opened fire against us on the 30th at about 5.20 a.m. and this firing lasted for an hour and a half. At about 9 a.m. the Chinese opened fire on the Japanese headquarters and on our positions along the railway. On the 31st at 1.30 and 4.40 p.m. they again violated the truce and by dawn about 100 soldiers were advancing near the Rokusan Garden and opened fire on our headquarters. Moreover, plain clothes soldiers, whose activities are referred to in the report, continued to invade our lines. The second attempted truce was again violated on February 1st and 2nd, while the Chinese forces were manoeuvring for the purpose of surrounding us.

It was becoming evident that the Chinese could not be trusted to observe the truce; a pacific attitude on our part led to increasingly greater losses and the movements of the Chinese forces, who brought up reinforcements and surrounded the salient of the Extension, rendered the position of our marines more and more critical. It was on this account that from February 3rd onwards, our forces were compelled to attack the Chinese positions.

2. It is not quite correct to speak of the mobilisation of reservists. No general measure of this kind was adopted. A small number of volunteers armed with pistols was deputed to take action against Chinese snipers and to assist the police. These volunteers were disarmed some time ago and only a few reservists are still employed as interpreters, guides, etc.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

-2-

3. As regards the slowing down of the municipal activities of the Concession authorities, it should be noted that the municipal police forces had at one time abandoned their posts. Their return and cooperation were requested by the Japanese authorities and they have now resumed their normal work. As regards the firemen, in particular, their cooperation was requested even for the quarters neighbouring on the Concession and the Extension. (The normal activity of the municipal council's firemen is in principle confined to the Concession and the Extension). The Japanese authorities hope that the other municipal activities will shortly be fully resumed.

The flight of the police forces and the evacuation of schools and hospitals mentioned in the report were certainly due only to the dangers of the situation and were not a consequence of the measures taken in this connection by the Japanese authorities. It is, however, true that at the commencement of the incidents, in the general disorder, a few Chinese policemen were disarmed by mistake. On the other hand, <sup>the</sup>cooperation of <sup>the</sup>Chinese municipal police having proved ineffective in the struggle against soldiers in mufti, these police were on certain occasions temporarily replaced by Japanese forces.

Owing to this struggle, barricades had been built at various points, but they have at present been taken down.

-3-

4. The report says that excesses were committed by sailors, reservists and other elements having no official standing. The Japanese delegation feels bound to deny this assertion as regards the sailors and reservists.

The report mentions the attitude which the Japanese authorities adopted with regard to undesirable elements, against whose activities very severe action was taken. Many of these individuals are now in custody at the Consulate-General, while others have been deported.

5. As regards the number of Chinese whose fate is unknown, it should be noted that very probably a large number of these have taken refuge in the outskirts of Shanghai and in other towns. (Anyone who knows China will agree how difficult it is to follow the movements of the population in that country, particularly in large inhabited areas like Shanghai).

6. It is to be regretted that the report has not verified certain facts which, though denied by the Chinese, are indisputable, as for instance the firing by the Woosung forts on three Japanese vessels which were leaving Shanghai on February 3rd. These vessels were taking back to Japan the mortal remains of our sailors killed during the fighting of the previous days, and, that being their mission, they would certainly not have opened fire on the forts. This action, which took place in full daylight, and which the Chinese deny, affords a further example of the value of allegations from Chinese sources.

If it is correct that orders were given to the Chinese soldiers regarding the truce, the frequent disregard of those orders by the said soldiers bears eloquent witness to the state of disorder and indiscipline existing in the Chinese forces. As regards the Japanese forces, orders had been issued that they should fire only in the case of hostile acts on the part of the Chinese in violation of the truce. The known discipline of the Japanese troops is sufficient guaranteed that these orders were obeyed.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.243.M.134.1932.VII

GENEVA, February 18th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Legation.

Note by the Secretary-General.

At the request of the Chinese Legation, the Secretary-General has the honour to circulate to the Council the following telegram dated February 17th.

-----  
SHANGHAI, February 17th.

On the eve of the impending offensive, local foreign businessmen presented a petition that Chinese and Japanese Governments arrange a truce and open negotiations on the basis that both sides will withdraw their troops and that the evacuated area will be policed by neutral forces.

Anticipating Japanese offensive and challenging Japanese protestations for peace, Mayor Wu Tehchen issued a statement to the effect that the Chinese Government and people are willing and ready as always they have been to take such steps that will effectively restore peace through removal of all contact between the armed forces of the two nations confronting each other in the Shanghai area, and that they are willing to enter into negotiations for the settlement of all outstanding differences on the basis of the five points proposed by the United States of America and Great Britain and supported by France, Germany, and Italy. If Japanese officials now in command of the Japanese forces in Shanghai area honestly desire peace and they have repeatedly professed, they are most urgently invited to accept this proposal. Their continued refusal to entertain suggestions of disinterested neutrals which we accepted can mean nothing but Japan's determination to effect the conquest of China. If hostilities do not cease, the world must know that this is because the Japanese refused every proposal made by friendly and impartial neutrals.

J 1 8 8

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS

Communicated to the  
Council and Members  
of the League.

C.242 M.133.1932.VII.  
Geneva, February 18th, 1932

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council the following communication dated February 17th, which he has received from the Chinese Delegation.

\_\_\_\_\_

To the Secretary-General.

At the request of the Alumni Association of the Chichi University near Woosung, I have the honour to transmit to you the following telegram:

"All the University buildings, including library and dormitories were completely destroyed by Japanese marines. The total loss amounts to over one million dollars. Please lodge protest."

In submitting the above to you, I beg you to be good enough to circulate it among the Members of the Council.

(Signed) W. W. YEN.

0185

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the Council  
and Members of the League.

C.240.M.132.1932.VII.

Geneva, February 17th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to circulate to the Council the following communications dated February 17th.

SHANGHAI INCIDENTS.

Summary of official telegrams received by the Japanese  
Delegation.

The Japanese Consul-General at Shanghai has communicated information with regard to the 19th Cantonese Army, the attitude of which gave rise to considerable apprehension even before the beginning of the present incidents.

The 19th Army is composed of 3 divisions stationed at Chapei (12,000 men), behind Chapei (12,000 men) and at Woosung (7,000 men). It contains numerous Communist elements. One of these three divisions, the 61st, is that which instigated the disorders in Nanking in 1927. It is under the command of Chen Mingshu.

On the assumption of power by the Cantonese Eugene Chen, Sun Fo etc., it provided them with a backing; and when they were compelled to leave the Government some weeks later, they conducted an active anti-Japanese campaign at Shanghai and in the 19th Army in order to create difficulties for Chiang-Kai-Shek.

When the attempt was made to unite the Nanking and Canton Governments in October 1931, the latter insisted on the transfer of the 19th Army to Shanghai, where it took up its quarters in November.

The Nanking Government, however, was intending to disband the 19th Army or to disarm it in order to send it to join the Forces operating against the Communist armies which are at present devastating the centre of China. Troops from Nanking were preparing to take the place of the Cantonese forces when the present incidents occurred. They have taken position around the 19th Army, isolating the latter and keeping a watch on its movements.

The Mayor of Shanghai belongs to the Nanking Party and the leaders of the Cantonese Army are by no means disposed to listen to his counsels of moderation. The attitude of the Cantonese forces is becoming increasingly violent owing to their isolation by the Nanking troops and to the agitation of Cantonese politicians and the reports of victories which are spread in the ranks; and the efforts of the Mayor and of Chinese commercial and industrial circles in Shanghai, as well as of the foreign representatives, to induce a more peaceful attitude have been without success. The majority of foreigners and many of the Chinese themselves regard the removal of the 19th Army, whose attitude is highly dangerous for the Concession itself, as desirable.



019

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

HANKING INCIDENT.

Summary of Official Telegrams received by the Japanese Delegation.

1. On the day after the attack on the pontoon, alongside which was the boat with the members of the Japanese Consulate and colony on board, on February 1st last, the Chinese authorities came to inspect the damage. Fragments of grenades were found on the gangway leading to the pontoon. (The Japanese sentry who was wounded by the grenades died shortly after the incident).

The Chinese authorities have offered to co-operate to prevent any fresh attack of this kind. They have erected special telephonic communication between the pontoon and the gendarmerie headquarters, and have asked for the boat with the Japanese colony on board to return to its place alongside the pontoon, and undertaken to provide food-supplies for it. They have also succeeded in inducing the Chinese soldiers who were digging trenches and establishing machinegun posts in front of the Japanese vessels to suspend operations and withdraw. On our part at the request of the Chinese authorities we have withdrawn the cruisers which were off Hanking to some distance, and masked the guns of our naval vessels in order to relieve the anxiety of the population.

2. Announcement had been made of the arrival of Cantonese aircraft, which were to make Hanking their base with a view to co-operation with the Cantonese troops at Shanghai. We have informed Hanking of the regrettable consequences of an attack by these aircraft on our war vessels or their participation in the operations of the 19th Army with Hanking as a base. The Hanking authorities have assured us that they shared our apprehensions, and that although they have no authority over these aircraft, which are under the orders of Canton, they would do everything in their power to prevent them from making Hanking their base.

19

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. —  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the Council  
and Members of the League  
of Nations.

C.237.M.130.1932.VII.

Geneva, February 17th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

COMMUNICATION FROM THE PRESIDENT IN OFFICE OF THE COUNCIL.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Council copy of the following communication sent by the President in Office of the Council on February 16th to the representative of Japan.

Translation:

Geneva, February 16th, 1932.

Your Excellency,

The Members of the Council other than the representatives of China and Japan have proceeded this afternoon to a fresh exchange of views on the Sino-Japanese situation.

They have judged it necessary in the present circumstances to address in the most friendly spirit an urgent appeal to the Japanese Government.

I have the honour to communicate to you the text of this appeal, requesting you to be good enough to transmit it to your Government.

I have the honour to be etc.

(Signed) J. PAUL-BONCOUR.

019  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quastler NARS, Date 12-18-75

3  
-2-

ANNEX.

(Translation)

The President of the Council, on behalf of his colleagues, pointed out on the 29th January in an appeal addressed to both parties, "good relations between States "could only be secured by co-operation and mutual respect, "and that no permanent solution could be achieved by force, "whether military or merely economic, and that the longer "the present situation continued, the wider the breach be- "tween the two peoples would become and the more difficult "the solution would be, with all the disasters that would "mean not only to the two nations directly involved but to "the world in general."

The Members of the Council other than the Chinese and Japanese representatives feel constrained today to make a pressing appeal to the Government of Japan to recognise the very special responsibilities for forbearance and restraint which devolves upon it in the present conflict, in virtue of the position of Japan as a Member of the League of Nations and a Permanent Member of its Council.

The situation which has developed in the Far East during the past months will be fully studied by the Commission appointed with the consent of both parties. But since the Commission was set up there have occurred and are still occurring events at and in the region of Shanghai which have intensified public anxiety, which endanger the lives and interests of the nationals of numerous countries, add to

- 3 -

the unexampled difficulties with which the whole world is faced during the present crisis, and threaten to throw new and serious obstacles in the path of the Disarmament Conference.

The twelve Members of the Council are far from disregarding the grievances advanced by Japan and throughout all these months have given her the full confidence which they owed to an associate of long standing who had ever been punctilious in the fulfilment of all her obligations and duties as a member of the community of nations. They cannot but regret, however, that she has not found it possible to make full use of the methods of peaceful settlement provided in the Covenant and recall once again the solemn undertaking of the Pact of Paris that the solution of international disputes shall never be sought by other than peaceful means. They cannot but recognise that, from the beginning of the conflict which is taking place on her territory, China has put her case in the hands of the League and agreed to accept its proposals for a peaceful settlement.

The twelve Members of the Council recall the terms of Article 10 of the Covenant, by which all the Members of the League have undertaken to respect and preserve the territorial integrity and existing political independence of all other Members. It is their friendly right to direct attention to this provision, particularly as it appears to them to follow that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of this article, ought to be recognised as valid and effectual by the Members of the League of Nations.

0192

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 4 -

Japan has an incalculable responsibility before the public opinion of the world to be just and restrained in her relations with China. She has already acknowledged this responsibility in most solemn terms by becoming one of the signatories to the Nine-Power Treaty of 1922 whereby the contracting Powers expressly agreed to respect the sovereignty, the independence and the territorial and administrative integrity of China. The twelve Members of the Council appeal to Japan's high sense of honour to recognise the obligations of her special position and of the confidence which the nations have placed in her as a partner in the organisation and maintenance of peace.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. -  
with No 249 of  
Mar. 11, 1932

LEAGUE OF NATIONS.

Communicated to the  
Council and Members  
of the League.

C.236.M.129.1932.  
Geneva, February 17th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate  
to the Council the following communication dated February  
15th, which he has received from the Japanese Delegation.

To the Secretary-General.

Mention has been made in the press of the use  
of smoke-screens in the Shanghai operations. Fearing that  
irresponsible propagandists may place a false construction  
on this fact, or represent it as the use of poison-gas, the  
military authorities have asked me to inform you that the  
Japanese troops are certainly using smoke-screens, but that  
poison-gas will in no case be used.

I should be glad if you would make such use of  
this letter as you may think fit, and have the honour, etc.

(Signed) S. SAWADA,

Director of the Japanese League of  
Nations Bureau.

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75



CONFIDENTIAL

CONFIDENTIAL  
 DEPARTMENT OF STATE  
 THE SECRETARY

Division of  
 EASTERN AFFAIRS  
 MAR 23 1932  
 Department of State  
 March 17, 1932.

MEMORANDUM OF CONVERSATION BETWEEN SECRETARY STIMSON AND  
 THE AMBASSADOR OF ITALY, NOBILE GIACOMO DE MARTINO.

Statement in Reference to Assembly Resolution on its  
 Adjournment.

During the call of the Italian Ambassador today he  
 said he was sending to his Foreign Office my public state-  
 ment in reference to the resolution adopted by the Assembly  
 of the League of Nations on its adjournment and commending  
 certain features of the resolution. I said the statement  
 in the TIMES which he showed me was authentic.

HLS.

S HLS:BMS

F/LS 793.94/4849

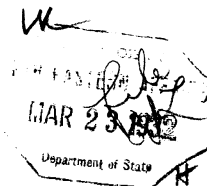
NOTED  
 MAR 23 1932

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

CONFIDENTIAL

DEPARTMENT OF STATE

THE SECRETARY



March 17, 1932.

MEMORANDUM OF CONVERSATION BETWEEN SECRETARY STIMSON  
 AND THE BELGIAN AMBASSADOR, MR. PAUL MAY.

Resolution Adopted by the Assembly.

During the call of the Belgian Ambassador today he said that he had read my statement about the resolution, adopted by the Assembly of the League of Nations, where I spoke of that action thus taken as being a step forward in international law, and he wanted to know my view as to that in detail - would it need to be enacted into code or be a matter for subsequent agreement. I replied that I thought this would probably not be necessary; that the action of the Assembly was a very solemn declaration of policy on a subject of international relations, taken by practically all the nations of the world in a formal meeting; that we had taken the same action by ourselves, and that I thought that declarations thus made by practically all the world would, of themselves, tend to establish the doctrine thus enunciated as international law. I pointed out that that was the way in which, in many instances, international law had been established in the past and that never had there been a more formal

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FILED

MAR 24 1932



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DEPARTMENT OF STATE

THE SECRETARY

- 2 -

or such a representative declaration as this one.

I told the Ambassador that I had been very greatly pleased with the earnestness and seriousness of the nations assembled at Geneva which, in my opinion, had been greatly helped and promoted by the courage and wisdom of Mr. Hymans of Belgium, who had been the President of the Assembly. I asked the Ambassador to convey my deep appreciation of this to Mr. Hymans himself. The Ambassador said that he gladly would and that Mr. Hymans would deeply appreciate it.

HLS.

S HLS:CBS

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75



COPIES SENT TO  
G.N.I. AND M.I.D.

TELEGRAM RECEIVED  
PLAIN

PEIPING

FROM  
Dated March 23, 1932

Rec'd 2:00a. Division of  
FAR EASTERN AFFAIRS  
MAR 23 1932  
Department of State

Secretary of State,  
Washington, D.C.

363, March 23, 11 a.m.

One. Following from Reuter, Moscow, March 21st:

"Further queries by M. Karakhan elicited an assurance from Mr. Hirota that the Japanese army in Kwatung Peninsula is closely watching the activities of the Russian White Guards and is prepared if necessary to repress political insurgent activity against Soviet Russia.

Regarding the government in Manchuria, Japan reaffirmed her adherence to the principle of the open door."

Two. Following from Reuter, Tokyo, March 22nd.

"Declaring that the situation in Manchuria is still far from easy and requires constant vigilance War Minister, speaking in the Diet, asserted that 'The peace of Manchuria, from the standpoint of national defenses, is vital for Japan. Therefore it is necessary that the present strength of the Japanese

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793.94/4851

MAR 24 1932

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2-- from Psiping #363

Japanese troops there should be maintained and if possible reinforced. This point is now being studied by the authorities!"

For the Minister

PERKINS

JS

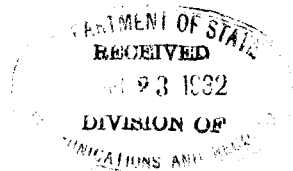
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton C. Gustafson NARS, Date 12-18-75

A.E.T.  
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COPIES SENT TO  
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# TELEGRAM RECEIVED

REP



FROM

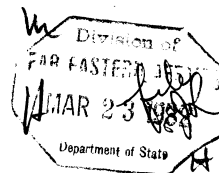
PLAIN

Peiping via N. R.

Dated March 23, 1932

Rec'd 5:30 a. m.

Secretary of State,  
 Washington.



366, March 23, 2 p. m.

Legation's 363, March 23, 11 a. m.

Following from Reuter, Tokyo, March twenty-second:

"The speech of the Japanese Minister of War mentioned in an earlier telegram reviewed by development of military operations both in Manchuria and Shanghai. He solemnly declared that the magnitude and profundity of the questions involved rendered the situation even more serious for Japan than the Russo Japanese war in certain respects.

Close observers interpret the emphasis placed by the War Minister, General Araki, on the necessity of maintaining at least the present strength in Manchuria as foreshadowing the permanent stationing of about three divisions in Manchuria instead of only one as prior to the outbreak on September eighteen of last year."

For the Minister  
 PERKINS

JS

F/LS 793.94/4852

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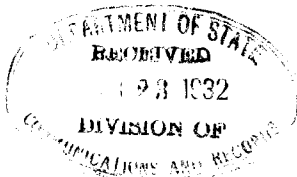
MAR 23 1932

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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TELEGRAM RECEIVED

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FROM GRAY

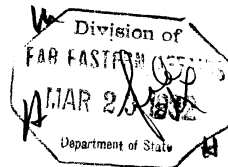
Shanghai via N. R.

Dated March 23, 1932

Rec'd 7:50 a. m.

Secretary of State,  
Washington.

March 23, 1 p. m.



Conference scheduled to take place this morning has been postponed awaiting information as to who is to be the Chinese delegate. Quo informed us at noon that General Chiang Kuang Nai who had been appointed chief delegate was withdrawn when it was found that the Japanese Commander-in-Chief would not be the principal Japanese delegate.

JOHNSON

RR

KLP

F/HS

793.94/4853

MAR 26 1932

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

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RECEIVED  
MAR 22 1932  
DIVISION OF  
COMMUNICATIONS AND RECORDS

CONFIDENTIAL

DEPARTMENT OF STATE  
THE SECRETARY

Division of  
FAR EASTERN AFFAIRS  
MAR 23 1932  
Department of State

FE  
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March 17, 1932.

MEMORANDUM OF CONVERSATION BETWEEN SECRETARY STIMSON AND  
THE AMBASSADOR OF ITALY, NOBILE GIACOMO DE MANFREDI

Revision of the Versailles Treaty.

During the call of the Italian Ambassador today he said that the question was being raised whether I intended my position taken in the note of January 7th and the Borah letter to apply to a revision of the Versailles Treaty. I replied that my country was not a party to the Versailles Treaty and no such question was raised. I pointed out that my note of January 7th referred to two treaties, the Nine Power Treaty and the Pact of Paris; that the Assembly of the League of Nations had subsequently adopted the same principle in respect to the Pact of Paris and Article X of the Covenant; that in the Pact of Paris we had all agreed to settle our controversies by no other but pacific means, and in the note of January 7th and the principle of the resolution of the Assembly it was proposed not to recognize results which were obtained in violation of that covenant and by force or war. I pointed out to the Ambassador that the doctrine did not touch any proposal

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MAR 25 1932  
DIVISION OF  
FAR EASTERN AFFAIRS

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MAR 29 1932

0204  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DEPARTMENT OF STATE  

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THE SECRETARY

- 2 -

proposal to revise a treaty by peaceful negotiation or agreement; it did not propose to place the world in a strait-jacket against such peaceful revision or solution of controversies.

HLS.

S HLS:BMS

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

April 8 1932.

No. 1124

STRICTLY CONFIDENTIAL - FOR THE CHIEF OF MISSION.

Ray Atherton, Esquire,  
 American Chargé d'Affaires ad interim,  
 London.

Sir:

I am enclosing, for your confidential information, a copy of a memorandum of the Secretary's conversation with the Royal Italian Ambassador, dated March 17, 1932, regarding the question of revising the Treaty of Versailles.

Very truly yours,

W. R. Castle, Jr.

Acting Secretary of State.

Enclosure:

Copy of memorandum  
 of conversation as  
 indicated above.

WE:WMB:NNB

3/23/32

APR 11 1932

793.94/4854



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

April 6 1932

No. 607

STRICTLY CONFIDENTIAL - FOR THE CHIEF OF MISSION.

793.94/4854

The Honorable

John W. Garrett,

American Ambassador,

Rome.

Sir:

I am enclosing, for your confidential information, a copy of a memorandum of the Secretary's conversation with the Royal Italian Ambassador, dated March 17, 1932, regarding the question of revising the Treaty of Versailles.

Very truly yours,

W. R. Castle, Jr.

Acting Secretary of State.

Enclosure:

Copy of memorandum  
 of conversation as  
 indicated above.

WE:WFB:NNE

3/23/32

3/23/32

793.94/4854

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

April 6 1932.

No. 566

STRICTLY CONFIDENTIAL - FOR THE CHIEF OF MISSION.

793.94/4854

The Honorable

Frederic M. Sackett,  
 American Ambassador,  
 Berlin.

793.94/4854

Sir:

I am enclosing, for your confidential information, a copy of a memorandum of the Secretary's conversation with the Royal Italian Ambassador, dated March 17, 1932, regarding the question of revising the Treaty of Versailles.

Very truly yours,

W. R. Castle, Jr.

Acting Secretary of State.

Enclosure:

Copy of memorandum  
 of conversation as  
 indicated above.

SSB  
 WE:WFB:NNB

3/23/32

APR 11 1932

0208

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

April 5 1932.

No. 1034

STRICTLY CONFIDENTIAL - FOR THE CHIEF OF MISSION.

The Honorable

Walter E. Edge,  
American Ambassador,  
Paris.

Sir:

I am enclosing, for your confidential information, a copy of a memorandum of the Secretary's conversation with the Royal Italian Ambassador, dated March 17, 1932, regarding the question of revising the Treaty of Versailles.

Very truly yours,

W. R. Cestis, Jr.

Acting Secretary of State.

Enclosure:

Copy of memorandum  
of conversation as  
indicated above.

WE:WES:MNB

3/23/32

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1932.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

American Legation,  
Riga, March 7, 1932.

Abstract of despatch No. 119, of March 7, 1932.

Interviews between the Soviet Commissariat for  
Foreign Affairs and the Japanese Ambassador concerning  
the Chinese Eastern Railway, Manchuria, the White  
Guards.

F/LS  
7

0210

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75



LEGATION OF THE  
UNITED STATES OF AMERICA

FE  
EE

No. 119

Riga, March 7, 1932.

Subject: Soviet-Japanese Relations.

793.94  
note  
86X.00B-Manchuria  
86V77 C.E.

DIVISION OF  
EASTERN EUROPEAN AFFAIRS  
MAR 28 1932  
COPY IN FE  
DEPARTMENT OF STATE

Division of  
FAR EASTERN AFFAIRS  
MAR 24 1932  
Department of State  
Copy in FE

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F/LS

793.94/4855

The Honorable  
The Secretary of State,  
Washington, D. C.

Sir:

793.94/4490

MAR 29 1932

FILED

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I have the honor to refer to this Legation's telegram No. 31, of February 29/7 p.m., and to enclose herewith the translation of the article which appeared in the Moscow IZVESTIA No. 56, of February 26, 1932, reporting the interview of February 24, 1932, between the Assistant People's Commissar for Foreign Affairs, Comrade Karakhan, and the Japanese Ambassador in Moscow, in the course of which the Soviet Government requested the Japanese Government to furnish information on four points: the transportation

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

-2-

tion of troops on the Chinese Eastern Railway; the request for a reduction in the price for the transportation; the Japanese encouragement to the Whites in Manchuria; and the new Manchurian State.

2/ There is also enclosed the translation of another interview which took place on February 27, 1932, as reported in the IZVESTIA No. 59, of February 29, 1932. Ambassador Hirota declared that the Japanese authorities had asked the Chinese Eastern Railway to transport troops towards the Russian frontier only in order to defend the lives of Japanese subjects and that the Japanese Government has no intention to violate any Russian interests in Manchuria. As to the request for a reduction in the price in transportation, the Japanese Government knew nothing. The Japanese Government would answer later the Russian request for information concerning the activities of the Russian White Guards, and concerning the creation of a new state in Manchuria.

Comrade Karakhan replied that the transportation of armed forces over the Chinese Eastern Railway was contrary to a Russo-Japanese agreement signed in 1925 and to the Treaty of Portsmouth; however, as the Chinese members of the Board of Management of the Chinese Eastern Railway, as well as the Japanese members, had made the request, the Russian authorities in Moscow would instruct the Russian authorities in Manchuria to make no objections to the transportation

of

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

-3-

of the Japanese troops. In view of the repeated requests of the Japanese for the transportation of troops on the Chinese Eastern Railway, Karakhan also requested the Japanese Government to state whether or not it intended to abide by Article 7 of the Treaty of Portsmouth which stipulates that the Russian and the Japanese will use the railways in Manchuria for commercial purposes only and not for strategic purposes. Comrade Karakhan also requested the Japanese Government to explain the massing of troops on the Korean-Soviet frontier, which would appear to violate Article 2 of the Treaty of Portsmouth.

3/           Translations of two TASS reports from Tokyo on the same subject appearing in the same number of the IZVESTIA are also enclosed. They have no doubt been called to the attention of the Department by the Embassy in Tokyo, but are nevertheless enclosed as of possible interest.

Respectfully yours,



ROBERT P. SKINNER.

Enclosures:

1. Interview of Comrade Karakhan, Assistant People's Commissar for Foreign Affairs, with Mr. Hirota.  
(Moscow IZVESTIA, No. 56, February 26, 1932.)

2.

021  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Hueston NARS, Date 12-18-75 ✓

-4-

2. Comrade Karakhan's Interview with  
Mr. Hirota.  
(Moscow IZVESTIA, No. 59, February 29, 1932.)
3. Comments on the Interview of Comrade  
Karakhan with Mr. Hirota.  
(Moscow IZVESTIA, No. 59, February 29, 1932.)

(In quintuplicate.)

Copy sent to E.I.C., Paris.

710 R (Japan.)

WMG/hs



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. 1 to despatch No. 119 of MAR 7 1932  
 from the Legation at Riga, Latvia.

SOURCE: Moscow IZVESTIA,  
 No. 56,  
 February 26, 1932,  
 Page 2.

INTERVIEW OF COMRADE KARAKHAN, ASSISTANT PEOPLE'S  
 COMMISSAR FOR FOREIGN AFFAIRS, WITH MR. HIROTA.

(Translation.)

On February 24, Comrade Karakhan, Assistant  
 People's Commissar for Foreign Affairs, received the  
 ambassador of Japan. The following questions were  
 presented to the ambassador on behalf of the Soviet  
 Government:

1. The Japanese command at Harbin requested  
 the Chinese Eastern Railway to place at its disposal  
 17 trains for the transfer of troops to Imienpo and  
 beyond, to Pogranichnaya under the pretext of pro-  
 tecting the life of Japanese residents. The ambas-  
 sador was informed that this request for transport-  
 ation did not deal with the ordinary transfer of  
 troops as practiced up to the present, since now it  
 was a question of transferring troops to the Soviet  
 borders. This is beyond the competence of the Board  
 of Management of the Chinese Eastern Railway. The  
 Soviet Government requested to be informed as to  
 whether the Japanese Government had any knowledge of  
 the request presented by the Japanese commanding per-  
 sonnel

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2-

sonnel, and, if it had, the Soviet Government requested for an explanation of the matter.

2. The Japanese command in Harbin proposed to the Board of Management of the Chinese Eastern Railway to conclude an agreement providing for the transfer of the Japanese troops over the whole line of the Chinese Eastern Railway at a reduction of 50 per cent from the price of transportation and for the free transportation of Japanese troops assigned to defend the Chinese Eastern Railway. The ambassador was informed that the proposed transportation agreement was not of a technical but of a political nature and affected the treaties existing between the U.S.S.R. and Japan on one hand, and between the U.S.S.R. and China on the other, and that therefore this question was beyond the competence of the Board of Management of the Chinese Eastern Railway, a commercial enterprise. The Soviet Government requested to be advised as to whether the Japanese Government has any knowledge of the proposal and requested an explanation thereof.

3. The ambassador was further informed of the activating of the Whites in Manchuria, under the protection and direct support of the Japanese, his attention being drawn to the fact that this disagreed with the appeasing assurances of Hirota given to Litvinov and Karakhan to the effect that the Whites were

not

721 F  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-3-

not supported by the Japanese. On behalf of the Soviet Government, Comrade Karakhan requested the ambassador to supply him with an explanation of the activity of the Whites.

4. Finally, Comrade Karakhan requested the ambassador for information regarding the state being newly created in Manchuria and regarding its nature.

Citizen Hirota, the Japanese Ambassador, promised to send an immediate inquiry to the Japanese Government on the points mentioned.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

119

Enclosure No. 2 to despatch No. of MAR 2 1932  
from the Legation at Riga, Latvia.

SOURCE: Moscow IZVESTIA,  
No. 59,  
February 29, 1932,  
Page 1.

COMRADE KARAKHAN'S INTERVIEW WITH MR. HIROTA.

(Translation.)

On February 27, the Japanese Ambassador, Mr. Hirota, called on the Vice-People's Commissar for Foreign Affairs, Comrade L.M. Karakhan, and in answer to the questions put before him by Comrade Karakhan on February 24, he made the following statement in conformity with instructions from the Japanese Government.

Mr. Hirota's Statement.

1. As regards Article 2 of the inquiry of the Soviet Government, concerning the offer said to be made by the Japanese military command to the administration of the Chinese Eastern Railway to conclude an agreement referring to the transportation of Japanese troops on the Chinese-Eastern Railway, the Japanese Government knows nothing about this, and has applied for information on this point to the Japanese authorities in Manchuria.

2. As

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2-

2. As regards the activities of White Guards in the forming of a new state, the Japanese Government will supply supplementary instructions by telegraph.

3. But as regards the question of transportation of Japanese troops on the Eastern line of the Chinese Eastern Railway, the Ambassador has been instructed to give the following explanations:

In consequence of the changed situation in the eastern region of the Chinese Eastern Railway, the Japanese subjects resident in that region are compelled to leave Harbin and to go to more peaceful parts of Manchuria. However, in the said localities there remain more than 20,000 Japanese subjects (including also Koreans). On account of their great numbers, these Japanese subjects are not in a position to leave those localities, and therefore the Japanese Military Command is obliged to send troops for their protection.

It is not contemplated to move these troops nearer to the border of the U.S.S.R. The troops will be sent to the Imienpo region, and, if the extreme necessity arises, they will perhaps be sent on to Hai-lin.

In view of the foregoing, the Japanese Government has instructed its Ambassador to confer with the Soviet Government on this point, and to request  
the

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

-3-

the said Government to instruct its representatives in Manchuria accordingly, with a view to settling in the affirmative the question regarding the use of the Eastern part of the Chinese Eastern Railway for the transportation of Japanese troops.

The Japanese Military Command certainly respects the interests and the rights of the U.S.S.R. in Northern Manchuria, and it has proved this when sending its troops to Tsitsihar and to Harbin. The Japanese Government requests the Government of the U.S.S.R. to have no fear that the Japanese troops will in any way infringe upon the interests and rights of the U.S.S.R. on the Chinese Eastern Railway. The Japanese Government gives the assurance that these interests and rights will be fully respected. The only purpose for which troops are sent to the regions east of Harbin, is to protect Japanese subjects.

Thus, the Japanese Government requests the permission of the Government of the U.S.S.R. to send Japanese troops as far as the station of Imienpo, and if the emergency arises, as far as Hai-lin, in the same way as this was permitted on a former occasion in regard to Tsitsihar and Harbin.

Comrade Karakhan's statement.

In answer to this request made by the Japanese Government, Comrade Karakhan, on behalf of the Soviet Government, gave to the Japanese Ambassador on the

same

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Hueston NARS, Date 12-18-75

-4-

same day the following reply:

In reply to the request of the Japanese Government for permission to transport Japanese troops on the Chinese Eastern Railway from Harbin to the station of Imienpo, or, in case of emergency, as far as the station<sup>of</sup>/Hailin, the Soviet Government has instructed me to make the following statement:

The transportation of Japanese troops on the Chinese Eastern Railway is somewhat in violation of the treaty concluded between the U.S.S.R. and Japan in Peking in 1925, according to which treaty the Portsmouth Treaty remains in force. However, taking into consideration the reference of the Japanese Government to the special circumstances which have induced it to address such a request to the Soviet Government, and, more particularly, in view of the fact that the Chinese authorities in Manchuria as well as the Chinese part of the administration of the Chinese Eastern Railway have applied to the administration of the Chinese Eastern Railway to permit the transportation of Japanese troops on the Eastern Line of the Chinese Eastern Railway, the Soviet Government, by way of exception, and as a temporary measure, has agreed to instruct the Soviet part of the administration of the Chinese-Eastern Railway to permit the transportation of limited numbers of Japanese troops from Harbin as far as the station of Imienpo, and only in the event of extreme emergency, as far as the station of Hai-lin.

Giving

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

-5-

Giving its consent to the transportation of Japanese troops as far as the above-mentioned stations, the Soviet Government bases this consent on the assurances of the Japanese Government that the rights and the interests of the U.S.S.R. on the Chinese Eastern Railway will in no case be infringed upon by the Japanese authorities and by the Japanese military command.

Apart from this, Comrade Karakhan submitted to the Japanese Ambassador two questions referring to the Treaty of Portsmouth requesting him to bring them to the attention of the Japanese Government and to ask for explanations.

1. In accordance with Article 7 of the Treaty of Portsmouth, Russia and Japan undertook to exploit the railways in Manchuria, only for commercial and industrial purposes, and "by no means for strategical purposes." The frequent requests of the Japanese Government for permission to have Japanese troops transported on the Chinese Eastern Railway, and the actual transportation of such troops on the Chinese Eastern Railway, that is, the use of that railway by Japan for strategical purposes, come under the provisions contained in the above-mentioned Article 7 of the Treaty of Portsmouth, and the Soviet Government holds that these facts lead to a violation of the Treaty of Portsmouth.

The Soviet Government strictly abides by this as well as all other provisions of the Treaty

of



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-6-

of Portsmouth. The Soviet Government has instructed me to ask the Japanese Government: whether the Soviet Government may expect that the Japanese Government and the Japanese Military Command will also abide by the provisions of Article 7 of the Treaty of Portsmouth in regard to the Chinese Eastern Railway.

2. The Soviet Government has at its disposal verified information to the effect that Japanese troops recently have been massing in localities adjacent to the Soviet-Korean border. According to Article 2 of the Treaty of Portsmouth both parties have undertaken "to refrain from adopting on the Russo-Korean border any military measures likely to threaten the safety of Russian or of Chinese territory. The Soviet Government, while strictly observing the obligations implied by the Treaty of Portsmouth, would like to have from the Japanese Government explanations as regards the fact of the massing of Japanese troops on the Soviet-Korean border.

The Japanese Ambassador promised to cable this inquiry immediately to Tokyo.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

Enclosure No. 3 to despatch No. 119 of MAR 7 1932  
 from the Legation at Riga, Latvia.

SOURCE: Moscow IZVESTIA,  
 No. 59,  
 February 29, 1932.  
 Page 1.

COMMENTS ON THE INTERVIEW OF COMRADE  
 KARAKHAN WITH MR. HIROTA.

Tokyo, February 28. (TASS.) According to the  
 Agency SIMBUN RENGU, it will be pointed out in the  
 answer of the Japanese Government to Karakhan that  
 the Japanese Government asks for aid and shelter,  
 on the territory of the U.S.S.R., to be given to  
 Koreans who are forced to leave Manchuria as a result  
 of the hostile activities on the part of the troops  
 of general Din Chow.

At the same time it will be pointed out that  
 the Japanese Government proposes to send troops to  
 the Inienpo district (Eastern line of the Chinese  
 Eastern Railway) for the protection of the Korean  
 residents. If the number of troops despatched for  
 that purpose causes discontent on the part of the  
 U.S.S.R., the Japanese Government is prepared to  
 reduce the number of troops to a minimum. But at  
 the same time the Japanese Government desires to  
 have the consent of the Soviet Government for in-  
 creasing the number of troops in case of a com-  
 plication of the situation. The information alleging  
 that the White Guards receive assistance from the  
 Japanese troops, is without foundation, and apparently

is

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2-

is spread by the White Guards themselves.

Tokyo, February 28. (TASS.) The newspapers state that the Japanese Government will very shortly send instructions to Hirota regarding the reply to be given to Karakhan. According to the newspaper HOTSU, in that reply it will be emphasized that the despatch of Japanese troops to the Eastern Line of the Chinese Eastern Railway has been caused by the fact that in the Imienpo district the lives and the property of Japanese residents are in danger in view of the activities of the troops of General Din-Chow. The Japanese troops have asked for reduced fares for the transportation of troops, taking into consideration the purpose for which the troops are despatched. This request does not imply the intention to change the Chinese-Soviet and Japanese-Soviet agreements in force now in Manchuria. The more so as this request is of a temporary character. The rumors to the effect that Japan supports the movement of the White Guards, are absolutely without foundation. Japan has no intention to disturb the friendly Japanese-Soviet relations by encouragement of the White Guard movement. In this connection, the Japanese Government desires to remind the Soviet Government that Japan has always been intent upon not infringing upon the rights and interests of the U.S.S.R. in Northern Manchuria.

The creating of a new state in Manchuria is an idea conceived, and carried into effect, by the Chinese.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-3-

Chinese. The Japanese Government has nothing in common with the movement. Of course, having considerable interests in Manchuria, Japan attaches great importance to the question as to what kind of government will be entrusted with the maintenance of law and order in Manchuria.

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122  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 893.00 P.R. Yunnan/40 FOR Tel. # 365, 1 pm

FROM China ( Perkins ) DATED March 23, 1932.  
TO NAME 1-1127 010

REGARDING:

Agitation against Japan continues along lines  
mentioned in report for December with uncon-  
firmed suspicion in Chinese circles of French  
designs on Yunnan.

hs

793.94/4856

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

GRAY

Peiping via N. R.

Dated March 23, 1932

Rec'd 5:30 a. m.

Secretary of State,  
Washington.

365, March 23, 1 p. m.

Following from American Consul at Yunanfu:

"March 4, 6 p. m.

There were no extraordinary political developments in the Yunanfu Consular District during January and February. Agitation against Japan continues along the lines mentioned in my report for December with unconfirmed suspicion in Chinese circles of French designs on Yunnan."

For the Minister

PERKINS

RR

VWC

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75



PM REGD EMBASSY OF THE  
UNITED STATES OF AMERICA

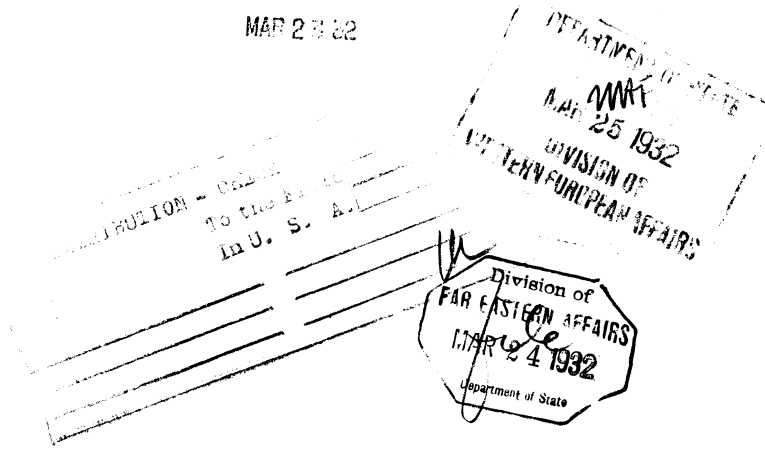
No. 2355.

Paris, March 14, 1932.

The Sino-Japanese Conflict.

793.94

MAR 23 1932



F/LS 793.94/4867

The Honorable

The Secretary of State,  
Washington, D. C.

Sir:

In compliance with the Department's instruction No. 293 of August 19, 1930, I have the honor to transmit herewith clippings from the French press, on the subject of the Sino-Japanese conflict, which have appeared during the period from March 9 to March 12, 1932.

Respectfully yours,

Walter E. Edge.

Enclosures.....

MAR 25 1932

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 Department of State letter, August 10, 1972  
 By Milton D. Hueston NARS, Date 12-18-75

- 2 -

✓  
 Enclosures (single copy):

Clippings from the following newspapers:

March 9, 1932.

No. 1 - L'AVENIR  
 2 - L'ECHO DE PARIS  
 3 - LE POPULAIRE

March 10, 1932.

No. 4 - L'ECHO DE PARIS  
 5 - L'ERE NOUVELLE  
 6 - LE MATIN

March 11, 1932.

No. 7 - L'ECHO DE PARIS

March 12, 1932.

No. 8 - L'ECHO DE PARIS  
 9 - LE TEMPS

In quintuplicate.  
 710.  
 RS/jdk



La S. D. N. et la Chine

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Department of State letter, August 10, 1972  
By M.W.M.D., Analyst NARS, Date 12-18-75~~

**Les étudiants catholiques**

La Fédération Française des Etudiants catholiques, qui groupe un très grand nombre d'étudiants en droit élève une protestation énergique contre le vote ré-

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Enclosure No. 2 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from L'ECHO DE PARIS, March 9, 1932.

## Le conflit sino-japonais

### Polémique entre les petits Etats idéologues

#### et les grandes puissances

Les jours passent et l'Assemblée extraordinaire réunie depuis le 3 mars continue à se débattre dans les mailles du problème sino-japonais. Inutile d'analyser les discours prononcés quotidiennement, ils ne font que se répéter. Deux groupes se sont constitués peu à peu depuis la semaine dernière : celui des « radicaux » et celui des « opportunistes » ou encore des petits et des grands Etats. Si l'on écoutait les « radicaux », les grandes puissances s'orienteraient vers l'envoi d'un ultimatum au gouvernement de Tokio sous prétexte d'appliquer le Covenant et de l'appliquer à la course. Ainsi raisonnent Suisses, Scandinaves et Sud-Américains — ces derniers se souciant fort peu du conflit sino-japonais et s'employant avant tout à constituer des précédents susceptibles de leur être utiles plus tard dans leurs démêlés avec les créanciers américains et les autres.

Samedi, les grandes puissances ont réagi contre ces tendances idéologiques qui ne pourraient avoir d'autre résultat que d'étendre le mal que l'on prétend guérir, de brouiller définitivement les puissances coloniales avec le Japon et de mettre en danger, d'un bout à l'autre de l'Extrême-Orient les établissements européens. M. Politis, nous l'avons déjà écrit, a indiqué lundi la conduite prudente qu'il importait de suivre en l'occurrence. Depuis lors, il a été appuyé énergiquement par sir John Simon, par M. Paul-Boncour, par M. Titulesco et par M. Bénès. Les « radicaux », tous ceux qui se présentent comme des spécialistes dans la « mobilisation des forces morales » sont probablement à la veille de perdre la partie.

Comme l'a dit sir John Simon, le mieux est de s'en tenir à une procédure de conciliation, c'est-à-dire de laisser la voie libre à la médiation des grandes puissances. On escompte donc que l'Assemblée se dispersera dès jeudi soir après avoir voté une déclaration dénonçant les principes généraux sur lesquels nul n'est disposé à transiger et après avoir nommé une commission de 18 membres (comprenant les douze membres du Conseil qui ne sont ni Chinois, ni Japonais) dont la tâche consistera à surveiller les événements, quitte à se faire représenter à Genève de façon permanente si elles le jugent bon par un sous-comité de quatre ou cinq membres.

Tout annonce que le projet de déclaration sera établi demain par le comité de rédaction nommé à cet effet. Bien entendu les « radicaux » essaieront d'y introduire des articles inacceptables pour le Japon (évacuation inconditionnelle et le reste) comme si des médiateurs pouvaient, préalablement à leur entreprise, donner tort à l'une des parties. Demain il sera sans doute mis ordre à tout cela. Rappel du principe que nul ne peut se faire justice par soi-même, rappel des articles 10 et 12 du Covenant, du pacte Kellogg — respect de l'intégrité territoriale, de l'indépendance politique, de l'engagement souscrit par tous de régler les différends de manière pacifique — affirmation que les traités internationaux ne peuvent être dénoncés unilatéralement et que le boycottage économique est une forme de guerre qui en vaut une autre : voilà les idées auxquelles l'Assemblée sera invitée à s'en tenir.

Les « radicaux » redoublent d'ardeur. Ils se proposent de demander, dit-on, l'élection de la Commission de surveillance au scrutin secret afin d'en exclure les grandes puissances, ce qui serait paradoxal.

Au fond, l'essentiel est, pour les grandes puissances, de s'entendre avec le Japon sur le règlement de l'affaire de Shanghai et, avant tout, sur la constitution d'une zone neutre, qui, le cas échéant, serait défendue à frais communs. Il n'est que temps d'en terminer par des mesures de bon sens avec les manigances des « radicaux » et du secrétariat qui, depuis septembre, ne cesse d'aggraver le conflit. Ce serait vraiment le comble que, pour redresser l'établissement genevois, prétendue sauvegarde contre la guerre, l'Extrême-Orient fût mis à feu et à sang.

PERTINAX.

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

P-E 9

Enclosure No. 3 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from LE POPULAIRE, March 9, 1932.

## La sinistre comédie de Genève

**E**COUTEZ nos grands hommes d'Etat discourir sur la politique extérieure de la France; ils se croient très forts et irréfutables quand ils ont dit : Nous demandons d'abord le respect des traités de paix.

Ils veulent apparaître comme des gens honnêtes qui n'ont qu'une parole et qui se considèrent liés par leur signature. Leur seule prétention est d'exiger que les autres soient aussi honnêtes qu'eux. Leur politique internationale a donc l'air de reposer sur la morale. Peut-on, en effet, ne pas respecter un texte au bas duquel on a mis sa signature ?

Tant d'hypocrisie déconcerte et indigné.

Jamais on ne vit les gouvernements violer avec autant de désinvolture les traités qu'ils invoquent pour justifier leur attitude.

Comme il sied à des hommes d'Etat la chose est faite avec politesse et correction.

Tenez, en ce moment, ils sont réunis à Genève parce qu'un conflit, le plus sanglant qui se soit produit depuis la guerre de 1914-1918, se déroule en Extrême-Orient.

Certains diront peut-être : c'est donc la preuve que les gouvernements respectent le pacte de la Société des Nations puisque celle-ci siège pour mettre fin à la guerre sino-japonaise.

Non, quand on ne se contente pas d'apparences, de gestes et de discours on peut dire que la sinistre comédie continue à Genève où le pacte, placé en tête du traité de paix n'a pas plus de valeur qu'un chiffon de papier.

Notre sévérité touche à l'injustice ?

Essayez donc de l'établir. Mais ce qui est prouvé, c'est que Conseil et Société des Nations ont donné le plus lamentable spectacle en tenant de multiples réunions, en nommant des enquêteurs, en adressant des invitations et des prières au gouvernement japonais qui n'en a tenu aucun compte. Celui-ci y a même trouvé l'avantage de se voir ainsi accorder les délais dont il avait besoin pour réunir en Chine le matériel et les hommes nécessaires pour vaincre.

Voilà ce qu'a fait et laissé faire l'institution créée par le traité de paix et dont la mission est de veiller au maintien de la paix.

Quelle désillusion pour les hommes qui plaçaient en elle leur confiance...

Les socialistes regrettent la carence ou plutôt la faillite de la Société des Nations actuelle, mais ils n'en sont pas surpris.

Comment voulez-vous que cet organisme international remplisse son rôle humain et civilisateur quand il est peuplé d'hommes d'Etat qui ne sont que les délégués du capitalisme au pouvoir ? Un réactionnaire, un bon républicain conservateur à la Société des Nations restent ce qu'ils sont dans leur pays, leurs opinions et leur politique n'en sont nullement influencées au point de subir de sérieuses variations.

Transportés sur le plan international ils y jouent la comédie de la paix à laquelle ils se livrent sur le plan national.

Ici, au nom de la paix, ils pratiquent la politique de surarmement qui classe la France au premier rang des nations dans l'ordre militaire. A Genève, ils recherchent la paix puisqu'ils sont là pour cela, mais ils la recherchent en discours, en manifestations verbales ou écrites. Ils élaborent de volumineux rapports, fruits du travail de plusieurs années, mais les décisions, les actes sont toujours à venir.

A la vérité, ce n'est pas tout à fait exact, car des actes sont à enregistrer.

En même temps que les délégués des gouvernements adjurent les Japonais et les Chinois de faire la paix, les mêmes gouvernements autorisent leurs fabricants d'armes, de munitions, de gaz à expédier leur production de mort aux belligérants.

Il serait cependant facile d'interdire ces exportations pour ne pas nourrir la guerre. Mais les intérêts capitalistes considérables des industries qui vivent de la guerre et de sa préparation n'y trouveraient pas

leur compte : ils seraient même sacrifiés, ce qu'un gouvernement bourgeois ne peut admettre.

Il a même donné l'ordre à ses délégués de ne pas établir les responsabilités de la guerre sino-japonaise, car la Société des Nations marquerait au front le gouvernement japonais comme étant l'agresseur. Or, le Japon vient de remporter la victoire militaire. On ne peut condamner le plus fort, qu'on a aidé à vaincre.

Et voilà où en sont les hommes d'Etat qui ont établi, par traité, la responsabilité de l'Allemagne.

Leur Société des Nations s'est laissée bafouer par le vainqueur ; elle a permis à l'agresseur de refuser son intervention, de rejeter la procédure d'arbitrage. Elle a même toléré que les Etats membres alimentent le Japon en armes et munitions. On peut dire qu'elle a violé son propre statut.

Encore une nouvelle confirmation de ce que le Socialisme dit aux travailleurs : la Paix, ainsi que votre franchissement, ne sera que lorsque le capitalisme aura vécu et que vous dirigerez les affaires.

J. LERAS.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Huston NARS, Date 12-18-75

10

Enclosure No. 4 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from L'ECHO DE PARIS, March 10, 1932.

## A GENEVE

### Ni l'affaire sino-japonaise ni l'affaire du désarmement ne sont en progrès

Genève, 9 mars.

Ce soir, que l'on porte le regard sur l'affaire sino-japonaise ou sur celle du désarmement, on a l'impression de la stagnation complète. En ce qui concerne l'affaire sino-japonaise un certain mouvement se manifeste bien à la surface. C'est ainsi que le comité de rédaction nommé hier s'est réuni et, se divisant aussitôt en deux sous-comités, selon l'habitude du lieu, a entrepris de mettre au point le projet de résolution qui sera soumis à l'Assemblée et la procédure selon laquelle l'action de l'Assemblée se manifestera dans les prochains mois.

Le projet de résolution ne se heurte pas à de grandes difficultés : tant bien que mal il a été mis debout. Il est fondé sur l'un des nombreux textes dont le comité a été saisi, celui de sir John Simon, le ministre des affaires étrangères britanniques, particulièrement sage et mesuré. Approbation des principes formulés par le président du conseil à la séance du 10 décembre 1931, de l'appel envoyé à Tokio le 16 février par les « douze membres du conseil » ; rappel du pacte Kellogg qui, avec le Covenant de Genève, est l'un des piliers de la paix universelle ; exhortation adressée aux gouvernements chinois et japonais de se conformer sans délai à la résolution de l'Assemblée du 4 mars (cessation des hostilités et ouverture de pourparlers à Shanghai en vue de l'évacuation des troupes japonaises) ; enfin, ce paragraphe final du document britannique maintenu, à peu près tel quel, paraît-il : « En attendant les décisions qu'elle pourra finalement prendre pour le règlement du différend dont elle a été saisie, l'Assemblée affirme à nouveau le caractère obligatoire des principes et des dispositions sus-mentionnées et déclare que les membres de la Société des Nations sont tenus de ne reconnaître aucune situation, aucun traité ni aucun accord qui pourrait être obtenu par des moyens contraires au pacte de la Société des Nations ou au pacte de Paris ».

Avec un certain nombre d'amendements propres à le renforcer et que nous ne connaissons pas encore, tel est le projet de résolution. Quant à la procédure, une commission permanente sera nommée qui aura charge de surveiller les événements de Shanghai, de prendre connaissance de tout accord intervenant entre les deux parties ou, si nécessaire, de trouver la formule d'un compromis. Cette commission convoquera l'assemblée lorsqu'elle le jugera bon. Elle ne pourra passer de la procédure de conciliation à la procédure de recommandation sans y être autorisée par l'assemblée. En d'autres termes, l'assemblée se réunira à plusieurs reprises avant le mois d'août, date extrême à laquelle doit être soumis le rapport exprimant l'avis de l'assemblée sur le fond du conflit, si dans l'intervalle les parties n'ont pu s'entendre. La présence des délégations attelées à l'œuvre du désarmement rend possible cette façon de faire, ces convocations fréquentes de l'assemblée, cette activité continue de la commission. Mais, en dépit des efforts déployés par MM. Bénès, Politis et autres juristes, les paragraphes définissant la procédure n'ont pu encore être fixés. Il

pes nippones et la condamnation du Japon par l'Assemblée. On redoute que les hostilités ne recommencent.

Faut-il encore le répéter ? Le seul moyen d'aboutir est que les Etats-Unis, l'Angleterre, la France, l'Italie en arrivent à un accord avec le Japon sur la délimitation et la défense d'une zone neutre, d'un boulevard avancé de Shanghai. Des échanges de vues ont été amorcés entre Tokio et les Etats intéressés. Mais ni Londres ni Washington ne semblent être d'humeur, pour l'instant, à prendre les moindres responsabilités directes. Si cette attitude ne change pas, le Japon sera amené, par la force des choses, à établir devant la ville internationale une sorte de camp retranché et tout ce que fera Genève ne sera que du vent. Malheur au pays qui perd sa 19<sup>e</sup> armée. Ce n'est pas à la Société des Nations qu'il la retrouvera !

Hier on croyait que l'Assemblée se disperserait jeudi soir. Maintenant on ne peut plus avancer le moindre pronostic sur la fin des travaux car la délégation japonaise a fait savoir qu'elle serait obligée de télégraphier à Tokio le projet de résolution et d'attendre des instructions. Une résolution de l'Assemblée, aux termes de l'article 15 du Covenant, est juridiquement valable même si les parties n'y ont pas adhéré. Mais on sera quand même forcé de laisser au Japon le temps de la réflexion. Et voilà qui peut nous conduire à la semaine prochaine.

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EXTRACT FROM L'ECHO DE L'AFRIQUE N° 10, 1935.

FROM THE EMPRESS OF RUSSIA.  
 ENCLOSURE NO. 4 TO DESPATCH NO. 3222 OF MARCH 14, 1935.

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 By Milton D. Gustafson NARS, Date 12-18-75

Enc 10

Enclosure No. 5 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from L'ERE NOUVELLE, March 10, 1932.

## Le Japon et la Mandchourie

Un correspondant du *Times* en Mandchourie écrit que depuis la victoire de 1905 sur les Russes, le Japon n'a pas dépassé la limite des droits que lui a reconnus le traité.

Jusqu'à ces temps derniers, il n'a porté aucune entrave à la souveraineté chinoise. En dehors de la zone du chemin de fer de la Mandchourie du sud et des ports de Dairen et de Port-Arthur, le gouverneur chinois a pratiquement toute liberté d'action.

Donc, plus de vingt ans de tranquillité ; bonne administration, augmentation de la population.

Néanmoins, les Japonais ont eu des déboires. La Mandchourie est froide. Il n'est pas venu beaucoup d'insulaires s'établir comme colons. Beaucoup d'affaires leur ont échappé.

Quand est arrivé le coup militaire du 18 septembre 1931, le mécanisme des échanges s'est trouvé détraqué, juste au moment de la crise mondiale ; des bandes errantes de brigands ont infesté le pays. Jusqu'à l'effondrement de l'autorité, ces bandes commettaient rarement des meurtres. L'initiative japonaise a créé l'insécurité.

Certainement, dit le correspondant du *Times*, les Japonais ont des griefs sérieux à faire valoir. Le principal sujet de plainte se rapporte au chemin de fer dont dépend toute leur structure économique. Le traité de 1905 stipulait que, jusqu'à la rétrocession à la Chine du chemin de fer du sud de la Mandchourie, il ne serait construit aucune ligne parallèle susceptible de porter préjudice aux intérêts dudit chemin de fer.

Mais, contrairement aux termes de ce traité, le gouvernement mandchou a construit deux lignes : une relie Moukden à Kirin, l'autre, à l'ouest, traverse les déserts sablonneux des marches mongoles. Cette ligne, de Takouchan à Tounghiao, fit habilement dévier les marchandises, à destination du sud, par les routes chinoises, du port japonais de Dairen aux ports de Newchenang à de Tchinquantao.

Comme le déclare le journal japonais *Manchuria Daily News*, il fut porté par cette ligne de l'ouest « un coup mortel » à la compagnie du chemin de fer du sud de la Mandchourie, dont les recettes baissèrent.

C'est pour régler les questions en litige que le Japon s'est emparé, sans façon et sans grande opposition, de trois des vingt et une provinces de la Chine.

Mais qui osera prétendre que le procédé est conforme aux recommandations de la Société des Nations ?

NORPOIS.

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Enclosure No. 6 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from LE MATIN, March 10, 1932.

# CONCILIABLES SECRETS A GENEVE

## La mise au point de la résolution finale de l'assemblée extraordinaire de la Société des nations provoquée par le conflit entre la Chine et le Japon

[DE NOTRE ENVOYÉ SPÉCIAL]

GENÈVE, 9 mars. — Par téléphone. — L'acte d'ajournement de l'assemblée extraordinaire provoquée par le conflit sino-japonais, a donné lieu, cet après-midi, à des conciliabules importants et secrets. Ils se sont prolongés jusqu'à 20 heures. Sir John Simon qui pourtant, avait manifesté le vif désir de rentrer à Londres, y a participé très activement. C'est dire que cette réunion privée avait revêtu aux yeux, pour le moins, des principales puissances, le caractère d'une négociation diplomatique conduite dans le mystère et la discrétion.

Il a été décidé de ne rien divulguer sur les différentes résolutions déposées sur le bureau du comité de rédaction et qui, d'ailleurs, assurait-on, servir de base à la déclaration finale de l'assemblée.

Après un triage préliminaire, les représentants des puissances faisant partie du comité n'ont retenu sur neuf que trois résolutions : la première de Sir John Simon (Grande-Bretagne), la seconde de M. Politis (Grèce), et la troisième de M. Benès (Tchécoslovaquie).

Mais aussitôt, l'on est tombé d'accord pour diviser le travail. Les deux premières résolutions se bornaient, en effet, à affirmer des principes ; celle de M. Benès portait sur l'organisation pratique de la commission de surveillance, émanation restreinte de l'assemblée et chargée de préparer pratiquement la conférence de Changhaï.

Aussi, le comité de rédaction s'est-il scindé en deux : Sir John Simon, M. Politis et quelques autres sont montés au premier étage pour mettre au point les principes, tandis que MM. Paul-Boncour et Benès sont restés au rez-de-chaussée pour ajuster les rouages du travail exécutif.

Le groupe du premier étage s'est mis assez facilement d'accord sur une résolution presque entièrement conforme à la proposition britannique, dont voici le texte tenu, pour le moment, sous le manteau :

L'assemblée, vu les obligations que le pacte impose à tous les membres de la Société des nations et spécialement celles qui dérivent des dispositions du pacte relatives au règlement des différends :

1° Approuve les principes formulés par le président du conseil dans sa déclaration du 10 décembre 1931, que les douze membres du conseil invoquent à nouveau dans leur appel au gouvernement japonais du 16 février, en déclarant qu'aucun empiètement sur l'intégrité territoriale et aucune atteinte à l'indépendance politique d'un membre de la Société des nations commis au mépris de l'article 10, ne sauraient être reconnus comme valides et effectifs par les membres de la Société.

2° Considère que les principes de conduite internationale et les méthodes de règlement des différends entre membres de la Société mentionnés ci-dessus sont en pleine harmonie avec le pacte de Paris qui forme avec le pacte de la Société des nations l'un des piliers de l'organisation de la paix du monde et dont l'article 2 stipule que « les hautes parties contractantes reconnaissant que le règlement ou la solution de tous les différends ou conflits de quelque nature ou de quelque origine qu'ils puissent être, qui pourront surgir entre elles, ne devra jamais être recherché que par des moyens pacifiques » ;

3° Invite instamment les gouvernements chinois et japonais à se conformer sans retard à la résolution de l'assemblée du 4 mars recommandant que des négociations soient engagées en vue de rendre définitive la cessation des hostilités et de régler le retrait des forces japonaises ;

4° En attendant les décisions qu'elle pourra finalement prendre pour le règlement du différend dont elle a été saisie, l'assemblée affirme à nouveau le caractère obligatoire des principes et des dispositions sus-mentionnés qui déclarent que les membres de la Société des nations sont tenus de ne reconnaître aucune situation, aucun traité, ni aucun accord qui pourrait être obtenu par des moyens contraires au pacte de la Société des nations et au pacte de Paris. »

On y a ajouté toutefois quelques alinéas du projet de M. Politis, ceux notamment qui stipulent non seulement le respect du pacte, mais encore de tous les traités quels qu'ils soient.

Il est notamment stipulé dans cette adjonction avec référence au préambule du pacte de la Société des nations cette mention explicite :

Les membres de la S. D. N. se sont formellement engagés à respecter scrupuleusement les obligations des traités dans les rapports mutuels des peuples organisés.

Il est évident que ce rappel vise la Chine et permettra, dès lors, au Japon d'adhérer à une résolution de l'assemblée, laquelle souhaite vivement, avant de se séparer, un vote unanime.

Quant à l'organisation pratique du comité sino-japonais, qui survivra à l'assemblée et sera chargé de veiller à la bonne marche de la conférence politico-militaire de Changhaï, c'est une tout autre affaire. Là on discute encore sur des détails, mais on est d'accord sur le fond : le fond, c'est le projet de résolution rédigé cette nuit par M. Benès et dont le texte se trouve par un hasard heureux entre mes mains. Pour la clarté de ce qui va suivre, je me vois obligé de vous en infliger la lecture :

L'assemblée, vu la requête du gouvernement chinois en date du 12 février 1932 :

Considérant qu'elle se trouve saisie de l'ensemble du différend visant l'objet de cette requête et qu'elle doit y appliquer éventuellement toutes les procédures prévues par le pacte de la Société des nations dans son article 15 ;

Considérant qu'en vertu de l'alinéa 3 de cet article, le premier devoir qui lui incombe est de s'efforcer d'assurer le règlement du différend par les négociations amiables avec les parties ;

Considérant à ce point de vue qu'un premier résultat a été obtenu par l'adoption unanime de la résolution du 4 mars relative à la cessation des hostilités et au retrait des troupes japonaises dans la région de Changhaï ;

Considérant que, pour suivre l'exécution de la dite résolution et préparer les projets sur lesquels l'assemblée aura ultérieurement à se prononcer, il importe de constituer un comité qui exercera ses fonctions au nom et sous le contrôle de l'assemblée ;

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

*Decide de creer un comité de 18 à 20 membres, présidé par le président de l'assemblée, chargé : 1° de suivre l'exécution de la résolution du 4 mars ; 2° de préparer les projets d'accord à soumettre aux délibérations de l'assemblée en vue de faciliter, conformément à l'article 15, alinéa 3, du pacte, le règlement du différend ; 3° de prendre éventuellement, au nom de l'assemblée, toutes mesures urgentes qui paraîtraient nécessaires, à charge d'en référer à l'assemblée aussitôt que possible ;*  
*Décide, en outre, de fixer la prochaine réunion de sa commission générale au 14 avril 1932, étant entendu toutefois que cette réunion pourrait être retardée avec l'assentiment des deux parties et qu'elle pourrait être, au contraire, avancée si l'une des parties en faisait la demande.*

*Vous avez ainsi en main toutes les pièces du procès et du dossier. C'est fort intéressant, car il ne s'agit pas seulement d'une manœuvre habilement conduite destinée à sauver la face de la Société des nations, mais encore d'un grand travail des chancelleries s'abritant derrière le paravent de Genève.*  
*Voilà pourquoi l'on nous a dit que rien ne « transpirerait » avant demain 17 heures. Notre rôle — car j'aime à croire que je ne fais pas cavalier seul — consiste, lorsque l'intérêt national n'est pas en jeu, à faire transpirer ces secrets ou plus exactement cette sorte de cachotteries aussi vite que possible.*  
*La clarté, comme l'a dit justement l'autre jour à Genève M. Tardieu, ne peut nuire qu'aux mauvaises causes.*



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 Department of State letter, August 10, 1972  
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Ex-11

Enclosure No. 7 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from L'ECHO DE PARIS, March 11, 1932.

## Le projet de résolution qui sera soumis à l'Assemblée à propos du conflit sino-japonais

**La délégation japonaise soulève des objections et demande le renvoi du débat à la semaine prochaine. S'il était passé outre à sa demande, elle s'abstiendrait peut-être de paraître à la séance.**

Genève, 10 mars.

Le comité de rédaction a achevé son travail et, depuis midi, nous avons un projet de résolution indiquant les principes d'après lesquels le conflit sino-japonais doit être résolu et la procédure à suivre jusqu'au règlement complet de l'affaire. Nous avons grand-peur ce soir, que, loin de favoriser la pacification de l'Extrême-Orient ce document ne mette en branle une suite d'événements redoutables. Pour ce qui est des principes, le projet de résolution est à peu près conforme aux renseignements donnés dans cette correspondance. Respect scrupuleux des traités ; « engagement assumé par les membres de la Société des Nations de respecter et de maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique de tous les membres de la Société ; obligation de soumettre tout différend aux procédures de règlement pacifique » ; rappel des principales décisions prises par le Conseil de la Société des Nations, par les douze membres de ce Conseil, par l'Assemblée, dans les diverses phases du procès actuel ; affirmation que « les membres de la Société des Nations sont tenus de ne reconnaître aucune solution, aucun traité et aucun accord qui pourraient être obtenus par des moyens contraires au pacte ; qu'il est contraire à l'esprit du pacte que le règlement du différend sino-japonais puisse être recherché sous la pression militaire de l'une des parties.

Jusque-là nous sommes en pays connu. Voici même un paragraphe propre à concilier le Japon et vraiment utile, car il exhorte les puissances « ayant des intérêts spéciaux dans les concessions de Shanghai » à « fournir, le cas échéant, leur collaboration pour le maintien de l'ordre dans la zone évacuée ». Hier encore, nous le répétions : si la France, l'Angleterre, les Etats-Unis acceptent de garantir l'ordre dans la zone évacuée conjointement avec le Japon, un arrangement est possible et il n'est possible qu'à cette condition. Mais, nous entrons maintenant dans la définition de la procédure et ce chapitre est fort capable de gâter tout le reste.

Pour commencer, l'Assemblée est invitée à constater « qu'elle se trouve saisie de l'ensemble du différend faisant l'objet de la requête du gouvernement chinois et qu'elle a l'obligation d'appliquer la procédure de conciliation prévue par l'alinéa 3 de l'article 15 du pacte et, le cas échéant, la procédure de recommandation prévue par l'alinéa 4 du même article ».

A ce texte, le Japon ne donnera pas son assentiment. Il n'a accepté la procédure engagée devant l'Assemblée, le 3 mars, que pour autant que le problème mandchourien n'était pas invoqué, qu'il demeurerait gouverné par la résolution du Conseil datée du 10 décembre.

Ce n'est pas tout. Comme on le

Londres), mais soit ajourné à la semaine prochaine afin de laisser à des accommodements le temps de se produire. Si d'aventure, M. Hymans ne faisait pas droit à la requête japonaise des surprises seraient possibles à la séance de l'assemblée. De toute façon, la délégation japonaise devrait se tenir sur une réserve extrême. Et même s'il est passé outre à ses critiques, elle serait peut-être contrainte de quitter la salle des séances : ce départ pourrait fort bien n'être que le prélude d'un plus grand départ.

Périssse la République, plutôt qu'un principe ! Dans le zèle qu'elle déploie pour appliquer son pacte à une matière rebelle, la Société des Nations risque de brouiller définitivement le Japon avec les puissances établies en Extrême-Orient et de faire, de plusieurs manières, le jeu du bolchevisme. M. Paul-Boncour, sir John Simon, MM. Bénès, Politis, Titulesco ont résisté de leur mieux aux « radicaux » de Genève. M. Paul-Boncour a même obtenu l'insertion du paragraphe relatif à la zone neutre dont nous avons souligné l'importance, mais ils n'ont pu contenir tout à fait les idéologues : ministres de petits pays enfermés en Europe, dénués de toutes possessions extérieures ; fonctionnaires fanatiques du secrétariat prompts à s'occuper de ce qui ne les regarde pas ; qui ont formé un comité de la Chine. Le docteur Reichmann, chef de la section d'hygiène, un certain Zilliakus (pour mentionner les petits auprès des grands), né à Tokio de père finlandais, de mère russe et pourvu, par-dessus le marché, de la nationalité britannique, sont les lumières de ce corps. Que l'on fasse entrer dans le tableau M. de Madariaga, ambassadeur d'Espagne à Paris, ancien sous-directeur de la section du désarmement ; M. Noël Baker, conseiller de M. Henderson et, auparavant, de Nansen ; M. Rappard, membre de la commission des mandats et de la délégation suisse de septembre ; M. William Martin, rédacteur au *Journal de Genève* : la famille est complète. Jamais cervelles plus folles n'ont girouetté sur des épaules humaines.

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 Department of State letter, August 10, 1972  
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rend faisant l'objet de la requête du gouvernement chinois et qu'elle a l'obligation d'appliquer la procédure de conciliation prévue par l'alinéa 3 de l'article 15 du pacte et, le cas échéant, la procédure de recommandation prévue par l'alinéa 4 du même article ».

A ce texte, le Japon ne donnera pas son assentiment. Il n'a accepté la procédure engagée devant l'Assemblée, le 3 mars, que pour autant que le problème mandchourien n'était pas invoqué, qu'il demeurerait gouverné par la résolution du Conseil datée du 10 décembre.

Ce n'est pas tout. Comme on le sait, un comité de dix-neuf membres est constitué pour suivre l'affaire, le président Hymans, les douze puissances représentées au Conseil et six autres puissances à élire au scrutin secret. Ce comité n'est pas seulement chargé de suivre la procédure de conciliation et de médiation actuellement en cours, mais il est autorisé à abandonner la procédure de conciliation et à amorcer, de son propre mouvement, la procédure de recommandation (qui peut conduire éventuellement à des sanctions) par la préparation d'un projet de rapport.

Il est très douteux qu'une telle disposition soit conciliable avec l'article 15 du Covenant, que l'Assemblée puisse ainsi déléguer à un simple comité le pouvoir le plus important dont elle dispose. Sur ce point encore, le Japon résistera.

Enfin, il est dit que le Comité présentera son premier rapport à l'Assemblée « le plus tôt possible et au plus tard le 1<sup>er</sup> mai 1932. » Si, dans cette phrase, rapport veut dire information, pas de difficulté. Mais s'il s'agit d'un rapport au sens de l'article 15, alors la période de six mois assignée à l'Assemblée pour présenter un rapport sur l'affaire qu'elle juge (article 12) se trouve raccourcie de quatre mois et cette restriction arbitraire est difficilement justifiable.

Tels sont les principaux arguments dirigés par la délégation japonaise contre le projet de résolution. Et nous ne connaissons pas encore l'avis du gouvernement de Tokio auquel le texte ne fut adressé que cet après-midi. Ce soir, M. Matsuda, ambassadeur du Japon à Londres, s'est rendu chez sir John Simon, et M. Sato, chez M. Hymans, président de l'Assemblée. L'un et l'autre ont demandé que sur le projet de résolution, le débat ne s'ouvre pas dès demain (tel est le vœu de sir John Simon désireux de partir au plus vite pour Paris et pour

EXTRACT FROM F. ECHO DE L'YBIS, March 11, 1935.

FROM THE PRESS AT PARIS.  
 ENCLOSURE NO. 1 TO DISPATCH NO. 3222 OF MARCH 14, 1935.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

ECHO 12

Enclosure No. 8 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from L'ECHO DE PARIS, March 12, 1932.

## LE CONFLIT SINO-JAPONAIS DEVANT LA S. D. N.

# L'Assemblée a voté le projet de résolution préparé hier

L'apaisement semble s'être fait dans les milieux japonais.  
 Mais on ne pourra mesurer l'efficacité du vote de l'Assemblée que lorsque les négociations de Shanghai se seront ouvertes.

Genève, 11 mars. — L'assemblée extraordinaire qui fut réunie le 3 mars pour régler le conflit sino-japonais, s'est ajournée ce soir. Tout le monde avait hâte d'en finir. Beaucoup de délégués voulaient partir pour Paris afin d'assister demain aux obsèques de M. Briand. M. Hymans se disait tenu d'être à Bruxelles lundi matin et sir John Simon, à Londres, dimanche soir. Nul n'était donc d'humeur à en passer par la demande d'ajournement que les Japonais avaient présentée. Coute que coute le débat a été poussé vers une conclusion immédiate.

Le texte du projet établi par le comité de rédaction a été respecté à deux ou trois phrases près par la commission générale et par l'Assemblée. Le seul amendement qui mérite d'être signalé déclare que les principes régissant la vie internationale, tels que le document les énumère (respect scrupuleux des traités, de l'intégrité territoriale et de l'indépendance politique des membres de la Société des Nations, obligation de soumettre tous différends aux procédures de règlement pacifique), ne sont pas seulement conformes au pacte du Covenant de la Société des Nations mais également au pacte de Paris, communément appelé pacte Kellogg.

Cette addition fut demandée par les Etats qui désirent lier les Soviets à une déclaration de validité des traités, les Soviets étant signataires du pacte Kellogg alors qu'ils demeurent étrangers au Covenant. En outre, elle a l'avantage d'interpréter le pacte Kellogg de façon à atteindre le révisionnisme américain. Mais, là-dessus, attendons la réaction de Washington. Quoi qu'il en soit, il est bon de constater que l'Allemagne, la Hongrie et autres pays dressés contre l'ordre européen actuel ont signé aujourd'hui un texte légitimant une fois de plus le *statu quo*.

Telle est la seule remarque nouvelle qui mérite d'être faite. Pour le reste, l'intérêt de la journée résidait dans l'attitude de la délégation japonaise. Hier soir, nous l'avons signalé, cette délégation laissait paraître des signes de mécontentement et, dans certaines circonstances, elle paraissait disposée à quitter la salle de l'assemblée. Les instructions reçues de Tokio ont, sans doute fait prévaloir des conseils d'une autre nature. A la séance de la commission générale, ce soir, quand le projet de résolution fut mis aux voix, M. Sato se contenta de s'abstenir à l'instar de la délégation chinoise, abstention qui ne diminue en rien la portée juridique du vote.

M. Sato, prenant la parole à deux reprises, profita même de l'occasion pour définir la politique de son gouvernement dans les termes les plus conciliants. Le Japon répétait-il, ne poursuit à Shanghai aucun dessein territorial. Il n'a jamais eu en tête que de veiller sur la vie et sur les biens de ses ressortissants.

blème mandchourien dans le texte de la résolution est généralement interprétée comme de pure forme.

Telles sont les raisons que l'on peut découvrir pour expliquer les instructions télégraphiées par M. Yoshizawa, le ministre des Affaires étrangères japonais, à MM. Matsu-deira et Sato. Peut-être convient-il d'ajouter que nous sommes au commencement d'une négociation de longue haleine et que le Japon, qui ne fut pas déclaré en rupture de pacte alors qu'il avait attaqué les lignes chinoises, le 19 février, en pleine session du Conseil, a cessé de prendre au tragique les foudres de Genève.

Le comité des Dix-Huit, des Dix-Neuf si l'on fait entrer dans le compte M. Hymans, le président, est convoqué pour le début de la semaine prochaine. Il essaiera de relever les fils de la négociation de Shanghai. Alors seulement, nous verrons s'il y a quelque chose de changé dans l'affaire ou si la Société des Nations continue à tourner en rond sans avancer.

PERTINAX

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Pourquoi tant de calme après tant d'émotion ?

D'abord, le gouvernement de Tokio a estimé que mieux valait pour lui avoir affaire au comité nommé aujourd'hui qu'à l'Assemblée. Dans le comité, les grandes puissances sont, en effet, prévalantes, tandis que dans l'Assemblée, la « gauche » l'emporte. Elle l'a prouvé cet après-midi même en élisant au scrutin secret les six membres qui s'ajoutent, dans le comité, aux douze représentants des puissances du Conseil. Parmi ces six membres, on distingue M. Motta (Suisse), élu en tête par 38 voix sur 48 votants; M. Restrepo (Colombie), le baron Ramel (Suède), dont les discours ne ménagent pas la cause japonaise.

Fait surprenant : M. Politis, ministre de Grèce à Paris, l'un des juristes les plus distingués de l'assemblée, n'a pu obtenir le nombre de voix requises. Le secrétaire et les Sud-Américains, qui, d'ailleurs, nourrissent à son endroit une vieille rancune, ont voulu lui faire payer son discours très sage de lundi dernier.

En second lieu, le paragraphe de la résolution relative aux mesures à prendre pour maintenir l'ordre dans la zone évacuée est avantageux pour le gouvernement de Tokio. Il l'autorise, en quelque sorte, à ne retirer ses soldats que sous condition. L'évacuation qu'il a en vue est le contraire d'une évacuation inconditionnelle.

Enfin, la mention faite du pro-

Express from L'ECHO DE PARIS, March 13, 1938.

From the Embassy at Paris.  
 Enclosure No. 8 to Despatch No. 3322 of March 14, 1938.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

TEMPS

Enclosure No. 9 to Despatch No. 2355 of March 14, 1932.  
 From the Embassy at Paris.

Extract from LE TEMPS, March 12, 1932.

#### LA SOCIÉTÉ DES NATIONS ET LE CONFLIT SINO-JAPONAIS

La résolution préparée par le comité de rédaction de l'assemblée de la Société des nations, et sur laquelle la commission générale doit se prononcer aujourd'hui, mettra-t-elle fin aux délibérations de Genève et ouvrira-t-elle pratiquement la voie à un règlement pacifique? Ce serait à souhaiter et pour l'apaisement en Extrême-Orient, où le conflit sino-japonais continue à faire peser une grave menace sur la situation générale, et pour l'autorité morale de la Société des nations, qui a été soumise, ces temps derniers, à une rude épreuve. Malheureusement, il n'apparaît guère jusqu'ici que ce projet doive permettre de trouver enfin la solution que l'on cherche depuis tant de semaines, ni même qu'il doive faciliter beaucoup des négociations directes entre les parties en cause.

Dès le premier jour, la tâche de la Société des nations s'annonçait comme devant être particulièrement délicate. Il n'était que trop à craindre que, dans les circonstances et les conditions où elle était appelée à délibérer, l'assemblée ne pût réussir à éclaircir la situation là où le conseil n'avait pu déterminer la conciliation lorsqu'il fut saisi en vertu de l'article 11 du pacte. Mais, dès l'instant où elle était convoquée, l'assemblée avait évidemment le devoir de rappeler les grands principes qui sont à la base de toute action internationale, principes qui sont la raison d'être de la Société des nations, sans lesquels toute l'œuvre de Genève se trouverait irrémédiablement ruinée. C'est cette préoccupation qui a évidemment guidé le comité de rédaction dans l'élaboration du projet dont le Temps a publié hier le texte.

L'assemblée sera dans son rôle en rappelant les dispositions du pacte qui exigent le respect des traités, le respect de l'indépendance politique et de l'intégrité territoriale des Etats; elle a le devoir de rappeler également que tous les membres de la Société des nations se sont engagés à soumettre à un règlement pacifique tout différend venant à s'élever entre eux et le devoir de souligner que les empiétements commis au mépris de l'article 10 du pacte ne sauraient être reconnus comme valables et effectifs par les puissances faisant partie de la Société des nations. Tout cela est logique et s'impose tout naturellement si on ne veut pas que le pacte demeure lettre morte et que la confiance des peuples dans l'action de la Société des nations soit ébranlée. On peut regretter que le conseil ait été saisi du premier conflit sino-japonais, au mois de septembre dernier, alors qu'il ne s'agissait que d'un incident local qui pouvait être réglé par des négociations directes sur le terrain; on peut regretter que l'assemblée ait dû être réunie en vertu des stipulations de l'article 15 invoqué par la Chine; mais, cela étant, ni le conseil ni l'assemblée ne pouvaient agir autrement qu'ils ne l'ont fait. En se plaçant strictement au point de vue de Genève — et on conviendra que le légitime souci de sauvegarder l'autorité morale de la Société des nations a la valeur d'une considération primordiale dans les circonstances actuelles, — le projet de résolution tel qu'il a été établi s'inspire de principes sur lesquels on ne peut transiger.

Mais à côté des principes il y a les réalités avec lesquelles on est bien obligé de compter, qu'il n'est au pouvoir de personne d'écarter et qui font qu'on risque ici de se heurter à de sérieuses résistances. En effet, le projet de résolution, partant de l'idée qu'il est contraire à l'esprit du pacte que le règlement du différend sino-japonais puisse être recherché sous l'empire d'une pression militaire de la part d'une des deux parties, constate que l'assemblée a l'obligation d'appliquer la procédure de

conciliation et, le cas échéant, la procédure de recommandation. Où cela peut-il mener pratiquement? En constituant un comité de permanence de dix-neuf membres, comme le prévoit le projet de résolution, pour faire rapport sur la cessation des hostilités et la conclusion d'arrangements éventuels, pour proposer au besoin de saisir la Cour permanente de justice internationale d'une demande d'avis consultatif et pour proposer toutes les mesures urgentes qui paraîtraient nécessaires, l'assemblée aura gagné du temps, mais on ne peut se faire illusion sur l'efficacité de l'intervention d'un tel comité pour hâter la solution du conflit. On s'en rend bien compte à Genève même, puisque le projet de résolution prend acte du fait que les puissances ayant des intérêts spéciaux dans les concessions de Shanghai sont prêtes à offrir tout leur concours en vue de la cessation définitive des hostilités et du retrait des forces japonaises. C'est en effet de l'action diplomatique des Etats-Unis, de la Grande-Bretagne, de la France et de l'Italie sur place, à Shanghai même, que l'on peut attendre les meilleurs résultats. Le Japon, on l'a vu, a offert à la Chine d'engager directement des pourparlers sur la cessation définitive des hostilités et sur les conditions du retrait des troupes nippones. La Chine admet de négocier sur le premier point, mais exige le retrait sans conditions des forces japonaises, ce que Tokio estime ne pouvoir consentir sans garanties préalables pour ses ressortissants.

Les choses en sont là, et il est à craindre qu'en présence de certains passages du projet de résolution de Genève les Chinois ne se sentent encouragés à faire preuve d'intransigeance. Mais il est une autre question qui risque de provoquer de sérieuses objections de la part du cabinet de Tokio. Le projet de résolu-

tion considère, en effet, que l'assemblée se trouve saisie de l'ensemble du différend faisant l'objet de la requête du gouvernement chinois, donc du conflit de Mandchourie comme du conflit de Shanghai. Cela, le Japon refusera sans doute de l'admettre, estimant que le conseil seul reste saisi du conflit mandchou et qu'il doit attendre le rapport de la commission d'enquête envoyée sur place avant de reprendre l'examen de cette cause. D'ailleurs, en ce qui concerne la Mandchourie, il y a un fait nouveau qu'il serait vain de vouloir ignorer : c'est l'organisation de cette région en Etat indépendant, avec l'empereur de Chine, Pou Yi, comme chef de l'exécutif de cet Etat qui semble placé en fait sous la protection du Japon. Il est tout à fait significatif, en effet, qu'à la cérémonie de la prestation de serment de Pou Yi et de l'installation du nouveau gouvernement mandchou le comte Uchida, ancien ministre des affaires étrangères du Japon, actuellement président du chemin de fer Sud-Mandchourien, a prononcé officiellement un discours. On peut en déduire que Tokio considère la question de Mandchourie comme réglée par la formation du nouvel Etat. A en croire des informations venues de Tokio, les représentants du Japon à Genève auraient pour instructions de s'abstenir de prendre part au vote sur le projet de résolution soumis à l'assemblée, précisément parce que celui-ci prétend lier la question de Mandchourie et la question de Shanghai en traitant l'ensemble du conflit sino-japonais.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75



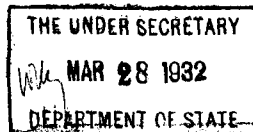
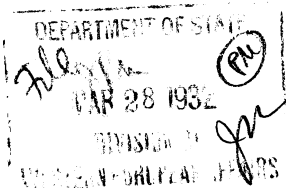
EMBASSY OF THE  
UNITED STATES OF AMERICA

London, March 15, 1932.

No. 2668

Subject: Sino-Japanese Conflict: Resolution of  
the League of Nations Assembly.

MAR 23 32



The Honorable

The Secretary of State,  
Washington.

Sir:

I have the honor to enclose an editorial from the  
London TIMES of March 11th, commenting on the resolution  
which was adopted that day by the Assembly of the League  
of Nations, on the Sino-Japanese conflict. All shades of  
thought and feeling in England are united in expressing  
satisfaction with the substance as well as with the lan-  
guage of the resolution. Despite the fact that it embodies  
no threat or promise of pressure, even such papers as the  
MANCHESTER GUARDIAN and the NEWS CHRONICLE, which have been  
insistent upon the application of sanctions, consider it a  
very satisfactory document and are convinced that if the

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

-2-

League had recorded its policy "in the early stages of this miserable business, its whole course would have been materially altered".

The Department is presumably more fully and accurately informed of the recent proceedings in Geneva than I am, but it may be interested to learn that the resolution is considered quite generally in this country to have been the product of Sir John Simon's mind and pen. One paper styles it "Sir John Simon's draft resolution". I had noticed some anxiety in official quarters to allay the alleged disappointment in the United States press over England's failure to march in step with the United States in the Far Eastern crisis. I have already cited (see my telegram No. 77, February 19th, 6 p.m.) one instance in which the Foreign Office was anxious that I should bring urgently to your attention an example of Anglo-American collaboration, and there have since been several occasions in Parliament when Government spokesmen have labored to introduce into their statements a reference to the cooperation which has been maintained with the United States. For example, the Parliamentary Under Secretary for Foreign Affairs, referring in the House of Commons to the suspension of hostilities at Shanghai, said on March 2nd:

"The House will, I feel sure, appreciate how much this welcome development is due to the initiative taken by the Secretary for Foreign Affairs, which contributed in no small measure to bring the parties together and to facilitate the welcome and invaluable cooperation of the Government of the United States."

On March/

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-3-

On March 1st the TIMES observed editorially that Sir John Simon "had the exceptional satisfaction of being able to expound the views of the United States at the Council Table, and to show the absolute solidarity between British and American views during the present crisis". These are not isolated references: they are merely typical of the many with which public and private utterances have abounded. The possibilities arising out of a drawing together of the United States and Great Britain so delicately and adroitly suggested by the Washington correspondent of the London TIMES (see page 8 of my despatch No. 2549, January 29, 1932) have been deeply impressed upon the English mind; and, as I pointed out in my telegrams, the different line of approach which Britain chose was fairly certain to lead to the position taken by the United States. Sir John Simon is said to have insisted upon the insertion in the resolution of the reference to the Kellogg Pact, and is largely credited with the reaffirmation of the principle that there shall be no recognition of a situation brought about by means contrary to the United States. This would seem to be his oblation to cooperation with the United States.

A clipping containing Lord Grey's speech before the League of Nations Union, which is referred to in the TIMES editorial, is also enclosed.

Respectfully yours

Ray Atherton  
Chargé d'Affaires ad interim.

Enclosures:  
Clippings as stated.  
Copy sent to E.I.C., Paris.



PAPER THE TIMES

NUMBER

CITY LONDON

DATE Mar. 11, 1932.

#### SHANGHAI AND THE ASSEMBLY

The Resolution on the Sino-Japanese dispute which is to be submitted to the Committee of the League Assembly to-day has been drafted with dignity and good sense. Its language is moderate, and its general tenor shows recognition of the League's limitations without any recantation of principles. Self-respect demanded that the League should restate in unambiguous terms that it provides the machinery for the peaceful settlement of international disputes; that Article 10, properly observed, safeguards all countries against aggression; and that no change effected in disregard of it ought to be considered as valid. It is further stated to be incumbent upon members of the League not to recognize any arrangement which may be brought about by means contrary to the Covenant. This last declaration brings the League States into approximate agreement with the fundamental contention of the American Government that it will not recognize any situation created in violation of treaties. The Draft Resolution goes on to remind the world that the League has both the right and the duty to consider the Manchurian part of the Far Eastern dispute; and it proposes that a Committee of nineteen should be set up to supervise the arrangements now being made for the settlement of the dispute. No phrases are used which could be interpreted as a direct condemnation of or an affront to either party to the dispute; and still less is combined punitive action, in the sense of Article 16 of the Covenant, recommended. That this folly should have been avoided seems to have been largely due to the influence of the BRITISH FOREIGN SECRETARY, who was guided, no doubt, by the prudent warnings of HIS MAJESTY'S AMBASSADOR in Tokyo. He has firmly withstood the exhortations of those who, in a mood of quite natural moral indignation, would take measures against Japan which could only have been interpreted as war, would have irretrievably complicated the political problem, and would almost certainly have extended the area of hostilities.

There can be no doubt that the vast bulk of public opinion in this country, though by no means insensible to ethical considerations, strongly approves the principle of policy that has guided SIR JOHN SIMON through a maze of conflicting propositions—the principle that the function of the League of Nations in this case should be mediatorial and not coercive. This is not to say that never in any circumstances should the League mobilize collective action against a recalcitrant State; but the fundamental rights and wrongs of the dispute would have to be far more plainly demonstrated than they have been in this instance. In the line he has taken the present FOREIGN SECRETARY has had the explicit support of two of his predecessors. SIR AUSTEN CHAMBERLAIN "heartily" approved the statement made by SIR JOHN SIMON in the House of Commons on February 22; and the other day LORD GREY, speaking at an Albert Hall meeting, said:—"I do not like the 'idea of resorting to war to prevent war.'" It is moreover significant that, when he proceeded to say, "Anyhow this instance seems to me 'peculiarly unsuitable for any action of that sort on the part of the League of Nations,'" he was cheered by an audience that had been brought together by the League of Nations Union, and which therefore probably represented a section of the public more inclined than most to favour bellicose suggestions.

What makes this instance peculiarly unsuitable for League intervention against Japan is that, on the one hand, the Japanese Government suffered long provocation before it changed over from diplomatic to military action, though its friends abroad must all regret that

tion is primarily due. Manchuria in any case has a Chinese Administration; and if it be argued—as it most properly can be argued—that the new Administration owes its existence to the efforts of Japan, it is also true that the representative of China at Geneva was no more able to control events in Manchuria before the new Government had been installed than he is to-day. A great risk of complications must always arise if the League attributes to any national entity a responsibility which in fact it cannot exercise, and applies the same unvarying rules to completely diverse cases.

So much has to be said for the peculiarity of the circumstances in this dispute, some of which must have been in LORD GREY's mind when he spoke at the Albert Hall. They must prevent all who wish to weigh the matter fairly from hastily condemning the one side or the other. But to make that reservation is not to condone all that Japan has done. Her precipitancy at Shanghai has, to say the least of it, been most unwise. Her army is now in a most difficult position. The troops are strung out over a long stretch of territory thickly occupied by a hostile population. Behind the army immediately opposing them are other Chinese armies, not hitherto engaged, and according to some accounts only too eager to join in the fray and to share some of the honours supposed to have been won by the Cantonese forces. The financial strength of Japan is being sapped; the sources of credit are running dry; her trade is disastrously damaged. In many respects the Japanese have aggravated the very ills they set out to cure. And they have forfeited many sympathies. Other countries that signed with them the self-denying ordinances of the China treaties cannot afford to let one country gain selfish advantages by disregarding conditions which they commonly imposed upon themselves. The wiser course for Japan would be to discard the promptings of a militarist policy and to revert to the liberal principles which actuated her adherence, in common with other countries, to the Covenant of the League and to the Washington Treaties—treaties which do not preclude the defence of legitimate interests and which the other signatories have steadfastly observed.

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ment suffered long provocation before it  
changed over from diplomatic to military action,  
though its friends abroad must all regret that  
before resorting to warlike operations it did  
not invoke the machinery of the League; and  
on the other hand—and this consideration lends  
particular support to the argument of LORD  
GREY—that China is not an organized State.  
Japan knew, and everybody must recognize,  
that at no time in the last decade has  
the Government of China been able to  
give sure effect to its own decisions  
except in the proximity of the capital.  
The Chinese State cannot even claim to  
possess the qualifications for League member-  
ship laid down by the Mandates Commission  
as desirable for Iraq before that young kingdom  
should be admitted to the League. In the  
vast domain of the Chinese Republic no one  
authority can pretend effectively to govern  
more than a fragment of it. In the interesting  
article which was published in these columns  
yesterday mention was made of a "Central  
Provisional Government of the Soviet  
Republic of China" which is reputed to have  
established itself in South Kiangsi; and now a  
new Government, at the instigation no doubt  
of Japan, has just been installed in Manchuria.  
But this Manchurian Government—if indeed it  
deserves the name—is none the less composed  
of Chinese. Its Chief Executive is MR.  
P'u, who thus undergoes the extraordinary  
vicissitude of becoming the first ruler of an  
infant State after having formerly been the  
infant ruler of a most ancient State. This very  
cultured and intelligent student of politics is  
reported to have been surrounded at his instal-  
lation by many representatives of the old  
Imperial clans of the Manchu dynasty from  
which he is himself descended, and he received  
the congratulations of the Japanese military  
commanders, to whose action his present eleva-

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Lustig NARS, Date 12-18-75

PAPER THE TIMES

NUMBER

CITY LONDON

DATE Mar. 8, 1932.

## THE SHANGHAI CRISIS

### LORD GREY AND THE LEAGUE

#### RESTRAINING INFLUENCE

A meeting to consider the situation in the Far East was held by the League of Nations Union at the Albert Hall last night, when speeches on "England's Duty to the League and Empire" were delivered by Lord Grey of Fallodon, Lord Cecil of Chelwood, and others. Lord Grey presided and 8,000 persons attended.

LORD GREY at the outset paid a tribute to M. Briand, who, he said, acted with a wise patriotism—a patriotism which thought not only of the immediate interests of his country, but which strove for peace and pacification in a way which could bring him no immediate advantage in his own country, but which in the long run, after he himself was gone and would no longer be alive to receive the credit of it, would prove to be in the best interests of France. Lord Grey continued: He was Foreign Secretary all those years because I think the French people came to recognize that in his policy there was true long-sighted wisdom. I understand from outside that what made his continuity of foreign policy was the permanent belief that in the long run the security of France depended upon peace in Europe and on good relations between France and Germany. I believe it is absolutely true that for the peace of Europe good relations between France and Germany are the key to the situation.

It should be the business of the British Government not to take a side with France or with Germany, but to collaborate in the cementing of good feelings between them. That was M. Briand's policy, and it will be remembered. But, of course, he had great difficulties. The policy of pacification after a war is not an easy one. People who have been tried by the strain and suffering of a great war are not in the mood to think that their security in the future depends upon the force of public opinion, and are suspicious of a man who pursues a policy of pacification. If he attempts to go too fast, his policy is regarded as weak and injurious to his country. M. Briand had that to bear in mind. He had his difficulties, and he had sometimes those difficulties by incidents which were not of his making or of French making; but he never abandoned that policy. It seems to me that it was the guiding principle of all his work at the Foreign Office that in the long run security for France must depend upon security in which Germany had an equal share with France, and that the real security of France was to be found not in conquest, or in armaments, but in the peace of Europe. (Loud cheers.)

#### NOT A TEST CASE

Referring to the conflict in the Far East, Lord Grey spoke of attacks upon the League of Nations by people, a section of opinion at any rate, not friendly to the League, and continued:—There is another section of opinion more widespread and much more intelligible which is disappointed that the League of Nations has not been able to do more in this dispute in the Far East. To those I would say, first of all, do not underrate what the League of Nations has already done. It has been a restraining influence from the beginning. It is quite true, we know, that that restraining influence has not been successful to the extent we would like. But we do not know what would have happened had there been no League of Nations.

I should like to say a word to those who regard the Far Eastern question as a test case, and say that by it the League of Nations will stand or fall. In my opinion it is a matter peculiarly unfitted to be a test case. When the League of Nations was founded it was contemplated that it would be the means of maintaining peace between two countries who found themselves involved in a dispute where each was master in its own house. Those who have followed doings in China during the last few years know that there is no Chinese Government which has been master of its own house. Sometimes it has been at war with Manchuria and sometimes with other provinces, and there have been other times when the military force in Manchuria has been avowedly independent of the Government in Nanking. Though we do not know for certain, it looks from what has happened during the last dispute as if there was a military party in Japan which was not subordinate to the civil Government, but acted independently of it.

#### ECONOMIC PRESSURE

There are people who ask, could not the League of Nations have done more? I will ask what more could it have done. The League of Nations is not a separate entity, but is composed of the Governments of those countries who are members of the League and it cannot act unless those Governments are all in agreement that action should be taken. Does anyone suppose that those Governments would be in favour of going to war in this case, or, if they had been in favour of going to war, that they would have been successful? I do not like the idea of resorting to war to prevent war. What we wish is to prevent war. War is a disagreeable thing, even if it be resorted to in order to prevent a war. It is too much

military successes, and if the war went on she would have more military successes; but would she get any nearer getting her trade established in China?

"You cannot force people to trade with you by armed force. It seems to me that the civilized opinion at any rate in Japan has come to the conclusion that the beginning of armed force has resulted very differently from what was expected, and that by going on with further military operations Japan has really nothing to gain. Chinese trade is of tremendous interest to all Powers, but it is of greater interest to Japan than any Power. It is a huge market close to hers. She will not get that market open to her by military success, and it looks to me that at any rate the civilian element in Japan would be glad to get out of the business. But here lies the mischief. It is much easier to get involved in war than to get out when once you are in. It may yet prove that the League of Nations will be a very powerful instrument in facilitating the end of this war. It is somewhat difficult to know what is going on, but it seems to me as if at Geneva it is yet possible that the League may be the means of facilitating an arrangement of peace between the two Powers. It is not out of the question by any means. But surely, looking at it from Japan's point of view, would it not have been much better for Japan to have submitted her case with regard to Manchuria to the Powers instead of using force and without consulting them? How much better it would have been to have got a peaceful settlement."

#### A NEUTRAL WEDGE

SIR FREDERICK WHYTE, referring to the death of M. Briand, said he had contributed more than perhaps any other European to the growth of the sentiment of pacification in Europe during the last 12 years. He realized that what Europe most needed was appeasement, and he lived and died to give the Continent that relief from distress.

With regard to the Shanghai situation he said they had seen China and Japan meeting on board H.M.S. Kent—and they must rejoice that the scene was staged in a British ship—trying to find a compromise on which they might both cease firing. The task proved too difficult, but, given time, might it not have succeeded? Who could gain the precious time? The interested third parties—namely, the other nations, members of the League. The opportunity to gain that time had not yet passed. They would be making a mistake if they left it to the skill and good fortune of the British Admiral or Minister to achieve conciliation. This was the hour for the middleman, and the middleman was Geneva. Geneva must take a certain amount of risk, and the risk he proposed was to say to whatever military and naval officers it had on the spot, "Study the terrain for us and tell us what would be the least dangerous line which an intervening force might occupy between the Japanese and the Chinese." The fact that a conference had taken place on a British cruiser showed that the two countries wanted to meet and to get out of the hole they had got into. It was our business to help them out of that hole. We should see whether we could not wedge a neutral force between the opposing countries and keep them round the conference table until they found agreement.

Mr. JAN C. SMUTS, president of the British Universities' League of Nations Society, having spoken,

SIR ARTHUR SALTER said the grave and critical situation in the Far East imposed an obligation of discretion, but it did not impose silence. The "collective peace system" built up in the last 13 years, based upon the League and the Kellogg Pact, was now visibly struggling for the mastery of the world's fate against the only alternative, the predominance of armed force, based upon competitive armaments and military alliances. The vital condition of success was close and cordial cooperation between America and League members. It should be the first aim of policy to secure this. The great Powers acting through and with the League had hitherto been weak and hesitant; and with each sign of hesitation or division the difficulty had increased.

As supporters of the collective system they desired three things: that hostilities should be stopped and peace restored; that the underlying disputes should be settled by pacific means; and the negotiations should be so conducted that the world's confidence would be strengthened in the cooperation of League and Kellogg Pact, of America and League members, in any grave crisis that might hereafter arise.

#### ESSENCE OF THE COVENANT

LORD CECIL, having paid a tribute to M. Briand, said that the central facts of the present situation in the Far East seemed to him (Lord Cecil) to be two. In the first place, there had been in Manchuria, and later in Shanghai, for the last four months, a series of acts of violence—acts which might at any moment have been treated as acts of war, and they had culminated in proceedings which an international commission had described as war and which had been recognized as such by both parties to the dispute. The second fact was that it was one of the parties to the dispute—namely, Japan—that had from the beginning been the instigator and the aggressor.

"Do let us remember," he added, "that the essence of the Covenant of the League of Nations is that opportunities should be given for settling international controversy by peaceful means, and that in no case until those means have been tried should those who accept its Covenants resort to war. When we say as we do that we require members of the League to act in accordance with the spirit and letter of that undertaking, and shall do no acts of

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Government, but acted independently of it.

#### ECONOMIC PRESSURE

There are people who ask, could not the League of Nations have done more? I will ask what more could it have done. The League of Nations is not a separate entity, but is composed of the Governments of those countries who are members of the League and it cannot act unless those Governments are all in agreement that action should be taken. Does anyone suppose that those Governments would be in favour of going to war in this case, or, if they had been in favour of going to war, that they would have been successful? I do not like the idea of resorting to war to prevent war. What we wish is to prevent war. War is a disagreeable thing, even if it be resorted to in order to prevent a war. It is too much like lighting a large fire in order to prevent a smaller one. Anyhow this instance seems to me peculiarly unsuitable for any action of that sort on the part of the League of Nations. (Cheers.)

Then people say that economic pressure might have been used. There is provision in the Covenant of the League for economic pressure. That is quite true, but, again, look at the geographical circumstances. Economic pressure could not possibly have been applied unless it was done in cooperation with the Government of the United States. It would be mean, and I think not just, to say that the United States is responsible for the fact that no economic pressure has been applied, because I do not know that the Governments who are members of the League would have resorted to economic pressure without the United States. But I do say this, that in the peculiar circumstances of this dispute any action taken by the League which had not the cooperation of the United States would have been futile.

There are other people who ask whether the United States could not have been invited to join in economic pressure. We have to remember that the United States has carefully abstained from associating itself with the League because of its fear of being drawn into complications. I am delighted that the United States has joined with the League as much as it has in this conflict. We have all been anxious that our Government and the League should show itself ready to cooperate "with the United States Government in the pacific policy which that Government is advocating. But I do not believe for a moment that the United States Government has been so bashful that it has been anxious to do much more and has only been waiting to be invited to do so. That is certainly not true of the United States. If the United States had itself been prepared for stronger action and the British Government and the League of Nations had refused to go so far as the United States wished to go, then there would have been ground for criticism. But so far as I am aware the British Government and the League have shown no backwardness in supporting anything which the United States Government proposed. To have proposed more than the United States Government was ready to cooperate in would not have been effective and would not have been wise.

So far from regarding this as a test case by which the future of the League of Nations depends, I say that whatever happens in the Far East I shall feel that the League of Nations is as important as ever to the peace of the world. The real test of the success of the League is not to be found in what happens in the Far East. It is going to be found in the way nations, especially of Europe, succeeded in reducing their expenditure upon armaments.

#### A STRONG CASE

Lord Grey, proceeding, said that supposing Japan instead of resorting to war had laid her case before the League of Nations and the other Powers who were signatories with her to the Pact of Peace, what would have happened? Japan had a strong case at the beginning. She would have got the sympathy of all the other Powers in the world if she had stated her case, and she might have had plenty of time to state her case. In 1930 Japan had a case which she could have put before the Powers, that she had a definite and recognized treaty right in Manchuria, and he could not believe for a moment that that case at Geneva would not have been received with sympathy by the League of Nations.

If they had used their influence on behalf of Japan what would have been the result? They might conceivably have failed; but if they had succeeded Japan would have had her interests secured in Manchuria without the firing of a shot or the expenditure of any money, or of any boycott of Japanese trade in China. But Japan had resorted to force, and what was the prospect now? She had had

last four months, a series of acts of violence—acts which might at any moment have been treated as acts of war, and they had culminated in proceedings which an international commission had described as war and which had been recognized as such by both parties to the dispute. The second fact was that it was one of the parties to the dispute—namely, Japan—that had from the beginning been the instigator and the aggressor.

"Do let us remember," he added, "that the essence of the Covenant of the League of Nations is that opportunities should be given for settling international controversy by peaceful means, and that in no case until those means have been tried should those who accept its Covenants resort to war. When we say as we do that we require members of the League to act in accordance with the spirit and letter of that undertaking, and shall do no acts of violence which may lead to war, we are insisting on the essential doctrine of the League, and we are not disputing whether this party or that party is right. We are saying, 'You are not to take the law into your own hands.' That is the fundamental principle. Assume that there is no adequate central Government in China, yet while there is no exception of that kind in the Covenant you have to try your best to reach a pacific settlement. It is not left to this Power or that Power to have the right of saying that because of exceptional circumstances they cannot fulfil their pledge. If that were once permitted the whole Covenant would fall to pieces. The two obligations are to settle the controversy by pacific means if possible and not to go to war until those means have been exhausted."

Plainly the first business of the Assembly at Geneva was to take whatever measures were necessary to put a stop to the fighting between China and Japan, and not only to stop it but to see that peace was maintained. He was very attracted by the suggestion made by Sir Frederick Whyte—a suggestion which had been made at Geneva—that the Powers or some of them acting under the mandate of the League should use troops now stationed at Shanghai to occupy a neutralized zone between the armies. He was sure it could be done with absolute safety. There would be no risk whatever of either China or Japan firing on troops of that kind. But whether that was the right method or not must be decided by the Assembly. It was ridiculous to say that the Assembly, representing some 50 nations, was not perfectly able to insist on the cessation of hostilities if it chose to do so. Those nations had the power to do so, and if they did not exercise that power they made themselves the accomplices of the aggressor. (Cheers.)

What else must these nations do? They must repudiate the doctrine that any nation who had signed the Covenant was entitled to say whether it thought it right, proper, and judicious for it to carry out provisions of that covenant. And then they must say clearly and definitely that they adhered to the doctrine laid down by Mr. Stimson on behalf of the United States that no country was to profit by its own wrongdoing.

LADY ASTOR also spoke.

0251

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

## DOCUMENT FILE

## NOTE

SEE 393.11/1495 FOR Tel. 4-11am

FROM Nanking ( Peak ) DATED Mar. 23, 1932.  
 TO NAME 1-1127 GPO

## REGARDING:

Some Americans beginning to return to Nanking, others pressing Consulate for statement. Chinese-Japanese hostilities in Chingkiang-Nanking area considered less likely. Last naval vessel left Chingkiang several days ago and three Japanese destroyers left Nanking. Departure of Japanese war vessels attributed to desire to impress League Commission. Chinese troops still between Chingkiang and Shanghai. Awaiting results of conference today at Shanghai before issuing message relative to return of Americans to Nanking.

jr

793.94/4859

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REP

GRAY

Nanking via N. R.

Dated March 23, 1932

Rec'd 10:10 a. m.

Secretary of State,  
 Washington.

March 23, 11 a. m.

My 32, February 5, 10 p. m.

One. American citizens who evacuated Nanking in consequence of the advice issued by the Consulate General on February 5 have been away more than six weeks and some are beginning to return on their own responsibility while others are pressing this office for some definite advice regarding advisability of return. At meeting convened March 22, 9 p.m. representative American citizens agreed with the officers of the Consulate General in the tentative opinion that there is now less probability of Chinese-Japanese hostilities in the Chingkiang-Nanking area; that negotiations for a truce may be indefinitely protracted; and that the time has come for each American organization and individual to decide upon a course of action adapted to a situation, which while still precarious, no longer has the character of a purely temporary emergency.

Two. Several days ago the last naval vessel left

Chinkiang

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

2-from Nanking, Mar.23, 11a.m.

Chinkiang and three Japanese destroyers left Nanking. Only two Japanese cruisers now remain at Nanking. Some persons attribute the departure of Japanese naval vessels from Shanghai and the lower Yangtze to the desire of the Japanese to make a good impression on the League Commission. Nevertheless, the immediate Japanese naval threat in this area has been removed and I have consented to the departure of one of the two American destroyers here. There remains the danger inherent in the presence of large bodies of miscellaneous Chinese troops between Chinkiang and Shanghai but the conclusion of the conference yesterday was that this situation as well can hardly be regarded as a temporary emergency and should be taken into consideration by American citizens individually in making more or less permanent plans for the future.

Three. I informed the representatives of the American community yesterday that I wished to await the results of the Chinese-Japanese conference in Shanghai today before issuing any message (my advice of February 5). They assent to this. If the conference at Shanghai today makes it seem probable that there will be a prolonged deadlock between the Japanese and the Chinese with nevertheless little probability of hostilities in the Nanking Consular district, it is my intention to issue a statement to the American citizens in

Nanking

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REP

3-from Nanking, Mar. 23, 11a.m.

Nanking somewhat as follows:

"On February 5th the American Consulate General at Nanking issued a statement pointing out that fighting between the Chinese and Japanese was then continuing with undiminished intensity and that if hostilities should spread to larger areas it might become increasingly difficult to leave Nanking, should an emergency require such measures. There have been no serious hostilities in the Shanghai area since approximately March 3rd. Nevertheless, no formal truce has been agreed upon and the Consulate General would not feel justified in expressing the opinion that an entirely normal situation had been restored.

Early in February approximately 120 persons or two-thirds of the American community in Nanking left the capital. Their continued absence is the cause of considerable inconvenience to all concerned and in some cases important enterprises are seriously( # ) Chinese.

Under these circumstances the Consulate General believes that each American organization and individual should decide upon a course of action adapted to the circumstances of each case, remembering that a return to Nanking at this time may be attended by the risk of having to leave again should the political situations fail to return to a normal basis."

Repeated to the American Legation and to the American Consul General at Shanghai for the information of the American Minister.

PECK

RR - TWC  
 ( # ) Apparent omission.



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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REP

# TELEGRAM RECEIVED

A portion of this telegram must be closely paraphrased before being communicated to anyone.

SHANGHAI

FROM

Dated March 24, 1932

Rec'd 5:15 a. m.

Secretary of State,  
 Washington.

March 24, 2 p. m.

(GRAY) My March 23, 1 p. m.

One. Japanese and Chinese delegates met at 10 a. m. today in the presence of self, Sir Miles, Italian Charge d' Affairs Count Ciano and Monsieur Baudet representing French Minister who was ill.

Two. General Uyeda presented new draft text of which follows later. Discussion lasted until 12:40 p. m. when adjournment was made until 3 p. m. today. (END GRAY)

Three. Japanese are insisting on agreement containing reference to gunmen and to cessation of agitation by force of the two countries. Chinese disclaim all knowledge of activities of gunmen and refuse to consider political questions claiming that discussion must be limited under League resolution March 4th to cessation of hostilities and withdrawal of Japanese troops.

Four. Atmosphere friendly but progress will be slow.

JOHNSON

RR  
 WSB

793.94  
 793.102  
 793.94119  
 893.0146  
 500.0111

RECEIVED  
 MAR 24 1932  
 DIVISION OF  
 RECORDS

Division of  
 FOR EASTERN AFFAIRS  
 MAR 24 1932  
 Department of State

F/LS 793.94/4860

FILED

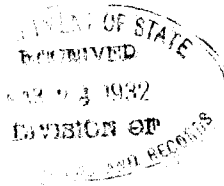
MAR 28 1932

0255

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

## TELEGRAM RECEIVED

793.94 REP  
 note Harbin  
 893.102  
 893.0146  
 893.108  
 893.01-Manchuria

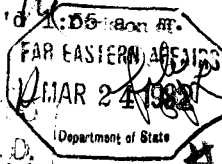


FROM GRAY

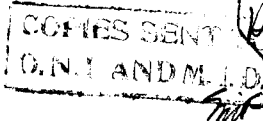
Peiping via N. R.

Dated March 24, 1932

Rec'd 10:05 AM AT.



Secretary of State,  
 Washington.



369, March 24, noon.

Following from American Consul General Harbin:

"March 23, noon.

One. Several hundred Japanese troops have reached (Anda?) on the west line of the Chinese Eastern Railway ostensibly to fight brigands there. The Japanese military mission has hired 40 local auto busses with Russian chauffeurs to transport Japanese troops from Harbin to be used in fighting brigands in the neighborhood of Imienpo on the Eastern Line <sup>along</sup> which old Kirin troops, and brigands are giving considerable trouble.

Two. Japanese military have not yet been able to arrange with the Soviet management of the railway for the transportation by train of more troops to the East.

Three. Soviet management is still sending railway property into Siberia, where military preparations are continually being made.

Four. If Japanese troops are posted near the frontier, clashes between them and Soviet patrols are likely to take

place at

F/LS 793.94/4861

FILED

MAR 28 1932

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

2-#369, from Peiping, Mar. 24, noon.

place at some places such as at Manchuli where the boundary line is poorly defined.

Five. Depredations by old Kirin troops and brigands, especially in the region east from Harbin, have practically stripped the country of live stock and seed, so this aside from fear will prevent many farmers from planting this Spring.

Six. A prominent Chinese official who attended the inauguration of Fu Yi at Changchun informed me that the cabinet of the new government cannot make any decision without the approval of the Japanese secretary attached to the cabinet.

FOR THE MINISTER

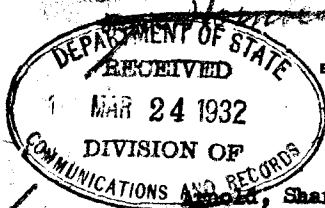
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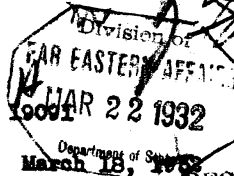
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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75



DEPARTMENT OF COMMERCE  
 BUREAU OF FOREIGN AND DOMESTIC COMMERCE  
 WASHINGTON

RADIOGRAM



From:

Navy 152

Date:

March 18, 1932

18th

Via:

23 - 6 - 24 - 22 - 25 - 41 - 14 - 7 - Dr Klein

Routing:

MAR 23 1932

464

No.

SECRETARY'S OFFICE

March seventeenth weekly section one stop

Bureau of social affairs - Shanghai estimates civilian losses due to

hostilities shanghai and adjoining municipal areas aggregate nearly one and one half billion dollars chinese currency of which nearly two thirds comprise damages in the northern district stop industrial plants and business offices are gradually showing greater activity but refugees who left shanghai owing to troubles returning in comparatively small numbers stop estimates of unemployed in shanghai number about one hundred sixty thousand stop

WAR RISK INSURANCE ranges from three fourths of one percent to three percent per month compared war risk rates under normal conditions one point seventyfive per thousand per year stop

Past week marked by cessation hostilities yet japanese still have forty five thousand troops holding their lines apparently no definite arrangements for withdrawal stop thus outlook for peaceful settlement continues uncertain stop comm

Arnold

F/L/S

793 94/4862

JUL 3 1942

FILED

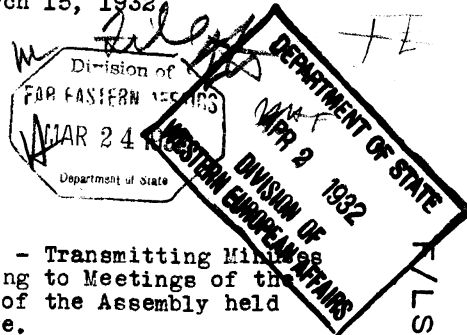
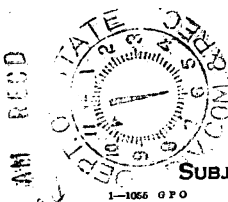
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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

No. 250 Political.

# AMERICAN CONSULATE,

Geneva, Switzerland, March 15, 1932



SUBJECT: Sino-Japanese Conflict - Transmitting Minutes and Documents Pertaining to Meetings of the Extraordinary Session of the Assembly held March 3 to 11 inclusive.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

I have the honor to refer to the Consulate's despatch No. 249 Political of March 11, 1932, transmitting documents relating to the appeal of the Chinese Government under the Covenant of the League of Nations.

In accordance with the procedure set forth in the last paragraph of the despatch under reference I am forwarding under separate cover as an accompaniment to this despatch the provisional minutes of the meetings of the Extraordinary Session of the Assembly held in Geneva from March 3 to March 11, 1932, inclusive, together with two maps circulated by the Secretariat at the request of the Chinese Delegation, and certain miscellaneous documents pertaining to the Sino-Japanese controversy as mentioned in the enclosed list. The last of these listed bears the date of March 11, 1932, the day upon which the resolution cited in the Consulate's

telegram

793.94/4863

FILED

APR 14 - 1932

0259

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

telegram No. 117, March 11, 9 p.m. was adopted and the  
Assembly adjourned.

Respectfully yours,

*Prentiss B. Gilbert*  
Prentiss B. Gilbert.  
American Consul.

✓  
Enclosure: List of Documents.

*Documents to att*  
Original and 5 copies to Department  
of State.  
1 copy to American Legation, Berne,  
Switzerland.

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

LIST OF DOCUMENTS

FORWARDED UNDER SEPARATE COVER AS AN ACCOMPANIMENT TO  
 GENEVA'S CONSULATE DESPATCH NO. 250 POLITICAL OF  
 MARCH 15, 1932.

Mimeographed Assembly Minutes.

First Meeting, March 3, 1932, at 11 a.m.  
 Second Meeting, March 3, 1932, at 4.30 p.m.  
 Third Meeting, March 3, 1932, at 7.45 p.m.

Mimeographed Minutes of the General Commission of the Assembly

First Meeting, March 4, 1932, at 4 p.m.  
 Second " March 5, 1932, at 10.30 a.m.  
 Third " March 3, 1932, at 3.30 p.m.  
 Fourth " March 7, 1932, at 3.30 p.m.  
 Fifth " March 8, 1932, at 3.30 p.m.  
 Sixth Meeting, March 11, 1932, at 10.30 a.m.

Maps.

Eastern China (A.(Extr.).17.1932.VII)  
 Lower Yang-tze Kiang (A.(Extr.).17a.1932.VII.)

Miscellaneous Documents.

A.(Extr.). C.G./1  
 A. " C.G.1(1)  
 A. " 1 to 6.  
 A. " 6(a).  
 A. " 7 to 16  
 A. " 18 to 48.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

# LIST OF DOCUMENTS

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

LEAGUE OF NATIONS.

GENEVA, March 10th, 1932

DRAFTING COMMITTEE OF THE GENERAL COMMISSION OF THE ASSEMBLY.

DRAFT RESOLUTION SUBMITTED BY THE DRAFTING COMMITTEE.

I.

THE ASSEMBLY,

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

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

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

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

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

Pending the decisions which it may ultimately take for the settlement of the dispute which has been referred to it;

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

II.

THE ASSEMBLY,

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

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

Recalls also its own resolution of March 4th,

326

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2/3 -

1932, adopted in agreement with the Parties with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces and notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to co-operate in maintaining <sup>order</sup> in the evacuated zone.

### III.

#### THE ASSEMBLY,

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

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

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

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

-4-

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

1. to report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932;
2. to follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;
3. to prepare the drafts of an agreement to be submitted to the Assembly, for the purpose of facilitating, in accordance with Article 15, paragraph 3 of the Covenant, the settlement of the dispute;
4. to propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion;
5. to prepare, if need be, the draft report provided for in Article 15, paragraph 4, of the Covenant;
6. to propose any urgent measure which may appear necessary;
7. to submit a first report to the Assembly as soon as possible and at latest on May 1st, 1932.

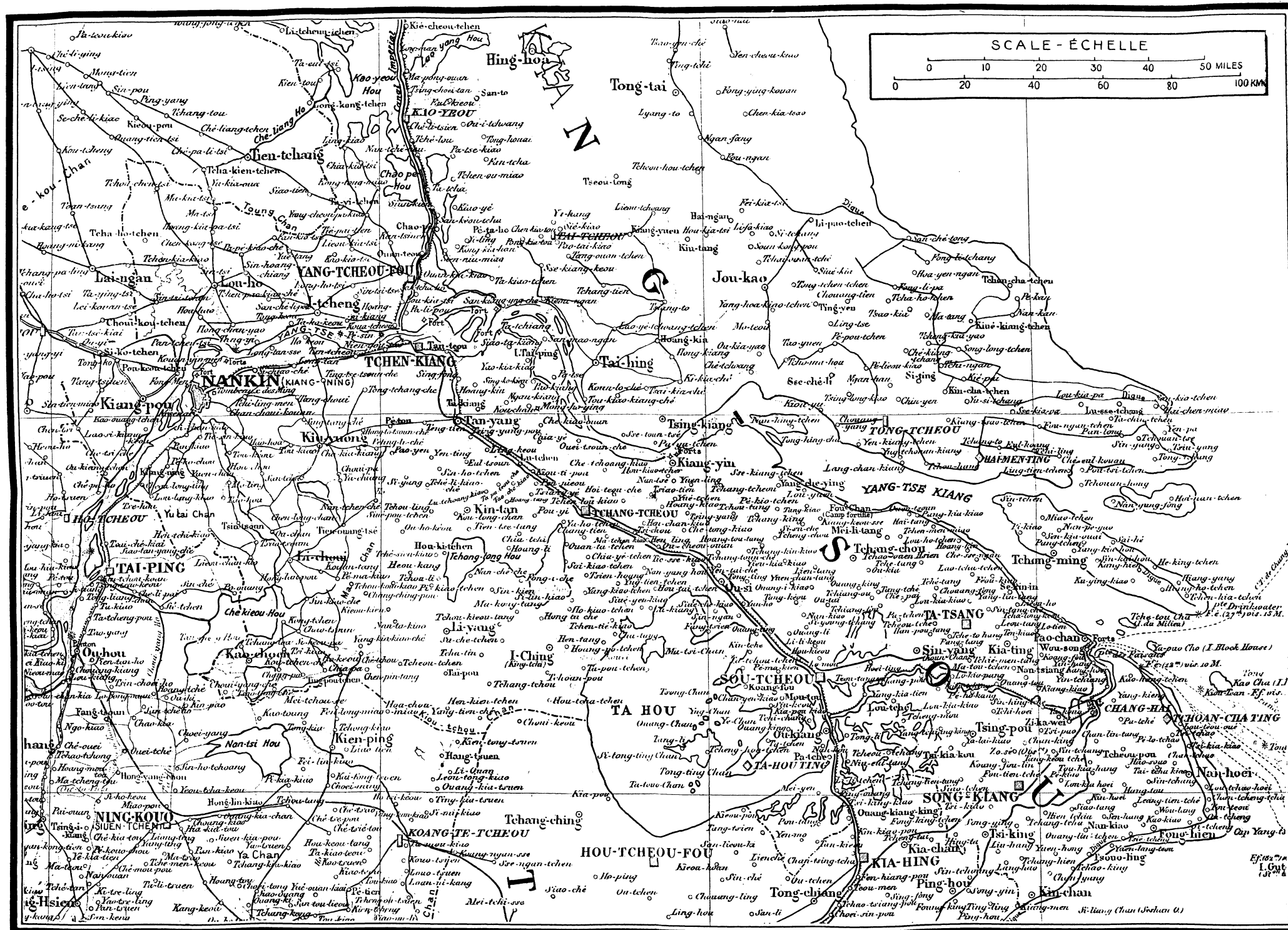
The Assembly requests the Council to communicate to the Committee, together with any observations it may have to make, any documentation that it may think fit to transmit to the Assembly.

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

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 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

A. Extr. 17. 1933 VII

# BASSIN INFERIEUR DU YANG-TZE KIANG — LOWER YANG-TZE KIANG



SOCIÉTÉ DES NATIONS  
 5 mars 1932

Communiqué à la demande de la délégation chinoise

LEAGUE OF NATIONS  
 5th. March, 1932

Circulated at the request of the Chinese Delegation

126  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS.

A.Extr.C.G./C.R. 1.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

FIRST MEETING

Held at Geneva, Friday, March 4th, 1932, at 4 p.m.

PRESIDENT: M. Paul HYMANS.

Note by the Secretariat.

\*  
In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.

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C.

1/9

M. Paul HYMANS took the Chair.

M. HYMANS (Interpretation) : The first duty of this Commission is to elect its President.

ELECTION OF PRESIDENT.

M. PAUL-BONCOUR (France) (Interpretation) : I propose that the President of the Assembly should preside over this Commission. I said yesterday that the choice of the Assembly was a very happy one. The delegates who are here are exactly the same as those at the Assembly. I therefore suggest that the President of the Assembly be asked to preside over this Commission.

This proposal was adopted.

The PRESIDENT (Interpretation) : I thank M. Paul-Boncour for his proposal and the delegates for the applause with which they greeted that proposal.

I now propose that you should allow the officers of the Assembly to act at the same time as the officers of this Commission. That would assist our work. May I take it that that proposal is accepted.

The proposal was adopted.

D.

-- 10 --

The PRESIDENT:

(Interpretation):

I have received a letter this morning from His Excellency Dr. Yen. You will remember that yesterday at the beginning of his speech His Excellency M. Matsudaira stated that the Japanese Commanders had given orders to cease hostilities at 2 p.m. We did not receive a similar assurance from the Chinese Delegation. To-day, in the first paragraph of his letter, Dr. Yen says:-

1. "Our Commander proclaimed cessation of hostilities at midnight."

But, in the second paragraph he says:-

"Despite Japanese assurances to cease hostilities two o'clock Thursday afternoon (March 3rd) Japanese are still attacking us at Tsutungohang near Kating; severe fighting still in progress."

This creates a most unfortunate impression.

We have contradictory information and I do not think we can leave the position at that. I would therefore ask His Excellency M. Matsudaira if he has anything further to tell us on this matter.

A document from the Japanese Delegation has just this moment been handed in and I presume they wished it to be communicated to the meeting. The following is a summary of the official telegrams which have been received by the Japanese Delegation.

The Japanese army and navy have ceased hostilities as a result of orders given by their commanders on March 3rd. The Japanese troops in the front line are still fired on occasionally by regular Chinese soldiers or by soldiers in plain clothes and in such cases they fire back. On the night of March 3rd disbanded Chinese soldiers who had fled from

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

D.

- 11/12 -

Woosung fired in the region of Idou-Hi and fired on our soldiers, who fired back.

These are only chance skirmishes which, even if they occur again from time to time, will not alter in any way the attitude of the Japanese forces which has been laid down by the proclamations of our High Commander. The Japanese army has no intention of resuming hostilities or of advancing its troops beyond the positions occupied at present, unless the Chinese army make a real offensive. You can formally deny any allegation which the Chinese may make in respect of an alleged attack on our forces in spite of cessation of hostilities.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

E.

- 13 -

Dr. W.W. YE (China): Gentlemen, yesterday afternoon I had the honour to present a statement from my Government as to the general situation. This statement contained at its conclusion four formal requests. It is perfectly obvious that not all these can be discussed and action taken on them at once. Nevertheless, it is the hope and the expectation of my Government and of my people that the Assembly certainly will not adjourn until it has expressed itself on all four counts.

Our last news yesterday was that both the Chinese and the Japanese commanders had announced the cessation of hostilities at Shanghai, and we all - including myself - really sincerely felt very much relieved. Unfortunately the latest news which has just been read to us by our distinguished President seems to present quite a different story.

We do not expect you to believe the story from us/<sup>unconfirmed,</sup> nor do you perhaps expect me to believe the story presented by the Japanese. In order, therefore, to settle in our minds whether hostilities have really ceased or not, it seems to me that the only way is for us to ascertain this through some neutral authority.

I have therefore the honour to suggest that this Assembly request the four Admirals in Shanghai: the British, American, French and Italian, to ascertain for us whether hostilities have really ceased; and that it authorise them to see to it that these hostilities do cease and remain ceased for perhaps an indefinite period of time during which the terms of the armistice may be concluded.

327

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

E.

- 14/15

As to the armistice itself, I venture to suggest that the Assembly might send general instructions also through these four high officers as to the principles which are involved. This armistice, arranged in the presence of these four Admirals, would naturally include the principle of evacuation. It seems to me that when the military part of these arrangements has been completed, then naturally the so-called "Shanghai Conference", which has been accepted by both China and Japan, will of course commence. This Conference, it seems to me, will have greater hopes of complete success in view of the atmosphere of relief and tranquillity which will no doubt prevail in Shanghai at that time.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F

16.

The SECRETARY-GENERAL: Mr. President, at the conclusion of the meeting of the Assembly yesterday afternoon I thought it my duty to telegraph to the Committee which has been set up at Shanghai to ask them to furnish as soon as possible and as soon as practicable a report on the development which has taken place there since they made their last report, and to pay special attention to the aspect relating to the cessation of hostilities.

Of course, immediately that report has been received I shall submit it to the Assembly, but I think it is fairly clear that that Committee may not be in a position to furnish full information with regard to the actual cessation of hostilities which may be taking place at some considerable distance outside Shanghai, and it was my intention this afternoon to ask the Powers who have military, naval and civil authorities on the spot if they would furnish information on that particular question so that it might be submitted to this Commission. I think, really that that would give the information which the Representative of China and which you all desire.

Sir John SIMON: (British Empire): Mr. President, on behalf of the British Government I am very glad at once to give the assurance that we will make every effort to secure for you, Sir, and for this body the most recent and accurate reports of the actual situation. I have no doubt whatever that the representatives of the other Governments who are especially interested in Shanghai will co-operate for that purpose, and I shall take the earliest opportunity

327

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F.

17/18

of communicating to you, Sir, the information which I am able to receive.

May I be permitted just to make one observation in order that we may recognise that there is some progress being made? I heard my honourable colleague, Dr. Yen, just now begin his speech by saying that last night the Assembly was informed that both sides had accepted the armistice. I am bound to say that is not my recollection of what occurred, and indeed it would be very remarkable if Dr. Yen could have told us so yesterday, because his announcement today is that the Chinese accepted the proposed cessation of hostilities at midnight, which would correspond to something like five o'clock in the afternoon here - and that was the very moment at which he was speaking. Let us recognise the fact that considerable additional satisfaction may be drawn from the fact that now - and I believe for the first time to our knowledge - both sides have declared that they intend hostilities to cease. That is a new fact of great importance. At the same time, that there should be these incidents in endeavouring to consolidate the cessation of hostilities, is a matter of great importance and gravity on which my friend, Dr. Yen, does quite right to dwell. I would only ask therefore, Sir, that we may recognise the degree of progress that has been made, and for my part the British Government will most willingly take immediate steps to secure wholly impartial and official information as to the state of affairs as regards the cessation of hostilities on the ground.

G.

- 19/21

M. PAUL-BONCOUR (France) (Interpretation):

The President was quite right in drawing attention to a very important fact; that is, the question as to whether or not hostilities had really completely ceased. When I was reporting on behalf of the Council at yesterday's meeting, I endeavoured to make it clear that the plan proposed by the Council, and adopted by both the Parties to the dispute, could be applied effectively only when there had been a real cessation of hostilities. It is only on that possibility that the Assembly will be able effectively to commence the work it is anxious to start.

We must therefore ascertain on the spot what is the position of affairs. I should like to take this opportunity of thanking the Secretary-General for having so rapidly dealt with the matter and for arranging, as early as yesterday evening, to secure information from that essential organ of our procedure which, as I stated yesterday, was set up within twenty-four hours of the Appeal under this Article - I refer to the Committee at Shanghai, which is working in the name of and on behalf of the League of Nations.

0274

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

H,

- 22/24 -

It is essential that the facts should be verified on the spot, and that can be done only by qualified military officers. I think it quite possible that, although there may be a certain exchange of shots and certain skirmishes, these would not necessarily be contrary to the idea that hostilities were ceasing. Anticipating the desire of the Assembly to have information on this point, let me in the first place say that I entirely adopt the same attitude as that of the British Representative. Anticipating this suggestion, I yesterday sent a cable to my government asking whether that government would give instructions to its attaches on the spot to secure such information as would be desirable. That will be done, and I shall have great pleasure in handing that information at once to the President for transmission to the Assembly.

M. PILOTTI (Italy)

(Interpretation):

I should like to associate myself with the thanks which have been tendered to the Secretary-General by M. Paul-Boncour for his action in getting information from Shanghai, and should like also to assure the Commission that the Italian Delegation will hand in to the President and to the Commission any information which it may be able to secure on the spot.

The PRESIDENT:

(Interpretation):

In the name of the Commission I desire to thank Sir John Simon, M. Paul-Boncour and M. Pilotti for the promises they have given us to obtain information for us from the military representatives of their governments at Shanghai. That information will doubtless be of very valuable assistance to us all.

027

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

I & J.

25/30

.. SATO (Japan) (Interpretation) : Mr. President,  
I should like to be allowed to speak in the place of M. Matsudaira,  
the first Delegate of Japan. I cannot help wondering how state-  
ments would be made to the effect that the Japanese forces have  
on the one hand concluded arrangements for the suspension of  
hostilities, and on the other hand to the effect that skirmishes  
have started and combats have been renewed. We, the Japanese,  
were the first to cease hostilities. We did so on March 5rd..

027.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

K.

31

Now, if we had wished to continue our efforts to gain advantage, if we had wished to pursue our aims beyond those which we had first laid down, then we should not have stopped hostilities but, on the contrary, we did stop hostilities and I can assure the Commission that the Japanese forces will never again resume the conflict which has been effectively stopped by the orders of the Japanese High Command. It is true that we have before us contradictory news to the effect that in the first line skirmishes are being continued. I can only express the hope that these are but skirmishes, that they are collisions which are the almost inevitable sequels to a great conflict. I hope that these collisions will very soon stop entirely and that a real and effective suspension of hostilities will be concluded at the earliest possible moment. I was very glad indeed to hear this morning that the Chinese forces, too, have announced the cessation of hostilities. As the President has emphasized, we have thus a very happy coincidence in the orders given on both sides for the cessation of hostilities, and I think we may take it as assured that there will in the future be no resumption of the conflict. I would like to remind you that it was we, the Japanese, who proposed that a conference should be held to decide the terms on which hostilities should be suspended. As hostilities have now effectively stopped as the result of the orders given by the commanders on both sides, we now have before us the problem of finding means for separating the two forces engaged. This is a question which I venture to think should be dealt with by the representatives of the two bodies of forces which are opposed the one to the other. The Secretary-General has informed us of the measures he has taken with a view to collecting impartial information as to the state of affairs existing between the two forces. That is a proposal which I welcome and support with very great satisfaction. That proposal has already been supported and strengthened by the remarks we have just heard



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

K.

32/33

from the British, French and Italian Representatives. During the last few days, as we are all aware, conversations have been started and continued on the flag-ship of Admiral Kelly. Those conversations have been directed towards drawing up terms for the cessation of hostilities. On behalf of my Delegation, I express the hope that these conversations may be continued and that they may succeed in yielding positive results within the shortest possible space of time. In these conversations, it seems very desirable that the other Powers who are directly concerned in the maintenance of security at Shanghai should take part, and that these powers should follow the progress of the negotiations. My Delegation has no objection to any such course - indeed, we welcome that proposal.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

L.

- 34 -

The Japanese Delegation will go further than that. The question of maintaining order in the zone evacuated by the two forces is a question that must inevitably be considered. We cannot, of course, contemplate leaving the zone evacuated by our forces at the mercy of any kind of disorder that might arise.

There is then the wider question of the security of the Shanghai region itself. As I have already stated my Government is fully prepared for the examination of this question in the round table Conference, and we hope that this Conference will meet as soon as an agreement is effectively reached for the cessation of hostilities. The Japanese Government has taken steps to approach the Chinese authorities as regards the arrangements for the meeting of that Conference, and I am sure that we would be glad if the Assembly would join with us in expressing the hope that the Conference will meet soon and that it will succeed in settling the regrettable situation that exists.

The Japanese troops which were sent as reinforcements will be withdrawn as tranquillity is reached and as the conditions of peace are settled. The details of the withdrawal of the Japanese troops could and should be considered at the Shanghai Conference.

I hope this declaration which I am making on behalf of the Japanese Delegation will facilitate the settlement of the conflict, that it will help to settle for all time the differences that exist and <sup>will</sup> assist in the re-establishment of order and peace in the Shanghai region.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

L.

- 35 -

Dr. W.W. YEN (China): I am sorry that I have again to ask you to take your eyes away from the mirage which is being conjured up before you by the Japanese Delegation. I am just in receipt of three telegrams giving the actual state of affairs. While we are talking about a cessation of hostilities the Japanese army is going further and further. These three telegrams have been put in a letter which I will hand officially to the Secretary-General, and read as follows:

"Japanese transports are now pouring troops into the region beyond Liuho.

(Liuho is near Woosung).

"Some 35,000 more with tanks and cavalry were landed to outflank our present positions near Kuansan (a city on the Shanghai-Nanking railway, about 40 miles west of Shanghai).

(This is twice the distance which the Japanese demanded our troops should retreat.)

"Eight more Japanese transports entered the Yangtze River this afternoon (March 4th). Severe fighting is in progress.

"Our regiments, who were defending Woosung, were killed to the last man, rather than surrender. Foreign eye-witnesses saw our peasants being forced by the Japanese at bayonet's point to throw the corpses of our soldiers into the river.

"Japanese troops were landed to-day (March 4th) at Pootung (on the eastern bank of the Whangpoo River, opposite to Shanghai) to strike at the Hangchow region. The Japanese military officers make no secret that they intend to take the entire region between Shanghai and Nanking."

This is my information, so I must insist, Mr. President, that you authorise the Admirals, the high neutral military officers at Shanghai, to see to it that hostilities cease, and that this cessation remains until the terms of armistice can be arranged.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

L.

- 36 -

We have here two forces which have fought for three weeks in the most bitter way against each other, and they are placed within a short distance and may at any moment start fighting again. You must remember that the cessation of hostilities is not associated with any withdrawal of troops.

Further, I beg to call your attention to the fact that this cessation of hostilities is unilateral. It is not guaranteed. The Japanese commander can at any moment declare that the cessation of hostilities has come to an end.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

M.

-37/39

How are we to be protected against another form of aggression?

Finally on general principles in accordance with the Articles of our Covenant, we are unable to agree that foreign troops should occupy our territory under military coercion. Why should we have asked for this Assembly? If everything is to be left to be arranged between the two military forces there is no reason why China should have asked for the convocation of this special session.

Under these circumstances, I must insist that the Assembly take suitable action to see to it that the cessation of hostilities is real and that the cessation of hostilities is maintained until formal terms of armistice have been arranged.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

N.

- 40/-42 -

M. SATO (Japan)

(Interpretation):

With regard to the reinforcements to which Dr. Yen has made reference, I think I mentioned several days ago that we had been obliged to arrange for reinforcements owing to the development of hostilities. Those are the reinforcements that are now arriving. The purpose for which they were sent no longer exists and it therefore follows that they must in due course be sent back to their country. Just exactly how that is to be done, I am not able to say at the present moment. All such matters will be settled on the spot and it is for that reason we desire the convening of the conference contemplated, and the convening of that conference at the earliest possible moment. Terms can there be arranged for the cessation of hostilities, evacuation and the return of the Japanese troops to their country. May I say, however, that this arrival of reinforcements in no way affects the cessation of hostilities, which is going on in the first line; they are merely reinforcements that are coming up in the rear and their return is a matter which may be settled at the conference. That is why we most strongly press for the convening of that armistice conference which can be attended not only by the military authorities of the two parties to the dispute, but also by the military authorities of the other parties interested. At that conference arrangements can also be made in order to render the cessation of hostilities completely effective and all other matters arising out of that cessation of hostilities can be settled.

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 Department of State letter, August 10, 1972  
 By Milton D. Huefner NARS, Date 12-18-75

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-43/45

THE PRESIDENT;

Interpretation: The disquieting news which we have heard from Dr. Yen makes - even accentuates - the painful uncertainty to which I referred at the beginning of the meeting. If I may sum up the discussion, I think we all agree that what we must do is to bring about a cessation of hostilities and stop the further shedding of blood. I think the moment has come to give a definite form to the ideas which have been expressed here. May I make the suggestion - and would you perhaps accept this proposal - that the Members of the Bureau would withdraw and we would suspend the meeting, and in a short time (perhaps half an hour) we might be able to lay before you a draft which would be a basis for discussion and which would summarise our views on this matter; and after we had dealt with that, then we would be able to continue the discussion on the whole of the problem which is the subject of the Agenda of this Assembly.

The sitting was suspended.

328

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 46/102

(The meeting resumed at 6.50 p.m.)

The PRESIDENT:

(Interpretation:

I have been instructed by the Bureau to submit to you the resolution which they have drafted. Should you accept that resolution it will then go to the Plenary Assembly.

The resolution reads as follows:

"The Assembly,

Recalling the suggestions made by the Council on 29th February and without prejudice to the other measures thereunder envisaged;

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

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

(3) Recommends that negotiations be entered into by the Chinese and Japanese Representatives, with the assistance of the Military, Naval and Civilian Authorities of the Powers mentioned above for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations."

I open the discussion on that Draft Resolution.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

JJ.

103/105

M. SATO (Japan):

Interpretation: On behalf of the Japanese delegation I desire to say that we accept paragraphs (1) and (2). With regard to paragraph (3) we wish to make a modification. The revised paragraph would read:

"Recommends that negotiations be entered into by the Chinese and Japanese representatives with the assistance of the military, naval and civilian authorities of the Powers mentioned above for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the conditions and the details concerning the withdrawal of the Japanese forces and the future situation of the Chinese forces."

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quast NARS, Date 12-18-75

KK

106 /108

We have asked in the first place that a reference should be made to the conditions under which the withdrawal is to be effected. We desire that at the meeting referred to in paragraph 1, arrangements should be made to settle not only the details concerning the withdrawal of the Japanese forces, but also the conditions under which that withdrawal is to be effected.

Then in the second place, we desire to add the reference to the future situation of the Chinese forces. Our reasons are the following. In yesterday's speech, my colleague, M. Matsudaira, explained that as soon as security and tranquil conditions are restored in the Shanghai region, then the Japanese authorities will be prepared to withdraw their forces.

The position I am suggesting now is, therefore, intended to bring this resolution into line with the statement made yesterday in the Assembly.

The PRESIDENT (Interpretation) : I do not know if any of you desire to speak on this matter ?

There is a very considerable difference between the amendment and the text as it is before you, because "conditions" implies an event by which withdrawal is conditioned. That, I gather, is the meaning of M. Sato's amendment, but that was not the intention of those who drafted this text. We referred to the technical details of withdrawal, whereas "conditions" might imply political conditions and, therefore, it altogether changes the meaning of the text.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

L.

- 100 -

M. SATO (Japan) (Interpretation): We are of opinion that all the questions which we have in our mind in this connection should be settled on the spot. We are thinking of all those circumstances which must be taken into account in settling details or conditions with respect to the effectual withdrawal of the Japanese forces. We in no way wish to hamper consideration of the present situation as it actually exists on the spot, and it is only by taking into account all the prevailing circumstances on the spot that it will be possible to decide on details connected with the withdrawal of our forces.

There are some circumstances on which the withdrawal of our forces - a withdrawal which we regard as essential - must depend. If the word "conditions" is too strong we should be perfectly ready to accept any other term that may be suggested in place of it. What we have in mind are, for example, conditions such as the maintenance of security or the maintenance of that good order which would imply security and protection for the lives and property of Japanese nationals. We emphasise the necessity of such circumstances prevailing before the withdrawal can be effected.

The PRESIDENT (Interpretation): Perhaps there is only a very slight difference of intention between M. Sato and myself, if any, because I think those who drew up this text certainly thought that conditions concerning security would naturally be provided for and would be included in the arrangements which are referred to in this text to "render

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

L.

- 110/111 -

definite the cessation of hostilities and regulate the withdrawal of the Japanese forces."

Those arrangements will naturally be provided for by those who are on the spot and who are fully acquainted with local circumstances.

029

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Hunter NARS, Date 12-18-75

MM.

- 112/114 -

Sir John SIMON: (British Empire):

I would direct attention to the English text of this Resolution. The English text is just as authoritative as the French text, and M. Sato, as I know, is well acquainted with both languages. If M. Sato will look at the English text he will find that it runs thus: "..... which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces." Might it not be useful to enquire of the honourable representative of Japan if the English text does not meet his point of view. If so, and if it is thought to be a fair expression of the view of the redacteurs, it seems to me, Mr. President, not impossible that we can compose this verbal difference.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

NN

115

M. SATO (Japan) (Interpretation) : I must apologise for engaging in a discussion on a text which has been prepared by the Bureau, a body for which I have the greatest respect. Unfortunately, however, even though Sir John Simon has been good enough to draw my attention to the English text, I must admit that I cannot see any real difference between the English and the French texts. It seems to me that the passage in question means exactly the same thing whether it be read in the English or in the French text.

I hope you will understand why I feel constrained to stress this point. You will realise that the Japanese Delegation cannot lightly accept any resolution. We have spent weeks witnessing most regrettable acts without any clearly defined arrangement having been put forward. You will also understand that the latest events which are still in our minds have been so widespread and so important in their results that we wish the resolution adopted by the Assembly to give us satisfaction, at all events up to a certain point. We do not expect that all our demands shall be accepted by the Assembly, but we do desire that the Assembly shall give us satisfaction on this point, a point which we consider as essential.

The President has explained that in his view the word "arrangements" covers certain methods and conditions to which I attach great importance. I regret, however, that I must still urge my point. The public both here and elsewhere will read only the text of the resolution; it will be difficult for them to seize the exact meaning of the word "arrangements". I must therefore once more respectfully insist that the text be made clearer in the way I have suggested.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

116/117

The PRESIDENT (Interpretation) : In my capacity as President, I have given some commentaries on this resolution and I have endeavoured to explain it, but I feel that at the point at which we have arrived and in a meeting of this kind, it is for the members of the fifty states who are met here to express their views and to say in public what their opinions are on this matter.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

00

-118/120

M. MOTTA (Switzerland):

Interpretation: Mr. President and Gentlemen, - the position is a serious one. I would therefore desire to make a friendly and earnest appeal to the gentleman whom I have the honour to call my friend - M. Sato - and appeal to him to accept the proposal made by the Bureau as it stands. The difference between the French and English texts is practically non-existent, and if you wish to adapt the French text to the English text you need only read it: - "...régler le retrait", dropping out the word "modalités", but it does not appear to me that that modifies the essence and substance of the proposal. What the Bureau has in mind is a kind of preliminary application of Article 15 of the Covenant of the League. That Article provides for the possibility of passing valid resolutions provided that all Members of the Council and a majority of the other States in the Assembly are agreed. The States parties to the disputes are not counted. Therefore it would be possible for us to pass a valid resolution even though one or other of the parties did not consent thereto.

But I am most anxious that we should be not only juridically unanimous but morally and totally unanimous throughout the whole Assembly including Japan and China.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

PP.

- 121/123 -

What the Resolution says is that the principle of the withdrawal of the Japanese troops can no longer be called in question. Japan has expressed her readiness to withdraw those troops, and China is asking for the withdrawal as its natural right.

Now, if in the French text for the word "modalités" you put the word "conditions", ~~xxxxxxxxxxxx~~, then you are calling in question the principle of the withdrawal. That is impossible and, therefore, I ask that the Resolution be passed as it stands.

M. BENES (Czechoslovakia):

(Interpretation)

From the legal point of view I think M. Motta has correctly expressed the situation as it really is.

I merely desire to emphasise and support the opinion that he has given.

There is one other point to which I should like to draw special attention, that is the very great danger that is involved if in any document of this character there be anything which is not clear, which is uncertain, or which is ambiguous. It is essential that we here, and public opinion throughout the world, especially in the Far East, should know exactly what is meant by any such document. I, therefore, agree entirely with M. Motta that the addition of anything which might make the sense of the document less clear is a matter which should not be approved and I accordingly support M. Motta's proposal.

QQ

- 124/126 -

M. SATO (Japan) (Interpretation): I listened with great respect to the words of M. Motta. With regard to what has been said concerning procedure in connection with Article XV, however, I cannot unfortunately quite agree. You know better than I do, Mr. President, what are the provisions of Article XV. I may mention that we attended this Assembly with certain reservations regarding the application of Article XV, but we are not raising that point at the present moment. Article XV excludes the votes of the Parties in certain cases, but so far as a resolution which comes under paragraph 3 of Article XV is concerned, there is no majority rule. Therefore, subject to that reservation, I desire to say that I have taken note of what M. Motta said.

The Japanese Delegation would prefer a text which would satisfy us by a greater clearness, but after the interpretation - which is perhaps an opinion - that the President has given of the resolution we are satisfied, and we can accept the text - that is to say, we raise no obstacle to its acceptance by the Assembly.

Sir John SIMON (British Empire): The silence of my colleagues here makes me hope that we can adopt this resolution without a dissentient voice.

It will be for you to say, Sir, whether it is desirable to bring the actual language of the French and English text into exact accord, as has been pointed out by M. Motta; but I do feel that it would be indeed a most fortunate beginning for a very difficult matter if it is possible for us to-night to adopt this resolution with unanimity and to have it in turn adopted by the Assembly.

AR

127/129

The PRESIDENT (Interpretation) : If I understand Sir John Simon rightly, he proposes that we should adopt the suggestion made by M. Motta - that is to say, that we should cut out the words "les modalités" in the French text. In that case the French text would read exactly the same as the English. M. Motta added that in his opinion this did not involve any change in the meaning of the French text. The meaning remained the same. If the meeting agrees that it can accept that amendment, then we can vote on the resolution as a whole with a view to its submission to the Assembly. Is there any objection to that?

M. MOTTA (Switzerland) (Interpretation) : I should like a vote to be taken by each member expressing his opinion and not merely by silence.

The PRESIDENT (Interpretation) : I quite understand M. Motta's desire, but we shall vote on it at the Assembly. We shall be able to give him satisfaction at the Assembly. I propose, if you agree, that we adjourn, and, as President of the Assembly, I convene the Assembly here in this room at a quarter to eight.

The Commission rose at 7.35 p.m.

1297  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS.

A.Extr.C.G./C.R.2.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

SECOND MEETING

Held at Geneva, Saturday, March 5th, 1932, at 10.30 a.m.

PRESIDENT: M. Paul HYMANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.

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1291

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

ABCE

1/12

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF ARTICLE

15 OF THE COVENANT.

COMMUNICATION BY THE SECRETARY--

GENERAL.

The SECRETARY-GENERAL: In view of the fact that the resolution which the Assembly adopted last night made a reference to the "Powers which have special interests in the Shanghai Settlements," I thought it right to communicate a copy of that resolution to Mr. Hugh Wilson, the United States Minister at Berne, and I have now received from him a letter which you will perhaps allow me to read:

"With reference to the resolution of the Assembly adopted yesterday, of which you were good enough to transmit a copy to me last night, I at once notified the Secretary of State of the United States thereof, and am now in receipt of a reply from Mr. Stimson by which I am instructed to inform you that the American military authorities at Shanghai have been requested by telegraph to co-operate."

The PRESIDENT: (Interpretation): We take note of that communication.

OPENING OF THE GENERAL DISCUSSION.

The PRESIDENT (Interpretation): I now have the honour to open the general discussion on the whole problem which is before the Assembly and this Commission.

- 13 -

E. & F.

M. SATO (Japan)

(Interpretation):

I would like/<sup>first</sup>of all to make a communication to this General Commission. I received a telegram late last night which says that since February 3rd the first line of the Japanese forces is on the line Liuho Chen, Katai, Nansiang, Chenju and has ceased hostilities. A detachment of our troops is stationed in the Woosung Fort. Detachments of Chinese troops ~~XXX~~ in front of our line before Katai and Nansiang have constructed new works. Several of our aircraft having been attacked, we fired in order to stop the Chinese firing. Apart from this incident there has been no conflict.

Yesterday at the opening of the proceedings of the General Commission the Chinese Delegate in his statement mentioned a place, Kuansan. I was not at the time able to find any town of that name on the map and was therefore not in a position to offer any refutation of the statement made. This morning, however, I have had the advantage of seeing the communication in writing and I have discovered that the place referred to in the document submitted by the Chinese delegate is a town on the line between Shanghai and Nanking, at a distance of forty miles west of Shanghai. I informed the Commission yesterday that our forces had halted at about twenty kilometres from the International Settlement of Shanghai. Now, forty English miles is a very much greater distance than the distance at which our forces stopped. I must therefore assert that this so-called official communication does not correspond to the facts.

0300

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F.

- 14/18 -

Further, the Chinese delegate made a statement that 35,000 Japanese troops had been landed near Xuansan. I would like to point out that it would be quite impossible to land any such force there since the town in question is in the interior of the territory and is some distance from the banks of the river Yangtze. Moreover, the number of 35,000 given must obviously be very much exaggerated. At present the total Japanese forces in the front line do not exceed more than about 40,000; to embark a further 35,000 would therefore obviously be quite impossible. The least we can say is that the number quoted is very greatly exaggerated.

This morning we have received a further communication circulated at the request of the Chinese delegation, dated March 4th. This communication refers to a telegram received by the Chinese delegation from the National Crisis Salvation Association in China.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

G.

19

The telegram says that the Japanese forces are destroying property and taking lives by means of dropping bombs, by bombardments, and starting fires and so on. Those are facts which I am bound to deny entirely. The news given in that statement is of an entirely tendentious character. Moreover, I would like to say that we have no knowledge of the character of the association from which this telegram is stated to have come. We do not know whether this association is a body in which credence can be placed or not. The report that our forces are engaged in taking life and destroying the property of civilians after the cessation of hostilities, manifestly cannot correspond to the actual facts.

I would like to add that there is a certain amount of news given by Chinese papers at Shanghai which must be described as extraordinary in character. We all recognise the fact that Shanghai is a centre for the manufacture of all kinds of news. If I might give an example: a Reuter message from Shanghai, March 5th, says that some of the local papers say the Chinese troops have retaken Nansiang. That is a statement which does not correspond to the facts.

The local papers of Shanghai further say that the Japanese who entered the trenches that were abandoned by the Chinese forces met with death and destruction because they were killed by the explosion of mines in those trenches. I would like to add that it is stated in Chinese circles that 8,000 Japanese were killed at a place called Liou-Hi and that Admiral Nomura is dead. That again does not correspond to the facts.

Earlier we were told that the Admiral previously in charge of the Japanese troops had committed suicide. That is another example of a piece of news that is not true to fact. The "New York Herald", Paris edition, this morning says that Japanese forces are marching towards Peiping. That again is not true.

I would like to draw the attention of the Commission to



030

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

G.

20/21.

the fact that we are dealing with a matter of extreme importance and of the greatest delicacy, and I would urge that the Commission should not be led astray by false news circulated in that way.

Dr. Y.M. (China): I am sorry that my Japanese colleague did not quite understand the telegram I sent to the Secretariat, which I thought was fairly clear. We did not say that Japanese troops were being landed at Quinsang, which is a station on the Shanghai-Nanking Railway about forty miles from Shanghai. We know it is the interior of the province and that no troops could be landed there. What we said was that troops were being landed at Liuho in order to outflank the Chinese position at Quinsang. The object of landing them was to attempt to outflank our position. On whether the Japanese troops have advanced on Quinsang or not, we have said nothing; but just now I have received another telegram from M. T.V. Soong, Vice-Chairman of our Council of Ministers, saying the Tachang forces are still attacking our troops between Liuho and Quinsang. Moreover, a fleet of enemy aeroplanes bombarded Quinsang from the air and attacked Suchow which is two hours by train from Shanghai. So we can see from this that the so-called "cessation of hostilities" is far from being the fact.

Anyway, I realise as much as M. Sato the tremendous difficulty perhaps to many members of this Assembly to know exactly where these places are, so only this morning I have had the honour to request the Secretariat to have a map of the province prepared which can be circulated among the Members so that whenever these names come up - and these names are pronounced differently by the Japanese and by the Chinese - perhaps this map will be of assistance to you.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

H

-22/24

As to the news which is alleged to have been circulated by us, I beg to say that Reuters' agency, if anything, is English; it is certainly not Chinese. I wish we could say that we owned Reuter's agency. As to details of atrocities that have been published, not by us, recently I had the great sorrow to read an article by a lady journalist published in the "Petit Parisien" describing the atrocities in Shanghai. Surely that lady was not a Chinese, and she was certainly not in the pay of our Government. We have also read many reports of barbarities and atrocities published in the London papers and in the New York Herald. I wish I owned the New York Herald but unfortunately I do not. There are hundreds of other American papers publishing accounts of these atrocities with no help on our part and entirely on their own initiative. If China is backward, it is certainly backward in propaganda work. Compared with Japan we are not "in it" at all, when you think of the millions of yen that have been poured into Europe and America by Japan for propaganda work. I wish I were in a position to claim that we were the masters of such propaganda work as is attributed to us by my Japanese colleague; but the fact is there is an old saying that truth must come to light at some time or other, and murder will out, and it is not propaganda work that influences public opinion, but the real state of things - the massacre of women and children, the bombing of cities and towns and villages - unfortified places - from the air. Those are the things that are going to move public opinion and settle the Manchurian question in the way of justice and truth.

130

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

I. & J.

- 25 -

The PRESIDENT:

(Interpretation):

I will allow M. Sato to speak, but I do not think this discussion should continue for long.

M. SATO (Japan):

(Interpretation)

There is one point in the observations just made by the Chinese Delegate which I cannot pass over in silence.

May I in the first place point out that I did not in my previous remarks suggest that the Chinese Delegation was responsible for the unfounded rumours that originate in Shanghai. I merely urged this Assembly not to place any reliance in these rumours, which were not in keeping with the true facts of the case.

May I also point out that there have been communications from the Chinese Delegation itself that allege incorrect facts. I would refer to a communication made by the Chinese Delegation to the Secretary-General in which a statement was made regarding certain observations attributed to M. Matsuoka. I had therefore to send a letter to the Secretary-General denying these alleged facts, in which I said "I have the honour to state that the Consulate-General at Shanghai informs me that M. Matsuoka did not utter the words attributed to him in that communication." It will be remembered that M. Matsuoka was supposed to have made statements on a number of different points. With regard to the seventh point, I added "M. Matsuoka did, it appears, express the opinion in private conversation that the efficacy of the Briand-Kellogg Pact would have been strengthened further if it had defined

130

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

J.

- 26/30 -

economic boycotts as acts of war".

The Journal de Genève having published the original Chinese statement, I had to send a contradiction to that newspaper which appears in this morning's issue. There is another point, however, to which I would refer. The Chinese Delegate alleged that the Japanese Government had spent several million yen in purchasing publicity both in America and in Europe. I cannot accept that allegation, and I have to make the Chinese Delegation responsible for it. I must ask the Chinese Delegation to say whether it holds to that statement, and whether it does regard it as representing the facts ~~MY THE FACTS~~ in which case I must ask that the Chinese Delegation should bring forward evidence, because, without evidence, I cannot admit any such allegation.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

31/33

A. PAUL-BOUCOUR (France) (Interpretation) : I had not indeed tendered my name as desiring to speak at this point, but I suppose the President, in calling upon me, had in mind a telegram which I have just communicated to him. I understand that Sir John Simon has also communicated a similar telegram.

Before I read the telegram, I should like to state with all possible discretion that if the two parties to this dispute continue to exchange all the contradictory reports that they receive, then the Assembly and the Commission will find themselves engaged in a discussion based upon conflicting information. It is inevitable after such serious hostilities have taken place and after they have extended over so far-flung a front that orders may not reach all the different spots concerned at the same time. There is bound to be a certain amount of nervousness due to the close contact of the forces and there are bound, perhaps, to be skirmishes. Therefore, it is quite possible that the apparently contradictory reports furnished to us may nevertheless contain

some truth and I would say that until a neutral zone, however narrow it may be, is established between the two forces, we shall be exposed continually to these same contradictions and the resulting difficulties.

You will remember that yesterday the Commission and the Assembly invited those Powers who have representatives at Shanghai and have special interests in that region to contribute information as an addition to the information received from the Committee set up by and working at Shanghai for the Council of the League of Nations.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

L.

34

That Committee, as you are aware, has already submitted several reports. As I told you yesterday, for my part I did not wait even until that invitation had been extended, because the day before yesterday, I sent a message to our representative at Shanghai, asking him to endeavour to secure such information as would be helpful. Last night, I received a telegram - short but quite clear and <sup>I</sup> venture to read it, subject of course to the reservation that this is not a collective report and is not a report from an organ of the League. The telegram, however, says that hostilities did in fact cease yesterday at two o'clock.

Sir John SIMON (British Empire): Mr. President, I also have in my hand a communication which has been received from Shanghai by the British authorities, furnishing information as to the actual situation on the ground. The General Commission will have in mind that Shanghai time is seven hours in advance of the time here and the message which I have before me was sent off from Shanghai at half past twelve (Shanghai time) -

that is, about five o'clock this morning here. I have a second message received about an hour later. The British Commander-in-Chief replies to the message which I had sent last night at your request, Mr. President, for information which the Assembly might have before it. It is of a provisional character, and I do not put it forward as a final report, but I am sure my colleagues will be glad to know what is the report furnished, Sir, to you by the British Commander-in-Chief in answer to your invitation of yesterday. He says that he has seen his Italian and French colleagues this (Saturday) morning. His colleagues had not then received instructions - doubtless, the telegram which M. Paul-Boncour told us had been sent to the French Commander-in-Chief was still on its way. The British Commander-in-Chief

L.

35/36

says that details are not available, owing to the length of the front line and <sup>the</sup> distance to be covered, but he supplied the following as his preliminary report, adding that the Japanese military and naval authorities confirm it officially.

The eleventh Division has been completed by the disembarkation of one more regiment<sup>at Liauhö</sup>. The fourteenth Division, which will probably land at Woosung, is now on the way. All main operations have ceased, but there has been occasional firing, a few rounds of artillery, rifle and machine-gun fire chiefly in the region of Nanziang, to which place the Military Attaché is proceeding this afternoon. A military Staff Officer is also proceeding to Kiangwan, and their reports will be communicated in due course.

Mr. President, I put this information at once at the disposal of the General Commission purely as a provisional matter, because it is plain that we must still wait for some hours before we have a complete and a definitely verified statement. In the meantime, I venture to associate myself with M. Boncour and suggest that there is a temporary "cessation of hostilities" between our two friends here, for it is very difficult for us to proceed with our work, which is to produce, I hope, an effective "apaisement" if there is occasional "firing" after the official cessation of hostilities has been proclaimed.

0309

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

M.

-37739

THE PRESIDENT:

Interpretation: The news that we have just heard from the representatives of Great Britain and France, which has been forwarded to them by their military authorities is certainly calculated to give us some relief. I think that we really cannot continue here discussing geographical questions, or contradictory information received from a front thousands and thousands of miles away from here, or questions connected with articles which have appeared in the press in Shanghai, or even in Europe or America. The resolution which we voted yesterday provided that we should have an impartial verification of the facts and find out what the position really is. Until that is done I think a discussion of the facts is needless and, therefore, I suggest that we proceed to the general discussion.



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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

NO

- 10

M. Birger BRAADLAND (Norway) (Interpretation):

The statement made the day before yesterday with such eloquence by the President in office of the Council, M. Paul-Boncour, when he addressed the Assembly, showed us how complex, difficult and delicate is the problem which we have before us. The very complexity of the situation makes it all the more necessary not to lose sight of the essential features of the problem. I consider that, with such an object in view, we should refrain from dwelling overmuch on questions of detail, which certainly do give a general view of the situation but, if we are anxious to examine them separately, make it difficult to obtain that broad view which is absolutely essential for an exact appreciation of the problem.

The many special circumstances of the conflict we are considering, which, for the European Powers, are not easy to judge, increase the difficulties by which we are faced in our endeavour to find a solution acceptable to all concerned, but even if we recognise all the difficulties that we find when we desire to take a decision, which shall be, from the legal point of view, unimpeachable, the conflict nevertheless raises certain questions of principle which in my opinion stand out with sufficient clearness and on which the League of Nations can and should express its opinion without delay. The Assembly must not forget that the principles in question are those the violation of which might have incalculable consequences for the future of the League of Nations. The authority of the League is at stake.

031

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

NO

.. 41/45 -

The Sino-Japanese conflict at the outset seemed to have an aspect which, in the opinion of the Norwegian Government, made it quite natural that a practical solution should be sought by means of mediation between the two Parties, having always in view care to prevent the aggravation of the conflict and the beginning of serious hostilities. Certainly for so long as there was any hope of success the Council was bound to endeavour to settle the conflict by conciliatory action, which it is obliged to take both under Article ~~XL~~, paragraph 1, and under Article ~~XLV~~, paragraph 3 of the Covenant. These <sup>were</sup> ~~xxx~~, indeed, the provisions on which the Council had naturally to base its work while it was waiting for the information which the Secretary-General took measures to obtain without delay and also while it was waiting for the statement which the Parties had to submit to it.

131

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Quisenberry NARS, Date 12-18-75

P.

- 46 -

Unfortunately the conciliatory<sup>action</sup>/of the Council of the League of Nations did not yield the results hoped for. That action has been continued, and will obviously be continued until the final settlement of the conflict, but the present situation is such that it has become necessary to have recourse to other means. The Norwegian Government considers that it is of the greatest importance that the main lines of the action taken by the Council should receive the approval of the Assembly. My Government further considers that it would be advisable for the Assembly to adopt measures, or perhaps to invite the Council to adopt measures, appropriate for the purpose of definitely putting an end to hostilities and preparing the way for a settlement of the whole conflict; finally, that in accordance with paragraph 4 of Article 15 of the Covenant recommendations should be made to the parties to the dispute. These recommendations should be clearly drawn up and should relate to the arrangements to be made to avoid warlike actions continuing and to prepare, as I have just said, for the settlement of the whole conflict.

I desire, however, to say that the action of the League of Nations should not be confined to making recommendations to the parties. Public opinion of the world expects from the League of Nations that if either of the parties did not accept or did not respect those recommendations, the League should take appropriate measures in accordance with the provisions of the Covenant. After having followed the discussion in this Commission I reserve the right, if necessary, to submit a Draft Resolution on those lines.

031  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

P.

- 47/48 -

It is obvious that a situation such as that now before us must be considered from the political point of view and also from the point of view of what is practically possible of realisation. It should not be considered merely as a theoretical legal question. But this consideration calls not only for an impartial appreciation of the situation based upon facts; it also requires account to be taken of the fact that there are involved in it questions of principle which are of fundamental importance for the future of the League of Nations.

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49/55

Dr. Antonio José RESTREPO (Colombia) (Interpretation):

Before I deal with the serious question which is before us for consideration, I want to place on record the following facts.

The relations of my country with the two countries parties to the dispute, although friendly, are merely in the incipient stage. They are, however, more developed in the case of Japan, a Power with which Colombia passed in 1908 a treaty of amity and establishment whereby Japanese nationals are given the right to settle in the territory of the Republic and carry on trade and industry in that territory. It was I who had the honour to be President of the Foreign Affairs Commission of the ~~Republic's~~ legislative body at that time and to propose to it the adoption of the draft treaty. I venture even to claim that I had something to do with its acceptance. As regards China, no diplomatic or consular representation, no definite commitments or agreements connect us with this far-distant republic. What I have said indicates, therefore, that we shall not be suspected of partiality in expressing our opinion. If we desire to formulate an opinion here, it is because we feel the moral responsibility which rests upon all Members of this association, and because we realise that any serious conflict in no matter what part of the world, as well as any legal precedent or any precedent contrary to law that might be set up in the international sphere, is bound to react on our own existence.

It may be that the time has not come when the League has to designate the aggressor and to state whether the

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- 56

territory of one Member of the League of Nations has been violated in infringement of the provisions of the Covenant in this armed conflict which the Committee of the Council has already termed a state of war. We must, however, be ready to do so at any time, and we must not give the peoples of the world the impression that we have any hesitation in speaking out clearly if that moment should arrive. The future of the League of Nations, and consequently of the peace of the world, is at stake.

Negotiations are at present proceeding under the auspices of the League of Nations and with the direct intervention of several Powers in order to put a stop to hostilities. Let us await the results of these efforts, which appear not to have failed, and let us subsequently act in consequence.

In the mean while I desire especially to concur in the statements that have been made by the representatives of France, Spain, Guatemala, Peru, and Panama at the Council meeting held in Paris on December 10th, 1931, statements which set forth in more or less explicit terms the principles which may be endangered, and which are the foundation of relations between civilised peoples. These principles are the very expression of the provisions of the Covenant, and in particular of Article X, to which the twelve Members of the Council have referred on the 16th February, and to which I should like reference to be made when the question of Manchuria comes up for discussion.

May I especially point out, as representing the inevitable consequence of these principles, the passage

0318  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

S.

- 57 -

in the Appeal of the Twelve which sets forth the same doctrine as that formulated in such strong terms by Washington, and which reads as follows:

"that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of this Article ought to be recognised as valid and effectual by the Members of the League of Nations."

T.

-58-

The four points set forth by his Excellency M. Gonzales-Prada, representative of Peru on the Council on December 10th, defined more closely the scope of the principles in question, and I should like here to submit them to my colleagues for consideration in the hope that they will be adopted, so that the rights of the weak may be safeguarded, respect for which merely strengthens the rights of the powerful.

The four points are as follows:

- (1) No State has the right to effect the military occupation of the territory of another in order to ensure the execution of certain treaties;
- (2) No State is entitled to oblige another - having invaded its territory - to enter upon direct negotiations on the bearing and legal value of treaties previously existing between the two States;
- (3) The exercise of the right possessed by each State to ensure the protection of the lives and property of its nationals must be limited by respect for the sovereignty of the other State; no State being entitled, in order to provide such protection, to authorize its military forces to penetrate into the territory of the other for the purpose of carrying out police operations;
- (4) The fact that a State has certain rights, claims, economic concessions, etc., in regard to another State does not entitle the former to effect the military occupation of the territory or to seize the property of the debtor State. Any recovery of debts by compulsion is illicit, in accordance with the principles accepted by the Second Peace Conference (The Hague, 1907).

These points, the text of which I have ventured to borrow from the statement of the representative of a neighbouring sister Republic, follow clearly from the principles of international law and of fundamental justice. In the opinion of my Government they constitute a standard



0318

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Huse NARS, Date 12-18-75

T.

-59760

to which in every case the decisions to be taken by the Assembly in the problem now before it should conform, and I am moreover ready, on behalf of my country, to subscribe to any decisions, whatever they may be, the effect of which, whilst safeguarding the principles to which I have just referred, would be to bring about the pacific solution of the conflict and to maintain intact, in the present circumstances, the authority of the League of Nations.

0315  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 61 -

M. ORTEGA (Mexico)

(Interpretation):

As expressing the views of my Government and of the Mexican people, and in accordance with the instructions I have received, it is my duty to make the following statement.

When Mexico became a Member of the League of Nations she considered it an absolute necessity to ensure that the just application of international law should, by means of a frank and loyal collaboration between all countries, exert sufficient moral force to establish and maintain the reign of real international justice.

The constitutional bases of the League of Nations and the ideas expressed by eminent statesmen who, representing their countries, have on many occasions spoken from the League platform, make Mexico consider the League of Nations as morally capable of carrying out the application of the principles of justice as against any interests that might claim the use of force, thus failing to recognise those principles and thus violating them. Confidence in this

moral guarantee was the chief reason which decided Mexico to become a Member of this great Assembly and to collaborate as far as is possible in realising such<sup>a</sup> lofty aim.

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Faced by/painful events which have called for the meeting of this Assembly, Mexico regrets that in spite of the press of the world and the efforts made by the Council, hostilities have been continued for so long. Respect for the sovereignty of a State, the inviolability of its territory, the non-acceptance of anything which implies armed intervention - whatever be the name invented by juridical, diplomatic or political cunning - are principles which are basic in the life

132

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

U

- 62/63 -

of all countries.

Mexico asks that the League of Nations should ensure respect for the whole of the provisions of the Covenant and that, apart from geographical and ethnological considerations, the League should assert as an absolute fact not as a theory whose application may be possible, but as an expression of the will of the whole world that it will not condone any intervention which takes the form of an invasion of sovereignty. By acting thus the League of Nations will recognise that in the sphere of international law as well as in the sphere of private law no one can be judge in his own case. This is vital for the League of Nations if it is to be respected as it should be. The League of Nations is the judge in the fullest sense of the word; it is the judge chosen by the nations of the world by a voluntary and solemn act.

Mexico asks that as a result of this meeting the principles of sovereignty, humanity and justice should be sincerely and loyally established.

1321

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

W.

64769

M. LÖFGREN (Sweden):

Interpretation: In his speech during the general debate at the Disarmament Conference, the Swedish Minister for Foreign Affairs, Baron Ramel, drew attention to the growing interest with which in Sweden, as in other countries, the events in the Far East are being followed involving, as they do, a very serious threat to the results obtained in Geneva for the organisation of peace.

On behalf of the Swedish Government he expressed an earnest hope that peace should be promptly restored by the vigorous action of the League of Nations and of the States specially concerned. Since then, the situation in the Far East has become worse until these last few days, concerning which the news appears to be contradictory, and no one can deny that what is going on out there is war in everything but name.

132

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

X

- 70

I shall not at the moment express an opinion on what has been done by the organs of the League to put an end to this deplorable conflict. I note, with satisfaction, however, that from the very outset of the conflict, the Council has stressed the fact that it cannot be satisfactorily solved without the withdrawal of the troops involved. None can doubt, especially after the report by the League of Nations Committee at Shanghai dated February 3rd last, that the military means of which use have been made in the conflict between China and Japan are in no way conformable to existing treaties.

Sweden, for its part, has on several occasions during the League discussions maintained that the provisions of the Covenant prohibiting armed force retain their full validity irrespective of whether or not the use of such armed force is termed war by one or other of the parties involved.

Without desiring at this moment to pronounce judgment on the respective claims which underlie the conflict, I desire to say that in the opinion of the Swedish Government the disembarking of troops and the use of these troops for military operations on the territory of another Power is contrary to the provisions of the League Covenant and the Pact of Paris. If it was intended to expand the conception of legitimate defence to such an extent as has been done in the present case, the maintenance of any legal international order would be rendered impossible.

In view of what I have just said, it is obvious that my Government unhesitatingly gives its support to the note sent to Japan by the Twelve Members of the Council on February 16th last, an appeal which in my opinion the Assembly

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quatefen NARS, Date 12-18-75

X

- 71

should endorse. The intricate nature of the conflict and the special conditions which prevail in the Far East I recognise. These special circumstances cannot, however, be invoked by one of the parties as an excuse for avoiding conciliation and arbitration procedure as laid down in the Covenant.

It is obvious, however, that at the present moment the first business of the Extraordinary Assembly consists in <sup>seeing</sup> ~~establishing~~ that not only an order to cease fire should be given, but that there should be a final cessation of hostilities. This cessation is an indispensable condition for enabling the organs of the League to contribute towards a pacific settlement of the Sino-Japanese conflict. It is important, however, that the cessation of hostilities should be brought about in such a manner that the position of the parties to the dispute, so far as a settlement of that dispute is concerned, should not be influenced by military pressure, and that an end should be put to the invasion of Chinese territory. It is as a first step in that direction that I welcome the appeal adopted by the Assembly yesterday.

I desire however to lay stress upon the fact that once hostilities have ceased the League of Nations is, of course, still left with the task of bringing about a pacific settlement of the dispute within the spirit of the Covenant. In that connection I may draw your attention to the indications set forth in the de Brouckère report adopted as a valuable guide by the Assembly in 1927.

0324

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

I

- 72 -

Heavy responsibility rests at the moment on the Extraordinary Assembly of the League and on the States attending it. As was so well said by the President, M. Hymans, in his opening speech, we have conscientiously to seek for all means, to explore all methods, calculated to restore concord by justice.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

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73/75

It is true that where small countries are concerned, the possibilities of influencing the development of events are more limited than in the case of the great Powers, but all the more is it to our interest that the juridical international order should be upheld. If the League of Nations does not in present circumstances succeed in establishing peace based upon justice, the proper and honourable enforcement of its own Constitution, then we may see more or less completely crumble those ramparts that we have built up together with so much patience and zeal in order to prevent force from supplanting justice.



1325

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Z & AA

76

Dr. R.W. ERICH (Finland) (Interpretation) : When the Delegate of Finland speaks on this occasion, it may be appropriate to state explicitly that the feelings of the Finnish people are equally cordial towards both the two parties in conflict. Our nation is attached to both these two by sincere friendship which dates back to the period before Finland became a sovereign State, and excellent relations have been developed during our independence. These fortunate relationships are, for Finland, only an additional reason for hoping that as far as possible it may contribute to ensuring that the present conflict be brought to an end and the differences separating the two States be settled according to the principles of justice and equity.

Account must be taken of the legitimate interests of both. We hope finally that the League will emerge from this matter strengthened and in no sense weakened. If, consequently, in the statement I am making we raise a few points which may touch certain susceptibilities, it is in a spirit of perfect impartiality and with a view to the common good that we are making our remarks. The question before us is such as to raise more than one serious problem concerning the very basis of the League of Nations. Is this League, or is it not, really a living force - a real guarantee for security? - or since it is dealing with a vital and universal question of security and conflict between two World Powers, is it to be merely an institution for discussion, for platonic resolutions, or at most for mediation, an organ whose authority and real influence essentially depends on the good will (not to say the arbitrary will) of the parties concerned? Individual interest - political opportuneness - shall these for certain Members of the League of Nations be in the last resort the decisive criteria of their policy, so that despite all engagements into which those nations have entered, certain Powers may think

032

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Chute NARS, Date 12-18-75

Z & AA

77/81.

themselves justified in acting as seems good to them in order to assert their rights or even to further their interests and to proceed for that purpose to any means of execution and coercion, instead of handing the matter to organisations instituted for securing peace or settling differences or facilitating their settlement ?

The system adopted by States previous to the existence of the League was based on the unlimited power of a State to act as it considered best in accordance with its own interests; but that is not the system contemplated in the Covenant, and which the Covenant has instituted.

0328

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

BB

-82-

Unfortunately, the effectiveness of the Covenant itself has been weakened by<sup>a</sup>/practice which has too often been guided by the principle of least effort. There is, indeed, a considerable disharmony between the system of the League in so far as it was intended to produce political effects in accordance with the Covenant, and reality. There is a discordance between facts and facts. We are sometimes tempted to hide this discordance and in some cases a certain amount of illusion may indeed be useful, as realities are sometimes too discouraging. But as a rule it is the pure and simple truth that should be brought out.

That the League of Nations may have limited powers for asserting its will, is a regrettable fact; but it is better to recognise that fact than to defend the Covenant when, as a matter of fact, it is not being observed. Without offending anyone, we might go a little further and recall a method which was not unknown - a system which consisted of evading the provisions of the Covenant by an interpretation more skillful than sincere - and that is obviously the least advisable method.

The smaller States know very well wherein resides the real motive power of the League of Nations, and which are the States which essentially determine the official interpretation and the real application of the Covenant. But it is not only their own interests; it is also their duty which commands these smaller States to insist on a just interpretation and reasonable application of the principles which have been laid down; but when questions of international security have been discussed by the League Finland

13

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

BB

-83-

has always insisted on the following principles, and their importance in connection with the matter before us must be recognised:-

1. A clear distinction must be drawn between a threat or a danger of war on the one hand, and aggression with or without a declaration of war on the other hand. Care must be taken not to confuse threat and aggression, for such confusion has not failed to have had its effects in the earlier phases of this present question.
2. A distinction must be drawn between the material causes of the difference and an aggression to which the difference may lead and which the parties or one of them are not prepared to submit to pacific settlement. Whatever may be the responsibility of either party in connection with the basis of the difference, the League of Nations does not recognise aggression as justified or as a direct means for the settlement of a difference.
3. As early as 1924 Finland stated and insisted on the view, which is beginning to be more and more recognised, namely, that aggression condemned by Article 10 of the Covenant may take place without any declaration of war through acts of hostility which infringe the territorial integrity and political independence of a country. Indeed, any confusion in this respect

1331  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

BB

-84-

in political life may not justify but perhaps in some measure may explain the employment of means of coercion to which recourse is had without a declaration of war. We do not consider that from one day to another the whole of the application of the principles of the Covenant can be decided upon. The present situation is complicated owing to the events involved, and also owing to the method to which resort has been had hitherto. However that may be, the Assembly cannot remain inactive; it must do its best in a serious situation, and although the situation is serious there is no reason to consider it as desperate. The Assembly must through all the means at its disposal endeavour to assure the settlement of this difference; that is its undoubted duty and it cannot ignore it without incurring the gravest responsibility in the eyes of the world, and indeed for the future of humanity itself.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

CG  
 DD

- 85 -

M. F. BELLAERTS van BLOKLAND (Netherlands)

(Interpretation):

The events which have taken place in the Far East since September last have been a source of very great misgiving. After the World War - the war to end war - and the setting up of the League of Nations, we hoped that in future, at least among Members of the League, we should be spared the horrors of armed conflict. That has not been the case. Hostilities have started in China which, whatever legal term may be applied to them, have all the features of war. From the very outset the League of Nations, with the co-operation of the United States of America, has been striving to bring about a peaceful settlement of the dispute. The Council has had the matter before it now for nearly six months, and the Twelfth Assembly gave it close attention. Unfortunately, in spite of the unanimity among all the nations with the exception of the parties in dispute, their voice has been a vox clamantis in deserto. That perhaps is the most disturbing feature of the situation.

We had before us the idea of an international police force. Nevertheless, even if one had such a military force it remains a fact that the moral influence of the Council of the League should, unless international life is to crumble altogether, remain the very foundation, the very pivot of that international life. In the present case that moral influence has failed. The country which felt that it was entitled to take military action continued to take military action in spite of the unanimous opinion of the countries on the Council. We may say that the rumble of the guns in China was a shameful accompaniment <sup>or</sup> /the discussions taking place at the Conference for the Reduction and Limitation of Armaments.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

10.

- 86/90 -

Are we to infer that the events which have taken place show the imperative need for the reduction of armaments. In my opinion no reduction of armaments will guarantee us against a repetition of events of this kind, and the only way to reach the goal before us is for <sup>the nations</sup> / - to become intimately convinced that war is a crime and / - should renounce it as a means of pursuing international policies and seek for the solution of international conflicts only by peaceful means.

I have no intention at the present moment of attempting to allocate the blame for past events as between the two parties. This Assembly has the matter before it, and <sup>not only with the realisation</sup> will deal with it/~~this realisation~~ that it is necessary to bring about as quickly as possible the end of bloodshed, but also the realisation of the fact that any failure on its part would reopen the whole problem of the organisation of the international community. The Netherlands Government has for centuries past entertained the most friendly relations with both countries concerned, and is confident that the discussions which will take place will open the way to an agreement between both parties and every possible co-operation in future. It is only thus that we can safeguard that idea of peace which is so deep-rooted in the oriental soul.

The meeting rose at 1.5 p.m.

033  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS.

A.Entr/C.G./C.R.3.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

THIRD MEETING

Held at Geneva, Saturday, March 5th, 1932, at 3.30 p.m.

PRESIDENT: M. Paul HYMANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

A - G.

1

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF  
ARTICLE 15 OF THE COVENANT.

(Continuation of the General Discussion)

H. LUNCH (Denmark) (Interpretation) : Mr. President, Ladies and Gentlemen, doubtless during the past months and particularly during the past weeks each of you will have heard this impatient question, "Why does the League of Nations tolerate these events accompanied by bloodshed which are occurring in China ? " This question is certainly quite a natural one. Obviously, it is difficult for the peoples of the world to realise the real situation of the League of Nations as conditioned by the Covenant and the circumstances in which it has lived its first twelve years of life. Moreover, it is not easy at once to understand the special difficulties of the conflict which has led to the convocation of this Extraordinary Assembly. Here in Europe at least it will always be difficult to appreciate the character of conflicts in Asia. The President of the Council, M. Boncour, emphasized this rightly in his opening speech. We are considering a conflict between two great countries whose total population is more than a quarter of the population of all the States Members of our League. One of these countries is one of the great Powers which exerted a decisive influence when the Covenant of the League was drawn up. That country - a permanent Member of the Council - has a very powerful military organisation. The other country involved in the conflict is, through the extent of its territory, the size of its population, one of the greatest in the world - the seat of a very ancient civilisation. That country has played in the history of mankind a very important part. It too has very considerable military effectives. The events of the past months show quite

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

A - G,

2

clearly that so long as powerful armies and navies exist together with the spirit by which they are accompanied, it will always be very difficult for the League to impose a solution in serious conflicts between great States. It is difficult to establish the peace of the League just as formerly it was difficult to bring about the "King's peace", so long as there exist fortresses of the great feudal lords and the fortified areas of the great cities. We must look these facts in the face. It is a sufficient explanation of the patience with which the Council has endeavoured to solve this conflict by conversations between the two opposing countries, together with the participation of other States concerned. We should add that this is also the procedure laid down in the Covenant. The Covenant explicitly provides that conversations of this character should constitute the first stage in the conciliatory work of the League. As the Council has strictly followed the provisions of the Covenant, so, no doubt, the Assembly will do likewise. It would certainly be wise for the Assembly too, in the first place, to have recourse to this method.

The efforts undertaken by the Council must be pursued with a view to obtaining by persuasive means an agreement between the two parties; adding to the authority of the Council that of the Assembly; and at the same time the interest of the whole international community must be invoked.

It is important to seek, with the two parties, the forms in which direct conversations between them might take place, because those would constitute the most appropriate means for facilitating a solution of the conflict. The forms would probably be different as regards each of the two chief problems; that is to say, the problem of Shanghai and the problem of Manchuria; but it is obvious that attempts at mediation will be accompanied by practically no hope of success if the hostilities are to be

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

A. - G.

3/21.

continued. In this respect, the situation is not yet entirely clear. We may hope that the resolution adopted yesterday evening by the Assembly will result in the final cessation of hostilities and the withdrawal of the Japanese forces.

0 3 3 7

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

H.

-22-

But if this hope should not be realised; if serious hostilities and large-scale combats start again, if it is not possible to put an end to these hostilities by way of conversations, I see no other means than the application of the system provided for in the Convention which we voted in September 1931 for the purpose of developing the means for preventing war. In accordance with that system the Council, or the Assembly, might indicate a series of measures calculated to bring about the cessation of hostilities. The violation of those measures would involve the presumption that the State which has violated them is the aggressor. This Convention has, I am aware, not been ratified, but it is the result of long deliberations. It has been adopted by the Assembly and its ratification now seems to be only a question of time. Finally, if after new efforts at mediation the conflict still continues to threaten the peace, the League of Nations will be bound to apply the procedure prescribed in Articles 13 and 15 of the Covenant. I think that one part of the problems which are the object of the conflict are of such a character that it will be fitting to submit them to a judicial or arbitral settlement, if it should not be possible to settle them on the spot through calling a round table Conference. That is the case at all events with one part of the questions relating to Manchuria - questions in which is involved the interpretation and validity of a certain number of Conventions.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

H.

- 23 -

Moreover, problems of a political character must be treated in accordance with the third and fourth paragraphs of Article XV, and if mediation finally failed recourse would inevitably have to be had to a recommendation indicating a solution in conformity with paragraphs 3 and 4 of that Article. The consequences would have to be taken. In this respect the Covenant is clear, and its application will be inevitable.

I would add that throughout all these conversations which are contemplated it will be absolutely necessary to maintain two principles which have already been indicated in the appeal made by the twelve Members of the Council on February 16th. We are bound in the first place to note that it is not sufficient to conform to the Covenant of the League of Nations and the Pact of Paris to avoid a declaration of war. Certainly it is well to recognise that every frontier incident does not mean war; that war may sometimes be avoided in spite of a certain number of acts of violence. But when there are military expeditions in a foreign country; when there are great battles between regular armies acting in accordance with the orders issued to them by their Governments, no explanation, no statements of reasons <sup>will</sup> /convince the peoples of the world that they are legitimate acts of a peaceful character; but the Covenant of the League of Nations and the Pact of Paris forbid, certainly, not only the declaration of war but every act of aggression, every recourse to non-peaceful means as an instrument of national policy.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

H

-24-

In the second place the principle must be clearly asserted that after the creation of the great international organisation based on law, namely the League of Nations, and after the adoption of the Pact of Paris no new right can be created by force. No agreement obtained by force can be registered by the Secretariat as is required in Article XVIII of the Covenant as an indispensable condition for the validity of any agreement concluded between States Members of the League of Nations. For many States Members the guarantee contained in the Covenant against the creation by force of new rights is certainly one of the greatest marks of progress achieved through the existence of the League of Nations. We must, however, hope that recourse to a recommendation in accordance with Article XV will not be necessary, and that a solution may be achieved by means of direct conversations and mediation. The very serious consequences which the continuation of the conflict might involve for the whole international organisation are certainly present in the minds of both the States that are opposed to one another. No one could foretell the economic, social, and political effects which a great war in the East might have throughout the whole world.

I

-25/33-

If attempts at mediation did not succeed, the Council and the Assembly would be obliged to apply all the means at their disposal with a view to bringing about a cessation of hostilities and reaching a solution of these burning questions. They are entitled to be assured that in all countries an immense majority of the population will be following their efforts with the most profound sympathy. If we succeed in these efforts then we shall have made a very important step towards the organisation of peace, which is the great aim of the League.

M. MOTTA (Switzerland) (Interpretation) :

Mr. President, Ladies and Gentlemen, what, doubtless, must have struck the attentive and impartial observer in the speeches of this morning and this afternoon is the fact of the harmony of opinion. It seems to me that that harmony is all the more worthy of remark in that it is spontaneous; in other words, in that it has been reached without any previous agreement. I do not think that this is a surprising thing - it is rather the contrary which would have astonished me.

The convocation of this Extraordinary Assembly has been made at the request of China in pursuance of Article 15 of the Covenant and when the matter was before the Council, China also relied upon other clauses in the Covenant. China has now asked for the application of the provisions of Article 15 under conditions that we are entitled to term fairly singular conditions, because events have, to a large extent at any rate, contravened the hypothesis upon which Article 15 of the Covenant is based.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

L.

- 34/36 -

If we read Article 15 - "If there should arise between Members of the League any dispute likely to lead to a rupture . . . . etc.", well, you will see from that that at a time when guns and rifles have already fired, we have got beyond the contingency contemplated in Article 15. Nevertheless, I can congratulate myself upon the fact that we can keep within the framework of Article 15, and we did not need to transpose our activity into the framework provided for in other Articles of the Covenant. The procedure under Article 15 is two-fold, and that to my mind is an essential point. There is first of all a conciliation procedure for the Council (or in this particular case the Assembly) and in that event those bodies act as mediators. Now it is obvious that in the event of that procedure being applied, the arrangements that would be aimed at in such a case could not be reached without the assent of the parties to the dispute. It is my ardent hope that success under that procedure will render unnecessary the application of the second form of procedure, which is that of the recommendation, because it is provided under Article 15 that if the procedure for mediation fails, then recourse must be had to the procedure of recommendation; and moreover if this procedure leads to a recommendation which is properly adopted with, I need not say, the Council unanimous and the Assembly with a majority - all members of the Council concurring - then the recommendation leads to very important consequences laid down in Article 15.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

M.

-37-

In other words it is impossible in such a case to wage war against a country which has accepted the recommendation. That is a very simple phrase, but it is one which entails very serious consequences. It is a phrase which as it were casts the shadow of Article XV over Article XVI.

Now the application of the procedure under Article XV signifies ~~that~~ if hostilities have already begun, then those hostilities must cease; but it must not be imagined that the cessation of hostilities is identical with the solution of the dispute. It is an important aim but it is a secondary aim, and we hope to achieve that object among other things by the resolution that was passed by the Assembly yesterday evening, and passed with the consent of both parties to the dispute, which must be a matter of rejoicing to us all.

But the main purpose we must have in view is the maintenance, or rather in the case in point, the restoration of peace between the two States, the parties to the conflict.

Having said that, may I now proceed with apologies for saying less well what has already been said with great wisdom by previous speakers, to recall certain essential matters? Above all we must bear in mind the existence of Article XIII, which involves a strict obligation <sup>in the case of dispute</sup> to resort to arbitration or judicial settlement or if that should be impossible, that there should be an enquiry by the Council. Therefore the procedure that is provided for in Article XIII should be followed before recourse is had to the other Articles, and until that has been done any actions of a

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

11.

-30739

military character or any acts of war though the distinction between the two is subtle and difficult to establish, are prohibited.

I fear that the provisions of Article XIII have not been observed. Article XV is an Article which, as it were, completes Article XIII. That again implies the idea that it is not permissible to take the law into one's own hands by force. The results of force cannot be recognised by the League of Nations since the League is based above all on the idea of law and especially of justice. I know the Covenant in certain cases does provide the possibility of a resort to force; but as all the nations here represented have accepted in addition to the Covenant of the League of Nations the Briand-Kellogg Pact, they are precluded in those cases contemplated by the Covenant from resorting to force. The Briand-Kellogg Pact prohibits all resort to war or force as an instrument of national policy.

I do not propose at this point to expatiate on certain natural ideas concerning legitimate defence; legitimate defence has been used as a cloak, but I do not think one can take cover behind that argument until all the pacific and protective procedures provided for in the Covenant have been exhausted.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

N.

- 40

Nor have I any intention of going into the substance of the question. I think it devolves upon us as an obligation to examine the substance of this question in the most impartial and equitable manner. Moreover, we are not, properly speaking, a court of jurisdiction, and I think that some exaggeration may perhaps be involved in investing us with arbitral powers. But it is incumbent upon us to lend our assistance to procedure which will compose disputes and prepare the way for other procedure in the event of the former procedure failing.

I hope that the Commission will in due course appoint a sub-commission to study the whole of the elements of the problem and to submit proposals to this General Commission for reference to the Assembly.

Nevertheless, I think it right to assert that all the various pacific and protective procedures of the Covenant would lose their force if they were emptied of their substance and significance by accomplished facts. Peace is of interest to all, and the League of Nations is the juridical and moral expression of that great idea; but I may add that if peace is of interest to all, I shall not be exaggerating when I say that it is of vital interest to the small countries, because these countries, on account of the smallness of their territory and the limited character of their military, economic and other resources, are more vulnerable than the Great Powers who may perhaps at times be able successfully to place reliance on force. If the small countries should lose their confidence in the protective and pacific procedure they would be driven to seek other means for ensuring their

134

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

N.

- 41/42 -

security.

I feel sure that we all desire to bring about a solution of this problem, and we shall bring to the discussions a great measure of goodwill and also that feeling of friendship which prevails among Members of the League.

I am wondering however whether we shall not in due course have to consider the question of the respective competence of the Assembly and of the Council. At the present moment there is a kind of concerted action which is going on by both. It cannot be said that the Council has entirely let the matter go out of its hands; it has only partly done so. I think therefore we shall probably be led to consider this interesting aspect of the question in due course.

May I add that it does not appear to me - and this, I feel, is a very important point - that the conflict is merely localised at Shanghai. There is another important aspect of that conflict; and the problem is before us as a whole.

The Great Powers have a great part to play and a great duty to discharge. We smaller countries can only mobilise moral forces; but we can also display our solidarity. The Great Powers have other means at their disposal, and it is my earnest hope that there will be no need for them to use these means; but I feel that the harmony of aims and concordance in action will maintain, I will not call it the "prestige" because I detest that word, but the juridical and moral authority of the League.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

O-P.

43

M. ZULUETA (Spain) (Interpretation) : Quite recently here at Geneva, speaking for Spain, I hastened to offer to the cause of peace the most enthusiastic co-operation of that old nation which is today animated by a new spirit and whose interests, as I said, are universal but not material. These last words can be especially applied to the case at present before us. Spain is not specially bound to either of the two parties in this conflict. Towards both, as towards all the nations of the world, she professes the same sympathy and the same sincere friendship. Our interests in this matter are those non-material universal interests to which I referred - the interests of peace and international juridical order which our League represents and in regard to which agreement must exist between all countries.

What my country desires in the case we are now considering is merely what it would desire in all other similar cases. We have a right to demand that conflicts between States should be settled not by blind violence of arms but by enlightened and pacific means; not by the isolated action of the two nations directly concerned, but by the regular intervention of all the other nations by whom nothing that is human can be regarded as "foreign".

It is indeed the nations who are least concerned who are best in a position to represent justice. In short, the League of Nations is faced by the question "To be or not to be". We desire and hope that it will act fully with all the scope provided for in the Covenant and with all the energy which the world expects.

We have heard with the greatest interest the statements made on several occasions by the Delegate of Japan with regard to the difficulties which his country has encountered; but without in any way prejudging the substance of the question before us, we consider that the Japanese cause could only gain if it were raised

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Q.

44

from being a local conflict in which two isolated countries stand one against the other with weapons in their hands; if it were raised from that to the level of an objective problem to be amicably discussed before the League of all the Nations.

May we therefore be allowed to lay down the following three principles:-

1. We believe it is the duty of the Assembly to assert that the Covenant requires evacuation to precede negotiations. When two countries are engaged in a conflict, and if unhappily there has been an occupation of territory, it would obviously be contrary to the Covenant if the country in occupation demanded that the substance of the dispute should be the subject of negotiations before its troops had been withdrawn from the invaded territory. Therefore, in regard both to Manchuria and Shanghai, we consider that it is indispensable that if negotiations are to take place with regard to evacuation, questions relating to the substance of the conflict should be entirely reserved until the evacuation is completed, or at all events until the principle of evacuation has been admitted and a date has been formally fixed and accepted on both sides for the execution of that evacuation.

2. We consider that Article 10 constitutes the supreme charter of the League of Nations, and consequently Spain confirms before the Assembly the principle which twelve Members of the Council, including herself, unanimously adopted in an appeal recently addressed to the Government of Japan according to which <sup>the</sup> Members of the League could not recognise political or administrative changes brought about by force or contrary to the principles of the Geneva Covenant or the Pact of Paris. Spain considers that the Assembly would do well if all its Members felt themselves called upon to give an explicit opinion upon this point.

1 3 2 1  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Q.

45/51

3. Finally, we must make the fullest reservations in regard to any argument which would tend to weaken or make more elastic the obligations of the Covenant in respect to countries that are inadequately organized. Without expressing any hope whatsoever on the question whether this argument is applicable or not to the case before us, we think it is our duty to assert with the greatest clearness that it is, indeed, towards insufficiently-organized countries - countries which are struggling to set up a better organization - that it is important to maintain international obligations as practiced in the Covenant and to maintain them in the highest degree of effectiveness.

7345

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

R

-52-

It is the internal weakness of certain countries and the strength of others which has made the Covenant more than ever necessary. The League of Nations, the organ of the international community, owes it to itself to protect internationally the weak against the power of the strong, and the strong against the anarchy of the weak. If therefore cases of conflict occurred owing to a lack of internal organisation in certain countries it is, we think, to Geneva that such cases should be brought; but we could not support any view to the effect that in such a case any individual State has a right to take exceptional and individual action.

Who could doubt that in this Assembly of fifty nations deeply moved by a distant conflict, whose universal effects they feel in spite of distance, the fate of disarmament and of peace and the tranquility of millions of homes throughout the world are bound up with the decisions that we take? For the League of Nations as I have just said, the question is "To be or not to be" ? We want it to be.

M. TONISSON (Estonia):

Interpretation: I desire to associate myself with the speakers who have preceded me and who have referred fully to the gravity of the circumstances in which we find ourselves. We are not merely dealing with the conflict between two Powers; it is the fundamental principles that an international organisation has set up after the world war that are in danger. I do not propose - and I could not do so



134  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

R

-53/54

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here -/go into an examination of the fundamental causes of  
the conflict which, to our great regret, has arisen between  
two Members of the League with which my country has always  
maintained the best relations. What I regret is that it  
should have been thought possible to seek the solution of  
this regrettable conflict in the despatch of armed forces  
and the occupation of a large portion of the territory of  
another State. Such methods should no longer be permitted  
under the régime of the League's Covenant and the Pact of  
Paris. It has, it is true, been contended that the despatch  
of these troops and the occupation of foreign territory was,  
having regard to the circumstances, legitimate defence. For  
my part I could not concur in so broad an interpretation of  
the concept of "legitimate defence". We hope very sincerely  
that the resolution which the Assembly voted yesterday will  
help to put an end effectively and finally to the hostilities  
between the two parties involved. After that, the dispute  
must be settled by the means laid down in the Pact, and with  
full equity.

I would like to remind my colleagues of the  
observations made this morning on that subject by the  
honourable delegates of Finland and Sweden with whose  
remarks I agree.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quastgen NARS, Date 12-18-75

S.  
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55/57

We think it highly important that the lofty ideas which underly the Covenant should in fact be respected and followed. This will enable all States, large as well as small, to devote themselves with all the greater confidence and zeal to the construction of a better international order. That is the object which we have in view and which we hope will be achieved.

M. BENEŠ (Czechoslovakia) (Interpretation): I have no intention to take sides in the serious conflict before us either with one or other of the Powers engaged in the dispute. I have no reason for so doing; I have no prejudice of any sentimental character and I have no anxiety of a material order. My country is a sincere friend both of China and of Japan. It has not forgotten the friendly assistance which both those countries lent us at the difficult time through which we passed during and after the World War. The desire of Czechoslovakia is to maintain close and friendly contact with both countries, more particularly here at Geneva. Thus it is with complete impartiality and independence of mind that I shall venture to submit a few brief remarks with regard to the dispute.

Czechoslovakia is interested in this problem solely as a Member of the League of Nations. My country is anxious with regard to the results of our present action because it desires that the League of Nations should fully discharge its duty as prescribed not only by the Covenant but also by the moral situation which it enjoys to-day throughout the world. We desire that the Geneva institution which, in spite of everything, does represent a new spirit and an entirely new method in international

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

STU

58

relations should show that it is useful and indispensable to the maintenance of world peace. It is solely the interest which I have in the great ideal of which we should all here be sincere and devoted representatives that prompts me to take part in this discussion.

The President of the Council, M. Paul-Boncour, explained in his eloquent opening speech the complexity of the question with the pacific settlement of which we are concerned. He emphasised the important fact that an effort must be made to understand the Council's action by taking account of the quite special situation existing in the Far East. I agree with him, but at the same time I should like to stress two important facts. Firstly, China and Japan must both be certain that we are proceeding in principle with regard to them as we should proceed with regard to any other Power. Secondly, that whilst taking account of the special situation from the point of view of international law arising from certain political facts in China, certain principles of the Covenant must be respected in all cases and without condition.

Having said that I should like to make my thought clear as follows. (1) In respect of the information ~~secured~~ secured on the substance of the dispute between China and Japan I do not claim to know it all; I do not claim to be able to judge between the Parties, or to be able to accept beforehand arguments pro or con. Nor am I in a position to address reproaches to one side or the other. Further, I think that when we are considering the present conflict we ought not to overlook certain events which have

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

STU

- 59/63 -

occurred in China and which concern Japan - the alleged boycott, for example, without indicating any other facts. If that were shown to be true it would certainly constitute a procedure which would be hostile and which might be the subject of complaints to the League of Nations. I regret that Japan did not take the initiative in bringing this matter before the Geneva Institution as it was its clear right to do. Public opinion and all of us here would have been bound to take notice of it.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

V.

- 64 -

2. On the contrary, in virtue of the Covenant, whilst the country has a right to proceed to legitimate defence, it has not the right to seek justice by its own means. It might indeed do it with the authorisation of the League; but in the absence of any such authorisation, and in the case of action of such a great scope and such political importance undertaken by one of the parties to the dispute on the territory of the other, I cannot but recall the provisions of Article 10 - one of the fundamental Articles of the Covenant - which seem to me to have been infringed.

3. As a Member of the League of Nations my country considers it is necessary that every signatory to the Pact should be compelled in every case to have recourse to the pacific procedure prescribed by Article 12 of the Covenant. Without speaking of other important international instruments, it is this obligation of the Covenant to which we attach the greatest importance. It is this at all events which in addition to Article 10 of the Covenant must be emphasised above all others in this dispute and in this discussion. If these two provisions of the Covenant are not maintained, then the whole structure of the new international order is endangered. That is why my country too evokes this great principle, since it is convinced that within the framework of pacific procedure all the claims put forward by Japan - for instance, claims relating to the execution of international undertakings signed by China - would find satisfaction.

4. The fourth point that I should emphasise at present is a question that is no less important to the League. This is the first time in which the Assembly is concerned with an appeal addressed to it in virtue of Article 15. It is of the highest

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

V.

- 65/66 -

importance to our institution that we should understand that through the decisions we are going to take - the methods we shall employ - we shall be creating precedents. It is this consideration to which my country is concerned and which leads me to take part in this discussion.

Finally, this precedent affords a lesson to us. In cases of this character the League should have its instruments and its perfected organs of work: its own Commissioners, its own Commissions of Enquiry, perhaps its own police. But it is after this serious conflict has been settled that we shall be able to deal with those questions.

In short, I desire the League to express quite clearly its intention of being just, both towards Japan and towards China. But I desire to respect in all cases, and fully the provisions of the Covenant, and to take account of the fact that to-day we are creating precedents of fundamental importance for the life and the very existence of the Geneva Institution.

By acting thus, the League of Nations will have well earned the gratitude of all the peoples of the world.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

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67 /70/75

M. POLITIS (Greece) (Interpretation) : I intervene in this debate with a desire which we are all bound to have in view of paragraph 1 of Article 11 of the Covenant, that is to say, with the desire to work effectively to safeguard the peace of the world.

I think there is no need for me to dwell upon my friendly feelings towards both of the States which are parties to this dispute, and I believe I can say that I have given them proofs of that sincere friendship that they will remember, but, like others who have come up to this platform, I am concerned with questions of principle, and there appear to me to be two principles more especially involved in this case: firstly, respect for the territorial integrity and political independence of the States Members of the League of Nations; and, secondly, respect of nations for their pledged word which they have given in international instruments. I believe that respect for these principles is a basic necessity for the international community - so much so, indeed, that the failure to respect these principles represents to my mind a negation of all the juridical bonds between nations and a return to barbarism.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

Z.

- 76

I am equally concerned with reality because, if you overlook the real facts of the world you may empty law of its substance and reduce it to nil, and that may bring disappointment and disaster in its train.

It is with these considerations in mind that I would like to express my great appreciation of the work done by the Council of the League in this matter. It appears to me that the Council has given proof of wisdom, to which it would be unfair not to pay a public tribute. M. Boncour said in noble and eloquent language that the great merit of the Council has been that it ~~has~~ put into operation the procedure provided for under the Covenant, thereby safeguarding the foundations of the international organisation. Now, if the Council was unable to do more, it was because it was not the duty of the Council, any more than it is the duty of this Assembly, to fill in the gaps which exist in the Covenant and to remedy the defects of the system there built up. If, indeed, the Council had had a police force at its disposal to stand between the opposing armies, it is probable that hostilities would have been avoided. It is also probable that if we had had a more complete organisation the conflict would not have taken the turn which, to our regret, we saw it take.

I may perhaps be allowed, as one who looks back with regretful feelings on a work which was left unfinished (but who still hopes that that work will one day be finished), as one who in 1924 worked in the drafting of the Protocol, to say quite frankly and sincerely that if that Protocol had not remained a mere pious aspiration, if it had not remained merely as a milestone on a road still ahead of us and if it could have come into force,



Z.

- 77

it is more than probable we should not now stand where we do in this matter. The Council therefore did what it could, taking all the circumstances of the case into account. It endeavoured first of all to restore that peaceful environment which would enable it to discharge its duty under paragraphs 3 and 4 of Article IV. It began by endeavouring to put an end to hostilities and its work was interrupted by a request from the Chinese Delegation that the matter should be referred to the Assembly. I am not in any way complaining that was done. Indeed, I congratulate myself upon it, because this debate has attained a scope which is calculated to bring to light the full measure of truth, with all the consequences that may ensue.

The time has therefore come when public opinion, having before it the statements that are made here and will be made from the platform of the Assembly, will have brought home to it the danger which faces us at present. Public opinion, mobilised as it now is, will doubtless be able to bring its beneficial influence to bear. For these reasons I congratulate the Chinese Delegation for having taken action to bring this matter before the Assembly. The Assembly follows upon the Council, and so I think the work of the Assembly should be the sequel to the work of the Council and follow the lines which that body has taken. Our first duty in this direction we discharged last night, with the collaboration, I am glad to say, of both Parties to the dispute. It was action intended to bring about the pacific environment which will enable us to carry out our work as mediators.

1. If, as we hope, the two objects in view in yesterday's resolution - that is to say, cessation of hostilities and the

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Z.

- 7A -

evacuation of Chinese territory - are secured, and properly secured, then the Assembly can go on to consider the duties which devolve upon it under paragraph 3 of Article IV. It will have to make an endeavour to conciliate the Parties to the dispute and give them an opportunity to compose that dispute by amicable agreement under the auspices of the League of Nations.

It is only if the negotiations that are to take place at the round table conference fail, and if thereupon subsequent efforts which <sup>it</sup> would devolve upon the Assembly to make were not to succeed, that we <sup>shall</sup> have to consider the procedure under paragraph 4, Article IV - the drafting of a report with recommendations to the Parties. It is my hope that we shall not be obliged to go to the length of applying paragraph 4 of Article 15 and I trust that the application of paragraph 3 of that Article will be sufficient to restore peace and concord between the two Parties on the basis of an amicable agreement.

In any case, we have to remember that a time limit is laid down for our action under Article 12, so that should it ultimately become necessary to provide a report and make recommendations under paragraph 4 of Article 15, that would have to be done within six months of the date when the matter was brought before us. If I am not out in my reckoning, that means September 3rd next. That is a point which we have to bear in mind.

I feel sure that the Assembly, without going into the consideration of the question of how far any particular part of this problem may still remain in the hands of the Council, can agree that the whole problem has come up before it and that it must remain seized of the whole problem until such time as a final settlement intervenes. As it is impracticable for the Assembly to sit for six months, I think we shall find a practical solution of the difficulty in setting up a Commission which would be appointed to follow the negotiations at Shanghai and to report to the Assembly in due course. Further, in the unfortunate event of these negotiations producing no results, I think we should prepare for the continuance of the work by the Assembly.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

AA

79 /81

I feel confident myself that there is no need to go to the length of applying paragraph 4 of Article 15 because I cannot imagine that with the terrible responsibility that would devolve upon both parties to the dispute they will not at Shanghai put forward their best endeavours and make such sacrifices as are necessary to come to an agreement<sup>and</sup> which will at the same time safeguard the rights, interests, and dignity of both. Both of them, like us, belong to an old civilisation and there are perhaps in the lessons of wisdom that have been accumulated by our civilisation some lessons which they can profitably bear in mind. I have in mind those precepts which are set forth in the divine words of Aeschylus : "Men, like people, must bear in mind the mobility of their rights." Rights have a tendency to shift, and those who are not capable of enforcing their rights with the moderation which is desirable must expect to see them pass into the hands of their adversaries.

I hope therefore that both parties will bear that in mind in order to arrive at the agreement we all desire.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

BD

-82784

M. Khan SEPAHBODI (Persia):

Interpretation: This is not a time for oratorical addresses and we ought, as far as possible, to avoid any words which are likely to aggravate the situation.

I asked to be allowed to say a few words, but I did so still in my capacity as representative of an Asiatic country which maintains cordial relationships both with China and Japan, and which is anxious to see peace and good understanding reign throughout the continent to which it belongs. We cannot ignore the fact that the conflict which has arisen between two neighbouring brother countries in Manchuria and in Shanghai - storm centres of the world - might, unless it were brought to an end immediately and in such a way as to leave no bitterness in the spirits of the two parties, assume dimensions which would be dangerous to the peace of the entire world.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

CC

- 85 -

The Persian nation which for so long past has had intellectual and artistic bonds with countries in the Far East cannot remain insensible to the bloodshed and the serious events which are occurring on the shores of the Pacific Ocean. We ardently desire that this Assembly should, before dispersing, find the most rapid means for finally settling the difference and bringing an end to a fratricidal struggle between two countries Members of the League of Nations.

At all costs the prestige and effectiveness of our institution must be safeguarded. The whole of the East saw in the foundation of the League the advent of a new era which constituted international co-operation on a basis of justice and equality between nations. It was to put an end to rivalries between great States; it was to protect the weak against the danger of being unjustly attacked, humiliated or dismembered by the stronger. An enormous disappointment would fall upon the peoples of the East if they were forced to note that the League of Nations, faced by the first serious dispute which has occurred before it, shows itself ineffective and nothing more than a powerless voice crying <sup>in</sup> the desert.

As an original Member of the League of Nations, associated with its work from the very outset, I think it is my duty to repeat what the representatives of my country have said on many occasions - that in acceding to the Covenant Persia had, and has always had, a firm conviction that our Covenant constitutes for all Members of the League a fundamental law guaranteeing peace and security for the nations.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

00.

86/87 -

It is our duty to-day to give our fundamental charter every possibility to express all the strength it contains without weakening its scope by any opportunist interpretation. It is our duty to do that with the object of ensuring the reign of peace and proclaiming to the whole world that the League of Nations is not a useless institution.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

DD & EE & FF

88/ 96

M. BUERO (Uruguay) (Interpretation) : Mr. President, Gentlemen, - Yesterday, you referred to the serious question arising out of the Japanese amendment and you put your finger on the very centre of the problem which is before us; that is to say, whether it is legitimate that foreign troops should occupy the territory of another country when both are Members of the League. Although, perhaps, one might say that you departed from your duty as President, nevertheless you acted as a very active member of this Assembly, thereby giving us the courage which we seemed to lack and therefore I desire to thank you for your action in this respect.

The problem which we considered yesterday with the assistance of Mr. Sato, who was good enough to fall in with our view, was in some sort a limited representation of the wider problem which has involved the convening of this Assembly. This parallel seemed to be so evident that I wondered whether the present meeting and that of this morning were really necessary because in actual fact we are merely expatiating on the resolution adopted yesterday evening. However that may be, since we are now engaged in the debate, it seems to me desirable to say a word to express the views that my country holds: views which emanate, may I say, from a distant country, a country which is singularly modest from the point of view of its material forces.

Yesterday we approved with enthusiasm the proposal drafted by the Bureau calling upon those concerned to withdraw their forces and setting aside the proviso for conditions which it was apparently desired to lay down as a preliminary to this withdrawal. The President of the Swiss Confederation pointed out that in such a matter there can be no compromise: the principle is absolute, and there can be no question of circumscribing its scope by introducing conditions and the like, the effect of which might be to weaken or render null the said principle.

036

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

GG

-97-

I am not expressing an improvised opinion. This morning you heard the qualified representatives of the nations of Latin America, Mexico and Colombia refer in vigorous and courageous terms to the problem and state that it was impossible to accept any limitation upon a problem like the cessation of hostilities.

It seems to me useful at the present moment that I should speak also on behalf of a small country situated in South America in order to proclaim its faith in these same principles. I am sure that all our countries on the other side of the Atlantic will concur in what I am saying in support of this contention.

In the Pan-American Congress held at Havana in 1928 we had some lively debates regarding the principle of absolute non-intervention, the principle contended for by most of the members of that Meeting.

I remember also attending the Conference for the Codification of International Law in which this same question arose, when they were examining the liability of States for injuries to the property of persons living abroad. On that occasion a large majority of States, among whom<sup>were</sup> all the Latin American States, consistently refused to accept any limitations on the principle of non-intervention - limitations that were proposed by certain Great Powers who had in view precisely the internal conditions of certain countries in the Far East. As you will see, these precedents point to an unbroken line of conduct on our part, and it is impossible for the Uruguayan delegation to remain silent when this great debate is going on.



GG

-98-

We also expressed our opinions in the Assembly of 1923 when a question affecting that same principle was raised between two countries of Europe. I had the honour then to be the representative of my country on the Committee of Jurists which was subsequently appointed to deal with this dispute, and I there took the opportunity of expressing views which were absolutely identical with those expressed this morning by the delegates of Mexico and Colombia.

Nowadays we are told quite frankly that we have to deal with a very special state of affairs, but I wonder whether it is reasonable to justify this encroachment on the sovereignty of a State Member of the League by the argument that its state of internal organisation has not yet reached a sufficient stage of development? To that I cannot agree. If there were any reservations to be made on this subject they should have been advanced at the time when that State was admitted as a member of our community; and if it is contended that the state of disorganisation and anarchy only disclosed itself later after its becoming a Member of the League, I would reply that the election of such a country to a seat on the Council could not have been justified. The weakness of the argument which is based upon such a point I think is proved, and if we look closer into the matter I wonder who it is that can pronounce an opinion on the state of development of a country without laying themselves open to the charge that this judgment is warped by the material interests that are involved. Are we sure that our state of civilisation is the best? Who would be the custodian of this standard measure whereby

136  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

GG

-99-

the task of the development of the organisation of the various countries of the world would be accomplished, and in any case could such a process of measurement be applied with impartiality and if it could be so applied would it not involve a right of examination into the internal affairs of the country concerned - a right of intervention ?

I can speak with all the greater freedom since I can say with pride that my own country is one of the most regularly organised countries in the world.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

HH

- 100

Foreigners can stay in our country and enjoy every imaginable guarantee. Quite recently an award was given by the Courts of our country settling vital questions between foreign companies and the Government of Uruguay, awards in which our judges gave judgment in favour of foreign parties to the dispute, basing their decision upon law and equity.

This shows that there are no merely petty interests which induce me to intervene in this debate, but merely a desire to maintain our Geneva organisation upon the foundations of respect and strict compliance with the provisions of our charter.

We must give our closest attention to the solutions we are about to adopt. It will be unfortunate if we allow our Geneva institution to be weakened by limiting the scope of the undertakings and guarantees of the Covenant; and we can hardly do so without running the risk of seeing the whole of our structure collapse. The smaller countries would have no reason to be here at all if consideration of material interests were to outweigh considerations of justice, legality and respect for the Covenant and conventions which we have all signed. In my opinion that would be a retrograde step that would be going back into the past; it would mean the return of a reign of distrust, greed and evil passions, and their inevitable end in the form of those wars which have taken place throughout the major portion of the history of mankind.

In 1923 we had the matter taken out of our hands because there was at that time another body which intervened, a body which came from the Treaty of Versailles, the Conference of Ambassadors. To-day we have no reason for

1368

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Huefner NARS, Date 12-18-75

101/102

failing in our duty or closing our eyes on our failures. We have neither material power nor perhaps the possibility to put into effect certain provisions of the Covenant; but that is no reason why we should not tell the world our sincere opinion on the events in the Far East. In 1923 we were obliged to handle the League of Nations with care. It was then merely a small child that was trying its first steps. Nine years have now elapsed. The child has grown, and I think it can resist the present crisis even if its actions, now that it has arrived at its majority, are not fully effective in practice.

We must give the world an example of firmness, courage and idealism without paying too much attention to the practical difficulties of our work. In this manner we shall be performing an act of faith which will shield us from certain severe criticism which has been levelled at us. If without scruple we are determined to tell the truth we shall strengthen confidence that is at present failing and thus we shall engender a revival of energy. It is on that energy that my hopes are based.

II

- 103 -

Commander BRANCO (Portugal)

(Interpretation)

The Government of the Republic of Portugal does not pretend at present to be in a position to discuss the Sino-Japanese dispute or to make any proposals for its solution. We are an age-old friend of both China and Japan, for it was the Portuguese who were the first Europeans to reach the Far East, where we still have considerable interests of both a material and a moral character.

We shall confine our intervention to a short statement prompted by a two-fold duty - traditional friendship and firm loyalty. Nothing could be more painful to my Government than the conflict which, as the result of unforeseen complications, has brought two great and friendly nations to stand one against the other with weapons in their hands in order to settle a difference which, by our constitutional laws, should have been solved by pacific means. We still hope - and the early proceedings of this Assembly have confirmed this hope - that the intervention of the League of Nations, the efforts of friendly Powers, wisdom, and respect for treaties which both parties are bound to recognise, will finish by overcoming these fatal circumstances which have led to the outbreak of hostilities.

We therefore wish to bring to this meeting the most ardent wishes of the Portuguese Government for the re-establishment of peace, for, after all, that is the supreme object of the efforts of the League of Nations. All the co-operation, both here and on the spot, which we are able to contribute to that noble task, is entirely at the disposal of the Assembly, and we offer it with the most sincere goodwill.

037  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Quefem NARS, Date 12-18-75

II

- 104/105 -

We think that, by indefatigably pursuing the application of the Articles of the Covenant the League of Nations will succeed in ensuring that justice shall be done as between these two nations, and that that will lead to the heightening of its own prestige and to the welfare of mankind.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

JJ.

106.

The PRESIDENT (Interpretation): I propose that we should now adjourn. We have several speakers who have handed in their names; we can hear them at 3:30 p.m. on Monday.

The Commission rose.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS†

A.Extr./C.G./C.R.4.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

FOURTH MEETING.

Held at Geneva, Monday, March 7th, 1932, at 3.30.P.M.

PRESIDENT: M. Paul HYMANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.



CBC

- 1/0 -

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF

ARTICLE 15 OF THE COVENANT.

COMMUNICATION FROM THE CHINESE DELEGATION.

The PRESIDENT (Interpretation): I call on  
Dr. Yen who has a communication to make to the Assembly.

Dr. W.W. YEN (China): I have here the text of a  
communication which I intend to hand to the President of the  
Assembly immediately after I have read it:

March 7th, 1932.

Monsieur le President,

Yesterday I had the honour to inform you that  
General Chiang, Chief of the Army for the defence of  
the Shanghai Region, had issued an order to the  
troops under his command that in obedience to the  
Resolution adopted by the Assembly the cessation of  
hostilities should be made effective. This information  
was sent through Sir Eric Drummond, the Secretary-  
General of the League, by me.

I have now the honour to inform you that I am in  
receipt of the following telegram from the Hon. T.V. Soong,  
Vice-President of the Council of Ministers, to the  
following effect:

"Having accepted the Resolution of the Assembly,  
we are ready to enter such negotiations for the armistice  
on the basis of the two understandings, namely, first,  
limited to matters pertaining only to cessation of  
hostilities and complete withdrawal of Japanese forces;  
and secondly, no condition to be attached to such with-  
drawal". The telegram adds that the negotiation for  
the armistice had not begun because the Powers who have  
been requested to give their assistance in the matter  
had not yet moved.

Accept, Monsieur le President, the renewed assurance  
of my highest consideration.

(Signed) W.W. YEN

I take it that perhaps the telegram means that the  
military, naval and civilian authorities of the Powers have not  
yet completely received their instructions. That may be the  
explanation for the Powers who have been requested to give their  
assistance not having made any movement yet.

137

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

D. & E.

10/12/13

The PRESIDENT (Interpretation) : You will remember, Gentlemen, that our resolution which we voted on the 4th March called upon the Governments of China and Japan and the other Powers which have special interests in Shanghai to prepare to make arrangements to render definite the conclusion of hostilities. We have not had any further information from the Powers, and I presume that I am to take it that they have not received any further information.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

F - I.

14

(Continuation of the General Discussion.)

M. TITULESCO (Roumania) (Interpretation) : Mr. President, Ladies and Gentlemen,-China has brought a request before the Assembly under Article 15 of the Covenant, and the Assembly has therefore pronounced its opinion on the serious conflict which, for six months past, has been going on between two great nations which are friends of us all and which are equally important in our eyes from their ancient civilisation, their history, and especially from the important functions conferred on both by the organisation of present day international life. Appearing as they do as parties to the dispute before us today, Japan and China are, by their very functions as Members of the Council, going to be our judges in any disputes which may arise between us in the future. Consequently, any views regarding principles that, in their own minds, they regard as sound in relation to their own interests, must naturally appear in their eyes to be the law to which we ourselves may have to submit tomorrow in relation to our own interests. That in itself is sufficient to indicate the gravity and the difficulty of our task. But there is more than that; the conditions under which this dispute is coming up today before the Assembly, in spite of the efforts of the Council acting under Article 11 - efforts which we can never praise too much - and owing to the fact that certain events known to us all who have supervened have had this result, ~~that~~ there will be superimposed on this question of the Sino-Japanese dispute a problem which will be the source of even graver anxiety, namely the question of the part to be played by the League of Nations and of its effectiveness as an instrument for the maintenance and development of peace.

It is not only in regard to this matter that I propose to speak today, for, so far as the substance of the issue is concerned, that has not yet been sufficiently reviewed for it to be possible

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

F - I.

15/ 27.

impartially to take sides either for or against either of the parties to the dispute. At the stage we have now reached, let us say frankly that the question which international public opinion - without which our institution cannot carry out its functions - is asking is one which outweighs all others, namely, whether the League of Nations exists or does not exist. The problem being thus brought up, it is the duty of every Member of this Assembly to give a clear and definite reply. In doing so, we are not performing an act of courage; we are merely engaging in an act of prudence. The States which are not directly interested in the present conflict, but are nevertheless striving to organise peace, have a singular resemblance to those Court officers who are called upon to take measures in suitable time to safeguard future interests. They are individual interests, perhaps, but the sum of these interests represents the general interest of the world, which is the same thing as the interest of our institution.

J

- 28 -

To the question that has been thus raised in the strict field of the interests of the League of Nations, the fact that I have been on two occasions President of the Assembly makes it incumbent upon me to reply without hesitation. I will do so. If the League of Nations exhausts all the possibilities of the Covenant without however arriving at the desired results, the League will not only have demonstrated the fact that it does exist, but it will also have shown such a measure of vitality that the expansion of its fundamental charter will tomorrow prove necessary, for only the gaps in the charter will have prevented it from achieving its object. If, on the other hand, the League of Nations hesitates, is content with half measures, if it does not clearly proclaim those great principles which underlie the Covenant and modern international life, not only will the League of Nations have ceased to exist, but the whole of its laborious activity in the past will appear merely as a deception in the eyes of those who believe in it. Nothing could be more unfair to those who, from its very inception, have cooperated with patience, with faith and with enthusiasm in this new organisation of peace which was to replace the old system of sovereignty in water-tight compartments which has produced so many catastrophes. Nothing could be more unfair to them, but nothing could be better deserved for the institution itself.

Is it so difficult for us to do our duty in relation to the Covenant and is it inevitable in doing that duty that we should offend the susceptibilities of either of the Parties? I do not think so. I cannot believe it. On the contrary, I believe and am prepared to believe up to the very last minute that in the enforcement of the Covenant we shall have the support of both parties to the dispute.

I have read with care the documents distributed by the Secretariat. I have listened with the greatest interest to

J

- 29 -

the statements made by the representatives of China and Japan. The general impression I have gathered is this. It is inconceivable to me, that Japan -- a country renowned for its loyalty, for the principles of honour which it has laid at the foundation of its private and public life, for the well-established tradition of respect for international undertakings -- should have engaged in an action such as that to which our attention has been drawn at the request of China without in its own belief having reasons, and very serious reasons, therefor. But, on the other hand, it is equally inconceivable to me that, however legitimate it may be in the interests of a State, it should be impossible to find in the means of pacific settlement which are placed at our disposal by the Covenant and by the various undertakings which bind us, the means of defending and securing satisfaction for those interests.

Undoubtedly, if we are to judge on the substance of the question, the Assembly will need to have an impartial study and will probably have to set up some limited organ of the Assembly to deal with the matter -- whose work will, in the event of a persistence of the dispute, have to be considered by the plenary Assembly with a view to drawing conclusions therefrom in accordance with Article 15 of the Covenant. At the present moment the Assembly is able to take certain decisions. Here and now the Assembly can proclaim -- and in my opinion should proclaim -- the general principles which should govern any future solution. To my mind those principles are the following: I) Immediate and final cessation of hostilities. By its resolution of March 4th the Assembly has already taken a decision in that respect but may I just observe that we have to deal here not with the execution of orders which, according to information received have been given

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Quisenberry NARS, Date 12-18-75

- 30 -

on the subject. But, the representatives of China and Japan formally declared before us on March 4th that their Governments had already given the necessary orders for hostilities to cease. We therefore have to deal with the execution of nothing less than a contract solemnly concluded by both Parties before the League Assembly.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

K.

- 31 -

(2) Necessity for concluding as rapidly as possible a military armistice, without political conditions, which can assure that the cessation of hostilities will be permanent in order that the negotiations that are about to open may proceed in an atmosphere of calm and may be conducted in such a spirit as to enable them to be successful.

(3) Necessity for the application in full of Article 10 of the Covenant. This Article represents the key-stone of our institution. It contains two obligations: the obligation to assist any Member of the League against external aggression, and above all, the obligation to respect the territorial integrity of Members of the League of Nations.

May I venture to observe that the Pact of Paris, by prohibiting war as an instrument of national policy and by the obligation which it imposes only to resort to pacific means for the settlement of international disputes, involves for the signatories an obligation which is identical with that of Article 10 so far as respect of the present territorial integrity of each State is concerned.

Any weakening of Article 10, any hesitation regarding its application in full, would deal a death-blow to our institution. On the contrary the solemn affirmation of that clause by the Assembly at the moment when it is beginning to examine the conflict before us, would be a salutary act which will remove any misunderstandings which may have misled public opinion and caused it to misjudge the League of Nations.

Further, Japan, at the outset of the conflict and up to the present moment has asserted its determination to respect the territorial integrity of China. We believe



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

K.

- 32 -

it is for the League now to assist both Parties in order to pass from words to acts.

(4) Necessity for protecting the lives and property of the Japanese.

The League of Nations must find means for ensuring that protection and those of its members who have available those possibilities which result from their extensive responsibilities in world policy, should assist the League in order to bring these means into practical operation so that this particular matter which is overclouding our debates may finally disappear.

(5) Necessity for basing forthcoming negotiations on a scrupulous respect for treaties. When I say "respect for treaties" I mean in the first place, peace treaties whose opening clauses in each case lay down the rules by virtue of which we are sitting, and when I say "respect for treaties" I mean next, the Pact of Paris by which war has been prohibited as an instrument of national policy. When I say "respect for treaties", I mean finally, respect for all international commitments and the unilateral denunciation of which is incompatible with the letter and spirit of the Covenant and with the very conception of a Convention.

(6) Necessity for the League of Nations to affirm one single doctrine in regard to all its Members, whatever their geographical situation.

It has been said that the League, in aiming at universality, has been over ambitious. That may be so; but I much prefer that its action should fail because in some parts of the world it finds itself faced with certain realities for which it was not made to deal, instead of having the League fail through changing its law according to

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

( )

K.

- 33 -

case and according to circumstances.

In the former hypothesis, it would be the action of the League of Nations which would fail in a particular case and not the institution itself, which would have remained faithful to its own doctrine, such as the large majority of its members conceive that doctrine and know it.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Hughes NARS, Date 12-18-75

L.

- 34 -

In the second hypothesis, that of the multiplication of the different doctrines according to the exigencies of the moment, it would be the institution itself which would founder, because, what reliance could nations place in a judge who was called upon to apply the law if the law was not the law that they knew and was not the law to which they had voluntarily submitted but, on the contrary, a law which no one could know beforehand, and one which changed according to unforeseen and frequently involuntary circumstances -- a law which instead of being a clear text by which we are bound, the Covenant, would necessarily be the hybrid resultant of all the precedents thus set up owing to the necessity of dealing rapidly with the most urgent ~~XXXXXXXXXX~~ emergencies. Therefore, in order to arrive at my conclusion, I think this general discussion cannot be concluded by the mere drawing up of a method of work or by a resolution on procedure. The discussion must lead to the affirmation of decisions which will in their turn lead to the proclamation of the principles governing any solution which the Assembly may in due course be led to adopt. Those governing principles can be none other than the principles of the Covenant, and in asking the parties to the dispute to proclaim them with us, I do not think I am making an excessive request.

Moreover, it is not so much by pleading the respect that those parties owe to the Pact, but rather by pleading the devotion which both parties have in fact shown in support of the Covenant, and none could forget the value of the

138

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

L.

- 35 -

co-operation Japan with us ever since the inception of the League, that I make that appeal to you.

I ask above all, in the first place, that before the Assembly begins its examination of the conflict, we should begin in such a manner as to <sup>re</sup>move every possible trace of doubt as to the fact that we are bound, all of us without distinction, by the Covenant and by the treaties, and that we are unanimous in our support of these causes of peace in our work on the League. To refuse such a request would be to drain the substance of our faith in the League and deprive those States which are not parties to the dispute of their most valuable possession, the legitimate hope that those guarantees which they have obtained by international treaty will in time of emergency be converted into tangible realities.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

I.

- 13 -

Death of M. Briand.

Condolence with the French Delegation.

The PRESIDENT (Translation): I have the painful duty of communicating to you the sudden and very dreadful news which has just reached us. M. Briand has died in Paris. He was the very incarnation of the ideal of peace and friendship among the peoples, and was one of those who had helped more than almost any other to build up the League of Nations. The accents of his voice still echo in our ears; we loved and admired him; he was the glory of France, and will live in history. I present our sincerest condolences and sympathy to the French Delegation.

I propose as a mark of mourning that the Assembly should adjourn for a quarter of an hour.

M.

- 37/39 -

M. PAUL-BONCOUR: (France) (Interpretation):

If anything could lessen the grief which I feel as delegate of France, as a personal friend of M. Briand, as one who has collaborated with him for so many years, and, most of all, as one who tries to be a faithful servant of the League of Nations which he served so well, it would be the words in which you, Mr. President, announced our irreparable loss and the silent unanimity with which the Assembly associated itself with your words.

By a touching and tragic coincidence the sad news is announced at a moment when the Assembly itself is in session - the highest organ of the League which he loved so well. We are met to settle if possible the conflict to which he devoted the last months of his activity and, one might say, his last efforts. He has not been allowed either in this particular case or in the organisation of peace as a whole to see the accomplishment of what he desired. In the grief which we feel the best tribute we can pay to his memory will be our perseverance in the work which he attempted to carry out. As French delegate I can assure you that we shall continue in our efforts. As representative of the French Government and of the masses of people who loved him because they knew he loved and worked for peace, I realise the enormous loss from which we are suffering.

The Assembly was suspended.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

U.

- 40 -

H.E. M. ZALESKI (Poland):

(Interpretation):

Many speakers have preceded me and have dealt with great talent with the great problem with which we are concerned. I shall therefore confine myself to making a short statement.

The conditions under which grave events are occurring in the Far East certainly have a special character. This ~~It~~ has been frequently shown during the deliberations which the Council of the League devoted to consideration of the dispute before us and also in the present Assembly. To understand this fact does, not, however, excuse the League from doing everything in its power to safeguard peace in accordance with the most sacred duties imposed upon it by the Covenant. The Covenant contains an obligation for all Members of the League to respect the territorial integrity and existing political independence of all the Members of the League.

May I at the same time recall here a passage from the Preamble to the Covenant which sets forth the reasons that led to the creation of the League. These are, amongst others, a firm establishment of the understandings of international law as the actual rule of conduct among Governments; the maintenance of justice, and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another.

Poland has no direct political interest in the Far East, but ~~with~~ <sup>through</sup> her geographical situation she is specially interested in the maintenance of peace in that region. She earnestly desires the restoration of the relationships of concord and confidence between the two great nations with whom she entertains relations of the most cordial friendship and who are to-day divided by a serious dispute. She also desires that the principle of the complete maintenance of treaties should be reasserted, for that maintenance is the pivot of all

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

U.

41/63.

relations between civilised people.

We accordingly note with satisfaction the fact that the Delegate of Japan has stated that his country in no wise intends to infringe those fundamental obligations of the Covenant of the League. I hope our efforts and the good-will of the two parties will enable us to attain the result we all desire - namely, that the present difficulties between Japan and China shall shortly be settled and the sombre cloud which darkens the skies of Eastern Asia shall be dispersed for ever.

Nevertheless I feel it my duty to emphasise at a time so important for the future of the League, that the action of the Council and of the Assembly will always encounter great difficulties so long as the legal rules which govern our League are not sufficiently clear and complete.

Need I recall at this stage that my country has always been amongst the most convinced supporters of the strengthening of the powers at the disposal of the League with a view to maintaining peace and ensuring respect for the rights of its Members? Poland energetically supported the plan for Mutual Assistance and has never ceased to advocate a return to the Geneva Protocol; while during the League's work on the Convention on the Means for Preventing War, she defended the view that there could not be any intermediate stage between peace and war.



V.

- 64 -

The observations submitted in this connection as lately as September last by the representatives of the Polish Government in the Third Committee of the Assembly, are I think worthy of attention at present by my colleagues. Poland was then almost alone in defending that view. We can perhaps understand with an institution whose origin is so recent as that of the League - for, after all, we are only at the outset of our task of organising the greatest political institution the world has ever known - it is not surprising that such an institution has not, up to the present, succeeded in producing a mechanism which enables us to settle adequately the relations between the States Members. Our sincere hope is that through the goodwill of the two parties to this dispute we shall succeed in approaching a desirable solution for the problems with which we are concerned; but let the serious difficulties that we have had to overcome today act as a warning to us for tomorrow, and impel us henceforth to undertake without delay and without hesitation that work of perfection which our organisation demands. It is by filling up the gaps in the Covenant of the League, and by perfecting its operations, that we shall be best working for the organisation of peace and shall thereby avoid finding ourselves again in so serious and difficult a situation as that in which we have so recently been.

Sir John SIMON (British Empire): I have listened with intense interest to the speeches which have been made from this tribune on Saturday and today, ~~and~~ speeches made by many Members of the League representing widely-scattered states situated in different continents of the world, and all inspired by a common purpose in which Great Britain most fully shares.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

V.

- 65/66 -

These declarations have revealed in the most striking fashion the passionate attachment which we all feel for the League of Nations as the expression of our aspirations for world peace, and as the embodiment of a new conception of society. And, my colleagues, I would add this; we are deeply conscious that the situation which we have before us involves something more even than the restoration of peaceful conditions in the Far East. It involves nothing less than this: it involves the utility, in the case of a major dispute, of the League of Nations. And one strong impression which I have derived from the course of this debate only fortifies my own conviction that the League of Nations is an indispensable instrument for influencing international relations, and the preservation of its useful, authoritative influence is the best hope for the future of the world. Not one of us would be willing to contemplate a future world from which the active influence of the League was eliminated.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

X.

- 67

Our meeting together here and the course of this discussion are a demonstration that we all of us are of one mind in recognising the importance and desiring the maintenance of the fundamental principles of the League.

So much, Mr. President, by way of preface, for it is in that spirit that I, on behalf of my Government, desire to make a few remarks on the practical procedure which seems appropriate for the immediate purpose of our general discussion.

I begin by recalling and emphasising an observation of His Excellency M. Motta, who pointed out on Saturday that the first duty which is cast upon this Assembly in relation to the dispute that is before it is the duty of mediation. Article 15, in its third paragraph, expressly provides for this, and it is of the first importance that we should all keep the contemplated procedure strictly in mind, as M. Motta has expounded it.

Let me point out that the duty of mediation does not disappear because, unhappily, fighting has broken out and military operations on a vast and formidable scale have been in progress. These tragic developments serve rather to enforce the urgency and the importance of the duty of mediation.

The third paragraph of Article 15 provides that when the dispute has been referred to the Council, "the Council shall endeavour to effect a settlement of the dispute."

The ninth paragraph of the Article confers upon either party to the dispute the right to refer it to the Assembly, and the honourable representative from China was entirely within his right when he took that course. In that event, by virtue of the tenth and final paragraph of Article 15, the whole of

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

X

-62/63-

the provisions of the Article relating to the action and powers of the Council apply to the action and powers of the Assembly, and it therefore follows inevitably, that this Assembly, which first took up this matter four days ago, has as its first and foremost obligation the solemn obligation to do its utmost to effect a settlement of the dispute. We should be abandoning our first duty if we did not persist in pursuing this procedure of conciliation by every means in our power, and I associate myself most warmly with those who have preceded me - M. Motta and other speakers - in expressing my ardent hope that that procedure, which we must not abandon or regard in these first few days of our work as already exhausted, may be pursued to a successful issue by such appropriate procedure as the Assembly may see fit to adopt.

Let me add one more word on this point. Difficult as the task is, anxious as is the outlook for mediation, we have the advantage - and it is a great advantage - of having actually present here in this Assembly the authorized representative of both parties. We look to them both as colleagues of our own, with whom we maintain relations of equal and undiminished friendship, to take full advantage of our efforts to bring about a reconciliation.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

70

Again, those Members of the League who, owing to their special association with the Shanghai settlements, have facilities for promoting local negotiations or for reporting on disputed facts, have, one and all, whether Members of the League or not, - for the United States has put itself, for this purpose at our service - put their officials on the spot unreservedly at the service of the League. And, lastly, on this point allow me to make this observation. After all, the League of Nations is an association of Member States with the special function of seeking, with the good will of the disputants and in a spirit of fraternity, the best way of reaching a reconciliation between them. A reconciliation may be difficult to effect, it may take long to reach, but, in endeavouring to discharge our duty, we must never forget that this is the first of the objects prescribed for us under Article 15 of the Covenant.

But, Mr. President and Gentlemen, there is a second aspect of our present duty to which I wish to direct particular attention, and which I think might very well be expressed in a declaration which every Member of the League here present should be willing to endorse without delay. I do not of course mean that we can pronounce a judgment on matters which are in controversy. It would be contrary to the first principles of justice that at a time when an investigation is proceeding with the help of a Commission appointed by the League which has only just reached the Far East, when we have not received, as I understand, the full statement of the case of both parties, when each side unfortunately makes allegations against the other which are in dispute, it would, I say, be contrary to the first principles of justice to do anything of the kind. But, none the less, there is a very important declaration which, without waiting for the full ascertainment of matters in controversy, the Assembly might, if it so willed, - and, as it seems to me, properly should - make forthwith, and I will

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

X

71

venture to indicate for the consideration of my colleagues the general nature of the declaration I have in mind.

I have spoken of the distinction between pronouncing a premature judgment on matters in controversy and of a declaration of another sort which may fitly be made now. No-one has put that distinction with more clearness than Mr. M. Benès in his speech on Saturday -- Mr. Benès, whose constant interest and long experience in the work of the League of Nations is known to us all -- and my distinguished friend, M. Titulesco, who spoke with his great authority and long connection with the League of Nations, made a very similar statement this afternoon. Let me quote two sentences from the speech of M. Benès. He said on Saturday, in respect of the information secured on the substance of the dispute between China and Japan: "I do not claim to know it all; I do not claim to be able to judge between the parties or to be able to accept beforehand the arguments pro or contra". M. Benès rightly emphasised the complexity of the Far Eastern situation and the difficulty, without exact information and close study, of appreciating what he quite rightly called the special situation existing in the Far East. With all that I agree, but the pronouncement which the Assembly might make now would not, I think, be in conflict with M. Benès' reservation. What I have in mind is not a pronouncement as to the merits of the controversy between these two Members of the League, but as to the measures by which the solution of that controversy should be sought -- for, mark you, this is the first time that the Assembly has been concerned with an appeal addressed to it under Article 15, and it is therefore of the first importance, having regard to the future, that we should not prejudice the opinion of the Assembly in future cases by prejudging the merits of a controversy which is under investigation, but that we should reaffirm what the proper methods of dealing with such a controversy are. Natural justice, the jus naturale of

039

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

X

72

Roman law which has become the common inheritance of all who seek to do justice in any controversy, no doubt requires us to hold our judgment on the merits in suspense during the investigation which is taking place. But I would appeal to everyone here. I would appeal to our honourable friend the Representative of China, to our honourable friend, the Representative of Japan, I would appeal to the representatives of other States, whether small or great, Should not we take this opportunity now solemnly to reaffirm the fundamental principles on which the League of Nations is based, and by which every Signatory represented in this room is bound? Should not we declare afresh that the Covenant of the League of Nations does not authorise a State, however well founded its grievances against another State, to seek ~~to~~ redress by methods other than the pacific methods set forth in Article 12 of the Covenant? Should not we make reference afresh to the Pact of Paris which, together with the Covenant is one of the pillars of the peace organisation of the world? It provides, as my distinguished friend, M. Titulesco, pointed out an hour ago, under Article 2, that "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them should never be sought save by pacific means."

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Y

- 73 -

Should not we make reference therefore to Article 10 of the Covenant? By it all members of the League have undertaken to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. These propositions, therefore, Gentlemen, are propositions which every Member of the League is bound to accept without regard to the merits of the controversy and to all those complicated matters. Changes brought about not as the result of methods of conciliation and peaceful adjustment but by means contrary to the Covenant of the League of the Pact of Paris manifestly could not receive the approval of Members of the Assembly of Nations which exists for the very purpose of observing these obligations and these principles. Such, Mr. President, are the general lines of the declaration which I would invite my colleagues here to join in formulating. It would not be the complete discharge of our duty, but it would be a step we can take now. It would be a step, I venture to think, we ought to take now at the end of our general discussion.

There have been indications from some previous speakers to-day and on Saturday that their thought has travelled along the same road, and indeed I am glad of it and if, Mr. President, I was fortunate enough to find that what I have said here to-day commanded a sufficient measure of support in this Assembly I should indeed be happy to co-operate with others of you in submitting in due course suggestions to carry it out.

Now what should <sup>such</sup> a declaration accomplish? Well, it would reassert the conditions under which every Member of the League is pledged to conduct relations with every other Member in a way which would, I trust, receive the adherence of every State here



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

Y

- 74/75 -

represented. It would direct the attention of the world once more, the fresh and specific attention of the world, to the proper means of solving disputes. It would be a proclamation not only of the interest but of the duty of us all to stand by the League in this hour of its severest trial. Ah, M. Hymans, I agree with what was said from this tribune a short time ago by a previous speaker. It would be far better for the League to proclaim its principles even though it failed to get them observed than to forsake those principles by meaningless compromise. And lastly this declaration that I suggest would be a recognition that the ultimate progress of the world cannot be secure by any other means than the means which the League has been formed to organize and supply - the means of peace and of justice.

CC, PD.

- 76/ -  
- 90.

The PRELIMINARY (Interpretation):

M. Restrepo of Colombia who is unable through ill-health to be here to-day has sent to me a draft resolution which is, he says, drawn up in accordance with documents enunciated by him from this platform in his speech on the 5th instant. The resolution reads as follows:-

"The Assembly,

"Adopting the principles followed by the Council in respect of the dispute between China and Japan,

"Declaring that cessation of hostilities and of all military pressure by one of the parties on the other is an essential and previous condition to further efforts by the League to obtain a peaceful settlement of the dispute between China and Japan,

"Recalling the resolutions adopted by the Council on September 30th and December 10th and the draft resolution adopted by thirteen of its members on October 24th,

"Recalling that the two Parties have recently, in accordance with the Assembly's resolution of the 4th of this month, agreed to take all measures necessary to prevent the continuation of hostilities,-

- (1) "Requests the Chinese Government to provide all guarantees for the protection of the lives and property of Japanese nationals, both at Shanghai and in Manchuria, with the collaboration of impartial observers nominated by the League,
- (2) "Requests the Japanese Government to withdraw its troops from Shanghai and to commence the evacuation of Manchuria in accordance with the Council's resolution of September 30th.
- (3) "The Assembly recommends that the evacuation of Chinese territory should be completed within a time limit to be fixed, account being taken of technical requirements by a Commission appointed by the Assembly."

This resolution will be printed and circulated to members.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS.

A.Extr/C.G./C.R.5.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

FIFTH MEETING

Held at Geneva, Tuesday, March 8th, 1932, at 3.30 p.m.

PRESIDENT: M. Paul HYNANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 108, within 24 hours of the receipt of the Provisional Verbatim Report.

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340

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

ABC

- 1/9 -

THE LATE M. ARISTIDE BRIAND.

Text of telegram of condolence sent by the President of the  
General Commission to M. Tardieu, Prime Minister and Minister  
for Foreign Affairs, France.

The PRESIDENT:

(Interpretation):

I think I should communicate to you the telegram  
that I sent last night to His Excellency M. Tardieu, Prime  
Minister and Minister for Foreign Affairs, France:-

"On behalf of the Assembly of the League of  
Nations, which is profoundly moved at the news of  
the sudden death of M. Aristide Briand, I desire to  
express to your Excellency the deepest condolences  
on the loss suffered by the French Government and  
by the whole of France.

"The Assembly associates itself with your grief,  
and will faithfully and gratefully cherish the  
memory of the illustrious statesman who was  
passionately attached to the cause of peace and  
gave to it all his strength, his heart and his  
eloquence."

D.

10

M. de ZULUETA (Spain) (Interpretation): I have asked to be called upon to speak because I desire to submit a proposal to the General Commission.

On Saturday next there will take place the funeral of the great statesman whose loss we mourn. By his example M. Briand showed how, by serving one's own country, one can at the same time serve mankind. Before his grave on the soil of France representatives of all nations will wish to stand with bowed heads. The League of Nations cannot be absent, and I therefore desire to propose that we be represented by a delegation, which I propose should consist of our President, M. Hymans, and the Secretary-General.

The PRESIDENT (Interpretation): The proposal which the honourable delegate of Spain has just made is, I am sure, in accordance with the desire of this Assembly even as it is in accordance with the desire of your President and your Secretary-General. We feel that it is a duty that we should associate ourselves in heart and in spirit with the tribute that France is going to pay on Saturday to the illustrious statesman who represented our ideals and our hopes. We would be very happy to accept that task.

M. POLITIS (Greece) (Interpretation): I desire to associate myself most warmly with the proposal made by the Spanish delegate. I would like to make a further suggestion, although it is not strictly within the competence of this Commission.

I consider that the Council of the League of Nations should be represented on that solemn occasion by its President in Office. We are all aware that the great man whose loss we

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

D,

11/12

mourn was one of the glories of that organ of the League of Nations over which he so frequently presided.

The SECRETARY-GENERAL: Mr. President, I think I ought to inform you that the Council is already considering the point raised by M. Politis and I understand it is the intention of the Members to invite their President to represent them on the sad occasion on Saturday.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

13.  
APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE  
OF ARTICLE 15 OF THE COVENANT.

COMMUNICATION BY SIR JOHN SIMON.

The PRESIDENT (Interpretation) : Before re-opening the general discussion, I will call upon the Right Honourable Sir John Simon who has, I understand, a communication to make to this meeting.

Sir John SIMON (British Empire) : Mr. President, with reference to the request transmitted from the Assembly to Shanghai for an official report as regards the cessation of hostilities, I have today received a message to the following effect from the British Minister to China, and, as you will see, this message is in effect a message from the representatives of the four States who have special interests in Shanghai. This is the message :

" American, British, French and Italian Representatives and their Commanders-in-Chief met on March 7th and decided to send the following joint message to their respective Representatives at Geneva :

'With reference to recent request from Geneva for information regarding cessation or otherwise of hostilities between the Chinese and Japanese forces in the neighbourhood of Shanghai, it is difficult, owing to comparative remoteness from the Shanghai Settlement of the present front, to secure such information from naval sources alone. Foreign representatives have arranged, in consultation with their four Commanders-in-Chief to co-ordinate their enquiries, and, utilising reports of legations, military attachés, and such other information as may be available to foreign Commanders-in-Chief from naval, military or other sources, to send to Geneva daily a joint report which will be transmitted by the British Minister, as Senior Representative concerned, to the head of his Delegation for textual communication to the heads of the French and Italian Delegations and to the United States Minister at Berne for such action vis-à-vis the League of Nations as he may think fit. These daily telegraphic reports will be numbered serially, beginning today with Situation Report No. 1. It is hoped that these arrangements will meet with approval.

'This telegram has been drafted in concert with American, British, French and Italian heads of missions.' "

That, Mr. President, is the message which I am authorised to transmit, and which, as you see, is a message from the American, British, French and Italian heads of missions. I may add, Sir, that I have also received and have communicated to the French and Italian

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

C.

14/15.

Delegations and to the United States Minister at Berne the first of these reports, and, of course, subject to their own view, I am perfectly prepared to hand it to the President so that it may be read in due course.



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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F

- 16/18 -

The PRESIDENT (Interpretation): I think we are unanimous in being very glad of the communication made to us by Sir John Simon and in thanking the military commanders of Great Britain, France, the United States and Italy who are prepared to send us daily reports on the situation. Those reports will very much assist us in the delicate task which we have to carry out.

M. PAUL-BONCOUR (France) (Interpretation): I just want to speak to the invitation which has been made by Sir John Simon to the other Powers who have special interest in Shanghai. Not only do I see no objection to the handing in of this information, but such action seems to me entirely in keeping with the efforts we have all of been making to secure as much information as possible. I am glad that the military attachés have agreed among themselves to send us collective reports, which reports will prove a very valuable source of information. The information which we were able to secure from the Consuls at one stage of the hostilities has already proved useful, though it is not easy to continue to get information in that way owing to the shifting front. We can see now that the League of Nations is little by little forging the interests of peace for its work.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

G<sub>4</sub>

- 19 -

M. ROSSO (Italy):

(Interpretation):

I merely wish to say that I gladly concur in the remarks made by Sir John Simon and should be very glad personally if the information thus collected were communicated to the Assembly.

Sir John SIMON (British Empire): Mr President, I have reason to think that the United States representative is equally willing. Perhaps as a formality the Secretary-General would wish to communicate with him.

(The Secretary-General agreed to do so).

The PRESIDENT: (Interpretation):

We will now resume the general discussion but may I say that there are ten names of speakers which have been handed in. Well, I would remind you of the slow progress of our work. I do not think we can count on more than two or three days more during this week for the work of this Assembly. I think you will all agree it is most desirable that the first phase of the work of the Assembly should finish this week; otherwise we might have to postpone it until next week, and when we are dealing with a very urgent question such as this it is most important that we should finish the first phase this week. I therefore make an appeal to speakers to be brief or alternatively to the Assembly to allow me to carry on the sitting comparatively late.

Mr Sean LESTER (Irish Free State): Mr President, it seemed well to me that at the opening stages of this discussion the field should be left clear as far as possible for those members of the League who are not also members of the Council, to express their views on the principles underlying the tragic situation which has arisen in the Far East. I am sure that every one of my colleagues on the Council

7408

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

G.

20/21.

with me will have welcomed the very frank expression of views to which we have listened during the past two or three days.

I need scarcely say that the Irish people have nothing but the most friendly feelings towards the two peoples involved in this dispute and I am happy to think that the relations between our delegations at innumerable Conferences in Geneva have always been most cordial.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

H.

- 22 -

My country may be said to have no direct material interest in the Far East; but, like all other nations, we are deeply concerned in the maintenance of world peace, and above all in the maintenance and development of the organisation whose object is to replace in international affairs right for might, and the reign of law for the comparative lawlessness of the past.

The fateful issue which is before this Assembly, therefore, imposes a duty and a grave responsibility upon every Member of the League, whether they represent a small or a large State. In the words of the Spanish Foreign Minister, the issue may well be whether or not the basic principle of our new international relations will continue to exist. The Council, which is your executive organ and upon which my country has the honour to be one of your elected representatives, has spent nearly six months in endeavouring to secure a peaceful settlement of the dispute, mainly, under the provisions, it must be remembered, of Article 11. If we have not achieved as full a measure of success as we sought, and fervently hoped for, it is not because your Council has lacked diligence in the discharge of its grave responsibilities, or been wanting in patience in its conduct of the affair. Very many efforts have been made to put an end to the bloodshed, sometimes by private appeals from the Council, and sometimes by using on behalf of the Council the local influence and the diplomatic machinery of the great Powers. The initiative taken on those occasions by the great Powers invariably received the full support of the Members of the Council, and I believe that the smaller nations which are Members of the Council, and which may perhaps be said to represent in a special way

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 23 -

the general body of the Assembly, have correctly interpreted your views, and indeed have done their plain duty in lending their full support to every initiative which offered some possibility of successful mediation.

Permit me to recall one of the notable declarations of the Council. I refer to the Resolution of December 10th in which the Japanese representative joined with his colleagues in re-affirming the recognition by Japan of her obligation to withdraw her troops in Manchuria to the Railway Zone as speedily as was compatible with the safety of the lives and property of the Japanese subjects. On that occasion a declaration was made by our distinguished President, M. Briand - whose death is a personal loss to every lover of peace. M. Briand made it quite clear that that withdrawal was not dependent upon and not to be delayed on account of the enquiry which the Lytton Commission had been asked to make. The attitude of your Council upon this point admits of no doubt.

The matter is of great important because of the fact that the dispute with which the Assembly is now seized is the whole dispute between China and Japan, not the incidents of that dispute, whether they are taking place, or have taken place, in Manchuria or Shanghai, but the trouble itself of which those incidents are the unhappy symptoms.

Certain considerations of principle seem to stand out from the mass of facts before the Assembly. Firstly there is a duty clearly imposed upon every party of the Covenant to avail fully of the machinery of the League for the settlement of all disputes. The obligations of the Covenant in this respect are powerfully reinforced by the provisions of the Kellogg-Briand Pact.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

H.

- 24 -

Secondly the territorial integrity and political independence of every member of the League is guaranteed in the plainest possible terms by Article 10 of the Covenant.

This Assembly has to consider whether the conduct of either of the parties to the dispute constitutes a violation of this all-important article.

I.

25

Should it be found that the Covenant has in fact been violated it would become our clear duty to declare again the solemn principles upon which the public law of the world is now based and to require of the party concerned a definite rectification of the situation.

In this relation it may not be out of place to direct your attention once more to the note sent to Japan on the 16th February by all the Members of the Council, exclusive of the two parties to the dispute, and in regard to which the honourable delegate of Sweden has made a useful suggestion.

It is clear that the duty of the Assembly is not only to settle the dispute between two Members of the League, but also and above all to uphold the sanctity of the Covenant.

The first step is therefore to restore a situation compatible with the Covenant, not only by the cessation of hostilities, but by the restoration of the status quo ante.

The final settlement, which may take a long time to reach, can only take place on the basis of respect for international agreements, the Covenant, the Nine-Power Treaty and the Peace Pact of Paris. We must not only settle this dispute: we must settle it right.

It is a hard task, the hardest and the most responsible which the League has ever been called upon to undertake. But it is a task that is a direct expression of the League's fundamental purpose, of its very reason for existence.

I do not believe that the League will fail in this task and I believe that in the difficult and delicate

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

I.

26/27

negotiations ahead of us we shall have the fullest co-operation and goodwill of both our Chinese and Japanese friends and on their part they may be assured that they will get from the Assembly nothing but friendly and utterly impartial consideration of their respective cases.



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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

J & K

-- 28/33 --

The SECRETARY-GENERAL: I have to inform you that I have been in communication with the representative of the United States Government, and he agrees that the information obtained be communicated to the Committee.

The PRESIDENT (Interpretation): The communication which Sir John Simon promised the Commission will now be read.

(The following Joint Situation Report No. 1 was then read in English).

JOINT SITUATION REPORT No. 1.

Morning March 6th Japanese had occupied points along the line running roughly from North West of Liuho on Yangtse via Lutung one mile west of Kiating to Huangtu on Shanghai-Nanking railway west of Nanziang thence bending east covering Chenju along Soochow creek with a few patrols south of creek.

Skirmishes then taking place such as are involved in case of troops occupying new front.

Japanese report occasional skirmishes between patrols but no casualties March 7th.

Japanese reinforcements disembarking Woosung railway wharves morning March 7th.

Received no information of any change in situation since but both sides charge other with responsibility for fighting north west of Liuho.

We are taking steps to verify facts in this connection.

Owing to geographical difficulties resulting from Chinese withdrawal we are at present only able to secure first hand information from Japanese side of front but are endeavouring to make arrangements for maintaining contact with Chinese side also.

The PRESIDENT (Interpretation): We take note of that communication and we continue the general discussion.

141

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

M.

-34- -

CONTINUATION OF THE GENERAL DISCUSSION.

M. PARDES (Salvador)

(Interpretation):

It would not have been possible for my country - one of those which collaborated in the work of the League of Nations from the outset - not to take part in this gathering of the nations which proclaims the great principle of international solidarity of which the Covenant of the League of Nations is the supreme expression.

Situated in the heart of America, Salvador has always identified itself with those high principles which govern the new international organisation - the institution of the cult of law in place of that of force. It is unnecessary to state that Salvador has always maintained the best relations with both the great Powers, the parties to this dispute - both of them representatives of very ancient civilisations. It is as a supporter of the principles of equity and justice that Salvador participates in this Assembly, where it hopes that the principle of the inviolability of territory, non-intervention, and other principles to which I will refer later, will once more be recognised.

The distinguished delegate of Guatemala, M. Matos, at the Sixty-fifth Session of the Council on December 10th last made again a very complete statement of those principles which are so dear to weak nations. I desire to refer to this matter here to show that already one of the sister Republics of Central America has in the Council defended the

M.

- 38 / 89 -

cause of justice. The Covenant, which is the supreme law of the League of Nations, summarises in its very preamble the legal doctrine which should serve as a basis of the new organisation.

Paragraph three confirms the principle of the strict observance of international law. Paragraph 4 proclaims the necessity for the maintenance of justice and scrupulous respect for all treaty obligations. Article 10 of the Covenant imposes on Members of the League of Nations the obligation to respect the territorial integrity and political independence of states, and, as a corollary, armed intervention is banished from the new international relationships. The scope of the Covenant is so great that its strict observance would provide an equitable solution for all disputes. Nevertheless, there are cases where recourse must be had to special provisions. I shall venture to draw the Commission's attention to one point of very great importance. Article 10 of the Protocol of 1924 relating to the pacific settlement of international disputes defines aggression as follows: "Any State which has recourse to war in violation of its engagements as prescribed in the Covenant and in the present protocol". I think that the word "war" should be replaced by the expression "force and violence". If in the general spirit of the Covenant and of the Protocol force and violence are equally to be condemned, it would be desirable in order to avoid an erroneous interpretation to use those words, and in that way their importance will not be overlooked. Then we should not have such regrettable cases as those in which two powers perform all the acts which have the real characteristics of war and yet, in order to avoid the responsibilities arising from those acts, declare that they have not had recourse to war.

N.

40

A stronger nation, after having taken possession of all the territory of another country, might declare that it had not had recourse to war if we do not replace the latter word by the expression "force and violence." The application of Article 10 of the Covenant, which guarantees territorial integrity, would in that case be very difficult, because we should find ourselves faced by an accomplished fact, although there would have been a violation of the principle, which is in itself a very serious matter; and indeed a violation which is quite inadmissible.

During the discussion of the report of the Sub-Committee of the Fifth Committee on the Draft Protocol, M. Guerrero, delegate of Salvador and now Vice-President of the Permanent Court of International Justice, gave the opinion which I have just had the honour to sum up and state in this address.

It is desirable that the League of Nations should once more give recognition to those principles which are at its very basis. They may be summed up as follows:

(1) Respect of treaties; without which international life is impossible.

(2) The territorial inviolability of a State and, as a logical consequence, the declaration of the principle of non-intervention, whether it be for the recovery of debts or for the protection of the life and interests of nationals of an invading country, or for any other reason, except of course such interventions as are recognised by the Covenant.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

N.

41/42

(3) The absolute prohibition for any State to act as judge in its own cause.

I honestly hope that the dispute with which we are now concerned may be settled in accordance with the principles of justice, and that the League of Nations may cause the Covenant, the fundamental charter of the new international organisation, to be respected as a whole. My country expresses the most ardent wishes to the effect that the Assembly's resolution may give the world an assurance that the League of Nations really does represent an active force for the good of justice, civilisation and humanity.

O & P & Q.

- 43 -

Count APPONYI (Hungary):

(Interpretation):

Mr President and Gentlemen, - The year 1932 is most certainly a fateful year for the League. It has to deal simultaneously with two great problems - problems presenting difficulties that are different perhaps, but which are among the greatest difficulties that meetings of this kind can have to deal with.

The French delegate in his speech yesterday referred to the connection between the work that is going on here and the work at that other meeting which is in appearance so very different, and pointed out that success or failure here would react upon the issue of the other Conference. With that I entirely agree. This influence is mutual and reciprocal - and what is done also at the other meeting will react here with an influence for good or ill on what we are doing.

It is well for us that both the Assemblies bear this fact in mind. At this particular Assembly we are dealing with the Sino-Japanese dispute and although my country has no direct interests at stake in the development of the present dispute; although it views with the same sympathy and respect both of the countries involved; although this is so, and perhaps because it is so, I feel I have a duty to come to this platform and say a few words.

I say "I have a duty." It may be that that sounds pretentious because (you may say) the Assembly can very well dispense with such light as I can throw upon the problem. But in view of past developments and of the discussion at the last Assembly, the antagonism that arose and the spirit of criticism with which I felt I should discuss certain decisions taken by

7 4 2 1

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

O, P & Q.

- 44 -

the League, I felt that should I remain silent, that silence might be interpreted as abstention - as though we refused to take part in any joint action to secure the common ends of the League.

Let there be no such misunderstanding. Action along the line marked out for us and the great ideal which is proclaimed in the Covenant - on the lines of those means provided for us in the Covenant - will (be sure of it) have our loyal co-operation.

Now let me ask: In what does that effect consist which the success or failure may involve? The detractors of the League will not be behind hand with their answer. They will say, "For months already these hostilities have been going on between two nations who are members of the Council. The Council has met on several occasions and has not been able to reduce this question to order;" and they will say so almost in accents of triumph - that triumph which sees in failure the justification of its own mediocre inability to rise to the level of current events.

Let us not concern ourselves with detractors of that category. In the first place they are incorrigible and in the second place they are not competent to judge our actions or properly to award praise or blame. It is to a much different class of public opinion - happily a much greater class - that we turn; a class who are entitled to criticise because, in good faith, they aspire to the same aims as ourselves, and cherish, or would cherish, the same ideals if they thought they could. If they are sceptical, they are so to their own sorrow because they cannot share the same faith in ourselves and therefore give us confidence. It is to them that we turn. It is on their

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

O, P & Q.

45/51.

Judgment, whether optimistic or pessimistic, that it will depend as to whether the credit of the League is to emerge enhanced or diminished from the present difficulties.

It would redound greatly to the credit of the League if there were a real result in the difficult circumstances with which it is at present faced. I refer for instance to the cessation of hostilities which to my mind we are being made to wait for a very long time. I would therefore heartily support any action that would tend to bring our influence to bear upon this phase of the problem.



0 4 2

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

R.

- 52 / 54 -

In particular I have in mind what Sir John Simon told us when he said that he was preparing a resolution. I await the text of that resolution in order to give it my fullest support. It would greatly enhance our reputation and credit if we succeed in this way because, not merely shall we bring about a pacific settlement of the dispute, but as a consequence of that pacific settlement we shall be able by pacific means and a peaceful agreement to unravel, without being interrupted by the incidents which have interrupted our work at the present moment - the tangled skein of the diverse interests which are connected with the questions at issue - and at the same time we should be able to deal with the legitimate interests of both great peoples and the rights which arise out of the treaties which have been previously concluded.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

S.

- 55 -

If we continue in this Assembly in the spirit that has already been shown in the debates - debates in which delegates who on other occasions have opposed each other have come to this platform to proclaim with the same emphasis and the same faith identical principles - if we go on firmly on the same lines, I feel that we shall succeed. At the same time we should bear in mind that no institution can always and at all times command success. Just as there may be diseases which resist the most skilful treatment of the most renowned physicians, without this being in any way a discredit to the physicians in question, so the League may find itself face to face with the expansion of organic forces that are at work in certain nations and faced with which it may find, at this particular stage in its development, that its efforts are unavailing. This does not mean that there is not hope of future evolution which would make the success of such efforts possible in the future.

Would that be to the discredit of the League? It would not be to the discredit of the League - but on one condition. If it is not for mortals to command success, nevertheless what we can ask for is that the efforts which are possible shall be made and shall be carried through to the very end. The League of Nations, one may therefore say, should in the present difficulties remain itself throughout, and I think that therein lies the whole truth of the position. It should not become the instrument of any special policy or the instrument of any Power or group of Powers, but should continue itself to serving those ideals which are set forth in the

142

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

S.

56/57

Covenant. It should serve those ideals by the means which the Covenant itself provides.

If we follow that line, with all due consideration which the legitimate pride of two great nations demands, if we follow it loyally and with firmness and determination carry right through to the end, if we remain upon the straight road on which we are at present, then, whatever the issue, the credit of the League can only emerge enhanced.

I say again if we remain on the straight road on which we have already started, if throughout the various stages of our procedure there emerges that same unanimity as has been shown up to the present, then we shall be affording the world an incalculable moral force which, supported and further increased by the United States, may be said truly to represent the conscience of the world, to which I do not think it possible for any to resist.

It is therefore out of a sense of duty, in accordance with what I have already explained, that I have come to this platform. I have come here with that humanitarian feeling which abominates war and bloodshed, and out of a feeling of duty to the League of Nations. I think I can say that we, together with the smaller nations that have expressed themselves in the same way, can tell this Assembly that it can count upon our most loyal and unreserved support.

1425

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

T & U

- 58/63 -

M. MAYNARD (Haiti) (Interpretation): It was with great emotion that the delegation of Haiti listened to the eminent statesmen who one after another have spoken from this platform and who have all been unanimous in condemning the use of force in international disputes and in showing that peace between nations - no matter how far distant they may be - is an indispensable necessity for all other nations of the world. They have shown that the idea of collective unity is perfectly understood to-day throughout human society and that no matter what state, in the face of such a conflict as this, finds itself interested and concerned in the principles involved. Which of us has not been struck by the words spoken by the President of the Council, M. Paul-Boncour, when he said that the necessary information for forming a judgment might have been less contradictory, more certain and more worthy of consideration if it had come from an impartial body belonging to the League of Nations and if a force had been placed between the armies of the two nations in the dispute. Which of us has forgotten the impressive statement that was made by the same orator when he reported to the Assembly the innumerable difficulties with which the Council had been faced and which explained the slowness and indecision about which complaint was made. Who has not, during the six months that have passed, thought that so many men would not have been slain or so many ruins accumulated if the League of Nations had had at its disposal a force which it might itself have used to carry out its pacific work. To preserve those lives and that property Japan and China have been fighting since last Autumn without being at war. Would they not have gained a great deal if, instead of standing with arms in their hands in order to support so-called national prestige, they had shown greater regard for a third-party less directly concerned.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

V.

- 64 -

The delegation of Haiti is satisfied for its part; it is satisfied both generally and with regard to this particular case. It is convinced that as regards the Japanese nation and the Chinese nation - towards both those peoples - it feels sentiments of sincere and cordial friendship, and we have proved this friendship by giving hospitality to a large number of Chinese immigrants for years and on the other hand we have shown our friendship to Japan and also our enthusiastic admiration. It is this homage that we are paying to the peoples of the Far East and of the Rising Sun and their august Emperor, that leads us to attach the greatest importance to the settlement of this dispute, and we desire strongly that we should repudiate the old barbaric conception of national prestige gained by violence, and in place of it turn to the maintenance of our own institution whose glory will only be the greater if we remain firm in accordance with the principles underlying it. The Haitian delegation is satisfied that the General Commission and the League have a very important purpose to serve and in the first place it is that of stopping the bloodshed between Chinese and Japanese. It is our duty to remove this conflict and its causes by a finding which will be quite clear concerning the Manchurian question at its very roots and also the tragic episode at Shanghai. The parties themselves can contribute more actively than all the rest of us because it is they who can first evacuate the territories that have been unduly occupied, and renounce their nationalist claims and ill-feeling.

If such decisions were reached and based on the principles which serve as the Preamble to the Covenant, the League would emerge from this question greater and more effective than ever and nobody would hesitate to provide it with an appropriate force to deal with all questions concerning the peace of the

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

V.

- 65 -

world. Only then will the League be in a position to ensure the respect and maintenance against external aggression of the territorial independence and the political independence of all States.

We earnestly hope that in connection with this conflict the General Commission will propose for adoption by the Assembly a decision drafted in such terms that it will revive throughout the world the fundamental idea that gave birth to the League of Nations. This decision must abolish from the activities and terminology of the League all subtleties which are behind such phrases as: "Non-organised States; States with limited interests; regional agreements; special situation of a continent" etc.- all expressions which only serve in the ordinary way to excuse in advance the abuses of force and apply to facts that are the negation of the principles of justice, equality and mutual assistance which comprise the substance of the Covenant.

In conclusion, the Haitian delegation associates itself unreservedly with the opinions so clearly expressed by the delegates of Mexico, Uruguay, Panama and Salvador and more particularly with the statement made by the delegate of Colombia, H.E. Dr. Restrepo, and asks that the General Commission should recommend that the Extraordinary Assembly should introduce into its decision <sup>and</sup> /resolution the four points stated on the 10th December by M. Gonzalez Prada, representative of Peru on the Council and which are contained in document A.Extr.4 on page 19.

If these four points which apply to the question before us and also to any other questions in which Force overcomes Right, were included in the jurisprudence of the League and its charter, the institution would be sure to

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

V.

66

survive and that would be for the security of the small States. It would not have to fear a lack of faith of the peoples. The question before us is indeed, as the Spanish delegate has said: "Is the League to be or not to be?" The answer will be, "It is to be" if the League dares to proclaim the Right and to condemn Force. The League will not be if in the present conflict it dares rather to condemn with a word - to indulge in what is called in America "white washing" - and in that way only would the League fail to discharge its functions.

Sir George PERLEY (Canada): Mr President, Ladies and Gentlemen,- It is hardly necessary for me to say how much the Government and the people of Canada deplore the unfortunate events that have taken place recently in the Far East. The Dominion of Canada faces, across the Pacific, the two countries which now unfortunately find themselves opposed. With both those countries our relations have been and will, we hope, continue to be most friendly; with both of them our contacts are increasing in importance and in intimacy every year. It is not, however, on these grounds alone that we earnestly hope that a solution may be found for the present difficulties, but also because we regret exceedingly the fact that two countries which are not only Member States of the League of Nations but also Members of the Council and signatories of the Paris Pact, have not been able to adjust their difficulties by pacific means, but have found it necessary to resort to force.

For some months the Council has been considering the question which has now been submitted to the Assembly. That question involved a problem of a most difficult and delicate character, to the solution of which the Council has worked most faithfully. The Canadian delegation would like to pay tribute to that work.

0429  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

V.

- 66a -

Far more, however, than the solution of a single problem is at stake in our deliberations. During the last twelve years the world has been endeavouring to build up, through the League, a system of outlawing war and settling disputes by reason rather than by force.



W.

- 67/69 -

The way in which this Assembly deals with the question before it will go far to show how successful we have been in this effort. Certainly, if the Assembly meets satisfactorily the test which now confronts it, it will mean a long step forward in the realization of the League ideal.

To the Canadian delegation it seems that the work of the Assembly must be based primarily upon the following considerations:

- (1) We should stop further bloodshed and bring about a real and effective armistice.
- (2) We should distinguish between the rights of a case and the manner in which those rights are realized and enforced.
- (3) We should affirm as solemnly as possible the fundamental truth that no infringement of the territorial integrity, and no change in the political independence of any Member of the League of Nations which is brought about by force in disregard of the undertakings of Article 10 of the Covenant can be recognised as valid and effective by the other Members of the League.

We believe that this Assembly, the instrument through which the common concern of mankind for the maintenance of peace can find expression and make itself felt, should proceed in its work with the above considerations always in view. We hope that by so doing it will arrive at a solution of the difficulties before it which will be just, peaceful and permanent.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

X & Y

70

M. BATOLOFF (Bulgaria) (Interpretation) : The eminent President of the Council, M. Paul-Boncour, in his speech opening this session, stated very objectively how the problem submitted to our consideration is a complex one, and with what great difficulties the conciliatory action of the Council has been faced. I do not intend here to stay over details nor to enter into the consideration of the deep causes of the conflict which so unhappily is dividing two great countries in the Far East. The problem before us does not interest only the States which are parties to the dispute. From its moral and legal effects it represents a vital interest for all Members of the League of Nations. It raises questions of principle of vital importance. It is a question of consolidating and guaranteeing the development of the new era in international relations which was inaugurated after the World War, that is that right must be replaced by right. The solution of any conflict must be sought for by peaceful means. Under the system of the Covenant of the League of Nations and the Briand-Kellogg Pact, it can no longer be admitted that methods of violence be employed in order to settle disputes. In the same way, no policy of the fait accompli could be approved by public opinion.

One of the fundamental articles of the Covenant, Article 10, guarantees the territorial integrity and the political independence of all the Members of the League of Nations. It is therefore the principle of the inviolability of national territory which must be safeguarded in the present dispute. It is essential in the interests of peace that <sup>the</sup> provisions of the Covenant and of the Briand-Kellogg Pact should be equally respected by all the Signatories. The League of Nations is today laying down a precedent which will be of the greatest importance in relation to its work, for we have to maintain intact the confidence which nations have placed in it and to reinforce its authority and its prestige.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

X & Y

71/ 75

Bulgaria will join in the common efforts of all  
Members of the League of Nations to ensure the strict appli-  
cation of the Pact of the Covenant of Geneva and the Pact of  
Paris.

043

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

AA.

7g/8L.

1. Mr. TITUBANIC (Yugoslavia):

(Interpretation):

Mr President,-- Previous speeches have shown clearly  
(and I am glad to note it) that those<sup>who</sup>/are pessimistic about  
the League are in this case to be disappointed. Nearly all  
the speeches have shown certain common features, and above all  
they have expressed the conviction that in this serious  
conflict (perhaps I should say the serious problem of Far  
Eastern relationships) in spite of the difficulties occasioned  
by distance, this serious question is of vital importance to  
every Member of the League.

And the solution of this problem concerns all of us  
here just as much as if the events in question took place not  
thousands of miles away but in this peaceful city whose  
guests we are.

My country desires to raise its voice now not  
because it wishes to put forward new views or to throw  
new light on the situation but to emphasise our conviction  
that the terms of Article 11 of the Covenant are absolutely  
true when that Article says:- "Any war or threat of war,  
whether immediately affecting any of the Members of the  
League or not, is.....a matter of concern to the whole League."

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

BB,

- 82 -

We regard that as a simple but very important truth. We desire to associate ourselves with all those who have said that the League of Nations should employ all its means to solve this problem, and should avoid any measures which are likely to hide the real aspects of the problem. What the Council has done, or what it has tried to do or perhaps, what the Council has not done will not constitute a precedent; but to-day, now that this matter is before the Assembly itself the problem has reached a decisive phase, and any decision we take under Article 15 will constitute a precedent which will have the very greatest consequences perhaps through a whole era of history, and in no case, therefore, should our decision be an ad hoc decision. It should be of universal application and such as would be binding upon all Members of the League of Nations. I would go further and say that the representatives of the States directly concerned in this dispute need to be assured that our decision will be one of a universal character and will be binding on all Members of the League of Nations. Events happen so rapidly in modern life - one thing follows upon another so rapidly that it would be true to invert the old maxim and say Hodie tibi cras mihi. That I think would be true of international life as a whole.

I desire on behalf of my delegation to associate myself with the observation made by the Representative of Czechoslovakia when he said in considering this problem we may discover some of the weak spots in our own organisation. Is there not one weak spot in it? Do you not think it regrettable that in order to secure the information the League needed it had to depend on the goodwill and good offices of certain States who happened to be in a position to supply that information? Despite the goodwill of those States I assert it is essential that the League of Nations should be in a position to secure information by its own means and its own organ. The problem, as M. Briand said on

1435

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

EB.

- 83/84 -

December 10th, is a very complex one owing largely to the great distance at which the events are occurring, and it is possible that an adequate solution may exceed the powers of the League to arrive at. But that is no reason for discouragement; rather should it incite us to carry on still harder in our work for the good of the world. This is the highest duty which can fall on the League. The League has started in its work to achieve that end, and the Yugoslavia Delegation will be glad to support any proposal that is in harmony with the remarks I have just made.

I need hardly say that the suggestion made by the British representative is one such proposal that we shall gladly support.

Mr. C. T. de WATER (South Africa): The Government of China has appealed to the Assembly of the League of Nations against the actions of Japan, which they declare constitute a violation of China's national integrity and, as such, a breach of the Covenant of the League, to which Japan is a signatory nation.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

CC

85

It therefore behoves every signatory nation to the Covenant of the League of Nations to form its judgment on the facts of the case as they have been presented to us by the parties to the dispute. It is for this reason that I speak, briefly and I hope without circumlocution.

But, Mr. President, let me say this at once, that it is not possible for my delegation to form a just judgment on the facts at the present moment in the sense that it is at this moment not able to allocate the blame to one party or the other to this dispute, for all the facts of the dispute between China and Japan are not yet known; although this I am able to say bluntly, that we have no other name for the state of affairs in China to-day than that of war, and the following facts at any rate appear to be clear to us.

Powerful Japanese forces, equipped with all the modern weapons of war, have been transported into Chinese territory. These armies have been actively and destructively used against Chinese forces and have taken possession of a considerable portion of Chinese territory. It appears to us equally clear that Japan has not sought to use the pacific means at its disposal under the Covenant of the League, to which it is signatory. Nor, in the absence of any further explanation by Japan, does it appear to us that in this dispute she has remembered her declarations under the Pact of Paris. Equally it seems to my delegation an undisputed fact that China has placed its case in the hands of the League and has been prepared at every stage of the enquiry by the Council of the League to act on its advice and instructions, as emphatically has Japan refused to

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

CG

83

show the same confidence in the fairmindedness of a body of which it has been for many years so active and important a Member.

As far as these facts are concerned, it is to be stated unhesitatingly, in our opinion, that a prima facie case has been made out that Japan has acted in contradiction of what we believe to be the obligations to which, equally with all of us, she is bound.

Yet so far, and no further, is it possible for me to form a clear opinion.

I, for one, would urge the distinguished representatives of Japan to state to this Commission of the Assembly in the clearest terms, its full case on these points to which I have drawn attention. Japan may have the most profound reasons why she has not been able to use the machinery of the League, or why she has not been able to follow its advice. I can only urge again that we be given these reasons, for it seems to me to be the simple duty of this Assembly to find on the validity of these reasons.

Now, Mr. President, let me say this, my country stands back to no nation in its deep regret at the unhappy relations which exist between these two great Eastern peoples to-day. An unsettled Asia has, and has had, the most far-reaching economic repercussions on the world.

It has always seemed to us a tragic and fateful fact that China has, now for many years, been unable to compose her own internal differences. Such a composition were it to come in



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

CC

67

the near future would bring in its train reactions, which, it will be agreed by every thinking man must ultimately spell the greatest benefit to herself as well as to the nations of the world. But that wealthy country's weakness has never seemed to us to be a good reason why advantage should be taken of her weakness by any one of the great Powers of the world.

As for Japan, Mr. President, I am one of those who have always had, and still have, the utmost admiration for those great qualities of virility, intellectuality, courage, and patriotism, which characterise her people in their national life. It is because of the abundance of those qualities possessed by Japan's distinguished representatives at this Conference, that I appeal to them, on behalf of my country, to use their great prestige to persuade the Government of their country to turn from measures of war to pacific means to compose this dangerous dispute. It is because Japan possesses those qualities in such abundance that it seems to me unthinkable that she will not pause and take stock. It seems to me unthinkable that, by the course she chooses to pursue, she will finally decide to cast on one side the friendship and admiration of so many nations, and the good opinion of the world.

Thus far I have spoken briefly of the actions and responsibilities that rest upon the two parties to the dispute. But, Mr. President, what of ourselves? How far are we prepared to recognise the grave responsibilities and duties which a crisis such as this places upon every State Member of the League.

1439  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

DD

ES/90

I had occasion at another time and in another place to remark that it appeared to me just and seemly that the voice of a nation should be heard at these Conference tables in the advocacy of a policy, in proportion to its share in the sacrifice such policy may entail.

For that reason, the smaller nations at a conference such as this should look to the Great Powers for a lead. For theirs must be the chief sacrifice.

We, Mr. President, at this great crisis in our affairs, are looking for wise leadership from the Great Powers - and, above all, for strong leadership - leadership which can be interpreted in terms of action and not in terms of words.

Are the Great Powers satisfied that they have pointed the way.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

EE

- 91/93 -

His Highness the AGA KHAN (India): It has already been said that the universality of the League of Nations is at once its weakness and its strength. We might equally say that its universality creates problems as well as solves them because the League comprises a diversity which is hard for any individual mind to grasp. That diversity is even more marked in Asia than in Western countries, but the fundamental laws of justice and fair play, forbearance and goodwill apply in the East just as much as in the West. Our need in approaching the grave task before us is above all patience and understanding. I come from a country which, like other countries whose representatives have spoken here, has a tradition of friendship with both the Parties to the case that is before the Assembly; but much more than that, China is our good neighbour in the north and in the east <sup>with</sup> and her province of Turkestan we have had since time immemorial friendly cultural and economic relations. India has behind her a long history of intimate association with China and Japan. The mutual influence of the three countries in religion, in art and in literature has endured since time immemorial. Gentlemen, there is a town in my country which I know well and which contains one of the most sacred shrines of Buddhism. There you will find Buddhist pilgrims not only from Burma, where that great and ancient religion holds firm sway, but from the more distant homes of the Buddhist both in China and Japan, side by side in common worship.

FF.

94/96.

So too in art and thought, in literature and creative work, we find the living traces of that mutual influence. Just as the Indian Buddha has influenced Chinese and Japanese thought, so the great Confucious has left his living and eternal mark on India. Equally we have been drawn together by the ties of commerce that have grown stronger and more complex with the march of modern civilisation. Memories are long in the East, and India will have memories of all she has given and received in interchange with further Asia and cannot now be backward in pressing earnestly the cause of reconciliation in the spirit <sup>of</sup> and the thought which has inspired the three countries alike.

Gentlemen, the facts of history give me a platform from which I can rightly and earnestly appeal alike to my friends of China and Japan to seek the road to Peace - reconciliation, adjustment and friendship - and to economic and intellectual co-operation in the permanent interests of both. The leaders of China and Japan must realise that without this friendship and co-operation the future can never be as happy and as peaceful for either of those great countries. We are here to help them by undertaking the work of mediation and to help to lay the foundation of a surer conciliation for the future.

Mediation, Gentlemen, is the first duty laid upon this Assembly by the terms of the Covenant. It is true that the Covenant prescribes other courses of action to be followed as circumstances develop, but if we are faithfully to perform our first duty of friendly mediation we must not let ourselves be deflected by thoughts of any other duties that may later devolve upon us.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

CG.

- 97

If we do not concentrate with a single mind upon mediation, we shall not only be prejudging the issues; we shall fall into a far greater error. No mediator can hope to succeed unless he sets himself to win and hold the confidence of both parties. He may too easily forfeit their confidence if he allows himself to be influenced by the knowledge that he may later have to form other conclusions. Yet if once the parties lose confidence in him, he will not only have failed completely in his first duty, but will have raised formidable obstacles in the path of further progress.

Therefore I would urge the Assembly not only to concentrate on its first and vital immediate task of mediation, but to hold fast to the principles which alone can guarantee its success.

Is it too much to ask that the two parties on their side should co-operate by placing themselves freely in the hands of the mediators, confident that the mediation will be carried out in a spirit of complete fairness and impartiality for the permanent peace and friendship of the Far East?

India hopes earnestly that mediation will be but the first step towards true friendship between China and Japan. To achieve its aim, mediation must be based, not on methods of expediency, but on clear guiding principles. Where else are we to seek these principles but in the Covenant itself, which is the mainspring of all our efforts here? All the Signatories have fully weighed and understood the obligations which it lays on them; but that fact is perhaps not sufficiently appreciated. Let us make it clear beyond dispute to the world as well as to ourselves. I gladly support

7 4 4  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

GG.

- 98/99 -

the suggestion made by the representative of Great Britain that we should seize the opportunity to reaffirm in all their bearings the fundamental principles that underlie the Covenant. If that suggestion can win united support we shall lay a sure foundation on which an edifice of lasting peace, friendship and co-operation in the Far East can be constructed

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

II. & JJ

100/103

M. FELDMANS (Latvia) (Interpretation) :

The Latvian  
the  
nation has followed with much anxiety the development of events  
which we are now discussing. Even if we admit the extreme complexity of the problem and the deep-lying causes of the conflict, we must nevertheless note that events have dangerously gone beyond those limits which international undertakings, the Covenant of the League of Nations and the Paris Pact, have laid down for peoples whose reciprocal relations we have for our part observed. We have seen the economic boycott, the failure to carry out the treaties between parties, the hostile propaganda, and finally, the recourse to force and the refusal to submit the question to peaceful methods of settlement. In fact, in this conflict we have seen that all those methods which we thought had been finally banished from international life have appeared again. This fact naturally gives rise to grave dissatisfaction and anxiety with the Latvian people, whose material forces are of a very slender character and who have based their future on respect for international undertakings and faith in the vital force of the principles of justice and equity, of which the League of Nations is the guardian. At this grave moment the Latvian Delegation addresses to the two great nations who are parties in the dispute an urgent appeal to give their assistance for the establishment of peace and for bringing to the peoples of the world that pacification which they desire. Our first duty is to re-establish and consolidate the confidence of people in the League of Nations.

The Latvian Delegation does not think it desirable at the present moment to consider the deep-lying causes of the dispute, nor yet to pronounce a hasty judgment against either party. The Assembly of the League of Nations, in our opinion, is above all  
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a political instrument whose first duty is to establish and organise peace. We are happy to learn that the cessation of hostilities is an acquired fact, but that is not all that our

7 4 4  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

II & JJ

- 104/108 -

peoples are asking of us. We must give them the conviction that this Extraordinary Assembly has succeeded in making the fundamental laws of our charter to triumph. We must show them that the two nations to the dispute have no desire other than to serve the cause of peace and that they freely accept any engagement which will give the conviction that a return to the unhappy events of yesterday is no longer possible. The League of Nations must not cease to deal with the question until it has been finally settled. It is only thus, in our opinion, that the interests of both nations can be served as well as the cause of the League of Nations.



XX,  
LI.

- 109/ 112 -

M. COSTA DU RROS (Bolivia)

(Interpretation):

At the request of our distinguished President nearly every Member of the Assembly has come to this platform to express his views on the problem before us. My Delegation does not desire to avoid its duty in coming forward, and I shall state our views clearly but briefly.

We view the two parties to the dispute with equal cordiality. We have heard authoritative speakers lay down the principles by which we should be guided - we have heard the delegations of Colombia, Mexico, Uruguay, Salvador and others - we have heard them all lay down those principles which formerly expressed the universal conscience of the world and which are now embodied in our Covenant. We consider that these principles should be internationally observed, as they are the guarantee of our own future. We young States are looking forward to our own high destiny, but we cannot employ those means which have in certain cases been employed in the past in order to secure the expansion of what are now great countries. Times have changed and the same opportunities and instruments are not open to us. In future it is to be a recognised fact that no will can be imposed by force, and no recognition by the nations of the world of what can be secured by force. The illusion of oppression is bound to fade away before the principles of right and justice.

M. Motta analysed the texts we should seek, with remarkable clarity, and XXXI his speech showed how well we are agreed one with the other - particularly his remarks with regard to Article 10 and the different parts played by Articles 12 and 15, together with the shadow of the possibility of having

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

LL.

- 113/114 -

recourse to Article 16.

After such statements I think that no further comments are needed at the present moment. We all support the friendly appeal which has been addressed to the two nations more particularly concerned. Both Japan and China should remember that the voices which have spoken from this platform, although perhaps the voices of weaker countries, nevertheless represent the conscience of the world. This platform has really become a centre of spiritual force, and it is our duty now to apply the principles we have heard so well laid down.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

MM

115

Now we have to apply the principles to which we give our assent. Some great countries have greater material capacity than others; some have very slight material capacity at their disposal. The logic of events has shown that just as in the individual State people have to contribute taxes in proportion to their means, so in a great institution such as this there are some upon whom the responsibilities lie most heavily. There are some who are inevitably bound to be leaders from the material point of view. In this discussion the smaller States have expressed themselves freely. It was necessary that they should do so. They have, I think, helped to create the atmosphere that was necessary for the solution of this problem.

In conclusion I would say that I think our discussion, which is now ended, should be summed up in a resolution which shall set forth clearly the various opinions that have been expressed. Public opinion demands that the League of Nations should show that it is capable of actions which are intended to secure the pacification of the world.

Dr. W.W. YEN (China): I need hardly say how much the Chinese Delegation is gratified at the noble and spontaneous response that so many distinguished speakers in the debate have made to our invitation to express themselves on the momentous issues of the Sino-Japanese dispute, issues which concern the very existence of the League of Nations.

I believe it is a fair deduction from the course of the debate to say that every speaker has supported the

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

MM

116

proposition that the League must stand by its Covenant at all events. As M. Benes said the other day, the principles of the Covenant must be respected in all cases without condition. In the words of Sir John Simon, the situation before us involves something more/<sup>even</sup> than the restoration of peaceful conditions in the Far East.

In my opening statement before the Assembly I had the honour to ask you to do certain things, and to-day I beg to repeat the request.

The question has been raised during the debate by some speakers as to the procedure to be adopted by the Assembly.

It has been pointed out with good reason that Article 15 provides, in the first instance, the procedure of mediation before proceeding to any other method. That is correct, although I should like to say that the procedure of mediation has been employed by the Council for the past five months and we know with what success. However, if mediation is tried once more, this time by the Assembly, and fails, it is expected by my Government that the Assembly will exhaust all other possibilities under Article 15 and other Articles.

The other point of procedure - and I am not sure whether one is justified in using that word in this connection - which has also been called to our attention is that after the eventual adoption of a declaration nothing more should be done at present. The contents of this declaration, I gather, will be similar to those of the Stimson Note sent by the American Government on January 8th to the Chinese and Japanese Governments. It is said that if further action should now be taken by the Assembly in the dispute before

745  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

MM

117

we have heard from the Lytton Commission still on its way to Manchuria, it would be to prejudge the case.

Right here it seems to me that there is a grave confusion of thought. Never for a moment has the Chinese Government asked or expected the Assembly to take an action that would be tantamount to prejudging the whole dispute. We asked you, for instance, to recognise that the Covenant has been broken; and on what ground? Because more than 200,000 square miles of Chinese territory is under Japanese military occupation, and some 30,000,000 Chinese citizens are under a foreign yoke - a flagrant violation of Article 10 of the Covenant. Because, contrary to the provisions of Article 12, Japan has publicly and formally stated that she would not submit the dispute to arbitration.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

NN

118

These are facts absolutely and perfectly obvious, which certainly require no special commission to report before we can believe them. We have before us the case of a nation which has sent its armed forces on to another's territory without any shadow of right. If the terms of the Covenant mean anything at all, the broad fact of the matter does not require, as I have said, any investigation by any commission or otherwise. Japan herself admitted it, and pleaded provocation and excuse. In these circumstances it seems to me that the League in effect must be say to Japan: "All you say as to provocation and excuse may or may not be true - that is something to be looked into. What concerns us is that you have gone about the settlement of the dispute with China in the wrong way. There are peaceful methods which you have agreed to for the settlement of all such differences. In sending your armies onto Chinese territory you have broken your contract with us. Bring them back to where they belong and then let us help you to settle this dispute with China by methods to which we are all committed". Such a declaration, that the Covenant has been and is being violated, does not have the slightest tendency to prejudge the merits of the dispute. That an army of invasion shall be undisturbed, and even allowed to extend its unlawful occupation, as the case is, pending peaceful investigation and adjustment of the dispute, which that army was sent to settle by force, would be to connive at the very things which the Covenant forbids.

Moreover, the very resolution that created the Lytton Commission made the very natural and logical distinction between the preliminary and immediate matter of stopping hostilities and liquidating the military occupation of Manchuria, and on the other

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

NN

119/120.

hand the task of adjusting the dispute itself. It was expressly stipulated therein that "the appointment and deliberations of the Commission should not prejudice in any way the understanding given by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone." The Commission, it is clear, was intended to contribute towards a final and fundamental solution: it was not designed to perpetuate the foreign occupation of Chinese territory. That was the view and intention of the Council itself. China therefore asks that the decision of the Council be put into execution by and through the supreme authority of the Assembly, so that the Japanese troops now unlawfully on Chinese territory commence to withdraw.

The matter is rendered the more urgent by the fact that Japan has openly expressed approval of and supported the so-called Manchuria for the Manchus movement - in reality a puppet government. As soon as the Japanese troops withdraw, this so-called "Government" will collapse like a house of cards. I would like to call your attention in this matter to the Declaration of my Government of February 22nd, and published as Appendix VIII of our printed Statement.

To sum up: the debate which has taken place in this Assembly has, I may be permitted to say, justified every one of the requests that I had the honour to present to you. In the name of peace and justice, for the sake of the honour and authority of the League of Nations, with a view to maintaining the sanctity of the Covenant and treaties, and finally with the firm purpose of upholding international law in general, I again appeal to you to take the necessary action.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

OO-PP-QQ  
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121  
 21

M. SAITO (Japan) (Interpretation): The speech made to the Assembly by my colleague M. Matsudaira, the explanatory note by the Japanese Government which has been circulated to the Members of the Assembly by the Secretariat, the various documents and statements made in the Council during the month of September and since, have already given numerous explanations regarding the Japanese attitude in this regrettable conflict. I should nevertheless, after the speeches we have heard in the General Commission, like to take advantage of this opportunity to make a few remarks setting forth the principles on which our attitude is based.

I must first stress the fact that as regards these present events Japan deplores them more than any other country. As a Member of the League of Nations, as a signatory of the Briand-Kellogg Pact, Japan desires to see these essential instruments of international order applied. If Japan had to take military measures it was, in fact, due to the imminence of danger, the importance of her responsibility in the very special conditions prevailing in China, because those conditions left her no possibility for acting otherwise. Japan did not endeavour to settle any difference by force. Japan did not intend to infringe in any way the political independence or the administrative integrity of China.

What my country did was this; she was faced by an urgent danger; she was bound to take temporary and provisional measures for protection. Cases in which other Powers have



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122

felt themselves compelled to take similar measures will occur to all. The situation, de jure and de facto, occupied by China is a very special one, and is not to be found anywhere else. I must state quite frankly that there can be no analogy between this situation and the situation in which European countries or countries on the American continent find themselves. For where else could you find a foreign policy based on anti-foreign feeling and upon unilateral denunciation of the most solemn undertakings?

Japan's attitude, the origin of the conflict, the circumstances which produced it - all that has been set forth in the plenary meeting of the Assembly by my colleague, M. Matsudaira, and I shall not refer to it any further now.

I merely desire to stress the fact that we have no intention of exercising military pressure upon China in order to obtain privileges or advantages of any kind whatsoever. We hope that the situation in Shanghai will be rapidly reduced to order, with the assistance of the Powers and in the spirit of the Covenant. That is why we gladly accepted the resolution of March 4th and why we urge that the negotiations provided for should be opened without delay. Only to-day our authorities at Shanghai have been taking steps in that direction with regard to the foreign authorities.

From the very beginning, Japan, as has been emphasised during the meetings of the Commission, has contributed her whole-hearted co-operation with the work of the League of Nations. She did this in the firm conviction that it was an essential contribution to the establishment of a new order of things, a new era of justice and security in international relations; To-day we have the same hopes in the work of the League of Nations; we expect the same results from the League. We have the same desire to see its authority firmly established and its action extended.

1450  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

00-PP-QQ-RR

123/132

We accepted the Covenant in its entirety, and we wish to see it applied without derogation or without exception, but with due regard to facts as they are, as this was intended <sup>as</sup> by those who drew up the Covenant and it is embodied in the texts themselves.

SS

133

From the very outset of this painful dispute the Council has endeavoured ardently and patiently to find an equitable solution for the serious problem which we are now considering. When I refer to the work done by the Council throughout those long months, I desire to state how much the Japanese Government has appreciated those efforts and, more particularly, the part that the Council, and the Governments of countries which are represented thereon, took in bringing about the improvement which has now occurred in the situation in Shanghai.

I desire also to express my feelings of gratitude in regard to the Government of the United States of America and its representative at Shanghai. They united their efforts to those of the Members of the League of Nations.

But, alas, there is an empty place. It is the place of the man to whom I would like to pay a sincere and pious tribute of gratitude - the man whose last energies were devoted to the settlement of this question and to the maintenance of world peace, with which his name will always be linked. I refer to M. Aristide Briand.

M. BEHES (Rapporteur) (Interpretation) : The general discussion being now at an end, I would propose the appointment of a Drafting Committee. That Committee would consist of the members of the Bureau and of the authors of motions submitted or to be submitted. Secondly, I would ask that all proposed resolutions shall be handed in to the Drafting Committee by tomorrow midday. Thirdly, I suggest that the Drafting Committee should meet tomorrow afternoon to examine the motions submitted and to present its final proposals as to the conclusions to be drawn from our discussion.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

SS

134/135.

The PRESIDENT : The proposal of M. Benès is, as I understand it, as follows.

He thinks that the general discussion might now come to an end and that we might proceed to vote a resolution which would be inspired by the views expressed in this general discussion. Therefore he suggests that any further proposals should be handed in to the Bureau of the Assembly before noon tomorrow and that a Drafting Committee, consisting of the Bureau plus the authors of any proposals, should meet tomorrow afternoon and prepare a draft resolution for submission to this Assembly.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

TT

136/138

II. POLITIS (Greece) (Interpretation): I agree with the principle of M. Benes' proposal, but I hope that the Assembly will adopt a more rapid form of procedure. I do not think it is well to give a time-limit up to which resolutions might be submitted. That, moreover, would be contrary to the custom usually followed in the League of Nations and in my opinion it is not calculated to facilitate the work of the Drafting Committee. I think it would be better to follow the usual rule adopted in the Assembly. At the end of a long discussion such as this it is necessary to gather up the different ideas which have been expressed and therefore a resolution is deemed necessary, but this resolution could best be prepared by a drafting committee. I propose therefore that we set up here and now, a drafting committee with instructions to ascertain the principles that have been put forward in this debate and combine them in a resolution.

M. COLBAN (Norway) (Interpretation): I think this is a matter of sufficient importance to require the consideration by the drafting committee of the motions proposed. For that reason I support the proposal of Dr. Benes.

The PRESIDENT (Interpretation): If I may express a personal opinion, Gentlemen, I think this Assembly would be wise if it accepted the proposal of Dr. Benes. I quite admit that the proposal of M. Politis is much simpler and appears to provide for a more speedy procedure, but after all, that procedure may not prove speedier because, from conversations and speeches we have reason to believe that proposals are likely to be submitted. It is therefore wise that we should allow time for those who desire to submit proposals to draw them up and for your Bureau, sitting as the Drafting Committee, to consider such proposals in order to draw up something which, we trust, will attain unanimity. Therefore, I honestly think that this Assembly would do well to accept Dr. Benes' proposal.

UU.

139/141.

H.E. Baron RAMEL (Sweden):

(Interpretation):

I only want to say that although I approve of the principle of M. Benes' proposal, that does not exclude the principle of M. Politis' proposal. Both have an element which is acceptable. I think the basis of the work of the Committee ought not to be the draft resolutions before us which were submitted yesterday or to-day or which may be submitted tomorrow, but the whole of the suggestions that have been made during the discussion by the various speakers. It is essential that the Committee that is set up should endeavour to lay down the fundamental principles which have emerged in this debate.

The PRESIDENT (Interpretation):

I assure Baron Ramel that quite naturally the Drafting Committee will consider not only the proposals that are or may be hereafter put before it but also those which emerge from the general discussion; that is quite natural.

Are there any further remarks on the proposal of M. Benes? As there are no further remarks I shall take it that that proposal is adopted.

(The proposal was adopted).

Then tomorrow, proposals may be handed in up to noon. Tomorrow afternoon the Bureau plus the movers of proposals will meet and we hope to be able to convene the General Commission on Thursday morning or at the latest on Thursday afternoon. It is possible that we may not be able to convene you on Thursday morning but in any case you will be convened on Thursday morning or afternoon in the usual manner. The Bureau will meet tomorrow at 4 p.m.

The meeting rose.

3461  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOCIETE DES NATIONS.

LEAGUE OF NATIONS.

A. Extr/C.G./C.R.6.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

SIXTH MEETING

Held at Geneva, Friday, March 11th, 1932, at 10.50 a.m.

PRESIDENT: M. Paul HYMANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

A/E/C

1/9

DEATH OF M. ARISTIDE BRIAND.

Telegram from the French Government.

The PRESIDENT (Interpretation): I will first communicate to you the telegram I have received from His Excellency M. Tardieu, Prime Minister of France, in reply to the telegram sent by me:

"Deeply moved by the condolences you have expressed to me in the name of the Assembly of the League of Nations for the death, which causes such sorrow to the Government of the Republic, of the illustrious Statesman whose name symbolises the pacific ideals of France and its faith in the civilising mission of the League of Nations. I beg you to accept and express to the Assembly the warm thanks of the French Government for the feelings which you have expressed in the name of the Assembly."



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

D & E.

10.

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF  
ARTICLE 15 OF THE COVENANT.

(Continuation of the General Discussion)

The PRESIDENT (Interpretation) : I would remind you that at the last meeting the Bureau was empowered to draft a resolution expressing the views which appeared to be those of the Assembly in general discussion, and it was decided that those Delegations which had submitted proposals should sit with the Bureau when it acted as a Drafting Committee. Proposals have been received from the following countries :

Great Britain,  
 Colombia,  
 Sweden,  
 Esthonia & Finland (joint proposal),  
 Greece,  
 Norway,  
 Salvador,  
 Spain,  
 Switzerland,  
 Czechoslovakia.

The Drafting Committee prepared the text for submission to you.

(Draft Resolution submitted by the Drafting Committee  
 (Doc. A.(Extr.)C.G/1.) read in French).

I am prepared to open the discussion on the whole resolution, but I think it would be more practicable if we discussed each of the sections of the resolution separately. I, therefore, suggest that we start a discussion on the first section and pass on later to the second and third sections of this resolution.

If the Assembly agrees to that procedure, I open the discussion on the first section of the resolution and would ask whether any Member of the Assembly has any amendment to move?

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

D & E.

11/15

Sir John SIMON (Great Britain) : Mr. President, there is one addition to the last paragraph of the first chapter of the draft Resolution which I think might well be considered and which I should be prepared to propose with a view to widening and strengthening the declaration which it contains.

The General Commission will see in the first chapter that there is a paragraph beginning -

"Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris ....."

But, Mr. President, though in that "considering" we refer to the Pact of Paris, there is not in this draft any reference to the Pact of Paris in the final and effective paragraph. The final paragraph "proclaims the binding nature of the principles and provisions .... and declares that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations."

My colleagues

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

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F.

16/18

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

I would only point out further that this first Chapter begins by a considérant which more particularly emphasises (1) the principle of a scrupulous respect for treaties: it is, therefore, I think, very just and proper that the Assembly, in making this solemn assertion in the first Chapter, should not confine itself to a reference to the obligations which are to be deduced from the Covenant of the League of Nations, but should also add - for all the States to which it is applicable - what I have suggested: "or contrary to the Pact of Paris in the case of signatories to that Pact". If, therefore, my colleagues are in general agreement with that addition, which would strengthen the document, it appears to me that it might be entirely consistent with our real purpose and, as I have already said, would make world wide the declaration with which this first Chapter concludes.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 19/21 -

G.

The PRESIDENT :

(Interpretation):

I suggest a slight correction, because there are certain States who have signed the Paris Pact but have not ratified it. I want to provide for the States that are parties to that Pact and, therefore, I suggest that the word "signatories" in Sir John Simon's text should be replaced by the word "parties". Sir John Simon accepts that.

I do not think there is any discussion on the English text. I have read what I suggest is the French text, and ask whether it is accepted. I think there is no difficulty about the French text.

0 4 6 F

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 22 - 24 -

M. POLITIS (Greece)

Interpretation: I agree with Sir John Simon regarding the advisability of adding a reference to the Pact of Paris, because not only would this bring the effective part of the resolution into agreement with the preceding passages, but would also add to the value and force of the resolution.

With regard to the addendum, which reads as follows: "in the case of parties signatories to that Pact", we are in the difficulty of speaking only of Members of the League of Nations who are parties to the Pact of Paris. What we are doing is that members of the League are proclaiming that if a given situation should arise that would be contrary to the Covenant and also contrary to the Pact of Paris, and it is felt that there is some difficulty in the case of co-signatories of the Covenant of the League who are not at the same time parties to the Pact of Paris.

I wonder whether we could not merely add a simple reference to the Pact of Paris, because those States members of the League that are not bound by the Pact of Paris would nevertheless not run the risk of assuming any supplementary obligations by accepting a statement to the effect that if such a situation should arise it would be contrary to the Covenant and to the Pact of Paris, because the Covenant of the League itself provides in this particular connection for the maximum possible obligation.

I would therefore suggest that it ought not to be difficult to accept a simple reference to the Pact of Paris and that we could agree to add to the paragraph simply the words, "or contrary to the Pact of Paris."

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

I

25/27

The PRESIDENT (Interpretation): If I may be allowed to make one remark I would point out that express reference to the Pact of Paris is made in a previous paragraph where we say: "Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris which is one of the corner stones of the peace organisation of the world and under Article 2 of which ...." Therefore I think it would be quite sufficient, as M. Politis said, to make the text simpler by merely saying "by means contrary to the Covenant of the League of Nations or the Pact of Paris."

Sir John SIMON (British Empire): Mr. President, I should be the first to be content with this suggestion, for it will bring us back to exactly the proposal which I made in the first instance. I have always thought that we should add the words "or the Pact of Paris" and leave it at that. It was solely because certain difficulty was felt in some quarters that the words were deleted. For my part, I want them put back, and I accept M. Politis' proposal gratefully and, if I may say so respectfully, Sir, that would be entirely the simplest, the neatest and the most logical way of making the addition which we all desire.

The PRESIDENT (Interpretation): If there is no objection I therefore propose that we add the words "or the Pact of Paris".

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

J.

- 28 -

H.E. Dr. RESTREPO (Colombia):

(Interpretation):

I fully agree with what has been said by Sir John Simon and M. Politis with regard to the proposed amendment. I merely wish to recall the fact that in the text originally prepared the words appeared exactly as they are now proposed; the reference to the "Pact of Paris" was however deleted owing to certain scruples felt by countries that had not ratified the Pact. After the explanations that have been given, the position has become quite clear, and therefore whilst warmly supporting the proposal I would recall the fact that the proposal brings the text back to its original form.

The PRESIDENT: (Interpretation):

M. Restrepo has given us an interpretation and explanation of the attitude of his own State and other States. I take note of this with great satisfaction. Of course it will appear in the Minutes: "...or the Pact of Paris." That amendment is accepted.

Dr. YEN (China):

I wish to point out that the French text in that paragraph does not coincide accurately with the English and I do not know exactly whether the French text was first drawn up and the English part is a translation or whether the English part is the text and the French part the translation - because in the French text are the words "...les Membres de la Société des Nations sont tenus..." whereas in the English text it is "...it is incumbent upon the Members of the League of Nations." I was wondering whether it is possible to bring the two texts to coincide a little more because I do not know whether

0 4 5 9  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

J.

29/30.

"sont tenu" means exactly "it is incumbent". The Members of the League are "bound" as someone said the other day and it is better that the two texts should coincide as much as possible to prevent any misunderstanding.

The PRESIDENT: (Interpretation):

It is a question of linguistic difference. I will call upon Sir Eric Diamond to speak.



K.

31.

The SECRETARY-GENERAL : We have given this particular question very deep thought and I think if you consider it very carefully you will see that probably the best translation of "it is incumbent" would be "sont tenus". I do not think you could find anything much better.

The PRESIDENT (Interpretation) : If we are agreed on the meaning and it is put on record in the minutes of this meeting, I think we need not continue this discussion.

Sir John SIMON (Great Britain) : There is a very small verbal change which has occurred to me and which appears both in the English and French text. It is in the previous paragraph to the one we have been examining. In the French text it begins : "En attendant les décisions". I am not, as some are, an authority on both these languages, but it seems to me that the word "décisions" in English and I think the word "décisions" in French is perhaps not quite broad enough to cover all that we contemplate. Supposing that there is a happy agreement reached by negotiation between the parties and they become of one accord; I should not myself have described that in English as a decision of the Assembly. I would have thought a rather broader word, such as in French - if I might suggest it - "on attendant les mésures" and in English "pending the steps" which you may take would cover both the case of seeking to conclude by negotiation and agreement, and in the event of agreement not being reached paragraph 4 of the Article being applied. It is purely a question of words: "décisions" seems to be rather too narrow a word sounding like something that is imposed upon others and not therefore covering the case which we hope may arise of agreement between the parties.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

K.

32/33

The PRESIDENT (Interpretation) : Sir John Simon has moved to replace the word "decisions" which he thinks is too narrow, by the word "steps" in English. It is obvious the Assembly may be called on to take certain steps which are not strictly speaking decisions. I do not think Sir John Simon's proposal will arouse any opposition. If you agree, the word "decisions" will be replaced by the word "steps".

This was adopted.

L.

34/26

The first chapter of the resolution was approved.

Chapter II.

The PRESIDENT (Interpretation): If no delegate asks to speak on Chapter II of the resolution, we will pass to the third chapter.

Chapter III.

M. BENES (Czechoslovakia) (Interpretation): In the Drafting Committee it was proposed that the third paragraph of Chapter III should read as follows:

"to prepare the drafts of an agreement to be submitted to the Assembly, for the purpose of facilitating, in accordance with Article 15, paragraph 3 of the Covenant, the settlement of the dispute".

It has been suggested, however, that this paragraph ought to be drafted in somewhat clearer terms and at the same time brought into line with the phraseology used in the Covenant itself. I therefore venture to suggest, in agreement with a number of other delegations, that the paragraph in question should read as follows:

"to endeavour to effect a settlement of the dispute in agreement with the Parties, in accordance with Article 15, paragraph 3 of the Covenant, and to draft a statement which will be submitted to the Assembly".

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 37/89 -

M.

The PRESIDENT:

(Interpretation):

In fact, M. Benes' amendment introduces almost the complete text of paragraph 3 of Article 15 of the Covenant. In the Covenant it reads: "The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate."

The words in fact would be: "to endeavour to effect a settlement of the dispute by agreement with the parties in accordance with Article 15, paragraph 3, of the Covenant, and to draft a statement to be submitted to the Assembly. I do not think there will be any objection to that. It is based on the provisions of the Covenant."

M. MOTTA (Switzerland)

(Interpretation):

I merely desire to state personally on behalf of my Delegation that I am in full agreement with M. Benes' proposal. It introduces no change in the idea - indeed, the idea is expressed more clearly. There is, moreover, one notion expressed, which is perhaps self-evident, but nevertheless it gains by being stated, namely, that the process of mediation must proceed with the agreement of the parties to the dispute.

The PRESIDENT. (Interpretation): That is quite natural. Is there any objection to the proposal?

As there is no objection, I declare M. Benes' proposal accepted.

Are there any other remarks on the third part of the Draft Resolution?

- 40 -

N.

Dr. W. W. YEN (China): Before I point out another discrepancy between the French and English texts, I wish to say that what I am saying today concerns only the wording, because I have not received any instructions from my Government with regard to the substance.

In paragraph no. 2 of section III of the French text the wording is as follows:

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

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

The PRESIDENT

Interpretation: I can take no responsibility in this connection, and I am not going to propose the setting up of a committee of linguistic experts

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

Dr. W. W. YEN (China): Perhaps it is not "follow" but "follow up".

Sir John SIMON (British Empire): We are all anxious to have this document quite clear, and I should like to ask a question regarding interpretation.

In paragraph 1 on page 2 the words "to report" are used. In paragraph 3, as amended, the word "statement" is used. In

147  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

41/42

paragraph 5 we pass to the second procedure provided for under a later paragraph of the Article, and the word "report" appears. In paragraph 7, about which I wish to have the interpretation, there is a reference to "a first report". It is not very clear, as the resolution is drawn up at present, what is the "first report" here referred to. Does it mean that while we provided in the first paragraph that there should be a report as soon as possible, we later provide in paragraph 7 that the first report of progress is in any case to be made by the 1st May. Would it not be well to use the words "progress report"? The use of some such words would make it clear that the reference to paragraph 7 to a "first report" is not the report referred to under paragraph 5. One way of doing this would obviously be to insert in the first paragraph the words "to report as soon as possible, and in any event by the 1st May, on the cessation of hostilities....."

147

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

O. & P.

- 43 -

The PRESIDENT: (Interpretation):

There is not so much lack of clearness as Sir John Simon appears to think there is in the English because first of all the first paragraph says "To report....on the cessation of hostilities and the conclusion of arrangements...". That makes it quite clear what the nature of the report is going to be.

In paragraph 5 we have: "To prepare, if need be, the draft report...." It is quite clear what that is to be.

If you want to make it quite clear what the "report" in paragraph 7 is to be, you might say "a first progress report" or, "a report on the situation." It is quite clear what the character of that report is to be.

The Secretary-General has suggested that "progress report" would be the best words in English. May I take it <sup>are</sup> that we/agreed on that matter.

(This was agreed).

Are there any other comments on the third section of the resolution?

M. BEELAERTS VAN BLOKLAND (Netherlands):

(Interpretation):

It appears to me that the expression proposed by the Secretary-General with regard to the report mentioned in sub-paragraph 7 - "progress report" - is an accurate expression. On the other hand I wonder whether it is correct to translate that in French by "rapport sur la situation" as I do not think that expresses the same thing. If you are going to have a "report on the situation" there is no reason why you should have a time limit of May 1st - you might just as well make it next week because you always have that situation facing you.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

O. & P.

44/48.

We might adopt the words "Rapport sur le progrès de ses travaux" or something to that effect.

The PRESIDENT: (Interpretation):

We are all agreed on the question of substance: it is merely a question of words. We want a progress report and if you say merely in French "the activities of the Committee" that does not quite cover "progress report" because you want information not only on the work of the Committee but on the measures taken and the result of that work. This is merely a matter of wording because we are all agreed on the substance of what we want to say.



0 4 / 8

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

The PRESIDENT (Interpretation) : If we make a report on the situation which gives information as to our activities, then we have to report on the situation.

M. MOTTA (Switzerland) (Interpretation) : There are three reports referred to here. In paragraph 5 there can be no doubt about which report is meant and indeed the word "rapport" must be used because it is the word in the Covenant. In paragraph 1, it is quite clear.

As regards paragraph 7, I support the President's proposal. In any case, to my mind the idea of progress is sufficiently expressed because we refer to a first report which implies surely that there will be in due course subsequent reports. I strongly support the suggestion made by the President that we should say "premier rapport sur la situation."

The PRESIDENT (Interpretation) : I think the explanations that have been given will satisfy His Excellency M. Beelaerts van Blokland because they make it quite clear what is meant.

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

I am going to make a suggestion with regard to the third line of Clause 1. The clause reads "which shall render definitive the said cessation and regulate the withdrawal....". The English text would be plainer if the word "shall" were put in between the words "and" and "regulate", because it is possible in this English sentence to construe it that "regulate" refers back to the word "to", and therefore it might be held that the Assembly or the Committee under this clause undertook to regulate the withdrawal of the forces.

141  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

Q.

50/51.

The French text is absolutely plain - "ainsi qu'à régler le retrait des forces japonaises" which refers entirely to the previous part of the sentence. Therefore, I would suggest that the word "shall" should be put between the words "and" and "regulate" in the third line of the first section of the clause.

The SECRETARY-GENERAL : I quite agree the translation proposed is much better.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

R.S.

52/57 -

The PRESIDENT (Interpretation): We have now successively considered the three sections of this resolution. There have been comments and amendments - mainly drafting amendments - and I think I can take it that we are agreed, as a whole, on the resolution. At the same time I will open the discussion on the resolution as a whole and on the problem involved, in the event of any delegate wishing to make observations.

Count APPONYI (Hungary);

(Interpretation):

I feel it is a duty incumbent upon us to express our gratitude to the Drafting Committee for the work it has done. My parliamentary experience enables me to realise the enormous difficulties the Committee have had to overcome, and I think it should be congratulated on the masterly way in which it has prepared a draft which at once combines a spirit of conciliation with that firmness which is necessary for the Assembly to carry out its duty.

I therefore propose a vote of thanks to the Drafting Committee for the work it has carried out.

The PRESIDENT (Interpretation): The members of the Drafting Committee are very grateful to Count Apponyi for the kind appreciation he has expressed of their work, and the applause of the Commission has indicated, I think, its general thanks and approval.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

- 58 -

T.

I have had the honour of having a conversation today with M. Sato, who informed me that he has not yet received instructions from his Government, but he hopes that he may be able to inform us this afternoon of the views of the Japanese Government. I would appeal to the delegate of China to do his best to be in a position to inform us this afternoon of the views of his Government; and in that case we might hold a meeting at 5 p.m., meeting again after a short adjournment, in the same room as the plenary Assembly of the League. I think it is desirable, both in view of public opinion and the dignity of the Assembly, that after ten days of open and frank discussion we should be able to terminate the first part of our work. We shall in any case find it necessary to have a break in our work, because some of us will be attending the funeral of the late M. Briand to-morrow and would find it very difficult to be here again on Monday. It would therefore be very desirable that we should terminate the first phase of our work to-day and I would appeal to the Japanese and Chinese delegations to do all they can to inform us this afternoon of the views of their Governments.

Does the Assembly agree to this?

(Agreed).

We will meet at 5 p.m. and, after an adjournment probably meet again as the plenary Assembly.

The meeting rose.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOCIETE DES NATIONS.

LEAGUE OF NATIONS.

A.Extr/C.G./C.R.7.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

SEVENTH MEETING

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

PRESIDENT: M. Paul HYNANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

A,B & C.

1/9

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF  
THE COVENANT.

(Statement by the Japanese Delegation.

M. SATO (Japan) (Interpretation) : I should like to make a communication concerning the action that has been taken by my Government in pursuance of the resolution passed on the 4th March. You have doubtless read in the papers that the steps to which I referred at the last meeting of the Commission have been taken at Shanghai. In fact, the Minister of Japan handed to Sir Miles Lampson, the Minister of Great Britain, a note informing him that the Japanese authorities were ready to enter into negotiations with the Chinese authorities in accordance with the terms of the resolution of the 4th. This note added that there was some reason to feel misgiving concerning the situation in the first line and that consequently it was urgent to arrive as quickly as possible at a final agreement for the complete cessation of hostilities and subsequently to discuss and determine the arrangements for the withdrawal of the Japanese forces. The Japanese authorities had always thought that their attitude in this connection had been fully understood by the Chinese authorities, but as since after the resolution had been adopted by the League of Nations they had received no communication from the Chinese authorities, they desired to make it absolutely clear that they were ready to negotiate in accordance with the terms of the resolution.

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

D.

10/12

Sir Miles Lampson handed that note to the Chinese authorities, and informed us that the latter had also intimated their intention of entering into negotiations. We had hoped that a first meeting would take place this morning at the British Consulate-General, but it had to be postponed owing to delay in the reception of detailed instructions.

My Government authorises me to declare that the Japanese forces will withdraw from their present positions and retire, to begin with, to the neighbourhood of Shanghai and Woosung when the cessation of hostilities is finally assured in accordance with paragraph 1 of the resolution, and that, as regards the arrangement provided for in paragraph 2, appropriate measures have been decided upon to prevent the advance or the taking of offensive measures by the Chinese forces and to ensure the supervision of the zone evacuated by the Japanese forces; our forces thus brought back will re-embark as quiet is restored. Our authorities on the spot have already received general instructions in that connection, and we therefore entertain good hopes of rapid progress towards a settlement of the situation.

The PRESIDENT (Interpretation): I wish to thank the Japanese Ambassador for the interesting information which he has just given us.

We now come back to the draft resolution, and I would ask His Excellency M. Sato whether he has any communication to make to us with regard to the intentions of the Japanese Government so far as the draft resolution before the Assembly is concerned.

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

13 -

DRAFT RESOLUTION

Continuation of the General Discussion.

M. SATO (Japan)

Interpretation: I have just received instructions from my Government, and at a time when the General Commission is about to take a decision on the draft resolution before it I desire to explain briefly the attitude of the Japanese Government and the reasons for its vote.

The Japanese Government is entirely in agreement with the fundamental principles set forth in the resolution and, as it has stated on many occasions, it is its intention to be guided in its conduct by those principles. As a Member of the League of Nations, and as a signatory of the Pact of Paris, Japan is convinced that it has faithfully observed the provisions of these essential instruments of international order, and is determined to act on all occasions in accordance with their principles. It regrets in particular that it has been alleged that in the action that it was compelled to take in China it was seeking to encroach upon the political independence and existing territorial integrity of another country, or that it attempted to exercise military pressure in the pursuit of any aims. As the Japanese Government has declared on several occasions since the month of September of last year, it has no territorial designs in China. If, acting under the compelling power of events, it had to resort to military measures in China, the only reason was the absolute necessity of defending against a serious and imminent danger to the lives and property of its nationals.

I desire to proclaim once again that the most sincere desire of the Japanese Government is to arrive quickly



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 14 - 18

at a friendly settlement of the present difficulty.

As regards the text of the draft resolution, the Japanese Government is particularly happy to note that the principle of a scrupulous respect for treaties appears at the very beginning of it, as that is a principle which the Japanese Government regards as in the highest degree important. One of the most important factors of the present situation in the Far East is undoubtedly the systematic attacks upon the legitimate rights and interests which have been guaranteed by treaties, and the policy followed by China of denouncing unilaterally the most solemn undertakings. That is why the Japanese Delegation expresses its great satisfaction that the duty of scrupulously respecting existing treaties has been proclaimed anew.

Another factor which underlies the present state of affairs is the anti-foreign agitation and the boycott, an economic and political weapon to which China is having recourse in the pursuit of her national aims. These practices are truly a menace to peace and react most detrimentally upon a good understanding among peoples upon which peace depends. The Japanese Delegation desires to draw the serious attention of the Assembly to this point.

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

G

19

The Japanese Government also notes with satisfaction that the draft resolution mentions the resolutions of the Council dated September 30th and December 10th/<sup>1931</sup>. Since the beginning of the present incidents Japan has followed with goodwill the procedure which has taken place in the Council. It supplied the Council with the fullest information and demonstrated patience and a spirit of conciliation, as it has done for many years past in the face of numberless provocations from China, with a sincere desire to maintain beneficial and friendly relations with that country.

The Council, under the terms of Article 11 of the Covenant proposed to send to the Far East a Commission of Enquiry which was to furnish the elements of the fundamental solution. That Commission is about to begin its work. You will remember that in the Council meetings of January 29th and 30th the Japanese Delegation raised objections to the application of Article 15 with regard to the whole of the Sino-Japanese conflict, having in view the continuation of the procedure which I have just mentioned.

The attitude of the Japanese Government has, I hope, been sufficiently clearly demonstrated by what I have just said. Its attitude was defined in the declaration made in response to the appeal by the twelve Members of the Council. Thus, it is subject to certain reservations as to the applicability of Article 15 that Japan attends the Assembly and consequently it is unable to cast its vote in favour of the resolution before us.

In these circumstances the Japanese Delegation will, in order not to prevent the passing of the resolution, merely abstain from voting.

I should like to say in conclusion how greatly we appreciate the efforts of the Assembly and of the Secretariat since the beginning of this debate. Sincere thanks are due to them, as well as to the Drafting Committee and the Bureau, which

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

G

20/21

have had such difficult work to do.

The PRESIDENT (Interpretation): If no-one desires to speak we will adopt the following procedure. A vote by show of hands will be taken on this draft resolution and if it is carried we will adjourn and convene the plenary Assembly for 5.50 p.m.

(A vote was taken by a show of hands and the resolution was adopted).

The Commission rose.

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

# LIST OF DOCUMENTS

FORWARDED UNDER SEPARATE COVER AS AN ACCOMPANIMENT TO  
 GENEVA'S CONSULATE EMERGENCY NO. 250 POLITICAL OF

MARCH 16, 1932.

## Simultaneous Assembly Minutes.

First Meeting, March 3, 1932, at 11 a.m.  
 Second Meeting, March 3, 1932, at 4.30 p.m.  
 Third Meeting, March 3, 1932, at 7.45 p.m.

## Simultaneous Minutes of the General Commission of the Assembly

First Meeting, March 4, 1932, at 4 p.m.  
 Second " March 5, 1932, at 10.30 a.m.  
 Third " March 6, 1932, at 3.30 p.m.  
 Fourth " March 7, 1932, at 3.30 p.m.  
 Fifth " March 8, 1932, at 7.30 p.m.  
 Sixth Meeting, March 11, 1932, at 10.30 a.m.

## Maps.

Eastern China (A. (Extr.). 17.1932.VII)  
 Lower Yang-tze Kiang (A. (Extr.). 17a.1932.VII.)

## Miscellaneous Documents.

A. (Extr.). C.G./1  
 A. " C.G.1(1)  
 A. " 1 to 6.  
 A. " 6/a).  
 A. " 7 to 15  
 A. " 16 to 48.

LEAGUE OF NATIONS.

A.(Extr.)48.1932.VII

Geneva, March 11th, 1932.

RESOLUTION ADOPTED BY THE ASSEMBLY.

on March 11th, 1932.

I.

THE ASSEMBLY,

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

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

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

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

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

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

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

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

II.

THE ASSEMBLY,

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

Recalls the resolutions adopted by the Council on September 20th and on December 10th, 1931, in agreement with the Parties;

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

III.

THE ASSEMBLY,

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

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

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

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

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

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

2. to follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;

3. to endeavour to prepare the settlement of the dispute in agreement with the Parties, in accordance with Article 15, paragraph 3, of the Covenant, and to submit a statement to the Assembly.

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

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

5. to prepare, if need be, the draft of the report provided for in Article 15, paragraph 4, of the Covenant;

6. to propose any urgent measure which may appear necessary;

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

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

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

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 Department of State letter, August 10, 1972  
 By Milton D. Huston NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
 the Council and the Members of  
 the League.

A(Extr.)47.1932.VII.  
 Geneva, March 11th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 11th.

Ref.296.

To the Secretary-General.

March 11, 1932.

I have the honour to communicate to you the following telegram, dated the 11th of March, which I have just received from Peiping, and shall be obliged, if you will have it circulated among the Members of the Assembly:

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

(Signed):

For the Faculty:

Ning En-cheng, Chief Secretary,

For the Students' Union:

Liu Te-lin, Chairman."

(Sgd.) W. W. YEN.



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members of  
the League.

A. (Extr.) 45.1932.VII  
Geneva, March 11th, 1932

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication, dated March 10th.

Ref./294.

March 10th, 1932.

To the Secretary-General.

For the information of the Assembly, I have the honour to request you to circulate the following telegram, which I have just received from my Government:

"General Chiang Kwang-nai, Commander of the 19th Route Army, reported to-day that Japanese troops in the Liuho region had been constructing an air field, apparently intending to extend field preparations. It is believed in our military circles that the Japanese military authorities are planning further offensive. Japanese troops have also been forcing our villagers in the neighbourhood of Liuho to hoist Japanese flags and have been burning farmhouses wherever resistance was offered. March 10th, 11.0 p.m." (Shanghai time)

(Signed) W. W. YEN.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A(Extr)44.1932.VII  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Situation in the Shanghai District.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Assembly the third report of the representatives of the four Powers having special interests in the Shanghai Settlement. The previous report was communicated in Document A(Extr.)33. 1932.VII.

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TELEGARM FROM HIS MAJESTY'S MINISTER IN CHINA.

Despatched 1.49 p.m. 10th March 1932.

Received 9.00 a.m. 10th March 1932.  
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Joint Situation Report No. 3.

Situation generally unchanged. Troops of Japanese 14th division General Matsuki have relieved 9th division in the left sector.

2. Chinese official reports of skirmishes and minor engagements continue to reach Foreign Military Attachés, the places referred to as the areas where these engagements took place are all, with one exception, inside the Shirakawa patrol zone given in Situation Report No. 2.

3. Japanese headquarters state that while it is possible patrols have exchanged shots during last few days with the Chinese nothing in the nature of an engagement has taken place.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A(Extr.)42.1932.VII

Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Assembly the following communication dated March 10th, which he has received from the Chinese Delegation.

Ref.290.

March 10th, 1932.

To the Secretary-General.

Referring to my letter of March 9th in which I informed you that my Government had communicated to the Japanese Minister in China through Sir Miles Lampson, H.B.M. Minister to China, its readiness to enter into armistice negotiations on the basis of the Assembly Resolution<sup>(1)</sup> of March 4th and of my understandings of the same, I have now the honour to communicate to you the reply of my Government to His Excellency M. Shigemitsu's communication on the subject, received by my Government through Sir Miles Lampson at 5.30 p.m., on March 9th:

"The Chinese Government, having accepted the Resolution of the Assembly of the League of Nations of March 4th, is prepared to enter into negotiations with the Japanese authorities in accordance with the terms of paragraph (3) of the Resolution and on the understanding as stated by its Chief Delegate, Dr. W.W. Yen, in accepting the said Resolution that 1) such negotiations are limited to matters pertaining only to the definite cessation of hostilities and the complete withdrawal of Japanese forces; and 2) no condition is to be attached to such withdrawal.

"The Chinese Government has already announced through its Chief Delegate at Geneva, its readiness to enter into negotiations for the purpose and on the understanding as above-mentioned, and has presumed that the Japanese authorities have been fully aware of this fact.

"The receipt through Sir Miles Lampson at 5.30 p.m. on March 9th of the communication of the Japanese authorities makes it clear that they are equally ready to enter into the proposed negotiations. The Chinese Government considers therefore the way open for commencing such negotiations."

(Sgd.) W. W. YEN.

(1) See Document A(Extr.)12.1932.VII.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council  
and the Members of the  
League.

A. (Extr.) 41.1932.VII.  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Situation in the Shanghai district.

Communication from the Netherlands Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Assembly the following communication from the Netherlands Delegation dated March 7th. Two previous communications dated March 5th and 6th were circulated in document A.(Extr)24.1932.VII.

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The Netherlands Consul-General in Shanghai communicates on March 7th that skirmishes have taken place in the north sector near Liuko and that the Commander of the Chinese 19th Army states that his army took no part therein, but that it was perhaps the 47th Chinese division recently arrived which was engaged. Contradictory rumours were in circulation regarding the fusillades in the central sector; as regards the Japanese activity beyond the line mentioned in the communication of March 5th (see document A.Extr.24) it seems that the Japanese have occupied the station of Wangtu six kilometres to the west of Nanziang and the village of Wangtu situated about three kilometres to the south of the railway line. The Netherlands Consul-General was seeking confirmation of this information. He adds that the Chinese civilian population of the countryside to the south-west of Shanghai is leaving in the direction of Hangchow and that the Chinese soldiers have taken away the machinery of the Lunghua arsenal situated near the Whangpu river some kilometres above Shanghai.

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LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A (Extr.) 40 1932..VII  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to  
the Assembly the following communication, dated March 10th,  
which he has received from the Chinese Delegation.

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Ref./292.

March 10, 1932.

To the Secretary-General

I have the honour to communicate to you the following  
telegram, dated today, which I have just received from the Chairmen  
of the Committee of the Provincials of the Three Eastern Provinces  
of China (Manchuria) and to request that you will be good enough to  
circulate the same among the Members of the Assembly:

" We, the provincials of the Three Eastern Provinces  
of China (Manchuria), solemnly declare that the indepen-  
dence movement in the Japanese occupied territory is  
purely under the Japanese manipulation. For months past  
the world has been aware of the frantic efforts being  
made by the Japanese to work up a semblance of popular  
enthusiasm, but the only response has come from their  
hirelings and people under coercion. The leaders are not  
free agents. We appeal to the world to discountenance  
such a manipulated movement engineered entirely by the  
Japanese as a step forward to realise their territorial  
ambitions.

Signed: Chairmen of the Committee of  
the Provincials of the Three  
Eastern Provinces of China:

Chin En-chi,  
Lu Kuang-chi,  
Wang Hua-yi."

(Sgd.) W. T. YEN.

1499

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS

Communicated to the  
Assembly, the Council and the  
Members of the League.

A.(Extr) 39.1932.VII  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 10th.

Ref./289

March 10, 1932

To the Secretary-General.

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

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

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

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

(Signed) W.W. YEN.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members of  
the League.

A(Extr.)38.1932.VII.  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly, the following communication dated March 9th.

Ref. 288.

Geneva, March 9, 1932.

To the Secretary-General.

I have the honour to communicate herewith the following telegram, dated the 9th of March, which I have just received from my Government, and shall be grateful, if you will circulate it among the Members of the Assembly:

"According to a report of General Chiang Kiang-nai, our Commander-in-Chief in the front, the Japanese, despite their repeated declarations for the cessation of hostilities, are continuously aggravating the military situation. On the morning of the 8th, several hundreds of Japanese cavalry invaded our positions at Tai-chang by way of the Lotu Bridge (about 6 miles north-east of Tai-chang). They were finally driven off by our outposts after severe fighting lasting several hours."

(Sgd.) W. W. YEN.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A (Extr.) 37.1932.VII.

Geneva, March 10th, 1932

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the  
Secretary-General has the honour to circulate to the Assembly  
the following communication dated March 9th.

Rf./287.

Geneva, March 9th, 1932.

To the Secretary-General.

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

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

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

(Sgd) W.W. YEN.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A (Extr.) 36.1932.VII.

Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to  
the Assembly the following communication, dated March 9th,  
which he has received from the Chinese Delegation.

Rf./286.

Geneva,

March 9th, 1932.

To the Secretary-General:

I have the honour to inform you that according to a  
telegram which I have just received from the Hon. T. V. Soong,  
Vice-President of the Council of Ministers, the Chinese  
Government has informed Sir Miles Lampson, H.B.M.'s Minister  
in China, who is in touch with the Japanese Minister, of its  
readiness to enter into armistice negotiations on the basis of  
the Assembly Resolution and our understandings of the same.

I shall be obliged to you to bring the above to the  
knowledge of the Assembly.

(Signed) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Justesen NARS, Date 12-18-75

LEAGUE OF NATIONS.

A. (Extr.) 35.1932.VII.

Communicated to the  
Assembly, the Council  
and the Members of the  
League.

Geneva, March 10th 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 9th.

Ref. 285.  
To the Secretary-General.

March 9, 1932.

With reference to Mr. Sato's remarks at the morning session of the Assembly on March 5th as to the tendentious character of a communication, which I addressed to you on March 4th, I have the honour to inform you that "The National Crisis Salvation Association," from which the said communication originated, is an organization represented by some fifty to sixty leading Chinese citizens of all walks of life, such as Dr. Chang Io-ling, China's foremost educationalist; His Excellency Hsiung Hsi-ling, philanthropist and formerly Prime Minister and Minister of Finance; His Excellency Chen Chin-tao, formerly Minister of Finance and Minister for Foreign Affairs; the Honourable Wen Isung-yao, delegate to the Anglo-Chinese Convention for the revision of commercial treaties, 1903 and formerly Deputy-President at Lhasa, Capital of Tibet; His Excellency Chang Yac-tsen, formerly Minister of Justice; His Excellency Huang Yen-pei, educationalist and formerly Minister of Education; Mr. Chu Ching-lan, philanthropist and President of the Famine Relief Commission, etc. From these names there can be no doubt that what news the said National Crisis Salvation Association has communicated to us is but a fair statement of facts as they found them.

In making the above explanation, I have the honour to request that you will be good enough to convey the same to the Members of the Assembly.

(signed) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members of  
the League.

A(Extr.)34.1932.VII  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly, the following communication dated March 9th.

Ref.284

To the Secretary-General.

March 9, 1932.

I have the honour to communicate herewith part of a letter, dated February 8th, which I have just received from Mr. Sherwood Eddy, internationally known as a Y.M.C.A. worker writing from New York, and to request that you will be good enough to circulate the same among the Members of the Assembly:

"I have just completed a tour of twenty-one cities in eleven provinces of China, meeting the officials, students and leaders of the nation.....

"The ruthless <sup>military</sup> offensive of Japan in Manchuria and down the east coast have pierced China's heart, awakening her people to the realization of their desperate need...

"Just before we sailed for home we witnessed the beginning of the trouble which led to the bombing of Shanghai and to the battles which are now in progress. At the invitation of the Japanese, we visited Japan for three days, had a series of interviews and met groups of representative people for discussion. We found here such a tense war-time psychology and tight censorship of press and platform that no single man in all Japan dare speak out boldly in criticism of the military adventure of army and government. Instant assassination or imprisonment would follow any such spoken word under the present fascist control of militarism. Indeed, the people are not permitted to hear or know any facts that are unfavourable to Japan. In their propaganda Japan is proclaimed "The Redeemer of China."

"During my brief stay in Japan, I had frank and friendly conferences with several of the Japanese

0505

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-2-

leaders. I testified to their own continued military offensive as I had watched it develop for four months after the capture of Mukden, unprovoked by any Chinese attack on the railway, and during the setting up of bogus, puppet 'independence governments' in Manchuria under Japanese military 'advisors'. Much as they carried out their previous plan for Korea, the Japanese in Manchuria have repeatedly and solemnly protested that they have 'no territorial designs whatever'. I testified to the Japanese that their military rule in both Manchuria and Korea is bitterly against the will of more than nine-tenths of the educated people. One week before the events took place, a Japanese general told me personally that Japan must first whip China by taking Shanghai and Nanking, before they can negotiate on the Manchurian question. This, of course, means ruthless and unabashed war, while at the same time Japan has advanced boldly into Russian-controlled Harbin.

"The crux of the case between Japan and China centers in the Treaties of 1915, based on Japan's Twenty-One Demands. The Chinese maintain that these treaties were extorted from China under threats, and with compulsion to require secrecy. They were never ratified by the Chinese Parliament, which according to the Constitution must approve all treaties. They have been indignantly repudiated by the Chinese people from that day to this. Japan has been unwilling to submit her case to arbitration, while China has been consistently eager to do so. Japan thus breaks her Covenant obligations in taking the administration of justice into her own hands before the dispute has been submitted to arbitration or inquiry by the Council. By her action she has thus assailed the very foundation of the League of Nations and of all world organization for peace...."

(s) W. W. YEN.

3504

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council  
and the Members of  
the League.

A(Extr.)33.1932.VII  
Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Note by the Secretary-General.

The Secretary-General has the honour to communicate to the Members of the Assembly the text of the second joint report sent from Shanghai by the representatives of four States having special interests in the Shanghai area. It will be remembered that the British Minister for Foreign Affairs read the first of these reports at the meeting of the General Commission of the Assembly on March 8th, 1932.

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TELEGRAM FROM HIS MAJESTY'S MINISTER IN  
CHINA.

Shanghai, D. 16.44 9th March, 32.

R. 14.00 9th March, 32.

Immediate.

Joint situation report No.2.

Japanese command issued statement dated March 8th defining limits of sphere of their military operations.

Statement declares that should the Chinese detachments enter line connecting the points mentioned, the Japanese authorities cannot warrant impossibility of clash with Japanese patrols on duty there and that should trouble arise therefrom responsibility must rest with the Chinese forces.

Western limits of this patrolled area as described in above statement are outside the 20 kilometre zone and runs from the North as follows: Fuchiao Yuehwangshih Waikang Anting Paihucpiang.

These places are marked in Chinese postal map of Shanghai district 1"/150,000.

This constitutes a belt averaging two to three miles wide west of and in front of present Japanese outpost line.

Soochow Creek to international settlement forms the Southern boundary of area.

Reports that clashes occurred on March 7th between the two sides on the Japanese right wing are unfounded. Our information is that Japanese planes carry out daily reconnaissances along Chinese front and over back areas.

There are no indications of any intention on the part of the Japanese forces to attack.

The Chinese are reported to have received reinforcements, some of which are said to have reached Taitsang.

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members of  
the League.

A(Extr.)32.1932.VII.

Geneva, March 9th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 9th.

INCIDENTS OF SHANGHAI.

Substance of a Telegram dated Tokio, March 8th and received on March 9th from Mr. Yoshizawa, Minister for Foreign Affairs.

The Japanese Government, having accepted the Resolution of the League Assembly of March 4th, the general staff sent instructions once again to the Commander-in-Chief of the expeditionary forces in Shanghai to observe strictly the proclamation of March 3rd for the cessation of hostilities. At the same time, the Japanese Government charged the Japanese Minister at Shanghai to the effect that, in conformity with the above-mentioned resolution of the League, he should do his best to expedite negotiations for the consolidation of the cessation of hostilities with the Chinese, with the assistance of the Representatives of the Powers interested. So far as the Japanese Government are concerned, they are ready to effect at any time the withdrawal of the Japanese forces from the position they are now occupying, as soon as the satisfactory arrangements for that purpose are arrived at through these negotiations. Notwithstanding that, the Chinese are putting off the opening of the negotiations for the consolidation of the cessation of hostilities, and are engaged in pernicious propaganda against Japan. It goes without saying that it is impossible for the Japanese forces, now facing directly the Chinese Army, to withdraw without the necessary arrangement. Even from the point of view of safety of these forces, it will be patent for everybody that before their withdrawal, arrangements for the stoppage of the advance and offensive action on the part of the Chinese forces as well as for the maintenance of order and security in the zones evacuated by the Japanese forces should be made.

15  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A (extr.) 31.1932.VII.  
Geneva, March 9th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 9th.

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SHANGHAI INCIDENTS.

Summary of official telegram received on  
March 9th, 1932 by the Japanese Delegation.

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SHANGHAI, March 8th.

The Eleventh Division has announced that no serious fighting occurred with the Chinese troops which were advancing towards our lines, near Seking, on the morning of March 7th, as those troops soon withdrew.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council  
and the Members of  
the League.

A. (Extr.) 30.1932.VII.

Geneva, March 9th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to  
the Assembly, the following communication, dated March 9th, which  
he has received from the Chinese Delegation.

Ref./382

To the Secretary-General.

March 9, 1932.

I have just received a telegram from the Municipality  
of Hangchow (Capital of Chekiang Province), dated March 8th,  
to the effect that Japanese aeroplanes flew over the city at  
11 a.m., March 8th, and opened fire with machine guns upon the  
population.

In communicating the above to you, I have the honour  
to request that you will be good enough to bring the same to  
the attention of the Assembly.

(s) W.W.YEN.



751  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS

Communicated to the Assembly,  
the Council and the Members  
of the League.

A (Extr.) 29.1932.VII.

Geneva, March 9th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Assembly the following communication, dated March 9th, which he has received from the Chinese Delegation.

Ref./263.

March 9, 1932.

To the Secretary-General,

I have just received the following telegram, dated March 8th, from Shanghai, and have the honour, therefore, to request that you will be good enough to circulate the same among the Members of the Assembly:

"A brigade of Japanese troops attacked Chukiachiao, near Kiating, on Monday, March 7th. Fierce fighting ensued. According to official reports reaching Shanghai at 3 p.m., Tuesday, March 8th, the Japanese were completely driven out.

"The Central Executive Committee of the Kuomintang at Loyang made a declaration praising highly the valour of the 19th Army and repeating the policy of resistance against the Japanese aggression. Regarding the friendly Powers, the declaration said, 'Since international treaties and agreements have all been signed with the free will of the Powers concerned, it is their duty to uphold their sanctity. China is today not only resisting in self-defence but also fighting for the preservation of international treaties. If these treaties should be rendered mere scraps of paper and if no sanctions should be applied against Japan, there would be no peace in the Far East. If the matter were not attended to immediately, it would soon be too late.'"

(Sgd) W.W. YEN.

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and Members of the  
League.

A(Extr.)28.1932.VII  
Geneva, March 8th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 7th.

SHANGHAI INCIDENTS.

Summary of official telegrams received on March 7th by the Japanese delegation.

1. The 11th Division reports that in the morning of the 7th, Chinese troops attacked the first Japanese line at Seking (north of Juwilaotsen); the 11th Division merely resisted this attack and received orders not to take the offensive.

The British, American, French and Italian officers have been informed of this state of affairs.

2. The reports of our air observers state that for some days Chinese forces have been concentrating in the neighbourhood of Taitsang. Since this morning (March 7th) they have been approaching the district of Tungpac.

The following movements of troops have been observed:

- a) forces proceeding from Shangyentseng to Taitsang;
- b) other forces proceeding from Shangyentseng to Yowang;
- c) scattered forces proceeding from the east towards Seking and Luhotseng.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Huie NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A(Extr.)27.1932.VII  
Geneva, March 8th. 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the  
Assembly, the following communication, dated March 8th, which  
he has received from the Chinese Delegation.

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To the Secretary-General:

I have the honour to inform you that I have received a  
telegram from our Legation in Washington to the following effect:

"The two understandings contained in your statement in  
the Assembly before the adoption of the Resolution calling on  
the Chinese and Japanese Governments to enter into negotiations  
for a definite armistice in Shanghai, were brought to the  
notice of Mr. Stimson, American Secretary of State. Mr.  
Stimson stated that they were agreeable to the American  
position. In fact, he had telegraphed to Minister Johnson on  
Saturday, authorizing the latter to participate in discussing  
the liquidation of the military phase of the situation, leaving  
the rest, if necessary, to a later Conference at Shanghai or  
elsewhere. He presumed that China would place police in  
evacuated area to keep order".

(Sgd.) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A(Extr)26.1932.VII

Geneva. March 8th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the Assembly the following communication, dated March 8th, which he has received from the Chinese Delegation.

Ref.290.

March 8th, 1932.

To the Secretary-General.

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

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

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

(Sgd.) W. W. YEN.

0514

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A. (Extr.) 25.1932.VII.

Geneva, March 8th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication, dated March 8th, which he has received from the Chinese Delegation.

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Ref./279.

March 8th, 1932.

To the Secretary-General.

I have the honour to communicate herewith a telegram, dated March 7th, which I have just received from Shanghai and to request that you will be good enough to bring the same to the attention of the Members of the Assembly:

"Official reports reaching Shanghai at six p.m. today (March 7th) state that there has been heavy fighting at Kiating, Hwangtu and Taicheng. Numerous refugees from Kiating have arrived here and reported the town was burning.

"Nine Japanese aeroplanes followed on Monday the passenger train from Hangchow to Shanghai, throwing the passengers into panic, but the train was not attacked."

(s) W. W. YEN.

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A. (Extr.) 24.1932.VII.

Geneva, March 8th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

SITUATION IN THE SHANGHAI REGION.

Communications from the Delegation of the U.S.A. to the  
Disarmament Conference and from the Dutch Delegation to the Assembly.

Note by the Secretary-General.

The Secretary-General has the honour to circulate to the  
Assembly the following communications.

I

Communication from the Delegation of the U.S.A. to the  
Disarmament Conference.

March 8, 1932.

The American Minister in China has cabled the Department of  
State under date of March 6, 1 a.m., as follows:

"Captain Mayer (from office of Military Attaché Peiping now  
in Shanghai) after conferring with British Military Attaché feels  
that while major hostilities between main Chinese and Japanese  
forces ceased on March 3rd, minor engagements between contact  
groups have occurred on March 4th and 5th particularly near Wangtu  
(Huangtu) four miles west of Nanziang. And also near Liuho. These  
engagements apparently are brought on by the efforts of the  
Chinese to establish a favourable line of out posts. Japanese  
aeroplanes have been scouting over Chinese lines and rear areas."

II

The Netherlands delegation to the Assembly has also communic-  
ated to the President the information received by it on March 5th  
and 6th from its Consul-General at Shanghai.

1.- According to the communication of March 5th the Japanese  
Commander-in-Chief had stated that he did not intend to go beyond the  
Liuho-Kading-Nanziang-Chenju line. However, Japanese patrols had  
been observed south of the Nanziang-Chenju line. The Chinese had  
withdrawn along the Shanghai-Hangchow railway line to a distance of  
16 kilometres from Shanghai and along the Shanghai-Nanking railway to  
22 kilometres from Shanghai, where the opposing forces were fairly  
close to each other. Further north isolated groups of Chinese were  
withdrawing from the Woosung fortress to rejoin the Chinese lines at  
Taitsang and local skirmishes had occurred, which had terminated at  
the time the communication was despatched. The headquarters of the  
Japanese 9th Division were at Nanziang; the Chinese headquarters  
were probably at Lohkapang.

2.- According to the communication of March 6th, the situ-  
ation had remained unchanged since the previous day and no further  
fighting had been reported.

051

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

A.(Extr.)23.1932.VII

Geneva, March 7th, 1932.

EXTRAORDINARY SESSION OF THE ASSEMBLY CONVENED  
UNDER ARTICLE 15 OF THE COVENANT OF THE LEAGUE  
OF NATIONS AT THE REQUEST OF THE CHINESE  
GOVERNMENT.

Draft resolution submitted by the Colombian Delegation  
on Monday March 7th, 1932 (afternoon).

The Assembly,

Adopting the principles followed by the Council with regard to the conflict between China and Japan;

Declaring ~~that~~ the cessation of hostilities and of any military pressure by either of the parties on the other is an essential preliminary condition for any subsequent action by the League to obtain a peaceful settlement of the conflict between China and Japan;

Having in view the resolution adopted by the Council on September 30th and December 10th, and the draft resolution accepted by thirteen of its Members on October 24th;

Recalling that the two parties have recently, in accordance with the resolution of the Assembly of the 4th instant, agreed to take all necessary measures to prevent the continuation of hostilities,

1. Invites the Chinese Government to give all guarantees for the protection of the life and property of Japanese nationals both at Shanghai and in Manchuria, with the co-operation of impartial observers appointed by the League;

2. Invites the Japanese Government to withdraw its troops from Shanghai and to commence the evacuation of Manchuria in accordance with the terms of the Council's resolution of September 30th;

3. The Assembly recommends that the evacuation of Chinese territory should be terminated within a period to be fixed in accordance with technical requirements by a Commission appointed by the Assembly.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A(Extr.)22.1932.VII.

Geneva, March 7th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the  
following communication dated March 7th, which he has received  
from the Chinese Delegation.

Ref.276.

Geneva,

March 7, 1932.

To the Secretary-General

I have the honour to communicate to you the following  
telegram of the 7th of March, which I have just received from  
my Government, and shall be most obliged, if you will circulate  
it among the Members of the League:

"According to a report of the Shanghai Maritime  
Customs, five Japanese merchant ships, loaded to  
capacity with Japanese troops, entered the port on the  
forenoon of March 6th."

(Sgd.) W. T. YEN.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council and  
the Members of the League.

A(Extr)21.1932.VI I

Geneva, March 7th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate  
the following communication dated March 6th, which he has  
received from the Chinese Delegation.

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Rf./275

March 6th, 1932.

To the Secretary-General.

I have the honour to communicate to you the follow-  
ing telegram, dated Nanking to-day, which I have just  
received from my Government, with the request that you will  
kindly bring it to the knowledge of the President of the  
Assembly:

"The following order has been issued by General  
Chiang to the forces under his command: A Resolution having  
been adopted by the Assembly of the League of Nations to the  
effect that the cessation of hostilities should be made  
effective by both the Chinese and Japanese sides, it is only  
right and proper that it should be obeyed. Unless we are  
attacked by the Japanese troops, we must not attack them.  
If, however, the Japanese troops, in disobedience to the  
Resolution adopted by the Assembly, should continue to  
attack us, then our troops are bound to defend themselves.  
This is an order that all the troops under my command must  
obey."

(Signed) W.W.YEN.

0519

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council  
and the Members of the  
League.

A. (Extr.) 20.1932.VII.

Geneva, March 7th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication dated March 6th, which he has received from the Chinese Delegation.

Geneva, March 6, 1932.

To the Secretary-General.

I have the honour to communicate herewith the following telegram, dated March 6th, which I have just received from my Government, and shall be grateful, if you will circulate it among the Members of the League:

"Up to the noon of March 5th, our line of defence is running from Sing-chwang (a city on the Shanghai-Hangchow railway, about 15 miles south of Shanghai) to Tai-chang (a city about 12 miles west of Kiating or 30 miles west of Wocsung), passing Tsih-pao (a city on the southern bank of the Soochow creek, about 12 miles west of Shanghai), Hwangao (a city on the northern bank of the Soochow creek, about 22 miles west of Shanghai) and Anting (a city on the Shanghai-Nanking railway, about 28 miles west of Shanghai). The outposts of the Japanese forces already reached as far as Nanshiang and Kiating, the second line of our defence.

"On the afternoon of March 4th, under the barrage of about 2000 shots of artillery fire, more than 200 Japanese cavalry, which were closely followed by infantry, launched an attack on our positions at Hwangao; but they retreated on the same evening.

"Japanese plain-clothes soldiers are proceeding from Nanshiang to Taichang.

"According to a Rengo (Japanese news agency) message from Tokyo of March 6th, the Japanese War Office in an unofficial statement stated inter alia that although Japanese troops have cleared away the Chinese army after great victory, Japan, in view of many past facts, could not anticipate what action might likely be taken by China; therefore, 'the Japanese troops, which have been originally considered necessary and have completed preparation, will be despatched to Shanghai.'"

(Signed) W. W. YEN.

0520  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS

communicated to the Assembly,  
the Council and the Members  
of the League.

A.extr.19.1932.VII  
Geneva, March 7th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate the following communication dated March 6th.

Ref./274

1A/31334/31334 XL1

March 6th, 1932.

To the Secretary-General.

I have the honour to communicate herewith a telegram, dated March 6, which I have received from Shanghai and to request that you will be good enough to circulate the same among the Members of the Assembly:

"Japanese planes bombed the railway towns between Soochow and Quinsan on Sunday (March 6th). We are resisting the severe Japanese attack on the Hwangtu-Kiating-Lotang front. The indications are that the Japanese are preparing to attack Hangchow (Capital of Chekiang).

"The Japanese military authorities approached our leading citizens in Chapei with a view to establishing a police administration under the auspices of the Japanese. Our people have refused to consider the suggestion."

(Signed) W. W. YEN.

052

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, Council and  
the Members of the  
League.

A.(Extr.) 18.1932.VII.

Geneva, March 5th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the  
Secretary-General has the honour to circulate the following  
communication dated March 6th.

Ref./273.

March 6, 1932.

To the Secretary-General.

I have the honour to communicate herewith a telegram,  
dated March 5th, from Shanghai, and to request that you will be  
good enough to circulate the same among the Members of the  
Assembly:

"Twelve Japanese aeroplanes flew over the Socchow  
and Quinsan districts on Friday and Saturday (March 4th  
and 5th) and attacked the farmers, working in the fields,  
with machine guns. The casualties were unknown.  
Numerous reports from the districts attacked have been  
officially received.

"Eight troop ships containing the Japanese 14th  
Division have arrived at Woosung. Other contingents of  
Japanese troops have landed at Pootung (opposite  
Shanghai).

"Severe fighting is now in progress on the Kiating  
and Kanziang front and also at Liuko. Adequate rein-  
forcements on our side have arrived, and we are prepared  
to resist."

(Signed) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council  
and the Members of  
the League.

A.(Extr.) 16.1932.VII.

Geneva, March 5th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication, dated March 5th, addressed by the Chinese Delegation to the President of the Assembly.

Rf./271

March 5th, 1932.

To the President of the Assembly,

I have the honour to communicate the following telegram, dated Shanghai March 5, 20.22 o'clock, from the Honourable T. V. Soong, Vice-President of the Council of Ministers, which I beg Your Excellency to make known to the Assembly:

"General Chiang Kwangnai, reporting from Field Headquarters, states: Commencing from 3 p.m. Friday, Japanese artillery proceeding from Nanziang delivered severe bombardment on our Huangtu line. This was followed by heavy infantry attacks which we repulsed at midnight.

"General Shirakawa issued explanatory statement this morning that occupation of Huangtu (which is well beyond 20 kilometer zone) is necessary in order that Nanziang now held by the Japanese forces can be protected".

It is clearly evident that the Japanese forces now are still advancing into China's interior, and the pretext put forth is always to protect the last place occupied.

(Signed) W. W. YEN

152.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

A(Extr.)15.1932.VII.

Communicated to the Assembly,  
the Council and the Members  
of the League.

Geneva,

March 5th, 1932.

APPEAL OF THE CHINESE GOVERNMENT.

Note by the Secretary-General.

The Secretary-General has the honour to circulate as an element of information in the dispute between the dispute between China and Japan, a fourth report which he has received from the Committee on which certain members of the Council were good enough to allow their officers to serve.

Shanghai, March 5th, 1932.  
(desp. 2.41 a.m. local time)

Drummond, Nations, Geneva.

I am requested transmit following Fourth Report of the League of Nations Secretary-General's Committee, Shanghai.

Report begins: With reference to our Third Report the hostilities which commenced on February 20th continued without interruption up to March 1st along the line from Woosung to Chapel. Japanese attempting to enforce their demand that the 19th Route Army should withdraw from the area specified in our previous Report.

The fighting was of a very severe character and caused much destruction among villages and isolated buildings in the area of hostilities.

On February 23rd Japanese aeroplanes bombed and destroyed Hungjao aerodrome and on February 26th bombed the Hangchow aerodrome.

1524

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Huston NARS, Date 12-18-75

-3-

On February 29th Japanese Consul-General notified to the Mayor of Greater Shanghai that the Japanese had information that Chinese military were concentrating reinforcements around Shanghai by means of railway. Therefore if this concentration continued Japanese forces in self-defence might be compelled to destroy the railway line and military trains between Kashing and Shanghai and between Socchow and Shanghai on and after March 2nd. The period of grace was given to allow Chinese civilians to evacuate these areas.

The Mayor at once replied stating that since night of January 28th Japanese forces had repeatedly invaded Chinese territory and murdered Chinese people committing atrocities in violation of International Law and Treaties, and offences against humanity. Action of the Chinese troops had, on the other hand, been confined to self-defence, and if Japanese forces should continue to attack Chinese forces, latter would be compelled to defend themselves, all responsibility in this connection must rest entirely with Japanese.

The 11th Japanese Division arrived in Chinese waters on February 28th and 29th. Some of these troops were landed at Woosung but the main body was disembarked near Liu-Ho on the Yangtze-kiang after preliminary bombardment of the Shih-tzu-lin Forts in that neighbourhood. Some troops were landed in the Settlement on February 29th and on preceding day, but the Japanese maintained that these were replacements for the 9th Division and 24th Mixed Brigade.

On March 1st two explosions took place in the Whangpoo close to Japanese flagship and another Japanese cruiser. Japanese state that these were caused by submerged mines laid by Chinese in (order to ?) destroy the vessels.

In the early morning of March 2nd Japanese aeroplanes in fulfilment of threat made on February 29th destroyed a portion of Shanghai-Nanking Railway track near Quinsan.

On the afternoon of March 1st fire broke out in Chapei which developed into a huge conflagration causing enormous damage. It is not certain which side was responsible.

The landing of the 11th Division near Liu-Ho exposed the flank of the Chinese position. At the same time the Japanese launched a

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-3-

strong offensive in Kiangwan area and about 4 p.m. on March 1st Chinese military authorities issued orders for general withdrawal from the whole Shanghai area including Nantao and Lunghua. Japanese followed up retreating Chinese forces and by mid-day March 3rd had occupied the whole area as far West as Kiating and Nanziang. Woosung, which had not been evacuated at the same time as the rest of the area, was assaulted and occupied by the Japanese forces on the morning of March 3rd.

Early in the afternoon the Japanese Military Commander issued an announcement that as the Chinese forces had retreated out of the area designated in the Japanese demands dated February 18th, thereby removing the menace to the safety of the Japanese nationals as well as of the International Settlement; he had decided to order the Japanese forces to halt, for the time being, at the points actually held, and to stop fighting, provided the Chinese forces did not resort to further hostile actions. Japanese Naval Commander issued announcement in the same sense. In the evening Chinese Commander also announced he had ordered all Chinese forces to cease hostilities against Japanese troops unless attacked by them.

Important to make clear that all attempts to obtain an agreed armistice have hitherto failed.

Japanese have ceased their advance for the time being, but local fighting nevertheless occurred in outlying districts during the night.

Interference by the Japanese with the police and other municipal functionaries reported in our second telegram continued during the whole of the period under review and formed the subject of repeated protests to the Japanese authorities.

(Signed) CLANC

President



0528

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, Council and  
the Members of the  
League.

A. (Extr.) 14.1332.VII.

Geneva, March 5th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication dated March 5th, which he has received from the Chinese delegation.

Geneva, March 5, 1932.

To the Secretary-General.

I have the honour herewith to communicate to you for the information of the Assembly two telegrams which I have just received from my Government and to request that you will be good enough to circulate them among the Members of the Assembly:

1. "Wireless message from General Tsai Ting-kai states that the Japanese forces are still attacking our troops between Kating and Tachang. A fleet of enemy aeroplanes bombed Quinsan and attacked Soochow with machine guns."
2. "Despite the Japanese official communiqué declaring that the Japanese military and naval authorities 'have ordered all military operations to cease forthwith' early Thursday afternoon, it was officially reported that at 6 p.m. Japanese forces attacked Nanziang. The Japanese have completed the occupation of Chapei within which, it was announced, no Chinese would be allowed to enter under any circumstances during the next three days."

(Signed) W.W. YEN.

052  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS

Communicated to the  
Assembly, to the  
Council and to the  
Members of the League.

A. (Extr.) 13.1932.VII.  
Geneva, 5th March, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese delegation.

Note by the Secretary-General.

At the request of the Japanese delegation, the Secretary-General has the honour to transmit the following communication dated March 4th.

SHANGHAI INCIDENTS.

Summary of official telegrams received on March 4th by the Japanese delegation.

The Japanese army and navy has ceased hostilities on the orders given by their Commanders on March 3rd. Japanese troops in the front line are still from time to time being fired upon by Chinese regular soldiers, or by soldiers in civilian clothes, and in these cases are returning their fire. In the night of March 3rd, disbanded Chinese soldiers who had fled from Woosung appeared in the district of Louwu and fired on our soldiers who retaliated.

These are only chance skirmishes which even if they recurred from time to time would not modify the attitude of the Japanese forces as defined in the proclamations made by the commanding officer.

The Japanese army has no intention of resuming hostilities, nor of advancing beyond the positions at present occupied unless the Chinese army undertakes a veritable offensive. You may formally deny any allegation which might be made by the Chinese regarding an attack by our forces despite the cessation of hostilities.

0528

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Distributed to the Assembly,  
the Council and the Members  
of the League.

A(Extr.)12.1932.VII.  
Geneva, March 4th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

RESOLUTION ADOPTED BY THE ASSEMBLY AT ITS THIRD MEETING HELD  
ON MARCH 4TH, 1932, AT 8 P.M.

The Assembly,

Recalling the suggestions made by the Council on the  
29th February and without prejudice to the other measures  
therein envisaged,

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

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

3) Recommends that negotiations be entered into by the  
Chinese and Japanese Representatives with the assistance of the  
Military, Naval and Civilian Authorities of the Powers mentioned  
above for the conclusion of arrangements which shall render  
definite the cessation of hostilities and regulate the with-  
drawal of the Japanese forces. The Assembly will be glad to  
be kept informed by the Powers mentioned above of the  
development of these negotiations.

7521  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS

Distributed to the Assembly  
the Council and the Members  
of the League.

A. (Extra) 11.1932.VII.  
Geneva, March 4th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT

Communication from the Chinese Delegation.

Note by the Secretary-General

The Secretary-General has the honour to circulate the following communication, dated March 4th, which he has received from the Chinese Delegation.

-----  
Ref./268

Geneva, March 4th, 1932.

To the Secretary-General.

As requested I have the honour herewith to communicate to you the following telegram, which I have just received from the National Crisis Salvation Association of China and to request that you will be good enough to circulate the same among the Members of the Assembly:

"We wish to call the Assembly's attention to the significant fact that even at this moment, when our defending forces have already completed their withdrawal to a distance of twenty kilometres from the International Settlement, as demanded by Japan, and when Japanese propagandists everywhere are loudly proclaiming Japan's sincere desire for peace, Japanese forces are still continuing their brutal destruction of civilian lives and private property by bombing, bombardment and incendiarism. We earnestly entreat the Assembly to make Japan fulfil her pledge by ceasing hostilities and withdrawing her forces without delay. March 4th.

(s) The National Crisis Salvation  
Association of China."

(Sgd) W.W. YEN.

0530

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council and  
the Members of the League.

A(Extra.)10,1932.VII.

Geneva, March 4th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication, dated March 4th, addressed by the Representative of China to the President of the Assembly.

Geneva,  
March 4th, 1932.

To the President of the  
Assembly.

I have the honour to transmit to you herewith two telegrams from my Government, dated to-day (March 4th), the one announcing the cessation of hostilities on the part of our troops near Shanghai, and the other stating that in spite of Japanese assurances, their troops are still attacking us and severe fighting is still going on. The text follows:

1. "Our Commander proclaimed cessation of hostilities at midnight."
2. "Despite Japanese assurances to cease hostilities two o'clock Thursday afternoon (March 3rd), the Japanese are still attacking us at Loutangcheng near Kating; severe fighting is still in progress."

I shall be grateful if Your Excellency will bring the above to the urgent notice of the Members of the Assembly.

(Signed) W.W. YEN.

LEAGUE OF NATIONS

Distributed to the Assembly  
the Council and the Members  
of the League.

A(Extra) 9.1932.VII.

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following letter dated March 2nd, which he has received from the Chinese Delegation.

Ref./261.

Geneva, March 2, 1932.

To the Secretary-General.

I have the honour to communicate the following statement, dated March 2nd, from my Government concerning the recent efforts to bring about a cessation of hostilities at Shanghai, and shall be obliged if you will be good enough to circulate the same among the Members of the Council and of the Assembly:

"In view of the arrival of two more divisions of Japanese troops as reinforcements and their new offensive at Liuho as well as at Woosung, it is important to announce the fact that, at the informal meeting between the Chinese and Japanese representatives on board His British Majesty's flagship 'Kent' under the friendly offices of Admiral Sir Howard Kelly, certain points to form the basis of an agreement for the immediate cessation of hostilities were discussed and an understanding reached as follows:

- (1) Mutual and simultaneous evacuation.
- (2) No question of permanent dismantling of Woosung or Lion Forts to be raised.
- (3) Supervision of evacuation on both sides by a Sino-Japanese commission with neutral observers.
- (4) Evacuated area to be administered by Chinese authorities and policed by Chinese police as heretofore.
- (5) Chinese to withdraw to Chenju and Japanese to withdraw to the International Settlement and the Extra-Settlement roads, after which Chinese to withdraw to Nansiang and Japanese to withdraw to their ships (this last point subject to further discussion at a subsequent meeting to be arranged.)

"It was agreed that if the respective Governments should approve the tentative understanding, a formal meeting of the accredited diplomatic and military representatives was to take place forthwith for the purpose of consummating the arrangement.

353  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

"In the afternoon of February 29th, the Chinese representative informed Admiral Kelly of the approval of the Chinese Government and requested him to notify the Japanese authorities of the same, so that, should the Japanese Government likewise give its approval, the proposed formal meeting of the accredited representatives might be arranged at once.

"Up to the present, however, no word has been received from the Japanese side as to the decision of the Tokyo Government. Meanwhile the Japanese military, naval and aerial forces have been launching a new attack against the Chinese forces on all fronts and the Japanese Consul-General has notified the Chinese Mayor of the intention of the Japanese military forces to bomb the two principal railways connecting Shanghai with Nanking and with Hangchow. Should these peace efforts entirely earnest on the part of China again fail, the responsibility for the failure must once more rest with Japan."

(Sgd) W. W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Distributed to the Assembly,  
 the Council and the Members  
 of the League.

A(Extr.)8.1932.VII.  
 Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication, dated March 3rd, which he has received from the Chinese Delegation.

Geneva, March 3rd, 1932.

To the Secretary-General.

I have the honour to communicate the following telegram from my Government concerning the Japanese reply to the terms of armistice arrived at on board H.B.M.'s "Kent" on the 28th of February, and to request you to circulate the same among the Members of the Assembly:

"Following Japanese reply was handed to Vice-Minister of Foreign Affairs, Mr. Quo Tai-Chi, by Admiral Kelly this evening (March 2nd): Basic Conditions of Immediate Cessation of Hostilities:

1. Should China give assurance for withdrawal of her troops to a certain distance from Shanghai (distance to be determined by Japanese and Chinese authorities) Japan will agree to cessation of hostilities for a certain period (to be agreed upon between Japanese and Chinese authorities), and pending subsequent arrangements, Japanese and Chinese forces shall hold their respective positions. Details relating to cessation of hostilities shall be arranged by the Japanese and Chinese military authorities.
2. During the period of cessation of hostilities, a round table conference between Japan and China shall be held at Shanghai in which representatives of the principal Powers interested shall discuss with a view to reaching an agreement upon methods for withdrawal of both the Chinese and Japanese forces on such terms as are set out in the following paragraph, together with measures for the restoration and maintenance of peace and order in and around Shanghai and for the safeguarding of the International Settlement and the French Concession in Shanghai and foreign lives, property and interests therein.
3. The withdrawal of troops shall be commenced by Chinese troops (including plain clothes gunmen) to a specified distance and upon ascertaining the withdrawal of the Chinese forces, the Japanese forces will withdraw to the Shanghai and Woosung areas.
4. Should either of the parties infringe any of the terms of the cessation of hostilities, the other party shall have freedom of action. Both parties have the same freedom of action upon the expiration of the period agreed upon under paragraph 1.

"It is to be observed that the contents of the above reply show radical departure from the understanding reached on board the "Kent". They are tantamount to conditions of surrender and are absolutely unacceptable. We feel the only alternative is further resistance to the Japanese attacks and regard the continuation of hostilities unavoidable."

(Signed) W. W. YEN.



153  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Distributed to the  
Assembly, the Council and  
the Members of the League.

A.Extr.7.1932.VII.

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following letter dated March 2nd, addressed by the Representative of China to the President in Office of the Council.

-----  
March 2, 1932.

To the President of the Council.

As I have already notified the Council, my Government accepted on February 29th the armistice proposals resulting from an exchange of views on February 28th between the representatives of the two parties in the presence of Admiral Kelly on board the British flagship. These proposals, as stated by the British representative on the Council on February 29th, were based on the principle of mutual simultaneous evacuation.

Since these proposals were forwarded for the consideration of the Chinese and Japanese Governments, the Japanese Government has made no reply but landed strong reinforcements in the International Settlement of Shanghai and launched an offensive on a larger scale. This was done in spite of the announcement that the Japanese Government had accepted the proposals made by the President of the Council on February 29th for the cessation of hostilities and restoration of peace in the Shanghai area.

In spite of these developments, which throw serious doubt on the sincerity of the Japanese Government's acceptance of the Council's proposal, I have the honour to state that my Government is, as always, ready to accept an armistice based on the principles outlined above. If this armistice is accepted and carried out, the Chinese Government is further prepared to accept the proposal which Your Excellency made at the Council meeting on February 29th and to participate in the Conference at Shanghai, recognising that the safety of the International Settlement and the French Concession is essential to the maintenance of peace in and around Shanghai, and on the understanding that this conference is concerned only with the restoration of peace in Shanghai and that all questions arising out of the Sino-Japanese conflict in any part of China will be settled in accordance with the procedure invoked by China before the League.

It is of course understood that participation in this Conference is subject to agreement between participating Governments as to its agenda.

(Signed) W.W. YEN.

0535

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
Assembly, the Council  
and the Members of  
the League.

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

Geneva, March 3rd, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Japanese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to transmit the following communication dated February 29th, which he has received from the Japanese delegation.

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Geneva, February 29th, 1932.

To the Secretary-General.

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

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

(Signed) S. SATO.

Representative of Japan on the Council  
of the League of Nations.

0536  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

[Distributed to the Assembly,  
the Council and the Members  
of the League.]

Official No.: **A. [Extr.] 6.** 1932. VII.

Geneva, March 2nd, 1932.

**LEAGUE OF NATIONS**

**APPEAL FROM THE CHINESE GOVERNMENT  
IN VIRTUE OF ARTICLE 15 OF THE COVENANT**

**EXPLANATORY NOTE COMMUNICATED  
BY THE JAPANESE GOVERNMENT**

*Note by the Secretary-General:*

The Secretary-General has the honour to circulate the following letter from the Japanese delegation, dated March 2nd, 1932, communicating an Explanatory Note by the Japanese Government.

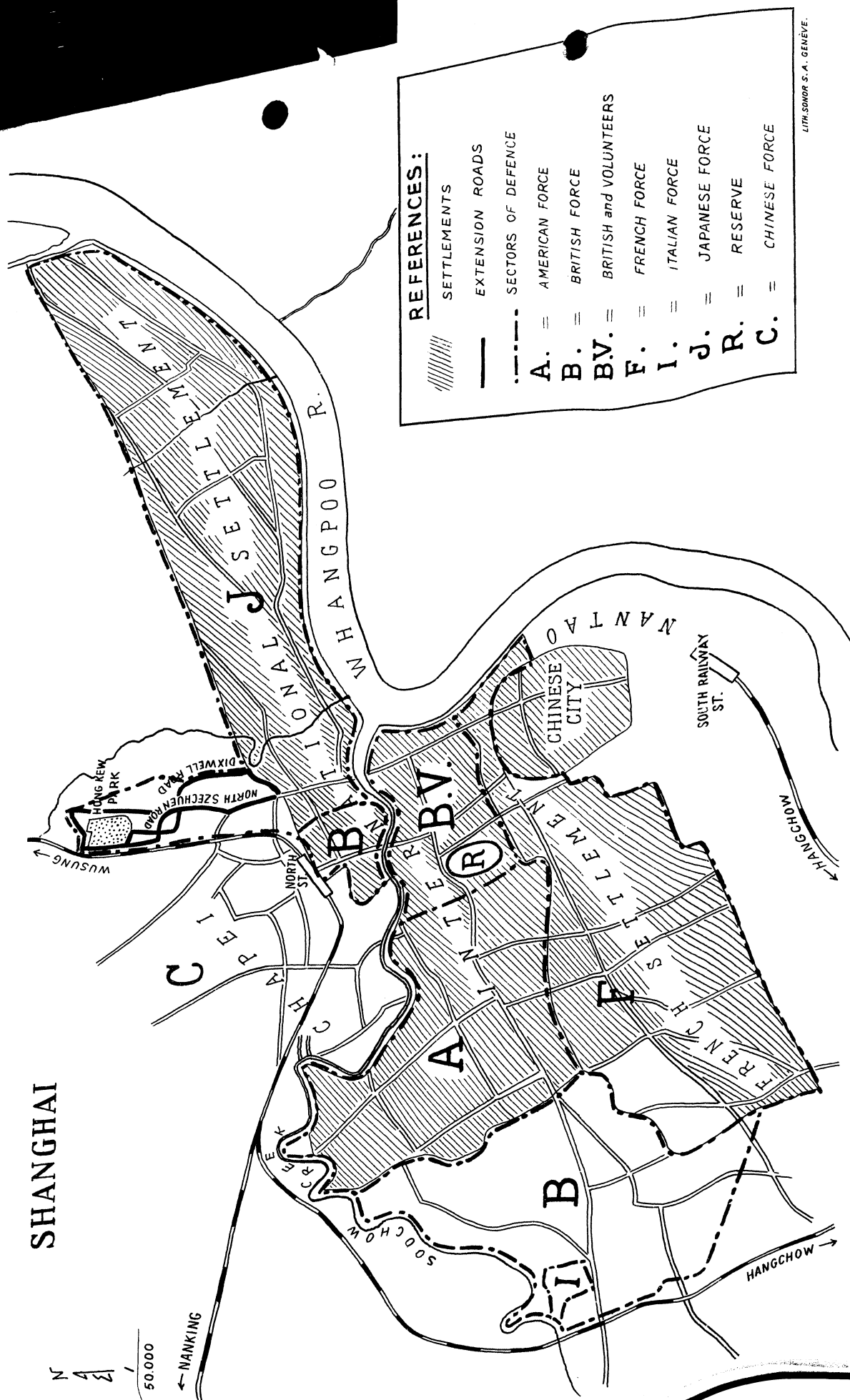
*[Translation.]*

*To the Secretary-General of the League of Nations.*

With reference to your note of February 26th, quoting part of the resolution adopted by the Council on February 19th, and asking me when you could count on receiving from me a statement of the Japanese case, I have the honour, acting on instructions from my Government, to forward herewith an explanatory note on the Shanghai incidents. As I mentioned in my note of February 29th, informing you of the appointment of our delegates to the Extraordinary Assembly, Japan will participate subject to the reservation mentioned in that communication. The explanatory note attached hereto is not, properly speaking, the statement referred to in the second paragraph of Article 15, but rather simply an explanation of what has occurred at Shanghai. I trust, however, that you will find in it the necessary information and the essential facts. I should be grateful if you would communicate it to the Assembly.

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

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75



**REFERENCES:**

SETTLEMENTS	EXTENSION ROADS	SECTORS OF DEFENCE
A. = AMERICAN FORCE	B. = BRITISH FORCE	BV. = BRITISH and VOLUNTEERS
F. = FRENCH FORCE	I. = ITALIAN FORCE	J. = JAPANESE FORCE
R. = RESERVE	C. = CHINESE FORCE	

## EXPLANATORY NOTE FROM THE JAPANESE GOVERNMENT.

### TABLE OF CONTENTS

Map of Shanghai	Frontispiece
I. Revolutionary Policy of the Chinese Nationalist Government	Page 3
II. Anti-Foreign Agitation in China	4
III. Anti-Japanese Movements in China	5
IV. Shanghai Incidents	7
V. Observations concerning the Reports of the Shanghai Consular Committee	11

### I. REVOLUTIONARY POLICY OF THE CHINESE NATIONALIST GOVERNMENT.

1. The Chinese military and revolutionary Government, formed in 1912 by the Nationalist Party, of which Sun Yat Sen was the founder, adopted the so-called three "Min" policy recommended by the latter. That policy was based on equality of races and the principle of nationalities, the rights of the people (democracy) and the right of every individual to the means of livelihood. Foreign policy more particularly took as a basis the first axiom and proclaimed the liberation of the Chinese people and anti-imperialist tenets.

The principles adopted in 1913 by the Nationalist Party in regard to foreign policy were as follows:

- Abolition of all rights based on "unequal" treaties, more particularly extraterritoriality, administration of Customs by foreigners, foreign political influences in China prejudicial to the latter's sovereignty. Substitution for such treaties of other treaties on a footing of reciprocal equality.
- Recognition of most-favoured-nation status for all countries which might voluntarily relinquish their privileges and for all countries prepared to abrogate treaties according to their rights prejudicial to Chinese sovereignty.
- Modification of other treaties, concluded between China and the Powers, prejudicial to the interests of China.
- Pledging and repayment of loans would be agreed to only in so far as China suffered no damage from a political or economic standpoint. The Chinese people does not consider itself responsible for loans concluded by Governments whose undertakings it cannot endorse—for example, a Government elected in virtue of money, such as the Peking Governments under the former Presidents.

The Nationalist Government's foreign policy was, in short, to come to an agreement with countries which relinquished their rights and to oppose those which failed to do so. Its fundamental basis was the unilateral denunciation, without any consideration for the wishes of the other party, of all foreign rights, more particularly loans and so-called "unequal" treaties. After the death of Sun Yat Sen, the Nationalist Party and the Government of the nationalist and revolutionary army pursued this policy, proclaiming even more energetically their anti-imperialist tenets. In 1926 Chiang Kai Shek, the Head of the Government, marched northwards again with his armies against the Northern generals. During his expedition he proclaimed: "If the nationalist revolution succeeds, China will immediately denounce all unequal treaties".

2. The Revolutionary army won a series of victories, and at the beginning of 1927 was on the point of seizing Nanking and Shanghai. The attitude of the Nationalist Party and of the Revolutionary Government became increasingly arrogant. Frequent attempts were made against the life and property of foreigners wherever the revolutionary Army appeared, especially in the Wuchang and Hankow region, where the nationalist Left and communist elements had set up the Wuhan Government. The Communist Party's activities were particularly violent and the anti-imperialist movement was becoming increasingly dangerous. The anti-foreign movement took the form of direct action, the most memorable example being the taking by force of the British Concessions at Hankow and Kiukiang early in 1927. The Wuhan Government had not officially taken part in that action, but the latter had, in point of fact,

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 4 -

been carried out under the direction of the leaders of the Chinese Communist Party, on which the Wuhan Government depended. That was conclusive proof of the will of the Chinese leaders to deprive foreigners of the rights which they enjoyed.

3. The Wuhan Government's rival—that is, the Nanking Government, consisting of the nationalist Right—appeared more moderate, at all events from a formal standpoint. Actually, however, its tendencies were as violent as those of the rival party, and both had adopted as their fundamental policy the denial of foreign rights and interests—a policy which coloured all their actions.

The Nanking Government lost no opportunity of declaring its intention of denouncing "unequal" treaties, and reiterated openly that it had entered into an undertaking with the Chinese people to sweep away the rights and interests of foreigners. On December 28th, 1929, it promulgated a law abolishing extraterritoriality as from January 1st, 1930. The Powers all protested against this attempt to abrogate international undertakings by means of an internal law.

In the face of this attitude the Chinese Government sought to temporise; in December 1931 it published a declaration full of threats to the effect that if a satisfactory solution was not found for the question of extraterritoriality before the end of February 1932, it would pursue its policy by means other than diplomatic means. Lastly, it officially declared its firm intention of denouncing treaties unilaterally, by promulgating the "Regulations concerning judicial procedure in regard to foreigners".

The statements of responsible officials concerning the taking by force of the foreign Concessions and "Settlements", the appeals for concerted anti-foreign action, are all so many examples proving how impossible it is to apply to such a policy the customary rules for international relations.

## II. THE AGITATION AGAINST FOREIGNERS IN CHINA.

1. As has been shown above, the foundations of Chinese policy under the direction of the Nationalist Party are the denunciation of "unequal" treaties and the withdrawal of the legitimate rights and interests of foreigners.

The weapons used by the party to achieve its purposes are anti-foreign agitation and boycotting.

The agitation is directed against all the foreign Powers and not against one or a few of them. Unless it abandons all the rights and interests which it possesses, every Power is liable to find itself at any moment the object of this agitation.

2. The latter should be considered from two different aspects: first, that of anti-foreign education and organisation which have been pursued secretly and continuously for many years, and, secondly, that of the sporadic violent agitation and boycotting directed for a time against one or several individual nations.

(a) The methods employed to consolidate the anti-foreign attitude of the nation are chiefly education inculcating a hatred of foreigners and the celebration of days of national humiliation.

The Nationalist Government has laid down as a basis of the national education the teaching of the three principles of Sun Yat Sen. Article 47 of the Provisional Law of 1931 lays this down clearly. One of the compulsory subjects for the civil service examinations is the study of the principles of the Nationalist Party. Anti-foreign text-books have been compiled for the elementary and secondary schools, where their use is compulsory. These text-books present the facts in a misleading or false light. They stir up hatred of the foreigner and openly encourage feelings of revenge. Instead of educating the Chinese nation, it must unfortunately be recognised that they poison it.

The Nationalist Government, in instituting and celebrating days of national humiliation and similar commemorations, endeavours to keep alive in the hearts of the nation the memory of conflicts with foreign countries. It thus develops a narrow patriotism and an anti-foreign spirit.

The number of these days of humiliation is very large. They are observed by the Nationalist Party and the Chinese Government, as well as by public organisations. They are often public holidays. Special commemorative ceremonies are even organised.

(b) The Nationalist Government is aware of the difficulty and disadvantages of organising a general movement against all foreign countries. It therefore first of all attacks one or several countries, chosen according to the necessities of the moment, provisionally moderating the agitation against other nations.

3. For example, at the time of the so-called V.30 case (May 30th, 1925), the chiefs of the Nationalist Party ordered the students' organisations to concentrate their efforts against Great Britain, and the members of the Canton Military Government openly gave the same directions to their subordinates. This agitation imperilled British trade and the lives, rights and interests of British nationals in China. British concessions were even taken back by force. Before these events Great Britain had, since December 1926, adopted an extremely conciliatory attitude towards China: at the Peking Customs Conference, for example, she

- 5 -

had proposed to the Powers parties to the Washington Treaty concerning the Chinese Customs tariff the unconditional acceptance of the surtax provided for by this Treaty; and in January of the following year she had proposed the most liberal concessions to the Chinese Government for the settlement of the questions pending between Great Britain and China.

The latter showed no appreciation of these efforts at conciliation, and on the contrary directed against Great Britain the violent campaign which has just been mentioned, and as a result of which Great Britain was compelled, in order to protect her nationals and her rights and interests in China, to send large armed forces there in January 1927.

The anti-British movement became more and more violent and on March 23rd a premeditated attack was made against the foreign consuls and foreign nationals at Nanking by the regular Chinese troops. The losses suffered by the Japanese, British, Americans and French were enormous. Ordinary remedies were unavailing, and British and American warships were obliged to bombard Nanking.

The anti-British movement was extended to Americans also and soon developed into a campaign against all foreigners. On April 3rd, the Japanese concession at Hankow was attacked by a Chinese crowd; numerous Japanese were wounded, and houses were pillaged. The movement spread all through the valley of the Yangtse, which the Japanese had to leave, withdrawing to Shanghai or returning to Japan.

The Nationalist Army proceeded towards the north. The Japanese Government then decided to send troops to Shantung so as not to leave the numerous Japanese nationals inhabiting these provinces at the mercy of the Nationalist soldiers. The anti-Japanese campaign then redoubled in violence. It attained its height after the fighting which took place at Tsinan, where the Nationalist forces entered the town and attacked the Japanese troops who were quartered there. A communication was sent to the League of Nations at that time by the Japanese Government.

4. Since then the anti-Japanese campaign has continued, whereas the anti-British and anti-American agitation has abated. This does not prove, however, that China has changed her attitude towards other countries. She knows well enough that a general campaign would unite all the Powers against her, and she understands that she would be in an impossible situation. The anti-Japanese campaign is at present engaging her attention too exclusively for her to be able to disperse her efforts. The experience of the past shows that she would soon turn against the other Powers if her present campaign were successful or if a favourable occasion presented itself.

## III. ANTI-JAPANESE MOVEMENTS IN CHINA.

1. We shall begin by summarising briefly the principal anti-Japanese movements in China since 1908.

(a) A whole series of boycotts have occurred in 1908, after the Japanese protest against the illegal seizure of the s.s. *Tatsu-Maru*, which was taken to Canton; again, in 1908, after the decision of the Japanese Government to extend the Antung-Mukden Railway under the terms of the agreement concluded with China; in 1915, in connection with the Sino-Japanese negotiations; in 1919, as a protest against the articles of the Versailles Treaty relating to Shantung; and in 1923, in consequence of the refusal to cede the leased territory at Kwantung.

(b) In 1925 the movement, which at the outset was solely anti-British, later became general, becoming anti-American and anti-Japanese (see Part II).

(c) In June 1927, serious disturbances occurred at Tsinan. The National troops committed outrages against the Japanese residents, just as they had indulged in looting and cruelties against British and American nationals in Central and South China. In the course of the Tsinan disturbances thirteen civilians, women and children among them, were killed under the most barbarous circumstances, while twenty-eight persons disappeared. A year later serious trouble again occurred in the same region.

(d) The present anti-Japanese movement is the most serious since 1908.

It began in June after the Wanpaoshan incident (flagrant denial of justice to Korean peasants in Chientao, interference of the Chinese authorities, reprisals by Koreans on Chinese at Jinsen, Seoul, etc.). The incidents which subsequently occurred at Shanghai will be discussed in detail in Part IV.

2. The anti-Japanese campaigns and the movement for the boycotting of Japanese goods had been increasing steadily during the last fifteen years. Since the Nationalist Party came into power, these movements have been not only tolerated or encouraged by the Chinese Government, but have been under the direct or indirect control of the Nationalist Party (Kuomintang). Where the population did not support the movement, severe penalties were exacted. It is a case, therefore, of an organised campaign conducted for purposes of foreign policy, in which the population is compelled to join whether it wishes to or not.

- 6 -

No doubt can exist as to the anti-Japanese agitation. It is conducted under the orders of the Nationalist Party with the encouragement of the Chinese Government.

The organisation which is the mainspring of the entire movement is the association for the support of anti-Japanese movements which has taken the name "Anti-Japanese Association for the Defence of the Country". It is a private organisation, but set up by the agency of the Nationalist Party, and is recognised by the Chinese Government. It has sections throughout the country. Its heads are the leaders of the party or of local sections and the principal members of the chambers of commerce. Administrative authorities have also on numerous occasions given orders of an anti-Japanese character. Thanks to the concerted action of the anti-Japanese associations, the movement has been strongly organised and identical action has been taken throughout the country. It is in the districts which are under the direct authority of the Nanking Government in the Yangtse valley that the anti-Japanese campaign has been most violent and most successful.

The anti-Japanese associations issue the following instructions:

1. Not to buy Japanese goods;
2. Not to use Japanese goods;
3. Not to transport Japanese goods;
4. Not to use Japanese currency;
5. Not to use Japanese vessels;
6. Not to have personal relations with Japanese;
7. Not to work for Japanese;
8. Not to deposit money in Japanese banks;
9. Not to supply Japanese with food;
10. Not to go to Japan on business or for study.

In order to force Chinese merchants to conform to these rules, the anti-Japanese associations have taken steps

- (1) To enforce the registration of Japanese goods in the hands of Chinese: it is proposed to take steps to check and confiscate such goods;
- (2) To compel Chinese in the employment of Japanese to leave their employment or to go on strike;
- (3) To keep a watch on Chinese who have relations with Japanese;
- (4) To exact various penalties such as confiscation of goods or property or corporal punishment. (Offenders are liable to be dragged through the city or put in cages and exposed to the public view.)

Since July, the anti-Japanese campaign at Shanghai has attained an unexampled degree of intensity. Not only has a large quantity of Japanese goods in the hands of Chinese been confiscated, but goods belonging to Japanese have also been looted or seized.

Towards the end of September, the anti-Japanese campaign extended over practically the whole of China and was highly effective. Commercial relations with Japan were *de facto* interrupted. The big Japanese spinning concerns had their contracts cancelled. They could not obtain transport. Goods accumulated in the factories. They were compelled to reduce the length of the working day and ultimately to suspend activities altogether. Japanese Banks ceased entirely to do business with Chinese. Shipping companies were compelled to lay up a number of ships. The Japanese population was exposed to vexations and in many cases to actual violence, and was frequently compelled to leave its dwellings in order to take refuge in districts where safety was assured. In many localities the women and children had to be evacuated.

Japanese living in places where they were dependent on Chinese for their food supply were also compelled to quit their residences. Our consulates at Chenchow, Chentu, Yunnanfu and Chihfeng had to be evacuated at the end of October. At the end of December, the number of Japanese compelled to evacuate different places in central China was over 1,700. Full details on this subject have been communicated by the Japanese delegation to the League of Nations.<sup>1</sup>

The Japanese Government protested repeatedly against this campaign; on October 9th, 1931, it despatched a formal note of protest to the Chinese Government. In communicating this note to the League (document C.690.M.296.1931.VII), it submitted to the opinion of the world the proceedings to which the Nationalist Government had had recourse. No improvement, however, was to be noted. On the contrary, the Chinese authorities maintained that the campaign was no more than a spontaneous expression of Chinese patriotism, and did nothing but encourage—and thereby appreciably aggravate—the situation. This attitude did not fail to produce incidents. On December 31st, Japanese were assassinated at Canton. On January 2nd, 1932, Japanese officials were assaulted and insulted at Fuchow. The Chinese Press published articles containing insults to the Japanese Imperial house, and the nervousness and indignation of Japanese nationals in China increased from day to day. It was at this juncture that the Shanghai incident occurred.

<sup>1</sup> See documents: C.678.M.285.1931.VII. — C.695.M.300.1931.VII. — C.703.M.309.1931.VII. — C.715.M.320.1931.VII. — C.727.M.332.1931.VII. — C.730.M.335.1931.VII. — C.732.M.337.1931.VII. — C.859.M.437.1931.VII. — C.971.M.534.1931.VII. — C.997.M.553.1931.VII.

- 7 -

#### IV. THE SHANGHAI INCIDENTS.

1. The recent anti-Japanese agitation and the various forms in which it manifested itself have been succinctly described in the previous chapter. We will now examine the Shanghai incidents.

Shanghai is the most important centre of Japanese commerce and shipping in Central and Southern China. Japan possesses interests in Shanghai amounting to several hundred million yen.<sup>1</sup> The Japanese residents number about 27,000. The extent of their interests has been increasing every year.

Since the Wanpaoshan incident (see above, page 5), Shanghai has been the centre of that anti-Japanese agitation which has now extended all over China. In Shanghai itself the anti-Japanese associations had been strongly organised under the direction of the Nationalist Party and had for several months been indulging without restraint, both inside and outside the Settlement, in the most reprehensible acts of violence. It would be difficult to give a list of the quantities of goods belonging to Japanese which have been seized in course of transport. Children going to school, Japanese women and girls have been insulted and molested in the street. Up to December 1931 more than 600 cases of this kind occurred, the number of victims being more than 1,000. Since September the Chinese authorities had been adopting vexatious measures of every kind, such as refusing to accept correspondence; the interception of newspapers; and refusing or hindering telephone calls. By the end of September, Chinese agents and employees in banks and business firms had almost all been forced to quit their employers. At the beginning of October, a strike was engineered among the lightermen. Certain Chinese merchants refused to sell to Japanese articles of primary necessity such as rice and coal.

The anti-Japanese organisations conducted their campaign with particular violence under the cloak of a patriotic movement, calling themselves "Anti-Japanese Associations for the Defence of the Country". Since the middle of October they have frequently attacked Japanese mills and shops, causing serious damage, and have forced the Chinese workers to go on strike. When these matters were brought before the Chinese Courts, the latter merely inflicted light fines on the offenders and even in certain undoubted cases of robbery with violence, the Courts, considering that these acts had been committed on patriotic grounds, only punished the offenders with a very small fine. The penalties themselves were not really enforced: time and again offenders have been bound over, a fact which has naturally tended to encourage further acts of violence.

As a result of this state of affairs, Japanese trade and shipping have borne the heaviest losses they had ever suffered hitherto, and although it is difficult to estimate these losses accurately in figures they certainly amount to several hundred million yen.

Japanese business firms at Shanghai are at present unable to transact any business direct with the Chinese. Shipping companies have curtailed the number of their sailings, while more than half of their vessels are laid up. Undertakings of every kind are in a critical condition. The business of most of the merchants and manufacturers has, since the beginning of November, been completely at a standstill: many of our nationals have in fact been deprived of their means of livelihood.

The action of the anti-Japanese organisations referred to has not merely dealt a serious blow to the commercial and industrial activity of the Japanese; it possesses another and—by no means negligible—aspect. It has fomented and encouraged among the Japanese masses violent feelings of contempt and hostility towards Japan. Obviously and naturally such feelings on the part of the Chinese, coupled with the sufferings caused by the heavy losses incurred by the Japanese, have found their echo among the Japanese themselves. These circumstances were such as might produce the most deplorable effect on the relations between China and Japan. Aware of this regrettable state of affairs, the Japanese Minister and the Consul-General at Shanghai on several occasions requested the Nationalist Government and the local Chinese authorities to put a stop to this anti-Japanese agitation. These requests never produced any result, although our authorities made every effort, while the Japanese marines stationed at Shanghai had to be maintained continuously on the alert in order to protect our nationals.

2. Such was the atmosphere at Shanghai when on January 9th this year the *Minkuo Daily News*, organ of the Nationalist party at Shanghai, published an article insulting the Japanese Imperial house. Following on an energetic protest by the Japanese Consul-General, the Municipality of Greater Shanghai admitted the culpability of the newspaper and made an official apology; the director of the newspaper was dismissed, the editor directly responsible was punished and the paper itself published a rectification and an apology. The affair was thus terminated officially, but it had produced among Japanese nationals a readily comprehensible emotion owing to the particular veneration in which the Imperial family is held in Japan.

At this juncture, on January 18th, two Japanese monks, accompanied by three of their followers, were, without any provocation, attacked by workmen from a Chinese factory, well known as a centre of the anti-Japanese agitation and situated in the Chinese quarter near the eastern boundary of the Settlement. The five Japanese were all wounded; one of them subsequently died as a result of his wounds. A group of Japanese attacked this factory on January 20th by way of reprisal.

<sup>1</sup> See document C.214.M.III.1932.VII.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 8 -

3. The Japanese Government could not but conclude that an attack on its nationals such as that which occurred on January 18th was the result of the enmity to and hatred of the Japanese that had long been fomented by anti-Japanese associations. The Chinese authorities had up to then tolerated and even made use of the action of these illegal anti-Japanese associations and, in spite of frequent warnings from the Japanese authorities, had shown no sincere desire effectively to repress their activities. It was natural therefore that they should be held responsible for the consequences of their inaction or ill-will. If the outrages against Japanese were to be stopped, it was absolutely necessary that these illegal organisations should be abolished. Consequently, on January 21st, the Japanese Consul-General addressed to General Wu, the Mayor of Greater Shanghai, the following demands:

- (1) Apologies to be made by the Mayor;
- (2) Punishment of the guilty persons;
- (3) Compensation to be paid to the victims;
- (4) Repression of illegal and improper acts by the Chinese population directed against Japan, and, in particular, the immediate dissolution of all the Shanghai anti-Japanese patriotic committees and all anti-Japanese associations.

On January 25th, a further note was handed in explaining these requests in greater detail. The Mayor was also informed that, failing proof of sincerity on the part of the Chinese, Japan would be obliged to take the necessary protective steps.

Meanwhile, on January 21st, the *Minkuo Daily News* had published a statement to the effect that the attack on the Chinese factory by Japanese had taken place under the protection of marines. The latter could not ignore such a slur on their prestige and honour, and on January 23rd, after the Municipal Council of the International Settlement had been notified, the officer commanding the Japanese Landing Corps forwarded an energetic protest to the Chinese newspaper. The latter published a rectification, but would not publish an apology. While the Japanese naval authorities were considering what steps they should take, the Municipal Council of the International Settlement having also come to the conclusion that the presence within the Concession of this newspaper and the central organ of the anti-Japanese associations was a menace to public order, caused the offices of the *Minkuo Daily News* to be closed on January 26th and stated that it was ready to co-operate with the Japanese authorities if the latter decided to take action against the central organ of the anti-Japanese associations.

4. The Municipal authorities of Greater Shanghai gave the impression that they intended to comply loyally with the Japanese demands; a whole week had, however, elapsed since those terms were received and as yet no reply was forthcoming. On January 25th, an extraordinary meeting of the Central Council of the Nationalist Government was held at which (it was reported) the decision was taken that the Chinese troops stationed at Shanghai should make important defensive preparations. It was also decided to encourage acts of anti-Japanese agitation in every way, provided such acts did not amount to personal attacks on, and did not directly affect the life and property of, the Japanese. Moreover, the question of the breaking off of economic relations with Japan had been on the agenda since January. These circumstances encouraged the authorities and population to adopt an increasingly hostile attitude. Chinese forces were rapidly being concentrated in the neighbourhood of Shanghai and barricades of sandbags with barbed wire entanglements were erected, while trenches were dug in the region of Chapei, which borders on the quarters of the Settlement and the Extension where the greatest number of Japanese reside. It was rumoured that in case of conflict, 6,000 Chinese gendarmes and the Chinese naval forces were ready for action.

A feeling of the utmost alarm began to spread among the Japanese and Chinese inhabitants and there was ground for fearing a panic with the most appalling results. The Japanese consul-general accordingly decided, on January 27th, to ask for a reply from the Mayor of Shanghai by 6 p.m. on the following day and sent notice of this step to the British, American and French Consuls-General and to the authorities of the International Settlement and the French Concession.

At the same time he informed the police of the Municipal Council that, in the event of the demands not being accepted, he would be forced to take direct action against the Central Association. He asked to be informed whether the municipal police was intending to take steps to occupy the buildings in question. He added that he would not fail to notify the municipal authorities in the event of its being decided that action would be taken by the Japanese forces.

The Municipal Council, in view of the notorious lack of discipline among the Chinese troops and of the hordes of refugees who were crowding into the Settlement, feared that disturbances might break out, whether the Japanese demands were accepted or no. A meeting, therefore, attended by the commanders of the British, American and other troops, was held on January 26th to consider what protective measures should be taken. As soon as the Japanese note was received, a further meeting was held on January 27th, at which the commanders of the foreign forces were present, and it was decided that in case of need the Municipal Council would proclaim a state of emergency and that the foreign troops would occupy the positions assigned to them in a joint defence scheme which had been drawn up in August 1931.<sup>1</sup> This scheme had been prepared by the commanders of the international forces

- 9 -

at the request of the Municipal Council and communicated to the respective Governments for approval. At noon on the 28th, the Municipal Council met again and decided to proclaim a state of emergency at 4 p.m. At 5 p.m. the British and American troops took up their positions, followed by the other foreign forces.

5. At 3.15 p.m. on the same day the principal secretary of the Mayor of Shanghai went to the Japanese Consul-General and handed him a note in which the Mayor intimated his acceptance of the Japanese demands. The Consul-General, regarding this reply as satisfactory, accepted the note and at the same time insisted that energetic action should be taken without delay to suppress the anti-Japanese associations. He also pointed out the possible danger of disturbances occurring after the publication of the Chinese reply and urged that adequate measures should be adopted to ensure the maintenance of order. He drew the Chinese authorities' attention likewise to the provocative attitude of the Cantonese forces in the Chapei district and insisted on a stop being put to the forward movements of the troops and of the removal of the military works put up by the Chinese soldiers.

The Mayor replied that he would make every exertion to meet the Japanese authorities on these various points and undertook to assume entire responsibility for the protection of the lives and property of Japanese nationals.

The Japanese authorities accordingly decided to watch the way in which the Chinese carried out their promises, while the naval authorities made their arrangements for the maintenance of order. In the evening of the 27th, the Chinese municipal authorities had given secret orders to the Police and the Municipal Social Bureau to proceed to break up the various anti-Japanese associations (document C.154.M.67.1932), and the Chinese Press announced that, on the morning of the 28th, six of them, inside and outside the settlement, had been dissolved. Events, however, were destined to prove how little reliance could be placed on the Chinese promises. On the morning of the same day, a bomb was thrown at the Japanese Consulate General by members of the "shock troops of the Anti-Japanese Associations". In the afternoon of the same day, about 5,000 students went to the Town Hall and violently attacked General Wu, censuring him for having accepted the Japanese demands. Ever since the morning, hooligans and students had been attacking civilians and the Japanese Police inside and outside the settlement. The concentration of the Chinese troops and the digging of entrenchments were pushed on actively near the settlement boundary, more particularly in Chapei. The strength of the troops was over 30,000, and as their attitude was becoming increasingly hostile, the Chinese residents, fearing a clash, took refuge *en masse* in the settlement. Towards the end of the afternoon of the 28th, the Chapei police forces had fled, and the only result was increased disorder. The lives and property of Japanese nationals were thus exposed to more and more imminent danger. It became plain that it was neither the honest intention nor within the power of the Chinese municipal authorities to control the Chinese soldiers and fomentors of disorder.

6. The acceptance of the Japanese demands made it unnecessary for the naval authorities to take direct action against the anti-Japanese associations. The task assigned to them, however, in consequence of the proclamation of the state of emergency, of effectively protecting a sector of the International Settlement, and likewise the large number of Japanese residing in the Chapei district, called for the urgent despatch of adequate forces to their defence posts in the Japanese sector. The state of utter confusion caused by the Chinese refugees in the Chapei district hampered the rapid occupation of their positions by the Japanese marines. These positions were to be in the vicinity of the points occupied by the Chinese troops. To obviate any incident, the commander of the Japanese forces announced, at 8.30 p.m. on January 28th, that he was about to take steps for the protection of the zone assigned to him in consequence of the state of emergency. He published at the same time a proclamation requiring the speedy removal of the works constructed by the Chinese forces concentrated in the Chapei district. These proclamations were communicated to the Chinese municipal authorities of Shanghai and to the Municipal Council of the International Settlement. Towards midnight the Japanese marines proceeded to their posts in the vicinity of the North Szechuan Road. That road and also the Dixwell Road belong to the Settlement, of which they form an extension. The Japanese nationals are particularly numerous in that district. The marines had of necessity to pass through the neighbouring Chinese quarters in order to reach their posts.<sup>1</sup> While doing so they were attacked by Chinese snipers in civilian clothing and then by regulars. The Japanese marines had received strict orders not to fire unless they were attacked. In the circumstances they were compelled to reply to the Chinese fire in order to perform their duties as part of the defence force. The clash between the Japanese and Chinese troops accordingly occurred in consequence of the provocation and attacks of snipers and Chinese regulars. There is no question on this point, and the Chinese version, according to which the Japanese forces, notwithstanding the satisfactory reply given by the Mayor, nevertheless took the offensive against the Chinese, is absolutely opposed to the facts.<sup>2</sup>

<sup>1</sup> See, in this connection, the First Report of the Committee, page 6, French text and hereunder, Part V, No. 3.

<sup>2</sup> Documents C.154.M.66.1932.VII.; C.154.M.67.1932.VII.; C.161.M.74.1932.VII.

<sup>1</sup> Document C.154.M.67.1932.VII.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

— 10 —

7. After the first engagements, an agreement was concluded through the Consuls-General of Great Britain and the United States of America with a view to a truce, which was to begin on the 29th at 8 p.m.<sup>1</sup> The Chinese troops violated this first truce and, on the morning of the 20th, began to bombard the Japanese positions with field guns. The Japanese forces, in order to prevent any aggravation of the situation, temporarily withdrew and informed the Consuls-General of Great Britain and the United States of America of the violation of the truce by the Chinese, requesting them to issue a warning to the latter. In spite of this warning, the Chinese forces continued to fire and several shells fell into the Settlement.

On the 31st, a proposal to establish a neutral zone was drawn up at a meeting held in the presence of the commanding officers of the foreign forces. It was understood that hostilities would be suspended until an agreement was reached. The Chinese forces again violated this arrangement; on the 31st, at 11 p.m., they opened artillery fire in the vicinity of the Commercial Library; on February 1st, from 1 to 5 p.m., there was heavy firing from their posts by the Northern Railway Station of Shanghai and shells fell as far as the Whangpoo, in an entirely different direction from that in which the Japanese sector was situated. At the same time, the activities of the soldiers in civilian clothes redoubled in violence, and a large number of Japanese civilians were killed or wounded by them (document C.155.M.168.1932.VII). The concentration of the Chinese troops in the direction of Shanghai continued. An armoured train was approaching the Northern Station, and there was every sign that an offensive was about to begin.

To have allowed such a situation to develop would have meant exposing the Japanese marines and Japanese nationals to the gravest perils. The Japanese forces, which were very few in number, were obliged to engage in street fighting under extremely difficult conditions. The vigorous repulse of the Chinese forces without delay was becoming essential if the Japanese marines were to accomplish the mission of protection which had been entrusted to them. Consequently, on February 2nd at 10 a.m., the Japanese forces decided to reply to the Chinese fire. Naval aeroplanes, which had been sent out to reconnoitre, were also attacked, and in their turn they bombed the Chinese positions. Meanwhile, on February 3rd, three Japanese warships, which were proceeding downstream to take back to Japan the bodies of men who had fallen in the recent fighting, came under Chinese gunfire off Woosung.

8. From the outset of the present engagements, the Japanese Consul-General had considered that the only means of saving the situation was for the Chinese to cease their attacks and to consent to withdraw their troops a certain distance; he had several times made representations to this effect, but without any result (document C.220.M.115.1932.VII). Neither had the proposal to establish a neutral zone led to any positive result. In the meantime, the Chinese redoubled their attacks and brought up additional forces. On February 12th, a new truce was concluded at the request of Father Jacquinet of the Catholic Mission for the purpose of evacuating civilians from the area of hostilities. The Chinese again broke the truce and opened fire on our troops who, according to their instructions, did not reply.

As stated above, the Japanese forces had been obliged to carry out their task under extremely unfavourable conditions and their losses were very heavy. It was becoming dangerous to continue the struggle with such small effectives, who were tired out after fighting for more than a week against an enemy outnumbering them by ten to one. The foreign Powers, in view of the gravity of the situation, were bringing reinforcements. Their total strength was shortly to be increased to over 18,000 men. The Japanese Government accordingly decided to send, as reinforcements, some 15,000 men of the land forces to co-operate with the marines in protecting Japanese nationals and accomplishing their international mission of protecting the Settlement. In its declaration of February 7th, the Japanese Government mentioned the reasons for this movement of troops and stated that the despatch of reinforcements would be limited to the strength required for the above purposes, and that their action would be guided by the policy of protecting the common interests of the Powers (document C.187.M.92.1932.VII).

The disembarkation of these land forces was completed on February 16th. The Japanese authorities, in order not to create any difficulties for the International Settlement, took care to land the troops as far as possible outside the Settlement. They were, however, forced to land some troops in the Settlement itself. On February 14th, the Consuls-General of Great Britain and the United States of America protested against this landing of troops, asserting that the International Settlement was thus being used as a base for military operations.

It must be remembered that the British and American forces have always landed in the Settlement. Moreover, every officer commanding foreign forces has the right to land the troops necessary for the protection of the sector which is assigned to him. The Japanese Consul-General, while stressing these arguments, replied to his colleagues' protest by assuring the Powers that with the object of preventing any danger to the Settlement, the Japanese soldiers would be transferred outside the latter within as brief a time as possible.

The Japanese authorities considered that, in order to avert the imminent danger which threatened the Settlement and its inhabitants, it was necessary to remove the Chinese forces rapidly out of gun range. Although in principle the foreign representatives at Shanghai shared the views of the Japanese authorities, they did not desire to act in concert with the latter; and although, through the intermediary of the British Minister, the Japanese military

<sup>1</sup> Documents C.152.M.66.1932.VII.; C.160.M.73.1932.VII.; C.163.M.76.1932.VII.

— 11 —

authorities conferred with the Chinese authorities, with a view to an amicable settlement of the situation, no agreement was reached. The movement of Chinese troops continuing actively, and the attitude of the Canton forces becoming increasingly hostile, the Japanese Consul-General addressed the following demands, at 9 p.m. on February 10th, to the Mayor of Shanghai:

(1) Withdrawal of the Chinese first-line by 7 a.m. on February 20th: withdrawal of all troops to a distance of 20 kilometres north of the boundary of the International Settlement before 5 p.m. the same day. The Japanese troops would be withdrawn within the roads of the Extension of the Settlement at Hongkew directly the effective withdrawal of the Chinese troops had been established.

(2) Further negotiations with regard to the protection of foreigners in the Shanghai region.

(3) Carrying out by the Mayor of the undertakings entered into on January 28th concerning the prevention and punishment of anti-Japanese movements.

At the same time, the Commander-in-Chief of the Japanese Forces addressed demands couched in practically identical terms to the Officer commanding the Nineteenth Cantonese Army, informing him that, in the event of non-compliance with those demands, the Japanese Army would take whatever measures might be deemed necessary. The Chinese would be held responsible for any consequence arising out of such action (document C.283.M.170.1932.VII).

On the evening of the same day, the Mayor of Shanghai informed the Japanese Consul-General in reply that the Japanese demands were such that he could not transmit them to the Chinese forces, but that he would refer the matter to the Central Government.

The Officer commanding the Nineteenth Army replied to the Officer commanding the Japanese forces that, as the Nineteenth Army was under the authority of the Nationalist Government, he would ask the Officer commanding the Japanese Forces to apply to the latter.

As no direct or indirect reply had been received from the Nationalist Government by 7 a.m. on February 20th, and as the Chinese forces were still occupying their front lines and continuing their fire, the Japanese forces accorded them half-an-hour's grace and began operations at 7.30 a.m. on February 20th.

#### V. REMARKS ON THE REPORTS OF THE SHANGHAI CONSULAR COMMITTEE.

The description we have just given of the origin of the Shanghai incidents is decisively confirmed in the first report of the Shanghai Consular Committee; and, as in such cases it is the origins of the conflicts which are of capital importance, we may briefly recall that, as the report says, the boycott which had been in force since July was applied with extreme severity; that it was accompanied by numerous illegal acts for which no redress could be obtained before the Courts; and that a spirit of bitter hostility was developed and led to an increase in the number of acts of violence.

The reports then describe the succession of grave occurrences which led the Japanese forces to take energetic measures of protection. Taken as a whole, these indications correspond to the description we have given of the facts. But, as the reports are relatively short, they inevitably present certain omissions. Accordingly, we must submit the following observations in connection therewith.

##### 1. FIRST REPORT.

1. The report states that "Resulted that association was closed and various offices were seized by Chinese Police during the night January 27th-28th."

This sentence might convey the idea that the Chinese Mayor of Shanghai had suppressed the Anti-Japanese Association. It was in reality the Municipal Council of the Settlement which, on its own initiative, closed the offices of the *Minkuo Daily News* and decided also to close the central organisation of anti-Japanese associations, situated in the International Settlement.

2. The report says: "11 p.m. Japanese admiral issued two proclamations, copies of which were served on the Mayor, who declared he had received them at 11.15 p.m."

The Japanese admiral published his declaration at 8.30 p.m. and immediately informed the authorities concerned. When the Consul-General of Japan received the reply from the Chinese Mayor agreeing to the Japanese demands at 3.15 p.m. on the same day, he had already asked the Mayor that steps might be taken for the withdrawal of the Chinese troops.

3. The report says: "Japanese marines consequently met with resistance on the part of Chinese regular troops."

It must be observed that this sentence is ambiguous. Japanese marines on their way to their posts were attacked by soldiers in civilian clothes and afterwards by regular troops themselves; they retaliated only in fulfilment of the duty that had been entrusted to them of protecting the Settlement.



— 12 —

## 2. SECOND REPORT.

The following observations were made by the Japanese delegation concerning this report (document C.244.M.135.1932.VII) :

" 1. The report mentions that the offensive is entirely in the hands of the Japanese. In this connection, it should be borne in mind that the present combats are merely the outcome of the clash between the Chinese forces and the Japanese troops who were proceeding to occupy their line of protection on January 28th. At first, the Japanese marines numbered only 1,500 and this small force, which subsequently reached some 3,000 men, had to defend a large sector inhabited by some 30,000 Japanese against hostile forces numbering more than 30,000 men. The Japanese delegation has already mentioned the special circumstances in which the Nineteenth Chinese Army was placed and which explain the violence of its attitude.

" Efforts were made to bring about a suspension of hostilities, which was naturally desired by us in view of the disproportion between the conflicting forces. In spite of the truce arranged, a Chinese armoured train opened fire against us on the 30th at about 5.20 a.m. and this firing lasted for an hour and a half. At about 9 a.m. the Chinese opened fire on the Japanese headquarters and on our position along the railway. On the 31st, at 1.20 and 4.40 p.m., they again violated the truce and by dawn about 100 soldiers were advancing near the Rokusan Garden and opened fire on our headquarters. Moreover, plain-clothes soldiers, whose activities are referred to in the report, continued to invade our lines. The second attempted truce was again violated on February 1st and 2nd, while the Chinese forces were manoeuvring for the purpose of surrounding us.

" It was becoming evident that the Chinese could not be trusted to observe the truce ; a pacific attitude on our part led to increasingly greater losses and the movements of the Chinese forces, who brought up reinforcements and surrounded the salient of the Extension, rendered the position of our marines more and more critical. It was on this account that, from February 3rd onwards, our forces were compelled to attack the Chinese positions.

" 2. It is not quite correct to speak of the mobilisation of reservists. No general measure of this kind was adopted. A small number of volunteers armed with pistols was deputed to take action against Chinese snipers and to assist the Police. These volunteers were disarmed some time ago and only a few reservists are still employed as interpreters, guides, etc.

" 3. As regards the slowing-down of the municipal activities of the Settlement authorities, it should be noted that the municipal Police forces had at one time abandoned their posts. Their return and co-operation were requested by the Japanese authorities and they have now resumed their normal work. As regards the firemen, in particular, their co-operation was requested even for the quarters neighbouring on the Settlement and the Extension. (The normal activity of the Municipal Council's firemen is in principle confined to the Settlement and the Extension.) The Japanese authorities hope that the other municipal activities will shortly be fully resumed.

" The flight of the Police forces and the evacuation of schools and hospitals mentioned in the report were certainly due only to the dangers of the situation and were not a consequence of the measures taken in this connection by the Japanese authorities. It is, however, true that, at the commencement of the incidents, in the general disorder, a few Chinese policemen were disarmed by mistake. On the other hand the co-operation of the Chinese Municipal Police having proved ineffective in the struggle against soldiers in mufti, these Police were on certain occasions temporarily replaced by Japanese forces.

" Owing to this struggle, barricades had been built at various points, but they have at present been taken down.

" 4. The report says that excesses were committed by sailors, reservists and other elements having no official standing. The Japanese delegation feels bound to deny this assertion as regards the sailors and reservists.

" The report mentions the attitude which the Japanese authorities adopted with regard to undesirable elements, against whose activities very severe action was taken. Many of these individuals are now in custody at the Consulate-General, while others have been deported.

" 5. As regards the number of Chinese whose fate is unknown, it should be noted that very probably a large number of these have taken refuge in the outskirts of Shanghai and in other towns (anyone who knows China will agree how difficult it is to follow the movements of the population in that country, particularly in large inhabited areas like Shanghai).

" 6. It is to be regretted that the report has not mentioned certain facts which, though denied by the Chinese, are indisputable, as, for instance, the firing by the Woosung forts on three Japanese vessels which were leaving Shanghai on February 3rd. These vessels were taking back to Japan the mortal remains of our sailors killed during the fighting of the previous days and, that being their mission, they would certainly not have opened fire on the forts. This action, which took place in full daylight, and which the Chinese deny, affords a further example of the value of allegations from Chinese sources.

— 13 —

" If it is correct that orders were given to the Chinese soldiers regarding the truce, the frequent disregard of those orders by the said soldiers bears eloquent witness to the state of disorder and indiscipline existing in the Chinese forces. As regards the Japanese forces, orders had been issued that they should fire only in the case of hostile acts on the part of the Chinese in violation of the truce. The known discipline of the Japanese troops is sufficient guarantee that these orders were obeyed.

## 3. THIRD REPORT.

The following observations were made by the Japanese delegation concerning this report (document C.283.M.170.1932.VII) :

" 1. The text of the demands addressed on February 18th by the Officer Commanding the Japanese forces to the Officer Commanding the Nineteenth Army does not appear to have been taken from the official communication of the Japanese authorities, but from a document probably of Chinese origin. It does not indicate correctly the limits of the zone to be evacuated.

" 2. The last paragraph of the report suggests that all the Japanese forces had made the Settlement their basis of operations. The report omits to state that a large part of the Japanese forces were stationed outside the Settlement, and commenced operations from Woo-Sung."

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

A. (Extr.) 5. 1932. VII.

Communicated to the  
Council, Members of the  
League and Delegations  
to the Assembly.

LEAGUE OF NATIONS

Geneva, March 1st, 1932.

**APPEAL FROM THE CHINESE GOVERNMENT.**

Communication from the Chinese Delegation.

Note by the Secretary-General.

The Secretary-General has the honour to circulate the following communication dated February 29th, which he has received from the Chinese Delegation.

Geneva, February 29th, 1932.

To the Secretary-General,

I have the honour to communicate the following telegram from Shanghai, dated February 28, 8.16 p.m. (Shanghai time), giving some war news, which I thank you to circulate among the Members of the Council and of the Assembly:

"Quiet to-day, except heavy Japanese bombardment early in the morning. Both sides are strengthening the lines in preparation for the coming contest, when the new Japanese re-inforcements will have arrived."

(s) W.W. YEN.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

[Distributed to the Assembly, the  
 Council and the Members of the  
 League.]

Official No. : **A. (Extr.) 4.** 1932. VII.

Geneva, February 29th, 1932.

## LEAGUE OF NATIONS.

# APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF ARTICLE 15 OF THE COVENANT

## Report by the Secretary-General on the Action taken by the League on the Sino-Japanese Dispute

### I. CONSIDERATION OF THE DISPUTE UNDER ARTICLE II OF THE COVENANT.

#### THE INCIDENT OF SEPTEMBER 18TH, 1931.

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

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

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

#### APPEAL FROM THE CHINESE GOVERNMENT UNDER ARTICLE II.

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

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

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

<sup>1</sup> *Official Journal*, December 1931, page 2248.

- 2 -

the Chinese Government, have made no resistance, and have refrained from conduct which might in any way aggravate the situation.

"In view of the foregoing facts, the Republic of China, a Member of the League of Nations, asserts that a situation has arisen which calls for action under the terms of Article 11 of the Covenant. I am therefore instructed by my Government to request that, in pursuance of authority given to it by Article 11 of the Covenant, the Council take immediate steps to prevent the further development of a situation endangering the peace of nations; to re-establish the *status quo ante*; and to determine the amounts and character of such reparations as may be found due to the Republic of China.

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

#### INITIAL ACTION TAKEN BY THE COUNCIL.

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

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

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

"On the evening of September 18th, the first incident occurred near Mukden in the South Manchurian Railway zone, which was guarded by Japanese troops.

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

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

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

"On the evening of September 22nd, I telegraphed to the two Governments informing them of the duty entrusted to me by the Council and addressing to them the urgent appeal which the Council had authorized me to transmit.

"Simultaneously with these consultations, I convened the Council, when I judged this useful, in order that the latter might be informed of the progress of the affair.

"The two Governments replied promptly to the telegrams which I had sent them on September 22nd on behalf of the Council. The Chinese Government's reply was received on Thursday, September 24th, and that of the Japanese Government on Friday the 25th.

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

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

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

- 3 -

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

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

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

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

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

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

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

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

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

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

"The Council has noted these reassuring statements by the Japanese Government. It feels certain that, in this very delicate affair, as in other affairs which have been laid before it, the goodwill of the Parties and their loyalty to international engagements will be found

— 4 —

to constitute the best guarantee for the peace of the world. Having had the matter laid before it under Article II of the Covenant, the Council will, after the close of this session of the Assembly, continue its efforts to assist the representatives of the two Parties to obtain, by such measures as both may deem acceptable, a satisfactory settlement of a situation which has deeply affected the relations between two great nations and at one time even seemed likely, before the real progress achieved in the last few days, to constitute a threat to international peace."

RESOLUTION OF SEPTEMBER 30TH, 1931.

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

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

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

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

"The Council,

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

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

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

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

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

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

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

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

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

While accepting the draft resolution, the Japanese representative, M. Yoshizawa, reminded the Council that, with regard to the information to be obtained on the spot, he had already stated that, in his view and in the view of his Government, it would be quite useless to take special measures. There were already a great many persons on the spot from whom the Council could

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S, Date 12-18-75

— 5 —

obtain information. In order, however, to facilitate the task of all his colleagues, he proposed that each member of the Council should send to the Secretary-General any information which his Government might obtain on the spot and which he deemed it desirable and useful to communicate to the other members.

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

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

#### DEVELOPMENT OF THE SITUATION BETWEEN SEPTEMBER 30TH AND OCTOBER 13TH.

##### *China requests Evacuation.*

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

##### *Japan protests against the anti-Japanese Agitation and proposes Negotiations on the "Fundamental Points".*

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

##### *China protests against the Bombardment of Chinchow and Fresh "Aggressive" Operations.*

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

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

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

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

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

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

— 6 —

Nine-Power Pact, if a time should come when it should seem advisable that those obligations be brought forward."

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

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

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

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

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

SECOND MEETING OF THE COUNCIL.

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

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

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

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

M. Yoshizawa stated, in the first place, that though it was true, at least so far as he knew, that no Japanese had latterly been assassinated outside Manchuria, Japanese nationals were, nevertheless, subjected in China to "indescribable treatment and molestation". After having sketched the history of Japan's relations with Manchuria and of the incidents which had occurred in that province during the summer of 1931 prior to September 18th (massacre of Koreans in the Wanpaoshan district, murder of Captain Nakamura, acts of provocation towards railway-guards, etc.), he declared that "the origins of present events are therefore deeply rooted in the past, and

5 4  
3(E) and 5(D) or (E)  
ust 10, 1972  
S, Date 12-18-75

- 7 -

the Japanese people cannot admit that these events should be treated as an isolated or fortuitous act without referring to the sources of the trouble in the hope of improving matters in future". M. Yoshizawa, in conclusion, stated that, if the Chinese Government were to make serious efforts to check anti-Japanese agitation and to arrive, jointly with Japan, at a preliminary basis for the re-establishment of normal relations between the two countries, it would do much towards relaxing the tension, and would thus remove the most serious obstacle to the withdrawal of Japanese troops.

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

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

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

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

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

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

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

The two Governments communicated their replies to this note to the Council.<sup>2</sup>

<sup>1</sup> The text of this article is as follows:

"The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise among them, shall never be solved except by pacific means."

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

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

"The Chinese Government feels thankful to the French Government for the deep concern shown in the development of events in the north-eastern provinces of China since September 18th, when Japanese troops, in defiance of international law, the Treaty for the Renunciation of War and other international agreements, began their unprovoked attack on Shenyang (Mukden) and other cities. Being desirous of strictly adhering to the undertakings assumed under international treaties, particularly the Covenant of the League of Nations and the Treaty for the Renunciation of War, China has judiciously refrained from employing force to meet the military aggressions of Japan and has been seeking, from the very beginning, a just and adequate settlement by pacific means. We have therefore entrusted our case unreservedly to the League of Nations. We absolutely



— 8 —

DRAFT RESOLUTION OF OCTOBER 22ND.

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

At a public meeting on October 22nd the President submitted a draft resolution on which the members of the Council, with the exception of the Parties, had unanimously agreed. That draft was framed as follows:

"The Council,

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

"Noting that in addition to the invocation by the Government of China, of Article 11 of the Covenant, Article 2 of the Pact of Paris has also been invoked by a number of Governments;

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

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

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

rely on the solemn engagements contained in the Treaty for the Renunciation of War, the Covenant of the League of Nations and other international agreements designed for the maintenance of peace, in the belief that Japan will be awakened to her legal as well as moral duty to human civilisation.

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

(Signed) Sao-ke Alfred SZE."

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

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

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

3(E) and 5(D) or (E)  
ust 10, 1972  
S, Date 12-18-75

— 9 —

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

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

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

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

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

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

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

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

The following day, October 23rd, the representative of China stated that his Government, although it had hoped that, this time, the Council would settle the question of the withdrawal of the Japanese troops speedily and completely, had authorised him to accept the resolution, which it regarded as a "bare minimum". The delay provided for the evacuation of those troops appeared, however, to the Chinese Government to be very long. Further, the term "evacuation" included, he understood, all forces of a military or quasi-military character (gendarmerie, police) and aeroplanes of all kinds: all Chinese property which had been seized by the Japanese since September 18th was to be restored, and Chinese authorities and citizens, and banking or other commercial or industrial establishments were to be released from all forms of restraint. At the same time, M. Sze requested the Members of the Council and the representative of the United States to signify their readiness to accept an invitation from China, which would be forthcoming without delay, to designate representatives to be associated with the Chinese authorities, under paragraph 4 (b) of the resolution.

The representative of China then stressed the point that, in his Government's view, paragraph 6 of the resolution implied that the withdrawal of the troops was the only subject before the Council. In the view of the Chinese Government, the only problem to be examined after the withdrawal would be that of the responsibility and assessment of damages for the events that had occurred since September 18th. China would reject any attempt to make the military invasion of Manchuria an occasion for the solution of other claims, but, when the present incident had been settled, she would willingly agree to discuss every issue between China and Japan in the most friendly spirit.

The President then read a counter-resolution submitted by M. Yoshizawa. In this draft, paragraphs 1, 2 and 3 were the same as those of the Council resolution. On the other hand, paragraphs 4, 5, 6, 7 and 8 of the counterdraft read as follows:

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

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

0549  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

— IO —

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

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

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

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

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

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

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

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

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

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

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

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

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

#### CHINA'S STATEMENT REGARDING HER INTERNATIONAL OBLIGATIONS.

The British representative having, at the meeting on October 24th, made certain observations regarding the sacredness of treaties and the procedure to be followed for the settlement of all

— II —

disputes concerning their validity or interpretation, the Chinese representative that same evening made to the President of the Council, on behalf of his Government, the following declaration:

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

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

#### DECLARATION BY THE JAPANESE GOVERNMENT CONCERNING THE FIVE FUNDAMENTAL POINTS.

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

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

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

#### REPLY OF THE PRESIDENT OF THE COUNCIL.

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

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

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

#### REPLY OF JAPAN.

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

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

"Your Excellency, however, will no doubt perceive that the terms of the proposition are not sufficiently explicit or comprehensive to cover all implications of the four points in question. As regards the final point — viz., guarantee of respect for Japanese treaty rights in Manchuria — the terms of the letter addressed to you on October 24th by the Chinese representative seem to give rise to doubt whether the Chinese Government contemplates

<sup>1</sup> See document C.761.M.559. 1931. VII.

<sup>2</sup> See *Official Journal*, December 1931, page 2514.

<sup>3</sup> See document C.776.M.371.1931.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Hueston NARS, Date 12-18-75

— 12 —

calling in question the validity of some of the treaties constituting the basic embodiment of relations between Japan and China. It may be needless to state that the Japanese Government could not for a moment entertain such a contention. . . . The Japanese Government trust that they have made it clear that the five fundamental principles mentioned in the Japanese declaration of October 26th are no more than those that are commonly observed in intercourse of ordered communities with one another. Unless and until an arrangement is reached between Japan and China on the basis of those principles no measure of security for the lives and property of Japanese subjects sufficient to enable the withdrawal of Japanese troops to the railway zone can possibly be assured."<sup>1</sup>

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

On November 3rd, the Chinese representative forwarded to the President of the Council information to the effect that the Japanese military authorities had in certain Manchurian towns seized the revenue from the salt tax.<sup>2</sup> In reply to a letter from M. Briand,<sup>3</sup> the Japanese representative stated on November 6th, on the strength of information received from Tokio, that this information was quite unfounded.<sup>4</sup> On November 9th, in a new communication to the President of the Council, the Chinese representative reiterated his protest.<sup>5</sup>

#### EXTENSION OF MILITARY OPERATIONS TO NORTHERN MANCHURIA.

Incidents moreover were spreading towards Northern Manchuria. To the south of Tsitsikar, the railway bridges of the Taonan-Angangchi railway over the River Nonni having been destroyed, the Japanese decided to repair them, and sent troops to the district.

These troops having come into contact with the Chinese troops of General Ma Chan-Shan, the President of the Council sent a telegram on November 6th to the Japanese and Chinese Governments reminding them that they had given assurances that they would take all necessary steps to avoid aggravating the situation. He therefore asked them to issue instructions without delay to the officers commanding their respective forces with a view to removing all possibility of sanguinary engagements between Chinese and Japanese troops.<sup>6</sup>

On November 8th, the Chinese and Japanese Governments replied to the President of the Council. The former asked in particular that the Powers should send representatives to observe the situation on the spot; the latter stated that orders had already been given on November 6th to limit to what was strictly necessary the operations intended to protect the rebuilding of the railway bridges, and that there was no reason to fear an aggravation of the situation if the Chinese did not resort to new acts of hostility.<sup>7</sup>

On November 11th, the President, in a second appeal addressed to Nanking and Tokio, insisted once more that the officers commanding the opposing forces should receive strictest orders to refrain from any further action. At the same time, he asked that facilities should be accorded to the observers which the Members of the Council would send to the neighbourhood of the Nonni bridges.<sup>8</sup>

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

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

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

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

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

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

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

Japan, however, continued to complain of anti-Japanese agitation in central and southern China. On the other hand, in Manchuria the Japanese army, after requesting the Chinese troops of General Ma to withdraw, put them to rout. The Japanese forces reached and even went beyond the

<sup>1</sup> See document C.814.M.404.1931.

<sup>2</sup> See documents C.789.M.383.1931 and C.793.M.387.1931.

<sup>3</sup> See document C.810.M.400.1931.

<sup>4</sup> See document C.811.M.401.1931.

<sup>5</sup> See document C.818.M.407.1931.

<sup>6</sup> See document C.804.M.397.1931.

<sup>7</sup> See documents C.816.M.405.1931 and C.817.M.406.1931.

<sup>8</sup> See document C.835.M.415.1931.

— 13 —

Eastern Chinese railway, entering Angangchi and Tsitsikar. The Japanese Government stated that traffic had been re-established on the railway almost immediately, and that a portion of its troops had withdrawn from Tsitsikar. China protested against the occupation by Japan of the greater part of Southern Manchuria and the installation of local puppet-governments.

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

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

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

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

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

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

#### Preparation of a draft Settlement.

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

Further reference to and reaffirmation of the resolution of September 30th, by which the two parties declared that they were solemnly bound. The two Governments were therefore invited to take all steps necessary to ensure the execution of this resolution, so that the withdrawal of the Japanese troops within the railway zone might be effected as speedily as possible. The two parties were further to undertake to issue the strictest orders to the officers commanding their forces to refrain from any action which might lead to further incidents and loss of life; the parties were also to promise that they would adopt all measures necessary to avoid any further aggravation of the situation. The members of the Council were moreover invited to furnish the Council with any information received from their representatives on the spot, while a Commission was to be set up to study the situation on the spot. This Commission, on which both China and Japan were to be represented by an assessor, would have to report to the Council on any circumstance which, affecting international relations, threatened to disturb the peace between China and Japan, or the good understanding between them on which peace depended.

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

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

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

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

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

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

— 14 —

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

The President of the Council immediately, on November 25th, sent a telegram to the Chinese and Japanese Governments. After referring to the fact that certain Governments had decided to send observers to this area, M. Briand asked the parties to give the commanders of their respective forces the strictest orders to refrain from any action which might lead to further engagements and further loss of human life.

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

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

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

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

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

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

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

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

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

"November 28th, 1931.

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

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

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

"As you have certainly been informed by M. de Martel, Baron Shidehara, when expressing to the latter the hope, which the Japanese Government shares with the French Government, that hostilities would be avoided in the Chinchow district, informed him that, if China withdrew her troops entirely from the Chinchow district to Shanghaikwan and west of that place and only maintained the administration (including the policing) of the Chinchow district at Shanghaikwan, the Japanese Government would be prepared to undertake in principle that Japanese troops would not enter the zone thus evacuated by the Chinese troops, except in the unexpected case of serious and urgent circumstances threatening the safety of the lives and property of Japanese nationals in northern China and the safety of the Japanese troops stationed therein.

— 15 —

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

"Under these circumstances it would be desirable in the opinion of the Japanese Government to see how the above-mentioned suggestions will be received."

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

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

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

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

#### RESOLUTION OF DECEMBER 10TH, 1931.

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

"The Council:

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

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

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

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

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

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

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

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

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

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

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

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

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



— 16 —

The President then read the following declaration:

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

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

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

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

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

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

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

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

"For this purpose, these Powers will keep in touch with the two Parties, so that the latter may, should they so desire, indicate to them the localities to which they would desire the despatch of such representatives.

"Paragraph 5 provides for the institution of a Commission of Enquiry. Subject to its purely advisory character, the terms of reference of the Commission are wide. In principle, no question which it feels called upon to study will be excluded, provided that the question relates to any circumstances which, affecting international relations, threaten to disturb peace between China and Japan, or the good understanding between them, upon which peace depends. Each of the two Governments will have the right to request the Commission to consider any question the examination of which it particularly desires. The Commission will have full discretion to determine the questions upon which it will report to the Council, and will have power to make interim reports when desirable.

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

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

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

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

— 17 —

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

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

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

(a) Immediate cessation of hostilities;

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

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

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

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

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

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

V. In accepting the resolution laid before us, China appreciates the efforts of the Council to prevent further fighting and bloodshed by enjoining both China and Japan to avoid any initiative which may lead to further fighting or any other action likely to aggravate the situation. It must be clearly pointed out that this injunction should not be violated under the pretext of the existence of lawlessness caused by a state of affairs which it is the very purpose of the resolution to do away with. It is to be observed that much of the lawlessness now prevalent in Manchuria is due to the interruption of normal life caused by the invasion of the Japanese forces. The only sure way of restoring the normal peaceful life is to hasten the withdrawal of the Japanese troops and allow the Chinese authorities to assume the responsibility for the maintenance of peace and order. China cannot tolerate the invasion and occupation of her territory by the troops of any foreign country; far less can she permit these troops to usurp the police functions of the Chinese authorities.

VI. China notes with satisfaction the purpose to continue and improve the present system of neutral observation and reporting through representatives of other Powers, and China will from time to time, as occasion requires, indicate the localities to which it seems desirable to despatch such representatives.

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

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

The British representative, Lord Cecil, was glad to note that both China and Japan had accepted the resolution. As regards paragraph 2, he said, "There can be no doubt that the situation in Manchuria is difficult and exceptional, and that circumstances may well arise there which will cause danger to Japanese lives and property from elements of the population out of control. If an emergency of that kind should arise, it might become inevitable that Japanese forces in the neighbourhood should take action against bandits and the like. But I welcome the recognition by my Japanese colleague of the exceptional character of the situation, and that the necessity for

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

— 18 —

such exceptional action will come to an end as soon as normal conditions have been restored. In saying this, I do not mean to suggest that the Japanese declaration weakens the obligation set out in paragraph 2 of the resolution to avoid any action which might lead to a recrudescence of fighting between the Chinese and Japanese troops, or a further aggravation of the situation.

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

The draft resolution was then unanimously adopted.

The President, after noting with satisfaction the results of the vote, recalled that the situation between China and Japan had been brought before the Council under Article 11, of the Covenant. In such a special case the Council could not be expected to draw up a model settlement which could serve as a precedent for the future. Article 11, which required a unanimous vote, obliged the Council to seek a solution on the lines of conciliation and compromise. While the Council fixed no time-limit for the complete evacuation of the Japanese troops into the railway zone, it was none the less firmly convinced that the withdrawal would be carried out as rapidly as possible, under the conditions laid down in the resolution of September 30th. The despatch to the spot of a Commission of Inquiry would enable the Council to continue its effort with due regard to all the factors of the problem, which was of a very special character, owing to the exceptional nature of the treaty or customs relations existing in normal times between the two countries, and also because the special status of one of them was governed by the international obligations of the Nine-Power Convention concluded at Washington in 1922, which it was not within the Council's competence to interpret. After noting that the resolution which had just been adopted could therefore in no way affect the doctrine of the Council as regards the occupation of territory and the operation of the Covenant which had been laid down in reports and endorsed in resolutions, the President added:

"Except in the case of an express stipulation in treaties in force, the Covenant of the League of Nations does not authorise a State, however well founded its grievances against another State, to seek redress by methods other than the pacific methods set forth in Article 12 of the Covenant. For Members of the League that is a fundamental principle, in the same way as the 'scrupulous respect for all treaty obligations', on which such stress has rightly been laid in the Preamble to the Covenant. These two principles are of equal value. Any infringement of either lays a grave responsibility on Members of the League. This responsibility was reaffirmed in the Pact of Paris, whose signatories assumed or renewed the undertaking to resort to pacific means alone for the settlement of international disputes."

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

Lord Cecil (Great Britain) associated himself with the observations of the President. He pointed out that under Article 11 the Council was not called upon to arbitrate; its rôle was mediation and persuasion. The success of the settlement arrived at by the Council depended upon the parties. "It is easy for them", he said, "if they desire to do so, to destroy the work of conciliation on which we have been engaged. I am confident that that will not happen. If it did, the party that so acted would bear a heavy load of responsibility before the public opinion of the world."

M. de Madariaga (Spain) noted that a first stage had been accomplished; in his opinion, however, the conflict had proved the necessity for recasting as quickly as possible the methods available for dealing with all international difficulties.

M. Matos (Guatemala), speaking as "a representative of a small Power", said he was anxious that the principles of international law should be safeguarded. It was inadmissible that disputes arising between States should be settled by other than pacific means. Nor could the respect for and the execution of treaties between countries be allowed to depend upon the will of one of the parties. In particular, the resort to measures of coercion for the recovery of contractual debts was contrary to the principles of the Porter Resolution adopted at the Hague Conference of 1907. Although the protection of the lives and property of nationals abroad was a generally recognised obligation, the fulfilment of that obligation must be subordinated to respect for the fundamental rights of States. The Guatemalan representative added that he had voted for the resolution in the spirit which was reflected in the words of the President and because it embodied the principle that the military occupation of the territory of a Member of the League could not be used by another Member to impose direct negotiations on questions pending.

The German representative, M. von Mutius, expressed his satisfaction at the settlement which had been obtained, recalling that the pacific settlement of disputes was the principal task of the League.

M. de Chlapowski (Poland) emphasised the complicated and special character of the conflict which had obliged the Council to adopt a very exceptional procedure and methods.

— 19 —

M. Gonzalès-Prada (Peru) said that nothing in the text approved by the Council must be interpreted as affecting certain principles without which the existence and the rights of weak countries would not have sufficient security; some of these principles he set forth as follows:

(1) No State has the right to effect the military occupation of the territory of another in order to ensure the execution of certain treaties;

(2) No State is entitled to oblige another — having invaded its territory — to enter upon direct negotiations on the bearing and legal value of treaties previously existing between the two States;

(3) The exercise of the right possessed by each State to ensure the protection of the lives and property of its nationals must be limited by respect for the sovereignty of the other State; no State being entitled, in order to provide such protection, to authorise its military forces to penetrate into the territory of the other for the purpose of carrying out police operations;

(4) The fact that a State has certain rights, claims, economic concessions, etc., in regard to another State does not entitle the former to effect the military occupation of the territory or to seize the property of the debtor State. Any recovery of debts by compulsion is illicit, in accordance with the principles accepted by the Second Peace Conference (The Hague, 1907).

M. Garay (Panama) noted that the resolution was purely practical in character and could not be invoked as a precedent. While far from denying the right of another State to safeguard the lives and property of its nationals abroad, he pointed out that this right must not be regarded as absolute, and ended as soon as it began to encroach upon the sovereign rights of a foreign State, rights which could not be disregarded. He recalled that the Porter proposal approved in 1907 at The Hague was, in its turn, based upon the Drago doctrine, which declared that it was not allowable to use compulsion for the recovery of public debts of States in general. He added that the intention of the Covenant was to deprive the signatories of the right of taking the law into their own hands. Any return in international life to methods of force must be viewed with the greatest anxiety.

The special character of the question having been emphasised by several speakers, the Chinese representative, M. Sze, declared that his country could not be expected to admit that the operation of treaties and of accepted principles of international law should stop at the border of Manchuria.

#### CONSTITUTION OF THE COMMISSION OF INVESTIGATION.

After the session, the President studied, with the assistance of the Secretary-General, the question of the constitution of a Commission of Investigation. He submitted first to the parties, then to the other Members, a list of five names, which was finally approved on January 14th, 1932.

The Commission is constituted as follows: Count Aldrovandi (Italian), General Claudel (French), Lord Lytton (British), General McCoy (American), Dr. Schnee (German).

After electing Lord Lytton as Chairman, it left for the Far East at the beginning of February. It arrived in Japan on February 29th.

#### JAPANESE OPERATIONS IN THE CHINCHOW DISTRICT.

During the closing days of December, the Japanese Government, in a series of communications, pointed out that the security of its forces was, in its opinion, imperilled by the operations of bandits in Manchuria. On December 27th, in a declaration which was communicated to the Council, the Government stated that the increased activity of marauding bands threatened to destroy completely all peace and security throughout the whole of Southern Manchuria. In these circumstances the Japanese troops had begun a general movement with a view to a more extensive campaign against the bandits, in particular in the region of Chinchow. The Chinese Government drew attention to the advance of the Japanese troops towards that town and, on December 26th, asked the President-in-Office of the Council to take effective measures to enforce the second paragraph of the resolution of December 10th.

In forwarding this communication to the Secretary-General for the information of the Members of the Council, the President-in-Office of the Council said that he had already told the Chinese representative that "the French Government, and, to his knowledge, several other Governments also, had already taken steps at Tokio to draw the Japanese Government's attention to its engagement under the resolution of December 10th that it would refrain from any initiative that might aggravate the situation."

On December 31st, the Chinese Government forwarded a memorandum to the effect that the Japanese army continued to advance to the west of the River Liao, and that the Japanese forces in Manchuria were being increased.

On January 3rd, 1932, the Japanese troops entered Chinchow, after Marshal Chang-Hsueh-Liang had ordered his forces to retire behind the Great Wall. The Japanese army then advanced as far as Shanghaikwan at the foot of the Great Wall.

— 20 —

On January 14th, the President of the Council, in notifying his colleagues officially of the appointment of the Commission of Enquiry under the resolution of December 10th, said:

"The conditions under which the Commission will begin its work are by no means such as we might justifiably have hoped for when we separated. But, in view of the solemn undertakings embodied in the two resolutions unanimously adopted by the Council, which form a definite guarantee against the pursuit of any territorial aims in Manchuria, we may regard the exceptional situation as a strictly temporary one, which must in normal circumstances end as rapidly as possible under the conditions laid down in the resolution of September 30th.

MEETING OF THE COUNCIL IN ORDINARY SESSION, JANUARY 25TH, 1932.

On January 25th, 1932, the Council met again in ordinary session. When the agenda was proposed for adoption, the Chinese representative asked that the Sino-Japanese question should be discussed at the afternoon's meeting, in view of the very critical situation existing between China and Japan, especially as it seemed that the Japanese military and naval forces were at the very doors of China — namely, at Shanghai — where the lives of thousands of foreigners were being threatened as well as those of hundreds of thousands of Chinese, and where hundreds of millions of pounds of international capital were invested.

At the afternoon meeting on January 25th, the Chinese representative described the situation in the following terms:

"Since the Council adjourned six weeks ago, the aggression has been relentlessly continued, until, in the words of the American Secretary of State, 'the last remaining administrative authority of the Government of the Chinese Republic in South Manchuria, as it existed prior to September 18th, 1931, has been destroyed'. Chinchow and the territory to the south, including Shanghaiwan, have gone the way of Mukden, Changchun, Antung, Yinkow, Kirin, Tsitsikar and other cities. Japan is now invading the province of Jehol, hundreds of miles from the railway from Mukden to Peiping, and endangering cities in north, central and even south China, as witness the latest threats to occupy Foochow, Tsingtao and Shanghai — points far away from the borders of what hitherto has been known as Manchuria."

The Japanese representative said:

"The representative of China has just said that a vast area was in Japanese military occupation and that, contrary to the resolution adopted by the Council, Japan had invaded the whole of Manchuria, which was completely occupied by Japanese troops. That is not the situation. Is it conceivable that so vast a territory as Manchuria could be occupied by our troops numbering 25,000 men at the most? That is not possible. Manchuria is still Manchuria, with its Chinese population. The Mukden authorities alone have felt the results of the recent events. There is, therefore, no complete occupation by our troops. The Chinese authorities remain, although there have been changes to some extent in the local authorities..."

"With regard to Shanghai, I realise that the situation is extremely grave, but the responsibility is not ours."

The Japanese representative then gave particulars of the incidents which had occurred at Shanghai since January 10th. He added:

"One newspaper, an organ of the nationalist party at Shanghai, even went so far as to express regret that on the occasion of the attempt against my sovereign, another carriage only had been damaged. These disgraceful words caused profound emotion in Japan, particularly in the Japanese colony in Shanghai. Two days later, Japanese monks were attacked and nearly killed by a Chinese crowd. The feeling of exasperation of the Japanese nationals, which for a long time had been kept in check, broke out in spite of the efforts of the authorities to calm them, and thus unfortunate incidents occurred, which I communicated to the Council this morning..."

This communication mentioned, in particular, that on January 20th, a group of Japanese had set fire to the Chinese factory where the workmen who had attacked the Japanese monks were employed; that there had been a clash between the Chinese police and the Japanese crowd; that further disturbances had occurred in the afternoon; and that the Japanese Government had decided to send a cruiser and a number of destroyers to Shanghai, together with reinforcements, some 400 men strong.

He concluded his statement by an exposition of the policy of the Japanese Government in regard to the principle of the "open door" in Manchuria, and quoted in this connection the words of the Minister for Foreign Affairs, spoken in the Japanese Parliament on January 21st:

"Japan harbours no territorial designs in Manchuria, and she will uphold the principles of the 'open door' and equal opportunity, as well as all existing treaties relating to that territory. What Japan desires is only to secure peace and order for Manchuria and to make that region safe both for Chinese and foreigners and open to all for economic development."



5 5 4  
3(E) and 5(D) or (E)  
ust 10, 1972  
S, Date 12-18-75

— 21 —

After a reply by the Chinese representative, who observed that his country had been invaded three times by the Japanese since 1914, so that it was not surprising that the Chinese people should be exasperated and irritated beyond all expression, the President said that some of the facts referred to by the parties occurred before the resolution of December 10th and others after it; the latter category of facts, in which were included the incidents, fears and threats to which the Council's attention had been drawn in connection with Shanghai, would have to be considered by the Council, and the latter would have to study what measures could be taken. The Council would undoubtedly be unanimous in at once urging the two Governments to take all the necessary measures to prevent Shanghai from becoming a new centre of trouble.

On the following days the members of the Council, other than the representatives of the two parties, proceeded to an exchange of views. The Chinese and Japanese delegations, moreover, informed the Council that clashes between the forces had taken place in the suburbs of Shanghai. As a result, the Chinese representative addressed to the Council an appeal, dated January 29th, invoking fresh articles of the Covenant.

## II. APPEAL OF THE CHINESE GOVERNMENT UNDER ARTICLES 10, 11 AND 15 OF THE COVENANT.

The new appeal of the Chinese Government was worded as follows:

"Under instructions from my Government, I have the honour hereby to give notice as follows:

"1. A dispute between two Members of the League of Nations — to wit, China and Japan — arising from the aggression of the latter against the territorial and administrative integrity and political independence of the former, in violation of the provisions of the Covenant of the League of Nations, exists.

"2. This dispute has not been submitted to arbitration or to judicial settlement in accordance with any of the articles of the Covenant.

"3. The said dispute has now reached a stage when it is likely to lead to an immediate rupture between China and Japan.

"4. China hereby invokes the application (not in derogation of the measures taken, or which may be taken, by the League in the exercise of its functions under Article 11, but in addition thereto) both of Article 10 and of Article 15 of the Covenant to the said dispute, and formally submits the said matter to the Council for all appropriate and necessary action under both of the said articles.

"5. For this purpose, China begs leave to refer to, and hereby adopts as and for the statement of its case comprising the relevant facts and papers in relation to the said matter, all the statements and papers heretofore made and submitted by China in the proceedings of the Council taken in the said controversy under Article 11 of the Covenant from September 18th, 1931, to the date hereof."

The Council immediately held another meeting. After the Secretary-General had read China's appeal, the President referred to the fact that discussions had taken place between the members of the Council other than the parties, during the previous days. He had drawn up a declaration which, if events had not unfortunately taken the recent serious turn, might have been expected to conclude, for that session at any rate, the dispute engaging the Council's attention.

"This declaration", said M. Paul-Boncour, "began by stating that the resolutions of September 30th and December 10th retained their full executory force. We considered that the resolution of December 10th, by which the Council's action was indicated and defined, made it unnecessary for us, so long as no new facts occurred, to pass a fresh resolution pending receipt of the report from the Commission of Enquiry.

"We said that, in these circumstances, we had no intention of relaxing the continuous efforts which, with the co-operation of the parties and the invaluable support of the United States Government, we had pursued during the past four months to bring about a just solution as speedily as the complicated nature of the facts permitted. We considered that, so long as the present situation remained unchanged, not only was there a constant threat to the maintenance of peace in the Far East, but also the feeling of uncertainty and suspense which was inevitably engendered in the minds of the citizens of China and Japan, as well as in those of the foreigners settled in the Far East, would remain unallayed. That situation was deplorable in itself, and especially deplorable inasmuch as it added to the difficulties which were hindering the world in its efforts to recover from the present economic depression.

"We reminded the two countries that, entirely irrespective of the solemn undertakings, which represent legal obligations, good relations between States could only be secured by co-operation and mutual respect, that no permanent solution could be achieved by force, whether military or merely economic, and that the longer the present situation continued,

— 22 —

the wider the breach between the two peoples would become and the more difficult the solution would be, with all the disasters that that would mean, not only for the two nations directly involved, but for the world in general.

"We said that we were convinced that the League of Nations could only exist and develop in an atmosphere of truth and that we owed it to truth not to overestimate the results which the League had obtained and to acknowledge that, to the League's regret and despite its efforts, the *de facto* situation had not improved, but that the reverse was the case. At the same time we were justified in pointing out that the League's efforts had, in a certain measure, secured results which likewise should not be underestimated.

"We noted that an advance had been made in the direction of conciliation, since a Commission of Enquiry, which both Powers had freely accepted, had been set up, and that the Commission had begun work and was on the point of departing early next week.

"We noted also, as a tranquillising and hopeful factor, the words spoken in the Council by the Japanese representative, who, moreover, explicitly referred to the assurance given by the Japanese Minister for Foreign Affairs—namely: 'Japan harbours no territorial designs in Manchuria and she will uphold the principles of the open door and equal opportunity, as well as all existing treaties relating to that territory'.

"We further mentioned the very important Note addressed on January 8th to the two Governments concerned by the United States Government, and I may be allowed to say how highly we appreciated the fact that in that Note the Government of the United States expressed its belief that the work of the Commission set up by the Council might be expected to facilitate the solution of the existing difficulties. In the same Note the United States Government called the attention of the parties to the treaties that are binding upon them. We, from the League standpoint, asserted that a settlement of the difficulties between the two Governments, Members of the League, must not be sought in arrangements inconsistent with international obligations, more especially those arising out of Article 10 of the Covenant, by which they have undertaken to respect the territorial integrity and political independence of all Members of the League.

"We terminated our declaration by stating that it would be impossible for the League to endorse a settlement secured by methods at variance with the obligations mentioned above.

"I have made the declaration we drew up known, notwithstanding the new request which has been brought before us and which, while imposing other duties on the Council, places the question on a new plane (that of Article 15), because I consider, in conformity with the spirit of the League and with what, I believe, is a correct legal interpretation of its procedure — it has repeatedly been confirmed as such, in particular in a report of 1927 that was at that time regarded as a valuable guide for the League — that the procedure mentioned in Article 15 does not have the effect of suspending the action which is being taken to reach a friendly settlement and to prevent hostilities and which the League must pursue under Article 11.

"Subject to this express reservation, I do not think that it is within the Council's power to escape the duty imposed upon it. It is clear from the terms of the Covenant, which is our common safeguard, that, as soon as one of the parties appeals to Article 15, the procedure stipulated in that article must at least be initiated."

The Chinese representative stated that Japan's disregard of her engagement under the Covenant was flagrant. The use of armed force without submitting the entire matter to arbitration or judicial settlement, and without awaiting the outcome of enquiry by the Council, was in direct violation, not only of the spirit, but of the letter of the Covenant. As a victim of persistent external aggression in one of its most violent forms, China could no longer refrain from seeking remedies under other provisions in addition to those of Article 11.

He added that, according to news he had received, the reply of the Chinese Municipal Government (regarding Sino-Japanese clashes in the past few days) was received by the Japanese Consul-General with satisfaction at 1 p.m. on January 28th. At 11.20 p.m. the Municipal Government and the Bureau of Public Safety had received an ultimatum from the Japanese Naval Commander demanding the withdrawal of Chinese troops. While the Chinese authorities were protesting against such an ultimatum, the Japanese troops commenced firing with machine-guns on the Chinese troops in the Chapei-Jiukiang Road district. This took place at 12.20 a.m. Fighting was still continuing.

The Japanese representative, in reply to this statement, explained that, according to information in his possession, the Japanese marines did not take the initiative to land. The landing was preceded by a council of the officers commanding the foreign forces. This council assigned to the different forces the areas that they were to protect. Under this decision the Japanese commanding officer landed marines, and the latter were attacked by the Chinese troops. That was the immediate cause of the Shanghai incident, as a result of which China had invoked Article 15 of the Covenant.

In his request the Chinese representative had also invoked Article 10. He had stated that Japan had never submitted the present dispute to arbitration or pacific settlement according to the obligation defined in Article 10. That was quite correct. But it was common knowledge that

5 5 5  
3(E) and 5(D) or (E)  
August 10, 1972  
IS, Date 12-18-75

— 23 —

Japan was not prepared to accept arbitration with anyone indiscriminately. That was why she had not up to the present been able to sign Article 36 of the Statute of the Permanent Court of International Justice.

The Chinese representative had also accused the Japanese of committing an act contrary to the principle of respect for territorial integrity. M. Sato's reply was that in the Far-Eastern zones they had already had similar incidents followed by similar procedure. In 1927, for instance, there was a bombardment in which the Japanese had taken no part. They had now unfortunately been obliged, in order to protect Japanese nationals and residents, to resort to a measure of legitimate defence in view of the conditions prevailing in China.

The Japanese representative then made certain observations raising legal points regarding the admissibility of the new Chinese request.

The President of the Council pointed out that it was not for the Council, when a request had been submitted to it under Article 15 of the Covenant, to decide whether this request was justified. In accordance with Article 15, it was sufficient for one of the parties to notify the Secretary-General of a dispute for the latter to be compelled to make all necessary arrangements for a full investigation and consideration thereof.

The President therefore asked the Secretary-General if he had yet considered how information could speedily be obtained for the Council.

*Arrangements made by the Secretary-General in execution of Article 15: Constitution of a Committee of Enquiry at Shanghai.*

On the following day, January 30th, the Secretary-General proposed that the Members of the Council, other than the parties to the dispute, who had official representatives at Shanghai should instruct those representatives to form a Committee to report on the situation in that city and neighbourhood, and on its causes and development. The Secretary-General added that he did not propose for the present to take any other steps with a view to an enquiry, as those which the Council had already taken seemed to him to be adequate.

The Committee of Enquiry proposed by the Secretary-General was immediately constituted at Shanghai. The Government of the United States authorised its Consul-General to co-operate in the work. On February 6th, the Committee forwarded its first report to the Secretary-General. This report and the subsequent reports submitted by the Committee are contained in a special document (document A. 3.1932.VII) distributed to the Assembly, so it would not appear necessary to attempt to give a summary of them here.

On February 1st, the Chinese Government denied foreign Press reports to the effect that China was prepared to declare war upon Japan. China was merely "exercising the right of self-preservation which is inherent in the sovereignty of the Chinese State".<sup>1</sup> On the same day, the Japanese representative on the Council communicated to the Secretary-General an official telegram from Tokio<sup>2</sup> concerning an interview which the Minister for Foreign Affairs had on January 31st with the Ambassadors of Great Britain, the United States and France, at which he supplied them with information concerning the origin and development of the incidents at Shanghai. After stating that the truce concluded by the Consuls-General of Great Britain and the United States which was to take effect on January 29th at 8 p.m. had been broken by the Chinese, and that Marshal Chiang-Kai-Shek was bringing up the 19th Army and the 3rd Defence Division, the Minister had asked the three Powers to instruct their several representatives in Shanghai to make an effort to induce the Chinese to cease hostilities and withdraw their troops.

BRITISH COMMUNICATION CONCERNING THE ACTION OF THIRD POWERS AT SHANGHAI.

On February 2nd, the Council met at the request of the British representative. The latter stated that his Government thought it impossible that the present situation in the Far East should be allowed to continue, where over a wide area around Shanghai "war in everything but name was in progress".

Mr. Thomas added:

"To such a state of things the Members of the League of Nations cannot be indifferent. If it is allowed to go on, the Covenant, the Pact of Paris and the Nine-Power Treaty must inevitably lose the confidence of the world.

"It is not without significance to Members of the League that the United States Government take entirely the same view of the situation. In all the efforts for peace put forth by the Council during the last four months, we have been happy to receive the wholehearted sympathy and support of the United States. On several recent occasions the Council has pressed its Members to second its efforts by diplomatic representations to the two Governments concerned. His Majesty's Government and other Governments Members of the League have shown themselves ready to respond to that appeal. Unfortunately, these efforts have been so far unsuccessful. His Majesty's Government therefore, in concert with the Government of the United States, have decided to make a further effort to bring the present lamentable state of things to an end, and they trust that other Governments will see their

<sup>1</sup> Document C.156.1932.

<sup>2</sup> Document C.161.1932.

— 24 —

way to take similar action. They have accordingly presented at Tokio and Nanking a formal request:

- "1. That all acts of violence and preparations for hostilities shall be brought to an end;
- "2. That in the Shanghai area both sides shall withdraw their troops and that, as a further protection to the International Settlement, a neutral zone shall be arranged;
- "3. That negotiations shall then be immediately begun to settle outstanding differences in the spirit of the Pact of Paris and the Council resolution of December 9th last."

The British representative then communicated the text of a statement which the British Government was making at the same time in the House of Commons. This declaration referred, in particular, to the events at Shanghai and to the despatch by the British Government of military and naval reinforcements. Mention was also made of the fact that, on the previous day at about 11 p.m., Japanese warships had opened fire with several rounds of live shell in the direction of Nanking. After reading this statement, the British representative added that the British Government was satisfied that the measures it had taken would be approved and supported by all Members of the Council.

The President, M. André Tardieu, replacing M. Paul-Boncour, who was absent from Geneva, said that the French Government had instructed its representatives in Tokio and Nanking to support the action taken by the United States and Great Britain. M. Grandi (Italy) made a similar communication. M. von Weizsäcker (Germany) said that he would at once inform his Government, so that the latter might issue immediate and appropriate instructions to its representatives in the two capitals.

M. Yen (China) said that his country was deeply appreciative of the steps taken by the Powers.

M. Sato (Japan) reminded the Council that it was the Tokio Government which had asked Great Britain, France and the United States to confer immediately on the action that might be taken at Shanghai to put an end to hostilities. He also observed that the idea of creating a neutral zone between the two armed forces had also been put forward by the Japanese representative at Shanghai. With regard to the bombardment of Nanking, his own information was to the effect that the Nanking forts had fired three rounds at the very time when a detachment of Japanese marines had been attacked, and that, in order to assist the marines until they re-embarked, two Japanese vessels had fired a few rounds at intervals.<sup>1</sup>

After these statements, the President observed that, as regarded the local incidents, the Council could only await the reports of the Committee which had been set up at Shanghai. Moreover, in communicating its proposal to the Council, the Government of the United Kingdom, whose action had been supported by other Governments, desired to associate the Council's authority with the step taken by those various countries with a view to a pacific settlement of the dispute. He noted that this object had been attained.

#### DEVELOPMENT OF THE SITUATION AT SHANGHAI AND IN MANCHURIA.

On February 7th, the representative of the Chinese Government called for an immediate meeting of the Council to consider the first report from the Shanghai Committee. He added that, during the last ten days, thousands of men, women and children had been killed and wounded at Shanghai by bombardment by Japanese aeroplanes and gun-fire.<sup>2</sup>

On the same day, the Japanese representative forwarded a statement published in Tokio concerning the despatch of troops to Shanghai,<sup>3</sup> where "the Japanese marines, opposed to forces outnumbering them by more than ten to one, were wearied to exhaustion, while the predicament of Japanese residents, facing as they do imminent danger, was beyond description".

The Japanese Government concluded its statement by reasserting that it cherished no political ambitions in the region of Shanghai, nor any thought of encroaching there upon the rights and interests of any other Powers.

On February 9th, the Council again considered the situation.

The representative of China, after referring to the statement made by the British representative a week previously, asserted that Japanese troops were being drafted in steadily increasing numbers into the Shanghai area, and that their operations had also been extended in Manchuria, where Harbin had been occupied. According to his information, 75,000 Japanese soldiers were in Manchuria and over 25,000 round about Shanghai. In addition, 27 warships and two divisions of

<sup>1</sup> For the exact terms of the five proposals submitted to Tokio and Nanking, see document C. 181.1932 (Chinese communication of February 4th).

<sup>2</sup> In reply to these explanations by the Japanese representative, the Chinese Government communicated other information concerning the bombardment of Nanking (document C.165.1932).

<sup>3</sup> Document C.186.1932.

<sup>4</sup> Document C.187.1932.

55 f  
• 3(E) and 5(D) or (E)  
August 10, 1972  
IS, Date 12-18-75

— 25 —

reinforcements had just left Japan. The present state of affairs was, in his opinion, an intolerable one, not only for China, but for the League and the Powers whose proposals, accepted by China, had been "rejected by Japan in their very essence".

The Japanese representative, after asserting that the Chinese representative had, in his statement, been more than once guilty of exaggeration — in particular, when he spoke of the number of troops in Manchuria — referred, as regards the events in Shanghai, to the Committee's first report.

He then said that negotiations were proceeding on the spot with a view to putting an end to hostilities and the creation of a neutral zone.

Both the local Japanese authorities at Shanghai and the new commander of the Third Squadron, Admiral Nomura, had received instructions to that effect.

Sir John Simon reminded the Council that, in co-operation with other Powers, his Government had placed at the service of the Council all the influence it possessed on the spot, in order to assist as far as possible in putting an end to hostilities.

The President of the Council noted that the procedure prescribed by Article 15 had operated rapidly. A Committee had been formed immediately at Shanghai and had sent a first report to the Council. Moreover, the Council had been informed that the negotiations on the spot for the cessation of hostilities were not closed. For the moment, therefore, any more detailed discussion by the Council would seem to be inexpedient.

### III. CHINA ASKS THE COUNCIL TO REFER THE DISPUTE TO THE ASSEMBLY.

On February 12th, the Chinese representative to the Council addressed to the Secretary-General the following communication:

"With regard to the Sino-Japanese dispute, which has been laid before the Council under Articles 10, 11 and 15 of the Covenant of the League of Nations, I have the honour to observe that, according to Article 15, paragraph 9, of the said Covenant, it is within the competence of the Council to refer the case to the Assembly. At the same time, it is also provided that the dispute shall be so referred, provided that such request be made within fourteen days after the submission of the dispute to the Council.

"In view of the time-limit imposed, the Chinese Government is constrained hereby to request that the said dispute be referred to the Assembly. If, however, it should be the pleasure and intention of the Council to refer the said dispute at its own initiative to the Assembly or in virtue of the general powers vested in it to summon the Assembly for consideration of the dispute, the Chinese Government will then be prepared to withdraw the request on its part."<sup>1</sup>

On February 16th, the members of the Council, other than the parties, after a further exchange of views on the situation — particularly the situation at Shanghai — concluded that it was necessary to address an urgent appeal to the Japanese Government. To this appeal, published in document C.237.1932, the Japanese Government replied on February 23rd by a note and a declaration published in document C.266.1932.

#### JAPANESE ULTIMATUM OF FEBRUARY 18TH AND URGENT CONVOCATION OF THE COUNCIL.

On February 18th, the representative of China informed the Council that the negotiations at Shanghai between the Chinese and Japanese Officers Commanding had broken down. The Japanese had demanded in an ultimatum the entire withdrawal of the Chinese forces to a distance of 20 kilometres, north, east and west from the International Settlement by 5 o'clock p.m. on February 20th, failing which, the Japanese Commander would take the necessary action. Consequently, the Chinese representative requested that the Council should meet on the morrow.<sup>2</sup>

On February 19th, the Council met.

The representative of China stated that more than 40,000 Japanese soldiers and 40 war vessels were at present in the Shanghai area. He noted that, according to the second report of the Committee, there had existed since February 3rd a state of open war, the offensive being conducted entirely by the Japanese. In spite of the appeal addressed to Japan on February 16th by the members of the Council other than the parties, the negotiations begun between the Chinese and Japanese had failed, and the Japanese had presented an ultimatum, the time-limit of which was about to expire. A great battle was therefore imminent, simply because the Japanese demanded that the Chinese troops, who were on their own national territory, should withdraw, while the Japanese soldiers were to remain in their positions. The Chinese representative therefore requested that the Council should, in virtue of the powers with which it was invested by the Covenant, adopt conservatory measures to prevent the battle.

The Japanese representative replied that his country had repeatedly explained that, if Japan had resorted to force, it was solely to defend Japanese interests and the lives of Japanese nationals. In spite of all the efforts made by Japan to stop hostilities a critical moment had arrived. Conservatory measures, if they could have been found, ought to have been proposed long ago.

<sup>1</sup> Document C.219.M.114.1932.

<sup>2</sup> Document C.246.1932.

— 26 —

*Explanations given by the Japanese Representative regarding the dispute.*

As, however, the Council was, at the request of China, about to adopt a resolution transferring the question to the Assembly, the Japanese representative wished to avail himself of this last opportunity to give the Council once more as full an explanation as possible, so that, when the matter came before the Assembly, the latter might be in possession of all the facts of the dispute.

The origin of the difficulties between China and Japan was to be found, he said, in the fact that for the last ten years China had been living in a state of civil war, disorder and anarchy. As the Preamble to the Covenant specifies explicitly, the Covenant applies to organised peoples, and regulates the relations between such peoples. If Japan had experienced these difficulties with a country possessing a properly organised and efficient administration, she would have accepted any peaceful settlement and would have been able to observe literally the provisions of the Covenant. Countries which had interests in China had often been compelled to employ measures which would not have been permitted in a really organised country. If Japan were to be censured for having committed acts of aggression, similar acts should have been censured when committed by certain other Powers having interests in China. Had the position been normal in China, the Powers which in the past had had recourse to extreme measures would have appealed to the League Council to settle their dispute by pacific and regular methods. They had been unable to do so, because the League could not in this case apply the Covenant to its full extent, and in accordance with the strict interpretation of its wording.

Japan was to-day under the same imperious necessity. Retirement from Shanghai would mean the abandonment of the defence of all her rights and interests. No Government could do that.

After mentioning the importance of Japanese interests in Shanghai, M. Sato declared that his country could not entrust the protection of its interests to Chinese authorities, or to anyone. Had the League or the Council been able to devise effective measures to safeguard Japanese interests and the interests of other Powers, Japan would not have been obliged to resort to measures similar to those which other Powers had adopted a few years previously.

Coming to the situation in Manchuria, the Japanese representative said that a number of leading men had on February 17th, at Mukden, formed an Executive Committee of the four North-Eastern Provinces, and had then proclaimed the independence of these Provinces and the breaking of relations with the Central Government of China. He added that there need be no surprise at the use of the word "independence", which, for the Chinese, had a meaning quite different from that attached to it by Europeans or Americans. Independence in China was equivalent to autonomy. Japan, who had suffered so much from the arbitrary methods of the Mukden authorities, had felt great sympathy for a powerful movement whose motto was "Manchuria for the Manchus". When China had a properly organised and co-ordinated Central Government, Manchuria would perhaps enter into negotiations with that Government with a view to settling her status.

Japan had often been charged with failing to conform to the resolutions adopted by the Council in September and December 1931, but those resolutions provided for the withdrawal of the Japanese forces within the railway zone as soon as the lives and property of Japanese nationals in Manchuria had been safeguarded. The abnormal situation had, however, continued, and the Japanese had so far been unable to withdraw their troops. The anti-Japanese movement had developed in China. Japan had lost all her trade with China and her place had been taken by others.

Japan to-day was in an unfavourable situation, particularly with regard to emigration. There was now almost no country to which Japan could send her emigrants. In America, all countries save one or two were closed to the Japanese. The same applied to Oceania and South Africa. Japan had been compelled to accept this situation. When she became a Member of the League of Nations, she had asked for equitable treatment for her people and trade, but had immediately encountered insuperable barriers. Japan had to accept the *status quo*, and was subjected to treatment which was derogatory to her dignity and against which she constantly protested. Driven now from Central and Southern China, where she had lost her entire trade, she was bound to seek a solution and look near Japan — in Manchuria.

While having no territorial ambitions, Japan desired to preserve in Manchuria a field of action for the Japanese, while respecting the principle of the "open door". Foreign capital would be welcome, since Japanese capital alone would not suffice to open up so vast a territory.

With regard to Shanghai, the Japanese had only one desire — to protect themselves. As soon as that had been achieved, they would withdraw and leave it to neutral forces to guard the neutral zones which would ultimately be set up.

*Reply by the Chinese Representative.*

M. Yen, after pointing out that only four or five hours remained in which to prevent the battle, admitted that there was a certain amount of disorder in China. He reminded the Council, however, that China was as large as the whole of Europe, and had a population of 400 million people. Moreover, China, formerly an absolute monarchy, had suddenly been transformed into a republic. The process of adjustment could scarcely have been carried out without some amount of unrest. Reference had been made to "a well-organised State"; but in Japan the army and navy were out of control of the Government; Japanese diplomats had given the Council promises which were immediately broken; Chinchow had been occupied despite the promises given to two or three Powers not to do so; Chinese had been massacred in Japan and in Korea. Further, since Japan accused China of not having a well-organised Government, why did she insist on negotiating directly with that Government?

Moreover, a large part of the responsibility for the disorders in China must be attributed to Japan, who had often helped one party against another. Japan did not want to see China united and strong, but to-day, chiefly by reason of the Japanese aggression, China was more united than she had ever been.

After disputing the statement that other Powers had committed against China acts of aggression similar to those committed by Japan, the representative of China declared that Japan was fighting against a country reduced to distress by terrible floods, without a declaration of war, taking all the advantages of war and refusing to shoulder its responsibilities.

If, moreover, Japan required an outlet for her excess population, the fact remained that in spite of all Government encouragement and the supply of funds, there were to-day in Manchuria only two hundred thousand Japanese, whereas a million Chinese immigrants settled there every year. To-day, Manchuria was purely Chinese and the majority of the Manchus, who constituted one of the five races of China, were scattered all over the Republic.

The representative of China was gratified that Japan should repeatedly have given an assurance that she had no territorial ambitions in Manchuria, but pointed out that the same thing had been said some years ago about Korea and yet to-day Korea was an integral part of the Japanese Empire.

The representative of China concluded his statement by requesting the Council again to take measures of a conservatory nature to put a stop to the bloodshed which was imminent at Shanghai.

After the representative of Japan had stated in reply that his country, far from fomenting unrest in China, only desired order and calm to prevail in that country, the President addressed the Council.

#### *Appeal for the Cessation of Hostilities.*

Now that the Council, the President said, by the convening of the Assembly, would no longer have the duty or the possibility of deciding on the substance of the dispute, he would ask the representative of Japan to believe that the Council had overlooked none of the considerations which he had placed before it. The recommendations which the Council might have made with regard to the substance of the dispute would have shown — as will most certainly those made by the Assembly — the greatest impartiality and also the fullest understanding of any very special conditions in the relations of the two countries concerned in the dispute. The League, within the limits of the Covenant, must adapt its decisions to meet those diverse conditions. But an ultimatum would perhaps expire in a few hours. Since the representative of Japan had given an assurance once again that his country intended to respect Article 10 of the Covenant, there appeared to be an appalling inconsistency between Japan's freedom from territorial interests and the fact that a battle was about to be joined on territory which Japan proposed, whatever the outcome, to evacuate as soon as she had achieved her only object — namely, the safeguarding of the security of her nationals. In those circumstances, would it not be possible to agree at once on the creation of a neutral zone? The President of the Council appealed to the representative of Japan urgently to prevent the ultimatum expiring within a few hours.

Turning to the Chinese representative, the President reminded him that conservatory measures could only be adopted with the agreement of the Parties. At the present time, if an agreement was to be brought about, it would only be on the spot. The Council had not resigned to another the duty of making these *démarches*, but, since its meeting of February 2nd, when the British representative had given information as to the negotiations which had been undertaken, it had placed its hope in those negotiations. The President urged once more that the ultimatum should be extended long enough to allow the negotiations to be reopened.

After the other members of the Council had associated themselves with the President's words, the Japanese representative stated that he had been much moved by the sincere and urgent appeal which had been addressed to him, and he gave an assurance that his whole country would rejoice if peace could be maintained. He said he would forward his colleagues' appeal to his Government. He was nevertheless obliged to express regret that the Council did not think it possible to make as urgent an appeal to the other Party to the dispute. For several weeks past the situation of the Japanese at Shanghai had been distressing and they had been constantly threatened. To abandon the position assigned to them would have been equivalent to the complete abandonment of a situation which had been acquired with the expenditure of so much energy and effort. Should the Council recommend Japan to withdraw, the representative of that country would be unable to forward this request to his Government. At this critical moment there was one thing which still appeared possible. The cessation of firing was the first desideratum, but that depended on both Parties. The Council would therefore be taking useful action if it addressed as urgent an appeal to the Chinese representative.

The President replied that, if he had ventured to make a more pressing appeal to the Japanese representative, it was because: all prospect of mediation and negotiation depended on the ultimatum of the Japanese Government. It was, however, unnecessary to state that he was making an equally pressing appeal to the Chinese representative asking him to give an assurance that, if the ultimatum were prolonged, the armistice would, as a first condition, be scrupulously respected by both sides and that subsequently the Chinese Government, like the Japanese Government, would give its most careful consideration to any proposals that might be advanced by the representatives of the Powers at Shanghai.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

— 28 —

#### IV. THE COUNCIL REFERS THE DISPUTE TO THE ASSEMBLY.

The Council then adopted the following resolution referring the dispute to the Assembly:

"The Council,

"(1) Considering the request submitted by the representative of China, under the provisions of paragraph 9 of Article 15 of the Covenant, to the effect that the Sino-Japanese dispute should be referred to the Assembly:

"Decides that the said dispute is referred to the Assembly in accordance with Article 15, paragraph 9, of the Covenant.

"(2) Considering that delegations from almost every Member of the League are now present in Geneva in order to take part in the Conference for the Limitation and Reduction of Armaments, thereby enabling the Assembly to meet at short notice;

"Decides that a meeting of the Assembly shall be held on March 3rd.

"(3) Notes that the measures which have already been instituted in order to obtain information necessary for the consideration of the dispute will be continued.

"(4) Requests the Parties to the dispute to use all diligence in communicating to the Secretary-General, for the use of the Assembly, the statements of their case with all the relevant facts and papers as provided for in Article 15, paragraph 2.

"(5) The duty of the Council to continue its work for the maintenance of peace in accordance with the Covenant remains unaffected by the present decision."

#### V. PROPOSALS WITH A VIEW TO THE CESSATION OF HOSTILITIES AND THE RE-ESTABLISHMENT OF PEACE IN THE SHANGHAI REGION.

Hostilities continued during the following days in the Shanghai region.  
 On February 29th, the Council met again.

The British representative informed his colleagues that his Government had received further news from its representatives at Shanghai. On the previous day the commanders or representatives of the Japanese and Chinese forces had met on board the British flagship, in the presence of Admiral Kelly, with a view to arranging for a cessation of hostilities.

According to Admiral Kelly's report, the principle of mutual and simultaneous withdrawal on either side had been agreed to and there had been detailed discussions as to how the evacuated area could best be controlled with the assistance of neutrals.

The proposed arrangements had been referred to Tokio and Nanking for consideration.

The President then made the following statement:

"1. The imminence of hostilities on the largest scale in the Shanghai region between Chinese and Japanese forces, with the inevitable consequence of heavy loss of life and further embitterment of feeling, makes it at this critical moment the duty of all of us to lose no opportunity of seeking means by which this deplorable armed conflict between two Members of the League may be suspended and a way of peace may be found and followed.

"The news that we have received from the British representative that conversations actually took place yesterday at Shanghai with a view to making arrangements for a cessation of hostilities and that the proposed arrangements have been referred to the respective Governments is welcomed by us all, and the Council of the League is ready to make its contribution towards the consolidation of peaceful conditions in the way and at the time which is most useful.

"2. I have therefore called together my colleagues on the Council for the purpose of laying before them a proposal which might serve to this end. For its effective execution, this proposal will require, not only the acceptance of the Governments of China and Japan, but the co-operation on the spot of the other principal Powers who have special interests in the Shanghai Settlements and whose representatives are therefore readily available to make the local contribution of their friendly aid which is no less necessary than the positive and sincere agreement of the Chinese and Japanese authorities to the plan proposed.

"3. This plan is as follows:

"(1) A conference to be immediately set up in Shanghai composed of representatives of the Governments of China and Japan together with representatives of the other

— 29 —

Powers above referred to for the purpose of bringing about a final conclusion of fighting and the restoration of peaceful conditions in the Shanghai area.

"(2) The Conference would be undertaken on the basis (a) that Japan has no political or territorial designs and no intention of establishing a Japanese settlement in Shanghai or of otherwise advancing the exclusive interests of the Japanese, and (b) that China enters the conference on the basis that the safety and integrity of the International and French Settlements must be preserved under arrangements which will secure these areas and their residents from danger.

"(3) The meeting of this conference is, of course, subject to the making of local arrangements for a cessation of hostilities. The Council trusts that this will very speedily be brought about. It is proposed that the military, naval and civilian authorities of the other principal Powers represented in Shanghai will render all possible assistance in consolidating the arrangements.

"4. To this proposal, which is aimed at the immediate re-establishment of peace in the Shanghai area, without prejudice to, or qualification of, any position previously taken up by the League of Nations or any Power in relation to Sino-Japanese affairs, the President desires, in the name of himself and of his colleagues, to invite the adherence and co-operation both of China and Japan and of the other Powers referred to, whose local position enables them to make a special contribution to the common purpose of stopping armed conflict and restoring peace."

The Italian representative immediately gave an assurance that the proposal made by the President met with his entire approval. As the representative of one of the Powers having special interests in the Shanghai Settlement, he added that the collaboration of Italy in the plan outlined was already definitely assured.

The British representative said he would instruct his Government's representatives in Shanghai to co-operate with the other Powers and that the British Government would give this co-operation in its character as a Member of the League of Nations, resolved to support its moral authority and sustain its influence in the work of maintaining and restoring peace.

He added that there was another Government whose citizens had great interests in the International Settlement, who were devoted to the cause of peace and who desired to promote a just conclusion of the Sino-Japanese conflict; he referred to the Government of the United States of America. The British representative was able to announce that he had been in close consultation with the United States Government, which had authorised him to communicate the assurance of the United States that it was prepared to associate itself with the step taken by the Council, and to instruct its representatives in the Shanghai area to co-operate with the Powers, Members of the League of Nations, in carrying out the plan proposed by the President of the Council.

The President stated that, as the representative of France, he was authorised to give the same adhesion and a promise of the same support.

The Japanese representative, after stating that he was not yet authorised to inform the Council as to details regarding the negotiations which had taken place in Shanghai, accepted the proposal made by the President, subject to the approval of his Government, to whom he would immediately transmit it.

He made the following statement:

"(1) In the Shanghai question, the sole aim of the Japanese Government is to remove from the International Concession, and also from its own nationals, an imminent danger and to restore peaceful conditions.

"(2) The Japanese Government will be prepared to co-operate with other Powers with a view to settling the situation at Shanghai as soon as calm is re-established under conditions such as will guarantee the security of the Concession and the Japanese nationals. For this purpose, and particularly with a view to ensuring the future security of foreigners in the Shanghai region, the Japanese Government will have no objection to the opening in that city of a round-table conference at which there will be represented foreign Powers who have interests at Shanghai.

"(3) The Japanese Government has no intention of taking advantage of the present situation in order to realise political or territorial ambitions in that region. It has no wish to establish a Japanese concession at Shanghai or to obtain exclusive advantages there for the Japanese. It desires to maintain and strengthen the international character of Shanghai.

"(4) News has been published in the Press according to which the Japanese Government is stated to be contemplating the establishment of neutral zones around some of the chief Chinese cities. This in no wise represents the intentions of the Japanese Government."

The Chinese representative stated that the Chinese Government and people appreciated very sincerely any effort on the part of the League and of friendly Powers not Members of the League, principally the United States of America, to bring about an immediate cessation of



0555

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

— 30 —

hostilities, and to prepare the way for a just and permanent settlement of the dispute. He then read the following telegram which he had just received from his Government:

"Last night Admiral Kelly of the British Navy invited Dr. Wellington Koo and other Chinese and Japanese authorities to a meeting. Admiral Kelly proposed cessation of hostilities and simultaneous withdrawal of Chinese troops to Chenju (a village to the west of Chapei) and the Japanese to within Settlement limits, then Chinese troops to Nanzhang (a town on the Shanghai-Nanking Railway) and the Japanese to embark. The withdrawal of both sides to be supervised by neutrals. Chinese authorities find proposal reasonable and acceptable."

Under these circumstances, the Chinese representative was only too glad to transmit the proposal presented by the President of the Council, and to recommend that it should be accepted.

M. Sato wished to add that, as soon as he had received the necessary authorisation from his Government, he would not fail to communicate to the Council the details of the arrangement which had been reached at Shanghai.

The German representative expressed the sincere hope that the negotiations and the subsequent measures to be taken with the assistance of those Powers which, on account of their position in Shanghai, were able to give special help, would be crowned with immediate success.

The Spanish representative said that success was so imminent that each one should contribute, whether in small or great measure. His contribution would consist in setting aside his special preference to see Powers other than those with immediate interests in Asia taking part in the conference at Shanghai. He expressed the hope that negotiations would reach a successful issue early enough for the Assembly to be confronted with this happy result.

After thanking those of his colleagues who had explicitly acceded to the formal proposal, the President laid particular stress on the words used by the British representative, who had associated so closely — as the text of the proposal itself did — the cessation of hostilities and the proposed conference at Shanghai. The latter would be purposeless save in the silence of arms. Like the Spanish representative, the President hoped that this cessation of hostilities might be realised soon enough to enable the Assembly to open under happier auspices than might have been hoped for.

1560

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

Assembly Agenda 1.

Genève, le 2 mars 1932.

SESSION EXTRAORDINAIRE DE L'ASSEMBLEE CONVOQUEE EN  
VERTU DE L'ARTICLE 15 DU PACTE DE LA SOCIETE DES NATIONS  
SUR LA DEMANDE DU GOUVERNEMENT CHINOIS.

ORDRE DU JOUR DE LA PREMIERE SEANCE

Jeudi, 3 mars 1932, à 11 heures

1. Ouverture de la session extraordinaire.
2. Election de la Commission chargée de présenter un rapport sur la vérification des pouvoirs des délégués.
3. Discours du Président en exercice du Conseil de la Société de Nations.
4. Rapport de la Commission de vérification des pouvoirs.
5. Election du Président de la session extraordinaire de l'Assemblée.
6. Election des Vice-Présidents de l'Assemblée.
7. Proclamation de la constitution du Bureau.

EXTRAORDINARY SESSION OF THE ASSEMBLY CONVOKED IN VIRTUE  
OF ARTICLE 15 OF THE COVENANT OF THE LEAGUE OF NATIONS  
ON THE REQUEST OF THE CHINESE GOVERNMENT.

AGENDA OF THE FIRST MEETING.

March 3rd, 1932, at 11 a.m.

1. Opening.

2. Election of the Credentials of the Delegates.

3. Declaration of the League of Nations.

156  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

EXTRAORDINARY  
OF ARTICLES  
AT THE

AGENDA

Thursday, 12

1. Opening of the extraordinary session
2. Election of the Committee to report on
3. Speech by the acting President of the Council
4. Report of the Committee on Credentials.
5. Election of the President of the Extraordinary Session
6. Election of the Vice-Presidents of the Assembly
7. Proclamation of the Constitution of the Bureau

0562

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

[Distributed to the Assembly,  
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Official No. : **A. [Extr.] 3.** 1932.VII.

Geneva, February 27th, 1932.

LEAGUE OF NATIONS

**REPORTS**

of the

**Committee of Enquiry set up at Shanghai**

**under Article 15, Paragraph 1, of the Covenant**

*Note by the Secretary-General:*

Article 15, paragraph 1, of the Covenant stipulating that the Secretary-General "will make all necessary arrangements for a full investigation and consideration", the Secretary-General, on receiving the Chinese Government's appeal under Article 15, requested certain Members of the Council having representatives on the spot to authorise these representatives to constitute a committee for the purpose of enquiring into the causes and developments of the situation at Shanghai and in the neighbourhood.

The Secretary-General also thought it well to address a similar request to the Government of the United States of America. While it did not feel in a position to appoint an official representative as a member of the commission, this Government instructed its Consul-General at Shanghai to co-operate with the Committee in its work.

The Secretary-General has the honour to communicate the Committee's reports and the notes sent to him by the Chinese and Japanese delegations in connection with these reports.

C.185.M.90.1932.VII.

**I. FIRST REPORT BY THE COMMITTEE.**

Shanghai, February 6th (desp. 9.18 p.m.).

*Drummond, Nations, Geneva.*

Committee appointed by Secretary-General of the League of Nations to report on events in Shanghai and neighbourhood has established, on the basis of its own information, following first report, which may require subsequent correction in detail or amplification, and will be followed by report on subsequent events. Committee met with the co-operation of Mr. Cunningham, Consul-General United States.

Present Committee has been asked to report on causes facts developments events Shanghai and neighbourhood.

Anti-Japanese boycott existing since July result of Korean affairs increased by occupation Manchuria and stringently enforced, caused enormous damage to Japanese business. Boycott, fostered by the anti-Japanese Boycott Association(s) formed by various Chinese collaborating organisations, included picketing shops, seizure Japanese manufactures, fining, imprisonment of Chinese using or dealing in such goods and other illegal acts for which no redress obtainable through courts. Spirit bitter hostility was developed. Student manifestations and demand for war declaration against Japan increased Chinese feeling against Japan. In this state great tension, incidents of violence frequently occurred. There was in addition derogatory references by Chinese to the Emperor of Japan which infuriated Japanese, and demands by Japanese to their Government to take direct action to put an end to intolerable position became insistent.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton L. Gustafson NARS, Date 12-18-75

— 2 —

January 18th, five Japanese, some of them being Buddhist monks, whilst passing in front of Sanye Towel Factory in Chapei were attacked by Chinese, some of assailants being probably members of organised anti-Japanese Volunteer Corps. Chinese police arrived too late to arrest culpables. Two Japanese seriously wounded, one of them, Buddhist monk, dying from wounds subsequently.

On January 20th, about 50 members of Japanese Youth Protection Society with knives and clubs, proceeded to Sanye Towel Factory, set building on fire and on the way home clashed with Settlement Municipal Police. Three Chinese police seriously wounded, one of them dying from wounds, three Japanese shot by police, one dying from wounds.

Same day, mass meeting Japanese residents held at Japanese Club protested against attack against monks and against disparaging references by the Press to the Japanese Emperor. Meeting passed a resolution asking Japanese Government send war vessels and military units for complete suppression anti-Japanese movement. About half of them proceeded first to Japanese Consulate then to the naval headquarters in order to present resolution. After seeing Japanese Consul who asked them leave matter with him clashed with International Settlement police on the way to naval headquarters one British probation police wounded. Japanese authorities expressed regret. Seven Japanese subsequently surrendered to the Japanese authorities and were arrested by them to be tried for the offences in Nagasaki in accordance with Japanese law.

Afternoon of the same day, Japanese Consul presented the Chief Secretary of the Mayor of Greater Shanghai following demands concerning events occurring January 18th.

- First, formal apology by Mayor ;
- Second, immediate arrest culpable ;
- Third, payment indemnity hospital bills ;
- Fourth, adequate control of anti-Japanese movement ;
- Fifth, immediate dissolution all anti-Japanese organisations actively engaged in fostering hostile feelings and anti-Japanese riots and agitation.

During the morning of January 21st, the Mayor of Greater Shanghai communicated to the Japanese Consul readiness to consider first three points but had difficulty in complying with last two. Later during the day, communication from admiral commanding Japanese naval forces published in the Press, sent copies to Settlement authorities, Public Safety Bureau Greater Shanghai, stating that, should the Mayor of Greater Shanghai fail to give satisfactory reply to Japanese and fulfil demands without delay, admiral was determined take necessary steps in order to protect Japanese Imperial rights interests.

On January 24th, Japanese naval reinforcements arrived at Shanghai. Rumour also current Chinese troops in Chapei were being reinforced. Same day Japanese Consul communicated to mayor that if no reply was forthcoming within reasonable time or if reply unsatisfactory Japanese Government reserved right to take action as required by circumstances. Meanwhile mayor, who had expressed to neutrals his intention making every possible concession to avoid clashes, was trying to induce leaders of local Chinese to stop anti-Japanese boycott associations and agree to delete words "anti-Japanese" from the title other body, these words being considered by Japanese as national offence. Resulted association was closed and various offices were seized by Chinese police during the night January 27th-28th.

On January 27th, Japanese Consul notified Mayor of Greater Shanghai that, without fixing definite day, he would expect preliminary reply by January 28th.

January 27th, Japanese Consul informed mayor that he must have satisfactory reply to demands by 6 p.m. next day failing which Japanese would take necessary steps in order to enforce them.

January 28th, 7.30 a.m., Japanese admiral notified commanders other national defence forces he proposed to take action following morning if no satisfactory reply been received from Chinese. Municipal council of International Settlement held meeting during the morning and decided that state of emergency should be declared as from 4 p.m. This decision was taken by the municipal council on their responsibility. Declaration of state of emergency is effective notice to commanders of various national forces that they are expected to be prepared to defend their sections.

Same day, early afternoon, Mayor of Greater Shanghai transmitted to Japanese Consul reply accepting entirely Japanese demands. At 4 p.m., Japanese Consul informed consular body of receipt this reply which said entirely satisfactory. He added that it remained to be

— 3 —

seen whether mayor would be able to enforce terms accepted but he admitted that demands had been carried out to a large extent and, for the time being, no action would be taken. In spite of this change in the diplomatic situation, there was a popular belief that the Japanese naval authorities were determined to take direct action in any event. Inflammatory statements were appearing Japanese Press *Union Bulletin* to the effect that Chinese did not intend to carry out their promise and that they were preparing to attack Japanese. It was also anticipated that there might be a revolt amongst Chinese population against acceptance by the mayor of the Japanese demand. These considerations made it advisable in the eyes of the Defence Committee that the state of emergency should be nevertheless enforced as from 4 p.m.

It is to be noted that the International Settlement Defence Committee composed of garrison commanders, Chairman Shanghai Municipal Council (?), Shanghai Municipal Police and Commandant Shanghai Volunteer Corps, and presided by the senior garrison commander, is not considered to give orders to the various commanders as to detailed measures they are expected to take in defending their sections. It simply allots sections, helps in co-ordinating action taken by various commanders, and fixes main principles defence.

British and American troops started to occupy their respective sections soon after declaration state of emergency. Italian troops occupied their section January 29th.

Japanese section consisted of whole north-eastern area of the Settlement, limited on the western side by North Honan Road. Comprised also, from the point of view Shanghai Defence Committee area outside Settlement limited on the west by North Kiangsi Road and Woosung Railway, on the north by the northern border of Hongkew Park, on the east by a line joining roughly north-east corner of Hongkew Park and Harbin Road Police Station.

Many Japanese live in the region of Hongkew Park. The park itself and North Szechwan Road, Dixwell Road, although outside Settlement are properties Shanghai Municipal Council and normally policed by it. Does not appear that the Chinese authorities previous to events starting at 11 p.m. had received any communication about this outside Japanese section. Japanese made no attempt to occupy extra Settlement section when state of emergency came into force, but it must be understood that Japanese marines have always maintained posts along above-mentioned municipal road in this area for the protection of their nationals and their naval headquarters are situated towards the end of this salient.

11 p.m., Japanese admiral issued two proclamations copies of which were served on the mayor, who declared he had received them at 11.15 p.m. One of these referred to state of emergency and said Imperial Navy, feeling very anxious regarding situation in Chapei, where Japanese nationals lived in large numbers, decided to send troops to this section for the enforcement of law and order in the area. Under the circumstances, he hoped Chinese authorities would speedily withdraw Chinese troops stationed at Chapei to the west of railway and remove all hostile defence in that area. Other proclamations stated that in the area given to Japanese in order to preserve order in the Settlement any action considered necessary for the proper execution of duties involved in state of emergency would be taken.

Japanese marine and armed civilians having mobilised (one word undecipherable) at naval headquarters, forces advanced along North Szechwan Road, dropping parties at entrances to alleyways as they went along, and, at midnight, at a given signal, all these parties advanced westwards and northwards in the direction of railway. The final party of about 100 marines, accompanied by armoured cars, attempted to pass through gates dividing Settlement from Chinese territory at the end of Honan Road but were prevented by Shanghai volunteer corps in whose section gate situated. This gate leads to railway station.

Chinese military authorities had not complied with Japanese admiral's demands to withdraw their troops. Would appear moreover even had they decided to comply with this demand, would have been impossible in short time at their disposal to arrange for the actual withdrawal of Chinese troops in that area. One should take into account also tension created by situation of previous days which would induce Chinese authorities to interpret measures taken by Japanese naval authorities as representing part of larger military operations. Japanese marines consequently met with resistance on the part of Chinese regular troops. They succeeded in reaching railway line so far south as Paoting Road, but do not appear to have succeeded in reaching line south of that point and their line then ran east of railway until it reached Settlement boundary between North Honan and North Szechwan Roads. Japanese were harassed by Chinese armoured train, which issued from station and patrols Woosung line. Subsequently, it took refuge in the station, which was also strongly defended by Chinese troops. Thereupon Japanese, during January 29th, bombarded station and destroyed train by aeroplanes. Other buildings along Paoting Road also burned by incendiary

- 4 -

bombs and it is generally thought this was done deliberately in order to destroy vantage post overlooking Japanese lines. Casualties not known but believed considerable loss of life resulted.

Mayor Greater Shanghai had lodged protest against the Japanese action with consular authorities. Japanese authorities contended that their action was not connected with demand they had made and which had been accepted, but was based necessity protecting Japanese population living in part of area occupied. Also maintained that action, which met with armed resistance, and for which they took full responsibility, was within limits admitted, if necessity arose, by the International Settlement defence plans. Fighting continued during greater part of January 29th.

In the afternoon of January 29th, at the request of the Mayor of Greater Shanghai, American and British consuls succeeded in arranging for truce, which started from January 29th at 8 p.m. Truce amounted only to an agreement to refrain from further firing.

On January 31st, at a meeting held between Japanese Consul, admiral commanding Japanese naval forces, Mayor Greater Shanghai and commander local Chinese troops, in presence of American and British consuls, it was agreed that Japanese Consul should report to Japanese Government a suggestion that Japanese troops should be withdrawn from the salient. If reply was unfavourable Chinese would refer to their Government and until final reply was received both sides agreed that they would not fire unless first fired upon. — CIANO (*Chairman Committee*). (Report ends.) — HAAS.

C.209.M.109.1932.VII.

## II. COMMUNICATION FROM THE CONSUL-GENERAL OF THE UNITED STATES AT SHANGHAI WITH REGARD TO THE FIRST REPORT BY THE COMMITTEE.

Shanghai, February 9th, 1932 (received 5 p.m.).

Consul-General United States has communicated officially to Chairman of Shanghai Committee by letter February 8th that he concurs in general in the first report of the Committee, on the understanding that, as set forth in the first paragraph thereof, it may require subsequent correction in detail or amplification. — HAAS (*Secretary-General of the Shanghai Committee*).

C.248.M.140.1932.VII.

## III. INFORMATION SUPPLEMENTARY TO THE FIRST REPORT OF THE COMMITTEE, COMMUNICATED BY THE LATTER IN RESPONSE TO A REQUEST FROM THE REPRESENTATIVE OF CHINA.

### (a) LETTER FROM THE REPRESENTATIVE OF CHINA TO THE SECRETARY-GENERAL.

February 9th, 1932.

Referring to the first part of the report from your Shanghai Committee (document C.185.M.90.1932.VII), I have the honour to request you to telegraph to Shanghai for some supplementary information regarding two items contained therein.

1. On page 4, paragraph 3, it is stated that "Japanese admiral notified commanders other national defence forces *he proposed to take action following morning* . . . Municipal Council of International Settlement held meeting during the morning and decided that state of emergency *should be declared as from 4 p.m.* Declaration of state of emergency is effective notice . . . to defend their (commanders') sections.

It is clear from the above that it was the Japanese who intended to attack and not the Chinese. Such being the case, what was the motive for the Council to declare a state of emergency, which, as stated above, is "effective notice to defend"? Was it meant to defend the Settlement against the Japanese, the attacking party, or against the Chinese troops, the attacked party, which would, of course, be absurd?

2. On page 6, seventh line from the bottom of page, it is stated that "the final party of about 100 marines, . . . attempted to pass through gates dividing Settlement from Chinese territory . . . but were prevented by Shanghai Volunteer Corps . . ."

- 5 -

I should be grateful if you will be kind enough to ascertain in this case why the volunteer corps prevented the Japanese marines, accompanied by armoured cars, from passing through the gates. Did the volunteer corps have orders from the municipal council to do so, and, if in the affirmative, were not these orders based on the notion of neutrality of the International Settlement?

(Signed) W. W. YEN.

### (b) REPLY FROM THE COMMITTEE.

Shanghai, February 13th, 1932 (10.10 p.m.).

Drummond, Nations, Geneva.

Shanghai Committee has adopted following text in reply to your request for further information regarding two points which you transmitted by your telegram of 12th:

Reply begins: *Question 1.* — Declaration state of emergency brings into operation defence scheme. Purpose of defence scheme is twofold: (i) to protect foreign area from internal disorder and (ii) to defend it against external aggression.

When state of emergency was declared Council had in mind that either (a) Chinese would not accept Japanese terms, in which case Japanese would take some action and there might be rushes of excited refugees and possibly of disorganised military elements attempting to enter Settlement, or (b) that Chinese would accept Japanese terms, in which case there might be storm of protest on part of Chinese population, resulting in riot and disorder both inside and outside Settlement. Mayor himself was apprehensive of this. Therefore, although there was reason to expect trouble, it was not known from what direction it would come, and declaration of state of emergency was merely precautionary measure not directed against any particular party.

*Question 2.* — Honan Road Gate gives access from Settlement to Chinese territory not comprised in defence scheme, and strict instructions, based on principle that the duties of defence force are defensive and not offensive, had been given by commandant Shanghai Volunteer Corps, in whose section it is situated, that in no circumstances was it to be opened to permit of either entrance or exit. — CIANO (*Chairman*), HAAS (*Secretary-General*).

C.227.M.121.1932.VII.

## IV. SECOND REPORT BY THE COMMITTEE.

Shanghai, February 12th, 1932.

I am requested to transmit following second report Shanghai Committee.

By 8 p.m. *January 29th*, that is, after beginning of arranged truce, firing had died down, but next day Japanese admiral protested to American and British Consuls-General that Chinese armoured train in the railway station re-opened fire. This Chinese denied, alleging, on the other hand, that it was Japanese who had fired.

During the morning of *January 31st*, 17 Japanese aeroplanes flew over Shanghai and Chinese positions but without any bombardment. Japanese naval authorities contended this demonstration was effected as a result of fresh breach of truce by Chinese. This was warmly denied by the Chinese. On this day took place the meeting referred to in last paragraph of first report, at which suggestions for a neutral zone were made, and it was agreed that the truce should continue, pending final reply both sides.

*February 1st:* Truce was more or less observed, though there was again some intermittent firing.

*February 2nd:* Japanese commander again alleged breach of truce by the Chinese on previous days, adding that, as it seemed clear Chinese were assembling forces with a view to surrounding Japanese, he was going to send up aeroplanes to reconnoitre.

About midday Japanese aeroplanes flew over Shanghai and Chinese positions. They were fired upon by the Chinese, whereupon aeroplanes dropped bombs and in a short time general firing both sides recommenced. About 3 p.m., that is, after fighting had re opened, Japanese Consul-General informed consular authorities that the Japanese Government had rejected proposal for neutral zone referred to above.

056

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 6 -

Same day, the Mayor of Greater Shanghai sent to consular authorities a letter, received by them February 3rd, referring to request for an armistice meeting January 31st, and stating Japanese had repeatedly broken this agreement by bombarding them from the air as described in the preceding paragraph.

February 3rd. Japanese naval authorities announced, as the Chinese authorities had consistently failed display sincerity in the carrying out of their engagements, Chinese troops must be withdrawn sufficient distance from Chapei, and to effect that object Japanese aeroplanes might be forced to bombard Chinese positions. Later on same day, Japanese Consul-General informed consular authorities that three Japanese destroyers had been fired upon from the Woosung forts, and Japanese therefore intended occupy forts. This was again denied by the Chinese.

Since February 3rd, state of open war exists, any pretence truce being abandoned. Firing continues intermittently, both in Chapei and Woosung area, with the use of artillery and, on the side of Japanese, by aerial bombardment. Offensive is entirely in the hands of Japanese, whose declared object is to capture Woosung forts and drive all Chinese troops considerable distance from Shanghai.

It must be noted, in relation to any question of breach of truce, that complete truce never really existed, and also that, in the absence of foreign observers in the fighting lines, it is impossible to establish which side should be held responsible for breaking truce. Individual units on either side, even "agents provocateurs" may have been responsible.

Apart from question of resumption of hostilities between regular troops on the fighting line, it is necessary to recall briefly events, internationally important from the point of view of the status of settlement, which during this period were occurring inside Japanese section.

From the beginning of the Japanese movement on the night of January 28th, Japanese section was invaded by Chinese plain-clothes troops, who concealed themselves inside, or on roofs of houses, whence they fired on the Japanese patrols in the streets with automatic pistols. It should be mentioned that the Japanese, who seem to have had insufficient regular forces for the defence of the area they occupied, had mobilised and armed all their so-called reservists, who wore civil clothes distinguished by brassards.

Marines and reservists responded to the sniping of the Chinese plain-clothes soldiers by machine-gun fire, and also by house-to-house search in order to locate snipers, in course of which very considerable damage was done, houses even being set on fire in order to get rid of snipers.

Japanese naval authorities took complete control Hongkew district, inside Settlement, barricaded streets, disarmed police, and paralysed all other municipal activities of the Settlement authorities, including fire brigade. Police posts were prevented from all communications with their headquarters. Shanghai Municipal Council was forced to evacuate schools and hospitals. Numerous excesses, including summary executions, were committed by marines, reservists and . . . last mentioned, who had not official standing, being actuated probably merely by spirit of revenge against Chinese for earlier anti-Japanese activities. Reign of terror resulted, and almost entire non-Japanese population of area ran away.

Owing to large number of Chinese who were believed to have been arrested or put to death by the Japanese, and of whom no trace could be found, Municipal Council, February 5th, asked Consular Body to approach Japanese authorities with a view to enquiry. Japanese Consul admitted that excesses had been committed by his nationals at a time when feeling was running high and chaotic conditions prevailed, but the situation was greatly improved and he agreed that persons arrested as suspect by the naval authorities within the Settlement should be handed over to municipal police. This was accordingly done, but the number of Chinese still unaccounted for is very large. Municipal police have already collected details of about 100 cases.

Sniping has been now greatly reduced but Japanese control is still severe and police and other municipal functions can only assert themselves. Japanese authorities were much concerned at the excesses committed by their nationals, and considerable number of undesirables have been deported to Japan.

Shanghai Committee do not propose for the time being to send any further reports unless they come in possession of some fresh information which will necessitate corrections of previous statements, or until it is required to amplify or supplement any particular point in statements made in their first and second reports. — CIANO (Chairman). (End report.) — HAAS.

- 7 -

C.235.M.128.1932.VII.

#### V. COMMUNICATION FROM THE JAPANESE DELEGATION REGARDING THE FRENCH TRANSLATION OF THE SECOND REPORT OF THE COMMITTEE.

Geneva, February 14th, 1932.

With reference to the Second Report of the Shanghai Committee which you were good enough to forward to me to-day, I venture to draw your attention to a few points of translation which appear to be in need of correction, as they might leave an impression which is not conveyed by the English text. It would be extremely regrettable if the remarkably impartial and objective work of the Committee were to suffer in any way.

It will be understood that my remarks refer only to questions of translation. I reserve the right to submit further explanations of the words used in both reports should such explanations appear necessary.

Page 1, paragraph 3, line 4: "Contented" has been translated "ont prétendu que". The word "affirmé" would appear more appropriate.

Page 1, paragraph 3, line 7: "on this day" should apparently be translated "le même jour".

Page 2, paragraph 3, line 2: "whereupon". It would be advisable to add to the French text (page 2, line 2) "et alors ont jeté".

Page 2, penultimate line: "This was again denied" is translated "Cette allégation également. . ." which appears to express an opinion on the declaration made by the Japanese authorities.

Page 3, penultimate line: "so-called reservists". The translation "prétendus réservistes" gives a shade of meaning which does not exactly correspond to the sense of the English text.

Page 4, second paragraph, penultimate line: "Reign of terror resulted". The translation "Ainsi s'établit le règne de la terreur" is noticeably stronger than the English text.

I should be much obliged if you would, if possible, arrange for the incorporation of the corrections which I have ventured to suggest.

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

C.244.M.135.1932.VII.

#### VI. OBSERVATIONS OF THE JAPANESE DELEGATION ON THE SECOND REPORT OF THE COMMITTEE.

Geneva, February 18th, 1932.

1. The report mentions that the offensive is entirely in the hands of the Japanese. In this connection it should be borne in mind that the present combats are merely the outcome of the clash between the Chinese forces and the Japanese troops who were proceeding to occupy their line of protection on January 28th. At first, the Japanese marines numbered only 1,500, and this small force, which subsequently reached some 3,000 men, had to defend a large sector inhabited by some 30,000 Japanese against hostile forces numbering more than 30,000 men. The Japanese delegation has already mentioned the special circumstances in which the 19th Chinese Army was placed and which explain the violence of its attitude.

Efforts were made to bring about a suspension of hostilities, which was naturally desired by us in view of the disproportion between the conflicting forces. In spite of the truce arranged, a Chinese armoured train opened fire against us on the 30th at about 5.20 a.m. and this firing lasted for an hour and a half. At about 9 a.m. the Chinese opened fire on the Japanese headquarters and on our positions along the railway. On the 31st, at 1.20 and 4.40 p.m., they again violated the truce and by dawn about 100 soldiers were advancing near the Rokusan Garden and opened fire on our headquarters. Moreover, plain-clothes soldiers, whose activities are referred to in the report, continued to invade our lines. The second attempted truce was again violated on February 1st and 2nd, while the Chinese forces were manœuvring for the purpose of surrounding us.

It was becoming evident that the Chinese could not be trusted to observe the truce; a pacific attitude on our part led to increasingly greater losses, and the movements of the Chinese forces, who brought up reinforcements and surrounded the salient of the Extension, rendered the position of our marines more and more critical. It was on this account that from February 3rd onwards our forces were compelled to attack the Chinese positions.

2. It is not quite correct to speak of the mobilisation of reservists. No general measure of this kind was adopted. A small number of volunteers armed with pistols was deputed to take action against Chinese snipers and to assist the police. These volunteers were disarmed some time ago and only a few reservists are still employed as interpreters, guides, etc.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

— 8 —

3. As regards the slowing down of the municipal activities of the Concession authorities, it should be noted that the municipal police forces had at one time abandoned their posts. Their return and co-operation were requested by the Japanese authorities and they have now resumed their normal work. As regards the firemen, in particular, their co-operation was requested even for the quarters neighbouring on the Concession and the Extension. (The normal activity of the municipal council's firemen is in principle confined to the Concession and the Extension.) The Japanese authorities hope that the other municipal activities will shortly be fully resumed.

The flight of the police forces and the evacuation of schools and hospitals mentioned in the report were certainly due only to the dangers of the situation and were not a consequence of the measures taken in this connection by the Japanese authorities. It is, however, true that at the commencement of the incidents, in the general disorder, a few Chinese policemen were disarmed by mistake. On the other hand, the co-operation of the Chinese municipal police having proved ineffective in the struggle against soldiers in multi, these police were on certain occasions temporarily replaced by Japanese forces.

Owing to this struggle, barricades had been built at various points, but they have at present been taken down.

4. The report says that excesses were committed by sailors, reservists and other elements having no official standing. The Japanese delegation feels bound to deny this assertion as regards the sailors and reservists.

The report mentions the attitude which the Japanese authorities adopted with regard to undesirable elements, against whose activities very severe action was taken. Many of these individuals are now in custody at the Consulate-General, while others have been deported.

5. As regards the number of Chinese whose fate is unknown, it should be noted that very probably a large number of these have taken refuge in the outskirts of Shanghai and in other towns. (Anyone who knows China will agree how difficult it is to follow the movements of the population in that country, particularly in large inhabited areas like Shanghai.)

6. It is to be regretted that the report has not verified certain facts which, though denied by the Chinese, are indisputable, as for instance the firing by the Woosung forts on three Japanese vessels which were leaving Shanghai on February 3rd. These vessels were taking back to Japan the mortal remains of our sailors killed during the fighting of the previous days, and, that being their mission, they would certainly not have opened fire on the forts. This action, which took place in full daylight, and which the Chinese deny, affords a further example of the value of allegations from Chinese sources.

7. If it is correct that orders were given to the Chinese soldiers regarding the truce, the frequent disregard of those orders by the said soldiers bears eloquent witness to the state of disorder and indiscipline existing in the Chinese forces. As regards the Japanese forces, orders had been issued that they should fire only in the case of hostile acts on the part of the Chinese in violation of the truce. The known discipline of the Japanese troops is sufficient guarantee that these orders were obeyed.

C.258.M.147.1932.VII.

#### VII. THIRD REPORT BY THE COMMITTEE.

*Drummond, Nations, Geneva.*

Shanghai, February 20th, 1932.

In conformity with request contained in your telegram of February 19th I send hereafter Third Report of Shanghai Committee. (Report begins.)

Through intermediary neutral diplomatic representatives suggestion for meeting of military commanders on both sides was accepted with a view to discussion on the basis of mutual evacuation.

Meeting held morning of February 18th, Chinese and Japanese commanders being represented by their Chiefs of Staff. Japanese representatives presented their terms which Chinese representative declared were unacceptable. After two hours' fruitless discussion Japanese representative said Japanese side would send in written communication of their terms before 9 p.m., and he hoped Chinese would return reply as soon as possible. Meeting then broke up.

About 9 p.m. separate despatch containing Japanese terms was delivered to the Mayor and the Commander of the Chinese 19th Army. Terms differing in words, but following is substance:

*Paragraph 1:* Chinese forces to cease hostilities and complete evacuation of their first lines by 7 a.m., February 20th, and complete evacuation whole area by 5 p.m. same day to a depth of 20 kilometres north of following lines, including "sketseline" forts, namely, line formed by north border of Settlement and the Soochow Creek to Pusungchen and

— 9 —

on the East of Whangpoo line from Lannidu to Changchiachiao. This is practically line of the Soochow Creek extended eastward. All fortifications and military works in the evacuated area to be removed and no new ones created.

*Paragraph 2:* Japanese troops will not attack or pursue but aeroplanes may be sent off on observation duty. After Chinese evacuation Japanese troops will maintain only the municipal road areas adjacent to Hongkew, including Hongkew Park.

*Paragraph 3:* Japanese investigator with Japanese military guard and flag to be sent to evacuated area after evacuation of the first line by the Chinese.

*Paragraph 4:* Chinese to assume responsibility for safety of Japanese lives and property outside evacuated area, failing which Japanese would take necessary steps. Plain-clothes men to be effectively suppressed.

*Paragraph 5:* Question of the protection of foreigners in vicinity of Shanghai evacuated area to be dealt with subsequently.

*Paragraph 6:* As regards anti-Japanese movement, mayor's promises of January 28th to be strictly enforced and the matter to be dealt with by diplomatic negotiations between Japanese Foreign Office and Chinese civil officials of Shanghai. Failing compliance with above articles Japanese troops will be compelled to take action.

On the following day, namely February 19th, reply was delivered by mayor to Japanese Consul and by Chinese commander to Japanese commander. Mayor stated that grave situation in Shanghai was due to invasion of Chinese territory and brutal murders of Chinese people by Japanese troops in violation of all international treaties and law. Inasmuch as measures called for in Consul-General's letter had direct bearing on general relations between China and Japan, they should be dealt with by diplomatic authorities of the two countries, and he had therefore transmitted Consul-General's letter to his Government for consideration and reply to Japanese Minister through Ministry of Foreign Affairs. He pointed out, further, that Chinese indignation had been daily intensified by continued acts of provocation by Japanese troops, and it was natural, therefore, so-called anti-Japanese activities should fail to cease. Chinese commander's reply was to the effect that his troops were part of national forces and subject to directions of National Government, to whom accordingly he had submitted Japanese commander's letter. It is not yet known what reply, if any, has been sent by Chinese Government.

During the night February 19th-20th, Japanese reinforcements were moved from their base in the International Settlement to the Japanese lines, and after preliminary aerial reconnaissance which satisfied Japanese that Chinese had not evacuated their lines in conformity with demand, Japanese opened attack February 20th at 7.30 a.m. in Kiangwan and Woosung areas. Hostilities continued whole day. — CIANO. (Report ends.) — HAAS.

C.272.N.160.1932.VII.

#### VIII. SUPPLEMENT TO THE THIRD REPORT BY THE COMMITTEE.

*Drummond, Nations, Geneva.*

Shanghai, February 24th, 1932. (Desp. 11.12 p.m.)

I am requested to transmit following supplement to the Third Report of the Shanghai Committee.

In reply to an enquiry whether any answer had been sent by Chinese Government to the Japanese Minister on the subject of Japanese demand, following communication was received by the Secretary-General of the Shanghai Committee from the City Government of Greater Shanghai:

"Chinese Foreign Minister's reply to Japan despatched on February 20th took the form of vigorous protest lodged with Japanese Minister in China against the action of the Japanese Commander and the Consul-General in delivering their identical note to the Commander of the Chinese 19th Route Army and Mayor of Greater Shanghai.

"The Chinese Note stated that ever since their unprovoked attack on Mukden on September 18th Japanese military forces have kept pushing forward and have occupied many important areas in the North-East. Then on January 28th they suddenly shifted the



— 10 —

scene of their military adventure to Shanghai and staged a surprise attack on the Chapei district, and for twenty days Japanese Army naval and air forces have carried on a terrific bombardment of the Chapei and Woosung district. Local Chinese garrison forces were constrained to resist their onslaught as a measure of self-defence. As though this were not enough, Japanese Commander and Japanese Consul-General now present to Commander of the Chinese 19th Route Army and Mayor of Greater Shanghai respectively a set of demands of an impossible nature.

"The note concluded by declaring that should Japanese forces attempt to renew their attack, Chinese troops would not hesitate to resist to the best of their ability, and stating that the Japanese Government would be held entirely responsible all consequences. CIANO (Chairman); CHARRÈRE (Secretary)".

C.283.M.170.1932.VII.

#### IX. OBSERVATIONS BY THE JAPANESE DELEGATION ON THE THIRD REPORT OF THE SHANGHAI COMMISSION.

1. The text of the demands addressed on February 18th by the Officer Commanding the Japanese forces to the Officer Commanding the 19th Army does not appear to have been taken from the official communication of the Japanese authorities (text of which is appended), but from a document probably of Chinese origin. It is not in exact accordance with the demands in question—e.g., in the case of the limits of the zone to be evacuated.

2. The last paragraph of the report suggests that all the Japanese forces had made the Concession their basis of operations. The report omits to state that a large part of the Japanese forces were stationed outside the Concession, and commenced operations from Woo-Sung.

#### Appendix.

##### DEMANDS MADE BY GENERAL UEDA, COMMANDER OF THE JAPANESE TROOPS, TO THE COMMANDER OF THE 19TH ARMY, FEBRUARY 18TH, 1932.

1. The Chinese troops shall withdraw from all the points within a distance of twenty (20) kilometres from the boundary of the International Settlement to the north of the following lines—namely, the northern boundary line of the Settlement; a line connecting the north-westernmost end of the Settlement, Tsoachiatchuen, Chouchiachiaochen and Pusungchen and running outward from the last-named position and on the right of the Whangpoo River; a line connecting Lannitu and Changchia Louchen and running outward from these positions respectively; the aforesaid withdrawal of the Chinese troops shall be effected by completing the withdrawal of the forefront by 7 a.m. on February 20th, 1932, and that of the remainder by 5 p.m. on the same day. All the forts and other military equipments of China shall be removed from and shall not be reinstalled or newly erected within the aforesaid distance of twenty kilometres. The Shitzulin forts shall be deemed to be within the same distance.

The Chinese authorities shall protect the lives and property of the Japanese subjects in districts around Shanghai other than the aforesaid area evacuated by the Chinese troops; in the event of the protection accorded by the Chinese authorities being unsatisfactory, the Japanese authorities may take such measures as they consider necessary. The Chinese authorities shall completely suppress all the activities of plain-clothes gunmen.

2. Upon having ascertained the withdrawal of the Chinese troops, the Japanese forces will maintain only the Extension Road area in the Hongkew district including the area around the Hongkew Park. The Japanese forces will not engage in attacks, shooting or bombardments after the commencement of the withdrawal of the Chinese troops but may carry on reconnoitring flights.

3. After the withdrawal of the forefront of the Chinese troops, the Japanese forces will despatch their representatives accompanied by bodyguards to ascertain the completion of the withdrawal.

4. Further negotiations shall be made with regard to the protection of foreign residents in districts around Shanghai, including the area evacuated by Chinese troops.

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

[Communiqué à l'Assemblée,  
au Conseil et aux  
Membres de la Société.]

N° officiel: **A. [Extr.] 2.** 1932.

Genève, le février 1932.

SOCIÉTÉ DES NATIONS

ORDRE DU JOUR

DE LA

SESSION EXTRAORDINAIRE DE L'ASSEMBLÉE

LEAGUE OF NATIONS

AGENDA

OF THE

SPECIAL SESSION OF THE ASSEMBLY

Série de Publications de la Société des Nations

QUESTIONS GÉNÉRALES  
1932. 1.

SOCIÉTÉ DES NATIONS

Ordre du jour de la Session extraordinaire de l'Assemblée,

qui s'ouvrira à Genève, le jeudi 3 mars 1932

APPEL DU GOUVERNEMENT CHINOIS EN VERTU DE L'ARTICLE 15 DU PACTE.

ANNEXES.

	Pages
I. Lettre du Gouvernement chinois, en date du 29 janvier 1932 . . . . .	2
II. Lettre du Gouvernement chinois, en date du 12 février 1932 . . . . .	3
III. Résolution adoptée par le Conseil le 19 février 1932 . . . . .	3

Annexe I.

LETTRE DU GOUVERNEMENT CHINOIS, EN DATE DU 29 JANVIER 1932.

C.138. M.57. 1932. VII.

[Traduction.]

Genève, le 29 janvier 1932.

Au Secrétaire général.

D'ordre de mon Gouvernement, j'ai l'honneur de vous notifier, par les présentes, ce qui suit:

1. Il existe, entre deux Membres de la Société des Nations — la Chine et le Japon —, un différend résultant de l'agression de cette dernière Puissance contre l'intégrité territoriale et administrative et l'indépendance politique de la première, en violation des dispositions du Pacte de la Société des Nations.

2. Ce différend n'a été soumis ni à l'arbitrage ni à un règlement judiciaire, conformément à l'un quelconque des articles du Pacte.

3. Ce différend a actuellement atteint un point tel qu'il est susceptible d'entraîner une rupture immédiate entre la Chine et le Japon.

4. Par les présentes, la Chine demande (non pas en dérogation des mesures qui ont été ou pourront être prises par la Société conformément aux obligations que lui impose l'article 11, mais à titre additionnel) l'application à ce différend de l'article 10 ainsi que de l'article 15 du Pacte, et elle saisit formellement le Conseil de ladite question pour qu'il puisse prendre toutes les mesures appropriées et nécessaires que prévoient les deux articles précités.

5. A cette fin, la Chine se réfère à tous les exposés et pièces justificatives présentés et soumis jusqu'ici par elle au cours des délibérations tenues par le Conseil, conformément à l'article 11 du Pacte, au sujet de ce différend, depuis le 18 septembre 1931 à ce jour, et elle déclare par les présentes que ces documents constituent l'exposé de sa cause comprenant les faits pertinents et les pièces justificatives concernant ladite question.

(Signé) W. W. YEN.

LEAGUE OF NATIONS

Agenda of the Special Session of the Assembly

to be held at Geneva on Thursday, March 3rd, 1932

APPEAL FROM THE CHINESE GOVERNMENT UNDER ARTICLE 15  
OF THE COVENANT.

ANNEXES.

	Page
I. Letter from the Chinese Government, dated January 29th, 1932 . . . . .	2
II. Letter from the Chinese Government, dated February 12th, 1932 . . . . .	3
III. Resolution adopted by the Council on February 19th, 1932 . . . . .	3

Annex 1.

LETTER FROM THE CHINESE GOVERNMENT, DATED JANUARY 29TH, 1932.

C.138.M.57.1932.VII.

Geneva, January 29th, 1932.

To the Secretary-General.

Under instructions from my Government, I have the honour hereby to give notice as follows:

1. A dispute between two Members of the League of Nations—to wit, China and Japan—arising from the aggression of the latter against the territorial and administrative integrity and political independence of the former in violation of the provisions of the Covenant of the League of Nations, exists.

2. This dispute has not been submitted to arbitration or to judicial settlement in accordance with any of the Articles of the Covenant.

3. The said dispute has now reached a stage when it is likely to lead to an immediate rupture between China and Japan.

4. China hereby invokes the application (not in derogation of the measures taken, or which may be taken by the League in the exercise of its functions under Article 11, but in addition thereto) both of Article 10 and of Article 15 of the Covenant to said dispute and formally submits the said matter to the Council for all appropriate and necessary action under both of said Articles.

5. For this purpose, China begs leave to refer to, and hereby adopts as and for the statement of its case comprising the relevant facts and papers in relation to said matter, all the statements and papers heretofore made and submitted by China in the proceedings of the Council taken in said controversy under Article 11 of the Covenant from September 18th, 1931, to the date hereof.

(Signed) W. W. YEN.

— 3 —

Annexe II.

LETTRE DU GOUVERNEMENT CHINOIS, EN DATE DU 12 FÉVRIER 1932.

C.219. M.114. 1932.VII.

Genève, le 12 février 1932.

[Traduction.]

*Au Secrétaire général.*

Au sujet du différend sino-japonais, dont le Conseil a été saisi en vertu des articles 10, 11 et 15 du Pacte de la Société des Nations, j'ai l'honneur de faire observer que, aux termes du paragraphe 9 de l'article 15 dudit Pacte, le Conseil peut porter le différend devant l'Assemblée et que celle-ci devra, de même, être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

Vu le délai susmentionné, le Gouvernement chinois se voit forcé de demander que ledit différend soit porté devant l'Assemblée. Toutefois, dans le cas où le Conseil aurait l'intention de saisir lui-même l'Assemblée, ou bien de la convoquer en vertu de ses pouvoirs généraux pour l'examen dudit différend, le Gouvernement chinois se déclare prêt à retirer, pour sa part, sa requête.

(Signé) W. W. YEN.

Annexe III.

RÉSOLUTION ADOPTÉE PAR LE CONSEIL LE 19 FÉVRIER 1932.

C.253. M.144. 1932.VII.

Le Conseil,

1. Considérant la requête présentée par le représentant de la Chine, aux termes des dispositions de l'article 15, paragraphe 9, du Pacte, tendant à ce que le différend sino-japonais soit porté devant l'Assemblée,

Décide que l'Assemblée est saisie dudit différend, conformément à l'article 15, paragraphe 9, du Pacte.

2. Considérant que des délégations de presque tous les Membres de la Société des Nations se trouvent actuellement à Genève afin de participer à la Conférence pour la limitation et la réduction des armements, et que l'Assemblée peut ainsi se réunir à bref délai,

Décide que la réunion de l'Assemblée aura lieu le 3 mars 1932.

3. Prend acte du fait que les mesures prises en vue de fournir les renseignements nécessaires pour permettre l'examen du différend se poursuivront.

4. Invite les parties au différend à faire toute diligence pour communiquer au Secrétaire général, à l'usage de l'Assemblée, l'exposé de leur cause avec tous faits pertinents et pièces justificatives, conformément à l'article 15, paragraphe 2.

5. La présente décision n'affecte pas le devoir qui s'impose au Conseil de poursuivre, conformément au Pacte, son activité en vue du maintien de la paix.

— 3 —

Annex II.

LETTER FROM THE CHINESE GOVERNMENT, DATED FEBRUARY 12TH, 1932.

C.219.M.114.1932.VII.

Geneva, February 12th, 1932.

*To the Secretary-General.*

With regard to the Sino-Japanese dispute, of which the Council has been seized under Articles 10, 11 and 15 of the Covenant of the League of Nations, I have the honour to observe that, according to Article 15, paragraph 9, of the said Covenant, it is within the competence of the Council to refer the case to the Assembly. At the same time, it is also provided that the dispute shall be so referred at the request of either party to the dispute provided that such request be made within fourteen days after the submission of the dispute to the Council.

In view of the time-limit imposed, the Chinese Government is constrained hereby to request that the said dispute be referred to the Assembly. If, however, it should be the pleasure and intention of the Council to refer the said dispute at its own initiative to the Assembly or in virtue of the general powers vested in it to summon the Assembly for consideration of the dispute, the Chinese Government will then be prepared to withdraw the request on its part.

(Signed) W. W. YEN.

Annex III.

RESOLUTION ADOPTED BY THE COUNCIL ON FEBRUARY 19TH, 1932.

C.253.M.144.1932.VII.

The Council,

(1) Considering the request submitted by the representative of China, under the provisions of paragraph 9 of Article 15 of the Covenant, to the effect that the Sino-Japanese dispute should be referred to the Assembly:

Decides that the said dispute is referred to the Assembly in accordance with Article 15, paragraph 9, of the Covenant.

(2) Considering that delegations from almost every Member of the League are now present in Geneva in order to take part in the Conference for the Limitation and Reduction of Armaments, thereby enabling the Assembly to meet at short notice,

Decides that a meeting of the Assembly shall be held on March 3rd, 1932.

(3) Notes that the measures which have already been instituted in order to obtain information necessary for the consideration of the dispute will be continued.

(4) Requests the Parties to the dispute to use all diligence in communicating to the Secretary-General for the use of the Assembly the statements of their case, with all the relevant facts and papers as provided for in Article 15, paragraph 2.

(5) The duty of the Council to continue its work for the maintenance of peace in accordance with the Covenant remains unaffected by the present decision.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the  
 Assembly, the Council  
 and the Members of  
 the League.

A. (Extr.) 43.1932.VII.

Geneva, March 10th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 10th.

Ref. 291.

To the Secretary-General.

March 10, 1932.

I have the honour to transmit herewith the following telegram, dated March 9th, which I have just received from Shanghai, and to request that you be good enough to bring the same to the knowledge of the Members of the Assembly:

"According to official reports from the front, the Japanese aggressions are unabating. After the failure of the Japanese cavalry to capture Taichang on the afternoon of the 8th of March, 2000 Japanese infantry renewed the attack on the morning of the 9th with the same object to capture Taichang, which attack was also repulsed. Several thousands of Japanese troops landed at Liuho on Tuesday (March 8th). The Japanese Commander, General Shirakawa, in a statement said that our preparations might precipitate new clash, from which we infer that the declaration has undoubtedly the intention to justify further attempt to penetrate into our territory."

(Sgd.) W. W. YEH.

0572

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

LEAGUE OF NATIONS.

Communicated to the Assembly,  
the Council and the Members  
of the League.

A.(Extr.).46.1932.VII.

Geneva, March 11th, 1932.

APPEAL FROM THE CHINESE GOVERNMENT.

Communication from the Chinese Delegation.

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated March 10th.

Ref./295.

March 10th, 1932.

To the Secretary-General.

I have the honour to communicate herewith the following telegram, dated March 10th, which I have just received from Shanghai, and to request that you will be good enough to circulate the same among the Members of the Assembly:

"Official reports arriving Thursday morning (to-day) stated that Japanese troops set fire to Hsintan village, west of Liuhc, thirty-five kilometres from Shanghai and that the whole village was burning. Six thousand Japanese troops arrived at Fouchao, north-west of Liuhc, forcing the residents to open shops and fly the Japanese flag. The Japanese troops compelled the natives of Liuhc to raze the motor-bus station to pave the way for the construction of a landing field for Japanese planes".

(s) W. W. YEN.

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

LEAGUE OF NATIONS.

GENEVA, March 11th, 1932.

DRAFT RESOLUTION AMENDED BY THE GENERAL COMMITTEE

at a meeting held on March 11th, at 10.30 a.m.

I.

THE ASSEMBLY,

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

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

Adapting the principles laid down by the Acting President of the Council, M. Briand, in his declaration of December 13th, 1931;

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

Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris, which is one of the corner-stones of the peace organisation of the world and under Article 2 of which "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature and whatever origin they may be,

- 2 -

which may arise among them shall never be sought except by pacific means";

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

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

## II.

THE ASSEMBLY,

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

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

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

## III.

THE ASSEMBLY,

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

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



- 3 -

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

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

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

1. to report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and shall regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932;
2. to follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;
3. to endeavour to prepare the settlement of the dispute in agreement with the Parties, in accordance with Article 15, paragraph 3, of the Covenant, and to submit a statement to the Assembly.
4. to propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion;
5. to prepare, if need be, the draft of the report provided for in Article 15, paragraph 4, of the Covenant;
6. to propose any urgent measure which may appear necessary;
7. to submit a first progress report to the Assembly as soon as possible and at latest on May 1st, 1932.

The Assembly requests the Council to communicate to the

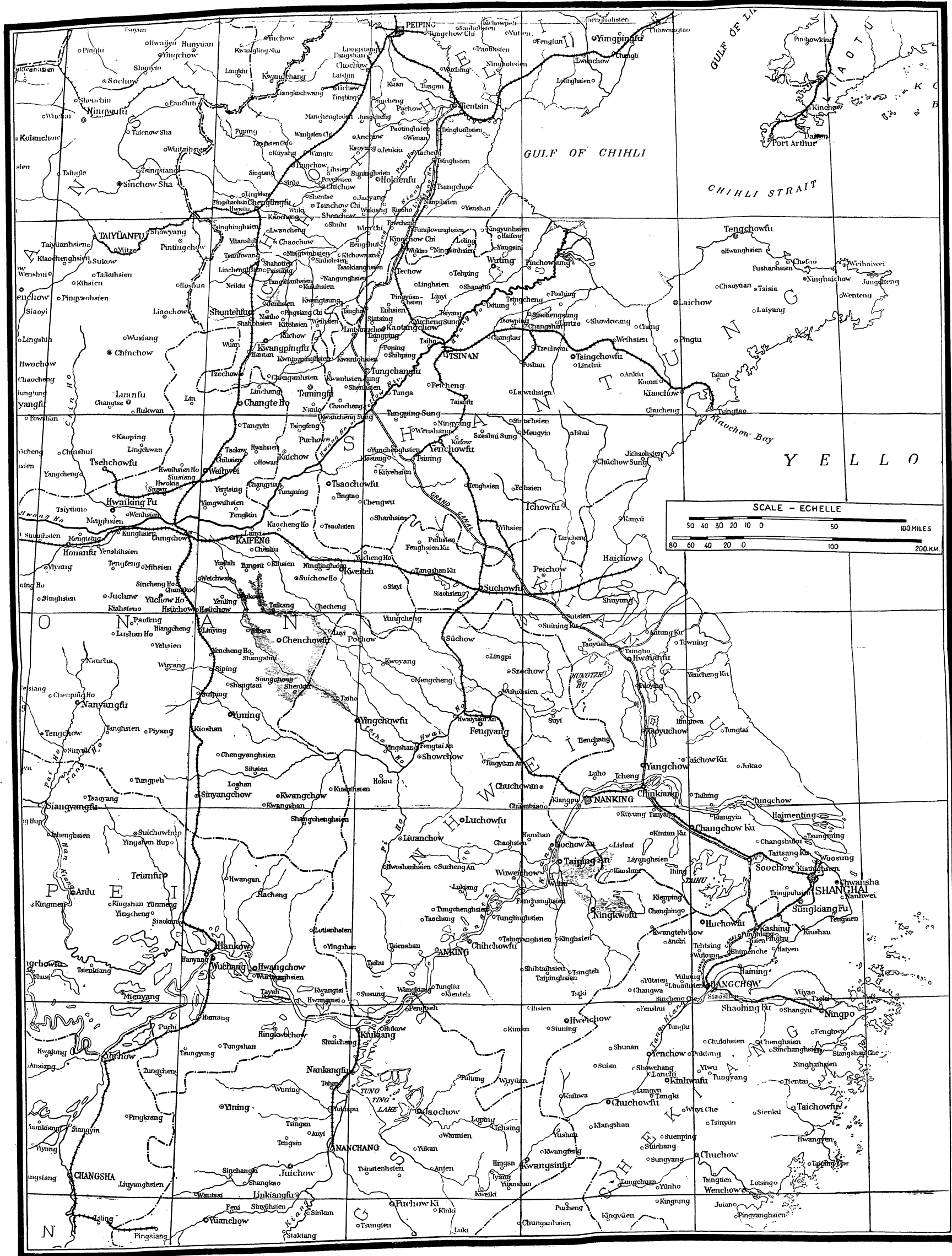
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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 4 -

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

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

# CHINE, REGION ORIENTALE — EASTERN CHINA



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 Department of State letter, August 10, 1972  
 By Milton D. Davis, NARS, Date 12-18-75

057

SOCIÉTÉ DES NATIONS  
 5 mars 1932

Communiqué à la demande de la délégation chinoise

LEAGUE OF NATIONS  
 5th. March, 1932

Circulated at the request of the Chinese Delegation

0578  
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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOOCIETE DES NATIONS

LEAGUE OF NATIONS

EXTRAORDINARY SESSION OF THE ASSEMBLY  
CONVOIRED IN VIRTUE OF ARTICLE 15 OF THE COVENANT  
OF THE LEAGUE OF NATIONS AT THE REQUEST OF THE  
CHINESE GOVERNMENT.

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VERBATIM REPORT

of the  
FIRST MEETING

Held at Geneva, Thursday, March 3rd, 1932, at 11 A.M.

PRESIDENT: M. Paul HEMANS.

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0575  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

OPENING OF THE ASSEMBLY

M. Paul BONOCUR, Acting President of the Council,  
took the Chair.

The CHAIRMAN:

Interpretation: Ladies and gentlemen, in my  
capacity as President in office of the Council of the League  
of Nations, I have the honour to declare open the Extra-  
ordinary Assembly of the League of Nations.

ELECTION OF THE COMMITTEE TO REPORT ON THE  
CREDENTIALS OF THE DELEGATES.

The CHAIRMAN:

Interpretation: The first item on our Agenda  
is the setting-up of the Committee for verifying the  
credentials of delegates. The Rules of Procedure of the  
Assembly provide that this Committee should be elected by  
secret ballot. Exceptions to this rule have, however,  
frequently been made at former Assemblies; and therefore,  
if the Assembly will allow me and if no objection is made,  
I will, with a view to meeting the wishes of delegations  
and in order to facilitate our work, suggest to you a list  
of names for this Committee.

The names I would suggest to you are the following:

- M. Aristides de AGUIERO Y BENELANCOURT (Cuba)
- M. Peter Christian SCHOU (Denmark)
- M. Jules FELDMANS (Latvia)

0580  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

-2-

Dr. Romeo ORTEGA (Mexico)

The Hon. Maurice D'ERRE (Canada)

M. J.P.A. FRANCOIS (Netherlands)

M. Constantin ANTONIADE (Roumania)

H.S.H. Prince Pridi Debayabongs DEVAHULA (Siam)

Are there any objections to my proposal ?

As no objections have been made, I take it that  
the list I have proposed is accepted.

The list proposed by the Chairman was adopted.

It must be understood that my idea has been to  
facilitate our work; and in order that this Committee may  
complete its task as soon as possible I would ask them to  
hold themselves ready to meet as soon as they are notified  
in the room which is at their disposal.

058

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

G

- 3/4 -

SPEECH BY THE ACTING PRESIDENT OF THE COUNCIL.

(Interpretation)

My dear Colleagues, - It is the second time since the foundation of the League of Nations that an Extraordinary Session of the Assembly outside the ordinary annual meetings in September has been convened. On this occasion the circumstances are very different from those in which the other Extraordinary Assembly met. On that occasion we met with hopes of welcoming to our midst a great European Nation that was not a Member of the League of Nations. In spite of the hopeful spirit in which that Assembly met, we found there considerable difficulties to overcome. You see, therefore, that our great task is not an easy one even when the spirit is hopeful. We overcame those difficulties and now for years that great Nation has been collaborating with us in the Council and the Assembly and I know as well - perhaps better than most - how valuable the very cordial collaboration of that country has been in the solving of the international problems which we have before us.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

H.

5.

Today the assembly meets under circumstances which are painful, and, I might almost say, tragic. For months there has been a conflict raging between two nations which are members both of the League and of the Council. The Council has not stood aloof from that conflict, as some desire it to do. There is a long list of international conflicts which, although not at first sight appearing serious, might easily have developed into serious conflicts, which have been dealt with and solved by the League of Nations. This, we may clearly see, is the first really grave conflict which the League has had laid before it. It is also a conflict which is far more distant from us than most others, and far more complicated, and for that reason is very difficult to solve from <sup>both</sup> the fact of the great distance from us at which it takes place, and <sup>from</sup> the internal disorder which is inevitable, no doubt, when you have great social transformations taking place in one of the countries which is a party to the dispute. Furthermore, the situation is complicated by the fact that the treaties set up a special system which is out of the ordinary and unexampled elsewhere, seeing that they give <sup>certain other countries</sup> / the undoubted right to maintain armed forces in the territory of one of the parties to the dispute. Further, the geographical position of one of the parties is such that it has a very extensive common frontier with a great country which is not a member of the League of Nations. Further, the situation is complicated by the fact that the effective treatment of problems in this part of the world can hardly be undertaken without the support of the great American Republic, which, I am glad to say, has been given to us in a most cordial and loyal manner, and the very fact of that collaboration gives us reason for hope,



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

1

H.

6.

There are those who try to exaggerate our difficulties and to proclaim abroad the impotence of the League of Nations. Certainly this time they have had a glorious chance. They have had a wonderful opportunity to endeavour to make even worse the storm under which the fragile tree that we have planted has been bending. I will not go in for an empty formula of <sup>that</sup> politeness which is concomitant to international courtesy. I desire to give you a purely objective summary of the events which have taken place. One evening, when the Council was meeting, I said that it was at once the greatness and the weakness of the League of Nations that it had aimed at universality. But it is not a mere Utopian plan; it is not something which is like an empty mist on the lake. Those who founded the League of Nations had the real facts in view and a sense of reality in their minds. We must follow their very excellent example. In view of the facilities of communications between nations, and in spite of customs barriers that may temporarily keep them apart, we nevertheless, all of us, have an intimate conviction of the essential interdependence of all the nations of the world. Thus, a cannon shot fired on the shores of the Pacific may yet cause horrors elsewhere in the world, as the revolver shot at Sarajevo involved us in the Great War which we all remember. If the rules under which we work are to be effective, they must also be elastic, and we must be prepared to adapt them to the political circumstances of the particular case in question. That has always been the policy of your Council. The Council had the great advantage during the preliminary procedure undertaken under Article XI of being guided by a man who was the very incarnation of skill, tact and firmness, namely, M. Aristide Briand. Those who criticize us for slowness do not take account of the fact that

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

H.

6a.

under Article XI the decisions have to be unanimous. In October, November, December and January, the Council was proceeding under Article XII, which provides that you must have the agreement of all the Council, including the parties to the dispute.

N.

- 7 -

Inevitably the procedure under Article 11 is lengthy. It is quite natural that, in spite of attempts to speed it up, it has been slow, but I think we can fairly say that if the League of Nations had not been there, or if it had followed the suggestions of some who desired that it should refrain from dealing with this matter, then the conflict would have spread more rapidly and would have been more disastrous than it has been up to the present. I remember one night in the Council when we were looking at the clock and wondering what was happening on the other side of the world; we thought of zero hour, and those who took part in the Great War know what the feeling is when you are waiting for zero hour. But I feel that if there had then been a League of Nations and if the parties to the dispute had had a chance of stating fairly and frankly their side of the case it is probable that the former quarrels between nations would have been, if not actually avoided, at least less disastrous than they were in practice.

I realise as fully as anyone the difficulties that we have to meet and I realise that there are still difficulties to overcome, but <sup>yet</sup> ~~still~~ it seems to me that concrete results have been obtained and your Council has done its duty under the Covenant. The other day the representative of the young Spanish Republic which has made even more vigorous the very valuable collaboration which that country has always given to the League, said that what was necessary, in view of the present inadequate international spirit, was at all costs to maintain and develop the institutions of the League, in fact to make even close the meshes of the net that we endeavour to throw over the world in order to prevent war. Those meshes have been torn in places; we propose to mend them in the places where they have been torn and to continue our work.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

The first phase has come to an end. The parties have accepted the Commission which has been set up and I would like to quote the terms of reference of that Commission. They are:

"Subject to its purely advisory character, the terms of reference of the Commission are wide. In principle no question which it feels called upon to study will be excluded, provided that the question relates to any circumstances which, affecting international relations threaten to disturb peace between China and Japan, or the good understanding between them, upon which peace depends. Each of the two Governments will have the right to request the Commission to consider any question of the examination of which it particularly desires. The Commission will have full discretion to determine the questions upon which it will report to the Council, and will have power to make interim reports when desirable.

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

As I have already said, we have been criticised for slowness, but under Article 11 it was not possible to provide for a more speedy procedure. Since the beginning both the Council and the Secretariat have very properly realised that it was most desirable to obtain the collaboration of the United States in every step of the procedure. That collaboration has been obtained - it has been most generously given - but the fact that that country was not a Member of the League caused further delay. It was not a Member of the League and it was not a Member of the Council. Well then, we had this legitimate procedure under Article 11 of the original dispute. Then came the echoes of the guns at Shanghai and this led the Council to apply the more serious rule of Article 15. That Article provides not merely for the prevention of a possible conflict, but for the stopping of a conflict which has definitely begun. The procedure under that Article is more rapid and efficient than under the votes of the parties

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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N.

-- 9 --

to the dispute are not needed. Mr. Sato who, to whose very skilful and tactful handling of a most difficult position I desire to pay a tribute, did not offer any final objection to our taking up the procedure under Article 15. The question naturally arose whether the Council should discriminate and decide whether a case brought before it was receiveable or not, or whether the procedure should function automatically. There is no doubt about Article 15. It is quite clear that even if the Council does not meet, it is provided that the Secretary-General shall automatically take certain steps if an appeal is made. We therefore felt it was our duty to carry out this essential point of the Covenant.

1588

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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-10-

Another question which was a rather more delicate one we discussed at great length, that is, once you start to deal with the question under Article 11, can you then take it up under Article 15? We decided that that was so, that Article 11 and Article 15 were merely two stages in the development of the same procedure. We had also on that point a definite precedent, and we had the opinion formerly given by a distinguished Committee of Jurists presided over by M. Adatci, who is now President of the International Court at the Hague. So we felt that an appeal under Article 15 should not prevent the Council continuing the procedure which had been undertaken under Article 11. We were inspired by the resolution of 1927 which was accepted by your Assembly with regard to the means of preventing war. The Assembly decided that that resolution should serve as a guidance for the Council in the future. Therefore the procedure under Article 15 it was decided should not prevent the Council continuing its former work. It must always be realised that if the Council are of opinion that there is not good and sufficient reason for an appeal the Council will not act and will leave the responsibility on the party making the appeal.

Twenty-four hours after the procedure under Article 15 had been begun, thanks to the kindness of the Great Powers who placed their representatives in Shanghai at our disposal, a Commission was organised on the spot and commenced to work under the League, actually in Shanghai. They obtained the collaboration of the representative of the

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-11-

United States - a short delay having been caused again because he had to refer to his Government, but his Government very generously consented to collaborate with us - and now the Assembly has been convened, and of course it will call on the representative of China <sup>and Japan</sup> /to state the case for their countries.

We are continuing to work as we did during the first phase, and are continuing to carry out the particular Articles of the Covenant.

There is one important Article of the Covenant to which I would draw your quite special attention, that is Article 10, under which the Members of the League undertake to respect and preserve against aggression the territorial integrity and existing political independence of Members of the League. Well, that is one of the primary duties of the League. It is for that reason it was put in a special Article by itself, I am glad to say we have had repeated assurances on that head, the sincerity and loyalty of which we are convinced. On October 24th and on January 25th we had quite definite assurances from one of the parties to the dispute that no interference with the territorial integrity or the existing political independence of any one was intended or contemplated, and that no such attempt would be made.

Therefore, you see the Council has carried out its duty under the Covenant of the League, and we have provided for the guarantees to be given, which the Covenant intended to provide for, under Article 10.

159

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

0.

-12-

If it is thought elsewhere that the problem we are discussing and dealing with should be solved in a different way, this <sup>will be</sup> a great chance for our enemies who have pointed out that there is a certain contradiction in our discussing in one place when there is a clash of arms in another. We feel the force of that but we intend to see this matter through and we trust that the League of Nations will come out of this difficult position even stronger than it was before.

We have recently managed to get accepted what had hitherto been refused. Last Saturday, Sir John Simon, delegate for Great Britain - and I desire to pay a public tribute to him and to his Government and to the British Admiral on the spot, -informed me of the results of a Conference held between the representatives of the parties to the dispute on the British flag-ship at Shanghai. He also told me that the United States had declared themselves prepared to associate in common action with the great Powers having special interests in Shanghai, and to join their authority to the moral force which this international community is exercising. I convened the Council on the 29th February, and Sir John Simon confirmed his information as to the negotiations with regard to the armistice and the assurances given by the Government of the United States.



P.

- 12a -

The main lines of the plan were adopted; that is to say, a Conference is to be immediately set up in Shanghai composed of the representatives of the Parties to the dispute and the representatives of the Great Powers having special interests in Shanghai. The Conference is to meet on the basis that Japan has no political or territorial designs and that no intention of establishing a Japanese Settlement in Shanghai or of otherwise advancing the exclusive interests of the Japanese; and that China enters the Conference on the basis that the safety and integrity of the International and French Settlements must be preserved under arrangements which will secure these areas and their residents from danger. The meeting of the Conference is subject to the making of local arrangements for a cessation of hostilities.

Owing to the great distance between Geneva and Shanghai, the Council felt that the details should be settled locally.

On the following day the Japanese delegate handed in the acceptance of his Government, and the same night the representative of China informed us that his Government was ready to accept, at once, subject to the cessation of hostilities and the conclusion of an armistice on the general lines laid down at the Conference on the British flagship. The two parties have therefore accepted the plan suggested by the Council; and the United States of America have also accepted it.

There are certain difficulties still concerning the exact manner in which hostilities should be terminated, but

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P.

- 13/14

these will have to be settled on the spot. If there is not yet a legal armistice concluded, there is at least a cessation of hostilities, for it was notified to me this morning that the Japanese offensive has ceased. The very fact that negotiations for an armistice are proceeding and that the plan has been accepted is a most hopeful sign.

You will see I have not endeavoured to exaggerate the better side of the position in any over-optimistic way, but I think I can say that this Assembly opens under circumstances much more favourable than those which existed when it was convened. It is a very serious step to convene an extraordinary session of the Assembly. Public opinion throughout the world looks towards us. I think that the masses of the peoples of the world have confidence in us, although I do admit that in certain circles there has been a feeling with respect to this Assembly similar to that of the man who always goes to the menagerie in the hope of seeing the lion-tamer eaten by his lions.

You have before you, therefore, an account of what the Council has done under Article XV. It is for you, gentlemen, to decide now what the League desires; but I trust you will bear me out when I say that the Council has maintained for you, for the League, and for the world, what is the most important thing in the world - honour.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

REPORT OF THE CHAIRMAN ON CREDENTIALS.

The CHAIRMAN (Interpretation): I call on the Chairman of the Credentials Committee, our Colleague, M. de Agüero y Bethancourt, to come and read his report.

H.E. M. Aristides de AGÜERO Y BETHANCOURT (Cuba)  
 (Interpretation): Mr. President, Ladies and Gentlemen, -  
 The Committee appointed by the Assembly to verify credentials of delegates met on March 3rd, 1932, in the President's room at a quarter past eleven. It elected me President and requested me to submit the report.

The Committee examined the documents submitted to it by the Secretary-General and noted that the following members are represented by Delegates holding either full powers conferred by the Head of the State or by the Minister for Foreign Affairs or letters or telegrams from the Ministers for Foreign Affairs, or, finally, letters from permanent representatives accredited to the League of Nations:-

Union of South Africa	India
Abyssinia	Irish Free State
Albania	Italy
Australia	Japan
Austria	Latvia
Belgium	Liberia
Bolivia	Lithuania
Bulgaria	Luxemburg
Canada	Mexico
Chile	Netherlands
China	New Zealand
Colombia	Norway
Cuba	Panama
Czechoslovakia	Persia
Denmark	Peru
Estonia	Poland
Finland	Portugal
France	Rumania
Germany	Salvador
Great Britain & Northern Ireland	Siam
Greece	Spain
Guatemala	Sweden
Haiti	Switzerland
Hungary	Uruguay
	Venezuela
	Yugoslavia

159  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 16 -

The Committee considers that the representatives of the above-mentioned Members are duly accredited.

The following countries have not up to the present submitted documents accrediting Delegates to the Assembly:-

Argentine Republic  
Dominican Republic  
Honduras  
Nicaragua  
Paraguay

The CHAIRMAN (Interpretation): May I thank the Chairman of our Credentials Committee for the assistance he has given us and above all for the speed with which he has enabled the Assembly to constitute itself.

I would ask whether there are any comments on this proposal.

As there are no comments, that Report is adopted, the Assembly is constituted, and we will now proceed to elect the President of this Extraordinary Session of the Assembly.

ELECTION OF THE PRESIDENT OF THE EXTRAORDINARY SESSION OF THE ASSEMBLY.

According to the Rules of Procedure, the vote is taken by secret ballot and by roll call. May I ask M. Rotta and M. Titulesco, both former Presidents of the Assembly, to act as tellers.

(The votes of the Delegations were taken in turn by Secret ballot).

0594

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

TU

- 170 -

The CHAIRMAN

Interpretation: The result of the voting is as follows:

Number of States voting	.. ..	47
Spoiled or blank voting papers	.. ..	0
Voting papers valid	.. ..	47
Majority required	.. ..	24

M. Paul Hymans has obtained 45 votes.

I therefore have the honour, in accordance with the Rules of Procedure, to announce that M. Hymans, first delegate of Belgium, is elected President of the present Extraordinary Session of the Assembly.

My task has been a hard one, but it gives me very great pleasure to welcome M. Hymans to the Presidency. I think this is a sign of the spirit in which the Assembly intends to do its work. As I have said previously, the attention of the world is fixed on us to-day, and the present Assembly has made a very good beginning by electing as its President one of our colleagues who, since the foundation of the League, when it has been dealing with very difficult problems, has contributed so much to its work by giving the valued collaboration of himself and his country.

I therefore call on M. Hymans to take the Chair of this present Extraordinary Session of the Assembly.

(M. Paul Hymans took the Presidential Chair).

1594  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

V  
- 18 -

The PRESIDENT (Interpretation): You have done a very great honour to my country and have bestowed on me the most precious mark of your confidence. The President of this Assembly has a very heavy task and we have a very great responsibility in our endeavours to re-establish agreement between two States Members of the League of Nations who are separated by a long-standing conflict.

I thank M. Bonecour for the very flattering manner in which he spoke to me - it was too flattering and I can but attribute it to our personal friendship. I cannot forget the first Assembly of the League over which I had the honour to preside in 1920. Then we were beginning our task amid hopes and amid scepticism. We were making a very daring endeavour to organise the association of States to ensure the reign of law and the respect of Treaties as is stated in the Preamble to the Covenant.

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

V.

LV.

This is the first time the Assembly has been called upon to carry out its duties under Article XV of the Covenant and to settle this very complicated dispute. There is, however, one ray of sunshine which gives us hope. We see that the Council, as its President has just reminded you, has voted a definite plan for arrangement and negotiation which we hope will enable us to settle one side of this dispute, which is really the most painful of all. Great anxiety has been aroused throughout the world, but we trust that the cessation of hostilities will now be amenable to negotiations. As President of the Assembly, and as a national of a country which holds that respect for treaties is the very foundation of international life, I will work with you in order to endeavour to find a means of settling once and for all this most unfortunate dispute and to ensure that that peace and law shall once more reign throughout the world.

We have some questions of procedure to settle this morning, but first may I make a general remark with regard to the rules of procedure.

This Assembly is one of a special character, and therefore it is possible that we may not think fit to apply all the provisions of the rules of procedure which, of course, were drawn up in view of the ordinary Annual Assembly. If there is any exception to the ordinary rules of procedure which I think desirable, I shall of course consult the bureau, and then the Assembly will remain sovereign to decide as it thinks fit.

#### ELECTION OF THE VICE-PRESIDENTS OF THE ASSEMBLY.

The PRESIDENT (Interpretation) : We have now to elect the Vice-Presidents of the Assembly, and I have first to suggest that we should make an exception to the letter of the rules of procedure.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

W.

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Under the general rule with regard to methods of procedure, the Assembly has always elected six Vice-Presidents, but I think it will be desirable in this case, where more important decisions are to be taken, that the number should be increased, and I suggest that we elect eight Vice-Presidents. Should the Assembly think fit to set up one or more Committees, the Chairmen of those committees would automatically become members of the bureau.

Has anyone any objection to the proposal I have just made that we raise the number of Vice-Presidents to eight? If no objection is made, I shall take that proposal as accepted.

The proposal was adopted.



- 21 -

The PRESIDENT (Interpretation): We will proceed immediately to the election of the 8 Vice-Presidents.

There is one communication I would like to make. The Chinese and Japanese delegations have spontaneously informed me of the fact that they do not desire to be candidates for the posts of Vice-Presidents. I am sure you will understand the delicate circumstances which have led them to take that decision.

I request His Excellency M. Pflügl, delegate for Austria, and M. Mayard, delegate for Haiti, to act as tellers.

One more remark, gentlemen. You are now voting by ballot and roll call and your voting papers should contain the names of eight persons, not countries.

The votes of the delegations were taken in turn by secret ballot.

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

92.

-22-

The PRESIDENT (Interpretation): The results of the election are as follows:-

Number of States voting	47
Spoiled or blank papers	0
Number of valid voting papers	47
Majority required	24

The following are the number of votes obtained:

M. PAUL-BONCOUR (France)	45
M. MOTTA (Switzerland)	44
M. RAHEL (Sweden)	43
Sir John SIMON (British Empire)	43
M. GRANDI (Italy)	40
M. ORTEGA (Mexico)	39
M. BRUNING (Germany)	37
M. SEPAHBODI (Persia)	36

I declare those gentlemen elected Vice-Presidents of this Assembly. The results of the election will, of course, be published in the Official Journal.

ANNOUNCEMENT BY THE PRESIDENT.

I would ask my colleagues of the Bureau to meet here this afternoon at 3.30 in the President's room in this building.

At 4.30 there will be a Public Meeting of this Assembly to hear the representatives of China and Japan.

The Assembly rose at 1.30 p.m.

160

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

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VERBATIM REPORT

of the

SECOND MEETING

Held at Geneva, Thursday, March 3rd, 1932, at 4.30 p.m.

PRESIDENT: M. Paul HUNZLI.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

A.

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE  
OF ARTICLE 15 OF THE COVENANT

Communication by the President

THE PRESIDENT:

Interpretation: The Bureau of the Assembly has met and has considered certain preliminary questions of procedure. The Bureau suggests that the Assembly during its Plenary Meeting this afternoon should first hear the statement of the Delegate of China - which country took the initiative of requesting the convening of this Extraordinary Session of the Assembly - and then we will call on the Japanese Delegation in order to hear what they have to say. After the Assembly has heard the parties to this dispute, I will call to the platform those other Delegates who hand in their names and state that they are desirous to speak. They will speak in the order in which they hand in their names. Nevertheless, the Bureau thought that representatives of the parties to the dispute, and the President of the Council and the Members of the Council might have preference should they desire to give any explanation.

The Bureau also considered the question of setting up a General Committee of the Conference, <sup>and</sup> the Bureau decided to propose to the Assembly to set up a General Committee of the Assembly on which all delegations would be represented. This Committee would have before it on its Agenda the whole question which appears on the Agenda of this special Session today, and would report to the Assembly.

That is the first proposal I have to lay before you before we pass to our discussion. Are there any comments on that proposal? If there is no opposition I shall regard the proposal as accepted.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

A.

-1a-

(The proposal was accepted).

We will inform you later of the date and the time  
at which the General Committee will meet.

0604

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

STATEMENT BY THE CHINESE DELEGATION.

The PRESIDENT:

Interpretation: I will call upon Dr. W.W. Yen,  
first delegate of China, to address the Assembly.

Dr. W.W. YEN (China): Mr. President, ladies and gentlemen: I regret that I must begin by announcing that the negotiations at Shanghai for an armistice have broken down, as my Government reported to the League of Nations this morning. Those negotiations, as you will perhaps recall, commenced on February 28th on the British flagship "Kent", and resulted in certain proposals based on the principle of simultaneous and mutual evacuation. They were accepted by my Government the next day. The Japanese Government gave no reply, but, on the contrary, landed heavy reinforcements in the International Settlement and elsewhere and launched a big offensive on March 1st. This offensive led to our troops retreating in good order to our second line of defence, partly to prevent them being encircled and pressed back on the International Settlement by the reinforced Japanese troops and partly because we believed that the basis for an armistice agreed on between the parties, with the help of Admiral Kelly, and reported to the Council by the British representative, would be accepted by the Japanese Government as it had been by us. Instead, the Japanese Government, on the evening of March 2nd, communicated to Admiral Kelly terms that were a flat rejection of the principle on which the agreed proposals were based. I will read these terms to you:

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

F.

- 3 -

Basic Conditions of Immediate Cessation of Hostilities:

1. Should China give assurance for withdrawal of her troops to a certain distance from Shanghai (distance to be determined by Japanese and Chinese authorities) Japan will agree to cessation of hostilities for a certain period (to be agreed upon between Japanese and Chinese authorities), and pending subsequent arrangements, Japanese and Chinese forces shall hold their respective positions. Details relating to cessation of hostilities shall be arranged by the Japanese and Chinese military authorities.
2. During the period of cessation of hostilities, a round table conference between Japan and China shall be held at Shanghai in which representatives of the principal Powers interested shall discuss with a view to reaching an agreement upon methods for withdrawal of both the Chinese and Japanese forces on such terms as are set out in the following paragraph, together with measures for the restoration and maintenance of peace and order in and around Shanghai and for the safeguarding of the International Settlement and the French Concession in Shanghai and foreign lives, property and interests therein.

The next paragraph is the important one.

3. The withdrawal of troops shall be commenced by Chinese troops (including plain clothes gunmen) to a specified distance and upon ascertaining the withdrawal of the Chinese forces, the Japanese forces will withdraw to the Shanghai and Woosung areas. (both of which are Chinese territory).
4. Should either of the parties infringe any of the terms of the cessation of hostilities, the other party shall have freedom of action. Both parties have the same freedom of action upon the expiration of the period agreed upon under paragraph 1.

In other words, if any alien provocateur should fire a shot the armistice would immediately come to an end.

As you see these are the terms of a conqueror to a vanquished country. My Government could do nothing but reject them, for my country will never agree to terms that are tantamount to surrender. Nor can any Member of the League, and least of all the League's supreme authority, the Assembly, condone proposals that do not provide for the withdrawal of the forces of an invader.

0601

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

C.

- 4 -

Permit me here to read to you another telegram which has just come to hand from the Vice-President of our Council of Ministers, dated Shanghai, March 3rd, 9 p.m.

"Contrary to understanding reached on board "Kent" Japanese forces instead of withdrawing from their original lines to Settlement and extra Settlement roads have invaded Chapei and pushed forward to Chanju and beyond. This is another proof Japanese deliberate aggression although Japanese have announced intention to cease hostilities. We demand they should evacuate areas they have occupied by taking undue advantage Chinese withdrawal and withdraw to Settlement and extra Settlement roads. Until this done we cannot enter negotiations or join any Conference in face military coercion. Advance of Japanese forces and their occupation of area evacuated by Chinese again invites clashes between the two forces because of their proximity.

(Signed) T. V. Soong."

The Japanese Delegation have circulated a statement to the effect that the Japanese forces have received orders to advance no further, and it is being explained that as they have now achieved their objective they will this time really cease advancing, at least for the present, and unless they consider an advance necessary in self-defence.

Unhappily the latest news received by me reports further fighting and further Japanese advances, even beyond the limit at which we were assured the Japanese forces would stop.

Here are the telegrams:

"A portion of the garrison at the Woosung Forts has been ordered to hold out to the last minute, although the main body has been ordered to withdraw to the second line of defence. Woosung is now completely surrounded and the Japanese are fiercely bombarding it on all sides. Fate of the remaining garrison is sealed as all the guns have been put out of action. Severe fighting is in progress near Nansiang (a city on the Shanghai-Nanking Railway, about one mile west of Shanghai). Our rear-guards are staging frequent counter-attacks to cover the retirement. Japanese troops are planning to press beyond the 20 kilometre line. Several Red Cross units proceeding from the Settlement to bring in the wounded soldiers were fired upon by Japanese troops and were forced to turn back."



160

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

X  
C

- 5 -

Here is another telegram from Shanghai dated March 3rd;--

"The Mixed Brigade placed under the orders of General Shimoto has occupied Nanziang at 8 o'clock this morning. (That is, to-day). The 11th Division advances towards the city of Ka-ding. Chinese forces have evacuated Chenju."

So I say that the Armistice negotiations have therefore broken down, thereby nullifying the Council's proposal of February 29th based on the acceptance and carrying out of an Armistice. Hostilities continue. I therefore have the honour to request the Assembly as its most urgent task under Article 15 of the Covenant, to endeavour to establish an Armistice between the parties on the basis of the principle resulting from the discussion on the British flagship "Kent" and reported by the British Representative to the Council and in conformity with the provisions of the Covenant.

0808

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F.

-6-

Mr. President, Ladies and Gentlemen, I come before you in the name of a great people at one of the most tragic and critical moments in its long history. China is here staking her national existence on the justice and the wisdom of some <sup>five</sup> fifty nations represented in this unique assembly.

Not unmindful of my own high duty and grave responsibility, I shall try to tell you in simple and direct language what China's position is and why she has appealed to the League of Nations. At the very inception of the conflict which is taking place on her territory, China put her case in the hands of the League of Nations and agreed to accept whatever measures the Council might take for a peaceful settlement with Japan. This fact is expressly emphasised by the members of the Council other than the parties to the dispute in their appeal addressed to the Japanese Government on February 17th, 1932.

I should not be true to my own feelings and those of my countrymen if I failed at the very outset to pay a sincere tribute to the earnest and conscientious attention which the members of the Council have given to this problem during the past five and a half months. They have been untiring in their devotion to the task; and my predecessor, Dr. Sze, and I have at all times received the utmost consideration at their hands.

The proceedings were in the first instance based upon Article XI of the Covenant. As time passed, and the situation developed through successive phases of steadily

F.

-7-

increasing gravity, China was constrained to invoke in addition Articles X and XV. This step, taken on January 29th, not only strengthened the hands of the Council but also led naturally and more or less inevitably to the reference to this Assembly. You will have observed that Article XV prescribes a limit of 14 days for such action by a party to the dispute. Since it became more and more apparent that the issues involved are so momentous and so vitally concern every party to the Covenant, and not merely those Governments represented in the Council, the necessity for bringing the maximum authority of the League of Nations to bear could not be ignored. China, therefore, on February 12th, requested that the Assembly be convened indicating at the same time her willingness to withdraw her request, if the Council itself intended to act in that sense. For China to permit this right secured to her by the Covenant to lapse did not seem consistent either with the urgency of her own situation or with due regard for the obviously vital interest which other nations have in the maintenance of the principles underlying the whole controversy.

In presenting China's case I shall endeavour to repress my own emotional reactions to what is actually going on in my country. This is no time for bitterness and recrimination. My purpose is to lay before you, as objectively as I can, the fundamental considerations and facts as to which there can be no real dispute. Many pertinent details which I cannot stress in this oral statement will be found in the written statement filed by

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

F.

-8-

me and in the records at your disposal.

Nor can I hope here to deal adequately with the historical background which is so necessary to a proper understanding of the scope and significance of the present Japanese aggression. That, too, is described - I fear all too hastily and - completely - in the written statement.

Let us proceed at once to the essentials.

Both China and Japan have been Members of the League since it was founded, the only difference being that Japan has a permanent seat on the Council, while China has not.

G.

- 9 -

China was, however, elected to the Council as late as September 1931. Until the recent events, these two nations had been at peace with each other. That does not mean that there had not been differences, but the point is that when Japan, without any declaration of war or other warning, launched her attack on the night of September 18th, 1931, there was a state of profound peace between them.

Since then Japanese forces have been operating continuously on Chinese territory. Provinces comprising 200,000 square miles in area have been violently subjected to military occupation, Nanking, the capital of China, has been bombarded and the city of Shanghai, the most important sea-port and commercial centre of China and of the Far East has been made the scene of armed conflict on a scale not experienced since the World War.

On the night of September 18th, 1931, then, Japan announced that a section of the South Manchurian Railway, altogether two metres in length, had been destroyed by the Chinese soldiers. Of course, it was only a disingenuous pretext. One does not on such trivial grounds suddenly move armies with all the indications of premeditation and long preparation. Regular Japanese soldiers immediately opened rifle and artillery fire upon the Chinese soldiers at or near the city of Mukden, bombarded the arsenal and barracks, set fire to the ammunition depot, disarmed the Chinese troops in Changchun, Kwanchungtse and other places, and later took military possession of the cities of Mukden and Antung, and other places and of the public buildings therein. All this took place smoothly and swiftly in an incredibly short space of time, manifestly pursuant to a carefully planned scheme of invasion of Chinese territory. Within

761  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

G.

-- 10 --

forty-eight hours, Japanese troops had taken possession and were in effective control of an area as large as the British Isles.

To these acts of violence, the Chinese soldiers, acting under instructions from the Chinese Government, made no resistance and refrained from conduct which might in any way aggravate the situation. On the contrary, not oblivious of its obligations under the Covenant of the League of Nations, the Chinese Government, on September 21st, last, brought the matter to the attention of the Council and requested that in pursuance of authority given to it by Article 11 of the Covenant, the Council take immediate steps to prevent the further development of a situation endangering the peace of nations; to re-establish the status quo ante; and to determine the amount and character of such reparations as might be found due to the Republic of China. The Chinese Government also stated that it was fully prepared to act in conformity with whatever recommendations it might receive from the Council and to abide by whatever decisions the League of Nations might take in the premises.

After many days' earnest deliberation, the Council, on September 30th, unanimously adopted its first resolution.

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This Resolution on its face noted the specific assurances of Japan that she had no territorial designs in Manchuria; that the withdrawal within the railway zone of her troops, which had already begun, would continue as rapidly as possible, consistent with the safety of Japanese nationals; and that Japan would take all necessary steps to prevent any extension of the scope of the incident or aggravate the situation. This was all based upon written and oral statements of the Japanese Representative. On September 24, he addressed to the Council the following communication:

"The Japanese Government desires to state that it has withdrawn the greater part of its forces to the railway zone and that they are concentrated there. Outside that zone, only a few troops are, as a precautionary measure, quartered in the town of Mukden and at Kirin, and a small number of soldiers have been placed at certain points, these measures not constituting any military occupation.

"The Japanese forces are being withdrawn to the fullest extent which is at present allowed by the maintenance of the safety of Japanese nationals and the protection of the railways. The Japanese Government, which intends to withdraw its troops to the railway zone in proportion as the situation improves, feel confident that the Council will, in this matter, trust the sincerity of its attitude."

On September 29, the President of the Council reported to the Assembly (then in session) as follows:

"I only wish to allude to several essential points: Firstly, the affirmation of the Japanese Government and by its Representative that it never had or will have any intention of occupying Manchuria militarily; secondly, the fact that the Japanese Government has on several occasions insisted before the Council on its intention to withdraw as soon as possible the Japanese forces to within the railway zone gradually as the safety of its nationals and their property is effectively guaranteed; thirdly, the fact that this intention has, according to the declaration made yesterday to the Council by the Japanese Representative, been, during the last two days, translated into definite action and that outside the railway zone Japanese troops are only stationed in a few localities. "

The assurances given by the Japanese Government were far from corresponding to the actions of the Japanese militarists before or following the adoption of the September 30 Resolution. On September 24, Japanese military planes went to Chinchow and dropped

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12.

four bombs; to Koupangtze, on the Peking-Hukden line, and dropped two bombs; to Tungliao and dropped two bombs, destroying the electric light plant. On the same day, Taonanfu, a city northwest of Changchun, was occupied by Japanese troops. On September 27, six trainloads of Japanese soldiers arrived at Kirin. This is proof that the Japanese were not withdrawing at all.

After the adoption of the Resolution, the record is as follows:

On October 8, twelve Japanese planes circled over Chinchow and dropped thirty-six bombs. They also dropped leaflets calling upon the population to submit to Japanese rule on the threat of ruthless destruction of the city. Chinchow is about 130 miles southwest of Hukden. On October 14, five trainloads of Japanese troops proceeded from Hsinnin toward Chinchow. On October 15, more bombs were dropped at Chinchow. On October 17, Japanese armoured trains arrived at Tungliao.

It is impracticable to list all these items for the period in question. Incidents of like nature were of almost hourly occurrence throughout Manchuria. The Japanese planes were especially active in reconnoitering and dropping bombs, with the evident purpose of terrorizing the population and preparing the way for the extension of the occupation. Instead of withdrawing their troops to the railway areas as speedily as possible, the Council was informed by the Chinese Delegate on October 20 that the Japanese Army was feverishly consolidating its hold on all the principal towns of Manchuria, outside the railway zone, northward including Kirin, and Taonan, from Korea on the east to Mongolia on the west. They were trying to induce the Mongolian princes to sign away their rights and to set up an independent government under Japanese protection. The Japanese army was rooting out at all centres the Chinese civil authorities, who were offering no resistance, and was forcing unwilling Chinese individuals to organize puppet governments in all the main areas. The



0611

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

H

13.

Japanese soldiers openly refused to recognize the Chinese national and local authorities in Manchuria. They seized the reserves and deposits of the larger Chinese bankers, the records of corporations and large quantities of both military and industrial supplies. They hastily extended their telegraph and power plants, cutting out the Chinese service. They seized the Chinese short wave and other radio plants and the Chinese telegraph and telephone systems; they opened mail in the Chinese post offices, including private letters of Europeans. On October 13, they seized the Peking-Mukden Railway outside the Great Wall. On October 14, they seized the Chinese mining administration, throwing 15,000 men out of employment.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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In view of these developments which were diametrically opposed to that the resolution of September 30th enjoined, the Council met again on October 13th, one day earlier than was scheduled, on account of the gravity of the situation. The outcome of its deliberations was its draft resolution of October 24th. This Draft Resolution reminded both the Chinese and Japanese Governments of the undertakings given to the Council by them, as contained <sup>in</sup> the resolution of September 30th, repeated the Japanese statement that Japan had no territorial designs in Manchuria; and called upon the Japanese Government to begin immediately and proceed progressively to the withdrawal of its troops into the railway zone. The total withdrawal was to be effected before the date fixed for the next meeting of the Council, viz: November 18th. It called upon the Chinese Government for the execution of its general pledge to assume the responsibility for the safety of the lives and property of all Japanese subjects resident in Manchuria; and to make such arrangements for taking over the territory evacuated as would ensure the safety of the lives and property of the Japanese subjects there.

The Resolution also recommended that the Chinese and Japanese Governments should immediately appoint representatives to arrange the details of the execution of all measures relating to the evacuation and the taking over of the evacuated territory so that they might proceed smoothly and without delay; and that as soon as the evacuation was completed the two governments should begin direct negotiations on questions outstanding between them, for which purpose the Council suggested that the two parties should set up a conciliatory committee or some such permanent machinery.

This Draft Resolution was "adopted unanimously minus one vote" with the representatives of the British Empire, China, France, Germany, Guatemala, the Irish Free State, Italy, Norway, Panama, Peru, Poland, Spain and Yugoslavia assenting, and Japan alone dissenting.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 15 -

I.

The Draft Resolution of October 24th may have only a moral force because of the lack of unanimity, but from the juridical standpoint, as expressed by M. Briand in his reply of October 29th to the Japanese note, "we still have before us ... a valid resolution namely, that which was unanimously adopted on September 30th, and which retains its full executory force."

Meanwhile, the Japanese army was steadily extending and consolidating its illegal occupation. The disruption of the Chinese administrative officers was followed by the setting up of puppet governments under Japanese control; Japanese advisers and controllers in banks, commercial enterprisers, municipal administrations and private and public institutions of every kind; the salt revenues were seized by Japanese soldiers and made over to these puppet governments thus effecting the international loans secured thereon; Chinese owned coalmines were occupied and the land registers and title deeds found in the archives of the provincial capitals were falsified or destroyed on a large scale so as to make over the land to Japanese subjects. The opening of the November Council meeting practically coincided with the taking of Tsitsihar, the capital of Heilungkiang, the northernmost of the north-eastern provinces north of the Chinese Eastern Railway and hundreds of miles from the nearest point on the South Manchuria Line. This was done despite the pledges which the Japanese Government gave to the governments of the United States, Great Britain and France, that Tsitsihar could not be attacked.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 15a -

J

In view of the gravity of the situation, the Council met again on November 16th, as scheduled in the Resolution of October 24th. The Resolution of December 10th, to which both China and Japan gave their concurrence, re-affirmed the resolution of September 30th, 1931, and called upon the Chinese and Japanese Governments to take all steps necessary to assure its execution so that the withdrawal of the Japanese troops within the railway zone might be effected as speedily as possible under the conditions set forth in the said resolution. By virtue of the December 10th Resolution, a Commission of five Members to be assisted by one Chinese and one Japanese assessor, was appointed to study on the spot and to report to the Council on any circumstances which affecting international relations threatened to disturb peace between China and Japan, or the good understanding between them, upon which peace depended. This programme in its letter as well as in its spirit provided, as M. Briand, the President, said, for action on two separate lines; First, to put an end to the immediate threat to peace; second, to facilitate the final solution to the dispute.

As to what extent Japan abided by the Resolution just adopted, the subsequent events speak for themselves. Japanese troops were not only not progressively withdrawn, - they progressively advanced. Despite the assurances given to the Governments of the United States, Great Britain and France that Japan would not go to Chin-chow, the provisional seat of the Mukden Government, that city was nevertheless taken on January 2, and thus, in the words of Mr. Stimson, the American Secretary of State, "the last remaining administrative authority of the Government of the Chinese Republic in South Manchuria, as it existed prior to September 18th, 1931, has been destroyed." The American Government was thereupon constrained to declare that "it cannot admit the legality of any

0619  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

J - 15b -

situation de facto nor does it intend to recognise any treaty or agreement entered into between those governments or agents thereof which may impair treaty rights of the United States or its citizens in China including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or the international police relative to China commonly known as "The Open Door Policy"; and that it does not intend to recognise any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan as well as the United States are parties."

To this note, the Chinese Government immediately replied that "basing its position on its sovereignty and independence and on the principles of territorial and administrative integrity, it has absolutely no intention of concluding any treaties or agreements of the categories described" in the American note.

The Council in its turn supported the Chinese and American point of view in the declaration read by the President on January 29, 1932, in the name of all the Governments Members of the Council except the parties, that "a settlement of the difficulties between the two Governments, Members of the League of Nations, could not be sought in arrangements inconsistent with international obligations, more especially those arising out of Article X of the Covenant, by which they had undertaken to respect the territorial integrity and political independence of all Members of the League." The Statement concluded by saying "it would be impossible for the League to endorse a settlement secured by means contrary to the obligations above referred to."

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-16-

The Chinese Government understands this declaration to mean that the Members of the Council consider it would be a violation of Article IX, paragraph 1, of the Covenant, to recognize any arrangement which violates Article X of the Covenant or Article 1 of the Nine Power Treaty. Article XX, paragraph 1, reads:

- "1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof."

The crowning act in the Japanese invasion of Chinese territory was the attack and bombardment by the Japanese Army and Navy of the Chinese city of Shanghai and of Nanjing, the Capital of China, on the eve of the Disarmament Conference, amid circumstances of barbarity and horror too well remembered to need repetition. At Shanghai, as at Mukden, the immediate pretext was a comparatively small incident. A Japanese monk was killed in a street brawl. Regrettably, of course, but hardly a justification for sending 40 warships and 60,000 men to subdue a city of 2,000,000 inhabitants - the commercial metropolis of the Orient. This final act of aggression reinforced the idea of the Chinese Government that it was necessary, in addition to Article XII to invoke Articles X and XV of the Covenant.

By the powers vested in it under Article XV, the Council immediately authorized its Secretary-General to make all necessary arrangements for a full investigation and consideration of the problem. A Committee of Enquiry was

162

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

K.

-17-

forthwith appointed, composed of the representatives at Shanghai of some of its members, to report on the circumstances and nature of the Japanese attack. The Committee has since made several reports which are before you. That the situation was extremely grave may be gauged from the words of Mr. Thomas, the British Delegate, at the Council Meeting on February 2, when he said:

"His Majesty's Government in the United Kingdom feels it is impossible that the present situation in the Far East should be allowed to continue. Every day brings news of some fresh incident of the utmost gravity. Fighting over a wide area is practically continuous. Shanghai is the scene of a series of conflicts in which rifles and machine guns, artillery and aeroplanes are taking part. War in everything but name is in progress."

He went on to state that the British and American Governments, with which the French, Italian and German Governments associated themselves, were presenting to China and Japan a formal request, to wit:

- "(1) That all acts of violence and preparations for hostilities shall be brought to an end;
- (2) That in the Shanghai area both sides shall withdraw their troops and that as a further protection to the International Settlement a neutral zone shall be arranged; and
- (3) That negotiations shall then be immediately begun to settle outstanding differences in the spirit of the Pact of Paris and the Council Resolution of the 9th of December last".

L.

- 18 -

China forthwith accepted these proposals in toto. Japan rejected them in all their essential features.

According to the Second Report of the Shanghai Committee:

"Since 3rd February a state of open war exists, any pretence of a truce being abandoned. Firing continues intermittently, both in the Chapai and Woosung area, with the use of artillery and, on the side of the Japanese, by aerial bombardment. The offensive is entirely in the hands of the Japanese whose declared object is to capture the Woosung forts and drive all the Chinese troops a considerable distance from Shanghai."

Thereupon, the Members of the Council other than the parties to the dispute were moved on February 17th, 1932, "to make a pressing appeal to the Government of Japan to recognize the very special responsibilities for forbearance and restraint which devolve upon it in the present conflict, in virtue of the position of Japan as a Member of the League of Nations and a Permanent Members of its Council ..... Japan has an incalculable responsibility before the public opinion of the world to be just and restrained in her relations with China. She has already acknowledged this responsibility in most solemn terms by becoming one of the signatories to the Nine Power Treaty of 1922 whereby the contracting Powers expressly agreed to respect the sovereignty, the independence and the territorial and administrative integrity of China. The Twelve Members of the Council appeal to Japan's high sense of honour to recognize the obligations of her special position and of the confidence which the nations have placed in her as a partner in the organization and maintenance of peace."

Japan answered this earnest appeal on the part of the Twelve Members of the Council with an ultimatum to the Chinese authorities, which was delivered on the very next day at 9.0 p.m.



L.

- 19 -

(February 18th), demanding the complete evacuation of Chinese troops by 7.0 a.m., February 20th., from their first lines, and the complete evacuation by 5.0 p.m. the same day to a depth of twenty kilometres beyond the boundaries of the International Settlement; the permanent dismantling of the Woosung forts and all the other fortifications and military works in the evacuated areas; failing which the Japanese commander would take necessary action.

On the eve of the battle, the 19th. February, the Council met to consider the Japanese ultimatum and made a last minute appeal to the Japanese Government in the following stirring words of M. Paul Boncour, the President:

"You (the Japanese Representative) have told us that as soon as the Japanese have, by the operations now impending, ensured the security of their nationals, there will be no question of their remaining on the ground won by their troops. That being so, I ask, and with a sincerity and emotion which you will certainly find in my words, whether there is not an appalling inconsistency between your freedom from territorial interests and the fact that a battle is about to be joined and that the field will be strewn with dead, whereas, whatever the outcome, it follows from your quite unambiguous statement, that the Japanese will evacuate the field as soon as they have achieved their object.

"You pointed out, briefly, but perfectly clearly, the method by which hostilities could be prevented. You said that as soon as the fighting was over, neutral forces could easily guarantee order in the neutral zone between the two parties, thus assuring the safety of both.

"In these circumstances I wonder whether, in order to avert the impending struggle, it would not be possible to agree at once upon a solution which would be put into effect later.....

"If you could prevent the ultimatum expiring within a few hours, what an example you would have given, what a service you would have rendered to the League! In the simplest possible words, I beg you to do so with a conviction which you certainly cannot fail to realise."

0 6 2 4

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 20 -

L.

This appeal also fell on deaf ears. In the words of the Third Report of the Shanghai Committee:

"During the night, February 19th - February 20th, Japanese reinforcements were moved from their base in the International Settlement to the Japanese lines, and after preliminary reconnaissance which satisfied the Japanese that the Chinese had not evacuated their lines in conformity with the demand, the Japanese opened attack February 20th at 7.30 a.m. in the Kiangwan and Woosung areas. Hostilities continued whole day."

This was the situation in Shanghai up to February 20th. The war continued with increasing severity, and the havoc which the Japanese Army and Navy has wrought to the Chinese towns and villages in its path surpasses description. In these conditions, China in defence of her people and her territory has been compelled to adopt measures of resistance. The fight which our soldiers have put up, and the courage and bravery with which they have set out to meet invaders with vastly superior armaments must command our admiration. Failing to break through the Chinese lines, the Japanese called for reinforcements which, when they arrived, put the total of Japanese force to somewhere around one hundred thousand strong in Shanghai alone. In this connection, I cannot help mentioning the fact that notwithstanding the vigorous protests of the neutral Powers, since January 28th the Japanese have continuously made use of the International Settlement as a base for the landing of troops and operations against the Chinese forces, thereby placing our troops in an extremely disadvantageous position.

162

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

M

- 21 -

For we cannot very well attack the invaders without at the same time endangering to a certain extent the safety of the Settlement. I cannot but solemnly declare therefore that should the safety of the Settlement be affected, the Chinese Government cannot be held responsible.

In Manchuria also, the developments of the past few days cannot fail to instill the gravest apprehension. The Japanese have now penetrated as far northward as Harbin, where the interests of another Great Power are involved, thus complicating an already delicate situation. The independence movement, or what Mr. Sato, the Delegate of Japan on the Council, described as the "Manchuria for the Manchus" movement, has made itself felt in the proclamation of a Republic which, as the Japanese Delegate said, has the support of the Japanese Government. This again is contrary to the oft-repeated territorial disinterestedness of the Japanese Government; and to the assurances given by it to our Minister in Tokyo last October that the Japanese Government had strictly forbidden Japanese nationals to lead, encourage or participate in any plan for an independent Government movement on the part of the Chinese. The Chinese Government was obliged to declare on February 22 that any usurpation or interference with the administration therein constitutes direct impairment of China's territorial and administrative integrity .... that it will not recognise the secession or independence of the Three Eastern Provinces or any part thereof or any administration which may be organised therein without its authority and consent."

The foregoing recital of events is founded upon the official records in the proceedings before the Council. Whatever may be said of some of the minor details, the fundamental features of the

0628

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

M

- 22 -

situation are incontrovertible. Let me recapitulate:

1. The defiance of the Council by Japan is plain. That the Resolutions of September 30 and December 10th joined in by the Japanese Government have been absolutely nullified by Japan's military forces appears with axiomatic certainty.

2. Nor is there any room for doubt that the Covenant has been violated. If the forcible seizure of 200,000 square miles of territory and the despatch of an army of 100,000 men to Shanghai do not constitute external aggression, where are the limits to action which can be called non-aggressive under the Covenant? Why did the 12 Members of the Council in their appeal to Japan bring to her particular attention Article 10, if they did not consider that it applies?

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Let me read to you Article X.

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled."

Does the undertaking to submit all disputes to arbitration or judicial settlement, as provided in the Covenant have any meaning? Paragraph 1 of Article XIII reads:

"The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to inquiry by the Council; and they agree in no case to resort to war until three months after the award by the arbitrators or judicial decision, or the report by the Council."

In the very early days of the controversy before the Council, China spread upon the records of the League a written offer to settle all her disputes with Japan by arbitration or judicial settlement in accordance with the terms of the Covenant. When the question was again raised orally by me at the Council meeting of January 29, my Japanese colleague replied as follows:

"The Chinese delegate has stated that Japan has never submitted this conflict to arbitration or to pacific settlement, as is required in accordance with Article XIII. That is perfectly true; but it is a well-known fact that Japan is not prepared to accept arbitration with every country irrespectively."

Here is a direct defiance of the Covenant by a formal refusal to arbitrate.

In the appeal of the Twelve Members of the Council it was said:

"They (the Twelve Members) cannot but regret, however, that she (Japan) has not found it possible to make full use of the methods of pacific settlement provided in the Covenant and recall once again the solemn undertakings of the Pact of Paris that the solution of international disputes shall never be sought by other than peaceful means. They cannot but recognise that, from the beginning of the conflict which is taking place in her territory, China has put her case in the hands of the League and agreed to its proposals for a peaceful settlement."

3. That Japan by refusing to arbitrate, and by resorting to war, has violated the Pact of Paris goes without saying. The Pact says:

N.

24.

"Article 1. The High Contracting Parties solemnly declare in the name of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

"Article 2. The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

4. The violation of the Nine Power Treaty cannot be a matter of indifference to the League which in the Preamble to its Covenant has bound its Members to "a scrupulous respect for all treaty obligations" in their dealings with one another. I venture to remind you of the provisions of that treaty which Japan signed. Article 1 of the Nine Power Treaty provides that the High Contracting Parties other than China agreed:

- "1. to respect the sovereignty, the independence and the territorial and administrative integrity of China;
- "2. to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;
- "3. to use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;
- "4. to refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States and from countenancing action inimical to the security of such States."

O.

- 25 -

The American Secretary of State, in his letter to Senator Borah, Chairman of the Foreign Relations Committee of the United States Senate, dated February 25, said:

"It must be remembered also that this treaty was one of several treaties and agreements entered into at the Washington Conference by the various Powers concerned, all of which were inter-related and inter-dependent. No one of these treaties can be disregarded without disturbing the general understanding and equilibrium which were intended to be accomplished and effected by the group of agreements arrived at in their entirety.

The Washington Conference was essentially a Disarmament Conference aimed to promote the possibility of peace in the world not only through the cessation of competition in naval armaments but also by the solution of various other disturbing problems which threatened the peace of the world, particularly in the Far East. These problems were all inter-related. The willingness of the American Government to surrender its then commanding lead in battle-ship construction and to leave its position at Guam and in the Philippines without further fortification was predicated upon, the self-denying covenants contained in the Nine Power Treaty which assured the nations of the world not only of equal opportunity for their Eastern trade but also against the military aggrandizement of any other Power at the expense of China. One cannot discuss the possibility of modifying or abrogating those provisions of the Nine Power Treaty without considering at the same time the other promises upon which they were really dependent."

This, in brief, is my country's case before the Assembly. At this very moment of our deliberations, a Chinese territory as large as France and Germany combined is under the iron heel of the invader. Nanking, the Capital of my country, has been bombarded for no reason whatsoever. Shanghai, the metropolis of the Far East, has been under the incessant shower of the enemy's bombs and shells. Places where stood busy thoroughfares and magnificent

1630

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

1

0.

- 26 -

buildings have been demolished by the Japanese artillery and aerial raids and reduced to a heap of ruins. Villages and towns have been subjected to the most violent bombings from the air, as witness the latest Japanese expeditions to Soochow and Hangchow upon which tons of explosives were dropped, taking a toll of over seven thousand civilian lives, which cannot but shock the conscience of the civilized world. In truth, the Japanese have been making an undeclared war against China, exploiting all the advantages of war without assuming any of its obligations.

I am coming to the end of my discourse. Where do we stand? We should be closing our eyes to the realities if we did not frankly admit that until now collective mediation has failed. The Council has pleaded in vain for the cessation of hostilities and withdrawal of the invading forces. It has accepted promises and seen them broken, one after another. It has appealed to Japan's sense of national honor. It has joined the United States in declaring that any situation de facto brought about by means contrary to the Covenant, the Pact of Paris and the Nine Power Treaty cannot gain legal recognition. None of these measures has had the slightest effect. Japan's attitude is precisely as intransigent as it was in the beginning. Her official declaration, delivered only a few days ago in reply to the appeal of the Twelve Members of the Council, embodies a flat refusal to brook any interference on their part. She there announced that she was under no legal promise to do what the Council asked; and that morally she believed she was "naturally and necessarily in a far better position to appreciate the facts than any distant Power can possibly be."



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

P.

-27-

Let us look at the other side of the shield. China places herself unreservedly in the hands of the League; Japan refuses. China offers to adopt any method of peaceful adjustment, including arbitration and judicial settlement, which the League may suggest; Japan refuses. China offers to take full responsibility for the protection of Japanese subjects and interests in Manchuria, with international assistance, after the withdrawal of Japanese troops; Japan refuses to withdraw the troops. Four Members of the League acting in cooperation with the United States Government proposed a series of measures looking to cessation of hostilities, and the settlement by negotiation of outstanding differences in the spirit of the Pact of Paris and of the Council's resolution of December 10th last; China accepted the proposals in toto; Japan rejected them in all their essential features. The neutral Committee of Inquiry set up by your Secretary-General at Shanghai has reported that "a state of war exists and that the offensive is entirely in the hands of the Japanese."

again, where do we stand:

1. We urge this Extraordinary Assembly which is now seized of the whole dispute between the Republic of China and the Empire of Japan to explore and exhaust the possibilities of effecting a settlement in conformity with the provisions of our Covenant.
2. China asks you to do everything in your power, first to bring about the cessation of all hostile action on her territory and the withdrawal of the invading forces; and second, the peaceful settlement

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

P.

-28-

of the entire Sino-Japanese controversy within the scope of the Council's Resolutions and the spirit of the Covenant. Naturally, no measure, taken in relation either to Shanghai or to Manchuria, which encroaches upon China's sovereignty rights or is contrary to the general principles of International Law or her existing treaty obligations to third parties, can be regarded as a settlement.

3. We ask you to recognise that the Covenant has been broken.
4. We ask you solemnly to declare that for the present terrible state of affairs, which prevails in Manchuria, Shanghai and other parts of China, my country bears no shadow of responsibility. When the Assembly has made this declaration, it will have begun to mobilise those moral forces by which, we still believe, this conflict may be solved and ended.

As a victim of unjustified and unprovoked invasion and even in this very hour of battle I say to you that we cherish no natural animosity against the Japanese people; we should indeed work for our common welfare and for the happiness of all mankind. It is for this reason that we ask for peace with justice which our Covenant prescribes.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

ZAA

- 29 -

STATEMENT BY THE JAPANESE DELEGATION

The PRESIDENT:

Interpretation: I call on M. Tsuneko Matsudaira, first delegate of Japan, to address the Assembly.

M. MATSUDAIRA (Japan): Mr. President, ladies and gentlemen, before starting my speech, may I be allowed to announce to the Assembly the contents of telegrams I have ~~just~~ received this morning from Shanghai. General Shirakawa, Commander-in-Chief of the Japanese Army in the Shanghai area, published a declaration to-day at 2 p.m. (Shanghai time), to the effect that the Japanese troops had been ordered to halt for the present at the position they were actually occupying and to cease all fighting, provided the Chinese took no further hostile actions.

Admiral Nomura, Commander-in-Chief of the Japanese Fleet in the Shanghai area, also made a similar declaration of the cessation of hostilities.

1. As a member of the League of Nations and its Council, Japan participates in this Extraordinary Session of the Assembly with sincere regret, since it has been convened on account of her trouble with a fellow Member of this organisation. This meeting is uncalled for in our opinion, because the question that has brought us here together has arisen from the fact that Japan was compelled by the exigencies of the situation in Shanghai to take measures of self-defence against an impending and appalling danger to her nationals and to the International Settlement, a portion of which it is Japan's duty to defend. The moment, therefore, a sure means

ZAA

- 30 -

could be devised for the removal of the danger, the affair will of itself come to an end. I am, however, as a representative of Japan, glad, in a sense, to have this opportunity of laying before you, and through you, before the world, the facts of the case and the position of Japan regarding it, so that a correct understanding of the affair may be had by all people.

2. While reserving our right to <sup>make</sup> ~~xxxx~~ on other occasions our remarks on some of the accusations against Japan mentioned in the Chinese delegate's speech, I may now be permitted to make a statement regarding the Shanghai incident; as to its origin, its development, its present situation and the attitude of my Government regarding the matter.

3. Since the revolution in China in 1911, the movement of nationalism in that country, often styled the "restoration of national rights" movement, has become signally intensified.

63

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Shulman NARS, Date 12-18-75

BB

- 31 -

It aimed at the termination of treaties considered prejudicial to the interests and the prestige of China, such as treaties of extraterritoriality and of Customs tariffs, and at the restoration of the leases and concessions held by foreign Powers. The movement<sup>is</sup> in its conception quite just and natural, and has found many supporters even amongst the Japanese, and no doubt also amongst the nationals of other Powers. To attain this purpose, it was necessary for China to concentrate her energy on the improvement of her political and social conditions, on the perfection of her juridical and judicial systems, and on the adequate assurance of safety and justice to foreign residents within her territory. In point of fact, however, that was not the case. She adopted, or could not but adopt, the subversive policy of unilateral repudiation of her external obligations, without accomplishing such necessary preparations.

In 1921, at the Washington Conference, the late Lord Balfour said that China was not "a fully organised and stable State". Unfortunately, she has not yet succeeded in organising and stabilising her country. For many years, the Powers interested have had the right on a contractual basis to station garrisons to guard railways and other interests in Peiping, Tientsin, and Shanghai. Especially in Tientsin through an agreement reached soon after the Boxer trouble in 1900, Chinese soldiers are not allowed to come any nearer than 20 Chinese li (about 6½ miles) where foreign garrisons are stationed. In Shanghai, land forces or marines of Great Britain, the United States, France and Italy, are stationed now to the strength of something like 18,000 all told. They are there not on any treaty basis, but on account

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

BB

- 32 -

of the necessity arising from the actual situation prevailing in the area. It is again from the point of view of actual necessity, that warships of various countries are on the Yangtse River. It is a conditions seldom found in any other country, and, in fact, those military and naval forces had on various occasions been obliged to fight the Chinese in their attempt to safeguard the interests of their respective nationals.

In recent years, there have appeared in China many military dictators who constantly vied with one another for political supremacy with the object of ministering to their own greed for power and wealth. The ideal of nationalism has not been pursued in its true and genuine aspect. Governments have been built and destroyed by contending warlords in a rapid succession and China has come to find herself in a chronic state of civil war.

In course of time, nationalism has come to take the shape of anti-foreignism. By taking a wanton attitude of opposition towards foreigners, it was expected to cause the popular feelings to run high to the benefit of those who aspired to political ascendancy. The victims of the cult have been numerous, including men and women of all nationalities.

Of recent years, their anti-foreign activities have been directed more towards Japanese. Treaty rights have been violated, anti-Japanese boycotts have been organised, violence has been perpetrated, and insidious propaganda has been worked. That passages inculcating hatred of Japan and the Japanese should be freely inserted in textbooks for the rising generation has shocked all right-thinking men because of its far-reaching effects.

We of Japan, for our part, are in sincere sympathy with the legitimate aspirations of the Chinese people to achieve national reconstruction and pacification, and fully appreciate the difficulties attendant upon that tremendous task. It is a natural mental attitude of a friendly neighbour. The Japanese Government and people, more than anyone else, have wished for and awaited, exercising forbearance and patience, the advent of a stable government in China, and the general establishment of good order in that country. It is greatly to be regretted that our attitude of moderation has been requited by unbridled play of arrogance and contempt on the part of the Chinese people.

The activities of the anti-Japanese movement in the Yangtse River region, in which Shanghai is situated, have been quite pronounced for many years past. Boycott is only one of the various manifestations of the Chinese anti-foreignism. The boycott in China is quite unique in its character. It has often been contended that it is impossible to stop people from not purchasing things which they do not like. That is not the case with Chinese boycotting. Private boycott organisations are formed with the connivance, or even with the assistance of the Kuomintang Party, which is closely identified with the Chinese Government itself, and those organisations will, to attain their object, illegally and inhumanly coerce and punish their nationals who would not follow their orders.

1638

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

CC

34

That is exactly what has happened in Shanghai, as well as in other places, on an alarmingly large scale, in the course of the past few months. The means of duress used have been the imposition of fines, the forfeiture of goods, the incarceration in cages on the public thoroughfare, the perambulation through the town in undignified robes, and what not. Under threat and



0636

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DD

- 35 -

intimidation, Chinese employees of Japanese firms have been obliged to resign, and the handling of Japanese cargo has been forbidden Chinese coolies. Chinese financial organs have ceased business with Japanese merchants; lighters loaded with Japanese cargoes have been seized and plundered. All with a view to crippling Japanese business, and to mortifying the Japanese residents. They do not scruple, in the least, about disregarding the dictates of humanity; school children have been stoned, women have been molested, and, on occasion, peaceful Japanese residents have been denied their daily necessities such as charcoal, rice, milk and other foodstuffs on account of the refusal by Chinese merchants to sell such goods.

In an atmosphere of extreme tension among the Japanese residents in Shanghai, because of such affronts, attacks and atrocities on the part of the Chinese, on the 9th January last, a Chinese newspaper published an article which was a flagrant insult to the honour of our Sovereign. It exceedingly infuriated the Japanese people whose loyalty to the Imperial Throne is well known. Shortly afterwards, on the 18th of the same month, a party of Japanese Buddhist priests and their companions, five persons in all, were attacked by a band of Chinese in the suburb of Shanghai. One of them was killed and two were severely wounded. The shock of these events naturally inflamed the long pent-up indignation of the Japanese residents and sent an intense sense of fear and excitement to their minds. The tension of the atmosphere became appalling.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quatefen NARS, Date 12-18-75

DD.

- 36 -

Noting the situation, the Japanese Consul General sent to the Chinese Mayor of Greater Shanghai on January 21st, certain demands with a view to the solution of the Buddhist priest question locally. A week later, on the 28th January, the Mayor returned a reply acceding to the demands of the Consul General.

In the meantime, Chinese soldiers belonging to the 19th Army who were being concentrated in the vicinity of Shanghai, had been making hostile preparations against the Japanese entirely regardless of the Mayor's acceptance of our terms. Further, Chinese plain-clothes soldiery and various lawless elements came secretly into the International Settlement. It has become in recent years the common tactics in China to use such disguised soldiers in civil warfare by way of ruse, every often to inflict a surprise attack upon the enemy. At Shanghai in the present incident, plain-clothes soldiers, entirely indistinguishable in appearance from ordinary citizens but carrying weapons concealed on their persons, wantonly attacked Japanese civilians and forces. On several occasions, they threw bombs at Japanese buildings. Such acts of terrorism on their part added tremendously to the gravity of the situation. Alarming rumours came to be in circulation and not only the Japanese but all foreign population in Shanghai were plunged into a state of panic.

Even after the acceptance by the Chinese Mayor of the demand of the Japanese Consul General with regard to the attack upon the Buddhist priests, this situation did not improve but appeared to be going from bad to worse.

064

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

EE.

-37-

On the 28th February, therefore, an hour after the Mayor's reply, the authorities of the International Settlement proclaimed a state of emergency, and the armed forces of various Powers in Shanghai were ordered out to duty in accordance with a plan that had been previously arranged by the International Defence Committee. The section assigned for the Japanese forces to guard was a part of the district of Hongkew, projecting into the Chinese area like a promontory, where the jurisdiction was partly Chinese and partly international in a very complicated manner. In that district there run one or two roads, property of the International Settlement and regarded as its extension, and, even in ordinary times, Settlement police and Chinese police were in constant danger of going to loggerheads. Along these extension roads and in their vicinity, there reside about 10,000 Japanese nationals, one-third of the total Japanese population in the Shanghai area, numbering about 30,000. The western boundary of the Japanese defence line lies outside these roads along the railway line which is in the Chinese district. Such being the circumstances, our marines detailed from our warships, had to cross the Chinese district in order to proceed to their posts to the west of the road. A previous notice of the movements of our marines was, therefore, given by the Japanese Commander to the Chinese authorities with a view to avoiding a possible clash between Chinese and Japanese soldiers. In disregard, however, of this notice, Chinese soldiers fired at our marines when they were actually going to take up their assigned posts. The

En.

-38-

fire had to be returned and the clash occurred.

From these facts, it will be quite clear that it was entirely contrary to every intention of ours that a collision should have come to pass, and it is to be specially noted that it occurred from a cause entirely independent of the incident of the Buddhist priests, which had been closed by the Mayor's acceptance of our demands.

4. Upon receipt of the news of such a collision, the British and American Consuls-General offered their good offices, and, the Japanese authorities being anxious to effect a cessation of hostilities, an agreement for a truce was reached on the 29th January, between the Japanese and Chinese forces. But, before daybreak on the 30th, the Chinese soldiers started firing with field guns in violation of the agreement of truce. In order to avoid the aggravation of the situation, the Japanese forces retired temporarily to the rear and requested the British and American Consuls-General to give admonition to the Chinese authorities. But the Chinese firing did not cease, some of the shells falling within the Settlement itself.

On the 31st January, it was agreed between the opposing forces that they should cease from all hostile actions during the progress of negotiations for the establishment of a neutral zone, but again the Chinese, breaking their pledge, resumed the offensive, in a manner far more vehement than on the previous day. Moreover, the concentration of Chinese troops in the vicinity of Shanghai continued.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

FF

- 38 -

An armoured train had been taken into the North Station of the Shanghai-Nanking Railway, and it was apparent that the Chinese were making preparations for an aggressive assault upon the Japanese. The Main strength of the Chinese forces was the 19th Army. It had come from Canton and its nucleus, the 61st Division, was responsible for the "Nanking incident of 1927", when the Japanese, British and American Consulates were attacked and plundered without the slightest provocation, and foreigners, including women and children, were killed or maltreated. The danger to which the Japanese residents and forces was thus exposed was so great and imminent that we decided to return firing on the 2nd February last. In such circumstances, the Japanese residents became excited and terrified and the alarming atmosphere in the International Settlement became increasingly intensified.

Our marines sent to the sector assigned for the Japanese protection were not regular marines, but were only detailed sailors from our men-of-war, not properly trained for land warfare, and their number in those days, was less than 3000, though later increased to about 4000; while the Chinese forces of the 19th Army were estimated to be 30,000 soldiers, outnumbering our forces by ten to one, and were equipped with field guns, trench mortars and armoured trains. Our marines were placed, therefore, in a very difficult position. To cope with the situation, they had no adequate means, but to resort to the bombing from the air. They, however, did so, under strict instructions to

FF

- 40 -

limit their action to firing upon military objectives, such as congregated soldiers, their artillery and their armoured trains. It is a matter for regret, that, through inefficiency of mechanism and mistakes in recognising the objects of attack, unnecessary losses to civilian lives and property resulted on a few occasions. However, had not the Chinese forces brought into the urban district heavy and powerful weapons of war, such calamities would never have happened.

Early in February, there occurred an episode in Nanking. On the 1st, three shots were fired from the Chinese fort of Shihtzutai near that city, and Chinese soldiers sniped at a Japanese hulk to which was moored a Japanese steamer where the Japanese Consul and the entire Japanese colony had taken refuge.

Two Japanese cruisers anchored nearby fired ten shots in about 15 minutes to stop the Chinese attack, taking special care to avoid the falling of their shells in the city. The matter was immediately made the subject of negotiation between the Japanese Consul and the Nanking Government and soon received a settlement on the 6th in a most amicable manner, the Chinese consenting to pay due reparations.

As the days went by, in Shanghai, our marines in their attempt to hold their position against formidable odds in their adversaries in their performance of duty to protect the Japanese residents along the extension roads, came to be wearied to exhaustion and, ~~there being natural limitation to the naval units that could be landed,~~ it was

164

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

FM

- 41 -

considered necessary that we should send land forces from Japan by way of reinforcement. On the 7th February, the Japanese Government gave out a statement to the effect that it had been decided that an expeditionary force would be sent to Shanghai with the object of discharging its duty of "safeguarding a large number of Japanese nationals and Japanese property worth many hundreds of millions of yen involved in the affair", and that such forces would be "limited to a strength absolutely required for the above purpose". It was further declared in the statement that the Japanese Government cherished "no political ambitions in the region of Shanghai nor any thought of encroaching there upon rights and interests of any other Powers".

When the first contingent of our expeditionary forces arrived at the scene of conflict in the middle of February, an attempt at the cessation of hostilities was made by the Japanese Government. It was offered to the Chinese forces, that the Japanese would stop fighting if the Chinese forces would retire to a distance beyond the range of Chinese guns, so that the imminent danger to the Japanese residents could be removed. Through the good offices of the British Minister in China, an interchange of views for the purpose of such an arrangement took place between the Japanese and Chinese authorities. It, however, fell through, and the Chinese offensive became daily more active.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Hueston NARS, Date 12-18-75

G

- 42 -

On account of the geographical and topographical conditions around Shanghai, the Japanese forces had to experience hardships in their operation. Fighting continued and they were gaining ground slowly. In the meantime, the Chinese circulated propaganda to the effect that they were victorious over our forces, gave out false reports intended to injure the honour and prestige of the Japanese forces, and thus were trying to inflame their people in their warlike sentiments.

In the latter part of February, Admiral Kelly the Commanding Officer of the British Naval forces, offered his good offices to the Japanese and Chinese forces with a view to the cessation of hostilities. The Japanese forces, in consonance with the policy of the Japanese Government, to have hostilities cease at the earliest moment with assurance for the removal of the danger to the Japanese nationals, readily acceded to his proposition. On the 28th, an informal meeting of the Japanese and Chinese authorities for the purpose of stopping fighting took place on the Admiral's flagship in his presence. As the result of the discussions, a tentative programme was referred to the Japanese and Chinese Governments for their approval. The first programme did not meet with their approval, but negotiations have been continued.

I wish to make it clear that this meeting was a parlor of a most informal nature, not the committing of both Governments in any way. It was clearly understood from the beginning that any tentative plan considered in it could not become effective without the approval of the Governments. The accusation made by the Chinese Delegate in this connection therefore is by no means warranted.

In the meantime, the fighting continued and on the 2nd March, namely, yesterday, it was reported that the Chinese forces who had been fighting fiercely, began their retreat. The Japanese forces have been ordered to-day to cease hostilities provided that the Chinese will not take any hostile action against them.



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Quisenberry NARS, Date 12-18-75

I

I

G

- 43 -

As I announced before I started my speech, I have received a report that a fresh meeting of the military authorities of Japan and China for the cessation of hostilities was set for to-day at 1 p.m. Shanghai time, but that it was postponed until to-morrow morning at the request of the Chinese authorities. We sincerely hope that a definite result will be obtained in the coming meeting.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Hueston NARS, Date 12-18-75

151.

44.

I. I wish at this Assembly to declare most clearly the attitude of the Japanese Government in the Shanghai affair .  
 It is this:

(1) If the danger to the Japanese residents and the International Settlement, a portion of which is entrusted to the Japanese forces for protection, could be removed, the Japanese forces are prepared to cease hostilities immediately. According as the situation in the Shanghai area becomes pacified, the Japanese expeditionary land forces will be withdrawn from Chinese territory.

(2) The Japanese Government is prepared to hold a "Round Table Conference" with the representatives of the Powers intimately interested in Shanghai to deliberate upon the means of safeguarding in the future the rights and interests of the Powers concerned.

(3) The Japanese Government has no intention whatever to promote any political or territorial ambition in the Shanghai region, availing itself of the present situation. We have no desire to establish a Japanese Settlement in Shanghai or, in any other way, to advance the exclusive interests of the Japanese.

Such being our guiding principles in the present incident, the proposal offered by the President of the Council of the League of Nations on the 29th February with a view to the cessation of hostilities subject to local arrangement was readily accepted by the Japanese Government.

When large forces are actually facing each other in hostilities at close quarters, it is impossible to stop fighting unless the military authorities on both sides on the spot come to an agreement. It was for this reason, I understand, that the actual cessation of hostilities was left to local arrangement in the plan of the Council above referred to. Such an attempt has

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

BH

45.

been earnestly made by the military authorities in the Shanghai area as stated before, but before it was successful, the Chinese forces were forced to retreat.

6. As regards the Manchurian affair, it is, in the opinion of the Japanese Government, not a matter to be discussed at this Assembly. But since our Chinese colleague has referred at length to the situation in Manchuria in his remarks, I shall quote from the speech made by Mr. Yoshizawa, the Japanese Minister for Foreign Affairs, at the Diet on the 21st January last, that part relating to this question. He said:

China, being our neighbour, always stands, both economically and politically, in intimate relationship with this country. In regard to Manchuria, in particular, through historical and geographical reasons, political considerations must become of preponderant interest. It is of course beyond argument that the welfare of Manchuria is of the greatest consequence to Japan. There are more than a million Japanese subjects residing in Manchuria, and we possess in that region, in connection with the leased territory, railways, mines, etc., numerous rights and interests of vital importance, secured either by treaty or by contract.

II.

- 46 -

"In recent years, the Chinese authorities, ignoring the historical fact that the present development of Manchuria is entirely due to Japanese efforts, and taking advantage of our complaisance, have pursued a policy of oppression towards our countrymen, and have again and again set at naught their treaty rights and interests. The protests and warnings of our government, despatched from time to time, were of little avail. Thus the situation became politically more and more disquieting, and the menace of our position increasingly grave. The patience of our people was tried to breaking point, when there suddenly exploded the Railway bombing incident of September 18th, 1931, precipitating a collision between Japanese and Chinese soldiers, the later developments of which occurrence are well known to all.

"Manchuria holds the key to the peace of the Far East. That was true before the Russo-Japanese war: it is even more true at the present time. In the past the Japanese Government have always done everything in their power to prevent the civil commotions of China from spreading into Manchuria, because we possess there important rights and interests rendering the maintenance of peace and order in Manchuria a matter of absolute necessity to Japan. Thanks to these untiring efforts, Manchuria was kept free from the constant turmoil of China proper, and has been turned into a land of peace and prosperity.

065

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

- 47 -

But for the Chinese disregard to treaty and contractual obligations, I believe that the incident of September 18th would never have resulted in the present complications. At any rate, as we have been chiefly accountable in the past for the maintenance of peace in Manchuria, so will our responsibilities in this respect be enhanced rather than lessened in the future.

"I desire to add a word in this connection to make it clear that Japan harbours no territorial designs in Manchuria and that she will uphold the principles of the open door and equal opportunity as well as all existing treaties relating to that territory. What Japan desires is only to secure peace and order for Manchuria, and to make that region safe both for Chinese and foreigners and open to all for economic development."

The Manchurian affair has already been taken up by the League of Nations, and, through the decision of the Council on the 10th December last, a Commission of Inquiry is now on its way to the spot. We are awaiting the outcome of their labours which will be a valuable material for the final solution of the question between Japan and China. It would be unwise to reopen discussions at this Assembly on a matter which is fully looked after and in which no danger of rupture is in sight. Such a course would only cause confusion and would be harmful to its settlement which we all earnestly desire.

7. The present Sino-Japanese controversy is the result of cumulative unfortunate circumstances in the past, and it is our sincere hope and, I am sure, that of the League of Nations and the many friendly Powers that have shown concern about the matter, that the present difficulties between Japan and China will be amicably composed at an early date and the dark clouds that are now hanging over Eastern Asia will be dispelled for all time to come.

JJ.

-48-

THE PRESIDENT

Interpretation: I understand that the Chinese delegation does not intend to reply to the statement that has just been made by the Japanese delegation to the Assembly reserving, of course, the right to make any comment upon it in the Committee which it has been decided to set up.

Therefore, I think, unless any other delegation desires to speak at this Plenary Assembly, we can send the whole of this problem to that Committee and we will convene that Committee to meet tomorrow afternoon, because we have just had some very important statements made to us and I am sure you would desire to reflect upon them between now and the discussion before the Committee.

Does the Assembly agree with that suggestion? As there is no objection, I take it that that proposal is accepted, and after the translation of Mr. Matsudaira's speech we will adjourn, and the Committee will be called for tomorrow at half-past three.

The Assembly rose.

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

SOCIÉTÉ DES NATIONS

LEAGUE OF NATIONS

EXTRAORDINARY SESSION OF THE ASSEMBLY.

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VERBATIM REPORT

of the

THIRD MEETING

Held at Geneva, Thursday, March 3rd, 1932 at 7.45 p.m.

PRESIDENT: Mr. Paul HYMANS.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

1/6

B. APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE  
 OF ARTICLE 15 OF THE COVENANT.

The PRESIDENT:

(Interpretation)

Gentlemen, the President of the General Commission has communicated to me the following resolution for submission to the Assembly for adoption. It reads as follows:-

"The Assembly,

Recalling the suggestions made by the Council on the 29th February and without prejudice to the other measures therein envisaged,

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

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

3) Recommends that negotiations be entered into by the Chinese and Japanese Representatives with the assistance of the Military, Naval and Civilian Authorities of the Powers mentioned above for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations."



DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

G.

- 7/9 -

Dr. W.W. YEN (China): During the discussion in the General Commission I did not speak further because I did not desire to stand in the way of other Members of the Assembly who desired to speak. At this point, however, I think it is imperative that I should make the following statement:

As I read the resolution, and as I understand the President to interpret it, the negotiations mentioned in paragraph 3 refer to armistice negotiations rather than to the so-called Shanghai Conference, which is to follow the armistice negotiations. We accept the resolution on that understanding; and also with the understanding, which has been so splendidly emphasised by M. Motta and M. Benes, that no condition should be imposed upon the withdrawal of troops occupying the territory of an invaded country. We consider that Members of the League cannot be expected or asked to pay a price for the enforcement of the right of being protected against foreign aggression, which is a right guaranteed to every Member of the League by the Covenant.

0654

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

D.

- 10 -

The PRESIDENT:

(Interpretation)

Does any other delegate desire to speak?

As there is no response a vote on the Resolution  
will be taken by roll call.

(A vote was taken by roll call).

The Resolution was adopted unanimously.

The PRESIDENT:

(Interpretation)

The Resolution has been adopted by the Assembly  
with unanimity.

I welcome this happy augury for our work.

The Assembly rose at 8 p.m.

0657  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

SOCIETE DES NATIONS

LEAGUE OF NATIONS

EXTRAORDINARY SESSION OF THE ASSEMBLY

Verbatim Report

of the

FOURTH MEETING

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

PRESIDENT: M. Paul HYMANS

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1/3

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF THE  
COVENANT.

Draft Resolution submitted by the General Commission.

(Doc.A.(Extra.) C.G.1(1)).

The PRESIDENT (Interpretation): I have read the French text of the resolution which has been passed by the General Commission and submitted by that Commission to your Assembly. I presume that as the English text is before you it is not necessary to read it.

If no one wishes to speak we will proceed to a vote by roll call. Heads of Delegations will reply "Yes" or "No" according to whether they wish to vote for or against the resolution. Those who desire to abstain will say "I abstain".

A vote was taken by roll call as follows:

For.

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

Abstentions.

China  
Japan

N.

4/6 .

The PRESIDENT: (Interpretation):

The result of the voting is as follows:- 1 States  
voted in favour of the proposal: 2 States abstained. We  
apply paragraph 5 of Article 19 of the Rules of Procedure,  
as follows:- "For the purposes of this Rule, representatives  
of States which abstain from voting shall be considered as  
not present." Therefore I can declare that this resolution  
has been adopted unanimously.

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

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

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

C.

7/9

The PRESIDENT (Interpretation) : We have now to begin to carry out the resolution which you have voted and we have first to elect the members of this committee, because if you remember we set up a committee of nineteen: the President of the Assembly, the members of the Council other than the parties to the dispute, and six other members to be elected by secret ballot.

In this case I think the article of the Rules of Procedure to apply is Rule 22a which runs - I am taking No. 2 which refers to the election of non-permanent members of the Council and I think also applies to this case - :

"Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot paper containing more names than there are seats to be filled shall be null and void.

"No member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot up to a number double that of the seats still to be filled, and those members shall be elected which obtain the greatest number of votes.

"If two or more members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them; if they again obtain an equal number of votes, the President shall decide between them by drawing lots. "

I would remind you also that you have to vote in this case for States and not for persons and therefore you have to put in your lists the States Members of the League. Your voting paper will be regarded as spoilt if it contains more than six names of States. Furthermore, we regard the majority as being a majority of the voting papers, not counting voting papers which are blank or spoiled.

I trust, Gentlemen, you accept this suggestion which is made by me to you as representing the views of your Bureau.

(The suggestion was adopted).

D.

20/12

The PRESIDENT (Interpretation): We will now take a vote by secret ballot, and I will ask H.E. M. Matos, delegate of Guatemala, and H.E. M. Lester, delegate of the Irish Free State, to come to the platform and act as tellers.

A vote was then taken by secret ballot.

I will now inform you of the result of the voting, but would first thank the tellers for the care with which they have carried out their duties.

Number of voting papers	...	...	46
Number of valid papers	...	...	46
Absolute majority	...	...	24

The States elected are as follows:

Switzerland	...	...	39 votes
Czechoslovakia	...	...	35 "
Colombia	...	...	31 "
Portugal	...	...	26 "
Hungary	...	...	24 "
Sweden	...	...	24 "

The full results of the voting will be published in the Journal. I declare the States mentioned above as elected; the Special Committee which your Assembly has set up under its resolution will, therefore, be composed of the President of the Assembly, the twelve Members of the Council not parties to the dispute, and the representatives of Switzerland, Czechoslovakia, Colombia, Portugal, Hungary and Sweden.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

E.

- 13 -

The PRESIDENT (Interpretation): This Assembly has carried out its first duty, namely, to set up this Committee which will carry out its duties fully realising the responsibility involved by them. It has to work for conciliation and appeasement.

Before we adjourn, may I appeal to the two States concerned? They are great nations representing, both of them, very old civilisations, and undoubtedly if they can get together it will ensure peace in the East. We here who work for peace and for the respect of law and order, make an appeal to those two governments, and we hope that they will not disappoint the hopes we have formed as the result of this resolution. This Assembly, therefore, trusts that the efforts of this Committee, with the assistance of those two Governments, will be successful.

The Assembly will now adjourn until I convene it again. In the meantime, I intend to convene the Committee, which you gentlemen have set up, in the first days of next week.

The Assembly rose at 7 o'clock.



066  
DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

SOCIETE DES NATIONS.

LEAGUE OF NATIONS.

A.Extr/C.G./C.R.7.

EXTRAORDINARY SESSION OF THE ASSEMBLY.

GENERAL COMMISSION.

Verbatim Report

of the

SEVENTH MEETING

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

PRESIDENT: M. Paul HYMANS.

Note by the Secretariat.

In order to save time the Provisional Verbatim Report of the General Commission of the Extraordinary Session of the Assembly is issued at once. It contains the original speeches in English or French, and the interpretations delivered at the meeting.

Delegates are requested to send corrections to Dr. Dixon, Room 198, within 24 hours of the receipt of the Provisional Verbatim Report.

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A, B & C.

1/9

APPEAL FROM THE CHINESE GOVERNMENT IN VIRTUE OF  
THE COVENANT.

(Statement by the Japanese Delegation.)

M. SATO (Japan) (Interpretation) : I should like to make a communication concerning the action that has been taken by my Government in pursuance of the resolution passed on the 4th March. You have doubtless read in the papers that the steps to which I referred at the last meeting of the Commission have been taken at Shanghai. In fact, the Minister of Japan handed to Sir Miles Lampson, the Minister of Great Britain, a note informing him that the Japanese authorities were ready to enter into negotiations with the Chinese authorities in accordance with the terms of the resolution of the 4th. This note added that there was some reason to feel misgiving concerning the situation in the first line and that consequently it was urgent to arrive as quickly as possible at a final agreement for the complete cessation of hostilities and subsequently to discuss and determine the arrangements for the withdrawal of the Japanese forces. The Japanese authorities had always thought that their attitude in this connection had been fully understood by the Chinese authorities, but as since after the resolution had been adopted by the League of Nations they had received no communication from the Chinese authorities, they desired to make it absolutely clear that they were ready to negotiate in accordance with the terms of the resolution.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

D.

10/12

Sir Miles Lampson handed that note to the Chinese authorities, and informed us that the latter had also intimated their intention of entering into negotiations. We had hoped that a first meeting would take place this morning at the British Consulate-General, but it had to be postponed owing to delay in the reception of detailed instructions.

My Government authorises me to declare that the Japanese forces will withdraw from their present positions and retire, to begin with, to the neighbourhood of Shanghai and Woosung when the cessation of hostilities is finally assured in accordance with paragraph 1 of the resolution, and that, as regards the arrangement provided for in paragraph 2, appropriate measures have been decided upon to prevent the advance or the taking of offensive measures by the Chinese forces and to ensure the supervision of the zone evacuated by the Japanese forces; our forces thus brought back will re-embark as quiet is restored. Our authorities on the spot have already received general instructions in that connection, and we therefore entertain good hopes of rapid progress towards a settlement of the situation.

The PRESIDENT (Interpretation): I wish to thank the Japanese Ambassador for the interesting information which he has just given us.

We now come back to the draft resolution, and I would ask His Excellency M. Sato whether he has any communication to make to us with regard to the intentions of the Japanese Government so far as the draft resolution before the Assembly is concerned.

066

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 13 -

DRAFT RESOLUTION

Continuation of the General Discussion.

M. SATO (Japan)

Interpretation: I have just received instructions from my Government, and at a time when the General Commission is about to take a decision on the draft resolution before it I desire to explain briefly the attitude of the Japanese Government and the reasons for its vote.

The Japanese Government is entirely in agreement with the fundamental principles set forth in the resolution and, as it has stated on many occasions, it is its intention to be guided in its conduct by those principles. As a Member of the League of Nations, and as a signatory of the Pact of Paris, Japan is convinced that it has faithfully observed the provisions of these essential instruments of international order, and is determined to act on all occasions in accordance with their principles. It regrets in particular that it has been alleged that in the action that it was compelled to take in China it was seeking to encroach upon the political independence and existing territorial integrity of another country, or that it attempted to exercise military pressure in the pursuit of any aims. As the Japanese Government has declared on several occasions since the month of September of last year, it has no territorial designs in China. If, acting under the compelling power of events, it had to resort to military measures in China, the only reason was the absolute necessity of defending against a serious and imminent danger to the lives and property of its nationals.

I desire to proclaim once again that the most sincere desire of the Japanese Government is to arrive quickly

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

at a friendly settlement of the present difficulty.

As regards the text of the draft resolution, the Japanese Government is particularly happy to note that the principle of a scrupulous respect for treaties appears at the very beginning of it, as that is a principle which the Japanese Government regards as in the highest degree important. One of the most important factors of the present situation in the Far East is undoubtedly the systematic attacks upon the legitimate rights and interests which have been guaranteed by treaties, and the policy followed by China of denouncing unilaterally the most solemn undertakings. That is why the Japanese Delegation expresses its great satisfaction that the duty of scrupulously respecting existing treaties has been proclaimed anew.

Another factor which underlies the present state of affairs is the anti-foreign agitation and the boycott, an economic and political weapon to which China is having recourse in the pursuit of her national aims. These practices are truly a menace to peace and react most detrimentally upon a good understanding among peoples upon which peace depends. The Japanese Delegation desires to draw the serious attention of the Assembly to this point.

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The Japanese Government also notes with satisfaction that the draft resolution mentions the resolutions of the Council dated September 30th and December 10th<sup>1951</sup>. Since the beginning of the present incidents Japan has followed with goodwill the procedure which has taken place in the Council. It supplied the Council with the fullest information and demonstrated patience and a spirit of conciliation, as it has done for many years past in the face of numberless provocations from China, with a sincere desire to maintain beneficial and friendly relations with that country.

The Council, under the terms of Article 11 of the Covenant proposed to send to the Far East a Commission of Enquiry which was to furnish the elements of the fundamental solution. That Commission is about to begin its work. You will remember that in the Council meetings of January 29th and 30th the Japanese Delegation raised objections to the application of Article 15 with regard to the whole of the Sino-Japanese conflict, having in view the continuation of the procedure which I have just mentioned.

The attitude of the Japanese Government has, I hope, been sufficiently clearly demonstrated by what I have just said. Its attitude was defined in the declaration made in response to the appeal by the twelve Members of the Council. Thus, it is subject to certain reservations as to the applicability of Article 15 that Japan attends the Assembly and consequently it is unable to cast its vote in favour of the resolution before us.

In these circumstances the Japanese Delegation will, in order not to prevent the passing of the resolution, merely abstain from voting.

I should like to say in conclusion how greatly we appreciate the efforts of the Assembly and of the Secretariat since the beginning of this debate. Sincere thanks are due to them, as well as to the Drafting Committee and the Bureau, which

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

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20/21

have had such difficult work to do.

The PRESIDENT (Interpretation): If no-one desires to speak we will adopt the following procedure. A vote by show of hands will be taken on this draft resolution and if it is carried we will adjourn and convene the plenary Assembly for 5.50 p.m.

(A vote was taken by : show of hands and the resolution was adopted).

The Commission rose.

0671

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

TELEGRAM RECEIVED

REP

A portion of this telegram must be closely paraphrased before being communicated to anyone.

FROM

SHANGHAI

Dated March 24, 1932

RECEIVED

Rec'd 12:30 p. m.

Secretary of State, DIVISION OF  
Washington.

March 24, 9 p. m.

(GRAY) By March 24, 2 p. m.

CONFIDENTIAL FOR THE SECRETARY.

One. The following is text of the proposal submitted by General Uveda on the Japanese side in this morning's meeting:

"Draft agreement for the cessation of hostilities between Japan and China.

The authorities of the Japanese and Chinese Governments have agreed upon and concluded the following agreement:

ARTICLE ONE. The Japanese and Chinese forces shall cease all hostile activities (including activities of plain clothes men) from (blank) a. m. on March (blank) 1932.

During the cessation of hostilities both the Japanese and the Chinese forces shall refrain from all such actions as may injure the honor of the other or agitate the public sentiment.

ARTICLE

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O.N.I. AND M.I.D.

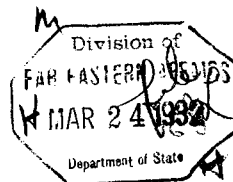
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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

REF

2-from Shanghai, Mar.24,9 p.m.

ARTICLE TWO. The Chinese troops will remain in their present positions pending later arrangements.

The aforesaid positions are indicated in annex one attached hereto.

ARTICLE THREE. The Japanese troops will withdraw to the International Settlement and the Extra Settlement Roads in the Hongkew district as before the incident of January 28, 1932. It is, however, understood that in view of the numbers of Japanese troops to be accommodated some will have to be stationed temporarily in localities adjacent to the above mentioned areas.

The aforesaid localities are indicated in annex two attached hereto.

ARTICLE FOUR. A joint commission including members representing participating friendly powers will be established to certify mutual withdrawal.

The aforesaid commission will also collaborate in arranging for the transfer from the evacuating Japanese forces to incoming Chinese police.

The constitution and procedure of the aforesaid commission will be as defined in the annex four attached hereto.

ARTICLE FIVE. The Japanese and Chinese forces may carry on reconnaissance by aeroplanes over such points as may be considered

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Department of State letter, August 10, 1972  
By Milton D. Hunt NARS, Date 12-18-75

REP

3-from Shanghai, Mar.24,9 p.m.

considered necessary in order to watch the performance of the provisions for the cessation of hostilities.

Aeroplanes to be used in the aforesaid recommendations shall bear the following marks, namely: the Japanese aeroplanes (blank). The Chinese aeroplanes (blank).

ARTICLE SIX. In the event of either of the Japanese or Chinese forces infringing any of the terms of the present agreement the other shall have no obligation to comply with the same agreement.

ARTICLE SEVEN. The present agreement shall come into force on the day of the signature thereof.

The present agreement is made in duplicate in both the Japanese and Chinese languages.

Annexes.

The withdrawal of Japanese troops to the localities indicated in annex two will be commenced within one week of the coming into force of the agreement.

Should there be any invalids or sick horses that cannot be withdrawn at the time of evacuation they may be detained at their positions together with an ambulance corps (accompanied by some guards). The Chinese authorities shall give protection to the above.

The Chinese authorities shall station in the areas evacuated by the Japanese troops a force of special constabulary stipulated in the 2nd paragraph of article four of the agreement

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

REP

4-from Shanghai, Mar. 24, 9 p.m.

the agreement within (blank) days of the signature thereof.

The joint commission will be composed of twelve members, namely, one civilian and one military representative of each of the following; the Chinese and Japanese Governments, and the American, British, French and Italian heads of missions in China being the representatives of the friendly powers assisting in the negotiations in accordance with the resolution of the Assembly of the League of Nations of March 4, 1932.

The members of the joint commission will employ such numbers of assistants as they may from time to time find necessary in accordance with decisions of the commission. All matters of procedure will be granted to the discretion of the commission whose decisions will be taken by majority vote, the chairman having a casting vote. Chairman will be elected by the commission from the members representing participating friendly powers.

Separate declaration by the Chinese Government. To be issued either prior to or simultaneously with the conclusion of the agreement, but not to be annexed to the agreement.

In order to ease the general situation and to secure the prompt reestablishment of stability and normal conditions in the affected areas, the Chinese Government hereby declare their intention immediately to establish on their own initiative,

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

5-from Shanghai, Mar. 24, 9p.m.

initiative, for the maintenance of peace and order in the evacuated area in the vicinity of the Shanghai Settlement, a force of special constabulary, for which they contemplate the employment of experts<sup>as</sup>/officers and instructors.

It is understood that the incoming Chinese police referred to in the second paragraph of Article four of the agreement (blank) date will be drawn from the above special constabulary." (END GRAY)

Two. Argument all day on the question of activities of plain clothes gunmen, Uyeda insisting that this is an important detail in the matter of cessation of hostilities while Chinese General Tai Chi insists over and over that Chinese armies have no connection whatever with the gunmen in plain clothes and refuses to discuss question. Uyeda contends that question of plain clothes men is one of great importance to the Japanese and there must be some settlement of it in order to make sure of the future.

(GRAY) Three. Following new draft of article one was offered and will be studied by the Japanese against next meeting:

"The Japanese and Chinese authorities having already ordered cease fire it is agreed that the cessation of hostilities is rendered definite as from (blank). The forces  
of the

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

6-from Shanghai, Mar. 24, 9p.m.

of the two sides will so far as lies in their control cease all hostile acts. In the event of doubts arising in regard to cessation of hostilities, the situation in this respect will be ascertained by the representatives of the participating friendly powers."

Four. In afternoon proceeded to discussion of article No. one of our old draft and Japanese revision thereof as set forth in article two of their draft above quoted. (END GRAY) Chinese objecting to the wording as implying a restriction upon freedom of Chinese troops to move within Chinese territory and therefore an infringement of China's sovereignty and her political integrity and contrary to the resolution of the League. Quo finally asked to be permitted to take following substitute formula home for consideration against the next meeting: (GRAY) "During the cessation of hostilities and pending a final settlement".

Five. Meeting adjourned until 10 a. m., March 25th.

JOHNSON

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

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CANCELLED.

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 892.00 P.R./34 FOR Despatch # 132.

FROM Siam ( Kaufman ) DATED Feb. 6, 1932.  
TO NAME 1-1127 o p o

REGARDING: Sino-Japanese dispute.  
Japanese Legation in Bangkok has been exceedingly  
active in spreading propaganda and presenting the  
Japanese side of the - .

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

#### CHINA-JAPANESE DISPUTE

Because of the large number of Chinese in Siam, this country is much interested in the dispute now in progress between Japan and China over Manchuria. The Japanese Legation in Bangkok has been exceedingly active in spreading propaganda and presenting the Japanese side of the controversy. On January 20th the Japanese Legation made public the text of the note of January 15th from the Japanese Foreign Minister to the American Ambassador. The Japanese Government evidently considering it of sufficient importance to cable the text of the note to Bangkok for publication. On February 5th the Japanese Legation issued a long statement to the press presenting the Japanese viewpoint. A copy of which is enclosed.



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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 841.00 P. R. /222 FOR Despatch #2658

FROM Great Britain (Atherton) DATED March 7, 1932  
TO NAME 1-1127 ...

REGARDING: Sino- Japanese conflict. Discussion of Great  
Britain's connection with situation in the Far East.

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793.94/4367

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Huefner NARS, Date 12-18-75

FOREIGN AFFAIRS.

Sino-Japanese Conflict.

Great Britain's connection with the situation in the Far East last week was concentrated in the participation of Sir John Simon and Lord Londonderry in the discussions before the extraordinary meeting of the Assembly of the League of Nations called by China. In the interests of strict accuracy, however, the efforts of the British Minister in China and of the British Admiral in Chinese waters to bring about a truce between the combatants should not be overlooked, particularly as much satisfaction was expressed in Parliament in this regard. Whether the conversations between Japanese and Chinese representatives, which took place the preceding week on board the British Admiral's warship in Shanghai, were responsible for the retirement of the Chinese forces from Shanghai, or whether pressure from the Japanese forces accounted for this maneuver must be left to the judgment of military critics. However that may be, the Assembly met in circumstances somewhat different to those which prevailed a few days previously, as the military operations had virtually ceased and rumors of negotiations between the disputants were in the air. The chief task of the British delegation has been to conciliate the representatives of the smaller countries,

who/

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

-12-

who have been demanding the full application of the remedies provided by the Covenant on the grounds that the opportunity must be seized to determine whether the League is capable of protecting the smaller nations against aggression by any one of the Great Powers. Sir John Simon, who has been taking a leading part in the discussions, has emphasized the British point of view that the first duty of the League is mediatory, and that judgment should not be pronounced until the League had investigated the controversy. Sir John Simon observed that the League had not received the final reports of its agents, but that nevertheless he saw no reason why it should not proceed immediately to a reaffirmation of the fundamental principles of the League. He believed, furthermore, that it would be useful to lay down the principle that no rights or privileges acquired under military pressure could be recognized. It will be observed, therefore, that the British Government is lending its influence to the adoption of a principle which was clearly enunciated in the letter of the Secretary of State to Senator Borah on February 24th.

068

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

DOCUMENT FILE

NOTE

SEE 693.002 Manchuria /17 FOR Telegram #130, 10am

FROM Geneva ( Gilbert ) DATED Mar. 24, 1932.

TO \_\_\_\_\_ NAME \_\_\_\_\_ 1-1127 070

REGARDING: quoting telegram which Drummond has circulated,  
from the Chinese Government communicated to  
him by Yen.

FU

793.94/4868

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

GRAY

Geneva

Dated March 24, 1932

Rec'd 7:44 a. m.

Secretary of State,  
Washington.

130, March 24, 10 a. m.

Drummond has circulated the following telegram from  
the Chinese Government communicated to him by Yen:

93-94  
"Despite the injunction of the Assembly's resolution  
for the cessation of further aggravation of the situation  
Mr. F. W. Maze, Inspector General of the Customs, reports  
that through the puppet government in Manchuria the Japanese  
have been proceeding to seize the customs revenue in  
Manchuria appointing Japanese advisers and asking that the  
customs revenue be turned over to the puppet government.  
They also insist that all appointments to the customs staff  
in Manchuria and all tariff changes are to be submitted  
to the puppet government for decision. It is threatened  
that any refusal to comply will be met by outright seizure  
of the customs service. Thus the only remaining link of  
the three eastern provinces with the rest of China is being  
broken with the following consequences:

(1)- While there is pretence at offering the payment  
of the Boxer Indemnity and foreign loan quotas there will

be no

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

REP

2-#130, from Geneva, Mar.24,10a.m.

be no payment allowed for meeting domestic loans charged on the customs.

(2)- The control of the customs service will have the effect of closing the open door in Manchuria not only to foreign trade but also domestic trade with the rest of China.

(3)- We have definite knowledge that the Japanese are arranging a customs union of the three eastern provinces with Japan thus completely severing Manchuria from China and attaching it to Japan."

Yen added that his Government would refuse to recognize the legality of such proceedings if carried out.

GILBERT

WSB

KLP

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

DEPARTMENT OF STATE

DIVISION OF FAR EASTERN AFFAIRS

March 12, 1932.

SHANGHAI SITUATION

Proposal for Action to be taken  
by American Minister.

In the very excellent memorandum hereunder, Mr. Jacobs analyzes the problems at Shanghai, both acute and chronic, and offers a constructive suggestion (pages 9-14) for immediate action by the American Minister, with or without British cooperation, along the lines of good offices.

It is the feeling of this Division that this suggestion is practical and practicable. It is believed that, if it meets with approval, it should be acted upon promptly.

With regard to the question of British cooperation (at Shanghai), it is believed that it would be desirable at least to consult with the British Minister and the British Admiral in order to avoid crossed wires.

Sket

FE:SKH/ZMF

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

DEPARTMENT OF STATE  
DIVISION OF FAR EASTERN AFFAIRS

March 12, 1932.

Mr. ~~Hornbeck~~:

I think that the plan referred to in the attached memorandum of March 11 is excellent.

With regard to the suggestions beginning on page 9, I feel that suggestion 1 (f) relating to the presence of Chinese military forces within the area of Greater Shanghai would encounter opposition on the part of the Chinese politicians. The adoption of such a suggestion should, however, operate to the benefit of the more substantial Chinese interests and it is possible that this phase of the plan would be acceptable to Chinese realists.

Aside from the suggestion mentioned in the preceding paragraph, I find nothing in the proposed plan which, in my opinion, should be objected to by either the Japanese or the Chinese.

I think that the plan and the suggestions with regard to implementing it are worthy of a trial and that the plan presents a sound basis for negotiations.

*M. D. Quisenberry*

MMH/REK



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Department of State letter, August 10, 1972  
By Milton D. Huefner NARS, Date 12-18-75

DEPARTMENT OF STATE  
DIVISION OF FAR EASTERN AFFAIRS  
March 12, 1932.

~~SKH:~~

Herewith, prepared at your request,  
is a memorandum giving my views on what  
ought to be done about the situation at  
Shanghai.

No  
I may seem to have disregarded  
about everything that has been done or  
said or is being done or said in regard  
to the situation in China but, in my  
opinion, the Shanghai problem is a very  
practical problem requiring a practical  
solution which does not necessarily  
involve major policies of the various  
governments in regard to the whole  
situation in China.

*This is not  
inconsistent with  
JEJ what has been  
done.  
SKH*

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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

DEPARTMENT OF STATE

DIVISION OF FAR EASTERN AFFAIRS

March 11, 1932

SHANGHAI SITUATION

Subject: Settlement of Problems Arising Out of the Sino-Japanese Conflict at Shanghai.

In this memorandum observations will be made on various phases of the problems arising out of the Sino-Japanese conflict at Shanghai as follows:

Situation Prior : Prior to the Sino-Japanese outbreak  
 to Present Out- : at Shanghai in January of this year, the  
 break. : only real questions at issue were (a)  
 : extra-Settlement municipal roads and  
 concomitant problems (questions of long standing);  
 (b) extraterritoriality in the Shanghai area (a question  
 which has been under discussion for about a year between  
 the United States and China and Great Britain and China);  
 and (c) the anti-Japanese boycott (a question which  
 arose in September 1931).

In his telegram No. 156, March 4, 1 p.m., Consul General Cunningham refers to difficulties existing between the Chinese judicial authorities functioning in the International Settlement and the municipal authorities of that Settlement. It is believed, however, that the difficulties to which Mr. Cunningham referred

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 2 -

473.05  
referred are overestimated as they arise out of anomalies in the situation at Shanghai and are exceptions to the general rule. In general, it can be said that the Chinese judicial authorities in the International Settlement have, since the last agreement which went into effect on April 1, 1932, functioned satisfactorily. Recently under date of January 16, 1932, there appeared in the SHANGHAI EVENING POST AND MERCURY (American-owned) a news item to the effect that during the year 1931, out of 104,190 cases, 91.4% of the persons brought before those judicial authorities charged with crime were convicted (the percentage in the previous year was 93.1%). It is doubtful whether any large city in the United States can show such a satisfactory record in regard to the prosecution of crime. It is in political cases that difficulties arise and these are small in number as compared with the number of general criminal prosecutions.

With regard to the extra-Settlement roads and concomitant problems, these have been live issues at Shanghai since about the year 1912. From 1919 they became more acute on account of the unprecedented growth of Shanghai. Since the advent of the Nationalist authorities at Shanghai, about 1927, these questions have become extremely aggravated because the Nationalist authorities

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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 3 -

authorities were inclined to use high-handed rather than diplomatic methods of dealing with the incidents which arose from time to time on the disputed extra-Settlement road areas. The questions involved in this problem should be settled on their own merits without reference to the present situation at Shanghai and in this connection the recommendations on this subject in Section VI of Justice Feetham's report on Shanghai are valuable.

With regard to the question of extraterritoriality in the Shanghai area, the United States and Great Britain in their negotiations with China during the year 1931 had tentatively committed themselves to an arrangement which contemplated the exclusion for a period of years of a large but undefined area at Shanghai from any agreement to relinquish extraterritoriality in China, during which period further negotiations would be carried on looking toward the eventual settlement of not only the question of extraterritoriality in the Shanghai area but also the extra-Settlement roads and concomitant problems. There is, therefore, also no need to drag this problem into the questions arising out of the present situation at Shanghai.

The only other remaining problem at Shanghai was that of the anti-Japanese boycott which began in September 1931 after the Japanese had debouched from the

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Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 4 -

the South Manchuria Railway zone into large areas of Manchuria. It is not necessary to enter into the general question of whether the Chinese were justified in inaugurating a boycott against Japanese goods or of whether the Japanese suffered greatly as a result of that boycott. The point involved at Shanghai relates rather to the question of whether the International Settlement should have been used as an area in which anti-Japanese agitation was to be carried on.

As the International Settlement is constitutionally an "international partnership", China and Japan both being partners along with the other powers, China should not have assisted the boycott agitators in the Settlement. This assistance was given in two ways. First, the Chinese Government allowed the boycott agitators to use as a base the Temple of Heaven property, which, although situated within the Settlement, is Chinese territory entirely outside of the jurisdiction of the municipal authorities. Second, the Chinese authorities, should not have sent or allowed to be sent to the Chinese judges in the Settlement instructions, directions or threats which prevented them from exercising their judicial immunity in punishing the anti-boycott agitators who used the Settlement as a

base

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

- 5 -

base for their activities and violated existing provisions of Chinese law. By failing to leave the International Settlement entirely outside of their anti-Japanese boycott activities, the Chinese authorities made a grave mistake, as otherwise the Japanese authorities would have had no excuse whatsoever to take the action which was taken at Shanghai and which has brought on the disastrous consequences for all interests situated in that area.

Justification of	:	As was indicated above, the
	:	
the Action Taken by	:	Japanese can establish to a certain
	:	
the Japanese.	:	extent justification for their action
	:	
	:	at Shanghai because the Chinese

officials allowed and encouraged anti-Japanese agitation in the International Settlement. On the other hand, the Chinese will argue that the Mayor of the extra-Settlement Chinese areas on the afternoon of January 28, 1932, acquiesced in the demands made by the Japanese in regard to the boycott and that, therefore, the Japanese military were not justified beginning the hostilities which ensued on the evening of that same day.

Perhaps no one will ever know what precipitated the hostilities on the evening of January 28, 1932. However, it is known that the Chinese military forces in possession of the extra-Settlement areas at Shanghai on that evening were an intensely nationalistically-minded group not under the control of the Chinese Government at Nanking;

we

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 Department of State letter, August 10, 1972  
 By Milton D. Huefner NARS, Date 12-18-75

- 6 -

we know that because of this fact the Municipal Council and the Consular Body of the International Settlement were suspicious that the promise given by the Mayor of the Chinese area to comply with the Japanese demands would not be observed by these troops and decided not to withdraw their declaration of an emergency (martial law). As a result, the Japanese as well as the other military contingents at Shanghai moved forward on the evening of January 28, 1932, to take up their defense positions. The only foreign military contingent which met with any opposition was the Japanese. As stated above, whether the Chinese were the aggressors or the Japanese will probably never be known. Both sides were probably looking for a fight.

Results. : As a result of the encounter which began  
 \_\_\_\_\_: on the evening of January 28, 1932, the Japanese military, after having augmented their military forces to approximately 45,000 men and after using, at times, the International Settlement as a base, finally during the first week in March drove the Chinese military and civil authorities from a very large area lying on the northern boundary of the International Settlement. In so doing <sup>much property in</sup> ~~the large and prosperous area~~ <sup>Chinese</sup> of

24

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quatefen NARS, Date 12-18-75

- 7 -

Chapel has been destroyed and the normal functioning of the municipal authorities in the Hongkew and Eastern districts of the International Settlement has been and is being interfered with.

Although efforts have been made by the United States and by the League of Nations for the purpose of bringing about a restoration of peace in the Shanghai area, the Japanese authorities show no signs of being ready to withdraw Japanese troops and there are indications of preparations for the renewal of the conflict both on the part of the Japanese and the Chinese. The Japanese authorities claim that they are seeking no special rights and privileges and no special area for themselves in the Shanghai area. If they are sincere in this declaration, the only problem is to find some means of getting the Japanese forces out of the Shanghai area. Naturally the Japanese authorities, having taken drastic action and having incurred considerable expenditure of money and loss of life will not be willing to evacuate this area without some guarantees that the Chinese authorities will refrain now not only from the activities against which the Japanese protested in the beginning but also from measures of recrimination.

Unfortunately there has been no unanimity of opinion on the part of the peace making agencies in regard to the means



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 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

- 8 -

means for restoring peace at Shanghai. Also, unfortunately, there seems to be growing agitation at Shanghai on the part of interested local residents to inject into an already difficult problem the question of extending the Settlement in order to bring about a settlement of the extra-Settlement roads and concomitant problems referred to at the beginning of this memorandum. Also the Japanese authorities seem to be giving their support to this agitation.

What Can be Done	:	It is believed that everyone will
in the Circum-	:	agree that it is to the interest of all
stances?	:	concerned to have the Shanghai situation
	:	settled at an early date, particularly

in order that the way may be cleared for negotiations in regard to the Manchurian situation. If this is to be possible, the situation at Shanghai must be viewed in the light of a local disturbance which should be settled as such in a practical manner with the minimum offense to Chinese and Japanese pride. Immediately, therefore, all such questions as are involved in the general disputes between China and Japan (such as those involved in Manchuria) should be eliminated entirely from the question. Then there should be eliminated all local Shanghai questions which had no direct bearing on the causes leading up to the present situation. This would eliminate the  
 extra-Settlement

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

- 9 -

extra-Settlement roads and concomitant problems and all proposals to extend the Settlement area. The only problems remaining, therefore, are, first, the alleged cause of the present situation, namely, the anti-Japanese boycott agitation in the International Settlement, and second, the problem of obtaining sufficient guarantees from the Chinese that Japanese interests located at Shanghai will be protected once the Japanese troops are removed. Suggestions along this line follow.

1. The Chinese National authorities shall, pending a settlement of the major issues between China and Japan, give undertakings:

693,941<sup>2</sup>  
7  
(a) That no official assistance or encouragement will be given to any anti-Japanese boycott or any other anti-foreign agencies operating within the area known as the Municipality of Greater Shanghai, including the International Settlement and the French Concession;

(b) That any person or persons subject to Chinese jurisdiction carrying on within the area of the Municipality of Greater Shanghai (including the International Settlement and the French Concession) anti-Japanese boycott or other anti-foreign agitation shall be prosecuted by the appropriate authorities within the areas referred to before the appropriate tribunals under the applicable provisions of the Chinese Criminal Code, particularly the applicable

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

- 10 -

applicable sections of Chapter III (Offenses Against Friendly Relations with Foreign States); Chapter VII (Offenses Against Public Order); Chapter XI (Offenses Against Public Safety); Chapter XXV (Offenses Against Personal Liberty); and Chapter XXXVI (Mischief).

(c) That if the above provisions are found by judicial decision to be insufficient, the Chinese Government will immediately promulgate as effective within the area referred to adequate remedial legislation.

(d) That the Chinese judicial authorities administering Chinese law within the areas referred to shall be instructed to enforce strictly the provisions of the applicable laws.

(e) That the administration of the Chinese area of the Municipality of Greater Shanghai shall be completely turned over to the Chinese civil authorities functioning within that area under the leadership of the Mayor.

(f) That no Chinese military forces whatsoever shall be brought within the area referred to except such limited number of Chinese troops as the Mayor of the Municipality of Greater Shanghai may, for some specific purpose of emergency and for a limited period, be permitted to bring into that area with the consent

of

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Quisenberry NARS, Date 12-18-75

- 11 -

of the majority of the members of the Consular Body at Shanghai, provided always that if any irregular Chinese military forces not under the control of the Chinese national authorities attempt or there is reason to believe that any Chinese troops will attempt to enter that <sup>out</sup> area with/ the permission referred to, the Consular Body at Shanghai, in consultation with the foreign defense commanders and municipal authorities at Shanghai, ~~should~~ <sup>may</sup> upon their own initiative, after informing the Chinese national authorities if that be possible, take such steps as may be necessary to prevent such forces from entering the area of the Municipality of Greater Shanghai.

2. The Japanese Government shall, when the above undertakings of the Chinese national authorities have been given, give undertakings:

(a) That the Japanese military forces shall immediately be withdrawn from the Shanghai area except that the Japanese Government may retain at Shanghai such limited number of troops as she maintained there prior to the present outbreak and in those areas which were formerly occupied by them in order that Japan may be able to cooperate with the other foreign defense forces at Shanghai in the protection of the Settlements.

(b) That the occupied Chinese areas shall immediately

be

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
 Department of State letter, August 10, 1972  
 By Milton O. Gustafson NARS, Date 12-18-75

- 12 -

be handed over to the appropriate Chinese authorities.

(c) That the occupied areas of the International Settlement and its extra-Settlement roads and properties shall be immediately handed over to the authorities of ~~the Settlement~~ <sup>the</sup> ~~that area~~ in order that those authorities may resume their normal functions therein. H

(3) Both the Japanese and Chinese Governments shall give an undertaking that each will receive for consideration and payment, if accepted, any claims that may be filed with them, respectively, by individuals or firms, regardless of nationality, arising out of the hostilities at Shanghai; that all claims repudiated by either or both of the two Governments shall within one year from the date of the giving of the undertakings referred to herein be submitted to an arbitral board to be appointed by the International Court of The Hague; and that both China and Japan bind themselves to accept the decision of that Board.

How May the	:	In view of the efforts now being
	:	
Above Plan Be	:	made by the League of Nations, with the
	:	
Implemented?	:	informal collaboration of the United States,
	:	
	:	a question arises in regard to how the

plan as above contemplated might be brought up for discussion. In a situation such as now exists in the relations

0700

DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Huetten NARS, Date 12-18-75

- 13 -

relations between Japan and China in which deep-seated emotions of anger and hatred have been aroused, it is not believed that either the League of Nations or any other large group of powers or representatives of powers would be able to initiate or to carry into effect such a plan. Also, in the case of oriental powers like Japan and China where the question of national "face" or pride is carried to the "nth" degree, any publicity given to such a plan, as is now being given to all other efforts to settle the problems at Shanghai, would tend to destroy its chances for success.

The following plan of action might be successful. The proposed plan should be given to Minister Johnson in the strictest confidence and he should be instructed to proceed to Nanking to consult with the highest representatives of the Chinese national authorities there. He should give them an outline of this plan and assure them that he, acting on behalf of his Government, would be prepared to communicate on their behalf to the Japanese authorities any proposal based on that plan or such reasonable modifications as the Chinese national authorities may suggest. Minister Johnson should further be authorized to state that if the plan is acceptable to the Japanese, the American Government would be prepared to do all within its power to assist

in

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Glushteyn NARS, Date 12-18-75

- 14 -

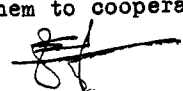
in the execution thereof.

If the Chinese authorities should inform Minister Johnson that some such plan would be acceptable to them but that they were not prepared to take the initiative in making a proposal based thereon to the Japanese authorities, Minister Johnson might then inform them that he, in the light of the information given him, would be prepared to approach the Japanese authorities as he had the Chinese in order to find out if such a plan would be acceptable to them to the extent of their offering such a proposal on their part to the Chinese.

If the Japanese authorities should also inform Minister Johnson that the plan would be acceptable to them but that they themselves were not in a position to offer a proposal based thereon to the Chinese, Minister Johnson, knowing the views of both sides, would be in a position, on behalf and on the initiative of the American Government, to offer a proposal to both sides.

It may be found desirable to invite the British to cooperate with us in suggesting such a plan. The fact that the British Minister and the British Admiral in Chinese waters have already been using their official good offices between the disputants makes it, it is believed, desirable that Minister Johnson before acting on this project discuss the plan with those officials in order to ascertain what they may be doing and to discover whether it may be advisable to invite them to cooperate.

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DECLASSIFIED: E.O. 11652, Sec. 3(E) and 5(D) or (E)  
Department of State letter, August 10, 1972  
By Milton D. Gustafson NARS, Date 12-18-75

*Paraphrase*  
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### TELEGRAM RECEIVED

MET

Shanghai

A portion of this telegram  
must be closely paraphrased  
before being communicated FROM  
to anyone.

Dated March 25, 1932

Rec'd 11:25 a. m.

Secretary of State,

Washington

March 25, 8 p.m.

(GRAY) My March 24, 9 p.m.

CONFIDENTIAL FOR THE SECRETARY.

One. Meeting resumed today at 10 a.m. with discussion  
of first sentence of Article one of draft March 19, "The  
Chinese troops will remain in their present positions pend-  
ing later arrangements". Quo stated he could not accept  
wording if it implies any limitation upon China's freedom  
to move troops within her own boundaries. Japanese cling  
to old wording as they apparently do not want to abandon  
idea of another conference. Matter goes over for the pres-  
ent and they proceeded to definition of Chinese positions

Two. In regard to Article two draft March 19, Quo  
stated that text was acceptable to Chinese side provided  
following wording inserted at the beginning of Article:

"In accordance with a definite program regulating withdrawal

as

F/LS

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FILED

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793.94119  
893.0146





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 Department of State letter, August 10, 1972  
 By Milton D. Gustafson NARS, Date 12-18-75

MET

2-#-- from Shanghai, March 25,  
 8 p. m.

as shown in annex (blank) to this agreement" before opening words "the Japanese troops will withdraw". After some discussion matter was put over as a question of drafting while they take up program of Japanese withdrawal. Both sides then accepted the first paragraph annex to Japanese draft (my March 24, 9 p.m.) regarding withdrawal i.e. that the withdrawal begin within a week.

Three. Uyeda stated in reply to question when meeting reconvened at 3 p.m. that it would require six weeks to complete withdrawal Japanese troops to positions adjacent to Settlement and Hongkew Extra Settlement Roads. This time necessary as I understand to enable them to find quarters for troops. (END GRAY) Japanese will have approximately 37,000 soldiers to accommodate and want to hold them indefinitely. They have no room for them in the Settlement. In this connection it is very apparent that Japanese are treating problem as a purely military problem in which considerations of defence are dominant).

Four. Quo finally asked Japanese how long it would take to complete withdrawal to Settlement and Hongkew Extra Settlement Roads. General Uyeda stated he could not

say

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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

MET

3-#-- from Shanghai, March 25,  
8 p.m.

say whereupon argument taken up between Shigemitsu <sup>and Aso,</sup> stating <sup>Shigemitsu</sup> that it is impossible for them to give a time for withdrawal. They will withdraw their troops when the situation permits. They hope that this will be very soon. Chinese Minister, however, objected that whole purpose of conference was defeated by this attitude on the part of Japanese as conference was undertaken under League resolution of March 4th which called for cessation of hostilities and the regulation of the withdrawal Japanese troops. The longer the troops are kept here the longer will the situation remain disturbed.

(GRAY) As anticipated in my telegram March 23, 10 a.m., reporting information brought to me by the Military Attache, the Japanese have designated line Szetseling through Yanghang, Tachang to Chenju behind which their forces intend to withdraw. Chinese object to it as covering areas distant from the Settlement and not compatible with the first sentence of paragraph two of draft March 19.

Five. Meeting adjourned until 10 a.m. tomorrow, March 26th. (END GRAY)

Six, ~~---~~

1704  
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Department of State letter, August 10, 1972  
By Milton O. Gustafson NARS, Date 12-18-75

MET

4-#11 from Shanghai, March 25,  
8 p.m.

Six. Quo threatened to break ~~if I~~ <sup>after and</sup> refer matter to  
(pleaded?)  
the League and his Government; Shigemitsu ~~pleaded~~ with him  
to continue meetings while the question of Japanese and  
Chinese lines be left to a sub-committee composed of General  
Tashiro, General Gaston Wang and the Military Attaches of  
Great Britain, United States, France and Italy to meet con-  
currently. It being evident that the Japanese did not wish  
to break I joined Lampson in persuading Quo to meet again  
in the morning without prejudice to his position on the dis-  
puted points.

JOHNSON

KLP

HPD

corrected  
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**MICROCOPY**

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**END**

