

1932.  
NEW ZEALAND.

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# THE LEAGUE OF NATIONS.

REPORT OF THE REPRESENTATIVE OF THE DOMINION OF NEW ZEALAND ON THE  
EXTRAORDINARY SESSION OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, HELD  
AT GENEVA IN THE YEAR 1932.

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*Presented to both Houses of the General Assembly by Command of His Excellency.*

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## EXTRAORDINARY SESSION OF THE ASSEMBLY OF THE LEAGUE OF NATIONS.

New Zealand Government Offices,  
415 Strand, London W.C. 2, 30th March, 1932.

SIR,—

On Saturday, the 30th January (the day on which I left for Geneva in order to attend the Conference for the Reduction and Limitation of Armaments), there appeared a press report to the effect that the Chinese Government had sent an ultimatum to the Japanese Government as the result of the despatch of a Japanese cruiser and reinforcements to Shanghai for the purpose, as stated by the Japanese Government, of protecting Japanese citizens and interests in that locality. Fortunately, the report was ill-founded, but there was no doubt of the seriousness of the position, severe fighting having taken place between Japanese and Chinese troops.

The Council of the League of Nations had been in session during the week, a meeting having been called for the 25th January at the request of the Chinese representative. Further meetings were held between that date and the 19th February, and during this period the fighting at Shanghai became more and more severe. On the 12th February the Chinese representative wrote to the Secretary-General requesting that the dispute be referred to the Assembly, and at length, on the 19th February, the Council passed a resolution so referring the dispute under paragraph 9, Article 15, of the Covenant, and convoking the Assembly for the 3rd March.

The minutes of the meetings of the Council accompany this report, together with the following documents :—

1. Statement submitted by the Republic of China (A. 1).
2. Explanatory Note from the Japanese Government (A. 6).
3. Report by the Secretary-General on the Action taken by the League on the Sino-Japanese Dispute (A. 4). (This report treats of the dispute as a whole, beginning with the collision near Mukden on the 18th September.)
4. Report of the Committee of Inquiry set up under Article 15, paragraph 1, of the Covenant (A. 3). (This Committee consists of the representatives in Shanghai of certain Governments' members of the Council, with the Consul-General of the United States co-operating.)

The Assembly met in extraordinary session on the morning of the 3rd March. The first meeting was mainly devoted to formalities. The credentials of the delegates were verified by a small committee; the Acting President of the Council (Mr. Paul Boncour, representative of France) made a statement of the action already taken by the Council to deal with the problem; the President was elected, the Assembly choosing Mr. Paul Hymans, representative of Belgium, who had presided over the First Assembly in 1920; and eight Vice-Presidents were appointed, these, with the President, constituting the Bureau.

A second meeting was held in the afternoon, when the Chinese and Japanese representatives made a statement on behalf of their respective Governments, and the Assembly approved of the proposal of the Bureau to set up a General Commission on which all delegations would be represented, with freedom to discuss the question in all its aspects. At the conclusion of this meeting the Assembly decided to refer further discussion and consideration to this General Commission.

On the afternoon of the following day the General Commission met. After Mr. Hymans had been elected President, Mr. Yen, the Chinese representative, stated that the Chinese command had proclaimed the cessation of hostilities at midnight on the previous day, but that the Japanese were still attacking. Mr. Matsudaira, the representative of Japan, produced a communication from his Government to the effect that the Japanese troops were bound to reply to the fire of the Chinese troops, but that the Japanese Army had no intention of resuming hostilities or of advancing unless the Chinese Army delivered an offensive. So unsatisfactory was the information available, that the President felt an essential first step was the prevention of further bloodshed; he therefore suspended the sitting in order that the Bureau might prepare a draft resolution to serve as a basis for discussion. After an interval of an hour, this draft resolution was produced. It was debated for one and a half hours and ultimately was passed with a slight amendment of drafting. The Assembly was immediately convoked, there was a roll-call, and the resolution, which reads as follows, was passed unanimously by that body:—

“The Assembly, recalling the suggestions made by the Council on the 29th February 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.”

During the next few days reports of fighting were received, but there was reason to believe that, apart from small incidents, fighting had ceased, and this was confirmed through independent sources.

But the bringing to an end of hostilities was not the sole, or indeed the main, reason for convoking the Assembly. Consideration had to be given to the dispute itself, and a discussion by the General Committee began on the 5th March. It had been rumoured that the representatives of some small nations would be somewhat critical of the action, or—as some said—want of action, on the part of the Council; but there was surprisingly little criticism of an adverse nature. Certainly no one suggested the application of Article 16 of the Covenant, and I cannot help thinking that a proposal to invoke this would have met with little or no support, even if only for the reason that the machinery provided in Article 15, and in other articles, had not been wholly applied.

The faith of small nations in the efficacy of the Covenant as an instrument for the preservation of peace had been rudely shaken. Mr. de Water, the representative of South Africa, said that the smaller nations looked to the Great Powers for a lead in this matter, and what had the Great Powers done? He may have been voicing the inarticulate thoughts of many speakers who had preceded him. However that may be, the combined wisdom of the elements which compose the Council—both great and small—had failed to achieve a solution, and the authority of the League was at stake. Moral force is a quality which is precious in Geneva, and Mr. Motta said it was for the small States to mobilize the moral forces of the world and demonstrate the solidarity of nations.

A corrected edition of the verbatim record of the speeches is not yet available, so that I have to refer you to the summaries published in numbers 30, 31, and 32 of the *Journal*. The debate was one of the most important which has ever taken place in Geneva; nearly every speech was read, and with truth it may be said that every word was weighed before being uttered. The tone was admirable, and so was the restraint which the speakers exercised. No speaker attempted to prejudge the issues, although some stated that the landing of troops and their use for military operations upon the territory of another Power was contrary to the Covenant and the Pact of Paris.

Under the Covenant every nation has the right of ensuring its legitimate defence, but it has not the right of seeking justice for itself without the authorization of the League. Mr. Sato, the Japanese representative, stated that his country desired that the Covenant and the Pact of Paris should be applied: she had not sought to settle the dispute by force nor entertained the idea of prejudicing the political independence and administrative integrity of China; but she had been obliged, in face of pressing danger, to take temporary measures of protection, as other Powers had been compelled to do in the past.

Towards the end of the debate Mr. Yen said that, if mediation by the Assembly failed, his Government expected the Assembly would exhaust every provision of Article 15. Various nations had given their views through their authorized speakers, and valuable proposals had been made. Dr. Benes, who had been appointed Rapporteur, suggested that the Bureau, in conjunction with the authors of the proposals, should draft a motion for submission to the General Commission. This suggestion was accepted.

The Bureau and those assisting it laboured for two days, and on Friday, the 11th March, the General Commission was again called together to consider a draft motion. This was accepted, with some amendment of drafting, and was submitted to the full Assembly in the evening of that day. There was a roll-call, and forty-four countries voted in its favour. Two countries, China and Japan, abstained. Mr. Yen asked the Assembly not to take his abstention as a sign that he was opposed to the resolution; unfortunately, he had not yet received instructions from his Government. The resolution reads as follows:—

RESOLUTION ADOPTED BY THE ASSEMBLY ON MARCH 11TH, 1932.

“ 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 ;

“ (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 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 recognized 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 organization 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 recognize 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,—

“ Affirming 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,—

“ Recalls the resolutions adopted by the Council on September 20th 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,—

“ 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 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.”

It remained for the Assembly to complete the Committee of Nineteen provided for by Part III of the resolution. It elected Switzerland, Czechoslovakia, Columbia, Portugal, Hungary, and Sweden. Twenty-four votes were required for election, and it is significant that South Africa succeeded in obtaining the support of twenty-two States. The Assembly then adjourned.

What will be the result? Time will show. It is easy for the unconverted to scoff at the League, but whatever the result of the Assembly's action may be, no one can help being impressed by the picture of two great nations, both with ancient civilizations, one strong on land and at sea and in commerce and trade, the other torn by internal dissensions, but still possessing the will to defend its native soil, arguing their case before representatives of most of the nations of the world.

I should like to say that the Government of the United States of America has given strong support to the League throughout the crisis.

I have the honour to be,

Sir,

Your obedient servant,

THOMAS M. WILFORD,

High Commissioner for New Zealand.

The Right Honourable the Prime Minister,  
Wellington, New Zealand.

New Zealand Government Offices,

415 Strand, London W.C. 2, 26th July, 1932.

SIR,—

In my letter of the 30th March last I gave an account of the proceedings of the special session of the Assembly of the League of Nations called to deal with the Sino-Japanese dispute relating to Shanghai. That account concluded with the adjournment of the Assembly on the 11th March after it had appointed a Committee of Nineteen to act in the name of the Assembly. The representative of New Zealand not having been appointed a member of the Committee, I am unable to deal with its deliberations, so I confine myself to a brief account of the various stages leading to a solution of the trouble.

On the 30th April the Assembly met for the purpose of receiving and considering the first progress report of the Committee of Nineteen (Document A. 108). Beyond an occasional skirmish, hostilities had virtually ceased some weeks before, and the efforts of the Committee had been directed towards securing a withdrawal of the Japanese forces. Shortly after the adjournment of the Assembly, negotiations for an armistice were begun in Shanghai, but difficulties arose, and the effort proved abortive. The scene was then shifted to Geneva, but although, after a time, the outlook was distinctly promising, complete success was not achieved. Again the Chinese and Japanese representatives in Shanghai, aided by the representatives of the four Powers having special interests in the city, entered into negotiations, this time with satisfactory results, culminating in a draft agreement, the principal provisions of which were (1) an undertaking by the Japanese Government to carry out the withdrawal of its forces to the International Settlement and the roads outside the

Settlement in the Hongkew district, thus reverting to the position prior to the 28th January last, and (2) the appointment of a Joint Commission to supervise the withdrawal and the transfer to the Chinese police of evacuated territory. The Assembly, by resolution, accepted this agreement as in accord with its previous resolutions, and expressed the hope that the withdrawal of the Japanese forces would be effected in the near future (see Verbatim Record of the Fifth Plenary Meeting). The agreement was signed and came into force on the 6th May.

On the 11th May the Committee of Nineteen issued a further report (Document A 118). This deals with the Manchurian question, regarding which the League of Nations awaits a report by the Committee of Inquiry, presided over by Lord Lytton, now in the Far East; but, at the same time, the Committee of Nineteen expressed the opinion, as regarded Shanghai, that the resolutions of the Assembly aiming at the definite cessation of hostilities and the withdrawal of the Japanese forces were in process of execution.

On the 1st July the Assembly met for the sixth time, for the special purpose of dealing with a point that had arisen in connection with Manchuria, and was glad to hear from the lips of its President that the Japanese land forces had left Shanghai, although naval landing forces of much reduced strength were temporarily stationed in a small number of localities adjacent to the International Settlement and the extra-Settlement roads. The agreement between the parties was therefore in process of normal execution.

A task greater and far more complex than the settlement of the Shanghai trouble faces the League in connection with Manchuria. If on this question the League is able to propose a settlement satisfactory to both parties, as well as to the inhabitants of the territory, it will indeed have accomplished something in the nature of the preservation of the peace of the world. It would, however, be doing the League a disservice to dilate on the difficulties with which it will be confronted, so I will merely mention that the Assembly decided to prolong the time-limit within which, under paragraph 2, Article 12 of the Covenant, the report of the Committee of Inquiry is to be submitted to the Council (Documents A. 125 and A. 123).

At the beginning of the meeting on the 1st July the Spanish delegate asked leave to address the Assembly. In a short speech he proposed that the Republic of Turkey be invited to enter the League. The Turkish delegate to the Disarmament Conference had, in that Conference, indicated that his country was prepared to join the League. It seemed to me that it would be a gracious act if New Zealand were to associate itself with the invitation, so I therefore joined with the representatives of several other countries in supporting the proposal. This was brought before the Assembly at a special meeting on the 6th July, when the following resolution was passed:—

“The Assembly, recognizing that the Turkish Republic fulfils the general conditions laid down in Article 1 of the Covenant for a State to become a member of the League of Nations, decides that the Turkish Republic shall be invited to enter the League of Nations and to give it the benefit of its valuable co-operation, and instructs the Secretary-General to take such action as may be necessary in pursuance of this resolution.”

On the 18th July Turkey was admitted a member of the League by the unanimous vote of the Assembly, which at the same meeting decided to postpone the opening-date of the Thirteenth Ordinary Session from the 5th to the 26th September.

I have, &c.,  
THOMAS M. WILFORD,  
High Commissioner for New Zealand.

The Right Honourable the Prime Minister,  
Wellington, New Zealand.

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