

At its first meeting, on 21st September, the Advisory Committee elected as its Chairman Mr. V. Munters, Foreign Minister of Latvia. It decided also to invite the participation of Japan and China, as parties to the dispute, of Germany, which by virtue of Council membership was a member in 1933, and of Australia. It adjourned for six days to enable replies to be made to the invitations to these four States.

China and Australia accepted the invitation, Germany and Japan declined. (The texts of the replies are annexed to the Advisory Committee's report (A. 79, 1937, VII).)

At its second meeting, in public, on 27th September, the Advisory Committee was addressed by Dr. Wellington Koo. After discussion a resolution was unanimously accepted by the Committee in the following terms:—

“The Advisory Committee—

“Taking into urgent consideration the question of the aerial bombardment of open towns in China, by Japanese aircraft,

“Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments,

“Declares that no excuse can be made for such acts, which have aroused horror and indignation throughout the world,

“And solemnly condemns them.”

Before the close of the sitting the Advisory Committee decided, on the motion of the representative of Sweden, to communicate the terms of the resolution to the President of the Assembly in order that countries not represented on the Advisory Committee might adhere, but it was laid down that the resolution was not to be subject to the approval of the Assembly, and that it was to be published forthwith.

The Advisory Committee's resolution was brought under the notice of the Assembly at its meeting on the 28th September and, after a speech by the Spanish delegate, it was adopted by the Assembly itself.

At the meeting of the Assembly on the 30th September the President read the following communication from Mr. Cordell Hull, the Secretary of State of the United States of America:—

“The Department of State has been informed by the American Minister to Switzerland of the text of the Resolution unanimously adopted on September 27th by the Advisory Committee of the League of Nations on the subject of aerial bombardment by Japanese air forces of open towns in China.

“The American Government, as has been set forth to the Japanese Government repeatedly and especially in this Government's Note of September 22nd, holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to principles of law and of humanity.”

On 29th September and 1st October the Advisory Committee briefly discussed the situation generally and agreed that a sub-committee from itself should proceed in more detail and, in private meeting, to examine the questions involved and submit proposals to the Committee. The discussion showed anxiety to avoid even the appearance of any departure from the strictest impartiality; it showed that delegates were proceeding in very close consultation with their Governments; and justifiably, it brought expressions of anxious hope that the setting-up of the sub-committee would not be a merely delaying manoeuvre—it was agreed that a report should be returned while the then Assembly was in session. In the interval between these two meetings the representative of China submitted a draft resolution reading as follows:—

“Whereas Japan has taken the initiative of sending to China powerful armies which have invaded large portions of Chinese territory,

“Whereas Japan has proclaimed a maritime blockade of China, and her fleet has bombarded various Chinese ports,

“Whereas the Japanese Air Force has also proceeded in Chinese territory to aerial bombardments, the illegal character of which has been condemned by a resolution of this Committee dated September 27th, 1937, which was endorsed by the Assembly at its meeting on September 28th,

“Whereas Japan has rejected the overtures made to her with a view to arriving at a pacific settlement of the dispute,

“Whereas she has in particular declined the invitation made to her on September 21st to participate in the work of the Advisory Committee,

“Whereas Japan has undertaken hostilities in defiance of the provisions of the Washington Treaty of February 22nd, 1922, and of the Pact of Paris of April 27th, 1928, of which she is a signatory, and of the fundamental rules of international law,

“The Advisory Committee condemns these violations of international law and of contractual obligations,

“Condemns the illegal blockade of the Chinese coasts,

“And declares that the facts noted above constitute a case of external aggression against a member of the League of Nations under Article 10 of the Covenant.”

Consistent with this draft, Dr. Wellington Koo at the Advisory Committee meeting on 30th September observed that the Chinese Government were not then asking for a discharge of all the obligations of States members under the Covenant. It was agreed that the draft should be referred to the sub-committee, and this was constituted of the following: Australia, Belgium, United Kingdom, China, Ecuador, France, Latvia, New Zealand, Netherlands, Poland, Sweden, and the Union of Soviet Socialist Republics.