

China. Moreover, even granting that such an international co-operation were possible, there would be no assurance that, in that way, a strong central Government would forthwith be brought into being. Japan cannot idly wait for such an uncertain eventuality in order to solve the Manchurian question.

Apprehensions
of danger if
stability be
disturbed by
unsympathetic
attitude to
Manchukuo.

Such being the case, any scheme that might tend to destroy that peace and order which is now in process of restoration will inevitably usher in a new era of disputes and difficulties. Would it not, then, be better statesmanship to work at least for the stabilisation of conditions in Manchuria? Should not the world, which has manifested so much patience and sympathy regarding the reconstruction of China throughout these past twenty years, come to entertain sentiments of understanding and hope concerning the new State of Manchukuo? When the Manchurian question shall have once been settled, the settlement of the far greater question of China itself will be materially simplified. It can hardly be the subject of doubt that the advent of peace and a good and efficient administration in Manchuria will set an example which it would be well for China to follow, and will exert a favourable influence upon her attitude and divert her domestic and foreign policies into sane and moderate channels, not only bringing happiness to the Chinese people, but allowing other nations to share the resultant benefits.

[Communicated to the Assembly,
the Council and the Members
of the League.]

Official No.: **A (Extr.). A. 155.** 1932. VII.

Geneva, December 3rd, 1932.

LEAGUE OF NATIONS

APPEAL FROM THE CHINESE GOVERNMENT

COMMUNICATION FROM THE CHINESE DELEGATION

Note by the Secretary-General.

At the request of the Chinese delegation, the Secretary-General has the honour to circulate to the Assembly the following communication dated December 3rd.

Series of League of Nations Publications
VII. POLITICAL
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**LETTER FROM THE CHINESE REPRESENTATIVE
TO THE SECRETARY-GENERAL**

Geneva, December 3rd, 1932.

Referring to my reservation of right at the meetings of the Council on November 21st and 23rd last to make further comments on the statements of the Japanese representative on the Council, as well as on the Observations of the Japanese Government on the Report of the Commission of Enquiry constituted under the Council resolution of December 10th, 1931, I have the honour to send you herewith the comments of the Chinese delegation upon the same. I shall be much obliged if you will be good enough to circulate these comments to the Members of the Council and of the League.

(Signed) V. K. Wellington Koo.
Chinese representative on the Council.

**CHINESE COMMENTS ON THE "OBSERVATIONS
OF THE JAPANESE GOVERNMENT ON THE REPORT
OF THE COMMISSION OF ENQUIRY" AND ON THE
STATEMENTS MADE BY THE JAPANESE
REPRESENTATIVE ON THE COUNCIL**

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INTRODUCTORY REMARKS

At the meetings of the Council of the League of Nations on November 21st, 23rd and 24th, 1932, the Chinese representative on the Council, while presenting the views of the Chinese Government on the report of the Commission of Enquiry constituted under the Council's resolution of December 10th, 1931, and making comments upon the statements made by the Japanese representative, reserved the right to set forth supplementary views and comments either in a written statement or verbally on a subsequent occasion. The statement in the following pages is presented in conformity with the first of the reservations, without prejudice to the submission of further comments.

The criticism of the Japanese Government directed against the Commission's programme of visit and methods of investigations may safely be left to the Commissioners individually or as a body to answer. In so far, however, as the purpose of this criticism is to try to vitiate the validity of certain Chinese contentions as confirmed by the Commission in its report, after a most conscientious and comprehensive study on the spot, it is deemed desirable to present the views of the Chinese delegation in regard to it.

The Japanese Government complains of the shortness of the Commission's visit in China and objects to "the atmosphere of Peking and Nanking", but it does not state the fact at the same time that the Commission made two visits to Japan and spent over a fortnight in Tokio without being accompanied by the Chinese Assessor, whose absence, on its second visit to Tokio, was due to difficulties placed in his way by Japan, in contrast with the attitude of the Chinese Government, which accorded every courtesy and facility to the Japanese Assessor for accompanying and assisting the Commission in China—in Nanking and in Peiping, as well as in other places.

As regards the evidence given in the report, the Japanese Government "are impressed by the feeling that items of information drawn from unimpeachable sources—*e.g.*, those presented by the representatives of the Japanese Government—have been passed over or disregarded, whilst undue credit has been accorded to information coming from obscure or even unknown quarters". The fact is that, by strict surveillance over the movements of the members and staff of the Commission, and unwarranted denial of liberty of movement and communication to the Chinese Assessor and his suite, the Japanese authorities in Manchuria attempted to restrict their work of investigation and limit their evidence to "items of information drawn from unimpeachable sources—*e.g.*, those presented by the representatives of the Japanese Government". In consequence of the manifest unwillingness of the Japanese authorities to "afford the Commission all facilities to obtain on the spot whatever information it may require", as was promised by the Japanese Government in the Council resolution of December 10th, 1931, it was obviously necessary for the Commission to devise other ways of securing truthful evidence in order to complete its mission of investigation. Thus the report says on page 107 :

"But the effect of the police measures adopted was to keep away witnesses; and many Chinese were frankly afraid of even meeting members of our staff. We were informed at one place that, before our

The Japanese Government failed to mention the two visits of the Commission to Japan.

Obstacles placed by Japan in the way of investigation by the Commission and the Chinese Assessor.

arrival, it had been announced that no one would be allowed to see the Commission without official permission. Interviews were therefore usually arranged with considerable difficulty and in secrecy and many informed us that it was too dangerous for them to meet us even in this way. . . . Most of the delegations were introduced by Japanese or 'Manchukuo' authorities and we had strong grounds for believing that the statements left with us had previously obtained Japanese approval."

Evidence
presented by
the Japanese
Government
not
"unim-
peachable".

From the attitude and conduct of the Japanese authorities towards the Commission and the Chinese Assessor in Manchuria, from the strict censorship of letters and telegrams and Press opinion, from the evidence of intimidation in force there against imparting information unfavourable to Japan, from the "Observations of the Japanese Government on the Report of the Commission of Enquiry," and from the persistent objection of the Japanese representative at the recent meetings of the Council to giving an opportunity to the Commission, present at the invitation of the Council, to defend its own report in view of the Japanese allegations—from all these facts it is abundantly clear that Japan's view is that the evidence presented by the Japanese Government is alone "unimpeachable" and only such "unimpeachable" evidence should have been completely accepted. Any other evidence not being thus "unimpeachable" should have been disregarded. To have accorded such other evidence undue credit in the report accounts, in the opinion of the Japanese Government, for the "omissions, inconsistencies and misapprehensions" in its various passages.

If a such a claim could have been entertained, it would have been unnecessary to create the Commission of Enquiry and despatch it to the Far East to study on the spot. It was because the "items of information drawn from unimpeachable sources—e.g., those presented by the representatives of the Japanese Government" were found by the League of Nations to be impeachable that the Chinese Government agreed to the establishment of the Commission, in order that the true facts of the Manchurian situation might be fully brought to light.

A. CONDITIONS IN CHINA AND JAPAN

In the statements of the Japanese representative before the Council as well as in the "Observations of the Japanese Government", there is a studied attempt to portray the internal conditions of China in most lurid colours for the obvious purpose, as is indeed avowed in the "Observations", of contending that Japan is warranted to do what she likes with her solemn international obligations under the peace instruments, on the alleged ground of "the impossibility of applying to Chinese disputes the normal 'peace machinery', as constituted at present". Such a naive effort to misrepresent China is no less objectionable than to pretend to give a full picture of the conditions of the countries in Europe and America by quoting from the records of crime and riot filed at the headquarters of their respective police authorities. This point is dealt with at length in the statement made by the Chinese representative before the Council on November 21st last. Suffice it to quote from it here one passage:

Criticism
about Chinese
internal
conditions
unfounded.

"There is no mystery in the fact that China in the present period of transforming herself from an old empire of 4,000 years into a modern democracy is now undergoing a period of trials and tribulations familiar to students of political history and inevitable in the reconstruction of any country. The apparent disarray of factors and forces in the country is nothing but a symbol of vigour and vitality in a reawakened people; it is evidence of progress in the rebuilding of a country of 450 million people. The spectacle of China in transition may not be entirely pleasant to view, but it is not different from the sight of an old structure in the process of remodelling. The important point is, to quote the words of the Commission's report, that 'in spite of difficulties, delays and failures, considerable progress has in fact been made'" (page 17).

That the criticism of the Japanese representative about conditions in China is not well-founded in fact appears clear, not only from the report of the Commission of Enquiry with which he disagrees, but also from statements by other impartial observers. Thus, for example, Dr. David Brown, a trusted associate of President Hoover in international relief work, addressing the American University Club at Shanghai recently upon his return from his extensive visit to Central China, said:

Dr. David
Brown's
opinion.

"I have travelled by air and motor nearly 4,000 miles and visited the provinces of Suiyuan, Shansi, Shensi, Kansu, Honan. Not only did I not see any evidence of disturbed conditions, but every evidence of order, unity and loyalty to the Central Government. I am not unaware of the disturbed conditions in some parts of China, but this is a vast country with a young Government going through the ordeal of finding itself, just as other Governments have had to do. To ask or expect perfect unity among all people of China is to ask more of this young republic than many older Governments are able to present to the world."

Indeed, on November 20th, 1932, when the Japanese delegation here in Geneva was widely distributing the "Observations of the Japanese

Government", in which it repeated the allegation that "China is in a condition of complete chaos and incredible anarchy", and only a few hours before the Japanese representative on the Council again saw fit to complain at the meeting of the Council on November 21st of "the unhappy condition" of China and the "kaleidoscope of rival military leaders", M. Ariyoshi, Japanese Minister to China, made the following statement to the Japanese journalists at Shanghai :

M. Ariyoshi's statement.

"There is a great deal of talk about dismemberment of China and the continual development of civil troubles, but it is absolutely impossible to believe that General Chiang Kai-shek can possibly lose control of the situation. He has made a vigorous and energetic attack against Communism, and the Government in all its administrative departments is thoroughly united in its politics and in its programme. Consequently, there is not any reason whatever to expect the fall of General Chiang Kai-shek or the Central Government."

The contradictory statements from responsible Japanese spokesmen cannot all be correct. Not only do they illustrate the nature of the well-known "dual diplomacy" of the Foreign Office and the Army in Tokio, but also serve to call attention to the standard of veracity observed by Japanese representatives when hard pressed to defend their country's case before an international tribunal.

Japan's policy of preventing unification in China.

The fact is that one of the great difficulties with which China has been confronted in her task of unification and reconstruction is Japan's repeated attempts to embarrass her and to prevent its accomplishment. During the past twenty years, since the establishment of the Chinese Republic, the activities of Japanese agents to instigate revolts and create disorders in China have been conspicuous. Several instances are cited in the statement of the Chinese representative before the Council at its meeting held on November 21st last and it is needless to go into detail again. Suffice it to reproduce here a paragraph commenting upon the Japanese allegation that "China is not an organised State", as follows :

"It is a singular yet significant fact to be noted that Japan, while never ceasing to complain to the world of the disunited condition of China, persistently pursues a policy of preventing unification in China. It raises the question whether Japan really wants to see China united. There is evidently a sense of apprehension lest a united China would be a blow to her policy of expansion and to her dream of world conquest. This fear is gently hinted in the report when it says (page 131) that 'at the heart of the problem for Japan, lies her anxiety concerning the political development of modern China, and the future to which it is tending'."

Japan's continental policy.

The Japanese representative in his statement before the Council asks "on the other hand, for how many years has the condition of China been a menace to the peace of the world and how long will it continue to be?" The real menace to the peace of the Far East and the world is Japan's traditional policy, the so-called continental policy, of expansion and conquest on the Asiatic mainland. The nature, scope and historical background of this policy of Japanese aggression are explained in the statement of the Chinese representative before the Council at its meeting of November 21st last. It is implemented with a definite plan of action based upon two immediate objectives: the northward push—i.e., invasion into Manchuria and North China through Korea—and the southward push—i.e., invasion of Central and South China and the territories in the South Seas, setting its base of operations on Formosa. There is no better account of the principal features of this policy than what is described in

a document called the "Tanaka Memorial".¹ The "positive policy" announced and pursued by General Tanaka when he was Premier is only one phase of the continental policy of expansion. The policy of modern Japan *vis-à-vis* China and the Asiatic mainland in general, corresponds so clearly with the comprehensive policy outlined in this document that all those who wish to understand the meaning of the actions of military Japan could not do better than to read it, whatever may be its real character. This policy is a most important "circumstance which, affecting international relations, threatens to disturb the peace between China and Japan or the good understanding between them upon which peace depends". It explains the recurrence of friction, conflict and war between China and Japan during the past decades. It is the mainspring of the flagrant acts of aggression and war in Shanghai, Tientsin and Manchuria and accounts for Japan's repeated failure to keep faith with other nations.

Internally, it is also this policy which is the underlying cause of the reign of terror, financial stress and social unrest in Japan to-day. The whole country is now in the grip of the military chiefs. With the right of direct appeal to the Throne conferred by the Imperial Constitution upon the Ministers of War and Navy, the Chief of General Staff and the Chief of the Naval General Staff, with their absolute control of all military matters, without the intervention even of the Premier, and with their immunity from responsibility to the Imperial Diet, the military clique make and unmake cabinets in Tokio. The civilian leaders are coerced into acquiescence. There is such a reign of terror in Japan to-day that even the strong-minded liberal elements consider discretion as the better part of valour, or their lives will at once be in danger. Thus, within nine months, four of the most prominent political leaders were killed by the band of assassins. Premier Hamaguchi, leader of the Minseito Party, died on August 26th, 1932, of a bullet wound received on November 14th, 1930. M. Inoue,

The Tanaka Memorial.

Japan's internal conditions : Reign of terror, financial stress and social unrest.

¹ The Japanese representative at the Council meeting of November 23rd claimed that the so-called "Tanaka Memorial" was a forged document. He stated among other things :

"In bringing a serious charge against the late General Tanaka and stating that there was no room to doubt the authenticity of it, I presume the delegate of China is ready to prove this by producing evidence before the Council."

Later at the meeting, he again said that :

"Since he [the Chinese representative] had committed himself to a statement that there was no room to doubt its authenticity, I asked him to prove it by the production of evidence. I made that demand in order that at the next meeting he will have my request particularly in mind and will respond to it."

The reply was given by the Chinese representative at the meeting of the Council on November 24th. He stated in fact :

"Let me say, on the question of the existence of a Japanese document, such evidence can be produced only by those who have access to the Imperial archives in Tokio, but, in my opinion, the best proof on the question is really the whole situation in Manchuria to-day."

That reference to the "Tanaka Memorial", which contains such a masterly exposition of Japan's national policy of expansion and conquest, should have been considered by the Japanese representative as "a serious charge against the late General Tanaka", is difficult to understand. This is the more so, since the "positive policy" was announced by General Tanaka when he was Premier of Japan and has always been highly commended by the Japanese people.

What were the precise words spoken by the Chinese representative on this point? They were :

"According to the Memorial to the Throne of General Tanaka, former Premier of Japan, a document which was frequently referred to in the Japanese Press before the Manchurian situation arose in September 1931, without ever raising any doubt as to its authenticity, 'the control of China's Three Eastern Provinces is but one step in the programme of world domination'."

The Japanese publications alluded to are, among others, the *Chugai Shogyo-Shimpo* of July 31st, 1931, and the *Central Review*, of September 1931. Nothing in the words employed justified the Japanese representative in repeatedly asserting that the Chinese representative "had committed himself to a statement that there was no room to doubt its authenticity," and such an assertion cannot be explained except as another instance of Japanese studied distortion. As regards the nature of the document itself, if one is to judge by the clear evidence of Japan's actions in Manchuria and in China proper, there is ample reason to believe that the "Tanaka Memorial", while it may not have actually been presented to the Mikado, is an authentic document of great significance.

Minister of Finance, was assassinated on February 9th, 1932. Baron Dan, financial brain of the Mitsui clique, was shot to death on March 5th, 1932. Premier Inukai, leader of the Seiyukai Party, was killed by a fusillade of shots from a group of seventeen young cadets of the Army and the Navy on May 15th, 1932. On the same day, another group of cadets threw bombs and fired shots at the Central Station of the Metropolitan Police, the Bank of Japan, the Mitsubishi Bank, and the headquarters of the Seiyukai Party. No judgment is reported to have been rendered, nor trial known to have been held by any court.

The consequences and effect of Japanese military aggression in Manchuria and China proper have aggravated the depressing situation brought about by the world economic crisis. As a result of the loss of trade and decrease of exports, the Japanese yen depreciated in value by at least 60 per cent, while the increased expenses consequent upon the military venture in China and the diminution of revenue have combined to produce in the budget of 1932-33 a deficit of nearly 900 million yen, or more than 40 per cent of the total budgeted expenditure, which has to be covered only by internal loans. In contrast with this financial chaos in Japan, let us quote a significant sentence in the recent address of Dr. David Brown before the American University at Shanghai when referring to China's finances :

“ A country that can balance its budget at a time when the budgets of the world are out of balance gives evidence of economic stability and sound planning.”

B. CHINESE NATIONALISM AND THE SO-CALLED “ ANTI-FOREIGNISM ”

On November 23rd last, the Japanese representative endeavoured to conjure up before the Council a dangerous China where fifty million young Chinese, as he said, were being nurtured in anti-foreign teachings, and made an appeal to the Council to deal with the problem immediately. In order to give weight to this appeal, he mentioned the now obsolete case of Boxer uprisings in 1900.

In the “ Observations ”, the Japanese Government likewise called the attention of the Council to the “ revolutionary diplomacy ” of the Chinese Government as well as to the so-called anti-foreign methods of education and the operation of the boycott movements.

It is needless to reiterate the statement that there is no anti-foreign sentiment in China, and that if such sentiment appears to prevail *vis-à-vis* Japan, it is she who, by her own acts of aggression toward China, is responsible for its emergence as a natural reaction.

As the Japanese representative introduced a reference to the Boxer disturbances as a reminder of the existence of anti-foreign feelings on the part of the Chinese people, a word ought to be said with reference to it. The anti-foreign activities in the fateful years of 1900 and 1901 were initiated by the Dowager Empress of the now defunct Manchu dynasty and organised and carried out by her entourage in obedience to her strict orders. The common people in North China readily approved the movement and lent their support to it, because of their unvented feeling of indignation against the “ scramble for territory ” and the “ battle for concessions ”, threatening the dismemberment of the Chinese Empire. But most of the far-sighted Chinese officials refrained from associating themselves with it. Indeed, such influential viceroys and governors like Li-Hung-Chang, Liu Kun-yi, Chang Tse-tung and Yuan Shih-kai endeavoured to prevent, and succeeded in preventing, the spread of the disturbances into the provinces under their respective jurisdiction. Other Chinese officials of high rank in the Court, including Hsu Ching-chen, a former envoy at St. Petersburg, even paid the extreme penalty for their effort to dissuade the Dowager Empress from further precipitating the catastrophe. While the subsequent protocol definitely fixed the responsibility on the then Manchu Government of the Chinese Empire, the point to bear in mind is that the whole incident by no means reflected the views of the more sober-minded and more enlightened section of the people in China. With the radical change of policy toward China on the part of the occidental nations, not only whatever feeling of distrust existed thirty years ago has disappeared, but there is to-day a prevailing sincere desire on the part of the Government and people of China to collaborate with them for common interest.

Moreover, the growth of nationalism in China and echoes of the shibboleth of “ revolutionary diplomacy ” in recent years merely symbolise the re-awakening of a virile national sentiment in China in favour of a definite programme for the attainment of her rightful position in the family of nations. Japan, as well as the countries in America and Europe, has officially expressed her approval of this legitimate aspiration. As late as January 22nd, 1931, Baron Shidehara, then acting Premier and Minister for Foreign Affairs, made a statement to the Imperial Diet, in which he

Charges of
“ anti-
foreignism ”
entirely
unfounded.

Japan as well
as countries in
Europe and
America in
sympathy with
China's
aspirations.

Baron
Shidehara's
statement,
January 22nd,
1931.

Japan's
experiences in
the past :
Anti-foreign
riots and
agitations.

Anti-foreign
passages in
Japanese
school
text-books.

reiterated the determination of his Government to co-operate with China in a friendly and constructive manner for the solution of the latter's problems which would ultimately result in the relinquishment by the Powers of their special rights and privileges. What Japan to-day is severely criticising as the anti-foreign policy of the Chinese Government is none other than that which simply aims at the eventual restoration to China by negotiation and agreement of the special rights and privileges which she has conferred upon foreign nationals within her borders by treaties conducted nearly a century ago and which are generally considered as derogatory to her sovereignty.

The truth is that the popular movement in China to emancipate her from the one-sided restrictions on her political, administrative and jurisdictional freedom is characterised by singular restraint and moderation when contrasted with the experience of Japan in dealing with a similar situation. Thus it may be recalled here that the conclusion of the early treaties by the Japanese Shogunate, in the middle of the nineteenth century, was followed by the outbreak of riots and agitations resulting in the wounding and killing of a number of foreigners and, on two occasions, by an attack on the British Legation. The subsequent negotiations by Inoue for the abrogation of extra-territorial rights gave rise to manifestations of popular discontent and acts of violence against foreign nationals in Japan and had to be suspended because of the insistence of the foreign Powers upon certain conditions as safeguards. The resumption of negotiations on a later occasion culminated in the Kurushima incident, marked with bitter anti-foreign sentiment, in the course of which Count Okuma had his right leg blown off by a bomb and received other serious injuries.

It may also be noticed that in text-books in use in Japanese schools there are not lacking passages inserted apparently for the purpose of constantly reminding the younger generation of Japan of the painful experiences of their country in the past in her relations with foreign Powers. Suffice it to give a few quotations here. In Lesson 2, Volume II, of the "Japanese History Text-book for Primary Schools", (compiled by the Japanese Board of Education), there appears this sentence : "We swear to carry out anti-foreignism". In Lesson 47 of the "National History for Primary Schools", compiled by the Japanese Board of Education, the following passage reads :

"Anti-foreignism . . . by this time the Western countries suddenly enlarged their sphere of activities in the Far East . . . repeatedly hampered us from all sides ; because we refused to have commercial intercourse with her, Russia invaded Karafuto Island, Chishima Island, etc. ; and British ships also created trouble in Nagasaki ; the people, feeling enraged, advocated anti-foreignism, and the Shogunate therefore gave the order to attack the pirate ships of the foreign countries."

Again, Chapter 32 of the "Japanese Middle School History Text-book" (approved by the Japanese Board of Education and published by Sanshodo Kabushiki Co., Japan), reads in part :

"British ships were often seen sailing near the Japanese coast . . . one ship suddenly invaded Nagasaki and violated our national law with the utmost savagery. Our people were much enraged by these violent actions of the British and the Russians and advocated anti-foreignism."

Lastly, in Chapter 34 of the same text-book, there is this sentence :

"America, backed by military force, compelled us to sign unequal treaties."

As the report of the Commission rightly observes :

"The nationalism of modern China is a normal aspect of the period of political transition through which the country is passing. National sentiments and aspirations of a similar kind would be found in any country placed in the same position."

The striking fact is that Japan, instead of profiting by her own experience in this respect and manifesting sympathy for China in her task of reintegrating her sovereignty, should be the first country to misinterpret the legitimate aspirations of the Chinese people and to oppose their full realisation by attributing to them "xenophobia" and "anti-foreignism", in order to mislead world opinion.

On the question of the boycott, the views of the Chinese Government have been fully presented in the statement of the Chinese representative at the meeting of the Council on November 21st last. It is necessary to add only a few comments here.

In the statement of the Japanese representative at the Council meeting of November 23rd, exception was taken, among other things, to the observation that the boycott is "a form of reaction against a given cause of external origin and beyond China's control". It was claimed by the Japanese representative that the boycotts of 1908, 1909, 1919, 1923 and 1925 could not be regarded as retaliation against Japanese military measures.

It is to be noted that the attempt to exclude the five above-mentioned cases from the category of boycotts directed against Japanese military aggression necessarily implies that the other four cases do fall within that category. However, it must be pointed out that all the nine cases of boycotts against Japanese goods which took place in the past twenty-five years arose as a natural and spontaneous response in resistance to Japanese aggressions of one form or another.

Further, if the Chinese Government felt it necessary, as on the present occasion, to adopt special measures in view of the popular and spontaneous manifestations of indignation aroused by the anti-Chinese riots in Korea and intensified by the subsequent Japanese invasion of Manchuria, this was done out of a desire to guide the movement within lawful bounds and to ensure more effectively the safety of Japanese nationals. It was certainly due to this special precaution that only few local incidents have taken place in comparison with the appalling loss of Chinese lives and destruction of Chinese property in Korea, in the Chinese Three Eastern Provinces and in other parts of China, all as a result of Japanese negligence or aggression.

It goes without saying, however, that, if the cause of the boycott movement for which Japan is responsible is removed, the movement itself would, as evidenced by the instances in the past, disappear as naturally as it arose ; and that, if boycott entails State responsibility, as is to be inferred from the Japanese representative's statement, it certainly rests with Japan, the aggressor, and not with China, the victim of Japanese aggression. To hold China responsible for the effect of the boycott *vis-à-vis* Japan would not only be mistaking the result for the cause, but also adding injustice to the wrong and injury to which China has been subjected for the past fifteen months.

Observation in
the report on
the
nationalism
of modern
China.

Boycott
question.

Boycotts as
natural
response to
Japanese
aggressions of
one form or
another.

Government
measures to
guide
movement
within lawful
bounds and
ensure better
protection of
Japanese
nationals.

Responsibility
rests with
Japan not
China.

C. CHINA'S THREE EASTERN PROVINCES (MANCHURIA)

Manchuria
an integral
part of China.

Manchuria, which is known in China as the Three Eastern Provinces, is historically, racially, culturally and politically an integral part of China. But in the "Observations of the Japanese Government", as well as in the statement of the Japanese representative before the Council, an attempt is made to question this indisputable fact. One of the arguments advanced is that it "was distinctly and almost exclusively a Crown domain or a private estate appanage of the Manchu dynasty up to the present century". The fact is that, even before the establishment of the Chinese Republic, the Three Eastern Provinces were placed upon the same footing as other provinces in China proper and were governed or administered in much the same way as the latter. Moreover, the Imperial Edict of Abdication of February 12th, 1912, itself expressly and formally confirms the fact that the Republic of China comprises the territories of the Ta Tsing Empire by enforcing the "union of all the territories of the five races of Manchus, Chinese, Mongols, Mohammedans and Thibetans into a great Republic of China". The provisional Constitution of the Republic of 1912, too, in Article 3, expressly provides that "the Territory of the Republic of China consists of the twenty-two Provinces". The same or similar provision is found in the Constitutions of October 10th, 1923, and June 1st, 1931.

On pages 14 and 15 of the "Observations", the Japanese Government took pains to show that "the union of Manchuria with China has only been temporary and accidental" and that such connection "was loose and vague". In support of this position, special attention was drawn to a certain passage quoted from a recent book written by a French author, M. ESCARRA, and to a translation of a declaration issued by Chang Tso-lin in May 1922.

M. Escarra's
letter.

With reference to M. Escarra's recent publication, he wrote in his letter to Dr. Wellington Koo, dated Paris, November 22nd last, to say that "*le passage visé signifie exclusivement que la disparition de la dynastie mandchoue enlevait désormais toute base à la formule d'union personnelle sur laquelle on avait pu, à une certaine époque, fonder le rattachement politique de la Mandchourie à la Chine. Il fallait donc trouver une autre formule juridique et il est rechercher (sic) cette formule nouvelle d'une manière consciencieuse. Il n'en était du reste nul besoin, les droits de la Chine sur la Mandchourie n'ayant jamais paru contestables à personne.*" And he remarked in the same letter that "*le procédé de citation employé et l'interprétation donnée d'un passage du livre en cause sont caractéristiques de la mauvaise foi traditionnelle du Gouvernement japonais.*"

Marshal Chang
Tso-lin's
declaration.

As regards the declaration made by Marshal Chang Tso-lin in May 1922, in connection with a controversy between him and President Hsu Shih-Chang in that year, the first passage of that declaration, when correctly rendered into English should read as follows :

"I have received from Hsu Shih-Chang a communication ignoring the Three Eastern Provinces, the Special Areas of Jehol and Chahar as well as Inner and Outer Mongolia. Such disregard means his non-recognition of these places of the territory of the Chinese Republic."

This was the declaration which Marshal Chang Tso-lin made in order to justify his taking up arms against the Central Government on the alleged ground that President Hsu Shih-Chang had neglected the territories mentioned. Apart from the fact that this allegation was nothing more than an act of imputation in the polemics of political controversy, the Chinese text of this document makes it clear that the Marshal himself considered these territories as an integral part of the Chinese Republic and was determined to preserve them as such even by resort to arms. Not only does the Japanese argument based upon the declaration betray a clear misinterpretation of its meaning, but the text given in the footnote of the "Observations" is an erroneous translation. Far from contradicting it, this document confirms the statement in the report (page 28) that "the independence declared by Marshal Chang Tso-lin at different times never meant that he or the people of Manchuria wished to be separated from China". In fact : "Through all its wars and periods of independence, therefore", to quote another expression of the report, page 29, "Manchuria remained an integral part of China".

Internationally, Manchuria has always been and is recognised as an integral part of China. The diplomatic instruments and correspondence between China and other nations, including Japan, show beyond a doubt that Japan as well as the rest of the world recognised Chinese sovereignty over Manchuria since, as well as before, the Republic was established in 1912, and only now she attempts to deny it.

Indeed, if China is not sovereign in Manchuria, why did Japan issue an ultimatum to China in 1915 in order to force China to confer certain valuable rights in Manchuria upon Japan? In all the proceedings of the Washington Conference, too, Japan did not once question this fundamental fact. In fact, the Nine-Power Treaty itself is based upon the preservation of the political and territorial integrity of the entire Chinese domain. To that, Japan unreservedly agreed and solemnised it by the signature of her duly authorised representatives.

When Baron Shidehara, Japanese Minister for Foreign Affairs, desired, in October 1931, to negotiate direct with China for a settlement of the Manchurian situation, it was to the Chinese Government at Nanking that he addressed his proposal.

In a word, as the report (page 38) states :

"The Chinese people regard Manchuria as an integral part of China and deeply resent any attempt to separate it from the rest of their country. Hitherto, these Three Eastern Provinces have always been considered both by China and by foreign Powers as a part of China, and the *de jure* authority of the Chinese Government there has been unquestioned. This is evidenced in many Sino-Japanese treaties and agreements, as well as in other international conventions, and has been reiterated in numerous statements issued officially by Foreign Offices, including that of Japan."

The "Observations" of the Japanese Government criticised the former Chinese administration in Manchuria and cited passages in the report to support its criticism, carefully avoiding other passages which give credit to the Chinese authorities for their efforts and achievements in Manchuria.

Thus the report, on the same pages (pages 31 and 32) from which the "Observations" have quoted, reads :

"Whatever the shortcomings of the administration in Manchuria may have been in the period preceding the events of September 1931, efforts were made in some parts of the country to improve the administration, and certain achievements must be noted, particularly in the field of education, progress of municipal administration, and of

Manchuria
always
recognised
as an integral
part of China
by Japan and
other nations.

Statement in
the report.

China's efforts
and
achievements
in
Manchuria.

public utility work. It is necessary, in particular, to emphasise that, during this period, under the administration of Marshal Chang Tso-lin and Marshal Chang Hsueh-liang, the Chinese population and Chinese interests played a much greater part than formerly in the development and organisation of the economic resources of Manchuria.

"The extensive settlement of Chinese immigrants, already mentioned, helped to develop the economic and social relations between Manchuria and the rest of China. But, apart from this colonisation, it was during this period that Chinese railways, independent of Japanese capital, notably the Mukden-Hailung, the Tahushan-Tungliao (a branch of the Peiping-Mukden system), the Tsitsihar-Koshan, and the Hulun-Hailun railways, were built, and that the Hulutao Harbour project, the Liao River Conservancy work, and some navigation enterprises on various rivers were started. Official and private Chinese interests participated in many enterprises. In mining, they had an interest in the Penhsihu, Muling, Chailainoerh and Laotoukou coal-mines, and sole responsibility for the development of other mines, many of them under the direction of the official North-Eastern Mining Administration; they were also interested in gold-mining in Heilungkiang Province. In forestry, they had a joint interest with Japanese in the Yalu Timber Company and were engaged in the timber industry in Heilungkiang and Kirin Provinces. Agricultural experimental stations were started in various places in Manchuria, and agricultural associations and irrigation projects were encouraged. Finally, Chinese interests were engaged in milling and textile industries, bean, oil and flour mills in Harbin, spinning and weaving mills for Pongee or Tussah silk, cotton and wool.

"Commerce between Manchuria and the rest of China also increased. This trade was partly financed by Chinese banks, notably the Bank of China, which had established branches in the leading towns in Manchuria. Chinese steamships and native junks plied between China proper and Dairen, Yingkow (New-chang) and Antung."

The above-quoted paragraphs give only an indication of the progress affected by Chinese authorities in Manchuria. A more complete picture of what was accomplished by them is given in a memorandum (document No. 17) on "Chinese Efforts in the Development of the Three Eastern Provinces", submitted by the Chinese Assessor to the Commission of Enquiry.

Without denying due credit for what improvements Japan has actually made over the former Russian achievements in the leased territory of Port Arthur and Dairen and within the South Manchuria Railway zone, it is only stating a fact when it is pointed out that the prosperity of the vast territory of Manchuria, of which the territory under Japanese control constitutes less than 1/2 per cent of the whole area, has been due neither to Japan's "great work of civilisation" nor to her alleged "special position". Let us quote a disinterested and impartial authority on the subject. Mr. F. E. WILKINSON, who was British Consul-General in Mukden from 1921 to 1928, wrote in the *Spectator* of May 7th, 1932 :

"No one will deny that the progress which Manchuria has made during the past twenty-five years has been mainly due to the development by the Chinese of its agricultural resources. That this development was only rendered possible by the construction of the Chinese Eastern and South Manchuria Railways may be admitted, but both these railways were originally planned and built by the Russians, who also opened Dairen as a commercial port. The Japanese have merely carried on and extended the work initiated by the Russians

Mr.
Wilkinson's
opinion.

and, while they have done so very efficiently and with great advantage to the trade of the territory as well as their own trade, the claim which they make to being the creators of the prosperity of Manchuria is absurd. Considering the extraordinary fertility of its soil and its great natural wealth, the steady increase since 1907 in the trade of Manchuria is in no way astonishing. It would have been far more rapid but for the preferential rights claimed by the Japanese, and, more especially, their veto on the employment of foreign capital other than Japanese in the construction of railways and the development of the mineral resources of the territory."

The claim of Japan to a "special position" in Manchuria is a mere cloak for her traditional policy of expansion and conquest on the Asiatic mainland. It has never been, and is not, admitted by China nor understood by the other Powers. According to the "Observations", "it is nothing but the aggregate of Japan's exceptional treaty rights in that country, plus the natural consequences which flow from her close neighbourhood and geographical situation and from her historical association". It is more : it is, in part, according to the report, made up of "feeling" and "pride". Japan's arguments in support of her claim to a "special position" in Manchuria are the same arguments which she advanced in the case of Korea before annexation. If such considerations were accepted as justifying the recognition of a "special position" in another country's sovereign territory, it could be imagined what dangerous complications might arise, not only in the Far East, but in other parts of the world. There could be no hope of permanent peace in the relations of nations. Such being the nature of the Japanese claims to a "special position" in Manchuria, as the report (page 39) says, "It is very natural, therefore, that the Japanese use of this expression in diplomatic language should be obscure, and that other States should have found it difficult, if not impossible, to recognise it by international instruments". The views of the Commission are clearly given in the following passage :

"The Japanese Government, since the Russo-Japanese war, has at various times sought to obtain from Russia, France, the United Kingdom and the United States of America recognition of their country's 'special position', 'special influence and interest', or 'paramount interest' in Manchuria. These efforts have only met with partial success, and, where recognition of such claims has been accorded in more or less definite terms, the international agreements or understandings containing them have largely disappeared with the passage of time, either by formal abrogation or otherwise—as, for example, the Russo-Japanese secret Conventions of 1907, 1910, 1912 and 1916, made with the former Tsarist Government of Russia; the Anglo-Japanese Conventions of Alliance, Guarantee and Declaration of Policies; and the Lansing-Ishii Exchange of Notes of 1917. The signatories of the Nine-Power Treaty of the Washington Conference of February 6th, 1922, by agreeing 'to respect the sovereignty, the independence, and the territorial and administrative integrity' of China, to maintain 'equality of opportunity in China for the trade and industry of all nations', by refraining from taking advantage of conditions in China 'in order to seek special rights or privileges' there, and by providing 'the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable 'Government', challenged to a large extent the claims of any signatory State to a 'special position' or to 'special rights and interests' in any part of China, including Manchuria."

Japan's claim
to a "special
position" in
Manchuria
unfounded.

Views of the
Commission.

" The Japanese claim with respect to Manchuria conflicts with the sovereign rights of China and is irreconcilable with the aspirations of the National Government, which seeks to curtail existing exceptional rights and privileges of foreign States throughout China and to prevent their further extension in the future. "

Japan's enterprises in Manchuria carried on with a political motive.

The Japanese Government also allege in their " Observations " that the enterprises and establishments of the Japanese in Manchuria " have been the objects of Chinese direct attack ". That such a general allegation is not founded on fact will be seen from a perusal of the memoranda presented to the Commission of Enquiry by the Chinese Assessor. The fact that the Japanese enterprises and establishments are carried on and maintained with a political motive renders it necessary to keep them closely to the terms of the grant under which they have been authorised by China. It is an established canon of law that instruments conferring rights which are in their nature limitations upon the sovereignty of the grantor should be strictly construed. In other words, the political character of the Japanese activities in China's Three Eastern Provinces explains the reluctance of the Chinese authorities to see them extend their scope, especially when such extension is contrary to the treaties or agreements in force. Thus, speaking of the South Manchuria Railway, which is the principal enterprise in Manchuria, the report on pages 50 and 51 says :

" The railway company was, in fact, a political enterprise. It was a Japanese Government agency, the Government controlling a majority of its shares ; its administrative policy was so closely controlled by the Government that the company's higher officials were almost invariably changed when a new Cabinet came into power in Japan. Moreover, the company had always been charged, under Japanese law, with broad political administrative functions, including police, taxation and education. To have divested the company of these functions would have been to abandon the entire ' special mission ' of the South Manchuria Railway, as originally conceived and subsequently developed. "

It is further stated in the " Observations " that " the report neither in Chapter III nor anywhere else evinces any condemnation of the deliberate policy of violation and repudiation of treaties and other engagements pursued by China ; it even inclines to excuse them on the plea of the Nationalist programme of emancipation " .

China is not pursuing any policy of violation and repudiation of treaties.

It cannot be too strongly emphasised that China has never been, and is not, pursuing any policy of violation and repudiation of treaties. Nor is it true that there was " the impossibility by reason of the hostile attitude of China of arriving at any satisfactory solution of pending questions " .

The " parallel railways " question.

All of the four questions mentioned by the Japanese Government are the subjects of special memoranda presented to the Commission of Enquiry by the Chinese Assessor and in which the views of the Chinese Government are stated. It is not necessary to discuss them here again. But to show that the Japanese allegation in respect of these questions is not founded on fact, it is useful, as an example, to refer to the Japanese charge that China has formulated and carried out the so-called " encircling policy directed against the South Manchuria Railway ". This charge was based upon a claim by Japan of an alleged " treaty right " in her favour binding China not to construct railways parallel to the South Manchuria Railway. It has always been contended by China, and this contention is now confirmed in the report of the Commission, that there was no such treaty right (page 44). But Japan argued to the contrary, and even notified the Chancelleries of Europe and America that her claim was well founded.

Now the mystery has at last been lifted by the following statement in the report (page 44) :

" . . . we are now able to state that the alleged engagement of the Chinese plenipotentiaries of the Peking Conference of November-December 1905 regarding so-called ' parallel railways ' is not contained in any formal treaty ; that the alleged engagement in question is to be found in the Minutes of the eleventh day of the Peking Conference, December 4th, 1905. We have obtained agreement from the Japanese and Chinese Assessors that no other document containing such alleged engagement exists beyond this entry in the Minutes of the Peking Conference. "

While the allegation of China's violation of treaties has been shown to be unfounded, it is clear from the report that Japan herself has frequently acted contrary to treaties and has usurped certain rights in violation of her undertakings. As an example, we may mention the continued maintenance of Japanese railway guards and Japanese consular police.

Japan's violations of treaty stipulations.

As to the question of railway guards, the report, after quoting Article II of the Additional Agreement of December 22nd, 1905, in which " the Imperial Japanese Government, in the event of Russia's agreeing to the withdrawal of her railway guards, consents to take similar steps accordingly, " says (page 52) :

Continued maintenance of railway guards.

" It is this article upon which Japan based her treaty right. Russia, however, long since withdrew her guards and she relinquished her rights to keep them by the Sino-Soviet Agreement of 1924. But Japan contended that tranquillity had not been established in Manchuria and that China was not herself capable of affording full protection to foreigners ; therefore she claimed that she still retained a valid treaty right to maintain railway guards.

" Japan has appeared increasingly inclined to defend her use of these guards less upon treaty right than upon the grounds of ' absolute necessity under the existing state in Manchuria ' . "

Again, on the question of Japan's claim to maintain consular police in Manchuria and other parts of China, the report, after stating that Japan contended that this right was a corollary to the right of extra-territoriality, observes (page 53) that it is " contrary to the general practice of countries having extra-territorial treaties " .

Japan's claim to maintain consular police.

D. THE INCIDENT OF SEPTEMBER 18TH AND THE QUESTION OF SELF-DEFENCE

The
September
18th incident.

On the incident of September 18th and subsequent operations, few words need be added beyond quoting the following passage in the report (page 70) :

“ After a thorough consideration of such opinions, as well as of the accounts of the interested parties, and after a mature study of the considerable quantity of written material and a careful weighing of the great mass of evidence which was presented or collected, the Commission has come to the following conclusions :

“ Tense feeling undoubtedly existed between the Japanese and Chinese military forces. The Japanese, as was explained to the Commission in evidence, had a carefully prepared plan to meet the case of possible hostilities between themselves and the Chinese. On the night of September 18th-19th, this plan was put into operation with swiftness and precision. The Chinese, in accordance with the instructions referred to on page 69, had no plan of attacking the Japanese troops, or of endangering the lives or property of Japanese nationals at this particular time or place. They made no concerted or authorised attack on the Japanese forces and were surprised by the Japanese attack and subsequent operations. An explosion undoubtedly occurred on or near the railroad between 10 and 10.30 p.m. on September 18th, but the damage, if any, to the railroad did not, in fact, prevent the punctual arrival of the south-bound train from Changchun, and was not in itself sufficient to justify military action. The military operations of the Japanese troops during the night, which have been described above, cannot be regarded as measures of legitimate self-defence.”

The Japanese Government in its “ Observations ” clearly admits that the Japanese army had a plan and adds : “ Every possible combination had been minutely worked out ; frequent manœuvres helped to make the execution of the plan almost automatic ”.

If the incident of September 18th was, according to the Japanese opinion, justifiable on the grounds of self-defence (which is clearly not the opinion of the Commission as well as of the Chinese Government), what about the subsequent military operations which have resulted in the military occupation of practically the whole of Manchuria ? Here the answer in the “ Observations ” is conveniently curt :

“ The Japanese Government will not here enter into the numerous points of detail in which observations would have to be made. They are conscious of never having transgressed the due limits of the right of self-defence.”

It is scarcely necessary to point out that the account given in the report of the Commission covering twelve full pages (71 to 83) is far more helpful to an understanding of the real purpose of the Japanese military operations which have taken place in all parts of Manchuria during the past fifteen months and which still continue to-day.

Japan's
contention.

The Japanese Government, however, took great pains to labour the point that the fundamental principle underlying its military preparations before the occurrence of the September 18th incident and its military operations since then was the exercise of the full right of self-defence with the avowed object of protecting Japan's so-called “ special position ” in Manchuria. In support of its contention, the Japanese Government called attention to certain reservations made by some of the signatory Powers to the Kellogg-Briand Pact, and to the case of the *Caroline* as well as to the case of Navarino. It is therefore proposed to examine briefly the points thus raised in order to see how far these precedents could support the Japanese contention.

It is true that, in the course of the negotiations for the conclusion of the Kellogg-Briand Pact, the French Government made four reservations thereto, one of them being that “ each country should retain the right of legitimate defence ”. With reference to this reservation, Mr. Kellogg, American Secretary of State and co-author of the Pact, in a speech before the American International Law Association at Washington on April 29th, 1928, made these significant remarks :

“ If it [i.e., the nation invoking the right of self-defence] has a good case, the world will applaud and not condemn its action. . . .

“ It is not in the interest of peace that a treaty should stipulate a juristic conception of self-defence, since it is far too easy for the unscrupulous to mould events to accord with an agreed definition.”

In the report of the United States Senate Committee on Foreign Relations, January 14th, 1929, it was stated that :

“ The treaty in brief pledges the nations bound by the same not to resort to war in the settlement of their international controversies save in *bona-fide* self-defence. . . .”

Again, Mr. Stimson, American Secretary of State, in an address before the Council on Foreign Relations on August 8th, 1932, said :

“ The limits of self-defence have been clearly defined by countless precedents. . . . A nation which sought to mask imperialistic policy under the guise of the defence of its nationals would soon be unmasked.”

Apart from the fact that reservations made by one Power to a multilateral treaty which are not made a part thereof or an annex thereto are not binding on another signatory Power, it is clear from the above-quoted statements that a State which invokes and exercises the right of self-defence must have a good case of *bona-fide* self-defence, in the absence of which it would soon expose itself to the criticism of being an unscrupulous State endeavouring to mask its imperialistic policy under the guise of self-defence. Measured by this standard, and in view of the finding in the report (page 71) that “ the military operations of the Japanese troops during this night . . . cannot be regarded as measures of legitimate self-defence ”, one can easily judge for oneself whether or not Japan has a good case of *bona-fide* self-defence.

As regards the case of the *Caroline*, it need only be pointed out that it is hardly applicable to the present dispute between China and Japan. In that case, the invasion of American territorial waters by Canada appears to have been acquiesced in by the United States Government because they were satisfied that there was “ a necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation ”. In the case of the September 18th incident, there clearly existed no necessity of self-defence of this description. Even supposing that the

Mr. Kellogg's
view of
self-defence in
the Pact of
Paris.

Report of the
United States
Senate
Committee
on Foreign
Relations.

Mr. Stimson's
address,
August 8th,
1932.

The case of the
“ Caroline ”.

alleged railroad explosion actually occurred on the night of that day, it was stated in the report in unmistakable terms (page 71) that :

" . . . the damage, if any, to the railroad did not in fact prevent the punctual arrival of the south-bound train from Changchun and was not in itself sufficient to justify military action ".

Professor
K. Yokota's
speech,
October 15th,
1931.

In this connection, it may not be out of place to give a quotation from Professor Kisaburo Yokota, of the Tokio Imperial University, from his speech on October 15th, 1931. He says, in part :

" Granted the destruction of railroad track is a cause of grievance, the proper action to take in self-defence would be a counter-attack on the intruding soldiers. Or the most that the Japanese army could do, still in the name of self-defence, would be the occupation of Peitaying (North Barracks). But in the course of the advance on Peitaying there was almost a simultaneous attack on Mukden city. Can such an act be styled as self-defence ? Moreover, within six hours following the railway blow-up (10.30 p.m., September 18th), Kwan-chengtze, some 400 kilometres to the north, was taken (4.40 a.m., September 19th); Yinkow, 200 kilometres to the south, was also occupied by Japanese troops (5 a.m., same day). How can these facts reconcile with the professed motive for action, self-defence ?

" If the mobilisation of troops is actuated by self-defence, then their withdrawal should only be a matter of course when self-defensive measures are no longer warranted. But should irrelevant issues be allowed into play, and should Japan insist on the acceptance of such demands as being conditional to the withdrawal of her troops, the very idea of self-defence would immediately invite scrutiny and suspicion."

Moreover, the salient features in the case of the *Caroline* were that the English force was withdrawn after having set adrift the steamer in question down the Falls of Niagara and that subsequently the British Government apologised for the violation of American territorial sovereignty.

Hall's
comments in
connection
with the case
of the
" Caroline ".

In commenting on that case, HALL in his *International Law* (7th edition, pages 280 and 281) says :

" As the measures taken when a State protects itself by violating the sovereignty of another are confessedly exceptional acts, beyond the limits of ordinary law, and permitted only for the supreme motive of self-preservation, they must evidently be confined within the narrowest limits consistent with obtaining the required end. It is therefore more than questionable whether a State can use advantages gained by such measures to do anything beyond that which is necessary for immediate self-protection, which it will not otherwise be in a position to do."

And it may be added here that Hall's views as expressed above are fully endorsed by Dr. TAKAHASHI, an eminent Japanese jurist, in his *International Law* (10th edition, page 535).

The case of
Navarino.

With reference to the case of Navarino, only a few words need be said. As the independence movement of Greece from the oppressions of Turkey and Egypt had been planned by the Greeks years before the Battle of Navarino, it is inaccurate to suggest that a chance shot resulted in the independence of Greece. If, in the case of Manchuria, there was the so-called " independence declared by Marshal Chang Tso-lin at different times ", the report says on page 28 that it " never meant that he or the people of Manchuria wished to be separated from China ". The report adds (page 97) that the " Independence Movement . . . had never been

heard of in Manchuria before September 1931 ". Therefore, there is no similarity between the case of Navarino and the September 18th incident, which was created and precipitated by Japan with the ultimate object of the alienation of the Three Eastern Provinces from the rest of China.

From the foregoing, it is clear that the statement in the Japanese " Observations " that " these [military] operations had no relation to anything but self-defence " and that the Japanese Government " are conscious of never having transgressed the due limits of the right of self-defence " (page 25) is entirely misleading and cannot be justified in international law or in international practice.

Japanese
statement
misleading.

E. "MANCHUKUO".

"Manchukuo" is an artificial creation of Japan.

Actual meaning of the expression "Paoching Anmin".

So-called leaders in the "Independence Movement".

The "Observations" in Chapter IV devote ten pages to "the New State". This chapter, like others, is filled with a number of unfounded allegations, irrelevant arguments and unwarranted assertions, but adds no new data to what the Japanese Assessor presented to the Commission and exchanged with the Chinese Assessor. Practically the only addition is the text of the Protocol of September 15th, 1932, which is useful only as further evidence of Japan's wanton disregard of her solemn obligations under the Nine-Power Treaty "to respect the sovereignty, the independence and the territorial and administrative integrity of China". All the points raised in respect to the establishment of the "Manchukuo", the opinion of the inhabitants in Manchuria and the future prospect of this puppet regime have been discussed carefully, objectively, comprehensively, and in great detail by the report of the Commission extending over twenty-two full pages. It is conclusively proved by the report that the "Manchukuo", far from being the expression of the free will of the people of Manchuria, is an artificial creation of the Japanese officials and is controlled by them.

But to the considered opinion of the Commission the Japanese "Observations" take exception. Few comments, however, are needed to show that the reasons they have advanced for their objection are as ill-founded as the opinions of the Commission are convincing. Thus, for example, the Chinese phrase "*Paoching Anmin*" simply means "Protect our area and ensure peace to the inhabitants". It is a political slogan frequently employed in different parts of China to indicate the adoption of a policy on the part of the authorities concerned to keep aloof from any civil strife that might be raging in their neighbourhood. The area may be a city, a district, or a province or a group of provinces. It is never meant to connote or imply any intention to secede from China as a whole or to seek an independent national existence. Therefore, it is a far-fetched attempt to interpret, or rather misinterpret, the phrase "*Paoching Anmin*" as the embodiment of a movement for "Manchuria for the Manchurians"—a movement which existed only in the minds of the Japanese. Of the two supposed leaders of this "movement", one, M. Wang Yung-chiang, has been dead for over three years, and the other, M. Yu Chung-han, because he has always been closely associated with the Japanese in a variety of business and industrial enterprises, has never been able to be entirely free from Japanese influence and pressure. But there is reason to doubt whether even this gentleman really would favour a Japanese created and controlled Manchukuo.¹

¹ At a conference held at the Yamato Hotel, Mukden, on January 11th, 1932, for the purpose of exchanging views on the question of the establishment of a new State, attended by thirty-one Japanese, including the Japanese Consul, M. Morishima, and six Chinese, and presided over by M. Takeuchi, chief Mukden correspondent of the *Osaka Asahi*, M. Yu Chung-han, when called upon by the Chairman to express his views, said:

"I am not well to-day and feel weak. As to the measures of rehabilitation for Manchuria and Mongolia, the establishment of a new State, as stated by M. Takeuchi, seems most appropriate. It is most important, however, as regards the organisation of a new State, to respect the will of the people."

M. Takeuchi: "Then what form of government should be adopted in the new independent State of Manchuria and Mongolia?"

M. Yu Chung-han: "On this, it is difficult to make a decision without a thorough study. I cannot therefore answer now."

It is quite probable, as stated in the "Observations", that Dr. Chao Hsin-po and a group of professors at the Fung Yung University in Mukden, in their opposition to the militarist policy of General Chang Hsueh-liang, desired to effect political reforms. The dislike of militaristic rulers exists in other parts of China too, but neither in Manchuria nor elsewhere in China has it been accompanied by a desire to create an independence movement and establish a new State separate from China. It is a well-recognised fact that the so-called "independence movement" had never been heard of in Manchuria before September 1931.

The "Observations" consider it as "unfounded" that the movement to proclaim the independent State of Manchuria was inaugurated, organised and carried through by the Japanese as a solution for the situation which had arisen as a consequence of the events of September 18th, utilising for this purpose the names and active co-operation of certain Chinese personages; that the activities of the Japanese Headquarters Staff were marked, from September 18th onwards, by political motives; and that the General Staff in Tokio lent the independence movement their assistance and gave directions to its organisers. On the contrary, the Japanese Government observes:

"When the authorities who, under General Chang Hsueh-liang, were responsible for the maintenance of order in Manchuria disappeared, as they mainly did after the events of September 18th, some organisation was evidently necessary in order to carry on the normal machinery of daily life; local vigilance committees were formed by the local leaders, and the Japanese army welcomed their co-operation and assisted them. . . ."

In point of fact, the Japanese military authorities, wherever their troops reached in Manchuria, destroyed the Chinese civil administration and, by coercion and intimidation, they did away with the legitimate Chinese officials or forced them to do their bidding. Failing to secure any docile Chinese to fill a vacated office, they did not hesitate to appoint a Japanese instead. Thus Colonel Dohihara, who later spirited Henry Pu-yi from Tientsin for installation as "Chief Executive of Manchukuo", was appointed Mayor of Mukden by General Honjo immediately after the incident of September 18th.

The deliberate intention and purpose on the part of the Japanese of destroying Chinese civil authority in order to carry out their own political programme was disclosed in all their Machiavellian unscrupulousness in the bombing and destruction in October 1931 of Chinchow, whither the Chinese Provincial Government at Mukden had just removed.

As to the allegation obviously made as an argument to prove the reality of the "independence movement" that the movement for the restoration of the Manchu Dynasty "has been connected throughout in a large degree with Manchuria", it will suffice to recall the Japanese plot—mentioned in the statement of the Chinese representative before the Council on November 21st last and told in detail by Baron Goto in his pamphlet "The Activities of Japanese Nationals and Troops in Manchuria and Mongolia"—to organise a monarchical movement in the Three Eastern Provinces with Prince Su as the figure-head.

Of the so-called Chinese personages of high standing who are alleged in the "Observations" to be "in favour of local, provincial and State independence", practically none is really in sympathy with the Japanese inspired and controlled movement to establish a new, independent State.

For example, Yuan Chin-kai, Chairman of the Mukden Committee of Peace and Order established after the incident of September 18th, in an interview with Reiji Hirano, correspondent of the *Central Review* (a

Destruction of Chinese civil administration and appointment of Japanese as officers.

Yuan Chin-kai's interview with Reiji Hirano.

Japanese periodical in Tokio of which the first issue was published on January 1st, 1932), stated :

"As the situation was urgent and critical, I felt in duty bound to devote all my energy to the maintenance of peace and order in the province [of Liaoning]. On the other hand, I do not entertain any idea as to the suggestion for the unification of the four north-eastern provinces, nor do I have any knowledge about the selection of Henry Pu-yi to govern these four provinces, although a rumour to that effect is gaining currency."

**Tsang Shih-yi's
speech of
inauguration.**

General Tsang Shih-yi, Governor of Liaoning Province before September 18th, 1931, was put under military surveillance on the morrow of the Japanese attack, when he refused to make a declaration of independence as asked by the Japanese. He was removed to, and imprisoned in, General Bao's house for three months and was released only when he consented to serve as the head of the new Provincial Government of Liaoning. Yet in his speech of inauguration, on December 15th, 1931, not a word was said about the establishment of a new State. His significant words are :

"As to the Sino-Japanese relations, the Three Eastern Provinces are more intimately concerned with them. I shall exert my best efforts to promote friendliness between China and Japan."

In practically all the proclamations of the Chinese authorities which were issued before Japan's artificial creation of the "Manchukuo" and which are alleged in the "Observations" as declarations in favour of an "independence movement" for Manchuria, the purpose was clearly stated to be "the maintenance of the local peace and order". This is no less true of the proclamation which General Hsi Hsia was compelled to issue in the city of Kirin on September 26th, 1931, when his troops had been disarmed by Japanese troops in command of General Tamon and when Japanese flags had been hoisted by the latter on the Chinese official buildings.

As to M. Chang Yin-ching and M. Hsieh Chieh-shih, they, like a number of other Chinese "officials of the Manchukuo", are not even natives of the Three Eastern Provinces. M. Chang is of Hopei (Chihli) Province, while M. Hsieh is from Formosa, and was brought to Manchuria by the Japanese for the first time after the incident of September 18th. To ascribe to them a genuine interest in the artificial movement of "Manchuria for the Manchurians", when they themselves are not "Manchurians", is little short of ludicrous.

It is stated in the "Observations" (page 28) that :

"It is proper, in this connection, to point out the fact that both Baron Shidehara, Minister for Foreign Affairs, and General Ninami, Minister of War, issued, on September 26th, instructions to the Japanese officials in Manchuria strictly forbidding participation by Japanese in the various attempts to establish a new political authority in Manchuria. Conformably with these instructions, the Japanese, civil as well as military, uniformly abstained from interference."

That these instructions, if issued, were never followed is beyond doubt. One needs only, for proof, to recall the well-known names of such Japanese as General Honjo, Colonel Dohihara, Major Hayashi, M. Komai, M. Ohashi, and many others, who have been most active as promoters and organisers of the "Manchukuo". To give just one proof : on November 5th, 1931, Major Hayashi presented the following demands to General Ma Chan-shan, Governor of Hailungkiang Province, as conditions for ceasing to attack : (1) that General Ma should resign the governorship of the province in favour of General Chang Hai-peng ; and (2) that a Public Safety Committee should at once be organised.

**Major
Hayashi's
demands to
General Ma
Chan-shan.**

Referring to the "Self-Government Guiding Board", which, in the words of the Commission's report, was the "chief agency in bringing about independence", the "Observations" stated that this board "was under the management of a Chinese", and that the Fourth Department of the Kwantung Army Headquarters, which controlled and was identified with it, "had no connection whatever with the Self-Government Guiding Board". It is to be pointed out, however, that, of the thirteen principal officers of this board, twelve were Japanese. Although the nominal chairman was Yu Chung-han, a Chinese, the real head was M. Nakano, who was at the same time the Chief of the Political Department of the Kwantung Army Headquarters. It is also this Japanese who, as its president, controlled the Training School for Guidance in Self-Government. As a proof of the fact that the Self-Government Guiding Board was entirely controlled by the Japanese in spite of its Chinese chairman, it may be noted that the sixty-four "guiding officers" despatched by the Board to the thirty-two districts of Liaoning Province, being two for each district, were all Japanese.

That the idea of establishing the "Manchukuo" was first conceived and propagated by the Japanese, evidence abounds in the utterances of contemporary Japanese statesmen and soldiers. A few illustrations will serve to make clear this point. In his proclamation of October 4th, 1931, issued at Mukden, two weeks after the incident of September 18th, General Honjo, Commander of the Kwantung Army, openly invited the organisation of an independence movement by saying, in part :

"But, on the other hand, if the thirty million inhabitants of Manchuria and Mongolia desire to make of these regions a land of happiness in which to live and prosper, they will have the heartiest sympathy of the Army, whose only wish is that this unification be speedily accomplished. Such a scheme, which is entirely compatible with our 'kingly doctrine', is, in fact, an urgent measure for our Empire in order to establish friendly relations with our neighbours and build up a sure foundation for eternal peace in 'Eastern Ocean'. It is obvious that all nations of the world, in their love of justice and for the sake of the welfare of these thirty million inhabitants, will not hesitate to lend them their assistance."

At a meeting of leading Japanese statesmen, held on December 5th, 1931, at the Terkoku Hotel in Tokio to discuss the situation in Manchuria, M. Koku Mori, then Secretary-General of the Inukai Cabinet and Chief Secretary of the Seiyukai party, remarked :

"In regard to the Manchurian and Mongolian question, since the Japanese nation has made up her mind, there is no longer any necessity for maintaining a secretive attitude towards other nations of the world. . . . From now on, we cannot countenance the establishment there of any political power which may be in opposition to the mission of the Japanese or which may originate from China proper."

At the same meeting, Colonel Yasunosuke Sato was even more explicit and emphatic. He said :

"Our soldiers and officers who have been despatched to Manchuria are unanimously of the opinion that, unless Manchuria is totally detached from China proper, it will be tantamount to restoring the *status quo ante* and thus setting at nought all the efforts and sacrifices made by the Japanese troops since the outbreak of the September incident. . . . If we could all be given sufficient time in which to continue our financial and military assistance to those now in Manchuria, there might be hope of attaining success."

**The "Self-
Government
Guiding
Board".**

**Proofs that
idea of
establishing
"Manchukuo"
was first
conceived and
propagated by
Japanese.**

**Honjo's
proclamation.**

**Koku Mori's
remark.**

**Colonel Sato's
remark.**

Manipulated demonstrations.

Criticism is made in the "Observations" that not sufficient attention has been paid to the Japanese "account of the successive demonstrations in favour of independence which took place in the various districts throughout the country. Here we have precision and open declarations; names are given; the text of declarations and resolutions is reproduced. . . . It is, however, an open secret in Manchuria that demonstrations were organised by the Japanese "guiding officers"; resolutions and declarations were prepared by them in advance under general instructions issued by the Self-Government Guiding Board in Mukden. Few of the people who attended knew what the meeting was about. Attendance was made compulsory under threat of severe punishment. Thus, for example, one circular sent out by the "Publicity Association for the Celebration of the Establishment of the New State" in March 1932, under the auspices of the Japanese authorities, reads:

"It has been decided that the mass meeting in celebration of the establishment of the new State be held on the tenth, eleventh and twelfth of this month. All business firms and residents will be required to participate in the procession, for which purpose a house of ten persons shall send a deputation of two, and the same proportion applies where there are more than ten persons.

"Any person not observing this requirement shall be punished as acting against the new State.

"The Police Department has been duly notified and we hope that the Chamber of Commerce will inform all the merchants and residents accordingly."

Hanzawa's remark.

In short, the so-called spontaneity of the independence movement in Manchuria is a myth. As has been reported by M. G. Hanzawa, editor of the *Gaiko Jiho* (*La Revue Diplomatique*), after a tour of inspection in Manchuria in May last made on the invitation of General Honjo and published in a secret pamphlet for private circulation:

"Everything has been carried on under the absolute control of the Resident Headquarters (the Kwantung Army)."

It is also therein stated that the "Manchukuo" had to be set up in great haste in view of the imminent arrival of the Commission of Enquiry in the Far East and that all the "political actions in Manchuria have been carried out by the Japanese military autocracy".

Chinese opposition to the puppet regime.

Referring to the 1,548 letters which the Commission has received objecting to the foundation of the new State, the Japanese Government, in its "Observations", argues:

"There are some 30,000,000 people in Manchuria, and if one in twenty thousand only was moved to communicate his desires to the Commission, the fact is rather a tribute to the credit of Manchukuo than otherwise."

Such an argument assumes for granted that those who did not write to the Commission were all in favour of the new regime. But the assumption is entirely unfounded. A little sense of humour would have enabled one to see that the fact that the hundreds of thousands of Chinese troops and volunteers under Generals Ma Chan-Shan, Ting Chao, Li Tu, Su Ping-wen and others have been and are still fighting the Japanese and "Manchukuo" forces in different parts of Manchuria is an unmistakable proof, if further evidence is needed, of the widespread opposition to the new regime. But let us merely quote one significant paragraph from a speech made by the above-mentioned M. Hanzawa before a meeting of a group of members of

Hanzawa pamphlet.

the House of Peers in Tokio on June 25th, 1932, and later published in a pamphlet. He said:

"So far, there is utter lack of cohesion between the 'Manchukuo' Government and the people; there is no unity either in form or in spirit. These Manchurians regard the new Government as if it were a new Japanese administration. What we have been speaking of as the Government established by the free will of 30,000,000 inhabitants has not yet entered into their hearts."

After taking note of the foregoing account, one cannot but appreciate the more fully the thoroughness with which the members of the Commission investigated into the origin, nature and prospect of the "Manchukuo" and the soundness of their unanimous conclusions. Thus, after considering all the evidence, the Commission, in its report (page 97), says:

"This evidence received from all sources has satisfied the Commission that, while there were a number of factors which contributed to the creation of 'Manchukuo', the two which, in combination, were most effective, and without which, in our judgment, the new State could not have been formed, were the presence of Japanese troops and the activities of Japanese officials, both civil and military.

"For this reason, the present regime cannot be considered to have been called into existence by a genuine and spontaneous independence movement."

Again, on page 99, the report reads:

"In the 'Government of Manchukuo', Japanese officials are prominent, and Japanese advisers are attached to all important departments. Although the Premier and his Ministers are all Chinese, the heads of the various Boards of General Affairs, which, in the organisation of the new State, exercise the greatest measure of actual power, are Japanese."

Again, on page 106, it reads in part:

"As regards the 'Government' and the public service, although the titular heads of the Departments are Chinese residents in Manchuria, the main political and administrative power rests in the hands of Japanese officials and advisers. The political and administrative organisation of the 'Government' is such as to give to these officials and advisers opportunities, not merely of giving technical advice, but also of actually controlling and directing the administration."

As regards the prospect of the "Manchukuo", the report (page 106) says:

"But, after making every allowance for the short time which has hitherto been at the disposal of the 'Manchukuo Government' for carrying out its policy, and after paying due regard to the steps already taken, there is no indication that this 'Government' will, in fact, be able to carry out many of its reforms. To mention but one example—there seem to be serious obstacles in the way of the realisation of their budgetary and currency reforms. A thorough programme of reforms, orderly conditions and economic prosperity could not be realised in the conditions of insecurity and disturbance which existed in 1932."

The conditions in Manchuria to-day are appalling. The Japanese, surrounded by a people opposed to their policy of aggression and invasion, have enforced a reign of terror. There is a censorship of the Press as well as of letters and telegrams. Arrests of Chinese are made *en masse* on the slightest suspicion. Undefended towns and villages are recklessly

Present conditions in Manchuria.

bombarded by Japanese war planes in the hope of rooting out "volunteers" and their agents. They resort to the ruthless killing of civilians as well as armed Chinese. Thus the number of Chinese peasants of the three villages near the Fushun collieries mowed down by Japanese machine-guns on September 16th last, which was first reported to be 700, has been ascertained to be over 2,700. Even to-day the Japanese troops are carrying on military operations against the Chinese people west of Tsitsihar with bombing planes, tanks, artillery and all the other paraphernalia of war, causing a terrible destruction of life and property and spreading havoc amongst a people who wish only to keep Manchuria as part of China.

Besides, arbitrary orders are ruthlessly enforced whereby every five families are held responsible for the presence of any stranger in a neighbouring house; and every person in the country is obliged to obtain a "good citizen's permit", without which no one is allowed to enter cities or towns. Trade is at a standstill. Kidnapping and robbery take place even in broad daylight in the streets of large cities. There is no peace or tranquillity, but misery and distress. This is what the Japanese euphemistically call "the land of happiness" when referring to "Manchukuo".

F. CONCLUDING REMARKS.

From the foregoing comments, it appears clear that nothing in the "Observations of the Japanese Government" and the statements of the Japanese representatives before the Council justifies a modification either of the most important facts of the Manchurian situation as ascertained by the Commission of Enquiry or of the conclusions which it has drawn from its findings. The incident of September 18th, 1931, it is established beyond doubt, has been precipitated by the Japanese military authorities in pursuance of a traditional policy of aggression and expansion on the Asiatic mainland. The continued extension of military operations into the most remote parts of Manchuria, notwithstanding the repeated pledges given to the League and the other Powers not to aggravate the situation, have been carried on in execution of a preconceived and long-prepared plan of attack and occupation of the whole of Manchuria. The persistent destruction of Chinese administrative authority, the organisation of an "independence movement", the creation of the "Manchukuo", and the recent act according it recognition are different stages in a fixed programme. The holding of mass meetings, the adoption of resolutions and declarations, the presentation of petitions by deputations, the organisation of demonstrations—all these were manipulated and engineered by the Japanese for the purpose of impressing other nations with a semblance of spontaneity. The underlying idea, however, has been to confront the world with a *fait accompli* and thus to signify the completion of another phase in Japan's policy of domination and conquest in the Far East.

But the interests of Japan are not the only interests to be considered. The interests of China as the territorial sovereign in her Three Eastern Provinces and as the victim of Japanese aggression cannot be disregarded. The withdrawal of the Japanese troops which Japan has on more than one occasion promised to carry out should be effected as soon as possible. The maintenance and recognition of the present regime in Manchuria as claimed by Japan would be entirely unacceptable to China. "Such a solution does not appear to us", says the Commission, "compatible with the fundamental principle of existing international obligations, nor with the good understanding between the two countries upon which peace in the Far East depends." The dissolution of "Manchukuo" is an indispensable condition to any satisfactory solution. It is essential, in the interest of peace founded upon justice, that no premium is placed upon aggression, but full reparation accorded its victim.

In touching upon the possibility of a solution, the Japanese Government in their "Observations" advance the contention that "such a plan as is advanced by the Commission calls for the minimum requirement that the disputant parties shall each possess a strong and reliable central Government". Without entering into a discussion of the details of the suggested plan, it may be emphasised that China, in the present question before the League as on other occasions, has always scrupulously respected her international obligations. It is Japan who, in the interest of an early solution of the whole question, requires a "reliable" central Government; for it has been the painful experience of the League of Nations and the Powers to learn that the solemn engagements undertaken by Japan under the Covenant, the Pact and the Nine-Power Treaty have been broken and that every pledge given by her authorised representatives—whether, for

example, in regard to refraining from attacking Chinchow and Tsitsihar, or in regard to the speedy withdrawal of her troops into the so-called South Manchuria Railway zone and the stoppage of further military or political aggravation—has been lightly disregarded. In the opinion of the Chinese delegation, a reliable Government, weak as it may seem, is to be preferred in international intercourse to a strong but unreliable Government, constituting as it does a menace to the fundamental basis of the international order.

This point is the more important because the issues involved in the present dispute before the League are of vital interest to all other nations. As the report states on page 129 :

“ Apart from China and Japan, other Powers of the world have also important interests to defend in this Sino-Japanese conflict. We have already referred to existing multilateral treaties, and any real and lasting solution by agreement must be compatible with the stipulations of these fundamental agreements, on which is based the peace organisation of the world. The considerations which actuated the representatives of the Powers at the Washington Conference are still valid. . . .

“ Finally, the interests of peace are the same the world over. Any loss of confidence in the application of the principles of the Covenant and of the Pact of Paris in any part of the world diminishes the value and efficacy of those principles everywhere.”

It is for the foregoing considerations that the Chinese Government, faithful to its obligations under the international instruments and mindful of the general interest of peace, is gratified to find itself in full accord with the Commission of Enquiry, and remains equally convinced, that any solution of the Sino-Japanese question “ should conform to the provisions of the Covenant of the League of Nations, the Pact of Paris, and the Nine-Power Treaty of Washington ”.