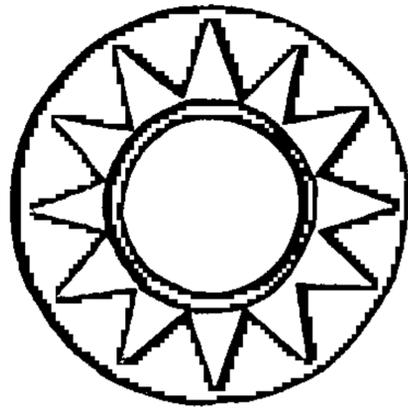


白皮書第二十八號（二十二年五月）



國際聯合會特別大會關於中日爭議之報告書

一九三三年二月二十四日通過



中華民國國民政府外交部譯印



由國家圖書館數位化、典藏

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大會按照盟約第十五條第三項所爲之種種努力，期使依據該條第九項所提交大會討論之爭議得有解決者，既不幸失敗，茲爰依照同條第四項之規定，通過下列之報告書，以載明是項爭議之事實，及認爲公允適當之建議。

第一部 遠東之事變——國聯調查團報告書首八章之採用——本報告書

之計劃

中日爭議之根本原因，甚爲複雜，行政院所派遣就他研究之調查團，曾稱『本項爭端中所包含之各種問題，并不如恆常所說之簡單；蓋此案極爲複雜，惟有對於一切事實之內容及其歷史背景有深切之知識者，始能對於此案表示確切之意見。』

調查團報告書前八章，對於中日爭議之歷史背景，及有關滿洲之重要事實，均有公正而詳細之敘述。該報告書已另行刊印，於此若再節要或重述，自爲事實所不可能，且亦未免多事。大會於研究中日兩國政府所送致之意見書後，即採用調查團報告書前八章之意見，作爲本報告書之一部份。

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但爲使調查團報告書之陳述完備起見，則將關於本爭議各方面，行政院及大會所採取之種種辦法，以及調查團報告書內所未曾敘載之某某事實，如一九三二年初上海戰事之起源，特爲敘述，自屬必要。關於此等事件，大會則採用各國領事調查團送致大會之報告，（此項報告已另刊印），以作本報告書之一部份。又自一九三二年九月初以來，滿洲各事件之詳情，亦有敘述之必要，因調查團之報告書，固未能敘述至彼時以後也。

本爭議發展之簡單歷史的敘述，將載於本報告書之第二部，閱覽該第二部時，并須同時參閱調查團報告書中之事實的紀述。

第三部係敘述本爭議之主要特性，及大會根據主要事實所下之結論。

第四部則載明大會對於本爭議所認爲公允而適當之建議。

第二部 中日爭議在國聯方面之進展

【一】爭議發展之簡述

自此案提交國聯後，行政院及大會屢次之決議，均視本案在遠東情勢之變遷而定。

當中日爭議發生之初，中國政府根據盟約第十一條，將其提請國聯處理時，事變之範圍，不過僅及於瀋陽及東三省若干之其他地點而已。行政院時並屢獲日本保證，謂日本在滿洲，并無領土野心，只須日僑生命財產，得有安全之保證，則日本即可將軍隊撤退至南滿區域以內；此即係一九三二年九月三十日決議及十月二十四日決議草案之旨趣，而該十月廿四日決議草案，除日本外，原經行政院會員國一致之同意，故行政院復能由日本代表團獲得保證。

在日本拒絕上項草案後，因日本復堅持須將引致中日不睦之各根本問題，設法解決，遂使行政院方面，於無礙九月卅日決議案各承諾之實施的範圍內，更行提出辦法，以期使兩國之各問題，得有最後之根本解決。一九三二年十二月十日，行政院依據日本之提議，決議組織一『五人調查團』，使赴當地調查。并將『任何情形影響國際關係而有擾亂中日兩國和平或和平所維繫之諒解之虞者』，具報於行政院。

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在十二月與三月之間，遠東情勢，甚形惡化。日本軍隊，完全佔據南滿，並開始侵佔北滿。而在滿洲以外，則中日正式軍隊劇烈之衝突，復又已在上海開始，且進行未已。同時因滿洲日軍佔據各區域內行政機關之改組，遂致造成一否認中國統治權之『獨立國』，即所謂『滿洲國』。嗣後中國申請行政院，除按照盟約第十一條外，並依據第十條及第十五條處理此項爭議。一九三二年二月十九日，因中國依照第十五條第九項規定請求之結果，行政院當將此項爭議，提交大會。

調查團報告書，為詳細審查爭議之實質所必需，故從一月起，在未接到調查團報告書以前，行政院及以後大會之主要任務，在盡其力之所及，以停止敵對行為，並制止情勢之更形擴大，同時保持當事國之權利及盟約之原則，俾不受任何『既成事實』之不良影響。大會三月十一日之決議案，明白表示聯合會對於此項爭議之態度，聲言在未遵照盟約解決以前，聯合會會員國，對於一切以違反聯合會盟約或巴黎公約之手段，所締造之局勢，條約，或協定，均應不予承認。

上海敵對行為告終，但在東三省日本軍隊或『滿洲國』政府軍隊，則繼續與非正式之中國軍隊作戰。一九三二年九月，於調查團報告書在北平簽字後之數日，因日本政府承認『滿洲國』政府，情勢上復又有根本之變更。

調查團報告書之送達日內瓦，不能在九月底以前——即不能在盟約第十五條所規定大會應行製成報告之六個月期限屆滿前，到達於日內瓦。故大會經當事國之同意，於七月一日，決定展緩必須之期限，但了解此種展期，不得視為先

例。調查團因此遂能當地完成報告書，當事國遂能致送對於報告書之意見書，而行政院與大會，亦遂能審查所有如此獲得之材料。

此種材料之審查及與當事國意見之交換，自一九三二年十一月中旬起直至一九三三年二月初，繼續不斷。經行政院討論以後，大會根據調查團報告書所載之材料及結論，依照第十五條第三項，以與當事國談判之方法設法解決此項爭議，但無效果，以故大會依照該條第四項，通過此次之報告書。

【二】爭議提出國聯之起因——一九三二年九月十八至十九日在南滿發生之事件——

行政院最初之討論

中國之請求行政院，由於日本軍隊於一九三一年九月十八夜在滿洲所取之舉動。

因一事件發生於附近瀋陽為日軍所守護之南滿鐵路地帶，日本軍事長官，遂以軍事上之防範必要為詞，派兵至地帶外，特別至地帶相毗連之中國城市及在瀋陽終止之鐵路線。中國城市，如瀋陽，長春，安東，營口，及他處，遂被佔據，中國軍隊，被驅散或繳械。

九月二十一日，中國依照盟約第十一條，申請行政院，立即採取步驟，制止該項危害國際和平之情勢之更事發展，並回復事變以前之狀態，及確定中華民國應得賠償之性質與數目。

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九月二十二日，行政院授權該院主席（即西班牙代表勒樂）（1）致緊急申請書於兩國政府，制止足以使形勢擴大或有礙此項問題之和平解決之任何行動；（2）與中日兩代表商洽，以尋求適當之方法，可使兩國政府立即進行撤兵，而不危及其人民之生命與財產。

九月二十九日，行政院主席，根據自兩當事國所得之報告，向當時大會例會解釋情勢，聲言「日本軍隊撤退至南滿鐵路地帶以內一節，正在進行之中；」並謂九月二十八日「日本代表已在行政院宣稱撤兵正在進行。……除瀋陽及吉林二處，在鐵路地帶以外駐有少數日本隊伍者，僅新民鄭家屯，為保護日本僑民免受中國兵士及土匪之侵擊，因此種兵士及土匪正在擾亂上述之地方。」

凡此均係九月三十日行政院通過下列決議案時之情形。決議案如下：

「（一）行政院知悉中日政府對於行政院主席所為緊急聲請之答覆，及為應付此種聲請所取之步驟。

（二）行政院對於日本政府之聲明，謂對於東省並無圖謀領土之意，認為重要。

（三）行政院知悉日本代表之聲明，謂日本軍隊，業經開始撤退，日本政府當以日本人民生命財產之安全得有切實之保證為比例，仍繼續將其軍隊從速撤退至鐵路區域以內；並希望從速完全實行此項意願。

（四）行政院知悉中國代表之聲明，謂中國政府對於該區域以外日僑生命財產之安全，在日軍繼續撤退，中國地方官吏及警察再行恢復時，當負責任。

(五) 行政院深信雙方政府，均亟欲避免採取任何行動，足以擾亂兩國間之和平及諒解者；並知悉中日代表已保證各該國政府採取一切必要步驟，以防止事變範圍之擴大或情勢之愈加嚴重。

(六) 行政院請求當事兩方，盡力所能，速行恢復兩國間通常之關係，並為求達到此項目的，繼續並從速完成上述保證之實行。

(七) 行政院請求當事兩方，隨時將關於情勢發展之消息，充分供給於行政院。

(八) 行政院決定如無意外事件發生有即時開會之必要者，則於十月十四日在日內瓦再行開會，以考量彼時之情勢。

(九) 行政院授權於其主席，經向各同僚尤其兩關係國代表諮詢後，認為根據從當事國或從其他各會員方面，所得關於情勢進展之消息，無須再行開會時，得取消本院十月十四日之會議。

惟是行政院之願望，未得實現。十月九日，中國代表團為日軍又開始『侵略的軍事動作，』用飛機轟炸瀋陽被佔後臨時省政府所在地之錦州，要求行政院召開緊急會議。

行政院在九月開會時，曾決定將該院之會議錄及關於中日爭議之文件送致美國政府，美國政府亦曾表示與國聯態度十分同情。

十月十六日行政院決定繼續與美國政府合作，並邀請美國政府派遣代表列席行政院。美國政府代表，當由其政府授

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權，『商討巴黎非戰公約之規定與滿洲不幸情況之關係，并觀察行政院關於該問題其他各方面之一切討論。』

十月十七日在行政院中派有代表之若干國政府，（英，法，德，愛爾蘭自由邦，意大利，挪威，西班牙），決定以非戰公約簽字國之資格，送致同樣照會於中日兩國政府，請其注意非戰公約之規定，特別請其注意該約第二條之條文，所謂『締約各國，互允各國間設有爭端，不論如何性質，因何發端，祇可用和平方法解決之。』

美國政府亦曾送致同樣照會於中日兩國政府。

十月二十二日，行政院主席，（法國代表白里安）提出一決議草案，該草案除當事國外，一致同意。

該決議草案于提及九月卅日決議案中中日兩國政府所爲之允諾，及日本代表所稱日本在滿決無領土企圖之宣言後，即請日本政府立即開始將日軍撤退至鐵路區域以內，於下次開會以前全數撤盡。并請中國政府準備接收日軍撤退區域之辦法，以保證日僑生命財產之安全，且指示若干實行此事之詳細辦法。

該決議草案復向中日兩國政府建議，一俟日軍撤盡後，兩國應立即開始直接交涉，談判中日間一切懸案，尤其關於最近事件所發生之問題及關於由滿洲鐵路狀況所發生之各困難問題。爲達上項目的，行政院建議，兩當事國應設立調解委員會，或類似之永久機關。最後提議行政院應於十一月十六日再行集會。

十月二十三日，中國代表接受該項決議草案，視爲『最低程度之決議』。日本代表則提一對案，說明日本政府鑒於滿洲局勢之緊張，及情形之紛亂，不能預定日軍撤盡之確切日期，日本政府認爲恢復較甯靜之心理狀態，爲絕對必

要，因此決定基本原則數點，爲中日兩國間經常關係之基礎；但日本代表無權將此種基本原則列入決議案中，亦無權在行政院會議席上詳細討論；以爲以此種基本原則爲兩當事國直接談判之題目，較爲妥善。

行政院認爲既不知悉『基本原則』之內容，當然不能在決議草案內提及。

該決議草案，因日本代表之投票反對，（十月二十四日）未曾通過，行政院當延會至十一月十六日。

中國代表於十月二十四日會議後，曾代表中國政府向行政院主席發表下列之宣言：

『中國與其他國聯會員國，同樣受盟約之約束，應嚴格尊重一切條約上之義務。中國政府矢志盡盟約上所規定之一切義務。爲證明此種意志，關於條約解釋方面與日本之一切爭執，極願依照盟約第十三條之規定，用公斷或交由法庭解決。

爲實行此種意志，中國政府願與日本訂立公斷條約，一如中美新近訂立之公斷條約，或近年國聯各會員國間所訂立之多數公斷條約然。』

【三】日本軍事行動在北滿之進展

行政院十月開會以後，日軍在滿洲洮昂鐵路之嫩江橋附近，復從事攻擊。嫩江橋於十月間被黑龍江省主席馬占山軍隊所燬，以阻止張海鵬軍隊之前進，蓋據中國方面稱，張海鵬係受日軍之主使而取攻勢者也。

爲辨護干涉嫩江橋之修理爲合理，日本政府曾向中國政府聲稱，謂洮昂路係依據合同由南滿鐵路株式會社建築，中

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國方面尙未償還債務，且不願將此債改爲借款，故此路可認爲屬於南滿鐵路株式會社，該社對於保護該路財產及維持該路交通，自屬極爲關心云。

十一月二日，日本政府聲明，因南滿及洮昂鐵路局之請求，爰於是日派遣工兵一隊，由步砲及空軍保護，前往修理鐵路橋。

日軍當即與拒絕退讓之華軍衝突而將其擊退，十一月中日本軍隊，遂開到且越過中東鐵路而取得昂昂溪，嗣并於十一月十九日取得齊齊哈爾。

【四】改組滿洲民政機關之辦法

當軍事上行動如此向北滿進展時，民政機關之改組，亦復同時進行。就瀋陽言之，在九一八事變發生，政局改組以後，當地市政府首即交由日本上校土肥原負責，嗣於十月二十日，則由在東京帝國大學畢業之法律博士華人趙欣伯充任市長。時遼甯前省政府，已遷往錦州，因又組織一遼甯省政府以資對抗。九月二十四日所組織之地方維持委員會，十月間改爲遼甯省自治公署，十一月七日自治公署復又改爲代理遼甯省政府，宣告與從前之東北政府及南京國民政府，脫離關係。同時復成立所謂自治指導部，其職權之一部，即爲指導并監督省政府及鼓勵地方自治。凡此種種新機關，以及發行紙幣之銀行，均派有日本顧問，此項顧問，大半爲南滿路具有勢力之職員。

中國代表堅稱瀋陽，吉林，及其他日本佔據之地點，所有種種新機關之成立與維持，均應由日軍負責，以爲此種種

機關，均係『日軍之傀儡，日軍之產生物。』

日本代表則答復，以爲『日本當局除鼓勵華人自行組織團體維持秩序外，別無他法。……此等團體，果能恪盡其職責，則將使日本政府屢次所正式表示之願望所謂從速撤兵一節較易實現』。

不第此也，一九三一年十一月間，中國代表團，曾將鹽務稽核會辦克利夫蘭德博士(Dr. Frederick A. Cleveland)之迭次報告，送交行政院。據該項報告，則日本陸軍當局，彼時正以武力奪取滿洲各地之鹽稅，而據日本公文之所述，則謂『日本陸軍當局將中國鹽稅機關之餘款，另行移轉于他——中國機關(當地之地方維持委員會)不能謂爲不當』。

【五】一九三一年十一月間之行政院會議——調查團之組織

是時行政院，正于十一月十六日在巴黎集會。十一月二十一日，日本方面提議，派遣調查團至遠東調查，并謂『日本政府依照九月三十日之決議案從速撤兵至南滿鐵路區域之真誠的願望，決不因此項調查團之產生與派遣而有所變更』。

該項提議，經攷慮後，十二月十日，行政院乃通過下列之決議案：

『(一)行政院重申九月三十日一致通過之決議，該決議經中日兩方聲明各受其莊嚴約束，故行政院要求中日政府採取必要步驟，實行該項決議，俾日軍得依照該決議內所開條件，儘速撤退至鐵路區域內。

(二)行政院認爲自十月二十四日會議後，事態更爲嚴重，知悉兩方擔任採取必要辦法，防止情勢之再行擴大，並

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避免任何行動，致再令發生戰爭及喪失生命之事。

(三) 行政院請兩方繼續將情勢之發展，隨時通知行政院。

(四) 行政院請其他會員國，將各該國代表就地所得之消息，隨時供給行政院。

(五) 行政院鑒於本案之特殊情形，欲協力促進兩國政府謀兩國間各項問題之最後根本解決，故並不妨礙上述辦法之實行，決定派遣一委員會。該委員會以五人組織之。就地研究任何情形影響國際關係而有擾亂中日兩國和平或和平所維繫之諒解之虞者，並報告於行政院。中日兩國政府，各得派參加委員一人，襄助該委員會。兩國政府對於該委員會應予以一切便利，俾該委員會所需之任何消息，均可得到。茲了解如兩方開始任何商議，該項商議，不在該委員會職務範圍之內，又該委員會對於任何一方之軍事辦法，無干涉之權。該委員會之委派及其考量，對於日本政府在九月三十日決議內，所為日軍撤退至鐵路區域內之保證，並無任何妨礙。

(六) 在現在及一月二十五日舉行下次常會之間，行政院仍在受理本問題中，請主席注意本問題，並於必要時再行召集會議。」

行政院主席法國代表白里安，于提出是項決議案時，曾鄭重聲明，行政院對於九月三十日之決議案，及其自身之確信，以為兩國政府將充分履行該決議案之約言各節，均極端重視。並稱雙方均避免任何足以更致戰爭，或使事態擴大之行動，實為必要而急切。

上項決議案通過時，美國政府曾表示欣快，謂實已有確切進步。

【六】日軍攻擊錦州——南滿方面中國殘餘行政權之摧滅

當行政院從事草擬上項決議案時，中日雙方，均曾請行政院對於延及滿洲西南部之軍事行動的危險，予以注意。因而有一種努力，即設法在日軍與錦州張學良之軍隊間，設立中立區域。惟是此種努力，不幸失敗。日本代表，當該決議案通過時，關於該決議案之第二節，曾聲明接受，『惟須了解該節之用意，並非阻止日軍，因直接保護日僑生命財產，以免滿洲各地土匪或不法分子之蹂躪所必須採取之行動。該項行動，實係一種例外之辦法，基於東省之特殊情形。將來該地常狀一經恢復，則此種辦法之必要性，自亦歸於消滅。』

十二月二十三日，日軍即開始向錦州方面進攻，而於一九三二年一月三日實行占領。日軍當更進至長城，而與駐紮長城南山海關之日軍連絡。此種軍事行動之結果，即為南滿方面中國行政權之完全摧滅。

【七】在上海之敵對行爲——敵對行爲之起源

就滿洲以外觀察，則自一九三二年一月以後，上海方面之形勢，亦益趨險惡。

關於上海事變，國聯前後從二月初間在上海當地組織成立之領事調查團，共收報告四件，敘述事變之經過，自開始之日起，至三月五日爲止。其後之事件，均載在調查團報告書內。按該調查團之組織，已於上文解釋，係成立於一

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九三二年一月，於三月十四日到達上海。

先是在朝鮮曾發生嚴重之排華暴動，一如調查團報告書所述，是項暴動，引起一九三一年六月以後在上海及中國其他各埠之抵制日貨。日本軍隊之佔領滿洲，使抵貨益見緊張，中國政府及官方組織間且有積極之協助。日本商務受重大之損失。兩國人民間之緊張情感，益趨銳化，嚴重之不幸事件，因以發生。上海日僑遂請本國政府派遣軍隊戰艦，制止排日運動，日本總領事繼即向中國上海市市長，提出五項要求。

上海市長於一月二十一日聲明，對於其中兩項要求，礙難照辦。（即充分制止排日運動，解散一切挑撥惡感煽動排日暴動風潮之排日團體）。

同日，日本海軍司令公然宣稱：倘中國市長答復，不能滿意，爲保護日人利權起見，決採取必要步驟。一月廿四日，日本海軍增援軍隊，到達上海。謠傳華界開北區，中國駐軍，亦在增兵。一月二十七日，日本總領事要求中國方面，在次日早晨六時以前，對於所提要求，給予滿意之答復。上海市長曾向各國代表，表示意旨，將盡量讓步，以求避免衝突，一月二十七日至二十八日之夜間，遂將抗日會停閉，其他抗日機關，亦經中國警察分別封閉。一月二十八日晨，日本海軍司令通知各國駐軍司令，倘中國方面無滿意之答復，決於次晨採取行動。公共租界工部局開會決定當日下午四時起，宣布戒嚴。至下午四時，日本總領事通知領團謂：業經收到中國答復，接受日本一切要求，該項答復，可謂完全滿意，暫時不探若何行動。

同時，公共租界防務委員會，爲適應當時之緊急情形，將租界劃分區域，指定各國駐軍，分別担任防務。防務委員會所指定之日本防區，不僅租界之一部份，并連帶突出界外之地段，西至淞滬鐵路。日本海軍司令部，位在該突出地段之極北端。屬工部局之兩路，北四川路及狄思威爾路，平時向有日本海軍陸戰隊駐所。午後十一時，日本海軍司令宣稱：鑒於目前之緊急狀態，帝國海軍，對於有多數日本僑民居住之閘北一帶情形，極爲關懷，已決派遣軍隊前往該處，希望中國駐閘北之軍隊，迅速向鐵路以西撤退。

一小時以後，日本陸戰隊及武裝平民，向鐵路進發。其最後一隊，企圖由出租界及防守地段之河南路柵門，侵入車站，經駐守該段之上海義勇隊，加以阻止。該義勇隊，奉有嚴格命令，其原則爲防守軍隊之職責，限於防禦，不能進攻。

遵照防守計劃派至閘北一段之日本軍隊，與中國軍隊相接觸。據領事調查團第一次報告書所稱，該項中國軍隊，即使情願撤退，亦爲時間所不許。

【八】在上海之敵對行爲——行政院之討論——盟約第十條之援用——大會依照第十五條之第一次討論——上海敵對行爲之終止

此卽上海戰事之開始，此項戰事，當時正在日內瓦開會之行政院及在上海有特殊利益之各國，曾屢次致力制止。中

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國於一月二十九日要求將爭議依據第十條及第十五條處理，即緊在上述嚴重事變發生之後。

二月十六日，行政院各會員國，除中國及日本外，向日本政府提出緊急申請書，請其注意盟約第十條。以爲按照該條，『凡蔑視該條規定，侵害聯合會會員國領土之完整及變更其政治之獨立者，聯合會各會員國，均不應認爲合法有效』。

二月十九日，行政院因中國之請求，爰將此項爭議，提交大會。大會於三月三日，召集開會。

行政院在大會開會之前，曾於二月二十九日，作最後一度之努力，以圖停止戰事。即提議在上海組織圓桌會議，惟其舉行，須待就地已訂有停止敵對行爲之辦法。

行政院之提議，未曾實行。因戰事仍然繼續，大會於三月三日，聽取雙方代表聲說之後，當於三月四日，通過決議案如下：

『大會茲追憶行政院二月二十九日所爲之提議，並聲明不妨害該提議中所包含之其他方法：

(一)請中日兩國政府，立即採取必要之方法，使兩方軍事當局所發停戰之命令，克以有效。

(二)請在上海有特別利益關係之列強，以前項辦法實行狀態，報告大會。

(三)建議由中日雙方代表：以上述列強陸軍海軍及文職各當局之協助，開始談判，訂立辦法；此項辦法，須確定

戰事之停止，並規定日軍之撤退。大會希望上述列強，隨時將談判情形，向大會報告。』

一月五日，美國政府暗示已經訓令上海該國軍事當局，通力合作。

此項提議之談判，於三月十四日在上海開始進行。大會所設立之十九國委員會，因中國之請求，曾兩次從中斡旋，設法排除困難。卒於五月五日，在上海簽訂停戰協定。同月六日，日本軍隊開始撤退，至五月三十一日，由日本派至上海各師團，均已再行登船。惟其中之第十四師團，則經改派前往滿洲。七月一日，大會接到報告，稱尚有極少數之日本陸戰隊，依照五月五日協定，暫時留駐與租界及越界所築各路綫相隣近之少數處所，嗣後各該隊伍，亦均撤退。中國方面認日本在上海之干涉，致中國兵士人民死亡損傷及失蹤者達二萬四千人，物質上之損失，估計約值十五萬萬墨元。

【九】日本在滿洲佔領之進展——行政改組之進行——『滿洲國』之構成

當上海事件正在發展之時，滿洲之局勢，亦在進展之中。

二月五日，哈爾濱爲日本軍隊所佔領。嗣後數個月內，日本軍隊繼續向中國軍隊殘部暨『義勇軍』『土匪』及其他各種『非正式軍隊』，作軍事行動。不規則之混戰，蔓延於滿洲一極大部分之地面。

同時行政上之改組，亦在進行之中。其最初各過程，已於上文述及。

一九三二年二月十七日，有一最高行政委員會，爲滿洲全部而成立。二月十八日，該會發表獨立宣言。二月十九日日本代表在日內瓦行政院會議中說明，在滿洲地方，『獨立』之意義與『自治』之意義相同，并謂『日本頗贊成此

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種獨立之成功』。三月九日。各地方行政機關，遂行合併爲一獨立『國家，』名之爲『滿洲國』。而由前清宣統皇帝溥儀，担任該國執政。

中國政府曾於一九三一年十一月十七日聲明：『該遜帝，爲日人自天津日本租界勒綁監送至瀋陽，以建立一傀儡政府而以該遜帝爲皇帝』。中國政府對該號稱國家之建立，屢次詆爲非法，以爲該『號稱之國家，自成立伊始以及其後發展過程中，所有創立維持，均係由駐滿日軍指使協助』。

【十】國聯大會之討論——三月十一日之決議案——關於依據盟約第十五條擬具報告書期限之決定

同時大會方繼續在日內瓦研討該項爭議。一九三二年三月十一日，經詳細討論之後，當通過下列之決議案：

『第一節

大會：

認爲盟約所載各項規定，對於此次爭議完全適用，而以關於：

- (一) 嚴格尊重條約之原則，
- (二) 聯合會會員，担任尊重并保持所有聯合會各會員領土之完整，及現有政治上之獨立，以防禦外來侵犯之諾

言，

(三)將彼此間所有一切爭議，以和平手續解決之義務，爲尤應適用；并採用一九三一年十二月十日行政院主席白里安宣言中所奠立之原則；又

回憶行政院十二會員，於一九三二年二月十六日，致日本政府申請書中，曾重申此項原則，宣言凡蔑視盟約第十條之規定，侵害聯合會會員領土之完整，及變更其政治之獨立者，聯合會各會員均不應認爲合法有效；且

認爲上述支配聯合會會員國際關係，及和平解決爭議之原則，與巴黎公約，完全相符；而該公約實爲世界和平機關之一砥柱，其第二條曾規定，「締約各國，互允各國間設有爭端，不論如何性質，因何發端，祇可用和平方法解決；」因是

在本大會尙未採取最後步驟以解決此項受理之爭議時，特宣告上述原則及規定，負有一種必須遵守之性質；并聲明凡用違反聯合會盟約或巴黎公約之手段所締造之任何局勢，條約，或協定，聯合會會員，均不能承認之。

第二節

大會：

鄭重申說，此次中日爭議，如任由任何一方用武力壓迫，覓取解決，實與盟約精神相違背；并回憶一九三一年九月三十日及十二月十日，經當事雙方同意之行政院所通過之決議；又

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回憶一九三二年三月四日，經當事雙方同意之關於切實停戰及日軍撤退事項，大會本身所通過之決議；知悉聯合會會員，在上海租界有特殊利益之國家，對於此項目的，準備充分協助，并請求各該國，於必要時，通力合作，以維持撤退區域之治安。

第三節

大會：

鑒於一月二十九日，中國政府之請求，將聯合會盟約第十五條之手續，適用於此次之爭議；又鑒於二月十二日中國政府之請求，將此次爭議，依照盟約第十五條第九項之規定，提交大會；並鑒於二月十九日行政院之決定；認為中國政府請求中所指爭議之全部，係交由大會處理；并認為大會應負有適用盟約第十五條第三項所規定調解手續之義務；並於必要時，應負有適用同條第四項所規定建議手續之義務。

爰決定設立一十九會員之委員會：即以大會主席為該委員會之主席，連同當事國以外之行政院會員，及用祕密投票選出之其他會員國代表組織之。

該委員會，代表大會，執行職務，並受大會之監督；應

(一) 將關於依照一九三二年三月四日大會之決議，停止戰事，及締結協定使上述戰事切實停止，並規定日軍撤退各事項，從速報告；

(二) 注意一九三一年九月三十日，及十二月十日，行政院通過決議之實行；

(三) 經當事雙方之同意，並依照盟約第十五條第三項之規定，從事預備解決爭議之辦法，並擬具聲明，提交大會；

(四) 於必要時，得向大會提議，向國際裁判常設法庭，提出請其發抒意見之聲請；

(五) 於必要時，從事預備盟約第十五條第四項所規定之報告書草案；

(六) 建議一切似屬必要之緊急辦法；

(七) 於最早時期內，向大會提出第一次工作報告書，最遲不得過一九三二年五月一日。

大會請求行政院將一切視為應行轉送大會之文件，或附帶意見，轉致是項委員會。

大會並不閉會，主席視為必要時，得召集之。」

三月十二日，美國政府宣稱國聯大會之措施，實足使非戰公約暨國聯盟約所賴為基礎之安甯與正誼之原則成為國際公法。美國政府，尤為欣慰者，世界各國，茲已聯合一致，採取一種政策，即對於因違反各該條約所獲之結果，不承認為有效。此於國際公法誠為一特殊之貢獻，而亦為和平建設之切實基礎也。

一九三二年七月一日國聯大會接據報告，調查團之報告書不能於九月前撰擬完竣，乃於得當事雙方同意之後，決定就嚴格必須之範圍內，將國聯盟約所規定六個月擬具報告書之期限，予以延展。

國聯大會主席於六月二十四日函致中日代表提議延展盟約所規定之期限時，曾稱「本主席職責所在，用進一言。本

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主席深信當事雙方，對於其在行政院中所爲，并由行政院載諸現在仍有充分執行效力之一九三一年九月卅日暨十二月十日決議案中，所謂不使局勢擴大之諾言，將必恪予遵守。并信貴代表將必與本主席意見一致，謂此項決議案在六個月期滿後行將延展之期限中，仍將繼續有充分之效力。茲一併提請注意者，即三月十一日國聯大會所通過之決議案，對該兩決議案會重予申述。』

國聯大會主席，於大會通過延展期限一事之後，曾述及其函中此節，并稱『此事既然如此，大會頃所採取之決定，實授權本主席聲明，當事國雙方必不得有任何行動，足以危及調查團工作，或國聯爲促成解決所盡努力之成功。

』本主席茲復有提請注意者，即三月十一日國聯大會曾經宣告：國聯會員國，對於凡用違反國聯盟約或非戰公約之手段所締造之任何局勢，條約，或協定，俱負有不予承認之義務。』

【十一】『滿洲國』之組織——日本之承認『滿洲國』

同時『滿洲國』政府之組織，則仍繼續進行。

該政府創設一中央銀行，并接辦鹽稅行政（聲明對於以鹽稅收入爲担保之外債，仍願繼續給付一公允之部分）；關稅行政（關於以關稅爲担保之債務及賠款作同樣之聲明）以及郵務行政等等。

『滿洲國』軍隊之造成，出諸被聘爲顧問之日方官吏之助力。日本政府，於一九三二年四月八日之公文中，曾宣稱：『日本軍隊，目前係以友好之精神，予『滿洲國』軍隊以援助，以應其維持治安恢復秩序之需要。』

依據日本政府一九三二年十一月十八日之意見書，「日本駐軍東省，可於二三年內將主要之股匪，予以肅清。」日本與新國之關係，自派遣武藤將軍駐「滿洲國」國都長春後，即經確定。武藤於八月八日受命爲關東軍司令官，同時兼任特派的全權大使及關東長官。凡領館事務，關東租借地政府，以及在東省所有之日軍，統歸其管轄。此新任大使，並未攜有國書，僅係由日本一方任命。

九月十五日，武藤將軍與「滿洲國」國務總理簽訂日滿議定書，內有下列之規定：

「茲因日本國，確認「滿洲國」根據其住民之意思，自由成立，而成一獨立國家之事實，並因「滿洲國」宣言：「中華民國所有之國際條約，以其應得適用於「滿洲國」者爲限，概應尊重之。」日本國政府及「滿洲國」政府，爲永遠鞏固日滿兩國間善鄰之關係，互相尊重其領土權，且確保東亞之和平起見，爲協定如左：

(一)「滿洲國」於將來日滿兩國間未另訂相反的協定之前，在「滿洲國」領域內，日本國或日本國臣民，依據既存之日華兩方之條約，協定，其他約款及公私契約，所有之一切權利利益，概應確認尊重之。

(二)日本國及「滿洲國」，確認對於締約國一方之領土及治安之一切威脅，同時亦爲對於締約國他方之安甯及存立之威脅，相約兩國合作以維持彼此國家之安全。爲此目的所需要之日本國軍隊，應駐紮於「滿洲國」內。

本議定書，自簽訂日起，即生效力。」

「滿洲國」於是遂得日方之正式承認，中國政府對於此項承認，曾提出抗議，謂「日本援用其前此對於朝鮮之政策

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，實際上置東省於保護國之列，以爲合併之初步。」

【十二】行政院對於調查團報告書之討論

調查團報告書，係於一九三二年九月四日在北平簽字，並於十月一日分別送達兩當事國及其他盟約國。日本政府會要求至少六星期之期間，以便將該政府對於報告書之意見書草送行政院，行政院因於九月二十四日決定至遲於十一月二十一日開始對於報告書之討論。

九月二十四日行政院主席（愛爾蘭自由邦之代表凡勒拉君）曾表示遺憾——國聯特別委員會於十月一日公開會議時，亦爲同一之表示——以爲國聯調查團報告書公布之前，日方不僅承認所謂「滿洲國」政府，且與之簽訂條約，其所取之步驟，不得不認爲於此項爭議之解決有礙。凡勒拉君又謂：「在過去一年間，行政院以團體之資格，及組成行政院之各國政府，對於此項嚴重爭議之是非曲直，始終謹慎，未輕發一字之批評，因已組織調查團，對於此項爭議之各方面，予以研究，而在調查團製成報告書，及國聯討論該項報告書以前，此整個之問題，仍祇能認爲留待判決之案件。」

一九三二年十一月二十一日至二十八日，行政院開會，討論調查團報告書，及兩當事國之意見書。李頓爵士於答覆主席之詢問時，曾以調查團名義，聲稱該團對於報告書，不願有所增加。

關於報告書中所載之建議，行政院認爲在中日代表之聲明中，不能覓得兩當事國有任何協調之可能，足使其有益於

討論之進行，及貢獻意見或建議於大會。

在此情形之下，行政院祇可將調查團報告書，兩當事國之意見書，及會議紀錄轉交大會而已。

【十三】大會討論調查團報告書——試行協商調解辦法

大會於一九三二年十二月六日集會，經大體之討論後，即於十二月九日通過下列決議案：

『大會現接到依據一九三一年十二月十日行政院通過之決議案所組織調查團之報告書，及兩當事國之意見書，與一九三二年十一月二十一日至二十八日行政院會議紀錄；并鑒於一九三二年十二月六日至九日大會之討論；爰請根據一九三二年三月十一日大會決議案所指派之特別委員會：

(一) 研究調查團報告書，及兩當事國之意見書，以暨在大會中以任何形式所提出發表之意見及提議；

(二) 草擬提案，以圖解決依照一九三二年二月十九日行政院決議案所提交大會之爭議；

(三) 在可能的極早時間內，將上述提案提交大會。』

十九國特別委員會擬就決議草案二件及說明書一件，以大概指明該委員會所認為可依以繼續努力圖謀解決此項爭議之根據。

各該件之本文如下：

決議草案第一號：

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『國聯大會：

承認依據盟約第十五條之規定，其首要之義務，厥爲力謀爭議之解決，故大會現在，尙不須草擬報告以陳述爭議之事實，暨對於該項爭議之建議；

以爲一九三二年三月十一日之大會決議案，已訂立原則，將國聯對於解決此項爭議之態度，予以決定；因確認於此項解決辦法中，國聯盟約，非戰公約，暨九國條約之各規定，必須予以尊重；并

決定組織一委員會，其任務爲根據國聯調查團報告書第九章所申述之原則，並注意該報告書第十章所爲之建議，會同兩當事國進行談判，以求解決；爰

指派國聯會員國之在十九國特別委員會者組織一特別委員會；又

以爲美國及蘇聯如能同意加入談判，最爲合宜，因付予上述委員會以邀請美俄兩政府參加是項談判之責；并授權該委員會，爲使其任務之實行順利，得採取各種必要辦法；且

申請該委員會於一九三三年三月一日前，報告該會之工作情形。

該委員會應有徵求雙方同意而確定一九三二年七月一日大會決議案所提之期限之權；如雙方對於該項期限之長短，不能彼此同意時，該委員會應卽於呈送其自身之報告時，對於該項問題，向大會提出建議。

大會并不閉會，主席視爲必要時，得召集之。』

決議草案第二號：

「大會對於依據行政院一九三一年十二月十日決議案委派之調查團所給予之厚助，表示感謝，並宣言該團之報告書，爲一種忠實公正工作之模範。」

說明書：

「大會於一九三二年十二月九日決議案中，曾請該會之特委會（一）研究調查團報告書及兩當事國之意見書，以暨在大會中以任何形式所提出發表之意見及提議；（二）草擬提案，以圖解決依照一九三二年二月十九日行政院決議案所提交大會之爭議；（三）在可能的極早時間內，將上述提案，提交大會。」

如該委員會，必須將事實真相及情勢之大概觀察，報告大會時，則在調查團報告書之前八章中，儘可以得到該項陳述所必需之材料，因該委員會，以爲報告書之該部分，實構成關於各項主要事實之一種平允公正且完備之陳述也。

惟是此項陳述，現在尙未到時，因依照國聯盟約第十五條之第三項，大會首必努力調解，以謀得到此項爭議之解決。設調解而成功，則大會應即將認爲適宜之事實，予以公布；若調解而失敗，則應依據同條第四項，陳述該項爭議之各事實，暨對於該項爭議之各建議。

在根據第十五條第三項之努力，尙在繼續進行之時，則大會試一思想及其因盟約所規定各種臨時可以發生之事件，

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所需擔負之種種責任，自不得不特守緘慎。所以本委員會於本日提出大會之決議草案僅限於關於調解之建議。

按照三月十一日大會之決議，特委會奉令應經由雙方同意預備解決此項爭議之辦法，而在另一方面，並以為此項與雙方當事國代表之努力，如有美俄兩國參加，尤為相宜，故提議應邀請該兩國政府，參加談判。

為避免誤會，並使人了解，現時所擬與兩非國聯會員國合作者，純係辦理以調解求解決之談判，本特委會因提議本委員會應視為辦理此項談判之一新委員會，並應受有邀請美俄兩政府參加該會會議之權。

該談判委員會，應有一切必須之權力，以實行其任務。該會可以諮詢專家。并可於認為適當時，將其職權之一部分，交一個或一個以上之小組委員會，或一個或一個以上之特別具有資格之人員辦理之。

該談判委員會會員，關於法律事項，應以大會一九三二年三月十一日決議案之（一）（二）兩節為根據，關於事實經過，應依據調查團報告書前八章中之所記述。至於考慮解決辦法，則應以調查團報告書第九章所申述之原則為根據，並應注意該報告書第十章所為之建議。

十九國委員會，認為在此項爭議特殊情形之下，僅僅恢復一九三一年九月前之各該情況，不足得一永久之解決而維持與承認滿洲之現在政局，亦不能視為解決之道。」

十二月十五日曾將此兩決議草案及說明書送達雙方，並經中日代表提出修正。本委員會委員長及秘書長，復曾奉令與雙方進行談話。十二月二十日，委員會決定延會，並規定最遲須於一九三三年一月十六日再行集會，俾談話得

以繼續進行。

【十四】日本在長城內山海關之軍事行動

一九三三年一月初發生山海關嚴重事變。該關位於長城之終點，據北平遼甯之中心，在軍事上素佔重要，適爲自滿洲進犯現所稱爲河北省之衝道，而從河北省則又爲進入日本認爲『滿洲國』一部分之熱河省之捷徑。據日方消息，張學良將軍，彼時正將大批軍隊，自河北省北部運入熱河。據中國方面消息，則謂日本軍隊對於熱河，意欲開始大規模之軍事行動。

據一九三二年十二月二十九日之日方報告，在前數日間中國軍隊之向熱河集中，已昭然若揭。日本代表，並於一九三三年一月四日聲稱，駐北平日本當局，曾力勸張學良停止軍事行動無效，因在此緊張不安狀態之中，於一月一日至二日之夜間，發生山海關事件。

日本關東軍軍隊，越過長城，攻擊榆城。旋於一月三日佔領之。

中國政府稱，此役華方良民被殺者，不下數千；中國政府以日本非法利用一九〇一年條約上之特權，當於一月十一日向該約簽字各國，送致抗議，并聲明因中國防禦的軍隊實施其正當權利以抵抗侵略的日軍而發生之情勢，中國政府不負任何責任。

【十五】協商調解之失敗

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十九國委員會，於一九三三年一月十六日復行集會，知悉關於決議草案及附加理由說明書，雖仍與當事國代表繼續談判，而除十二月間中日兩代表團所提之修正案外，迄未接到新提案。但據日本代表團稱，尙有新提案正在與本國政府接洽中，可於四十八小時內提出。

一月十八日，委員會接到此項提案，得悉其內容與委員會十二月十五日送交兩當事國者，有數要點根本不同。但以日本代表團於提出日政府之新提案時，曾特別鄭重申述，謂日本政府對於指派之解決爭議之機關，應僅能包括國聯會員國一節，極爲重視。十九國委員會，以爲日本政府尙對於決議草案不過反對此節，尙不難與當事國磋商解決，是以委員會乃要求補充說明，而尤特別注重，是否此項困難解除後，日本政府即預備接受十二月十五日之決議草案第一號。委員會以爲與中國代表團繼續談判以前，須俟日本對於此點之答覆，因中國代表團之提案，并不如日本提案之於決議草案持根本之異議也。

一月二十一日，委員會知悉，依據日代表對委員會主席及祕書長之所陳述，則即使草案內刪除邀請非會員國參加調解之規定，日本政府亦不準備接受決議草案第一號。

日本代表團於爲上云之陳述時，并曾以本國政府名義，提出新提案。

委員會經將此項提案，連同中國代表團對於十二月十五日草案原文之修正案一併審查後，遂不得不知悉，實決不能製成一雙方可以接受之草案。且中國代表團及委員會自身，均認邀請美俄兩國參加調解爲重要，如果委員會須照日

本提案之意義，同時修改決議草案第一號中之其他規定，則殊難因日本一國之請求，即刪除邀請各該國之規定。

委員會又知，即使將理由說明書改爲主席之宣言，使當事國可自由提出保留，日本政府亦不能接受十二月十五日委員會所定之原文，而必以新提案，對於原文，要求委員會所不能接受之重要修正。

因此情形，十九國委員會，認爲於按照其所受委託，努力以準備雙方同意的解決爭議之辦法後，似竟未能向大會提出合於此種意義之提案。

是以委員會爲實行一九三二年三月十一日決議案第三節第五項所受託之責務起見，已按照盟約第十五條第四項擬具現在之報告書草案。

於決定開始擬具此項報告書草案時，委員會并未忘却聲明，調解失敗之後，惟大會始有適用第十五條第四項規定之權，是以委員會仍可接收雙方所更擬提出之任何其他提案。

二月八日，日本代表會將對於十二月十五日原文之另一修正案，提交委員會。二月九日，委員會攷慮此項修正案後，認爲可再將有關該案者詢問日代表，尤以日本政府是否能接受調查團報告書第九章之第七項原則——即關於在滿洲地方，於中國主權及行政完整之範圍內，建立高度之自治權——作爲擬議的調解之基礎之一，並於同日將此項問題備函送交日本代表團。

二月十四日，日本政府答復，則稱確信維持與承認『滿洲國』之獨立，爲遠東和平之惟一保障，而此全體問題，將

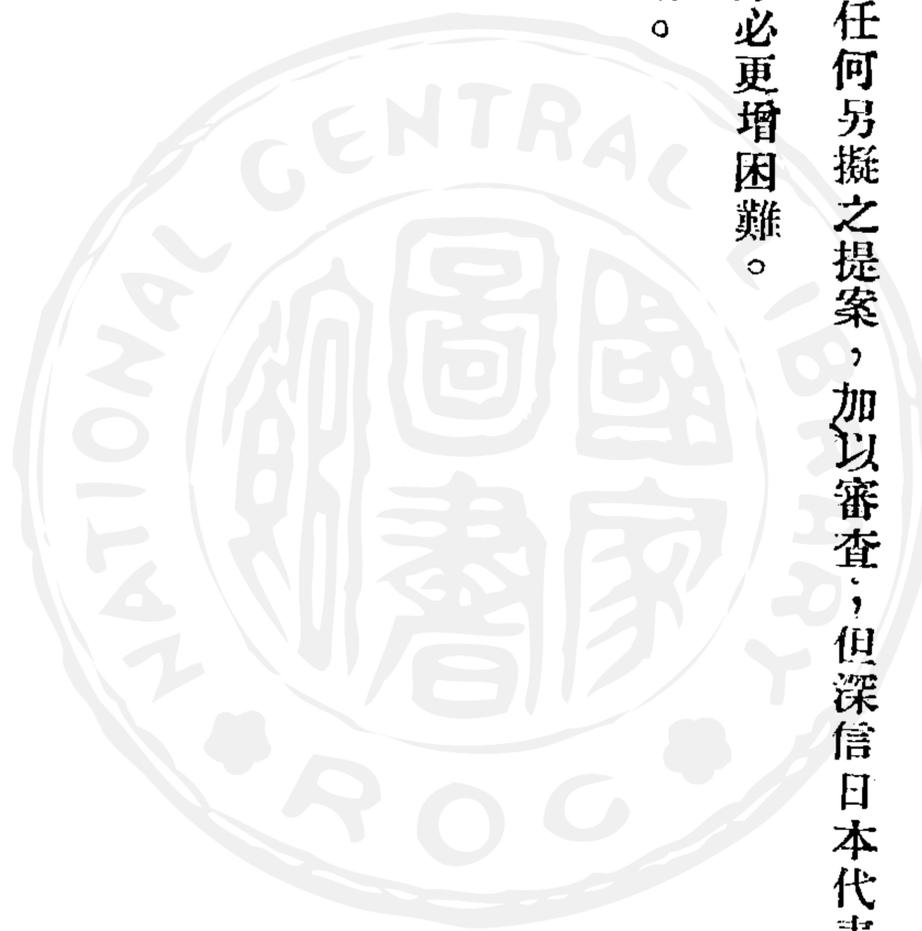
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終由中日兩國依此基礎解決。

委員會於答復此函時，深表惋惜，只得認二月八日之日本提案，爲絕未給予可資接受之調解基礎。並稱在大會末次會期以前，委員會自仍願對於日政府任何另擬之提案，加以審查；但深信日本代表團，當確知加重現有之情勢，定必使此後調解之努力，卽不失敗，亦必更增困難。

委員會當卽於同日通過本報告書草案。



第三部 本爭議之主要特性

由上所檢討者以觀，可見行政院或大會繼續試覓中日爭議之解決方法，已逾十有六月，並已根據盟約各條及其他國際公約通過多數決議案。凡已經陳述的此項事變歷史背景之複雜，與此後即將述及的日本在中國境內行使廣大權利之滿洲特殊情形，以及在滿洲數處中日當局間事實上現有關係之錯綜與困難，均證明國聯之長期盡力於協商及調查確為必要。然行政院及大會，因當事國之聲明及當事國參加通過之決議案，所促起之改善局勢之希望，則已失敗，而局勢反趨於時更惡劣。在國聯會員國之一之滿洲及其他地方，軍事行動，如彼調查團所稱為『變相的戰爭者』至今猶日進不已。

大會將此項爭議之特要各點，詳加考慮後，爰得如下之結論，并知悉下列各項事實：

(一) 提交國聯大會之中日爭議，發生於滿洲。中國以及列強，始終皆認滿洲為中國之一部，其主權屬於中國。日本政府，於其對調查團報告書之意見書內，辯駁在範圍極小之南滿鐵路區域內，中國前給俄國，嗣轉讓於日本之權利，與中國主權衝突之說，謂：『其實此項權利係由中國主權而來。』

中國始給俄國，嗣給日本之權利，均起源於中國之主權。依照一九〇五年之北京條約，『中國皇室政府同意於俄國

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按照樸次茅斯條約，對於日本之一切讓予。』一九一五年，日本展長其在滿洲權利之要求，係向中國政府提出。其後同年五月二十五日關於南滿及內蒙東部之條約，亦係由日本與中華民國政府所締結。華盛頓會議時，一九二二年二月二日，日本代表團聲明日本放棄南滿及內蒙東部之某項優先特權，并云：『日本之所以決定放棄者，係基於一種公平溫和之精神，始終注意中國之主權，以及機會均等之原則。』華盛頓會議所締結之九國條約適用於滿洲，與適用於中國其他各部無二。即在此次衝突之初期，日本對於滿洲為中國之一部之說，亦從未持異議。

(二)就已往之經驗而言，從前支配滿洲之當局，對於中國其他各部之事務，至少在華北方面，要具有甚鉅之勢力，在軍事上政治上，處於有利之地位，尤無疑義。若強將東省與中國他部割開，勢將造成一嚴重之未收回領土問題，而危及和平。

(三)國聯大會提出上述之事實，非不注意及滿洲過去之自治歷史。舉其極端之例，在中國中央政府權力極弱之時代，張作霖之全權代表，竟以中華民國東三省自治政府之名義，於一九二四年九月二十日，與蘇聯締結關於中東鐵路，航行，劃界，以及其他問題之協定。惟該協定之規定，顯然表示東三省自治政府，并未自視為對中國獨立的國家政府，而僅信關於影響中國在東三省權益之各問題，雖數月前中央政府已與蘇聯締結協定，東三省政府亦可自行與蘇聯談判耳。

東省之自治，亦可於以前之張作霖及以後之張學良兼為民政及軍事領袖與夫藉其所屬之軍隊及官吏在三省內行使權

力各節窺見之。但張作霖迭次宣告之獨立，從未表示張氏本人或東三省人民，有欲脫離中國之願望。張氏軍隊之侵入關內，僅係加入內爭，而并非視中國如外國。故在東省屢次戰爭，及獨立期間，東三省仍為中國之一部分。且自一九二八年以來，張學良已承認國民政府之權力矣。

(四)在一九三一年九月以前之二十五年，中國與東三省之政治經濟關係，日增密切，同時日本在東三省之利益，亦繼續發展。在中華民國時代，東三省所組成之滿洲，已為中國他省移民，完全開放，此項移民，取得土地後，已於種種方面，使東三省成為中國本部在長城以北之延長部分。東三省人口，約三千萬，其中漢人及與漢族同化之滿人，佔二千八百萬。且於張作霖父子時代，中國人民以及中國人之利益，對於發展及組織東三省經濟利源，較前尤為重要。

而在另一方面，日本在滿洲所獲取或要求之權利，其影響所及，足以限制中國主權之行使。此項限制之情形及程度，殊屬逾越常軌。例如日本之治理關東租借地，公然行使與完全主權相等之權利。又日本以南滿鐵路為媒介，管理鐵路地帶，包括多數之城市，以及人烟稠密之要鎮在內，例如瀋陽，長春等地。日本在此數處，管轄警政，稅捐，教育，以及公用事業。並在東省之各處，駐有武裝軍警，如關東租借地內之關東軍，鐵路地帶內之鐵道守備隊以及各處領館之警察。此種狀態，如係雙方所自由願望，或承受，且係雙方澈底了解之密切的經濟及政治合作之表現，或可長久繼續，不致發生糾紛及不斷之爭議。但因無上述條件，此種狀態，終必引起雙方誤會及衝突。且兩方權利

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之相互關係，法律狀況之有時不能確定，以及日本在滿特殊地位之觀念，與中國民族思想之益形對峙，又為許多事變及爭議之源也。

(五)在一九三一年九月十八日以前，中日雙方之在東省，原各有相互之合法的不平理由，蓋日本係利用有疑問之權利，而中國則阻礙無疑問的權利之行使。在九一八事件發生以前之最近期內，中日兩方，曾竭力以外交談判之通常方法與和平手段解決兩方懸案。此項手段，並未用罄。但中日間在東省緊張之情勢，日見增加，且日方意見，主張於必要時，以武力解決一切懸案。

(六)在中國目前所處之過渡及國家建設時期內，雖有中央政府之努力，以及已經獲得之甚鉅進步，然政治上的騷亂，社會上的不安，以及分裂之趨勢，實為過渡情形所不能免，而必須運用國際合作之政策。此項政策之一種方法，即凡中國為使其人民，改造及鞏固其國家而請求之關於革新制度之技術上幫助，悉由國聯繼續供給之。

導始於華盛頓會議席上之國際合作政策，其原則今仍有效，然遲遲未能充分實行者，要皆由於中國不時有激烈之排外宣傳。此項宣傳，在經濟抵制及學校之排外教育兩方面，特有長足之發展，遂以造成此次爭議爆發時之空氣。

(七)九一八前，中國為表示對某事之憤慨，或圖援助某項要求而實行之抵貨運動，固足使已形緊張之局勢，更趨緊張。九一八事件後之抵制日貨，則屬國際報復之舉。

(八)國聯盟約對於解決爭議之規定，其目的，係在制止足使國家與國家間不免決裂之緊張局勢。國聯調查團認

爲中日間之一切問題，均可用公斷程序解決。但正因中日間問題之彙集的增加，使兩國間關係，更形緊張。其因此自覺受損之國家，於外交談判過分延長之時，自不得不喚起國聯對於此項局勢之注意。

國聯盟約第十二條，曾含有以和平方法解決爭議之正式的義務。

(九)一九三一年九月十八—十九日夜間，當地日本軍官，或許自信其行動出於自衛。此種可能，不必斷定其爲必無。但日軍是夜在瀋陽以及東省他處之軍事行動，國聯大會不能認爲自衛手段。即日本嗣後在此項爭議進行中所採取之全部軍事行動，亦不能認爲自衛手段。且一國之採取自衛手段，並不免除其遵守盟約第十二條之義務。

(十)自九一八以來，日軍當局之行政及軍事之活動，均特帶有政治之意味。日方在東省繼續前進之軍事的佔領，使東省一切重要城鎮，均脫離中國當局之支配，並於每次佔領之後，行政機關，必經一度之改組。若干日本之文武官吏，籌組施行滿洲之獨立運動，藉謀解決九一八後滿洲之狀況，因即利用某某中國人之名義及行動，以及素來不滿於中國當局之某某少數份子與地方團體，以期達到此項目的。此種運動，旋受日本參謀部之援助與指導，其所以能實行者，端賴日軍之存在，不能認爲自動及真實之獨立運動。

(十一)前段所述運動所產生之「滿洲國」政府，其主要政治及行政權，均操諸日本官吏及日籍顧問之手中。彼輩所居地位，足使其實在的指揮及支配東省行政。在東省佔人口大多數之中國人，大抵均不擁護此種政府，並視爲日人之工具。又有應予注意者：即「滿洲國」於調查團完成報告書後，尙未經行政院及大會討論以前，得日本之承

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認。唯尙未得其他任何一國之承認。國聯盟約國特別認爲此項承認，與一九三二年三月十一日決議案之精神不合。

引起九一八事變之情形，實具有若干特殊之色彩。隨後因日本軍事動作之進展，「滿洲國」政府之產生，及日本對該政府之承認，情勢更增嚴重。此案固絕非此國對於彼國，不先利用國聯盟約所定調解之機會而遽行宣戰之事件，亦絕非此一鄰國以武力侵犯彼一鄰國邊界之一簡單案件。良以就上述情形而言，東省固具有許多特點，非世界其他各地所能確切比擬也。然日本軍隊，未經宣戰，將中國領土之一大部份，強行佔領，且使其與中國分離，宣布獨立，則又爲不爭之事實。

國聯行政院，於其一九三一年九月三十日決議案中，提及日方聲明，謂日本軍隊，業經開始撤退，日本當以日本人民生命財產之安全得有切確之保證爲比例，仍繼續將其軍隊，從速撤退至鐵路區域以內，并希望從速完全實行此項旨願。又行政院於其一九三一年十二月十日決議案中，重申九月三十日之決議，提及當事兩方，承諾採取必要辦法，防止情勢之再行擴大，並避免任何行動，致再令發生戰爭及喪失性命之事。

關於此案，應請注意者，即按照盟約第十條，聯合會會員國，担任尊重所有聯合會會員國之領土完整及現有政治上之獨立。

又按照盟約第十二條，聯合會會員國同意，凡會員國間，遇有爭議，足以引起決裂者，願將其提交公斷，或依法律

解決，或交由行政院調查。

在九一八事變以前，原來之緊張狀態，其責任固在於當事兩方。但自九一八事變後，所有情勢的發展，中國要不負任何責任。



第四部 建議之敘述

本部係敘明關於此項爭議大會所視為公允適當之建議。

第一節

大會之建議，係注意本案件異常特殊之情形，並以下列各項原則，條件，及觀念，為基礎。

(甲)本爭議之解決辦法，須遵守國聯盟約，非戰公約及華盛頓九國條約之規定。

查盟約第十條規定：『聯合會會員担任尊重並保持所有聯合會各會員之領土完全，及現有之政治上獨立，以防禦外來之侵犯。』

依照非戰公約第二條，『締約各國互允各國間，設有爭端，不論如何性質，因何發端，祇可用和平方法解決之。』

依照華會九國條約第一條，『除中國外，締約各國協定，尊重中國之主權與獨立，暨領土與行政之完整。』

(乙)本爭議之解決辦法，須遵守一九三二年三月十一日大會決議案第一第二兩節之規定。

在該已經本報告書援引之決議案中，大會曾認盟約所載各項規定，對於此次爭議，完全適用，而以關於

(一)嚴格尊重條約之原則，

(二) 聯合會會員，担任尊重並保持所有聯合會各會員領土之完整，及現有政治上之獨立，以防禦外來侵犯之諾言，

(三) 將彼此間所有一切爭議以和平手續解決之義務，為尤應適用。

大會曾採用一九三一年十二月十日彼時在職之行政院主席宣言中所定之原則。并回溯行政院十二會員，於一九三二年二月十六日致日本政府之申請書中，曾重申此項原則。宣言凡蔑視盟約第十條之規定，侵害聯合會會員領土之完整，及變更其政治之獨立者，聯合會各會員，均不能認為合法有效。

大會曾申述意見，以為上述支配聯合會會員國際關係及以和平方法解決爭議之原則，實與巴黎公約，完全相符。大會於尚未採取最後步驟以解決此項交其處理之爭議時，曾宣告上述原則及規定，負有一種必須遵守之性質。并聲明凡用違反聯合會盟約或巴黎公約之手段所締造之任何局勢，條約，或協定，聯合會會員，均應不予承認。

最後大會并鄭重申說，此次中日爭議，如由任何一方，用武力壓迫，覓取解決，實與盟約精神相違背。并回憶一九三一年九月卅日及十二月十日經常事雙方同意之行政院所通過之決議。

(丙) 為使中日兩國間得以尊重上述各國際之承諾為基礎，樹立一種能垂諸久遠之諒解起見，解決此項爭議之辦法，須遵照李頓報告書中所定之十項原則，即：

『(一) 適合中日雙方之利益 雙方均為國聯會員國，均有要求國聯同樣考慮之權利。某種解決，苟雙方均不能獲

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得利益，則此種解決必無補於和平之前途。

(二) 攷慮蘇俄利益 倘僅促進相鄰二國間之和平，而忽視彼第三國之利益，則匪特不公，抑且不智，更非求和平之道。

(三) 遵守現行之多方面條約 任何解決，必須遵守國聯盟約，及華盛頓九國條約之規定。

(四) 承認日本在滿洲之利益 日本在滿洲之權利及利益，為不容漠視之事實。凡不承認此點，或忽略日本與該地歷史上關係之解決，不能認為滿意。

(五) 樹立中日間之新條約關係 中日二國，如欲防止其未來衝突，及回復其相互信賴與合作，必須另訂新約，將中日兩國之權利利益與責任，重加聲敘。此項條約，應為雙方所同意之解決糾紛辦法之一部分。

(六) 切實規定解決將來爭議之辦法 為補充上開辦法以圖便利迅速解決隨時發生之輕微爭議起見，有特訂辦法之必要。

(七) 滿洲自治 滿洲政府，應加以變更，俾其在中國主權及行政完整之範圍內，獲得高度之自治權，以適應該三省地方情形與特性。新民政機關之組織與管理，務須滿足良好政府之要件。

(八) 內部之秩序與對於外來侵略之保障 滿洲之內部秩序，應以有效的地方憲警維持之；至對於外來侵略之保障，則須將憲警以外之軍隊，掃數撤退，並須由關係各國，訂立互不侵犯條約。

(九)獎勵中日間之經濟協調 爲達到此目的，中日二國，宜訂新通商條約。此項條約之目的，須爲將兩國間之商業關係，置於公平基礎之上；並使其與兩國間業經改善之政治關係相適合。

(十)以國際合作促進中國之建設。現時中國政局之不穩，既爲中日友好之障礙，並爲其他各國所關懷。因遠東和平之維持，爲國際間所關懷之事件；而上述條件，又非待中國具有強有力之中央政府時，不能滿足，故其圓滿解決之最終要件，厥惟依據孫中山博士之建議，以暫時的國際合作，促進中國之內部建設。』

第一節

本節所載各項規定，係構成大會根據盟約第十五條第四項所作之建議。

大會既確定解決本爭議應予適用之原則，條件，及觀念，爰建議如下：

(一) 茲因滿洲主權既係屬諸中國，

(甲)鑒於日軍進駐南滿鐵路區域以外，及其在鐵路區域以外之動作，既與解決本爭議應予適用之合法原則，不相符合，而在極早期間成立一種與各該原則互相吻合之局勢，又在所必要；

大會建議，此項軍隊，應予撤退。而鑒於本案件之特殊情況，此後建議談判之第一目的，應爲布置上述之撤兵，並決定其方法，步驟，及期限。

(乙)鑒於滿洲之地方的特殊情形，及日本在該處所有之特殊權利利益，以及第三國之權利利益；

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大會建議，於一適宜期間內，在滿洲建立一種隸屬於中國主權下并與中國行政完整不相違背之組織。此項組織，應具有甚大範圍之自治，應與當地情形相適宜，同時并應注意多方面所訂之各種現行有效條約，日本之特殊權利利益，第三國之權利利益，以及一般的第一節(丙)項所述之各項原則及條件。至中國中央政府與該地方當局權限之劃定及其彼此間之關係，則應由中國政府以宣言方式行之。該項宣言，應具有一種國際承諾之効力。

(二) 茲因在上云(一)(甲)(一)(乙)兩建議內所處置各問題之外，調查團報告書在上述第一節(丙)項所定解決本爭議之原則及條件中，尙提及某某其他各問題，而各該問題均係與遠東和平所繫之中日良好諒解有關；

大會建議，當事國雙方，應即以各該原則與條件爲基礎，將各該問題解決之。

(三) 茲因實行上述建議之談判，既應由一適當機關進行；

大會建議，當事國雙方，應依照後開方法，開始談判。

當事國雙方，并應向祕書長通知，就關於其本國方面而言，是否以對方接受爲唯一之條件，接受大會之建議。

當事國雙方進行談判時，應由大會按照以下方法所組織之委員會予以輔助：大會茲邀請比，英，坎拿大，捷克，法，德，愛爾蘭自由邦，意，荷，葡，西，土耳其政府，一俟接到祕書長通知當事國雙方業已接受大會建議之後，立即各派委員會委員一人。祕書長並應將當事國業已接受大會建議一事，通知美國及蘇俄。各該國如願意指派委員會委員，並應請其各派一人。又祕書長在知悉當事國雙方業經接受大會建議後一個月內，應採取一切適當步驟，以開

始談判。

爲使國聯各會員國於開始談判後，得評判當事國雙方，是否遵照大會建議起見：

(甲)委員會無論何時，如視爲適當，對於談判情形，而尤以關於實行上述(一)(甲)(一)(乙)兩建議之談判情形，得繕具報告。關於(一)(甲)之建議，委員會無論如何，在開始談判三個月以內，應繕具報告。各該報告並應由祕書長分送國聯會員國及在委員會中派有代表之非會員國。

(乙)委員會得將與本報告書第四部第二節之解釋有關之一切問題，提出於大會。大會應依照盟約第十五條第十項，以通過本報告書之相同情形，予以解釋。

第三節

鑒於本案件特殊之情形，故所作之建議，並非僅事恢復一九三一年九月以前之原狀。亦非維持及承認滿洲現在之制度，蓋維持並承認滿洲現在之制度，與現存國際義務之基本原則，及遠東和平所繫之中日良好諒解，均屬不相符合。

國聯會員國之通過本報告書，意即在避免足以妨礙或延宕本報告書建議之實行之任何行動，而以對於滿洲現行制度一事爲尤甚。無論在法律上或事實上，各該國均將繼續不承認該項制度。各該國對於滿洲之時局，意在避免採取任何單獨行動，且係欲繼續在各會員國及與本事件有關係之非會員國間，採取一致行動。至關於簽字九國條約之國聯

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會員國，應回憶依照該條約之規定：「無論何時，遇有某種情形發生時，締約國中之任何一國，認為牽涉本條約規定之適用問題，而該項適用宜付諸討論者，有關係之締約各國，應完全坦白互相通知。」

為極力便利在遠東成立一種與本報告書建議相符合之局勢起見，茲訓令祕書長，將本報告書，各即分送一份于非戰公約或九國條約簽字國之并非國聯會員之各國，並向各該國聲明，大會希望各該國贊同報告書之見解，並于必要時，與國聯會員國採取一致之行動與態度。



return to the *status quo* existing before September 1931. They likewise exclude the maintenance and recognition of the existing regime in Manchuria, such maintenance and recognition being incompatible with the fundamental principles of existing international obligations and with the good understanding between the two countries on which peace in the Far East depends.

It follows that, in adopting the present report, the Members of the League intend to abstain, particularly as regards the existing regime in Manchuria, from any act which might prejudice or delay the carrying out of the recommendations of the said report. They will continue not to recognise this regime either *de jure* or *de facto*. They intend to abstain from taking any isolated action with regard to the situation in Manchuria and to continue to concert their action among themselves as well as with the interested States not members of the League. As regards the Members of the League who are signatories of the Nine-Power Treaty, it may be recalled that, in accordance with the provisions of that Treaty: "Whenever a situation arises which, in the opinion of any one of them, involves the application of the stipulations of the present Treaty and renders desirable discussion of such application, there shall be full and frank communication between the contracting Powers concerned".

In order to facilitate as far as possible the establishment in the Far East of a situation in conformity with the recommendations of the present report, the Secretary-General is instructed to communicate a copy of this report to the States non-members of the League who are signatories of the Pact of Paris or of the Nine-Power Treaty, informing them of the Assembly's hope that they will associate themselves with the views expressed in the report, and that they will, if necessary, concert their action and their attitude with the Members of the League.

The negotiations between the parties should take place with the assistance of a Committee set up by the Assembly as follows: The Assembly hereby invites the Governments of Belgium, Great Britain, Canada, Czechoslovakia, France, Germany, the Irish Free State, Italy, The Netherlands, Portugal, Spain and Turkey each to appoint a member of the Committee as soon as the Secretary-General shall have informed them that the two parties accept the Assembly's recommendations. The Secretary-General shall also notify the Governments of the United States of America and of the Union of Soviet Socialist Republics of this acceptance and invite each of them to appoint a member of the Committee should it so desire. Within one month after having been informed of the acceptance of the two parties, the Secretary-General shall take all suitable steps for the opening of negotiations.

In order to enable the Members of the League, after the opening of negotiations, to judge whether each of the parties is acting in conformity with the Assembly's recommendations:

(a) The Committee will, whenever it thinks fit, report on the state of the negotiations, and particularly on the negotiations with regard to the carrying out of recommendations 1 *A* and *B* above; as regards recommendation 1 *A*, the Committee will in any case report within three months of the opening of negotiations. These reports shall be communicated by the Secretary-General to the Members of the League and to the non-member States represented on the Committee;

(b) The Committee may submit to the Assembly all questions relating to the interpretation of Section II of Part IV of the present report. The Assembly shall give this interpretation in the same conditions as those in which the present report is adopted, in conformity with Article 15, paragraph 10, of the Covenant.

Section III.

In view of the special circumstances of the case, the recommendations made do not provide for a mere

possessed by Japan therein, and the rights and interests of third States,

The Assembly recommends the establishment in Manchuria, within a reasonable period, of an organisation under the sovereignty of, and compatible with the administrative integrity of, China. This organisation should provide a wide measure of autonomy, should be in harmony with local conditions and should take account of the multilateral treaties in force, the particular rights and interests of Japan, the rights and interests of third States, and, in general, the principles and conditions reproduced in Section I (c) above; the determination of the respective powers of and relations between the Chinese Central Government and the local authorities should be made the subject of a Declaration by the Chinese Government having the force of an international undertaking.

2. Whereas, in addition to the questions dealt with in the two recommendations 1A and 1B, the report of the Commission of Enquiry mentions in the principles and conditions for a settlement of the dispute set out in Section I (c) above certain other questions affecting the good understanding between China and Japan, on which peace in the Far East depends,

The Assembly recommends the parties to settle these questions on the basis of the said principles and conditions.

3. Whereas the negotiations necessary for giving effect to the foregoing recommendations should be carried on by means of a suitable organ,

The Assembly recommends the opening of negotiations between the two parties in accordance with the method specified hereinafter.

Each of the parties is invited to inform the Secretary-General whether it accepts, so far as it is concerned, the recommendations of the Assembly, subject to the sole condition that the other party also accepts them.

“10. *International co-operation in Chinese reconstruction.*”

“Since the present political instability in China is an obstacle to friendship with Japan and an anxiety to the rest of the world (as the maintenance of peace in the Far East is a matter of international concern), and since the conditions enumerated above cannot be fulfilled without a strong Central Government in China, the final requisite for a satisfactory solution is temporary international co-operation in the internal reconstruction of China, as suggested by the late Dr. Sun Yat-sen.”

Section II.

The provisions of this section constitute the recommendations of the Assembly under Article 15, paragraph 4, of the Covenant.

Having defined the principles, conditions and considerations applicable to the settlement of the dispute,

The Assembly recommends as follows:

1. Whereas the sovereignty over Manchuria belongs to China,

A. Considering that the presence of Japanese troops outside the zone of the South Manchuria Railway and their operations outside the zone are incompatible with the legal principles which should govern the settlement of the dispute, and that it is necessary to establish as soon as possible a situation consistent with these principles,

The Assembly recommends the evacuation of these troops. In view of the special circumstances of the case, the first object of the negotiations recommended hereinafter should be to organise this evacuation and to determine the methods, stages and time-limits thereof.

B. Having regard to the local conditions special to Manchuria, the particular rights and interests

Manchuria in new treaties, which shall be part of the settlement by agreement, is desirable if future friction is to be avoided and mutual confidence and co-operation are to be restored.

“6. *Effective provision for the settlement of future disputes.*

“As a corollary to the above, it is necessary that provision should be made for facilitating the prompt settlement of minor disputes as they arise.

“7. *Manchurian autonomy.*

“The Government in Manchuria should be modified in such a way as to secure, consistently with the sovereignty and administrative integrity of China, a large measure of autonomy designed to meet the local conditions and special characteristics of the Three Provinces. The new civil regime must be so constituted and conducted as to satisfy the essential requirements of good government.

“8. *Internal order and security against external aggression.*

“The internal order of the country should be secured by an effective local gendarmerie force, and security against external aggression should be provided by the withdrawal of all armed forces other than gendarmerie, and by the conclusion of a treaty of non-aggression between the countries interested.

“9. *Encouragement of an economic rapprochement between China and Japan.*

“For this purpose, a new commercial treaty between the two countries is desirable. Such a treaty should aim at placing on an equitable basis the commercial relations between the two countries and bringing them into conformity with their improved political relations.

(c) In order that a lasting understanding may be established between China and Japan on the basis of respect for the international undertakings mentioned above, the settlement of the dispute must conform to the principles and conditions laid down by the Commission of Enquiry in the following terms:

“1. *Compatibility with the interests of both China and Japan.*

“Both countries are Members of the League and each is entitled to claim the same consideration from the League. A solution from which both did not derive benefit would not be a gain to the cause of peace.

“2. *Consideration for the interests of the Union of Soviet Socialist Republics.*

“To make peace between two of the neighbouring countries without regard for the interests of the third would be neither just nor wise, nor in the interests of peace.

“3. *Conformity with existing multilateral treaties.*

“Any solution should conform to the provisions of the Covenant of the League of Nations, the Pact of Paris, and the Nine-Power Treaty of Washington.

“4. *Recognition of Japan's interests in Manchuria.*

“The rights and interests of Japan in Manchuria are facts which cannot be ignored, and any solution which failed to recognise them and to take into account also the historical associations of Japan with that country would not be satisfactory.

“5. *The establishment of new treaty relations between China and Japan.*

“A re-statement of the respective rights, interests and responsibilities of both countries in

(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;

(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement.

The Assembly has adopted the principles laid down by the President-in-Office of the Council in his declaration of December 10th, 1931, and has recalled the fact that twelve Members of the Council had again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League.

The Assembly has stated its opinion that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris. Pending the steps which it might ultimately take for the settlement of the dispute which had been referred to it, it has proclaimed the binding nature of the principles and provisions referred to above and declared that it was incumbent upon the Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

Lastly, the Assembly has affirmed that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party, and has recalled the resolutions adopted by the Council on September 30th and December 10th, 1931, in agreement with the parties

Part IV:

STATEMENT OF THE RECOMMENDATIONS.

This part sets forth the recommendations which the Assembly deems just and proper in regard to the dispute.

Section I.

The recommendations of the Assembly take into account the very special circumstances of this case and are based on the following principles, conditions and considerations:

(a) The settlement of the dispute should observe the provisions of the Covenant of the League, the Pact of Paris, and the Nine-Power Treaty of Washington.

Article 10 of the Covenant of the League provides that "the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League".

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

According to Article 1 of the Nine-Power Treaty of Washington, "the Contracting Powers, other than China, agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China."

(b) The settlement of the dispute should observe the provisions of Parts I and II of the Assembly resolution of March 11th, 1932.

In that resolution, which has already been quoted in this report, the Assembly considered that the provisions of the Covenant were entirely applicable to the present dispute, more particularly as regards:

(1) The principle of a scrupulous respect for treaties;

of the League of Nations; neither is it a simple case of the violation of the frontier of one country by the armed forces of a neighbouring country, because in Manchuria, as shown by the circumstances noted above, there are many features without an exact parallel in other parts of the world. It is, however, indisputable that, without any declaration of war, a large part of Chinese territory has been forcibly seized and occupied by Japanese troops and that, in consequence of this operation, it has been separated from and declared independent of the rest of China.

The Council, in its resolution of September 30th, 1931, noted the declaration of the Japanese representative that his Government would continue, as rapidly as possible, the withdrawal of its troops, which had already been begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals was effectively ensured, and that it hoped to carry out this intention in full as speedily as might be. Further, in its resolution of December 10th, 1931, the Council, re-affirming its resolution of September 30th, noted the undertaking of the two parties to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which might lead to further fighting and loss of life.

It should be pointed out in connection with these events that, under Article 10 of the Covenant, the Members of the League undertake to respect the territorial integrity and existing political independence of all Members of the League.

Lastly, under Article 12 of the Covenant, the Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council.

While at the origin of the state of tension that existed before September 18th, 1931, certain responsibilities would appear to lie on one side and the other, no question of Chinese responsibility can arise for the development of events since September 18th, 1932.

military officials conceived, organised and carried through the Manchurian independence movement as a solution to the situation in Manchuria as it existed after the events of September 18th, and, with this object, made use of the names and actions of certain Chinese individuals and took advantage of certain minorities and native communities that had grievances against the Chinese administration. This movement, which rapidly received assistance and direction from the Japanese General Staff, could only be carried through owing to the presence of the Japanese troops. It cannot be considered as a spontaneous and genuine independence movement.

11. The main political and administrative power in the "Government" of "Manchukuo", the result of the movement described in the previous paragraph, rests in the hands of Japanese officials and advisers, who are in a position actually to direct and control the administration; in general, the Chinese in Manchuria, who, as already mentioned, form the vast majority of the population, do not support this "Government" and regard it as an instrument of the Japanese. It should also be noted that, after the Commission of Enquiry completed its report and before the report was considered by the Council and the Assembly, "Manchukuo" was recognised by Japan. It has not been recognised by any other State, the Members of the League in particular being of opinion that such recognition was incompatible with the spirit of the resolution of March 11th, 1932.

* * *

The situation which led up to the events of September 18th, 1931, presents certain special features. It was subsequently aggravated by the development of the Japanese military operations, the creation of the "Manchukuo Government" and the recognition of that "Government" by Japan. Undoubtedly the present case is not that of a country which has declared war on another country without previously exhausting the opportunities for conciliation provided in the Covenant

The use of the boycott by China, subsequent to the events of September 18th, 1931, falls under the category of reprisals.

8. The object of the provisions of the Covenant of the League of Nations regarding the settlement of disputes is to prevent the tension between nations becoming such that a rupture appears to be inevitable. The Commission of Enquiry found that each of the issues between China and Japan was in itself capable of settlement by arbitral procedure. It is precisely because the accumulation of these issues increased the tension between the two nations that it was incumbent on the nation which regarded itself as injured to draw the attention of the League of Nations to the situation when diplomatic negotiations were unduly protracted.

Article 12 of the Covenant contains formal obligations as regards the pacific settlement of disputes.

9. Without excluding the possibility that, on the night of September 18th-19th, 1931, the Japanese officers on the spot may have believed that they were acting in self-defence, the Assembly cannot regard as measures of self-defence the military operations carried out on that night by the Japanese troops at Mukden and other places in Manchuria. Nor can the military measures of Japan as a whole, developed in the course of the dispute, be regarded as measures of self-defence. Moreover, the adoption of measures of self-defence does not exempt a State from complying with the provisions of Article 12 of the Covenant.

10. Since September 18th, 1931, the activities of the Japanese military authorities, in civil as well as in military matters, have been marked by essentially political considerations. The progressive military occupation of the Three Eastern Provinces removed in succession all the important towns in Manchuria from the control of the Chinese authorities, and, following each occupation, the civil administration was re-organised. A group of Japanese civil and

other in Manchuria, Japan taking advantage of rights open to question and the Chinese authorities putting obstacles in the way of the exercise of rights which could not be contested. During the period immediately preceding the events of September 18th, various efforts were made to settle the questions outstanding between the two parties by the normal method of diplomatic negotiations and pacific means, and these means had not been exhausted. Nevertheless, the tension between Chinese and Japanese in Manchuria increased and a movement of opinion in Japan advocated the settlement of all outstanding questions — if necessary, by force.

6. The present period of transition and national reconstruction in China, despite the efforts of the Central Government and the considerable progress already achieved, necessarily involves political disturbances, social disorder and disruptive tendencies inseparable from a state of transition. It calls for the employment of a policy of international co-operation. One of the methods of that policy would be that the League of Nations would continue to afford China the technical assistance in modernising her institutions which her Government might request with a view to enabling the Chinese people to re-organise and consolidate the Chinese State.

The full application of the policy of international co-operation initiated at the Washington Conference, the principles of which are still valid, has been delayed, chiefly by the violence of the anti-foreign propaganda carried on in China from time to time. In two respects — the use of the economic boycott and anti-foreign teaching in schools — this propaganda has been pushed to such lengths that it has contributed to creating the atmosphere in which the present dispute broke out.

7. The use of the boycott by the Chinese previous to the events of September 18th, 1931, to express their indignation at certain incidents or to support certain claims could not fail to make a situation which was already tense still more tense.

the other provinces who, by taking possession of the land, have made Manchuria in many respects a simple extension of China north of the Great Wall. In a population of about 30 millions, it is estimated that the Chinese or assimilated Manchus number 28 millions. Moreover, under the administration of Marshals Chang Tso-lin and Chang Hsueh-liang, the Chinese population and Chinese interests have played a much more important part than formerly in the development and organisation of the economic resources of Manchuria.

On the other hand, Japan had acquired or claimed in Manchuria rights the effect of which was to restrict the exercise of sovereignty by China in a manner and to a degree quite exceptional. Japan governed the leased territory of Kwantung, exercising therein what amounted in practice to full sovereignty. Through the medium of the South Manchuria Railway, she administered the railway zones, including several towns and important parts of populous cities, such as Mukden and Changchun. In these areas, she had control of the police, taxes, education and public utilities. She maintained armed forces in certain parts of the country: the army of Kwantung in the leased territory; railway guards in the railway zones; consular police in the various districts. Such a state of affairs might perhaps have continued without leading to complications and incessant disputes if it had been freely desired or accepted by both parties and if it had been the expression and manifestation of a well understood policy of close economic and political co-operation. But, in the absence of such conditions, it was bound to lead to mutual misunderstandings and conflicts. The interconnection of respective rights, the uncertainty at times of the legal situation, the increasing opposition between the conception held by the Japanese of their "special position" in Manchuria and the claims of Chinese nationalism were a further source of numerous incidents and disputes.

5. Before September 18th, 1931, each of the two parties had legitimate grievances against the

in a period of particular weakness on the part of the Central Government of China, made it possible, for instance, for the plenipotentiaries of Marshal Chang Tso-lin to conclude, in the name of the "Government of the autonomous three Eastern Provinces of the Republic of China", the agreement of September 20th, 1924, with the Union of Soviet Socialist Republics concerning the Chinese Eastern Railway, navigation, the delimitation of frontiers, etc. It is obvious from the provisions of that agreement, however, that the Government of the autonomous three Eastern Provinces did not regard itself as the Government of a State independent of China, but believed that it might itself negotiate with the Union of Soviet Socialist Republics on questions affecting the interests of China in the three provinces, though the Central Government had, a few months previously, concluded an agreement on these questions with the self-same Power.

This autonomy of Manchuria was also shown by the fact that, first, Marshal Chang Tso-lin and later Marshal Chang Hsueh-liang were the heads both of the civil and military administration and exercised the effective power in the three provinces through their armies and their officials. The independence proclaimed by Marshal Chang Tso-lin at different times never meant that either he or the people of Manchuria wished to be separated from China. His armies did not invade China as if it were a foreign country but merely as participants in the civil war. Through all its wars and periods of "independence", Manchuria remained an integral part of China. Further, since 1928, Marshal Chang Hsueh-liang has recognised the authority of the Chinese National Government.

4. During the quarter of a century ending in September 1931, the political and economic ties uniting Manchuria with the rest of China grew stronger, while, at the same time, the interests of Japan in Manchuria did not cease to develop. Under the Chinese Republic, the "three Eastern Provinces" constituting Manchuria were thrown wide to the immigration of Chinese from

limited area known as the Southern Manchuria Railway zone" conflict with Chinese sovereignty. "They were, on the contrary, derived from the sovereignty of China."

The rights conferred by China on Russia and subsequently on Japan derive from the sovereignty of China. Under the Treaty of Peking in 1905, "the Imperial Chinese Government consented to all the transfers and assignments made by Russia to Japan" under the Treaty of Portsmouth. In 1915, it was to China that Japan addressed demands for the extension of her rights in Manchuria and it was with the Government of the Chinese Republic that, following on these demands, the Treaty of May 25th, 1915, was concluded concerning South Manchuria and Eastern Inner Mongolia. At the Washington Conference, the Japanese delegation stated, on February 2nd, 1922, that Japan renounced certain preferential rights in South Manchuria and Eastern Inner Mongolia and explained that, "in coming to this decision, Japan had been guided by a spirit of fairness and moderation, having always in view China's sovereign rights and the principle of equal opportunity."¹ The Nine-Power Treaty, concluded at the Washington Conference, applies to Manchuria as to every other part of China. Finally, during the first phase of the present conflict, Japan never argued that Manchuria was not an integral part of China.

2. Past experience shows that those who control Manchuria exercise a considerable influence on the affairs of the rest of China — at least of North China — and possess unquestionable strategic and political advantages. To cut off these provinces from the rest of China cannot but create a serious irredentist problem likely to endanger peace.

3. The Assembly, in noting these facts, is not unmindful of the tradition of autonomy existing in Manchuria. That tradition, in one extreme case, and

¹ Conference on the Limitation of Armaments, Washington, 1922, page 1512

Part III.

CHIEF CHARACTERISTICS OF THE DISPUTE.

It will be seen from this review that for more than sixteen months the Council or Assembly has continuously tried to find a solution for the Sino-Japanese dispute. Numerous resolutions have been adopted based on various articles of the Covenant and other international agreements. The complexity, to which reference has already been made, of the historical background of the events; the special legal situation of Manchuria, where Japan, as will be noted later, exercised within Chinese territory extensive rights; finally, the involved and delicate relations existing in fact between the Chinese and Japanese authorities in certain parts of Manchuria justified and rendered necessary the prolonged efforts of negotiation and enquiry made by the League. However, the hopes entertained by the Council and the Assembly of an improvement in the situation, arising from the declarations of the parties and the resolutions adopted with their participation, were disappointed. The situation, on the contrary, tended to grow constantly worse. In Manchuria, or other parts of the territory of a Member of the League, military operations, which the report of the Commission of Enquiry has described as "war in disguise", continued and still continue.

Having considered the principal features of the dispute, the Assembly has reached, in particular, the following conclusions and noted the following facts:

1. The dispute between China and Japan which is submitted to the Assembly originated in Manchuria, which China and foreign Powers have always regarded as an integral part of China under Chinese sovereignty. In its observations on the report of the Commission of Enquiry,¹ the Japanese Government contests the argument that the rights conferred on Russia and subsequently acquired by Japan "in the extremely

¹ Document C.775.1932, page 18.

In deciding to begin the preparation of this draft report, the Committee did not fail to point out that the Assembly was alone competent to apply, after the failure of the negotiations, the provisions of Article 15, paragraph 4. The Committee therefore remained at the disposal of the parties for any further proposals they might desire to communicate to it.

On February 8th, the Japanese representative submitted to the Committee further amendments to the text prepared on December 15th. On February 9th, the Committee, after considering these amendments, deemed it desirable to ask for further information in regard thereto, in particular whether the Japanese Government accepted as one of the bases for the contemplated conciliation Principle 7 in Chapter IX of the report of the Commission of Enquiry regarding the establishment in Manchuria of a large measure of autonomy consistent with the sovereignty and administrative integrity of China. This question was submitted to the Japanese delegation in a letter of the same date.

The Japanese Government replied on February 14th that it was convinced that the maintenance and recognition of the independence of "Manchukuo" were the only guarantee of peace in the Far East, and that the whole question would eventually be solved between Japan and China on that basis. In reply to this communication the Committee, to its deep regret, felt bound to hold that the Japanese proposals put forward on February 8th did not afford an acceptable basis for conciliation. It added that it was, of course, willing to examine up to the date of the final meeting of the Assembly any further proposals which the Japanese Government might wish to make, but that it was sure that the Japanese delegation would realise that any aggravation of the existing situation must render more difficult, if not indeed frustrate, further efforts at conciliation.

On the same date the Committee adopted the draft of the present report.

non-member States be invited to participate in the negotiations for a settlement were eliminated from the draft.

The Japanese delegation, in making these statements, had submitted new proposals on behalf of its Government.

The Committee, after examining these proposals, together with the amendments submitted by the Chinese delegation to the Committee's texts of December 15th, could do no more than note that it was impossible to frame a draft resolution acceptable to the two parties. The importance attached by the Chinese delegation and by the Committee itself to the participation of the United States of America and of the Union of Soviet Socialist Republics in the negotiation of a settlement made it impossible to eliminate at the sole request of Japan the provision concerning the invitation to those States, if the Committee must at the same time modify in the sense of the Japanese proposals the other provisions of draft resolution No. 1.

The Committee further noted that, even if it agreed to transform the statement of reasons into a declaration made by the Chairman on behalf of the Committee, to which the parties would be free to submit reservations, the Japanese Government did not accept the text established by the Committee on December 15th, but asked, in its new proposals, that important amendments to the text should be made which the Committee could not accept.

In view of this situation, the Committee of Nineteen noted that, after endeavouring to prepare, in accordance with the mission entrusted to it, the settlement of the dispute in agreement with the parties, it appeared to it to be impossible to submit proposals to that effect to the Assembly.

The Committee, therefore, in execution of the task entrusted to it under Part III (paragraph 5) of the resolution of March 11th, 1932, has prepared the present draft report as contemplated in Article 15, paragraph 4, of the Covenant.

15. FAILURE OF THE PROCEDURE FOR NEGOTIATING A SETTLEMENT.

The Committee of Nineteen met again on January 16th, 1933. It noted that, though the conversations with the representatives of the parties concerning the draft resolutions and the statement of reasons framed by it had continued, no new proposal had been received apart from the amendments submitted in December by the Chinese and Japanese delegations. The Japanese delegation, however, had stated that it was in communication with its Government regarding new proposals which would be submitted within forty-eight hours.

The Committee received these proposals on January 18th. It noted that they differed in several fundamental points from those which it had communicated to the parties on December 15th. As, however, the Japanese delegation, when submitting the new proposals of its Government, had specially emphasised that the latter attached great importance to the stipulation that the body to be appointed for the settlement of the dispute should include only Members of the League, the Committee of Nineteen felt that, if this were the only objection raised by Japan to the texts which had been communicated, it should not be impossible to settle the question in consultation with the parties. It therefore asked for supplementary information, particularly on the point whether, if this difficulty were overcome, Japan would be prepared to accept the draft resolution No. 1 of December 15th. The Committee thought it should await the Japanese reply on this point before continuing its conversations with the Chinese delegation, whose proposals did not differ so fundamentally as those of Japan from the texts communicated to the two parties.

On January 21st, the Committee noted that the effect of the statements made by the Japanese delegate to its Chairman and to the Secretary-General was that the Japanese Government was not prepared to accept draft resolution No. 1, even if the provision that

of the Great Wall, halfway between Peiping and Mukden, this city has always been regarded as of great strategic importance. It is on the route followed by invaders who, coming from Manchuria, wish to penetrate into what is now the province of Hopei. Moreover, from Hopei is the easiest route into Jehol, a province which Japan regards as forming part of "Manchukuo". It was from the north of Hopei that, according to Japanese communications, Marshal Chang Hsueh-liang was sending considerable forces into Jehol and that, according to Chinese communications, the Japanese army intended to begin large-scale operations in Jehol.

A Japanese communication of December 29th, 1932,¹ reported that during the last few days the mobilisation of Chinese troops directed against Jehol was especially marked. The Japanese delegation further stated on January 4th, 1933,² that the Japanese authorities at Peiping had vainly endeavoured to persuade General Chang to stop this movement of forces, and that in these circumstances of "tension and anxiety" an incident had occurred at Shanhaikwan on the night of January 1st-2nd.

Units of the Japanese army of Kwantung passed the Great Wall and the town was attacked. It was occupied on January 3rd.

The Chinese Government asserts that, during this operation, thousands of peaceful citizens were slaughtered. It addressed a protest on January 11th to the Powers signatories of the Protocol of 1901 against the unlawful advantage taken by Japan of a special privilege claimed under the Protocol. It declared that it could not assume any responsibility for a situation resulting from the exercise by Chinese defensive forces of their legitimate right to resist the aggressive acts of the Japanese troops.³

¹ Document A(Extr.),1,1933.

² Document A(Extr.),3,1933.

³ Document A(Extr.),8,1933.

America and the Union of Soviet Socialist Republics to take part in its meetings.

"The Negotiations Committee will have all the powers necessary for the execution of its mission. In particular, it may consult experts. It may, if it thinks fit, delegate part of its powers to one or more sub-committees, or to one or more particularly qualified persons.

"The members of the Negotiations Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 11th, 1932, and, as regards matters of fact, by the findings set out in the first eight chapters of the report of the Commission of Enquiry. As regards the solutions to be considered they will seek them on the basis of the principles set out in Chapter IX of the report of the Commission of Enquiry, and having regard to the suggestions made in Chapter X of that report.

"In this connection, the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, a mere return to the conditions previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution."

On December 15th, the two draft resolutions and the statement of reasons were submitted to the parties. The Chinese and Japanese delegations proposed amendments and the President of the Committee and the Secretary-General were authorised to enter into conversations with them. On December 20th, the Committee decided to adjourn until January 16th, 1933, at latest, in order to enable the conversations to continue.

14. JAPANESE MILITARY OPERATIONS AT SHAN-HAIKWAN WITHIN THE GREAT WALL.

Early in January 1933 occurred the serious incidents at Shanhaikwan. Situated at the extremity

eight chapters of the report of the Commission of Enquiry, which, in its opinion, constitute a balanced, impartial and complete statement of the principal facts.

“But the time has not come for such a statement. In accordance with Article 15, paragraph 3, of the Covenant, the Assembly must first of all endeavour to effect a settlement of the dispute by conciliation, and, if such efforts are successful, it shall publish a statement giving such facts as it may deem appropriate. If it fails, it is its duty, in virtue of paragraph 4 of the same article, to make a statement of the facts of the dispute and recommendations in regard thereto.

“So long as the efforts on the basis of Article 15, paragraph 3, are continued, a sense of the responsibilities placed on the Assembly in the various contingencies provided for in the Covenant obliges it to maintain a particular reserve. Hence, the Committee has confined itself, in the draft resolution which it is to-day submitting to the Assembly, to making proposals with a view to conciliation.

“By the Assembly's resolution of March 11th, the Special Committee was instructed to endeavour to prepare the settlement of the dispute in agreement with the parties. Since, on the other hand, it is desirable that the United States of America and the Union of Soviet Socialist Republics should join in the efforts made in collaboration with the representatives of the parties, it is proposed that the Governments of these two countries should be invited to take part in the negotiations.

“In order to avoid misunderstandings, and to make it plain that what is contemplated at the present stage with the co-operation of two countries not Members of the League is solely the negotiation of a settlement by conciliation, the Special Committee suggests that it should be regarded for this purpose as a new Committee responsible for conducting negotiations and should be authorised in this capacity to invite the Governments of the United States of

“Requests the Committee to report on its work before March 1st, 1933.

“The Committee will have power to fix, in agreement with the two parties, the time-limit referred to in the Assembly resolution of July 1st, 1932; should the two parties fail to agree on the duration of such a time-limit, the Committee will, simultaneously with the presentation of its report, submit proposals to the Assembly on the subject.

“The Assembly shall remain in session, and its President may convene it as soon as he may deem this necessary.”

Draft Resolution No. 2.

“The Assembly thanks the Commission of Enquiry appointed in virtue of the Council's resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations and declares that its report will stand as an example of conscientious and impartial work.”

Statement of Reasons.

“The Assembly, in its resolution of December 9th, 1932, requested its Special Committee:

“(1) To study the report of the Commission of Enquiry, the observations of the parties, and the opinions and suggestions expressed in the Assembly, in whatever form they were submitted;

“(2) To draw up proposals with a view to the settlement of the dispute brought before it under the Council resolution dated February 19th, 1932;

“(3) To submit these proposals to the Assembly at the earliest possible moment.”

“If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation, it would have found all the elements necessary for such a statement in the first

These texts were as follows:

Draft Resolution No. 1.

“The Assembly,

“Recognising that, according to the terms of Article 15 of the Covenant, its first duty is to endeavour to effect a settlement of the dispute, and that consequently it is not at present called upon to draw up a report stating the facts of the dispute and its recommendations in regard thereto;

“Considering that, by its resolution of March 11th, 1932, it laid down the principles determining the attitude of the League of Nations in regard to the settlement of the dispute:

“Affirms that in such a settlement the provisions of the Covenant of the League of Nations, the Pact of Paris and the Nine-Power Treaty must be respected;

“Decides to set up a Committee whose duty will be to conduct, in conjunction with the parties, the negotiations with a view to a settlement, on the basis of the principles set out in Chapter IX of the report of the Commission of Enquiry, and having regard to the suggestions made in Chapter X of that report;

“Appoints, to form a Committee, the Members of the League represented on the Special Committee of Nineteen;

“Considering it desirable that the United States of America and the Union of Soviet Socialist Republics should consent to take part in the negotiations, entrusts to the above-mentioned Committee the duty of inviting the Governments of the United States of America and the Union of Soviet Socialist Republics to take part in these negotiations;

“Authorises it to take such measures as it may deem necessary for the successful execution of its mission;

In these circumstances, the Council merely transmitted to the Assembly the report of the Commission of Enquiry, the observations of the parties and the Minutes of its meetings.

13. DISCUSSION OF THE REPORT OF THE COMMISSION OF ENQUIRY BY THE ASSEMBLY. — ATTEMPT TO NEGOTIATE A SETTLEMENT.

The Assembly met on December 6th, 1932. After a general discussion it adopted, on December 9th, the following resolution:

“The Assembly,

“Having received the report of the Commission of Enquiry set up under the resolution adopted on December 10th, 1931, by the Council, together with the observations of the parties and the Minutes of the Council meetings held from November 21st to 28th, 1932;

“In view of the discussions which took place at its meetings from December 6th to 9th, 1932:

“Requests the Special Committee appointed under its resolution of March 11th, 1932:

“(1) To study the report of the Commission of Enquiry, the observations of the parties and the opinions and suggestions expressed in the Assembly, in whatever form they were submitted;

“(2) To draw up proposals with a view to the settlement of the dispute brought before it under the Council resolution dated February 19th, 1932;

“(3) To submit these proposals to the Assembly at the earliest possible moment.”

The Special Committee of Nineteen drew up two draft resolutions and a statement of reasons indicating generally the basis on which it thought it possible to continue its endeavours to effect a settlement of the dispute.

communicated to the two Governments and to the Members of the League on October 1st. The Japanese Government asked for a minimum period of six weeks in which to communicate its observations upon it to the Council, and the Council decided on September 24th to begin its consideration of the report at latest on November 21st.

On this occasion, the President of the Council (the representative of the Irish Free State, Mr. de Valera) expressed regret — with which the Special Committee of the Assembly at its public meeting on October 1st associated itself — that, before even the publication of the Commission's report, Japan, not only by recognising but also by signing a treaty with what was known as the "Manchukuo" Government, had taken steps which could not but be regarded as calculated to prejudice the settlement of the dispute. "For almost a year", Mr. de Valera said, "the Council in its collective capacity and the individual Governments which composed it had scrupulously refrained from uttering any word of judgment on the merits of this grave dispute on the grounds that a Commission had been set up to investigate the dispute in all its bearings and that, until that Commission had reported, and its report had been considered by the organs of the League, the whole question was still to be regarded as *sub judice*."

The Council, at meetings held from November 21st to 28th, 1932, considered the report of the Commission and the observations of the parties. In reply to a question by the President, Lord Lytton stated, on behalf of the Commission of Enquiry, that the latter did not wish to add anything to its report.

As regards the recommendations contained in the report, the Council noted that it was not able to find in the declarations of the Chinese and Japanese representatives any measure of agreement between the parties which would enable it usefully to engage in a discussion and to submit observations or suggestions to the Assembly.

between Japan and Manchukuo, each respecting the territorial rights of the other, and also in order to secure the peace of the Far East, agreed as follows:

“(1) Manchukuo shall confirm and respect, in so far as no agreement to the contrary shall be made between Japan and Manchukuo in the future, all rights and interests possessed by Japan or her subjects within the territory of Manchukuo by virtue of Sino-Japanese treaties, agreements or other arrangements or of Sino-Japanese contracts, private as well as public;

(2) Japan and Manchukuo, recognising that any threat to the territory or to the peace and order of the High Contracting Parties constitutes, at the same time, a threat to the safety and existence of the other, agree to co-operate in the maintenance of their national security, it being understood that such Japanese forces as may be necessary for this purpose shall be stationed in Manchukuo.

“The present protocol shall come into effect from the date of its signature. . . .”

“Manchukuo” was thus formally recognised by Japan. The Chinese Government protested against this recognition. It represented that, “following the precedent of her policy in Korea, Japan has established a virtual protectorate over Manchuria as a step towards annexation”.¹

12. . . . CONSIDERATION BY THE COUNCIL OF THE REPORT OF THE COMMISSION OF ENQUIRY.

The report of the Commission of Enquiry was signed at Peiping on September 4th, 1932, and was

¹ Document C.654.1932 (note of the Chinese representative, of September 17th, 1932).

at present providing the forces of the new Government in a friendly spirit with such assistance as they may need to restore and maintain order and tranquillity".¹

According to the observations of the Japanese Government, dated November 18th, 1932, the presence of the Japanese troops in the country would "enable the principal bandit units to be wiped out within from two to three years".²

The relations between Japan and the new State were defined after the dispatch to Changchun, capital of "Manchukuo", of General Muto, who, on August 8th, had been appointed Commander-in-Chief of the Kwantung Army and, at the same time, Ambassador Extraordinary and Plenipotentiary on Special Mission and Governor-General of Kwantung, in order to control the Consular service, the Government of the Leased Territory and all the Japanese forces in Manchuria. The new ambassador carried no credentials and the appointment was made unilaterally by Japan.³

On September 15th, General Muto signed with the Prime Minister of "Manchukuo" a protocol containing the following provisions:

"Whereas Japan has recognised the fact that Manchukuo, in accordance with the free will of its inhabitants has organised and established itself as an independent State, and,

"Whereas Manchukuo has declared its intention of abiding by all international engagements entered into by China in so far as they are applicable to Manchukuo;

"Now the Governments of Japan and Manchukuo have, for the purpose of establishing a perpetual relationship of good neighbourhood

¹ Document C.357.1932; *Official Journal*, Special Supplement No. 101, page 268.

² Document C.775.1932, VII, page 32.

³ Japanese communication of August 11th; *Official Journal*, Special Supplement No. 102, page 47.

resolution which the Assembly adopted on March 11th, and in which it recalled the two resolutions of the Council."¹

After the adoption of the extension of the time-limit, the President referred to this passage of his letter and added:

"Such being the case, the decision just taken by the Assembly authorises me to declare that the parties must abstain from any action that might compromise the success of the work of the Commission of Enquiry or of any efforts the League may make with a view to a settlement.

"I would remind you also that, on March 11th, the Assembly proclaimed 'that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris'."²

11. THE ORGANISATION OF "MANCHUKUO". — RECOGNITION OF "MANCHUKUO" BY JAPAN.

Meanwhile the process of organising the Government of "Manchukuo" continued. The Government created a central bank and undertook the administration of the salt revenue (declaring its willingness to continue to pay an equitable proportion of the sums required for the service of the foreign loans secured on the receipts of the salt revenue), of the Customs (making a similar declaration as regards the loans and indemnities secured on the Customs revenue), of the postal services, etc.

A "Manchukuo" army was created with the assistance of Japanese officers engaged as advisers. In a communication dated April 8th, 1932, the Japanese Government announced that "the Japanese forces are

¹ *Official Journal*, Special Supplement No. 102, page 35.

² *Official Journal*, Special Supplement No. 102, page 16.

observations it may have to make, any documentation that it may think fit to transmit to the Assembly.

“The Assembly shall remain in session and its President may convene it as soon as he may deem this necessary.”

On March 12th, the Government of the United States of America declared that the action of the Assembly would go far towards developing into terms of international law the principles of order and justice which underlay the Paris Pact and the League Covenant. The United States Government was especially gratified that the nations of the world were united on a policy not to recognise the validity of results attained in violation of the treaties in question, and this was a distinct contribution to international law and offered a constructive basis for peace.

On July 1st, 1932, having been informed that the report of the Commission of Enquiry could not be completed before September, the Assembly, after obtaining the consent of the two parties, decided to prolong, to the extent that might be strictly necessary, the time-limit of six months laid down in the Covenant for the preparation of its report.

In the letter addressed on June 24th to the representatives of China and Japan, proposing an extension of the time-limit laid down in the Covenant, the President of the Assembly said:

“ . . . It is my duty to add that I have every confidence that the undertaking not to aggravate the situation entered into by the two parties before the Council and recorded by the latter on September 30th and December 10th (1931) in resolutions which retain their full executory force will be scrupulously observed. I am sure that you will agree with me that these resolutions will continue to be fully valid during the period for which the time-limit of six months may be extended. I would also refer you to the

“Decides to set up a Committee of nineteen members — namely, the President of the Assembly, who will act as Chairman of the Committee, the Members of the Council other than the parties to the dispute and six other Members to be elected by secret ballot.

“This Committee, exercising its functions on behalf of and under the supervision of the Assembly, shall be instructed:

“(1) To report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and shall regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932;

“(2) To follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931;

“(3) To endeavour to prepare the settlement of the dispute in agreement with the parties, in accordance with Article 15, paragraph 3, of the Covenant, and to submit a statement to the Assembly;

“(4) To propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion;

“(5) To prepare, if need be, the draft of the report provided for in Article 15, paragraph 4, of the Covenant;

“(6) To propose any urgent measure which may appear necessary;

“(7) To submit a first progress report to the Assembly as soon as possible and at latest on May 1st, 1932.

“The Assembly requests the Council to communicate to the Committee, together with any

“Affirming that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should besought under the stress of military pressure on the part of either party:

“Recalls the resolutions adopted by the Council on September 30th, and on December 10th, 1931, in agreement with the parties;

“Recalls also its own resolution of March 4th, 1932, adopted in agreement with the parties, with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces; notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to co-operate in maintaining order in the evacuated zone.

“III.

“The Assembly,

“In view of the request formulated on January 29th by the Chinese Government, invoking the application to the dispute of the procedure provided for in Article 15 of the Covenant of the League of Nations;

“In view of the request formulated on February 12th by the Chinese Government that the dispute should be referred to the Assembly in conformity with Article 15, paragraph 9, of the Covenant and in view of the Council's decision of February 19th;

“Considering that the whole of the dispute which forms the subject of the Chinese Government's request is referred to it and that it is under an obligation to apply the procedure of conciliation provided for in paragraph 3 of Article 15 of the Covenant and, if necessary, the procedure in regard to recommendations provided for in paragraph 4 of the same article;

“(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;

“Adopting the principles laid down by the acting President of the Council, M. Briand, in his declaration of December 10th, 1931;

“Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared ‘that no infringement of the territorial and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League of Nations’;

“Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris, which is one of the corner-stones of the peace organisation of the world and under Article 2 of which ‘the High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature and whatever origin they may be, which may arise among them, shall never be sought except by pacific means’;

“Pending the steps which it may ultimately take for the settlement of the dispute which has been referred to it;

“Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

“II.

“The Assembly,

the name of "Manchukuo". M. Henry Pu-yi (the former Emperor Hsuan Tung) accepted the regency of this State.

The Chinese Government, which had already stated, on November 17th, 1931, that "the ex-Emperor was kidnapped and escorted by the Japanese from the Japanese concession in Tientsin to Mukden for the purpose of establishing a bogus Government with himself proclaimed as Emperor",¹ repeatedly denounced the establishment of the so-called State "which from the very beginning, and at every subsequent stage of its development, had been created and maintained at the instigation and with the assistance of the Japanese military forces in Manchuria".

10. DISCUSSIONS OF THE ASSEMBLY. — RESOLUTION OF MARCH 11TH. — DECISIONS REGARDING THE TIME-LIMIT FOR THE PREPARATION OF THE REPORT UNDER ARTICLE 15.

Meanwhile the Assembly, continuing its examination of the dispute at Geneva, adopted, on March 11th, 1932, after a full discussion, the following resolution:

"I.

"The Assembly,

"Considering that the provisions of the Covenant are entirely applicable to the present dispute, more particularly as regards:

"(1) The principle of a scrupulous respect for treaties;

"(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;

¹ Document C.868.1931; *Official Journal*, December 1931, page 2550.

² Document A(Extr.).105, of April 21st, 1932; *Official Journal*, Special Supplement No. 101, page 264.

Shanghai had been re-embarked, one of those divisions — the 14th — being sent to Manchuria. On July 1st, the Assembly was informed that Japanese naval landing troops, with very reduced effectives, were still temporarily stationed, in accordance with the agreement of May 5th, at a small number of posts adjacent to the Settlement and to the extra-Settlement roads. These detachments were afterwards withdrawn.

The Chinese consider that the Japanese intervention at Shanghai cost them 24,000 soldiers and civilians killed, wounded or missing, and they estimate their material losses at about 1,500 million Mexican dollars.

9. DEVELOPMENT OF THE JAPANESE OCCUPATION IN MANCHURIA. — PROGRESS OF ADMINISTRATIVE RE-ORGANISATION. — THE CONSTITUTION OF "MANCHUKUO".

While the Shanghai affair was progressing, the situation was also developing in Manchuria.

Harbin was occupied on February 5th by the Japanese army which, during the succeeding months, continued its operations against the remnants of the former Chinese army, the "volunteers" the "brigands" and other "irregulars". Guerilla warfare continued over a very large part of Manchuria.

Progress was also made with the administrative re-organisation the first stages of which have already been mentioned above.

On February 17th, 1932, a supreme administrative council was constituted for the whole of Manchuria, and, on February 18th, this Council published a declaration of independence. On February 19th, the Japanese representative explained at a meeting of the Council in Geneva that in Manchuria "independence" was synonymous with "autonomy" and that "Japan had favourably regarded the establishment of this independence". On March 9th, the local administrations were amalgamated as an independent "State" under

hearing the representatives of the two parties on March 3rd, adopted the following resolution on March 4th: ---

“The Assembly,

“Recalling the suggestions made by the Council on February 29th and without prejudice to the other measures therein envisaged:

“(1) Calls upon the Governments of China and Japan to take immediately the necessary measures to ensure that the orders which, as it has been informed, have been issued by the military commanders on both sides for the cessation of hostilities, shall be made effective;

“(2) Requests the other Powers which have special interests in the Shanghai Settlements to inform the Assembly of the manner in which the invitation set out in the previous paragraph is executed;

“(3) Recommends that negotiations be entered into by the Chinese and Japanese representatives, with the assistance of the military, naval and civilian authorities of the Powers mentioned above, for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations.”

On March 5th, the Government of the United States of America intimated that the American military authorities at Shanghai had been instructed to co-operate.

The proposed negotiations began at Shanghai on March 14th. On two occasions, the Committee of Nineteen set up by the Assembly intervened, at China's request, to smooth away difficulties. An armistice was finally signed at Shanghai on May 5th and the withdrawal of the Japanese troops began on the 6th. By May 31st, the divisions sent from Japan to

The Japanese troops sent to the Chapei sector in conformity with the plan of defence come into contact with the Chinese troops which, as the first report of the Consular Commission notes, would not have had time to withdraw even had they wished to do so.

8. THE SHANGHAI HOSTILITIES. — DISCUSSIONS OF THE COUNCIL. — REFERENCE TO ARTICLE 10 OF THE COVENANT. — FIRST DISCUSSIONS OF THE ASSEMBLY UNDER ARTICLE 15. — TERMINATION OF THE SHANGHAI HOSTILITIES.

This was the beginning of the battle of Shanghai, which the Council, then in session at Geneva, and the Powers having special interests in Shanghai repeatedly endeavoured to stop. It was immediately after the serious incidents described above that China, on January 29th, asked that the dispute should be dealt with under Articles 10 and 15.

On February 16th, the Members of the Council other than China and Japan addressed to the Japanese Government an urgent appeal calling attention to Article 10 of the Covenant from which it appeared to them to follow that "no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of that article ought to be recognised as valid and effectual by Members of the League".¹

On February 19th, the Council, at the request of China, referred the dispute to the Assembly. The Assembly was convened to meet on March 3rd.

The Council, before the Assembly met, made a last effort to stop the fighting by proposing on February 29th that a round-table conference should be set up in Shanghai, subject to the making of local arrangements for a cessation of hostilities.

The proposal of the Council was not carried into effect. As fighting continued, the Assembly, after

¹ Document C.237.1932; *Official Journal*, March 1932, page 383.

the Japanese Admiral notified the other foreign commanders of his intention to act on the following morning if the Chinese had not sent a satisfactory reply. The Municipal Council of the International Settlement met and decided that a state of emergency should be declared as from 4 p.m. on the same day. At 4 p.m. the Japanese Consul-General informed the consular body that a Chinese reply accepting all the Japanese demands had been received, that this reply was entirely satisfactory and that, for the moment, no action would be taken.

Meanwhile, the Defence Committee of the International Settlement carrying out the plans called for by a state of emergency assigned to the different foreign forces the sectors they would have to defend. The Japanese sector, as fixed by the Defence Committee, included not only a part of the Settlement but a salient extending beyond it, bounded on the west by the Shanghai-Woosung Railway. The Japanese naval headquarters are situated near the northern extremity of this salient and in normal times there are posts of Japanese marines on two roads — North Szechuen Road and Dixwell Road — which belong to the Shanghai Municipal Council. At 11 p.m., the Japanese Admiral, referring to the state of emergency, announced that the Imperial Navy, anxious as to the situation in Chapei, where numerous Japanese nationals resided, had decided to send troops to this sector and hoped that the Chinese forces stationed at Chapei would be speedily withdrawn to the west of the railway.

One hour later Japanese marines and armed civilians proceeded towards the railway; the last detachment attempted to reach the station by the Honan Road gate leading out of the Settlement and the defence sectors. It was stopped by the Shanghai Volunteer Corps, who were guarding this sector and who had received strict orders based on the principle that the duty of defence forces was to defend and not to attack.

described in the report of the Commission of Enquiry,¹ led, from July 1931 onwards, to a boycott of Japanese goods. The occupation of Manchuria by Japanese troops intensified the boycott with, in certain cases, the active support of official organisations and of the Chinese Government. Japanese trade suffered heavy losses. The tension between the nationals of the two countries became acute and serious incidents occurred, as a result of which the Japanese residents in Shanghai, requested the despatch of troops and warships to put down the anti-Japanese movement. The Japanese Consul-General then presented five demands to the Chinese Mayor of Greater Shanghai.

The Mayor stated on January 21st that he had difficulty in complying with two of these demands (adequate control of the anti-Japanese movement; immediate dissolution of all anti-Japanese organisations engaged in fostering hostile feelings and anti-Japanese riots and agitation).

On the same day, the Admiral in command of the Japanese naval forces publicly announced that, if the reply of the Chinese mayor were unsatisfactory, he was determined to take such measures as might be necessary to protect Japanese rights and interests. On January 24th, Japanese naval reinforcements arrived off Shanghai. Rumours were current that the Chinese troops in the Chinese quarter of Chapei were also being reinforced. On January 27th, the Japanese Consul-General asked for a satisfactory reply to his demands by 6 o'clock on the following morning. The mayor, who had informed the representatives of the Powers of his intention to make all possible concessions to avoid a clash, succeeded in securing the closing down of the Anti-Japanese Boycott Association, and the Chinese police sealed various offices on the night of January 27th-28th. On the morning of January 28th,

¹ The report of the Commission of Enquiry describes on page 62 *et seq.* the incidents which arose between Chinese and Korean farmers at Wanpaoshan (Manchuria) and how sensational and inaccurate accounts of these incidents provoked a massacre of Chinese in Korea.

and those of Marshal Chang Hsueh-liang at Chinchow. These efforts were unsuccessful. The representative of Japan, referring at the time of its adoption to paragraph 2 of the resolution of December 10th, stated that he accepted it "on the understanding that it was not intended to preclude the Japanese forces from taking such action as might be rendered necessary to provide directly for the protection of the lives and property of Japanese subjects against the activities of bandits and lawless elements rampant in various parts of Manchuria. Such action was admittedly an exceptional measure called for by the special situation prevailing in Manchuria, and its necessity would naturally be obviated when normal conditions should have been restored in that region."

On December 23rd, a Japanese offensive was launched in the direction of Chinchow, which was occupied on January 3rd, 1932. The Japanese forces then advanced as far as the Great Wall and established contact with Japanese troops stationed at Shanhaikwan to the south of the Wall. As the result of these operations, Chinese constituted authority disappeared entirely from South Manchuria.

7. THE SHANGHAI HOSTILITIES. — ORIGIN OF THE HOSTILITIES.

Outside Manchuria, from January 1932 onwards, the situation became worse also at Shanghai.

In connection with Shanghai, the League received four reports on events from their beginning up to March 5th from the Consular Commission¹ which was set up on the spot early in February 1932. Later events are described in the report of the Commission of Enquiry, which was constituted as already explained in January 1932 and arrived at Shanghai on March 14th.

In this port, as in other parts of China, the serious anti-Chinese riots which had occurred in Korea, as

¹ The Commission consisted of the Consuls of Italy (Chairman), the United Kingdom, France, Norway, Germany and Spain. The Consul of the United States collaborated in the work of the Commission.

“It is understood that, should the two parties initiate any negotiations, these would not fall within the scope of the terms of reference of the Commission, nor would it be within the competence of the Commission to interfere with the military arrangements of either party.

“The appointment and deliberations of the Commission shall not prejudice in any way the undertaking given by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone.

“(6) Between now and its next ordinary session, which will be held on January 25th, 1932, the Council, which remains seized of the matter, invites its President to follow the question and to summon it afresh if necessary.”

The President (the French representative, M. Briand) emphasised, when he submitted the resolution, the great importance which the Council attached to its resolution of September 30th, 1931, and its conviction that the two Governments would carry out to the full the engagements which they had assumed under it. He further stated that it was indispensable and urgent that the two parties should abstain from any initiative which might lead to further fighting and from any other action likely to aggravate the situation.

The Government of the United States, on the adoption of the resolution of December 10th, expressed its gratification that definite progress had been made.

6. JAPANESE OPERATIONS AGAINST CHINCHOW. —
DISAPPEARANCE OF THE LAST REMAINS OF
CHINESE AUTHORITY IN SOUTH MANCHURIA.

While the Council was drawing up the text of this resolution, the two parties repeatedly called its attention to the danger of military operations spreading to South-West Manchuria, and efforts were made to establish a neutral zone between the Japanese troops

bound; it therefore calls upon the Chinese and Japanese Government to take all steps necessary to assure its execution; so that the withdrawal of the Japanese troops within the railway zone may be effected as speedily as possible under the conditions set forth in the said resolution;

“(2) Considering that events have assumed an even more serious aspect since the Council meeting of October 24th:

“Notes that the two parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life;

“(3) Invites the two parties to continue to keep the Council informed as to the development of the situation;

“(4) Invites the other Members of the Council to furnish the Council with any information received from their representatives on the spot;

“(5) Without prejudice to the carrying out of the above mentioned measures,

Desiring, in view of the special circumstances of the case, to contribute towards a final and fundamental solution by the two Governments of the questions at issue between them:

“Decides to appoint a Commission of five members to study on the spot and to report to the Council on any circumstance which, affecting international relations, threatens to disturb peace between China and Japan, or the good understanding between them, upon which peace depends.

“The Governments of China and of Japan will each have the right to nominate one assessor to assist the Commission.

“The two Governments will afford the Commission all facilities to obtain on the spot whatever information it may require.

bodies would make much easier the rapid withdrawal of troops, which was desired by the Japanese Government, as had been formally stated on several occasions."¹

Moreover, several reports from Dr. Frederick A. Cleveland, Associate Chief Inspector of the Salt Revenue, were communicated to the Council in November 1931 by the Chinese delegation. These reports stated that the Japanese military authorities were forcibly seizing the salt revenues in the Manchurian towns. It was urged in a Japanese communication that the "action of the military authorities in intervening to transfer the surplus revenues of the Chinese Salt Tax Office to another Chinese body (the local Committee for the Maintenance of Order) could not be regarded as unjustifiable".²

5. SESSION OF THE COUNCIL IN NOVEMBER-DECEMBER 1931. — CONSTITUTION OF A COMMISSION OF ENQUIRY.

Meanwhile, the Council met in Paris on November 16th, 1931, and, on November 21st, a Japanese proposal for a Commission of Enquiry to be sent to the Far East was put forward, "the creation and despatch of this Commission in no way modifying the Japanese Government's sincere desire to withdraw its troops as quickly as possible within the South Manchuria Railway zone in pursuance of the resolution of September 30th".

This proposal was considered, and, on December 10th, the Council adopted the following resolution:

"The Council,

"(1) Reaffirms the resolution passed unanimously by it on September 30th, 1931, by which the two parties declare that they are solemnly

¹ Document C.854, of November 12th, 1931; *Official Journal*, December 1931, page 2572.

² Document C.863.1931; *Official Journal*, December 1931, page 2525.

made with the re-organisation of the civil administration. At Mukden, in particular, after the disorganisation caused by the incident of September 18th, the administration of the municipality was first entrusted to the Japanese Colonel Doihara and later, on October 20th, to a Chinese Mayor, Dr. Chao Hsin-po, Doctor of Law of the University of Tokio. Efforts were also made to organise a Liaoning provincial administration in opposition to the former administration which had taken refuge at Chinchow. The "Committee for the Maintenance of Peace and Order", constituted on September 24th, became in October the office of the autonomous Government of the Province of Liaoning. The latter in turn was converted, on November 7th, into an acting Provincial Government of Liaoning, which announced that it was breaking off relations with the former North-Eastern Government and with the nationalist Government at Nanking. At the same time, a Supreme Advisory Council was established, whose duties included those of directing and supervising the Provincial Government and encouraging the development of local autonomy. All the new authorities, as also the banks of issue, had received Japanese advisers, who were, in many cases, influential officials of the South Manchuria Railway.¹

The representative of China insisted that the Japanese army was responsible for setting up and maintaining, at Mukden, Kirin and other points in its occupation, these new authorities, who were the "puppets and creatures of the Japanese Army Command".²

The representative of Japan replied that the "Japanese authorities had no alternative but to encourage the formation by the Chinese themselves of bodies responsible for the maintenance of order. . . . The efficient performance of their duties by those

¹ Document C.752.1931; *Official Journal*, December 1931, page 2486.

² Document C.812, of November 7th, 1931; *Official Journal*, December 1931, page 2544.

in the neighbourhood of the bridges carrying the Taonan-Angangchi railway over the River Nonni. These bridges had been destroyed in October by the Chinese troops of the President of the Heilungkiang provincial government, General Ma Chan-shan, in order to stop the advance of General Chang Hai-peng who, according to the Chinese, had taken the offensive at the instigation of the Japanese. To justify Japanese intervention for the repair of these bridges, the Tokio Government had represented to the Chinese Government¹ that the Taonan-Angangchi Railway had been built by the South Manchuria Company under a contract; that the Chinese authorities had not yet paid their debt; that they had refused to convert that debt into a loan, and that the railway might therefore be regarded as belonging to the South Manchuria Company, which had a great interest in preserving the property and in maintaining traffic on the line.

On November 2nd, the Japanese Government stated that, at the request of the South Manchuria and the Taonan-Angangchi Railway Administration, a company of sappers had been sent on that day to repair the railway bridge under the protection of troops (infantry, artillery and air forces).²

The Japanese troops came into contact with the Chinese forces, which refused to retire and were driven back.³ In November, the Japanese troops reached and even crossed the Chinese Eastern Railway, and took Angangchi and subsequently Tsitsihar (November 19th).

4. MEASURES FOR THE RE-ORGANISATION OF THE CIVIL ADMINISTRATION IN MANCHURIA.

While military operations were thus spreading towards the the North of Manchuria, progress was

¹ Document C.864.1931; *Official Journal*, December 1931, page 2576.

² Document C.788.1931; *Official Journal*, December 1931, page 2565.

³ These operations are described in the report of the Commission of Enquiry (page 72 *et seq.*).

number of fundamental points which should be the basis for normal relations between China and Japan. He was not authorised to set out these fundamental points in a resolution or to discuss their details at the Council table; they could better be made the subject of direct negotiations between the parties.

The Council considered that it was impossible to refer to "fundamental points" in a draft resolution without knowing what they were.

The draft resolution was not adopted, the Japanese representative voting against it (October 24th, 1931). The Council, after taking the vote, adjourned until November 16th.

The Chinese representative, after the meeting of October 24th, made the following declaration to the President of the Council on behalf of his Government:

"China, like every Member of the League of Nations, is bound by the Covenant to 'a scrupulous respect for all treaty obligations'. The Chinese Government for its part is determined loyally to fulfil *all* its obligations under the Covenant. It is prepared to give proofs of this intention by undertaking to settle all disputes with Japan as to treaty interpretation by arbitration or judicial settlement, as provided in Article 13 of the Covenant.

"In pursuance of this purpose, the Chinese Government is willing to conclude with Japan a treaty of arbitration similar to that recently concluded between China and the United States of America, or to those concluded of recent years in increasing numbers between Members of the League."¹

3. DEVELOPMENT OF JAPANESE MILITARY OPERATIONS IN NORTH MANCHURIA.

After the Council meeting in October, further Japanese military operations took place in Manchuria

¹ Document C.671. VII; *Official Journal*, December 1931, page 2513.

On October 22nd, the President of the Council (the representative of France, M. Briand), submitted a draft resolution upon which the members of the Council, other than the parties, had unanimously agreed.

The draft resolution, after referring to the undertakings entered into by the Governments of China and Japan in the resolution of September 30th and to the declaration of the Japanese representative that this country had no territorial designs in Manchuria, called upon the Japanese Government immediately to begin the withdrawal of its troops into the railway zone and proceed therewith so that the whole of the troops might be withdrawn before the next meeting of the Council. It called upon the Chinese Government to make such arrangements for taking over the territory thus evacuated as would ensure there the safety of the lives and property of Japanese subjects, and indicated certain measures of detail to be adopted for this purpose.

Recommendations were also made to the two Governments that, as soon as the evacuation was completed, they should open direct negotiations on all the questions outstanding between them, in particular in respect of those arising out of the recent incidents and of those relating to the difficulties caused by the railway situation in Manchuria. For this purpose, the Council suggested that the two parties should set up a conciliation committee or some such permanent machinery. Finally, it was proposed that the Council should meet again on November 16th.

On October 23rd, the representative of China accepted the draft resolution as a "bare minimum". The representative of Japan submitted a counter-draft and explained that his Government, in view of the tension in Manchuria and the state of disorder prevailing there, did not deem it possible to fix a definite date by which the evacuation could be completed. His Government regarded it as absolutely indispensable that a calmer frame of mind should be restored and, with this object in view, had determined a

Japanese troops had begun further "aggressive military operations". The reference was primarily to the aerial bombardment of Chinchow,¹ where, after the capture of Mukden, the provincial Government had temporarily established itself.

The Council, at its meeting in September, had decided to forward to the Government of the United States of America the Minutes of its meeting and the documents relating to the Sino-Japanese dispute, and the Government of the United States had affirmed its whole-hearted sympathy with the attitude of the League of Nations.

On October 16th, it was determined to continue to co-operate with the Government of the United States of America, which was invited to send a representative to sit at the Council table. The representative of the United States was authorised by his Government "to consider with the Council the relationship between the provisions of the Pact of Paris and the present unfortunate situation in Manchuria and, at the same time, to follow the deliberations of the Council with regard to other aspects of the problem with which it is now confronted".

On October 17th, a certain number of the Governments represented on the Council (the United Kingdom, France, Germany, the Irish Free State, Italy, Norway and Spain) decided, as signatories of the Pact of Paris, to address an identical note to the Governments of China and Japan, calling their attention to the provisions of that Pact and more especially to the terms of Article 2, whereby "the Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or whatever origin they may be, which may arise among them, shall never be sought except by pacific means".

The United States Government sent a similar note to the two Governments.

¹ The bombardment of Chinchow (October 8th, 1931) is described on page 72 of the Report of the Commission of Enquiry.

sibility for the safety of the lives and property of Japanese nationals outside that zone as the withdrawal of the Japanese troops continues and the Chinese local authorities and police forces are re-established;

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

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

“(7) Requests both parties to furnish the Council at frequent intervals with full information as to the development of the situation;

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

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

The hopes of the Council were not fulfilled. On October 9th, the Chinese delegation asked for an urgent meeting of the Council on the ground that

the two countries might proceed immediately to the withdrawal of their respective troops, without compromising the safety of the lives and property of their nationals.

On September 29th, the President-in-Office of the Council, explaining the situation to the Assembly then in ordinary session, on the basis of information supplied by the two parties, stated that "the withdrawal of the Japanese forces to within the South Manchuria Railway zone was being carried out" and that on September 28th "the Japanese representative had announced to the Council that the withdrawal was proceeding Outside the railway zone, only remained, apart from Kirin and Mukden, small detachments at Hsinmin and Chengchiatun for the protection of Japanese nationals against the attacks of bands of Chinese soldiers and brigands which at the same time were ravaging those districts".

Such was the position when, on September 30th, the Council adopted the following resolution:

"The Council,

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

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

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

"(4) Notes the Chinese representative's statement that his Government will assume respon-

In consequence of an incident near Mukden,¹ in the South Manchuria Railway zone, which is guarded by Japanese troops, the Japanese command, on the ground that military precautions were necessary, sent troops outside the railway zone, more especially to the Chinese towns in the neighbourhood of the zone and to the Chinese railway lines terminating at Mukden. The Chinese towns of Mukden, Changchun, Antung, Yingkow and others were occupied and the Chinese troops dispersed or disarmed.

On September 21st, China appealed under Article 11 of the Covenant and asked the Council to take immediate steps to prevent the further development of a situation endangering the peace of nations, to re-establish the *status quo ante* and to determine the amount and character of such reparations as might be found due to the Republic of China.

On September 22nd, the Council authorised its President (the representative of Spain, M. Lerroux): (1) to address an urgent appeal to the two Governments to refrain from any act which might aggravate the situation or prejudice the peaceful settlement of the problem; (2) to seek, in consultation with the Chinese and Japanese representatives, adequate means whereby

¹ According to the appeal addressed by the Chinese Government to the Council on September 21st, 1931, "beginning from ten o'clock on the night of September 18th, regular troops of Japanese soldiers, without provocation of any kind, opened rifle and artillery fire upon Chinese soldiers at or near the city of Mukden, bombarded the arsenal and barracks, . . . set fire to the ammunition depot" and "disarmed the Chinese troops in Changchun, Kwanchengze, and other places" (*Official Journal*, December 1931, page 2453).

According to the version given by the Japanese army, communicated to the Council on September 26th, a patrol of seven men under a lieutenant were making reconnaissances in the railway zone north of Mukden when they heard behind them, about 10.30 p.m., a violent explosion. They turned about and some 500 metres northwards, near the place at which the explosion had occurred, they perceived Chinese soldiers in flight. The patrol at first pursued them, but found themselves under fire from soldiers under cover and then from a force of some 400 or 500 Chinese troops. The Japanese company commander promptly came up with 120 men, pursued the Chinese troops and occupied part of the Mukden North Barracks (document C.621.1931; *Official Journal*, December 1931, page 2478).

Chapter IV of the report of the Commission of Enquiry sets out in detail the events that occurred during the night of September 18th-19th, 1931, and gives the Commission's opinion on these events, accompanied by a statement of the reasons on which it is based (page 70).

Japanese forces or forces of the "Manchukuo" Government; and irregular Chinese forces. In September 1932, some days after the signing at Peiping of the report of the Commission of Enquiry, there was a further fundamental change in the situation: the Japanese Government recognised the "Manchukuo" Government.

The report of the Commission of Enquiry could not reach Geneva before the end of September — namely, after the expiry of the time-limit of six months laid down in the Covenant for the report of the Assembly under Article 15. The Assembly, therefore, with the assent of the parties, decided on July 1st to extend the time-limit for as long as might be strictly necessary, on the understanding that such extension should not constitute a precedent. The Commission of Enquiry was thus able to complete its report on the spot, the parties to submit their observations on the report, and the Council and Assembly to examine all the material thus collected.

The examination of this material and the exchanges of views with the parties continued from the middle of November 1932 to the beginning of February 1933. After the discussions by the Council, the Assembly endeavoured, but without success, to bring about a settlement of the dispute by negotiation between the parties under paragraph 3 of Article 15, on the basis of the information and conclusions contained in the report of the Commission of Enquiry. It has therefore adopted the present report in conformity with paragraph 4 of that article.

2. ORIGIN OF THE DISPUTE BEFORE THE LEAGUE OF NATIONS. — EVENTS OF SEPTEMBER 18TH-19TH, 1931, IN SOUTH MANCHURIA. — FIRST DISCUSSIONS OF THE COUNCIL.

China's request to the Council arose out of the action taken by the Japanese troops in Manchuria on the night of September 18th-19th, 1931.

disturb peace between China and Japan, or the good understanding between them upon which peace depends”.

Between December and March, however, there was a considerable change for the worse in the situation in the Far East. Japanese troops completed the occupation of South Manchuria and began to occupy North Manchuria. Outside Manchuria a severe conflict, involving Chinese and Japanese regular forces, was begun and carried on at Shanghai. At the same time, the reorganisation of the civil administration in those parts of Manchuria occupied by the Japanese troops resulted in the formation of an “independent State” styled “Manchukuo”, which did not recognise Chinese sovereignty. The Council was henceforth asked by China to deal with the dispute, not only under Article 11, but also under Articles 10 and 15 of the Covenant. On February 19th, 1932, as the result of a request by China submitted under the terms of Article 15, paragraph 9, the Council referred the dispute to the Assembly.

From January onwards, pending the receipt of the report of the Commission of Enquiry, without which the substance of the dispute could not be thoroughly examined, the chief concern of the Council, and subsequently of the Assembly, was to do everything in its power to stop hostilities and prevent an aggravation of the situation, while preserving the rights of the parties and the principles of the Covenant from suffering prejudice by reason of any *fait accompli*. The Assembly, by its resolution of March 11th, defined the attitude of the League of Nations towards the dispute. It declared that, pending a settlement in conformity with the Covenant, it was incumbent upon the Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

The hostilities at Shanghai were brought to an end, but fighting continued in Manchuria between

Part II.

DEVELOPMENT OF THE DISPUTE BEFORE THE LEAGUE OF NATIONS.

I. SUMMARY OF THE DEVELOPMENT OF THE DISPUTE.

The decisions of the Council and of the Assembly in the long period which has elapsed since the dispute was first brought before the League of Nations were determined by the evolution of the conflict in the Far East.

At the outset, the incidents with which the Council was called upon to deal when the dispute was submitted to it by China under Article 11 occurred at Mukden and in some other places in Manchuria; the Council received repeated assurances from Japan that she had no territorial designs in Manchuria and that she would withdraw her troops within the South Manchuria Railway zone, subject to the sole condition that the safety of the lives and property of Japanese nationals were assured. Such was the purport of the resolution of September 30th and of the draft resolution of October 24th, 1931. The latter, which was agreed to by all the Members of the Council except Japan, enabled the Council once again to secure pledges from the Japanese delegation.

After the rejection of this draft resolution, Japan's insistence on the need of a settlement of the fundamental questions which divided the two countries led the Council, without prejudice to the execution of the undertakings embodied in the resolution of September 30th, to put forward measures with a view to a final and fundamental solution by the two parties of the questions at issue between them. On December 10th, 1931, the Council, acting on a proposal made by Japan, decided to appoint a Commission of five members with instructions to make an enquiry on the spot and to report to the Council on "any circumstance which, affecting international relations, threatens to

or to recapitulate the report of the Commission of Enquiry, which has been published separately; after examining the observations communicated by the Chinese and Japanese Governments, the Assembly adopts as part of its own report the first eight chapters of the report of the Commission of Enquiry.

It is necessary, however, to complete the statement of the Commission of Enquiry by describing the measures taken by the Council and the Assembly in connection with the various phases of the dispute, as well as certain events which do not appear in the report of the Commission, more particularly those relating to the origin of the hostilities which occurred at Shanghai at the beginning of 1932. In regard to these events, the Assembly adopts as part of its own report the reports addressed to it by the Consular Commission of Enquiry. These reports have been published separately.¹ The story of what happened in Manchuria since the beginning of September 1932 must also be related, since the report of the Commission of Enquiry does not go beyond that date.

This brief historical summary of the development of the dispute will be found in Part II of the present report. It should be read in connection with the narrative of events given in the report of the Commission of Enquiry.

Part III describes the chief characteristics of the dispute and the conclusions drawn by the Assembly from the essential facts.

Part IV contains the recommendations which the Assembly deems to be just and proper in regard to the dispute.

¹ The first three reports of the Consular Commission, with their supplements, are given in document A(Extr.),3.1932 and the fourth report in document A(Extr.),15.1932. They are also reproduced in the Special Supplement to the *Official Journal* No. 101, page 194 *et seq.*

REPORT ON THE SINO-JAPANESE DISPUTE BY THE
SPECIAL ASSEMBLY OF THE LEAGUE OF NATIONS
AS PROVIDED FOR UNDER ARTICLE XV, PARA-
GRAPH 4, OF THE COVENANT.

The Assembly, in view of the failure of the efforts which, under Article 15, paragraph 3, of the Covenant, it was its duty to make with a view to effecting a settlement of the dispute submitted for its consideration under paragraph 9 of the said article, adopts, in virtue of paragraph 4 of that article, the following report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Part I.

EVENTS IN THE FAR EAST. — ADOPTION OF THE
FIRST EIGHT CHAPTERS OF THE REPORT
OF THE COMMISSION OF ENQUIRY.
—PLAN OF THE REPORT.

The underlying causes of the dispute between China and Japan are of considerable complexity. The Commission of Enquiry sent by the Council to study the situation on the spot expresses the view that the "issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background, should entitle anyone to express a definite opinion upon them."¹

The first eight chapters of the report of the Commission of Enquiry present a balanced, impartial and detailed statement of the historical background of the dispute and of the main facts in so far as they relate to events in Manchuria. It would be both impracticable and superfluous either to summarise

¹ Report of the Commission of Enquiry (document C.663.1932, page 126).

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