

"In conclusion, I propose that the Council authorise the Secretary-General and the League of Nations Economic Organisation to take action on the various proposals enumerated in this report."

The conclusions of the report were adopted.

2938. **Financial Work of the League: Resolutions adopted by the Assembly on September 26th, 1931.**

M. BRAADLAND presented the following report and draft resolutions:¹

"I. My colleagues have seen the resolutions proposed by the Second Committee and adopted by the Assembly with regard to the financial work of the League of Nations (document A.88.1931.II.A). Two of these resolutions call for special action by the Council.

"II. The second resolution passed by the Assembly reads as follows:

"(2) It welcomes the decision of the Council laying down the conditions on which the Financial Committee should be prepared to consider applications from States which are desirous to obtain the assistance of the League;

"And requests the Council to follow closely the evolution of events and to take all measures necessary to assure that, at any moment, the decisions demanded by the situation may be taken without delay, and that the League of Nations may be in a position to render such service as may be demanded of it; and, in particular, to provide that the Financial Organisation of the League of Nations obtains the funds and the technical assistance necessary to permit it to afford to all States Members prompt and effective assistance whenever such assistance be sought, whether by means of delegations or advice or by any other means."

"This resolution emphasises a point which the events of the last few weeks have brought into the foreground—namely, the urgency with which certain action may be called for and the necessity of a procedure by which essential measures may be taken immediately without waiting for the Council to be convened or for the Financial Committee to meet.

"In order that such decisions as the situation may demand may be reached without delay, it seems to me that the most suitable arrangement would be that your President, in agreement with your Rapporteur (and after consultation with the Chairman of the Financial Committee) should be empowered to propose to you—by telegram if necessary—any steps which he may think necessary.

"I therefore move the following resolution:

"The Council:

"In order to allow such urgent decisions as the situation may demand to be taken, authorises its President, in agreement with its Rapporteur on financial questions (and after consulting the Chairman of the Financial Committee) to propose to the individual members of the Council the adoption of such measures as he may think appropriate."

"III. The third resolution passed by the Assembly is worded as follows:

"(3) In view of the fact that the Commission of Enquiry for European Union and its Sub-Committee of Economic Experts have given favourable consideration to M. Francqui's proposal to establish an institution for long- and medium-term credits.

"It requests the Council of the League of Nations to instruct the competent organs of the League to examine, as soon as possible, with the assistance especially of M. Francqui, the proposal submitted by the latter to the Sub-Committee of Economic Experts, and, in the event of any practical scheme being recommended under the auspices of the League, to ensure that it will be open for all countries to participate on an equal footing."

"The proper procedure to carry out this resolution seems to me to be to refer M. Francqui's proposal to the appropriate body—namely, the Financial Committee.

"I therefore move the following resolution:

"The Council:

"Having considered the Assembly's resolution regarding the proposal submitted by M. Francqui to the Sub-Committee of Economic Experts, decides to request the Financial Committee to examine that proposal and asks it to secure the assistance of M. Francqui and of any other experts whose co-operation it may think necessary."

¹ Document C.630.1931.II.A.

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M. MASSIGLI, while approving the conclusions of the report, wished to emphasise the very great importance attaching, in his opinion, not only to the resolution concerning the Francqui Committee, but also to that under which the Council would invest the President with special powers to deal with urgent questions arising in the international financial sphere. That was an example of very flexible machinery set up by the Council, which might be found extremely useful in difficult circumstances.

Count BERNSTORFF, with reference to the second resolution, recalled the observations which the German representatives had put forward on several occasions, demonstrating the great importance attached by Germany to a study of this problem. He hoped that the Financial Committee, which had now been instructed to consider the whole question, would start work soon and submit to the Council definite proposals which would make it possible for the distinguished Belgian financier's scheme to be carried out promptly and effectively.

The draft resolutions were adopted.

2939. **Relief Measures and Epidemic Disease Control in the Flooded Areas of China.**

Mr. LESTER presented the following report and draft resolutions:¹

"The Assembly has called our attention to the grave problems of relief and epidemic disease control resulting from the serious floods in the valley of the Yangtse River and elsewhere in China.

"The Assembly proposes that all States be asked to respond so far as is in their power, and in co-operation with the League of Nations, to the request for assistance in the flooded areas. The need for anti-epidemic measures is emphasised, in view of the international danger which would result from the prevalence of malaria, dysentery, cholera and typhus fever. We are asked to take the steps necessary to render international co-operation in these matters as effective as possible.

"There are two distinct problems facing the Government and people of China as a result of the disastrous floods.

"The first is the problem of relief.

"China has taken measures to cope with this problem by setting up a National Flood Relief Commission, by setting aside large sums for the purpose of relief, and by providing foodstuffs in large quantities for the people deprived of their livelihood.

"The Government of China has asked the Secretary-General of the League of Nations to recommend a League expert in relief work, preferably with experience in the Near East, to act as general director of the Headquarters of the National Flood Relief Commission. (The Secretary-General has addressed a note to the Council on this subject.)

"I am sure I am interpreting the views of my colleagues in expressing to the Government and people of China our sincere sympathy and our real admiration for the heroic manner in which they have set about to mitigate the sufferings of the flood victims.

"A number of countries have sent supplies, stores and other timely gifts to assist the sufferers. My colleagues will, I am sure, join me in the hope that the resolutions of the Assembly and of the Council will result in a greater flow of the supplies necessary to relieve the victims of this disaster.

"The second important problem is that of epidemic disease control. While the desire to assist in the relief of the flood victims must be shared by all, the prevention of epidemics is an international obligation, in view of the danger to all countries in the Far East and possibly elsewhere which would result from the prevalence of the diseases I have mentioned above.

"It will be recalled that under similar circumstances the Health Organisation was able to co-ordinate the action of National Health Administrations in their campaigns against typhus fever in the eastern part of Europe in 1921. Governments were asked to make contributions to a fund to finance this co-ordinated campaign, and many responded generously.

"We may well follow this precedent in the present situation. Fortunately, representatives of our Health Organisation are in China, and at the request of the National Health Administration they have already taken steps to co-ordinate the assistance proposed by various countries which desire to share in the anti-epidemic campaign. These representatives, who are in touch with the National Health Administration, are in a position to appreciate the requirements for anti-epidemic measures, and we are informed that these include epidemiologists, sanitary engineers, medical staff and equipment, mobile bacteriological laboratories, quinine, oral dysentery and cholera vaccines, cyanide fumigation apparatus, etc.

"In these circumstances I would propose to my colleagues the adoption of the following resolutions:

¹ Document C.624.1931.III.

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I.

“ The Council;

“ Expresses its sympathy to the Government and people of China in view of the suffering and loss of life which have resulted from the floods in the Yangtse Valley;

“ Views with admiration the efforts being put forth by the Government and people of China to cope with this disaster;

“ Notes the request of China that the Secretary-General should recommend an expert with League experience to act as the General Director of the Headquarters of the National Flood Relief Commission and authorises the Secretary-General to comply with it;

“ And invites all States to take every possible measure for the relief of the victims of the flood.

II.

“ The Council;

“ In view of the international danger resulting from the prevalence of epidemic diseases in the flooded area of China:

“ Recalls the assistance rendered in similar circumstances by the League's Health Organisation in Poland and Greece in 1921 and 1923;

“ Requests the Health Organisation to act on the request of the National Health Administration of China by co-ordinating the campaign against epidemic diseases, urges all Governments to give effect as far as possible to all requests received through the Secretariat for assistance in combating these epidemics;

“ Draws the attention of Governments and the public to the particular need for contributions in money as well as for medical and health staff and supplies;

“ Authorises the Secretary-General to receive and to transmit to the co-ordinating authorities such money contributions;

“ And instructs the Secretary-General to communicate these resolutions to all States, and to take such action as may be necessary to give effect to their provisions.”

Mr. Lester added that the Council would be glad to learn that a number of Governments and Health Administrations had already offered their assistance and co-operation in the campaign against epidemics in the flooded areas of China. The Government of the Netherlands had informed the Secretary-General that, thanks to a generous offer on the part of the *Kinabureau* at Amsterdam, it was in a position to send one thousand kilogrammes of quinine to relieve the victims of malaria in the flooded areas. Large amounts of vaccines had been despatched by Denmark and Poland and would be extremely useful in protecting the flood victims against cholera and dysentery. The Spanish Government was sending a medical officer who was an expert in cyanide fumigation and would be invaluable in the campaign against typhus fever.

The Council would undoubtedly wish to request the Secretary-General to express its grateful appreciation to these Governments for their prompt and generous offers.

M. SZE expressed his deep emotion at the draft resolutions. On behalf of his Government and the Chinese people he tendered his sincere thanks to the Council and likewise to all the Governments and peoples who had shown in numerous ways their sympathy for China in this hour of trial.

Fortunately, the waters of the Yangtse had subsided during the last two weeks, but M. Sze was informed that sixteen provinces had been affected by the floods. The Chinese Government was taking every measure and making every effort to relieve the sufferings of those in distress, with the assistance lent from abroad both by experts and in the form of material and money. The problem was not only that of relieving the sufferers from the floods, but also that of preventing the possible spread of disease.

The draft resolutions were adopted.

The SECRETARY-GENERAL submitted the following note¹ giving information with regard to the Chinese Government's request asking him to recommend an expert with League experience to direct relief operations:

“ The Secretary-General has the honour to bring to the notice of the Council the following telegram which he has just received from the Government of China:

“ Can you recommend League expert to assist flood relief China if possible one who has relief experience Near East — T. V. Soong.”

¹ Document C.613.1931.III. 0065

“ It will be observed that by this telegram the League is not invited itself to appoint a representative to assist in the work of flood relief, or to incur any expenses in connection therewith. On the other hand, as mention is made of a ‘ League expert ’, the Secretary-General does not feel authorised to make recommendations to the Chinese Government in accordance with the request contained in the telegram without the consent of the Council.

“ Having in view the resolution adopted by the Assembly proposing certain action by the Members of the League in regard to flood relief in China, on which a report will be submitted to the Council at a later meeting, the Secretary-General trusts that the Council will have no difficulty in authorising him to reply to the request.

“ It will be observed that the Chinese Government asks for an expert who ‘ has relief experience in the Near East ’. It would also seem obvious that the person or persons recommended should have an adequate knowledge of the English language.

“ From information received by the Secretary-General, it would appear that the following two persons fulfil the conditions laid down, and, if the Council agrees, the Secretary-General proposes to recommend them to the Chinese Government, in order that it may make its final choice:

“ Sir John Hope SIMPSON, Assistant Commissioner of the League in Greece, in connection with the Greek Refugee Settlement plan; twenty years' experience as an Indian District Officer, including the handling of problems in India similar to those existing in China.

“ M. Raymond SCHLEMMER, delegate of the International Committee of the Red Cross for a number of years; has been connected with League work concerning Russian refugees in Yugoslavia, Bulgaria and Greece, and has organised relief work in Albania at the time of the Albanian famine.”

The Secretary-General asked the Council's authorisation to take action in accordance with the above proposal.

The Secretary-General's proposal was adopted.

2940. Public Works Programmes: Resolution adopted by the Assembly on September 24th, 1931.

M. SOKAL presented the following report and draft resolution:¹

“ The Council has noted the following resolution adopted by the Assembly on September 24th, 1931:

“ The Assembly:

“ Seeing that, among the measures of international solidarity calculated to mitigate the effects of the economic depression and to assist the resumption of activity which would benefit the workers of all countries, consideration should be given to the execution of important public works jointly undertaken by public or private groups on European or extra-European territory;

“ Seeing, further, that the problem has already been approached by the Commission of Enquiry for European Union and has been laid before the competent organs of the League of Nations;

“ In order to expedite the examination of these programmes, to co-ordinate them on an international scale, to hasten their putting into effect and to follow their execution:

“ Invites the Council of the League of Nations to instruct the Committee of Enquiry set up by the Communications and Transit Organisation, to which should be added representatives of the International Labour Office and possibly of the economic and financial organs of the League, to undertake these various tasks.

“ This Committee will examine the concrete proposals of the various Governments, particularly from the point of view of the utility and productivity of the works proposed.

“ It will report to the Council of the League of Nations. The Commission of Enquiry for European Union will be called on to give its opinion on the proposals relating to Europe.”

“ The Council will no doubt wish to give effect to this resolution.

“ I have accordingly the honour to propose to the Council the adoption of the following resolution:

“ The Council;

“ Having noted the resolution adopted by the Assembly on September 24th, 1931, concerning public works programmes;

“ Requests the Chairman of the Advisory and Technical Committee for Communications and Transit to invite the Committee of Enquiry into Questions of Public Works and National

¹ Document C.617.1931.VIII.

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Equipment set up by that Committee to carry out the tasks indicated in that resolution under the conditions mentioned therein."

The draft resolution was adopted.

(The Council went into private session.)

2941. Gift for Malaria Research in Greece.

M. MATOS presented the following report and draft resolution:¹

"The Secretary-General has informed us, in a note dated September 28th, 1931, that Mrs. David Simmons, of Boston, U.S.A., has offered to provide immediately a sum of 6,000 dollars for initial expenses for starting a laboratory and, for the period of seven years, an annual sum of 6,500 dollars for the expenses of conducting malaria research work in Greece. This gift will not involve the League in any financial liability, and is therefore acceptable by the Council in accordance with the terms of Article 23 of the Financial Regulations.

"I would venture, therefore, to propose the following resolution:

"The Council:

"Accepts the gift offered by Mrs. David Simmons for financing malaria research in Greece on the conditions set out in the Secretary-General's note;

"Requests the Secretary-General to convey to the donor the warm appreciation of the Council for this generous gesture."

The draft resolution was adopted.

SEVENTH MEETING (PUBLIC).

Held at Geneva on Wednesday, September 30th, 1931, at 4 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. During the first part of the meeting, China was represented by M. WANG CHIA CHENG and Japan by M. SATO. France was represented by M. MASSIGLI, Germany by Count BERNSTORFF, Irish Free State by Mr. LESTER, Italy by M. ROSSO, Peru by M. BARRETO, Poland by M. SOKAL, and Yugoslavia by M. FOTITCH.

2942. Armaments Truce: Resolution adopted by the Assembly on September 29th, 1931.

The PRESIDENT presented the following report:²

"At its sitting of September 29th, the Assembly adopted the report and the resolution presented to it by M. de Madariaga, Rapporteur of the Third Committee. The text of this resolution is as follows:

"Convinced that the crisis which at the present time is creating such profound disturbance among the nations of the world is due to a number of economic and political causes originating principally in the lack of mutual confidence between the nations; and

"Convinced that a renewal of the competition in armaments would necessarily lead to an international and social catastrophe:

"The Assembly addresses a solemn appeal to all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based and urges them to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including, in particular, a gradual reduction of armaments to be continued until such time as the object laid down in Article 8 of the Covenant is attained.

"In view of the fact that an undertaking on the part of all States not to increase their armaments would help to create an atmosphere of confidence, to prevent competition in armaments and to prepare the ground for the success of the forthcoming Conference:

¹ Document C.633.1931.X.
² Document C.639.1931.IX.

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"The Assembly requests the Governments invited to the Disarmament Conference to prepare for this event by means of an armaments truce; and, accordingly,

"Requests the Council to urge the Governments convened to the said Conference to give proof of their earnest desire for the successful issue of the efforts to ensure and organise peace and, without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government, to refrain from any measure involving an increase in their armaments;

"Likewise requests the Council to ask the Governments to state, before November 1st, 1931, whether they are prepared for a period of one year as from that date to accept this truce in armaments."

"If my colleagues agree with me, I will suggest that the Council should request the Secretary-General to communicate the text of this resolution to the Governments invited to the Disarmament Conference and to ask them whether, in accordance with the terms of the last paragraph of the said resolution, they are prepared to accept the armaments truce proposed by the Assembly.

"I would further suggest to the Council to authorise the Secretary-General to take, in consultation with the President, such measures as may be necessary for the distribution to the States invited to the Conference of the replies of the various Governments so as to enable them to consider the said replies."

Viscount CECIL thought the words "and to take a final decision thereon" should be added to the last paragraph of the report. No Government would be able to say definitely how far it could participate in the truce until it knew what other Governments were going to do. Some *locus paenitentiae* must therefore be reserved to the Governments concerned.

M. SATO supported Lord Cecil's proposal.

The conclusions of the report were adopted, together with the amendment proposed by the British representative.

2943. Information on the Position of Armaments Various Countries: Resolution adopted by the Assembly on September 29th, 1931.

The PRESIDENT presented the following report:¹

"At its meeting on September 29th, the Assembly adopted the following resolution with regard to information concerning the position of armaments in the various countries:

"The Assembly,

"Noting that, of the sixty-three Governments invited to participate in the Disarmament Conference, twenty-five have up to the present communicated information on the position of their armaments in conformity with the recommendation made by the Council at its January and May sessions:

"Requests the Council to invite the Governments which have not yet transmitted their replies to the circular letters from the Secretary-General dated February 17th and June 13th, 1931, on the position of their armaments, to do so as soon as possible, and in any case before November 1st, 1931, in order to enable the Secretariat to provide the Disarmament Conference with adequate documentation."

"In view of the great importance of the proper preparation of the documents for the Disarmament Conference, I have accordingly the honour to propose to the Council that it should ask the Secretary-General to communicate with those Governments invited to the Conference which have not yet sent their replies with regard to the position of their armaments, urging them to despatch those replies so that they may reach the League Secretariat not later than November 1st next."

The conclusions of the report were adopted.

2944. General Convention to improve the Means of preventing War: Resolution adopted by the Assembly on September 26th, 1931.

The PRESIDENT presented the following report:²

"At its meeting on Saturday, September 26th, after examining the text of the General Convention to improve the Means of preventing War and the report relating thereto by

¹ Document C.640.1931.IX.
² Document C.625(1).1931.IX.

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M. de Madariaga, Rapporteur of the Third Committee, which were circulated to the Council, the Assembly adopted the following resolution:

- " The Assembly,
- " 1. Taking note of the report submitted to it on behalf of the Third Committee;
 - " 2. Thanking the Special Committee for the admirable work it has done towards the framing of the draft General Convention to improve the Means of preventing War;
 - " 3. Approves the text of the said Convention which has been drawn up by the Third Committee;
 - " 4. Decides to open the Convention for signature by the States Members of the League and by those non-member States to which the Council of the League shall have communicated a copy of the Convention for that purpose;
 - " 5. Earnestly trusts that a large number of States will sign the Convention before the opening of the forthcoming General Disarmament Conference; and
 - " 6. Requests the Council to make the necessary arrangements in good time for the preparation of the rules referred to in the last paragraph of Article 4, in order that, should circumstances so dictate, the Convention may be put into effect immediately upon its entry into force.

" Paragraphs 4 and 6 of this resolution entrust certain duties to the Council in regard to the communication of the Convention to non-member States and the preparation of the rules to be followed in regard to the composition and working of the commissions of control referred to in the last paragraph of Article 4 of that Convention.

" As regards the first question, I would suggest that the Council authorise the Secretary-General to communicate a copy of the Convention to the non-member States invited to the General Disarmament Conference and request them to sign that Convention.

" As regards the question of the rules referred to in the last paragraph of Article 4 of the Convention, the Council might decide that these regulations should be drawn up by its Permanent Advisory Commission for Military, Naval and Air Questions. To this Commission would be added the Legal Adviser of the League of Nations and the Secretary-General of the Transit Organisation. If necessary, the Commission could also call in the assistance of other experts.

" As the members of the Commission will all be at Geneva for the Disarmament Conference, the Commission might meet at the beginning of the Conference.

" Once the regulations have been drawn up by the Commission and approved by the Council, they can be forwarded by the Secretary-General to the Governments of the States invited to the Disarmament Conference."

Viscount CECIL believed that the Permanent Advisory Commission had not met for two or three years. He did not know whether it had always been successful in reaching conclusions. Furthermore, it consisted of forty-two persons, which made it rather an expensive body.

M. MASSIGLI appreciated Lord Cecil's point of view. It seemed to him, however, that, in this particular case, the body in question was the most competent. In the first place, Article 9 of the Covenant was very clear in this respect. Further, though it was true that the Permanent Advisory Commission had not met for a long time, it nevertheless existed. Its President was appointed in rotation for three months, and the Secretariat informed the members of the Commission of the composition of the Bureau.

With regard to the number of members, M. Massigli pointed out that regulations would have to be drawn up for military, naval and air questions. Consequently, the body to which the Council had recourse must include persons competent to deal with the question from the military, naval and air aspects.

Finally, the question of expenditure did not arise, since it was proposed to convene the Commission during the Disarmament Conference. Everyone would therefore be on the spot. As the members of the Commission would doubtless have some spare time during the Conference, they might very well meet to draw up the regulations in question.

No serious difficulty, therefore, would arise. Moreover, this question was one of those covered by Article 9 of the Covenant, and the provisions of that article should be complied with.

With regard to the question itself, M. Massigli added that he had every reason to suppose that his Government would be in a position to sign the Convention before February 2nd, 1932, the date fixed in the Convention itself.

Viscount CECIL said he would not persist in his opposition, in view of what his French colleague had said. He merely hoped that the future deliberations of the Permanent Advisory Commission would be more fortunate than those which had taken place in the past.

Count BERNSTORFF was glad that the Convention to improve the Means of preventing War had been achieved, seeing that it was the German delegate who had proposed such a Convention in the Committee on Arbitration and Security in 1928. He noted with satisfaction that it had been possible to obtain unanimity, after efforts which had lasted for several years, with regard to the text which had been adopted. He was convinced that the Convention would greatly contribute to the maintenance and organisation of peace and hoped that, should circumstances arise, it would prove a practical and effective instrument for safeguarding peace. He noted with the

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greatest satisfaction that several States had already signed the Convention, and he was sure that the German Government would affix its signature with the least possible delay.

The conclusions of the report were adopted.

(The meeting was adjourned at 5 p.m. and resumed at 5.45 p.m.)

2945. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

The PRESIDENT read the following statement:

My colleagues will remember that on Monday, September 28th, the Council adjourned its discussion of this question in order to give to its members the opportunity of studying carefully the statements which had then been made. It was also agreed that the President of the Council should ask the permission of the Assembly to give an impartial report on the question and on the manner in which the Council had so far carried out its duties under Article 11 of the Covenant. This statement, as is known, I had the honour to make before the Assembly at its meeting yesterday.

I do not know if my colleagues will agree with me, but, after examining the most recent statements made before the Council on this subject, I have the impression that it may be of advantage to emphasise the essential point of the problem.

Under that article of the Covenant under which an appeal has been made to the Council, the duty of the League is " to take such action as may be deemed wise and effectual to safeguard the peace of nations ", and the Council, anxious to carry out its duty in the matter now before it, has singled out one object as being of immediate and paramount importance—namely, the withdrawal of troops to the railway zone. Nevertheless, it could not but admit that, in the special circumstances, a certain time had to be allowed for the withdrawal, particularly in order to ensure the safety of Japanese life and property.

Both the parties have concurred with the other Members of the Council in recognising, without prejudice to their views as to the method of settlement of questions outstanding between them, the essential importance of the withdrawal of the troops in accordance with the above conditions, and the parties have each taken steps to that end.

In these circumstances, I am inclined to think that no useful purpose would be served by continuing our discussions at the present moment. A certain amount of time, which the Council, together with the parties, will desire to be as short as possible, is still required for the complete withdrawal of troops to the railway zone.

In my opinion, the Council, which must watch closely the development of the situation, will in present circumstances best serve the interests of peace and good understanding by adjourning for a short time, and I therefore beg to propose the resolution which is before you.

I should add that suggestions have been made, verbally or in writing, for obtaining information on the spot. The discussion of the resolution will give the authors of these proposals the opportunity of explaining them, if they so desire.

It is understood that the Council, which, as I have said, will follow the further developments of this affair with deep interest, will be ready at all times to render any assistance that may be useful.

The President then read the following draft resolution:¹

" The Council,

" 1. Notes the replies of the Chinese and Japanese Governments to the urgent appeal addressed to them by its President and the steps that have already been taken in response to that appeal;

" 2. Recognises the importance of the Japanese Government's statement that it has no territorial designs in Manchuria;

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

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

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

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

¹ Document C.648.1931.VII.

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

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

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

M. YOSHIZAWA accepted the draft resolution submitted by the President. With regard to the information to be obtained on the spot, a question to which several of his colleagues apparently attached great importance, he drew attention again to what he had already said. In his view, and in the view of his Government, it would be quite useless to take special measures in this respect, particularly as there were a great many persons on the spot from whom the Council could obtain information. However, in order to facilitate the task of his colleagues, some of whom might not be able easily to obtain information from sources of their own, M. Yoshizawa suggested that each member of the Council should send to the Secretary-General any information which his Government might have received on the spot and which he thought it desirable and useful to communicate to the other Members of the Council.

M. SZE noted that the Japanese representative now recognised that neutral information was required by the Council in order that its task might be facilitated.

He noted further the Council's request that it should be given complete and frequent information as to the progress of events, and he assured the Council that the Chinese Government would be glad to comply with that request.

By these means, and in the light of the Japanese representative's statement, M. Sze hoped that, as a first step towards the restoration of normal relations between the two countries, the unfortunate situation with which the Council was now dealing would speedily come to an end. In this connection, he noted with satisfaction that, by the terms of the proposed resolution, the Council was conscious of its responsibility for helping both parties to secure the complete and prompt withdrawal of the armed forces of Japan and the full re-establishment of the *status quo ante*, and would remain in session until that responsibility was fully discharged. That, indeed, was made clear in the appeal which the Council had addressed to the parties on September 22nd, when it had authorised its President, in consultation with the parties, to endeavour to find adequate means of enabling the withdrawal of troops to take place forthwith without endangering the safety of life or property.

The Chinese representative recognised that, if by October 14th the complete withdrawal and the re-establishment of the *status quo ante* had been effected, the measures at present being employed would have proved adequate; but if, contrary to the strongly expressed hope of his Japanese colleague—a hope that was shared by the Council and the Chinese Government—this happy result was not achieved by that date, the Council would, of course, have to examine what other measures might be required in the circumstances.

Upon that head, M. Sze had made two proposals: first, a committee of enquiry; and, secondly, local arrangements. The Council would no doubt give them due consideration on October 14th in the course of its general survey of the situation, but he must repeat that he fervently hoped and believed—as did all his colleagues on the Council—that by that date no such action would prove necessary.

With reference to the President's statement, the Chinese representative had not failed to recognise that the complete withdrawal of the armed forces of Japan and the full re-establishment of the *status quo ante*, while a distinct and separate matter, constituted but a single and preliminary step in the adjustment of the controversy which the Government of China had submitted to the Council. He therefore deemed it proper to say that, when the complete and full re-establishment of the *status quo ante* had been effected, the Government of China reserved all its rights under the Covenant and would continue to look to the Council for aid in determining the several responsibilities of the two parties for the events which had occurred since the night of September 18th, and the fixing of the reparation justly due. It was with the foregoing understanding that the Chinese representative accepted the resolution.

M. YOSHIZAWA was unable to accept the interpretation placed by the Chinese representative on the resolution before the Council. He only accepted the draft resolution as it stood.

The draft resolution was adopted.

The PRESIDENT was glad to note that the Council approved the resolution unanimously. There was, he thought, no need to go into matters of interpretation at the present stage. The rights of both parties obviously remained intact. Either would be entitled, if necessary, to submit his point of view to the Council later.

Before the members of the Council separated, the President wished, on behalf of his colleagues, to tender to the Chinese and Japanese representatives his deepest thanks for the highmindedness and courtesy they had shown.

M. SZE begged to express to the President his sincere thanks for the very able and impartial manner in which he had presided over the discussions.

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M. YOSHIZAWA associated himself entirely with the sentiments expressed by the Chinese representative.

In conformity with the resolution just adopted, the PRESIDENT adjourned the session to October 14th.

EIGHTH MEETING (PUBLIC).

Held at Geneva on Tuesday, October 13th, 1931, at 12 noon.

Present: All the representatives of the Members of the Council, and the Secretary-General. Norway was represented by M. COLBAN.

2946. Presidency of the Council.

M. DE MADARIAGA, speaking on behalf of M. Lerroux, informed the Council that the latter, who was detained in Madrid by his duties there, was unable, to his very great regret, to preside over the meetings to be held in continuation of the sixty-fifth session of the Council. M. Lerroux had asked him to assure his colleagues on the Council that he would follow their work with profound interest. He had always had faith in the League of Nations, and was sure that, with the wisdom of the Council and the close co-operation of the two Powers most directly concerned, it would find a solution in the interests of the two Powers and of the peace of the world.

M. Lerroux had also asked M. de Madariaga to suggest to the Council, on his own initiative, that it would be of advantage if the Chair were occupied by the representative of the Power which should normally occupy it, although it had become customary, by a tradition of courtesy, for the Presidency of the Council at the second of its two sessions held in September to be retained by the representative of the Power carrying out those duties at the first session. M. de Madariaga therefore asked the representative of France to be good enough, if his colleagues on the Council saw no objection, to take the Chair.

M. BRIAND was sure he was interpreting the feelings of the Members of the Council in expressing deep regret that M. Lerroux' duties prevented him from coming to Geneva to occupy the position which he had filled so satisfactorily in the past. During the present session, he had had to consider and settle, or attempt to settle, one of the most delicate and serious problems which could arise before the Council of the League of Nations. He had brought his experience and talent to bear on the problem, and had shown such moral authority in carrying out this task, that it was regrettable that he could not continue the work he had begun so well.

M. Briand also regretted that in M. Lerroux' absence M. de Madariaga, with whose experience, ability and moral authority the members of the Council were acquainted, could not take the place of his chief. The reasons for which his Government and he himself had felt unable to adopt that course must, however, be respected.

M. Briand accepted the office of President since, in fact, in accordance with the rule of alphabetical order, the Presidency of the Council passed to his country. He added that, in the present grave circumstances, he would do his utmost, with the help of all his colleagues, to obtain satisfactory results and to see that once again, with the help of the two Members of the Council most closely concerned, the League of Nations carried out effectively its rôle, which was to safeguard peace.

(M. Briand took the Chair.)

2947. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

The PRESIDENT made the following statement:

The Council separated on September 30th after adopting unanimously a resolution the last two paragraphs of which were as follows:

" The Council, . . .

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

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

I think I am correctly interpreting the feelings of the members of the Council in stating that in adopting this resolution they firmly hoped that the meeting of October 14th would prove unnecessary, because the two parties would, as far as possible, have carried out the undertakings which they accepted before the Council.

The Council noted, on the one hand, the declaration made by the representative of Japan that his Government not only had no territorial designs in Manchuria, but would continue, as rapidly as possible, the withdrawal of its troops, which had already been begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals was effectively assured. The Japanese representative added that his Government hoped to carry out this intention in full as speedily as might be. On the other hand, the Council noted the declaration of the representative of China that his Government would assume responsibility for the safety of the lives and property of Japanese nationals outside the railway zone as the withdrawal of the Japanese troops continued and the Chinese local authorities and police forces were re-established.

The Chinese and Japanese representatives also gave assurances that their respective Governments would take all necessary steps to prevent any extension of the scope of the incident or any aggravation of the situation.

The Council's hopes have not been realised, although on October 9th, M. Lerroux, as President in office of the Council, solemnly reminded the two parties of their undertakings before the Council (see Annex 1334, Section XI). The meeting contemplated for October 14th has had to be summoned earlier, at the request of the representative of China (see Annex 1334, Section XIII), who has informed the Secretary-General that he has received information of a serious character from his Government with regard to further offensive military operations on the part of Japanese forces in Manchuria. This information relates principally to the bombardment of Chinchow (see Annex 1334, Section IX; Communications Nos. 52 and 53).

Further, the Japanese Government has drawn attention to the existence in China of an anti-Japanese movement which is manifesting itself in particular in the boycotting of Japanese goods and in certain acts of annoyance which are compelling Japanese nationals to evacuate certain localities. This movement is dealt with in a note handed by the Japanese Minister at Nanking to the Chinese Government, and communicated to the Council through the Japanese Government (see Annex 1334, Section X, Communication No. 12).

It appears, however, from the information at the Council's disposal that the Chinese Government has issued appeals and taken measures which at any rate outside Manchuria have prevented loss of human life. The Council hopes that this attitude will be maintained, as it is essential that calm and moderation should prevail on both sides.

In addition, the Chinese Government has informed the Council that it has made proposals to the Japanese Government, through its representative at Tokio, with a view to accelerating the evacuation of the districts occupied by Japanese troops in Manchuria outside the railway zone. The Japanese Government has communicated its reply to the Council (see Annex 1334, Section X, Communication No. 13), in which it rejects the proposals submitted to it and urges the necessity for direct negotiations between the two Governments with a view to settling all the questions at issue between them.

Finally, I must point out that the Government of the United States of America, which in circumstances of which you are aware has been kept informed of our discussions, has informed us that it is in full agreement with the Council's action (see Annex 1334, Sections V and XVI). It also announces that it has sent two officials to Manchuria as observers (see Annex 1334, Section XV).

Such is the present situation. As we are meeting to-day at the request of the Chinese representative, my colleagues will certainly desire to hear him first. I therefore call on him to address you.

M. SZE made the following statement:

I am speaking under the stress of great emotion, and, for fear lest that emotion may betray me into the use of words which may be deemed intemperate, I shall read what I have to say.

I am deeply conscious of the duties which the present serious circumstances impose upon me, and I shall strive, therefore, to utter no single word which may embitter the situation. But I do deem it necessary and proper that I should make known to the Council, in all frankness, the feelings of the Chinese people and of their Government with regard to the present crisis. I shall add, also, a statement of the issue that is now immediately before the Council, and of the very great importance of that issue.

No sooner had China been taken unawares by the events which followed the night of September 18th than she made an appeal to the League of Nations. Her territory was occupied by foreign forces and she had fallen a victim to forms of violence which generally prompt a people to use violence in return. But China refrained from this instinctive reaction and turned instead to the institution at Geneva which had been created to protect peace and to secure international justice and right. She placed her case unreservedly in the hands of the League and agreed to be guided

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in her actions by such decisions as the League might take. In this way, as you will all agree, China has given ample proof of her good faith and of her fundamentally pacific intentions. Indeed, she has done more than this. In her desire to facilitate the task of the Council, she has maintained her action within the limits which have seemed to her most conducive to an amicable solution of the controversy.

Furthermore, China has given an additional proof of her conciliatory spirit by accepting, for the time being, a procedure which, though far from being in accordance with her own wishes and best judgment, seemed to the Council to offer a feasible way of so clearing the situation in Manchuria that the further steps for a complete settlement might be more easily taken. This procedure has been put to the test and, unfortunately, has confirmed the apprehensions which the Chinese Government felt regarding it.

When, on September 30th, the Council adjourned its meetings for two weeks, it was hoped that, by October 14th, the Japanese troops would have been withdrawn to the railway zone or outside China, and that the *status quo* as it existed prior to September 18th would have been substantially restored. Instead of this hope being realised, we find, on the contrary, that not only has this withdrawal not been effected, but further acts of occupation, aggression and violence committed by Japanese troops have occurred, which have culminated in the bombing of the Chinese city of Chinchow by twelve Japanese military aeroplanes, with resulting destruction of property and the loss of a considerable number of civilian lives. It was the seriousness of this military outrage, perpetrated far beyond the localities which the Japanese troops were occupying when this Council adjourned on September 30th, that compelled my Government to ask that this body again meet at the earliest possible moment in order that it might take such action as the situation, thus increased in its gravity, might demand.

At previous meetings of the Council, I have sought to emphasise the point that the immediate issue before this body is the devising of effective means whereby a complete withdrawal of the Japanese troops to the positions or stations occupied by them prior to September 18th may be promptly secured and, in general, the *status quo ante* restored.

This is the first and preliminary step which it is imperative should be taken at once, and it is one which does not involve questions of fact existing prior to September 18th, nor should it be confused with the later distinct steps which will need to be taken in order that satisfactory relations between China and Japan may be fully re-established and maintained.

In this connection, I will quote the statement by the President of this body at its meeting on September 30th. He said:

" The Council . . . has singled out one object as being of immediate and paramount importance—namely, the withdrawal of troops to the railway zone "

As regards the urgency of the necessity for the immediate withdrawal of the Japanese troops, I venture to quote the words of Lord Cecil at the second meeting of the present session of the Council. He said:

" I do feel . . . rather strongly that any troops which are on the territory belonging to the other party ought to be withdrawn without delay. That is the course which has been taken in previous cases, and I hope we shall not make any difference in our dealings with one country rather than another."

Then, after quoting the strong words of M. Briand delivered at the Council session in Paris in October 1925, that a State could not justify the invasion of another State's territory on the ground of legitimate defence and protection, Lord Cecil observed:

" This statement was approved by my predecessor, Sir (then Mr.) Austen Chamberlain, on behalf of the British Empire, by Viscount Ishii, speaking for Japan, by M. Scialoja, speaking for Italy, and by a number of other Members of the Council. I think [added Lord Cecil] it may be regarded as the *locus classicus* as to the policy and procedure of the Council in cases of this kind."

In conclusion, I wish to touch upon certain wider issues. Throughout this time of trial, my country—I say it in all humility, but I say it with proud conviction of its truth—my country has borne itself with flawless loyalty to its obligations as a Member of the League of Nations. When our territory was suddenly invaded on a vast scale, our towns laid waste and our peaceful citizens done to death, what was our reply? It is on record in three documents.

The first is China's appeal to the League when, as I have already pointed out, the Chinese Government gave strict orders to use no violence, since it had entrusted China's case unreservedly to the League.

The second is the proclamation of the head of the Government, Marshal Chiang Kai-shek, to the nation on September 22nd:

" An hour of unprecedented gravity has struck for the entire Chinese nation. Without warning and contrary to all practice of the civilised world and all covenants freely contracted, the Japanese army has invaded our territory on September eighteenth, killed our citizens

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and inflicted indignities on our civilian and military authorities. This invasion continues. The challenge thrown to us is a challenge also to all nations. The League of Nations was established to prevent war and bring collective action into play to stop aggression. We have immediately informed the League of the aggression and have asked to obtain as a first step the immediate withdrawal of the invaders. The Council of the League is dealing with the matter at Geneva to-day. We have asked the Council, once the Japanese troops withdraw, to help in finding a peaceful solution of this conflict. We are confident that every impartial enquiry will give us the fullest justice and compensation. As we have entrusted our case to the League, the National army has received the strictest orders to avoid all possibility of clash with the invaders. We exhort the entire nation to maintain dignified calm. We have ordered all civilian authorities to take the strictest measures to protect Japanese citizens in our midst. We know how often the innocent are made to suffer for the misdeeds of militarists."

The third is the appeal to the nation by President Chiang Kai-shek on October 7th:

"In view of the situation created by the recent inundation which has rendered millions of citizens homeless and destitute, and of the external aggression which stirred our people with indignation, the present appeal is made to every Chinese. The Government, having the responsibility of dealing with the foreign Powers, is of course acting for the welfare of the nation in conformity with public opinion. However, during the time-limit fixed by the Council of the League of Nations for the withdrawal of Japanese troops, every Chinese national should all the more remain calm and strictly observe public order so as to deprive foreigners of any kind of possible excuse. The local authorities are held responsible for the protection of the lives and property of all foreign residents and, for the maintenance of order, they must also exert special caution to prevent rebellious elements from using the opportunity for starting disturbances and indulging in lawlessness. The flood relief work must be continued with increased energy and not in the least neglected."

China has therefore offered no resistance, withdrawn her troops, and maintained an attitude of dignified calm. She has done so because she is a loyal Member of the League of Nations and has put her trust in the League.

The Covenant and the Pact of Paris are our two sheet-anchors, to which we have moored our ship of State and with the help of which we believe we shall ride out this storm.

Nevertheless, the Covenant and the Pact of Paris are also the corner-stones of the worldwide edifice of peace that has been so laboriously erected in the twelve years since the world war, and, if they crumble, the edifice collapses.

For is it likely that the nations who had witnessed this tragic collapse of the Covenant and the Pact of Paris at the first great test, with all its dire consequences throughout the East—is it likely that these nations would assemble quietly at Geneva in February to disarm? Would they not rather draw the conclusion that, after all, each State must rely on its own armed forces, and on those alone? To say more on this point would be to labour the obvious—it is clear that if the Members of the League and the United States of America cannot co-operate successfully to avert this threat to peace, one of the first results will be the collapse of the disarmament movement.

With the idea of disarmament goes the idea of international security, for the two are indissolubly linked. If we fail now, when America offers her co-operation, and fail in February with disarmament, what chance have we of working out some form of permanent association, some provision for conference under the Pact of Paris to avert threats to peace?

Finally, if we fail in these things and the world is thrown back on suspicious nationalism, hostile alliances, and a race in armaments, if the East is plunged into a state of turmoil, what chance have we of securing effective co-operation in connection with the financial and economic crisis that bears so heavily on the world? That crisis widens and deepens daily, almost hourly, and we are aware, all of us, that only far-reaching and close co-operation between the civilised nations can avert disaster.

However remote and irrelevant this disturbance in the Far East may seem to the West, engrossed in its pressing cares—and it is natural that it should so seem—the web of fate binds us all together, and, unless we can co-operate effectively in this grave emergency, we shall fail in disarmament, we shall fail to inspire any confidence in international security and order, and by the same motion we shall fail to grapple with the world economic crisis.

China has put herself in the hands of the League and abides the issue with confidence in her destiny and in the moral forces of civilisation. The League cannot fail, for its success is bound

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up with the interests of all civilised nations, with those of Japan and America as well as those of China and the other Members of the League.

The continuation of the discussion was adjourned to the next meeting.

NINTH MEETING (PUBLIC).

Held at Geneva on Tuesday, October 13th, 1931, at 3.30 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General.

2948. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

M. YOSHIKAWA. — I have listened with great attention to the Chinese representative's statement. But, before answering him, I should like, in order to avoid any misunderstanding, to add a few observations to what the President has said.

He told us that, from the information at the Council's disposal, the Chinese Government had issued appeals and taken steps which, at any rate outside Manchuria, have avoided any loss of human life. The Chinese representative in his speech also emphasised the same point. It is happily true that no Japanese has been assassinated outside Manchuria recently as a result of the present agitation, so far at any rate as we know.

But the Council is aware, from the communications which it has received, of the indescribable treatment and molestation of Japanese nationals in China. In Chinese cities, our nationals are every day roughly handled, their property is stolen, food for their everyday needs is refused or even taken away from them in the open street. Women have been assaulted and injured by the crowd. The populace even molests children. During the last fortnight, there have been numerous cases of Japanese children being beaten or pelted with stones on their way to school. At Kowloon, in territory under British control, the Chinese have created serious disturbances by attacking Japanese, and several of the latter have been killed.

The danger to our nationals has been so pressing that a few naval units have had to be sent up the Yangtse (where numerous warships of the various Powers are normally stationed in peace time), to ensure the protection and evacuation of Japanese residents and even of some of our consulates. The Japanese residents of Hanchow and Chinchow, with their women and children, and those of Nanking, Wuhu, Suchow, Ichang, and Chungking, have had to be evacuated. At Changsha, Swatow and Hong-Kong the Japanese residents have had to be concentrated in places of refuge. The consulates in the Yangtse cities may be withdrawn at any moment and that of Changchow has already been withdrawn.

The President spoke of a proposal of the Japanese Government with regard to the need for negotiations between the Chinese and Japanese Governments to settle all the questions on which the two Governments differ. That might give an inaccurate impression. The Chinese Minister at Tokio asked the Japanese Government to fix a date for the definitive withdrawal of the troops within the railway zone. The reply of the Minister for Foreign Affairs was to the effect that the Japanese Government desired the withdrawal to take place as soon as possible, but that the extremely dangerous atmosphere prevailing constituted a serious peril, and Japan accordingly proposed, in order to dispel this atmosphere of tension and restore calm, to come to an understanding with China on the re-establishment of normal conditions as a preliminary basis. It is not a question of the settlement of all the points at issue, but an understanding which would relieve the tension between the two peoples and so facilitate the rapid withdrawal of the troops.

The Chinese representative, if I rightly understood him, spoke not only of a withdrawal of the Japanese troops within the zone, but also of the evacuation of Manchuria altogether. That is a point which is outside the present discussion—a point on which the Japanese Government's opinion is already known.

The Chinese representative also referred, quoting documents in support of his argument, to the Chinese Government's intentions in regard to the attitude of the Chinese troops in Manchuria and of the Chinese population in general in relation to Japanese nationals. He said that orders had been given to the troops and advice given to the population. I am compelled, however, to note with regret that in spite of the excellence of these intentions they have not proved effective in the case of the troops; for as I have already informed the Council, the Japanese troops in Changshun alone have had 150 killed and wounded, while attacks are being made every day in Manchuria by uniformed soldiers on our nationals. As regards the protection of the life and property of Japanese nationals in China itself, I cannot but observe that there has developed an agitation of unparalleled violence since the beginning of the present incidents, directed by the

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Chinese Nationalist Party, which no one can dissociate from the Chinese Government. The anti-Japanese associations, students' clubs and Chambers of Commerce are endeavouring, with official encouragement, to bring about a complete severance of trade relations with Japanese nationals, who (as I have already said) have great difficulty even in procuring food. The anti-Japanese associations molest in every way Chinese who have relations with our nationals and endeavour to bring to a standstill the most legitimate economic activities of our people in China. It is extremely disquieting to note that the places in which this anti-Japanese agitation is most violent are precisely those which are under the direct control of the Chinese Government. General Chang-Kai-Shek even attended in person a meeting organised by the Nationalist Party at Nanking on September 22nd, which despatched a circular telegram all over China recommending that trade relations with Japan should be broken off.

On the other hand, I may say that, since the beginning of the present incidents, the Japanese Government has given instructions, which have been strictly carried out, that Chinese nationals should everywhere be protected and not be molested in any way.

As regards the Chinchow incident, to which the Chinese representative referred as one of the reasons for the meeting of the Council, I have informed the Council of the circumstances in which this incident took place,¹ and I think it is in possession of full particulars on the subject.

In this connection, I should like to have read to the Council my Government's reply to the President's telegram dated October 9th.

The following communication from the Japanese Government was read:²

"1. The Japanese Government, while pursuing from the outset of the present incidents the line of action which it had decided upon of preventing any aggravation of the situation and of bringing back its troops into the South Manchurian Railway zone as and when the safety of the railway and the protection of Japanese nationals and their property was effectively ensured, has always been convinced that a friendly solution of this incident could only be obtained by means of direct negotiations between Japan and China. It was in this spirit that Japan responded to the message of the President of the Council of the League of Nations and endorsed the resolution voted at the Council's last meeting.

"2. The military operations in Manchuria have come to a standstill and the Japanese Government does not see that there has been any special development in the situation. Various facts could be regarded as creating a new state of affairs. For example, the Japanese troops have sometimes been obliged to go to the assistance of the numerous Koreans who have been victims of violent attacks on the part of Chinese soldiers and brigands in the neighbourhood of the railway line. These troops, after ensuring the protection of the Koreans and placing them in safety, immediately returned to the Zone. Or again, aeroplanes, having set out on reconnaissance on hearing that the fugitive Chinese troops were reassembling in the neighbourhood of Chinchow and were preparing to disturb order along the South Manchurian Railway, and having been assailed by the Chinese troops, retaliated by dropping bombs.

"Nevertheless, it is superfluous to remark that the Japanese troops could not humanely be expected to leave our Korean nationals exposed without defence to such outrages. The Chinchow incident is easily explicable if the present circumstances of the situation are borne in mind. The atmosphere of over-excitement created by the measures of defence which the Japanese forces have been obliged to take in face of the provocative action of the Chinese troops in Manchuria has been in no way alleviated. It is clear that no state of war exists, but the Japanese troops are obliged to observe attentively the movements of the Chinese troops and to take meticulous measures of precaution. It is in such conditions that the Chinchow incident occurred. To regard such an event, which is the consequence of the existing circumstances, as constituting an aggravation of the situation is in the Japanese Government's opinion to show a wrong appreciation of the situation as a whole.

"3. It has also been stated that the situation was being aggravated by the fact that Japanese naval units were being sent to the Yangtse. The real facts are quite different. In face of the anti-Japanese agitation by which China herself is aggravating the position, Japan has uniformly adopted an attitude of patience and of calm. She has evacuated her consulates and her nationals from the danger zones of the Upper Yangtse. Naval vessels were sent to Shanghai at the time when a protest against anti-Japanese agitation was presented to the Chinese Government. The only object of this action was to dissipate the anxiety caused by the threats to the lives and property of our nationals and to ensure, if necessary, their protection. It does not exceed the usual action taken by the Powers in similar circumstances.

"4. From the proceedings of the Council and from the resolution adopted there would appear to be a belief that, when the troops at present outside the railway zone are withdrawn, the Chinese authorities will be able to guarantee the maintenance of order in their stead. Unfortunately, the situation is as has just been described above, and not only would it be impossible to ensure the maintenance of order locally in such a simple fashion but the fact

¹ See Annex 1334, Section XX, Communication No. 17.

² Document C.706.M.312.1931.VII (see Annex 1334, Section XIV).

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that, at certain points in Chinese territory remote from the theatre of current events, threats against the lives and property of our nationals multiply daily and even call for the despatch of naval reinforcements, gives some idea of the obstacles hampering the execution of the plan of withdrawing entirely the Japanese forces within the railway zone.

"5. The Japanese Government considers that, in the existing circumstances, the most pressing necessity is to relieve the tension between the Japanese and Chinese peoples by mutual co-operation. To this end, it is essential to agree upon certain main principles to form a foundation for the maintenance of normal relations between the two countries. Once these principles have been laid down, the state of tension between the two nations will undoubtedly relax and the Japanese forces will be able to retire without apprehension within the South Manchurian railway zone. The Japanese Government is prepared to open negotiations with the responsible representatives of China on these fundamental points."

M. YOSHIKAWA, continuing, said:

I regret to see that the vigorous propaganda which has taken place in connection with current events has had the most unfortunate results on the international situation. By misrepresenting the facts and creating exaggerated alarm it has given rise to profound misunderstandings and an extreme nervousness which make it increasingly difficult to consider the situation calmly.

The party which, by spreading sensational and tendentious news, has thus misled public opinion incurs a very grave responsibility, not only in relation to its own country, but also in relation to the League of Nations and the whole world. The Japanese Government for its part, conscious of its responsibilities and actuated by the desire to preserve in the Council's discussions that atmosphere of serenity which is alone worthy of the Council and, at the same time, best fitted for a rapid solution of the question, would have felt that it was lacking in due respect to the Council, to China and to the public opinion of the world, if it had submitted information which was not strictly checked. The Japanese Government has also refrained from drawing attention to the attitude of the Chinese authorities in regard to Japan, which has led to the present events.

I regret that, in view of the situation thus created, I am compelled to insist on certain facts in connection with Chinese policy in relation to Japan, particularly in Manchuria.

The incidents in Manchuria have been the occasion of a variety of opinions and judgments, and I confess that I have not seldom been struck by the unfairness of many of them. It appears to me that the picture given of the relations of Japan and Manchuria is not an accurate one. It is essential that the Council should be informed on this question, and I desire with its permission to give here as briefly as possible certain fundamental elements of the position.

I begin with the historical facts.

In 1894, Chinese intrigues in Korea had become extremely threatening for Japan, and the latter was forced to have recourse to war. At the peace, China ceded to Japan, under the Treaty of Shimonoseki, the southern portion of the Liao-tung peninsula. The collective intervention of France, Russia and Germany on the ground that the possession of Liao-tung was a threat to Peking and to the general peace compelled Japan to forego the possession of this territory. In the following year (1896), China concluded a secret treaty of alliance with Russia directed specifically against Japan, under which she opened up Manchuria to Russia, giving the latter special privileges and the right to construct a railway across the Amur and Kirin provinces. In 1898, China of her own initiative gave Russia a lease of the territory of which the latter had previously deprived Japan, together with the right to build a new line in South Manchuria. Relying on the complaisant attitude of China, Russia continued to lay hands on Manchuria and, taking advantage of the Boxer disturbances, installed Russian troops in the province. That constituted a mortal threat to Japan, and the Japanese Government accordingly entered into negotiations with Russia to obtain consideration for Japanese interests. The records of these negotiations show that Russia regarded the possession of Manchuria as an established fact. That Japan could not admit, for it would have meant acquiescence in her own loss. Acting in ignorance of the secret Russo-Chinese treaty and relying on the Chinese declaration of neutrality, Japan thrust Russia out of Manchuria by an exhausting war of eighteen months and, while assuring her own security, at the same time safeguarded the integrity of this part of Chinese territory. Under the Portsmouth Peace Treaty, Russia ceded to Japan the lease of Liao-tung and the Russian rights to the railway line south of Changshun. China recognised these cessions by the Treaty of Peking of December 22nd, 1905.

The Japanese nation had twice risked its very existence to avert imminent peril in Korea and Manchuria, and it regards these regions as being closely associated with its destiny. All matters relating to them touch a particularly sensitive chord of Japanese national feeling. These factors cannot be left out of account in considering the Manchurian question.

The Japanese nation has no territorial ambitions in Manchuria: but it has vital political and economic interests there. It is the champion in Manchuria of the principle of equal opportunity and the open door for the economic activities of all nations. Foreign trade has increased ten times over since the arrival of Japan in Manchuria.

China also has derived immense advantages from the development of these provinces. Whereas no new railway of any importance has been built in China itself for the last twenty years, a thousand kilometres of railway have now been laid down in the three provinces. Each year hundreds of thousands of Chinese came to settle there. In twenty years, the population has

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doubled. The riches of the soil yield the inhabitants large profits. Industry has developed, and schools, hospitals and experimental stations have been erected. Cities have been built, communications have been improved. Manchuria is on the way to become an important factor in the economic life of China and the world.

It is not astonishing that Japan, after sacrificing so many lives and so much money in her struggles to safeguard her own security, should devote great efforts to the development of Manchuria. The first factor of such development is the maintenance of order. For a number of years past, armed bandits have been ravaging the countryside and levying contributions on the towns. The presence of Japanese forces has contributed immensely to increase the sense of security in these parts. The firmness of Japanese policy has prevented the civil wars which have devastated China for the last twenty years from interfering with the peaceful and laborious activities of Manchuria.

The Japanese people have invested large amounts of capital—more than two milliards of yen, or five milliards of Swiss francs—in these provinces. By treaties and by hard work, it has acquired rights and interests which are of primary importance alike for its economic and for its national existence. The Japanese nation is convinced that any attack on these rights and interests is an attack on its very existence; and it appears to me that the Japanese demand to be able to live and work freely in Manchuria, side by side with the Chinese, is at once legitimate and moderate.

For some years past, however, those who are responsible for the government of China have sought, it would seem, to ignore the past history of the question to which I have referred, and the rights and interests of Japan have been the object of innumerable attacks. Not only have the Japanese been subjected to indescribable vexations, but essential treaty rights have been openly violated.

Since the assumption of power by the Nationalist Government, even responsible statesmen have permitted themselves to make public pronouncements of a regrettable character in favour of the total abolition of our rights in Manchuria. To quote one example alone, the former Chinese Foreign Minister did not hesitate at a meeting on February 2nd last to say, with regard to the railway guards on the South Manchurian Railway, that, if Japan was not prepared to withdraw them, China would be compelled to resort to force, and that her military preparations would be sufficient to compel Japan to give way.

The campaign of insult and contempt of Japan has not failed to have its effect in Manchuria, and the attitude of the authorities in the north-east in relation to the South Manchurian Company and in relation to Japanese and Korean nationals has for some time past been singularly provocative. The latter are not only subjected to threats and arbitrary imprisonment, but their very lives and property are the object of attack, making it impossible for them to stay in Manchuria. Recently we have had occasion to deplore the massacre of a number of Koreans living in the district of Wanpaoshan.

The assassination of Captain Nakamura by Chinese troops is another instance of the insolent attitude of the Chinese in relation to us.

Acts of provocation in connection with the railway guards have also become frequent. The following are some examples of this. On July 14th last, a Japanese railway guard was arrested by the Chinese police within the railway zone itself. On August 5th, another Japanese guard was seriously wounded by a Chinaman to the south of Hai-Cheng station. On August 17th, the railway guard at Kuochiatien was forced to repel an attack of Chinese who endeavoured to prevent the passage of the train. On September 13th, the telegraph line was cut near Laokukoo station.

In face of these provocations, the Japanese Government adopted a patient and conciliatory attitude; but it was inevitable that the political atmosphere should be overcast, and that the Japanese nation should be animated by feelings of the liveliest indignation in the face of such proceedings. In Manchuria, however, the Chinese authorities, taking advantage of the Japanese Government's conciliatory attitude, became more and more arrogant and vexatious, and the tension became such that any new incident was capable of leading to a catastrophe. It was in these circumstances that the attempt by Chinese troops on the South Manchurian Railway took place on September 18th last.

The attack itself throws a singular light on the state of mind of the Chinese authorities. Up to that time, attacks by bandits on the railway line or in the zone had been frequent; but action by Chinese troops in uniform had never yet taken place.

The origins of the present events are therefore deeply rooted in the past, and the Japanese people cannot admit that these events should be treated as an isolated or fortuitous act, without referring to the sources of the trouble in the hope of improving matters in the future. The Japanese Government ardently hopes that China will appreciate the seriousness of the present situation and be prepared to modify her past attitude and enter on a new course of rational and constructive co-operation with a view to eliminating all causes of future conflicts between our two nations.

I have also to draw the Council's attention to another point. I have repeated more than once that the Japanese Government was perfectly ready to enter upon direct negotiations with China. Up to the present, we have not found it possible to realise this aspiration, which is that of the Council itself. I think that the delay is due in part to the internal political situation in China, which is extremely confused. Negotiations are taking place between the Nanking and Canton Governments; in the north Chang-Hsueh-Liang is endeavouring to maintain his position; while Feng-Yoo-Siang and Sung-Chuang-Fan appear to be making common cause.

I have given this account to the Council of the history of the problem, its importance for us, and the attitude of the Chinese authorities, as well as the possible solution. I apologise for the claims I have made on your patience, but I have been compelled to dwell at length on all these points, for the interest at issue is a vital interest, for the safeguarding of which the Japanese

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people has not hesitated to make the heaviest sacrifices in all the history of its existence as a nation. The complexity and importance of the problem now before the Council make its task particularly delicate.

In face of the situation created by the systematically vexatious manner in which the Chinese authorities deal with our essential rights and interests, the command of the Japanese troops considered it indispensable, after the incident of September 18th, to take legitimate defensive action with a view to averting at any cost the imminent danger which threatened the very existence of the Japanese in Manchuria. It is from this point of view that the operations undertaken by our troops over a relatively wide radius should be considered.

I have already stated on behalf of my Government that it is firmly resolved to withdraw its troops within the railway zone in proportion as the security and protection of our nationals is effectively assured. There is no change in my Government's view on this fundamental point.

In seeking a solution for a question of this range, too great importance cannot and should not be attached to theoretical arguments and possibilities. It is essential to take the widest views of the practical and political realities of the situation. Any proposal which is not based on the vital realities of the international situation cannot be successful. The present situation is greatly disturbed by the violent anti-Japanese agitation which is redoubling its strength throughout China, and by the acts of cruelty to which numbers of Koreans and Japanese have fallen victims during the last few days. Under these conditions, the essential and most useful task of the Council appears to me to look first of all for means of calming the minds of the public and creating a moral disarmament between the two nations. The public opinion of my country, excited beyond measure by the proceedings of the Chinese authorities, cannot be calmed until it is convinced that the perpetual menace to our rights and opportunities in Manchuria has ceased. Conscious as it is of these apprehensions, and inspired by a lively desire for a relaxation of the prevailing tension, my Government has not ceased to inform the Council and the Chinese Government of the desirability of inaugurating negotiations in the spirit of the Council's resolution of September 30th. For the same reason, my Government immediately took the opportunity offered by the Chinese Government's Note of October 4th to inform it once more (by its reply of October 9th) of its attitude in the matter.

If the Chinese Government were to make serious efforts to check the anti-Japanese agitation and to arrive, in common accord with us, at a preliminary basis for the re-establishment of normal relations between the two countries, it would do much (I am convinced) to promote the relaxation and pacification which is so much desired, thus removing the most serious obstacle to the withdrawal of our troops. The withdrawal of our troops is not conditional on the realisation of such an understanding. It is, I repeat, conditional on the security and protection of our nationals. That would, in practice, be assured by the procedure which my Government has not ceased to advocate. By all these measures and arguments taken together, we can give effect to the principles of the Council's resolution by establishing a good understanding between the two nations, as Article 11 of the Covenant says.

M. SZE. — I have followed carefully the Japanese representative's statement. He has dealt with a number of points which, in my opinion, and I am sure in your opinion, are irrelevant to the issue before you. He spoke about past history: I had the honour ten years ago to discuss, with the representatives of Japan in Washington, many of the points to which he has referred, and the stand I took then I take to-day. On many other points also I do not agree with him.

I must clear up one allegation he made with reference to a speech by Dr. C. T. Wang in February last at Ning-po. On that occasion a member of the Chinese Foreign Office explained to the Japanese Legation that the speech had been incorrectly reported. The explanation was accepted, and the allegation can therefore be dismissed without further discussion.

The Japanese representative referred to a number of other irrelevant points. I need not deal with them at length. I wish, however, to reply to them briefly. He mentioned anti-Japanese feelings and referred in particular to Hong-Kong and Kowloon, which are British possessions. I do not wish to conceal from you that there is still intense feeling in China, and that it has potentialities of danger, but the important point is to find out what caused this feeling. It has been said of philosophers that they kick up a dust and then complain that they cannot see. Is the situation not somewhat similar when the Japanese complain of the anti-Japanese feeling which exists in China? We must ascertain the reason for the continued occupation of a large part of China for almost a month and for the sufferings of the Chinese people.

Even after the Japanese representative had promised in this room that there should be no aggravation of the situation, the town of Chinchow was bombed by twelve aeroplanes and handbills were dropped. It has been said that these aeroplanes went to Chinchow to reconnoitre, but is it usual to send twelve bombers to reconnoitre and to drop bombs on a civilian population? I need not remind the Japanese representative of the importance attached to the appearance over a country of foreign aeroplanes. Only last summer two American aviators who were making a scientific tour round the world were detained when passing over Japan for reasons which were stated. And these were not armed aeroplanes. In speaking of anti-Japanese feelings, I would

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remind you that a *communiqué* sent to the Council by the Japanese representative himself states that no Japanese have been killed in China proper.

I notice that one of the *communiqués* issued by the Japanese representative complains that Chinese subjects are being compelled to break their contracts with Japanese subjects. But here we have contractual obligations, and the Chinese courts are open to Japanese subjects who can sue for civil damages.

Seeing, however, that China has been subject for so long to foreign occupation and that the people have suffered greatly, they cannot be blamed for entertaining feelings of resentment. Indeed, it is surprising that these feelings have been kept within such reasonable limits by pacific means only. These anti-Japanese feelings are spontaneous movements on the part of the people themselves. I know of no accepted principle of international law whereby a Government, however strong, powerful or autocratic, can compel its people to buy from persons whom they do not like. The newspapers contain a report of anti-Japanese demonstrations in Canton two days ago. The citizens of Canton began to burn goods which they believed to be Japanese. Whenever they went beyond the law, the Chinese police had no hesitation in firing on their own people. That is to say, the authorities did not hesitate to take extreme measures in order to preserve peace, property and life.

I said that I would not dwell on the historical aspect of this question, but in order that my silence may not be misunderstood, I repeat that I do not accept the allegations made by the Japanese representative, but maintain the position I adopted at the Washington Conference.

While we were sitting here this morning and again while we are sitting here this afternoon, Japanese army aeroplanes continue to drop bombs on open cities in Manchuria, and with your permission I beg to read to you two telegrams I have received. The first is dated October 13th, 9.40 a.m., and reads as follows:

" Japanese aeroplane opened machine-gun fire and dropped five bombs on Tausan, 130 kilometres west of Mukden, Peiping-Mukden Railway."

The second, dated October 13th, 3.45 p.m., reads as follows:

" Three Japanese aeroplanes bombed Koupangtze, 172 kilometres west of Mukden, Peiping-Mukden Railway."

The Japanese representative spoke of the security of Japanese nationals in China. A few days ago, before the city of Chinchow was bombed, the Japanese and Korean residents asked the local authorities to escort them to places of safety. Forty-four persons were so escorted. The Chinese authorities will fulfil their duty to protect Japanese nationals and escort them unmolested wherever they desire to go.

I have a cablegram which may be of interest to the Members of the Council. It was addressed to me by an American, Mr. Sherwood Eddy, who has devoted his entire life to the promotion of goodwill and a better understanding among the nations of the world.

This cablegram, which is dated October 12th, reads:

" I was present at capture Mukden. Evidence of many witnesses interviewed at time and on spot points to premeditated carefully prepared offensive plan of Japanese army without provocation of any Chinese attack producing bitter resentment when China suffering with flood disaster and world preoccupied. Japanese troops not withdrawn but all strategic points Southern Manchuria still held by Japanese and Chinchow bombed. I have testified, under oath sent Nanking and Geneva, to evidence of efforts to establish puppet independence Governments Manchuria under Japanese military control. I have forwarded sworn statement of interviews with Chinese leaders Manchuria who testify to repeated pressure of Japanese to induce them to head independence governments. Universal indignation in China taking form economic boycott which government cannot control. Efforts of Nanking Governments still peaceful non-resistance which imperil Government if pacific settlement fails. Situation critical grave developments imminent. All Orient looking to League of Nations and Kellogg Pact signatories for action. Asia believe League and Pact are on trial as well as Japan and China. Notable turning towards Soviet Russia as an ally and Communism is developing threatening widespread anarchy if League and Pact fail in this supreme crisis and menace of war. — SHERWOOD EDDY."

The Japanese representative spoke of measures of legitimate defence. I think we have already heard about that in this very room. Lord Cecil dealt clearly with the point and also called the attention of the Japanese representative to the Minutes of a previous meeting in Paris, which was presided over by M. Briand.

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With these few words, I propose to reserve my case until a subsequent occasion, when I may take the opportunity of replying to the Japanese representative at greater length.

I would merely add one word with regard to the direct negotiations to which the Japanese representative has referred. Japan's demand that China should resort to direct negotiations for the settlement of the present controversy is futile, for China will never agree to such a course so long as Japanese troops are illegally upon her soil and while satisfactory arrangements have not been made for compensating China for the wrongs done to her since September 18th.

Resort to direct negotiations between the Governments of China and Japan for determining the responsibilities of the two Governments for the events beginning on the night of September 18th and settling the reparations due from one country to the other cannot be entertained by the Chinese Government. Because of its conviction that such negotiations could not be expected to lead to satisfactory results, the Chinese Government placed the whole matter in the hands of the League.

Indeed, Japan herself first rejected direct negotiations. After the occurrences of September 18th, she did not limit her action to meeting the precise local condition (whatever that was) by localised action, and dealing with the immediate need for defence (if there was such a need). Without waiting for direct negotiations, she sent large numbers of troops into China, established military occupation in important places over a wide area of China, and carried on military operations which resulted in the loss of many Chinese lives and the destruction of much Chinese property. Thus Japan herself abandoned any possible resort to direct negotiations and made it necessary for China to appeal to the League to prevent further acts of violence and to help her to obtain relief and reparation for the injuries already committed. Surely, it is not now right or reasonable for Japan to claim that the adjustment of the whole controversy should be effected through direct negotiations.

In referring to the bombardment of the open town of Chinchow, where many lives were lost, I hesitated to read the whole document describing the real intention of the Japanese reconnaissance, but, with your permission, I will read a part of that handbill, omitting that part which is not suitable for reading in public:

" The Imperial [Japanese] Army, which, in accordance with the principles of justice, is endeavouring to safeguard its interests and to protect the masses, will never recognise the Provisional Government of Chang Hsueh-Liang at Chinchow, and therefore it is obliged to take drastic measures to suppress such a Government. The people of Chinchow should submit to the kindness and power of the army of the Great Japanese Empire and should oppose and prevent the establishment of Chang Hsueh-Liang's Government, otherwise they will be considered as decidedly opposing the army of the Great Japanese Empire, in which case the army will ruthlessly destroy Chinchow."¹

I would add one word with reference to the Japanese representative's historical survey. He did not mention the treaties of May 1915, resulting from the "Twenty-One Demands" which his country addressed to China.

M. YOSHIZAWA. — It is my duty to reply to the Chinese representative point by point.

I considered it necessary to explain the history of Manchuria in order to give you an idea of our position in regard to China. I know that the Chinese representative was present at the Washington Conference and explained China's attitude on that occasion, but I do not wish to enter into the details of the discussions which took place at that time. The results embodied in the treaties, protocols and Minutes confirm the views I have expressed.

The Chinese representative refuted my statement with regard to the speech made by Dr. C. T. Wang, ex-Chinese Minister for Foreign Affairs. That statement was based upon a telegram from the Minister for Foreign Affairs in Tokio, and I am convinced that I have not been misinformed.

He then referred to the anti-Japanese movement in China. In this connection, I intended to point out that the orders given by the Chinese Government, or the leaders of the Government, have not been faithfully observed. I have already communicated certain information to the Council in document C.703.M.309.1931.VII,² and, in addition to that information, we have been informed of many cases of maltreatment of Japanese residents in China by the Chinese population.

Prior to the incident of September 18th, we had for some years past been subjected to much ill-treatment and outrage. I will give one example relating to Japanese merchant vessels and warships fired upon by Chinese soldiers. During the year March 1930 to February 1931, merchant vessels and warships were fired upon 145 times by Chinese soldiers. That is a single case, which I take the opportunity of mentioning here, but if necessary I can at a later date give my colleagues information regarding other cases of outrages committed upon our nationals in China. I would

¹ Document C.691.M.299.1931.VII.

² See Annex 1334, Section XX, Communication No. 16.

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further mention that stones were thrown at Japanese school-children in Shanghai. Ninety-six such cases have occurred since September 18th.

The Chinese representative then dealt with the Chinchow incident. The circumstances have been fully explained in the note which I addressed to the President of the Council and I need not therefore go further into details. My note fully explains my Government's attitude. I wish, however, to add one word. The Japanese army, which is outnumbered, is very sensitive to any attack made by the Chinese army, and the incident in question arose from the fact that the Chinese army sent many soldiers east of Chinchow clandestinely to make contact with troops east of the South Manchuria railway. Moreover, Japanese aeroplanes were fired upon by the Chinese army and found it necessary to drop bombs.

The Chinese representative also referred to a new incident reported to have taken place at Koupangtze. I have not yet been informed of this incident.

He stated that the Japanese consuls expressed their thanks for the protection of Japanese residents in Chinchow. If those residents have been protected, our consuls ought to express their thanks which, of course, I fully endorse.

I would point out that, although our nationals in China are being subjected to maltreatment, Chinese nationals living in Japan are protected, as I stated in my last statement, and I presume that the Chinese Minister in Tokio will have expressed his thanks for that protection.

The Chinese representative referred to the calamity caused by the flood. I may say that the Japanese population—not only Government officials, but the entire nation—expressed its most cordial sympathy in a concrete manner. Government officials, including the higher officials of the Foreign Office, made contributions, and relief associations sent a delegation to China with an enormous amount of material and money. They were unable to get into touch with the proper quarters, however, and were obliged to return to Japan.

The Chinese representative referred to direct negotiations. As I informed the Council at its last meeting in September, we have been and shall be faithful to the principle of direct negotiations. In the proposal contained in the reply addressed to the President of the Council, my Government suggests that it is essential to reach agreement on certain principal points as a basis for negotiation. My Government's intention is that these negotiations shall not include details relating to the settlement of the conditions resulting from the incident of September 18th, but shall only deal with the bases of negotiation, with a view to reaching agreement with China on the matter of evacuation, and so on. Without such preliminary negotiation, it is impossible for us to withdraw our troops into the railway zone in view of past experience in analogous cases. For instance, as the representative of China well knows, on the occasion of the Washington Conference Baron Shidehara, Minister for Foreign Affairs, made an arrangement with the Chinese delegate for the evacuation of our troops from the Province of Shantung. About three years ago when we had withdrawn our troops from Tsinan, I myself negotiated with Dr. C. T. Wang, and a detailed programme for evacuation was agreed upon between us, which, at the request of the Chinese Government, was not carried out. A little later on, in conformity with a request made by the Chinese Government, we scrupulously withdrew our troops from the territory in which they were stationed. In view of this experience, my Government finds it necessary to come to some arrangement as a preliminary to the complete withdrawal of our troops.

M. SZE. — The representative of Japan has been good enough to tell us that the Japanese army is very sensitive to criticism. But that sensitiveness is not a monopoly of the Japanese army.

With reference to the Chinchow incident, he said that Chinese soldiers fired upon Japanese aeroplanes, which were forced to drop bombs. I wonder whether he would produce before the Council evidence of that attack. As I have already said, there are no anti-aircraft guns in the possession of the Chinese Army at Chinchow or at the railway station.

He referred to the flood. When I first addressed the Assembly, I gave due recognition to Japan for her assistance. As regards subsequent events, I had the honour to circulate two telegrams, one from the people who were starving in Hankow and one from the Chairman of the Flood Relief Commission, and there is therefore no need for me to go into the matter further.

The representative of Japan also referred to experience of previous direct negotiations for the withdrawal of troops. In one case, I had the honour of negotiating with Baron Shidehara in Washington, and in another the Japanese representative himself negotiated with the Chinese Minister for Foreign Affairs; but the present case is not analogous to those two previous cases. Had they been similar cases, China, as a loyal Member of the League, would have asked the League to examine them.

Moreover, in referring to what might be expected, in the light of previous experience, from direct negotiations, the Japanese representative omitted to refer to the results for China of the direct negotiations carried on with Japan after the latter had presented its "Twenty-One Demands" in 1915.

M. YOSHIZAWA. — It is unnecessary for me to make any further observations at the moment. I would merely say that I disagree with the representative of China on certain points.

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Lord READING. — With reference to the two telegrams read by the Chinese representative regarding bombing operations, I hope that the Japanese representative will obtain full information for us, and will present it to the Council without delay.

M. YOSHIZAWA. — I shall not fail to ask my Government for full information.

The PRESIDENT. — We have heard the very complete explanations of the parties to this dispute. We note that Japan repeats the assurance, given at a previous meeting, that she has no ulterior motive and is ready to evacuate the places which her forces have occupied, provided, and this is her only reservation, she feels that the security of the persons and property of her nationals is guaranteed. The representative of China has told us that his country has no intention whatever of resorting to reprisals, and that, in spite of the excited state of her people, China is refraining from anything which might lead her nationals to commit serious acts.

To my mind, at least, that is a situation which—seeing that it exists between two Members of the League of Nations, both of whom, by exceptional good fortune, are Members of the Council—gives reason to hope that this dispute, though already serious, will not assume the proportions of a catastrophe. That is my impression after hearing the Japanese representative's statement that, as regards guarantees and conversations for the purpose of obtaining them, he has not in mind negotiations on the situation as a whole, but simply the possibility of conversations on questions relating directly to the problem of the occupation. It is also my impression after hearing the affirmation of the Chinese Government's intention to protect the lives and property of Japanese nationals. I cannot, then, believe that a dispute of this kind will lead to an irremediable situation.

The Council is faced with one of the most important and difficult duties which the League of Nations could be called upon to perform. It will perform that duty with the necessary firmness when it has obtained full information as to the causes and extent of the dispute, and the means of settling it.

I have been confronted in the past with similar—though not identical—cases, and I can say that what enabled the League of Nations and the Council to discharge their duty was the confidence which both parties placed in the League.

The representative of China has just told us—and I am not surprised—that the situation with which his country is faced naturally causes irritation, and may lead to serious events. The Japanese representative has said that certain military acts have been carried through under the influence of anxiety. Soldiers readily feel such anxiety, and when they do so they act. That I understand. But I want to distinguish between facts capable of explanation, which do not create an irremediable situation and those which may place us before such a situation. The League of Nations has been able to act effectively and to settle disputes because the parties, trusting in the League, have been prepared to do everything in their power to facilitate its task.

I therefore ask for an assurance that pending a solution the situation shall not become worse, that no new incidents shall render our task more troublesome and the settlement more difficult. I know our colleagues; I know that the two great nations they represent here realise what a terrible responsibility would rest on the nation which, at so grave a time, brought about a catastrophe that would be felt throughout the world.

I am sure our colleagues will advise their Governments to have confidence and patience, and to avoid anything which might render the situation more serious and complicate the Council's task, which is already so heavy. I am convinced that we shall then achieve the object we all desire.

Let us not go into details to discover which points are strictly accurate and which not quite so accurate, but let us look at the situation as a whole. Two nations opposed to each other as a result of a serious misunderstanding are still in touch; they have not broken off relations and their representatives are even sitting at the same table and are able to discuss matters calmly, coolly and courteously, as we have heard them do to-day. What a lesson for those who say that the League of Nations is not worthy of the confidence which the nations have placed in it!

The confidence in the League shown by both parties must continue. It must be accompanied by patience if we are to do our share. We can assure the two parties that we shall not fail in our duty. We shall discharge it resolutely with the means—unfortunately limited—at our disposal. Nevertheless we shall fulfil it. I am sure that if you will help us—and I do not doubt that that is your intention—we shall achieve the aim we all desire.

The next meeting will take place at a later date, of which I will inform the Members of the Council.

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TENTH MEETING (PRIVATE).

Held at Geneva on Thursday, October 15th, 1931, at 5.30 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General.

2949. Appeal from the Chinese Government under Article 11 of the Covenant (continuation):
Proposal to invite the Government of the United States of America to be represented at the Council Table.

The PRESIDENT recalled the satisfaction expressed at previous meetings at the close contact established between the Council of the League and the Government of the United States of America. The Council had taken steps to keep the United States Government informed of the developments of the question with which the Council was at present concerned. It had also expressed the hope that the United States Government would in its turn send communications to the Council. The United States Government had welcomed this form of co-operation.

The Council had further expressed its appreciation of the fact that the United States Government had embarked on closer collaboration with the Council.

In accordance with the above desire, he had drafted an invitation to the United States Government in the following terms:¹

"In the course of the discussion, the opinion has been expressed that the question before the Council concerns the fulfilment of obligations arising, not only from the Covenant of the League of Nations, but also from the Pact of Paris.

"This opinion is certainly well founded, since, in accordance with Article 2 of that Pact:

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

"Foremost among the signatories of the Pact of Paris appear the United States of America. The United States was one of the proponents of the Pact, and I may be allowed to recall that I had the honour to be associated with the then Secretary of State of the United States as joint-author. In consequence, the United States may be regarded as being especially interested in ensuring a settlement of the present dispute by pacific means.

"Moreover, the Government of the United States, with which communications regarding the dispute before the Council have already been exchanged, has expressed its wholehearted sympathy with the attitude of the League of Nations, and has affirmed its desire to reinforce the action of the League. I feel confident that I shall be meeting the wishes of my colleagues in proposing that we should invite the Government of the United States to be associated with our efforts by sending a representative to sit at the Council table so as to be in a position to express an opinion as to how, either in view of the present situation or of its future development, effect can best be given to the provisions of the Pact. By this means, also, the opportunity will be afforded him of following our deliberations on the problem as a whole.

"I am sure that any action that might be taken under the Pact could not but strengthen the efforts which are now being made by the Council, in accordance with the obligations imposed upon it by the Covenant of the League of Nations, to effect the peaceful settlement of the problem under discussion."

The President added that the text submitted was, of course, open to amendment.

M. YOSHIZAWA asked that the letter which he had addressed to the President that morning should be read to the Council, together with the reply of the latter.

The PRESIDENT said that he would not have ventured to communicate to the Council the Japanese representative's letter or his own reply without having first received M. Yoshizawa's permission to do so. As, however, the latter had expressed a wish for the letters to be communicated to the Council, he would now have them read.

¹ Document C.721.M.326.1931.VII.

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Letter, dated October 15th, 1931, from M. Yoshizawa to the President of the Council.

"In the course of the conversation I had with you yesterday, I had the honour to inform you that I felt certain doubts on constitutional grounds as regards the question of inviting the United States Government to be represented in the Council of the League of Nations. The following are the main points which, we think, need to be cleared up:

"(1) When there is any question of inviting a Member of the League or a non-member State (we will assume that they are on a footing of equality according to the Covenant) to send a representative to sit on the Council, ought it not to be settled whether the question before the Council specially affects the interests of that Member or non-member State (Article 4, paragraph 5)?

"(2) When a question is brought before the Council under Article 11 of the Covenant, can there be any Member or non-member State whose interests are specially affected by the matter within the meaning of Article 4, paragraph 5?

"(3) When the Council decides to invite a non-member State to send a representative to the Council, on what footing will he sit in the Council?

"If he sits as an observer according to League precedent, is he entitled to take part in the discussions?

"If he sits on a footing of equality with the Members of the Council, has he the same rights and duties as they have?

"(4) If the Council should decide to invite a non-member State to be present at the proceedings of this session, would it be the Council's intention to create a precedent which would necessarily be followed whenever any matter was brought before the Council under Article 11?

"(5) Should not the Council's decision to invite a non-member State to send a representative to sit in the Council be taken unanimously, according to the normal rule laid down in the Covenant?

"I should be very grateful if you would give me your views on this matter, and I have the honour, etc.

(Signed) YOSHIZAWA,

Japanese Representative on the Council."

Letter, dated October 15th, 1931, from the President of the Council to M. Yoshizawa.

"I have the honour to acknowledge the receipt of your letter of the 15th instant.

"My impression is that that letter is based on a misconception. Article 4, paragraph 5, of the Covenant does not come into the matter. It has never been suggested that the representative of the United States of America should be invited to sit as a Member of the Council; but at the outset the Council unanimously decided to communicate all information relating to the question to the United States Government, and to ask the latter to make any communications to the Council that it might think fit. That is what has been done, and, accordingly, the Council has on several occasions received important communications from the United States Government. The present proposal, made with the same intention and in order to co-ordinate the joint efforts of the Council and the United States Government, is that the latter should be invited to send a representative who would sit at the Council table, but not as a Member.

"In any similar cases which may occur in the future, the Council will probably decide to act in the same way.

"As you will see, the question of the proposed invitation is quite definitely one of procedure, and can therefore be decided by a majority vote.

"To prevent any misunderstanding, I enclose the text of the remarks I propose to make to the Council when I ask my colleagues to address the invitation to the United States Government.

(Signed) A. BRIAND,

President in Office of the Council."

M. YOSHIZAWA said that the substance of the President's reply, which had just been read, was at complete variance with his own opinion on the matter. Under these circumstances he could not accept the President's proposal.

This was not, in his opinion, a question of procedure. All decisions on questions arising in virtue of Article 11 of the Covenant had to be unanimous. In support of that view, he quoted an opinion of the Permanent Court of International Justice issued in 1925 to the following effect:

"In a body constituted in this way, whose mission is to deal with any matter 'within the sphere of action of the League or affecting the peace of the world', observance of the rule of unanimity is naturally and even necessarily indicated. Only if the decisions of the

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Council have the support of the unanimous consent of the Powers composing it will they possess the degree of authority which they must have; the very prestige of the League might be imperilled if it were admitted, in the absence of an express provision to that effect, that decisions on important questions could be taken by a majority. Moreover, it is hardly conceivable that resolutions on questions affecting the peace of the world could be adopted against the will of those amongst the Members of the Council who, although in a minority, would, by reason of their political position, have to bear the larger share of the responsibilities and consequences ensuing therefrom."

The Japanese representative then caused to be read the following memorandum embodying the Japanese Government's opinion on the question:

" I. An invitation to the representative of any non-member State to take part in the proceedings of the Council of the League of Nations would raise rather difficult constitutional questions when the Council is dealing with a matter submitted to it under Article 11 of the Covenant.

" The provisions of the Covenant relative to the invitation of a Member of the League of Nations to take part in the Council's proceedings are explicit. According to Article 4, paragraph 5:

" ' Any Member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.'

" We are aware of one concrete case in which the Council was called upon to pronounce on the scope and practical application of the provisions of the above paragraph.

" From the decision taken by the Council on that occasion, it appears that a matter specially affects a Member of the League when the Council is discussing a particular question of limited scope, whereas a matter of general interest does not specially affect any one Member even though it may affect a certain number of Members. In respect of matters coming within this latter category, the question of inviting a Member to send a representative to take a seat at the Council table would not arise.

" II. Apart from the case dealt with in Article 17, the Covenant of the League of Nations contains no provision defining cases in which a non-member State shall be invited to send a representative to take a seat at the Council table unless the Council takes action in pursuance of treaty provisions expressly recognising its competence to deal with a matter affecting a non-member State (for example, the frontier dispute between Turkey and Iraq submitted to the Council in 1924).

" It may be argued that the Council is free to decide whether or not it is desirable to invite a non-member State to send a representative to take a seat at the Council table. Without going into this point, it may nevertheless be maintained that, if in a given case the Council decides to invite a non-member State to send a representative to take a seat at the Council table, it should at least comply with the spirit of the Covenant. This spirit is expressed in the decision of the Council to which reference is made above.

" In accordance with that decision, it seems natural and desirable that a non-member State should be invited to send a representative to take a seat at the Council table when the latter is dealing with a question which specially affects its interests. Such is the case when the Council has to deal with a concrete and definite question. The position is different when the question at issue is a general one.

" III. Article 11 (paragraph 1) refers to cases of war or threat of war which are a matter of concern to the League of Nations as a whole, irrespective of whether any one Member of the League is directly affected or not (the same argument applies to the provisions of Article 11, paragraph 2).

" When a Member of the League submits a matter to the Council under Article 11, that matter concerns the League as a whole—that is to say, all the Members of the League. In addition to the parties at issue, all Members of the League have an equal interest in a matter submitted to the Council under Article 11. According to the Covenant, therefore, no Member can be peculiarly interested in such a matter. When all the Members are interested, it is impossible for any one Member to be particularly interested.

" Should the Council, when discussing a matter submitted to it in pursuance of Article 11, invite any Member not represented on the Council, it must invite all the Members of the League—a deduction which has not hitherto been made.

" Even if we admit the hypothesis of the Council's freedom of decision, it is impossible to deduce from it the conclusion that the Council is free to regard a given State as being peculiarly interested in the matter submitted to it, for the simple reason that Article 11 cannot be of peculiar interest to any given State. A decision by the Council to invite a non-member State to send a representative to take a seat at the Council table would, for the reasons mentioned above, be contrary to the fundamental principles of the Covenant.

" IV. Even if the above arguments were regarded as irrelevant, difficult questions would be raised if the Council were to decide to invite any non-member State to send a representative to take a seat at the Council table.

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" In the first place, it would be necessary to decide in what capacity the representative of a non-member State would sit at the Council table. At first sight it might be maintained that he would sit there as an observer. Leaving out of account the fact that such a procedure would be unprecedented, it should be pointed out that, according to the traditions established in practice by the organs of the League, an observer enjoys a unique position. Difficult questions would also be raised if the representative of a non-member State were to sit at the Council table on a footing of equality with the other Members. In the first place, it is necessary to decide whether, through the mere fact of sending a representative to sit at the Council table, the non-member State would assume the same rights and duties as any other Member of the Council. In the second place, we should know whether the Council is not obliged to accede to a request from any other non-member State to send a representative to sit at the Council table. Finally, we should know whether the Covenant recognises a difference of rights and duties between Members of the Council as such, as the presence at Council meetings of the representative of a non-member State might lead to differences of rights and duties according to the decision taken in respect of the previous point.

" V. Even if it is admitted, on the above considerations, that the Council has complete freedom of decision as regards the invitation of a non-member State to send a representative, the question then arises of how such a decision is to be taken. Except where otherwise expressly provided in the Covenant, decisions of the Council require the agreement of all the Members of the League represented at the meeting, it being understood that all matters of procedure may be decided by a majority vote.

" Without attempting a detailed discussion of what is meant in the Covenant by 'all matters of procedure', it may be said that the expression refers to all matters not relating to the substance or merits of a problem. In the present case, two things have to be distinguished—namely, the question of substance arising in regard to the invitation of a State not a Member of the League, and the question of the sending of the actual invitation after the question of substance has been settled. As regards the question of substance, the merits of the case have to be considered in the light of the considerations above indicated, the decision on which can only be taken by a unanimous vote. The only question on which a majority vote is allowable is the question of the sending of the invitation, for this is a question of procedure.

" It should, moreover, be noted that any action taken by the Council under Article 11 is of such importance that it should be decided in accordance with the normal rule which requires unanimity. (See the Opinion of the Permanent Court of International Justice, Series B, No. 12, pages 29 and following.)"

Lord READING was not clear whether the Japanese representative did or did not object to the invitation which the President had proposed. If he did not object, the question was settled.

M. YOSHIZAWA replied that he had not said that he had any objection to raise to the invitation. He was not prepared to say at the moment whether he had any objection. What he had said in his letter was that he had some doubts as regards the question of the invitation, which not only involved an important constitutional issue, but also raised a large number of other legal points. Until his doubts in the matter were resolved, he could not say whether he had or had not an objection to raise. He asked the Council to refer the matter to a committee of legal experts, which would report to the Council.

The PRESIDENT said that the Council had two questions before it—one a question of principle or a constitutional question, and the other a question of fact. The latter could be settled by a vote. If it appeared that there was opposition to the proposed invitation, the question arose whether a simple majority vote was sufficient for the acceptance of the proposal. The best solution in so delicate a matter would be unanimous agreement. He observed that the Japanese representative had always welcomed the previous efforts of the Council to associate the United States of America with the Council for purposes of mutual co-operation; and he had expressed satisfaction at the communications which had passed between the Government in Washington and the Council. If he felt that this form of co-operation was not one to be rejected, that would, in fact, settle the matter. He could then proceed to make a reservation concerning the constitutional questions he had raised.

If, on the other hand, the Japanese representative rejected the substance of the proposal, the problem then became very much more difficult to solve.

M. Briand asked the Japanese representative to consider what his proposal really meant; he thought there was a misunderstanding between his Japanese colleague and himself.

M. Yoshizawa was obsessed by the machinery of Article 4, paragraph 5, of the Covenant, which had, indeed, been applicable to a large number of cases that had arisen. Was this a similar case? Not at all. It was quite a different case. In the case which M. Yoshizawa had in mind, a Member of the League which was not a Member of the Council was "invited to send a representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League". In such a case, the representative of the State in question was not invited to take his place at the Council table for the purpose of making communications but to incorporate himself with the Council. He became for all purposes a Member of the Council. He deliberated and voted with the Council, and took part in all its decisions.

If such were the present case, he could well understand the hesitation of the Japanese representative. But what was proposed in the present instance was merely to prolong, by more continuous contact, a form of co-operation which already existed. The co-operation in question had taken the form up to the present of a diplomatic exchange of notes and information. Would it not be simpler if this communication were made by word of mouth? The United States

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representative would not thereby become a Member of the Council. He would not vote. He would merely take his seat at the Council table, listen to the discussion on behalf of his Government, and make communications to the Council. There was not much difference between this new form of co-operation which M. Briand proposed and the form of co-operation which had existed for the last few weeks.

He warmly urged the Japanese representative to reflect as to the course he was taking. Did he really think it desirable to raise, in connection with this relatively moderate proposal, a big constitutional discussion on far-reaching questions of principle?

If the Japanese representative did not desire to raise objections to the proposed invitation, he asked him to simplify the problem by treating it as a pure question of fact. If he could see his way to take up such an attitude, it could not fail to have a satisfactory moral effect.

In any case, it would be understood that the point raised by the Japanese representative would remain fully reserved.

M. YOSHIZAWA said he was grateful for the President's sympathetic observations. Japan had maintained very intimate relations with the United States of America in the past; it still maintained such relations and would unquestionably continue to do so in the future.

The point under discussion, however, seemed to him to have nothing to do with the political relations between the Japanese Government and the Government of the United States. The point under discussion, as he had already said, was one which concerned the very constitution of the League of Nations. He regretted that his own view differed from that of the President. He had already explained the reasons for the difference, and he had nothing to add to what he had already said on the subject.

Lord READING said he would consider it most unfortunate if the very important question which at present divided the Japanese and the Chinese Governments were to be in any way put on one side or its solution postponed because an accessory constitutional question had been raised. He, too, thought there was a mere misunderstanding between his Japanese colleague and the other Members of the Council. He had not much to add to the apposite observations made by the President. Like the latter, he was sincerely desirous that the Council should be able to realise unanimous agreement. There should not be any expression of divergent opinion in that agreement, or, at any rate, no negative vote.

In reality, the difference to which he had just referred resolved itself into very little, when once the question was approached in its true aspect. He proposed to explain once more what exactly should be understood by the President's proposal. The situation presented itself as follows:

An appeal was addressed to the Council in virtue of Article 11. The Council proposed to invite the representative of a Government to take his place at the Council table. There was no question of this representative participating in the decisions which the Council would have to take under the Covenant. The fear of the Japanese representative seemed to be that the representative of the United States would sit as a Member of the Council.

If that were the case, the question of the invitation would, in fact, become a question of substance, instead of being a question of procedure. But that was not the case, since the invited representative would sit, not as a Member, but merely for the purpose of making verbal communications to the Council and informing his Government.

The Council would be happy if the authorised representative of the United States Government were in a position to place it directly in touch with his Government's views on questions as important as that of the Chinese Government's appeal. The excellent relations which existed between the Japanese Government and the Government of the United States, to which M. Yoshizawa had just referred, were one more reason in favour of this direct co-operation.

Moreover, on several occasions the League of Nations had benefited by this co-operation of the United States of America, and Japan had derived profit from it in the past, as had the other Members of the League. If the question were approached from this angle, the delicate constitutional problem raised by the Japanese representative disappeared entirely. Moreover, as the President had said, if M. Yoshizawa desired, it was perfectly possible to reserve this constitutional question.

Above all, the Council should not lose sight of, or relegate to the background, the real question which was responsible for the present meeting of the Council. The question was one of putting into practice, with the assistance of the Japanese and Chinese representatives, all possible peaceful means for the purpose of preventing acts of hostility which might speedily become acts of war.

Lord Reading, reverting to the proposal made by the Japanese representative to submit the question which caused him concern to a committee of experts, thought there was again the same confusion to which he had referred. This also applied to the quotation which M. Yoshizawa had read from an opinion of the Permanent Court of International Justice. The question was, in reality, quite different.

All the Members of the Council were undoubtedly agreed in thinking that, if a question of substance were raised in virtue of Article 11, unanimity of the Members should be the rule. But in this case no question of substance arose; it was a question of procedure. The Council was dealing with the question of inviting a non-member State to appoint a representative for the purpose of making communications and taking part in discussions. As this representative would not have a right to vote on any matter, how could it be a question of substance to decide whether it was desirable or not to address such an invitation to the Government of the United States?

Moreover, the Japanese representative had himself stated in writing at the end of his memorandum that "the only question on which a majority vote is allowable is the question

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of the sending of the invitation, for this is a question of procedure". Lord Reading thus felt justified in assuming that the Japanese representative himself admitted that the question was one of procedure. The invitation in itself had obviously nothing to do with Article 4. But the whole argument of the Japanese representative was based precisely on that article.

Again, if the Council invited the United States Government to send a representative to the Council as a member, Lord Reading could understand M. Yoshizawa's scruples. But, on the contrary, the Council was discussing a question which actually came very closely within the limits of the sentence his colleague had himself written.

To sum up, Lord Reading thought that M. Yoshizawa had himself concluded in his memorandum that the question of the invitation was a question of procedure. In view of the delicate character of the subject under discussion, Lord Reading hoped M. Yoshizawa would not persist in the misunderstanding which he had himself done his best to dissipate, and to which the President's letter to the Japanese representative had already drawn attention.

M. YOSHIZAWA said he understood Lord Reading's point; but, unfortunately, the latter's opinion differed from his own.

Lord Reading had quoted a sentence from the Japanese memorandum. He would ask him to give his attention also to the sentences preceding the one quoted.

M. Yoshizawa further referred to a sentence in the President's proposal to the following effect: "The representative of the United States Government will thus 'be in a position to express an opinion as to how, either in view of the present situation or of its future development, effect can best be given to the provisions of the Pact'." That was a very important point.

He hoped the President would take into consideration his proposal to refer the constitutional point he had raised to a committee of legal experts.

M. DE MADARIAGA was in complete agreement with the President and Lord Reading. The wording of the President's letter did not in any way go beyond what Lord Reading had said.

He did not propose to dwell on the difference between Japan and the other Members of the Council, or on the distinction between the question of procedure and the question of substance. He would merely note the differences of view in M. Yoshizawa's successive statements.

He wished, however, to point out to the latter that the real issue with which the Council was confronted was the question of *time*. It was now October 15th; ever since September 18th—that was to say, for nearly a month past—a state of affairs had prevailed in Manchuria which was very difficult to define, and as to which he would only say that it was not exactly in conformity with the spirit of the Covenant.

The Japanese representative had read a document to the Council in which he maintained that the latter should act in the spirit of the Covenant in connection with the application of Article 11. But were not certain recent events in conflict with the spirit of the Covenant? He did not presume to offer an opinion; he merely registered the facts. However, he was surprised that stress should be laid on a subtle legal point and that, in connection with the proposed invitation to the United States, consideration should be given to the infinitesimal extent to which the Council might be departing from the spirit of the Covenant, while the real question of the application of the spirit of the Covenant—that was to say, the question of the events in Manchuria—was left apparently in suspense.

He felt sure M. Yoshizawa would do the Council the justice to admit that, from the first, it had appreciated the very great difficulties of the situation, the immense distance of the scene of events from Geneva, and the complexity of the factors involved, and that it had carefully avoided any precipitate decision in regard to the substance of the matter. The substance of the matter consisted in the somewhat serious operations which could not frankly be described as anything other than "military" operations. Both sides admitted that cities had been bombarded from the air. That was a very serious situation of fact. He did not presume to pass judgment on the question of responsibility. He merely pointed out that there was responsibility, and that the public opinion of the world was moved.

He accordingly appealed both to the Council and to the Japanese representative. The Council was hard pressed by the consideration of *time*. It was already an open secret that the Council was proposing to address an invitation to the United States. The question of that invitation called for solution at the earliest possible date, and it was desirable that the decision in the matter should be unanimous.

He had every respect for the legal scruples of the Japanese representative, and he supported the President's proposal. He urged M. Yoshizawa to accept the proposal to invite the United States Government to take a place at the Council table in the terms proposed by the President and Lord Reading, the legal question which had been raised being strictly reserved.

He begged M. Yoshizawa to endeavour to realise, and to inform his Government, that the Council was moved both by its responsibility and by the growing pressure of public opinion, and that it was bound to take up and solve the question of substance as soon as possible.

The PRESIDENT observed that the Council had before it two possibilities. Either it must vote on the proposal for the invitation which was put forward at the beginning of the meeting, ascertain whether there was a majority in favour or unanimous agreement, and, in the event of the proposal being accepted, take the necessary action. Or, on the other hand, the Council might accept the Japanese representative's proposal to appoint immediately a committee of jurists to settle the difficulty as quickly as possible.

But, in the latter case, did the Japanese Government intend to accept the Committee's opinion, whatever it might be, and to defer to it? If not—if, that was to say, the Japanese

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Government was not prepared to undertake to accept the Committee's opinion—it was really not worth while to undertake the study in question. Time pressed, as the Spanish representative had pointed out. The question of the invitation could not be left over for reasons of fact and delicacy, which the Japanese representative would be among the first to appreciate.

He fully realised M. Yoshizawa's situation. M. Yoshizawa belonged to a generous nation, but nevertheless found himself in the position of having to resist. But, even at the risk of unduly pressing the point, he wished to make a last effort to persuade his Japanese colleague. He reminded him that everything had been said which had to be said as to the nature of the step which it was proposed the Council should take, and as to the question of principle, which would be reserved in its entirety. He could not help thinking that, if M. Yoshizawa could make an effort of goodwill in the matter, the Council would be able rapidly to come to a decision. The serious scruples of the Japanese representative would be safeguarded, since he would have taken the precautions with regard to the future which he considered essential and which would have been taken into account to the fullest possible extent. The question of fact, however, would be settled, and the United States would continue to co-operate with the Council in a form which was practically the same as before.

He begged M. Yoshizawa not to raise any difficulty in the way of the proposed invitation. All his reservations would be duly recorded and the questions raised thereby would be reserved.

M. YOSHIZAWA replied that he must ask the President to appoint a committee of legal experts to study the question of principle. In making that request he was complying closely with his Government's instructions.

Lord READING asked M. Yoshizawa to say whether he was prepared to accept the decision of the committee of experts, if it were set up.

M. YOSHIZAWA said he could not give a final answer as to whether he would or would not be able to accept the result of the experts' investigation. He would, of course, give the fullest attention to the report, if the Committee were appointed.

The PRESIDENT said that M. Yoshizawa's reply brought the Council face to face with an extremely delicate situation. Time pressed. The painful aspects of this matter of the proposed invitation—if a final solution were not reached—were plain to all. On the other hand, if the Council set up a committee of experts and the latter gave their opinion in accordance with the views of the present majority of the Council, and the Japanese representative then proceeded to make reservations as to the committee's decisions, the situation would be even worse than at present. In these circumstances he could not believe that the Japanese representative desired to expose the Council to such a risk.

He repeated once more that the question of fact must be promptly settled. The question of principle would be duly reserved by the Japanese representative, and the views of the latter recorded. He might add that the Council was in some sense a committee of experts, and certain of its members possessed both profound legal knowledge and a political sense, which was not a combination to be despised where it was a question of throwing light on legal questions.

M. Briand added that, for reasons of tact and feeling, he would prefer, if it could be avoided, not to put the Japanese representative to the necessity of facing a vote of his colleagues.

He added that M. Yoshizawa appeared to have doubts as to certain terms used in the proposed form of invitation. He could only reply that it was perfectly possible to word the invitation differently. He was prepared to go to the utmost length in accepting any changes which M. Yoshizawa might desire to make. Certain words might even be omitted altogether without any serious inconvenience. For several days past, however, the Press had been announcing that the United States Government was on the point of co-operating more fully with the Council and that a United States representative would take his place at the Council table. The Council could not therefore wait any longer.

M. YOSHIZAWA thanked the President for his proposal to omit, if necessary, the words to which he had drawn attention in the President's proposal; the question he had raised, however, was a question of substance and not of form. He pressed for the appointment of a committee of experts as he had proposed.

The PRESIDENT thought he would be expressing the feeling of his colleagues in saying that, if the proposed machinery of a committee of experts had been capable of yielding a sure and certain solution of the difficulty, the Council, in a spirit of conciliation, would have favourably considered the suggestion to appoint such a committee. As, however, M. Yoshizawa had said that the committee's decision might still give rise to objections by Japan, valuable time might be uselessly wasted if the committee were appointed, and the resulting situation would be still further aggravated.

He thought, therefore, that the moment had come for the Council to vote.

M. YOSHIZAWA appreciated the conciliatory attitude of the President and of his colleagues. He was acting under instructions which had been telegraphed to him from Tokio. He could not undertake to accept in advance the committee's conclusions.

The PRESIDENT said that, in the light of such instructions, the Council could not consider the appointment of the committee. He perfectly understood that M. Yoshizawa must abide by his instructions; and he thought no Member of the Council would deny that he had carried them out very faithfully, and, indeed, very energetically.

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He once more pointed out to the Japanese representative that it would be perfectly possible for him to vote in favour of the proposal, since the legal points raised by the Japanese Government were reserved in their entirety. M. Yoshizawa's position, both in relation to his Government and to his own conscience, would thus be free from all reproach.

Dealing with another aspect of the matter, M. Briand said that, occasionally, questions of procedure took the place of questions of substance in a rather curious way. Thus, in the present instance, the question of principle relating to co-operation with the United States Government had arisen at the time when it was being considered whether the Council should enter into communication with that Government. The Council had then unanimously settled the question of principle by deciding that it was desirable to establish contact with the United States Government and to co-operate with it by correspondence. The question which had now arisen was merely whether the contact thus established should in future take the form of communications by word of mouth. He really did not see how that could be a matter for serious discussion. The preliminary question of principle had been settled long ago; and the constitutional point raised by the Japanese representative would be duly reserved.

The President then put to the vote the Japanese representative's proposal for the creation of a committee of experts to study the constitutional difficulty to which the Japanese representative had drawn attention.

The Japanese representative's proposal was rejected by twelve votes to two (Germany and Japan).

The PRESIDENT put to the vote the principle of his proposal to "invite the Government of the United States to be associated with our efforts by sending a representative to sit at the Council table", subject to such amendments of the wording as might be made at the next meeting of the Council.

The principle of the proposal was adopted by thirteen votes to one (Japan).

The Council reserved the question of the final wording of the invitation for consideration at the next meeting.

ELEVENTH MEETING (PUBLIC).

Held at Geneva on Friday, October 16th, 1931, at 10 a.m.

Present: All the representatives of the Members of the Council, and the Secretary-General.

2950. Appeal from the Chinese Government under Article 11 of the Covenant (continuation): Invitation to the Government of the United States of America to be represented at the Council table.

The PRESIDENT. — At the last public meeting, the representative of Great Britain asked a question relating to a particular point. I understand that a reply was subsequently sent to him, as well as to all the other Members of the Council.

At a previous meeting, when the Council was called upon to examine the grave problem of which you are aware, the question arose as to the attitude to be adopted in regard to the Government of the United States of America, whether and by what means its special position should be taken into account and whether it should not be associated in some way with the efforts of the Council. The latter unanimously expressed its desire that the United States should co-operate with the Council to some extent, in order to bring about a satisfactory settlement of the dispute.

The principle of co-operation was then unanimously accepted, and it was decided that this co-operation should assume the form of written communications with the Government of the United States.

Action was taken in this sense, and communications were exchanged. The Council received encouragement from the Government of the United States and an expression of its sincere desire that our efforts should be successful; that was a proof that the Government of the United States intended to do everything in its power to assist us in our task.

Soon afterwards, a number of Members of the Council asked themselves whether that co-operation could not be made closer and could not pass from the written word to speech; whether, in accordance with numerous precedents relating to the Government of the United States—in the case, not of the Council, but of Committees—the Government of the United States should not be invited to the Council table. That point of view was regarded with sympathy by practically all my colleagues, and I immediately gave my attention to drafting the invitation which would

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be sent to the Government of the United States, should the Council desire to persevere in its intention.

(The invitation¹ read at the previous (private) meeting was then re-read to the Council.)

Before this text was referred to the Council, the representative of Japan had certain doubts on juridical and constitutional grounds, and thought it his duty to inform me of his views on the matter. Our colleague had no intention, of course, of separating himself from us as regards the desirability of closer co-operation with the United States. On that point we are unanimous. But the legal question appeared important to the representative of Japan, and he accordingly addressed to me a letter which was read to the Council at yesterday's meeting.²

I sent to him a reply, which was also read at the previous meeting.³

The discussion is now open, in the ordinary course, on the principle of this invitation, on its terms, and on the preliminary legal question whether the invitation can be sent by a majority, as in a case of procedure, or whether, on the contrary, unanimity is required. On this point a somewhat full discussion has already taken place at the private meeting of the Council.

The point was raised whether, the question being no longer open as a result of the vote taken on September 30th, it could be dealt with as a matter of procedure. It was proposed that this problem should be referred to a committee of legal experts. The Council thought, however, after discussion, that it was in a position itself to take a decision. In this discussion it was specifically stated that the very special conditions in which the question arose before the Council precluded the idea of an absolute and final settlement of the question of principle. In addition, it was, of course, understood that note was taken of the reservations made by the Japanese representative, and that the constitutional question remained intact and could not be settled by the vote which had been given.

The Council then had to take a decision on the substance of the matter—that is to say, the invitation. It decided, with one adverse vote, that an invitation should be sent to the Government of the United States of America.

Such are the circumstances in which the question is presented to the Council at this public meeting.

M. YOSHIZAWA. — In my opinion, the Council requires to be unanimous on this question, as is shown by the opinion of the Permanent Court of International Justice.

Yesterday, I gave the Council my Government's opinion on the occasion of the debate on the possibility of extending an invitation to the United States Government to send a representative to sit on the Council. I wish to indicate very clearly the reasons which obliged me to give a negative opinion in spite of the pressing solicitations of my colleagues.

My Government considers that the proposal to invite a non-member State to take part in the Council's discussions in an advisory capacity raises constitutional questions of the greatest importance to the whole League of Nations, and it considers that a fundamental decision of this kind cannot be taken for reasons of expediency, however important, without previously being seriously considered. I accordingly proposed that a committee of legal experts should be appointed to study the question. The question was then raised as to whether I would accept the conclusions of this committee of experts. I was naturally unable to give this assurance since, in my opinion, if the Council is sovereign, the committees which it appoints cannot prejudge the Council's decisions. Even the opinion of the Permanent Court of International Justice does not legally bind the Council. I was therefore unable to give the assurance I was asked for, and the appointment of a committee of experts was abandoned.

The Council not having thought it desirable to proceed to an examination which, in my opinion, was essential owing to the gravity of the questions raised, I was obliged to vote on principle against an invitation to a non-member State.

This is in fact a question of principle and not a particular question, for, as I made a point of stating yesterday, the Japanese nation maintains and will continue to maintain the most cordial relations with the American nation. It particularly appreciates the friendly and comprehending attitude of the United States Government in the present circumstances and the high ideals of peace pursued by that Government. When at the Council's meeting of September 22nd it was proposed that all the documents concerning the question submitted to the Council should be sent to the United States for their information, I willingly accepted this proposal as it was not in contradiction with the principles of the Covenant. The exchange of information between the Council and the United States Government has since then been effected in the most satisfactory manner. In these circumstances, I cannot help feeling some surprise at the hasty manner in which the Council thought to take the decision of inviting an observer to sit at its table in an advisory capacity, despite the fact that this action raises serious doubts in connection with the constitutional principles of the League of Nations.

I should like to add that if there may have been some difference of opinion with regard to the application of paragraph 5 of Article 4 of the Covenant, mentioned in the arguments I put forward, there is none as regards the application of Article 11 to the dispute which is before

¹ See Minutes of the tenth meeting, page 2322.

² See Minutes of the tenth meeting, page 2323.

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the Council, and I desire to maintain the point of view which I put forward with regard to the obligation of a unanimous vote on questions relating to this article.

Such is the position taken up by my Government. The negative vote which I gave yesterday is not dictated by political reasons, but it was on the basis of broader considerations that I opposed my colleagues' view. Even now the Japanese Government is obliged to maintain its attitude on these questions unless the doubts it has expressed regarding them are resolved.

LORD READING. — As the representative of Great Britain, I am sorry that in these discussions I have been unable to agree with the representative of Japan.

I suggest that, if the question at issue is viewed in its proper proportions, the matter is quite simple. But nothing is easier than to make juridical questions difficult if there is any confusion with regard to the matters to be considered, and I therefore propose to state the position.

The real question we are discussing at this moment is whether the United States of America, which is not a Member of the League, shall be invited to appoint a representative to take part in our discussions, and whether such an invitation shall be extended in the terms suggested in the President's proposal. If my Japanese colleague will forgive me for saying so, that is hardly a constitutional question.

If we were proposing to invite a non-member State to take part for the purpose of voting on the measures to be adopted under Article 11 of the Covenant, that would raise a constitutional question of the highest importance involving Article 4, paragraph 5, and our vote would have to be unanimous. That was the decision of the Permanent Court of International Justice, with which I entirely agree. The decision of the Permanent Court of International Justice is not relevant, however, when we are dealing with questions of procedure.

To suggest that, because the substance of the question concerns Article 11, there must be unanimity, is to assume that no question of procedure can ever be raised under Article 11. That can scarcely be correct. We all agree with the Japanese representative that, on questions of substance, the Council's decision must be unanimous, except when it is expressly stated that a majority vote is sufficient. When, however, a proposal relating to procedure is adopted, as it was last night, by all the Members of the Council, with the exception of the Japanese representative, the vote is clearly valid, and the invitation to the United States of America can be issued.

On juridical grounds, the matter is so simple—and I want to emphasise that—that no consultation of experts is required. The issuing of an invitation to the United States of America is admittedly a matter of procedure. May I remind the Japanese representative of his own thesis? The passage to which I refer is as follows:

"In the present case, two things have to be distinguished—namely, the question of substance arising in regard to the invitation of a State not a Member of the League, and the question of the sending of the actual invitation after settling the question of substance. As regards the question of substance, the merits of the case have to be considered in the light of the considerations above indicated, the decision on which can only be by a unanimous vote. The only question on which a majority vote is allowable is the question of the sending of the invitation, for this is a question of procedure."

Stress is laid upon the words: "The only question on which a majority vote is allowable is the question of the sending of the invitation, for this is a question of procedure". I agree absolutely. That is just the case we are putting forward. There is no disputing the fact that on a question of procedure we can act by a majority vote, and for the purpose of record, I will read the text of Article 5, paragraph 2, of the Covenant of the League of Nations:

"All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting."

That, I submit, deals conclusively with the point at issue, and there cannot, therefore, be the slightest doubt that, whether it is viewed juridically or from a larger aspect, the question is one of procedure only. The objection of one Member of the Council to issuing an invitation to the United States of America, if persisted in, should be duly recorded but should not prevail against the decision of the majority.

I would point out to the representative of Japan that this matter has been discussed at length. We had a very detailed discussion last night, and we have heard a very carefully prepared argument which lost none of its vigour by being precise. My Japanese colleague has dealt with the question from the juridical aspect and also from the larger aspect, as it affects all the Members of the League. He has put forward his arguments with such persistence, emphasis and ability, that we have had to consider the question from all sides. Therefore I would now appeal to him to rest content, knowing that the object we have in mind has not the slightest reference to any differences

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between his Government and the Government of the United States of America, which are on excellent terms. He has raised a constitutional point, and, having considered it, we should get on with what is, after all, our real purpose, our important purpose, our solemn purpose, and should determine one of the most important questions that has ever come before the Council of the League of Nations. That question is so important that we must give it our most serious consideration. We shall have the valuable assistance of our Japanese and Chinese colleagues in arriving at a conclusion which will once again justify the existence of the League of Nations and result in pacification. Without the League troubles of a most serious character might arise.

M. YOSHIZAWA. — I have listened with great interest to Lord Reading's clear and perspicuous statement. Unfortunately, I cannot share his views. My case may be put very simply. The matter is one of substance and not of procedure. In my statement I said that my Government considers that the question of inviting a non-member State to take part in the discussions of the Council, even though its representative has no vote, is a constitutional question. That is the Japanese case. As the question is a question of substance I proposed that it should be submitted to a committee of experts.

The PRESIDENT. — I think we have every reason to congratulate ourselves on the fact that a public discussion on these delicate matters has made it possible to bring out the real nature of the differences of view with which the Council was faced when it had to take a decision.

None of these differences affect our unanimous desire that the United States of America should afford us, in the grave question with which we are dealing, the fullest possible assistance. The Japanese representative has never disagreed with us on that point. On the contrary, he has constantly affirmed the sincere friendship of Japan for the United States and has reminded us that, in all circumstances, Japan was one of the first to ask that the United States Government should, whenever possible, be represented by an observer. It is therefore a purely legal question that has preoccupied the Japanese representative and other of my colleagues.

I must add that I, for my part, have given serious attention to this question. I will not say that I had any hesitation, for my views on the subject were sufficiently clear. They are that the Covenant of the League intends the Council to obtain all possible material, so that it may have at its disposal all the information it desires when it has to discuss a question. What the Covenant does not intend is that the component factors of the decision should be modified except by a unanimous vote.

If the question, for instance, is one of admitting to the Council a new Member, and *a fortiori* a representative of a country not a Member of the League, and of according to it the same powers as are possessed by all the Members of the Council—*i.e.*, not merely to express an opinion but also to take part in the decision—there can be no possible doubt. In that case the question of unanimity definitely arises. But that is not so in the present case. This is only one procedure added to another.

When it was suggested that our documents should, as an exceptional measure, be communicated to the United States Government, that it should be kept informed from day to day of what we were doing and that it should be invited to co-operate with us and keep us informed in the same way, certain persons might perhaps have argued that the Council had no right to follow such a procedure. I do not think that such a view could seriously have been maintained, but it might at least have been put forward. On the contrary, general satisfaction was felt when the proposal was made to communicate our documents to the United States Government and to ask it to do the same for us. Consequently, so far as written communications are concerned, through the diplomatic channel, what we desired was settled and that, unanimously. If, however, it is held that unanimity is required to modify this procedure and to make it oral instead of in writing, that amounts to saying that the first vote no longer holds good. I do not believe that this is the case. We are, after all, only continuing what has already been decided. It is therefore a mere question of procedure, which can be settled by a majority vote.

The statement of our Japanese colleague has not been without value. I think it has caused us to reflect on the gravity of the decisions which the Council may take even when it is merely a matter of collecting information. It is all to the good that we should be reminded of the respect due to the constitution of a body like the League. The reservations of our colleague have been duly and officially noted. He has formulated them with a force worthy of the highest praise, a force which made it difficult for me to discuss matters with him yesterday, because I was aware how indiscreet my insistence was and because I said to myself that, after all, my colleague was entitled to express the scruples he felt. I ought almost to congratulate him on having persisted in so unshakable an opinion. Nevertheless, seeing that the controversy is a purely juridical one, it need not cast any shadow on the efforts we have to make.

I now inform the Council that the invitation, which has been adopted unanimously apart from one vote, will be sent to the United States Government. I venture to express the hope that it will be received favourably.

M. YOSHIZAWA. — I thank you, Mr. President, for your kind words. Unfortunately, for the reasons I have just stated, I am unable to alter my attitude. As I have said, my argument is very simple; my views differ from those of my colleagues. In other words, my Government considers that this is a question of substance regarding which the decision of the Council ought to be unanimous. I have nothing further to add.

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M. SOKAL. — I should like briefly to explain the reasons for which I voted as I did yesterday. The Council has decided, in certain specified circumstances, to invite a representative of the United States of America to sit at the Council table. In this connection, certain constitutional and legal points were raised, but, as our President has stated, these points remain entirely reserved. I wish to say that, in agreeing yesterday with the majority of the Council, I did so in the light of this declaration by our President.

The other problem which has been raised—namely, whether the question should be regarded as a question of procedure or one of substance—has been avoided through the explanation that in the present case it does not arise, because the exchange of information with the United States of America was decided at the outset unanimously; but everyone must see that the general question, which is of great constitutional importance—namely, who is entitled to decide whether a question submitted to the Council is a question of procedure or one of substance, and how the matter is to be decided—was not in any way prejudged yesterday and also remains entirely reserved.

May I remind the Council that, as far as I can remember, it has never in the course of its practice considered that it has jurisdiction to settle a doubt of this kind and, in this connection, it has left the decision to the qualified independent bodies.

I would request the President to be good enough to have this declaration recorded in the Minutes.

The PRESIDENT. — The statement of the representative of Poland has been duly noted.

M. VON MUTIUS. — Now that the question of the letter of invitation to the United States Government seems to be settled, may I be allowed to revert to the substance of the question before us?

After hearing the statements of the representatives of China and Japan and the discussion which followed these statements, I am more convinced than ever that a speedy settlement of this dispute in the Far East will require a great effort of goodwill, indeed, all the goodwill of the parties to the dispute. Germany is not less interested in this settlement than the other Members of the League. For my part, therefore, I would also appeal most earnestly to the goodwill of the parties.

I think our generation has learned that there is no longer any isolated problem in the world, even though that problem may at first sight seem to affect only two neighbouring countries and appear to be eminently local in character. The interdependence of modern States, owing to improvements made in the means of communication, has become so great that all nations will suffer from the material and moral consequences of a war in whatever part of the world it may occur. This is the concept of facts and the resulting spirit that have taken form within the League, of which Japan and China are distinguished Members. I think it must surely be in the interests of both parties that they should not adopt an uncompromising attitude, but should look further forward in time and space and should allow the salutary and moderating action of the League to be exercised in the decisions now to be taken, because the hour has come when only acts can count, and not mere words and statements.

The League of Nations came into existence as the result of cruel experiences in the past. I fully believe that, in the past, all the countries which have suffered through the war would have been glad if they could have applied to the supreme tribunal of Geneva to have avoided another course which proved to be so calamitous. The League of Nations, mindful of the lessons of history, must keep those sufferings clear in its memory for the sake of the future of mankind and must emphasise their importance in the present question.

If Japan and China would regard their dispute in this light and not hesitate to accept decisions freed from the political methods and customs of the past, they would give to all the nations of the world an example of wisdom which no one could ignore and which would certainly increase their prestige throughout the whole world. Germany, being conscious of her geographical, economical and social situation and being a disarmed State, particularly desires that this example of moderation and prudence should be afforded by Japan and China. She will, to the best of her ability, endeavour to co-operate in achieving this result.

M. FOTITCH. — I approve unreservedly the declaration made by the Polish representative.

I wish to state that I agreed with the majority of the Council—after hearing our President's explanations—on the understanding that the questions of a constitutional nature raised by the representative of Japan, and those to which special reference was made by the representative of Poland in his statement, have not in any way been prejudged by the Council's vote.

The PRESIDENT. — The statement of the representative of Yugoslavia has been duly noted.

M. GRANDI. — I agree with the remarks which have been made on several occasions by our President.

I would draw your attention to a very important observation by the representative of Great Britain concerning a passage in the speech made by the Japanese representative—namely, that the point we are now considering is not connected with Article 11. Obviously, questions coming under that article are subject to the rule of unanimity; there can be no doubt about that. But the present question is, I think, purely one of procedure, since the question of substance

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was settled on the day on which the Council decided unanimously to keep the United States Government informed and receive such information from that Government as it might deem expedient to communicate to the Council. Clearly, all that was a procedure of consultation within the most ample meaning of the phrase.

We are not called upon now to take a decision on a new point, but simply to improve, in a formal direction, a decision unanimously reached by the Council. That was why I felt that I could perfectly well vote in favour of our President's proposal.

I am particularly glad our discussions may result in facilitating co-operation, in so important and difficult a case, with a country like that of the United States of America, which will join its efforts to ours and, in particular, to those which have been and will be made by the representatives of Japan and China.

M. DE MADARIAGA. — I desire to associate myself with those of our colleagues who feel that the President has clearly defined the juridical situation, as the representative of Great Britain also defined it.

I am consequently of opinion that the question of substance, if there is one—for I desire to indicate clearly that the question whether there is, is still hypothetical—was settled unanimously at the beginning of the session. We here are discussing only a question of form; whether our co-operation with the representative of the United States shall be by word of mouth or in writing.

I should like to add a few words. I support the tribute paid by the President to the attitude of the representative of Japan. I believe that the Council is indebted to him for having drawn the attention of the League of Nations to the importance of constitutional questions. I also believe that among the numerous claims of our colleague to our esteem and admiration, not the least will be that he raised this juridical question relating to the application of the rule of unanimity, at a time when his mind and that of his Government must be deeply concerned by events which affect very closely, and I must say very seriously, the spirit of the Covenant and its application. I would very respectfully point out to the Council that I see, in the fact that the nations most directly interested in the problem are upholding the Covenant with such great interest and resolve, a happy augury for a favourable solution to the question.

I would also point out that we should not spend too much time on or go too closely into questions relating to the juridical interpretation of the Covenant, but should keep in view the whole compass of the serious situation with which we are faced. I am particularly glad that the representative of Germany reminded us of that. We are probably faced with the most serious problem which the Council of the League has ever had to solve—for I am convinced that we shall solve it—since its creation. We should, I think, be wasting the moral force which is our only strength—without it the Council of the League of Nations would not exist, since the Council is only an instrument for the application of the moral force of the world — if we lost ourselves in the consideration of constitutional points.

Once again, I do not wish to be misunderstood: I fully share the doubts which have been expressed. I feel them myself, and I should not have voted in one sense or another without first carefully listening to and considering the advice of those most competent.

However, we had to remember, as the representative of Germany pointed out, that the time had come to act, to act with due consideration but rapidly, and that consequently we must pass as quickly as possible through this necessary period, which, however, must be short, of juridical studies. We have near us a great nation whose advice, experience and, I may almost say, moral and political power are necessary and even indispensable. The League of Nations must have the support of all the moral force it can obtain to ensure peace. That great nation is there. It has taken the necessary steps, from the beginning, with a view to helping the League of Nations to solve the problem. I think it urgent that we should recognise unanimously the importance of the moment and the value we attach to this consultation and co-operation.

For my part, I am glad to note that, whatever juridical or constitutional difficulties are raised by this co-operation, the Council is unanimous as to the necessity, the value and the importance of the co-operation of the United States of America.

M. BRAADLAND. — In general, I support the observations of the representatives of Poland and Yugoslavia.

The PRESIDENT. — The statement of the representative of Norway is noted.

M. SZE. — My Government gives its full approval to the sending of an invitation to the United States of America in the terms suggested, asking them to send a representative to the Council to be present at our discussions. My Government is of opinion that the Council is competent to decide, by a majority vote, to send such an invitation.

I would remind you how urgent it is for the Council to take the speediest action possible for the effective settlement of the serious matter submitted to it by the Chinese Government.

I have listened with considerable interest to the appeal made by the representatives at this table, and I am perhaps only repeating what I have already said when I say that my Government,

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since it has signed the Pact of Paris, has renounced war as an instrument of national policy in its relations with other Powers, and that it has adopted as its policy that the solution of disputes and conflicts, of whatsoever nature and whatsoever origin, which may arise between nations shall never be sought by other than pacific means.

M. YOSHIKAWA. — I would ask the President to be good enough to have published the memorandum which I submitted to the Council yesterday.

The PRESIDENT. — I can assure the Japanese representative that that memorandum, which forms part of the documentation, will be published together with the other papers.

I should like now, before declaring the meeting closed, to add a few words. I was much interested when the representative of Germany called our attention to what constitutes the essential part of our task. I fully share all his desires. I would add, however, not for the sake of my colleagues, who are already informed, but for public opinion with which we must count, that not an hour passes during which our attention is not given to the serious problem we have to solve. Not for one instant are our minds and consciences forgetful of our heavy responsibilities and our grave duty. At every moment we are preparing matters in such a way that the Council will, I hope, soon be able to perform its task.

Now that we have disposed of the difficulties of procedure—which are not the least of our difficulties—we must firmly resolve to settle the grave problem with which we are faced. We must all be inspired by the idea that it is unthinkable that the dispute should not be settled peaceably, that it cannot be allowed to develop into a new war. I am sure that the parties to the dispute, who are Members of the Council, are of that opinion. They will defend their special interests with ardour, even with asperity. That is not a bad thing, and it is to the honour of the League that its Members can defend their ideas and their interests with asperity. On the contrary, it is the condition of our success. We are approaching the moment when the Members of the Council—those not interested directly and the two Members specially concerned—must manifest their goodwill and spirit of conciliation and join together to accomplish the work of peace for which the League of Nations exists. Our countries have signed the Covenant. They have pledged themselves to maintain peace. They have combined against war, and it is in order to prevent a dispute, when it arises, from degenerating into a war that discussions like the present must be instituted.

It was with profound emotion that I heard the representative of Germany say that untold suffering and misery might have been prevented if, on the eve of the last catastrophe, the nations could have discussed at their ease—even tenaciously—around a table, as we are doing at present.

Now that this is possible, now that we have subscribed to the principles and obligations of the League, we cannot allow the catastrophe to occur. In any case, no one here—I say this to the representative of Germany to show that we share his opinion—will lose sight for one moment of the real object of our discussion. We have not wasted our time to-day, as will soon be seen. It is a rather special question which we have had to settle. We have settled it as well as we could. But the other and more serious question—the question for which we are here—is not absent from our minds, and I hope that we shall soon prove this.

TWELFTH MEETING (PUBLIC).

Held at Geneva on Friday, October 16th, 1931, at 6 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General.

2951. Appeal from the Chinese Government under Article 11 of the Covenant (continuation): Acceptance by the Government of the United States of America of the Invitation to be represented at the Council Table.

At the request of the President, the following letter from the Government of the United States of America, dated October 16th, 1931, was read:¹

"I have the honour to acknowledge the receipt of your communication addressed to the Secretary of State of the United States of America, under date of October 16th, in which

¹ See document C.723.M.328.1931.VII.

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you cite a proposal adopted by the Council of the League of Nations. You extend an invitation, in accordance with that proposal, to the Government of the United States to send a representative to sit at the Council table, so that he may be in a position to consider with the Council the relationship between the provisions of the Pact of Paris and the present unfortunate situation in Manchuria, and at the same time to follow the deliberations of the Council with regard to other aspects of the problem with which it is now confronted.

" I am directed by the Secretary of State to accept, on behalf of the Government of the United States, this invitation to send a representative, and to inform you that he has designated me to act in that capacity.

(Signed) Prentiss GILBERT."

On the invitation of the President, the representative of the Government of the Republic of the United States of America took his place at the Council table.

The PRESIDENT. — It is a prerogative of your President—and you will allow me to congratulate myself upon it—that he is able to-day to voice the unanimous feelings of his colleagues in expressing to the representative of the United States of America the satisfaction which they feel in welcoming him here, on the terms defined between his Government and the Council of the League of Nations.

In your person, Sir, we are happy to see thus publicly manifested, in clearer form, the spirit of good understanding and loyal co-operation which has throughout united the efforts of the United States of America and the League of Nations since the beginning of the dispute which is now submitted to a procedure of pacific settlement.

Your presence here is the natural and practical outcome of that close *de facto* solidarity which has existed harmoniously between us for a month past, to the satisfaction of the two parties concerned. Moreover, it is not the first link between the United States and the League of Nations, since the Pact of Paris has already placed on record our common determination only to seek the solution of disputes by pacific means.

The nations of the world, watching the progress of every effort towards peace, will not view without emotion this closer co-operation on the part of those who are working against war. Earnestly desiring the intimate collaboration which your presence here represents, they realise to the full the symbolic significance of this public union between the greatest moral forces enlisted in this world in the cause of peace. They will welcome as a very great event, worthy in their eyes of justifying the highest hopes, the fact that a noble nation like the American nation, which is actuated by the purest ideals of justice and peace, is bringing to the League of Nations the support of its great authority.

On behalf of all my colleagues I have the honour, Sir, to welcome you to the Council table.

Mr. GILBERT. — I wish to thank you, Mr. President, for the kind words you have spoken in your own name and in the name of the Council.

May I be permitted first to convey to you, Mr. President, the sentiments of deep admiration and respect which the Government and the people of the United States entertain towards you as the untiring artisan of peace and the co-author of the Pact of Paris. It is, indeed, a happy augury that you should be presiding over the deliberations of this body at this time, and I wish to assure you of our deep gratification at being once more associated with you in the cause of peace.

At this moment of deep international concern, I thank you for your invitation to sit in your deliberations and to participate in your discussions in so far as the Pact of Paris, to which my country is a party, is concerned.

The Government of the United States of America has been following with the closest attention the proceedings before the Council for the settlement of the dispute at present unhappily existing between China and Japan. My Government does not seek to intrude with respect to such measures as you may propose under the Covenant of the League of Nations; and is not in a position to participate with the Members of the Council in the formulation of any action envisaged under that instrument, for the composing of differences existing between two of its Members. It has already conveyed to you its sympathetic appreciation of your efforts, and its wholehearted accord with the objective you have in view; and it has expressed the hope that the tried machinery of the League may in this case, as on previous occasions, be successful in bringing this dispute to a conclusion satisfactory to both parties. Moreover, acting independently and through diplomatic channels, my Government has already signified its moral support of your efforts in this capacity to bring about a peaceful solution of the unfortunate controversy in Manchuria.

In your deliberations as to the application of the machinery of the Covenant of the League of Nations, I repeat, we can, of course, take no part. But the Pact of Paris, bearing as it does the signature of the President of this meeting, together with that of our former Secretary of State as joint proponents, represents to us in America an effective means of marshalling the public opinion of the world behind the use of pacific means only in the solution of controversies between nations. We feel, not only that this public opinion is a most potent force in the domestic affairs of every nation, but that it is of constantly growing import and influence in the mutual relations of the members of the family of nations.

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The timely exercise of the power of such opinion may be effective to prevent a breach of international peace of worldwide consequences. We assume that this may be the reason why the consideration of the relationship between the provisions of the Pact of Paris and the present situation has been brought forward in this body; and the purpose which has moved my Government to accept your invitation is that thus we may most easily and effectively take common counsel with you on this subject.

The PRESIDENT thanked the United States representative for his flattering remarks and requested him to convey his appreciation of them to the United States Government.

Lord READING said it must be a satisfaction to all the Members of the Council to find themselves associated, on that very serious occasion, with the representative of the United States, whose interest was in the Pact of Paris. This showed most clearly that the object of the Pact was the object pursued by the League of Nations—the pacification of all controversies, instead of the arbitrament of war.

He counted himself singularly fortunate in that the first occasion upon which he was privileged to represent the British Government at the Council was that upon which the representative of the United States first came to the Council table, and that it was also an occasion on which M. Briand was presiding. Lord Reading fully associated himself with the remarks of the representative of the United States Government with regard to M. Briand, who had devoted so much time, thought and skill to the conduct of the affairs of the League of Nations and to the furtherance of the peace of the world.

M. GRANDI expressed his great satisfaction at the presence of the United States representative at the Council table. That was an event the importance of which all would recognise. It represented the last step in the development of that co-operation which the Council had desired, and had obtained from the outset, and would not fail to facilitate the important, delicate and difficult task devolving on the Council at that moment.

The presence of the United States representative once more showed that the Government and the great American nation were ever ready to work with the League of Nations, whenever the efforts of all nations had to be united to solve difficulties and overcome crises affecting the interests of all countries, as well as the common interest of peace.

The question before the Council related to the observance of the obligations resulting, not only from the Covenant of the League, but also from the Pact of Paris. It was for that reason that it had been held desirable for the United States representative to be in a position to make known his Government's views as to the manner of giving effect to the provisions of the Paris Pact, in present or future circumstances.

Not only as a signatory of the Paris Pact, but as one of the promoters, and, indeed, as the depositary of that international Act, the United States Government was no less interested in the peaceful settlement of the dispute than the signatories of the Covenant of the League.

Ever since the 1930 Assembly, the League had been endeavouring to harmonise the two instruments, which had the same objects and were in a sense complementary, and designed to operate, as required, in the same direction. The presence at the Council table of the United States representative constituted a proof of the real harmony between the two instruments, and showed that the signatories of both could and should work hand in hand. In that he found a good augury for the rapid and satisfactory success of the efforts which were being made to ensure the maintenance and consolidation of world peace.

M. VON MUTIUS said that, speaking for a country which had viewed with very special satisfaction the generous action that had led to the Pact, with which the names of M. Briand and the great American statesman were associated, he welcomed the presence at the Council table of the United States representative, as a proof of the close co-operation of that country at a time when appeal was made to the provisions of the Pact.

M. DE MADARIAGA associated himself with the words of welcome addressed to the representative of the United States Government, which had been invited to the Council table on the basis of the Paris Pact.

The connection between the Covenant and the Pact was obvious: if the juridical channels differed, the flow of goodwill that ran along them was evidently the same. Were there the slightest difference in spirit, M. Briand and Mr. Kellogg would not have produced the Pact.

The Council was to be congratulated on having M. Briand as its President. He was so closely identified with the spirit of the Covenant that nothing contrary to that spirit could be expected of him. Reference was often made to the League machinery, but the League was more than a machine. It was a living organism, and now more than ever, was giving proof of its vitality. Superficial observers circumscribed the activities of the League to European affairs, but in these days all activities had become universal. East and West were now united in a common effort, and M. de Madariaga was happy to hail the Council's present efforts by recalling the immortal words, "A living thing is born".

M. MATOS expressed his satisfaction at the presence among the members of the Council of the representative of the great American Republic, whose co-operation would undoubtedly

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be of the utmost significance and importance for the success of the League's efforts to settle peaceably differences between States.

Mr. LESTER said that it was not inappropriate that the representative of the Irish Free State should wish to join his colleagues in cordially welcoming the representative of the United States of America to the Council table. He represented a great moral force, and his presence was another sign and symbol of the interest which the United States Government attached to the maintenance of peace and the collaboration of all the nations of the world.

M. SOKAL, speaking on behalf of Poland, whose friendly relations with the American people had continued for more than a century, was genuinely glad to associate himself with the congratulations expressed in connection with the United States collaboration with the League. The Members of the League who were signatories of the Briand-Kellogg Pact all regarded it as essential, and, indeed, indispensable, to secure the closest co-operation of the United States, who were the promoters and depositaries of that Act. The harmonising of the Paris Pact with the Covenant of the League would be greatly facilitated by the effective collaboration of the United States of America with the League.

M. GARAY said that his country, which was attached to the United States of America by strong common interests and by close bonds of fellowship, as well as by contractual ties, was very glad to see the representative of the great American Power associated in the Council's work of conciliation and pacification.

He desired that this co-operation, which was of an occasional character, might shortly be transformed into a lasting association on a footing of equality with all the other States represented, an association which the whole world desired and had been awaiting for many years.

M. FOTITCH desired to express his very great satisfaction that the representative of the United States of America was sharing in the work of the Council for the safeguarding of the peace of the world.

M. SZE also extended a hearty welcome to the representative of the United States of America. America, he said, was united to China by that great body of water known as the Pacific Ocean. This was symbolical of the relations of China and the United States of America with the other Powers. The collaboration of the United States of America would greatly facilitate the Council's task. It was most fortunate for the Council, too, that it should have as its President one of the authors of the great Pact of Paris.

M. BARRETO associated himself with the welcome to the United States of America accorded by previous speakers and thought it a matter for congratulation that that great country was affording its valuable assistance in the work of peace.

Mr. GILBERT was most happy to have heard the concurrence in spirit expressed by the representatives of the Governments on the Council in the views of his Government in this matter, which he had had the honour to present.

THIRTEENTH MEETING (PUBLIC).

Held at Geneva on Thursday, October 22nd, 1931, at 4 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. Italy was represented by M. SCIALOJA. The United States of America was represented (see Minute 2951) by Mr. Prentiss GILBERT.

2952. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

M. YOSHIKAWA. — As you will remember, I objected the other day, from a constitutional point of view, to inviting a representative of a non-member State to participate in the deliberations of the Council. I still maintain the legal stand I took on that occasion; but now, with the representative of the United States of America at this table, I am glad to be able to assure him and the members of the Council that it is the traditional policy of my country to promote relations of friendship and amity with the United States and that both the Government and people of Japan are determined to live in peace and goodwill with that country for all time by pursuing this policy consistently.

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Mr. Prentiss GILBERT. — The conditions of my association with the Council and the limitation with respect to my speaking here are, of course, understood. In this instance I wish, however, to beg the indulgence of the President of the Council, that I may be permitted to respond to the words of the representative of Japan.

I have heard with deep gratification what the representative of Japan has said, and I wish to assure him that I heartily appreciate the spirit in which he has spoken. I have never had any thought of attributing his position in this matter to other than juridical considerations; but it gives me great pleasure, nevertheless, to be able to hear him say this and to reassure him that on my part he may have no fear of my interpreting his attitude in any other light.

The sentiments which he has expressed as to the relations between our countries are cordially reciprocated. We look upon the long record of peace and friendship between our people and the people of Japan as among the happiest pages in our history, and the thought is furthest from our minds that that record should ever be broken.

The PRESIDENT. — I wish to inform the Council that, most of the Governments represented on the Council having thought it desirable, as signatories of the General Pact for the Renunciation of War, to send on October 17th, by telegram and through their diplomatic representatives, an identical note to the Governments of China and Japan calling their attention to the provisions of the Pact in question, and more especially to the terms of Article 2 thereof, I was requested to inform the other signatory Governments by telegram of this fact.

This communication has been duly made through the representatives of the French Government to the Government of the United States, and also to all the other Governments concerned. Copies of the identical note sent by the Members of the Council have been handed to those Governments.

On receipt of the French Government's communication, the United States Government, through the agency of its diplomatic representatives, sent, by telegram, an identical note to the Governments of China and Japan.

I am not yet in a position to inform the Council as to the action taken as a result of my communication by the other Governments concerned.

As regards the reception by the parties to the case of the identical note, I have myself received this morning the following communication from the Chinese representative:

"In accordance with instructions received from the Acting Minister for Foreign Affairs, I have the honour to deliver to you from him the following message:

"The Chinese Government has received from the French Government the communication in which the French Government invites the attention of the Chinese Government to the provisions of the Treaty for the Renunciation of War of August 27th, 1928, and expresses the hope that both the Chinese and Japanese Governments will refrain from taking any steps that might endanger the success of the efforts already in progress to secure a peaceful settlement of the present situation in China.

"The Chinese Government feels thankful to the French Government for the deep concern shown in the development of events in the north-eastern provinces of China since September 18th, when Japanese troops, in defiance of international law, the Treaty for the Renunciation of War and other international agreements, began their unprovoked attack on Shenyang (Mukden) and other cities. Being desirous of strictly adhering to the undertakings assumed under international treaties, particularly the Covenant of the League of Nations and the Treaty for the Renunciation of War, China has judiciously refrained from employing force to meet the military aggressions of Japan and has been seeking, from the very beginning, a just and adequate settlement by pacific means. We have therefore entrusted our case unreservedly to the League of Nations. We absolutely rely on the solemn engagements contained in the Treaty for the Renunciation of War, the Covenant of the League of Nations and other international agreements designed for the maintenance of peace, in the belief that Japan will be awakened to her legal as well as moral duty to human civilisation.

"The Chinese Government sincerely hopes that the active efforts now in progress in Geneva to arrive at a settlement of the present case in the interests of justice and peace, will soon be crowned with success which will be conducive to the well-being, not only of China, but of the whole world. The Chinese Government will persist in its own efforts to seek the settlement of all questions of whatever nature by peaceful means, and will give the Council of the League of Nations every assistance in devising a permanent system ensuring the effective observance of this policy in the future in the Far East."

"I beg leave also to state that a copy of the above message has been handed to Mr. Wilden by my Government.

(Signed) Sao-Ke Alfred SZE."

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Since the last public meeting of the Council its activity has not for one moment relaxed. The members have had many discussions with a view to finding a satisfactory solution of the dispute before us. I myself, in my capacity as President, have had frequent interviews and conversations with the Chinese and Japanese representatives. We have all, in a spirit of complete goodwill, sought the best means of rapidly putting an end to the regrettable situation with which we are now confronted.

So far as the attitude of mind of the two parties is concerned, the situation (I am glad to say) shows no change for the worse. It is now certain that the dispute is, and will remain to the end, circumscribed within its present limits. We cannot for a single moment admit the possibility of the present conflict leading to general hostilities.

This is important, but it is not enough. It is absolutely necessary finally to arrive at a settlement.

Under the conditions which I have indicated, we have tried to find the terms of a draft resolution which would allow of the parties coming to an agreement with the Council and putting an end to these protracted discussions, which have gone on far too long for many people, and for us also. It is true that, in the present instance, the Council of the League is faced with an altogether exceptional case which, arising as it does in connection with a very peculiar situation, is extremely difficult of solution for the reason that the conflict is a long way off, that the representatives of the parties to the dispute receive their instructions from distant Governments, and that the instructions may take time to arrive.

As I said at a previous meeting, the parties most concerned must assist the Council by the display of somewhat prolonged patience. Their patience has already been tried not a little. Of our own I will not speak: we are Members of the Council, and as such our patience should be inexhaustible. But for all that, we must wish to make an end of this matter, which has already lasted so long. Accordingly, we have endeavoured in a number of interviews to find a text which would embody the goodwill of both parties.

On the one hand, we have the Japanese Government protesting that it has no desire to encroach on the territorial integrity of China. It is prepared to evacuate the territories into which it has introduced its troops. It is only anxious as to the security of its nationals and their property. As soon as guarantees are received in this respect, it asserts its readiness to withdraw the troops. That is the Japanese contention. I believe I do not misrepresent it.

On the other hand, the Chinese representative says: "We quite understand that guarantees should be required for persons and property, and we are prepared to give these guarantees. We have studied and will continue to study the best means of doing so, and we place ourselves entirely at the Council's disposal for the purpose. We are even anxious to take advantage of its benevolent authority to facilitate matters."

That is how the position stands. I have said and I repeat that I cannot believe, with this attitude on either side, that we can fail to arrive at a satisfactory result, but a formula has to be found; and, in public life, the search for formulas often gives rise to some of the most formidable obstacles with which statesmen have to contend. We have not been discouraged. We have searched and, in the end, we have drawn up unanimously—apart from the two colleagues who are parties to the case—the text of a resolution which will now be read. I repeat that it has not yet been accepted by the parties concerned. It was submitted to them to-day at (I must admit) a somewhat late hour. They have considered it and will no doubt desire to let us have their observations and reflections thereon. It is not an immutable draft. It is open to improvement and will, I hope, be improved as the result of our discussion of the text.

In other circumstances in the past, the Council has discussed draft resolutions and, as a result of efforts of goodwill on both sides, has succeeded in agreeing on a wording which has been adopted unanimously. I trust that will be the case now.

The resolution is as follows:¹

"The Council,

"In pursuance of the resolution passed on September 30th;

"Noting that in addition to the invocation by the Government of China, of Article 11 of the Covenant, Article 2 of the Pact of Paris has also been invoked by a number of Governments;

"(1) Recalls the undertakings given to the Council by the Governments of China and Japan in that resolution, and in particular the statement of the Japanese representative that the Japanese Government would continue as rapidly as possible the withdrawal of its troops into the railway zone in proportion as the safety of the lives and property of Japanese nationals is effectively assured, and the statement of the Chinese representative that his Government will assume the responsibility for the safety of the lives and property of Japanese nationals outside that zone—a pledge which implies the effective protection of Japanese subjects residing in Manchuria;

"(2) Recalls further that both Governments have given the assurance that they would refrain from any measures which might aggravate the existing situation, and are therefore bound not to resort to any aggressive policy or action and to take measures to suppress hostile agitation;

¹ Document C.746.1931.VII.

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"(3) Recalls the Japanese statement that Japan has no territorial designs in Manchuria, and notes that this statement is in accordance with the terms of the Covenant of the League of Nations, and of the Nine-Power Treaty, the signatories of which are pledged 'to respect the sovereignty, the independence, and the territorial and administrative integrity of China';

"(4) Being convinced that the fulfilment of these assurances and undertakings is essential for the restoration of normal relations between the two parties;

"(a) Calls upon the Japanese Government to begin immediately and to proceed progressively with the withdrawal of its troops into the railway zone, so that the total withdrawal may be effected before the date fixed for the next meeting of the Council;

"(b) Calls upon the Chinese Government, in execution of its general pledge to assume the responsibility for the safety of the lives and property of all Japanese subjects resident in Manchuria, to make such arrangements for taking over the territory thus evacuated as will ensure the safety of the lives and property of Japanese subjects there, and requests the Chinese Government to associate with the Chinese authorities designated for the above purpose representatives of other Powers in order that such representatives may follow the execution of the arrangements;

"(5) Recommends that the Chinese and Japanese Governments should immediately appoint representatives to arrange the details of the execution of all points relating to the evacuation and the taking over of the evacuated territory so that they may proceed smoothly and without delay;

"(6) Recommends the Chinese and Japanese Governments, as soon as the evacuation is completed, to begin direct negotiations on questions outstanding between them, and in particular those arising out of recent incidents as well as those relating to existing difficulties due to the railway situation in Manchuria. For this purpose, the Council suggests that the two parties should set up a conciliation committee, or some such permanent machinery;

"(7) Decides to adjourn till November 16th, at which date it will again examine the situation, but authorises its President to convoke a meeting at any earlier date should it in his opinion be desirable."

M. SZE. — The resolution before us raises weighty and far-reaching issues, no less than the outcome of the Council's deliberations on this matter since September 22nd. It does not, indeed, purport to be a final solution; for I note that the text before us provides for a period of roughly three weeks during which evacuation must be completed, and makes it clear that the Council is only adjourned and will meet again in any case on November 16th, or earlier if the President so desires.

I will not conceal from the Council that this resolution at the first glance appears to fall far short of what the Chinese Government considers the situation demands and what it is entitled to ask. But it does, such as it is, represent the fruits of the Council's labours during more than a month to safeguard peace and secure justice. It must therefore be treated with the care, deliberation and close attention which its importance merits. I first saw this text at 12.30 this afternoon, and have barely had the time to telegraph it to my Government, with an urgent request for its comments as soon as possible. Therefore, I feel myself obliged to appeal to the indulgence of the Council to grant me a short delay in order that I may obtain instructions from my Government. I do this with the greater confidence in that you have already twice, Mr. President, with the willing consent of us all, extended this privilege to my colleague, the representative of Japan, and in that this represents the climax of the second stage in the League's attempt to grapple with what admittedly is the most serious problem that has come before it since its foundation.

M. YOSHIZAWA. — The Council suspended its meetings for several days, which may have seemed very long and a waste of time. Nevertheless that is not the case. At Geneva, under M. Briand's wise guidance, conversations have been taking place at which views were exchanged and facts ascertained, and where gradually solutions of the present problem took shape. For my part, I have forwarded all the proposals made here to my Government for consideration, and have put before it all the views which the accomplishment of my mission has dictated.

You are all aware of the vital importance of the question of Manchuria to Japanese public opinion. I have attempted to put before you the main points of the problem, and I do not doubt that you will have realised not only its complexity but the profound differences which exist between the conditions prevailing in these distant lands and those with which you have frequently to deal in this part of the world.

I would first assure you of one thing: the Japanese Government has in no way modified its intentions with regard to Manchuria, which I have already announced to you. Japan has no

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territorial designs in Manchuria. She is determined to withdraw into the railway zone the troops (their number decreases from day to day), which are at present outside that zone.

Seeing that she is responsible for the safety of her nationals and the protection of their property, she can only do so when that safety and protection are effectively assured. She earnestly hopes that that day will come as soon as possible. She cannot, however, immediately fix the precise date on which circumstances will permit her, without anxiety for the life and property which she must protect, to withdraw the last of these men into the South Manchurian railway zone. The exact moment of this withdrawal does not depend only on the Japanese Government, nor on its goodwill. It depends on the effective display of peaceable intentions and goodwill on the part of the Chinese Government.

The causes of the tension in Manchuria date back further than September 18th. The Japanese delegation drew attention, in a communication to the Press, to the series of violations of engagements and vexatious and provocative measures which led in Manchuria to the state of mind we deplore to-day. The Japanese railways, a factor in the present development of these territories, are threatened; the guards are attacked. Our nationals, engaged in peaceable occupations, see the Chinese authorities place innumerable obstacles in the way of their legitimate efforts. Not only are they subjected to vexatious legal or administrative action, they are themselves the object of arbitrary measures and of attacks on their property, and often on their lives. The anti-Japanese agitation, carried on with the assistance of the Chinese authorities themselves, simply pours oil on the flames, and by increasing the open hostility of the Chinese, increases enormously the anxiety of our nationals.

The first step is to change this state of mind and to restore calm, to create an atmosphere in which useful co-operation is possible. The Japanese Government, on the basis of long and bitter experience, has laid down several fundamental points in regard to which it considers an understanding indispensable before such an atmosphere of calm can be restored and before the police measures and measures of safety, which, in the circumstances, the Japanese troops are at present obliged to take, can be withdrawn without fear of bloodshed. It earnestly desires China to give proof of her sincerity by expressing willingness to enter into negotiations with a view to agreement on this matter.

The opinion has been expressed that the withdrawal of the troops into the railway zone and the taking over by the Chinese authorities of the maintenance of order could easily be achieved. Attention has been called to measures adopted in the past in connection with European disputes. We must, however, recognise facts, and the evidence shows not only that things are not so simple, but that conditions differ fundamentally. What is the present situation? In Manchuria a considerable number of Japanese and Koreans have been forced to abandon their property and hurriedly take refuge in the railway zone, or have even been compelled to leave Manchuria. In China, the anti-Japanese agitation, led by the Nationalist Party, has compelled the Japanese Government, anxious to avoid using force, to remove its nationals to places of safety, and even to evacuate several of its consulates. The safety of the life and property of one and a-half million Japanese nationals, established in areas as vast as Europe itself, is in question at this moment. The events which occurred in 1927 at Shanghai offer a means of comparison. At Shanghai, there are about 30,000 European and American residents, nearly 10,000 of whom are British. At the time of the agitation against foreigners, the Powers were obliged to land a considerable number of effectives at Shanghai—about 15,000 British, 5,600 Americans, 2,000 French, 300 Italians, about 100 Portuguese and 100 Spaniards, and about 1,600 Japanese. Great Britain withdrew its troops in three stages: in February and October 1928 and March 1929. The situation at Shanghai cannot, however, be compared with that of Manchuria, as regards the extent of the area to be protected, the number of nationals, or the amount of capital invested. In a territory of the size of France and Germany together, there are more than a million Japanese nationals, about 120,000 of whom live in the railway zone. Their property and investments represent more than five milliard Swiss francs. In Manchuria itself, the situation is rendered particularly dangerous by the presence of many gangs of bandits and troops of fugitive soldiers, whose activities are a very great danger to the civil population and even to our troops.

That is the position. That is what prevents us from fixing a definite date for the complete withdrawal of our troops. That, however, in no way prejudices the desire and intention of the Japanese Government to withdraw as soon as possible—finally, it is to be hoped—the few effectives still outside the zone. It trusts that, with goodwill on the part of the Chinese, this withdrawal may be effected within a very short time.

I would add that I reserve my right to submit observations on the details contained in the draft resolution, after examining it thoroughly.

The PRESIDENT. — The representative of China, desiring to give the serious attention which it merits to the document handed to him only to-day, and desiring also—in order to perform his duty with a clear conscience—to receive from his Government instructions with regard to the points submitted to it, has expressed a wish that the general discussion on this resolution should be adjourned until to-morrow.

The representative of Japan has also reserved his right to discuss the details of the draft resolution, and has made the same observation as his Chinese colleague—namely, that he has had very little time to study the text.

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The Council, in accordance with its traditions of courtesy and justice, would certainly not desire to refuse the adjournment which has been requested for such comprehensible and honourable reasons. I think, therefore, that our colleagues' request will raise no difficulty.

M. SZE. — I thank you for your courtesy in granting my request, and beg to assure you that, as soon as I receive a reply from my Government, I shall not fail to inform you and consult you about the next meeting.

The representative of Japan has made once again a very interesting statement, and has repeated some of the assurances he had already given us. He laboured hard to impress upon you that Manchuria is different from other parts of the world. As we find when we travel in different parts of the world, there are inevitable points of difference in the various countries; none the less, irrespective of these differences, any country which assumes obligations voluntarily entered into without any reservation under the League Covenant, under the Paris Pact, under the Nine-Power Treaty, or any other treaty, is expected to carry them out without any excuses for violating them.

As regards the present situation, to which the Japanese representative has referred, I repeat what I said on a previous occasion: the situation is the result of the actions of the Japanese invasion of Manchuria; in the case of other foreign troops in China, however, while I regret they are still on Chinese soil, they are not troops which are objectionable in that they antagonise the people—in other words, they do not create a situation that none of us desire to see.

I am not going to deal with any of the other points, but I can assure the Japanese representative that I shall make a careful study of his statement, and shall, if necessary, make an appropriate reply on a subsequent occasion.

M. YOSHIZAWA. — The representative of China has reserved the right to submit observations with regard to my statement. I make the same reservation with regard to his own statement.

The PRESIDENT. — As the time of the next meeting depends on how soon the representatives of the two parties receive instructions, we should be grateful if the arrival of those instructions could be hastened, in order that we may reach a solution as rapidly as possible.

FOURTEENTH MEETING (PUBLIC).

Held at Geneva on Friday, October 23rd, 1931, at 6.15 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. The British Empire was represented by Viscount CECIL OF CHELWOOD and Italy by M. SCIALOJA. The United States of America was represented (Minute 2951) by Mr. Prentiss GILBERT.

2953. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

The PRESIDENT. — The Council has received a reply to the identical telegram sent to the Japanese Government by the signatories of the Pact of Paris. That reply is as follows:¹

" 1. The Japanese Government realise as fully as any other signatories of the Pact of Paris of 1928 the responsibility incurred under the provisions of that solemn Pact. They have made it clear on various occasions that the Japanese railway guards, in taking military measures in Manchuria since the night of September 18th last, have been actuated solely by the necessity of defending themselves as well as of protecting the South Manchuria Railway and the lives and property of Japanese subjects against wanton attacks by Chinese troops and armed bands. Nothing is farther from the thought of the Japanese Government than to have recourse to war for the solution of their outstanding differences with China.

" 2. It is their settled aim to compose those differences by all pacific means. In the note of the Japanese Minister for Foreign Affairs to the Chinese Minister at Tokio, dated October 9th, the Japanese Government have already declared their readiness to enter into negotiations with the responsible representatives of China for an adjustment of the present

¹ Document C.751.M.350.1931.VII.

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difficulties. They still hold to the same view. So far as they are concerned, they have no intention whatever of proceeding to any steps that might hamper any efforts intended to assure the pacific settlement of the conflict between Japan and China.

"3. On the other hand, they have repeatedly called the attention of the Chinese Government to the organised hostile agitation against Japan now in progress in various parts of China. The suspension of all commercial intercourse with Japanese at present practised in China is in no sense a spontaneous act of individual Chinese. It is enforced by the anti-Japanese organisations that have taken the law into their own hands and are heavily penalising, even with the threat of capital punishment, any Chinese who may be found disobeying their arbitrary decrees. Acts of violence directed against Japanese residents also continue unabated in many places under the jurisdiction of the Government of Nanking. It will be manifest to all fair observers of the actual situation that those activities of the anti-Japanese organisations are acquiesced in by the Chinese Government as a means to attain the national ends of China. The Japanese Government desire to point out that such acquiescence by the Chinese Government in the lawless proceedings of their own nationals cannot be regarded as being in harmony with the letter or the spirit of the stipulations contained in Article 2 of the Pact of Paris."

Yesterday I communicated to the Council the text of a draft resolution which, after numerous conversations and negotiations, had been discussed, drafted and adopted unanimously by the Members of the Council, with the exception, of course, of the two parties concerned. I suggested that, in accordance with its usual custom, the Council should discuss the text of this draft resolution. The representatives of China and Japan then pointed out, very rightly, that they had only received it about midday, that they had not had time to examine it, that in addition they had not received the necessary instructions from their Governments, and that, in these circumstances, they would be glad if the discussion were adjourned until the following day. That course was taken. We now meet for a second time with this draft resolution before us.

I would ask the representative of China and the representative of Japan whether they are now in possession of instructions from their Governments and are in a position to discuss the text.

M. SZE. — The Chinese Government had hoped that, by this time, the Council would have found it possible to settle the question of the withdrawal of the Japanese troops from Chinese territory speedily and completely. To-day it is more than a month since large areas of Manchuria were occupied, and these areas are still occupied in spite of the Council's continuous deliberations on this matter from September 22nd to September 30th and again from October 13th to this day, in spite of the co-operation of the United States, as symbolised in the presence here of a representative of the United States Government, and expressed in the note of that Government to the Council, in which it urged the League "in no way to relax its vigilance and in no way to fail to assert all the pressure and authority in its competence", and for its part promised to act independently through its diplomatic channels "to try to reinforce League action" and to "make it evident that it has not lost interest in the question and is not oblivious to the obligations which China and Japan have assumed to other signatories of the Pact of Paris as well as the Nine-Power Treaty".

Public opinion is often, unfortunately, impatient and ill-informed, and I cannot conceal from my colleagues here my fear lest public opinion may be tempted to draw the conclusion from the events of the last five weeks and the position reached to-day that, if the joint efforts of the United States and Members of the League do not, after five weeks, suffice to free the territory of one Member of the League and signatory of the Pact of Paris from an unlawful invasion by the army of a second Member of the League and fellow-signatory of the Pact of Paris, there may be some hitherto unsuspected flaw in the machinery of peace, or lack of determination on the part of the civilised nations to make that machinery work effectively. I need not point out that, if such a suspicion were to take root, it would have consequences, for the prospects of disarmament and American co-operation with the League, that we should all deplore.

That is why I wish to make it perfectly clear that, in my view, these delays and this appearance of hesitation, which I join with my colleagues on the Council in regretting, seem perfectly intelligible, even natural, precisely because this is admittedly the gravest issue that has confronted the League since its foundation, precisely because it may ultimately involve stretching and testing to the utmost the authority and confidence of the League, the willingness of the United States to reinforce its action and the readiness of world public opinion to support any wise and effectual action to safeguard the peace of nations. Precisely for these reasons it is inevitable that our proceedings should be tentative and groping and proceed step by step. The peace machinery of the world is slow and cumbrous; some of its parts are yet untried, but it is powerful and comprehensive and its effects are cumulative.

For this reason, although I regret the further delay, I bow to the Council's view of its necessity. For this reason too—and to show its unswervingly conciliatory spirit—the Chinese Government is authorising me to accept the resolution before us, although it appears to my Government to fail to grapple with some of the most urgent necessities and pressing dangers

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of the present situation. We accept it as a bare minimum, as marking merely the present stage in the League of Nations' handling of this problem and as a proposal which, because it is put before us publicly by all the Members of the Council, except the parties, as the outcome of their prolonged discussions, must be regarded as fixed in its main lines and subject to amendment only on minor details.

I will now lay before you a little more fully the understandings on which my Government accepts the resolution.

In the view of the Chinese Government, the heart of the proposal is contained in the provision that the Council should meet again on November 16th, that it calls upon the Japanese Government to begin its withdrawal immediately, to proceed progressively with that withdrawal, and to complete it before the above date, and requests the Chinese Government to associate with the Chinese authorities designated to make arrangements for taking over the territory thus evacuated and ensuring the safety of the lives and property of Japanese subjects there, representatives of other Powers, in order that such representatives may follow the execution of these arrangements.

The delay provided in this proposal appears to the Chinese Government very long—the present abnormal situation has already lasted five weeks and the resolution contemplates that it should last nearly a month longer—and yet every day that the situation lasts is playing with fire. Only this morning I had to report to the Secretary-General that my Government had received information that Japanese aeroplanes had again been dropping bombs on no fewer than three separate occasions during the last two days. Every hour that passes is fraught with grave danger of some incident or outburst that may seriously compromise the prospects of a speedy and peaceful issue from the present situation.

Nevertheless, the Chinese Government accepts this proposal and declares its readiness to carry out to the full all the obligations it lays upon China. Not only does my Government accept, it is willing to go further and to do everything possible to dissipate the apprehensions of the Japanese representative with regard to the safety of Japanese lives and property in the areas re-occupied by the Chinese authorities. I believe these apprehensions to be entirely unfounded. In the view of the Chinese Government, the insecurity and disorder that have arisen within the area occupied by the Japanese troops have their origin precisely in the Japanese occupation, will grow the longer the occupation continues, and will disappear with its termination. But I wish to state that I owe it to courtesy to declare that I am convinced the Japanese Government's anxiety is genuine, and I would ask my Japanese colleague in return to believe that the Chinese Government is sincerely desirous to remove any possible apprehensions on this score.

So strong is this desire, indeed, that, not only do I accept the proposal in the resolution to invite neutral officers, but I am prepared to go further and to assure the Japanese representative and other Members of the Council that the Chinese Government is willing to examine in the most conciliatory spirit here and now any proposals for extending the system of neutral officers or, with the help of the League, devising any other arrangements on the spot to guarantee the safety of Japanese lives and property in the re-occupied territory, in order to dispel any apprehensions the Japanese Government may entertain as to the danger to its subjects that might result from compliance with the Council's resolution.

The terms "evacuation" and "taking over of evacuated territory" in the resolution I understand to include all Japanese forces of a military or quasi-military character, such as gendarmerie, police and aeroplanes of all kinds, the restoration to Chinese possession of all property, real and personal, public and private, which has been seized by the Japanese since the night of September 18th, and the release from all forms of restraint of Chinese authorities and citizens, and banking or other commercial or industrial establishments. In short, that, so far as possible, the *status quo ante* shall be re-established.

I have the honour herewith to request the Members of the Council and the representative of the United States to be good enough to signify their readiness to accept an invitation from the Chinese Government, which will be forthcoming without delay, to designate representatives to be associated with the Chinese authorities, under paragraph 4 (b) of the Council's resolution.

And now I come to one more point, which the Chinese Government regards as crucial. Paragraph 6 of the resolution before us makes it clear that withdrawal is the only subject before the Council at present and that, until withdrawal has been completed, no other issue arises. But I should like to make it quite plain that, in the view of the Chinese Government, the only immediate issue arising out of the present situation besides withdrawal is the question of responsibility and assessing damages for the events that have occurred since September 18th. The Chinese Government is willing, — nay, anxious, and has been from the beginning, — to submit to any form of neutral third-party judgment on this issue, in accordance with the League principles and precedents and in conformity with elementary justice.

Any attempt to make the military invasion of Manchuria the occasion for pressing for the solution of other claims would be contrary to the spirit of the Covenant and a violation of Article 2 of the Pact of Paris. China will not discuss any subject with any Power under the pressure of military occupation of her territory, nor, what amounts to the same thing, under the pressure of accomplished facts resulting from the use of force during such occupation. This point is vital

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and goes to the root of the whole controversy before the Council; it is, indeed, the basic principle on which the Covenant and the Pact of Paris are founded. It is because, in the view of the Chinese Government, this point is vital and fundamental that I have stressed it, and it is for the same reason I add that the Chinese Government is assured that, in adopting this attitude, it has, as a matter of course, the full and unqualified moral support of every Member of the League and signatory of the Pact of Paris.

It further goes without saying that any discussions between China and any other Power on any other subject must take place on the basis of Chinese rights and obligations under the Covenant and Pact of Paris, and must respect the principles laid down at the Washington Conference of 1922 with regard to relations between China and other Powers.

In this connection, I wish to say very clearly and deliberately that, once this unhappy incident is settled and normal relations restored between China and Japan, the Japanese Government will find us, not only willing, but anxious to discuss every issue between the two countries in the most friendly spirit. China has but one desire—to live at peace with all countries and particularly so with her neighbours, and hopes that the very magnitude of the shock to the relations of the two countries that has brought them before the League will result in the stubborn resolve on both sides to put these relations on a new and better footing and to lay the foundation for permanent peace in the Far East. It is in this spirit that the Chinese Government welcomes the Council's proposal of a permanent conciliation commission, or similar body, and it is in this spirit, too, that I wish to assure the Council that the Chinese Government, for its part, will not only scrupulously observe all its obligations under international law and practice to promote good relations with Japan, but will do everything in its power to turn the thoughts of its people to peace and amity, forgetfulness of the bitter past, and hope for a better future.

The PRESIDENT. — I have a communication to make to you relating to a conversation which I had this afternoon with the representative of Japan. During that conversation, he informed me of his Government's objections to various articles of the draft resolution which is before us, and he indicated to me, as he was entitled to do, the wording which his Government would have preferred. I have received from him a document containing these modifications.¹ On looking more closely into the document, I see that it constitutes a whole, that it is not only an indication of various amendments, but in reality a counter-project, which I will put before you. We shall have to discuss it immediately and take a decision on it before voting on the Council's draft resolution.

I need not read the first part of this document; Points 1 and 2 are in entire conformity with the text of the Council's draft resolution. In Point 3 there is a slight amendment. Instead of: "is in accordance with the terms of the Covenant of the League of Nations" M. Yoshizawa proposes: "is in accordance, with the spirit of the Covenant of the League of Nations".

Points 4, 5, 6, 7 and 8 are as follows:

"(4) Again notes the statement by the representative of Japan made on October 13th to the effect that the Japanese Government would withdraw those of its troops still remaining in a few localities outside the said zone as the present atmosphere of tension clears and the situation improves, by the achievement of a previous understanding between the Chinese and Japanese Governments as regards the fundamental principles governing normal relations—that is to say, affording an assurance for the safety of the lives of Japanese nationals and for the protection of their property;

"(5) Recommends the Chinese and Japanese Governments to confer together at once with a view to arriving at the understanding mentioned in paragraph 4;

"(6) Recommends the Chinese and Japanese Governments to appoint representatives to arrange the details of execution of the evacuation and of taking over the districts evacuated;

"(7) Asks the Chinese and Japanese Governments to be so good as to keep the Council informed of the progress of the negotiations between them and the position as regards the execution of the present resolution;

"(8) Authorises its President to take, after examination of the above communications, all such measures as he may think necessary to ensure the carrying out of the present resolution, and to convene the Council at any time with a view to a fresh examination of the position."

M. YOSHIZAWA. — I now desire to submit to the Council certain observations concerning the draft resolution that was laid before us yesterday. May I first of all express my concurrence in what was said by the Chinese representative when he pointed out that this resolution is the outcome of a month of effort? It is in full sincerity that I thank the members of the Council for their

¹ Document C.753.1931.VII.

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untiring efforts as well as for the great patience, referred to yesterday by M. Briand, which they have shown in removing any danger of a conflict and in upholding the principles and the prestige of the League of Nations, a duty of which the Japanese Government is fully conscious.

The Japanese Government in this matter has never had any intention of disturbing peace. It was led, by a series of circumstances which were particularly painful for it and for its nationals, to take defensive police and security measures. There is no aggressive or hostile intention behind this action. The Japanese Government did everything from the outset to prevent any aggravation of the situation by not allowing its troops to move outside the zone except in so far as was strictly necessary for them to carry out their duties of protection. As she has several times stated, Japan has no territorial designs in Manchuria, and it is her firm intention to withdraw her troops as soon as circumstances permit her to do so without danger. That withdrawal has already been begun. More than half the troops which were sent outside the zone at the beginning have now been brought back, and there remain outside the zone only some 2,250 men. These latter troops Japan hopes to be able to bring back into the zone within a very short time, if China, by the sincerity of her attitude and by goodwill, is prepared to co-operate with Japan in bringing about a relaxation of the prevailing tension.

In this spirit I am prepared to accept Points 1, 2 and 3 of the draft resolution before us. As regards Point 4, the Japanese Government would like to point out to the Council, in the first place, that, so far as circumstances permit, it has, as I have said, already begun the withdrawal of its troops. Nevertheless, seeing that feeling at present runs high and having in view the conditions of disorder at present prevailing in Manchuria and the manifest powerlessness of the Chinese authorities to prevent disorder in the areas under their control, and bearing in mind the danger which might result from the present state of excited public opinion by the presence of Chinese forces in proximity to our troops, the Japanese Government does not deem it possible to fix a definite date by which the last of its men will have been brought back within the zone. That does not mean to say in any way that it is not the Japanese Government's firm intention to bring them back, nor does it mean that it has any desire to leave them where they are in order to secure from China further concessions or special privileges of whatsoever kind. It is the actual facts of the position which give rise, in the mind of the Japanese Government, to these feelings of hesitation. In the present state of affairs it confesses that it entertains serious misgivings even as to the real efficacy of the safeguards proposed by the Council in paragraph 4 (b).

The Japanese Government, as it has already stated on several occasions, regards it as absolutely essential that the excitement at present prevailing should subside, and that there should be a calmer frame of mind. It has been led to these conclusions, as I said yesterday, by a long and bitter experience. It has carefully thought out what points are necessary to bring about such a *détente*, and has determined a number of fundamental points upon which normal relations between China and Japan should be based. This agreement the Japanese Government regards as essential. I should like here to dispel any misunderstanding. There is no question for us of going into any details; above all, there is no question of our attempting to wrest concessions or privileges from China. What we desire is to remove the causes of friction. Japan appeals to China to show her sincerity by giving proof of her goodwill and her attachment to the cause of international good understanding.

So far as concerns direct negotiations on questions outstanding between the two Governments (to which reference is made in Point 6 of the draft resolution), the Japanese Government has no objection to such negotiations being begun whenever the Chinese Government desires. It will always be ready to respond to any suggestions made by the Chinese Government on this subject. It considers that the question of the manner in which such future negotiations could be conducted can easily be settled between the two Governments.

It is with the above considerations in mind that I venture to submit to the Council amendments to the draft resolution circulated to us. Among these amendments is one providing that the Council shall be kept informed of the progress made in the negotiations. In making this proposal, the Japanese Government has desired to remove any suspicion that, by unduly prolonging the negotiations, it desires in any way to postpone the withdrawal of the troops into the zone, were it only by a single day.

I have already mentioned that it is materially impossible for the Japanese Government to fix an exact date for that withdrawal. I wish to repeat here that the Japanese Government desires and intends to withdraw the troops as quickly as possible. But it considers that, if it were to fix a date for a contingency which does not depend upon its action alone, it would run the risk of finding itself faced with the painful alternative either of shirking its responsibility or of appearing to the world as having failed to keep its promise.

It is in this sense, and in this sense only, that the Japanese Government would like the Council to trust to its goodwill and the loyalty of which it has not ceased to give proof during ten years of close and sincere co-operation with the League of Nations.

I listened to the Chinese representative's very eloquent statement with keen interest; but I regret I cannot share his view.

According to his speech, it would appear that the whole of Manchuria is now under Japanese military occupation. In point of fact, that is not so. As I have already pointed out on several occasions, our troops are at present stationed only in some three or four towns in Manchuria. The present condition of Manchuria is of such a special kind that one cannot imagine it in Europe.

I have already explained in the statement I made yesterday, as well as in that which I made to-day, the danger which at present exists in Manchuria.

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The Chinese representative referred to the fact that a Japanese aeroplane threw a number of hand-grenades. I have just received a telegram from the Consulate-General of Mukden in the following terms:

" Japanese military authorities state that a reconnaissance aeroplane, sent to report on the condition of the railway bridges of the Taonan-Angangchi line, was received by heavy rifle fire near Chiangchiao by the troops of the army of Heilungkiang. The aeroplane dropped a number of hand-grenades on its assailants."

May I say that the railway was built by a Japanese concern. There is now proceeding in this area a struggle between Heilungkiang and the Military Governor of Chiangchiao. However regrettable such incidents may be, they must be considered with calm, and their importance should not be over-estimated.

I desire to draw the attention of the Council to the fact that the atmosphere in Manchuria has not changed very much since the initial incident last month. Our troops are still faced with numerous Chinese soldiers and large groups of bandits. It is obvious that, in these circumstances, our troops are obliged to resort to police and defensive measures. It is in order that this painful position may be cleared up that we want to reach an agreement between ourselves and China.

I would request the Council not to be misled in its judgment by tendentious versions of isolated events which inevitably occur in circumstances such as those which prevail at the present moment.

On the 16th of this month a long telegram appeared in the London *Daily Telegraph* from its special correspondent in Manchuria. The following are extracts from this telegram:

" In the meantime, the first great anti-bandit drive in the history of Manchuria was carried out by the Japanese forces of infantry, cavalry and aeroplanes with complete success yesterday

" Mr. James Park, who directs the traffic between Chinwangtao and Sinmintao, and Mr. N. G. Willis left Mukden to-day to supervise the railway engineering works. Both are in constant danger from the bandits beyond the Japanese area.

" Mr. Willis made his will before leaving Mukden to-day.

" Local Chinese magistrates signed a document for forwarding to General Honjo, the Japanese commander, thanking him for defeating the bandits.

" In my opinion, the whole situation in Manchuria centres upon the bandit issue. Undoubtedly the Japanese have been forced to extend their action in certain areas to protect their communications, their own nationals, and other foreigners. It would be plain suicide to withdraw the Japanese troops from their present outposts. The whole country is in a chaotic state, without any semblance of authority excepting on the Chinese Eastern Railway and that exercised by the Japanese."

There you have the position as it is. This is a report from the national of a third Power. The attitude of the Japanese Government has been approved by a number of foreign observers, including Mr. Woodhead and Mr. George Bronson Rea, who are well known for their wide knowledge of conditions in the Far East.

M. SZE. — I have made my position quite clear with reference to the Council's resolution, and therefore I need not repeat what I have said as to my position on the different issues.

As to the counter-proposal put forward by the Japanese representative, I wish to say now that I cannot accept it. As to the statement made by him, I do not think I need take up the Council's time for very long. I have already answered what he said yesterday and repeated to-day. I notice that, since our meeting on October 13th, he has mentioned again and again the appearance of bandits. How is it that bandits now begin to be so numerous? I have stated the reason; I need not repeat it.

The Japanese representative takes great pleasure in reading to you an account from an English newspaper, which, he says, is given to the world by a writer of a third country. I am glad that he is able to find such an account, because there are also other accounts which very likely he would not care to read. He also mentions, by way of excusing the dropping of bombs on the railway, that the line was built by the Japanese. The British, the French, the Belgians and others in China have built railways, but they have never dropped any bombs.

Lord CECIL. — I think it is impossible for us to enter upon a full debate on this question at this hour, but I have one observation to make and one or two questions to ask.

The British Government has been made extremely uneasy by the bombing incidents that have taken place during this dispute, and finds it extremely difficult to see how those incidents can be justified by any known principle of international law. I do not desire, however, to go into the details of the matter, because I quite recognise the validity of one observation made by our Japanese colleague—namely, that all manner of incidents of this description are bound to occur so long as the state of things to which we are trying to put an end continues to exist. I quite agree that the most essential thing is to try to find a fundamental cure for what is now amiss.

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I do not intend to discuss the details of the proposals made by the Japanese representative. That must be done at leisure. I should, however, like to ask for some further explanations on one or two points. As I understand the principle of his resolution, it is that there should be "*une entente préalable entre les Gouvernements chinois et japonais sur les principes fondamentaux régissant les relations normales*" This he regards as an essential preliminary, but he will forgive me if I say that nothing was said about it at our meeting on September 30th. Further, I should be glad to have more precise explanations of what the Japanese representative understands by "fundamental principles". I am quite aware that, in his very interesting speech, he dealt with this point, but he did not state what those fundamental principles were. All he said was that the Japanese Government "*a déterminé quelques points fondamentaux*". It is clear that he knows what he means by these fundamental points, but it would, I think, be of great advantage to the Council if he would tell us what they are. It is very difficult for us even to consider a resolution pledging us to the proposal that there should be preliminary understanding on fundamental principles unless we know what is meant by those fundamental principles.

I understand that, except for that change, his proposals do not, in substance, go beyond the Council resolution adopted on September 30th. We shall have to consider whether the proposals we then made have been so successful that we can simply repeat them now, but I should be very grateful for the assistance of the Japanese representative on the points I have mentioned.

Again, under the terms of the resolution adopted on September 30th, a definite date was fixed for the next meeting of the Council. As far as I understand it, the Japanese representative, under paragraph 8 of his draft, does not propose to fix any date for a future meeting of the Council. The President, of course, has always the right to call a meeting, but the Japanese representative does not propose to give him any assistance in exercising that authority. He does, however, propose to give the President certain powers, and I should like to know exactly what they are. He proposes to "*autoriser son président à prendre, après l'examen des considérations ci-dessus, toutes mesures qu'il juge nécessaires pour assurer l'exécution de la présente résolution*". What action is contemplated as being within the power of the President to take? Would he be able, for instance, to direct a Commission to proceed to Manchuria to examine the situation? I merely take that example at hazard.

It is very important that we should know what the Japanese Government has in mind on these points, and I should be glad if our Japanese colleague would give us further enlightenment.

M. YOSHIZAWA. — To begin with, I repeat that the dropping of bombs is carried out in spite of the Japanese Government's desire not to have to resort to such measures. I admit it is very unfortunate. But, in the light of the present position, our troops are compelled to take action of this kind.

With regard to the question raised by Lord Cecil, the "fundamental points" to which he has referred are the points set forth in our proposal—viz., the means of safeguarding as a first step the lives and security of Japanese nationals and the protection of their property.

The resolution of September 30th provides that the Japanese Government will withdraw its troops in proportion as the security and protection in question are effectively assured. The purpose of the fundamental principles is merely to make that security and that protection effective. Moreover, the Council will have full information, because we desire to keep it informed of the progress of the negotiations.

The third point raised by the British representative refers to Point 8 of the resolution. We have nothing special in view when we state that the Council "authorises its President to take such measures as he may think necessary to ensure the carrying out of the present resolution". I would add that we have no objection to the Council meeting on November 16th, in spite of the fact that we say in our text that the President may convene the Council at any time.

The PRESIDENT. — There is one point with regard to which I should like to ask our Japanese colleague for further explanation, for I think it is the crucial point.

There are two ways in which the two Governments can engage in conversations; these conversations—or negotiations, if you like to call them negotiations—may bear upon two very different subjects or groups of subjects.

The first group relates to the statements made by the parties and repeated to-day, regarding the conditions of security which must first be established in order to enable the Japanese Government to withdraw its troops in satisfactory circumstances—for example, with the certainty that the Japanese nationals and their property in an evacuated area will not be subject to reprisals after the troops have left. In regard to this kind of discussion, the representative of Japan is entirely at one with the Chinese representative.

On this point I therefore believe agreement should be easy, because it concerns police measures, administrative measures, possibly military measures; these are questions which can rapidly be settled.

The second group includes questions on which, for a long time past, the two countries have been unable to agree. If, before evacuation, matters which have not been settled for months and

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even for years must be discussed between the two Governments, obviously the time-limit contemplated by the Council is far too short to enable results to be achieved. On this point there is complete disagreement between the two parties. The Chinese view is that negotiations of this nature must be postponed to a date when military pressure no longer exists. They are rejected as a condition of evacuation.

That is the problem, and I think that agreement depends on the solution of that problem.

When reference is made to "fundamental principles" in Point 4 of the Japanese text, is there any idea of bringing under this term any of the questions which are to form the subject of the fundamental negotiations, as constituting an element of security? If so, the whole problem, with all its difficulties, is again before us.

If, on the contrary, the text relates only to questions of security, I note that we would be much nearer agreement and I should be very glad of it. That is a point which must be elucidated.

At this late hour, I think it would be advisable to discontinue the discussion and adjourn until to-morrow morning, say at 10 a.m., when we could resume with the resolve to clear up the situation completely and to reach agreement.

I must add—I address this to the representative of China—that I fully understand his position and readily admit that he is entitled to be a little more sensitive than we, and that more regard must be had for his patience than for ours. But, as President of the Council, I feel it incumbent upon me to defend the League of Nations against any kind of impatience; there must be no unfair criticism. I should like our colleague to realise that the League of Nations desires scrupulously to fulfil its duty; it has proved this by taking up a problem so formidable, so complicated and so difficult to solve.

I am sure that, when the representative of China sent in his request to the Secretariat, he himself realised that the League of Nations would be faced with enormous difficulties. It has taken three weeks to reach the point at which we have now arrived. This has caused astonishment. I do not think it fair, for when a dispute arises between two great and distant nations, between whom are difficulties which have existed for months and years, which it has never been possible to settle and which have often brought them into opposition, it would be somewhat unreasonable to be surprised and to ask an organisation like ours to settle so difficult a dispute in a few weeks.

Under the Covenant of the League of Nations, it is our duty to deal with such cases. Why? To prevent them from degenerating into war. We have given the parties an opportunity to explain their views to each other. We have already been able to modify the character of the dispute and to keep it within narrower limits. Thereby the League of Nations has rendered a service to mankind. If you will remember that, in order to reach a final and satisfactory result in a question like this, the Council must, itself, when the dispute is submitted to it under Article 11 of the Covenant, obtain unanimity among its Members, including the parties concerned, you will realise what difficulties stand in our way. We must not be impatient. We must, on the contrary, remember that, in this matter, the League of Nations has done its duty as it has done it in the past, and that it has already rendered a service to mankind by showing that it is more difficult to begin a war than is sometimes believed.

FIFTEENTH MEETING (PUBLIC).

Held at Geneva on Saturday, October 24th, 1931, at 10 a.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. The British Empire was represented by Viscount CECIL OF CHELWOOD and Italy by M. SCIALOJA. The United States of America were represented (Minute 2951) by Mr. Prentiss GILBERT.

2954. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

The PRESIDENT. — We have to continue the discussion begun at yesterday's meeting. The essential subject of discussion is the draft resolution of the Council; incidentally, we have to consider a counter-proposal submitted to the Council by the Japanese representative. I have read to you the provisions of the counter-proposal which do not correspond to the provisions of the Council's draft resolution. We stopped yesterday after questions were asked by the British representative and replies given by the Japanese representative. I propose that the discussion should be resumed at the point where we left off.

M. YOSHIZAWA. — With regard to the fundamental principles mentioned in our draft resolution. I offered a few explanations to the British representative yesterday.

Our President, in his speech at the close of yesterday's meeting, drew a distinction between two categories of questions which may be regarded as forming the substance of the fundamental

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principles. In order to dispel any misunderstanding on this point, I wish to repeat that the substance of the fundamental principles relates, in my Government's opinion, only to questions coming within the first category as described by our President, in regard to which an agreement can easily be reached before the troops are withdrawn. These fundamental principles are only intended to ease the situation and to facilitate the re-establishment of normal relations between the two countries.

There are admittedly many questions in dispute between my Government and the Chinese Government which have remained unsettled for years. The settlement of these questions will take some time, but it will be pursued in the course of subsequent negotiations between the two Governments after the withdrawal of the troops. These questions do not form the substance of the fundamental principles mentioned. Consequently, the fundamental principles on which we desire that an agreement should be concluded beforehand only relate to the questions coming within the first category defined by our President at the close of yesterday's meeting.

I would add that I have no objection to Point 8 of my resolution being omitted and being replaced by the text of Point 7 of the original draft submitted by the President.

LORD CECIL. — It seems to me that the most fundamental rule in all international negotiations is to avoid, as far as possible, anything in the nature of ambiguity or misunderstanding. It was in order to avoid anything of this kind that I ventured to put a question to my Japanese colleague yesterday, which he was good enough to answer. This morning he has further given an additional explanation as to what his answer meant, and on the face of it—if I understand his answer rightly—he does not really desire anything different from the proposals contained in paragraph 4 (b) and paragraph 5 of the resolution which the President put before us yesterday—that is to say, he really desires only a preliminary discussion as to the details of the execution of all points relating to the evacuation and the taking over of the evacuated territory so that this may proceed smoothly and without delay.

If this is really what my Japanese colleague means, then I venture to ask him why he feels it difficult to accept the wording proposed by the President, which seems to me, and I think to all my colleagues, extremely clear and definite.

In addition, my Japanese colleague's proposal speaks of this mysterious entity "fundamental principles". I would very respectfully point out to him how impossible it is for the Council to consider whether it will or will not accept a phrase of this kind unless it knows exactly what that phrase means. I am sure he will realise this.

He says it means no more than what the President means. If that is so, why will he not accept the President's words? If he does mean more than what the President means—more, that is to say, than a discussion upon the executive and administrative details of evacuation—if he means discussion of some political questions, then I do beg him with all the strength at my command to say so quite plainly and clearly, in order that we may know exactly where we are.

I am not making the slightest accusation or criticism of my Japanese colleague. He will be well aware of all the statements which are being made in the Press, both here and in Tokio, as to what Japan really desires. I see in the *Journal de Genève* a statement in italics that what the Japanese really desire is something in the nature of an acceptance by China of existing treaty provisions. May I ask my Japanese colleague clearly and definitely whether this statement in the *Journal de Genève* is accurate or inaccurate? Does Japan desire to enter into a discussion of treaty obligations with China concerning Manchuria before evacuation? If this is what Japan wishes, I would beg my Japanese colleague to state the fact plainly. If he will allow me to say so, it really is not treating the Council quite fairly to ask it to accept such a phrase as "fundamental principles" without stating exactly what is meant. I am quite sure the matter has not struck him in that way, and I am equally sure that, when the point is put to him, he will realise that the Council must be in a position to know what it is discussing before it discusses it.

I therefore very respectfully beg my Japanese colleague to enlighten us still further as to why the Japanese delegation desires the phrase "fundamental principles" to be added to the resolution and why, if those words only mean the same as those of the President, the Japanese delegation cannot accept the President's text.

M. YOSHIZAWA. — I have seen statements in the Press similar to those which have been quoted, but I can accept no responsibility for what is published in the newspapers.

As regards the fundamental principles, my Government holds certain views, but I cannot communicate these views officially to the Council until my Government has authorised me to do so.

It is quite natural that my Government should wish to enter into negotiations with China in order to reach agreement on a number of questions with a view to ensuring the security of the life and property of Japanese nationals in Manchuria. My Government intends to conclude an agreement with China as a measure previous to evacuation. Failing such steps, my Government is convinced that Japanese nationals in Manchuria will immediately be exposed to danger.

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I am sure that, in the statement I made a moment ago on the fundamental principles, I furnished sufficient explanations on the subject, and I hope that the representative of Great Britain will be satisfied with my explanation.

M. DE MADARIAGA. — I wish to support the suggestion made by the representative of Great Britain in regard to Point 4 of the proposal submitted to us as a draft resolution by the Japanese representative. But, before defining my views on this matter, I wish to go back for a moment to the questions raised at our last meeting.

We have all realised that the case before us is a serious one. It has even been described as the most serious which has ever come before the League. I am not sure that I can wholly subscribe to this opinion, first, because all international disputes are serious. They may seem at first sight not to be very serious, but no one can tell whether they will lead. I therefore feel that, whatever the gravity of the cases submitted to the Council may be, they can and must be solved if the Council is—as no one has the right to doubt—firmly decided to settle them as far as possible (and I am sure that it is possible) unanimously.

In addition, this is a special, I might even say a very special, case. On this point I can only repeat with far less authority the serious words of our President at yesterday's meeting. We must not forget, however, that disputes are, by their very nature, unexpected occurrences. When all is said and done, only the rule is normal. We must make up our minds that, in future, disputes laid before the Council will be quite as unexpected as the present one. That is all the more reason why we should take every care that the rule is not forgotten, although we shall obviously be obliged to modify its application in such special cases as may arise.

I desire, however, to emphasise one point which has perhaps escaped the notice both of the Chinese and Japanese representatives. The outlook for them is not the same as it is for us. For them the problem is mainly one of settling a dispute which, unfortunately, separates them at present. We, however, have a two-fold duty. We have first to endeavour to settle a local conflict to the best interests of the two Powers concerned. We have, however, another duty which is perhaps not so urgent, but which is possibly more serious—that of maintaining intact, and, if possible, of strengthening, by a practice established by us, this League of Nations, on which the peace of the world depends. We should not therefore forget the consequences which any decision, or indeed any words spoken at this table, may have for the League of Nations.

I would very respectfully point out to the Japanese representative that the present case is an extremely dangerous one. The League of Nations is based on respect for the territorial integrity and political independence of its Members. I would recall that Article 10 is one of the most important articles of the Covenant. I should like to ask the Japanese representative to be good enough to tell us what importance, if any, he attaches to the fact that in Point 3 of his proposal he says: "Recalls the statement of the Japanese representative that Japan has no territorial designs in Manchuria, and notes that this statement is in accordance with the spirit of the Covenant of the League of Nations . . ."; whereas the proposal submitted by the President of the Council contains exactly the same words except for the following: "this statement is in accordance with the terms of the Covenant".

I now come to the central point of our task—namely, the value which we ought to attach to security.

This idea of security is at the very centre of the life of the League of Nations. We must ascertain exactly what the term means. I have the good fortune to represent here one of the countries which enjoy the greatest security. Spain is surrounded by friends. She has nothing to fear from these friends and consequently does not speak of security from the standpoint of those who feel insecurity. But she speaks of it from the standpoint of those who may be called upon to defend the security of others when it is menaced. My country requires therefore to know exactly what is meant by security. Spain wishes it to be made clear that security is not a term which can be enlarged or restricted at the will of the country which says that its security is threatened.

What is the situation? It is true that we are faced, as I said just now, by a very special case. It is a case, so to speak, of symbiosis. We are concerned with a region of the world as large as France and Germany together, formerly inhabited by some three million souls and now perhaps by ten times that number, in which there live side by side a very energetic, constructive and civilising Japanese element and a very large Chinese element which has also, in recent times, become animated by a new creative and civilising spirit. In this state of symbiosis, the definition of security naturally becomes more difficult. Obviously, however, we are at least entitled to say that, on the day on which the Japanese troops went outside the zone in which they had a right to remain, supposing that security did not exist at that time—a point on which I express no opinion—security was certainly not increased. Consequently, we can affirm that the initial fact which brought the Council together, the fact that the Japanese troops had gone outside the railway zone, has tended to increase rather than decrease insecurity. In other words, security has been, if not totally, at least seriously, compromised by the very fact that the Japanese troops are no longer within the territory rightfully reserved for them.

As representative of a European State, of a State which has to watch over the possibility of disputes, I see a danger in allowing anyone to claim the right to remain on the spot when that party has invaded a territory in which it has no right to be, by stating that there is no security,

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particularly as in certain respects at least the party is partially responsible for the state of insecurity.

That is a first point to which I wish very respectfully, but very firmly, to draw the attention of my Japanese colleague.

There is a second point which seems to me still more dangerous and which obliges me to support very strongly the attitude adopted here by the British representative. Do the famous fundamental points really derive from security and nothing but security, from evacuation and nothing but evacuation? If there is anything else, what we really have is a linking up of concepts, a line of reasoning which would allow the idea of security to be extended *ad infinitum*. On this point, I hope the Japanese representative will forgive me if I say that, while I am not sure whether Lord Cecil will be satisfied with the explanation of the Japanese ambassador, I am very sorry for my part to have to state that I am not satisfied.

I have before me the statement made by the Japanese representative when he courteously replied to Lord Cecil's question. I shall read this statement.¹

For the sake of clearness, I wish to remind the Council of the Japanese representative's own words on October 13th:

"If the Chinese Government were to make serious efforts to check the anti-Japanese agitation and to arrive, in common accord with us, at a preliminary basis for the re-establishment of normal relations between the two countries, it would do much (I am convinced) to promote the relaxation and pacification which is so eminently desirable, thus removing the most serious obstacle to the withdrawal of our troops. The withdrawal of our troops is not conditional on the realisation of such an understanding. It is, I repeat, conditional on the security and protection of our nationals. That would, in practice, be assured by the procedure which my Government has not ceased to advocate. By all these measures and arguments taken together, we can give effect to the principles of the Council's resolution by establishing a good understanding between the two nations, as Article 11 of the Covenant says."

I will try and explain briefly the perplexity which these texts cause me. I take them to mean that evacuation depends on security, security depends on pacification, and pacification depends on the settlement of a number of questions which have nothing to do either with security or with evacuation.

That is a serious matter. It is so serious, it would so extend the idea of security, that I am sure M. Yoshizawa, who represents a State which is a permanent Member of the Council and who will probably have in the future—though I hope not—to decide similar cases in circumstances different from the present (he being in the position in which we are now), will realise that it is in his own interest to define exactly the terms of his statements so that there can be no doubt that, in the opinion of his Government, the idea of security means nothing more than security in the strict sense of the term, and does not contain other ideas of pacification and the settlement of questions alien to the occupation and evacuation, so that the Council's duty may be quite clear and definite and that we need have no fear of an amplification of this concept of security which would lead to a considerable amplification of our own duties.

I am afraid I have been rather long, but that was perhaps unavoidable in defining a conception which might perhaps enable us to see the possibility of a solution of the present dispute.

What, in point of fact, is the difficulty? It seems to be that the Japanese Government has a desire, which is not only natural and legitimate but praiseworthy, a desire which we should all accept with gratitude, to secure more peaceful relations between the two countries and to create a calmer atmosphere by negotiating on points which have no direct connection with the idea of evacuation. This desire exists in relation to the security of Japanese nationals in the zone. I think there is a solution for this problem, a solution which could satisfy both the rule of the League—which is to separate the nations so as to enable them to discuss peacefully—and the interests of Japan and of China. The solution, I think, is very simple. Let us decide that the Japanese troops shall evacuate the territory—I do not for the moment suggest within what time-limit; that can be discussed later. Let us decide that immediately after the Japanese troops have been withdrawn, on the very day they are withdrawn, direct negotiations will be begun in accordance with a formal promise given solemnly before the Council by each of the two Powers. There would then be a moral, solemn and consequently unbreakable link between the two questions; but we would not have allowed the idea of negotiations to trespass on the idea of evacuation, this, in my opinion, being quite incompatible with the grave duty of the Council in this matter.

LORD CECIL. — I do not propose to follow the very interesting observations which have been made by my Spanish colleague. They will no doubt be considered very carefully by all the members of the Council; but I want to say a word in reply to what my Japanese colleague said just now. I called his attention to the fact that, in a paper published at Geneva, it was definitely stated that the main fundamental point which the Japanese desire to discuss before the evacuation was the question of the treaties which exist between Japan and China. My Japanese colleague said he was not responsible in any way for what appeared in the Press. Neither am I.

¹ See Minutes of this meeting, page 2351.

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But there is a fact which has given rise to a public statement, and it would be foolish for the Council not to consider it as one of the points which may be examined.

I may add that, by the courtesy of the representative of Reuter's Agency, I have been shown a telegram from London from their representative in Tokio, which I propose to read:

"If the League refuses to handle the question of the sacredness of treaties, the League should refrain from attempting to force Japan to change its stand.

"This appears to sum up the attitude of Japanese official circles, which are clearly disappointed and resentful as a result of the League's apparent intention to override Japan's insistence on Chinese recognition of treaty commitments as a *sine qua non*. Whilst emphasising that Japan recognises seriousness of such a step, official circles intimate that Japan intends to stand firm on the Treaty question"

I am sure my Japanese colleague will recognise that the Council has not been presented by Japan with any demand whatever with reference to treaties. Yet we are informed by a news agency of high standing that, in official circles in Japan, it is being freely stated that the League declines to recognise the sacredness of treaties, and it is because of the League's refusal to recognise the sacredness of treaties that Japan is unable to change her attitude.

That is a grave misunderstanding. No such proposal has been put before the League. Neither the Council nor any Member of the Council has suggested that there was any question at all as to the sacredness of treaty obligations.¹ The Covenant sets out as one of the main purposes of the League the "maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another". There can therefore be no question of the League desiring to override the sacredness of treaties. Of course, it is quite possible that there may be a dispute between the parties to treaties as to the validity of a treaty or as to the interpretation of a treaty. Fortunately, any such dispute as that can now be settled authoritatively by an appeal to the Permanent Court of International Justice at The Hague, over which, as it happens, a Japanese national at the moment presides. It is certain that any such question would be discussed with absolute fairness and impartiality at The Hague. The League could, at any moment, obviously express the view that all treaties ought to be carried out; but that is not the question before us. The treaties hold; but to discuss up to what point they bind the contracting parties would seem to me to be definitely reversing the order of things. Evacuation must take place first. Discussion of the treaties may follow. It is an important matter, but is not one which directly affects the safety of the nationals of Japan, and therefore is not one which ought to be discussed before the Japanese troops retire from the territory which they occupy.

M. YOSHIZAWA. — I will reply to the questions that have been raised by the Spanish and British representatives. The Spanish representative asked a number of questions, some of which I will answer.

He first asked why the word "terms" in paragraph 3 of the resolution had been replaced by the word "spirit". Our draft resolution conforms with the wording of Article 10 of the Covenant. We have accordingly no objection to reverting to the original drafting—that is to say, replacing the word "spirit" by the word "terms".

Secondly, the Spanish representative said that the situation would be very serious if our troops remained outside the railway zone beyond a prescribed period. As I have said on several occasions, my Government is fully prepared to withdraw its troops within the railway zone as soon as it is convinced that the lives and property of Japanese nationals are adequately safeguarded. It is because of the conditions which prevail in Manchuria that my Government has been compelled to take action. I am convinced that jurists will find my Government's attitude in this matter justified.

The third point raised by the Spanish representative was that of the fundamental principles, which (he says) have nothing to do either with security or evacuation. As I have already stated, it is the view of my Government that it is absolutely necessary for it to reach an agreement in order to ensure security. Once this agreement is concluded, our troops will be withdrawn immediately.

In the course of his speech, the British representative read a Reuter telegram. I, too, regret that such a message should have been sent to Europe. I must say that I have never sent any telegram to the Japanese Minister for Foreign Affairs to the effect that the Council rejected the Japanese view as regards the maintenance of the sacredness of treaties. It is my duty to report day by day the details of the Council discussions; but I can assure you that I have never sent any telegram in the sense of the Reuter message quoted. I also deplore a misunderstanding of this kind. I entirely agree with Lord Cecil, and I shall at once cable to Tokio in this sense after the meeting.

The PRESIDENT. — We must reach a conclusion. The Council has two texts before it—the draft resolution prepared and adopted by all the Members of the Council except the two parties

¹ Note by the Secretariat. — On October 24th, 1931, subsequently to the present meeting the Chinese representative sent to the President of the Council a letter on the question of "treaty obligations" (see Annex 1334, Section XXI).

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to the case, and the counter-proposal submitted by the representative of Japan, which we have already discussed at great length.

The fundamental point on which the two texts differ is the measures proposed with a view to ensuring the safety of property and persons, as has been promised by China to enable Japan to withdraw her troops.

I must say—and I am sure the representative of Japan will agree with me—that the Council's text at any rate possesses the merit of being absolutely clear. No part of it has been discussed on the grounds that it might be interpreted in several ways.

The Japanese representative has on several occasions explained his text in reply to questions put by Lord Cecil, M. de Madariaga and myself. He has given a large number of explanations, which prove that there is some uncertainty regarding the text—a sort of misunderstanding. I therefore appeal to the Japanese representative's goodwill. His country, as he reminded us and as I myself am personally aware, has for ten years been one of the most ardent and faithful supporters of the League. It may be said that, whenever the League has had to settle a difficult case, Japan has always been more than anxious to ensure respect for international undertakings and obligations. She would never, therefore, attempt to shield herself behind a misconception, and the tenacity with which M. Yoshizawa has endeavoured to make us understand his Government's views is proof of this. Nevertheless, uncertainty does exist; that fact alone obliges us to consider another text. We cannot allow the result of these discussions to be a document which public opinion, in so delicate a case as the present one, might regard as rather ambiguous.

The text adopted by the Council is based on a desire to ensure respect for treaty obligations, on the undertakings already entered into by the parties, and, in particular, on the statement by the Japanese representative, accepted in the resolution of September 30th—that is to say, before the dispute had become heated, and when therefore matters could be viewed more calmly. This is the declaration made at the time by the Japanese representative:

"The Japanese Government will continue, as rapidly as possible, the withdrawal of its troops, which has already been begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals is effectively assured, and it hopes to carry out this intention in full as speedily as may be."

This declaration refers, in the matter of safety, to steps which cannot fail to be taken rapidly; otherwise, the Japanese Government would not at that date have commenced evacuation and have promised to complete that evacuation at an early date. When negotiations have to be conducted between Governments regarding the interpretation of treaties and railway questions, it is impossible to be sure that a conclusion will be reached in a short space of time. The Japanese representative, with his long diplomatic experience, knows how difficult it is, when a political case arises between two Governments, to reach a conclusion; how slow the negotiations are, and what patience is required to achieve a result. The Japanese Government therefore intended to refer to precautions for assuring safety, decided upon jointly and with the least possible delay, in order to allow rapid evacuation.

Article 10 of the Covenant does not call for any commentary. It says that all Members of the League must undertake to respect the territorial integrity of the other Members and refrain from any act which might prejudice the political independence of others.

Article 2 of the Paris Pact, which has been invoked here, is also very clear:

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

This is a dispute which has been laid before the Council. There can be no question of dealing with it by other than pacific means. Japan, which always so scrupulously honours its obligations, could not dream of adopting any other means.

I do not wish to dwell unduly on this point; but public opinion would not readily admit that a military occupation under these circumstances could be regarded as coming under the heading of pacific means. To prolong this situation would be to perpetuate a state of anxiety which has already lasted too long.

I am glad the parties have shown such goodwill in difficult circumstances, that they have restrained public opinion in their countries and have made it possible for the Council to fulfil its task by preventing the conflict from becoming more serious. But how great has been the danger during the past month! How much anxiety has been felt! Personally, I do not think it desirable to quote outside documents in League discussions, such as newspaper articles, Press items and controversies. In most cases we rely on our own documentation. But, in this instance, the feverish attention paid to outside views was due to a very anxious feeling that things were getting worse.

The Japanese representative also felt such anxiety. I therefore say to him: We have often followed difficult paths together and often, in the most awkward phases, the good sense and eminently peaceful intentions of Japan have been of great value to the Council. I need not refer to various cases in which serious disputes were solved thanks to the supple firmness which characterises Japanese action; but I should be very grateful if, in present circumstances, our colleague made an exceptional effort to be conciliatory. We are very near agreement. I had thought that the Japanese Government intended to begin negotiations concerning the substance of certain delicate problems which have long existed. That intention caused me uneasiness. But our colleague

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has told us: "That is not the case. We quite admit that negotiations should be begun with regard to these great problems after the evacuation". I wish to endorse the observation of the Spanish representative that, as clear evidence of the goodwill of both countries, these negotiations should be begun on the very day on which evacuation is completed. But the Japanese representative states that the terms of his counter-proposal do not refer to questions of a general nature, but only to security. Nevertheless, on this point there has been a hesitancy which it has been impossible to overcome, in spite of the goodwill displayed on every side this morning. The mere fact that such hesitancy exists shows that it would be better to have a clearer text.

What is the essential point? The representative of Japan states: "We are prepared to go; but we do not want our nationals to be the victims of reprisals immediately we have left. We wish to be sure that they will be protected". The Chinese Government recognises that this desire is a natural one and states that it is ready to enter into immediate negotiations in order to regulate the conditions of evacuation and provide the guarantees of safety which Japan desires.

That can be done very rapidly. There are precedents. Troops are about to leave a territory which they have administered, in which they have organised municipal services, police and various administrative departments. These various bodies have to be replaced. But that can be settled after a few hours, or at most a few days, discussion.

That is the procedure which seems to be foreshadowed in the declaration made by the Japanese Government on September 30th. As a matter of fact, Japan will not evacuate until she feels she is able to do so, until she has noted, in the interests of the safety of her nationals, that certain conditions she has laid down for evacuation have been fulfilled. That is a question of degree, and also a question that depends on local circumstances; the anxiety may be greater or less, according to whether one part or another of Manchuria is to be evacuated. Our Japanese colleague might say (and, in fact has said): "My Government does not wish to accept an obligation which it could not carry out; it wishes to be sure when it enters into an undertaking—for instance, with regard to a time-limit—that it will be able to honour its word". That is a very legitimate argument; no one is expected to do what is impossible, and I should quite understand a reservation on the part of the Japanese representative to the effect that, should he fall in with our views, the evacuation could only be completed within the period contemplated if the Chinese Government also showed perfect goodwill and really carried out the proposed measures.

Having said this, I think we ought to get down to the clear considerations contained in the resolution presented by the majority of the Council. I am convinced that, owing to the mere fact that the military pressure exercised on one of the two parties is about to terminate, relations will once more become normal, and that China will loyally endeavour to settle her difficulties with Japan. The situation will become less acute. That will be to the advantage of the two countries and to all mankind, because we are living at a time when men's nerves, already strained to near breaking point, can stand little more. The world is in such a state that, if the present situation is prolonged, very serious troubles may occur. The situation is bad enough without its being complicated by military operations.

If really we can reach agreement on a text after further explanation (if doubts still exist on certain points), we must do so. By so doing we shall have rendered another service to the League and shall once again have upheld the cause of humanity by fulfilling our essential duty, which is to prevent a dispute like this from degenerating into general warfare.

I would therefore request my colleagues to be good enough, if the Japanese representative agrees, to express their opinions first on his counter-proposal according to the usual procedure. If the counter-proposal is not adopted, we shall have to discuss further the draft resolution proposed by the Council and take a vote on that proposal, unless the Japanese and Chinese representatives have some other procedure to suggest.

I trust you will forgive me for speaking at such length. I felt, however, that it was my duty, as President and Rapporteur, to explain the situation as completely as possible so that the Council might take a decision with a full knowledge of the facts.

M. YOSHIZAWA. — To my great regret, I am unable to accept the draft resolution which has been submitted by the President, because, as I have already explained more than once, it does not, in the Japanese Government's view, adequately safeguard the lives and property of Japanese nationals for which the Japanese Government is responsible.

May I be allowed to say once more, as representative of Japan, that the Japanese Government has no intention of settling the present difference by military force? Its only desire is to ensure effectively the security of its nationals.

M. DE MADARIAGA. — My reason for speaking again is to submit an amendment to the procedure which the President has suggested to us, in the hope of arriving at a unanimous result. That of course depends on the Japanese representative's acceptance of my amendment.

M. Yoshizawa has just stated that he cannot accept the Council's draft resolution because it does not guarantee the security of Japanese nationals in Manchuria, for which his Government is responsible. I may say that I myself have grave doubts as to his view that a Government is

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responsible for the security of its nationals in a foreign country. This view raises a theory of such importance that I do not propose to say more on the subject here and now.

If I understand the Japanese representative's objections to the Council's draft resolution, they are based mainly on the fact that it makes no mention of the "fundamental principles" to which the Japanese counterproposal refers in paragraph 4. The discussion of yesterday and of this morning has been made peculiarly difficult by the fact that these fundamental principles have not been explained or laid before us, or, indeed, indicated in any way.

The President has referred to the wording of certain treaties, the sacredness of which concerns not only Japan but all the countries here represented. I should therefore like to read some lines from the Preamble of the Covenant of the League. They are to the following effect:

"In order to promote international co-operation and to achieve international peace and security;

"By the prescription of open, just and honourable relations between nations . . ."

As regards honour, it would be difficult indeed to find anywhere in the world a people more attached to honour than Japan. As for justice, the President has reminded us of the indispensable co-operation of certain Japanese ambassadors such as M. Ishii and M. Hayashi and the distinguished President of the Permanent Court of International Justice, M. Adatci. It is sufficient to mention their names.

But I am sorry to have to say that I am, for my part, greatly disappointed, as regards the publicity of international relations, at the Japanese Government's attitude in the matter which is before us. I do not desire to say anything further on the point except that I could do so if I so desired.

I reserve my attitude as to the "fundamental principles", of which I know nothing at all. I would merely note that the Japanese Government's difficulty consists in the fact that it is—quite rightly—anxious to safeguard the security of its nationals in Manchuria and believes their security to be bound up with questions which are not, perhaps, connected with evacuation as such, but are nevertheless indirectly connected with it by the question of pacification.

"We cannot withdraw", the Japanese representative says, "because of the prevailing insecurity. The insecurity is due to the fact that there is no pacification of public opinion. To solve this question of pacification, it is necessary to solve the question of the fundamental principles which we are not in a position at the moment to specify."

That is the whole situation. That is what lies behind the veil of mystery to which the President referred.

I should like to ask the Japanese representative, before I am faced with the painful necessity of voting against his proposal, whether he would be prepared to withdraw his proposal if we were prepared to amend our proposal in such a way as to bind the two parties to the case by a solemn and formal undertaking to begin negotiations on all the questions at issue on the very day the evacuation is concluded.

A declaration to that effect, if made immediately, would be so effective in relieving tension and pacifying public opinion as to safeguard the security of Japanese nationals in Manchuria and allow of the evacuation.

M. YOSHIZAWA. — My Government thinks it preferable not to enumerate the fundamental principles in the resolution, nor to discuss the details of these principles at the Council table. It believes that these principles could usefully be discussed between the two countries.

The Spanish representative said that these principles do not appear to be connected directly either with evacuation or security. That view, unfortunately, is not the view of my Government, which regards it as absolutely necessary to reach an agreement beforehand embodying these fundamental principles.

I therefore regret that I am unable to withdraw the words "fundamental principles" in our counter-proposal.

The PRESIDENT. — I think we should now adjourn until this afternoon. At this afternoon's meeting we shall vote on the resolutions.

Before concluding, may I draw the Japanese representative's attention to the fact that it would be a difficult matter—indeed, an impossibility—for the members of the Council to accept the inclusion in a draft resolution, in a spirit of conciliation, of a reference to fundamental principles, without knowing what they are and without having the right to formulate and discuss them. That would be asking the members to make too great a sacrifice. No member of the Council would agree to insert in a text a fundamental principle if he is ignorant of its precise meaning. I quite understand our colleague's reservation; but he for his part must understand how difficult it is for us to entertain the solution he is putting before us.

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SIXTEENTH MEETING (PUBLIC).

Held at Geneva on Saturday, October 24th, 1931, at 5 p.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. The British Empire was represented by Viscount CECIL OF CHELWOOD and Italy by M. SCIALOJA. The United States of America was represented (Minute 2951) by Mr. Prentiss GILBERT.

2955. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

The PRESIDENT. — Since this morning's meeting further conversations have taken place in the hope that we might be able to devise a solution of this difficulty in accordance with our unanimous desire. At one moment, I had some hope that the parties had been brought sufficiently close together for that to be possible. In that case, I should have had the pleasure of submitting to the Council a draft resolution which would certainly have been accepted unanimously. Unfortunately I am unable to do so, and I deeply regret it. It must not be inferred, however, that, during our conversations, we have found that the situation has become worse. Far from it. A new desire has been apparent on the part of the Japanese delegation to join us in the view which we have adopted. The Japanese representative is, however, far away from his country, and is not entitled to interpret his instructions otherwise than he has done and, for reasons of conscience, he has felt he could not go as far as we had contemplated.

We are therefore left with the two texts before us which have been under discussion. Following the ordinary practice, I shall first submit the counter-proposal of the Japanese delegation to the Council for consideration.

M. YOSHIZAWA. — The Japanese delegation has joined the Council in its efforts to try to find a satisfactory solution for the serious question before it. Unfortunately, it has to note that there is still a difference of view as between the opinion of the Council set forth in the resolution and the opinion of the Japanese Government.

I desire to repeat one or two statements I have already made on several occasions. This matter was brought before the Council with the object of averting the threat of war. The Japanese Government has no intention of waging war on China, and it even considers that, at the present moment, there is no longer any threat of war.

I would repeat once more that Japan has no territorial designs in Manchuria, and that the Japanese Government is determined to bring its troops back into the railway zone as soon as it is satisfied that the safety of its nationals and the protection of their property are effectively safeguarded. It felt it necessary, in order that these conditions might be fulfilled, that a more peaceful frame of mind should prevail, and as a means to that end it proposed a preliminary agreement with China. Once again it expresses its readiness to enter into negotiations with China for that purpose at any time.

I desire to tell the Council how much I have appreciated the earnest and patient efforts it has made in examining this question, efforts which will be for me an unforgettable memory.

The problems raised in the Council are problems affecting the very life of Japan. Such a situation cannot be judged merely from the standpoint of ideas. It would also be a grave mistake to judge it solely from the standpoint of facts. My Government, as regards the position it has taken up, has desired to have regard both to ideas and to facts. While not wishing to depart for a single moment from the spirit or the letter of its undertakings, the Japanese Government must assume its responsibilities to its nationals.

The draft resolution submitted to us does not, in its opinion, lay down the conditions which it regards as essential for effectively safeguarding the lives and property of its nationals. It is for that reason that, to my great regret, I cannot accept the draft resolution submitted by the President.

The PRESIDENT. — It now remains for us to take a decision on the counter-proposal submitted by the Japanese representative. I put it to the vote.

The counter-proposal submitted by the Japanese representative was rejected by thirteen votes to one, the Japanese representative voting in favour.

The PRESIDENT. — We will now take a vote by roll-call on the draft resolution which my colleagues have asked me to lay before the Council.

There voted for: British Empire, China, France, Germany, Guatemala, Irish Free State, Italy, Norway, Panama, Peru, Poland, Spain, and Yugoslavia.

There voted against: Japan.

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The PRESIDENT. — The draft resolution is therefore adopted unanimously, except for one vote—that of our colleague, the Japanese representative, who had indeed clearly intimated to us beforehand that he could not agree.

We have not been able to achieve unanimity on this draft resolution. Once again, I desire to express my keen regret that this should be so. But it cannot be said that our efforts have been without result in this serious, intricate, delicate and exceptional dispute. I particularly wish public opinion to realise the exceptional character of this dispute which, owing to the fact that the parties are so far distant from us here, the difficulty of communications and the impossibility of securing a rapid solution, has compelled the Council for its part to adopt an exceptional procedure and to allow exceptional limits of time which must not under any circumstances be regarded as precedents. Our efforts, I repeat, have not been without result.

We have come very near to our goal. That goal has, in fact, been attained in that we, being bound under the Covenant to prevent a conflict from being aggravated and degenerating into war, have been able to circumscribe it, acting in conjunction with the parties to the case. It is serious enough that the conflict should remain, even within its present limits; but the fact that it no longer amounts to a threat of war is, I think, a result for which the Council is entitled to take credit.

I am bound to say how greatly we have appreciated the valuable assistance which has throughout been afforded us in this delicate matter by the Government of the United States of America. From the very outset, it associated itself with our efforts and told us that it did so. From the outset it exchanged communications with us and, when we requested it to do so, it even gave us its co-operation within the limits which it assigned to itself and with a special object in view—that is to say, it based its action on the Pact of Paris, of which it was the initiator and the application of which it is entitled to supervise. I should like to ask the representative of the United States to convey to his Government our warm and sincere thanks, and to tell him that, in our opinion, the assistance which has thus been given us has undoubtedly produced a moral effect which, together with our own efforts, has contributed greatly to circumscribing the conflict.

What, then, is the present position? We shall adjourn until November 16th. The draft resolution which has been adopted after a very long discussion is now on the Council table. It is in the hands of our colleague, the Japanese representative, and of his Government. Moreover, our colleague has just made certain declarations which we have all noted with real satisfaction.

At this solemn moment, realising the whole weight of his responsibilities and appealing to his conscience, the Japanese representative felt called upon to affirm once more on behalf of his Government that, in this affair, the Japanese Government is not seeking in any way to achieve aggrandisement at the expense of a neighbouring country; that it has no secret intention to encroach in any way upon the territorial integrity of a country which, like Japan, is a Member of the League. He has been able to assure us that his Government will take every care to keep the conflict within limits, so that it may not lead to a new catastrophe.

These declarations, coming from a country like Japan, are of importance. Moreover, since the sole anxiety of the Japanese Government is to ensure the necessary safeguards for Japanese nationals and their property, I still venture to hope that, between now and November 16th, the evacuation, already begun, will be continued, the Japanese Government thereby proving by its acts that it is straining every effort to end the conflict. At the next meeting, the Japanese representative may be able to come to us and say: "The dispute no longer exists. All the hopes and desires expressed by my colleagues have now been fulfilled." I trust I shall have the great pleasure of placing such a statement upon record.

We have now come to the end of this journey, which has been rather long and has taken us over unaccustomed ground. We have not always worked upon the geometrical principle that a straight line is the shortest distance between two points; we have been obliged by considerations of procedure to wander rather far from our goal. But now we behold that goal very clearly.

Between now and the date of the next meeting of the Council I hope the President will receive good news to convey to you. Perhaps the best news of all would be that there is no absolute need for a further meeting. But even so, I may be selfish enough to convene you here again in order to tell you the good news in person. You will forgive me for that, if you think of my reasons.

There is no need for me to add that the resolution of September 30th, to the effect that the parties shall furnish the Council with frequent information regarding the course of events, and that all Members of the Council may also send in information, is maintained. That procedure will continue; in other words, the co-operation which has existed up to the present session will continue as before.

M. SCIALOJA. — I feel sure I am voicing the feelings of all my colleagues when I tender to you, Mr. President, the expression of our gratitude for your wise, able and experienced guidance of our work. You have brought us to a point which, if it cannot be regarded as our harbour, is so near that we may hope ultimately to reach it. No one could have so ably steered our ship, I will not say through the storms, but through the obscurity which has at times impeded our course.

M. Briand knows that I have long been an admirer of his. I cannot say I have admired all that he has done, because on occasion I have had to vote against him. But I have always

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admired the manner in which he has done it. Whenever you hear a speech of his, you are always sure that you know the question thoroughly, and that nothing important or decisive has been omitted. That is, after all, what we should ask of those who pilot us in our political navigation.

I therefore ask M. Briand to pursue his wise and valuable work for the peace of the world. We shall always follow him, even those of us who may on occasion vote against him, for I feel sure the Japanese representative admires him as much as the other members of the Council.

I would ask him to accept this expression of our feelings, which explains why we have never despaired of achieving that end of justice assigned to us by the Covenant of the League, the fortress that defends the peace of the world.

Lord CECIL. — I only wish to say in a few words how heartily I agree with the remarks of my colleague, the representative of Italy. I cannot pretend to imitate the characteristic grace and subtlety with which he expressed the sentiments of us all; I would only say in our rude tongue that I also am one of the most devoted admirers of our President—on previous occasions, and particularly on this one. He has shown to a degree which is really little short of marvellous an ingenuity, a resource, a dignity, and above all a patience in conducting our deliberations, without which we certainly could not have attained the very considerable measure of success which, in my judgment, we have reached.

Let me just weigh for a moment on the word "patience". Let us remember always that the chief, and by far the most important weapon at the command of the League of Nations, is the support of the public opinion of the world. If the Council of the League were to go too fast, were to outstrip that opinion, it would not have its support. It is of the utmost importance that our deliberations—conducted with all the speed that is possible, no doubt—should yet be rather behind than in front of the opinion of the world. In that way, we shall be sure of receiving that support without which our actions cannot be effective. It is for that reason that I would, if I may, single out our President's patience in these discussions as perhaps the most valuable of all the qualities he has displayed.

I entirely agree with everything that M. Scialoja has said.

M. VON MUTIUS.—The President has voiced the regret we all feel that, in view of the special difficulties of the case before us, the Council of the League of Nations has been unable, up to the present, to find a solution acceptable to the two parties. The whole world has followed our debates with an attention which has not been free from anxiety and scepticism. Doubts have been expressed as to the effectiveness of the Geneva institution when dealing with the difficulties of this case. We can, however, say that, notwithstanding these very special difficulties, the Council has been able to reduce the gravity of the conflict, to circumscribe its scope and to bring the parties closer together.

Although the difference between China and Japan is far from being settled, we have reason to hope that the relaxation in the tension will make possible an agreement which, I trust, will be based on the draft resolution adopted by a majority vote of the Council. If the two Governments concerned show a generous spirit of conciliation, there are good grounds for believing that final success will be achieved.

In conclusion, I desire to associate myself warmly with the eloquent tribute paid by the previous speakers to our President.

M. YOSHIZAWA.—I too would like to say that I wholeheartedly share the feelings expressed by the representative of Italy. I, too, have admired the manner in which our President has conducted our difficult discussions, with wisdom and absolute impartiality, and I desire to take this opportunity of tendering to him my most sincere thanks for the very touching words in which he referred to myself.

M. BRAADLAND.—I desire warmly to associate myself with the tribute paid to the President for the work he has done, work which we have all—and not least the parties concerned—endeavoured to facilitate by every means in our power. I desire also to associate myself very warmly with what he said regarding the assistance of the United States of America.

In view of the extreme intricacy of the question before us, we have not yet been able to reach a formal and definitive solution, in conformity with the simple and imperative principles which, without taking sides in any question, we must apply in any work undertaken with a view to safeguarding peace. But that does not justify excessive pessimism. I am fully convinced that the Council's draft resolution, which undoubtedly has the public opinion of the world behind it, will prove effective and that the parties concerned, whose firm wish for peace we appreciate, will adopt the main lines it lays down for settling the dispute, so that at the next meeting of the Council we shall have the pleasure of recording the fact that this question has been finally settled.

M. SZE.—I have the fear, which I hope will not prove justified, that there is little likelihood of an improvement in the situation in Manchuria, because Japan insists on negotiations between China and Japan, which China will not enter upon until the evacuation of Japanese troops has

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been completed and satisfactory arrangements made for the determination, under the League's auspices, of the responsibilities and damages arising out of events in Manchuria since September 18th.

I therefore think that the period of adjournment to November 16th is too long, and China reserves the right to request the calling of an earlier meeting, should the process of evacuation not proceed in accordance with the hopes expressed by the President.

Before the Council adjourns, I wish to express my Government's gratitude to you, Mr. President, for your distinguished conduct of our work, and its sense of how much the Council owes to your tireless persistence in the cause of peace, your skill and ripe experience in guiding our deliberations and the prestige of your name as one of the pillars of the League of Nations.

It is a curious but happy stroke of fate that has associated M. Briand's name with the Council's solution of the most arduous conflicts which have arisen in recent years, and I see in this fact a good omen for the League's success in the present conflict.

The PRESIDENT. — I am indeed overwhelmed by what has been said, and cannot find words to express my thanks to those of my colleagues who have spoken of me so kindly. I will try to show myself worthy and assure them that my experience, together with what modesty remains at my age after a long public life, will enable me to sift the compliments that have been addressed to me and only retain what remains after friendship's tributes have been discounted. My neighbour on my right has a friendship for me which leads him to overrate my merits. If I had known beforehand what he was going to say I might really have departed for once from the President's impartiality and have arbitrarily refused him the right to speak.

I shall only remember what I may call the constructive part of these compliments—that is to say, the words in which all my colleagues recalled my long services of co-operation in the cause of peace and adjured me to persevere in that course. They may rely on me. I shall persevere to the end. Though public life may at times involve bitterness, vexations and disappointments for those who have held office, especially over long periods of time and in positions of responsibility, it nevertheless knows moments of pleasurable exaltation at the thought that one is able to render service to mankind. The work which we have carried on so often together in delicate circumstances has not only created bonds of friendship between us which I greatly prize: it also entitles us to feel that we are doing something of which we may all be proud. Rest assured that your appeal to my perseverance will not be in vain.

It would be unfair to take to myself all the compliments which have been paid to me for the manner in which the work of the Council has been conducted in this complicated task. I was not present at the beginning. My predecessor and friend, M. Lerroux, had, under most difficult conditions, directed the action which led up to the resolution of September 30th, a resolution upon which I have been able to rely, so that we are able to record some satisfactory results which we hope will be completed by November 16th.

I must also, in this connection, pay my tribute—and I do so with very great satisfaction—to the Secretary-General, Sir Eric Drummond, and to those who work with him. Their energy and devotion deserve the fullest recognition of the Council and of its President.

At this, the end of our discussions, I should like to say a word to the Japanese and Chinese representatives, to whose good will I bear my testimony. I would say to them that a satisfactory solution will certainly be found if the Governments endeavour to make a calmer frame of mind prevail, and if they forbid any move or any action which could complicate or embitter the situation.

I am sure that I express the feelings of all my colleagues on the Council.

M. DE MADARIAGA. — Though in wholehearted agreement with everything that has been said concerning the way in which you, Mr. President, have conducted our proceedings, I did not venture to add any tribute of my own, because I did not think I could speak with sufficient authority. Apart from this feeling of modesty, I was also somewhat embarrassed by the circumstance to which the Chinese representative referred when he said that a curious stroke of fate had associated your name with the presidency of the Council on the occasion of very serious emergencies and by the fact that, in this matter, I believe that I have, in a sense, been the collaborator of fate. I should, however, like to say, seeing that you have mentioned the Minister for Foreign Affairs of my country, that I have received a message from him in which he asks me to express to you the great admiration with which he has followed your work as President of the Council.

May I also venture to say a word to my Japanese and Chinese colleagues in my capacity as representative of the country which, I believe, can claim the longest intercourse with their nations. As far back as the beginning of the sixteenth century Spain established with these two countries excellent relations, which continue to the present day. I believe, indeed—the Japanese representative will correct me if I am wrong—that it was the Spanish language that gave the Japanese language the word for "bread". In view of these memories of the past, I venture to express the hope that by the next meeting complete unanimity will have been reached.

In conclusion, I wish to associate myself with what the President has said in regard to the greatly valued co-operation of the United States of America, and to express the hope that if unfortunately the debates of the Council on this matter have to be continued, this co-operation will also be continued.

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Mr. Prentiss GILBERT. — I take this occasion to thank the President of the Council for the words he was kind enough to address to me earlier this afternoon, and also for those spoken by the representative of Norway. These I shall have the honour of transmitting immediately to my Government.

M. SZE. — May I also join with the representative of Norway in expressing our deep gratification at having the co-operation of the representative of the United States of America at this Council.

SEVENTEENTH MEETING (PUBLIC, THEN PRIVATE).

Held at Paris on Monday, November 16th, 1931, at 4 p.m.

President: M. BRIAND.

Present: All the representatives of the Members of the Council, and the Secretary-General.

2956. Representation of the Irish Free State.

The PRESIDENT communicated to the Council the following telegram dated November 14th, addressed to the Secretary-General by Mr. McGilligan:

"Kindly convey to President my regret that I am unable attend Council session personally owing to extreme pressure of Parliamentary work. Mr. Lester will represent Irish Free State in my absence. — MCGILLIGAN."

2957. Appeal from the Chinese Government under Article 11 of the Covenant (continuation).

The PRESIDENT. — In opening our meeting, I would first of all thank the members of the Council for having been good enough, in view of the reasons which prevented me from going to Geneva at the present moment, to agree to meet in Paris. I am happy to welcome them all on behalf of the French Government.

I should like particularly to welcome those of our colleagues who are sitting for the first time on the Council—Sir John Simon, Minister for Foreign Affairs of Great Britain, and M. von Bülow, Secretary of State at the German Foreign Office.

The Council is meeting to-day, in accordance with its decision of October 24th to adjourn until November 16th, in order to make a further examination of the dispute between China and Japan. My first duty is to inform my colleagues on the Council of the present situation and of the steps which, as President in office, I have felt it necessary to take since our last meeting.

While at its October meetings the Council was unable to obtain the agreement of the two parties concerned to the draft resolution which it had prepared with a view to facilitating the execution of the unanimous resolution of September 30th¹, it nevertheless only separated after confirming that draft by a vote which, as I then pointed out, is of great moral significance. By that vote the Council reaffirmed the principles contained in its resolution of September 30th, and I would observe that, while the Japanese representative was unable to accept the draft resolution of October 24th, the very definite declarations with which he accompanied the statement of his position at the meetings of the Council on October 22nd, 23rd and 24th, have shown that his Government is firmly resolved to fulfil the undertakings to which it subscribed in accepting the resolution of September 30th.

Immediately after the last meeting of the Council, I received from M. Sze a letter² in which, after pointing out that China, like every Member of the League of Nations, was bound scrupulously to respect all treaty obligations, the Chinese representative stated, with the authorisation of his Government, that China was determined loyally to fulfil all its obligations under the Covenant. He added that the Chinese Government was prepared to give proofs of this intention by undertaking to settle all disputes with Japan as to treaty interpretation by arbitration or judicial settlement, as provided in Article 13 of the Covenant.

¹ See Minutes of the seventh meeting.
² See Annex 1334, Section XXI.

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On October 26th, the Japanese representative communicated to the Council a declaration made on the same day at Tokio¹, containing a statement of the "basic principles" which, in the opinion of Japan, it was essential that China should recognise, and to which M. Yoshizawa referred on several occasions during our discussions.

After examining, with all the attention which it merited, the text of the Japanese "basic principles" as made public, it appeared to me that, on the one hand, the first four of these principles were fully covered by the draft resolution submitted to the Council on October 24th and that, on the other hand, with regard to the fifth—that is to say, respect for treaty rights of Japan in Manchuria—a solution could doubtless be sought along the lines indicated in M. Sze's statement.

In these circumstances, taking advantage of the powers which the Council conferred on me for the interval between our meetings, I wrote to the Japanese representative informing him of my views and recalling the procedure laid down in the draft resolution of October 24th for guaranteeing the safety of persons and property before evacuation².

In his reply dated November 7th³, the Japanese representative informed me of his objections regarding the fifth of the fundamental points. He was not sure that the terms of the communication from the Chinese representative did not justify some doubt as to the Chinese Government's interpretation of the validity of some of the treaties on which the relations between Japan and China were based, and this the Japanese Government could in no case accept.

That is the stage which the dispute has reached if it is regarded from the legal point of view and in the light of the various documents submitted.

I now come to the actual situation in Manchuria.

In this connection I have also had to avail myself on several occasions of the powers conferred on me by the Council, either for the purpose of asking the two parties concerned to furnish information, or to draw attention to the principles contained in the resolution of September 30th.

I made a point, in the first place, of obtaining particulars when the Chinese Government drew my attention on the 3rd and 4th of this month⁴ to the fact that part of the salt revenue serving as security for certain international loans had been seized in some of the occupied territories. The information I received from the two parties was communicated to the Members of the Council⁵.

Secondly, in two cases in which the information received might give grounds for apprehending an encounter between armed forces, I thought it well to remind the Governments of the obligations devolving on them under the resolution of September 30th, and asked them to give the necessary orders to their army commanders to ensure that these obligations should be observed⁶.

Though events have not yet justified the hopes we expressed when we separated on October 24th, I must, however, inform the Council that I have always found the two parties ready to supply me with all the information I have asked them to give. I regard this as evidence of their desire to co-operate loyally with the Council in the settlement of a dispute the special difficulty and gravity of which we all realise.

There is no need to remind you that the Council will continue its efforts to find a solution in that spirit of objectivity and impartiality which it has constantly observed, without concerning itself with hasty judgments or tendentious commentaries, and with the sole desire, in accordance with the Covenant of the League, to make peace and justice prevail on the basis of respect for international obligations.

Sir John SIMON. — Mr. President, may I thank you for your kind reference to myself, and assure you that I, as representing my country, shall take the greatest satisfaction in co-operating with you and with all my colleagues on the Council, to promote the purposes and to maintain the moral authority of the League of Nations?

M. VON BÜLOW. — I should like to thank you sincerely for your friendly remarks with regard to myself. I regret that I have been unable to take part personally in the discussions which have previously taken place on the question on our agenda, but I have closely studied this problem and I hope I shall be able to bring the aid of my country to the solution we are all seeking.

The PRESIDENT. — A number of my colleagues have expressed to me the very natural and legitimate desire that, before we enter upon the grave problem on our agenda, conversations should take place between us to examine the procedure and methods which we might employ and which would be most likely to enable us to achieve the object we have in view. This proposal is a very natural one and is in conformity with all the precedents.

We have not seen one another since October, when we framed a draft resolution. Certain steps which your President has taken have elicited interesting documents and information not

¹ See Annex 1334, Section XXII.
² See Annex 1334, Section XXIII.
³ See Annex 1334, Section XXIV.
⁴ See Annex 1334, Section XLIV, Communications n°s 104 and 105.
⁵ See Annex 1334, Section XXXIV.
⁶ See Annex 1334, Sections XXVIII to XXXIII.

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