

SIXTY-FIFTH SESSION OF THE COUNCIL

MINUTES OF THE SECRET MEETING

held at 5 p.m., November 18th, 1931.

PRESENT:

The Representatives of the British Empire, France, Germany, Guatemala, Irish Free State, Italy, Japan, Norway, Panama, Peru, Poland, Spain and Yugoslavia.

APPEAL OF THE CHINESE GOVERNMENT UNDER ARTICLE 11 OF THE COVENANT:

The PRESIDENT, addressing the Japanese representative, said that the Members of the Council who had met that morning had decided to ask their Japanese and Chinese colleagues for complementary information in regard to certain points.

The Japanese Government in the declaration published at Tokio on October 26th had referred to five fundamental principles which, in its opinion, should determine normal relations between China and Japan. These five principles were as follows:

- 1) Mutual repudiation of aggressive policy and conduct,
- 2) Respect for China's territorial integrity,
- 3) Complete suppression of all organised movements interfering with freedom of trade and stirring up international hatred,
- 4) Effective protection throughout Manchuria of all peaceful pursuits undertaken by Japanese subjects,
- 5) Respect for treaty rights of Japan in Manchuria.





M. Toshizawa, in a note addressed to the President of the Council on November 7th, ^{had} said that the terms of the resolution adopted by the Council on October 24th, in which the Council had embodied the first four of the above principles in a somewhat different form, were neither sufficiently explicit nor sufficiently detailed to cover what was implied in them.

The Council would like to know:

1) What were the points requiring greater precision and what were the omissions in respect of which the draft resolution of October 24th was unsatisfactory.

2) The second point on which the Council would like to receive further information was in regard to the fifth point relating to the treaty rights of Japan in Manchuria. This matter had been alluded to in a letter addressed by the President to the Japanese representative referring to a letter dated October 24th received from Dr. Sze ~~dealing with the matter~~. The Japanese representative had said that the terms of this letter appeared to leave some room for doubt as to whether the Chinese Government contemplated questioning the validity of certain of the treaties on which the relations between Japan and China were based. The Council would therefore like to know:

a) in what respect the terms of the letter of Dr. Sze appeared to give rise to ~~the~~ doubt as to whether the Chinese Government contemplated questioning the validity of certain treaties;

b) whether the Japanese representative would be satisfied with a general declaration on the subject of the respect due to treaties, or whether he desired a declaration referring specially to the maintenance of certain of these treaties, and, in the second case, what particular treaties the Japanese representative desired to be specially confirmed;

c) to what extent the Japanese representative considered that the question of security was involved in the special treaties which he had in mind, particularly in view of the fact that under the Council resolution of September 30th evacuation was subject to the provision of adequate measures of security.

M. YOSHIKAWA (Japan) said he was glad that the President had raised these questions, particularly as there seemed to be some doubts in regard to them among the Members of the Council. He had, in a letter addressed to the President of the Council on November 7th, said that the Japanese Government regarded the terms of the Council resolution of October 24th in respect of the first four fundamental points to be not sufficiently explicit. [He would refer, in particular, to paragraph 2 of the resolution, in which the two Governments were reminded of their assurances that they would refrain from any measures which might aggravate the existing situation and that they were therefore bound not to resort to any aggressive policy or action, and to take measures to suppress hostile agitation. The expression "hostile agitation" was, in the opinion of the Japanese Government, extremely vague and did not cover the views entertained by the Japanese Government in the matter.

The fourth of the five principles as defined by the Japanese Government stipulated that there should be effective protection throughout Manchuria of all peaceful pursuits undertaken by Japanese subjects. The Council, in its resolution of October 24th, called upon the Chinese Government to assume responsibility for the safety of the lives and property of all Japanese subjects resident in Manchuria. The Japanese Government attached particular importance to the expression "peaceful pursuits" employed in its definition of the fourth principle. The expression was intended to cover the peaceful exploitation of agricultural enterprises which had been carried on for many years past by Korean residents in Manchuria. The continued exploitation of these enterprises was a question of great importance to Japan and was one of the sources of the present discontents. The Japanese Government regarded the wording of paragraph 4(b) of the Council resolution as inadequate.

The Japanese Government did not think that paragraph 5 of the Council resolution was sufficiently adequate or explicit to cover the important questions which had arisen in regard to the railway^s. The two Governments were merely recommended to appoint representatives to arrange the details of the evacuation. The Japanese Government was determined to insist that the treaty rights of Japan relating to the railways should be respected, and there was no reference to this matter in the resolution.

He would add generally, in regard to the first four principles, that the Japanese Government

regarded them as no more than a declaration of fundamental principles or headings defining the subjects with regard to which the Japanese Government desired to negotiate with the Chinese Government. It was the intention of the Japanese Government to develop these headings and to establish a treaty upon the basis of their development. The Japanese Government naturally, therefore, regarded the expressions used in the Council resolution as inadequate.

He would turn now to the fifth principle, namely, respect for treaty rights.

a) He would first refer to the letter which Dr. Sze had addressed to the President of the Council on October 24th. The terms of that letter were not acceptable to the Japanese Government. The Chinese Government, in the declaration embodied in that letter, said it was prepared to settle all disputes with Japan as to treaty interpretation by arbitration or judicial settlement, as provided in Article XIII of the Covenant. The treaties concluded between China and Japan had been duly signed and ratified and could not be called in question. The Japanese Government feared that the Chinese Government would not execute all the provisions of the treaties whose validity had been recognised by the Washington Conference.

b) The Japanese Government could not be content with a general declaration of respect for treaties, even though certain treaties were specifically mentioned. The reason for this attitude was that up to the present China had not executed treaties which had been concluded, or respected the situation existing under those treaties. The Japanese Government desired to establish, by negotiation with the Chinese Government,

a formal, solemn and firm agreement in which the Chinese Government would give adequate assurances that it intended to carry those treaties into effect.

c) The resolution adopted by the Council on September 30th referred to the safety of the lives and property of Japanese nationals. He would point out that the terms of this resolution covered property as well as persons. The treaties existing between China and Japan relative to Manchuria dealt with questions of property, and the observance of their provisions therefore became relevant to the question of security and the guarantees which the Council considered to be necessary before evacuation could be effected.

The PRESIDENT said that the Japanese Government, in laying down their five fundamental principles were, in effect, establishing a programme in accordance with which it desired to negotiate with China. In the event of this programme being recognised and established, would the Japanese Government postpone evacuation until the programme had been entirely fulfilled?

M. YOSHIKAWA (Japan) said that the Japanese Government abided by the declaration which he had made to the Council on September 30th in regard to evacuation. The Japanese Government intended to complete the evacuation as soon as agreement had been reached with the Chinese Government in regard to the five fundamental points. The Japanese Government had hitherto had a rather bitter experience in its dealings with the Chinese Government. Agreements had been established between them on paper but had not been respected. The Japanese Government

was prepared to evacuate as soon as the Chinese Government had given clear evidence of its good-will and of its intention to carry out its engagements. The Japanese Government desired proof of the sincerity of the Chinese Government. It would withdraw in proportion as security was established, in accordance with the declaration made on September 30th.

The PRESIDENT asked whether he must understand that the Japanese Government would postpone evacuation until complete agreement had been reached. The negotiations might last a long time and appeared to cover a large number of complicated questions. Did the Japanese Government intend that the negotiations should have resulted in a signed agreement before its troops were withdrawn?

M. YOSHIZAWA repeated that the Japanese Government would complete the evacuation of Manchuria as soon as agreement had been reached on the five fundamental points. The sole intention of the contemplated negotiations would be to establish in formal terms, on paper, the clear intentions and good faith of the Chinese Government. Until such an agreement was reached the Japanese Government did not think that the security referred to in the resolution of the Council would be adequate.

The PRESIDENT desired to understand exactly at what point the Chinese Government would have given sufficient proof of its good faith. Would evacuation begin when the Chinese Government had accepted a programme of negotiations and when the negotiations were sufficiently advanced to indicate that they would be carried to a serious and successful issue?



M. YOSHIKAWA said the Japanese Government would not wish to complete evacuation as soon as persons had been appointed to negotiation^o and the programme had been established; these measures would not be adequate to establish security. Evacuation would be completed when agreement had been reached. He would point out that the contemplated negotiations would be on the basis of general principles; there was no question of settling all the details involved. As soon as the fundamental principles had been established and recognised, and the good-will of the Chinese Government had become clearly evident, evacuation might begin. The negotiations which he had in mind might be brief provided the necessary good-will was forthcoming.

The PRESIDENT said that he must therefore assume that the Japanese Government would not regard it as sufficient merely to establish a programme of negotiations; Japan, in fact, reserved the right to postpone evacuation until a certain number of agreements or until sufficient agreement in regard to a certain number of points had been established.

M. YOSHIKAWA repeated that evacuation would begin as soon as ^{an} agreement had been concluded with China which might be regarded as evidence of sincerity and good-will. He would point out, however, that the evacuation of certain portions of the territory would naturally be quite automatic as soon as the Japanese authorities were convinced that conditions permitted of their withdrawal.



The PRESIDENT said that the Japanese Government, in effect, reserved the right of interpreting the conditions under which evacuation would be effected.

M. YOSHIZAWA said that the Japanese Government would make it an essential condition of evacuation that there should be an agreement in the sense which he had indicated. He would point out that this statement did not in any sense imply the permanent occupation of the country; it merely meant that in the opinion of the Japanese Government the safety of Japanese persons and property in Manchuria could only be secured as the result of negotiation and agreement. The negotiations need not last long and their successful issue would enable the Japanese troops to withdraw at an early date.

The PRESIDENT concluded that as soon as a programme of negotiations on the five fundamental points had been established it would be possible morally to assume that there would be an evacuation at an early date.

M. YOSHIZAWA agreed.

M. SCIALOJA (Italy) represented that in view of the importance of the declarations of M. Yoshizawa it was desirable that the exact position of the parties should be recorded in writing.

The PRESIDENT doubted whether the time had yet come to commit to writing the respective attitudes of the Chinese and Japanese representatives.



Mr. [Name] said that he would submit a
 reply in writing to the points which had been raised.

The Japanese Representative's Statement

The Japanese representative stated that the Japanese Government was deeply concerned by the recent developments in the Far East and was particularly anxious to see the situation stabilized. He pointed out that the Japanese Government had always been a firm supporter of the principles of international law and justice, and that it was determined to maintain the peace and stability of the region. He mentioned that the Japanese Government had been working closely with the United States and other friendly nations to promote peace and cooperation in the Pacific. He also mentioned that the Japanese Government had been making significant contributions to the United Nations and other international organizations. He concluded by saying that the Japanese Government was confident that the situation in the Far East would be stabilized and that peace would be maintained.

He would therefore ask the Chinese representative to
 state what exactly the Chinese Government desired to
 see achieved by its proposed measures for the Far East
 situation. He would also ask the Chinese representative to
 state what the Chinese Government's attitude was towards
 the United Nations and other international organizations.

The Chinese Representative then came to
the Council Table.

The PRESIDENT said that the Members of the Council who had met that morning had decided to invite the Chinese representative to indicate more precisely the views of his Government in regard to the fifth fundamental principle defined by the Japanese Government, namely, respect for the treaty rights of Japan in Manchuria. The Chinese representative had, since the meeting of the Council in Geneva, addressed a communication to the President on this subject in which he had stated that the Chinese Government was determined loyally to fulfil all its obligations under the Covenant, and was prepared to give proofs of this intention by undertaking to settle all disputes with Japan as to treaty interpretation by arbitration or judicial settlement. The Japanese representative had intimated that the declaration contained in this communication was inadequate, and had, in particular, objected to the reference to arbitration or judicial settlement in respect of treaties duly concluded between the two countries.

He would therefore ask the Chinese representative what exactly the Chinese Government implied by its reference to "a scrupulous respect for all treaty obligations". Was there any reservation in the mind of the Chinese Government in regard to the whole or part of her treaty obligations?

Dr. SZE (China) said that, before replying to the question put by the President, he felt bound to make a general statement in regard to the situation of China. The Chinese Government would not discuss this question of treaty rights as a price to be paid for the evacuation of Japanese troops from ^{Chinese} the territory. Such a proposal would be contrary to the Covenant and the Paris Pact and it would be very unfortunate for the League of Nations if China were asked to make any sacrifice in order to secure her undoubted rights under those instruments. The Council, in putting forward any such suggestion, would be condoning a flagrant violation of the rights of China under the Covenant.

The PRESIDENT said that there was, of course, no intention of placing China in any such position. He could not allow it to be stated that such was the intention of the Council. The Council merely desired that the declaration which the Chinese Government had made concerning respect for treaty rights should be made explicit. The Council was at that moment doing no more than ask the parties for complementary information in regard to their respective attitudes, and at that moment only desired to be entirely clear as to the attitude of the Chinese Government. There was no question of asking China to pay a price for the rights to which she was undoubtedly entitled.

Dr. SZE (China) said he thought that the Chinese Government had made the position clear in the letter which he had addressed to the President on October 24th. All the Members of the League were under

the Covenant required to have a scrupulous respect for all treaty obligations, and China was determined to fulfil all her undertakings without exception. Among those engagements was an undertaking under Article XIII of the Covenant to settle disputes as to treaty interpretation by arbitration or judicial settlement. It was proposed that the Chinese and Japanese Governments should discuss their treaty commitments; the Chinese Government, however, did not know what engagements the Japanese Government had in mind. The position was not at all clear as to which of the many treaties between the two countries were still valid. The several Powers having treaty rights with China had at the Washington Conference agreed to file with the Washington Secretariat all their treaties and engagements relating to China. Japan had neglected to do so. The Chinese Government merely wished to suggest that, in the event of Japan producing treaties which the Chinese Government considered to be out of date or to be not formally signed or ratified, the matter might be referred to the arbitral and judicial procedure laid down in the Covenant.

The undertakings of the several Powers having treaties with China to file those treaties with the Secretariat of the Washington Conference was detailed and explicit. The Powers in question had agreed to register at Washington a list of all treaties, conventions, exchanges of notes or other international agreements, either with China or with other Powers relating to China, which they deemed to be in force or on which they meant in future to rely. They had also agreed to file a list of all concessions, options and contracts respecting railways, mines, public works and other



properties which might involve any lien upon Chinese revenue.

He would point out that China was bound by agreements relating to Manchuria not only to Japan but to other Powers. Under the Washington Treaty she was bound to maintain the open door. It was not surprising, therefore, that his Government had referred to arbitration and judicial settlement in view of the differences of opinion that might arise in regard to the validity or interpretation of those numerous ^Scontracts and engagements.

There was one point on which he desired to be quite frank with his colleagues on the Council.

The Japanese Government had in 1915 presented the Chinese Government with 21 demands. China would categorically refuse to consider any proposal to recognise by her signature the validity of these demands as a price of the evacuation of her territory. Since the 21 demands had been presented China had entered into further undertakings as a result of the Washington Conference. The position of China in regard to those demands had been discussed at Washington and her position had there been made entirely clear.

The PRESIDENT again assured the Chinese representative that there could be no question, even in the interests of conciliation, of bringing any pressure to bear upon the Chinese Government. He would again insist that he was merely asking his Chinese colleague to explain the situation defined in his letter of



October 24th. The situation, as he understood it, was that the Chinese Government was prepared to fulfil existing treaty obligations and was further prepared to resort to arbitration or judicial settlement in the event of any difficulty of interpretation arising as to these treaties. The Chinese Government, in fact, was making no reservation; its statement affirming its respect for treaties covered all existing treaties and no particular treaties were excluded or reserved.

Dr. SZE (China) said that the Chinese Government were merely proposing, in the event of any difference of opinion arising, to follow the ordinary procedure laid down in the Covenant.

He would add that he had not intended to suggest that the Council was asking China to pay a price for the rights which were due to her; he had merely desired to intimate that China would not pay that price if the Japanese Government proposed to exact it. The Chinese Government regarded the introduction of questions relating to treaties into the present discussion as unjustifiable. The question of treaties had nothing to do with the question of security; he would, in this connection, enquire when the Japanese Government would ^{be} prepared to show its respect for the Covenant of the League, the Paris Pact and the Treaties concluded at Washington. Japan had violated all these instruments.

M. FOTITCH (Yugoslavia) enquired as to the exact position in regard to the 21 demands. Were those demands embodied in a signed agreement or were they demands which remained without acceptance or signature?

Dr. SZE said that the demands had been presented in 1915 during the Great War, at a time when there had been no case of dispute between Japan and China. The demands had been secret, and on their eventual publication had been ^{denied} repudiated by the Japanese Government. Japan had at a later stage required the Chinese Government to reply to those demands within 48 hours. The Chinese Government, acting under duress, had accepted and signed the demands. She had, however, raised the question of their validity at Washington and on every possible occasion had reserved the right to question them. The treaty embodying the demands had been signed under pressure but never ratified.

He would now ask leave to present a request to the Council. Since November 16th he had been receiving urgent cables from China. The Japanese troops were increasing their activities to the north of the Nonni river. Tanks, bombing aeroplanes and cavalry were north of the Chinese Eastern Railway and the Japanese troops were now within ten miles of Tsitsihar. Something must be done to prevent the continuation of bloodshed. These increasing military activities during the session of the Council were of special significance, and he must appeal to the Council to uphold the sanctity of the Covenant.

He would take the first opportunity of requesting in public that the Council should deal with the situation in application of Articles 10, 12, 15 and, if necessary, 16 of the Covenant.

The PRESIDENT noted the declaration of the Chinese representative.

The Council rose.



14/9887/2385
IX
SOCIETE DES NATIONS.



SOIXANTE CINQUIEME SESSION DU CONSEIL.

Compte rendu
de la séance secrète, tenue le mercredi, 18 novembre 1931,
à 11 heures au Quai d'Orsay, Paris.

PRESIDENT : M. BRIAND.

Présents : Tous les Représentants des
Membres du Conseil, à l'exception
des Représentants de la Chine et
du Japon, et le Secrétaire
Général.

L'Allemagne est représentée par M. von Bülow. L'Em-
pire britannique est représenté par Sir John Simon.

Assiste également à la séance : Lord Cecil.

APPEL DU GOUVERNEMENT CHINOIS EN VERTU DE L'ARTICLE 11 DU PACTE.

Le PRESIDENT déclare que, depuis hier, il a eu une
entrevue avec le représentant du Japon. Celui-ci lui a apporté
une suggestion personnelle qui ne pourrait prendre effet que
lorsqu'elle aura été ratifiée par son Gouvernement.

Cette suggestion comporte trois points :

1. Les deux Gouvernements entreraient en pourparlers
en vue d'arriver à un accord sur la sécurité des ressortissants
japonais, accord qui s'inspirerait des cinq principes fondamen-
taux déjà mentionnés. - Sur ce point, la suggestion de M. Yoshi-



zawa n'apporte rien de nouveau.

2. M. Yoshizawa propose la nomination d'une commission qui serait envoyée en Chine (la Mandchourie comprise), par la Société des Nations, en vue de procéder à une enquête sur des questions telles que l'agitation anti-japonaise, etc., afin de renseigner le Conseil.

3. Le Conseil serait tenu au courant des négociations sino-japonaises.

Le Président s'est enquis auprès de M. Yoshizawa des répercussions possibles de cette suggestion sur les délais d'évacuation. M. Yoshizawa a répondu que la question de l'enquête n'aurait aucune influence sur la question de l'évacuation et que, une fois la sécurité assurée, l'évacuation s'ensuivrait. M. Yoshizawa a ajouté qu'il télégraphierait aujourd'hui à son gouvernement pour savoir dans quelle mesure les suggestions formulées par lui pourraient devenir celles du gouvernement japonais.

Le Président estime qu'il serait peut-être utile de faire une tentative pour faire préciser, du côté japonais, l'expression complexe " principes fondamentaux " et du côté chinois l'expression également complexe " respect des traités " pour savoir quelles sont les possibilités ou les impossibilités d'entente qui peuvent se cacher sous ces termes.

Sir John SIMON désirerait indiquer que, pendant que le Conseil siège en séance privée, il se déroule en Mandchourie de graves événements. Il rappelle les informations que donnent les journaux au sujet d'une action positive éventuelle des Japonais dans la Mandchourie du Nord et au sujet des demandes adressées par les Japonais au général Ma, avec fixation d'un délai pour la réponse de celui-ci.

Il est tout à fait compréhensible que le Conseil attende la réponse du gouvernement japonais aux suggestions de M. Yoshizawa, mais il faut envisager les graves éventualités

qui peuvent se produire en Mandchourie pendant que le Conseil délibère ici.

La première des trois suggestions de M. Yoshizawa paraît également à Sir John Simon être rédigée en termes si vagues qu'il pourrait se passer assez de temps avant que l'on aboutisse à des conclusions pratiques. Sir John Simon rappelle que, dans cette suggestion, il s'agit pour la Chine et le Japon d'entrer en négociations en vue d'arriver à un accord constituant la base de la sécurité des ressortissants japonais. Il a signalé hier les diverses significations que peut avoir le cinquième point des principes fondamentaux japonais.

Faute d'une définition précise de la suggestion 1, il y aurait lieu de s'assurer si, en ce qui concerne la suggestion 2 (création d'une commission), cette suggestion est subordonnée aux résultats des négociations sur les cinq points fondamentaux ou si cette enquête est proposée comme une enquête que le Japon prierait le Conseil d'entreprendre, - que les autres points aient été ou non réglés d'une manière satisfaisante avec l'aide de la Société.

Si la marche des événements est telle qu'il soit difficile pour la Société de contribuer aux négociations sur la première des suggestions de M. Yoshizawa, il pourrait être utile que le Conseil, sur l'invitation des parties et dans l'intérêt d'une large pacification, mît sur pied cette enquête qui pourrait présenter une importance capitale pour le rétablissement de relations normales.

Sir John Simon regrette de ne pas être en mesure d'apporter une suggestion pratique, mais il est permis de formuler les considérations précédentes, car il se demande si les suggestions de M. Yoshizawa doivent être considérées comme étroitement liées entre elles ou si la création de la commission en question est envisagée, même au cas où il y aurait des difficultés et des retards sur les autres points.



Le PRESIDENT estime que, si le premier point n'est pas résolu, l'enquête ne présentera guère d'utilité pratique car elle ne renferme pas d'éléments de conciliation.

Le SECRETAIRE GENERAL s'est préoccupé d'obtenir de la délégation japonaise quelques précisions au sujet des traités en question. Il y a trois traités principaux: 1°) le traité de 1915 qui a été signé et ratifié après la présentation de vingt-et-une demandes qui ne sont pas toutes comprises dans le traité; 2°) le traité pour la protection des Coréens, contenant un article relatif aux voies ferrées; 3°) le traité de 1905, avec un protocole qui y est joint et qui interdit la construction, en Mandchourie, de lignes pouvant faire concurrence au chemin de fer sud-mandchourien. Les deux premiers traités ont été signés et ratifiés, bien que les Chinois prétendent qu'ils ne l'aient été que par contrainte. La situation est différente pour le protocole joint au traité de 1905, la Chine déclarant qu'il n'est pas valable et le Japon affirmant qu'il est valable.

En ce qui concerne les quatre premiers principes fondamentaux, l'enquête à laquelle s'est livré le Secrétaire général auprès de la Délégation chinoise a fait ressortir que la Chine n'accepterait pas, pour des négociations directes, le texte japonais de ces quatre premiers principes.

Telle est la situation. En ce qui concerne l'évacuation, qui dépend de la sécurité, les Japonais seraient prêts à évacuer s'ils obtenaient, par voie de négociations directes, des assurances précises sur les cinq principes fondamentaux. Autrement, ils n'évacueraient que si la situation existant en Mandchourie leur permettait de le faire. En ce qui concerne la Commission proposée, le Secrétaire général estime que, même si cette Commission ne pouvait être d'aucun secours dans la situation présente, sa création pourrait être d'une grande valeur pour la Société. Il ajoute que la situation intérieure du Japon ne permet guère d'espérer que l'on puisse obtenir des concessions

sur la question des négociations directes.

Le PRESIDENT estime qu'il faut s'assurer en premier lieu s'il est possible de mettre les parties d'accord sur le programme de négociations. Si l'on pouvait obtenir des deux parties d'établir avec le Conseil ce programme, la situation s'en trouverait améliorée, même s'il y avait discussion quant à la question de savoir à quel stade des négociations commencerait l'évacuation.

La question de l'enquête reste réservée. L'enquête sera dominée par la situation existant entre les parties et si celles-ci se trouvent dans le même esprit d'hostilité, elle ne donnera que peu de résultats. Toutefois, il pourrait être intéressant pour la Société des Nations de disposer de renseignements précis.

Le Président proposerait de tenir une réunion privée où assisteraient les représentants de la Chine et du Japon et, sur une observation du SECRETAIRE GENERAL, il ajoute qu'il serait préférable de les convoquer séparément, afin d'obtenir du Représentant de la Chine des précisions sur ce qu'il entend par le respect des traités, et comment il compte faire entrer cet élément dans le cadre des négociations et afin d'obtenir du représentant du Japon des précisions quant aux questions de sécurité que peuvent comporter les traités.

Sir John SIMON n'est pas opposé à cette suggestion. Elle est utile, car elle permettra de préciser quelle pourrait être la situation qui se posera devant le Conseil à un stade ultérieur qui peut n'être pas très éloigné.

Sir John Simon tient à préciser qu'il se place en ce moment dans le domaine des hypothèses. Son gouvernement et lui-même sont disposés à faire tout ce qu'ils pourront pour que l'autorité de la Société dans le monde soit aussi grande que

possible. S'il s'agissait, d'une part, d'accepter étape par étape, dans les conversations privées, l'argumentation de l'une ou l'autre des parties, ce qui empêcherait d'affirmer les principes de la Société et amènerait à reconnaître que la situation échappe au contrôle du Conseil, et s'il s'agissait, d'autre part, d'affirmer solennellement les principes de la Société des Nations, même si cela n'aboutissait pas à des résultats immédiats, Sir John Simon choisirait la seconde solution.

L'autorité de la Société des Nations sera mieux maintenue si, en présence d'un conflit que le Conseil ne peut pas apaiser, on affirme ici les vues que le Conseil est tenu d'adopter conformément aux principes de la Société des Nations. Plutôt que de continuer à essayer de favoriser des négociations qui peuvent échouer et de paraître accepter une situation qui, d'après les principes de la Société, devrait être réglée d'une autre manière, il croit que, pratiquement, il est utile, dans une séance privée, d'envisager les éventualités même lointaines.

M. ZALESKI déclare se rallier à la proposition du Président, surtout en raison du fait que le Conseil ne dispose pas d'informations suffisantes sur ce qui se passe en Mandchourie. Les juristes polonais ont indiqué à M. Zaleski que le nombre des traités concernant la Mandchourie est supérieur à cent.

M. Zaleski est d'accord avec Sir John Simon pour estimer qu'il faut envisager toutes les possibilités ultérieures. Il ne faut pas oublier que le Pacte prévoit la possibilité que le Conseil ne tombe pas d'accord. Il existe toujours la fissure de la guerre légale qui n'est pas encore comblée, mais qui, en attendant l'amendement du Pacte, peut fournir un moyen à utiliser.

M. von BULOW s'associe entièrement à ce qu'a dit Sir John Simon. En ce qui concerne la proposition officieuse de M. Yoshizawa, il ne croit pas qu'une commission du genre indiqué

puisse donner beaucoup de résultats, sauf si sa mission est restreinte et sa compétence limitée.

Il estime que ce qu'il y a de plus grave et de plus nuisible à l'autorité de la Société, ce n'est pas le fait qu'on n'a pas réglé les négociations, mais plutôt le fait qu'il y a des combats en Mandchourie. La première tâche qui s'impose, surtout puisque c'est l'article 11 qui est en jeu, est de mettre fin à ces conflits armés qui ressemblent à la guerre.

Il n'est pas possible de négocier un arrangement ressemblant à un armistice, car il y a là des négociations nécessaires sur la sécurité et l'évacuation. Il faudrait que ces négociations soient engagées et il y aurait lieu d'envisager au début un arrangement ressemblant à un armistice. Or, la question des traités interviendra à ce sujet. L'ambassadeur du Japon à Berlin a expliqué à M. von Bülow qu'il existe un grand nombre de traités et que la question que pose le gouvernement japonais n'est pas limitée aux traités qu'a mentionnés le Secrétaire général. En effet, il ne s'agit pas seulement des grands traités politiques, mais de multiples traités concernant les terrains cédés à bail, les chemins de fer, etc.

M. von Bülow ne croit pas que le Conseil doive se mêler de ces questions. Il y aurait peut-être lieu de prévoir deux commissions, siégeant, peut-être simultanément. L'une, qui pourrait comprendre des représentants du Conseil, examinerait les questions relatives à l'évacuation et à la sécurité; la deuxième, où le Conseil ne serait pas représenté, examinerait la question des traités relatifs à la Mandchourie. On pourrait proposer aux parties de référer au Conseil uniquement des points litigieux précis, mais non pas l'ensemble des traités et on pourrait leur signaler également les possibilités qu'offre la Cour de la Haye.

M. von Bülow proposerait de faire valoir les considérations ci-dessus aux deux parties que l'on veut réunir séparé-

ment. Si aucun résultat n'est atteint, il conviendrait de prendre une résolution claire et précise indiquant nettement la situation. Il y aurait alors un danger que la Chine fasse appel à l'article 15, mais, au point de vue du Conseil et du prestige de la Société des Nations, la situation ne serait pas, alors, plus grave que la situation actuelle. L'article 15 donne au Conseil du temps et comporte des possibilités de conciliation et de négociations.

On trouve donc dans les suggestions de M. Yoshizawa des éléments qu'on pourrait employer pour présenter une proposition utile.

Le PRESIDENT ne croit pas qu'il y ait désaccord, mais que la discussion se poursuit sur des plans différents. Pour le moment, il s'agit de l'article 11. Comme l'a dit Sir John Simon, les choses peuvent tourner autrement et le problème peut se poser comme l'a indiqué le Représentant de l'Empire britannique. Mais, lorsqu'on en arrivera là, on sera mis dans la situation d'une Société qui doit avoir raison envers et contre tous. Il faudra alors prendre les articles 11, 15 et 16, et le Conseil peut être amené au pied de l'article 16. Mais avant de s'engager dans cette voie, il importera d'y bien réfléchir. La situation n'en est pas encore là. Dans la consultation qui aura lieu, il s'agira de dire aux Japonais : " Définissez vos principes fondamentaux en tant qu'ils se relient à des idées de sécurité ", et aux Chinois : " Qu'entendez-vous par le respect des traités, dans quelle mesure et à propos de quels traités faites-vous des discriminations ? " On obtiendra ainsi des éléments d'appréciation; mais il y aura lieu de voir ensuite ce qu'il faudra faire du point de vue de l'autorité morale de la Société des Nations. Mais, pour le moment, les choses restent dans le cadre de l'article 11, article de conciliation et de pacification.

M. FOTITCH croit qu'il est indispensable d'avoir cette réunion avec les deux parties successivement afin d'éclaircir



les points indiqués. Si on ne peut arriver à aucun résultat avec l'article 11, il faudra examiner quels sont les articles à invoquer et discuter alors la proposition de M. Zaleski.

M. COLBAN se déclare d'accord avec M. von Bülow sur le programme limité qu'il conviendrait de donner à la commission; il estime que, tant pour des raisons de tactique qu'au point de vue de la tâche future de la Société des Nations en Extrême-Orient, il importe de ne pas éliminer cette idée de commission.

M. SCIALOJA désirerait, en ce qui concerne les traités, que fût établi un répertoire des traités relatifs à la Mandchourie; ce répertoire indiquerait nettement les traités qui ne soulèvent pas de questions et ceux qui donnent lieu à des contestations. On verra alors si, dans les traités qui seront admis, il y a des questions intéressant la sécurité.

M. COLBAN voit certaines objections d'ordre tactique à ce que cette demande soit formulée dès le début.

Le PRESIDENT estime que, tout en se réservant de formuler ultérieurement la demande en question, il y a lieu d'obtenir d'abord des représentants de la Chine et du Japon toutes les explications qu'ils pourront donner spontanément.

Après un échange de vues, il est entendu que le Conseil entendra d'abord le Représentant du Japon, qui a posé la question de sécurité, puis le Représentant de la Chine.

La séance est levée à 12 heures 50.