

No. 2517

JOINT COMMISSION CIRCULAR
235

2517

CORRECTED MINUTES OF A MEETING OF THE JOINT COMMISSION HELD AT THE
CONSULATE GENERAL FOR FRANCE ON WEDNESDAY, JUNE 23RD, COMMENCING
AT 2.30 P.M.

Present

M. Baudez, Esquire

Lt. Boudet, Esquire,
Major-General Tung Yuan-liang,
S. Okamoto, Esquire,
Commander I. Takeda,
C. P. Causs, Esquire,
Captain P. A. Boone,
J. W. C. Davidson, Esquire,
Major J. Gwyn,
C. Marchiori, Esquire,
Lt. Carlo Thorel,
T. Kawasaki, Esquire,

French Civil Representative and
Chairman.
French Military Representative
Chinese Civil Delegate.
Chinese Military Delegate.
Japanese Civil Delegate.
Japanese Military Delegate.
American Civil Representative
American Military Representative.
British Civil Representative.
British Military Representative.
Italian Civil Representative.
Italian Military Representative.
(Vice Consul for Japan)

The Chairman said he would like first of all to thank the members of the Joint Commission for electing him as its Chairman. He asked the meeting to excuse him if owing to language difficulties he did not at time make himself clear.

He referred to the Circular (No. 232) convening the meeting, which had been called at the request of the Japanese Civil Delegate and invited Mr. Okamoto to proceed.

Responding Mr. Okamoto said "Mr. Chairman and honourable members, I understand that it is quite some time since the Joint Commission last met together and I am very glad to have the present opportunity of meeting my colleagues, I am particularly grateful to the Chairman for having kindly acceded to my request to convene the present meeting."

Continuing Mr. Okamoto remarked that the subject which he wished to discuss was one in which he was sure the Joint Commission was vitally interested. He had recently received information to the effect that fortifications are being erected or were about to be built in the Woosung area. This matter being of no small concern, was one which the Joint Commission could not connive at. The Commission was aware that by virtue of Article II of the May 5th, 1932 Agreement, Chinese troops were not allowed to pass through certain specified areas, including the Woosung area "pending later arrangements". While it may be argued that this article only provides that movements of Chinese troops were to be restricted, any attempt of the Chinese Authorities to fortify any part of the demilitarized area constituted in his submission, a hostile act and as such ran counter to the spirit of the 1932 Agreement.

Def Doc No. 1064

Furthermore he was constrained to believe that the members (neutral?) of the Joint Commission would agree, that if the fortifications had actually been built, they would be regarded as a serious menace to the integrity and safety of the International Settlement and French Concession. The May 5th, 1932 Agreement has thus far proved an admirable instrument towards the maintenance of peace in and around Shanghai and the building of fortifications in the area mentioned would in his submission render that instrument null and void. He sincerely hoped that the report of fortifications actual, or contemplated, at Woosung was untrue, but he was anxious to have his Chinese Colleagues dispel Japanese suspicion in this regard. In order to disprove or verify this report, he would like to request that the Chinese delegation be good enough to allow an inspection at an early opportunity of the Woosung area by the Japanese delegates. Should the report prove to be correct he hoped that immediate steps would be taken to end these warlike preparations. In conducting the proposed inspection he suggested that the neutral members of the Commission accompany the Japanese Delegation should the Chinese delegation so desire.

Mr. O. K. Yui asked for and received the permission of the Chairman to translate into Chinese the substance of Mr. Okamoto's remarks to his Chinese Colleague (Major-General Tung Yuan-liang) as the latter did not speak English.

Continuing Mr. Yui said "Mr. Chairman and honourable members of the Joint Commission. Before answering the specific point raised by my esteemed Japanese Colleague, I would like first of all, on behalf of myself and of any military colleague, to express our heartfelt thanks for the valuable assistance which the neutral members have rendered to both the Chinese and the Japanese side in connection with the Agreement for the cessation of hostilities dated May 5th, 1932." Following this Mr. Yui made the following remarks. "More than five years had elapsed since the Agreement referred to was signed, and he was quite sure that all those present at the meeting would agree that the situation obtaining at the present time was quite different to that existing at the time the agreement was signed. His Japanese Colleague had raised a question about fortifications at Woosung and had said that it was a matter in which the Joint Commission would be vitally interested. He further had stated that if the report of fortifications was true, the act would be contrary to Article II of the said Agreement and in spite of the fact that the Agreement explicitly restricts only the movements of Chinese troops in the areas concerned, had further said that any attempt on the part of the Chinese Authorities to build fortifications in the so-called "demilitarized area" - the term used by his Japanese Colleague - would be regarded as an hostile act. Furthermore his Japanese Colleague had stated that the existence of fortifications at Woosung would threaten the integrity and safety of the International Settlement and French Concession, and had added that the construction of such fortifications would render the 1932 Agreement null and void. His Japanese Colleague was therefore anxious to find out the truth or otherwise of the report about

Woosung fortifications by obtaining permission from the Chinese Authorities for an inspection by the Japanese Delegation of that area accompanied by the neutral members of the Commission. Mr. Yui asked if this was a correct summary of the points raised by his Japanese Colleague and received Mr. Okamoto's reply in the affirmative.

Continuing Mr. Yui said that in reply he would first of all like to refer to the Agreement in question (May 5th, 1932 Agreement). In his submission, the Joint Commission which was created by virtue of this Agreement could only function according to the explicit provisions laid down therein. The representatives of the Participating Friendly Powers had given great help and advice in bringing about the cessation of hostilities in 1932 and in framing the May 5th, 1932 Agreement, they had envisaged the situation as it existed at the time, i.e. in order to avoid a further clash between the opposing forces, the Chinese troops were to remain in the position they were in at the time and the Japanese troops were to be withdrawn to the International Settlement and the extra-settlement roads in the Hongkew District. It was felt necessary and advisable that there should be some supervision of these conditions and so the Joint Commission was set up for the purpose. Article I of the Agreement said that as the Japanese and Chinese Authorities had already ordered to cease fire the cessation of hostilities was to be made definite from May 5th, 1932 and that the two sides were to cease every form of hostile act. Article II provided that the Chinese troops were to remain in the positions described in Annex I of the Agreement the intention being of course that if they did not remain in those positions the Joint Commission could interfere. Article III provided for the withdrawal of the Japanese forces to the places specified, the duty of the Joint Commission being to see that this was done. Article IV provided for the establishment of the Joint Commission to certify to the mutual withdrawal and to collaborate in arranging for the transfer from the evacuating Japanese forces to the incoming Chinese police - a special constabulary - Thus the functions and duties of the Joint Commission was clearly defined and have been faithfully carried out, for which the Chinese Authorities were and are deeply grateful. The five intervening years had been peaceful years, - peace and good order had prevailed undisturbed, and the Chinese side could not be accused of having violated any part of the Agreement. He wished to repeat that in his submission, the Joint Commission had been given specific duties which are expressly mentioned in the Agreement for the cessation of hostilities, and the Commission was not supposed to be bothered with questions which go beyond the scope of the Agreement. He contended that the question of fortifications at Woosung, which was raised by his Japanese Colleague, did in fact lie outside the province of the Joint Commission, and he was sure the members of the Joint Commission would agree with him when he said that it was not the intention of the Participating Friendly Powers to restrict the Sovereignty of China in any way except as expressly provided in the 1932 Agreement. In other words although the Sovereignty of the area concerned around Shanghai had remained

to China, she had agreed not to exercise all her sovereign rights in that area temporarily because of the provisions of the 1932 Agreement.

His Japanese Colleague had used the term "demilitarized area" He was surprised to hear that term and he would ask his Japanese Colleague if he could give him any reason whatsoever which would justify the use of that term. There had never been such a thing as a "demilitarized area". It was quite true that due to the efforts of the Participating Friendly Powers, China and Japan had agreed not to send their troops into the area concerned, but there was nothing more than that, and he asked permission to call attention to that fact.

This was the year 1937, and more than five years had elapsed since the May 5th, 1932 Agreement ended the deplorable state of warfare between China and Japan. The two countries were now doing their utmost to bring about friendlier and closer relations. Every day the talk was of promoting friendship and fostering understanding, which was some thing that China and Japan and other friendly powers most desired. He was sure the meeting would agree that China had not been behind any other country in her endeavours to bring about peace in this part of the world. The events of the past few years had been an earnest of her resolve in this regard. She had not committed one hostile act against any nation nor did she cherish any hostile intention against any nation. However that did not mean that China would deprive herself of the means of self-preservation. He was not in a position to say anything about the Woosung fortifications, but even if such fortifications had been erected, it did not necessarily be a hostile act. Many countries were now in process of pearmanent, but no one could assert for instance that because Japan was building up her Navy that she had the intention of attacking some country, or that Great Britain cherished hostile intentions because she had increased her budget for the fighting services. If the erection of a fortification at Woosung was to be construed as an hostile act against Japan it might equally be regarded as an hostile act against Japan it might equally be regarded as an hostile act against Great Britain the United States, France or Italy.

The Japanese Naval Landing Party frequently held maneuvers in Shanghai with the use of tanks and machine guns, but the Chinese Authorities had never regarded such maneuvers as hostile acts and had never made any complaint about them. The Japanese suspicion was very hard to understand, especially at a time when the two countries were declaring to the world their desire for friendship and understanding. Concluding Mr. Yui made a fervent appeal for the removal of doubt and suspicion of China and reiterated his assertion that the points raised by his Japanese Colleague did not come within the purview of the Joint Commission whose functions and duties were expressly defined in the Agreement of May 5th, 1932.

Rejoining Mr. Okamoto said that after listening to Mr. Yui's speech it was clear to him that there were fundamental differences

of viewpoint in the Chinese and Japanese interpretations of the 1932 Agreement. That Agreement, by virtue of which the Joint Commission came into being had proved an effective instrument for safeguarding the integrity of the foreign controlled areas in Shanghai. Although the Round Table Conference of the Interested Powers, which it was originally intended should take place following upon the conclusion of the Agreement, had never been convened, the provisions concerning the notification of troop movements have been and were still being consistently observed by the Chinese delegates. The Agreement, therefore, far from being defunct, is still serving the useful purposes for which it was originally intended.

However, should any one ever entertain an idea that, with the lapse of time and comparative tranquility that has prevailed in Shanghai for some time, the Joint Commission is no longer called for, it would be a gross mistake indeed. On the contrary, the Agreement is still alive both in its letter and spirit, and although an agreement of this nature may remain dormant in normal times, its usefulness will immediately be invoked the moment anything goes amiss.

The Japanese Government, as one of the most interested parties attached great importance to the Agreement of 1932 and also to the continuance of the Joint Commission. The importance and usefulness of the Agreement is just as great at present, as when the Agreement was first brought into being some five years ago. The Agreement for these reasons could not be allowed to die a natural death, nor to be relinquished unilaterally. It must also be in the interest of those members of the Commission other than the Chinese and Japanese delegates to see to it that the terms of the Agreement were scrupulously observed at all times by the parties concerned, for it must not be forgotten that the strict enforcement of the Agreement of 1932 is the only way to ensure peace and order in Shanghai. The Agreement of 1932 stipulated in the first place that the cessation of hostilities would be rendered definite and that this cessation of hostilities would be assured by preventing the Chinese forces from moving into a certain district which is specified in its Annex I. In other words the demilitarized zone was thus created where neither of the parties concerned could engage in hostilities in the future. Moreover, the negotiations at the peace conference, in framing the Agreement, undoubtedly envisaged the cessation of hostilities as including the cessation of various military preparations in the area concerned.

The fortress at Woosung, now in question, was destroyed by the Japanese forces during the Shanghai Incident. Woosung was situated within the said demilitarized area and any attempt on the part of Chinese to restore the razed fortress, with possible replenishment of its armament, could not but be construed as a serious contravention of the Agreement of 1932. He wished to emphasize, particularly, that such a project would constitute a serious menace to peace and security of the Foreign Controlled areas of Shanghai and he was sure the members of the Friendly Neutral Powers would

Ref Doc No. 1064

share his conviction.

It followed from what he had said that no troops were to be admitted to the demilitarized area. The Chinese Authorities, by mutual agreement between them and the Japanese Authorities have made it a point of informing the Japanese delegate of their troops movements whenever they have occasion to move troops through that area. This notification has been and still is a regular practice. How, then, could the Chinese Authorities undertake to build fortifications, or dig trenches in an area where no troops are supposed to enter at all? This was the point on which he would like the Chinese delegates to enlighten him.

He must emphatically state his conviction that these warlike preparations which he was informed were being undertaken by the Chinese Authorities, ran counter to the spirit of the truce Agreement of 1932, to say nothing of undermining peace and order in the Shanghai Foreign Concessions in which they were all vitally interested.

This was his reply to the speech of the Chinese Civil Delegate.

In reply Mr. Yui said he hoped he would not exhaust the patience of the Meeting by a too lengthy rebuttal. The Japanese Civil Delegate had hinted that there may be an impression that the 1932 Agreement and the Joint Commission were defunct and had mentioned that the Japanese Government attached the greatest importance to the continuance of both the compact and the Commission. If his Japanese Colleague meant that the Chinese Government regarded the Agreement and Commission as defunct he was entirely mistaken and was perhaps stretching his imagination. He wished to emphasize that the Chinese Government had no intention of disregarding exparte any Agreement solemnly entered into. His Government likewise attached great significance to the Agreement as long as it had not become null and void. This stretching of the imagination was very dangerous and perhaps accounted for the Japanese psychosis which persisted in attributing hostile intentions to the Chinese. China asked only the right of self-preservation and co-existence with other Friendly Powers.

As he had previously said she entertained no hostile intentions towards other countries but of course she would defend herself if attacked. He maintained that even if China had erected fortifications at Woosung she was entirely within her rights in doing so and it would not in any way violate the Agreement of 1932. There was positively nothing in the Agreement either expressed or implied which inhibited China from erecting fortifications in the area concerned. As a matter of fact not a single soldier had been sent into that area, so he could not understand how China could be accused of hostile intentions there. China was as much interested and concerned in maintaining peace and order in the foreign administered areas of Shanghai as was Japan or any other Powers, but she felt that the best way to preserve those conditions was to

Lcf Doc No. 1064

rely on mutual trust and not to cherish suspicions of hostile intentions on the part of China. So he hoped this Japanese frier would set their minds at ease and banish doubts and suspicions. China had scrupulously observed the peace in the Shanghai area since the deplorable days of 1932 and certainly would not be the first to break it.

Responding Mr. Okamoto said he was particularly pleased to hear from the Chinese Civil Delegate that the Chinese Government regarded the 1932 Agreement and the Joint Commission as being still in existence. Mr. Yui had mentioned that not a single soldier had been sent into the area concerned but the Peace Preservation Corps was in that area and it would be easy to convey that corps into a regular army force. The Agreement provided for the cessation of hostilities, and by "cessation of hostilities" the Japanese Authorities understood that nowarlike preparations any kind were to be made in the prohibited area. This was the cr of the Japanese argument. Hence any fortification or digging of trenches at Woosung would be a breach of the 1932 Agreement. The Japanese contention is that the Chinese Military position in the area concerned should remain as promised by the Agreement five years ago and therefore if fortifications were erected in the are it would alter that position and violate the Agreement. The Japanese Government attached great importance to that point, so he wanted to know if any fortification had been erected or were intended, and if the Chinese Delegation would agree to an inspection at Woosung.

Replying Mr. Yui observed that his Japanese Colleague seemed concerned about the possibility of the Peace Preservation Corps being used for hostile purposes. However that Corps was only a special constabulary established for the purpose of maintaining internal peace and order. China's right to maintain the Corps could not be questioned.

His Japanese Colleague might just as well ask for the evacuation of all Chinese from the area concerned. He was afraid he was wearying the Meeting but he could only repeat that China did not harbour hostile intentions towards any Power but as a self-respecting nation she had the right and duty to provide for defence. If there was anything in the 1932 Agreement which inhibited China from erecting fortifications in the area concerned, she would of course be stopped from constructing such military works but as he had previously maintained there was nothing of the sort in the Agreement. He really thought the Japanese Delegation were alarming themselves needlessly and were bothering the Joint Commission unnecessarily.

Mr. Okamoto rejoined by saying that following upon the signing of the 1932 Agreement the City Government of Greater Shanghai decided to establish the Peace Preservation Corps in Chapei beginning July 1st that year. As the Japanese side was not without apprehension lest this body, the Pae-An Tui as it is known in Chinese, should be something akin to a regular armed force, the

Japanese delegate at the time, acting under instructions from his Government, asked Mr. O.K. Yui for information regarding the real nature of the Pao-An Tui. Mr. Yui explained that the object in creating this body was no other than the maintenance of peace and order in Chapei; that the Pao-An Tui was so-called in order to distinguish it from the existing police force of the Public Safety Bureau and that the body was to be 2000 strong, which would be divided into two regiments, each regiment being subdivided into three battalions. Mr. Yui further declared that although revolvers, guns and machine guns would be supplied to the Pao-An Tui, tanks, armoured-cars and bomb-guns, etc., would not form parts of their equipment, and that soldiers of the regular army would on no account be incorporated into the said organization, whose members would be composed exclusively of a portion of the Peiping Pao-An Tui, constables of the Public Safety Bureau, and some ex-gendarmes. These statements of Mr. O. K. Yui at the time were recorded at his Consulate-General.

In spite of Mr. Yui's assurance, he (Mr. Okamoto) had received definite information to the effect, that the Pao-An Tui had of late been steadily reinforced; their number now is estimated at about 6500 within the demilitarized area and that they are being equipped with tanks and guns. It is further reported that not a few trenches and toricas have been dug in the immediate vicinity of Shanghai. In fact their equipment and organization are such that there is little which distinguishes the Pao-An Tui from the full-fledged regular army.

The Japanese delegates viewed this situation with considerable concern and wished to draw the attention of the Joint Commission to this alarming state of affairs.

Mr. Yui enquired of the Chairman whether or not he should reply to Mr. Okamoto's remarks about the Peace Preservation Corps.

The Chairman replied that as it was apparent from the discussion that there were differences in the interpretation of the Agreement by the Chinese and the Japanese delegations, he thought it would be well to consider this question of interpretation before proceeding further. After discussion, the Chairman requested the Chinese and Japanese delegations to withdraw to an adjoining room in order that the neutral members might deliberate on that had been said by both sides.

Before withdrawing Mr. Okamoto observed that the Chinese Civil Delegate had contended that there was no specific provision in the Agreement prohibiting the construction of fortifications in the area concerned while the Japanese contention was that the term "cessation of hostilities" in that Agreement meant the cessation of any warlike preparations in that area. He wondered if his Chinese Colleague would care to make any statement regarding alleged fortifications at Woosung?

Ref No. 1064

Mr. Yui replied that under the Agreement he was not called upon to answer that question. He also said he wanted to place on record his objection to the term "demilitarized area" which was used by the Japanese Civil Delegate.

The Chinese and Japanese delegations having withdrawn, the representatives of the Participating Friendly Powers discussed the situation, resulting in the following decision which was read by the Secretary to the Chinese and Japanese delegations after they had rejoined the meeting.

"The representatives of the Participating Friendly Powers of the Joint Commission feel that they are not in a position at the present time to express an opinion on the conflicting interpretations of the Chinese and Japanese delegations on the points raised in the present issue.

However they would enquire whether or not as a gesture of conciliation and good will and without prejudice to his stand, the Chinese Civil Delegate would be prepared to make any voluntary declaration as regards the composition and numbers of the Peace Preservation Corps in the Shanghai area and or on the question of any fortifications within the so-called prohibited zone."

Responding Mr. Yui said that speaking for himself and the Chinese Military Delegate, he thanked the Chairman and the neutral members for their kindness in coming to the meeting and for their consideration of the matters brought before it. As regards the suggestion that he should make a voluntary statement regarding the fortifications at Woosung, he regretted to say that as his Powers as the Chinese Civil Delegate on the Joint Commission were limited and as the matter lies beyond the scope of the Joint Commission, he could not say anything without the permission of his Government. However this much he would say. That nothing so far undertaken by the Chinese Authorities (in the area concerned?) held behind it any hostile intention or warlike preparation. He denied that any warlike preparations had been made by the Chinese Authorities as alleged by the Japanese Civil Delegate and said he wished to repeat that the Chinese Authorities were second to none in their desire and efforts to ensure lasting and permanent peace and good order in Shanghai.

The Chairman said that he and the other neutral members very much appreciated the courtesies and statements expressed by Mr. Yui.

Mr. Okamoto extended to the Chairman and the neutral members his sincere appreciation for their courtesy in coming to the meeting and said he was very grateful indeed to them for giving so freely of their valuable time.

The Chairman expressed acknowledgements.

THE MEETING THEN TERMINATED.

Circulated: July 22nd. 1938.

Def Doc No. 1264

CERTIFICATE OF SOURCE

I hereby certify that the document hereto attached, written in English by the Shanghai Joint Committee Office, consisting of 9 pages and entitled "Proceedings of the Joint Committee" is a book which was given ^{by} the committee in 1953 to the Japanese Consulate General in Shanghai, and which has been thenceforth in my custody.

certified at Tokyo,

on this 27th day of January, 1947

OKAMOTO, Suemasa (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,

on the same date

Witness: Council INAGAWA, Tatsuo (seal)