

In connection with this communication, I may remind the Chinese delegate of what I said yesterday morning, namely :

“ 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.”

I then gave a detailed list of the documents transmitted in pursuance of the Council resolution of November 28th, and I thought it desirable to explain the special character of some of these documents — namely, the documents annexed to the report.

The document from the Chinese delegation to which Dr. Yen refers in the letter I have just read is subsequent to the Council resolution of November 28th. It is dated December 3rd, and was circulated on the day before the Assembly — that is to say, on December 5th. Of course the comments of China on the observations of the Japanese Government and on the statements of the Japanese representative on the Council constitute an important part of the documentation placed at the disposal of the members of the Assembly.

I will ask the Assembly to note these explanations.

APPEAL OF THE CHINESE GOVERNMENT : GENERAL DISCUSSION (continuation).

The President :

Translation : M. de Madariaga, delegate of Spain, will address the Assembly.

M. de Madariaga (Spain) :

Translation : In present circumstances, it is certainly not in any lighthearted spirit that one can come to this platform. We are all called upon to utter here words heavy with responsibility, feeling as we do that silence would involve a still heavier responsibility.

If this affair were no more than a dispute between two ancient nations, known and esteemed by all, it would suffice to cause us the gravest anxiety. Unfortunately, however, despite the patient efforts of the Council, the Sino-Japanese dispute has gradually, in the course of the year, revealed in all its features an increasingly marked divergence between the opinion of the authoritative organs of the League and that of one of the most influential nations commanding the utmost attention in this international centre, a nation which, ever since the foundation of the League, has occupied with unquestioned authority a permanent seat on the Council.

I venture to point out to the Assembly that in certain respects it is this latter aspect of the problem that is the more important. The Sino-Japanese dispute is complicated and delicate. It contains, if not in the history of its course, at any rate in the events leading up to that history, seeds of trouble on both sides of the frontier. It would be rash to pronounce *ex cathedra* on the degree of justification which this or that action on the part of one of the two countries concerned can find in this or that action or omission on the part of the other country.

But what makes this issue particularly serious for all is the fact that, in its development ever since it came before us, increasingly serious causes of disagreement have been evinced between the League and the Japanese Government. It is that which makes us all so conscious of the painfulness

of our share in this discussion, to which we are impelled by the strictest yet the clearest sense of duty. For we all have friends in Japan, dear friends who have taken their part from the first hour in the organisation of the League, and the memory of whom has so often tempered our judgments and sealed our lips; friends and colleagues, some of them of long standing on successive Japanese delegations, whose exquisite courtesy has at all times enabled the thorniest problems to be discussed. Behind them, there is a nation which has never had more claim to our respect and our friendship — a friendship which in the case of Spain is already many centuries old — than now, when Japan is passing through such a profound crisis in her history.

It is only by raising ourselves to the highest planes of international politics and considering events with the dispassionate eye and serene mind of the historian that we can derive the strength to utter our thoughts, when our thoughts are so hard to utter. For we are really faced with a conflict between two attitudes of mind — the national attitude, which sees everything from the angle of national interest, understood in the widest sense and felt with the utmost acuteness, and the international attitude, that newcomer in history, the new moral force which before our eyes is toiling to create a better world.

If, in the course of this year, those who have taken part at close quarters in the negotiations to put a stop to the conflict have often faltered, and sometimes come near to despair, when they saw how events which they feared but thought inconceivable actually took place — cities captured on the morrow of undertakings not to aggravate the situation, invasion spreading throughout Manchuria on the morrow of promises of evacuation — and if they have wondered how that great nation, deeply imbued as it is with a sense of honour and national pride, could cause them such bitter disappointment, they may have reflected that the Japanese nation too was acting under the influence of a high sense of duty, which unhappily drew its strength from an ideal differing from their own.

This conflict between the national and the international attitude of mind has not, moreover, failed to have the most serious effects within the noble Japanese nation. Its oldest and most highly disciplined institutions have been shaken. May I at this point pay respectful tribute to the memory of statesmen who, like M. Inouye and M. Inukai, have been its victims, pathetic witnesses to the depth to which feeling has been stirred in Japan by this tragic conflict ?

So the League of Nations, realising from the first the seriousness of the problem, has acted with circumspection, caution and patience, which naturally called for time. We knew well that time would be unjust, that it would favour the side relying on immediate force and would allow the *fait accompli* to ripen and bear fruit. But when I search my memory for the motives that led me, during this long year, to agree to such slow methods, to vote for these long time-limits, to resign myself to these adjournments, I find that I was moved almost entirely by a desire to be conciliating and accommodating to Japan. It was therefore not without some bitterness that, the other day, I heard the distinguished M. Matsuoka say in the Council that his Government had not submitted the conflict to our jurisdiction “on account of the delays inherent in League procedure”. No procedure is too slow for goodwill.

Our goodwill is evident. We should have only one task to fulfil had not Japan imposed a second upon us. Our task was to arrest hostilities and to find a solution for the Sino-Japanese dispute. But we must also restore the authority and proclaim the principles of the League.

The practical man, whose political shortsightedness is incurable, would like us to confine ourselves to the first of these two tasks. Provided we find a working settlement, let us pass the sponge over the rest. That is as much as to say, let me have my dividend for the current year and never mind the capital. To this folly the Spanish delegation replies with a clear "No". True, our duty is to attempt conciliation, with, of course, a mind open to any and every solution that commands the approval of both the countries concerned, and, in particular, that will safeguard once for all the important and legitimate interests justly invoked by Japan. But, before attempting conciliation, it is necessary that the League should lay down the law on what has passed, and that for a number of positive and concrete reasons, the most important of which I venture to enumerate.

In the first place, as regards conciliation itself, it is necessary because conciliation has to be effected on a clear basis and on a definite ground. Our starting-point must be our collective view of the facts.

Secondly, as regards the Commission of Enquiry, it is necessary because we set up a Commission which proceeded to the spot and studied the question with competence and clearness and with an international outlook to which I pay a tribute with particular satisfaction, because, in the past, I raised objections to the composition of the Commission, though I was constrained to waive them out of respect for the wishes of the Japanese Government, to which the Spanish delegations throughout this year have unhesitatingly made every possible concession.

We therefore owe it both to the Commission and to ourselves to pronounce on the findings and conclusions of the report it has submitted to us. My Government, for its part, is in entire agreement with those findings and conclusions.

Thirdly, as regards the League, it is necessary because the League would find its Covenant pine and perish of mortal disease if, by default, we were to allow the public to become convinced that Article 10 permits of Chinese Manchuria becoming Japanese Manchukuo, that Article 12 allows of military invasion becoming permanent, and that the principles of the Covenant must be waived in exceptional cases, when, in fact, all cases are and always will be exceptional cases.

Lastly, it is necessary out of respect for Japan herself, because the conflict between the national and the international attitude of mind has led the Japanese nation into believing that its national attitude is at one with the true international attitude, and that in doing what it has done — M. Matsuoka said as much only yesterday — it was not only respecting but upholding the principles of the Covenant. We believe that the permanent interests of Japan are at one with the permanent interests of the League, and that therefore anything that runs counter to the true interests of the League runs counter to the true interests of Japan; and consequently that Japan, the permanent and historic Japan, has a right to learn from us that we are not in agreement with, at all events, the methods of present-day Japan.

That is the policy, the true policy, which I hope the whole Assembly will approve. For the League of Nations consists primarily of the nations of which it is composed, different countries, each of which has its own interests, its own concrete problems,

its own systems of international relations to render it cautious, circumspect, utilitarian. Yet there is, too, the League they constitute, a universal city growing in strength, that "living thing" which alone would suffice to immortalise the name of Woodrow Wilson. That living thing is the entry of morality into international politics, the great conception with which the Spanish jurists of the sixteenth century were imbued.

That conception, a fine conception always, has to-day become indispensable. At our gates, the waves of national and international anarchy loom threatening. They have no constructive idea to guide them. They are urged on by despair, in the face of the failure of individual and national leadership and the bankruptcy of statesmanship. They are blind economic and political forces in revolt because statesmen are powerless to guide them into their true channels.

The world needs order: but order does not mean uniforms or soldiers. Order is rule, order is right. Let us affirm the right. Let us believe in it. Let us proclaim it.

The President :

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

M. Motta (Switzerland) :

Translation : Like my eminent friend, M. Beneš, I have not come here to take sides with either party, for both are friends of Switzerland. The little country I have the honour to represent in this august Assembly has, with both China and Japan, long-standing relations based on the highest mutual esteem.

The cause I plead is that of the League itself and of its Covenant, the Covenant and its principles. That is the only interest I have in this debate; but it is a weighty interest for all of us and a vital interest for countries like mine.

I thank the Council for transmitting to the Assembly the whole documentation relating to the dispute. I find it hard to conceive the confusion and interplay of jurisdictions which would have arisen had the Council not recognised the primacy of the Assembly in this matter.

The value of this general discussion is, to my mind, that it enables the delegations freely, and, so to speak, as a preliminary step, to express their views on the general conditions of the dispute and, in particular, on the report of the Commission of which Lord Lytton was the Chairman, thus aiding public opinion in the various countries to assert itself to take definite shape, to perfect its knowledge and to set in motion the irresistible moral force that it possesses.

In this respect, the Lytton report has rendered us a signal service. Without it, this discussion could not have taken place. The report is in every way remarkable, and does honour both to its authors and to the League. It constitutes a striking example of the value of our procedure for obtaining information.

I greatly appreciated the following remarks made by the eminent Japanese delegate, M. Matsuoka, in his speech yesterday concerning the report:¹

"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

¹ See page 28.

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.”

This fair-minded judgment creates, I think, a presumption in favour of all parts of the report. The report was indeed conceived and drawn up with an entirely open mind and an obvious desire to be impartial.

How will our discussions subsequently develop? My own view — which I submit to you in all humility — is this :

After this general discussion, the Committee of Nineteen will be asked to submit to the plenary Assembly a draft resolution. This proposal, which will be carefully studied, should request the Committee to initiate conciliation procedure and supervise it. Such procedure is prescribed in Article 15, paragraph 3, of the Covenant, and I sincerely hope that it will attain its object : the settlement of the dispute. That would avoid the necessity of proceeding to the second phase — namely, the recommendation procedure laid down in Article 15, paragraphs 4 *et seq.*, of the Covenant.

In my view, however, the conciliation procedure cannot be usefully initiated and pursued until the Assembly has laid down certain rules, defined certain principles and established certain fundamental premises which would form the framework and guarantee of possible and equitable moral negotiation.

I have no doubt that the two parties will readily lend themselves to such an endeavour. Their statements at yesterday’s meeting seem to me to justify that hope. It will not, I think, be possible, during this first phase, to avoid the two central questions around which all our discussions necessarily revolve. Those two questions have already been indicated : I need not therefore dwell upon them again at any length.

The first may be expressed as follows : Was Japan’s position that of legitimate self-defence? If so, her action was legitimate ; otherwise, it was contrary both to the League Covenant and to the Paris Pact. To this question, the report of the Lytton Commission has given an answer which leaves nothing to be desired in either clearness or force.

The second question might be expressed as follows : Was Japan yielding to a desire for territorial expansion and was the creation of the new State in Manchuria simply a means of masking this desire, or is the birth of the new State a free and spontaneous event which satisfies a deep-felt need for independence on the part of its population?

The Lytton report also answers the second question, and its reply is quite categorical : without the intervention of the Japanese troops the new State would not have come into being. If Japan wills it, that State can even now disappear. But the Commission adds — and I should like to emphasise this — that *restitutio in integrum* — that is to say, the complete return to the *status quo ante* — would not be a desirable solution.

M. Matsuoka yesterday explained to us the reasons which, in his opinion, had prevented Japan from submitting her dispute with China to the League of Nations. The following is a very important passage from his speech :¹

“ 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?”

May I say, with all diffidence, that I fear this reasoning would, if approved, rob two essential principles of the Covenant of all meaning? The first of these principles is explained in Article 10, and is called the undertaking to respect and preserve the territorial integrity and existing political independence of all Members of the League. The second principle is defined in Article 12 and is called the undertaking to submit any dispute of any kind to a procedure of pacific, judicial, arbitral or diplomatic settlement.

I know this undertaking always to submit disputes to pacific procedure may sometimes, especially to great Powers, appear to be a hindrance. Those who have force at their disposal are naturally tempted to use it, especially in defence of what they consider to be their rights.

The law, however, places a limitation on rights, and such limitation is a guarantee of security for each one of us. If the States Members of the League ceased to admit the maxim that none may take the law into his own hands, or that the very justification of our institution is its categorical condemnation of violence in international relations, then it would be better to say quite frankly that our hopes of achieving a new international order are vain ! Right-thinking men will not readily give way to such moral bankruptcy.

Was is not M. Matsuoka himself who yesterday voiced the following noble sentiments :¹

“ 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 a war for many years under provocations that, prior to the drafting of the Covenant, would certainly have brought it about ” ?

In so saying, he admitted that the Covenant had profoundly changed international relations.

All countries, great and medium and small, are working together on a common task, each according to his powers and to the mission with which he has been entrusted by Providence. The efforts we are making are ultimately aimed at promoting the moral progress of mankind. Our feelings towards the two great countries which are parties to the dispute are entirely sympathetic. We hope they may come to an amicable agreement and succeed in settling not only the present dispute, but also those problems from which the dispute has sprung and which might lead to other misunderstandings in the future.

China was one of the cradles of civilisation. The ardent patriotism of Japan, her spirit of sacrifice and discipline, and the enthusiasm with which she has welcomed new forms of progress, must command our admiration. If Japan would recognise that she had exceeded her rights and would unconditionally accept the pacific procedure of the

¹ See page 29.

¹ See page 28.

League, she would greatly enhance her reputation for nobility and her moral credit throughout the world. It is her duty to allay our anxieties, to obey the venerable teaching of her own philosophers and sages and to prevent the international position, already fraught with anxiety, from deteriorating still further. It seems to me that I can yet hear the voice of Aristide Briand, shortly before his death, inveighing here at Geneva against a policy of prestige — that source of so many evils. It is not a sign of weakness, but rather a proof of moral force, to defer to the desire, the reason and the majesty of the world-conscience.

The President :

Translation : M. Politis, delegate of Greece, will address the Assembly.

M. Politis (Greece) :

Translation : After the speeches we have heard yesterday and this morning, I shall be brief. I will merely submit a few observations of general interest, which seem to me calculated to facilitate the task of conciliation before this Assembly.

When the Assembly met in special session at the beginning of this year, on the request of the Chinese Government, it was faced with a twofold task : the restoration of peace at Shanghai and the finding of a pacific solution for the dispute in Manchuria.

The first of these two tasks has now been accomplished ; that fact should not be forgotten, as the result obtained has been a triumph for the League. As Dr. Yen was good enough to say yesterday, the Assembly succeeded in putting an end to the hostilities at Shanghai, in accordance with the principles and procedure of the Covenant. It obtained that result by merely exercising the powers conferred on it under Article 4, paragraph 3, without instituting the procedure laid down in paragraph 4 of that article.

It has now to deal with the dispute in Manchuria. That is far more complicated ; but, in the accomplishment of its new task, the Assembly is fortunate enough to command sound and invaluable aid in the Commission of Enquiry's report.

I too should like to pay a tribute to the work of that Commission. As I said when closing the discussions of the thirteenth ordinary session of the Assembly, the Commission's report is a very remarkable piece of work. It is doubly valuable : first, because it has enabled us to realise more clearly the very complex situation which has arisen in that part of the world, and also because it contains very useful suggestions for a friendly settlement of the dispute. The fact that League procedure has thus been able to throw sufficient light upon the facts to facilitate the pacific settlement of the dispute is, I venture to think, an achievement to be placed to the credit of our institution.

M. Motta said just now, and very rightly, that in the work of conciliation before us we can hope for results only if the Assembly agrees on a certain number of fundamental ideas ; and, as I agree with that statement, I feel I must stress one of the aspects of this discussion which seems to me of predominant importance — an aspect which was touched upon yesterday in the speeches of my colleagues and which I too desire to emphasise. I will ask you to excuse me if I go into some technical detail ; but in a matter of such importance, a matter that I regard as the basis of the present discussion and that is of capital importance for the future of our institution, ideas must be crystallised and made clear to every mind. I am speaking of the question of self-defence.

On several occasions already our League has had to deal with that question ; but this is the first time, I believe, that we have had to take it up in a practical form in all its implications.

As everyone knows, self-defence is the right of anyone who is attacked to retaliate forthwith. It is a natural right, so natural that it is needless to place it on record ; it has even been found dangerous to do so. Indeed, one of the authors of the Paris Pact said it was important that self-defence should not be given a formal definition ; otherwise an unscrupulous country might deliberately arrange in advance that events should fall out in accordance with the definition. Mr. Kellogg, the American Under-Secretary of State, used almost exactly the same words after the signing of the Paris Pact. Thus, in the present state of international law, it is almost impossible to enumerate satisfactorily the distinctive characteristics of self-defence or, indeed, of aggression. Those are questions of fact, of pure fact, which must be investigated on their merits in each particular case.

What is the position in the present case? The Japanese argument is that, on September 18th, 1931, Japan was acting in self-defence. That is contested by the Chinese Government ; and the Commission of Enquiry, on page 77 of its report, expresses the same opinion as the Chinese Government. The Commission of Enquiry considers that the military operations undertaken by the Japanese troops during the night of September 18th, 1931, cannot be regarded as measures of self-defence. Yesterday we heard the Japanese delegate contesting those conclusions.

I do not propose to go into the details of this controversy, but the Assembly will have to settle it, and will certainly attach particular weight to the conclusion reached by the Commission of Enquiry, unless the Japanese delegation can bring such proofs as can upset that conclusion. But what I wish to say is that this question of self-defence, which is so difficult of exact definition, has already been subjected to rules drawn up by our organisation, which must be recalled at this stage, as the Assembly cannot accomplish its task without applying them.

The first rule constitutes a large measure of progress for our institution : that rule is that a State which adopts measures of self-defence does not and cannot evade the discussion of its action by other States, and that, as regards the States Members of the League, it is subject to the sovereign appreciation of the Council or of the Assembly, as the case may be. That point was elucidated by the First Committee of the Assembly during its discussions on the question of bringing the Covenant into harmony with the Pact of Paris, its report being unanimously adopted by the 1931 Assembly. The rule is expressed as follows in paragraph 7 of the report :

“ An essential point to note is that the use which a State claims to make of the right of self-defence is a matter which may be considered by the other States concerned and, in the case of Members of the League of Nations, is subject to the appreciation of the Council,”

or, of course, the Assembly, as the case may be.

That is a rule which has grown out of our own legal practice and cannot be ignored by the Assembly in the present case.

There is, however, a second rule, of perhaps even greater importance: that appreciation by the organs of the League is itself subject to rules, and those rules, of which there are two that I will mention, were drawn up by the Council in 1926, also unanimously. The parties at present implicated in the dispute were represented on the Council. Those rules, which are as follows, were unanimously adopted, on the basis of M. de Brouckère's report.

The first rule is that every act of violence does not necessarily justify its victim in resorting to war and does not release it from the specific obligations laid down in Articles 12 and following of the Covenant. It could not be so released unless it were the victim of a flagrant aggression of such a serious character that it would obviously be dangerous not to retaliate at once.

The second rule is that legitimate defence implies the adoption of measures proportionate to the seriousness of the attack and the use of which is justified by the imminence of the danger.

With regard to those rules, I should like to point out that the Council in 1925 applied them in anticipation against my own country. On the occasion of the Greco-Bulgarian incident, the Council considered that, in unhesitatingly retaliating against a frontier incident involving the temporary and limited use of violence, the Greek forces had exceeded the limits of self-defence, as the violence used was disproportionate to the seriousness of the danger in which Greece found herself. My Government was thus found responsible and accordingly paid due compensation.

I am therefore entitled to mention the application of that rule, and, when I say that it was applied in anticipation, I do so in order to show that when, one year afterwards, the Council adopted M. de Brouckère's report, it was with a full knowledge of the facts that it drew up the rules I have just mentioned; and it was equally with a full knowledge of the facts that last year the Assembly, in unanimously adopting the First Committee's report, confirmed those rules, as the rules are reproduced in detail on page 2 of the report.

Such is our jurisprudence. As my friend M. Beneš pertinently remarked yesterday, if the question of self-defence really arose in this case, it was because there were and had been hostile acts committed on the other side. Japan had serious cause to complain of China's attitude, which was characterised by the twofold fact of the unilateral denunciation of treaties and the anti-foreign agitation which found expression in systematic boycotting organised or abetted by the Government.

Those facts, attested by the Commission of Enquiry, are, I think, uncontested and incontestable. They constitute a kind of aggression and a flagrant violation of international law. That is the first point which must be emphasised; but — and this is the second point — were those facts such as to create the imminent danger for Japan which would justify the plea of self-defence and which alone could release her from the specific obligations laid down in Article 12 and the following articles of the Covenant? Was the resultant danger so imminent that Japan could not, before seeking to defend herself by force, appeal to the League of Nations, as the United Kingdom did in 1927? That is a second point that must be borne in mind.

The Japanese representative said yesterday that the United Kingdom had informed the League in 1927 because she was in a position to do so. She had foreknowledge of the dangers to which she was exposed at Shanghai, whereas, according to M. Matsuoka, Japan was not in a position to take the

same course, as she had not expected the incidents of September 18th, 1931.

I venture to draw M. Matsuoka's attention to a passage which comes immediately after that passage in his speech of yesterday where he says that, in dealing with China, Japan was dealing with a State in a menacing condition and, as he said in so many words, the actual menace to Japan existed prior to the incidents of September 18th. I find it difficult to reconcile those two passages.

In explaining why Japan had not appealed to the League in September 1931, the Japanese representative gave the reason mentioned just now by M. Motta. He said that neither effective, immediate nor permanent protection could be expected from the League. I venture to say that Japan should at least have satisfied herself that that was so, and I think it by no means inconceivable that, had Japan applied to the League at that time, matters could have been settled as they were in 1927 for the United Kingdom and in 1928 for Japan herself, who did on that occasion inform the League of the steps she felt herself obliged to take in the incident with the Chinese troops at Tsinan.

I think it is necessary to stress this essential obligation upon the Members of the League to appeal to the Council before using force, save in cases of imminent and very serious danger. That is an essential principle, as only by its application can abuses of the right of self-defence be avoided.

M. Matsuoka also gave the Council other reasons in explanation of his Government's attitude. I will not discuss them, as they have not been repeated here, and I only hope this discrepancy between the arguments adduced in the Council and those advanced here is due to the fact that the Japanese delegate is conscious that the reasons given before the Council do not bear serious examination.

Though I have specially drawn the Assembly's attention to these ideas, which I regard as of fundamental importance, it was not in order to show that Japan has intentionally violated the Covenant; I do not question the sincerity of her statement that she believed herself to be faced with imminent danger and considered that recourse to the Council would in the circumstances have been useless. Japan has stated that she had not desired the matter to develop to the extent it has; she repeats that she did not and does not want Manchuria. The fact remains, however, that she was mistaken in her appreciation of the facts, in the scope of her obligations and in the possibilities of the League; and I sincerely believe that it is the duty of the Assembly to denounce her errors in order to prevent a recurrence of them in the future.

What I wish especially to stress in this discussion is that, in the explanations they gave us yesterday, neither of the two parties has shut the door on conciliation. China has affirmed her willingness to submit observations in the event of Japan being disposed to agree to an arrangement; while Japan has not ruled out the possibility of the Assembly submitting suggestions for a friendly settlement, and declares her readiness to do everything in her power to co-operate with the League in promoting the progress of China.

When, at the beginning of this year, the Assembly dealt with the Shanghai affair, I expressed the hope that it would not need to resort to Article 15, paragraph 4, of the Covenant and that the application of paragraph 3 would suffice. Events have justified my expectation, and I express the same

hope to-day, and consider that the Assembly may succeed in laying the foundations of a friendly settlement acceptable to both parties, and thus avoid the necessity of applying paragraph 4, according to which it would have to publish a report with recommendations to the parties.

It is in the general interest, and naturally in the interests of both the parties concerned, that they should give serious consideration to any appeal made by the Assembly to their sentiments of moderation and goodwill; for I am firmly convinced that nothing but a friendly settlement of the dispute can satisfactorily and permanently safeguard their legitimate interests.

The President :

Translation : M. Matos, delegate of Guatemala, will address the Assembly.

M. Matos (Guatemala) :

Translation : About a year ago,¹ I had occasion to make a few remarks on the grave conflict between China and Japan. I gave frank expression to the anxiety felt by the small States at the development of a dispute which was of a particularly disquieting nature. I emphasised, above all, the consequences which this dispute would produce in the near future, and I drew the Council's attention to the fact that, in the course of the formal debate, arguments had been put forward and theses had been advanced clearly at variance

¹ See *Official Journal*, December 1931, page 2380.

with certain fundamental principles which always have been and always will be upheld by the Latin-American countries.

My excuse for taking part in the present discussion is my desire to safeguard those postulates. I will not indulge in needless repetition; on the other hand, I would not wish, by keeping silence, to allow the slightest doubt to subsist as to my country's firm attachment to the principles on which the Covenant of our League is based. That attachment is firmer to-day than it has ever been, in spite of all the difficulties with which we are faced.

Eminent speakers have authoritatively emphasised from this platform the varied conclusions which law and policy entitle us to draw from the admirable Lytton report. The work of the Commission of Enquiry must, in my opinion, be regarded as an essential factor in any subsequent decision of the League. It constitutes, to a certain extent, an expression of average legal opinion, qualified by the concept and spirit of conciliation. That spirit of conciliation seems to me to permeate the report and to inspire its final conclusions, which are full of wisdom and wide understanding.

If the spirit to which I refer inspires the future decisions of this Assembly, I shall be happy to make my modest contribution, without, however, losing sight of the absolute necessity of proclaiming *urbi et orbi* the compulsory and sacrosanct character of the principles of the Covenant, including, above all, the clause which insists that treaties must be respected.

(*The Assembly rose at 12.45 p.m.*)

TWELFTH PLENARY MEETING OF THE ASSEMBLY.

Wednesday, December 7th, 1932, at 3.30 p.m.

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President : M. HYMANS.

APPEAL OF THE CHINESE GOVERNMENT : GENERAL DISCUSSION (continuation).

The President :

Translation : M. Buero, delegate of Uruguay, will address the Assembly.

M. Buero (Uruguay) :

Translation : Only after great hesitation have I decided to speak in this Assembly. In my view, the facts of the position are essentially the same as when I took part in the general discussion last March, apart of course from the fact that the new Manchu State has been born and has been formally recognised by one of the parties to the dispute. In other words, all the premises on which my speech of March 5th¹ was based apply to-day, with

¹ See *Official Journal*, Special Supplement No. 101, page 57.

this difference — we can now officially state that, thanks to the able report of the Commission of Enquiry, the actual circumstances on which we based our judgment have been confirmed by the Lytton Commission.

There was, however, another consideration which made me, as the representative of a small and distant South-American Power, hesitate to intervene in this discussion. I have heard it said very often that countries without extensive territorial possessions, nor having a large army nor a considerable population nor a large share in world trade, can quite easily, without much danger to themselves, stand up as the zealous champions of abstract law and of the principles contained in the League Covenant. From saying this to saying in effect that these States should hold their peace is but a step. I make the most express reservations with regard to the justification for such a remark; but that argument, I admit, does impose upon us an attitude of caution in our analysis of the facts and in the conclusions we draw therefrom, especially as, in the event of our being called upon to co-operate in applying sanctions, the efficacy of our international action would of course be purely relative, though it would not be insignificant, as has sometimes been alleged, because economic sanctions resulting from a collective decision under the Covenant can be applied to smaller States with greater severity than to the great Powers which possess internal resources for self-defence.

On the other hand, silence would also have involved a heavy responsibility : first, because it might signify our tacit acquiescence in the policy of the non-observance of international undertakings which we have regretfully noted in this dispute, and might encourage other violations of international treaties and pacts ; secondly, because our silence to-day would deprive us of that moral authority without which we could hardly demand the application of the principles of the Covenant in the — fortunately not very probable — event of our having to appeal to the League in a dispute affecting ourselves directly.

Faced with this alternative I have decided to speak to-day, after carefully weighing the arguments for and against and after coming to the conclusion that the Uruguayan representative ought to be heard voicing his wholehearted approval of the considerations so ably put forward by M. Beneš yesterday afternoon.

I note that, as M. de Madariaga rightly said this morning, the question before us is fraught with the gravest consequences for the future of the whole League.

If, in justification of what is happening in the Far East, the peculiar position of those distant countries of Asia is adduced as exempting them from the strict application of treaty law, on which the Covenant, and especially Article 10, is based, what will be the position to-morrow when countries in other continents equally distant from Europe are compelled to ask the League for assistance? A recent conflict proves that such a possibility may arise at any moment, which is one of the reasons for the anxious interest that the Uruguayan delegate takes in the solution of the grave questions of principle which have arisen in the present conflict between China and Japan.

If there is to be discrimination in each particular case with regard to the applicability or non-applicability of the provisions of the Covenant, then I think we shall be introducing an element of uncertainty into international relations, and our faith in the efficacy of the League will be considerably and legitimately shaken. I would even say that, if such a doctrine were accepted, there would no longer be any valid reason why certain countries in other continents should continue to be Members of the League.

Fortunately, up to the present at least, the League has opposed any such discrimination with all its power. We have proof of this in the constant and patient efforts it has made since 1931 to arrive at a settlement of the Sino-Japanese dispute — a settlement which we hope it will secure by pacific means, through the faithful application of the principles which are the bulwark of our League. We have another proof in the intervention of the League in the conflict between Bolivia and Paraguay. Indeed, the Council of the League is increasing from day to day, under our very eyes, the scope and force of its collaboration with a view to the pacific settlement of that dispute. It has not allowed itself to be discouraged either by distance or by the vague geography of the contested area.

The two conflicts with which the League is now dealing — one in the Far East and the other in the Northern Chaco — may be compared in the light of certain declarations of principle which, being analogous, are broadly applicable to both cases.

I would venture to remind you of Sir John Simon's statement in the Assembly on March 7th, 1932,¹ to the effect that the Members of the League of Nations are under an obligation not to recognise any situation, treaty or agreement which may be secured by methods at variance with the League Covenant — a statement which was favourably received by our Assembly and later by the Government of the United States of America.

It is interesting to compare this statement of principle made on the occasion of the conflict in the Far East with that made by nineteen representatives of American countries, including the United States, at Washington, on August 3rd, 1932, on the occasion of the dispute in the Northern Chaco. The analogy is striking. It would ill become me to stress this point, because it is quite clear. The following is the substance of the statement made by the American countries :

“The representatives of all the American Republics assembled at Washington make the following declaration : that they are opposed to force and renounce force, both as a solution of their controversies and as an instrument of national policy in their mutual relations.”

They add :

“The American nations further declare that they will not recognise any territorial arrangement of this controversy which has not been obtained by peaceful means, nor the validity of the territorial acquisitions which may be obtained through occupation or conquest by force of arms.”

The position of the representative of a small country has many disadvantages. It does, however, enable him to bear solely in mind the high purpose of maintaining the confidence of the small States in the sincerity and efficacy of the League.

At present, I can have no other purpose than this — a purpose which coincides, in its effects, with the primacy of right, and is compatible with the deepest respect for both parties, to whose energetic protests we have listened.

I need hardly say how much the younger countries admire and respect the culture of China and Japan — those old civilisations which have known how to combine the prestige of ancient wisdom with the constantly renewed impulse of technical progress, to the admiration of the Western world.

In short, the Uruguayan delegation endorses M. Beneš's conclusion that the Assembly should appoint a Conciliation Commission, composed on a sufficiently wide basis to be able to survey all the aspects of the case.

May a wise and equitable agreement be arrived at before the next session of the Assembly, so that we may be spared the painful duty of giving a decision based strictly on the letter of the law.

The President :

Translation : M. Paul-Boncour, delegate of France, will address the Assembly.

M. Paul-Boncour (France) :

Translation : I will not detain you long. Of course there is much that I — like all of you — should like to say ; but, for the moment, my main concern is that we should devise some plan of effective action. Moreover, I have so often had occasion to state a view that is not merely mine,

¹ See *Official Journal*, Special Supplement, No. 101, page 63.

but that of the present Government, and that of the whole country as expressed under a number of successive Governments — I have had to do this so often that it seems almost needless for me to repeat it.

The duration of this conflict, its comprehensiveness and its development notwithstanding the League's efforts, fill with the deepest sorrow the hearts of all friends of the League. Undoubtedly, it supplies the League's enemies — and there are many in every country — with a ready handle for criticism and unjust attack. I always maintain that such pessimism is unjustified.

On March 3rd last, when, as President-in-Office of the Council, I opened this Special Assembly which is still in session, I pointed out that, according to the Covenant itself, any conflict, in whatever part of the world it occurred, was the concern of the whole League, and that admitted failure on the part of the League, in whatever region of the world, would create a jurisprudence that would mark the beginning of the League's abdication of its functions. But I emphasised no less strongly that people were going rather too far when they inferred, from the undoubted difficulties we are now experiencing, that the League would display the same slowness and, to a certain extent, the same powerlessness if similar events were ever to occur in Europe.

Unfortunately in this, the first great conflict it was called upon to solve, the League found itself confronted with a whole host of complexities such as could not be matched in any other part of the globe. In saying that, I was referring not merely to distance or to geographical conditions, though these are practical considerations which cannot be ignored. No, I was referring to the special and peculiar circumstance that one of the parties possesses in the territory of the other, not merely interests, but rights, rights conferred by treaties, which must here, as elsewhere, be respected, and respected by both parties because they are the rule of international law. These rights, I said, were rights of ownership, rights amounting almost to sovereignty, since they embodied one characteristic of sovereignty — namely, the right to maintain armed forces. That situation of itself made it most difficult to draw a definite line between the respective rights of the two parties.

It must also be borne in mind, I added, that the other country was in the throes of one of those fundamental changes that mark the transition of a State from one form of government to another. The very extent of the country and the antiquity of its civilisation made it certain that the change would be accompanied by upheavals with almost endless repercussions. My observations on this subject did not in any way — far from it — imply adverse criticism, or even scepticism as to the final result of this evolution, which has all my sympathy and that of my country. But, undeniably, this evolution has momentarily caused a degree of trouble and disorder such as may well cause anxiety to those who possess interests and treaty rights in the country; so much so that they have been led, in defence of those interests or rights, to exceed their rights and take certain steps which we have to consider to-day and that have been brought to our notice under Article 15 of the Covenant.

A third difficulty — not, I admit, peculiar to the present dispute — is the constitutional weakness of the League itself. When order, based on the free play of reciprocal interests and respect for treaties, needs to be maintained, the country concerned is obliged to employ its own resources

to maintain it, because the League possesses no collective means enabling it to do so, and in concrete cases is inclined to show timidity in the recommendations it makes.

My aim in this brief analysis of the situation is not, I can assure you, to frighten you with a recital of these difficulties or to furnish the League with an excuse for inaction. On the contrary, my opening words were intended to indicate what is involved, so that, realising the difficulties, we may the better be able to surmount them. The Assembly may be sure that my country will afford you and the League, in its efforts to settle the Manchurian affair, the same support as she gave at the time when the Shanghai affair had to be settled. I am perhaps, more than any other, bound to refer to the Shanghai affair, as a tribute to my colleagues, who, for the several months during which I presided over an extremely difficult period of the Council's work, never failed to afford me their assistance. To-day, the main contribution I desire to make to our joint effort is, with all seriousness and respect, to draw your attention to the question of method. Where do we stand in this matter? What point have we reached?

To know that, we need not go through the whole history of this conflict we are endeavouring to settle. The entire history of the case is set out in what I consider to be a perfectly objective manner in the Commission of Enquiry's report. I shall have occasion to refer to that report again, because I think it ought to form the centre and pivot of our discussions. For the moment, I turn to that sad moment of history, doubly sad for us, the anniversary of which we shall shortly be commemorating. On December 10th it will be just one year since M. Aristide Briand (whom it has been my great privilege to succeed as permanent French delegate to the League) achieved a triumph of tenacious good-humour, by inducing the Council and the disputants to accept the idea of sending out a Commission of Enquiry. I will read the passage in which he commented on that result, because I feel that it expresses better than anything else the continuous line of policy adopted by France in this matter :¹

“ Except in the case of an express stipulation in treaties in force, the Covenant of the League of Nations does not authorise a State, however well founded its grievances against another State, to seek redress by methods other than the pacific methods set forth in Article 12 of the Covenant. For Members of the League, that is a fundamental principle, in the same way as the ‘ scrupulous respect for all treaty obligations ’, on which such stress has rightly been laid in the Preamble to the Covenant. These two principles are of equal value. Any infringement of either lays a grave responsibility on Members of the League.”

One of the members of this Commission of Enquiry appointed by M. Briand, in accordance with the mandate he received under the decision of December 10th, was a very distinguished citizen of a great country which is interested in the present dispute, but is not a Member of the League. The high character, the qualifications and the signal ability of the five members of the Commission of Enquiry were, from the outset, a guarantee of the manner in which they would accomplish their mission. They have fulfilled that mission with scrupulous care and attention to detail in the midst of

¹ See *Official Journal*, December 1931, page 2378.

numerable difficulties and even, sometimes, dangers. Their conscientious investigations, which our impatience to achieve results has at times led us to believe were proceeding too slowly, have resulted in — to my mind — an extremely clear, substantiated and impartial report. I do not think anyone could say that the Commission has examined the problem from one point of view only. On the contrary, it has, I think, most faithfully delineated the various aspects of the case and allocated the responsibilities.

This report was submitted to the Council. The Council, as was natural, felt that it should be communicated immediately to the Special Assembly, to which the whole question had been duly referred under previous resolutions, in accordance with our rules of procedure.

While not suggesting that the discussions of this session should be confined to the report — since we are free to conduct our discussions as we think fit — I think it does afford a solid basis for our debates. It consists of two parts. The first contains a description of what has occurred and provides a very definite and valuable groundwork for the Assembly's decision; the second part — the conclusions — contains suggestions for reaching a settlement. From these suggestions, which are supported by a wealth of data, there emerges the general idea that the future regime should be neither a return to the *status quo ante* (which the Commission regarded as a hotbed of possible disputes) nor the continuance of the present situation.

I think we should be wise to adopt the definite basis supplied by this report when we come to formulate our conclusions with regard to both tasks which have devolved upon us: that of conciliation in the first place, and then the final report, in the sense indicated in paragraph 4 of Article 15, which, however, we shall prepare only if our efforts at conciliation meet with no success.

We should note, as a valuable guide, that M. Beneš, in his most eloquent speech yesterday, and M. Motta this morning — and the fact of this coincidence of view between two men who have for so long been affording the League the benefit of their valuable help and their wide experience is of immense significance — very rightly divided the Assembly's tasks into two: the first an inevitable duty, while the second we hope not to have to fulfil.

As regards the immediate and urgent task of conciliation, I agree with M. Motta that our efforts might become lost in the clouds if not based on a minimum of principle. I listened to — and indeed have re-read — that passage of M. Beneš's speech in which he said that our first duty was to address an urgent appeal to the parties. I agree; but I think that appeal would have greater weight if, as M. Motta said this morning (I will quote his very terms), the Assembly established beforehand certain rules, defined certain principles and laid down certain fundamental premises, which would form both a framework for such negotiations as might be possible on an equitable moral basis and a guarantee of the character of such negotiations.

I shall make only one observation on this subject. Without overlooking the first part of the report, which deals with the past and with recent or remote responsibilities, I think it would be desirable to take as our basis the second part — in which the Commissioners make far-reaching constructive proposals as to what might be done — and draw from it suggestions to be submitted to the parties. Even in our task of conciliation, the conclusions of the report should not, I think, be left out of account as one factor of the problem.

When I said just now that I proposed to discuss mainly the question of method, I said so because

I believe that, in fact, when such heavy responsibilities fall upon a community, it is necessary to take stock of what has already been achieved, not to try to continue building, but to tread in the footsteps of those who have gone before us, and that, when, after one year — and what an instructive and melancholy year! — a Commission, having worked under conditions that command our respect and appreciation, submits a report to us, we are bound to pay due heed to its conclusions.

If our endeavours to bring about conciliation fail, and we are forced to make the report prescribed in Article 15, that would be all the more reason why the substance of that report should be based on a detailed discussion of the conclusions of the Lytton report and the final view we form of them, after the parties concerned have been heard.

What I mean is this: I venture to say that, as far as I can see, in spite of the explanations — very complete, interesting and at times moving — given by the parties, we have not yet had any close or exhaustive discussion of the actual conclusions of the report. Nevertheless, a detailed discussion — either in the Assembly or in some smaller body such as the Committee of Nineteen (I leave that point to the experience of the Bureau) — not merely of the report as a whole, but of each of its conclusions, will, I believe, provide us with a basis for the work of conciliation first, and then, if necessary, for the recommendation by the Assembly.

The President :

Translation : Sir John Simon, delegate of the United Kingdom, will address the Assembly.

Sir John Simon (United Kingdom). — After the series of interesting speeches which have been made by so many of my colleagues, with the sentiments of which I find myself in large agreement, I do not wish to occupy the time of the Assembly at any great length, but I feel that my colleagues will wish to hear the views which are expressed here on behalf of the Government I represent.

Let me begin by expressing my warm agreement with those who have spoken in terms of high admiration of this remarkable report. Its form, its spirit, the effort which is manifest on every page to pronounce an honest and impartial judgment, are a model for all such efforts in the future. Whether we agree with its conclusions or its details in this or that respect, I think we shall be entirely at one in acknowledging how fortunate the League has been to obtain the services of these five gentlemen to put before us this unanimous report. The quite exceptional authority of the document is, of course, greatly increased by the circumstance not only that it is a unanimous report, but that it represents the unanimous view of five men drawn from five different nations, approaching the subject-matter from special angles, and none the less reaching conclusions in which they all join.

We, the delegates at the League of Nations, are entitled to say that this report, as M. Politis said this morning, is due to the League, is an achievement of the League and could not have come into existence without the League. If we look back over the history of the world and think how difficult it is for us to determine with approximate accuracy the circumstances which have surrounded

many historic conflicts, we see how much we gain as an international institution by having the unanimous Lytton report.

There are two features of the report to which I would beg leave to direct attention. I will not discuss its details, but there are two broad features, not always observed but very important, in my opinion, to which we should direct our attention before we come to make use of the report.

The first is that one of the greatest services which the Lytton Commission has rendered is that it has brought out the really complicated character of the Manchurian problem. May I be permitted to read the following passage from page 126 of the report ?

“ . . . the issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background, should entitle anyone to express a definite opinion upon them. This is not a case in which one country has declared war on another country without previously exhausting the opportunities for conciliation provided in the Covenant of the League of Nations. Neither is it a simple case of the violation of the frontier of one country by the armed forces of a neighbouring country, because in Manchuria there are many features without an exact parallel in other parts of the world.”

Let me be entirely plain. The complications in this question do not in the least affect our duty to act with justness and fairness to all according to the principles for which the League stands, but, before we can so act, it is essential that we should appreciate the truly complicated character of the problem : and, as my friend M. Paul-Boncour said just now, if you were to set yourself the problem of finding some spot on the surface of the earth where you might set the League of Nations a difficult task, you would choose a place in which you had so strange and unusual a combination of claims and authorities as exists in this land of Manchuria.

My second observation about the report is this : I would wish to point out that, contrary to the impression which exists in many quarters, this report does not give a one-sided account, painting everything black on the one side and presenting it in spotless raiments of white on the other. It makes a measured criticism of both the side of China and that of Japan. Japan does not accept every statement in the report ; neither does China. For example, we have heard on behalf of China the existence of an anti-foreign feeling warmly challenged, and yet this report draws the conclusion on that matter that such a movement undoubtedly exists.

It is useless for us to continue to have controversy about this or that item ; the broad situation is what we have to examine ; and it is the broad situation in which, as I have pointed out, we are invited to observe the complexity of the problem and in which we are presented with what I have called a measured criticism of both sides.

The account that is given in the earlier chapters of this report of the conditions that were prevailing in Manchuria, and indeed in most of China, in recent years, makes sorry reading. The report points out that, after the Washington Conference of 1922, when so striking an effort was made to start China on the road of international co-operation, a deterioration has taken place. I base

myself on the report, on page 18 of which I read — after reference to the Washington Conference of 1922 —

“ . . . China might have made more substantial progress in the ten years that have since elapsed had she continued to follow that road. She has only been hampered by the virulence of the anti-foreign propaganda which has been pursued. In two particulars has this been carried so far as to contribute to the creation of the atmosphere in which the present conflict arose — namely, the use made of the economic boycott, to which reference is made in Chapter VII, and the introduction of anti-foreign propaganda into the schools.”

Approaching the report as I do with an immense respect for its authors, for their diligence, devotion and sacrifice, and recognising as I do the manifest care with which they have endeavoured to express themselves in measured and just language, I think it is right that we should bear in mind that the second feature in the report, to which I have alluded, is really there — that is to say, the report is not a one-sided document, but is a document which calls attention to difficulties that arise both on one side and the other.

I take leave to say that no fair account of the contents of this report can be given which does not include the description of the deplorable condition of Manchuria in Chapter II and the objective account of the anti-foreign boycott in Chapter VII.

For my part and on behalf of my Government, I associate myself entirely with what was so well said yesterday by M. Beneš, when he observed that he did not desire to be the judge on either side ; because after you have read this report and have given all fair allowance to what is said on one side or the other, a fact emerges which deeply concerns the League of Nations.

Apart from particular instances, apart from disputed paragraphs, the serious fact for us is this : that when this unhappy dispute reached its climax, the methods of the League were not employed. That is the central fact for us, and it is therefore, as I conceive it, our duty as Members of the League to defend its Covenant and to see as far as we can that League methods are employed in future cases. We, as I conceive it, are primarily concerned with the influence which the example and practice of the League can exert ; and we must use it now, as best we can, to improve the existent situation. We must do so — we must enter on that task — with a full appreciation of the seriousness of the consequences to the future of the League if we find ourselves unable to do so.

I therefore put to myself — and I put to my colleagues, with great respect — this question : How can that objective best be pursued ? Here again the Lytton report gives us some guidance, though you may perhaps say that it is only negative guidance. On page 127 there is the passage already quoted in which these five Commissioners report to us :

“ A mere restoration of the *status quo ante* would be no solution.”

And they give us their reason. It is well worth while to consider what is the reason. They say :

“ Since the present conflict arose out of the conditions prevailing before last September (they mean 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.”

Now, I believe that, while we all firmly hold by the principles and the ideals of the League, we sincerely wish to act in this matter as practical men. We must concern ourselves with the realities. As I have said, neither side very willingly accepts the report in its entirety. We do not blame them for that. It is very difficult indeed for one of the two parties in any controversy to recognise that there should be some qualification of its point of view. But we must do what we can, with firmness but with complete friendliness to both sides, to put this report to good use and to draw from its pages the inference of conciliation. For my part, I agree with what Dr. Lange said yesterday — that we cannot do other than proceed upon the broad basis of history and fact which are contained in this report, and especially in the first eight chapters. I do not expect every individual to accept it all as holy writ. Human frailty will always make mistakes, but if we are going to act as practical people, we must have a basis, and I can see no basis except that which this report provides. We must stand by the principles of the League, and stand by them not for the purpose of reproaching others in language of superiority, which is so easy, but in a spirit of friendliness and comradeship we must promote conciliation.

I have heard something said about direct negotiations between the parties. Well, if direct negotiations give promise of good results, surely we should encourage them by every means in our power. But the organs of the League may be able, and I believe they will be able, to assist in the work of conciliation. I will make a very bold observation, and hope I have not produced any diplomatic inconvenience. It seems to me that the Committee, to which I suppose these matters may be referred at some stage, would be more effective for this purpose if means could be found to add to it a representative from each of two great countries vitally interested in the Far East which are not themselves Members of the League of Nations — namely, the United States of America and the Union of Soviet Socialist Republics.

Now let us consider what prospects we have of making our conciliation useful having regard to the attitude of the parties. I recall with very great satisfaction the declaration that was made by the distinguished representative of Japan, M. Matsuoka, before the Council the other day when he said that Japan has been a good and loyal Member of the League and that Japan wishes to do all that she can to preserve that attitude and to deserve that reputation. That is very good. I believe that that is the spirit which we would wish to welcome and to make use of.

For myself, I speak on behalf of a country, and a Government, which has always been and will continue to be a loyal Member of the League. The principle by which I stand here is that my country desires to act as a loyal Member of the League. There is no difference in this connection — forgive me for saying so — between what are sometimes called the small States and the great Powers. There is a difference, no doubt, in this way, that the great Powers, by the very circumstance of their position, may have upon their shoulders the greatest responsibilities and the largest risks, but, so far as the desire and the determination to act as loyal Members of the League of Nations are concerned, for all of us alike the Covenant of the League of Nations is our constitutional law. It is the reason why we are here ; it is the fundamental law ; it cannot be set aside by some light or thoughtless gesture,

because it is the very basis upon which international co-operation is founded. We are not at liberty to disregard it. We are bound to sustain it.

All I say in conclusion is this, that we must seek a practical solution. The League of Nations, I believe, can do much, if it acts wisely and prudently, to promote a settlement.

When I speak of a practical solution, perhaps you will allow me to make one more quotation from this report. On page 127, when these five Commissioners reach the end of their task and when they are considering the advice which they will tender to this Assembly, when they are discussing the prospects of settlement, they make this observation :

“ Criticism alone will not accomplish this ; there must also be practical efforts at conciliation.”

✱ The suggestions at the end of the report, to which my distinguished colleague M. Paul-Boncour has just alluded, are suggestions which the authors of the report claim are put forward for securing, consistently with justice and peace, the permanent interests of China and Japan in Manchuria. I wish to say quite specifically for my Government that the United Kingdom Government will co-operate to the utmost of its power with the other Members of the League of Nations (including both China and Japan) in seeking, in the words used by the first speaker in our debate — the delegate of the Irish Free State — a solution equitable to all the interests concerned, which might terminate the present conflict and remove the possibility of future antagonism.

Forgive me if, in a concluding word, I too dwell upon the gravity of the task before us. This League of Nations is the hope of the world : it is the instrument by which the post-war world seeks to apply in practice the ideal of substituting international co-operation for national rivalry. Then the responsibility that rests upon our shoulders, if we are trying to conciliate, is tremendous. No one can conciliate who is not conciliatory. We must act and speak with the restraint in our judgment, with the respect for the feelings of others, with the recognition of the pride which mounts in every patriotic man's breast when his country's action is under criticism ; but, at the same time, we affirm attachment to the principles of the League. By that means we may hope to justify the usefulness of this great society, by promoting reconciliation between two great nations — both of them friends of ours — who ought to reach a friendly settlement with each other.

Meditating on this matter as I sat in my place here to-day, I recalled the famous passage pronounced at a critical moment in the history of a great people, which applies most strangely to this situation. You recall the words of Abraham Lincoln in his second inaugural address, when he declared :

“ . . . With malice towards none ; with charity for all ; with firmness in the right as God gives us to see the right, let us strive to finish the work we are in ; . . . to do all which may achieve and cherish a just and lasting peace among ourselves, and with all the nations of the world.”

The President :

Translation : M. Moresco, delegate of the Netherlands, will address the Assembly.

M. Moresco (Netherlands) :

Translation : After the speeches we have heard yesterday and to-day, I, as representative of the Netherlands, have only a short statement to make. I should like to say in the first place that we entirely associate ourselves with the ideas underlying several of those speeches, in particular those of the delegates of Norway, Sweden and Switzerland, and of others too; and also to associate myself with the tribute paid on all sides to the Commission of Enquiry for its report, furnishing as it does a statement of an extremely complicated situation as shrewd as it is impartial. Must we adopt that report now? Must we accept the statements of fact it contains and its account of the history of the dispute, or even simply its conclusions? Were we to do so, we should be in a position to come to a decision as to the substance of the dispute itself. The facts are there, set forth with all possible clearness.

The principles on which we ought to judge them are well known. On several occasions, the Assembly has formulated those principles in an eminently clear manner and they have been stated from this very platform. Several speakers have already given their views, and we appear to be in a position to come to a decision now on most of the essential questions. On the occasion of the incident of September 18th, 1931, were the Japanese acting in self-defence? If so, have they not subsequently exceeded the limits of self-defence? Can the boycott, as applied by the Chinese, be regarded as a peaceful weapon? And so on. It will probably be found, too, that on more than one occasion the party originally in the right has put itself in the wrong by abusing that right.

The Netherlands delegation considers that it would be better not to come to a decision immediately on those points. We are still at the phase described in Article 15, paragraph 3, of the Covenant — that is to say, we must endeavour to effect a settlement of the dispute. If our efforts fail and paragraph 4 has consequently to be applied, we shall be obliged to make a report containing, not only recommendations for solutions, but also — I quote the words of the Covenant — a statement of the facts of the dispute. The future alone is our concern for the moment, and if we succeed in bringing about an agreement between the parties to the dispute, we shall have done much for the peace of the world and for the honour of the League. What we have to do now is to determine how this action is to be taken in order to obtain our object. The Committee of Nineteen will probably be considered the most appropriate body, if the parties for the dispute, and perhaps also the two great countries non-members of the League which are interested in the question, can be induced to collaborate.

Moreover, it would perhaps be well to follow the precedent established in the Shanghai affair and to request the countries having consular representatives at Mukden and at Kharbin to instruct those representatives to meet in committee so that, by means of periodical reports to the Secretary-General, they may be able to keep us informed of what is happening in that part of the world.

What we have to do now, therefore, is to adopt a resolution on procedure, but on two conditions affecting the substance of the question: the first of these conditions is that the Commission's report must serve as a basis for the efforts at conciliation,

and the second is that, pending a final settlement in accordance with the treaties, no Member of the League may recognise the Manchukuo without infringing Article 10 of the Covenant.

The President :

Translation : M. Borberg, delegate of Denmark will address the Assembly.

M. Borberg (Denmark) :

Translation : I can be very brief, because I think no one has any doubt regarding the attitude of Denmark in this dispute. But I should not like the silence of the Danish delegation to be in any way taken to mean that we regard as no concern of ours the present conflict and its solution on which depends not only peace in the Far East, but, to a large extent, the future of the League itself.

I do not propose to examine in detail the findings of the Commission of Enquiry. I concur, generally speaking, with the tribute which so many speakers — and, particularly this morning, the Swiss delegate — have paid to the impartiality of its report.

From the findings of that report, the Assembly must, on the basis of the League Covenant, evolve its conclusions. The Covenant, which is a legal document, can be interpreted in different ways. It is possible to respect the spirit of the Preamble — a spirit of peace, law and co-operation — and, at the same time, to turn the wording inside out in such a way as to extract all possible benefits therefrom, ensure for oneself the greatest freedom of action and release oneself from one's obligations by various subtle interpretations of the text. The value of the Covenant therefore depends upon the spirit in which it is interpreted. The Covenant is a chain linking all States together, and each State is, by its signature and honour, responsible for the maintenance of its own particular link.

We realise that the situation in the Far East is very complex, making it difficult, if not impossible, to secure a solution on what may be called classic lines, which have been followed for the settlement of certain political conflicts in Europe, with which the League has dealt. But, as a representative of a small country, I insist that, whatever solution is found for the present conflict, that solution must respect the fundamental principles of the Covenant.

The complexity of the situation — a complexity which has been brought home with even greater force by the Commission of Enquiry's report — should not dismay us, nor should we be alarmed by our common task. We can none of us shirk it. The Danish delegation appeals to both parties to resolve that neither shall show itself to be the weakest link in the chain.

The President :

Translation : Baron Aloisi, delegate of Italy, will address the Assembly.

Baron Aloisi (Italy) :

Translation : Allow me to address you shortly and simply, without going into questions of a general character. These, though interesting, may be regarded as less urgent than the present situation, which we must meet in a practical spirit, determined to find a solution.

There is no point in speaking of our fidelity to the Covenant, for all the States are bound thereto, and the League cannot, without great harm, be divided into believers and non-believers. The obligations of the Covenant must be loyally respected by all. Though differences of opinion may, or do, exist in regard to particular methods of action, no such differences can possibly be tolerated as regards our loyalty to the duties incumbent on us all.

May I also tell you quite frankly that I consider it undesirable to attempt to draw a distinction between greater and smaller Powers, as though one of these categories might have an interest in defending and upholding the Covenant which differed from the interest of the other category. The League is not an association based on force, but an association for collaboration; and we should endeavour to find a solution based on common aims and on the facts of the situation, and not in a form which might lead to the creation of different or differently grouped tendencies.

In the present case, I think it would be contrary to common sense to deny the substance of what was said yesterday by the representatives of certain European States. The Sino-Japanese dispute has been and is one of the most serious episodes which have occurred in recent years. Wherever the responsibilities for the dispute may lie, the fact remains that it has put the elasticity and flexibility even of the clauses of the Covenant to a severe test. That flexibility was intended and, I may say, wisely intended, by the founders of the League. Their object was to allow the free development of the activities of States without resort to those extreme measures which the League is called upon to take in the event of a violation of the Covenant. This flexibility, I repeat, has been put to a very severe test; but that does not justify our proceeding to conclusions not based on a sense of realities or the responsibility of Government representatives. The latter are called upon, not to establish academic principles, but to discover a solution based on realities. That is what world public opinion demands.

What is the reality of the situation as I see it?

From the outset of the dispute the League has, I conceive, put on one side any purely theoretical solution; its primary endeavour has been to establish a series of facts which might serve as a solid basis for its action. That is the origin of the Commission of Enquiry sent to China and of its report.

Desiring as it does to bring about conciliation between the two parties, and not desiring itself to take a decision in regard to a difference which affects those two parties directly, the League has, from the outset, devoted its efforts to harmonising the interests of Japan with those of China.

The Lytton report is based from beginning to end on that idea. While giving a very detailed and complete picture of the situation in China and of the events in Manchuria, it further suggests a solution which is in complete accordance with the fundamental idea of arriving at an agreement between China and Japan on certain bases of conciliation proposed by the League.

The discussion which has taken place during the last few days in the Council and later in the Assembly has not to my mind modified in any way the situation as portrayed in the Commission's report; nor has it shown that the solutions proposed therein are unrealisable. The report draws a picture of the situation as a whole, and it is as a whole that the situation should be considered. We cannot split it up into fragments, examine the fragments separately and draw conclusions from each; for such conclusions, being isolated from the facts as a whole, can only be arbitrary.

There are undeniably facts which are open to question, but we are not here to establish a gospel version of events in China or to pass judgment. We are here to form a definite conception of the situation, so far as that is humanly possible: and

that conception should enable us to envisage the possibility of a solution based on realities.

I will simply point out here that the Commission's proposals are consistent with the picture of events in China given in the report. If, therefore, the discussion shows that that picture is accurate, we may, I think, also regard the Commission's proposals as a useful basis for arriving at a settlement.

At present, I think it is necessary to note that neither Japan nor China has rejected the idea of opening negotiations, and that we may therefore consider the possibility of arriving at a settlement by that means.

As regards our work of conciliation, we need not adopt the suggestions of the Lytton report as constituting absolutely rigid rules, but rather as a starting-point for this settlement of the Sino-Japanese conflict which will be reached with the help of the League. In my opinion, it is within the scope of that settlement that the most delicate problem of all — that of Manchuria — must be approached. On that point, the Assembly has already taken a decision.

If we assume that the settlement of the Sino-Japanese dispute is to be based on the Lytton report and reached by negotiations between China and Japan, we must obviously agree that the future international position of Manchuria cannot be contemplated until a Sino-Japanese agreement has been concluded.

Our task to-day is to help to bring about that agreement, and, in my view, our action must be based on the fact that we are to facilitate this *rapprochement* between China and Japan rather than concern ourselves with more or less theoretical considerations regarding our own responsibility. That responsibility is clear *vis-à-vis* the Covenant, but we cannot acquit ourselves of it by mere rigid and abstract statements. We shall not acquit ourselves of it until we have contributed our part towards a settlement recognised as satisfactory by the State which appealed to us.

That country stands to-day at one of the most difficult periods in her history, and we all wish her to enter upon a stage of consolidation and of stability which will bring her the prosperity that should be hers and will ensure for ourselves all the requisite conditions of security in our relations with her. I say that because it is in the interest of us all to see China succeed in organising herself, and it is on account of that interest, no less than of the natural sympathy we feel for people with a very ancient civilisation, that we must, I think, give special attention to those suggestions in the report of the Commission which relate to the general co-operation of the Powers in China — co-operation, I would add, which is primarily of advantage to China herself.

We should be sorry if the solution found for the Chinese question were only a partial one. China herself cannot desire such a thing. The Lytton report, by also elucidating that aspect of the problem, points out the way we must follow as regards future developments and in order to lay down bases of stability and co-operation on which to found peace in the Far East. That peace will need long preparatory work. We hope it will begin on a twofold basis — agreement between China and Japan and the co-operation of the Powers with China.

In appointing a Commission of Enquiry, we fashioned the first instrument of international co-operation for the settlement of the problems

before the Assembly. That instrument has answered the needs of the first stage of those problems, a stage at which the factors for the formation of a judgment of the question had to be determined. We have now entered a new stage, and I am wondering whether we could not accordingly set up a League organ once again to deal with this new stage.

The simplest solution would of course be to transform the Lytton Commission. But if, in order to mark the differences in the character and powers of the two organs, a different solution is preferred, we shall not object, provided that no change is made in the fundamental idea — namely, the international character of the new Commission we appoint, to which, in our opinion, the United States and the Union of Soviet Socialist Republics might be asked to appoint representatives.

The President :

Translation : Baron von Neurath, delegate of Germany, will address the Assembly.

Baron von Neurath (Germany) :

Translation : In the discussions which have taken place on the Manchurian dispute in the Council, the Special Assembly and the Committees, the representatives of the German Government have, since the first speech by the German representative on the Council on September 22nd, 1931,¹ consistently stressed Germany's particular interest, as a country which has disarmed, that the League of Nations should prove able to effect a peaceful settlement of every international dispute.

Speaking as I am at a time when we are face to face with this conflict in all its implications and details, I must first draw your attention to an aspect of the problem which may appear purely retrospective. Germany, when collaborating in the League, has always been at particular pains to promote the peaceful settlement of inter-State disputes in such a way as to obviate the possibility of the use of military methods, by means of such specific obligations on the part of the various countries as would certainly prove of practical effect in the event of a dispute.

The conflict in Manchuria proves only too clearly the justice of that doctrine, as I believe that our experience last year showed everyone how enormously difficult the League's task becomes from the moment that military methods are employed in the course of a dispute. Admitted that this consideration does not constitute a direct contribution to the solution of the problem, it should at least be borne in mind so that the necessary conclusions may be drawn from it for the future.

The admirable report of the Commission of Enquiry of the League, for which I should like sincerely to thank the President and members of that Commission, states, as the British delegate pointed out, that the Manchurian dispute is not a case of the declaration of war by one country on another in violation of the provisions of the Covenant, or a simple case of the violation of a frontier by the armed forces of a neighbouring country. According to the report of the Commission of Enquiry, we are faced rather with a case the peculiar character of which lies in the fact that the conflict of political, economic and social forces and interests has led, in Manchuria, to a clash which has been too much for the very complicated legal system

governing the relations between the two parties — a system in which sovereign rights and contractual rights overlap and cut across one another.

If this conflict of interests between the two parties and the special character of the existing legal system are the cause of the difficulty of arriving at an equitable solution, they are also, in my view, an indication of the general direction in which such a solution must be sought. If we are to be equal to our task, the League must not, in its efforts to find a solution of the conflict, merely approach the question on the basis of more or less abstract principles, but must, on the contrary, evolve a constructive plan which will effectively dispose of the dispute and prevent any further conflicts arising in that part of the world.

I am not here concerned to make any concrete proposals for a constructive plan of that kind, but I should like to give expression in this connection to a few general considerations on which we should, I think, base our treatment of the problem. In the present case, as in any similar case where important national interests clash, the League must fully recognise the vital forces which inspire nations and the natural trend of their development, and appreciate them at their true value. The League must not be blind to such vital developments as those which, according to the evidence before us, have manifested themselves in Manchuria during the last few decades. On the other hand, the League must not simply give free reign to such developments but must try to divert them into peaceful channels, so as to ensure that the use of military force is definitely superseded as an obsolete method.

In my opinion, it is not necessary, in striving to attain this object, to discover far-reaching or novel legal systems. All that is necessary is that the Governments should rally round the principles of the Covenant and of the Pact of Paris and should decide to apply them in the spirit in which they were conceived. It is true that the political and economic interests of the different Members of the League in Far-Eastern countries vary in extent. Nevertheless, in so far as the position of the events in the Far East constitute a threat to the peace of the world, they concern equally intensely and directly all the Members of the League. They have, therefore, the same interest and duty to contribute towards the establishment of a friendly understanding between the two countries concerned and thus eliminate the threat to the peace of the world.

I need hardly stress the decisive importance of this conflict, which greatly transcends the immediate interests of the two States concerned and affects the whole future of the League, its prestige and the possibilities of its effective action. It is perhaps not due to pure chance that the League is now entering upon a doubly critical phase of its development. Side by side with the Manchurian dispute, there is another problem which is arousing the concern of the whole world and calls for an urgent solution at Geneva. That other problem has not been discussed in this Assembly ; but the study of the Manchurian conflict compels us to keep in our minds, side by side with the general considerations to which I have just alluded, a fundamental truth : if we really wish to create an effective guarantee that future disputes will no longer lead to violent solutions, but will, on the contrary, be made the subject of just and equitable solutions without the use of military force, and if

¹ See *Official Journal*, December 1931, page 2272.

we desire to strengthen the authority of the League so that it may fulfil its high mission, we must provide for the complete perequation of military forces. That is the first necessary condition of any effective measures to ensure the pacific settlement of disputes and a condition without which any legal methods of whatever kind must remain problematical. If further proof of this were needed, it has been furnished by recent events in the Far East.

In conclusion, I should like to add this: the British delegate, in his speech, suggested the desirability of securing, at a later stage of the proceedings, the co-operation of representatives of the United States of America and the Soviet Union. With that suggestion, I can wholeheartedly associate myself.

(The Assembly rose at 6.50 p.m.)

THIRTEENTH PLENARY MEETING OF THE ASSEMBLY.

Thursday, December 8th, 1932, at 10.30 a.m.

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APPEAL OF THE CHINESE GOVERNMENT: GENERAL DISCUSSION (continuation).

The President:

Translation: Cemal Hüsnü Bey, delegate of Turkey, will address the Assembly.

Cemal Hüsnü Bey (Turkey):

Translation: From the most remote times the relations between the Turkish nation and China and Japan have been most satisfactory. The young Turkish Republic is justly proud of the friendship of these two nations, and we most sincerely sympathise with them both. It was therefore with very deep regret that Turkish public opinion realised that so serious a dispute had arisen between these two nations which should, in view of their history, be bringing their friendly co-operation to bear in the elevation of mankind and the progress of civilisation. But because its friendship is unshaken, the Turkish nation's devotion to the cause of peace is also unshaken.

I should like, therefore, to explain in brief our attitude towards the problem of peace and the Covenant, though I desire in no way to prejudge the substance of the dispute with which we are dealing.

It is obvious that the fundamental cause of the difficult times through which the world is passing

is uncertainty as to the future. What is the good of an economic conference, even if it solves all the problems put to it, and brings about the cancellation of war debts, a more equitable distribution of gold, and the abolition of Customs barriers, if man is still haunted by the fear of a possible outbreak of violence? How can we hope for economic continuity, if we fear that our plans may at any moment be upset by some surprise attack?

In the present state of the world there may be — in fact, there is — much that requires alteration in the very interests of peace. But world opinion must be sure that the existing situation will only be modified in an absolutely calm and peaceful atmosphere, when the problems themselves and the minds of men are ready for the change.

World opinion might become so assured if, whenever it proved necessary, the Members of the Assembly energetically and resolutely affirmed their devotion to the Covenant and their readiness to assume the obligations it imposes. I am convinced that, were the Assembly to adopt such an attitude, the leaders of public opinion would at once be relieved of the constant anxiety caused by unemployment, business stagnation and social antagonism.

The world's relief at the sight of an Assembly unanimously reproofing, in the spirit of the Covenant, the slightest attack on the cause of peace would, in my opinion, be sufficient to enable humanity to overcome all difficulties. The Assembly's firm determination to safeguard the spirit of the Covenant would undoubtedly facilitate the task of those leaders of public opinion in the countries engaged in a dispute who desire the restoration of peace and calm.

Even if certain countries felt that the integral application of the Covenant demanded some sacrifice of them, they would find ample compensation in the certainty that the cause of peace would always be upheld with the same unanimity and force.

The Covenant is not a legal instrument capable of a limitative interpretation; it must be applied in the light of the purpose for which it was drawn up.

Moreover, any dispute likely to disturb peace should bring the Briand-Kellogg Pact into operation, side by side with the League Covenant. We

believe that in similar circumstances the Assembly should invite countries non-Members of the League but signatories of the Briand-Kellogg Pact to express their views and, if necessary, to shoulder their responsibilities. This would provide the machinery for putting into force the Briand-Kellogg Pact.

As regards the substance of the dispute, the Assembly's task is greatly facilitated by the Lytton report. I am glad to be able, from this platform, to support the tributes paid to its authors. The findings and suggestions of the report throw sufficient light on the stages of the dispute. While the complexity of the problem has been taken amply into account, realities have not been overlooked.

It is now for the Assembly to seek the best means of terminating this dispute as soon as possible, along the lines indicated by the Covenant. Everything points to a procedure of conciliation in accordance with Article 15, paragraph 3, of the Covenant. We hope that these negotiations will continue and will very soon be brought to a successful conclusion, in the spirit of the Covenant and consequently in a manner consonant with the real interests of these two great nations.

The splendid civilisation which these two great nations have created has always been founded on altruism, humanitarianism and universality. Their principles have never wavered with the stage of economic or legal development, or on account of the geographical situation. They have always recognised the personal worth of man. In their individual and social life and in their patriotic and social duties these two nations have always shown admirable qualities and evinced the greatest self-sacrifice.

All these individual and social virtues will certainly make for mutual understanding and for frank and intimate co-operation between the two nations. Thus millions of creative minds at present suffering from lack of comprehension will be able once more, as in the past, to make a valuable and welcome contribution to the cause of humanity.

The President :

Translation : M. Pani, delegate of Mexico, will address the Assembly.

M. Pani (Mexico) :

Translation : During this general discussion, eminent orators have authoritatively expressed their view that the League of Nations must, in this lamentable dispute between China and Japan, reach a decision in conformity with the ideal of the Covenant. Some have even—in my view very rightly—suggested that the existence of the League depends upon this circumstance.

I have not come here to adduce new arguments ; the dispute is adequately examined in the discerning and conscientious report of the Lytton Commission. Subsequent events, together with the statements made here, have only served to strengthen the conclusions which may be drawn from this report. On behalf of my Government, however, and as the representative of a country that has only recently become a Member of the League, I desire categorically to declare that, in joining the League, Mexico was inspired by the ideal of the Covenant, the ideal of justice and peace, for, since she became independent—over a century ago—it has been Mexico's greatest desire, without going beyond her own frontiers, to strive for peace and justice.

**APPEAL OF THE CHINESE GOVERNMENT :
DRAFT RESOLUTION PROPOSED BY THE
DELEGATIONS OF THE IRISH FREE
STATE, SPAIN, SWEDEN AND CZECHOSLOVAKIA : POINT OF ORDER RAISED
BY THE DELEGATE OF JAPAN.**

The President :

Translation : I call upon M. Matsuoka, delegate of Japan, who desires to raise a point of order.

M. Matsuoka (Japan). — I wish to speak on a point of order. We have before us a draft resolution which, although it is presented under the cover of procedure, contains in it points of substance of very grave importance. This resolution condemns Japan and is one-sided, the very thing against which the distinguished delegate of the United Kingdom and others wisely counselled this body.

I read with a sense of regret the draft resolution presented by the delegations of the Irish Free State, Spain, Sweden and Czechoslovakia (document A. (Extr.) 162.1932.VII).¹ As has been said by the various speakers before this Assembly, we are met here with a view to assuring good understanding between nations and securing a settlement of the Sino-Japanese question by conciliation. The draft resolution before us is couched in terms consonant neither with the findings of fact contained in the report of the Commission of Enquiry, nor with the principles of the League of Nations and the spirit in which we are assembled here. I am constrained to say that it has apparently been drafted in an accusing spirit which I deem altogether unwarranted.

In the interest of the League, I wish to ask the authors of this draft resolution to withdraw it. Failing this, it is only fair to ask the President to put it to the vote when the time comes so that we may know the sense of the Assembly. I am afraid, let me add, that the handling of this resolution may, I even think will, entail consequences perhaps not intended or anticipated by the authors of the resolution.

The President :

Translation : My colleagues in the Assembly and I myself must carefully examine the Japanese delegate's motion of order.

We will therefore continue the general discussion, and shall have time between now and the afternoon meeting to consider the motion just submitted.

**APPEAL OF THE CHINESE GOVERNMENT :
GENERAL DISCUSSION (continuation).**

The President :

Translation : Count Szembek, delegate of Poland, will address the Assembly.

Count Szembek (Poland) :

Translation : Like the speakers who have preceded me on this platform, and who have expressed their views in such admirable and eloquent words, I fully realise the gravity of the problem on the agenda of this Assembly and the heavy responsibility it lays upon the League.

¹ Annex X.

The Assembly is called upon to examine a dispute which is difficult of solution, on account, not only of the importance of the interests at stake, but also of its complexity, which is so clearly brought out in the Commission of Enquiry's admirable report.

When, in December 1931, the League Council was considering the despatch of this Commission to Manchuria, the Polish Government supported the idea, on the ground that it was particularly appropriate, not only in view of the complexity of the problem, but, also, and above all, because the dispute had arisen in quite exceptional circumstances hardly comparable with those we are ordinarily required to examine and discuss.

The Commission presided over by Lord Lytton was instructed to provide the League with the necessary information to enable it to form a judgment. Its remarkable report is now in our hands. I desire to associate myself with the other Members of the Assembly who paid a tribute to this very conscientious and objective piece of work. I feel sure that a careful examination of all the information collected in this report will greatly facilitate a practical solution of the dispute which has darkened the international horizon for more than a year.

Poland holds both these nations, to-day divided by a grave dispute, in equal friendship and esteem. She deeply and sincerely admires their civilisation, which dates back thousands of years, and their great and generous contributions to the social progress of mankind. She keenly desires to see restored between them that peace of mind which both so sorely need. Her membership of the League and her devotion to the ideal of peace embodied in the Geneva institution make it incumbent upon Poland to do her utmost to achieve this result. She is determined, with the other Powers, to accord the League wholehearted support in its attempts to restore a normal situation in the Far East.

The first part of the report of the Commission of Enquiry in Manchuria contains an enlightening analysis of the situation and historical development of the relations between China and Japan. The second part contains certain suggestions to serve as a basis for decisions which, in the Polish Government's opinion, will affect the future destiny of a whole population. Such decisions can be taken only after a very careful study of the problem; otherwise, the results might be contrary to our aims.

We have a very grave responsibility. We must be true to the principles upon which the League is based and which are the very reason for its existence, and must constantly bear in mind the fact that our decisions will profoundly affect the future of a vast territory with thirty million inhabitants.

In approaching the first stage of the procedure, that of conciliation, and in seeking what Sir John Simon very aptly described yesterday as a practical solution of the dispute, we must remember this heavy responsibility, which is a greater one than any that the League has yet been called upon to bear.

My Government hopes that in this way we shall be able to find a solution satisfactory to both parties. It believes that this is the most appropriate means of bringing about a final settlement and guaranteeing the maintenance of peace.

The President :

Translation : Mr. Cahan, delegate of Canada, will address the Assembly.

Mr. Cahan (Canada). — As the delegate of one of the two North American States which are Members of this Assembly, it is perhaps befitting that I should crave the indulgence of my fellow members while I presume to discuss certain of the grave issues with which we are now confronted.

Owing to the distance now separating me from the seat of my Government and the difficulties in communicating fully to my Government the views of the several delegates who have addressed this Assembly, the opinions I am about to express are more or less personal; but, nevertheless, I think they are opinions in which my Government will concur.

As we circle the globe, the East becomes West, and both China and Japan are the closest Western neighbours of Canada. We realise that our people differ from the peoples of those two countries respectively in mentality, in education and in culture, and particularly in respect of the underlying philosophies and perhaps in respect of the standards which form the bases of our respective religious, social and political institutions. Nevertheless, we have with the peoples of China and Japan long-standing relations of amity and goodwill and perhaps a clearer understanding and a keener appreciation of their splendid intellectual and moral attainments than prevail in some other distant countries. We think that the people of neither of these two countries is to be judged finally and exclusively by the different standards which our Western civilisation has developed.

In entering upon the consideration of the issues involved in this discussion, we should not entertain exaggerated ideas respecting the extent to which the authority and stability of the League of Nations may be diminished or destroyed by any decisions which this Assembly may now take in sincerity and with good conscience.

The paramount position and authority of the League is disclosed and fully affirmed by the very fact that two great peoples now appear before and appeal through this Assembly, on grounds of political justice and fair and equitable dealing, to the moral consciousness and intelligent opinion of the whole world. That fact alone ensures the stability and continuity of the League. Nor do I think that there is the slightest ground for any fear that this Assembly, in finally expressing its findings, will depart from the principles which are embodied in the Covenant of the League. We who have long lived under a written constitution — and the League Covenant may fairly be described as a written constitution — know full well the difficulties which arise from week to week in the matter of defining and construing the underlying principles of the institution and in the equitable application of those principles to the incidents which successively arise under the rapidly changing conditions of our modern life.

The prescribed conditions for admission to membership of the League of Nations are that the applicant shall be a fully governing State and that it shall give effective guarantees of its sincere intention to observe its international obligations. The clear assumption was that each Member State should be directed by a strong central government, capable of maintaining peace, order and good government within its own territorial jurisdiction, and also capable of fulfilling its obligations under the Covenant of the League of Nations. It is doubtful to my mind whether the National Government of China has yet been in a position to comply fully with these conditions.

Territorial rights and interests affecting China and the interests collateral thereto which are now pending between China and her neighbours came

very closely under consideration in the negotiations that resulted in the signing of the Nine-Power Pact of Washington on February 6th, 1922, which was subsequently ratified on August 5th, 1925.

Canada, as one of the British Dominions, was one of the signatories to that Treaty. That Treaty, as framed and adopted, was "designed to stabilise conditions in the Far East, to safeguard the rights and the interests of China, and to promote intercourse between China and other Powers upon the basis of equality of opportunity". It was well known at that time to all the Powers which were represented in those negotiations that China was in a condition of political and social disorganisation, that it had no central or federal Government which was then capable of maintaining peace, order and good government, even throughout the territorial limits of China; but, nevertheless, there was an underlying desire and expectation, in which the representative of Canada participated, that that Republic, by the formal recognition and moral support of the signatory Powers, might thereafter "develop and maintain for itself an effective and stable Government".

As stated by the United States Secretary of State in his formal letter of February 24th, 1932,¹ the Nine-Power Treaty "represents a carefully developed and matured international policy intended, on the one hand, to assure to all contracting parties their rights and interests in and with regard to China, and, on the other hand, to assure to the people of China the fullest opportunity to develop without molestation, their sovereignty and independence", in the expectation that "she would require many years of both economic and political effort to that end, and that her progress would necessarily be slow". That Treaty did not purport to diminish or to terminate any of Japan's then existing rights or interests in or in respect of China.

It seems to me that the institution and maintenance by the Chinese Government or with its passive approval of attempts at intimidation against the citizens of any State which is a party to that Treaty, or any attempt by unilateral action to abrogate or diminish the Treaty rights of any other State in or in respect of China, must be regarded as a grave infringement by China of the existing rights of other States and manifestly provocative of emergency action by such other State for the purpose of protecting such rights. In our law, we affirm as an invariable maxim of good conduct that he who seeks equity must first do equity.

Sir Austen Chamberlain, in his letter of February 8th, 1927, to which the Japanese delegate referred, and which is published on page 292 of the *Official Journal* of the League of Nations for the year 1927, affirmed that the Government of Great Britain still adhered to the policy embodied in the Washington Treaty, but "its complete success depended upon co-operation between the Powers concerned and a single central Government in China. Unfortunately, since 1922, China has become more disunited than ever. For instance, the Canton Government was in 1922 confined to the city of Canton. Even then it was in revolt against the Central Government of Peking, and did not consider itself bound by the undertakings entered into by the Central Government's representatives at Washington. That 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".

Sir Austen Chamberlain, also asserted that "further, the extremists of the Canton Nationalist Party have singled out the British peoples for an implacable campaign of calumny and boycott. Indeed, enmity against British peoples 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".

After having cited certain events which had occurred, Sir Austen added that "it was clear from these episodes that there is no guarantee for the safety of British lives and property in Chinese cities under the authority of the Nationalist Government in the present revolutionary state of affairs. Any incident may lead to bloodshed".

This special communication to the League of Nations on behalf of the Government of the United Kingdom concludes as follows:

"In any case, His Majesty's Government have felt it right to make this communication to the League of Nations so that its Members may have before them a full statement of His Majesty's Government's policy in China and may understand how completely it is in accord with both the letter and spirit of the Covenant. 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. But if any opportunity should arise of invoking the good offices of the League, His Majesty's Government will gladly avail themselves of it."

A similar letter to that of the British Government, dated February 8th, 1927, with equal veracity and cogency, might have been written by the Government of Japan in reference to the boycott of its traders and the intimidation and aggressively hostile treatment of its subjects in China in 1931.

But, even if the Japanese Government felt impelled to deal suddenly and temporarily with similar conditions in a great emergency, it would now be impossible to justify the development, out of its own emergent action, of a permanent occupation of any part of a neighbouring State, or the permanent extension of its own territorial rights therein.

In Canada, we find it necessary to make frequent applications to our highest federal court for advisory opinions to enable us properly to construe the express provisions of our Constitution; and, fortunately, the League of Nations may seek the advice of the Permanent Court of International Justice in case grave differences of opinion arise as to the proper construction of any of the provisions of the Covenant of the League.

Nevertheless, it must be carefully borne in mind that, under the terms of Article 10 of the Covenant, it was only as against "external aggression" that the Members of the League undertake to respect and preserve the territorial integrity and existing political independence of all other Members of the League.

¹See *Official Journal*, March 1932 (Part III), page 923.

As stated by the Prime Minister of Canada in a memorandum of March 13th, 1919, which he presented to the Paris Peace Conference, "the undertaking expressed in Article 10 seems to involve initially a careful study, consideration and determination of all territorial questions between the States which are parties to the Covenant. Even if such a survey were practicable, it is impossible to forecast the future; there may be national aspirations to which the provisions of the Peace Treaty will not do justice and which cannot be permanently repressed". But the Peace Conference was thereupon assured that this article was merely designed to prevent the alteration of the existing frontiers of any State by the aggressive action of any other State.

On December 4th, 1920, a motion was proposed at the Assembly, on behalf of the Canadian delegation, to strike out Article 10 from the Covenant, but this and other cognate motions then under consideration were referred by the Special Committee of the Assembly to an advisory group of jurists, whose report was presented to the third Assembly in September 1921. They were of opinion that, under Article 10, the Council could not impose duties upon the Member States, but only advise as to the means to be employed to assist a State which was the victim of aggression.

It seems to me that this Assembly may not wholly disregard the emphatic statement made at the opening of this discussion by M. Matsuoka, the delegate of Japan, that the Japanese Government has not at any time allowed itself to be connected with the independence movement in Manchuria, that it did not then and does not now want Manchuria, but that it only desires the preservation of its rights and interests therein.

In applying Article 10 to the present issue, care must therefore be taken not to establish a precedent which in the future may be deemed to exceed the terms of this article as already construed by competent authority. In attempting a solution of these very difficult and delicate problems, it appears to my Government desirable that the Assembly should first exhaust the possibilities of conciliatory settlement under paragraph 3 of Article 15. Any discussion of sanctions or action against a party unwilling to accept settlement would be out of place at this stage of our proceedings.

The Lytton Commission was appointed for the definite purpose of "studying on the spot and reporting on any circumstance affecting international relations which threaten to disturb peace between China and Japan or the good understanding between them upon which peace depends." That Commission was a purely advisory body, but the presentation of its report will have enabled Members of the League, through their representatives at this Assembly, to indicate how far they consider (a) its findings of fact correct, and (b) its recommendations as affording a possible basis of settlement of the existing dispute.

As to its findings of fact, the discussions which have taken place in the Council and before this Assembly do not appear to impugn, except in two instances, their general fairness and accuracy, and the Assembly can probably accept these findings as the premises of its future action, even if it does not base it entirely upon the particular recommendations made by the Commission.

The Lytton Commission lays down certain general principles or conditions of an enduring settlement, including (1) compatibility with the interests of both China and Japan, (2) conformity with the Covenant, the Pact of Paris and the Nine-Power Treaty, (3) recognition of Japan's rights and interests in Manchuria, and (4) international co-operation in Chinese reconstruction.

In conformity with these principles, the Commission recommends (1) that China and Japan be invited to discuss a solution of the dispute on these lines, (2) that Chinese sovereignty over Manchuria be recognised by according to Manchuria a large measure of autonomy, (3) that treaties be made between China and Japan providing for the protection of Japanese interests in China, and generally for the establishment of permanent commercial relations between Japan and China, and for providing procedure for the amicable adjustment of future differences.

My Government would respectfully suggest that this last recommendation might, as in the case of disputes arising between the Dominion of Canada and the United States of America, be satisfactorily carried into effect by the establishment of a Permanent Joint International Commission, in which both parties would be represented and before which both parties could effectively present their pleas.

These principles embodied in the Lytton report appear to constitute the framework of a permanent settlement. Their detailed application would depend upon the development of the situation; but, on the whole, the recommendations made in this report appear useful and reasonable.

It appears to my Government very desirable, as a life-long friend of Japan, that the Government of that country should not take up irrevocably a position of isolation and hostility to the League, and I trust that, with reasonable patience, it will be possible for the League to work out a settlement which Japan can see its way to accept. If Japan indicates any genuine readiness to seek a solution consistent with League obligations as well as her own special interests in Manchuria, it would seem undesirable to make such a settlement difficult by precipitate action. At the same time, after having exhausted all available means for effecting the reconciliation and amicable agreement of the two parties, further delay without any clear evidence of readiness to co-operate on the part of Japan might prove most unfortunate.

If, as has been suggested, the United States of America and the Soviet Union should be asked to co-operate with the Committee of Nineteen or with some other special committee of the Assembly, the Canadian Government would endorse the adoption of such a procedure. Above all, we desire the permanent reconciliation and agreement of our two friendly neighbours, China and Japan, and the continued co-operation of both as Members of the League in fulfilling its paramount purpose of preserving the peace of the world.

The President :

Translation : M. Garay, delegate of Panama, will address the Assembly.

M. Garay (Panama) :

Translation : I wholeheartedly second the tribute paid from this platform to the report of the Commission appointed by the Council to study

the Manchurian question on the spot. Its breadth of view, its spirit of justice and impartiality, its sense of reality and the great devotion to peace and truth with which every page of this remarkable document is inspired, do honour to the eminent President of the Commission and his four colleagues who also signed the report. It does honour too, of course, to the countries of which they are subjects or citizens.

The report will certainly bear fruit, and under its pacificatory influence, China and Japan will, we hope, promptly be reconciled. We could, indeed, desire for the authors no better reward.

The report has not, however, in any way modified my delegation's attitude as explained on several occasions since September 18th, 1931, both in the Council and in the Special Assembly. To-day, as in the past, my main interest is in the fundamental principles of the Covenant, the safeguarding of the legal guarantees upon which depend the existence and future of all States which do not trust to arms. We find in the report a passage which most aptly defines our own point of view (page 129) :

“ Apart from China and Japan, other Powers of the world have also important interests to defend in this Sino-Japanese conflict. We have already referred to multilateral treaties, and any real and lasting solution by agreement must be compatible with the stipulations of these fundamental agreements, on which is based the peace organisation of the world.”

In referring earlier to the sense of reality shown in the report, I had specially in view its conclusions and suggestions, but I should like also to recall to your minds the Council's painstaking efforts which terminated in the resolution of December 10th, 1931.¹ That resolution set up the Commission of Enquiry, after certain concessions had been made in the sphere of pure law, on account of which most delegations, mine among them, had made reservations and statements of principle. The exceptional circumstances of the Manchurian situation, which have loomed so large in our discussions, will *a fortiori* arise again in the next stage of our procedure, when the Conciliation Commission, which we are proposing to set up immediately, uses its good offices with the parties in an endeavour to seek with their help a formula for a just settlement. This sense of reality will perhaps necessitate further adjustments to theory, additional sacrifices in the supreme interests of peace, for peace will always be the chief concern of the League. Once again the exception will have confirmed the rule.

My eminent predecessors on this platform have considered, one after another, the passages in the Lytton report on legitimate self-defence, the boycott, and other points advanced by the parties to the dispute in the debates and discussions of the past fifteen months. I will not go so far as to suggest that these subjects are exhausted, but I personally have nothing to add which would throw further light on these absorbing questions.

There may be divergences of opinion on the various points at issue and the resolutions and recommendations to be submitted to the parties. But we must neither anticipate nor magnify these

difficulties, which will become apparent in their own time and place. Let us endeavour, for the moment, to find a common ground for agreement in our unreserved devotion to the fundamental obligations of the Covenant, which, as we were glad to see yesterday, none of the Members of the League has any intention of evading.

My delegation does not stand before two opponents between whom it is called upon to choose, or to one of whom it must give its support. Ties of sincere friendship unite my country to both these great Asiatic nations and to their Governments, and our one concern is for the fundamental principles and the inviolability of the agreements to which we have loyally adhered — the Covenant and the Briand-Kellogg Pact, two instruments for international peace upon which our greatest hopes for security are founded.

In conclusion, the Lytton report seems to me to be the logical foundation or starting-point for any subsequent settlement, and such a settlement must be entrusted to a special commission of the kind proposed by several delegations.

The President :

Translation : M. Saavedra, delegate of Chile, will address the Assembly.

M. Saavedra (Chile) :

Translation : Since the beginning of the Sino-Japanese dispute and since the affair was brought before the Assembly at the request of the Chinese Government, this is the first time that the Chilean delegation has taken part in the discussion.

Our silence has been deliberate. We did not wish still further to charge an atmosphere, already electric, by proposals or statements which might have militated against the legitimate interests of the parties to the dispute, especially as our traditional friendship with Japan and China called for an attitude of cautious abstention on our part. The problem has, however, now reached a stage where we can no longer keep silence ; our conscience requires that we shall give the Assembly our opinion, especially after having noted the remarkable report of the Lytton Commission, to which I should like to pay the same deserved tribute as previous speakers have paid from this platform.

Like some of my colleagues, I am not addressing either the Chinese or Japanese delegate, both of whom, with a patriotic zeal which we all admire and respect, have courageously defended their country's cause before us. I am speaking as the representative of a State Member of the League of Nations and, consequently, as one who earnestly hopes that the institution to which he belongs shall preserve all its authority and prestige, while securing respect for the great principles of law which form the basis of its fundamental charter, the Covenant.

I shall be brief. First of all I hope — nay, I am certain — that the Assembly will be able to find a pacific solution of the dispute ; but it is eminently desirable that it should do so by means of the conciliation procedure provided for in Article 15, paragraph 3, of the Covenant, as several of my colleagues have advised.

The League must be primarily a peace organisation and must enable its Members to come to an understanding and arrive at solutions which are in accordance with justice and equity. It must not employ coercion save in extreme cases, and then with all necessary caution. I am referring here to the recommendation procedure provided for in paragraph 4 of the same Article 15. Freely accepted solutions are the only solutions compatible with the spirit of that article and affording a

¹ See *Official Journal*, December 1931, page 2374.

guarantee for the future. But, in any case, the League of Nations must do its whole duty, and, if circumstances demand, exhaust all the resources which the Covenant places at its disposal.

As regards the method of conciliation which we are bound to employ in the first instance, my delegation regards as very useful the suggestions made to extend the Committee of Nineteen by inviting the collaboration of the representatives of two non-Member States — the United States of America and the Union of Soviet Socialist Republics.

Similarly, my delegation regards it as indispensable that our present discussions should lead to the adoption of a resolution reaffirming the principles of the Covenant and of the Briand-Kellogg Pact. Of these principles, we attach particular importance to the one which has so often been proclaimed and must inspire every international organisation — namely, strict respect for treaties. For the States Members of the League this respect must obviously begin with the Covenant, and the League has the right and the duty to remind any Covenant-breaker of that fact.

The delegate of Uruguay, in his eloquent speech yesterday, quoted the recent statement of the nineteen American Republics, including the United States, on the occasion of the dispute between Bolivia and Paraguay. That statement marks a stage in the progress of law and international morality. I need hardly say that a country like Chile, which signed that declaration as a member of the American family concerned in the dispute which has unfortunately arisen between two sister nations, and mindful of the spirit of Article 10 of the Covenant, will, in the present case, agree to any solution which may give faithful expression to right and justice. There is nothing simpler than to arrive at such a result, which is desired by all ; it is only necessary to affirm the principles of the Briand-Kellogg Pact and the solution recommended in another connection last October by the eminent Prime Minister of France in the words : "The Covenant, the whole Covenant and nothing but the Covenant".

The President :

Translation : M. Antoniadé, delegate of Roumania, will address the Assembly.

M. Antoniadé (Roumania) :

Translation : At the present stage of our discussions, it seems to me that everything has been said, and said in the most admirable way. The Roumanian delegation's sole reason for intervening in the debate is that it regards itself as in duty bound to affirm its faith in the principle of respect for the Covenant, the Paris Pact and international treaties. We have no wish to take sides with either of the parties to the dispute, but we do wish to make our position clear with reference to the community of nations in virtue of our obligations to that community. Indeed, if the conflict which for months now has led to strife between two great nations possessing the friendship and respect of us all is of itself a very grave matter of concern to the whole of one part of the globe, its submission to the League of Nations raises anxious problems which concern the whole community of nations and on the solution of which the future and the life of our institution depend.

The League's duty in the present case has been clearly shown during this Assembly by every speaker who has come to this platform. The Roumanian delegation had occasion to state its point of view at the meeting of March 7th, 1932, and the resolution of March 11th unanimously

confirmed the main principles of the Covenant and of the Paris Pact. Roumania intends to remain faithful to that resolution, and maintains that we must abide by the doctrine it lays down.

The Roumanian delegation entirely associates itself with the tributes paid to the fullness, clearness and impartiality of the Lytton report — qualities which give it high authority indeed. The Commission was called upon to examine problems of the greatest complexity unparalleled in any other part of the world, and it succeeded in throwing a great deal of light upon every aspect of the matter. The report contains important findings in questions of fact and offers considerations and suggestions for promoting a final solution of the conflict. The solution must be sought in the light of those findings, and all our present efforts must be directed to that end. Such a solution could be found through conciliation, by following the suggestions contained in the report.

According to the statements we have heard during this discussion, the parties are assured of the unconditional support of all the members of this Assembly. Roumania earnestly hopes that a pacific solution will be found and that the dignity of the two nations concerned will be upheld.

In our opinion, however, no solution can be regarded as just, equitable or calculated to ensure peace, unless it is at the same time based on the guiding principles of the Covenant and the Paris Pact, on which there can be no compromise. If we keep strictly to principles, we must conclude that the dispute concerns, not the two parties only, but everyone of us and the community of nations in general.

The President :

Translation : General Táneczós, delegate of Hungary, will address the Assembly.

General Táneczós (Hungary) :

Translation : As the Special Assembly did my country the great honour of electing it a member of the Committee of Nineteen, we regarded it as our duty to devote special attention to the examination of the dispute before us. We have done so with the greatest sympathy and respect, which we have never ceased to feel for both the great nations now in such a difficult situation. But there is one thing we feel very strongly. The cradle of the Hungarian nation was somewhere on the confines of Europe and Asia, and Hungary has retained her ancient sympathies with both nations, with which she has a certain kinship and a certain affinity, going back to time immemorial but still alive in the minds of our people.

I would add that Hungary has always had excellent relations — fraternal relations indeed, I am glad to say — with those two great nations, and that she is not inspired by any special interest or consideration, as regards either of the parties, in her appreciation of the present conflict.

As a loyal Member of the League of Nations, she ardently desires that an equitable and practical solution may be found to put an end to this dispute to the satisfaction of both parties. Hungary will loyally co-operate with those who are endeavouring finally to eliminate every cause of conflict between these two Members of the League, who both command the admiration of all the rest.

The President :

Translation : Mr. Bruce, delegate of Australia, will address the Assembly.

Mr. Bruce (Australia). — The seriousness of the problem which concerns this Special Assembly of the League of Nations cannot possibly be

exaggerated. For Australia it has in many respects a special interest and significance, because we are neighbours of those two great nations in the Pacific. Our great hope is that they will work together progressively and to the advancement of those great areas, for the general wellbeing of their peoples and for the peace of the Pacific, and we see with the very deepest regret these grave differences that have arisen between them.

We have ancient associations with both countries. With China we have had long and friendly relations; we ever remember our association with Japan during the war, and what an honourable and faithful ally that nation was. But this conflict which now exists has in it the possibilities of war in the Far East and even war in the whole world, and we can only regard that as being a tragedy such as we have to strain every effort to avoid.

Behind this dispute Australia has another great interest, and that is for the League of Nations and for the future of the great principles embodied in the Covenant. We are a young nation with our future and our history before us, and the League of Nations appears to us the greatest instrument for good the world has ever seen. We believe in it; we are pledged to all its ideals; we hope to work out our destiny in peace, because of the universality of the League. Yet to-day the League itself is in danger, and it seems to me that the future of the League depends very greatly upon how we handle this important task that now lies before us.

We all have great responsibilities as the representatives of the States Members of the League. As signatories to the Covenant we have to approach this issue with two great principles in our minds. The first is that we have to ensure the maintenance of the principles for which the League stands. The second is that we have to bring about a settlement of this tragic dispute in accordance with the principles of the Covenant. In facing those two great tasks we must ever, I think, remember that the authority of the League is based upon moral and not upon physical force. But the authority of moral force can best be maintained by a wise and generous sympathy and understanding. Your moral force will be greater if you employ those means than by a rigorous and censorious application of theoretical and dogmatic principles, and it is my sincere hope that, in dealing with this matter, the League of Nations is going to exercise that broad and wise sympathy and understanding.

We have an opportunity to do it with wisdom and justice, because we have information as to all the facts with regard to this dispute. We have the Lytton report, and I associate myself with the tribute that has been paid to its impartiality and ability. That report provides us with many facts that we have to take into consideration. It shows the difficulty and complexity of this problem with which we are faced. It shows us, also, that there is an historical background to the troubles that

have arisen between these two nations and have now reached a culmination that cannot possibly be ignored. It tells us of the great efforts that China is making to advance the wellbeing of her people and to weld her vast territories into one nation. With those aspirations we all have the deepest and the greatest possible sympathy. But it also tells us of the apprehensions and even fears of the people of Japan for the rights, the interests, and even the lives of their people in part of the territory of the great nation of China.

It shows us that the rights and wrongs in this great question are neither on the one side nor on the other. It further shows us that, because of the particular circumstances of China, there are issues in this question that were hardly contemplated when the Covenant of the League of Nations was framed. The Covenant contemplated relations between nations, relations between Governments, which had control over the whole of their territories and of their nationals. To-day the report shows that, with all the efforts that China is making, that point has hardly been reached. I will say no more on that subject, save to stress that it is a novel point that comes into the whole of this very difficult question.

When we look at all those facts, we have to consider whether this Assembly is going to carry out the task entrusted to it by expressing in some resolution censure, either open or implied, on either one or other of the parties to the present dispute. I sincerely trust that the Assembly will do nothing of the sort. If this Assembly passes any resolution with either an open or implied censure in it, it is taking a step which is going to make it very difficult, if not impossible, for the League of Nations to carry out the second task that we have ever to remember is upon our shoulders, that of bringing about a reconciliation and settlement within the principles of the Covenant. I plead very earnestly that we should ever keep in mind the second of our obligations and not only devote our attention to the first, which is the maintenance of the principles and ideals of the Covenant.

On behalf of Australia, it appears to me that the wisest course to pursue is to adopt the suggestion that was made yesterday by the delegate of the United Kingdom that the organs of the League should be employed to assist in the work of conciliation and that, in the personnel of the Committee, to which this question might be referred, should be included representatives of the two great countries highly interested in the Far East who are not Members of the League of Nations — the United States of America and the Union of Soviet Socialist Republics. I believe we will best serve the League of Nations and the ends of peace in the world if we adopt the suggestion that was made yesterday.

(The Assembly rose at 12.50 p.m.)

FOURTEENTH PLENARY MEETING OF THE ASSEMBLY.

Thursday, December 8th, 1932, at 3.30 p.m.

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APPEAL OF THE CHINESE GOVERNMENT.

Close of the General Discussion.

[Speeches by M. Guizado (Colombia), M. Quo Tai-Chi (China) and M. Matsuoka (Japan).]

President : M. HYMANS.

APPEAL OF THE CHINESE GOVERNMENT : CLOSE OF THE GENERAL DISCUSSION.

The President :

Translation : M. Guizado, delegate of Colombia, will address the Assembly.

M. Guizado (Colombia) :

Translation : I desire, on behalf of the Colombian Government, to reiterate from this platform the statements made during the earlier meetings of the Special Assembly by the head of our permanent delegation, Dr. Restrepo, who, owing to indisposition, has unfortunately not been able to be at Geneva.

The situation this Assembly is called upon to examine raises questions of principle which are of fundamental importance for the future of law and the maintenance of world peace. From this standpoint, Colombia considers it her duty to contribute towards any solution of the present problem that is in accordance with the rules laid down in the League Covenant, particularly those concerning the respect for, and maintenance of, the territorial integrity of States, and the scrupulous and sincere observance of treaties. These principles have always been the unshakable foundation of Colombia's foreign policy. She desires therefore to honour her own international traditions and to perform her duty as a Member of the League by proclaiming once more the inviolability of those rules. She does so regardless of the individual situation of the two contending States, for each of whom her feelings of friendship and esteem are as impartial as they are sincere. Colombia is therefore prepared to co-operate, as a Member of the League, in any conciliatory solutions that may offer themselves during the examination of the situation. But she feels bound to point out that any such steps towards the settlement of an international dispute of this kind must — above all, in her view — recognise the sanctity of international undertakings.

My country considers that peace and concord and continuous and productive co-operation between the different Governments and nations can be guaranteed only by an international policy based on the faithful observance of such undertakings, and prohibiting the arbitrary employment of force as being contrary to the interests of world peace and the indisputable rules of justice. In reaffirming these principles, Colombia is simply endorsing the policy she has hitherto observed and intends to observe always in international relations. She does so in the certainty that the

aims for which the League was created, and which are gravely imperilled by problems such as the present one, can be achieved only by the strict application of these principles.

The President :

Translation : M. Quo Tai-Chi, delegate of China, will address the Assembly.

M. Quo Tai-Chi (China) :

Before I proceed with my speech, I wish to say a few words about the personal reference to my colleague M. Koo, in M. Matsuoka's speech before the Assembly on Tuesday. The Japanese delegate wandered far away from the matter under discussion to search into the political biography of my colleague in order to try to make out an argument for Japan's case. Apart from the fact that the allegations he made are not well founded, I must say that such tactics are what, in sporting language, one calls "hitting below the belt", and call for no further comment. However, the mere fact that my colleagues and I are here representing China to-day is good proof of the unity of purpose among the Chinese people.

It is not my purpose, this afternoon, to deal with the moral and legal verdict which must be given in the conflict between China and Japan. That verdict has been declared by the speeches made in this Assembly. Delegation after delegation has re-stated from this tribune the threefold judgment given in the Lytton report. The judgment, first, that Japan had no shadow of right to act as she has acted in our Three Eastern Provinces; that the measures she has taken were not measures of self-defence; secondly, that her so-called "State" of "Manchukuo" is a fake and an affront to the League and to the conscience of the world; and thirdly, that in other ways she has flagrantly and systematically disregarded the obligations of the Covenant and the injunctions of the Council of the League. It is not for the Chinese delegation to reiterate or to amplify this judgment. The issue is no longer a Sino-Japanese issue. It is an issue in which the whole civilised world stands confronted by Japan.

With this issue before it there is one question, one fundamental question, which the Assembly must face and answer. It was raised on Tuesday last by the honourable delegate who represents Japan. M. Matsuoka asked whether any Member of the League stands ready to take part with others in the responsibility of bringing this crisis to an end. He chose to give his question the intonation of a threat, or at least a warning. I too ask this question, the same question, on behalf of China. Other delegates, speaking for their Governments, have asked it in these meetings of the Assembly. The question is an injunction, an adjuration upon us all; over and above others, upon Japan. I ask it with no accent of threat or menace. But, in the world outside this hall, it is being asked in accents of challenge and of appeal. It is the vital question to which an answer must here and now be found.

I hope every delegation will understand what depends upon the answer which it will hope to give.

That answer, the acceptance or rejection of common responsibility for the settlement of this dispute, will certainly decide the future course of history in China and, it may be, throughout the world. Sometimes I have thought, as I have listened to this debate, that perhaps you do not yourselves understand how tremendous is the power which you may wield.

My senior colleague, Dr. Yen, spoke the other day of the success of the Assembly in bringing the Shanghai hostilities to an end. He told us that despite the threats and the evasions of Japan, the Assembly's united front and stern determination had brought a signal triumph for League principles and League procedure. How true that is, few people can judge so well as I. For, at that time, I was in charge of the negotiations in Shanghai on behalf of China, and I could therefore judge of my personal knowledge the great part which the Assembly played. At the negotiation table in Shanghai, we were faced by deadlock after deadlock. I had to deal with General Uyeda, one of the two senior Generals in command of the army of invasion. He had superseded M. Shigemitsu, Japanese Minister to China, just as M. Matsuoka has superseded here to-day the Japanese Ambassadors who have spoken for Japan before. But not even the spokesmen of Japanese militarism could prevail in those Shanghai negotiations against the mobilised opinion of the world. It was the insistence of the Assembly no less than the gallant resistance of the Nineteenth Route Army that brought about the complete evacuation of all the Japanese forces without political conditions of any kind. On that occasion, the Assembly upheld the principles of the League. I thank it for that. In the wider and greater question with which it must now deal, I ask it to do the same. I wish also here to add an expression of gratitude to the Governments — United Kingdom, the United States of America, France and Italy — whose representatives ably assisted at the negotiations in Shanghai.

I have ventured to start by paying to the Assembly this personal tribute and laying before it this personal conviction of its tremendous power. I have done so, because that conviction was forged by the most stirring, the most tragic experience through which any man could live. But my main purpose this afternoon, and my obvious duty, is to reply on behalf of China to the debate. In doing that, I am obliged, as I am sure the Assembly will understand, to answer some of the arguments which have been brought forward. But — and indeed, this is the chief object which I have in view — I must respond also to the invitations made by various delegations by defining clearly the attitude which my delegation and my Government will adopt in the future discussions of the Assembly on our dispute.

I will start by dealing with certain of the arguments which have been put forward by our colleague from Japan. It is not necessary to reply to all his arguments. They are not new. These arguments and more were presented to the Lytton Commission by the Japanese Government, and they were given due study and consideration. The report was written *after*, not before, these arguments were presented. The Chinese delegation reserves, however, the right to reply to them in writing,¹ so

as not to occupy unnecessarily too much of your valuable time.

M. Matsuoka has made much of the contention that Japan acted in self-defence. I will not deal with the theory of that argument which has been destroyed by the delegate of Greece, M. Politis, with his high authority and skill, nor need I comment on the plain verdict of the report. But I must comment on one part of the case which the delegate from Japan has made.

On Tuesday last, in the Council a week ago, in the Council a year ago, the Japanese delegate has sought to defend the action of his Government in China by declaring that it is the same as the action taken by the United Kingdom in Shanghai six years ago. It so happened that I was Commissioner for Foreign Affairs for the Nationalist Government in Shanghai. In that capacity, I was instructed by my Government to make a vigorous protest against the landing of the British forces in Shanghai. But while that is true, I am bound to add that there is no true analogy between the action taken by the United Kingdom then and the action taken by Japan during the last fifteen months. The United Kingdom had at least a semblance of justification that large-scale military operations had been going on in which it was possible that the International Settlement of Shanghai might be involved. Japan had no such excuse in Manchuria a year ago. The United Kingdom landed troops: but there was no large-scale attack, no aerial or naval bombardment of thickly populated and defenceless towns and cities, no indiscriminate slaughter of innocent civilians, no ruthless destruction of schools and cultural institutions, no occupation of Chinese territory outside the International Settlement itself. In short, there were none of the acts by which Japan has gained the opprobrium of the world.

Since M. Matsuoka and his predecessors have sought to justify these acts by this analogy, it is right to point out that the analogy turns wholly against their case. The Japanese adventure in China with its wholesale slaughter and its disregard of international law has nothing in common with the British action. To suggest that that action affords a precedent of what Japan has done constitutes a serious libel on the reputation of the United Kingdom as a civilised Power.

In the second place, the delegate from Japan has told us that we must face the realities of the situation in the East, and that it is only in these realities that a lasting and working settlement can be found. With this statement, the Chinese delegation absolutely and unreservedly agrees. But by realism we do not mean what M. Matsuoka means. He means the renunciation by the civilised peoples of the peace system which they are trying to create. He means the acceptance of conquest carried through by assault upon that system. But that is not realism at all. It is a kind of perverted idealism, a feudalistic though sordid belief in the power and efficacy of military force. The outworn fallacies on which it rests are disproved every day by the whole course of international life. It can give no settlement of this dispute that will work or can endure.

In our belief, the true realists are the Commission of Enquiry and Mr. Stimson. What are the realities to which they in their findings and in their proposals have directed our attention?

The first are the common obligations of every nation to play its part in preventing aggressive war. The Assembly will understand that the

¹ See Annex IX.

military caste who now control Japan hate and detest this new peace system. In the last fifteen months, that military caste has sought to recapture the power in their national State which they feared was slipping from their grasp, and they have sought to destroy the treaties of peace and disarmament which they dislike. If they succeeded, they would not only establish Japanese hegemony in the East, but they would force the world to return to the international anarchy from which it is striving to escape.

But, as this Assembly has clearly shown, the other nations will not accept in silence any such attempt as this. They will defend what the Commission of Enquiry called "their important interests in this Sino-Japanese conflict". As the Commission said :

"The interests of peace are the same the world over. Any loss of confidence in the application of the principles of the Covenant and of the Pact of Paris in any part of the world diminishes the value and efficiency of those principles everywhere."

The Commission of Enquiry told us in these striking words that peace and law and justice are important interests for the world at large. The Japanese General Staff have forgotten these great realities; yet it is upon them alone that a lasting settlement can be made.

The second reality which the Japanese militarists would like us to forget is the solid resistance of the Chinese people. In all their history, no would-be conqueror has ever been able to overcome them or wear them down. History has shown that the race is not ever to the swift nor the battle to those who may seem strong. I said in the Assembly last September, that we should regard it as a grave disaster if we were forced to militarise our people. But we know our capacity to resist. We know that the boycott and the brave volunteer troops in the Eastern Provinces have kept the Manchurian question open for the League to deal with, as we are dealing with it to-day. That boycott and that armed resistance will not diminish. These volunteers are determined to fight to the bitter end, and nothing in human affairs can be more certain than that the so-called Government of "Manchukuo" will not and cannot overcome them.

The third reality which the Japanese General Staff would like us to forget is that China is bearing the strain of this struggle far better than Japan. Yet that perhaps is natural, for she has incomparably greater resources and staying power than Japan can have. Considering the facts which the daily Press records, Japan's economic and financial situation is growing daily worse. She is faced with a gigantic burden of taxation and with budgetary deficits greater than those of any country in the world. As its military expenditure expands, the bank deposits steadily diminish and capital flies abroad. Japanese markets are dwindling. The burden of the Japanese adventure on Chinese soil grows daily greater. Already, before the present meetings of the Assembly had begun, Japanese national currency had fallen to two-fifths of the value which it had in 1931. The fundamental fact, the decisive reality of the situation is that in our modern interdependent world no nation can long stand moral, political, financial and economic

isolation. A two-day debate in the Council a week ago was enough to drive down all stocks and shares on the Tokio market between 5 and 7 points. Once more, Japanese securities and Japanese currency have fallen lower than those of China.

And whilst they continue to sink, China continues to grow stronger. Perhaps I may dwell upon that fact for a moment, not only in answer to M. Matsuoka, but in comment upon some observations made here, and particularly by the delegate of Canada who spoke this morning with such animation and tried to paint a rather sorry picture of China. Since the beginning of this conflict, the Japanese delegation has never wearied of saying that China is an unorganised nation to which the Covenant should not apply. I am glad to think that the Lytton Commission treated this Japanese contention with the contempt which it deserved. No one had denied that, in recent times, China has been going through the long and difficult process which the report describes as the modernisation of the nation. But in that process, the report recognises that, in spite of our difficulties, "considerable progress" has been achieved. It points out that, to-day, the "authority of the Central Government is nowhere repudiated"; and that the administration, military forces and finance are acquiring an "increasingly national character". It speaks with approval of the many financial reforms which have been made and for which, it says, the Government is "entitled to credit". It says that while, like other Governments, our Government has failed in many things, yet it has already accomplished much.

This process of successful reconstruction and consolidation has continued since September 1931. My Government has been in power since 1926. In many ways, this last year has been its most successful. Yet remember the appalling difficulties with which it has been faced. The large-scale aggression in Manchuria; the Shanghai war; the total stoppage of the trade of Central China which followed the Japanese menace to the Yangtze valley; the enforced removal of the seat of the National Government from its capital to the interior of the country; the most appalling floods in the history of China, which obliged us, in order to prevent their repetition, to build by our own resources, under the direction of four hundred Chinese engineers with their staff, 6,665 miles of dykes at a cost of seventy million silver dollars.

In spite of these difficulties, the Government is stronger, its administration more effective, its finances more secure, its difficulties fewer, than when the year began. For proof, I turn again to the barometer of the foreign exchange. While, as I said, the national currency of Japan has fallen since September 1931 to two-fifths of its previous value, that of China has sensibly increased. These assertions are strikingly supported by the most important British newspaper in China, I mean the *North China Daily News*. That paper is not over tender towards Chinese interests. It is, therefore, the more significant that *The Times* of London gave, on November 9th, the following report :

"The *North China Daily News* publishes a symposium of messages from its correspondents in the interior, the messages covering Shantung, Honan, Kiangsu, Chekiang, Anhwei, Kiangsi, Wuhan and Kwangtung. The newspaper says that their common feature is *more stable conditions* . . . the army is better disciplined,

and there is *greater continuity in local administration* . . . The newspaper points out that the Central Administration has been longer in office than any of its predecessors, and is threatened by no openly hostile war lord. If the Government's efforts to settle the agricultural problem are pressed with determination, thus countering the communist campaign, this may prove a turning-point in the situation."

It is not conceivable, therefore, that, under these conditions, my Government and people will accept dismemberment of the Chinese nation. We shall never do so. I tell the Assembly, and I tell Japan, we shall never accept the so-called "State" of "Manchukuo". We shall never submit to the conquest of that broad and fertile land, or to the enslavement of the thirty million Chinese who live there. There is not a people represented in this Assembly who would not say the same. We, like other people, are determined to build up a Chinese nation that shall stand united, free and strong among the nations of the world.

These, gentlemen, are the realities of the situation in the Far East, which the Japanese militarists would like you to forget.

If, therefore, as the Japanese delegation desires, the Assembly is to make a settlement founded on realities, the things it will remember are not the Japanese battalions on our plains and mountains, not the puppet "State" of "Manchukuo", but the living reality of the Covenant, the increasing power of the Chinese resistance, the increasing strain and financial disorder in Japan, and the growing strength of the National Government in China. It is only on this foundation of iron fact that any lasting settlement can be made.

In the third place, I must make some comment on what the delegate of Japan said about the boycott. That is the more important, because another delegate has spoken of it in phrases which seem almost to imply that, because of the boycott, China bears an equal measure of responsibility with Japan for the situation that now exists.

Japan objects to the boycott; she declares that the boycott is illegal. But its illegality must surely depend on the circumstances in which it happens to be used. Japan claims that she has acted in self-defence; the boycott may quite evidently be used as a measure of self-defence, and it is an infinitely less cruel measure than either armaments or blockades. As a measure of pressure or self-defence, it is not a recent invention nor is it of Chinese origin.

And if it be said that there was boycott before the incident of September 18th, 1931, that undoubtedly is true. The present boycott arose out of the massacre of Chinese citizens in Chosen in July 1931. But, apart from that massacre, it is well known — every member of the Assembly knows it — that China has had every provocation. For many years Japan has pursued a policy of expansion and aggression in China and of direct and indirect intervention in our affairs. She has sought to promote disunion and disorder in our land; she has helped to increase the difficulties our Government has had to overcome.

Of course, the events of September 18th, 1931, and the subsequent invasion by Japan, intensified

and extended the boycott. There can be no one who will hold that since then it has not been a measure of legitimate defence. Indeed, the Assembly will remember that, in the United States of America, an important group of highly responsible and distinguished citizens formally proposed last winter to join China in boycott measures against Japan.

But let me put aside the events that have followed since September 18th, 1931. Let me ask you to consider the boycott and the so-called anti-foreign propaganda before that date. Japan complained that there were serious international wrongs. We believe that they were a reply to unjustified provocation. But suppose Japan was right, and that such wrongs existed. Has the Assembly forgotten that our Government was ready to arbitrate about them? Has it forgotten that we offered to allow the League of Nations, the Permanent Court or an arbitral tribunal to judge these issues, and that we promised to carry out whatever verdict or award might be returned? Has it forgotten that Japan refused our offer and had recourse to war? That, as Sir John Simon said yesterday, is "the central fact"; in his words, "the methods of the League were not employed". He meant, I am sure, that those methods of the League of Nations were not employed *by Japan*, for China employed them in every way within her power.

I ask the Assembly to remember that China has suffered an invasion such as is seldom seen in the history of our times, that her towns and cities have been bombarded and destroyed, her peoples slaughtered, vast territories wrested from her control. Yet, in spite of that intolerable provocation, China has stood by her obligations under the Covenant and the Pact of Paris. She has loyally carried out every injunction of the Council to do nothing that might aggravate the dispute. Throughout these fifteen months of conflict, thousands upon thousands of Japanese have lived unharmed and unmolested in our midst. While this invasion of her soil was extending, China loyally accepted advice not to aggravate this situation, advice which has been given to her from Geneva not to resist the invading forces, but to accept delays and compromises that were put forward, even to accept changes in the plain stipulations which the Covenant lays down.

With this record behind us, we hold that no fair-minded man can say that we stand on an equal footing of responsibility with Japan. Faults may have been committed in the past. We were ready, we are still ready, to submit them to a court of law. But China bears no shadow of responsibility for the tragic situation which the League has now to face.

Two or three speakers, in trying to emphasise the so-called "exceptional character" of Japan's relations with China in Manchuria, referred to Japan's act of stationing troops in the South Manchuria Railway Zone before the incident of September 18th, 1931, as being founded upon the treaty rights. This is a grave misconception. China had always contested the claim, and if there ever had been any shadow of a treaty right, it had clearly lapsed in 1917. For even the Lytton report, after quoting Article II of the Additional Agreement of December

22nd, 1905, in which "the Imperial Japanese Government, in the event of Russia's agreeing to the withdrawal of her railway guards, consents to take similar steps accordingly", says (page 52):

"It is this article upon which Japan based her treaty right. Russia, however, long since withdrew her guards and she relinquished her rights to keep them by the Sino-Soviet Agreement of 1924. But Japan contended that tranquillity had not been established in Manchuria and that China was not herself capable of affording full protection to foreigners; therefore she claimed that she still retained a valid treaty right to maintain railway guards.

"Japan has appeared increasingly inclined to defend her use of these guards less upon treaty right than upon the ground of 'absolute necessity under the existing state in Manchuria'."

Such is Japan's supposed treaty right to station troops in Manchuria. But the question before us is much more than the illegal stationing of Japanese troops in the railway zone. It is the invasion and occupation of an enormous territory extending beyond and outside the railway zone for hundreds of miles. It is quite misleading, therefore, to say that in this case there was no question of crossing the frontier or that it was not in every respect a military invasion of the gravest character.

May I turn now from these various arguments put forward in the debate to the attitude which China will adopt in respect of the settlement of this dispute. Invitations have been made to us from various quarters to explain our views. We have been asked whether we will negotiate, and if so upon what terms. To these questions, I want to answer as plainly and completely as I can.

Sir John Simon said yesterday afternoon that he had heard something about direct negotiations between the parties and he said "that if direct negotiations give promise of good results, then surely the Assembly should encourage them by every means in its power". I am not sure in what quarter Sir John Simon had heard reports of direct negotiations. But certainly he could not have heard it from any member of the Chinese delegation, of the Chinese Government or from any other Chinese source. If we had desired direct negotiations with Japan on the basis of its military occupation of our land, we need not have troubled the Assembly with our affairs, for that method has been open to us since September 1931. We will not accept direct negotiations with Japan, and the idea that we will ever do so should be finally dismissed.

But, I make haste to add, we are determined also to do everything in our power to help the League to bring this tragic conflict to an agreed solution. There is nothing we more urgently desire than that. There is nothing we more urgently require than freedom from foreign troubles, to enable us to press on with our work of national reconstruction. The Assembly may rely on China to give it her utmost assistance in its present task. And if we are against direct negotiations, we are in favour of collective negotiations through the League. Sir John Simon yesterday suggested, if I understood him rightly, that such negotiations might be undertaken through the existing Committee of Nineteen and that in that Committee we might secure the assistance and advice of the United States of America and of the Soviet Union. For our

part, we accept Sir John Simon's suggestion and we believe that no better machinery for the purpose could be found.

But it is essential, as more than one important delegation has pointed out, that, before negotiations can begin, we should know upon what basis and within what framework they will be carried on. We must insist upon the point, because, as the Assembly is only too well aware, we have the gravest cause for doubt and hesitation. In the whole history of this dispute, Japan at every point has refused the methods of peaceful settlement. Only the other day, M. Matsuoka told the Council that "Japanese national sentiment would not permit outside interference in the 'Manchukuo' question". In his same speech, he said that the Japanese could enter into no consideration of an alternative solution to that of "Manchukuo". With these facts in mind, before it the Assembly, I am certain, will admit that China could not agree to enter into negotiations except upon a basis of principles that had been unmistakably laid down.

What should this basis be? I will plunge straight to the heart of the problem. There are, in our view, two starting-points for the work of the Committee. The first consists of that body of principles of which Dr. Yen has already spoken and which the Assembly laid down in its resolution of March 11th. I would recall the fact, Mr. President, that, as you declared at our sitting of March 11th, this resolution was adopted unanimously under the rules of our procedure. It has, therefore, full binding force on every Member of the League, including China and Japan. I declare that China accepts its binding force and accepts, therefore, these fundamental principles which it sets forth as the bases upon which the solution of the present conflict must be found. China holds that all the future action of the Assembly must be founded upon, and must be rigidly limited by, a scrupulous respect for these principles laid down in its own first solemn decision.

I must now mention one special application of these principles to which Sir John Simon drew attention yesterday. He quoted to the Assembly one passage in the report in which the Commission of Enquiry says that "a mere restoration of the *status quo ante*" would be no solution and he went on to explain to us its reason. "Since the present conflict arose", he quoted from the report, "out of the conditions prevailing before September 1931, to restore these conditions would merely be to invite repetition of the trouble".

With that sentiment we are in entire agreement, but we have always made, as the Commission of Enquiry made, a distinction between the *de facto status quo ante* and the *de jure status quo ante*. It is plain in the report that the Commission contemplates change and ameliorations in the administrative system of the Three Eastern Provinces, but that it contemplates no change in their fundamental legal structure. That is proved by the sentences on page 133 of the report, where the Commission lays down, as an indispensable condition to be agreed to before any negotiations could begin, that both parties should accept "the principle of the maintenance of the territorial and administrative integrity of China".

It was, then, no change of that kind which the Commission had in mind. On the contrary, it was principally change in the military arrangements

which used to exist. China has never admitted that Japan had a valid treaty right to maintain troops within the railway zone, as I have just stated. The Commission recommends that all occupation by Japanese forces should be ended. For another indispensable condition before negotiations can begin is declared in the report to be the acceptance by both parties of the "policy of creating a special gendarmerie as the sole method of maintaining internal order". The Commission knew that to allow the maintenance of a system whereby Japanese and Chinese armies occupied Chinese territory side by side would be "to invite a repetition of the trouble". When these fundamental conditions are understood, therefore, it is quite plain that China can accept, as a condition of negotiation, the passage in the report to which Sir John Simon drew attention.

But China accepts also the sentences which immediately follow these to which Sir John Simon referred. These further sentences are a logical and necessary consequence of those which he quoted, and they read as follows :

"From what we have said in the two preceding chapters, 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."

The Chinese delegation understands that Sir John Simon not only accepts the sentences which he quoted from page 127, but that he accepts also those sentences which immediately follow on page 128. That was perfectly clear from what he said yesterday. He stated that the United Kingdom Government accepts the whole report. We assume, therefore, that he will be willing, as we are willing, to make the acceptance of these sentences the indispensable condition for the negotiations which the Commission of Nineteen must undertake. That means, and I have no doubt that the United Kingdom delegation is in agreement, that the Assembly must make it clear to the world and to Japan that the maintenance of "Manchukuo" can never solve our problem. In our view, it is for the Assembly to make the Commission's verdict its own and to declare that, since the maintenance of "Manchukuo" is inconsistent with existing international obligations, it will never be recognised by any Member of the League, who will further refuse to enter into relations therewith. Without such a declaration, it is impossible that any fruitful negotiations can begin, for the discussion in the negotiations would be falsified by a fatal ambiguity from the start.

Let me continue with my explanation of our view of the terms upon which the negotiations of the Committee of Nineteen should be begun.

In our view, the second starting-point for the work of the Committee is the ten principles laid down in Chapter IX of the report. I wish to emphasise that these principles stand on a different footing from those contained in the resolutions of March 11th. They have not been solemnly accepted by the Members of the League. We are

not bound by them, as by our resolution. Yet it is clear that they must carry considerable weight — the more so since they are in part but a natural deduction from the resolution. China is ready to take these principles as a basis of discussion provided the resolutions of September 30th and December 10th, 1931, are enforced, provided the principles of the report are taken as a whole and provided they are all interpreted in the light of the third principle — namely, that any solution must conform to the provisions of the Covenant, the Pact of Paris and the Nine-Power Treaty. On this clear understanding, China will accept them, together with the resolution of March 11th, as the basis upon which, and the framework within which, practical negotiations can be begun.

May I now summarise what I have said. Conscious that China is free from guilt for the war-like operations that are going on, convinced that the essential justice of our cause has been upheld both by the report of the Commission of Enquiry and by the debates of this Assembly, we are ready to enter into negotiations for a settlement of the dispute.

The negotiations should be collective and should be conducted in the Committee of Nineteen. They should be preceded by the adoption of an Assembly resolution, pledging Members of the League not to recognise "Manchukuo" or enter into any relations therewith. They should be begun upon the basis of, and should be limited by, the resolutions of March 11th and the principles of Chapter IX of the report.

In making this declaration, we feel that we are giving one more proof of our faith in the League of Nations. Our Government has done everything in its power to prove by deeds that we believe in the new order — in the conception of human relationships embodied in the League. We have for years practised a policy of co-operation with the League. It is our dream in China to combine the best in Western civilisation with the best in our ancient traditions and culture, in order that we may build up a great Pacific civilisation embracing one quarter of the human race and radiating its influence throughout Asia and the world.

We cannot carry this idea into practice while we live under the ceaseless menace of the modern militarism of Japan. Has the Assembly heard of the "back to Asia" programme? That programme means a policy of isolation for Japan, the exclusion of all Western influences from Asia and a policy of Japanese conquest and domination throughout the East. My colleague, Dr. Koo, quoted in the Council the other day one striking exposition of this programme. General Araki, Minister of War and the present ruler of Japan, wrote a few weeks ago in the *Army Club Magazine* an article in which he stated :

"Countries of Eastern Asia are an object of oppression by white people. This is an undeniable fact, and Japan should no longer let the impertinence go unpunished. . . . It is the duty of the people of Japan to oppose every action by the Powers that is not in accordance with the spirit of the Empire. . . ."

These are the words of the present ruler of Japan, who claims to speak for Asia. But we, as the oldest and largest race in Asia, contest his right to speak for Asia. That is not the spirit and the culture of Asia. Dr. Sun Yat-Sen, the revered

founder of our movement, always preached international co-operation. We are modern people, we of Nationalist China, and we realise that the nations of the world are interdependent and that international co-operation is both a moral and a material necessity for all of us. We hope that the people of Japan will reject the militarism now forced upon them, and will join us in our international co-operation with the West. It is plain on every page of its report that the Commission of Enquiry regards a change of spirit as an essential condition of the solution it proposes.

On his last historic visit to Japan in the winter of 1925 Dr. Sun, just before he died, appealed to the people and leaders of Japan to adopt Wang Tao, the rule of right and justice, as opposed to Pa Tao, the rule of might over right, in the relations between our peoples. Dr. Sun held that Wang Tao was the common heritage of the peoples of the East. He hoped that China and Japan might work together to bring it as a contribution from Asia to the cause of world peace. China still hopes for this help from the people of Japan. She still believes that, with this ideal, they may become together a pillar of strength for the League of Nations and a light in Asia to lead the World.

The President :

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

M. Matsuoka (Japan). — Since the day before yesterday I have been listening with very keen interest to the addresses which have been made. On the speeches themselves I reserve the right to make whatever comment I may deem necessary at a later stage, and I shall not enter into a discussion on them at the moment. However, I would like to point out a feature which I might characterise as altogether unfair in the speeches of many of my colleagues. That feature is the cutting out and breaking off of parts of the report of the Commission of Enquiry and the taking of small portions of my addresses and the observations of my Government, without any reference to the context. Such quotations were often made the basis of criticism and attacks against me or against my country, or were used to produce conclusions altogether unwarranted if one were to take pains to read the whole of the context. That, I consider, is altogether unfair and I do not think that any of you will disagree with me.

As an example, I cannot understand why many of the speakers referred to a passage in the report of the Commission where it is stated, with reference to the action of Japanese troops on the night of September 18th, that :

“ The military operations of the Japanese troops during this night, which have been described above, cannot be regarded as measures of legitimate self-defence ”.

That is the passage as quoted by my colleagues, but it leaves out the remainder of the paragraph, which, so far as I can recall, only one or two speakers read. The rest of the paragraph reads as follows :

“ In saying this, the Commission does not exclude the hypothesis that the officers on the spot may have thought they were acting in self-defence.”

If I am correctly informed, I have heard that the Commissioners had pretty hot discussions on

these two passages. I heard that some of the Commissioners could not agree to accept the first unless it were qualified by the second. If you wish to prove what I have heard, I would propose to the Assembly that the Commissioners should be called in. That is one instance in which I feel a misrepresentation has been made.

Again, to show you how some of my statements were misrepresented, let me refer you to a passage in the speech of our learned colleague from Greece, who is well known and respected in my country. I have yet to go through the records ; so I may be wrong, but I did understand him to say, in reference to the question of self-defence, that Japan has got to prove that she is not guilty of the charge — the conclusion as found in the report of the Commission. That is to say, you bring a charge and then tell the defendant to prove that he is not guilty. I do not think such a rule of burden of proof exists in any country. Certainly it does not exist in my country, and I cannot bring myself to believe that such a rule of *onus probandi* prevails even in the League of Nations.

I think these two examples suffice to show what I mean in referring to a feature that I may characterise as altogether unfair.

I particularly make a reservation with regard to the address of our Chinese colleague to-day. I will not now go into the details of that speech, but I trust you will permit me to refer to one or two points. He was anxious to show in what a bad condition Japan was economically and financially. I am not prepared to make any protest to that charge ; to a certain extent, I admit it. Japan also belongs to that group of Powers which are suffering from the world depression, and I envy China, which our Chinese colleague claims to be on a higher plane of finance and economics — perhaps the only exception in the world to-day. I congratulate him.

Then our Chinese colleague referred to military caste — I do not remember whether it was Dr. Yen or Dr. Koo who referred to that, either in the Assembly, or in the Council, or even outside the Council. Anyhow, whichever it was, he tried to make out that there were military clans and that Japan is to-day under the thumb of those military clans. Let me simply say that there are no military clans to-day in Japan, neither is there a military caste. I do admit that there are Japanese who are clad in khaki carrying sabres, but I find men in all countries somewhat similarly dressed. They do not come from any particular class and they do not come from any particular caste. For instance, General Tanaka, to whose alleged memorial the Chinese delegate has referred so often, comes from one of the poorest families of Japan. Father and sons were only able to make a living by manufacturing Japanese parasols, and that General Tanaka whom we regard with respect and love in Japan as one of our great statesmen carried some of the parasols his father made to other villages to sell. I can give you a great number of cases where noted generals and admirals in Japan also come from very poor families. We have no caste in Japan to-day that particularly produces navy and army officers. When our

Chinese colleague was referring to General Araki as the ruler of Japan, I think he was forgetting that there was an Emperor in Japan whom we regard as our ruler both in name and in reality, and then there are the Prime Minister and other Ministers of State. General Araki is only War Minister.

I think most, if not all, of the points raised by various speakers, including the Chinese delegate, were answered in advance, and I should like to ask you carefully to study our observations as well as our statements.

Let me now refer cursorily to the British action in 1927. The Chinese delegate drew our attention to the difference between the British action then and our actions in Shanghai last spring, or in Manchuria since last autumn. The only difference I can see is that the United Kingdom sent her troops out to China, while, as I pointed out the other day, we had marines in Shanghai, and later we sent land forces. As regards Manchuria, as I also pointed out the other day, our troops were there in virtue of a treaty to safeguard the lives and property of Japanese subjects; there were, and are to-day, over one million Japanese subjects in Manchuria, including Japanese of Korean origin. The United States sent troops to Nicaragua to protect the lives and property of their citizens. I think about seven thousand troops were sent to protect six or seven hundred Americans. Had we adopted that standard, we should have had to send troops to the number, say, of over ten million, and we have not that number in Japan.

Perhaps I can better illustrate what I have in mind by telling the following story: I look upon our dispute in this way — and particularly with reference to the British action in 1927. Britishers had treaty right to be in China and, finding they were in danger, the British Government sent out troops to lick the spoilt boy of the Far East, if need be. As I pointed out the other day, Chiang Kai-shek quickly came to terms and therefore the Britishers were not obliged to fight. But in our case, in connection with Manchuria, our troops were there. It is as if we were invited into the house of our neighbour, who began to abuse and even to attack us by every imaginable means. We persevered, and, although we Japanese have a lot of patience — more than the average Westerner — we at last got mad and hit the neighbour, and straight away our neighbour comes to Geneva and says the Japanese invaded his house and struck him down for no cause.

Is it the duty of the League of Nations to protect one from consequences of one's own folly and actions, inimical, not only to the interests of one's neighbour, but also to the peace of the world?

Our distinguished colleague from the United Kingdom very aptly said yesterday that none of us can accept the report of the Commission of Enquiry *in toto*. I do not quote his words, but refer to the sense of them. May I be allowed to undertake to improve his statement just a bit? In the report of the Commission we do find in a certain sense the unanimity which some speakers have stressed so much; but it is *unanimity in disagreement*.

Or, I may put it another way, and say *disagreements in unanimity*. If an impartial reader will take the trouble to compare the report passage by passage, he will find in it, as we have had occasion to point out time and again, passages which are contradictory. I am not criticising the members of the Commission at all. On the contrary, I pay a very high tribute to their integrity and to the painstaking work so conscientiously carried out by them. Nevertheless, with five members, it is perfectly natural that we should find disagreement in a report such as this. If we did not, it would be a marvel. The very fact that there is *unanimity in disagreement*, or *disagreements in unanimity*, proves that these gentlemen were conscientious and sincere. Contradictions and disagreements are there, nevertheless. While I agree with the distinguished representative of the United Kingdom, I must add that the very nature of the report makes it impossible for any one of us to accept it *in toto*.

With regard to the point so often put forward by some delegates that Japan has violated the Covenant of the League of Nations, the Pact of Paris, the Nine-Power Treaty, and so forth, it suffices for me again to declare that Japan contends and believes that she is not guilty of such violation.

We Japanese do appreciate and understand the apprehension entertained by some of the so-called small Powers, and we take the stand that our actions in Manchuria do not warrant such apprehension. On this point, however, I shall refrain from dilating.

On the whole, I am in accord with the principles advocated by different speakers, particularly by those representing what we call small nations. The only difference of opinion, if there is any, is that we do not believe our actions have militated against these principles.

Sir John Simon, M. Paul-Boncour and others pointed out the complexity of the question and pleaded for realities to be taken into consideration. I think we cannot stress that point too much. Again, our colleague from Italy called attention to the elasticity and flexibility that should be borne in mind in applying the Covenant, and I perfectly agree with him. I even believe that, if we do not bear in mind this particular point, the consequences which any decision taken in the League of Nations would produce would be contrary to what is sought and contrary to the very principles of the League.

May I be permitted to call your attention to the fact that, in spite of all our wishes to perfect it, the League as it exists to-day is far from perfection?

Japan decided at the Versailles Conference to join the League of Nations, believing that the United States of America, one of the prime movers, if not the prime mover, for the League of Nations, would join. As you all know, the United States of America, for its own reasons, refused to join. Let me be very frank and say that, the moment America decided not to join the League, every self-interest of Japan, narrowly construed, would have dictated that Japan should not join the League. America, that great Power across the Pacific Ocean, is out of the League; Soviet Russia is out of the League. At our door we have China, that vast country in these fearful conditions. I ask you to use a little imagination. How would you have acted if you had been Japan?

As we all know, the Japanese Government did not change its decision to be in the League. Why?

Simply because it was anxious to contribute what little it could towards the League and thereby to contribute towards world peace. There could have been no other reason whatever. To-day, I have to confess, there are a number of serious thinkers in Japan, who, disgusted, exasperated that their case is not fully understood by the League of Nations, are urging withdrawal, and that Japan made a mistake in entering at all. By what has been going on at Geneva you have produced these men in Japan, although I have to say, as I have said often before, that the majority of our people are still for the League. They are still for remaining loyal — just as loyal as they have been in the past.

Approach the same point from another angle. To-day, Japan is confronted with grave dangers. Conditions in China are worse than ever, despite the assurance of our Chinese colleague to the contrary. In a word, Japan is to-day faced with an appalling situation throughout Eastern Asia, and is fighting single-handed to save the Far East — not to start war in the Far East; far from it. And we are confronting that situation with Soviet Russia still outside the League of Nations.

Now, having these cold facts before you, gentlemen, would it not only be common sense to suggest to yourselves that Japan cannot be judged under the Covenant of the League without any elasticity or flexibility being allowed to it — as though the League of Nations included Soviet Russia, the United States of America and all other Powers among its Members, and as though the League of Nations were perfect to-day?

One speaker referred to nationalism and internationalism. He spoke as though some peoples in Europe were on a higher plane, while the Japanese were on a lower plane. I cannot quite see my way to agree to such a representation of Japan and other Powers. We Japanese, I think, can state, without fear of contradiction, that Japan has in the past contributed to internationalism, if not throughout the world, at least in the Far East, and has contributed to world peace in an indirect way, if not in a direct way. We believe that a real internationalism can only be achieved through a healthy nationalism. We believe it, and if that speaker meant to criticise Japan for holding such belief, I accept the criticism.

Again, several speakers have stated that the League is the life-line of their existence. This statement is, as I understand it, primarily made for the promotion of the self-interest of each individual Member. In Japan, we entertain a similar notion when we refer to Manchuria. That idea we base first on self-interest, and secondly on that great policy of Japan to which I have had occasion to refer — the maintenance of peace and order in Eastern Asia. Nevertheless, primarily we refer to Manchuria as our life-line from the standpoint of our own self-interest. I do not claim to know exactly the intentions of these speakers in referring to the "life-line", but I do say that these gentlemen, when they speak of the League of Nations as their own life-line, admit that they are speaking primarily from self-interest, and I submit that it is only fair to allow us Japanese to present our case and make contentions based on the self-interests of Japan.

I will say a few words about Manchukuo. As I have already had occasion to point out, the conditions in Manchukuo are improving and the situation compares favourably with that of China Proper to-day. Its administration is working in a better way; its finances are assured; the most difficult question of currency offers no reason for anxiety. Our idea is that the healthy development of Manchukuo will eventually contribute to the attainment of the high object for which the League stands.

Manchukuo, when fully developed, will form the corner-stone of peace in the Far East — that is our faith. If, gentlemen, you wish to know more about Manchukuo, I can inform you that there are in Geneva three gentlemen connected with the Manchukuo Government. One is General Ting, personal representative of the Chief Executive of Manchukuo; another is George Bronson Rea, Counsellor to the Ministry of Foreign Affairs, who is regarded as one of the greatest authorities on Far-Eastern affairs; and the third is Mr. Arthur H. Edwardes, formerly Inspector-General of the Maritime Customs of China, who has accepted the position of adviser to the Manchukuo Government. This proposal was made to him by Manchukuo to utilise his knowledge and experience gained in the Maritime Customs of China and later as the head of that great institution which was built up by Sir Robert Hart — perhaps the only institution worth mentioning in China.

May I now refer to the impression in some quarters that the actions of Japan in Shanghai and Manchuria were the actions of militarists? That is not true. That is a misrepresentation and, by the repetition of dogmatic statements which have no foundation, the people were led to believe that misrepresentation. The moment our troops acted in Manchuria, the whole of the Japanese nation was roused and supported them. I belong to a political party in Japan, and we Japanese politicians fight among ourselves in much the same way as you. But, once this incident in Manchuria was known, we buried our differences. The people of all classes and of all shades of opinion buried their differences and supported the military officers who had acted as they should have acted. The same can be said about the military actions in Shanghai.

In this connection, will you allow me to suggest to you that if there were no good reason it would be inexplicable that the whole nation should stand by the actions of the officers? There was not one dissenting voice throughout the land. There are sixty-five million Japanese of pure blood, and they all stood up as one man. Do you suppose that they all went mad? Do you suppose that they were all insane? It is a pretty hard thing to make sixty-five million people insane, and I trust that our delegation here is not regarded by you yet as insane. Does not common sense suggest to you that there must have been a very serious reason? Can you not at least suspect — unless you presume that we all went mad — that there must have been some good reason for the sixty-five million people to unite as one man in backing up these actions?

The reason is plain and simple. Our nation regards the issue connected with Manchuria as involving the very existence of Japan; she looks upon it as a question of life and death.

I owe it to candour to state — though it may shock some of you — that the irresponsible and

misguided voices which were raised in the autumn of last year and the spring of this year in Geneva scared some of our people so much that they made up their minds to confront even the severest sanction under the Covenant — that is to say, economic boycott. They were ready to face it if need be, and I have to tell you, gentlemen — and this does not imply any threat on our part, though our Chinese colleagues conveniently refer to my utterances as threats because of a particular emphasis or a certain intonation which is really a habit of mine — that even to-day our people are prepared to undergo it. And why? Because they believe that it is a question of now or never. They bow not before threats, they stoop not down even under sanctions. They will calmly face them because, rightly or wrongly, they believe that — now or never! And they do believe that they are right.

I need only point to half a century of the Far-Eastern history to convince you that the aim of our Empire has been peace, in spite of all the accusations to the contrary advanced by our colleagues from China. To mention but a few events: the wars with the United Kingdom and France were started in the eighteen-forties; the Tai Ping Rebellion, lasting fourteen long years, which was started in 1850; and the Sino-Japanese War in 1894-95, over Korea. The cause of this last war was the presumption on the part of China that she had suzerainty over Korea, which forms a kind of dart directed at the very heart of Japan, as you can see for yourself if you have before you a map of the Far East.

China agreed, in the Treaty of Tientsin, that she would not contend for suzerainty over Korea. She violated that Treaty, and, instead of acting faithfully, she set about increasing her power in Korea. This brought about the Sino-Japanese War. Then the partition movement of China began to set in, and the Boxer uprising came. After that, the danger of partition increased more and more as time went by. China was more than once almost on the point of being partitioned. In this connection, I need hardly refer to the fact that, in the Boxer Rising, it was owing to Japan's participation in the allied expedition to Peking that the Powers were enabled to save their Ministers and their wives and children from being murdered. Suppose we had declined to join the troops of other nations and these Ministers and their families were murdered in Peking, do you imagine, knowing the temper of the world then and the realities that existed in the Far East, that there would have been any China to-day? A few years afterwards came the Russo-Japanese War. The greatest cause of this war was the secret alliance treaty concluded between China and Russia. We learned of it at the Washington Conference, to our great surprise. As we all know now, they very skilfully hid it from us and we did not know of that secret alliance treaty against Japan, under the terms of which Russia was offered every facility to make its way down to the southern extremity of Manchuria. Again, I am afraid, there would have been no Manchuria, perhaps no China, to-day, if Japan had not had the courage and strength to fight Russia.

We often hear of John Hay's note for the preservation of the integrity of China and so forth. We pay all our respects to that note of the Secretary

of State of the American Government. However, taking into consideration the realities of the Far East, and the temper of the Powers since, would you imagine that the paper on which the note was written would have alone enabled China to continue to exist? There must have been power behind the note. And whose power was it? Largely the power and strength of Japan. So we Japanese, to be very frank, feel that our Chinese friends ought to be thanking Japan as much as the United States of America for saving China from being partitioned, and for, later on, saving the Republic of China which these distinguished gentlemen from China now claim to represent.

Now let me refer to another point. For argument's sake, suppose Japan accepted the suggestions contained in the report of the Commission of Enquiry, such as the demilitarisation of Manchuria and the policing of that vast territory by setting up an international gendarmerie. To be very frank, the idea of creating a special gendarmerie for preserving peace and order in a country as big as Germany and France combined — outlawry and banditry rampant — appears to us an absurdity. You simply cannot do it. That scheme was once tried, I believe, in Turkey. Even there you could not succeed; in Manchuria never. Before we draw such conclusions, let me tell you what must be expected in the event of our accepting such suggestions. In the first place, you have to decide whose troops should be there. Suppose we agree to some plan of getting the sovereignty of China restored there. Naturally, I think my Chinese friends would contend that troops should be sent back to take control of the situation, for there must be some troops to restore order and maintain peace in Manchuria. Then what would happen? Are those troops to be the troops of General Chang Hsueh-liang or the troops of the Nationalist Government of Nanking? They have got to decide that in the first place. If I understand it correctly, the report of the Commission makes it clear that the restoration of the *status quo ante* is impossible. Does that lead to the conclusion that General Chang Hsueh-liang should not go back to Manchuria? I do not know, but common sense will point you to such a conclusion.

Now, let us suppose that General Chang Hsueh-liang does not send his troops back to Manchuria. Then it is left only to the Nationalist Government to send troops. Would it be permitted to do so? I am afraid they will have to settle that question between themselves before either of them can go into Manchuria, and that will at least entail hostilities and civil wars for the next two or three years.

What are you going to do in the meantime with Manchuria? Are you just going to take advice from Geneva that the people in Manchuria should keep quiet until these militarists settle that issue between themselves? And, when they settle that issue between them and send in some Chinese troops, I am inclined to think that that will produce another impasse and create a far worse situation than the one we are now facing. On that point, let me remind you that, in Chapter IX, the report enumerates nine principles, and then comes the tenth principle. There it states that the conditions enumerated cannot be fulfilled without a strong Central Government in China. Now, when do you expect to have a strong Central Government in

China? Not to-morrow? Certainly not. In a year? No. In two years? No.

I have made a life study of the Chinese problem and I believe I know something of it. I dare make the forecast that China will not be united and will not be able to have a strong Central Government (as an Oriental I feel sorry for it) certainly for the next ten years, perhaps even for the next twenty years, and maybe not in our lifetime. That is the direction in which the actual conditions in China point. We must take these realities into consideration before we try to apply the fundamental principles of the League of Nations. We Japanese are not against these principles. No! But we call your attention to the realities of the situation. I am glad that many of my colleagues agree with our contention on that point.

To put the matter briefly, the Japanese heart is adamant before threats and unwarranted criticism, but it is soft before acts of kindness, appreciation and sympathy. Let me illustrate this by referring to our relations with the Union of Soviet Socialist Republics. Only half a year ago, it would have been impossible to imagine any newspaper or anybody in Japan daring to advocate the signing of a non-aggression treaty between the two countries. What do we see to-day? Are we so unreasonable? Are we not amenable to reason and responsive to kindness? Before I left Tokio, I saw one of the greatest newspapers in Japan calling upon the people to give serious consideration to the question of a non-aggression pact, and only a few days after I arrived in Geneva the majority of our newspapers took up the question and expressed themselves in favour of it — a rapid and big change in public sentiment in Japan. What was the reason for this? The reply is very simple: Soviet Russia understood the Manchurian question. It understood our position and our actions there, and refrained from meddling with affairs in Manchuria. Not only that; recently Soviet Russia has been doing all she could to save those Japanese in Manchuli and elsewhere along the frontier of Manchukuo, who were held as hostages by a Chinese general who had been persuaded to rebel against Manchukuo by Chang Hsueh-liang. This act of kindness appealed to the heart of Japan; hence this vast and rapid change in the national feeling towards Soviet Russia.

Half a year ago, it appeared that there was no hope whatever of inducing the Japanese nation to conclude a non-aggression pact with Russia, but I can now state from this tribune that there is very good hope of it.

Cannot the League of Nations take a profitable hint from this? As long as you hold out false hopes to the Chinese people that outsiders will come to their assistance, so long can we have no real peace in the Far East. This the Soviet Government understands, in addition to understanding the motives of Japan in connection with the Manchurian question.

With imperialistic Russia we might have had a war a long time ago over Manchuria which even this League would not have been able to prevent; but, thanks to Soviet Russia, we not only have no fear of that, but there is good prospect of coming to an understanding and peace. Is the League of Nations against or for that peace which is to be

established between Soviet Russia and Japan in the Far East? It is for you to decide.

The League, as I have already had occasion to point out, has rendered a signal service to the cause of peace in connection with the Manchurian question. Another service it has rendered is that of preventing Powers from taking sides in this matter. That is the great service which the League has rendered for the cause of peace in the Far East. As you all know, the Powers were quarrelling in the Far East. Chinese statesmen are particularly adept in the art of causing Powers to find themselves at loggerheads. Since the League exists to-day, and because of its actions, the Powers have been prevented from taking sides. That is a great contribution.

Is it, however, too much for me to be so frank as to say that this very League which has prevented Powers from taking sides — and has thus rendered great service to the cause of peace in the Far East — has given the appearance at least of taking sides with China against Japan? I do not believe for a moment that this was the intention of the League, but in some way such a appearance has been given. I do not know who is to be blamed, but at least the Chinese advertised in their own country, as well as abroad, that the League was backing up China against Japan. This encouraged China to continue in her attitude of refusing to start direct negotiations with Japan. I know personally that there are many Chinese in China who desire to enter into direct negotiations, but I will not divulge their names, lest they be attacked and killed by hare-brained students.

As you all know, the object of the League of Nations is peace. The object of the great Powers, such as America, the United Kingdom, France and others, is also peace. The object of Japan, despite propaganda to the contrary, is peace. We do not differ in our object, but we differ with some as to the means. We are grappling with a grave question of life and death to our nation. We are also grappling with the great question of restoring peace and order in the Far East. Would not common sense suggest to you that the Japanese, with a history which has even been praised by some of my colleagues, know something of the Far East, know what they are doing and know with whom they are dealing in the Far East?

Some people in Europe and America contend that world public opinion is against Japan, that Japan is defying world opinion, and so forth. Is that so? We are getting letters and even, in some cases, telegrams from different parts of Europe and America, appreciating our position and our contentions, and even encouraging us to persist in our present attitude. The number of these people is increasing. The situation is being better understood everywhere. But suppose that public opinion were so absolutely against Japan as some of the people try to make out, are you sure that the so-called world opinion will persist for ever and never change? Humanity crucified Jesus of Nazareth two thousand years ago. And to-day? Can any of you assure me that the so-called world opinion can make no mistake? We Japanese feel that we are now put on trial. Some of the people in Europe and America may wish

even to crucify Japan in the twentieth century. Gentlemen, Japan stands ready to be crucified! But we do believe, and firmly believe, that, in a very few years, world opinion will be changed and that we also shall be understood by the world as Jesus of Nazareth was.

Finally, let me call attention to another point; I shall have finished in a few minutes. Let me again give you, in the fewest words possible, just a broad outline of the actual conditions in the Far East. Outer Mongolia fell off from China, as you know, many years ago; to-day, it is virtually a part of Soviet Russia. I cannot find Tibet on the map of China to-day. Chinese Turkestan has hardly any connection with the so-called National Government at Nanking. And we find Sovietism right in the heart of China. The area over which the influence of that Sovietism extends is about six times as large as Japan Proper. I approach that problem with a question: will it stay there limited to the present area? Why has not that movement spread more rapidly? The answer is: there stands Japan. At least Soviet Russia respects Japan. Were Japan's position weakened, either by the League of Nations or by any other institutions or Powers, you may be sure that that Sovietism would reach the mouth of the Yangtze in no time.

Or, suppose that Japan, getting disgusted, decides to keep away from China Proper and simply watch whatever development the conditions of China might take: in that case also I am sure that Sovietism would spread rapidly and would cover the greater part of China in no time. I feel sure of it, whatever our Chinese friends may

say to the contrary. Not only that, but if we came to a definite agreement with Soviet Russia that we would keep aloof whatever might happen, what then?

If the object of the League of Nations is really world peace — and I believe it is — and peace in the Far East is part of it, which would you prefer? Would you prefer to weaken Japan, the only hope to-day in that appalling situation throughout Eastern Asia, thus bringing about more chaos in the Far East; or would you prefer to see Japan's position strengthened? That would give you a hope of re-establishing peace and order in the Far East. Gentlemen, I leave it to you to answer that question, and I thank you for your kind attention and patience in listening to me.

The President :

Translation : The general discussion is closed.

As you are aware, we have received two draft resolutions, one signed by the delegates of Czechoslovakia and Switzerland (document A.(Extr.).163.1932.VII)¹ and the other by the delegates of Czechoslovakia, the Irish Free State, Spain and Sweden (document A.(Extr.).162.1932.VII).²

In this connection, the Japanese delegate also submitted a motion of order this morning.

I think I ought to consult the Bureau before we decide on the course to be followed. The Bureau consists of eight members; it was elected at the first meeting of the Assembly, and, according to the rules of procedure, its business is to decide, with the President, what course should be adopted.

The Assembly rose at 7.30 p.m.

FIFTEENTH PLENARY MEETING OF THE ASSEMBLY.

Friday, December 9th, 1932, at 2.30 p.m.

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APPEAL OF THE CHINESE GOVERNMENT : ADOPTION OF THE DRAFT RESOLUTION SUBMITTED BY THE SWISS AND CZECHOSLOVAK DELEGATIONS.

The President :

Translation : In accordance with my announcement at the end of our meeting yesterday, I convened the Bureau of the Assembly, and, in conformity with its unanimous opinion, I have the honour to submit to the Assembly the proposal of

the Swiss and Czechoslovak delegations, which has been slightly amended with the consent of the authors and reads as follows :

“ The Assembly,

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

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

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

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

¹ See Annex XI.

² See Annex X.

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

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

If there are no observations on this proposal, I shall declare it adopted.

The draft resolution was adopted.

The President :

Translation : In pursuance of this resolution, I refer to the Committee of Nineteen all the documentation communicated to us by the Council, the documentation received by us since, and the Minutes of our discussions, to which the proposals submitted are annexed.

The Committee of Nineteen is asked, on the basis of this documentation, to begin its work under the terms of the Assembly resolution as soon as possible.

It is understood that none of the suggestions or proposals put forward during the Assembly's discussions shall prejudice the view taken by the Committee, which shall retain entire freedom in that respect. It will give equal attention to all the opinions expressed, in whatever form they are put forward.

We propose to convene the Committee of Nineteen as soon as possible.

RESIGNATION OF THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS : APPROVAL OF THE APPOINTMENT OF M. AVENOL AS HIS SUCCESSOR.

The President :

Translation : We now come to the second item on our agenda. The Assembly is called upon to vote on the Council's resolution of October 17th with regard to the appointment of M. Avenol as Secretary-General of the League of Nations.

You have all received the Council resolution. I think it advisable, however, to read it. It is as follows :

" The Council appoints M. Avenol to be the Secretary-General of the League of Nations, and submits the appointment to the approval of the Assembly at its special session. The appointment will take effect from the date on which the present Secretary-General relinquishes his duties."

The Assembly is required to come to a decision under Article 6, paragraph 2, of the League Covenant, which provides that the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly. The Council having appointed M. Avenol, the Assembly is now asked to vote in its turn. The majority required is an absolute majority, and I think the Assembly will agree that in this case, as in other cases, no account should be taken, in calculating the majority, of any spoilt or blank voting-papers.

The vote will be by secret ballot, and, as the Assembly is not required to make an appointment but to give its approval of the Council resolution I read just now, I would ask the delegations to state on their voting-papers whether they do or do not approve the appointment made by the Council. Will the delegations therefore be good enough to

write " yes " on their voting-papers if they approve the Council resolution, " no " if they desire to oppose it, or simply " abstention ".

May I ask Mr. Connolly, delegate of the Irish Free State, President-in-Office of the Council, and His Excellency M. Motta, President of the Swiss Confederation, first delegate of Switzerland, to come to the platform and act as tellers.

A secret ballot was taken by roll-call.

The President :

Translation : I beg to thank the tellers for their services.

The result of the ballot is as follows :

Number of votes cast	44
Voting-papers blank or spoilt	1
Voting papers valid	43
Absolute majority	22
For	42
Against	1

The Council resolution appointing M. Avenol as Secretary-General of the League of Nations having been approved by the required majority, I therefore declare that, the conditions laid down in the Covenant having been fulfilled, M. Avenol is appointed Secretary-General of the League of Nations, and his appointment will take effect from the date on which the present Secretary-General relinquishes his duties.

The vote you have just taken is of the highest importance, and I am sure M. Avenol will appreciate the Assembly's striking testimony to its confidence in him.

This is the first time the Assembly has been called upon to apply the rule laid down in the Covenant prescribing the method of election of the Secretary-General. A bare majority was necessary, but M. Avenol has been elected almost unanimously. Nearly all the delegations representing the States Members of the League have thus spontaneously chosen one who has for years devoted all his abilities and energies to the League's work. M. Avenol first made a very real contribution, as a member of the Financial Committee, towards the action to secure the financial recovery of certain States. He always took a decisive line, and his advice was listened to with deference. When, therefore, the post of Deputy Secretary-General fell vacant, his appointment was warmly welcomed. Now, after ten years in the second rank, he has prepared himself to come to the forefront. Any delegate who ever sought M. Avenol's advice during his period of office as Deputy Secretary-General of the League will realise that the future of our institution has been placed in good hands. I hope he will allow me to congratulate him warmly and to assure him of our confidence in his capabilities, his rectitude, and his firm determination to preserve and increase the heritage he will receive from his predecessor.

The Secretary-General is beside me. He still holds office, and I do not want the brief remarks I am about to address to him to be regarded as a farewell. The Assembly will see him again at a number of meetings for several months.

At the end of each session of the Assembly, each of my predecessors on this platform — and recently M. Politis — has expressed his gratitude to Sir Eric Drummond. One of them, M. Titulesco, said of him : " He has become an article of the Covenant itself ". Sir Eric Drummond's name is indissolubly bound up with the history of the League.

It is written in the Covenant, and it is manifest in all that the League has achieved since.

May I call to mind, gentlemen, the first Assembly, over which I presided ? Lord Balfour, Léon Bourgeois, Tittoni, Branting, and many others who have since gone from among us were there. It was a time when great work had to be done. Life had to be breathed into the provisions of the Covenant and the intentions of its authors, and that amid difficulties and obstacles which they had never conceived. Sir Eric was the soul of that work as I, who saw him at work more closely than anyone else, can bear witness.

We should not regret Sir Eric Drummond's departure so much if our only feeling for him was one of admiration. We have and shall retain for him a close personal regard. We love him and we admire him for his sure and prompt judgment, his constant impartiality, his independence of mind, his undaunted patience, his never-failing good humour, his smile and his charm. Which of us, when faced with a delicate problem, has not realised the value of such combined charm and energy ?

Institutions, gentlemen, are what their leaders make them. Sir Eric Drummond has toiled for and has inspired the League of Nations. To him our tribute, praise and gratitude are due. He knows this is not the last time we shall voice the sentiments we hold for him, and I am sure he feels that we cannot part without turning back instinctively to shake hands.

I will therefore confine myself to paying a joint tribute to Sir Eric Drummond, the Secretary-General of to-day, and M. Avenol, his collaborator, the Secretary-General of to-morrow. One has deserved well of the League. His successor will carry on a tradition which already contains, in the legacy of the past ten years, every promise of a successful future.

A large number of delegations have handed me a draft resolution for submission to the Assembly. I am sure you will accord it your unanimous and wholehearted support. It reads as follows :

“ The Assembly,

“ Whereas by its decision of September 27th, 1932, the Council accepted the resignation of the Hon. Sir Eric Drummond, who was named as first Secretary-General in the Annex to the Covenant, on condition that the said resignation should not take effect before June 30th, 1933 ;

“ In view of the letter dated October 7th, 1932, which the President of the Council addressed to the Members of the League to inform them of the deep regret felt by the Council at having to accept the resignation of the Secretary-General and of the tribute that the Council desired to pay to him for the magnificent services that he had rendered to the League,

“ Desirous, in its turn, of taking this opportunity of expressing to Sir Eric Drummond the deep gratitude of all States Members of the League for the inestimable services that he has rendered to the League since its foundation and for the incomparable example that he leaves for its future development :

“ Declares that Sir Eric Drummond has deserved well of the League of Nations' and has well served its ideal of justice and peace ;

“ Decides that, in order to perpetuate among the nations the memory of the distinguished personality of the first Secretary-General of the League of Nations, a portrait of Sir Eric Drummond shall be placed in the Palace of the League.

“ And requests the Council to take the necessary steps to this end.”

The draft resolution was carried by acclamation.

The President :

Translation : M. Matos, delegate of Guatemala, will address the Assembly.

M. Matos (Guatemala) :

Translation : Mr. President, Gentlemen — [The delegations of the States of Latin America at present in Geneva have asked me, now that Sir Eric Drummond's resignation has become final, to express their appreciation both of his work and of himself.

Sir Eric, you will continue your brilliant career in your own country. All our good wishes go with you. You may be sure the representatives of the Latin-American States, whose relations with you have invariably been friendly, will always cherish the memory of your courtesy, your integrity and your profound understanding of the interests and aspirations of our continent.

The President :

Translation : M. Politis, delegate of Greece, will address the Assembly.

M. Politis (Greece) :

Translation : Gentlemen — I also, on behalf of a number of my colleagues in this Assembly, apart from those of South America, desire very briefly to express our feelings, now it has just been finally decided that the present Secretary-General is to relinquish his office. The feeling which sums up all our feelings at the present moment is one of profound gratitude ; and this for various reasons, which have been put, better than I could have put them, by the President of the Assembly in his speech just now. This feeling of gratitude contains three elements which I should like to mention here.

The first is the appreciation of the great value of the tradition which Sir Eric Drummond has created in the League of Nations. He shouldered the heavy burden of directing the Secretariat of a new institution at a time when it was uncertain what would or could become of it. What it has become is really due to him. He has created a tradition, and we are glad that that tradition is now to be placed in good hands and that Sir Eric Drummond's trusty collaborator, M. Avenol, is to maintain it in the best interests of the League.

The second element is our inability to forget (and it will be long before we shall forget it) the patience, the cordiality — nay, more — the affection which Sir Eric Drummond has shown to us all on the various occasions when we have approached him in matters connected with his office. Those who, like myself, have frequently had occasion to visit him in his office, in order to inform him of some difficulty connected with their country or on some general question on which they desired the help of his insight and experience, will always remember the friendliness with which he answered the questions put to him and the fact that he not only placed the fruits of his wide experience at their disposal and displayed towards them the whole sweetness of his character, but accompanied what he said with that smile which has become proverbial ; and we earnestly hope that the artist who is to be asked to paint his portrait will so depict him that those who come after us may see that our great institution was in some sort born with that smile, and does its best to preserve it.

Lastly, as the third element, Sir Eric Drummond, though he had cogent reasons for leaving us, agreed to postpone his departure until some time after the appointment of his successor, so that he could have an opportunity of collaborating with him for at least six months and of guiding him, initiating him into his new duties and finally handing them completely over to him.

Feelings of tranquillity, confidence and hope fill us at the spectacle of the collaboration between two Secretaries-General — the one of to-day and the one of to-morrow — who, during the coming six months, will go forward hand in hand to direct the destinies of our institution.

For all these reasons I feel sure I am voicing the sentiments of you all in according Sir Eric Drummond our most cordial thanks.

The President :

Translation : Sir John Simon, delegate of the United Kingdom, will address the Assembly.

Sir John Simon (United Kingdom). — Mr. President — I thank you for permitting me to add one word. As the representative of the United Kingdom I have listened to these expressions of gratitude and admiration for my friend, Sir Eric Drummond, not only with pleasure but with pride, because he is my fellow-countryman.

We all acknowledge those characteristics of integrity and fair-mindedness which he has set before us as a model in all our dealings, and I will add but one testimony of my own. In all my dealings with Sir Eric Drummond on Geneva affairs, I have never known him in any conversation, however intimate and however informal, take up a point of view which was inspired by consideration for the special interests of the country from which he comes.

Gentlemen, there are two ways in which you may fill these great international offices in this organisation which Sir Eric inaugurated and helped to improvise and which he has brought to this point of efficiency. It is possible to fill them merely by choosing national representatives, but it is possible also to fill them, as was done in the first instance and as we have done again to-day, by choosing an international servant; and I have no embarrassment as a British subject in joining in this chorus of praise, because the praise that is offered to Sir Eric Drummond is not offered to him because he is a British representative, but because he is a great international servant.

The President :

Translation : Sir Eric Drummond will address the Assembly.

Sir Eric Drummond. — Mr. President — Your speech, that of my Latin-American friend, that of M. Politis and that of the Foreign Secretary of my own country, and the resolution which the Assembly has been good enough to pass unanimously have, naturally, touched me most deeply. I do not know how I can thank you and the Assembly adequately for your goodness to me to-day. It must be a happiness to anyone to realise that the work which is done is acceptable to those to whom he is responsible; and, above all, when they are the representatives of fifty-seven States and when that work is linked up with peace and with international co-operation, that happiness must be all the greater. But let me at once say that by far the larger part of any success which the Secretariat may have achieved during my tenure of office is due to my colleagues. I have indeed been fortunate in my fellow-workers from the highest to the lowest. The

honour which you have paid me to-day is really a tribute which belongs by right to the whole staff.

Mr. President, it is good to know that my post passes into most excellent hands. The appointment of M. Avenol, who has been my friend and my closest collaborator for the past ten years, is a sure guarantee that that spirit and tradition of loyalty to the League which has in the past inspired the Secretariat will be completely continued in the future. When June 30th next comes, I shall have served the League for more than fourteen years. In spite of crises, in spite of criticism, I am convinced that the League is far stronger to-day than it was when that bold and untried experiment was first undertaken. It is true that the League has not altogether fulfilled the hopes of its keenest supporters, but it has undoubtedly belied the predictions of its enemies who foretold that in a troubled world its early demise was certain. That world is unhappily more distracted to-day than it was then, but the League is a living thing, it is growing, and who knows to what stature, by your support, it may not and will not attain.

If during the long period I have held the post of Secretary-General I have offended any Member of the League or any delegate, I would now ask for forgiveness and I would beg any such delegate or such Member to believe that any action of mine which has caused resentment was inspired solely by what I believed and thought to be the best interests of the League. It is those interests which I have tried to promote. If I have succeeded, it is due to you, gentlemen, who not only bestowed upon me originally, but who have never failed to continue during the last thirteen years, that most precious gift of confidence.

Mr. President, I value very greatly the decision by which my portrait will be placed in the Assembly Hall and I thank you for it, but above all I thank you from the bottom of my heart, and through you, all the Members of the League and all the delegates here, for your exceeding kindness.

The President :

Translation : M. Avenol will address the Assembly.

M. Avenol :

Translation : Mr. President — I should like to thank you for the friendly — too friendly — words you have addressed to me. I regard this solemn occasion as a fresh manifestation of the friendship with which you have honoured me for many years. I feel it to be a great privilege and the happiest of coincidences that I should be receiving my investiture from the hands of the first President of the Assembly, one of the original founders of the Council, to whose authority you have just appealed anew for the settlement of a very serious matter. By ratifying the unanimous decision of the Council submitted for your approval, you are doing me the very great honour of entrusting me with the lofty but arduous duties placed upon the shoulders of your Secretary-General by the Covenant. In the hope that I may find support in your confidence, of which you are giving me the proof to-day, and that I may have the courage to acquit myself of my duties, I accept this burden, conscious though I am of its arduousness, and I am prepared to devote myself entirely to my new work during the coming years.

If I ventured to attribute motives to your decision, I should say that your principal object has been to secure the continuity of the organisation which Sir Eric Drummond founded and inspired and whose characteristics he finally fixed. After ten years of the closest collaboration with him, I

shall, more than anyone else, feel in my new post the lack of his guidance and of his unequalled experience.

In these last few months, during which we shall still have the benefit of his authority, we shall prepare together, in the spirit of your resolutions of last October, such an administrative adjustment of the Secretariat as, while respecting its essential functions, will take duly into account the financial stringency caused by the depression.

But, first and foremost, it will be my ambition, by following the lines you laid down at your last ordinary session, to maintain intact the traditions of loyalty and impartiality in which my friends and colleagues of the Secretariat take so much pride and to see that they are handed on to all who may join us in the future.

That is the essential motive which, together with the twofold aim of recruiting the best available material and maintaining an equitable distribution of posts among the various nationalities, will ever

guide me in the responsible task of making appointments, which devolves upon the Secretary-General under the Covenant.

Among various motives which, under the Preamble, determine the provisions of the Covenant, there is one which I would venture to take as a constant maxim and as expressing the Secretariat's rule of life and its *raison d'être* : the maintenance, in the bright day-light of public opinion, of international relations based on justice and honour.

The President :

Translation : We have now come to the end of our agenda. I am glad that this important session has terminated with a demonstration in which we are all united, and in which we have had an opportunity of affirming and magnifying the spirit of the League of Nations.

The discussions of the Assembly will be suspended until it is convened again.

The Assembly rose at 3.45 p.m.

ANNEXES.

I. RECOGNITION BY THE JAPANESE GOVERNMENT OF MANCHUKUO.

C.655.M.318.1932.VII.

1. LETTER, DATED SEPTEMBER 16TH, 1932, FROM THE JAPANESE DELEGATION TO THE PRESIDENT OF THE COUNCIL OF THE LEAGUE OF NATIONS.

[*Translation.*]

Paris, September 16th, 1932.

In conformity with instructions I have received from my Government, I have the honour to inform you that the Japanese Government has concluded with the Manchukuo Government a Protocol, dated September 15th, the English translation of which is annexed to the present note (Appendix A). The Japanese Government has thus granted to that State its formal recognition. On the other hand, the Japanese Government has made, in connection with the signature of the above-mentioned Protocol, a statement, the text of which is reproduced in Appendix B.

(Signed) H. NAGAOKA,
*Permanent Representative of Japan
on the Council of the League.*

Appendix A.

[*Translation.*]

2. PROTOCOL BETWEEN JAPAN AND MANCHUKUO SIGNED ON SEPTEMBER 15TH, 1932, AT HSINKING.

Whereas Japan has recognised the fact that Manchukuo, in accordance with the free will of its inhabitants, has organised and established itself as an independent State; and Whereas Manchukuo has declared its intention of abiding by all international engagements entered into by China, in so far as they are applicable to Manchukuo;

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

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

2. Japan and Manchukuo, recognising that any threat to the peace and order of either of the High Contracting Parties constitutes at the same time a threat to the safety and existence of the other, agree to co-operate in the maintenance of this national security; it will be understood that such Japanese forces as may be necessary for this purpose will be stationed in Manchukuo.

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

The present Protocol has been drawn up in Japanese and Chinese, two identical copies being made in each language. Should any difference arise in regard to interpretation between the Japanese and the Chinese texts, the Japanese text shall prevail.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Protocol and have affixed their seals thereto.

DONE at Hsinking, this 15th day of the ninth month of the seventh year of Showa, corresponding to the 15th day of the ninth month of the first year of Ta-tung.

(L. S.) Nobuyoshi MUTO,
*Ambassador Extraordinary and Plenipotentiary
of His Majesty the Emperor of Japan.*

(L. S.) CHENG Hsiao-Hsü,
Prime Minister of Manchukuo.

Appendix B.

3. STATEMENT MADE BY THE JAPANESE GOVERNMENT IN CONNECTION WITH THE SIGNATURE, ON SEPTEMBER 15TH, 1932, OF THE PROTOCOL CONCLUDED WITH MANCHUKUO.

Manchuria is the land for the preservation of whose integrity Japan, on one memorable occasion, set her national destinies at stake. For twenty-seven years which have elapsed since, our people have participated in the development of Manchuria. Their untiring efforts have rendered it the prosperous land that it is to-day, and it has now come to have inescapable bearing upon our national defence and the very existence of our people. Of recent years, however, the anti-foreign revolutionary diplomacy which has been adopted by China under the influence of radical ideology has steadily encroached upon our all-important rights and interests there, and, finally, the incident of September 18th last compelled Japan to resort to necessary measures of self-defence.

Upon the downfall of all the north-eastern regime consequent upon the occurrence of the Manchurian affair, leading personalities in the province of Mukden, Kirin, Heilung-kiang and Jehol, Tungsheng Special District and the League of Mongolian Banners, assembled in consultation, and on March 1st of this year promulgated a Declaration of Independence, by which they proclaimed severance as from that date of all relations with the Republic of China and the establishment of the independent State of Manchukuo. The declaration set forth a constructive programme of the new State in which, *inter alia*, it has made clear its intention internally to abolish the political corruption of the old regime and to carry out a policy characteristic of the "Kingly Way", and externally to honour a sense of justice, to seek international goodwill and friendship, to take over existing obligations and to respect the principle of the open door and equal opportunity—domestic and foreign policies which are all very fair and above-board. On March 10th, the Manchukuo Government sent a communication to Japan and sixteen other countries, in which they repeated the above programme and requested them to establish normal diplomatic relations with Manchukuo.

With serious concern and minute attention, the Imperial Japanese Government have closely followed the development of conditions in Manchukuo during the last half year and have come to recognise that Manchukuo's sincerity and determination to carry out the above policies can be relied upon. For instance, Manchukuo has established a special committee in order to prepare for the abolition of extra-territoriality, for the opening up of the interior to all foreigners alike and for other treaty revisions, and in this regard its attitude, directed as it has been to the attainment of desired revision through the agreement with the Powers concerned and without resorting to any unilateral measure of termination, has been particularly notable.

Measures which have been taken for the reform of financial and other systems have also obtained appreciable results. Thus, Manchukuo is now steadily developing into full maturity as an independent State and is assured of a future full of promise.

In consideration of the attitude of Manchukuo to the domestic and foreign problems above referred to and of Japan's interest in Manchuria in regard to the vital importance of her national defence and existence of her people, the Imperial Japanese Government have set out to secure tranquillity in this region as soon as possible and to guarantee for all time to come foundations of security of the Empire and peace of the Far East. With these purposes in view, the Government instructed General Muto, His Majesty's Ambassador, to sign on this date a Protocol recording agreement concluded with Manchukuo authorities and thus accorded formal recognition to that country. That Japan's action in this connection is not derogatory to any treaty to which she is party has been made clear in the address of the Minister for Foreign Affairs made at the Imperial Diet on August 25th last.¹

The Protocol confirms the fact that Manchukuo is an independent State organised in accordance with the free will of its inhabitants, and it stipulates that all rights and interests which Japan and her subjects possess within the territory of Manchukuo by virtue of treaties and other agreements are to be confirmed and respected, thus doing away once for all with all pending disputes concerning these rights and interests. Recognising the fact that any menace to Manchuria constitutes at the same time a threat to the safety and existence of the Empire, the Protocol further provides that Japan and Manchukuo are to co-operate in the maintenance of their national security and that the Japanese forces necessary for this purpose are to be stationed in Manchukuo. It is the object of the Protocol thus to establish perpetual relationship of good neighbourhood between the two countries and to secure the peace of the Far East. On several occasions the Japanese Government have declared that they harbour no territorial designs in Manchuria and the preamble of the Protocol reaffirms that both contracting Powers will mutually respect each other's territorial rights.

¹ See Appendix C.