

nations upon which peace depends. The Japanese delegation wishes to draw the Assembly's attention to this point.

The Japanese Government also notes with satisfaction that the draft resolution mentions the Council resolutions of September 30th and December 10th. Since the present incidents began, Japan has followed the Council's procedure with goodwill. She has furnished full explanations. She has shown that patience and conciliatory spirit which she has exhibited for many years, in spite of innumerable provocations by China, and sincerely desires to maintain with her friendly and fruitful relations. In virtue of Article 11, she proposed that a commission of enquiry should be sent to the Far East to obtain the necessary information for settling the whole matter. This procedure is still in progress; the Commission is still at work. You will remember that, at the Council's last meetings on January 29th and 30th, the Japanese delegation raised objections to the application of Article 15 to the whole Sino-Japanese conflict, in view of the proceedings to which I have just referred.

The Japanese Government's attitude is, I hope, now clear. It has itself stated its views in its reply to the appeal of the twelve Members of the Council. As I have just said, Japan took part in this Assem-

bly, subject to certain reservations with regard to the applicability of Article 15. In view of this fact, we cannot vote in favour of the draft resolution. In these circumstances, the Japanese delegation will simply refrain from voting, in order not to oppose the adoption of the resolution.

I should like to say how much the Japanese delegation appreciates the efforts of its colleagues and of the Secretariat since the beginning of the Assembly in dealing with the question before us. It also sincerely thanks the Bureau and the Drafting Committee for their very difficult and important work.

The President :

Translation : As no one desires to speak, a vote will be taken by show of hands.

The draft resolution was adopted.

The President :

Translation : The draft resolution which the General Commission has just adopted will be submitted to the Plenary Assembly, which I shall convene for 5.30 p.m. to-day.¹

¹ See Records of the fourth plenary meeting of the Assembly.

FOURTH PLENARY MEETING OF THE ASSEMBLY

Friday, March 11th, 1932, at 6 p.m.

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APPOINTMENT OF THE SPECIAL COMMITTEE OF THE ASSEMBLY.

President : M. HYMANS

ADOPTION OF THE DRAFT RESOLUTION APPROVED BY THE GENERAL COMMISSION AT ITS SEVENTH MEETING.

The President :

Translation : I will read the following draft resolution,¹ adopted by the General Commission of the Assembly and put it to the vote. The vote will be taken by roll-call.

" I.

" The Assembly,

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

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

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

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

" Adopting the principles laid down by the

acting President of the Council, M. Briand, in his declaration of December 10th, 1931;¹

" Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932², when they declared ' that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League of Nations ' ;

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

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

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

¹ Document A. (Extr.)/C.G.1(1).

¹ See *Official Journal*, December 1931, page 2375.

² See *Official Journal*, March 1932 (Part I), page 383.

" II.

" The Assembly,

" Affirming that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either Party ;

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

" Recalls also its own resolution of March 4th, 1932,¹ adopted in agreement with the Parties, with a view to the definitive cessation of hostilities and the withdrawal of the Japanese forces ; notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to co-operate in maintaining order in the evacuated zone.

" III.

" The Assembly,

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

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

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

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

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

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

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

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

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

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

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

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

" The Assembly requests the Council to communicate to the Committee, together with any observations it may have to make, any documentation that it may think fit to transmit to the Assembly.

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

The following States voted in favour of the motion :

Albania	Greece	Persia
Australia	Guatemala	Peru
Austria	Hungary	Poland
Belgium	India	Portugal
Bulgaria	Irish Free State	Roumania
Canada	Italy	Salvador
Chile	Latvia	Siam
Colombia	Lithuania	Union of
Cuba	Luxemburg	South Africa
Czechoslovakia	United States	Spain
Denmark	of Mexico	Sweden
Estonia	Netherlands	Switzerland
Finland	New Zealand	United Kingdom
France	Norway	Uruguay
Germany	Panama	Venezuela
		Yugoslavia

The following States abstained : China and Japan.

The President :

Translation : As regards the abstention of China and Japan, we must apply paragraph 5 of Rule 19 of the Rules of Procedure of the Assembly, which reads as follows :

" For the purposes of this rule, representatives who abstain from voting shall be considered as not present."

I therefore declare the resolution to be unanimously adopted.

The draft resolution was adopted.

M. Yen (China). — It is with no little regret that for lack of definite instructions from my Government up to the present moment, I was not in a position to vote on the resolution which was before us. But I want to assure you that my abstention from voting is not to be taken as a sign of opposition to the resolution. In view of the distance which separates us here at Geneva from my country, and in view of the time which is required to get in touch with my Government by telegraph, I might have asked this morning for a postponement of this afternoon's session to a later date. However, as you, Mr President, said that it was desirable, both in view of public opinion and the dignity of the Assembly, that we should terminate the first part of our work after ten days of frank discussions by the adoption to-day of the resolution, I was quite willing to forgo this request.

In conclusion, I have the honour to say that as soon as I receive a reply from my Government, I shall not delay to inform the Assembly of its contents.

¹ See page 41.

I thank you, sir, and, through you, all the members of the Assembly, for the extremely just and sympathetic attitude which you have adopted in dealing with the tragic events which have overtaken my country.

APPOINTMENT OF THE SPECIAL COMMITTEE OF THE ASSEMBLY.

The President :

Translation : We will now take the first measure in execution of the resolution which has just been unanimously adopted.

The Assembly has decided to set up a Committee of nineteen Members — namely, the President of the Assembly, who will act as Chairman of the Committee, the Members of the Council other than the Parties to the dispute and six other Members to be elected by secret ballot.

The ballot will now be taken, but I must first give you a few explanations regarding procedure.

We should, I think, apply in this case the provisions of Rule 22 (a) of our Rules of Procedure, concerning the election of non-permanent Members of the Council. The other provisions of the Rules of Procedure which concern voting refer to the election of individuals, whereas what we have to do to-day is to elect six States. I think then that we should apply the provisions to which I have just referred. They are as follows :

“ Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot-paper containing more names than there are seats to be filled shall be null and void.

“ No Member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot, up to a number double that of the seats still to be filled, and those Members shall be elected which obtain the greatest number of votes.

“ If two or more Members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them ; if they again obtain an equal number of votes, the President shall decide between them by drawing lots.”

Those are the provisions of the Rules of Procedure applicable to the election of non-permanent Members of the Council, and it is those provisions, I think, that we should apply for the election of States.

As regards the method of calculating the absolute majority, I would remind you of the Assembly resolution of September 15th, 1926, concerning rules dealing with the election of non-permanent Members of the Council : the number of votes cast

is determined by the total number of voting papers, blank or spoilt papers not being counted. That is the general rule for the Assembly and is obviously the rule we should follow in the present case. I trust the Assembly will agree with me and share my view that this is the rule to follow.

I wish to stress the point that to be valid a voting paper must bear the names of States and not of representatives of States, and that no paper containing more than six names will be valid.

A secret ballot will now be taken by roll-call. I would ask M. Matos, delegate of Guatemala, and Mr. Lester, delegate of the Irish Free State, to be good enough to come to the platform and act as tellers.

(The votes were taken in turn by secret ballot.)

The President :

Translation : The result of the ballot is as follows :

Number of States voting	46
Voting papers valid	46
Absolute majority	24

The analysis of the voting is as follows :

	Votes
Switzerland	38
Czechoslovakia	35
Colombia	31
Portugal	26
Hungary	24
Sweden	24

The special Committee set up under the Assembly resolution of to-day's date consists then of the President of the Assembly, the twelve Members of the Council other than the Parties to the dispute, and the following six States elected by the Assembly : Switzerland, Czechoslovakia, Colombia, Portugal, Hungary, Sweden.

The Assembly has just completed the first stage of its duties, and has set up a Committee which will endeavour to carry out its task in the full consciousness of its responsibilities. It is a difficult task and, primarily, one of conciliation and appeasement. I earnestly appeal to the two States Parties to the dispute to help us. They are two great States, two great peoples sprung from a very ancient civilisation. An agreement between them would consolidate the East. We have but one thought : to establish peace and respect for law. That thought, which forms the basis of the League of Nations, the Assembly has just unanimously reaffirmed in its resolution. I adjure the two Governments concerned to make a real effort, in fulfilment of the hopes of the Assembly and of the world.

The Assembly will now adjourn until convened again, and early next week I shall convene a meeting of the Committee which has just been set up.

The Assembly rose at 7 p.m.

X. CORRESPONDENCE ARISING OUT OF THE RESOLUTION ADOPTED BY THE ASSEMBLY ON MARCH 11TH, 1932.¹

A. CORRESPONDENCE FROM THE CHINESE DELEGATION.

A.[Extr.]52.1932.VII.

1. LETTER, DATED MARCH 12TH, 1932, FROM THE CHINESE DELEGATION TO THE PRESIDENT OF THE ASSEMBLY.

[Ref.A(1.)]

Geneva, March 12th, 1932.

In accordance with instructions from my Government, I have the honour to inform you that the Chinese Government accepts the resolution adopted by the Assembly of the League of Nations on the 11th instant. As I anticipated in my explanation to the Assembly for my abstention, the acceptance of the resolution has been delayed because of the time required for telegraphic communication between Geneva and Nanking, and for no other reason.

My Government is gratified that practically all the principles of importance, for which it has contended since the very inception of the Sino-Japanese dispute, have been incorporated in the resolution of March 11th. My Government desires to refer in particular to three of these principles :

1. That the settlement of the dispute should not be sought under the stress of military coercion, which it takes to mean that the evacuation of Japanese troops must precede negotiation.
2. That it is the obligation of Members of the League to submit any dispute which may arise among them to procedures for peaceful settlement, which absolves the Republic of China from all responsibility for the present terrible state of affairs in Manchuria, Shanghai and other parts of China.
3. That it is incumbent upon the members of the League of Nations not to recognise any situation, etc., brought about contrary to the Covenant of the League or the Pact of Paris. The word "situation" must, of course, cover the present state of things created in Manchuria through Japanese manipulation, instigation and military support—in particular to the puppet government in Manchuria.

I shall be deeply obliged to you to bring the above to the knowledge of the Assembly.

(Signed) W. W. YEN.

A.[Extr.]62.1932.VII.

2. MEMORANDUM, DATED MARCH 17TH, 1932, FROM THE CHINESE DELEGATION TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

In view of the coming recess of the Disarmament Conference and the departure from Geneva of members of the special Committee set up under the Assembly resolution of March 11th, necessitating perhaps the adjournment of the Committee itself until April, I respectfully venture to suggest the following points for consideration.

According to the Assembly resolution of March 11th, the Committee has certain functions with regard to the execution of (a) the Assembly resolution of March 4th and (b) the Council resolutions of September 30th and December 10th.

(1) As regards (a), its task is :

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

At the time of the passing of the March 4th resolution, it was made quite clear by the Assembly that the resolution rules out the attaching of any conditions to the withdrawal of Japanese troops as being incompatible with the Covenant and that the withdrawal must be complete. It was on these two understandings that the Chinese Government accepted the resolution, and these two understandings were subsequently endorsed by the United States Government. Yet it is clear from a recent telegram that the Japanese Government are attempt-

¹ See records of the fourth plenary meeting of the Assembly.