LEAGUE OF NATIONS

Correspondence and Resolutions respecting

EVENTS IN SHANGHAI AND NEIGHBOURHOOD

February - March, 1932

[In continuation of "Miscellaneous No. 4 (1932) "]

Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty

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League of Nations. Correspondence and Resolutions respecting Events in Shanghai and Neighbourhood, February–March 1932.

No. 1.

Message from Committee of Enquiry containing communication from the Consul-General of the United States at Shanghai with regard to the First Report by the Committee.

(Telegraphic.)

Shanghai, February 9, 1932.

Consul-General, United States, has communicated officially to chairman of Shanghai Committee by letter, the 8th February, that he concurs in general in the first report of the committee, (1) on the understanding that, as set forth in the first paragraph thereof, it may require subsequent correction in detail or amplification.—Haas (Secretary-General of the Shanghai Committee).

(1) Cmd. 4021, page 3.

No. 2.

Letter from the Representative of China to the Secretary-General.

February 9, 1932.

Referring to the first part of the report from your Shanghai Committee, I have the honour to request you to telegraph to Shanghai for some supplementary information regarding two items contained therein.

1. On page 4, paragraph 3, it is stated (2) that "Japanese admiral notified commanders other national defence forces he proposed to take action following morning. . . . Municipal Council of International Settlement held meeting during the morning and decided that state of emergency should be declared as from 4 P.M. Declaration of state of emergency is effective notice . . . . to defend their (commanders') sections."

It is clear from the above that it was the Japanese who intended to attack and not the Chinese. Such being the case, what was the motive for the council to declare a state of emergency, which, as stated above, is "effective notice to defend"? Was it meant to defend the settlement against the Japanese, the attacking party, or against the Chinese troops, the attacked party, which would, of course, be absurd?

2. On page 6, seventh line from the bottom of page, it is stated (3) that "the final party of about 100 marines . . . . attempted to pass through gates dividing settlement from Chinese territory . . . . but were prevented by Shanghai Volunteer Corps. . . . ."

(2) Cmd. 4021, page 5, paragraph 3. (3) Cmd. 4021, page 6, paragraph 3.

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b 2
I should be grateful if you will be kind enough to ascertain in this case why the volunteer corps prevented the Japanese marines, accompanied by armoured cars, from passing through the gates. Did the volunteer corps have orders from the municipal council to do so, and, if in the affirmative, were not these orders based on the notion of neutrality of the International Settlement?

W. W. YEN.

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No. 3.

Reply from the Committee of Enquiry to the foregoing (addressed to the League of Nations).

(Telegraphic.) Shanghai, February 18, 1932.

SHANGHAI Committee has adopted following text in reply to your request for further information regarding two points which you transmitted by your telegram of 12th:—

Reply begins: Question 1.—Declaration state of emergency brings into operation defence scheme. Purpose of defence scheme is twofold: (i) To protect foreign area from internal disorder, and (ii) to defend it against external aggression.

When state of emergency was declared Council had in mind that either (a) Chinese would not accept Japanese terms, in which case Japanese would take some action and there might be rushes of excited refugees and possibly of disorganised military elements attempting to enter settlement, or (b) that Chinese would accept Japanese terms, in which case there might be storm of protest on part of Chinese population, resulting in riot and disorder both inside and outside settlement. Mayor himself was apprehensive of this. Therefore, although there was reason to expect trouble, it was not known from what direction it would come, and declaration of state of emergency was merely precautionary measure not directed against any particular party.

Question 2.—Honan Road Gate gives access from settlement to Chinese territory not comprised in defence scheme, and strict instructions, based on principle that the duties of defence force are defensive and not offensive, had been given by Commandant, Shanghai Volunteer Corps, in whose section it is situated, that in no circumstances was it to be opened to permit of either entrance or exit.—CIANO (Chairman), HAAS (Secretary-General).
No. 4.


Geneva, February 18, 1932.

1. The report mentions that the offensive is entirely in the hands of the Japanese. In this connexion it should be borne in mind that the present combats are merely the outcome of the clash between the Chinese forces and the Japanese troops who were proceeding to occupy their line of protection on the 28th January. At first, the Japanese marines numbered only 1,500, and this small force, which subsequently reached some 3,000 men, had to defend a large sector inhabited by some 30,000 Japanese against hostile forces numbering more than 30,000 men. The Japanese delegation has already mentioned the special circumstances in which the XIXth Chinese Army was placed and which explain the violence of its attitude.

Efforts were made to bring about a suspension of hostilities, which was naturally desired by us in view of the disproportion between the conflicting forces. In spite of the truce arranged, a Chinese armoured train opened fire against us on the 30th at about 5·20 A.M. and this firing lasted for an hour and a half. At about 9 A.M. the Chinese opened fire on the Japanese headquarters and on our positions along the railway. On the 31st, at 1·20 and 4·40 P.M., they again violated the truce and by dawn about 100 soldiers were advancing near the Rokusan Garden and opened fire on our headquarters. Moreover, plain-clothes soldiers, whose activities are referred to in the report, continued to invade our lines. The second attempted truce was again violated on the 1st and 2nd February, while the Chinese forces were manoeuvring for the purpose of surrounding us.

It was becoming evident that the Chinese could not be trusted to observe the truce; a pacific attitude on our part led to increasingly greater losses, and the movements of the Chinese forces, who brought up reinforcements and surrounded the salient of the extension, rendered the position of our marines more and more critical. It was on this account that from the 3rd February onwards our forces were compelled to attack the Chinese positions.

2. It is not quite correct to speak of the mobilisation of reservists. No general measure of this kind was adopted. A small number of volunteers armed with pistols was deputed to take action against Chinese snipers and to assist the police. These volunteers were disarmed some time ago and only a few reservists are still employed as interpreters, guides, &c.

3. As regards the slowing down of the municipal activities of the concession authorities, it should be noted that the municipal police forces had at one time abandoned their posts. Their return and co-operation were requested by the Japanese authorities and they have

(4) Cmd. 4021, page 8.
now resumed their normal work. As regards the firemen, in particular, their co-operation was requested even for the quarters neighbouring on the concession and the extension. (The normal activity of the municipal council’s firemen is in principle confined to the concession and the extension.) The Japanese authorities hope that the other municipal activities will shortly be fully resumed.

The flight of the police forces and the evacuation of schools and hospitals mentioned in the report were certainly due only to the dangers of the situation and were not a consequence of the measures taken in this connexion by the Japanese authorities. It is, however, true that at the commencement of the incidents, in the general disorder, a few Chinese policemen were disarmed by mistake. On the other hand, the co-operation of the Chinese municipal police having proved ineffective in the struggle against soldiers in mufti, these police were on certain occasions temporarily replaced by Japanese forces.

Owing to this struggle, barricades had been built at various points, but they have at present been taken down.

4. The report says that excesses were committed by sailors, reservists and other elements having no official standing. The Japanese delegation feels bound to deny this assertion as regards the sailors and reservists.

The report mentions the attitude which the Japanese authorities adopted with regard to undesirable elements, against whose activities very severe action was taken. Many of these individuals are now in custody at the consulate-general, while others have been deported.

5. As regards the number of Chinese whose fate is unknown, it should be noted that very probably a large number of these have taken refuge in the outskirts of Shanghai and in other towns. (Anyone who knows China will agree how difficult it is to follow the movements of the population in that country, particularly in large inhabited areas like Shanghai.)

6. It is to be regretted that the report has not verified certain facts which, though denied by the Chinese, are indisputable, as, for instance, the firing by the Woosung forts on three Japanese vessels which were leaving Shanghai on the 3rd February. These vessels were taking back to Japan the mortal remains of our sailors killed during the fighting of the previous days, and, that being their mission, they would certainly not have opened fire on the forts. This action, which took place in full daylight, and which the Chinese deny, affords a further example of the value of allegations from Chinese sources.

7. If it is correct that orders were given to the Chinese soldiers regarding the truce, the frequent disregard of those orders by the said soldiers bears eloquent witness to the state of disorder and indiscipline existing in the Chinese forces. As regards the Japanese forces, orders had been issued that they should fire only in the case of hostile acts on
the part of the Chinese in violation of the truce. The known discipline of the Japanese troops is sufficient guarantee that these orders were obeyed.

No. 5.

Third Report by the Committee.

(Telegraphic.) Shanghai, February 20, 1932.

In conformity with request contained in your telegram of 19th February I send hereafter Third Report of Shanghai Committee.

(Report begins.)

Through intermediary neutral diplomatic representatives suggestion for meeting of military commanders on both sides was accepted with a view to discussion on the basis of mutual evacuation.

Meeting held morning of 18th February, Chinese and Japanese commanders being represented by their Chiefs of Staff. Japanese representatives presented their terms which Chinese representative declared were unacceptable. After two hours' fruitless discussion Japanese representative said Japanese side would send in written communication of their terms before 9 P.M., and he hoped Chinese would return reply as soon as possible. Meeting then broke up.

About 9 P.M. separate despatch containing Japanese terms was delivered to the mayor and the commander of the Chinese XIXth Army. Terms differing in words, but following is substance:—

Paragraph 1: Chinese forces to cease hostilities and complete evacuation of their first lines by 7 A.M., 20th February, and complete evacuation whole area by 5 P.M. same day to a depth of 20 kilom. north of following lines, including "sketseline" forts, namely, line formed by north border of settlement and the Soochow Creek to Pusungchen and on the east of Whangpoo line from Lannidu to Changchiachiao. This is practically line of the Soochow Creek extended eastward. All fortifications and military works in the evacuated area to be removed and no new ones created.

Paragraph 2: Japanese troops will not attack or pursue, but aeroplanes may be sent off on observation duty. After Chinese evacuation Japanese troops will maintain only the municipal road areas adjacent to Hongkew, including Hongkew Park.

Paragraph 3: Japanese investigator with Japanese military guard and flag to be sent to evacuated area after evacuation of the first line by the Chinese.

Paragraph 4: Chinese to assume responsibility for safety of Japanese lives and property outside evacuated area, failing which Japanese would take necessary steps. Plain-clothes men to be effectively suppressed.

Paragraph 5: Question of the protection of foreigners in vicinity of Shanghai evacuated area to be dealt with subsequently.
Paragraph 6: As regards anti-Japanese movement, mayor’s promises of the 28th January to be strictly enforced and the matter to be dealt with by diplomatic negotiations between Japanese Foreign Office and Chinese civil officials of Shanghai. Failing compliance with above articles Japanese troops will be compelled to take action.

On the following day, namely, 19th February, reply was delivered by mayor to Japanese Consul and by Chinese commander to Japanese commander. Mayor stated that grave situation in Shanghai was due to invasion of Chinese territory and brutal murders of Chinese people by Japanese troops in violation of all international treaties and law. Inasmuch as measures called for in consul-general’s letter had direct bearing on general relations between China and Japan, they should be dealt with by diplomatic authorities of the two countries, and he had therefore transmitted consul-general’s letter to his Government for consideration and reply to Japanese Minister through Ministry for Foreign Affairs. He pointed out further that Chinese indignation had been daily intensified by continued acts of provocation by Japanese troops, and it was natural, therefore, so-called anti-Japanese activities should fail to cease. Chinese commander’s reply was to the effect that his troops were part of national forces and subject to directions of National Government, to whom accordingly he had submitted Japanese commander’s letter. It is not yet known what reply, if any, has been sent by Chinese Government.

During the night 19th-20th February, Japanese reinforcements were moved from their base in the International Settlement to the Japanese lines, and after preliminary aerial reconnaissance which satisfied Japanese that Chinese had not evacuated their lines in conformity with demand, Japanese opened attack 20th February at 7·30 A.M. in Kiangwan and Woosung areas. Hostilities continued whole day.—Ciano. (Report ends.)—Haas.
Japanese Minister in China against the action of the Japanese commander and the consul-general in delivering their identical note to the commander of the Chinese XIXth Route Army and Mayor of Greater Shanghai.

"The Chinese note stated that ever since their unprovoked attack on Mukden on 18th September Japanese military forces have kept pushing forward and have occupied many important areas in the north-east. Then on 28th January they suddenly shifted the scene of their military adventure to Shanghai and staged a surprise attack on the Chapei district, and for twenty days Japanese army, naval and air forces have carried on a terrific bombardment of the Chapei and Woosung district. Local Chinese garrison forces were constrained to resist their onslaught as a measure of self-defence. As though this were not enough, Japanese commander and Japanese consul-general now present to commander of the Chinese XIXth Route Army and Mayor of Greater Shanghai respectively a set of demands of an impossible nature.

"The note concluded by declaring that should Japanese forces attempt to renew their attack, Chinese troops would not hesitate to resist to the best of their ability, and stating that the Japanese Government would be held entirely responsible all consequences.—Chiao (Chairman), Charrère (Secretary)."

No. 7.


The text of the demands addressed on the 18th February by the officer commanding the Japanese forces to the officer commanding the XIXth Army does not appear to have been taken from the official communication of the Japanese authorities (text of which is appended), but from a document probably of Chinese origin. It is not in exact accordance with the demands in question, e.g., in the case of the limits of the zone to be evacuated.

2. The last paragraph of the report suggests that all the Japanese forces had made the concession their basis of operations. The report omits to state that a large part of the Japanese forces were stationed outside the concession, and commenced operations from Woosung.

Appendix.

Demands made by General Ueda, Commander of the Japanese Troops, to the Commander of the XIXth Army, February 18, 1932.

The Chinese troops shall withdraw from all the points within a distance of twenty (20) kilom. from the boundary of the International
Settlement to the north of the following lines, namely, the northern boundary line of the settlement; a line connecting the north-westernmost end of the settlement, Tsoachiatuchen, Chouchia-chiaoche and Pusungchen and running outward from the last-named position and on the right of the Whangpoo River; a line connecting Lannitu and Changchia Louchen and running outward from these positions respectively; the aforesaid withdrawal of the Chinese troops shall be effected by completing the withdrawal of the forefront by 7 A.M. on the 20th February, 1932, and that of the remainder by 5 P.M. on the same day. All the forts and other military equipments of China shall be removed from and shall not be reinstalled or newly erected within the aforesaid distance of 20 kilom. The Shitzulin forts shall be deemed to be within the same distance.

The Chinese authorities shall protect the lives and property of the Japanese subjects in districts around Shanghai other than the aforesaid area evacuated by the Chinese troops; in the event of the protection accorded by the Chinese authorities being unsatisfactory, the Japanese authorities may take such measures as they consider necessary. The Chinese authorities shall completely suppress all the activities of plain-clothes gunmen.

2. Upon having ascertained the withdrawal of the Chinese troops, the Japanese forces will maintain only the Extension Road area in the Hongkew district, including the area around the Hongkew Park. The Japanese forces will not engage in attacks, shooting or bombardments after the commencement of the withdrawal of the Chinese troops, but may carry on reconnoitring flights.

3. After the withdrawal of the forefront of the Chinese troops, the Japanese forces will despatch their representatives accompanied by bodyguards to ascertain the completion of the withdrawal.

4. Further negotiations shall be made with regard to the protection of foreign residents in districts around Shanghai, including the area evacuated by Chinese troops.

No. 8.

*Fourth Report by the Committee.*

(Telegraphic.)

*Shanghai, March 5, 1932.*

I am requested transmit following Fourth Report of the League of Nations Secretary-General's Committee, Shanghai. (Report begins.)

With reference to our Third Report, the hostilities which commenced on 20th February continued without interruption up to 1st March along the line from Woosung to Chapei. Japanese attempting to enforce their demand that the XIXth Route Army should withdraw from the area specified in our previous report.
The fighting was of a very severe character and caused much destruction among villages and isolated buildings in the area of hostilities.

On 23rd February Japanese aeroplanes bombed and destroyed Hungjao aerodrome and on 26th February bombed the Hangchow aerodrome.

On 29th February Japanese consul-general notified to the Mayor of Greater Shanghai that the Japanese had information that Chinese military were concentrating reinforcements around Shanghai by means of railway. Therefore, if this concentration continued, Japanese forces in self-defence might be compelled to destroy the railway line and military trains between Kashing and Shanghai and between Soochow and Shanghai on and after 2nd March. The period of grace was given to allow Chinese civilians to evacuate these areas.

The mayor at once replied stating that since night of 28th January Japanese forces had repeatedly invaded Chinese territory and murdered Chinese people, committing atrocities in violation of international law and treaties, and offences against humanity. Action of the Chinese troops had, on the other hand, been confined to self-defence, and, if Japanese forces should continue to attack Chinese forces, latter would be compelled to defend themselves, all responsibility in this connexion must rest entirely with Japanese.

The 11th Japanese Division arrived in Chinese waters on 28th and 29th February. Some of these troops were landed at Woosung, but the main body was disembarked near Liu-Ho, on the Yangtze-kiang, after preliminary bombardment of the Shih-tzu-lin forts in that neighbourhood. Some troops were landed in the settlement on 29th February and on preceding day, but the Japanese maintained that these were replacements for the 9th Division and 24th Mixed Brigade.

On 1st March two explosions took place in the Whangpoo, close to Japanese flagship and another Japanese cruiser. Japanese state that these were caused by submerged mines laid by Chinese in (?) order to destroy the vessels.

In the early morning of 2nd March Japanese aeroplanes, in fulfilment of threat made on 29th February, destroyed a portion of Shanghai–Nanking Railway track, near Quinsan.

On the afternoon of 1st March fire broke out in Chapei, which developed into a huge conflagration causing enormous damage. It is not certain which side was responsible.

The landing of the 11th Division near Liu-Ho exposed the flank of the Chinese position. At the same time the Japanese launched a strong offensive in Kiangwan area, and about 4 P.M. on 1st March Chinese military authorities issued orders for general withdrawal from the whole Shanghai area, including Nantao and Lunghua. Japanese followed up retreating Chinese forces and by mid-day 3rd March had occupied the whole area as far west as Kiating and Nanziang. Woosung, which had not been evacuated at the same time as the rest
of the area, was assaulted and occupied by the Japanese forces on the morning of 3rd March.

Early in the afternoon the Japanese Military Commander issued an announcement that as the Chinese forces had retreated out of the area designated in the Japanese demands dated 18th February, thereby removing the menace to the safety of the Japanese nationals as well as of the International Settlement, he had decided to order the Japanese forces to halt, for the time being, at the points actually held, and to stop fighting, provided the Chinese forces did not resort to further hostile actions. Japanese Naval Commander issued announcement in the same sense. In the evening Chinese Commander also announced he had ordered all Chinese forces to cease hostilities against Japanese troops unless attacked by them.

Important to make clear that all attempts to obtain an agreed armistice have hitherto failed.

Japanese have ceased their advance for the time being, but local fighting nevertheless occurred in outlying districts during the night.

Interference by the Japanese with the police and other municipal functionaries, reported in our second telegram, continued during the whole of the period under review and formed the subject of repeated protests to the Japanese authorities.—Ciano (President).

No. 9.

Resolution adopted by the Assembly on March 4, 1932.

The Assembly,

Recalling the suggestions made by the Council on the 29th February and without prejudice to the other measures therein envisaged,

1. Calls upon the Governments of China and Japan to take immediately the necessary measures to ensure that the orders which, as it has been informed, have been issued by the military commanders on both sides for the cessation of hostilities, shall be made effective.

2. Requests the other Powers which have special interests in the Shanghai Settlements to inform the Assembly of the manner in which the invitation set out in the previous paragraph is executed.

3. Recommends that negotiations be entered into by the Chinese and Japanese representatives with the assistance of the military, naval and civilian authorities of the Powers mentioned above for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations.
Resolution adopted by the Assembly on March 11, 1932.

I.

The Assembly,

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

1. The principle of a scrupulous respect for treaties;
2. The undertaking entered into by members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the members of the League;
3. Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;

Adopting the principles laid down by the Acting President of the Council, M. Briand, in his declaration of the 10th December, 1931;

Recalling the fact that twelve members of the Council again invoked those principles in their appeal to the Japanese Government on the 16th February, 1932, when they declared "that no infringement of the territorial integrity and no change in the political independence of any member of the League brought about in disregard of article 10 of the Covenant ought to be 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 corner-stones 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 peaceful 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.

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 the 20th September and on the 10th December, 1931, in agreement with the parties:

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

III.
The Assembly,

In view of the request formulated on the 29th January 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 the 12th February 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 the 19th February;

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 the 4th March, 1932.

2. To follow the execution of the resolutions adopted by the Council on the 30th September and the 10th December, 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 the 1st May, 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.

No. 11.

United States Government Note to the League of Nations on the Assembly Resolutions, March 12, 1932.

I acknowledge the receipt of your letter of the 11th March enclosing for the information of the American Government the text of the resolution relative to the Sino-Japanese dispute which was adopted yesterday afternoon by the Assembly of the League of Nations.

I am instructed by my Government to express to you its gratification at the action taken by the Assembly of the League of Nations. My Government is especially gratified that the nations of the world are united on a policy not to recognise the validity of results attained in violation of the treaties in question. This is a distinct contribution to international law, and offers a constructive basis for peace.

You suggest that I note particularly part 2 of the resolution. In this the Assembly recalls other resolutions, and cites especially its own resolution of the 4th March, 1932, adopted in agreement with the parties with a view to the definite cessation of hostilities and the withdrawal of the Japanese forces. My Government, as one of the Powers which have special interests in the Shanghai Settlement, has already authorised its representatives at Shanghai to assist in co-operation with the representatives of other Powers similarly situated toward the consummation of those objectives.

HUGH R. WILSON.