

1937-38.
NEW ZEALAND.

SINO-JAPANESE CONFLICT:

REPORT ON PROCEEDINGS AT THE LEAGUE OF NATIONS AND "NINE POWER" CONFERENCE.

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

New Zealand Government Offices,

415 Strand, London, W.C. 2, 9th December, 1937.

SIR,—

My report on the proceedings, at Geneva and Brussels, arising from the Sino-Japanese conflict cannot make cheerful reading. It must, too, be in a measure incomplete, for the matters that were the subject of our deliberations have unfortunately not been brought to an end. Armed conflict continues unabated as I write. Nevertheless the Conference proceedings have reached a stage at which a progress report and some comment are fitting.

The League Assembly and Council met in September, 1937, under the shadow of new hostilities, of undeclared war in China, and of prolonged hostilities and undisguised foreign intervention in Spain. The recent failure effectively to deal with aggression in Abyssinia, the earlier failure to deal with aggression in Manchuria, the consequent pessimism in many quarters as to the competence of the League at present to preserve peace, were main factors in the background. They are here mentioned but not enlarged on as germane to all discussions in Geneva and elsewhere.

Dr. Wellington Koo, the Chinese Ambassador in Paris, presented his country's case in the League Assembly and Council, and he did so with a competence and moderation that were impressive. He invoked the application of the Covenant, specifically citing Articles 10, 11, and 17. He left it to the Council to determine whether that body itself, or the Assembly, or the Advisory Committee set up under resolution of the Assembly of 24th February, 1933, should consider the matter.

The Council on the 16th September agreed that the Advisory Committee should meet at once to examine the situation to which attention had been directed by China. This Committee, it may be recalled, consisted of representatives of all States members of the League Council (New Zealand being thus included) and of certain non-Council members. Its members were Belgium, Bolivia, the United Kingdom, Canada, China, Colombia, Ecuador, France, Hungary, Iran, Latvia, New Zealand, the Netherlands, Peru, Poland, Portugal, Roumania, Sweden, Switzerland, Czechoslovakia, and the Union of Soviet Socialist Republics.

The United States of America, in 1937 as in 1933, appointed a representative to the Committee on terms that can best be expressed by quoting a paragraph from the letter addressed to the Secretary-General of the League of Nations by the United States Minister to Switzerland (20th September, 1937):—

"The American Government recalls that the Advisory Committee was created subsequent to and on the basis of a major decision in the field of policy arrived at by the Assembly in regard to a matter referred by the Council to the Assembly. In the understanding of the American Government the Advisory Committee was created to aid the members of the League in concerting their action and their attitude among themselves and with non-member States for the carrying-out of policy recommended by the League. At present until the American Government is informed regarding the functions which the League will expect the Committee to perform, it is impossible for the American Government to say to what extent it will be able effectively to co-operate. In order that there may be no misunderstanding in regard to the American Government's position and no confusion or delay flowing from uncertainty, the American Government feels constrained to observe that it cannot take upon itself those responsibilities which devolve from the fact of their membership upon members of the League. It assumes that members of the League will arrive at their common decisions in regard to policy and possible courses of action by and through normal League procedure. The American Government, believing thoroughly in the principle of collaboration among States of the world seeking to bring about peaceful solutions of international conflicts, will be prepared to give careful consideration to definite proposals which the League may address to it, but it will not, however, be prepared to state its position in regard to policies or plans submitted to it in terms of hypothetical inquiry."

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.

The Foreign Minister of Latvia, Mr. Munters, acted as Chairman of the sub-committee; and the representative of the United States of America, Mr. Leland Harrison, attended its meetings in the same role as he attended meetings of the Advisory Committee.

To the proceedings of the sub-committee I may not, of course, refer. It first met on 1st October immediately following the adjournment of the Advisory Committee, and completed its reports, after being almost continuously in session, on 5th October. The first report gives a summary of events since the beginning of July, 1937, with textual references to authoritative Japanese and Chinese comment. It concludes:—

“It is clear that the two countries take very different views as to the underlying grounds of the dispute and as to the incident which led to the first outbreak of hostilities.

“It cannot, however, be challenged that powerful Japanese armies have invaded Chinese territory and are in military control of large areas, including Peiping itself; that the Japanese Government has taken naval measures to close the coast of China to Chinese shipping; and that Japanese aircraft are carrying out bombardments over widely separated regions of the country.

“After examination of the facts laid before it, the Committee is bound to take the view that the military operations carried on by Japan against China by land, sea, and air are out of all proportion to the incident that occasioned the conflict; that such action cannot possibly facilitate or promote the friendly co-operation between the two nations that Japanese statesmen have affirmed to be the aim of their policy; that it can be justified neither on the basis of existing legal instruments nor on that of the right of self-defence, and that it is in contravention of Japan's obligations under the ‘Nine Power’ Treaty of February 6th, 1922, and under the Pact of Paris of August 27th, 1928.”

The second report affirmed the interest that all States have in the restoration and maintenance of peace as “the fundamental purpose for which the League exists”; “it [the League] has the duty as well as the right to attempt to bring about a speedy restoration of peace in the Far East, in accordance with existing obligations under the Covenant and the treaties.” The report then recommended the Assembly to invite its members who are parties to the “Nine Power” Treaty to initiate a meeting of the parties to that treaty together with other Powers with special interests in the Far East. It concluded with the recommendation that:—

“Pending the results of the action proposed, the Advisory Committee should invite the Assembly to express its moral support for China and to recommend that members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China.”

The reports were adopted by the advisory Committee on the day (5th October) of their approval by the sub-committee, and on the same day they came before the Assembly, now nearing the end of its session. In the Assembly the representatives of Siam and Poland—the former on the ground that his Government had not been able to study the draft resolution, the latter dissenting from the suggested convening of a separate conference of the powers particularly concerned—said that they would abstain from voting. Certain other delegates stressing that consultation with their Governments had not been possible since the drafts were circulated, discussion was adjourned until the evening of the following day.

In due chronological order it is to be mentioned that at this point the President of the United States of America, in his widely noticed speech at Chicago, dealt in some degree with the problems that were then engaging attention at Geneva. He deplored the unjustified interference in the internal affairs of other nations in violation of treaties. “The peace-loving nations,” he is reported as saying, “must make a concerted effort in opposition to those violations of treaties and those ignoring of humane instincts which to-day are creating a state of international anarchy and instability from which there is no escape through mere isolation or neutrality . . . There must be positive endeavours to preserve peace.”

Resuming on 6th October, the Assembly, almost without discussion, adopted the reports and the resolution submitted by the Advisory Committee.

The text of the resolution is:—

“The Assembly—

“Adopts as its own the reports submitted to it by its Advisory Committee on the subject of the conflict between China and Japan;

“Approves the proposals contained in the second of the said reports (document A.80, 1937, VII) and requests its president to take the necessary action with regard to the proposed meeting of the members of the League which are parties to the Nine-power Treaty signed at Washington on February 6th, 1922;

“Expresses its moral support for China, and recommends that members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China;

“Decides to adjourn its present session and to authorize the President to summon a further meeting if the Advisory Committee so requests.”

In accordance with the concluding words of this resolution the plenary session of the League Assembly was then adjourned, not closed.

A month, marked by continued hostilities in China, elapsed before the “Nine-power” Conference met in Brussels on 3rd November.

Its proceedings and essential matters related thereto are adequately covered by the report and eight annexes, which were agreed to by the Conference at its concluding meeting on 24th November. I say its "concluding meeting" in keeping with what seem to be present realities, although technically the Conference has resolved only "temporarily to suspend its sittings." At any rate, the first phase of the Conference has ended—it has ended in failure to achieve anything.

The essential fact as shown by the report is that the Conference confined itself to the endeavour to secure the collaboration of the Imperial Japanese Government for the purpose of arriving at a peaceful settlement of the dispute. This collaboration being refused and again refused, as shown in documents I, II, and IV, the Conference, as such, did no more.

No doubt the consultations between representatives of Governments may have been useful up to a point; and the Conference has at least borne witness to the fact that the people of the world and their Governments are not indifferent to the tragic events in the Far East nor wholly unaware of their common interests in peace and in the honouring of treaty obligations.

But on the whole the negative results of the Conference demonstrate that, on the present interpretation of their people's views, many Governments which are very sincerely devoted to the ideals of peace and the sanctity of treaties are not prepared effectively to co-operate in defence of those ideals. The violation of treaties, the reign of lawlessness and violence, extends unchecked. It is left to the immediate victims of armed aggression to withstand its violence as best they can.

The position is certainly a gravely disquieting one. In truth, an effective system of collective security is shown at the moment to be non-existent. Equally clear is the truth that in the Covenant of the League faithfully applied, we have the possibility of collective security.

The failure of the Conference at Brussels and the adjournment of the League of Nations without agreeing on effective common action are a tragic disservice to the cause of peace. Yet, however deep our disappointment may be to-day, I do not believe it is a failure that can last. A wiser policy must yet prevail. The need for an effective system of collective security is so imperative, and the perils of any other policy are so manifest, that we may well be confident that the nations of the world will yet see to it that their Governments will both enter into and abide by collective plans for maintaining peace.

It remains for me to mention with appreciation that at the League of Nations and the Advisory Committee I had the services of Mr. R. M. Campbell, Mr. C. A. Knowles, C.B.E., Miss J. R. McKenzie, and Miss E. Hannam of my staff, and that at the Brussels Conference I was fortunate also in having the assistance of Mr. G. W. Clinkard, the New Zealand Government's Trade and Tourist Commissioner for Europe, whose headquarters are in that city.

I have the honour to be,

Sir,

Your obedient servant,

W. J. JORDAN,

High Commissioner.

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

[For a full report of the proceedings see "Brussels Conference . . . Acts of the Conference, 3rd November to 24th November, 1937," in the General Assembly Library.]

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