

LEAGUE OF NATIONS

Official Journal

SPECIAL SUPPLEMENT No. 111

RECORDS

OF THE

SPECIAL SESSION

OF THE

ASSEMBLY

convened in virtue of Article 15 of the Covenant
at the Request of the Chinese Government.

VOLUME III

AGENDA

- I. Appeal of the Chinese Government.
 - II. Resignation of the Secretary-General of the League of Nations and Approval of the Appointment of M. Avenol as his Successor.
-

GENEVA, 1933

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NOTE BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

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

- I. The records of the second and third public meetings, held on October 1st and December 1st, 1932, of the Special Committee set up by the Assembly in virtue of the resolution adopted on March 11th, 1932, at which the question of the duration of the extension of the time-limit provided for in Article 12, paragraph 2, of the Covenant of the League of Nations was discussed.
- II. The records of the general discussion on the report of the Commission of Enquiry appointed in virtue of the resolution adopted by the Council of the League of Nations on December 10th, 1931. This discussion took place at plenary meetings of the Assembly held from December 6th to December 9th, 1932.

* * *

The Assembly also dealt, on December 9th, 1932, with the following question :

Resignation of the Secretary-General of the League of Nations and Approval of the Appointment of M. Avenol as his Successor.

* * *

As the complete records of the discussions, both in the Council and in the Special Assembly, in connection with the appeal of the Chinese Government and all the documents relating thereto¹ have been published in the *Official Journal*, the following list of the volumes in which those records appear is given for convenience of reference :

Council :

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

Special Assembly :

Special Supplements Nos. 101 and 102.

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

LIST OF MEMBERS OF THE DELEGATIONS TO THE ASSEMBLY

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

The following list of members of the delegations present at the discussions of the Special Assembly, which took place in December 1932, has been compiled from the official letters from Governments received by the Secretariat prior to or during the meetings. The Members of the League which are not included in the list have not notified any modifications in the composition of their delegations, which remained the same as at previous meetings of the Special Assembly (see *Official Journal*, Special Supplement No. 101, pages 9 to 20, and Special Supplement No. 102, page 8).

* * *

UNION OF SOUTH AFRICA

Mr. Barend Jacobus Pienaar (Minister Plenipotentiary and Envoy Extraordinary in Rome).

Major F. F. Pienaar, D.T.D., O.B.E. (Permanent Representative accredited to the League of Nations).

AUSTRALIA

The Right Honourable S. M. Bruce, C.H., M.C., M.P.

Secretary :

Major O. C. W. Fuhrman, O.B.E.

AUSTRIA

His Excellency M. Richard Schüller (Doctor of Law, Envoy Extraordinary and Minister Plenipotentiary).

M. Marcus Leitmaier (Doctor of Law, Legal Adviser at the Department for Foreign Affairs).

Secretary :

M. Franz Matsch (Doctor of Law, Secretary of Legation).

BULGARIA

M. Dimitri Mikoff (Chargé d'Affaires in Switzerland, Permanent Delegate accredited to the League of Nations).

CANADA

The Honourable Charles Hazlitt Cahan, K.C., M.P., LL.B., LL.D. (Secretary of State of Canada).

Substitute :

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

Secretary-General :

Mr. P. E. Renaud.

CANADA (*cont.*)

Secretaries :

Miss M. M. Clark.

Miss M. F. Andrews.

CHINA

His Excellency Dr. W. W. Yen (Envoy Extraordinary and Minister Plenipotentiary at Washington).

His Excellency Dr. V. K. Wellington Koo (Envoy Extraordinary and Minister Plenipotentiary in Paris, Chinese Representative on the Council of the League of Nations).

His Excellency M. Quo Tai-chi (Envoy Extraordinary and Minister Plenipotentiary in London).

Substitutes :

His Excellency M. T. Y. Lo (Envoy Extraordinary and Minister Plenipotentiary at Copenhagen).

His Excellency M. Wunsz King (Minister Plenipotentiary).

Dr. Hoo Chi-Tsai (Minister Plenipotentiary, Chargé d'Affaires at Berne, Director of the Permanent Bureau of the Chinese Delegation accredited to the League of Nations).

Secretary-General :

Dr. Hoo Chi-Tsai (Minister Plenipotentiary, Chargé d'Affaires at Berne, Director of the Permanent Bureau of the Chinese Delegation accredited to the League of Nations).

Experts :

M. Yen Te-Ching (Principal Technical Expert at the Ministry for Railways).

Dr. Tsien Tai (Counsellor to the Judiciary Yuan).

M. Shen Chin-Ting (Director of the Asiatic Department at the Ministry for Foreign Affairs).

Dr. Shuhsi Hsu (Professor of Political Sciences at the Yenching University).

CHINA (cont.)

- M. Wang Ta-Chen (Member of the Treaties Committee at the Ministry for Foreign Affairs).
- M. Hsiao Chi-Yung (Counsellor of Embassy).
- M. Lone Liang (Counsellor of Legation).
- M. Sze Chao-Kuei (Counsellor of Legation).
- M. Chen Ting (First Secretary of Legation).
- M. Tennyson Tan (First Secretary of Legation).

Press Bureau :

- His Excellency M. T. Y. Lo (Envoy Extraordinary and Minister Plenipotentiary at Copenhagen).
- Dr. Kuangson Young (former Consul-General in London).
- M. William Hsieh.
- Dr. C. L. Hsia (First Secretary of Legation).
- M. Kien Wen Yu (Secretary of Legation).
- Dr. Roland Ouang (Attaché of Legation).

Secretaries :

- M. Lou Che-Ngan (Second Secretary of Legation).
- M. Liu Chieh (Second Secretary of Legation).
- M. Fang Pao-Tchung (Second Secretary of Legation).
- M. Tsui Tswen-Lin (Secretary of Legation).
- M. Wong Kai-Ping (Secretary of Legation).
- M. Tsou En-Yuan (Secretary of Legation).
- M. H. C. Sung (Attaché of Legation).
- M. Mikien Yiu (Attaché of Legation).
- M. Woo Kwang-Han (Attaché of Legation).
- M. S. C. Wang (Attaché of Legation).
- M. Ken Kia Tao (Attaché of Legation).

COLOMBIA

His Excellency Dr. Antonio José Restrepo (Permanent Delegate accredited to the League of Nations).

Substitute :

M. Julio Eduardo Rueda (Chargé d'Affaires at Berne).

CZECHOSLOVAKIA

His Excellency Dr. Eduard Beneš (Minister for Foreign Affairs).

Substitute :

M. Rudolf Künzl-Jizerský (Envoy Extraordinary and Minister Plenipotentiary at Berne, Permanent Delegate accredited to the League of Nations).

Secretary-General :

M. Arnošt Heidrich (Head of the League of Nations Service at the Ministry for Foreign Affairs).

Private Secretary to M. Beneš :

Dr. Vladimír Kučera (" Chef du Cabinet " to the Minister for Foreign Affairs).

Secretary :

Dr. Jaromír Špaček (Secretary of Legation at the Ministry for Foreign Affairs).

DENMARK

M. William Borberg (Permanent Danish Delegate accredited to the League of Nations).

Secretary :

M. Sigurd Christensen (Secretary of the Permanent Danish Delegation accredited to the League of Nations).

FINLAND

His Excellency Dr. Rudolf Holsti (Envoy Extraordinary and Minister Plenipotentiary at Berne, Permanent Delegate accredited to the League of Nations, former Minister for Foreign Affairs).

Substitute and Secretary-General :

M. P. K. Tarjanne (First Secretary of Legation at the Permanent Delegation accredited to the League of Nations).

HUNGARY

His Excellency General Gabriel Tánczos (former Minister).

Substitute :

M. Jean Pelényi (Envoy Extraordinary and Minister Plenipotentiary, Head of the Permanent Delegation accredited to the League of Nations).

INDIA

His Highness the Aga Khan, G.C.S.I., G.C.I.E., G.C.V.O. ¹

Sir Henry Wheeler, K.C.S.I., K.C.I.E. (Member of the Council of India).

Personal Assistant to Sir Henry Wheeler :

Mr. L. E. Le Burn.

IRAQ

His Excellency Nuri Pasha al Said.

IRISH FREE STATE

Mr. Joseph Connolly (Senator, Minister for Posts and Telegraphs).

Mr. Sean Lester ² (Permanent Delegate accredited to the League of Nations).

Substitutes :

Mr. F. T. Cremins (Chief of Section, Department of External Affairs).

Mr. T. J. Coyne (Secretary to the Permanent Delegation accredited to the League of Nations).

Mr. F. H. Boland (Secretary to the Legation in Paris).

¹ In the absence of the Aga Khan from Geneva, Sir Henry Wheeler acted as first delegate.

² After the departure of Mr. Connolly from Geneva, Mr. Lester became head of the delegation.

ITALY

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

His Excellency M. Augusto Rosso (Ambassador).

His Excellency M. Massimo Pilotti (First President of the Court of Appeal, Legal Adviser at the Ministry for Foreign Affairs).

Assistant Delegates :

M. Augusto Biancheri (Envoy Extraordinary and Minister Plenipotentiary).

M. Gerolamo de Rossi (Envoy Extraordinary and Minister Plenipotentiary).

M. Giannino Ferrari Dalle Spade (Professor at the Royal University at Padua).

M. Giuseppe Gallavresi (Professor at the Royal University of Milan).

Secretary-General :

M. Leonardo Vitetti (Counsellor of Legation).

Secretaries :

M. Luigi Cortese (Secretary of Legation).

Marquis Cristoforo Fracassi Ratti Mentone di Torre Rossano (Secretary of Legation).

M. Alberto Mellini Ponce de Leon (Vice-Consul).

Marquis Blasco Lanza D'Ajeta (Attaché).

Baron Folco Aloisi de Larderel (Attaché).

JAPAN

M. Yosuké Matsuoka (Member of the Chamber of Representatives).

His Excellency M. Harukazu Nagaoka (Ambassador in Paris).

His Excellency M. Naotaké Sato (Ambassador at Brussels, Envoy Extraordinary and Minister Plenipotentiary at Luxemburg).

Substitutes :

His Excellency M. Setsuzo Sawada (Envoy Extraordinary and Minister Plenipotentiary, Director of the Japanese League of Nations Office).

His Excellency M. Massa-aki Hotta (Envoy Extraordinary and Minister Plenipotentiary at Prague).

M. Nobumi Ito (Counsellor of Embassy).

General Yoshitsugu Tatékawa.

Experts and Secretaries :

General Noburu Morita.

Vice-Admiral Yasuo Kô.

M. Kinuji Kobayashi (Member of the Chamber of Representatives).

M. Masayuki Yokoyama (Secretary to Embassy).

M. Seijiro Yoshizawa (Secretary to Embassy).

M. Kwanzo Shiozaki (Secretary to Embassy).

Colonel Kanji Ishiwaru.

Commander Shunkichi Okano.

M. Tamao Sakamoto (Secretary to Embassy).

Lieutenant-Colonel Yûitsu Tsuchihashi.

M. Shun-ichi Matsumoto (Secretary to Embassy).

JAPAN (cont.)

M. Nobumachi Mikuria.

M. Yutaka Tsuchida (Secretary to Embassy).

M. Taro Térazaki (Consul).

M. Shin-ichi Shibusawa (Secretary to Embassy).

Viscount Seiichi Motono (Consul).

M. Shintaro Sato (Attaché to Embassy).

M. Yuzô Issono (Attaché to Embassy).

M. Kôtô Matsudaira (Attaché to Embassy).

M. Taizô Watanabé (Attaché to Embassy).

M. Kôichiro Asakai (Attaché to Embassy).

UNITED STATES OF MEXICO

M. Arturo Pani (Engineer).

NETHERLANDS

Substitute :

M. E. Moresco (former Vice-President of the Council of the Netherlands Indies).

NICARAGUA

His Excellency Dr. Francisco Tomás Medina (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

NORWAY

M. Carl Joachim Hambro (President of the Storting, President of the Committee for Foreign Affairs of the Storting).

Dr. Christian L. Lange (Doctor of Philosophy).

M. Rolf O. Andvord (Head of Division at the Ministry for Foreign Affairs).

PARAGUAY

His Excellency Dr. Ramón V. Caballero de Bedoya (Envoy Extraordinary and Minister Plenipotentiary in France, Permanent Delegate to the League of Nations).

POLAND

His Excellency M. Joseph Beck (Minister for Foreign Affairs).

His Excellency Count Jean Szembek (Under-Secretary of State at the Ministry for Foreign Affairs).¹

His Excellency Count Edouard Raczyński (Envoy Extraordinary and Minister Plenipotentiary, Delegate to the League of Nations).

His Excellency M. Jean de Modzelewski (Envoy Extraordinary and Minister Plenipotentiary at Berne).

Substitutes :

M. Thadée Gwiazdowski (Head of the League of Nations Service at the Ministry for Foreign Affairs).

¹ During M. Beck's absence from Geneva, M. Szembek acted as President of the delegation.

POLAND (*contd.*)

M. Titus Komarnicki (Doctor of Law, Counsellor of Legation, Secretary-General of the Delegation to the Conference for the Reduction and Limitation of Armaments).

Expert :

M. Ladislas Kulski (Doctor of Law, "Rapporteur" at the Ministry for Foreign Affairs).

PORTUGAL

His Excellency Dr. Augusto de Vasconcelos (former Prime Minister, former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Portuguese Secretariat accredited to the League of Nations).

His Excellency Dr. Vasco de Quevedo (Envoy Extraordinary and Minister Plenipotentiary in Switzerland and accredited to the League of Nations).

Dr. José Lobo d'Avila Lima (Professor at the Universities of Coimbra and Lisbon, Legal Adviser at the Ministry for Foreign Affairs).

Secretary-General :

Dr. A. M. Ferraz de Andrade (First Secretary of Legation, Head of the Portuguese Service accredited to the League of Nations).

Secretary :

M. Jorge Bahia (Attaché of Legation, at the Portuguese Service accredited to the League of Nations).

ROUMANIA

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

Expert :

M. Edmond Ciuntu (First Secretary at the Legation accredited to the League of Nations).

SIAM

Substitute :

Luang Bhadravadi (Secretary of Legation in London).

SWEDEN

M. B. Oesten Undén (Minister without portfolio).

Substitute :

M. K. I. Westman (Envoy Extraordinary and Minister Plenipotentiary at Berne).

VENEZUELA

His Excellency M. César Zumeta (Senator, former Minister for the Interior).

His Excellency Dr. Diogenes Escalante (Envoy Extraordinary and Minister Plenipotentiary in Great Britain).

Dr. L. G. Chacín-Itriago (Chargé d'Affaires at Berne).

YUGOSLAVIA

His Excellency M. Bogolyoub Yévtitch (Minister for Foreign Affairs).

His Excellency M. Constantin Fotitch (Envoy Extraordinary and Minister Plenipotentiary, Secretary-General of the Ministry for Foreign Affairs).

Secretary-General :

Dr. Ivo Andritch (Chargé d'Affaires at the Permanent Delegation accredited to the League of Nations).

Private Secretary to M. Yévtitch :

Dr. Nikodiyé Yovanovitch (Secretary at the Ministry for Foreign Affairs).

PRESIDENT AND VICE-PRESIDENTS
OF THE
SPECIAL SESSION OF THE ASSEMBLY

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

At its meeting held on December 6th, 1932, the Assembly, on the proposal of the Spanish delegation, decided that the powers conferred by it on the occasion of the election of its President and Vice-Presidents on March 3rd, 1932,¹ should remain valid until the special session convened in virtue of Article 15 of the Covenant of the League of Nations has been declared closed. In the event of the Vice-Presidents originally elected being absent, it was agreed that the heads of the delegations to which those Vice-Presidents belonged should replace them.

¹ See *Official Journal*, Special Supplement No. 101, pages 23 and 24.

TEXT OF THE DEBATES

SECOND MEETING (PUBLIC) OF THE SPECIAL COMMITTEE OF THE ASSEMBLY.

Saturday, October 1st, 1932, at 10.30 a.m.

President : M. HYMANS

Present :

United Kingdom : Mr. EDEN.
Colombia : (Absent).
Czechoslovakia : M. BENEŠ.
France : M. BASDEVANT.
Germany : M. VON ROSENBERG.
Guatemala : M. MATOS.
Hungary : General TÁNCZOS.
Irish Free State : Mr. LESTER.
Italy : M. PILOTTI.
Norway : M. BRAADLAND.
Panama : M. GARAY.
Peru : (Absent).
Poland : M. GWIAZDOWSKI.
Portugal : M. DE QUEVEDO.
Spain : M. DE MADARIAGA.
Sweden : M. WESTMAN.
Switzerland : M. RAPPARD.
Yugoslavia : M. FOTITCH, then M. YEVTITCH.

Secretary-General : Sir Eric DRUMMOND.

CONTENTS.

APPEAL OF THE CHINESE GOVERNMENT.

Duration of the Extension of the Time-limit provided for in Article 12, Paragraph 2, of the Covenant of the League of Nations : Request of the Chinese Government.

APPEAL OF THE CHINESE GOVERNMENT : DURATION OF THE EXTENSION OF THE TIME-LIMIT PROVIDED FOR IN ARTICLE 12, PARAGRAPH 2, OF THE COVENANT OF THE LEAGUE OF NATIONS : REQUEST OF THE CHINESE GOVERNMENT.

The President :

Translation : I have received the following letter, dated September 26th, 1932, from Dr. Yen, delegate of China :¹

“ I have the honour to call your attention to the decisions of the Council at its meeting two

days ago in connection with the report of the Commission of Enquiry presided over by Lord Lytton.¹ The Council decided that the Lytton report, which had arrived at Geneva, should be published and circulated on October 1st, and that it should be considered by the Council at a meeting to begin with November 14th, or at the latest with November 21st, the President of the Council being empowered to decide on the latter question.

“ Under the circumstances, I have the honour to request that you convoke a meeting of the Committee of Nineteen to consider and decide on the duration of the extension of the six-month period, in accordance with the terms of the resolution of July 1st, for adoption by the Special Assembly. My Government places much importance on the fixing of the duration of the extension of the six-month period, and repeats its request that it be made as short as possible, as time is an essential element of the solution of the dispute. At the same time, the Chinese Government begs to insist that the Committee of Nineteen will take the necessary steps to prevent Japan from taking advantage of any delay to aggravate the situation.

(Signed) W. W. YEN.”

On receipt of this letter I considered, after reflection and after consulting some of my colleagues, that it would be desirable to convene the Committee of Nineteen ; that is the reason for to-day's meeting.

You will have noticed that Dr. Yen's letter asks us to do two things ; first, to fix the duration of the extension of the six-month period provided for in Article 12 of the Covenant, which was decided upon by the Assembly on July 1st, 1932 ;² and, secondly, to take the necessary steps to prevent Japan from taking advantage of any delay to aggravate the situation.

¹ See *Official Journal*, November 1932, page 1730.

² See *Official Journal*, Special Supplement No. 102, page 16.

We have here accordingly two different questions which we will, if you agree, consider one after the other.

As regards the first point — that is to say, the duration of the extension of the sixth-month period — I think it may be well to remind you of the entire text of the resolution adopted by the Assembly on July 1st. It was in the following terms :

“ While laying stress on the exceptional character of a measure which is imposed on it by circumstances, the Assembly, noting that the representatives of the Chinese and Japanese Governments have both informed its President of their agreement concerning the extension of the time-limit laid down in the second paragraph of Article 12 of the Covenant, decides to prolong this time-limit to the extent that may be strictly necessary and on the understanding that the said extension shall not constitute a precedent.

“ After receiving the report of the Commission of Enquiry, the Assembly, on the proposal of its Committee, will fix the duration of the extension.

“ It goes without saying that, in deciding upon this extension, the Assembly has no intention of unduly prolonging its work ; it desires to conclude it as rapidly as circumstances permit. It hopes, in particular, that its Committee will be in a position to begin its examination of the report of the Commission of Enquiry before November 1st.”

I shall be glad to know if any of you have any observations to make on this first point.

M. de Quevedo (Portugal) :

Translation : In so complex a matter as this, I think it will be very difficult for us to reach any decision until we have before us the text of the Lytton report, which may furnish us with indications with a view to a practical and satisfactory decision in the matter.

M. Beneš (Czechoslovakia) :

Translation : The Chinese delegate's request appears to me a legitimate one. It expresses the hope that the extension of the period will not be excessive. The resolution adopted by the Special Assembly on July 1st, 1932, was practically in the same sense. I believe I am right in saying that the Council of the League will be meeting some time between November 14th and 20th, and will then have to consider at once the Lytton report. The Special Assembly decided that the President of the Council would forward to us as quickly as possible all the necessary documents, and, in particular, the Lytton report. The Committee of Nineteen will therefore have the Lytton report before it without delay, and I hope the negotiations of the President of the Council will not last long, so that we ourselves, who drafted the Assembly's resolution, may be in a position to give effect to it in accordance with the Assembly's wishes.

I therefore consider that the decisions at present taken by the Committee and by the Special Assembly furnish us, in practice, with the means of fulfilling our task in the sense expressed by the Chinese delegate in his letter. There is therefore no difficulty, I think, with regard to this question. The decisions we have taken up to the present are in themselves sufficient to enable us to comply with the Chinese delegation's wish.

The President :

Translation : It seems to me, and I am sure you will agree, that the observations of M. Beneš

are entirely justified. It is quite true that the Assembly has taken a series of decisions which furnish us, in practice, with all the means of carrying out our task in the shortest possible time.

The Assembly stated that it proposed to fix the duration of the extension on the proposal of our Committee, and after having received the report of the Lytton Commission. When the Assembly on March 11th, 1932,¹ decided to set up the Committee known as the Committee of Nineteen, it had taken due account of the fact that the report of the Lytton Commission would be submitted to the Council and would be communicated to the Assembly through the Council. The Assembly's resolution of March 11th contains the following paragraph, the text of which I desire to bring to your notice. It is as follows :

“ 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.”

This paragraph is drawn up in such a fashion as to include any documentation which the Council may see fit to refer to the Assembly ; but it has clearly in view, in particular, the report of the Lytton Commission. It is therefore clear that the Assembly has already decided that it must receive from the Council the report of the Lytton Commission before our Committee is in a position to submit to the Assembly proposals for the duration of the extension of the six-month period. This is shown clearly both by the text of the Assembly resolutions and by the very nature of the problem before us, since the time which the Assembly will require to accomplish with the requisite care the task devolving on it under Article 15 of the Covenant must in great measure be determined by the nature and contents of the Lytton report.

On July 1st, the Assembly expressed the hope that our Committee would be in a position to begin its examination of the report of the Lytton Commission before November 1st. That will no longer be possible in view of the fact that the Council has acceded to the request of the Japanese Government for a postponement of six weeks in order to enable that Government to prepare its observations and to send a special representative to Geneva with them. This was stated in precise terms by Mr. de Valera, President of the Council, at the Council meeting held on September 24th, 1932,² as follows :

“ We must first of all face the fact that, if this request is granted, a further delay in the meeting of the Assembly and of its Committee of Nineteen becomes inevitable. The Committee of Nineteen has expressed the hope that it would be able to begin the study of the necessary documentation by November 1st at the latest, whereas the Council will now scarcely be able to begin its discussion until after the middle of November, assuming that the report is communicated to the parties and to the other Members of the Council in the first days of October.”

When it decided to accede to the Japanese Government's request, the Council of the League took due account of the effect of its decision on what might be called the marching orders of the procedure laid down by the Assembly in execution

¹ See *Official Journal*, Special Supplement No. 101, page 87.

² See *Official Journal*, November 1932, page 1730.

of the mission devolving on the latter under Article 15 of the Covenant.

It is now decided that the Council of the League will meet on November 14th, or at the latest on November 21st, to consider the report of the Lytton Commission.

We may rest assured that the Council will make every effort to communicate the report to the Assembly, with any observations it may desire to make on the subject. The Committee of Nineteen will then be called upon, in accordance with the resolution of July 1st, to consider and formulate the proposal to be made to the Assembly for determining the duration of the extension of the six-month period. This will be in accordance with all the decisions taken up to the present.

You will agree with me that it is impossible, as M. Beneš has just stated with much truth, to be any more exact than this. We can accordingly assure the Chinese delegate that it is our intention to act in strict conformity with the principles laid down in the resolutions of the Assembly, in such a manner that the extension will not exceed the duration which is strictly necessary, while at the same time the Assembly will be desirous of concluding its work as quickly as circumstances permit.

M. Beneš (Czechoslovakia) :

Translation : I agree with the President, and endorse what he has said in regard to procedure. I believe we have acted in conformity with the procedure which was laid down, except on one particular point. The President reminds us that, in the resolution adopted on July 1st, the desire was expressed that the Committee of Nineteen might be able to consider the matter before November 1st. The circumstances, however, were such — and the Council took this into consideration — that the Council is now meeting in the second half of November. It is all the more important for us to be able, as the President has said, to begin our work as soon as possible.

I am sure that such an assurance will satisfy the delegation which has submitted its request to us, and will, at the same time, allow of the organisations of the League to accelerate their own work in the matter.

The President :

Translation : If there are no other speakers, it would appear that we are all agreed as to the course of our work. As soon as the Council has referred to us the Lytton report, with its observations, it will be my duty to convene the Committee of Nineteen, and the latter will then be called upon to prepare immediately the terms of a proposal to be submitted to the Assembly for fixing the duration of the extension of the time-limit.

Agreed.

The President :

Translation : We now come to the second point raised by Dr. Yen in his letter of September 26th. I may remind you of the terms of the last paragraph of his letter :

“ At the same time, the Chinese Government begs to insist that the Committee of Nineteen will take the necessary steps to prevent Japan from taking advantage of any delay to aggravate the situation.”

I may remind you that on several occasions the Council and the Assembly have solemnly confirmed the undertaking into which the two parties entered on September 30th, 1931, and

renewed on December 10th, 1931, that they would take all possible steps to prevent any aggravation of the situation.

When I had the honour to submit to the Assembly the resolution of July 1st, the text of which I have already read, I told the Assembly that, in consulting the two parties concerned (the Chinese and Japanese delegations), I made use of the following words :

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

I wrote in these terms to the Chinese and Japanese representatives. I read my communications to the meeting of the Assembly on July 1st, in the course of which I added :

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

What I said then expressed the views of the Committee of Nineteen.

Some few days ago, Mr. de Valera, President of the Council, expressed regret that, at the moment when the Council was awaiting the receipt of the Lytton report, Japan, by recognising what is known as the Manchukuo Government, and by signing a treaty with it, had taken steps which were bound to prejudice the settlement of the difference.

Whatever views may ultimately be expressed by the Assembly on the solution of this difficult and complex problem, I think all my colleagues on the Committee will agree with me in expressing the same regret as Mr. de Valera.

At the same time, I may remind you that the two parties have solemnly undertaken not to aggravate the situation, and it is obvious that the changes in the time-limits to which I have referred at the present meeting in no way release them from that obligation.

M. Beneš (Czechoslovakia) :

Translation : I agree entirely with what the President has just said. He reminded us that we have several times discussed in the Committee of Nineteen the possibility of events which might lead to an aggravation of the situation. We have been concerned with this question, and on several occasions during the discussions of the Committee what I may call more energetic measures have been proposed. We have always felt that the spirit of our organisations indicated a moderate attitude, by which we meant to express primarily our profound conviction that nothing serious would happen. We have been disappointed by the events.

I associate myself therefore entirely with the regrets already expressed by the Council and support the proposal just made by the President.

The President :

Translation : If no other member has any observation to make, I will add a word. It appears to me that the Committee is not called upon at present to vote any resolution, but that it is desirable that we should inform the two parties concerned — viz., China and Japan — of the sentiments which have been expressed in the Committee. For that purpose the simplest and most practical method is to decide to transmit to them officially the Minutes, in which will be found a precise account of what has been said in the course of the discussion.

M. Westman (Sweden) :

Translation : On behalf of the Swedish delegation, I desire to associate myself fully with M. Beneš' statement and with his expression of regret.

M. Rappard (Switzerland) :

Translation : As the views of the Committee of Nineteen will only be brought to the notice of the parties concerned through the Minutes of this meeting, the silence of certain members of

the Committee who have followed the statements made by the President might be misinterpreted. I desire accordingly to say, on behalf of the Swiss delegation, that I am entirely in agreement with the sentiments expressed.

The President :

Translation : I desire to remind you that the members of the Committee of Nineteen who are on the Council of the League of Nations — and this applies to the majority of our Committee — have all already expressed similar sentiments at the meeting of the Council when Mr. de Valera was their interpreter. It appears to me therefore that the utterances here made are generally approved by the Committee, and they will be transmitted to the Chinese and Japanese delegations.

M. de Madariaga (Spain) :

Translation : I should like to amend what you have just said in the sense of stating that the Committee's opinion is unanimous.

The President :

Translation : That was my meaning.

THIRD MEETING (PUBLIC) OF THE SPECIAL COMMITTEE OF THE ASSEMBLY.

Thursday, December 1st, 1932, at 11.15 a.m.

President : M. HYMANS.

Present :

United Kingdom : Mr. EDEN,
Colombia : M. RESTREPO,
Czechoslovakia : M. BENEŠ,
France : M. MASSIGLI,
Germany : M. VON WEIZSÄCKER,
Guatemala : M. MATOS,
Hungary : General TÁNCZOS,
Irish Free State : Mr. CONNOLLY,
Italy : M. PILOTTI,
Mexico : M. PANI,
Norway : M. LANGE,
Panama : M. GARAY,
Poland : Count SZEMBEK,
Portugal : M. DE VASCONCELIOS,
Spain : M. OLAY,
Sweden : M. WESTMAN,
Switzerland : M. MOTTA,
Turkey : Cemal HÜSNÜ Bey.
Secretary-General : Sir Eric DRUMMOND.

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WELCOME TO THE TURKISH DELEGATE.

The President :

Translation : I wish first to welcome the Turkish delegate, who has been appointed a member of our Committee.¹ Czechoslovakia continues to occupy her seat in another capacity, as she was elected to the Council by the last Assembly.

Cemal Hüsnü Bey (Turkey) :

Translation : I thank you, Mr. President, for your very kind words. Turkey highly appreciates

¹ See *Official Journal*, Special Supplement No. 104, page 85.

having been asked to give her opinion on a dispute the solution of which will, we strongly hope, strengthen even further, if that is possible, the provisions and objects of the Covenant and of the Pact of Paris, and thereby satisfy the two parties concerned.

**CONVOCATION OF THE SPECIAL ASSEMBLY
IN PLENARY SESSION FOR TUESDAY,
DECEMBER 6th, 1932.**

The President :

Translation : You, like myself, have taken cognizance of the Council's discussions on the Lytton Commission's report.¹

After reading the Minutes, I thought it right to convene the Committee of Nineteen for to-day and the Assembly for December 6th at 11 a.m.

The Assembly was convened under the powers conferred on me by the resolution of March 11th, 1932,² the last paragraph of which reads :

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

The members of the Committee of Nineteen will no doubt agree that it was necessary to convene the Assembly. It is clear from the Council's Minutes that no member of the Council wished to express an opinion on the report of the Commission of Enquiry, and some of them, in particular the President, Mr. de Valera, and M. Beneš, said that they desired to submit their comments and present their views in the Assembly, the dispute having been in the hands of the latter ever since the Council's resolution of February 19th, 1932.³

Although I have convened the Assembly for December 6th, I thought it desirable and proper to convene the Committee of Nineteen in order to obtain its approval for the convocation of the Assembly.

Under the resolution of March 11th, 1932, the Assembly requested the Council to communicate to the Committee of Nineteen, together with any observations it might have to make, any documentation that it might think fit to transmit to the Assembly. The Council's Minutes, therefore, make it, I think, plain that it was desirable to make allowance for the view that a meeting of the Assembly was necessary before the Committee of Nineteen began to examine the documentation communicated to it.

The Committee approved the President's action in convening the Assembly in plenary session for December 6th.

**APPEAL OF THE CHINESE GOVERNMENT :
DURATION OF THE EXTENSION OF THE
TIME-LIMIT PROVIDED FOR IN ARTICLE
12, PARAGRAPH 2, OF THE COVENANT
OF THE LEAGUE OF NATIONS : REQUEST
OF THE CHINESE GOVERNMENT (con-
tinuation).**

The President :

Translation : I have received the following letter, dated November 29th, 1932,⁴ from Dr. Yen :

"On October 1st, 1932, Sir Eric Drummond, Secretary-General of the League of Nations, was

good enough to send me the Minutes of the public meeting held that morning by the Special Committee of Nineteen, whereof your Excellency is the President. The meeting was held as the result of my request embodied in my letter addressed to Your Excellency on September 26th.

"I have the honour to point out that in the said Minutes Your Excellency was explicit in stating at the end of the discussion, concerning the length of the prolongation of the six months' period, that : '*En somme, dès que le Conseil nous aura transmis le rapport de la Commission Lytton avec ses observations, il y aura lieu pour moi de réunir le Comité des Dix-Neuf, et celui-ci aura immédiatement à arrêter les termes d'une proposition à soumettre à l'Assemblée pour fixer la durée de la prorogation du délai.*'¹

"Since the Lytton report is now in the hands of the Committee of Nineteen, I have the honour to request that Your Excellency convoke as soon as convenient a meeting of the Committee, so as to draw up a proposal to be submitted to the Assembly fixing finally and definitely the length of prolongation of the period prescribed by the Covenant. I need hardly repeat to Your Excellency that my Government places the greatest importance on having the extension of time, to which it agreed only with extreme reluctance, made as short as possible, for reasons which were fully stated in the meetings of the Assembly and in the letters that I had the honour to address to Your Excellency.

"I do wish to add, however, that according to telegrams which have reached me from my Government, fighting of a very serious nature continues between the Japanese forces, which are occupying Manchuria, and Chinese patriotic volunteers, who are determined not to submit to the unlawful alien rule. The suffering and destitution of our people as the result of continued Japanese military aggression in Manchuria are intense—another essential reason why the Japanese should be called to a halt in their unlawful actions as early as possible.

(Signed) W. W. YEN."

You will remember that, on the proposal of the Committee of Nineteen, the Assembly decided, on July 1st, 1932,² to extend the time-limit to the extent that might be strictly necessary and with the understanding that the said extension should not constitute a precedent. The Assembly's resolution added :

"After receiving the report of the Commission of Enquiry the Assembly, on the proposal of its Committee, will fix the duration of the extension."

When the Council decided to consider the report of the Commission of Enquiry at a session which was to begin on November 21st at latest, Dr. Yen asked, in a letter of September 26th,³ that the Committee of Nineteen might be convened in order to take immediately, on the question of the duration of the extension, a decision which could be submitted to the Special Assembly.

¹ *Translation :* "As soon as the Council has referred to us the Lytton report with its observations, it will be my duty to convene the Committee of Nineteen, and the latter will then be called upon to prepare immediately the terms of a proposal to be submitted to the Assembly or the duration of the extension of the time-limit."

² See *Official Journal*, Special Supplement No. 102, page 16.

³ See Minutes of the second meeting of the Special Committee.

¹ See *Official Journal*, December 1932 (Part I).

² See *Official Journal*, Special Supplement No. 101, page 88.

³ See *Official Journal*, March 1932 (Part I), page 371.

⁴ Document A(Extr.).151.1932.VII.

In pursuance of this letter, the Committee met on October 1st and took a decision, and, during that meeting, I made a statement which is referred to by Dr. Yen in his letter, where he has reproduced it word for word.

It is obvious that, if we keep strictly to the letter of my statement, which was approved by the Committee of Nineteen, the latter would be called upon immediately to formulate a proposal to be made to the Assembly for determining the duration of the extension of the time-limit.

In my view, however, it is evident that the circumstances to-day are entirely different from those contemplated during the discussion in the Committee of Nineteen on October 1st last. We then supposed that, as soon as the Council had communicated the report of the Commission of Enquiry to the Assembly, there would be a meeting of the Committee of Nineteen, not only for the purpose of drawing up a proposal fixing the duration of the extension, but principally in order to examine the Commission's report and discuss proposals for the settlement of the dispute.

Not until that work had been begun, and not until the Committee of Nineteen was in a position to judge how much time would be desirable for securing a settlement of the dispute, would it be possible to make a reasonable proposal to the Assembly concerning the extension of the six-months' period prescribed in the Covenant.

The present position is as follows :

The Council has communicated the documentation to the Assembly, together with the Minutes of its discussions. Moreover, we have hardly had time to read and digest them. For the reasons I set forth at the beginning of the meeting, I thought it advisable that the Assembly should meet before the Committee of Nineteen embarked on any work at all in connection with the report of the Commission of Enquiry. If my colleagues share my view, I think we should tell the Chinese delegate that we cannot, in the present circumstances, make a reasonable proposal to the Assembly concerning the extension of the time-limit, because we have no basis on which we could decide what that time-limit should be.

We must await the discussion in the Assembly next week. We shall see in what way the Assembly contemplates the possibility of reaching a settlement, and it is with the guidance of the discussions during the Assembly next week that we shall be able to frame a proposal for submission to the Assembly concerning the determination of the time-limit.

Those, if you agree with me, are the terms of the letter I shall send in reply to Dr. Yen. I shall, of course, communicate it to you as soon as I have drafted it.

M. Beneš (Czechoslovakia) :

Translation : If I have understood the President correctly, the question raised in Dr. Yen's letter will be reconsidered by the Committee of Nineteen at an early meeting after the discussion in the Assembly. If that is so, the time-limit will be fixed comparatively soon, immediately after the Committee of Nineteen has been informed of the Assembly's view.

The President :

Translation : I think we all agree that the question will certainly be brought up again at an early date. If I understand M. Beneš correctly — and I think I agree with him — the Assembly will indicate its views next week. After a very free discussion of the report of the Commission of Enquiry in the Assembly the Committee of Nineteen will undoubtedly meet again to consider the

conclusions to be drawn from the Assembly's discussion. During the deliberations in the Committee, we shall have to consider the duration of the extension and to formulate a proposal for submission to the Assembly, which will then take a decision.

M. Beneš (Czechoslovakia) :

Translation : I entirely agree.

M. Motta (Switzerland) :

Translation : For my part, I entirely agree with the President and M. Beneš.

I wish merely to make the following remark. In actual fact, the hypothesis contemplated in the words quoted by the Chinese delegation — that is to say, the words used by our President during the last meeting of the Committee of Nineteen — has not altogether materialised. M. Hymans then said :

“ As soon as the Council has referred to us the Lytton report, with its observations, it will be my duty . . . ”

At that time, we probably assumed that the Council would discuss the substance of the dispute and that, on the basis of that discussion, the Assembly would then receive something in the nature of an opinion. Given that assumption, it was perfectly reasonable to suppose that the Committee of Nineteen could have immediately made a proposal to the Assembly concerning the duration of the time-limit. The present situation, however, is entirely different. The Council has not considered the substance of the matter. It was, I think, right in not doing so, because, in the actual circumstances, the overlapping of jurisdictions might have given rise to complications or difficulties. It was, I think, perfectly reasonable that only one of the two bodies should deal with the question. The Council came to the conclusion — and we must be grateful to it — that, as the matter had been referred to the Assembly, it was more correct and more in conformity with League principles that the jurisdiction in this case should, so to speak, be concentrated in the Assembly, which is the most comprehensive organ of the League — I mean that in which all the States are represented. In these circumstances, the Council refrained from expressing any opinion at all.

It is true that the Members of the Council are all present at the Assembly. The Council exists both as the Council and in the Assembly. It is not quite the same thing, but that plainly does not release the States Members of the Council from the obligation incumbent on all the other States to form a definite opinion on the dispute and state their views on the way in which it should be settled. However that may be, we possess no observations by the Council. It is therefore materially impossible for us to fix a time-limit today. That can only be done after the matter has been brought before the Assembly and discussed by it, and after the Assembly has supplied the Committee of Nineteen with the bases upon which it can ultimately make a proposal. Needless to say, that proposal must be submitted very shortly. It must be done as soon as it reasonably can be, for we all agree that this time-limit is a matter of very great importance and that it is to the advantage of everyone that it should be fixed as soon as possible.

In these circumstances, the Committee can, I think, endorse the opinion of the President of the Assembly.

Mr. Eden (United Kingdom). — It is clear that the outlines of the answer to Dr. Yen's letter which

the President has just sketched to us are, not only outlines in which we can concur, but are the only ones that are possible in the circumstances.

Whatever the original intentions of the Committee may have been in this matter, it is clear that it is practically impossible for us to fix a time-limit before the Assembly has had an opportunity of discussing the report. There are no discussions at present available upon which we could base our decision. The Assembly is to meet as early as next week, and it is therefore obvious that we must await its discussions and the outcome of them before we can be in a position to fix the time-limit.

We are all agreed as to the importance of this decision, but its very importance makes it impossible for us to take it until we have a sufficient basis on which to do so. I think we can with confidence accept the terms of the reply which our President has sketched for us.

Mr. Connolly (Irish Free State). — I agree with M. Beneš and the other speakers that it is desirable to have this matter decided as quickly as possible,

but I should like to know whether the Assembly will have to be called together again to approve the date to be fixed by the Committee of Nineteen. According to the resolution of July 1st, the Assembly would, on the recommendation of the Committee of Nineteen, approve the date. I should like to be clear whether this is so. It might mean further meetings and delay, and we are all anxious that delay should, as far as possible, be eliminated.

The President :

Translation : In reply to the delegate of the Irish Free State, I should, I think, say that the proposal to be presented by the Committee of Nineteen will have to be submitted to the Assembly and that the duration of the extension of the time-limit will have to be fixed by the latter body. It is, moreover, probable that the Committee of Nineteen, which will be summoned after the Assembly's deliberations, will have further proposals to make.

The Committee approved the reply proposed by the President to Dr. Yen's letter.

NINTH PLENARY MEETING OF THE ASSEMBLY.

Tuesday, December 6th, 1932, at 11 a.m.

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APPEAL OF THE CHINESE GOVERNMENT.

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President: M. HYMANS.

CONVOCATION OF THE SPECIAL ASSEMBLY.

The President :

Translation : The present Assembly was convened by me on November 28th in virtue of the powers it had previously conferred upon me, and I was anxious, after the States Members of the League of Nations had been convened, to satisfy myself

that the Committee of Nineteen set up by the Assembly would approve the arrangements I had made.

I therefore summoned the Committee of Nineteen on December 1st, and it was good enough to approve the step I had taken.

Before making a very brief statement on the position with regard to the question before you, I should like, in order to facilitate the opening of the discussion, to make a few communications to the Assembly which may help toward the smooth working of the discussions.

CREDENTIALS OF DELEGATES: COMMUNICATION BY THE PRESIDENT.

The President :

Translation : I did not consider it necessary to convene the Committee on Credentials. Consequently, I merely invited any delegations which had fresh credentials to submit simply to deposit them at Room No. 110 of the Secretariat, where the Secretary of the Committee on Credentials will receive them and, if necessary, submit them to the Committee for examination. If this Committee thinks it desirable to submit a report, it will be communicated to you at a plenary meeting.

PRESIDENT AND VICE-PRESIDENTS OF THE SPECIAL ASSEMBLY: PROPOSAL BY THE SPANISH DELEGATION.

M. de Madariaga (Spain) :

Translation : Mr. President, the present meeting of the Assembly is a continuation of the special

session convened in virtue of Article 15 of the Covenant, which met for the first time on March 3rd last. It elected you as its President, and we are all grateful to you for the zeal with which you have carried out the duties of that office.

It also elected eight Vice-Presidents on the same day.¹

This special session of the Assembly has already done valuable work ; but that work is by no means finished, and will no doubt have to go through several more stages.

Although there can be no doubt as to the intentions of the Assembly when it elected the President and the Vice-Presidents of its special session, I should like to say that the powers conferred by it should be regarded as valid until the special session convened in virtue of Article 15 of the Covenant has been declared closed.

Some of the Vice-Presidents are not present today, and I would therefore propose that, in the circumstances, the heads of the delegations represented by those Vice-Presidents should be allowed to replace them.

I feel sure I am interpreting the views of my colleagues in making this statement, which is designed to prevent any possibility of misunderstanding and to enable the Assembly to confirm, at the outset of our resumed discussions, the continuity of the duties devolving upon its Bureau.

The President :

Translation : The Assembly has just heard the statement of the first delegate of Spain, and will certainly appreciate its significance and scope. For my part, I can only ask the Assembly if it has any observations to make on that statement.

If nobody asks to speak, I shall interpret the Assembly's silence as signifying its desire to associate itself with the opinion expressed by the Spanish delegation with regard to the continuity of the powers conferred upon the President and the Bureau of the special session of the Assembly.

The Assembly adopted the proposal of the Spanish delegation.

GENERAL COMMISSION.

The President :

Translation : The Assembly will recall that, by its decision of March 3rd, 1932,² it set up the General Commission, on which all the countries are represented. The decision then taken by the Assembly remains in force, and it is understood that the General Commission may be convened if necessary.

Agreed.

AGENDA AND PROGRAMME OF WORK.

The President :

Translation : The agenda of the present meetings of the special session contains two items ; (1) the request submitted by the Chinese Government on the basis of Article 15 of the Covenant ; (2) a resolution of the Council, for submission to the Assembly for its approval, regarding the appointment of M. Avenol as Secretary-General of the League of Nations.

I would suggest that the Assembly discuss immediately the Sino-Japanese dispute, which has been submitted to it on the basis of Article 15 of the Covenant and at the request of the Chinese Government.

When the examination of this question is finished, I shall ask the Assembly to take the vote that is involved by the decision regarding the appointment of the new Secretary-General. If there are no comments, this course will be adopted

**APPEAL OF THE CHINESE GOVERNMENT :
STATEMENT BY THE PRESIDENT CONCERNING THE POSITION OF THE QUESTION AND THE DOCUMENTS PLACED AT THE DISPOSAL OF THE ASSEMBLY.**

The President :

Translation : I should like first to give you a very short account of the procedure and work of the Assembly and Council.

As you will recall, the Chinese Government asked the Council, on February 12th last,¹ that its dispute with Japan, which had been submitted to the Council in virtue of Articles 10, 11 and 15 of the Covenant, should be submitted to the Assembly in virtue of Article 15, paragraph 9. On February 19th, the Council acceded to that request. The Assembly met on March 3rd. It suspended its proceedings until the Council had received the report of the Commission of Enquiry set up and had transmitted that report to the Assembly with its observations.

At its last meeting in special session, on July 1st, 1932, the Assembly decided, as an exceptional measure, to prolong the time-limit of six months laid down in the second paragraph of Article 12 of the Covenant. Since then, the report of the Commission of Enquiry has arrived, and it was communicated to the Council and to all the States Members of the League on October 1st last.

On November 21st,² the Council met to examine the report of the Commission of Enquiry and to hear the observations of the two parties to the dispute.

On November 28th, the Council transmitted the report to the Assembly, with the written observations of the Japanese Government, together with the Minutes of the meetings of the Council devoted to the examination of the question.

After taking note of the Minutes of the Council, I convened the Assembly, as I have just reminded you, and I also convened the Committee of Nineteen. The latter met on December 1st. It approved my convening of the Assembly. It also examined a request from the Chinese delegation that a limit should be fixed for the extension agreed to by the Assembly in its decision of July 1st, 1932.

On receiving this new request from the Chinese delegation, the Committee of Nineteen deemed it advisable to suspend any decision for the moment, being of opinion that it could more easily decide the matter after the discussions of the Assembly which was about to meet.

After this rapid summary of the facts, I should, I think, direct the Assembly's attention to those new documents that have been placed at its disposal with a view to facilitating the examination it is about to make :

¹ See *Official Journal*, Special Supplement No. 101, page 24.

² See *Official Journal*, Special Supplement No. 101, page 25.

¹ See *Official Journal*, Special Supplement No. 101, page 10.

² See *Official Journal*, December 1932 (Part I).

Report of the Commission of Enquiry (document C.663.M.320.1932.VII, dated October 1st).¹

Supplementary documents to that report (document C.663.M.320.1932.VII, Annexes, dated November 15th).¹

Observations of the Japanese Government on the report of the Commission of Enquiry (document C.775.M.366.1932.VII).²

Minutes of the meetings of the Council devoted to the examination of the report (meetings of November 21st to 28th).³

I feel I should direct the Assembly's attention to the special character of part of this documentary material — namely, the supplementary documents to the report. As you will have seen, those documents include: (1) the preliminary report of the Commission of Enquiry, dated April 29th,⁴ which was transmitted successively to the Council and to the Assembly; (2) various appendices to the report — namely, a list of documents received by the Commission from the two Assessors; a list of organisations, or persons interviewed by the Commission in the Far East; a report on statements or declarations presented, in the Chinese language, by delegates of associations to the Commission in Manchuria; a note on a possibility of amalgamation between Chinese and Japanese railway interests in Manchuria; (3) a number of special studies prepared, not by the Commission, but at its request, by certain of the experts who assisted it. As regards these studies, the Commission states explicitly that they "are not to be considered as part of the report of the Commission, and the opinions and conclusions expressed in them must be held as opinions and conclusions of the experts concerned". In view of the nature of these documents annexed to the report, I think we must regard the report itself as constituting the basis for our discussion; the other documents are rather in the nature of information, and do not partake of the official character of the report framed by the Commission of Enquiry.

The Assembly is called upon, then, to discuss the dispute which has been submitted to it under Article 15 of the Covenant. All the delegations may, of course, speak, but priority will rest with the representatives of the two parties to the dispute. I shall call first upon the representative of the Chinese Government, which brought the dispute before the Assembly in virtue of Article 15 of the Covenant.

APPEAL OF THE CHINESE GOVERNMENT : STATEMENT BY DR. YEN, DELEGATE OF CHINA.

The President :

Translation : Dr. Yen, delegate of China, will address the Assembly.

Dr. W. W. Yen (China) :

I.

On behalf of the Chinese Government, I have the honour to express, first of all, a profound appreciation of the expeditious way in which the Council

¹ It has been considered inadvisable, owing to their length, to republish these documents in the *Official Journal*.

² See Annex V.

³ See *Official Journal*, December 1932 (Part I).

⁴ See *Official Journal*, Special Supplement No. 102, page 30.

examined the report of the Manchurian Commission of Enquiry headed by Lord Lytton. It is on account of the early transmission of this important document by the Council that this body, the Special Assembly, is able to-day to resume its work, after it adjourned its meetings wellnigh nine months ago for lack of detailed information.

Permit me to recall the events of those meetings and to ask the same question which I put to this august body on March 3rd. The question is: Where do we stand?

The situation does not seem to have changed in any substantial manner, and I may be permitted to quote in part the statement I made in answer at that time :

"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 of the entire Sino-Japanese controversy within the scope of the Council's resolutions and the spirit of the Covenant.

"We ask you to recognise that the Covenant has been broken.

"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."

The foregoing demands, it may be recalled, were made with reference to both the Three Eastern Provinces and Shanghai. Having dealt with the latter question, which was then especially urgent, by a resolution adopted on March 4th,¹ this body proceeded to attack the entire problem, with special emphasis upon the Three Eastern Provinces, by the resolution of March 11th,² in which the following declarations were made :

(a) 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";

(b) 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";

(c) That "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature and whatever

¹ See *Official Journal*, Special Supplement No. 101, page 43.

² See *Official Journal*, Special Supplement No. 101, page 87.

origin they may be, which may arise among them shall never be sought except by pacific means” ;

(d) 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 ” ;

(e) 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 ” ;

(f) That “ the resolutions adopted by the Council on September 30th and on December 10th, 1931, in agreement with the parties ” are “ recalled ” .

By the same resolution this body also appointed a Committee of nineteen members with functions, of which the following are the principal :

No. 2. “ To follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931 ” ;

No. 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 ” ;

No. 5. “ To prepare, if need be, the draft of the report provided for in Article 15, paragraph 4, of the Covenant ” .

The Council resolutions, which this body recalled in its own resolution just cited, and the execution of which the Committee of Nineteen was appointed to follow, contain, as is familiar to all, two engagements on the part of Japan, one being the withdrawal of her troops and, the other, abstention from aggravating the situation. The question now is : Has Japan carried out the engagements? In reply I may first refer you to the testimony of the Commission of Enquiry, which says on page 77 of its report :

“ The fact remains that, having made their reservation at Geneva, the Japanese continued to deal with the situation in Manchuria according to their plans. ”

So we see that Japan, instead of withdrawing her troops and abstaining from aggravating the situation, “ continued to deal with the situation in Manchuria according to their plans ” . This she did until the country of which Chinchow, Taonan, Tsitsihar and Harbin were centres was occupied, a country several times larger than that which Japan had seized at the first instance after the outbreak of the trouble.

But has Japan confined herself to extending her military occupation over the Three Eastern Provinces? The report of the Commission contains also an account of Japan's efforts in her attempt to detach the country from China by the creation of the so-called independent State. The account ends with the following conclusions on page 97 :

“ Since September 18th, 1931, the activities of the Japanese military authorities, in civil as well as in military matters, were marked by essentially political considerations. The progressive military occupation of the Three Eastern

Provinces removed in succession from the control of the Chinese authorities the towns of Tsitsihar, Chinchow and Harbin, finally all the important towns of Manchuria ; and, following each occupation, the civil administration was reorganised.

“ A group of Japanese civil and military officials, both active and retired, who were in close touch with the new political movement in Japan, to which reference was made in Chapter IV, conceived, organised and carried through this movement, as a solution to the situation in Manchuria as it existed after the events of September 18th.

“ It is also clear that the Japanese General Staff realised from the start, or at least in a short time, the use which could be made of such an autonomy movement. In consequence, they provided assistance and gave direction to the organisers of the movement. The evidence received from all sources has satisfied the Commission that, while there were a number of factors which contributed to the creation of ‘ Manchukuo ’, the two which, in combination, were most effective, and without which, in our judgment, the new State could not have been formed, were the presence of Japanese troops and the activities of Japanese officials, both civil and military.

“ For this reason, the present regime cannot be considered to have been called into existence by a genuine and spontaneous independence movement. ”

Since the report was concluded, it is scarcely necessary to add, Japan has even given formal recognition to the puppet State. On this occasion, formal condemnation was called forth from both the Council and the Committee of Nineteen. The President of the Council said at the meeting of September 24th :¹

“ I should, however, be lacking in frankness, both to the Japanese Government and to the Members of the League as a whole, if I were to recommend to the Council the acceptance of this delay without giving expression to the regret which I am sure is felt by the generality of the Members of the Council that, before the discussion of the report of the Commission, before even the publication of that report, Japan has, not only by recognising, but also by signing a treaty with what is known as the Manchukuo Government, taken steps which cannot but be regarded as calculated to prejudice the settlement of the dispute. ”

The President of the Committee of Nineteen said in the meeting of October 1st :²

“ Some few days ago, Mr. de Valera, President of the Council, expressed regret that, at the moment when the Council was awaiting the receipt of the Lytton report, Japan, by recognising what is known as the Manchukuo Government, and by signing a treaty with it, had taken steps which were bound to prejudice the settlement of the difference.

“ Whatever views may ultimately be expressed by the Assembly, on the solution of this difficult and complex problem, I think all my colleagues on the Committee will agree with me in expressing the same regret as Mr. de Valera. ”

¹ See *Official Journal*, November 1932 (Part I), page 1731

² See page 17.

II.

In this last year and a-quarter Japan has undoubtedly been favoured by a delay on the part of the League to take decisive steps to deal with the situation. If this delay were due to the insufficiency of neutral authoritative information, that insufficiency has been more than met by the publication of the report of the Commission of Enquiry.

Perhaps it would not be out of place if I should quote at this juncture the distinguished President of the Commission, who wrote after his return to Europe as follows :

“ It has been suggested in some quarters that the official recognition of Manchukuo by the Japanese Government was a fact which made our report out of date, and created a situation to which our suggested settlement was inapplicable. That is not so . . . The Foreign Minister of Japan had told us quite clearly that it was coming, and our report was written with that knowledge. The fact that Japan alone among the nations of the world has recognised this new State strengthens rather than weakens the opinions expressed in the report regarding the genesis of this State and Japanese responsibility for its existence.”

It is gratifying to note in the report that the Commission declares itself to stand by the principles of the several great international instruments that have application to the questions at issue, among which principles is, of course, the inviolability of China's territorial and administrative integrity which forms the subject-matter, not only of Article 10 of the Covenant of the League of Nations, but also of Article 1 of the Nine-Power Treaty of Washington. Among the principles is also the obligation to settle international differences by pacific means, as provided in the Pact of Paris and Articles 12, 13 and 15 of the Covenant.

On the other hand, it cannot be wished too strongly that the report had laid more emphasis upon some of these principles in practice. According to the findings on facts made in the report, Japan is an aggressor beyond any question. She started trouble without any justification. She carried on military operations that cannot be regarded as legitimate self-defence. She occupied Tsitsihar, Chinchow and Harbin and carried war into Tientsin, Shanghai, Nanking, Soochow and Hangchow, after she had pledged herself to withdraw her troops and to desist from aggravating the situation. She not only created the so-called Manchukuo, but has even given this puppet her formal recognition. She has broken every multilateral treaty that has application upon the question, trampled upon the most sacred of the principles that govern international relations and flouted the authority of the League. That she is an aggressor is established beyond doubt. A formal declaration on the point in the report, with a call upon Japan forthwith to dissolve the so-called Manchukuo, to withdraw her troops and to pay damages for loss of Chinese lives and property, would have been a more logical sequel to the findings.

It may well be in the mind of the Commission to call upon Japan to do these things, but it was felt that that could very well be left to this body. It is therefore towards this Special Assembly that the Chinese Government now looks for these measures.

There is another point to which attention may be drawn. Provisional measures for the restoration

of the Three Eastern Provinces to China before the final settlement do not seem to be provided for in the report. The Chinese Government understands that this is also a question left to this Special Assembly.

Like all documents of the same nature, the report of the Commission leaves something to be desired by way of additions and modifications. But it is the belief of the Chinese Government, however, that it provides sufficient facts and findings as bases for the League to take action with regard to the problem of which it is seized.

At the present session of the Council my colleague has already enumerated sufficient points from the report to establish the fact that Japan is the aggressor, and his statement is recorded in the Minutes which are already in your hands. I shall, therefore, confine myself here to drawing your attention to only four findings. They are as follows :

(a) That “ the claim made by Japan that there were three hundred cases outstanding between the two countries and that peaceful methods for settling each of them had been progressively exhausted by one of the parties cannot be substantiated ” ;

(b) That “ the military operations of the Japanese troops during this night (September 18th) . . . cannot be regarded as measures of legitimate self-defence ” ;

(c) That, “ having made their reservation at Geneva, the Japanese continued to deal with the situation in Manchuria according to their plans ”, ending in the occupation of practically the whole of the Three Eastern Provinces ;

(d) That Japan conceived, organised and carried through the independence movement, resulting in what is known as the “ Manchukuo ”.

From the foregoing findings, it is clear that Japan has deliberately and without provocation seized the Three Eastern Provinces by both military force and political intrigue, not only in defiance of the authority of the League, but also in violation of the provisions of the Covenant, the Pact of Paris and the Nine-Power Treaty of Washington — in particular, the provisions guaranteeing the territorial and administrative integrity of China and enjoining upon the signatories to refrain from resorting to force for the settlement of international differences.

III.

In spite of the clear verdict that has been rendered by the Commission of Enquiry, Japan, however, has shown no desire to accept even the most fundamental of the principles recommended by the Commission — namely, that any solution should conform to the provisions of the three great international instruments several times mentioned previously. Her spokesman said at a recent meeting of the Council :¹

“ The Japanese Government expressed last year at the Council meetings of October, November and December the desire to enter into direct negotiations with the Chinese Government on the basis of the five fundamental principles it laid down. In doing so, the Japanese Government

¹ See *Official Journal*, December 1932 (Part I), page 1912.

thought it was advocating the most constructive measures possible to arrive at a satisfactory solution of the whole matter. We now find that this proposal has been confirmed in its spirit by the Commission's report, which advises direct negotiation between the two parties. But, unfortunately, at that moment — that is, last autumn — the Council would not give effect to the Japanese proposal. Meanwhile, as a result of this failure to adopt our proposal, events simply marched on in Manchuria and followed their natural course — a course which led to a situation which cannot now be altered.”

It is perhaps unnecessary to point out that the proposal of the Japanese Government referred to in the foregoing passage not only proved unacceptable to China, but was rejected by the Council. The reason for the rejection is simple — neither China nor the Council, mindful of their obligation under the international instruments of peace, could have accepted or acquiesced in any suggestion to negotiate under military coercion. Nor could the Commission of Enquiry be reasonably understood to have recommended a course of action contrary to this principle. In quoting the Japanese spokesman, I wish to draw your attention to his last sentence :

“ Meanwhile, as a result of this failure to adopt our proposal, events simply marched on in Manchuria and followed their natural course — a course which led to a situation which cannot now be altered.”

Now what does this sentence mean? In simple language it says that, as a result of the Council's failure to adopt Japan's proposal to have direct negotiations between China and herself under her own military pressure, she considered herself free to do as she has done — namely, to extend her military occupation over the rest of the Three Eastern Provinces, to set up a puppet State in place of the legitimate local Chinese Government, and to give recognition to the puppet State and secure from it the mockery of a right to maintain that military occupation permanently. Having done all this, she pretends she cannot withdraw from it. In short, she says : “ Propose any conciliation if you please, but touch not the ‘Manchukuo’ ”. Under these circumstances, is there any chance left for conciliation?

It is scarcely necessary for me to remind this august body that it is almost a year and three months since the Chinese Government brought the Manchurian dispute to the attention of the Council ; that it is exactly a year since the decision was taken in the Council to appoint the Commission of Enquiry whose report we are now considering ; that it is well-nigh ten months since this body was seized of the question and about nine months since it adjourned on account of lack of precise and detailed information ; and that it is more than five months since it was found necessary to extend the six-month period provided in Article 12, paragraph 2, of the Covenant for this body to make its report.

But it is perhaps justifiable to refresh our memory once more of what has taken place during the last year and a-quarter. When the Chinese Government first brought the dispute to the attention of the Council, Japan had just taken the towns along the lines of the South Manchuria railway system and

Kirin City on the Kirin-Changchun railway. By the time this body was seized of the dispute, Japan had already extended her military occupation over the country of which Taonan, Tsitsihar, Chinchow and Harbin are centres, and carried her undeclared war into Shanghai and other cities far removed from the Three Eastern Provinces. Last December, the Chinese representative on the Council drew the attention of the latter to the possible attempt by Japan to bring about complications of a political character affecting China's territorial and administrative integrity, such as promoting so-called independence movements or utilising disorderly elements for such purposes. To-day, the so-called Manchukuo is not only set up, but is also given formal recognition with a military guarantee by its creator, making it, in fact, a Japanese protectorate.

I do not need to add that, before September 18th, 1931, the people of the Three Eastern Provinces sowed and reaped, lived and prospered, as happily as any peasant population in the world. But since then they have lived no more in peace. If they do not forsake the cause of their mother-country, they are sure to be taken as bandits. If they are not molested by the alien invaders, they are apt to suffer at the hands of the lawless elements which the invasion has let loose. Then there is also the regular warfare that has been carried on from the very beginning by the invaders for the extermination of the remnants of the former National Army stationed in the Three Eastern Provinces and the patriotic volunteers, since rallied to the defence of the country. Even to-day, while we are comfortably discussing questions of a peaceful settlement in this hall, the Japanese are engaged in bombing and machine-gunning women and children in the Three Eastern Provinces, while fierce battles between the invaders and our people are still the order of the day.

Permit me here to confirm what my colleague announced in the Council on November 24th¹ on the subject of the massacre by the Japanese of 2,700 men, women and children of three Chinese villages, because certain Chinese volunteers, who had attacked Fushun near the middle of September, had passed through these villages. I am in possession of telegraphic despatches from neutral sources which give some details of the manner in which the Japanese proceed in occupied territory to what they call the re-establishment of peace and order.

Two telegrams have been transmitted to me from our Legation in Washington, which read :

“ Edward Hunter, a correspondent of the International News Service belonging to Mr. William Hearst, has made an investigation on the spot of the massacre and reports what follows :

“ What I saw with my own eyes and heard from refugees and inhabitants leaves no possibility of doubt that unbelievable massacre occurred. Three villages burnt, nothing left alive. Villagers at bayonet point were herded like cattle and slaughtered. Houses were soaked with kerosene and burnt. Japanese admit that the attackers of Fushun were not natives of villages, who were suspected of

¹ See *Official Journal*, December 1932 (Part I), page 1902.

giving the volunteers food and lodging. Hunter saw scattered shreds of bloodstained clothes of peasants, and crude burial of remains of killed under fresh sod.

“ Japanese Embassy denies Hunter’s account, but admits killing 350 alleged bandits and unspecified number of unruly associates.

“ In a second telegram Hunter reports that he visited eight villages completely destroyed along three routes to Fushun and suspected of lodging the volunteers. A survivor relates that he escaped because he was mistaken for killed. With 100 others they fled to hillside after watching homes burned. They were gathered together to be photographed, but instead of that they were machine-gunned. Later someone whispered, ‘Japanese gone’, but those who rose from the ground were again machine-gunned. Later the Japanese bayoneted survivors, including children.”

The telegrams which I have read to you are beyond comment. In the name of humanity, I desire to protest with my last energy against such massacres of our civil population.

IV.

Lest it be misunderstood, I may declare that it is far from the intention of the Chinese Government to make any complaint against the slowness of the peace machinery of the League. But the fact remains the same that delay does not work evenly on both parties to a dispute, and that, so far as the Manchurian case is concerned, the delay has told disastrously upon China. It is because of this fact that I appeal to this body to make haste. On behalf of the Chinese Government, may I therefore submit the following requests :

(1) That the Special Assembly, basing on the findings of the Commission of Enquiry, declare that Japan has violated the Covenant of the League of Nations, the Pact of Paris and the Nine-Power Treaty of Washington :

(2) That the Special Assembly call upon Japan to put into execution forthwith the Council resolutions of September 30th and December 10th, 1931, so that all Japanese troops will be withdrawn into the so-called Railway Zone, pending further withdrawal therefrom, and the so-called Manchukuo Government will be dissolved ;

(3) That the Special Assembly, pending the dissolution of the so-called Manchukuo Government and recalling its own resolution of March 11th, 1932, wherein it pledged itself 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, declare that it will not recognise the said “ Manchukuo Government ” and will not enter into any relations therewith ;

(4) That the Special Assembly make and publish before a definite date and within the shortest possible time a report for the final

settlement of the dispute as prescribed in Article 15, paragraph 4, of the Covenant of the League of Nations.

May I add that, in making the last-mentioned request, the Chinese Government does not preclude any last attempt on the part of this body to bring about conciliation on the basis of its own resolution of March 11th, 1932, and the provisions of the three international instruments to which I have repeatedly referred? In conformity with those principles the Chinese Government is ever ready to submit observations both on the conditions recommended by the report of the Commission of Enquiry for the settlement of the dispute and on the plan of solution suggested therein, in the event that Japan proves that she is willing to accept conciliation on the same basis by modifying her present defiant attitude.

In making the foregoing requests, the Chinese Government is not unmindful of the difficulties this body may have to experience. But allow me to remind you of the days when the war at Shanghai was raging. Were they not days when, while the whole world was burning with anxiety over the fate of thousands of men, women and children in that ill-fated city, Japan remained adamant to the reasonings of the Council pleading for moderation, and rejected with scorn the unprecedented action of the twelve Powers in their direct appeal to herself? But this body took the matter in hand, and with little mincing of words gave vent to expressions of indignation and judgment, thus voicing the sentiments of millions of people of several continents, and by showing a united front and a stern determination succeeded in a comparatively short period of time in bringing the Shanghai war to an end, in accordance largely with League principles and League procedure. It was the mobilisation of public opinion, as well as the assertion of League authority by this body, which was able to stop and restrain the Japanese militarists from the continuation and intensification of their destructive work, while the heroic defence put up by our Nineteenth Route Army, which has become an epic, not only in our history, but in the chronicles of other lands, contributed a very large share to the final liquidation of the tragic event.

Mr. President and gentlemen, let me conclude my opening statement to-day with one more quotation from the distinguished President of the Commission of Enquiry :

“ Our Commission was told (by the Japanese) repeatedly that Manchuria was the ‘life-line’ of Japan . . . We felt it our duty to remind the Japanese Foreign Minister that there was one thing for which other nations had made greater sacrifices, which they valued as highly and which they were equally determined to defend, and that was the organisation of collective responsibility for the maintenance of peace. To the peoples who have suffered most in the great war, the League of Nations is the ‘life-line’ of modern civilisation. ”

The one and real issue between China and Japan in the present dispute cannot be stated in clearer or more emphatic language than that employed by the President of the Commission. For this dispute, if it is not settled in accordance with the principles of the Covenant, will affect, not only the rights of China, but the very existence of the League itself.

**APPEAL OF THE CHINESE GOVERNMENT:
STATEMENT BY M. MATSUOKA, DELEGATE
OF JAPAN.**

The President :

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

M. Matsuoka (Japan). — Almost all, if not quite all, of the points made by the Chinese delegate have been answered and completely refuted in advance. I do not, therefore, think it necessary at this moment to enter into a discussion with him. I reserve the right to make further observations, if I deem it advisable, later. Also, I do not really feel it necessary for me to detain you long by making a speech, but there are some points upon which Japan wishes particularly to lay stress and to bring out more clearly and forcibly. I therefore trust you will permit me to claim the indulgence of this body.

The Japanese point of view has already been stated in our Observations,¹ in my addresses before the Council and in communications to it. But the issue is of such a serious character that we want to spare no effort to bring the Members of the Assembly to a realisation of the facts.

There seems to be an impression that Japan opposes, and China supports, the report of the Commission of Enquiry. No such generalisation is warranted. There is much in the report that the Chinese can accept with no pleasure. The document has brought a strong light to bear upon the conditions prevailing in China which representatives of her Government throughout the world have long sought to cover, to excuse and to condone. There are many parts and passages in the report which we regard as entirely correct and accurate. Our principal disagreement with the report, in the sections dealing with the disordered condition of China, is where it occasionally expresses optimism for the rehabilitation of the country. We, too, have hope, but it is not for the immediate future, for a country in China's condition of disorganisation, as Chinese history shows, cannot recover quickly. For a country vaster than Europe in territory and larger than Europe in population to change abruptly from an ancient to a modern State is too much to expect in a brief period of time.

Japan is a loyal supporter of the League of Nations. In conformity with the principles of peace, on which the League is founded, we have striven to avoid war for many years under provocations that, prior to the drafting of the Covenant, would certainly have brought it about. Our adherence to the Covenant has been a guiding principle in our foreign policy for the thirteen years of the League's existence, and we have been proud to participate in the advancement of its noble project. No open-minded person who has observed our long and earnest patience in our relations with China can contend to the contrary.

Our Government was still persisting earnestly in efforts to induce the Chinese Government at Nanking and that of Chang Hsueh-liang at Mukden, to see the light of reason when the incident of September 18th, 1931, took place. We wanted no such situation as has developed. We sought in Manchuria only the observance of our treaty rights

and the safety of the lives of our people and their property. We wanted from China the right to trade, according to existing treaties, free from unwarranted interference and molestation. But our policy of patience and our efforts at persuasion were misinterpreted by the Chinese people. Our attitude was regarded as weakness, and provocations became persistently more unbearable.

A Government which had its beginning as a result of aid obtained from Soviet Russia, in arms, men and money (seven or eight years ago) and which is still imbued with what are called "revolutionary" principles, was not content to injure our trading interests in China proper, but extended its campaign against us into Manchuria with the avowed purpose of driving us out of that territory — territory which we, through war with Russia, had returned to the Manchu Dynasty twenty-seven years ago. That our rights and interests were assailed, and even, in some cases, the persons of Japanese subjects attacked, are facts established by record. That we acted in self-defence is clear and warranted.

When the United Kingdom Government sent troops and naval vessels to Shanghai, in 1927,¹ it had foreknowledge of the menace threatening that city. The United Kingdom Government was, therefore, in a position to inform the League of its intentions. Our Government was in no such position with regard to Manchuria, because it did not expect the incident of September 18th, 1931, to take place. Our Government had no knowledge of the trouble until after it occurred. But, on learning of it, we informed the League. It must be well noted, in this connection, that, prior to the incident, we had been making every effort to negotiate and bring about better understanding and feelings in Manchuria, and had not abandoned until the last moment the hope that our efforts would be crowned with success. Our Government also hoped subsequently to check the developments and limit their scope in the affected territory, but too many elements were active in opposition. Chinese military forces were mobilised at Chinchow and rebel armies, remnants of Chang Hsueh-liang's forces, assembled in other parts of the country.

Later, in October 1931, Japan proposed to enter into direct negotiations with China, with a view to arriving at a pacific settlement of the controversy. Our Government was insistent on this point. But the Council of the League failed to countenance it, and China, encouraged by the attitude taken by the League, turned a deaf ear to this proposal, thus stiffening and complicating the situation. What followed is well known. At the same time, the boycott — which had been going on in China before the incident — was greatly intensified, thereby provoking, on the one hand, further ill-feelings in Japan and adding, on the other hand, fuel to the mob psychology in China.

The Chinese representative spoke before the Council the other day of the legalisation of the boycott. If that is admitted, it is sure to create a very serious situation. In point of fact, the statement he made in that sense provoked a fresh outbreak of the boycott in many parts of China (as related at length in the communication made by our delegation yesterday to the League). The boycott, as we see it in China, is a great hindrance to the promotion of international peace and co-operation. It creates circumstances which threaten the good understanding between nations, on which

¹ See Annex V.

¹ See *Official Journal*, March 1927, page 292.

peace depends. It therefore deserves a thorough consideration on the part of the League, one of whose primary duties lies in the elimination of possible causes of friction between nations.

While the situation was developing in Manchuria, efforts were made in Europe and America to rally what is called "world opinion" against Japan. The craft of propaganda, in which our Chinese friends are particularly adept, was put into effective use in shaping world opinion against Japan before the facts were fully known.

The success of this last activity in Western countries had unfortunate effects in the East. It encouraged Chinese leaders to take an uncompromising attitude towards us. It encouraged them to believe that Western countries would interfere and save them from the consequence of their anti-foreign policies as they were applied to Japan and her interests. It accentuated a situation from which we were unable to withdraw without danger of further and more serious evils to follow.

In dealing with China, Japan is dealing with a State in a menacing condition. The actual menace to us, not only existed prior to the incident of September 18th, 1931, but was being intensified by the activities of the Kuomintang Party and officials of the Nanking Government. As far as there is a National Government in China, that Government is related closely to the Kuomintang. The report of the Commission of Enquiry is emphatic on this point. It states on page 16 that, "in 1927, the Central Government was established at Nanking. It was controlled by the party (Kuomintang Party)—it was, in fact, merely one important organ of the party". Against such a party and Government, and against their declared policy and active efforts to terminate our interests and treaties in Manchuria, we have acted in defence. We have acted also with a view to promoting and preserving peace. Because our action came as the result of an incident does not alter the general fact. It had to come sooner or later. The menace to Japan was actual. If her rights and interests in Manchuria were violated, the sufferer would be none but Japan.

The question is asked why the Japanese Government did not seek protection from the League. The answer is that, in view of the present structure and scope of the League, effective protection could not be expected from that body promptly. In the situation that existed in Manchuria, Japan had to deal first with imminent danger; secondly, with a country whose authority did not extend to Manchuria; and, thirdly, with a Government which had adopted a policy of unilateral abrogation of treaties and conventions. In so exceptional a situation, was it possible to expect protection from the League? As to the other reasons, I had occasion to mention them before the Council.

If it is contended that the League could have afforded Japan adequate protection, why was it—may I be permitted to ask—that the League Council gave its approval, with no dissenting voice, when the United Kingdom, with France, the United States and Japan, sent troops to Shanghai in 1927? Not only did the League refrain from protesting on that occasion, the Government of China also refrained. At that time, Dr. Wellington Koo was the Prime Minister of the Government at Peking. The Government then welcomed the presence of the British and other troops at Shanghai as of possible service to them in staying the advance of the Nationalist forces then hostile to them. The same Peking Government also refrained, for the same reason, from calling the attention of the

League to the despatch of Japanese troops to Tsinanfu in 1927 and 1928, for then the Japanese might have been of help in saving them from defeat. The Chinese representative, in a statement made before the Council the other day, claimed that Japanese troops were sent to Tsinanfu with the object of interfering with the advance of what he called the "ever-victorious" Nationalist army and of preventing the unification of China. Dr. Koo must know very well that our real object in despatching troops to the capital of Shantung was to protect the lives and property of our people.

He must also know that the "Old Marshal" gave vent, at the time, to a display of anger that our troops refrained from assisting him, as they could have done. They could have saved the "Old Marshal's" position in North China and incidentally that of Dr. Koo. But they followed the traditional Japanese policy of refraining from interference in the civil wars of China. Now, however, Dr. Koo comes to Geneva as a representative of the Government which defeated his chief of four years ago and reverses his position.

At the time when the United Kingdom sent troops to Shanghai, Sir Austen Chamberlain, the British Foreign Secretary, sent a letter (dated February 8th, 1927) to the League of Nations, from which I beg leave to quote. On the subject of the condition of China, the letter says: ¹

"Unfortunately, since 1922 (the date of the Nine-Power Treaty), China has become more disunited than ever . . . The Canton Nationalist Government has now increased its authority over the greater part of the country south of the Yangtze River, and claims to be recognised as the only Government of all China. This fact has modified the hypothesis upon which the Washington policy was based."

On the subject of the boycott, Sir Austen's letter to the League states:

"The extremists of the Canton Nationalist Party have singled out the British people for an implacable campaign of calumny and boycott. Indeed, enmity against Britain has been deliberately and persistently cultivated by this section and its advisers, in order to promote the solidarity of the Nationalist Party and stimulate its aggressive spirit. The extremely friendly and considerate attitude of His Majesty's Government, as shown at the Washington Conference and on many other occasions, was contemptuously brushed aside."

Will any one who knows the terms of the treaties regarding China, signed at the Washington Conference, dispute the fact that the greatest concessions made by any Power to China at that time were those that Japan made? Greater than the concessions of all other nations combined were those which Japan made to China.

With regard to anti-British propaganda, Sir Austen's letter to the League reads:

"It is essential that the official stimulation of the anti-British propaganda must cease. The comparative peace of the greater part of Southern China during the last two or three months has

¹ See *Official Journal*, March 1927, page 292.

proved that, when organised agitation and intimidation are absent, friendly relations between the Chinese and British people remain as excellent as they have been in the past."

Those are the words of His Britannic Majesty's Government.

The same thing can also be said of relations between the Chinese and Japanese people.

In regard to a settlement by the League of the difficulties which existed between the United Kingdom and China five years ago, Sir Austen said in conclusion that :

" His Majesty's Government deeply regret that there does not appear to be any way in which the assistance of the League in the settlement of the difficulties in China can be sought at present. "

Japan, likewise, saw no way in which the League could help her in Manchuria. Moreover, let it be noted the marked difference between the case of Shanghai and that of Manchuria. Whereas the United Kingdom sent troops to Shanghai, Japanese troops were already on the spot by virtue of treaty rights, for the protection of the Japanese interests along the South Manchuria Railway.

It was the plan of the Nationalist Government (in which the present National Government had its beginning) to concentrate its propaganda and hostility upon one foreign Government, its interests and its people in China, at a time. In 1926 and 1927, the hostility against Japan was deliberately abated under orders from the Government, and concentrated upon the British. They were then the " capitalists and imperialists " to be got rid of first. The British Concessions in China Treaty Ports were pointed out to the masses of ignorant and hungry people and to the undisciplined and rapacious soldiery as places of wealth which they were encouraged to recover. Much of the country was placarded with pictures depicting John Bull as an ogre who had garnered his wealth by exploiting Chinese labour and robbing the Chinese people. It was as a result of such incitements that the British Concessions at Hankow and Kiukiang were surrendered to the Nationalists. But there the British tolerance came to an end. When General Chiang Kai-shek arrived with his army at Shanghai, he found that that city was not to be a prize for his army. It was surrounded by an adequate defence force of British, French and other troops, who were prepared in redoubts, behind barbed wire entanglements, to hold it against him. On surveying the lines, it was evident to the Chinese Commander-in-Chief what would happen to his troops if he attempted the assault. Needing his soldiers for fighting other Chinese generals, he wisely and quickly came to terms with the British officials.

Since that time the concentration of hostility has been made against Japan, accompanied by efforts abroad to spread dislike and distrust of us by adroit and insidious diplomacy and by propaganda. Sooner or later the results could not be otherwise than what has occurred. What has taken place the Assembly knows.

At the root of the present trouble between Japan and China we find the lack of cohesion between realities in China and the aspirations of the modern Chinese. In order to satisfy these aspirations, progress is needed. Progress in China

is, in our opinion, essential, not only to the maintenance of law and order, but to a stabilisation of her foreign relations. It should, therefore, be the urgent duty of the League to aid China in this direction. The fundamental principle of the League is to promote international co-operation and achieve international peace and security, as pointed out in the Preamble of the Covenant. Japan, for her part, is ready to do all in her power to co-operate with the League in helping China to attain progress.

With regard to the independence of Manchukuo, the Japanese Government cannot be held responsible. Even the report of the Commission of Enquiry nowhere impeaches the Japanese Government in this connection. It is one thing to state that some officials or officers interested themselves in the autonomy movement (the Commission perhaps meant to refer to the attempt to recover peace and order through local government, although the phraseology is not clear). It is another thing to hold a Government responsible for abetting an independence movement. Prior to September 18th, and even thereafter, our Government had no plan or design to accomplish the independence of Manchuria, nor has it allowed itself at any time to be connected with the independence movement.

First came the movement of the leaders of the people in the territory itself. This, contrary to the Commission's report, was definite and emphatic, and began within eight days after the incident of September 18th. Before our troops in Manchuria had time to consider anything beyond their immediate military duties, before our Government had time to learn the full significance of the events that were taking place, the movement was being launched by Chinese leaders in Manchuria. Learning of this movement, our Government took immediate steps to avoid participation, reaffirming its traditional policy of non-intervention in the domestic affairs of China. On September 26th, both Baron Shidehara, the Foreign Minister, and General Minami, the War Minister, issued instructions, respectively, to the civil and military representatives of Japan in Manchuria, forbidding participation in this movement.

But their efforts could not stop the movement on the part of the leaders of the people in Manchuria, nor could it stop the sympathy of Japanese with them. The people of Manchuria had suffered too long under the oppression of ruthless dictators ; and, seeing the opportunity to organise a civil Government, they lost no time in taking advantage of it.

We have given an outline of the progress of this movement in our Observations on the Commission's report,¹ and the Manchukuo Government furnished the Commission with a detailed history of the movement on the occasion of its visit to Manchuria. I shall not, therefore, take up more of your time by narrating the story. I only wish to refer you to these documents, which I feel confident will give you a right picture of the movement.

With regard to the recognition of Manchukuo, there is this to say. The new Government had the sympathy of all Japanese people. We saw in it the solution of a problem which had troubled us

¹ See Annex V.

for forty years. We saw in it the termination of hostile incitement from China Proper. We saw the advent of a civil Government, composed of reasonable men who understood the strategic and economic importance of the territory to Japan. We saw the promise of peace for the future. We wanted peace. We did not, and we do not, want Manchuria. We wanted only the preservation of our rights and interests there. Here, at hand, was the solution, the prompt recognition of Manchukuo; and our Government, in giving that recognition, acted in response to the demands of the Japanese people and the appeals of Manchukuo. If all the conditions in the Far East were fully known and carefully weighed, it would become evident that Japan, so vitally interested in Manchuria, could not possibly withhold the recognition any longer. In point of fact, the extension of recognition to one State by another is entirely within the exercise of its sovereignty and can in no case be contested by another. There are many precedents in European and American history. I would add that the effect of the recognition of Manchukuo by Japan cannot fail to be wholesome throughout the entire Far East. It should be known that the whole nation of Japan regards Manchuria as a keystone to the solution of all Far-Eastern questions.

The Commission's report says (on page 125) that :

“ The all-important problem at the present time is the establishment of an administration acceptable to the population and capable of supplying the last need — namely, the maintenance of law and order.”

The report states also (on page 132) that :

“ It would be the function of the Council, in the paramount interest of world peace, whatever may be the eventuality, to decide how the suggestions made in our report may be extended and applied to events which are still developing from day to day, always with the object of securing a durable understanding between China and Japan, by utilising all the sound forces, whether in ideals or persons, whether in thought or action, which are at present fermenting in Manchuria.”

It is stated in Chapter IX of the report (page 127) that :

“ A mere restoration of the *status quo ante* would be no solution. Since the present conflict arose out of the conditions prevailing before last September, to restore these conditions would be to invite a repetition of the trouble. It would be to treat the whole question theoretically and to leave out of account the realities of the situation.”

And in another place (on page 130) the report says that “ a satisfactory regime for the future might be evolved out of the present one without any violent change ”.

In the light of these findings of the Commission of Enquiry, I should like to know what the Assembly will think of the actions already taken, and of those that are being taken, in Manchukuo by Chang Hsueh-liang and by the Nanking Government. But it is my opinion that these actions run counter to these findings by the Commission. We would therefore suggest that the sound forces, of which the report speaks, be left to develop naturally. Interference with their development might bring about consequences contrary to what the League has been seeking to accomplish.

We Japanese, knowing China, do not take seriously the warnings often made at Geneva — that China will be unified and militarised as a result of Japan's action in Manchuria. We believe that a really united China is a peaceful China, not a militarised China. I am afraid advantage is taken, by the Chinese representatives, of Western unfamiliarity with Eastern psychology. There are more armed soldiers in China even to-day than in any other country in the world. There are between two and three million men in arms. But the hostility of any of the military chiefs to foreigners is not as great as their hostility to one another. This has always been the case, from the days of the first British wars with the Chinese. Chinese generals do not always support one another against a foreign enemy. In short, Chinese armies are not created primarily for the national defence of the country.

Since the proclamation of the Republic in China, Governments have been short-lived. They have risen and fallen in quick succession. And now what do we see? A National Government that had its beginning in the Russian movement to “sovietise” China; a Government that controls only the several provinces about the mouth of the Yangtze River, and even these not completely; a Government that rebelled from the Soviet movement, but retained its revolutionary principles regarding the unilateral abrogation of treaties with foreign countries. The League Commission's report states at the top of page 23 that “ communism has become an actual rival of the National Government ”. The communist movement controls as many provinces as the recognised Government. I might even say that communism is to-day eating into the very heart of China. In this connection, we would say that Japan cannot afford to shut her eyes to the possibilities of the future.

Our action in recognising the State of Manchukuo was the only and the surest way for us to take in the present circumstances. In the absence of any other means of stabilising conditions in that territory — where we have interests, both strategic and economic, which we cannot sacrifice — we had no other recourse.

Now the Assembly has to consider whether it will or will not make suggestions for a settlement, and, should it decide to make them, what those suggestions will be. Any suggestions should, we think, be governed by the following principles :

(1) The terms must be such that they can be effectively put into operation, and that they will accomplish and preserve peace in the Far East.

(2) A solution must be found for the disordered condition of China.

(3) In case any plan for settlement is found by the League, this organisation must take upon itself the responsibilities for its execution.

Considering the actual condition in China, the execution is one that is likely to be costly, and the League should have both the will and the means to make the necessary sacrifices. Is any Member of the League ready to participate with others in such an undertaking?

Japan is fully conscious of the fact that the League is a bulwark of peace. The spirit of the League coincides with the fundamental policy of Japan, which is to consolidate peace in the Far East and to contribute to the maintenance of peace throughout the world. This she believes to be her share in contributing towards the progress of the world and the promotion of human welfare.

It is true that voices have been raised in some quarters criticising the efficiency of the League. But the fact that the Manchurian affair has not led to open war between China and Japan, or to trouble between other interested Powers, is assuredly due to actions of the League. It may be safely said that the League has thus fulfilled the high object of its existence. To hope for anything over and beyond what it has done in this direction would be to expect too much, under present conditions in China.

Again, as to the apprehension entertained in some quarters that the present case might lead to weakening or even undermining the principles of the Covenant, we firmly believe that such apprehension is entirely groundless. The exceptional nature of the present case makes it plain that you can hardly apply to it those principles by generalisation. Nor do the Japanese actions militate against the Pact of Paris, or against any other treaties. The report of the Commission brings out this exceptional nature clearly when it states, on page 38, that :

“ This summary of the long list of Japan’s rights in Manchuria shows clearly the exceptional character of the political, economic and legal relations created between that country and China in Manchuria. There is probably nowhere in the world an exact parallel to this situation, no example of a country enjoying in the territory of a neighbouring State such extensive economic and administrative privileges. ”

All the world is in a constant state of change. All objects, animate and inanimate, are constantly moving, let us hope, towards a better state. Might not the League well take cognisance of the ever-changing conditions in the East and judi-

ciously adjust its views and actions to them? As we Japanese read the Covenant, it is not a hard, implacable instrument.

In conclusion, I would say that, as for Japan and China in particular, we look for the time to come when these two nations of the distant East will realise the common origin of their culture and traditions and the common interests of their existence, and will co-operate with a sense of mutual understanding and respect, in the policy of upholding peace in the Far East, thereby serving the cause of world peace, in and with the League of Nations.

Allow me only to add a few words in reference to what is called the Fushun incident. We have already filed with the Council the information obtained by us upon enquiry addressed to our Government, and I presume you have that information by this time. Nevertheless, let me point out that our Chinese friends have a habit of exaggerating and thereby misrepresenting. We are ready to stand by and prove that the facts as given by our delegation are true.

As to Mr. Hunter’s information, to which the Chinese delegation has attached so much importance, allow me to give you some information about this representative at Mukden of the International News Service. This correspondent went to Fushun, on the South Manchuria Railway, on November 30th, and only met one missionary, from whom he heard the story. He immediately went to Shan-hai-Kwan, a long way from Mukden, and sent his despatches abroad. The foreign correspondents at Mukden were very angry at his action and despatched their telegrams contradicting and correcting the telegram sent by Mr. Hunter.

If any delegate is particularly interested in this affair, I would suggest that he should read these news items in the newspapers. I will not take up your time now by reading the telegrams and Press reports.

The Assembly rose at 1.10 p.m.

TENTH PLENARY MEETING OF THE ASSEMBLY.

Tuesday, December 6th, 1932, at 3.30 p.m.

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APPEAL OF THE CHINESE GOVERNMENT : GENERAL DISCUSSION.

The President :

Translation : Mr. Connolly, delegate of the Irish Free State, will address the Assembly.

Mr. Connolly (Irish Free State). — I have listened with great interest to the speeches delivered by the Chinese and Japanese delegates this morning. I have no doubt that the Assembly will give due weight to the arguments that have been advanced by both parties. It will, however, agree that there are general questions to which attention must be directed.

We are all, I think, conscious of the importance of the problem before us to-day and feel the serious responsibility that devolves upon us in the consideration of the report of the Commission of Enquiry. The report, and such action as the Assembly may take upon it, involve in a far-reaching way, not only the two States concerned, Japan and China,

but also in a vital way the future of the League of Nations itself.

Over and beyond these issues, it is, I think, no exaggeration to say that the wider question of peace or war in the Far East, with potential and, in my view, inevitable repercussions on world peace, is linked up with the decisions which will be reached on this question.

For these reasons, we must endeavour in all sincerity and honesty to apply ourselves to find a just verdict on the facts, and to seek a solution that will be equitable to all the interests concerned, terminate the present conflict, and remove the possibility of future antagonisms.

It is hardly necessary to bring before you the various phases of the dispute between these two great countries, both Members of the League and of the Council of the League. We are already familiar with them, and have, no doubt, watched with anxiety and interest their development, realising that the purposes for which the League exists were being endangered, and that the menace of war was hovering over two of our most important Member States.

Before proceeding to make any remarks on the report itself, I would wish to express my own and my country's appreciation to the members of the Commission. I feel that our thanks are due to Lord Lytton and his colleagues, Count Aldrovandi, General Claudel, Major-General McCoy and Dr. Schnee, for their interesting and exhaustive report and for the untiring efforts and work which made such a report possible.

It is not my purpose to analyse in detail the report, which you have, no doubt, not only read but closely studied. Every line of that report is pregnant with relevant detail, which enables us to get a comprehensive picture of all that has happened in the dispute. My purpose is to express my views on the sum total of all the report conveys, and, as representative of a Member State, to voice the opinion of my Government and people on the facts and on all the implications for the present and the future that are involved.

I would like to make it clear that our interest and consideration are due solely to our earnest desire to secure peace and amity between peoples, and to ensure that truth and justice shall be the permanent basis on which the League of Nations operates.

May I be allowed to refer here to the test of the League that is involved in its handling of this dispute? It is no secret that the League of Nations has its critics, many of whom regard it cynically as impotent to deal with problems of major importance, and who frankly allege that, in certain disputes, the League dare not attempt to intervene. I may admit that I, in common with many people in Ireland, did hold that view. I have realised since I came to Geneva some of the difficulties confronting the League. I have realised that it has within its constitution and its Covenant tremendous power for world peace and harmony. But I have also realised, and clearly realised, that it will only achieve its purpose if it is prepared to stand definitely with courage and determination behind the Covenant and its own decisions. If it falters or hesitates, fearing lest by its action it may offend, then as an organisation, built up by moral support of what is right, it will not survive and, in my opinion, will not deserve to survive.

The report deals calmly and dispassionately with the evolution of events in Manchuria, and traces in sequence the series of incidents since the trouble commenced. It reviews the historical background so that we may be enabled to form some conception of the psychology of the situation.

The issues are, as the report states, exceedingly complicated, and include territorial, racial and economic problems that are difficult to disintegrate and analyse.

It was because of these difficulties that the League decided to send out its Commission, and it is on the report that we must base our decisions.

To me there are certain symptoms that emerge from the report as a whole, and it is just these symptoms to which I would draw the attention of the Assembly. The first is that there would seem to me to be indicated an endeavour to secure the interests of Japan by methods of imperialistic expansion, irrespective of how such expansion definitely cuts across the territorial rights of another sovereign State.

It is argued that Japan is not involved directly in the creation of the Republic of "Manchukuo", but I think it will not be disputed that Japan's activities in the setting up and maintenance of that "State" have not been negligible. Their officials are at least active, if not dominant, in that area, and the fear is expressed, and I think with some justification, that ultimately they will completely control it.

I will now quote from page 106 of the report, which states:

"Although the titular heads of the Departments are Chinese residents in Manchuria, the main political and administrative power rests in the hands of Japanese officials and advisers."

On page 127, the report definitely states:

"It is a fact that, without declaration of war, a large area of what was indisputably the Chinese territory has been forcibly seized and occupied by the armed forces of Japan, and has, in consequence of this operation, been separated from and declared independent of the rest of China. The steps by which this was accomplished are claimed by Japan to have been consistent with the obligations of the Covenant of the League of Nations, the Kellogg Pact and the Nine-Power Treaty of Washington, all of which were designed to prevent action of that kind."

I think it is not necessary to quote for you the relevant articles of these latter instruments, which have been so much before you during the past few months. It seems to me, however, that the report makes it clear that actual infringements have taken place, and that it is due to these infringements, and the activities of Japanese forces within what is admittedly Chinese territory, that the "State" of "Manchukuo" has been set up.

Two conclusions emerge clearly from the report. The first is (and again I am quoting verbatim from the report) that:

"A mere restoration of the *status quo ante* would be no solution. Since the present conflict arose out of the conditions prevailing before September 1931, to restore these conditions would merely be to invite a repetition of the trouble.

It would be to treat the whole question theoretically, and to leave out of account the realities of the situation."

The second quotation that I put before you now is this :

"The maintenance and recognition of the present regime in Manchuria would be equally unsatisfactory. Such a solution does not appear to us compatible with the fundamental principle of existing international obligations, nor with the good understanding between the two countries upon which peace in the Far East depends. It is opposed to the interests of China. *It disregards the wishes of the people of Manchuria, and it is at least questionable whether it would ultimately serve the permanent interests of Japan.*"

These two findings of the Commission constitute, in my judgment, the kernel of the situation.

I attach particular importance to the statement that it is at least questionable whether the maintenance of the new State would ultimately serve the permanent interests of Japan. It is admitted that Japan has definite interests in Manchuria, and that all due consideration of these interests must be given ; but I hope we agree, and that on reflection Japan will also agree, that the protection of these interests can be more adequately secured by peaceful means than by resort to force with its aftermath of bitterness and hostility. Apart from that, however, I feel that, in face of the report of the Commission and unless we are prepared to repudiate the findings of that report, the States represented in this Assembly must declare their intention of refusing to recognise the "State" of "Manchukuo".

I cannot see how they can decide otherwise, if the integrity of the League is to be maintained. It is stated in the report that statesmen and military authorities are accustomed to speak of Manchuria as "the life-line" of Japan. Japan may argue that she has spent men and treasure in consolidating her position in regard to Manchuria. I would point out here that millions of lives and billions in money were spent in a "War to end War", and that the only result was to leave the world as we know it to-day, with victors and vanquished in a bewildering maze of social and economic disorder. It was out of that war that this League of Nations emerged. It is looked to as the "life-line" of peace and security by many people of all nationalities, and, if it is as yet but a slender cord joining the nations of the world by ties of agreement, we must not allow it to be cut. We of the smaller States are vitally concerned to ensure that the principles embodied in the League Covenant are steadfastly maintained.

Let there be no mistake — if the moral force of the League is broken on this issue, then the League as at present constituted cannot survive, and the worst cynicism of the League's critics will have been justified.

The other conclusion that I have quoted — viz., "that a mere restoration of the *status quo ante* would be no solution" — must be taken with equal seriousness, and, accordingly, the principles aiming at the equitable adjustment of the rights, interests and responsibilities of both countries must be approved.

As these principles are before you in the report, I refrain from enumerating them, but I would specially call attention to the paragraph dealing with the recognition of Japan's interests in Manchuria, and to that which proposes a large measure of autonomy for the Three Provinces consistent always with the sovereignty and administrative integrity of China.

Section 8 of the general principles (page 130) suggests the creation of a "local gendarmerie force", and herein may be found the basis of ultimate order and settlement. I could conceive that the creation of such a force, and the withdrawal of all armed forces other than it, might be carried out under the guidance and the direction of the League, ultimately allowing conditions to be established in which the opinion of the population could be given full weight.

It may be considered presumptuous on my part to offer advice to either Japan or China on this issue, and, if I do so, let it be remembered that it is done in a spirit of no selfish interest, but purely in the hope that the facts will be realised, and that, following the acceptance of the facts, we shall see a peaceful settlement of the dispute.

China is asked by the terms of the report to make concessions which include the safeguarding of Japan's material interests in Manchuria, and the granting of the fullest possible autonomy that Chinese sovereignty and administrative integrity will permit.

Japan is asked to recognise that Manchuria is Chinese territory, and as such is to be freed from external aggression or military interference. She is also asked to accept the principle that any solution must conform to the Covenant of the League, the Pact of Paris and the Nine-Power Treaty.

Japan must consider what persistence in her present attitude may mean to her. I doubt if she can afford to ignore the effect that her refusal to live up to the terms of the Covenant will have on world opinion. It may be difficult to convince the people of Japan what it will mean in loss of good will and trade relationship, and, if so, that is very regrettable. But it in no way diminishes the responsibility of this Assembly to uphold at all costs the terms under which the Covenant must be applied by the Members of the League. Furthermore, it is clear that these States which are Members of the League are not alone in their views, and that countries which are not Members have expressly stated that they would not recognise any situation, treaty or agreement contrary to the covenants and obligations of the Pact of Paris or brought about by force.

I have endeavoured to outline my interpretation of the report, without labouring through too much detail. I can speak for the people of my country when I say that they are entirely opposed to the idea of imperial expansion or the exploitation of peoples. Even to-day our most acute problems at home are the inheritance of the past, and we have nothing to learn of the methods, both subtle and open, that follow either military or economic penetration or a combination of both.

If the League means anything, or is going to mean anything, its responsibility for peace and

justice must be constant and continuous, and, in the present issue, it is, I feel, facing a supreme test. Let the League endeavour to find a solution of the problem of Manchuria whereby the interests of the conflicting parties can be safeguarded in strict justice. Let us be cognisant of all that is embodied in the illuminating report we have before us, realising that, in economic penetration, whether it is in railroads, plantations of immigrants, financial operations, or otherwise, there are dangers almost equal to military occupation. Let the problems involved therein be faced courageously in the hope of finding a solution.

I feel, then, that the Assembly should definitely accept the report of the Commission of Enquiry, and, after a close and careful study of it, I have no hesitation whatever in accepting it on behalf of the Government which I have the honour to represent.

In conclusion, I would repeat the two principles that, as I have said, form the kernel of the position — viz., that —

“ . . . a restoration of the *status quo ante* would be no solution ”,

and, secondly,

“ . . . the maintenance and recognition of the present regime in Manchuria would be equally unsatisfactory ”.

I represent one of the smaller States, but, so far as that State is concerned, we intend to follow the suggestion of the Commission by refusing to recognise a State set up under the conditions which have operated in Manchuria. Having definitely made that declaration, we are willing to lend what aid we can in trying to find a solution on the basis of the report, in the hope that justice to all the interests concerned can be secured, and that the horrors and turmoil of war may be removed from the people of Manchuria and the dangers to world peace be eliminated.

I do not intend to put up at this stage any definite proposal, but, if it should prove desirable, I would be ready at a subsequent stage to make such a suggestion.

The President :

Translation : M. Beneš, delegate of Czechoslovakia, will address the Assembly.

M. Beneš (Czechoslovakia) :

Translation : It is with a certain hesitation, I might even say emotion, that I rise to address the Assembly to-day. I realise the importance of this moment, the seriousness of the question with which we are dealing and what may be the scope — greater even than may be thought at first sight — of the decision we are called upon to take at this session of the Assembly. I realise my responsibilities to you, to public opinion and to my country, in coming to this platform to speak on the subject of the serious and mortal conflict with which we have to deal.

For the first time since the foundation of the League, the Assembly is called upon to act in virtue of Article 15 of the Covenant. There is no need to explain to you what it may possibly mean to take a decision, a last and final decision in a question of the first importance, against one or other party, and if need be to invoke measures in the nature of sanctions. Even graver, however, is the fact that

this first case unhappily involves questions of worldwide importance : first, because the present dispute is a territorial conflict concerning a region exceeding in area that of France and Germany together ; secondly, because that conflict has broken out between a great Power and another country the area and population of which exceed those of any other country in the world ; and, thirdly, because — we must recognise the fact — two other great world Powers which unhappily are not Members of the League are undoubtedly interested in the dispute, for political, economic and moral reasons.

All that shows how complex, how serious, how dangerous this conflict is. It is dangerous for world peace ; yet what a formidable task now devolves upon the League, what difficulties we shall encounter in our search for an equitable solution, what responsibilities we shall incur if we do not prove equal to our task !

When I first addressed the Special Assembly on the subject of the Sino-Japanese dispute, I stated the nature of the interest my country takes in this unfortunate conflict. My country does not side with either of the countries parties to the dispute. For the last fourteen years, we have maintained the friendliest relations with Japan and China alike, relations imbued with a deep respect for both nations, whose civilisation, one of the most glorious in the world, exceeds in age perhaps that of all the others assembled here

Nor do I wish to stand in judgment on either of the parties to the dispute. In coming to this platform and thus simply fulfilling the duties devolving upon me by reason of the obligations imposed by the Covenant, I am concerned solely with questions of principle. In a case like the present, it is the League's sacred duty to do its utmost to safeguard peace by administering international justice to the parties to the dispute. This it does by means of the provisions of the Covenant, and in the question now before us those provisions prescribe that we shall ask ourselves the following questions : Are the obligations ensuing from the Covenant violated by the acts of one or other of the parties ? Have all the international obligations, treaties, agreements or undertakings other than the obligations ensuing from the Covenant been respected by both parties ? Have the decisions, opinions and resolutions of the Council and the Assembly been complied with and respected by the parties to the dispute ? Lastly, has the League acted efficaciously, as was its duty ? Is it resolved to do its duty, without precipitancy and without prejudice, yet with utter firmness and a realisation of its true rôle, and with the full dignity demanded by the circumstances ?

Finally — and this I cannot repeat too often — we must never forget that we have before us the greatest problem that has ever presented itself to the Geneva institution — a problem a solution of which will constitute a precedent of the first importance. That institution, its strength, its utility, its effectiveness will be judged by the way in which it performs this most difficult and thankless task. These are not idle words. Bound up with the problem before us are the League's evolution and its future. The League will emerge from this test greater and stronger and will inspire confidence, if we succeed in finding a worthy solution of the problem. Otherwise, it will wend its way towards a period of weakness, disillusionment and scepticism, and thus one of the

greatest and boldest undertakings of the human mind will inevitably be stricken down.

These questions, as you see, are questions of principle. In raising them, I have raised the question of justice for one who is the victim of injustice. I have before me not Japan or China, but the League and its Covenant, and that circumstance determines my whole attitude towards the dispute.

And now, after these declarations of principle, to which I attach very particular importance at this present juncture in world affairs, I pass to the substance of the dispute, and say at once that when we come to vote upon the report of the Commission of Enquiry I shall declare myself in favour of its adoption. Everyone, including the two parties to the dispute, has been unanimous in paying a sincere tribute to the Commission's work. Everyone, too, has realised the feeling of responsibility, of conscientious zeal, of courage, with which the Commission has fulfilled its task. May I join in those tributes of well-merited gratitude towards the men who have enabled the members of the Assembly to come to a decision on the substance of the question with the help of a document as invaluable, as weighty and as impartial as the Lytton report?

Of the report of the Commission of Enquiry itself, I shall for the moment stress only a few essential points, which touch on questions of principle and which alone, in my opinion, are of importance at the present stage of the dispute. The two central points in the report are as follows :

(1) Were the events of September 18th, 1931, and the events at Shanghai — that is to say, the military operations in Manchuria in September 1931 and the bombardment of Shanghai at the beginning of 1932 — in the nature of legitimate self-defence or not?

(2) Was the creation of the independent "State" of "Manchukuo" a spontaneous political act of the Chinese population of Manchuria, or did it occur as the result of particular circumstances, more especially of the military occupation by Japanese forces?

To both those questions, the Lytton report gives an unhesitating and absolutely definite answer. It states that the military operations in Manchuria and Shanghai cannot be regarded as a case of self-defence. That is a finding of the first importance. The Commission of Enquiry was not asked to express political opinions on the dispute, nor, in particular, was it empowered to draw political conclusions from its findings; but that duty devolves upon the Members of the Council and Assembly of the League of Nations. If it is found that military operations have taken place and that those operations were not at all in the nature of self-defence, that means that the territory of a Power which is a Member of the League of Nations has been violated and that the Covenant has not been respected. There is, in the circumstances, no possible alternative conclusion.

I am aware that one of the parties, contesting the affirmation of the other party to the dispute, maintains that the operations in question were undertaken in self-defence. Since that question has been raised, we must arrive at an opinion on it.

Having examined the arguments put forward by the two parties and the findings of the report, I have come to the conclusion I have just submitted to you.

There is, however, another serious problem: if the question of self-defence did arise, that means that there were hostile acts on the other side against which self-defence was necessary. According to the report of the Commission and to the statements of the two parties before the Council, there were two categories of acts of that nature — namely, anti-foreign propaganda, which extended even to Chinese schools and school textbooks, thus sowing the seeds of hatred against a neighbouring people; and, above all, economic boycotting — systematic, prolonged, organised, supported and, it would appear, fomented officially.

Such acts should, in my opinion, be condemned. But, if the League condemns acts of that nature, it must proceed with equal firmness when, in a dispute of this kind, a Member of the League decides to take the law into its own hands and, in doing so, engages in military operations on a large scale, which result in the detaching from the territory of another League Member of several provinces having an area of some hundreds of thousands of square kilometres.

Such results are obviously out of all proportion to the original dispute on the question of boycotting, and themselves create a new and most serious dispute, which has brought us to the present position, so dangerous as it is to peace.

When examining similar cases in the past, we have solemnly affirmed one of the essential principles of the Covenant — namely, that, when a dispute arises between a Member of the League and a neighbouring State, that Member shall never have the right to take the law into its own hands by resorting to force. The Covenant lays down a clear and well-known procedure in such cases — that is to say, recourse to the Council of the League or to some other procedure of pacific or judicial settlement in virtue of the Pact of Paris.

I venture to say quite frankly that, in the present case, I should have no hesitation in categorically condemning active xenophobia, which is illegal from an international point of view, and officially organised economic boycotting, as acts which are prejudicial to world peace and should be unsparingly punished. In the general solution of the dispute, proper consideration will have to be given to the complaints submitted in this connection.

If, however, we are told that the Member of the League in question could not have recourse to the League to put a stop to such acts — first, because national sentiment would not have brooked outside interference in the main question in dispute; secondly, because part of the population of the territory in question would have suffered serious harm owing to the delays implicit in the League's procedure; and, thirdly, because the mentality of the populations in the areas in question is different from that which predominates in Western Europe — I can only ask myself anxiously if that does not imply purely and simply, apart from the violation of the Pact of Paris, a total misapprehension of the fundamental provisions of the Covenant in virtue whereof every controversial question which falls under any article of the Covenant must be brought before the League to be dealt with in its entirety on the basis of the article in question.

If it were otherwise, could not any of us, in our own difficulties, invoke identical arguments, and would not that mean simply that each Member of the League might, by invoking such arguments,

resort to force in certain disputes, and refuse to refer them to Geneva? Would not that constitute, not only a violation of the Pact of Paris, but also the total negation of the Covenant and the inevitable end of the League?

The second essential point in the report of the Commission of Enquiry — namely, the creation, in the circumstances described in the report, of the independent "State" of "Manchukuo" — also seems to me to be serious — quite as serious as the facts I have just mentioned, not only for the same fundamental reasons, but also for quite different reasons.

It has been possible for an independent "State" to be set up on the territory of a Member of the League, thanks to the presence on that territory of the military forces of another Member of the League. Surely that fact not only constitutes a flagrant anomaly in the relations of two Members of the League, but also, and above all, is fundamentally opposed to the provisions of the Covenant and, in particular, to those of Article 10 concerning territorial integrity.

But another capital question arises: Are not we Members of the League faced here with an extremely serious precedent, leading possibly to disastrous conflicts and immeasurable catastrophes?

Let us look around and see whether in the other continents somewhat similar territories might not lend themselves to operations of this kind. Let us try to imagine to what it might lead us if a similar case were to arise in the continent of Europe.

I have no wish to judge or condemn anyone; only I consider that it is our duty, our sacred duty, for the sake of world peace, to elucidate that question at all costs and to clear it up so that there may be no shadow of doubt with regard to it. The most dangerous thing, politically speaking, about such a position is the precedent that is formed and the temptation to copy the example of operations that have proved successful. The League must beware of the establishment of precedents of that kind, for they would inevitably lead to ruin.

There is one more question of principle which we must examine. One of the parties invokes the Nine-Power Treaty, which it seems has not been respected. The League of Nations is the custodian of respect for treaties. I have examined that question and have asked the opinion of representatives of certain Powers which signed that Treaty; all were agreed that the Treaty has not been respected. Nevertheless, I cannot help noting that the other party, too, has been blamed for failure to respect certain contractual obligations.

Finally, I venture to repeat here before the Assembly what the Committee of Nineteen and some of its members individually stated spontaneously at the meeting held on October 1st,¹ thereby following the example of the Council itself. They express their profound and sincere regret that the undertaking not to aggravate the situation, given by the two parties before the Council on September 30th and December 10th, 1931, and solemnly confirmed by the Assembly, has not been observed. The Committee of Nineteen, when informed of the possibility that the State of Manchukuo might be recognised, acted, against the opinion of certain of its members, with peculiar moderation, on the ground that, in a case of that kind, an attitude of respect for the larger moral interests and the

national dignity of the two parties to the dispute would inspire both of them with feelings of particular regard for the League and for the representatives of the other countries who were called upon to perform a particularly thankless task in connection with the dispute. The members of the Committee of Nineteen felt particularly keenly the complete disappointment they experienced in that respect; and I must say that thereby their task is made still more difficult to-day, when they are making every effort, by means of conciliation, to find a just and equitable solution of this unfortunate dispute. For the policy of accomplished facts is one of the most dangerous policies for the peace of the world.

I now come to the conclusion to be drawn from the facts I have just submitted to you with regard to the Commission of Enquiry's report.

It appears from the present state of affairs in Manchuria and from a conscientious examination of the report, and of the political and legal conclusions to be drawn from it, that acts of exceptional gravity have been committed in violation of the provisions of the Covenant, the contractual obligations in force and the resolutions of the League organs. These injustices must, in my view, be put right. In no case could they be recognised by Members of the League, as has already been proclaimed, in connection with the present conflict, by the Assembly resolution of March 11th, 1932, which reads: "The Assembly 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".¹

Both parties to the dispute should therefore re-examine everything that has happened since the conflict broke out, so as to be able to put an end to any wrongs which have been done to the adversary; and it behoves us all, before adopting any recommendation in virtue of Article 15, paragraph 4, to address to both parties a friendly, earnest and fervent appeal — nay, supplication — not to oblige us to sit in judgment upon them.

We have, on the one hand, a country like Japan, whose glorious history places her among the foremost nations of the world, whose national pride and dignity have led her to make miraculous efforts in all departments of social life, to the admiration of the whole world, and whose vigour and virility show that she has a future before her which holds every possibility of success, prosperity and glory.

On the other hand we have China, whose ancient civilisation still has things to teach even the most modern and advanced nations — things that will ever be unique in the history of mankind; a nation whose subtlety and intelligence can hardly be paralleled elsewhere and whose future will not be bounded by decades or even centuries, for is not Chinese civilisation already thousands of years old?

Such countries, such nations, must settle a conflict of this kind by a friendly agreement and by sincere, frank and amicable conciliation, doing justice to both parties. It is the duty of the Assembly to help them to do so.

If, however, within a period — which cannot be unduly prolonged — the two nations are not able, with our assistance, finally to put an end to this dispute, it will be our duty to take our own decisions. As I have already said, we must have

¹ See page 15.

¹ See *Official Journal*, Special Supplement No. 101, page 87.

the courage to take decisions unreservedly, unhesitatingly and firmly, but with justice and dignity. We must form a judgment as to the serious position with which we are faced, calmly, with a sense of realities and with lofty motives. The Assembly cannot and must not allow any shadow of doubt to arise on that point.

It may prove impossible to arrive at an immediate and final solution of the dispute as regards certain material facts, measures and operations; but in that case there must be no doubt as to the view, the convictions and the real decision of the Assembly. For one thing must be made absolutely clear to all — namely, that we must do our whole duty in safeguarding our principles, and that the League of Nations, a body essentially based on the principle of conciliation, may compromise on this or that practical solution, but can never and must never compromise on matters of principle. Any compromise on matters of principle, and especially such important principles as are involved in the present case, would mean the bankruptcy and the end of the League.

Before concluding, I should like quite frankly to draw your attention to one very special point: as the representative of a medium-sized country, whose future policy has as one of its main pillars of support the efficacy of League action, I should like to know clearly and definitely how far, at a moment which is decisive for the life of a nation and tragic for us all, we can rely on our institution and its machinery and on the will of all those who, at the crucial moment, will have to take a decision. It was for that reason, among others, that I said there must be no misunderstanding of this tragic affair in the mind of anyone. It is to the interest of us all that we should be frank with ourselves as to the efficacy of our institution, for we are passing through a period of international policy in which no responsible statesman can afford to indulge in illusions in the matter.

If, by appropriate decisions, we succeed in saving our principles, we shall have performed a great historic act; we shall have accomplished an act of international morality which cannot but bear fruit; we shall have saved an institution the greatness of which will be enhanced by our decision; we shall have set an example which will be a warning to some and an encouragement to others; and we shall have done something to restore much-needed hope to all in the present dark times. Above all, we shall have saved the dignity and honour of the institution of which we are all Members and for which we are all responsible before history.

My country has, since it came into being, based its whole policy on the regular functioning of the League, and has devoted itself single-mindedly to the execution of its duties as a Member of the League. I should like to say, on behalf of my country, that, without desiring to interfere with the interests, sentiments or national feelings of any other country, it will fulfil the duty imposed upon it by the Covenant.

The President:

Translation: M. Undén, delegate of Sweden, will address the Assembly.

M. Undén (Sweden):

Translation: "The relations between China and Japan are those of war in disguise, and the future is full of anxiety." These are the clear and unambiguous words used by the Commission in its report to characterise the situation in the Far East. That situation is of concern to all of us Members of the League of Nations, for, if there is,

in the times in which we are living, one indisputable truth, it is that the cause of peace is one and indivisible.

The weakening of confidence in the interpretation and application of the international treaties concluded with a view to organising peace, and, in particular, of that on which the League is based, is being felt everywhere and is disturbing the relations between all countries.

The League was set up to place at the disposal of a party involved in a dispute, whose interests had been injured, methods guaranteeing pacific solutions for all disputes. It is an obligation binding upon every Member of the League not to disregard those methods but to apply them loyally.

In no circumstances could the plea of a Member of the League that the national sentiment of a people would not brook outside interference in a question endangering peace be recognised.

The opinion has been expressed that no one is really responsible for the events which have taken place, and are still taking place even now, in the Far East; or, in other words, that the party which has had recourse to warlike measures has only exercised its right of self-defence. China's internal troubles and the disorganisation of the country had the effect, it is alleged, of forcing Japan to act in self-defence in protection of her interests. It is even added that Japan is alone competent to judge and determine the character of her own acts.

Due consideration should certainly be given to cases where internal disorders in a country create particular problems and responsibilities for another country. Nevertheless, the thesis that the internal difficulties of a country justify, on the part of another country, warlike measures and the annexation of vast regions cannot be recognised.

Moreover, no Member of the League can — and this is one of the essential principles of the Covenant — shirk the duty of asking the League and its organs to determine whether or no, in any special case, it has, when defending its interests, violated its fundamental obligations.

The dispute in question was submitted to the present Assembly by one of the parties to it for an impartial decision whether the principle of self-defence was applicable or whether the Covenant had been violated.

The answer is given by the Commission of Enquiry in its report, in which it is clearly stated that the hostilities undertaken in Manchuria as a result of the incidents of the night of September 18th-19th, 1931, cannot be justified as acts of self-defence.

In my opinion, the Assembly cannot base any measures it may take or decisions it may reach for the settlement of the dispute on anything but the findings of the Commission of Enquiry.

In its resolution of March 11th last, the Assembly recalled the undertaking given by the Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League.

By thus emphasising the fact that the terms of Article 10 of the Covenant should be applied in this case, the Assembly wished to stress the fact

that the military operations undertaken in Manchurian territory did constitute a violation of the territorial integrity of a Member of the League.

We have just heard the argument that the position was afterwards entirely altered by the creation on Manchurian territory of an "independent State". That plea had already been adduced before the Commission of Enquiry, which subjected it to a careful examination, as a result of which it arrived at the following conclusion, already quoted by a previous speaker :

"It is a fact that, without declaration of war, a large area of what was indisputably Chinese territory has been forcibly seized and occupied by the armed forces of Japan and has, in consequence of this operation, been separated from and declared independent of the rest of China."

Further, the Commission states that :

". . . the independence movement, which had never been heard of in Manchuria before September 1931, was only made possible by the presence of Japanese troops."

So much for the past. With regard to the future, the Lytton report is no less explicit. It says :

"To cut off these provinces from the rest of China, either legally or actually, would be to create for the future a serious irredentist problem which would endanger peace by keeping alive the hostility of China and rendering probable the continued boycott of Japanese goods."

From the state of affairs revealed by the report, it is clear to me that the recognition, by the Members of the League, of the new regime set up in Manchuria would be an act at variance with the provisions of Article 10 of the Covenant. In my opinion, therefore, the Assembly must associate itself with the declarations of the Commission of Enquiry to the effect that the recognition of the present regime does not appear to be compatible with the fundamental principles of existing international obligations.

The duty of the Assembly is to find a solution of the dispute which will take due account of the permanent and legitimate interests of the parties to the dispute. The report of the Commission makes a valuable contribution to this end, and contains essential elements which could usefully serve as a basis for a settlement.

The negotiations for a settlement of the dispute, which are to be instituted during the next few days, will be carried on in singularly disquieting conditions. In spite of its efforts, the League has not been able to bring about the withdrawal of the troops of one of the parties to the dispute, which have entered the territory of the other party. The negotiations to be instituted will therefore be carried on under military pressure — that is to say, in conditions declared in the Assembly resolution of March 11th, 1932, to be contrary to the spirit of the Covenant. The position is a serious one and the present Assembly cannot, in my view, close its discussions without clearly defining the limits outside which a settlement of the dispute must not be sought.

The President.

Translation : M. Lange, delegate of Norway, will address the Assembly.

M. Lange (Norway) :

Translation : I agree with previous speakers that the dispute before the Assembly is the most serious that has arisen in the League's history. It is

a dispute which I may describe as painful ; and I feel bound in conscience to speak in order to express my Government's view on the implications of the situation.

The dispute is of an exceptional nature, not only because it is painful, but also because of the attendant circumstances. It has arisen in a part of the world which is far distant from the seat of the League and presents features that in several respects are quite exceptional. That is clear from the documents submitted to us and from the statements we have heard this morning. It is not surprising, therefore, that it should have been necessary to adapt the League's procedure to these special circumstances. That is the explanation of the fact, among others, that the Assembly was compelled to agree to the extension of the time-limit fixed by Article 15 of the Covenant — an exceptional measure which was only tolerable in view of the conditions (I had almost said, the unique conditions) to which I have referred.

In the matter of procedure, the Assembly is still at a preliminary stage. Our immediate duty is to arrive, under the terms of the Covenant, at a finding with regard to the facts and circumstances of the dispute ; and it was in order to be able to reach useful conclusions in that respect that the Commission of Enquiry under the chairmanship of Lord Lytton was set up. I am happy, in my turn, to pay a very sincere and respectful tribute to the distinguished chairman and members of that Commission.

The Commission has accomplished a very difficult task in an admirable manner. I would draw attention to the important fact that it was able to reach unanimous conclusions, and I think the Assembly could not do better, in so far as the facts and circumstances of the dispute are concerned, than approve the findings of the Commission as set forth in the first eight chapters of the report. The simplest form of giving expression to that idea, and the form most closely in accordance with League procedure, would be for the Assembly to adopt this first part of the report. A vote to that effect would imply certain findings of the first importance. It is necessary, in the first place, to consider the grounds for the contention that the events of September 1931 in Manchuria constituted a case of self-defence. No doubt it may — nay, it must — be admitted that the present condition of China has given rise, and still gives rise, to grave anxiety on the part of States which have constant commercial and political relations with China, and to none more than to the neighbouring States. But, when that has been said, this state of affairs and the incidents to which it is liable to give rise cannot possibly be allowed to justify unilateral recourse to military force.

In the old Code of my country, which dates from the seventeenth century, I find the following maxim: "No man can be his own justiciary ; to obtain justice it is necessary to persuade and negotiate". History, it is true, contains many examples of the use of the opposite method, the method of force, particularly in the case of relations between States. But to-day there is something new in the world : there is the Covenant of the League ; there is the Pact of Paris, instituting and perpetuating new methods to replace the method of unilateral force and constraint, and giving its sanction to the method of persuasion and negotiation. That is a first finding.

In the second place, it must be recognised that one conclusion emerges from the report of the Commission of Enquiry — namely, that there is something wholly artificial about the establishment

of the new regime in Manchuria. In this connection I agree with what has been so admirably said by M. Undén in particular.

It would therefore appear also to be impossible, as several previous speakers have said, not to apply to this situation the actual terms of the Assembly resolution of March 11th, 1932. I will not quote it; that part of the resolution in question has already been cited by other speakers.

I refrain for the moment from embodying in a draft resolution the conclusions which result from these various findings. I reserve, on my Government's behalf, the right to do so later, as may be necessary. But I feel sure that the unanimous sentiment of the Assembly, which was embodied in the resolution of March 11th, and has found new expression in the speeches we have heard, cannot fail to make a decisive impression on the Governments of the two parties to this dispute, and that they will be led to make a serious attempt at conciliation under the auspices of the League authorities. It is the duty of both of them to do so under the terms of the Covenant itself; and it is the duty of all of us to do our part to help in this work of conciliation.

Nor will I for the moment consider the forms of settlement to be proposed to the parties, or even the forms of procedure to be proposed. These are questions requiring very careful attention.

There is a preliminary question to which I should like to allude — namely, whether it would not be well to invite certain Powers, not Members of the League, who have big interests in the Far East, to join in the essential work of conciliation.

The all-important thing is to safeguard the primary object of the League — namely, the maintenance of the principles of peace and right and the application of those principles in all cases arising for the League; otherwise, what would happen to the League, what would be the future of the countries of which it is composed?

Solutions based on force are ephemeral. Only solutions inspired by right and based on justice offer a guarantee for duration and stability. In this connection I venture to add one word on another aspect of the question.

The work of the League is not exhausted with the observance of rules and principles of law. It is our duty also to prepare ways and means and to establish, so far as is humanly possible, a good understanding between its Members in the service of the common interests by which they are united.

I am happy to note that, in the present case, these two tasks — the legal task and the task of conciliation and mutual understanding — are, in substance, identical. At any rate, I feel sure the two States in conflict will recognise that, if we are constrained to take up the attitude my country has taken up in regard to the present conflict, it is because we are convinced that we are serving their own true interests properly understood. The economic conditions of these two countries make each dependent upon the other. China needs the support of Japan, and Japan has an equally vital need of an open market, a spontaneously open market, for her production. In this respect, Japan has admittedly had grounds for complaint in the past. But spontaneity and goodwill cannot be imposed by force. It is only by agreeing upon an arrangement in regard to Manchuria acceptable to China and to the entire Chinese population that this result can be attained. It is to this great task of finding a just solution, a solution taking fully into consideration the interests of both parties, that the League must devote all its strength; and only by so doing will it itself be enabled to safeguard its own future and its effective existence.

(The Assembly rose at 5.55 p.m.)

ELEVENTH PLENARY MEETING OF THE ASSEMBLY.

Wednesday, December 7th, 1932, at 10.45 a.m.

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The President :

Translation : Before resuming the general discussion, I have a short communication to make to the Assembly. I received yesterday a statement from the Chinese delegate to the following effect :

“ At the opening of the meeting of the Special Assembly this morning, you were good enough to draw the attention of the delegates present to certain documents which would be especially helpful in their study of the Sino-Japanese question now before them. I noticed, however, that the list you mentioned did not include the document which the Chinese representative on the Council sent to the Secretary-General on the 3rd instant for communication to the Special Assembly as well as to the Council and the Members of the League. This document is entitled: ‘ Chinese Comments on the Observations of the Japanese Government on the Report of the Commission of Enquiry and on the Statements made by the Japanese Representative at the Council ’. On behalf of the Chinese delegation, I have the honour to request that you will be so good as to draw the attention of the Special Assembly equally to the said document, which is numbered A.(Extr.)155.1932.VII¹.

(Signed) W. W. YEN.”

¹ See Annex VII.