

LEAGUE OF NATIONS

ONE-HUNDREDTH SESSION OF THE COUNCIL

MINUTES

SIXTH MEETING (PRIVATE, THEN PUBLIC).

Held on Wednesday, February 2nd, 1938, at 12 noon.

President: M. ADLE.

The Members of the Council were represented as follows:

<i>Belgium:</i>	M. BOURQUIN.
<i>Bolivia:</i>	M. COSTA DU RELS.
<i>United Kingdom of Great Britain and Northern Ireland:</i>	Viscount CRANBORNE.
<i>China:</i>	M. WELLINGTON KOO.
<i>Ecuador:</i>	M. QUEVEDO.
<i>France:</i>	M. DE TESSAN.
<i>Iran:</i>	M. ADLE.
<i>Italy:</i>	—
<i>Latvia:</i>	M. FELDMAN.
<i>New Zealand:</i>	Mr. JORDAN.
<i>Peru:</i>	M. GARCÍA CALDERÓN.
<i>Poland:</i>	M. KOMARNICKI.
<i>Roumania:</i>	M. CRUTZESCO.
<i>Sweden:</i>	M. UNDÉN.
<i>Union of Soviet Socialist Republics:</i>	M. STEIN.

Secretary-General: M. J. AVENOL.

4013. — Appeal by the Chinese Government: Questions of Procedure.

The PRESIDENT. — The Council has before it the draft resolution on the Chinese Government's appeal in regard to which it will be called upon to take a decision at the public meeting.¹ Are there any observations on procedure?

M. QUEVEDO. — In voting for the resolution, I propose to state briefly how I interpret its meaning.

M. KOMARNICKI. — I have to state that I propose to abstain from voting on the draft resolution, and to explain my abstention when I do so.

M. GARCÍA CALDERÓN. — I propose also to give a public explanation of my vote.

M. DE TESSAN. — I reserve the right to speak, though not at length, when I have heard what has to be said by those who make reservations on the subject.

¹ For the text of the draft resolution, see page 4.

VISCOUNT CRANBORNE. — If the point of procedure is to be raised, I, too, shall have a few words to say.

M. KOMARNICKI. — I want to make it clear what I understand the procedure to be. I gather that the draft resolution will first be presented to the Council, and that the authors of that resolution will explain it in public session. The Council will then vote; and each Member will be able, when voting, to explain his point of view. I want to state that anything I may say will be with reference to the draft resolution.

M. WELLINGTON KOO. — The question of procedure is of course very important from the standpoint of the Chinese delegation, though naturally, so far as I am myself concerned, it is the substance of the Chinese appeal in which I am interested. I suggest—I had almost said, I appeal—to the Council to discuss this question of procedure in private rather than in public session. All will welcome, I am sure, the views of those Members of the Council who may have observations to make on the question of procedure; and it may be possible to dispose of that matter before going into public session.

M. KOMARNICKI. — I think it essential to make clear what will be the subject of any observations that may be made in the public session. My own statement will relate to the draft resolution itself; and I propose to make it at the time when the draft resolution is put to the vote.

VISCOUNT CRANBORNE. — I agree with the Chinese representative's proposal to discuss the question of procedure in private session. It is a question which concerns the Members of the Council as such, and it is proper therefore that it should be dealt with in private session. I shall welcome the fullest discussion on any points Members of the Council may wish to raise.

M. GARCÍA CALDERÓN. — I think the question of procedure should be discussed in public session, in view of the publicity which the Press of the whole world has given to the matter.

THE SECRETARY-GENERAL. — I have not heard any criticisms from Members of the Council on the procedure adopted; but, as I have noted certain reflections in the Press on the subject of this procedure, I should like to say a few words to clear up at any rate one aspect of the question.

It has been asked why no Rapporteur was appointed. I believe I can give that question a very simple answer. The Chinese Government's appeal appears as Item 24 on the agenda of the present session, just as it appeared on the agenda of the last session of the Council. It appears there in virtue of a statement made by the Chinese representative in September 1937 when he agreed to reference of the question to the Far East Advisory Committee.¹ He then explicitly stated that his agreement was subject to the Council's remaining seized of the question, that was to say, subject to the question's continuing to appear on the agenda. Thus, it appears on the agenda which the Council approved at the beginning of the session.

No action has been taken, or proposal made, during the present session, either by the Chinese representative or by anyone else, to open a discussion on the matter; and the Council cannot appoint a Rapporteur unless the scope of the question raised is defined, not merely by a reference in its agenda, but also by statements on the subject. The reasons therefore why no Rapporteur was appointed would appear perfectly clear.

I was informed some days ago of a proposal which had been drafted by various Members of the Council, including the Chinese representative; and I think that, in distributing it to the Members of the Council, I was carrying out my undoubted duty. I consider it as out of the question to refuse a request by one or more Members of the Council to distribute a draft resolution submitted by them to the Council. Care was taken in the present instance to make that distribution as soon as possible, so as to allow Members as long a period as possible to consider the subject and ask, should they so desire, for instructions.

M. DE TESSAN. — The Secretary-General's observations appear to me entirely to the point. They should serve to dispel any misunderstanding which may have been created in the minds of Members of the Council. If questions of procedure are to be discussed, I am entirely in favour of the proposal made by M. Wellington Koo and seconded by Lord Cranborne, as a means of putting an end to any misunderstanding, if any should still remain, on the subject of procedure.

M. QUEVEDO. — As regards the statements which have appeared in the Press, I imagine that no Member of the Council agrees with them. The declaration I propose to make does not refer in any way to the procedure followed in the drafting of the resolution. It relates merely to the interpretation which my Government places on the resolution. If it is desired to discuss points of procedure, I am quite ready to do so. But I was under the impression that the exchange of views which we had yesterday morning had gone a long way towards clearing up a number of points.

M. STEIN. — I am in entire agreement with the Secretary-General's attitude in regard to the procedure followed by the Council.

M. GARCÍA CALDERÓN. — The question with which we are now concerned has a very special importance of its own. Public opinion has been roused. For my own part, I am anxious to thank the representatives of the United Kingdom and France for the explanations they have been good enough to give. But, in view of the fact that we have not had cognizance of all the details of the drafting of the resolution, and in view of the fact that we have not taken part in

¹ See *Official Journal*, December 1937, page 906.

the discussions at which the drafting took place, it is impossible for us to form an opinion; and I should like therefore to give in public session the reasons for my abstention, which otherwise would be inexplicable. If desired, I could read at once the declaration I propose to make. It is perfectly harmless. It refers to what has taken place, and includes an expression of thanks to the representatives of the United Kingdom and France for their explanations.

M. COSTA DU RELS. — To my mind, the Secretary-General's observations are very much to the point. He was bound to distribute the draft resolution to the Council, leaving Members a reasonable period for its study. It is perfectly intelligible that the draft resolution should have been prepared by a certain number of the Members of the Council, with the co-operation of the Chinese representative. All that seems to me perfectly logical; but, to make the procedure even more logical, I wonder whether it would not be possible to head the draft resolution "Draft Resolution submitted by the Representatives of . . .". It seems to me that that would meet the difficulties of those Members of the Council who were not concerned in the drafting of the text.

M. STEIN. — I do not presume to make any proposal which would have the effect of depriving any Members of the Council of the right to make statements in public session. But, while I quite understand abstention on political grounds, I confess I cannot understand abstention on grounds of procedure, and for this reason. Let us suppose that the Council had appointed a Rapporteur. The latter would have to submit a draft resolution, and, after a reasonable interval, it would have to be discussed at a meeting of the Council. But the Council has had a draft resolution before it since yesterday, so that all Members have had time to examine the text and to submit their comments. The interval allowed has been sufficient to admit of the representative of Ecuador communicating with his Government and receiving instructions from it, in spite of the distance of Ecuador from Geneva. To my thinking, therefore, the procedure is perfectly regular. At the same time, so far as I am concerned, I have no objection to Members of the Council being given an opportunity to state their views on the draft resolution.

M. GARCIA CALDERON. — In yesterday's discussion, attention was drawn to certain points of detail in the draft resolution on which we were not in agreement. The text before us was the fruit of previous discussion of a lengthy and complicated character, in which all the Members of the Council did not take part. Consequently, as I was not present day by day at the discussion and the lengthy process of drafting, I cannot honestly find a basis for my vote. I shall accordingly abstain from voting; but I am bound, in spite of the view taken by the Soviet representative, to explain my abstention.

I have not thought it necessary to ask for new instructions from my Government. I merely say that I cannot form a sufficiently complete view of the problem without having been present day by day at the discussions which have taken place between those responsible for this text. The Council might have met some days ago to consider a preliminary draft. Instead, we are given at the last moment a draft which is in some respects vague and in some respects alarming on account of the obscurities which it contains. The Council knows that yesterday we were not agreed on all the details of the text. For these reasons I must with regret maintain my attitude.

Mr. JORDAN. — I see no particular reason to mention who drafted the resolution. What does it matter who drafted it? The point is not who makes any given proposal, but what it is that is proposed.

Of the present proposal, the first five paragraphs are hardly matter for discussion. They call "the most serious attention of the Members of the League to the terms of the above-mentioned resolution". If the Members of the League have forgotten what happened on October 6th, 1937, it reminds them. If they have not forgotten it, so much the better.

The last part of the resolution comes to the point, but in non-committal terms. It expresses the confidence of the Council that certain States will do certain things. It does not say they will do them; it says the Council is confident they will do them. It says they "will lose no opportunity of examining, in consultation with other similarly interested Powers, the feasibility of any further steps which may contribute to a just settlement of the conflict in the Far East". The Japanese representative, if he were here, could agree to that. The point is, what we mean by "a just settlement of the conflict in the Far East"; and that is where we part company.

The resolution, in short, is a carefully-drawn document upon which we can hang anything, so that it seems there is no need for a long discussion on it. I am impressed by the fact that the representative of China acquiesces in the passing of the draft. That influences me, and I see no reason at all why we should not pass it in public session and let it go out to the world. If it is publicly we want, we are all free to speak.

M. KOMARNICKI. — I quite agree with Mr. Jordan. I may say that I do not quite understand the point of this discussion. The item on our agenda was "adoption of the agenda of the meeting"; and we adopted it. I cannot see that anyone has proposed any changes in the usual procedure, under which any Member of the Council is entitled to give an explanation of his vote in public session. We have discussed the question of procedure at some length. It is obvious that the problem is a very complicated one, since the negotiations which have ended in the drafting of this resolution have taken five days. But that, I think, is a minor point; and there is nothing now to prevent our going into public session, at which each of us will be in a position to explain his attitude.

M. COSTA DU RELS. — The question under discussion is a question of procedure; and I had ventured to make a suggestion as to the procedure. As no Rapporteur has been named, it would be possible to eliminate the anonymity of the text before us by stating that the draft resolution is submitted by the representatives of such-and-such States. That would leave those States which had no part in the elaboration of the resolution entirely free to submit any observations they may wish.

M. Wellington Koo. — I do not see the necessity of mentioning the authors of the draft resolution. It is not the usual practice of the Council to do so, except where a resolution is presented by a Rapporteur.

In any case, I do not deserve the honour of being cited as one of the authors of the resolution. The resolution is the result of certain exchanges of views, crystallised as a basis for discussion by the Council. I participated in the discussions, and, as I have said, I can accept the resolution, if I can accompany it with a declaration. But it falls far short of what my Government would like to see adopted by the Council. To include China among the "authors" of the resolution might convey the impression that China was one of the countries which advocated this resolution, and were satisfied with it, and insisted on its present terms. That would be an entirely false impression.

Viscount CRANBORNE. — I quite agree. The representative of China is in a very difficult position; and it would not be fair to ask him to agree to China being cited as one of the authors of the resolution. In view of what has been said, perhaps, the representative of Bolivia will not press his proposal.

M. COSTA DU RELS. — I withdraw my proposal in order to enable the draft resolution to be adopted to-day without further difficulty.

(The Council went into public session.)

4014. — Appeal by the Chinese Government.

The PRESIDENT. — The following is the text of a draft resolution that has been prepared on this subject:¹

"The Council,

"Having taken into consideration the situation in the Far East:

"Notes with regret that hostilities in China continue and have been intensified since the last meeting of the Council;

"Deplores this deterioration in the situation the more in view of the efforts and achievements of the National Government of China in her political and economic reconstruction;

"Recalls that the Assembly, by its resolution of October 6th, 1937, has expressed its moral support for China and has recommended that Members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China;

"Calls the most serious attention of the Members of the League to the terms of the above-mentioned resolution;

"Is confident that those States represented on the Council for whom the situation is of special interest, will lose no opportunity of examining, in consultation with other similarly interested Powers, the feasibility of any further steps which may contribute to a just settlement of the conflict in the Far East."

M. Wellington Koo. — Mr. President, before I express the views of the Chinese Government on the draft resolution before us, I trust you will permit me to present a statement of the developments that have taken place in the last few months and to express the views of the Chinese Government as to what the Council of the League could do in the circumstances, and what are our desiderata.

Since the eighteenth Assembly adopted its resolution of October 6th last relating to the appeal of the Chinese Government concerning Japan's armed aggressions against China, Japan has continued and intensified her ruthless invasion of Chinese territory. Her army in North China has since crossed the Yellow River and occupied Tsinan, capital of the sacred Province of Shantung, the birthplace of Confucius. In Central China, the Chinese defenders were compelled to withdraw from the Shanghai region in November 1937 after almost three months' gallant resistance against the most formidable attacks of Japan's combined land, naval and air forces. Nanking being thus threatened, the Chinese Government was obliged to remove the national capital to Chungking, about 1,000 miles from the sea coast. Persistent Japanese attacks on Hangchow as well as on Nanking in December last have resulted in their occupation of these two important cities and the richest and most populous region of the Yangtze Delta.

The Japanese navy has seized a large number of Chinese islands along the coast of Fukien and Kwangtung Provinces and has been making repeated attempts to invade Canton and South China.

¹ Document C.69.1938.VII.

The Japanese air arm has been continuing its indiscriminate bombardment of open towns and perpetrating mass murder of Chinese civilian population in defiance of the universal chorus of condemnation. Extensive and repeated air raids have been inflicted upon populous centres in no fewer than seventeen Provinces, as far inland as Kansu Province, in the North West, and Kwangsi Province, in the South West, levying an appalling toll of deaths, mostly amongst women and children.

In addition, the cruel and barbarous conduct in the occupied areas of Japanese soldiery, which used to pride itself on its good discipline, has added to the sufferings and hardships of a war-stricken people and has shocked the sense of decency and humanity. So many cases of it have been reported by neutral eyewitnesses and published in the foreign Press that it is hardly necessary to cite evidence here. Suffice it, as an illustration, to quote a description by the correspondent of the *New York Times*, reported in the *The Times* of London of December 20th, 1937, of the scene of horror in Nanking following the capture of the city by the Japanese; these are his succinct words: " Wholesale looting, violation of women, murder of civilians, eviction of Chinese from their homes, mass executions of war prisoners, and the impressing of able-bodied men."

Another authentic account of the atrocities perpetrated by Japanese soldiers at Nanking and Hangchow based on the reports and letters of American professors and missionaries is to be found in the *Daily Telegraph* and *Morning Post* of January 28th, 1938. The number of Chinese civilians slaughtered at Nanking by Japanese was estimated at 20,000, while thousands of women, including young girls, were outraged. The American Chairman of the Emergency Committee of Nanking University, writing to the Japanese Embassy on December 14th, 1937, stated in part: " We urge you, for the sake of the reputation of the Japanese Army and Empire, and for the sake of your own wives, daughters and sisters, to protect the families of Nanking from the violence of your soldiers". The correspondent added that " in spite of this appeal, the atrocities continued unchecked".

In all the occupied areas, the Japanese militarists, while professing to entertain no territorial designs, have invariably carried out their preconceived plan of setting up various local regimes with puppets of their own choice, culminating in the installation at Peiping on December 14th, 1937, of the so-called " Provisional Government of the Republic of China ". In connection with this latter event, it is significant to note that General Terauchi, the Japanese Commander-in-Chief in North China, issued a proclamation on December 17th calling on the Chinese people to obey the orders of the Japanese Army. Equally striking is the declaration of the Tokyo Government on January 16th, 1938, purporting to refuse to have further dealings with the Chinese National Government and undertaking the responsibility to build up a so-called " rejuvenated China " in co-operation with a new Chinese regime. One could not find a more direct proof of Japan's sinister intention to destroy Chinese independence and sovereignty.

In addition to the appalling loss of Chinese life and property which the Japanese aggression has occasioned, it has likewise seriously affected the legitimate rights and interests of foreign Powers and foreign nationals in China. Thus, it was stated in the declaration of the Brussels Conference of November 15th, 1937, that:

" It cannot be denied that the present hostilities between Japan and China adversely affect not only the rights of all nations but also the material interests of nearly all nations. These hostilities have brought to some nationals of third countries death, to many nationals of third countries great peril, to property of nationals of third countries widespread destruction, to international communications disruption, to international trade disturbance and loss, to the peoples of all nations a sense of horror and indignation, to all the world feelings of uncertainty and apprehension."

Since that statement was made, there have occurred several grave incidents resulting from unprovoked and deliberate attacks by Japanese military, naval and air forces upon the diplomatic representatives, private citizens, and public property of third Powers, notably the sinking of the American gunboat *Panay*, the firing on the British gunboat *Ladybird* and several other British and American ships, the assault on a member of the American Embassy at Nanking, as well as cases of insult to the national flags of several Western Powers.

The occurrence of these incidents is not only symbolic of Japan's contempt for Western Powers as shown in her policy of " outrage, apology and outrage ", but has also raised a number of grave issues involving, as they must, the very existence of vital European and American interests in the Far East. It has indeed violently and painfully opened the eyes of the world to the significance of Japan's declaration to assure " respect for neutral rights and interests ".

For one thing, as a result of the Japanese occupation of the surrounding territories, Shanghai, the pride of Sino-foreign enterprise in the Far East and one of the greatest commercial metropolises in the world, has come under Japanese domination, and its very future now seems to be in the balance. The interference by the Japanese military authorities with the Chinese Maritime Customs in that port, their proclamation of a censorship over the postal and telegraphic communications and over the Press, their insistence upon meddling in the municipal administration of the International Settlement, their forcible intervention in the maintenance of law and order therein, their menace to the safety of life and property by arbitrary arrests and search, and their threat

to occupy the whole Settlement, are undermining the very foundation of this magnificent centre of finance and industry, and make its condition precarious.

One of the first acts of the Japanese-created regime in Peiping is a reduction of from 25% to 75% of the Chinese Customs tariff for North China in favour of Japanese produce, and merchandise to the disadvantage of the commerce of other countries. Thus, the rates on cheaper lines of cotton piece-goods of which Japan is the principal exporter to China are reduced by 50 to 60%. Artificial flax and yarn rates, also a special interest of Japanese industry, are reduced by 75%. This arbitrary action has evidently been designed not only to disrupt the time-honoured integrity of the Chinese Maritime Customs service and destroy the Chinese national fiscal system, but also to deal a serious blow to the trade interests of the other Powers. It certainly helps the world to understand what Japan has meant and means by her repeated professions of her intention to respect the principle of the open door.

In short, the seriousness of the present situation in the Far East in regard to the rights and interests of third parties in China cannot be better perceived than by referring to a recent interview which Admiral Suetsugu, among many other Japanese statesmen who have made equally striking declarations, gave to a Japanese journal. That interview, in effect, defines Japan's real aim to be the Japanese hegemony of Asia even at the risk of a general conflagration, or an armed conflict with Great Britain in particular. As usual, the spokesman of the Foreign Office at Tokyo sought to give some attenuating explanations either by referring to the language difficulty or by saying that the opinion thus expressed was personal in character. Nevertheless, the fact that Admiral Suetsugu is a Cabinet Minister now and said to be "an extreme Nationalist of the new crusading type", that his views reflect those of a large and influential section of public opinion in Japan and that General Matsui, Japanese commander-in-chief in the Shanghai region made a similar threat only three days ago, as reported in *The Times* of January 31st last, must lend special importance to his utterances.

In the face of Japan's continued invasion of Chinese territory, and the sinister intentions of the Japanese Government towards China, the Chinese Government has no alternative but to continue the policy of self-defence and self-preservation. Though the Japanese invading forces in China to-day have swelled in number to nearly a million men already, the spirit of the Chinese people is undaunted. The heroic defence of Chinese territory is taking place to-day on six fronts. As stated in the declaration of the Chinese Government of January 18th, 1938:

"Though her desire for peace remains unchanged, China cannot tolerate any encroachment by any country upon her sovereign rights and her territorial and administrative integrity, which are essential attributes of her independence and which all interested Powers have by a solemn treaty pledged themselves to respect.

"Under whatever circumstances, the Chinese Government will exert their utmost efforts to maintain the sovereign rights and territorial and administrative integrity of China. Any terms for restoration of peace, if they do not conform to this fundamental principle, are necessarily unacceptable to China.

"All acts of such unlawful organisations as may be set up in areas under Japanese military occupation will be considered null and void both internally and externally by the Chinese Government."

From the foregoing summary of the developments which have taken place in the few months since the adoption of the Assembly resolution of October 6th, 1937, the situation in the Far East has become more aggravated than ever. The intensified prosecution by Japan of her military operations in China and the extension of the area of her military occupation, clearly prove her sinister policy of domination and conquest.

At the time of the Manchurian conflict, I told the League of Japan's intentions as disclosed in the Tanaka Memorial which outlined a programme of the conquest of China, the subjugation of Asia and the ultimate domination of the world. As the authenticity of that document was emphatically challenged by the Japanese representative at the Council table, a great many people were sceptical of its trustworthiness. But it must be admitted now that the action of Japan in the past few years, following closely even some of the details of the imperialistic plan, has placed the authenticity of that document beyond question.

It gives the necessary background for understanding not only the continued Japanese aggression against China but also the deliberate attacks of the Japanese armed forces on the diplomatic representatives, public property and private citizens of third Powers in China. It also explains the repeated occurrences of wilful maltreatment of Europeans and Americans by Japanese soldiers and marines, who seem to take a special pride in bullying them and inflicting personal indignities upon them.

The national exaltation of force as an instrument of policy has let loose a spirit of violence and lawlessness in the Japanese soldiers whose lack of discipline, as has already been noted above, is a shocking revelation to the world. It has formed the subject of repeated protests by foreign Governments. It shows to what extent anarchy reigns in the Far East where the forces of aggression prevail. I am only stating a fact, without fear of being gainsaid, when I say that no more flagrant case of international aggression has existed in modern history than that which is taking place in the Far East to-day. It is, however, a case clearly embraced under

the Covenant of the League. That instrument provides not only the principles for dealing with such aggression but a machinery for their application with a view to restraining it.

China has appealed to the League under Articles 10, 11 and 17 of the Covenant and, as a loyal and devoted Member, is fully entitled to the guarantee as against external aggression of her territorial integrity and political independence. These three articles alone provide ample scope for action to restrain the aggressor and help the victim of aggression. The Chinese Government therefore request the Council to take the necessary steps in order to fulfil its obligations.

The Assembly resolution of September 28th, 1937, condemning the indiscriminate bombing of Chinese open towns by Japanese aircraft, has not stopped it from continuing its cruel practice, nor has the Assembly resolution of October 6th, 1937, assuring China of the League's moral support and promising her the individual aid of the Members proved sufficient to stop or deter Japanese aggression. Nor has the Nine Power Conference at Brussels, convoked at the suggestion of the League as a means to bring about the restoration of peace in the Far East, found itself able to take any effective action. As guardian of international peace and justice, the League of Nations cannot divest itself of its obligations under the Covenant. At this moment when there is so much doubt and uncertainty about the future of the League, the Chinese Government sincerely believes that it is at once a duty and an opportunity for the Council to take such effective action to discourage the aggressor and aid the victim as will restore confidence in the League and redeem its prestige and authority.

The adoption of a firm and constructive policy in coping with the flagrant aggression in the Far East will also receive the approval and support of hundreds of millions of people in the peace-loving countries of the world. Their repeated representations and appeals to their respective Governments to urge the League to apply economic measures for the purpose of discouraging the forces of aggression in the Far East, and their organisation and promotion of a world-wide boycott of Japanese goods, all serve to prove that public opinion in the world demands, in the interests of justice and peace, the application of the provisions of the Covenant. The growing popular claim for positive action by the League to restrain aggression and aid its victim should not, in the interest of the cause of peace, be entirely disregarded, for a supporting public opinion is one of the sure sources of the League's strength.

In view of the unsettled conditions everywhere in the world, the need for effective action by the League in the present case is indeed all the more urgent. The conflict in the Far East in its bearing and effect is really of world-wide importance. It involves not merely the integrity and independence of a Member State, an ancient nation in Asia, but also the general cause of peace in Europe. As the French Foreign Minister clearly intimated before the Council last week, the present conflict in the Far East is not entirely unconnected with the prolongation of the war in Spain. International developments in recent months have made it quite clear that law and order in the West are, in turn, not a little jeopardised by the prevalence of disorder and violence in the East. So long as Japanese aggression in China is permitted to rage untrained, so long will the peace of Europe remain precarious, and a general European settlement difficult of realisation. On the other hand, an early and just settlement of the Sino-Japanese conflict through the effective handling by the League of Nations, with the co-operation of the peace-loving countries outside, and in conformity with international law and treaty obligations, especially the principles of the Nine Power Treaty, will greatly contribute to stability and appeasement in Europe and pave the way for the triumph of the forces of law and order everywhere.

M. QUEVEDO. — In accordance with the instructions of my Government, I shall vote for the resolution, because I gather from yesterday morning's exchange of views between the Members of the Council that the interpretation of the last paragraph of the resolution, in so far as it concerns the responsibility of the League as an association of States, is the following: before any action can be taken on behalf of the League, or engaging the responsibility of the League (and with it, I may add, my own country as a Member of the League) in anything relating to the choice, the application or the consequences of the application of any means considered capable of contributing to an equitable settlement of the conflict, the question will inevitably come first before the Council for consideration—and that, without prejudice to the freedom of action of individual States which are thus engaging their own responsibility only.

I am anxious to make this declaration, not because my Government does not welcome co-operation with non-member States or States which have announced their retirement from the League—on the contrary, my Government maintains, and desires to continue to maintain, cordial relations with these States and, in particular, with all the American Republics—but because decisions engaging the responsibility of the League itself cannot be taken until they have been approved by the constitutional organs of the League. Special importance is lent to this condition by the circumstance—as to which I do not desire to pass any criticism whatsoever—that certain States have announced that in present conditions they do not regard the Covenant as applicable in its entirety, while other States have expressed their intention of interpreting their own obligations themselves. It would appear, therefore, to be prudent to keep in mind the possibility that yet other States may be led to consider themselves bound to weigh certain obligations incumbent on them as Members of the League in the same manner as other Members have done, in the case of their own obligations.

In view of all the foregoing considerations, my Government would not have been able to vote in favour of the resolution, had the last paragraph been more or less equivalent to a delegation of the powers and competence of the League to particular States—in spite of the great and sincere confidence we actually entertain for those States—since in that case the resolution might have had important consequences for States which, like Ecuador, have not a permanent seat on the Council and no special interests in the Far East, so that they are not in a position to estimate at each phase of the affair the measure and nature of their responsibilities.

M. KOMARNICKI. — We have before us a draft resolution which has been prepared and negotiated by a group of Powers. Without desiring to dwell unduly on the procedure adopted in the preparation of this text, the effect of which is to limit considerably the rôle of the Council as a collective organ of international collaboration, and leaving on one side the substance of the Sino-Japanese dispute—I may say that I could not, in accordance with the general policy of my Government, associate myself with a resolution which gives in advance the support of the League to any action undertaken outside it, whether by one Power or by a number of Powers.

For the better understanding of my Government's objections, which relate solely to the method applied in connection with this grave dispute and have nothing to do with the substance of the same, I may refer to the declaration I had the honour to make at the meeting of the last Assembly of the League on October 5th, 1937, when I abstained from voting for the resolution to which the present draft refers.

I desire further to state that my country follows with the utmost sympathy all efforts directed towards the re-establishment of peace in the Far East.

For the reasons I have stated, I propose to abstain from voting.

M. GARCÍA-CALDERÓN. — At yesterday morning's exchange of views between the Members of the Council, it was my duty to give grounds for the abstention of my country in the matter of the grave Chinese issue with which we are all concerned, and in particular Peru, situated, as it is, on the shores of the Pacific. The reason for our attitude is the shortness of the time we have had to consider the draft resolution, and above all the fact that the latter has been prepared by certain Members of the Council without participation by the others, day by day, in its drafting or in that daily exchange of views which is an indispensable prerequisite to an understanding of the exact scope of the resolution.

The representatives of the United Kingdom and France were courteous enough under these circumstances to explain the difficulties inherent in the drafting of the resolution; and I should like, on the present occasion, to thank them for those explanations.

Whilst recognising that this question is primarily of interest to certain Great Powers, I declare my intention to abstain for the reasons of procedure to which I have referred.

Viscount CRANBORNE. — With regard to the resolution which is before the Council, I would only say quite briefly that His Majesty's Government in the United Kingdom will support it. It is its sincere hope that it will prove a contribution to the end which we all have at heart—a just and early settlement of the present tragic conflict in the Far East.

In view of observations which have been made this morning by certain of my colleagues, it may be helpful if I make clear the position as I see it in regard to the procedure which has been adopted on this occasion.

In the normal course of procedure, a Rapporteur would have produced, after consultation with his colleagues, a report or resolution for the consideration of the Council. In this particular case there is no Rapporteur, and the Chinese delegation approached the United Kingdom delegation and certain other delegations, and consulted them regarding a method of procedure to be adopted with a view to preparing a possible draft resolution for submission to the Council. It was suggested that there might be an informal and preliminary discussion for this purpose. As soon as this informal discussion had reached a point which enabled communications to be made to the other Members of the Council, this was done and a draft resolution submitted to them for their consideration.

I think that this somewhat unusual procedure was justified by the unusual position. Its sole object was to facilitate the Council's work. I wish to emphasise the fact that there never was any intention of pressing the Council to agree in haste to a ready-made resolution drafted without their knowledge and assistance. The United Kingdom delegation, for its part, has throughout made it clear that it has been ready to prolong the present session of the Council for as long as might be necessary for other delegations to study the resolution and arrive at a considered decision on it.

M. DE TESSAN. — I desire to associate myself with the explanations just given by the United Kingdom representative in connection with the observations made with regard to, I will not say the procedure, but rather, the method of work adopted.

As to the actual text of the resolution, its elasticity reflects very faithfully the ideas and anxieties of the French Government. Its text does not therefore seem to call for any comment on my part.

M. STEIN. — I also associate myself with Lord Cranborne's explanations in regard to the method of work followed by the Council.

As to the resolution, I shall vote in favour of it.

M. WELLINGTON KOO. — As regards the resolution before the Council, I wish to say, in the name of my Government, that the extreme gravity of the situation in the Far East calls for the

adoption by the Council of concrete and energetic measures. The resolution before the Council, while it gives further evidence of the sympathetic spirit which inspired the Assembly resolution of last October, is, in our opinion, inadequate to meet the exigencies of the case. Nevertheless, I accept it in the name of my Government, confidently believing that greater effect than heretofore will be given to the terms of the said Assembly resolution and that the proposed examination will be pursued with energy and promptness. I reserve the right of my Government to ask the League to adopt positive measures under the Covenant in order to discourage Japanese aggression more effectively and aid China in her heroic resistance. In addition, I wish to state that my acceptance is based upon the understanding that the Council remains seized of the appeal of the Chinese Government invoking Articles 10, 11 and 17 of the Covenant.

As regards the question of the method of work to which reference has been made, I wish to associate myself with the statement made by the representative of the United Kingdom. I think it explains why certain conversations took place. I wish to say that the Chinese delegation approached certain delegations represented on the Council for a preliminary exchange of views in order to facilitate discussion by the Council. As the conversations progressed, it was suggested that the results might be put in the form of a preliminary draft which could be submitted to the Council in order that the latter might properly discuss it. It was in no way intended, in suggesting conversations or in participating in this preparation of a preliminary written statement of the results, to present the other Members of the Council with something which had already been arranged. The fact that the Chinese Government brought its appeal before the Council indicated that it wished to have the question fully discussed by all the Members, and I was glad, after hearing the observations made by certain Members, that this question of the method of work had been entirely cleared up. I can assure my colleagues that so far as the Chinese delegation is concerned, there was no intention on the part of our delegation—nor, for that matter, on the part of any delegation, as has been made perfectly clear by the observations we have just heard—of not giving adequate time for the consideration or discussion of this question by the Council.

The PRESIDENT. — I note that the draft resolution is approved by the Members of the Council save for two abstentions. That being so, I declare the resolution adopted.

The resolution was adopted.

4015. — Close of the Session.

The PRESIDENT. — I declare closed the hundredth session of the Council of the League of Nations.