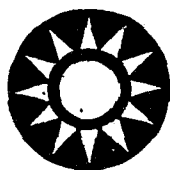


白皮書第五十七號（二十七年十月）



國際聯合會一九三八年九月所通過
關於中日爭議之決議案及報告書

中華民國國民政府外交部編印

[

MG
K265.06
106/2

國際聯合會一九三八年九月所通過關於中日爭議之決議案及報告書

目次

一、行政院於一九三八年九月廿九日所通過之決議案……………第一頁

二、行政院於一九三八年九月卅日所通過之報告書……………第三頁



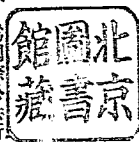
一、行政院於一九三八年九月廿九日所通過之決議案

行政院，

案查本行政院前於一九三八年五月十四日所通過之決議案，其第二部曾追憶使用毒氣，為國際公法所斥責之戰爭方法，此種方法，倘竟有使用情事，決不能逃世界文明國家之譴責，並請求各國政府，就其所處地位，可將關於此事所得之任何情報，通知聯合會；

知悉中國代表關於此事之迭次通知，並知悉中國代表所為聲明，謂在中國組織一中立觀察者委員會，以調查在中國使用毒氣各項案件，監視關於此方面之局勢，並撰擬報告書，提備審核，殊有迫切需要；

爰請求各國政府之在本行政院及遠東諮詢委員會派有代表並在中國駐有官方代表者，應即經由外交途徑，在可能範圍以內，並採取最適宜之方法，分就提示於各該國之各項案件，從事調查，並將一切有關報告，呈備審核及考量。



(南)

二、行政院於一九三八年九月卅日所通過之報告書

(一)大會於一九三七年十月六日通過遠東諮詢委員會之報告書，曾經聲明：『日本陸、海、空軍對於中國所實行之軍事行動……不能依據現行合法約章或自衛權，以資辯護，且係違背日本在一九二二年二月六日所簽訂九國條約，及一九二八年八月廿七日所簽訂巴黎非戰公約下所負之義務。』

(二)聯合會現經依照盟約第十七條第一項之規定，邀請日本接受聯合會會員國為解決爭議而負擔之義務，日本政府業已拒絕該項邀請、

(三)實錄第十六條及第十七條第三項之條件，依照成例，在原則上，雖由各會員國就每一事件自行決定其是否具備；惟就現時行政院所受理之特別事件而言，日本在中國所採取之軍事行動，業經大會認定為違法，既如上述，大會所為上項認定，自仍應保有其完全效力、

(四)日本既已拒絕向其發出之上項邀請，則依照第十七條第三項之規定，在目前情形之下，第十六條自得適用，聯合會各會員國不獨得根據上述認定，繼續其至今所採之行動，且得各別採取第十六條所規定之各項辦法。

(五) 各會員國採取行動之調整辦法，依過去之經驗，其應有之各種要素，尙未能確認為已經具備。

(六) 大會在於一九三七年十月六日所通過之決議案內，曾保證予中國以精神上之援助，並建議各會員國「應勿採取足以減弱中國抵抗力量以致增加其在此次衝突中之困難之任何行動，並應就各該國對於中國之個別援助究能達到如何程度一節，予以考慮。」

又本行政院前會特別引用上項決議案，於一九三八年五月十四日，懇切敦促聯合會各會員國「對於大會暨行政院前此關於此事之議決案內所為之建議，盡其最大之努力，使之發生效力，倘或收到中國政府依據該項決議案所提出之請求，並請予以嚴重而同情之考量。」

(七) 調整各政府業已實施或將來實施之各項辦法一節，雖尙未能予以考量；然有一事實，現仍存在，即中國因此次英勇抵抗侵略者，實有要求各會員國之同情及援助之權。雖在世界另一區域內已發生嚴重之國際政局，亦不能使各會員國忘却中國人民所受之痛苦，或其不得減弱中國抵抗力之義務，或其考量個別所能援助中國之義務。

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."

Referring more particularly to this resolution, the Council, on May 14th, 1938, earnestly urged Members of the League "to do their utmost to give effect to the recommendations contained in previous resolutions of the Assembly and Council. . . . and to take into serious and sympathetic consideration requests they may receive from the Chinese Government in conformity with the said resolutions."

7. Although the co-ordination of the Measures that have been or may be taken by Governments cannot yet be considered, the fact none the less remains that China, in her heroic struggle against the invader, has a right to the sympathy and aid of the other Members of the League. The grave international tension that has developed in another part of the world cannot make them forget either the sufferings of the Chinese people, or their duty of doing nothing that might weaken China's power of resistance, or their undertaking to consider how far they can individually extend aid to China.

II. REPORT ADOPTED BY THE COUNCIL ON SEPTEMBER 30TH, 1938.

1. The report of the Far-East Advisory Committee, adopted by the Assembly on October 6th, 1937, states "that the military operations carried on by Japan against China by land, sea and air. can be justified neither on the basis of existing legal instruments nor on that of the right of self-defence, and that (they are) in contravention of Japan's obligations under the Nine-Power Treaty of February 6th, 1922, and under the Pact of Paris of August 27th, 1928."

2. The Japanese Government, having been invited, under Article 17, paragraph I of the Covenant, to comply with the obligations devolving upon the Members of the League for the settlement of their disputes, has declined this invitation.

3. Although, in conformity with established practice, it is, in principle, for the Members of the League to appreciate in each particular case whether the conditions required for the application of Article 16 and Article 17, paragraph 3, are fulfilled, in the special case now before the Council, the military operations in which Japan is engaged in China have already been found by the Assembly to be illicit, as mentioned above, and the Assembly's finding retains its full force.

4. In view of Japan's refusal of the invitation extended to her, the provisions of Article 16 are, under Article 17, paragraph 3, applicable in present conditions and the Members of the League are entitled not only to act as before on the basis of the said finding, but also to adopt individually the measures provided for in Article 16.

5. As regards co-ordinated action in carrying out such measures, it is evident, from the experience of the past, that all elements of co-operation which are necessary, are not yet assured.

6. The Assembly, by its resolution of October 6th, 1937, assured China of its moral support, and recommended that Members of the League "should refrain from taking any action which might have the

I. RESOLUTION ADOPTED BY THE
COUNCIL ON SEPTEMBER 29TH, 1938.

The Council,

Having regard to the second part of its resolution adopted on May 14th, 1938, which recalls that the use of toxic gases is a method of war condemned by international law, which cannot fail, should resort be had to it, to meet with the reprobation of the civilised world, and requests the Governments of States, who may be in a position to do so, to communicate to the League any information that they may obtain on the subject;

Taking note of the information contained in the various communications of the Chinese representative on the subject; and of his statement on the urgent need for the constitution of a Commission of Neutral Observers in China to investigate the cases of the uses of poisonous gas in China, watch the situation in respect thereto, and make reports for examination;

Invites the Governments of the States represented on the Council and on the Far Eastern Advisory Committee having official representatives in China to investigate through the diplomatic channel, so far as this may prove practicable and by the most appropriate method, such cases as may be brought to their notice and to submit all relevant reports for examination and consideration.

TABLE OF CONTENTS

	Page
1. Resolution Adopted by the Council on September 29th, 1938	1
2. Report Adopted by the Council on September 30th, 1938.....	2

**THE LEAGUE OF NATIONS
RESOLUTION AND REPORT
ON
THE SINO - JAPANESE DISPUTE
ADOPTED IN
SEPTEMBER, 1938**

R(403)

578

232000

THE LEAGUE OF NATIONS
RESOLUTION AND REPORT
ON
THE SINO-JAPANESE DISPUTE
ADOPTED IN
SEPTEMBER, 1938

5KBC
IG
£265.06
106 / 2