

FILE NO. 285

4 February 1946

RE: NINE-POWER CONFERENCE - Nov. 16 to 24, 1937

MEMORANDUM FOR COLONEL THOMAS H. MORROW:

Following is the text of Japan's rejection of the first invitation to the Nine-Power Conference, taken from the Japan Times and Mail of 28 October 1937:

Text of Japan's reply to Belgium, declining the latter's invitation to attend a Nine Power's conference at Brussels.

"The Japanese Government have the honor to acknowledge the receipt of the note verbal under the date of the 20th instant, by which the Royal Government, in accordance with the request of the Government of Great Britain, and with the approbation of the Government of the United States of America, propose to the Powers signatory to the treaty of February 6, 1922, to meet at Brussels on the 30th of this month in order to examine, in conformity with Article VII of the said treaty the situation in the Far East and to study amicable means of hastening the end of the regrettable conflict which is taking place there.

The League of Nations, in the report adopted on the 6th of the month, has declared on the basis of the two parties that the military operations carried on by Japan in China are in violation of the nine-Power treaty. The action of Japan in China is a measure of self-defense which she has been compelled to take in the face of China's violent anti-Japanese policy and practice, especially by her provocative acts appealing to force of arms; and consequently, it lies, as has been declared already by the Imperial Government, outside the purview of the nine-Power treaty.

The assembly of the League of Nations has even gone the length of assuring China of its moral support and of recommending to its members to abstain from any action that might weaken that country's power of resistance and add to its difficulties in the present conflict, and also to study how they might individually give aid to China. This is to take no account of the just intention of the Imperial Government who propose to bring about a sincere cooperation between Japan and China, to assure enduring peace in East Asia and to contribute thereby to the peace of the world. This is to take sides with one of the parties and to encourage its hostile disposition, but in no way to contribute to an early settlement.

The Royal Government make in their invitation no mention of the connection

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between the proposed conference and the League of Nations. However, in view of the fact that in its resolution the League of Nations has suggested a meeting of those of its members who are party to the Nine-Power treaty, and that the Government of the United States, who have acquiesced in the request of the Government of Great Britain for the convocation of the conference, have declared on October 6 their approval of the resolution, the Imperial Government cannot but conclude that the convocation of the conference is linked to the resolution of the League of Nations. Now the League of Nations, as mentioned above, has expressed its views casting reflection upon the honor of Japan, and it has adopted a resolution which is uncontestably friendly towards her. In these circumstances, the Imperial Government are constrained to believe that frank and full discussion to bring about a just, equitable and realistic solution of the conflict between Japan and China cannot be expected between the Powers concerned at the proposed conference.

Moreover, the present Sino-Japanese conflict arising from the special situation of East Asia has a vital bearing upon the very existence of the two countries. The Imperial Government are firmly convinced that an attempt to seek a solution at a gathering of so many Powers whose interests in East Asia are of varying degrees, or who have practically no interests there at all, will only serve to complicate the situation still further and to put serious obstacles in the path of a just and proper solution.

For these reasons explained above, the Imperial Government regret their inability to accept the invitation of the Royal Government.

The present conflict has been caused by none other than the Chinese Government who for these many years have been engaged as a matter of national policy in disseminating anti-Japanese sentiment and encouraging anti-Japanese movements in China and who, in collusion with the Communist elements, have menaced the peace of East Asia by their virulent agitations against Japan. Consequently, what is most urgently needed for a solution of the conflict is a realization on the part of the Chinese Government of the common responsibility of Japan and China respecting the stability of East Asia, a revision of their attitude and a change of their policy to that of cooperation between the two countries. What Japan asks of the Powers is that they comprehend fully this need. Their cooperation based upon such comprehension can alone, she believes, contribute effectively toward the stabilization of East Asia."

(The above is the J. Govt's official reply to the Belgian Government, and was handed to Baron de Bassompierre, the Belgian Ambassador by Foreign Minister Koki Hirota.)

The text of the Government's statement as supplied in translation by the Foreign Office, follows:

"The Japanese Government, having replied to the invitation of the Belgian Government to the conference of the signatories of the Nine-Power treaty of 1922, take this opportunity of making public at home and abroad a statement of their views.

1. China has witnessed the rise and fall of countless regimes since the revolution of 1912, but her foreign policy has been consistently one of anti-foreignism. Especially since 1924, when the Kuomintang set up the Nationalist Government in Canton and entered into alliance with the Communists as a means of winning control of the central administration, the anti-foreign policy began to be pursued with unprecedented vigor and ruthlessness, and anti-foreign sentiments were kindled ablaze among the populace. The memory is still fresh of the way in which foreign Powers, one after another, were victimized and deprived of their vested rights and interests. It happens that Japan has been made for the past 10 years the principal target of this anti-foreign policy of China.

Japan has always striven to promote friendship and cooperation among the nations of East Asia, in the firm conviction that therein lies the key to the stability of that region. Japan welcomed the deepening of Chinese national consciousness which followed upon the revolution, believing that it would conduce to intimate Sino-Japanese collaborations, and she adopted the policy of meeting the legitimate national aspirations of China to the utmost possible extent. For instance, in 1926 took the lead in assisting China to recover her customs autonomy, and took a firm stand in favor of China on the question of abolition of extra-territoriality. Japan, so cultivating China's goodwill, looked patiently and eagerly forward to a favorable response that would consort with her ideal of friendship and cooperation. However, China showed no signs of appreciation of this sympathetic attitude on the part of Japan. On the contrary, she hoisted still higher the banner of anti-Japanism and seemed resolved to annihilate all Japanese rights and interests in China.

The Nanking Government employed anti-Japanism as a convenient tool in domestic politics for the mobilization of public opinion in support of their regime and resorted to the unheard of tactics of making it the foundation of moral education in the army and in the schools, so that even innocent children and youths were taught to look upon their friendly neighbor country as an enemy. As a result, not only were the peaceful trade and economic activities of Japan interrupted, but even the very lives of Japanese nationals were jeopardized. This anti-Japanese campaign finally took the form of organized terrorism, as in the cases of the killing of a Japanese blue-jacket at Shanghai in November, 1935 and of the subsequent murderous attacks upon Japanese subjects at Swatow, Chengtu, Pakhoi, Hankow and Shanghai, and the bombing of Japanese

residences at Shanghai and Swatow. In the face of the alarming situation, the Japanese Government remained calm and forbearing. Urgent demands were repeatedly made upon the Nanking Government for the reversal of this disastrous policy, but to no avail.

Then toward the end of last year there occurred the Siam incident, in which Chiang Kai-shek was held captive for some days. Though the exact circumstances surrounding that sensational incident remain a mystery, it is an indisputable fact that shortly afterward Communist elements, gaining the ascendancy in the Nanking Government, began to conduct campaigns of disturbance in North China and Manchukuo under the banner of the 'Anti-Japanese People's Front', which finally led to the Lukouchiao incident of July 7 of this year, in which Japanese soldiers were unlawfully fired upon by Chinese troops in the outskirts of Peiping.

2. Upon the occurrence of the Lukouchiao incident, the Japanese Government, desirous of averting a possible Sino-Japanese crisis, immediately formulated a policy of non-aggravation and local settlement and devoted their best efforts toward bringing about an amicable solution, despite the intolerable situations that were created, one after another, by the Chinese on the spot. On the other hand, the Nanking Government, in violation of the Umezu-Ho agreement, moved north the vast forces under their direct command to threaten the Japanese garrisons and also instigated local Chinese Armies against Japan. The situation was thus aggravated until a general clash between the two countries became inevitable.

It should be recalled that the Nanking Government, which employs anti-Japanism as an instrument of internal unification, had been conducting for some years militaristic propaganda aimed at Japan, and that at the same time, by importing vast quantities of munitions, constructing fortifications, and giving intensive training to the troops, they had succeeded in building up strong armaments, so that their military men grew over-confident of their own strength and the people themselves were deluded into putting an exaggerated estimate upon their country's fighting power. A belligerent spirit towards Japan came to prevail throughout the land. Long before the present outbreak, Chinese newspapers and magazines were accustomed to call Japan the 'enemy country' and Japanese their 'enemies'. At the time of the Lukouchiao Incident, the Nanking Government being driven to action against Japan by the internal situation they themselves had created, Japan's cautious attitude and her policy of local settlement were both doomed to utter failure.

With the aggravation of the situation, all Japanese residents not only in China but also in Central and South China became exposed to imminent danger and were compelled to evacuate en masse, abandoning the enterprises that they had toilsomely built up during long years in the

past. At the same time, the Chinese in Shanghai, in contravention of the 1932 truce agreement, secretly set out to construct military works in the demilitarized zone and to perfect their war preparations. Accordingly in June, last, the Japanese Government made a request for a special conference of the Powers concerned and called the attention of the Chinese Government to the matter. The Chinese refused to alter their attitude, but upon the outbreak of the armed conflict in North China, they moved troops into the prohibited zone in flagrant violation of the truce agreement and finally, following upon the murder of an officer and a man belonging to the Japanese landing party on August 9, they launched an attack upon the International Settlement. While the Japanese authorities were still engaged in negotiations with the representatives of the Powers concerned, in a desperate attempt to prevent hostilities with extreme patience and forbearance and bearing serious strategical disadvantages, the Chinese began to bomb and shell the Japanese quarters of the settlement, as well as the Japanese garrison defending it, with a view to annihilating the 30,000 Japanese residents, as well as the Japanese forces, who were hopelessly outnumbered by the Chinese armies. Thereupon Japan was compelled to take counter-measures in self-defense.

As is clear from the foregoing account, the fundamental cause of the aggravation of the present affair is to be found in the policy of the Nanking Government, who moved large, threatening forces into North China in contravention of the Umezu-Ho agreement and also tore up the truce agreement by marching troops on the International Settlement. Japan was compelled to take up arms in self-defense, and she has chosen this opportunity to make the Nanking Government revise their attitude for the sake of permanent peace of East Asia. Therefore, the present affair can never be settled until the Nanking Government mend their ways, abandon once and for all their anti-Japanese policy and accept Japan's policy of cooperation and collaboration between the two countries.

3. It should be remembered that one of the important factors underlying Nanking's feverish agitations of more recent years against Japan is the action taken by the League of Nations at the time of the Manchurian Incident. That body then adopted a resolution framed in utter disregard of the realities of the situation in East Asia, which strongly stimulated China in her anti-Japanese policy. Now the League has once more taken up the appeal of the Nanking Government. Without going fully into the real causes of the present affair, it has concluded on the basis of false reports that the bombing of military works in strongly fortified Nanking and Canton was an attack upon defenseless cities and adopted the resolution of Sept. 27 condemning Japan. Again, on Oct. 6, the Assembly of the League not only concluded that Japan's action constituted a violation of the anti-war pact of the nine-Power treaty but also adopted a resolution which openly calls for assistance to China.

Such proceedings on the part of the League only fall in with the cunning scheme of the Nanking Government to exert pressure upon Japan by inviting the intervention of third Powers and serve no useful end but to encourage China in her resolve to oppose Japan to the last and to render a settlement of the affair more difficult than ever. It must be said that the League of Nations is repeating the error that it committed but a few years ago.

Japan's action is a measure of self-defense taken in the face of the Chinese challenge, and obviously there can be no question of violation of the nine-Power treaty. Moreover, as compared with the time when that treaty was concluded, the situation of East Asia today has been rendered totally different owing to the infiltration of Communist influence and the changes of internal conditions prevailing in China. In any case, as regards the conference that has been convened of the signatories of the nine-Power treaty, it is a foregone conclusion that a majority of the participants will hold themselves bound by the above-mentioned resolutions of the League of Nations, and even if Japan took part in its deliberations, no fair and just results could ever be expected therefrom, as in the case of the League meeting at the time of the Manchurian Incident. Especially as this conference is to be attended by Powers which are not directly interested in East Asia, it is calculated to arouse popular feeling both in Japan and China, thereby complicating the situation still further but contributing nothing towards a solution. The Japanese Government has, therefore, decided to decline the invitation.

The Japanese nation, rising as one man, is united in the determination to surmount all obstacles for the purpose of effecting a speedy settlement. Japan is by no means indifferent toward international cooperation. But the Sino-Japanese difficulties can be solved only through direct negotiations between the two Powers on whom falls the common burden of responsibility for the stability of East Asia. What is needed is the elimination of Nanking's anti-Japanese policy and the Communist elements which are identified with it, so that there may be established an enduring peace based upon Sino-Japanese unity and cooperation. Japan never looks upon the Chinese people as an enemy, nor does she harbor any territorial designs. It is rather her sincere wish to witness the material and spiritual advancement of the Chinese nation. And it is her desire to promote cultural and economic cooperation with the foreign Powers regarding China, while at the same time she will respect fully their rights and interests there. Accordingly, so soon as the Powers understand the true intentions of Japan, and take suitable steps to make the Nanking Government reconsider their attitude and policy, then and only then a way will have been paved for their cooperation with Japan respecting the settlement of the present conflict."


JAMES J. GAINE, Jr.
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INTERNATIONAL PROSECUTION SECTION

Doc. No. 1683

25 May 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Text of Japanese Rejection of Belgium's Invitation to attend Nine-Power Conference at Brussels (according to Japan Times and Mail)

Date: 28 Oct 37 Original () Copy (x) Language: English

Has it been translated? Yes () No (x)
Has it been photostated? Yes () No (x)

LOCATION OF ORIGINAL (also WITNESS if applicable)

SOURCE OF ORIGINAL: Japan Foreign Office and Japan Times and Mail, James J. Caine, Jr., Capt. Inf.

PERSONS IMPLICATED: HIROTA, Koki (Foreign Minister at time); KAYA, Okinori (Finance Min. at time)

CRIMES TO WHICH DOCUMENT APPLICABLE: All-China military aggression.

SUMMARY OF RELEVANT POINTS (with page references):

- A. From Japan Times and Mail (newspaper not enclosed). Discusses proposal to settle Far East conflict amicably under Article VII of the Nine-Power Treaty. Reply holds, in reply to charge of aggression, that:
1. Action in China is self-defense, by virtue of "China's provocative acts appealing to force of arms; and consequently it lies.....outside of purview of Nine-Power Treaty."
 2. League of Nations is taking sides, encouraging China to resist.
 3. Evidence is that, in view of League resolution on subject, which casts reflection of Japanese honor the proposed conference is connected with the League. Therefore just solution could not be expected at conference.
 4. The present conflict is concern of the two powers involved; participation of nations with varying interests in question could only complicate settlement.
 5. Failure of Chinese government to cooperate in responsibility for stability of East Asia.

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B. Text of Government statement (supplied in translation by Foreign Office).

1. Main obstacle was China's anti-foreign campaign, centered on Japan, which finally resulted in cases of attacks on Japanese subjects at Shanghai (Nov 1935), later at Swatow, Chengtu, etc. This led to formation of anti-Japanese People's Front and the Lukcuchia Incident.

Movements of Chinese troops made clash inevitable. This doomed to utter failure, "Japan's cautious attitude and her policy of local settlement."

2. At same time, Chinese in Shanghai "moved troops into prohibited zone," and killed two Japanese military, and on August 9, "launched an attack on the International Settlement," including the Japanese quarters, "while Japan still engaged in negotiations."

3. League of Nations, by resolutions of Sept. 27 and Oct 6, condemning Japan as violator of Nine-Power Treaty, based on false premises, encouraged China to resist cooperation.

4. "Japan's action is a measure of self-defense taken in the face of the Chinese challenge, and obviously there can be no question of violation of Nine-Power Treaty."

Holds in general that bi-lateral agreement is only solution, and denies any territorial ambition.

Analyst: W. H. Wagner

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