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THE CONFERENCE OF BRUSSELS

November 3-24, 1937

CONVENED IN VIRTUE OF ARTICLE 7
OF THE
NINE-POWER TREATY OF WASHINGTON OF 1922

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NINE-POWER TREATY OF WASHINGTON OF 1922



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CONTENTS

	Page
The Nine-Power Treaty of Washington of February 6, 1922	1
Invitation of the Belgian Government to the Conference at Brussels, October 16, 1937	6
Acceptance by the American Government, October 16, 1937, of the Invi- tation of the Belgian Government	7
Postponement of the Conference, October 27, 1937	8
Reply of the Japanese Government, October 27, 1937, to the Invitation of the Belgian Government	9
Statement of the Japanese Foreign Office, October 28, 1937	11
Delegations Attending the Conference, November 3, 1937	16
Addresses Made at the Opening Meeting of the Conference, November 3, 1937, in General Discussion:	
Welcome Extended to the Delegations by His Excellency Paul-Henri Spaak, Belgian Minister for Foreign Affairs	21
Address by the Honorable Norman H. Davis, of the United States of America	24
Address by the Right Honorable Anthony Eden, of the United King- dom	27
Address by His Excellency Yvon Delbos, of France	29
Address by Count Luigi Aldrovandi-Marescotti, of Italy	31
Address by His Excellency Mr. Litvinov, of the Union of Soviet Socialist Republics	33
Address by His Excellency Dr. V. K. Wellington Koo, of China	35
Address by His Excellency Mr. Augusto de Castro, of Portugal	45
Comments of the Chinese Ministry of Foreign Affairs, November 4, 1937, on the Japanese Reply to the Invitation to the Conference and the Statement of the Japanese Government of October 28, 1937	46
Communication from the Conference to the Japanese Government, November 7, 1937	51
Reply of the Japanese Government, November 12, 1937, to the Com- munication of November 7 from the Conference	53
Declaration and Addresses Made at the Seventh Meeting of the Conference, November 13, 1937, in Considering the Reply of the Japanese Government:	
Declaration by His Excellency Dr. V. K. Wellington Koo, of China	55
Address by His Excellency Yvon Delbos, of France	58
Address by the Right Honorable Anthony Eden, of the United King- dom	60
Address by the Honorable Norman H. Davis, of the United States of America	61
Address by Mr. Potemkine, of the Union of Soviet Socialist Republics	63
Address by Count Luigi Aldrovandi-Marescotti, of Italy	64
Declaration of the Conference, November 15, 1937	65

	Page
Statements Made at the Closing Meeting of the Conference, November 24, 1937:	
Statement by His Excellency Dr. V. K. Wellington Koo, of China . .	69
Statement by Count Luigi Aldrovandi-Marescotti, of Italy	70
Statement by the Honorable Norman H. Davis, of the United States of America	70
Statement by Viscount Cranborne, of the United Kingdom	71
Statement by Mr. François de Tessan, of France	72
Statement by the Honorable Raoul Dandurand, of Canada	72
Statement by Mr. W. J. Jordan, of New Zealand	73
Statement by Count Luigi Aldrovandi-Marescotti, of Italy	73
Statement by His Excellency Dr. V. K. Wellington Koo, of China. . .	73
Statement by the Honorable Norman H. Davis, of the United States of America	74
Closing Remarks by the President of the Conference, His Excellency Paul-Henri Spaak, of Belgium	74
Declaration of the Conference, November 24, 1937	76
Report of the Conference, Dated November 24, 1937	78
Statement to the Press, Made by the Honorable Norman H. Davis, American Delegate, upon Arrival in New York, December 11, 1937.	81
The Achievements of the Conference: Statement Made to the Secretary of State by the Honorable Norman H. Davis, American Delegate, December 16, 1937	82

THE NINE-POWER TREATY OF WASHINGTON OF FEBRUARY 6, 1922 *

PRINCIPLES AND POLICIES TO BE FOLLOWED IN MATTERS CONCERNING CHINA

The United States of America, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal:

Desiring to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other Powers upon the basis of equality of opportunity;

Have resolved to conclude a treaty for that purpose and to that end have appointed as their respective Plenipotentiaries;

The President of the United States of America:

Charles Evans Hughes,

Henry Cabot Lodge,

Oscar W. Underwood,

Elihu Root,

citizens of the United States;

His Majesty the King of the Belgians:

Baron de Cartier de Marchienne, Commander of the Order of Leopold and of the Order of the Crown, His Ambassador Extraordinary and Plenipotentiary at Washington;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Arthur James Balfour, O.M., M.P.,
Lord President of His Privy Council;

The Right Honourable Baron Lee of Fareham, G.B.E., K.C.B.,
First Lord of His Admiralty;

The Right Honourable Sir Auckland Campbell Geddes, K.C.B.,

* The ratifications of all the signatory powers of the treaty were duly deposited with the Government of the United States of America on Aug. 5, 1925. The following countries have adhered to the treaty: Norway, Nov. 18, 1925; Bolivia, Nov. 21, 1925; Sweden, Dec. 8, 1925; Denmark, Dec. 30, 1925; Mexico, Sept. 29, 1927. (Treaty Series, No. 723.)

His Ambassador Extraordinary and Plenipotentiary to the United States of America;

and

for the Dominion of Canada:

The Right Honourable Sir Robert Laird Borden, G.C.M.G., K.C.;

for the Commonwealth of Australia:

Senator the Right Honourable George Foster Pearce, Minister for Home and Territories;

for the Dominion of New Zealand:

The Honourable Sir John William Salmond, K.C., Judge of the Supreme Court of New Zealand;

for the Union of South Africa:

The Right Honourable Arthur James Balfour, O.M., M.P.;

for India:

The Right Honourable Valingman Sankaranarayana Srinivasa Sastri, Member of the Indian Council of State;

The President of the Republic of China:

Mr. Sao-Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary at London;

Mr. Chung-Hui Wang, former Minister of Justice.

The President of the French Republic:

Mr. Albert Sarraut, Deputy, Minister of the Colonies;

Mr. Jules J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States of America, Grand Cross of the National Order of the Legion of Honour;

His Majesty the King of Italy:

The Honourable Carlo Schanzer, Senator of the Kingdom;

The Honourable Vittorio Rolandi Ricci, Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Washington;

The Honourable Luigi Albertini, Senator of the Kingdom;

His Majesty the Emperor of Japan:

Baron Tomosaburo Kato, Minister for the Navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower;

Baron Kijuro Shidehara, His Ambassador Extraordinary and Plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun;

Mr. Masanao Hanihara, Vice Minister for Foreign Affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Her Majesty the Queen of The Netherlands:

Jonkheer Frans Beelaerts van Blokland, Her Envoy Extraordinary and Minister Plenipotentiary;

Jonkheer Willem Hendrik de Beaufort, Minister Plenipotentiary, Chargé d'Affaires at Washington;

The President of the Portuguese Republic:

Mr. José Francisco de Horta Machado da Franca, Viscount d'Alte, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. Ernesto Julio de Carvalho e Vasconcelos, Captain of the Portuguese Navy, Technical Director of the Colonial Office.

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

ARTICLE II.

The Contracting Powers agree not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated in Article I.

ARTICLE III.

With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking—

(a) any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

(b) any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category or public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be necessary to the conduct of a particular commercial, industrial, or financial undertaking or to the encouragement of invention and research.

China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from Governments and nationals of all foreign countries, whether parties to the present Treaty or not.

ARTICLE IV.

The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory.

ARTICLE V.

China agrees that, throughout the whole of the railways in China, she will not exercise or permit unfair discrimination of any kind. In particular there shall be no discrimination whatever, direct or indirect, in respect of charges or of facilities on the ground of the nationality of passengers or the countries from which or to which they are proceeding, or the origin or ownership of goods or the country from which or to which they are consigned, or the nationality or ownership of the ship or other means of conveying such passengers or goods before or after their transport on the Chinese Railways.

The Contracting Powers, other than China, assume a corresponding obligation in respect of any of the aforesaid railways over which they or their nationals are in a position to exercise any control in virtue of any concession, special agreement or otherwise.

ARTICLE VI.

The Contracting Powers, other than China, agree fully to respect China's rights as a neutral in time of war to which China is not a party; and China declares that when she is a neutral she will observe the obligations of neutrality.

ARTICLE VII.

The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned.

ARTICLE VIII.

Powers not signatory to the present Treaty, which have Governments recognized by the Signatory Powers and which have treaty relations with China, shall be invited to adhere to the present Treaty. To this end the Government of the United States will make the necessary communications to nonsignatory Powers and will inform the Contracting Powers of the replies received. Adherence by any Power shall become effective on receipt of notice thereof by the Government of the United States.

ARTICLE IX.

The present Treaty shall be ratified by the Contracting Powers in accordance with their respective constitutional methods and shall take effect on the date of the deposit of all the ratifications, which shall take place at Washington as soon as possible. The Government of the United States will transmit to the other Contracting Powers a certified copy of the procès-verbal of the deposit of ratifications.

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to the other Contracting Powers.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at the City of Washington the Sixth day of February One Thousand Nine Hundred and Twenty-Two.

[Here follow signatures.]

INVITATION OF THE BELGIAN GOVERNMENT TO THE CONFERENCE AT BRUSSELS

HANDED TO THE SECRETARY OF STATE BY THE BELGIAN
AMBASSADOR, OCTOBER 16, 1937

Invitation adressée par le Gouvernement Belge aux Gouvernements signataires du Traité des IX Puissances, Signé à Washington le 6 février 1922

Donnant suite à une demande du Gouvernement de Grande-Bretagne, faite avec l'approbation du Gouvernement des Etats-Unis d'Amérique, le Gouvernement du Roi propose aux Etats signataires du Traité du 6 février 1922, de se réunir à Bruxelles le 30 de ce mois, à l'effet d'examiner, conformément à l'article 7 de ce Traité, la situation en Extrême-Orient et d'étudier les moyens amiables de hâter la fin du conflit regrettable qui y sévit.

(Translation)

Invitation addressed by the Belgian Government to the Governments Signatory to the Nine-Power Treaty Signed at Washington, February 6, 1922

In compliance with the request by the Government of the United Kingdom made with the approval of the Government of the United States of America, His Majesty's Government proposes to the states signatory to the treaty of February 6th, 1922 that they should meet at Brussels on the 30th of the month, in order to examine the situation in the Far East, in conformity with article 7 of this treaty, and to consider friendly methods for expediting the end of the present regrettable conflict in that part of the world.

ACCEPTANCE BY THE AMERICAN GOVERNMENT
OF THE INVITATION OF THE BELGIAN
GOVERNMENT

NOTE OF THE SECRETARY OF STATE TO THE BELGIAN
AMBASSADOR, OCTOBER 16, 1937

The Secretary of State presents his compliments to the Royal Belgian Ambassador and has the honor to acknowledge receipt of his note of October 16, 1937, stating that the Royal Belgian Government, at the request of the British Government and with the approval of the Government of the United States, proposes to the states signatory to the treaty of February 6, 1922, that they meet in Brussels on October 30 for the purpose of examining, in conformity with article VII of that treaty, the situation in the Far East, and of studying peaceable means of hastening an end of the regrettable conflict which prevails there.

The Government of the United States is glad to accept this invitation and the President has designated the Honorable Norman H. Davis as the delegate of the United States. The American Delegation will sail from New York on the steamship *Washington* on October 20th next.

DEPARTMENT OF STATE,
WASHINGTON, *October 16, 1937.*

POSTPONEMENT OF THE CONFERENCE

NOTE OF THE BELGIAN AMBASSADOR TO THE SECRETARY OF
STATE, OCTOBER 27, 1937

(Translation)

WASHINGTON, *October 27, 1937.*

MR. SECRETARY OF STATE:

By order of my Government, I have the honor to advise Your Excellency that the date of the opening of the Nine-power Conference which was to take place at Brussels October 30, next, has been postponed to November 3.

I avail myself of this opportunity, Mr. Secretary of State, to renew to Your Excellency the assurances of my highest consideration.

R. v. STRATEN

REPLY OF THE JAPANESE GOVERNMENT, OCTOBER 27, 1937, TO THE INVITATION OF THE BELGIAN GOVERNMENT

The Japanese Government have the honor to acknowledge the receipt of the *note verbale* under the date of the 20th instant, by which the Royal Government, in accordance with the request of the Government of Great Britain, and with the approbation of the Government of the United States of America, propose to the powers signatory to the treaty of February 6, 1922, to meet at Brussels on the 30th of this month in order to examine, in conformity with the article VII of the said treaty, the situation in the Far East and to study amicable means of hastening the end of the regrettable conflict which is taking place there.

The League of Nations, in a report adopted on October 6th, has declared, on the basis of the declarations of only one of the two parties, that the military operations carried out by Japan in China are in violation of the Nine-power Treaty. The action of Japan in China is a measure of self-defense which she has been compelled to take in the face of China's fierce anti-Japanese policy and practice, and especially by her provocative action in resorting to force of arms; and consequently it lies as has been declared already by the Imperial Government, outside the purview of the Nine-power Treaty.

The Assembly of the League of Nations has even gone to the length of assuring China of its moral support, and of recommending its members to abstain from any action that might weaken that country's power of resistance and add to its difficulties in the present conflict, and also to study how they might actively give aid to China. This seems to take no account of the just intention of the Imperial Government, who propose to bring about a sincere cooperation between Japan and China, to assure enduring peace in East Asia, and to contribute thereby to the peace of the world. This is to take sides with one of the parties and to encourage its hostile disposition, but in no way to contribute to an early settlement.

The Royal Government make in their invitation no mention of this connection between the proposed Conference and the League of Nations. However, in view of the fact that in its resolution the League of Nations suggested a meeting of those of its members who were party to the Nine-power Treaty, and that the Government of the United States, who have acquiesced in the request of the Government of Great Britain for the convocation of the Conference, have declared,

on October 6, their approval of the resolution, the Imperial Government cannot but conclude that the convocation of the Conference is linked to the resolution of the League of Nations.

Now the League of Nations, as mentioned above, has expressed its view casting reflection upon the honor of Japan, and it has adopted a resolution which is incontestably unfriendly towards her. In these circumstances the Imperial Government are constrained to believe that frank and full discussion to bring about a just, equitable and realistic solution of the conflict between Japan and China cannot be expected between the powers concerned at the proposed Conference.

Moreover the present Sino-Japanese conflict, arising from the special situation of East Asia, has a full bearing upon the very existence of the two countries. The Imperial Government are firmly convinced that an attempt to seek a solution at a gathering of so many powers whose interests in East Asia are of varying degree, or who have practically no interests there at all, will only serve to complicate the situation still further, and to put serious obstacles in the path of a just and proper solution.

For the reasons explained above the Imperial Government regret their inability to accept the invitation of the Royal Government.

The present conflict has been caused by none other than the Chinese Government, who for these many years have been engaged as a matter of national policy in disseminating anti-Japanese sentiments and encouraging anti-Japanese movements in China, and who, in collusion with Communist elements, have menaced the peace of East Asia by their virulent agitation against Japan.

Consequently, what is most urgently needed for a solution of the conflict is a realization on the part of the Chinese Government of the common responsibility of Japan and China respecting the stability of East Asia, a revision of their attitude, and a change of their policy to that of cooperation between the two countries. What Japan asks of the powers is that they comprehend fully this need. Such cooperation, based upon such comprehension, can alone, she believes, contribute effectively towards the stabilization of East Asia.

STATEMENT OF THE JAPANESE FOREIGN OFFICE OCTOBER 28, 1937

The Japanese Government, having replied to the invitation of the Belgian Government to the Conference signatories of the Nine-power Treaty, 1922, take this opportunity of making public at home and abroad a statement of their views.

1. China has witnessed the rise and fall of countless regimes since the revolution of 1912, but her foreign policy has been consistently one of anti-foreignism. Especially since 1924, when the Kuomintang set up the Nationalist Government in Canton and entered into an alliance with the Communists as a means of winning control of the central administration, the anti-foreign policy then began to be pursued with unprecedented vigor and ruthlessness, and anti-foreign sentiments were kindled ablaze among the populace. The memory is still fresh of the way in which foreign powers, one after another, were victimized and deprived of their vested rights and interests. It happens that Japan has been made for the past 10 years the principal target of this anti-foreign policy of China.

Japan has always striven to promote friendship and cooperation among the nations of East Asia, in the firm conviction that therein lies the key to the stability of that region. Japan welcomed the deepening of Chinese national consciousness which followed upon the revolution, believing that it would conduce to intimate Sino-Japanese collaboration, and she adopted the policy of meeting the legitimate national aspirations of China to the utmost possible extent.

For instance, in 1926 Japan took the lead in assisting China to recover her customs autonomy, and took a firm stand in favor of China on the question of the abolition of extraterritoriality. Japan, so cultivating Chinese good-will, looked patiently and eagerly forward to a favorable response that would consort with her ideal of friendship and cooperation. However, China showed no signs of appreciation of this sympathetic attitude on the part of Japan. On the contrary, she hoisted still higher the banner of anti-Japanism, and seemed resolved to annihilate all Japanese rights and interests in China.

The Nanking Government employed anti-Japanism as a convenient tool in domestic politics for the mobilization of public opinion in support of their regime, and resorted to the unheard-of tactics of making it the foundation of moral education in the army and in the schools, so that even innocent children and youths were taught to

look upon their friendly neighbor country as an enemy. As a result, not only were the peaceful trade and economic activities of Japan interrupted, but even the very lives of Japanese nationals were jeopardized.

This anti-Japanese campaign finally took the form of organized terrorism as in the cases of the killing of a Japanese bluejacket at Shanghai in November 1935 and of the subsequent murderous attacks upon Japanese subjects at Swatow, Chengtu, Pakhoi, Hankow and Shanghai, and the bombing of Japanese residents at Changsha and Swatow.

In the face of the alarming situation, Japanese Government remained calm and forbearing. Urgent demands were repeatedly made upon the Nanking Government for the reversal of their disastrous policy, but to no avail. Then, towards the end of last year, there occurred the Sian incident, in which General Chiang Kai-shek was held captive for some days. Though the exact circumstances surrounding that sensational incident remain a mystery, it is an indisputable fact that shortly afterwards Communist elements, gaining the ascendancy in the Nanking Government, began to conduct campaigns of disturbance in North China and Manchukuo under the banner of the "Anti-Japanese People's Front", which finally led to the Lukouchiao incident of July 7 of this year, in which Japanese soldiers were unlawfully fired upon by Chinese troops in the outskirts of Peking.

2. Upon the occurrence of the Lukouchiao incident the Japanese Government, desirous of averting possible Sino-Japanese crisis, immediately formulated a policy of non-aggravation and local settlement, and devoted their best efforts towards bringing about an amicable solution, in spite of the intolerable situations that were created, one after another, by the Chinese on the spot.

On the other hand the Nanking Government, in violation of the Umezu-Ho agreement, moved north the vast forces under their direct command, to threaten the Japanese garrisons, and also instigated local Chinese armies against Japan. The situation was thus aggravated until a general clash between the two countries became inevitable.

It should be recalled that the Nanking Government, which employ anti-Japanism as an instrument of internal unification, had been conducting for some years a militaristic propaganda aimed at Japan, and that at the same time, by importing vast quantities of munitions, constructing fortifications, and giving intensive training to the troops, she had succeeded in building up strong armaments, so that their military men grew overconfident of their own strength and the people themselves were deluded into putting an exaggerated estimate upon their country's fighting-power.

A belligerent spirit towards Japan came to prevail throughout the land. Long before the present outbreak, Chinese newspapers and magazines were accustomed to call Japan the "enemy country" and the Japanese their enemies. At the time of the Lukouchiao incident—the Nanking Government being driven to action against Japan by the internal situation they themselves had created—Japan's cautious attitude and her policy of local settlement were both doomed to utter failure.

With aggravation of the situation all Japanese residents, not only in North China but also in Central and South China, became exposed to imminent danger, and were compelled to evacuate *en masse*, abandoning the enterprises that they had toilsomely built up during long years in the past. At the same time, the Chinese in Shanghai, in contravention of the 1932 truce agreement, secretly set out to construct military works in the demilitarized zone and to perfect their war preparations. Accordingly in June last the Japanese Government made a request for a special conference of the powers concerned, and called the attention of the Chinese Government to the matter.

The Chinese refused to alter their attitude, and upon the outbreak of the armed conflict in North China, they moved troops into the prohibited zone in flagrant violation of the truce agreement, and finally following upon the murder of an officer and a man belonging to the Japanese landing party, on August 9, they launched an attack upon the International Settlement. While the Japanese authorities were still engaged in negotiation with the representatives of the powers concerned, in a desperate attempt to prevent hostilities with extreme patience and forbearance and bearing serious strategical disadvantages, the Chinese began to shell and bomb the Japanese quarter of the Settlement as well as the Japanese garrison defending it, with a view to annihilating the 30,000 Japanese residents as well as the Japanese forces, who were hopelessly outnumbered by the Chinese Army. Thereupon Japan was compelled to take counter measures in self-defense.

As is clear from the foregoing accounts, the fundamental cause of the aggravation of the present affair is to be found in the policy of the Nanking Government, who moved large, threatening forces into North China in contravention of the Umezu-Ho agreement, and also tore up the truce agreement by marching troops on the International Settlement. Japan was compelled to take up arms in self-defense, and she has chosen this opportunity to make the Nanking Government revise their attitude for the sake of the permanent peace of East Asia. Therefore, the present affair can never be settled until the Nanking Government mend their ways, abandon once for all their anti-Japanese policy, and accept Japan's policy of cooperation and collaboration between the two countries.

It should be remembered that one of the important factors underlying Nanking's feverish agitations of more recent years against Japan is the action taken by the League of Nations at the time of the Manchurian incident. That body then adopted a resolution framed in utter disregard of the realities of the situation in East Asia, which strongly stimulated China in her anti-Japanese policy.

Now the League has once more taken up the appeal of the Nanking Government. Without going fully into the real causes of the present affair, it has concluded, on the basis of false report, that the bombing of the military works in the strongly fortified Nanking and Canton was an attack upon defenseless cities, and adopted the resolution of September 27 condemning Japan.

Again on October 6 the General Assembly of the League not only concluded that Japan's action constituted a violation of the Anti-war Pact and the Nine-power Treaty but also adopted a resolution which openly calls for assistance to China. Such proceedings on the part of the League only fall in with the cunning scheme of the Nanking Government to exert pressure upon Japan by inviting the intervention of third powers, and serves no useful end but to encourage China in her resolve to oppose Japan to the last and to render a settlement of the affair more difficult than ever.

It must be said that the League of Nations is repeating the error that it committed only a few years ago. Japan's action is a measure of self-defense taken in the face of China's challenge, and obviously there can be no question of violation of the Nine-power Treaty. Moreover, as compared with the time when the treaty was concluded, the situation in East Asia today has been rendered totally different, owing to the infiltration of Communist influence and the changes of internal conditions prevailing in China.

In any case, as regards the Conference that has been convened by the signatories of the Nine-power Treaty, it is a foregone conclusion that a majority of the participants will hold themselves bound by the above-mentioned resolutions of the League of Nations, and even if Japan took part in its deliberations, no fair and just result could ever be expected therefrom as in the case of the League of Nations meeting at the time of the Manchurian incident. Especially as this conference is to be attended by powers which are not directly interested in East Asia, it is calculated to arouse popular feeling both in Japan and China, thereby complicating the situation still further but contributing nothing towards a solution. The Japanese Government have therefore decided to decline the invitation.

The Japanese nation, rising as one man, is united in the determination to surmount all obstacles for the purpose of effecting a speedy settlement. Japan is by no means indifferent towards international cooperation. But the Sino-Japanese difficulties can be

solved only through direct negotiations between the two powers on whom falls the common burden of responsibility for the stability of East Asia. What is needed is the elimination of Nanking's anti-Japanese policy and the Communist elements which are identified with it, so that there may be established an enduring peace based upon Sino-Japanese unity and cooperation.

Japan never looks upon the Chinese people as an enemy, nor does she harbor any territorial designs. It is rather her sincere wish to witness the material and spiritual advancement of the Chinese nation. And it is her desire to promote cultural and economic cooperation with foreign powers regarding China, while at the same time she will respect fully their rights and interests there.

Accordingly, as soon as the powers understand the true intention of Japan, and take suitable steps to make the Nanking Government reconsider their attitude and policy, then, and only then, a way will have been paved for their cooperation with Japan respecting the settlement of the present conflict.

DELEGATIONS ATTENDING THE CONFERENCE NOVEMBER 3, 1937

UNION OF SOUTH AFRICA

- His Excellency Dr. S. F. N. GIE, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa at Berlin and Stockholm;
- His Excellency Dr. H. D. VAN BROEKHUIZEN, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa at Brussels and The Hague;
- Dr. H. M. STOKER, Secretary of the Union of South Africa Legation at Berlin;
- Mr. G. P. JOOSTE, Secretary of the Union of South Africa Legation at Brussels;
- Mr. B. J. JARVIE, Attaché to the Union of South Africa Legation at Brussels.

UNITED STATES OF AMERICA

- The Honorable NORMAN H. DAVIS, Delegate;
- Mr. STANLEY K. HORNBECK, Adviser on Political Relations, Department of State: Adviser;
- Mr. PIERREPONT MOFFAT, Chief of the Division of European Affairs, Department of State: Adviser;
- Mr. ROBERT T. PELL, Divisional Assistant, Department of State: Press Officer;
- Mr. CHARLES E. BOHLEN, Second Secretary of the American Embassy at Moscow: Secretary.

AUSTRALIA

- The Right Honorable S. M. BRUCE, C.H., M.C., High Commissioner for Australia;
- Mr. ALFRED STIRLING, Counselor;
- Major O. C. W. FUHRMAN, O.B.E., Secretary.

BELGIUM

- Mr. PAUL-HENRI SPAAK, Member of Chamber of Representatives; Minister for Foreign Affairs;
- Mr. VAN LANGENHOVE, Ambassador for Belgium; Secretary General of the Ministry for Foreign Affairs;
- Baron VAN ZUYLEN, Ambassador for Belgium; Director General of the Political Department at the Ministry for Foreign Affairs;
- Mr. DELVAUX DE FENFFE, First Secretary of Embassy;
- Mr. IWEINS D'ECKHOUTTE, First Secretary of Legation;
- Mr. P. POSWICK, Secretary of Legation;

Count FRÉDÉRIC DE BORCHGRAVE D'ALTENA, Attaché to the Ministry for Foreign Affairs.

BOLIVIA

His Excellency M. COSTA DU RELS, Envoy Extraordinary and Minister Plenipotentiary.

CANADA

The Honorable RAOUL DANDURAND, Minister of State and Government Representative in the Senate;

Mr. HUME WRONG, Canadian Counselor accredited to the League of Nations;

Mr. P. DUPUY, Secretary to the Canadian Legation at Paris.

CHINA

His Excellency Dr. V. K. WELLINGTON KOO, Ambassador at Paris;

His Excellency Mr. QUO TAI-CHI, Ambassador at London;

His Excellency Dr. TSIEN TAI, Ambassador at Brussels;

His Excellency Mr. WUNSZ KING, Envoy Extraordinary and Minister Plenipotentiary at The Hague;

His Excellency Mr. HOO CHI-TSAI, Envoy Extraordinary and Minister Plenipotentiary at Berne; Director of the Secretariat of the Chinese Delegation;

Dr. KUANGSON YOUNG, Envoy Extraordinary in Europe of the Ministry for Foreign Affairs; Director of the Press Office of the Chinese Delegation;

Dr. YOUNG YIN-PU, Technical Counselor to the Permanent Bureau of the Chinese Delegation at the League of Nations;

Mr. C. K. SZE, Counselor to the Embassy at Paris;

Mr. LIU CHIEH, First Secretary to the Embassy at London;

Mr. WANG LEI-GHI, First Secretary to the Embassy at Brussels;

Mr. YU KIEN-WEN, Third Secretary to the Embassy at London.

DENMARK

His Excellency Mr. HENRIK DE KAUFFMANN, Envoy Extraordinary and Minister Plenipotentiary;

Mr. HANS BERTELSEN, Secretary to the Legation of Denmark.

FRANCE

His Excellency Mr. YVON DELBOS, Deputy; Minister for Foreign Affairs;

Mr. FRANÇOIS DE TESSAN, Deputy; Under Secretary of State for Foreign Affairs;

Mr. GASTON MONNERVILLE, Deputy; Under Secretary of State for the Colonies;

His Excellency Mr. ERNEST LAGARDE, Minister Plenipotentiary;

- Mr. HOPPENOT, Counselor of Embassy; Assistant Director of the Asiatic Department;
- Mr. GASTON JOSEPH, Director of Political Affairs at the Ministry for the Colonies;
- Mr. ROCHAT, Minister Plenipotentiary; Director of Cabinet of the Minister for Foreign Affairs;
- Mr. DE BOISANGER, Secretary of Embassy; Chief of Cabinet of the Under Secretary for Foreign Affairs;
- Mr. HOFFHER, Chief of Cabinet of the Under Secretary of State for Colonies;
- Mr. BENECH, Chief of Cabinet;
- Mr. CLAUZEL, Secretary of Embassy;
- Mr. CHAMBON, Secretary Interpreter in the Far East;
- Mr. GILBERT, Secretary Interpreter in the Far East;
- Mr. GUÉRIN, Attaché at the Ministry for Foreign Affairs.

UNITED KINGDOM

- The Right Honorable ANTHONY EDEN, M.C., M.P., Secretary of State for Foreign Affairs;
- The Right Honorable MALCOLM MACDONALD, M.P., Secretary of State for Dominion Affairs;
- Viscount CRANBORNE, M.P., Parliamentary Under Secretary of State, Foreign Affairs;
- The Honorable Sir ALEXANDER CADOGAN, K.C.M.G., C.B., Deputy; Under Secretary of State, Foreign Affairs;
- Sir J. T. PRATT, K.B.E., C.M.G.;
- Mr. C. B. PEAKE, M.C.;
- Mr. R. P. HEPPEL;
- Mr. R. C. SKRINE STEVENSON;
- Mr. B. COCKRAM, Representative of Dominions Office;
- Mr. O. C. HARVEY, C.M.G., Private Secretary to Mr. Eden;
- Mr. J. P. L. THOMAS, M.P., Parliamentary Secretary to Mr. Eden;
- Mr. W. C. HANKINSON, O.B.E., M.C., Private Secretary to Mr. MacDonald;
- Sir EDMUND BROCKLEBANK, M.P., Parliamentary Secretary to Mr. MacDonald;
- Mr. P. N. LOXLEY, Private Secretary to Viscount Cranborne;
- Mr. MARK PATRICK, M.P., Parliamentary Secretary to Viscount Cranborne.

INDIA

- Sir RAMASWAMI MUDALIAR;
- Mr. A. F. MORLEY.

ITALY

His Excellency Count LUIGI ALDROVANDI-MARESCOTTI, Ambassador of Italy;

Commander Dr. LEOPOLDO PICCARDI, Counselor of State;

Count VITTORIO BONARELLI DI CASTELBOMPIANO, Counselor of Legation;

Commander GIUSEPPE COSMELLI, Counselor of Legation;

Dr. DE MICHELIS, Attaché of Embassy.

MEXICO

His Excellency Mr. PRIMO VILLA MICHEL, Envoy Extraordinary and Minister Plenipotentiary at London;

Mr. MARTINEZ-BACA, Attaché, Brussels Legation.

NORWAY

His Excellency Mr. L. AUBERT, Secretary General of the Ministry for Foreign Affairs; Envoy Extraordinary and Minister Plenipotentiary;

Mr. R. B. SKYLSTAD, Director at the Ministry for Foreign Affairs;

Mr. NYGAARD, Attaché to the Legation of Norway at Brussels.

NEW ZEALAND

Mr. W. J. JORDAN, High Commissioner for New Zealand;

Mr. R. M. CAMPBELL, Counselor for Economic Affairs;

Mr. G. W. CLINKARD, Trade Commissioner for New Zealand;

Mr. C. A. KNOWLES, Secretary.

NETHERLANDS

His Excellency Jonkheer Dr. A. C. D. DE GRAEFF, former Minister for Foreign Affairs; former Governor General of the Netherlands Indies;

Prof. Dr. B. J. O. SCHRIEKE, former Director of Education and Public Worship in the Netherlands Indies; Professor at the University of Amsterdam;

Mr. A. J. LIEVEGOED, Press Officer;

Baron Dr. A. W. C. BENTINCK VAN SCHOONHEETEN, Deputy; Chief of the Political Department, Ministry for Foreign Affairs.

PORTUGAL

His Excellency Mr. AUGUSTO DE CASTRO, Envoy Extraordinary and Minister Plenipotentiary at Brussels;

His Excellency Mr. JOAO ANTONIO DE BIANCHI, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Mr. MANUEL NUNES DA SILVA, Secretary of the Legation of Portugal at Paris.

SWEDEN

His Excellency Mr. G. DE DARDEL, Envoy Extraordinary and Minister Plenipotentiary at Brussels;

Count F. WACHTMEISTER, Secretary to the Legation of Sweden.

UNION OF SOCIALIST SOVIET REPUBLICS

His Excellency Mr. LITVINOV, Minister for Foreign Affairs;

Mr. POTESKINE, Deputy; Commissioner for Foreign Affairs;

His Excellency Mr. ROUBININE, Envoy Extraordinary and Minister Plenipotentiary at Brussels;

Mr. HOERSCHELMAN, Secretary General of the Commissariat for Foreign Affairs.

ADDRESSES MADE AT THE OPENING MEETING OF THE CONFERENCE, NOVEMBER 3, 1937, IN GEN- ERAL DISCUSSION

WELCOME EXTENDED TO THE DELEGATIONS BY HIS EXCELLENCY
PAUL-HENRI SPAAK, BELGIAN MINISTER FOR FOREIGN
AFFAIRS

(Translation)

YOUR EXCELLENCIES:

On behalf of His Majesty's Government I have the honor to extend to you a cordial welcome to Brussels.

I wish to express to each of you [its] country's esteem, its satisfaction at being able to receive you here and its hope that our work will produce many happy results.

In agreeing to convene the present Conference, the Belgian Government's sole aim has been to cooperate in a work of peace.

The world, already so troubled by the tragedy which has been drenching Spain in blood for the last eighteen months, sees its anxiety greatly increased by the terrible war now raging in the Far East. Everyone is wondering whether these sporadic outbreaks are the preliminary signs of a universal cataclysm compared with which the horrors of 1914 will appear to be mere child's play.

At such times, everyone must do his duty and shoulder his responsibility. Peace throughout the world depends on the great powers, on their agreement, on the trend they give to international policy and on the outlook they adopt. The smaller countries can only offer their moral support in the service of humanity, hoping for conciliation and mutual understanding.

Belgium has never shirked her duty in this respect. My Government therefore has agreed that Brussels shall be the seat of this Conference.

I think it may be well, at the outset, to remind you of the Conference's origin, and to endeavor to define its inner meaning.

On October 10th last, the United Kingdom Government, acting on an agreement reached with the Government of the United States, requested the Belgian Government to convene in Brussels those countries which had signed the treaty known as the Nine-power Treaty, adding at the same time, that it might be desirable to request Germany and the U.S.S.R., two countries which have considerable

interests in the Far East, to join the other countries convened, if they so desire.

On October 15th, the Royal Government sent to the countries which had signed the Nine-power Treaty the following note:

In compliance with the request by the Government of the United Kingdom made with the approval of the Government of the United States of America, His Majesty's Government proposes to the states signatory to the treaty of February 6th, 1922 that they should meet at Brussels on the 30th of the month, in order to examine the situation in the Far East, in conformity with article 7 of this treaty, and to consider friendly methods for expediting the end of the present regrettable conflict in that part of the world.

By common agreement the meeting was adjourned from October 30th, the date originally fixed, until November 3d.

The text of the invitation defines the limits within which our discussions must be confined and the aim of these discussions.

The United Kingdom, Canada, France, United States of America, China, Australia, New Zealand, Portugal, the Netherlands, Mexico, Norway, Sweden, Bolivia, Italy, the Union of South Africa, Denmark and India, one after another accepted the invitation addressed to them.

On October 27th, Japan declined the invitation.

All the accepting states agreed that the invitation should be sent to Germany and to the U.S.S.R., and accordingly the Belgian Government sent an invitation to these two countries. The invitation was accepted by the U.S.S.R. and refused by Germany.

This refusal on the part of Germany and Japan is of importance, and, alas, regrettable from the point of view of the progress of our work. On October 28th, the German Government sent to the Royal Belgian Legation in Berlin the following *note verbale*:

The German Government has the honor to acknowledge receipt of the *note verbale* sent by the Royal Belgian Legation on October 28th, inviting the German Government to take part in the meeting of the signatories of the Nine-power Treaty which has been convened for November 3rd.

The German Government fully appreciates the effort expressed in the note to bring to an end as soon as possible, by friendly methods, the regrettable conflict in East Asia.

It understands from the invitation, however, that the discussions are to take place at Brussels on the basis of article 7 of the Nine-power Treaty and that their object must therefore be the application of this treaty. As Germany is not a party to the treaty, the German Government feels that it cannot take part in discussions regarding its application.

The German Government desires, however, to point out that it is prepared at any moment to take action for the pacific settlement of the dispute, as soon as it has been proved that conditions indispensable for achieving this object exist.

May I venture, in interpreting this text, to express the hope that Germany's refusal is not absolute, but is based on certain

particular circumstances and that these circumstances may undergo modification?

The reply of the Japanese Government is a long and extremely important document which will be distributed to all the members of the Conference and will doubtless call for attentive examination.

I do not think that this is the moment for me to make any comments on this text.

I must say, however, that Japan's abstention places the Conference in a distinctly difficult position. This fact cannot be dissembled. Certain misunderstandings seem to exist. A frank explanation might probably dispel them. It would in any case be very useful.

I think—and I believe all those present share my view—that the present Conference should not regard itself as a sort of international tribunal, before which Japan would, so to speak, be summoned to appear and explain her action in conditions incompatible with her dignity and honor.

What we wish is to accomplish a work of conciliation and peace without prejudice or passion, taking into account all the various legitimate but conflicting interests.

Our aim is to stop the war if possible because we are thinking of the soldiers who are being killed, of the women, children and old persons who are suffering and dying, of the ruins which are accumulating and of a whole people passing through a terrible period of trial. Our desire is to reestablish peace and law.

We believe that there are no difficulties and no conflicts between nations which cannot be settled by conciliation, mediation or arbitration. A nation which states its case before the other nations of the world, which foregoes the use of its strength and has confidence in its cause, does not humiliate itself; on the contrary, it sets a splendid example.

In all the nations of the world the most noble minds have helped to develop these ideas in which mankind places so much hope and faith. Met together today in grave and impressive circumstances, we must make every effort to insure that this hope shall not be in vain.

Let us set to work, therefore, forgetting all that separates us and rising above our personal feelings, thinking only of the happiness and gratitude of the nations of the world if we can achieve our common aim—the restoration of peace.

ADDRESS BY THE HONORABLE NORMAN H. DAVIS, OF THE
UNITED STATES OF AMERICA

In rising to address this Conference, I wish first of all to express appreciation of the hospitality of the Royal Belgian Government in inviting us to meet for our deliberations in Brussels. We are beholden to them for many courtesies; we have been impressed by the timely and efficient preparations they have made; and we have the consciousness that no effort will be spared by our hosts toward making our meeting a success.

It is a felicitous moment at which we meet, this day being the birthday of His Majesty King Leopold. I feel certain that all my colleagues will wish me, as the first speaker, to pay His Majesty a sincere tribute, and to extend to him our warmest congratulations.

We have come to this Conference to collaborate in efforts toward an objective for which all peoples and all governments should strive. That objective is peace.

Sixteen years ago there assembled at Washington the delegates to a conference which had been called for the limitation of armaments and to find a solution of Pacific and Far Eastern problems of international concern, and thereby to safeguard peace in the Far East. After a few months of careful consideration of the problems involved, those delegates signed a number of interrelated agreements and resolutions which, it was believed, would assure the legitimate rights and interests of all the countries represented, which provided various common and reciprocal concessions, and which committed the signatories to pursue policies of peace.

In that group of agreements was a treaty relating to principles and policies to be followed in matters concerning China. That treaty dealt with questions which are fundamental; it reaffirmed principles to which most of the signatories had already—some repeatedly—committed themselves; it specified not only what should be the obligations of the powers, but what should be the obligations of China; it was ratified by all of the nine powers present at the conference, and it has since been adhered to by five other powers. In that treaty there was a provision that, whenever a situation should arise which, in the opinion of any of the parties, involved the application of the stipulations of the treaty and rendered desirable the discussion of such application, there should be full and frank communication between the contracting parties concerned.

It is in accordance with that express provision that we meet here today. Our present interest, however, would be real even if there were no such treaty and no such provision. The hostilities now being waged in the Far East are of serious concern not only to Japan and China, but to the entire world.

For several decades, the nations of the world have been seeking to evolve methods to achieve the twofold objective of preventing resort to armed force and, if unhappily it has been resorted to, finding means to bring the conflict to an end. Various methods have been proposed. Various instruments have been signed. In all of these there has appeared one common feature, namely, that where controversy develops, solution must be sought by pacific means. To this process sixty-three nations committed themselves by the Pact of Paris of 1928.

Peace once envisaged only by idealists has become a practical matter of vital self-interest to every nation.

The day has long since gone by when the effects of an armed conflict are confined to the participants. It is all too apparent that, under modern conditions, the human and material sacrifices and the moral and spiritual costs exacted by the use of armed force not only fall as a heavy and oftentimes crushing burden upon the nations directly involved in the conflict, but have grave repercussions upon all the nations of the world.

Armed conflict, wherever it may occur, impairs everywhere the immeasurable value of freely negotiated treaties and agreements as effective and reliable safeguards of national security and international peace. The resulting loss of confidence in such instruments leads nations to seek safety in competitive armaments and to devote a disproportionate share of their resources thereto, thus impoverishing some nations and inexorably lowering the standards of life of all.

Not only does resort to armed force result in needless loss of human life and shock every humane instinct of mankind, but its disorganizing effects fall upon all phases of constructive human activity, national as well as international.

Owing to the amazing developments in science and industry, there has come about such an interdependence among nations that the effects of any major disturbance are felt everywhere. As our modern civilization has evolved, as it has developed new methods and processes, as it has raised the standard of living of hundreds of millions of human beings all over the world, it has become increasingly sensitive to shock. A dislocation in any part of its interrelated mechanism throws other parts out of gear. It creates need for prompt and skilful attention at the point of dislocation in order to prevent further disturbance and possible break-down of the whole machinery.

International trade and financial relations, which are indispensable to human welfare, immediately suffer from the disorganizing effects of resort to armed force. It is through these channels that some of the most direct and most painful repercussions of any major armed conflict spread to the uttermost corners of the earth. Once mutually beneficial international economic relations are impaired or break down, nations are forced into varying degrees of reliance upon their own

resources and, consequently, into a further lowering of their living standards.

Unfortunately, the break-down of the processes of international trade and financial reserves may occur as a result of other causes than armed conflict. For reasons which I need not enumerate here, nations may elect to embark upon policies directed toward economic self-sufficiency or toward reaping immediate though narrow advantages, thus foregoing the broad and cumulative benefits which trade released from excessive restraint will yield. Such policies in the world create conditions conducive to a threat to peace. The world has witnessed during the past few years the emergence of such conditions and the unfolding of the vicious spiral of economic warfare, political tension, competitive armaments, and actual armed conflict.

In the particular circumstances with which we are confronted at the present Conference, our objective is the restoration of peace and stability in an extraordinarily important region of the world; but as we seek earnestly the means of attaining these objectives, let us keep in our minds also the pressing need for constructive effort directed toward the creation of conditions which will make unthinkable the use of armed force. There should be no place for resort to arms in an orderly and prosperous world.

In the Far East, probably to a greater extent than in any other part of the world, there are taking place great changes in the thought and the activities of vast groups of human beings. Within a few generations, Japan has undergone a great transformation and both occident and orient have witnessed and been impressed by admirable achievements effected by the Japanese people. During the past generation China has been struggling with momentous problems of transition from an old to a new regime and the world has observed her efforts with sympathetic interest. At the Washington Conference the governments there represented, after careful consideration of the situation in the Far East, adopted the view that the Chinese people possessed the capacity to establish a new order. The Nine-power Treaty was based on that concept. In agreeing to its provisions, the governments which became parties to that treaty affirmed their belief in the capacity of the Chinese to evolve and carry out a program of political and economic reconstruction. The signatories to the treaty undertook to regulate their relations with China and with one another in a manner which would not interfere with this hoped-for development, but would indeed encourage and support it. During the years which have since elapsed, especially the more recent years, the Chinese have made rapid progress along a course which tends to confirm the faith on which the Nine-power Treaty was founded.

Unfortunately, Japan and China have come into conflict and have resorted to hostilities. These hostilities have steadily increased in

scope and intensity. Not only have they destroyed many Chinese and Japanese lives and much Chinese and Japanese property, but they have at some places taken and at many places endangered lives of nationals of other countries; they have destroyed property of nationals of other countries; they have disrupted communications; they have disturbed and interfered with the commerce of practically all nations that are engaged in international trade; and they have shocked and aroused the peoples of all nations. Such hostilities are of concern not only to countries engaged in them; they have affected and they are detrimentally affecting the whole world.

We are here with a common concern and a common purpose and our effort to deal with the situation must be constructive.

We come to this Conference to study with our colleagues the problems which concern us. We have come not with the expectation of working miracles, but with the intention of appealing to reason. We expect to join with other nations in urging upon Japan and China that they resort to peaceful processes. We believe that cooperation between Japan and China is essential to the best interests of those two countries and to peace throughout the world. We believe that such cooperation must be developed by friendship, fair play and reciprocal confidence. If Japan and China are to cooperate, it must be as friends and as equals and not as enemies. The problems underlying Sino-Japanese relations must be solved on a basis that is fair to each and acceptable to both. It is not only in the interests of China and Japan that hostilities be promptly terminated and that the differences between them be peacefully composed, but it is in the interest of the community of nations as a whole. The longer the present hostilities continue, the more difficult will a constructive solution become, the more harmful will be their effects upon Sino-Japanese relations and upon the world and the more will general peace and stability be endangered. It is important that equitable adjustment be found.

We come to this Conference with no commitments except those to treaty provisions and to principles which the Government of the United States has repeatedly and emphatically affirmed. The Government of the United States is prepared to share in the common efforts to devise, within the scope of these treaty provisions and principles, a means of finding a pacific solution which will provide for terminating hostilities in the Far East and for restoring peace in that area.

ADDRESS BY THE RIGHT HONORABLE ANTHONY EDEN, OF THE
UNITED KINGDOM

My first sentiments must be to join in the thanks already expressed to the Royal Belgian Government for their hospitality to us—a hos-

pitality so characteristic of the Belgian people. We are all truly grateful to them for the admirable arrangements which they have made at such short notice. It is a happy augury that we meet on the birthday of your sovereign, King Leopold. As a representative of His Majesty's Government and the people of the United Kingdom, I associate myself with the respectful wishes already expressed by Mr. Norman Davis. Most sincerely, we wish to His Majesty long life and happiness.

I have listened with close attention to the speech made by the representative of the United States, and the Government I represent is in full agreement with every word that he has said. He has so well defined our task and the conditions in which our work is to be carried out that I have little to add, especially since I feel sure that the Conference will agree that the very difficulty of our task makes it desirable that we should embark upon it at the earliest moment. No one will consider that this is an appropriate occasion for long speeches.

We are met to discharge an urgent duty which requires no explanation. Indeed the whole world will understand that the reason and the justification for our meeting here are not far to seek. The maintenance of peace is of vital interest to every country. War is a contagion that may spread, but, even if its direct effects are confined to the peoples actually at war, the profound distress and loss of national prosperity, which must inevitably ensue, adversely affects all countries. We in this Conference have come together by virtue of the fact that we represent those powers which are more directly interested in the Far East. It is natural that we should wish to consult together, even if there were no treaty basis for consultation, to see whether there be any way in which we can assist towards an early cessation of hostilities and the restoration of stable conditions. Actually, however, not only the moral, but also the treaty obligation is there. We are met under the provisions of the Nine-power Treaty to which at Washington, fifteen years ago, our nations have all set their names. It is well that we should recall that fact. We are none of us disinterested spectators; we are bound signatories of an instrument which we signed together.

We much regret the absence of one of the parties to the dispute; we feel that this absence must hamper our efforts for peace, but we cannot on that account lessen our endeavors. We are confident that we shall demonstrate by our attitude the sincerity of our intention to promote peace in the Far East. In this attempt we feel justified in asking for the collaboration of all, whether present or absent.

If our right to meet or the wisdom of our meeting is questioned in any quarter, we need have no hesitation about our reply. If we are told that our prospects of achieving our object are slender, that is no reason why we should shirk our duty, both to ourselves and to the

world. If we were afraid to face possible failure, we should certainly not be deserving of success.

This assurance at least I can give the Conference at its first session. His Majesty's Government in the United Kingdom are prepared to offer their fullest collaboration to promote the success of the work of the Conference. For our part, we believe that the very difficulty of our enterprise should stimulate our energies. We hope that, with the least possible delay, the Conference will resolve itself into a working committee and so get to grips with its task.

ADDRESS BY HIS EXCELLENCY YVON DELBOS, OF FRANCE

(Translation)

I desire whole-heartedly to associate myself with the expression of thanks offered to Belgium, to her Sovereign and her Government. I warmly appreciate everything which was said in the speech of her distinguished Foreign Minister, Mr. Spaak. After him, the delegates of the United States of America and of the United Kingdom have so well defined the object of this Conference, and the spirit and methods which should ensure its success, that I should be taking up your attention unnecessarily were I to re-echo their words. I am the less inclined to do so since, as Mr. Eden has observed, our aim is not to indulge in rhetoric but to make a positive and rapid effort to achieve the result we all desire.

We are concerned with the possibilities of putting an end to a conflict which imposes upon us imperative duties—in the first place, a duty to humanity, because we cannot remain impassive before the atrocities now accumulating in the Far East. We should become accomplices if we did not, by every means, seek to put an end to merciless massacres which revolt both heart and mind. Ours is a duty, also, of conservation, because we have to defend not merely legitimate interests but, above all, peace in general, which is threatened by any war wherever it may break out. No one is secure from the possible extensions of a conflict and, if, in a spirit of inexcusable selfishness, we were to turn our eyes away from the fields of carnage we should increase the risk of becoming involved in those very complications we desire to avoid. Ours is also a duty of justice, because we are all interested in the protection of the rules on which the existence of civilization depends.

Undoubtedly, the most essential of those rules is that obligations which have been assumed and contracts which have been signed must be honored. That is the reason for our meeting, based as it is upon the Nine-power Treaty. I firmly hope that, taking our stand on that treaty, we may find the peaceful issue we are seeking. That treaty was devised by its signatories at a time when no menace threatened

the Far East, when nothing stood in the way of an impartial consideration of the problems with which it dealt. The parties, therefore, were free from any spirit of prejudice when, in Washington, they applied themselves to defining the fundamental principles of their common policy in China. That policy had no other object, and could have had no other object, than respect for the integrity and independence of that nation, towards which all the participants professed a legitimate friendship and which they were all glad to see progressing towards unity, order and prosperity. The principles then laid down were intended to be permanent. Any settlement, if it is to be a lasting one, must be such as does not derogate from those principles. No new situation should prevail over them. It is certainly not the desire of any of us here not to regard the undertakings subscribed to in 1922 as still valid.

France, for her part, is anxious to remain faithful to those principles. She feels that we should strain every effort, in the present circumstances, to discover the basis of a settlement, inspired by those principles, which will enable China and Japan to lay down their arms and by friendly negotiation, resume their partnership in the common effort to maintain peace.

The treaty of February 6, 1922, by its wisdom, clearness, and comprehensiveness, and by the simplicity of its machinery, makes it possible to direct the interests involved toward equitable adjustments. We are all making our appeal to that reason to which Mr. Davis referred just now, speaking for his great country and for the great American democracy. Similar reference was made by Mr. Eden, who is, with his country, one of the most stalwart champions of peace.

This appeal should be heard by both the nations to whom it is addressed—nations which in all the domains of speculative and creative activities have contributed so largely to human civilization.

There is no dispute which cannot be settled by good-will. In providing the two parties with an opportunity to reach an understanding under honorable and just conditions, we shall be fulfilling the hope reposed in us by world opinion—our most solid support. We shall fulfil it all the more satisfactorily if we can achieve unanimity in our methods as well as in our aim. This aim is so lofty and essential that we must move heaven and earth to achieve it, putting aside all mental reservations and prejudices, bearing in mind both the ideal and the means by which it may be realized. Therefore I firmly hope that our joint effort will develop and will be strengthened through the cooperation of all peaceful peoples, whilst at the same time it will be facilitated by the comprehension of those to whom we address ourselves with the determination to service their interests as well as the interests of all mankind.

If, as I hope, we succeed in putting an end to the war in the Far East, we shall have saved countless human lives, and have prevented the heaping up of ruin and disaster here and now; but beyond this we shall have set an example that will bear fruit elsewhere. In the series of trials through which the world is passing, this may be the signal for the much-needed effort to effect a recovery. Though war may be contagious, the victories of peace may also have incalculable repercussions. May we therefore, through the success of our work, give to the suffering peoples of the world an opportunity, which they have so often awaited in vain, for regaining confidence and hope.

ADDRESS BY COUNT LUIGI ALDROVANDI-MARESCOTTI,
OF ITALY

(Translation)

Italy, as a signatory to the Washington treaty of February 6, 1922, accepted the Belgian Government's invitation to this Conference.

I desire to express to His Majesty's Government our most lively gratitude for its kind hospitality. I entirely associate myself with Mr. Norman Davis' observation concerning the happy coincidence of our meeting today, and, like the representatives of Great Britain and France who have preceded me, I present, on behalf of the Italian Government and people, my respectful congratulations and homage to His Majesty King Leopold.

Article 7 of the Washington treaty provides that, in certain circumstances, the contracting parties "shall, with regards to the provisions of the treaty, exchange full and frank communication".

Moreover, the Belgian Government's invitation states that the meeting will be held "to examine the situation in the Far East and to consider friendly methods for expediting the end of the present regrettable conflict in that part of the world".

The invitation of Italy to this Conference is therefore occasioned by, and limited by, these two texts.

Thus it is clear that there can be no question of any direct or indirect coercive measures such as have been called for in certain irresponsible quarters nor even of a more or less moral "quarantining" of one or other of the parties in conflict.

No country can deplore the present state of affairs in the Far East more than Italy. She deeply regrets this bitter struggle between two peoples, both of whom she regards as her friends and both of whom have deserved well of the civilization of the world.

The Fascist Government would be glad to see this cruel struggle come to an end as soon as possible, but in circumstances such as will preclude its recrudescence.

In this particular case, we are not called upon to ascertain when and how these happenings began. Experience proves that it would be impossible to do so with any certainty or finality.

The occurrences in Manchuria provide an example. After months of study a Commission expressly sent to the spot, notwithstanding the good-will, good faith and erudition of its members, was only able to reach a compromise verdict that lent itself to divergent interpretation and had only one definite result—the withdrawal of one of the parties from the League!

The Chaco case is another example. Another Commission sent to the spot by the League of Nations not only failed to stop the conflict but did not even begin to inquire where the responsibility lay for fear that yet another withdrawal might still further reduce the membership of the League.

Absolute proof of where the first shot came from, is almost impossible to obtain. Even were it obtainable, we could not base on any such trivial incident an equitable judgment as to the deeper causes of terrible conflicts.

Only the parties directly concerned are in a position to eliminate the real and underlying causes.

Therefore what should be the practical role of our Conference, if, as in the present case, one of the parties is not represented?

Our "full and frank communication" can have no meaning except for ourselves and between ourselves, and it will not stop the conflict unless we succeed in our main object, namely, to lead the two parties towards a peace—and a lasting peace—by bringing them together and by persuading them to look straight ahead and eliminate the hidden and deep-rooted causes of their dissensions.

These deep and hidden causes may be both internal and external. The internal causes include some that are not indigenous and have nothing to do with the ancient traditions of a country like China, which has always taken as the solid basis of its life two institutions—"family and property"—certain forces which are seeking, for hidden purposes, to disturb the international relations of peoples who ought, on the contrary, to understand one another and agree.

Having said this with the greatest frankness, the Fascist Government must reserve its opinion as to the results of a Conference which, however amicable the means employed, can lead to little more than "platonic resolutions", and a further revelation of impotence unless it takes into account the realities I have mentioned.

Now that we have met, the only useful thing we can do is to invite the two parties to establish direct contact and leave the matter there.

I do not expect to hear the outward signs of approval which greeted the speeches of previous speakers, but I think I am not far wrong in believing that many of you know that my remarks do represent the naked truth.

ADDRESS BY HIS EXCELLENCY MR. LITVINOV, OF THE UNION OF
SOVIET SOCIALIST REPUBLICS

The Soviet Delegation being present at this Conference on the invitation of the signatories to the Washington treaty, in virtue of a decision of the League of Nations, I wish to express my agreement with the appreciation of events in the Far East which has been given this morning by the inviting powers, and in particular by the honorable representative of the United States. I need make no special declaration here, the more because the problem before the Conference has already been the subject of discussion in Geneva, where the calling of this Conference was suggested, and where everything which the situation requires was said.

The Soviet Government has more than once had to make its position clear, both on the general question of combating aggression as an international phenomenon and on the subject of particular cases when that aggression became active. All these statements were invariably inspired by the Soviet Government's devotion to the cause of peace. With very few exceptions, the governments of all other states are undoubtedly inspired by the same idea, which creates a platform and a point of departure common to them all. Divergences among them begin only when the question arises of going on from the general idea to the most effective methods of maintaining peace, or restoring it where it has been broken.

At all events, the first and inevitable step toward the adoption of any methods whatsoever is the discussion of the problem at international conferences and in international organizations. In some cases, the very fact of the summoning of a conference for joint discussion represents a definite action with a certain moral value. That is why I welcome this Conference on behalf of the Soviet Government, and express its gratitude to the Belgian Government and to Mr. Spaak, the Belgian Minister for Foreign Affairs, for their efforts in organizing this Conference, as well as for the cordiality with which they have received the delegations.

Recent years have added extremely valuable experience to international life, and that experience obliges me to draw attention to those dangerous ruts and pitfalls which lie in the path of international conferences. The experience I have in mind teaches us that international conferences, committees and other organizations, which are called upon to serve a particular end, sometimes are inclined, particularly in the event of a protracted existence, to forget their direct purpose and the technical part they have to play, and begin to live their own life, with their own peculiar interests. They begin to concern themselves principally with the maintenance of their own existence, with the procuring of moral satisfaction for those who have initiated such

conferences, and with their own superficial successes, which do not always coincide with successes for the cause on account of which the conferences were brought into existence. Moreover, there sometimes even arises a divergence between those various interests; there even comes a moment when a conference or committee which should be striving to eliminate and overcome the phenomena of aggression, itself becomes imperceptibly a tool of the aggressor, who utilizes it as a screen and an auxiliary for his aggressive activities.

This happens when international organizations come into contact with the aggressors themselves in an attempt to persuade them to alter their attitude. In the course of negotiations, leading to systematic concessions to the aggressor, it is possible to cross the boundary beyond which people who are undoubtedly inspired with the best intentions slip, without noticing it, over to the point of view of the aggressor and begin to talk his language, substantially justifying and encouraging his activities.

When it is a question of an aggressive attack by one state against another, and if that attack has been in some measure successful, there is nothing easier than for an international organization, in order to gain a momentary success, to say to the aggressor: "Take your plunder, take what you have seized by force, and peace be with you", and to say to the victim of aggression: "Love your aggressor; resist not evil." But while that may constitute a superficial success for the Conference, it does not represent the victory of peace or the victory of the peace-loving countries. That kind of success can only provoke new cases of aggression, giving rise to new conferences and so on without end. The encouragement and multiplication of acts of aggression is moreover facilitated by the circumstance that when international organizations leave their direct path in the manner I have indicated, there quite inevitably arises friction between the peace-loving countries, leading to divisions among them which are skilfully utilized in their turn by the aggressors. Yet the unity of all peace-loving countries is particularly necessary at the moment when aggressive countries are more and more uniting and consolidating their forces, thereby creating a menace to an ever-increasing number of states.

Having uttered this warning, which seems to me essential, against the perils which may confront any international conference in present conditions, I desire to express my sincerest good wishes for the success of the Brussels Conference and of those proposals which we shall probably hear from the inviting powers. I am certain that the new Conference will manage to avoid the perils I have mentioned, and that the proposals we all anticipate will pursue the aim not only of restoring peace in the Far East, but of establishing a just peace, a peace which will not untie but, on the contrary, will bind the hands of aggressors, also for the future and in other parts of the world.

ADDRESS BY HIS EXCELLENCY DR. V. K. WELLINGTON KOO,
OF CHINA

I wish first of all to express the appreciation and gratitude of the Chinese Government to the Belgian Government for its consent to the use of Brussels as the seat of the Conference. I wish also to thank our distinguished President, M. Spaak, who, as the Belgian Minister for Foreign Affairs, has rendered a valuable service to us all in connection with the arrangements for the convocation of our Conference.

The Chinese Delegation deems it a privilege to be able to associate itself with the words of felicitation which were so eloquently expressed by the speakers this morning to the illustrious sovereign of Belgium on the occasion of the anniversary of his birthday. China, proud of an unbroken record of friendship and confidence in her relations with Belgium, is glad to join in this testimony of good wishes for the happiness and prosperity of His Majesty King Leopold III.

Mr. President, we are assembled here in conference for the purpose of a full and frank communication between us as provided under article VII of the treaty of Washington of February 6th, 1922, relating to principles and policies to be followed in matters concerning China, because a situation has arisen which involves the application of the stipulations of the said treaty and renders desirable the discussion of such application.

What is the situation? It is that which has been created by the armed aggression of Japan, a signatory power of the same instrument, against my country in violation of article I of the said treaty which provides that the contracting powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China; and

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

The facts relating to this Japanese armed aggression have been examined by the representatives of twenty-three nations and their unanimous report has been approved by fifty-one nations of the world. Since these facts are now public knowledge, it is, therefore, not necessary for me to dwell upon them here.

Suffice it to recall to you the findings in the report that it cannot be challenged that powerful Japanese armies have invaded Chinese territory and are in military control of large areas including Peiping itself;

that the Japanese Government has taken naval measures to close the coast of China to Chinese shipping; and that Japanese aircraft are carrying out bombardments over widely separated regions of the country.

For nearly four months the weight of Japan's mighty war-machine has been brought to bear upon innocent, peace-loving China by land, sea and air. During the past four weeks this ruthless aggression has further accentuated its intensity for the domination and conquest of my country. Japanese military occupation of North China covers practically three whole provinces, Hopeh, Chahar, and Suiyuan, with a population of 30 million, a railway mileage of 3,163 kilometers, and a total area of over 700,000 square kilometers, which is about the combined size of Great Britain and Germany. They have also occupied parts of the two provinces of Shantung and Shansi, with a total population of 45 million, a railway mileage of 1,728 kilometers, and a combined area of 314,000 square kilometers—the size of Italy. They have entered Chapei and Kiangwan in Shanghai, which the Chinese forces evacuated after gallantly holding out for 77 days against the most formidable attacks of Japan's modern mechanized forces. Five formidable Japanese armies totaling more than half a million men continue to attack the Chinese defense lines on five fronts with a view to forcing a rapid victory in order to impress and perhaps to overawe this very Conference.

For the same purpose the Japanese Navy, besides tightening its strangle-hold on the main channels of access to the Chinese coast, of several thousand kilometers in length, has been attacking the principal ports in Central and South China and attempted the landing of Japanese marines.

The Japanese Air Force has redoubled its death-dealing power. Not only did it concentrate over 100 planes to attack the Chinese forces at Shanghai in a single battle, but turning a deaf ear to the chorus of universal condemnation it has increased its ruthlessness in slaughtering unarmed civilians in disregard of the rules of international law and the time-honored principles of humanity. According to the Japanese Admiralty's own announcement of October 14th last, 62 cities and towns in eight provinces were bombed by Japanese naval aircraft alone. Widely scattered cities like Nanking, Canton, Swatow and Taiyuan have been subjected to almost daily attacks ranging sometimes from 3 to 15 raids a day. In a single raid on an open, defenseless city of Sungkiang in Kiangsu Province a week ago, Japanese bombs from the air massacred nearly 1,000 civilians, of whom a great part were helpless women and children. The civilized world has never seen such utterly ruthless methods of warfare and such stark indifference to considerations of decency.

In the light of the history of the past few years in the Far East, it is evident that the present outbreak of Japanese armed aggression is merely a continuation of Japan's policy of territorial expansion on the Asiatic mainland, already betrayed in all its flagrancy at the time of her attack on Mukden in 1931 with her subsequent military occupation of Manchuria and Jehol.

The setting up of a puppet regime in Manchuria propped up by the Kwantung army and packed with Japanese advisers in all key posts, has been only a camouflage for territorial conquest. The invasion of Chinese provinces inside the Great Wall; the occupation of eastern Chahar in 1933; Japan's peremptory demand in 1935 for the removal of the governor and other high provincial officials of Hopeh, for the evacuation of the Central Government troops therefrom, and for the expulsion of the Kuomintang Party workers from the same area; her creation in December of the same year of the so-called East Hopeh autonomous and anti-communist regime with the aid and protection of the Japanese military guards; her military occupation of north Chahar, and the open attempts of the Japanese military agents in the past two years to establish an autonomous government for the five provinces of North China—all these acts and activities in contravention of the rules of international law and Japan's own treaty obligations show only too clearly her sinister design on China, with whom she claims to have been at peace.

The gigantic campaign of smuggling, fostered and promoted by the Japanese military authorities in North China with the double purpose of raising funds to carry on their political intrigues in North China and dealing a financial blow to the Chinese Government at Nanking, was another method of disrupting the Chinese administrative integrity in North China and strengthening their hold on that region. The Japanese military authorities seized every occasion on which the Chinese customs authorities attempted to enforce the Chinese customs regulations upon the smugglers as a pretext for forcing them first to disarm and then to cease patrolling to prevent violation of the Chinese fiscal laws.

The encouragement by the Japanese military authorities in China of the illicit traffic in drugs and narcotics conducted by Japanese *ronins* and Koreans in Chinese territory is yet another proof of Japan's real intentions towards China. In North China, Manchuria and Jehol this is an open secret and well known to the Advisory Committee of the League of Nations on opium and drugs. It is a deliberate policy to deprave the Chinese people in the hopes of bringing about their moral degradation to a point where they would be powerless to resist the invaders.

The instigation of a Mongolian rebellion and attack on Suiyuan Province in the winter of 1936 under Japanese officers was frankly

admitted by General Kita, the Japanese military attaché in Shanghai, in an interview published in the *New York Times* of November 23d, 1936. The setting up by the Japanese Army a week ago of the so-called Mongol State, its new puppet, at Kwei-hua in Suiyuan Province puts a finishing touch to their intrigues in Inner Mongolia.

In the last two years the Kwantung army has against the protests of Chinese authorities stationed the so-called special service agents at ten strategical points of North China. The Japanese garrison has since adopted the same practice and maintains agents in eight important centers in the five northern provinces of China. During the past four years Japanese military planes have been flying over the Chinese territory in spite of the repeated protests of the Chinese Government.

Japan has been carrying on these unlawful activities in disregard of international morals and in violation of her treaty obligations. Every one of these activities constitutes an attack upon the sovereignty, the independence and the territorial and administrative integrity of China, which she has solemnly undertaken to respect in the Nine-power Treaty of Washington. Instead of providing the fullest and most unembarrassed opportunity for China to develop and maintain for herself an effective and stable government, Japan has sought by the activities I have just enumerated either to frustrate such opportunity or to deprive China of it. Wherever her invading armies have remained they have sought to disestablish and undermine the principle of equal opportunity for the commerce and industry of all nations, as has been clearly demonstrated in Manchuria and Jehol. Time and again she has sought to create embarrassing conditions in China in order to seek special rights and privileges for her nationals to the detriment of the rights of the subjects or citizens of other friendly states.

That Japan by her acts and activities in China during the past few years has contravened her obligations under the Nine-power Treaty of February 6th, 1922, has been established by an impartial tribunal of fifty-one nations. I do not, therefore, propose to ask you to confirm it here. It is unnecessary to do so.

The Chinese Delegation regrets that Japan has refused to join this Conference. If she had a case and a clear conscience, she need have no apprehension that she might not obtain a just hearing. Her refusal, in our view, is only another proof of her disregard of her treaty obligations, for under article VII of the Nine-power Treaty participation in the consultation is as much a duty as a right.

I am aware, however, that Japan, though not present here, has made known her views in an attempt to justify her policy of aggression in China both in her reply to the invitation to participate in the Conference and in her recent official statement to the world press on the

same occasion. She has advanced certain reasons and explanations which are intended to influence the uninformed opinion of the world.

One of the reasons most frequently advanced in her attempt to justify her policy of force and aggression in China is that there has been anti-Japanese feeling in my country. I admit there has existed in the past six years, and exists today, a sentiment of opposition in China, not to Japan as a nation but only to her overt acts of aggression against China or to her open preparation for such aggression. As the Chinese Government has emphasized on more than one occasion, the so-called anti-Japanese feeling is a natural consequence of the Japanese policy towards China. The Chinese people harbor no ill-will against the Japanese people as such but strongly object to the Japanese policy of force of the mailed fist in contravention also of the Kellogg-Briand Pact of Paris. The Chinese feeling of resentment is a fact the cause of which lies in Japan's own hands and springs from her own doing. For what self-respecting people in the world, if placed in the position of the Chinese, would not feel in the same way as the Chinese do towards Japan? Can Japan expect to win China's good-will and confidence by deliberately and repeatedly seeking by intrigue or by force to infringe her sovereignty, to disrupt her political unity, to dismember her territory, to deprave her people and to destroy her independence? The real wonder in the relations between the two countries is not the fact that there has been anti-Japanese feeling in China but the great moderation, restraint and conciliation on the part of the Chinese Government and people towards Japan.

Official protestations of good intentions from Tokyo are powerless to convince the people of the world if they are not based upon the truth. For in international relations just as in individual relations action speaks louder than words.

Japan has again insinuated and alleged that the Chinese Government has been under the influence of the Chinese Communist elements. No one familiar with the recent developments in China can take this accusation seriously. For nearly ten years the Chinese Government has combated with determination and with all the resources at its disposal the unlawful activities of the Chinese Communist Party. The objection has been not so much to the philosophy of Communism itself since the attachment of the average Chinese citizen to the family and to landed property, as has also been attested by the honorable Delegate of Italy, is traditional and profound, but rather to the setting up of a rival government with an independent army, thereby constituting an obstacle to the work of political unification under the National Government.

But the Chinese Communists, like the great bulk of their fellow citizens, are after all patriotic and love their country. Their recent acceptance of the principles upon which the Chinese National Gov-

ernment is founded, their pledge of allegiance to Nanking, the voluntary dissolution of their so-called Soviet organization, and the disbandment of their small army to be completely reorganized by the Central Government in order to enable China more effectively to resist the Japanese aggression prove beyond doubt that the so-called menace of Chinese Communist elements is only a pretext on the part of the Japanese war party to hoodwink the world as to the real aggressive character of its own policy. Its true intention has been betrayed recently when it proclaimed its desire to bring about the fall of the present National Government which has effectively done away with the erstwhile menace of Communism in China and successfully achieved political unification of the whole nation.

In this connection it may well be recalled that at the time of the Japanese invasion of Manchuria in 1931-32 the Japanese Government, in an attempt to justify its policy of aggression, argued that there was no stable and effective government in China, thereby making it necessary for Japan to undertake the task of maintaining order and tranquillity in East Asia. Today when China has established a most stable government whose authority is accepted throughout the nation, responsible Japanese leaders have openly declared their insistence upon its fall and disappearance, again on the professed ground of assuring tranquillity and order in East Asia. In the face of such obvious contradictions, what confidence could the Chinese Government place in Japan's protestations of innocent intentions towards China?

I wish to say here also that China does not look upon the world as a divided camp of rival political ideologies. She believes in the liberty and right of each nation to choose and adopt for itself any political system which it believes to be best suited to the genius of its people. Each country has a right, in our view, to work out its own destiny. The question of political ideology is primarily a right for self-determination of each people. Just as China recognizes this right of other countries, so she claims the same right for herself. It is an inherent right of every independent state and gives no privilege to Japan to interfere in the domestic affairs of China.

It has also been claimed by Japan that the Chinese Government has been conducting for some years a militaristic propaganda aimed at Japan, and that at the same time, by importing vast quantities of munitions, constructing fortifications, and giving intensive training to the troops, it has succeeded in building large, strong armaments. She claims that her aggression in China is "a measure of self-defense in face of China's challenge".

Mr. President, in view of her possession of one of the most powerful war machines in the world equipped with an up-to-date and mighty army, navy and air force, and ranking as one of the strongest mili-

tary powers in the whole world, Japan's complaint against China's armaments, which are far inferior to her own and which are unjustifiably small in the presence of constant Japanese aggression, might be considered as comical if it were not for the tragic consequences which she has already inflicted, and is still inflicting, with her tremendous fighting-machine, upon scores of open, peaceful cities in China and upon thousands of innocent Chinese people.

China's regret today is that her rearmament in recent years has not been more rapid and more extensive so that she might be able to offer a yet more effective resistance to Japanese aggression, and thereby lessen the toll of suffering ruthlessly imposed upon the Chinese people by Japanese arms.

China had never given any challenge to Japan before the deliberate opening of hostilities on China by Japan. The Chinese armed forces had never invaded a single foot of Japanese territory, nor had the Chinese air force bombed a single Japanese town. China had not wished to make war on Japan and is fighting today determinedly and bravely only to resist the unceasing onslaught of the invading Japanese forces. Those Japanese who claim that Japan has been acting in self-defense either betray, to use their own pet expression, regrettable lack of sincerity or take all other people for fools. No man of common sense would consider a burglar who had forcibly broken into a house to be acting in self-defense when he is trying to murder the landlord desperately engaged in resisting the criminal intruder.

The Japanese Government claims that the situation in the Far East is difficult for the occident to understand, and complains that there is a lack of comprehension on the part of the powers of her intentions. Let me point out, Mr. President, that the only difficult point to understand in the Far East is the persistent, incessant aggression of Japan against China, not only in violation of her pledged word but also in opposition to her real self-interest.

I know there are in Japan far-sighted statesmen who condemn this policy of force against a peaceful neighbor from whom she has borrowed so much in civilization and in culture. But these enlightened elements are helpless against the grip of the military hierarchy on the government of the country.

It does no credit to Japan, who used to complain of the alleged lack of stable and effective Government in China, to have the civil branch of her own Government give an assurance of her peaceful intentions one day, to be belied the next day, if not at once, by the action of its military authorities. China has had bitter experience of this perpetual "dual diplomacy" which the Japanese statesmen themselves have openly denounced but which the Japanese Government as such has been powerless to overcome.

In the light of the extraordinary acts and activities of the Kwantung army and the Japanese garrison in North China, to which I made reference a little while ago, is there any wonder that the powers of the occident cannot fully understand the intentions of Japan? Indeed, no people who love law and order and who respect the peace and security of other nations could understand this organized lawlessness and aggression on the part of Japan against China.

It is also claimed that Japan's intention is to seek cooperation with China. If that be her object, she has certainly adopted a most extraordinary method to attain it. A reasonable man does not begin to try to make a friend of his neighbor by smacking his face, by "beating him to his knees", and by trying to murder him.

China realizes that Japan is a highly industrialized nation. She has different problems to face and her economic well-being depends upon a reasonable assurance of markets and raw materials from abroad. But economic cooperation, to be successful, must be sought by peaceful means and friendly negotiation. It must be, as has been justly said by the honorable Delegate of the United States of America, a cooperation between free and equal partners on the basis of reciprocity. There have been occasions in the past when China, in the midst of her devotion to the task of economic reconstruction and development, sought such cooperation from Japan as from other countries but the Japanese policy of domination and force always prevented its realization. Is it not natural that China, with her own experience of the unceasing bullying and aggression of the Japanese military warlords in North China and in the light of Korea's fate in accepting the so-called cooperation of Japan, should be wary of her professed intentions?

As Prince Konoe said prior to assuming his present post of Premier, "Japan's proposal must be of obvious benefit to China in order to be acceptable. There must be a unity of public opinion in Japan on China policy and effective aid be given to the Chinese nation in its struggle for rejuvenation." So long as Japan hopes by the magic word "cooperation" to enslave China and so long as she continues, through the medium of her armed forces, to attack, kill and destroy China, there can be no real prospect of achieving cooperation between the two countries. Cooperation in the Japanese vocabulary evidently means only conformation to Japan's will by means of coercion.

In our view, the example of the other powers in China might well be followed by Japan. China's relations with them in the past had not always been smooth. Their former method of economic cooperation smacked in our view of the character of exploitation and was therefore not always welcome. But since their adoption of the new policy of free, frank and friendly collaboration for reciprocal benefit, all difficulties have disappeared. Good-will and confidence now prevail in their relations with China and the continued development in the scope and

extent of their economic cooperation with ever-increasing advantage to both sides has fully justified their new policy. It is only Japan who still clings to the archaic idea of making economic exploitation a mask for political domination. Unless and until she abandons this ruthless outworn policy, and substitutes for it one based upon equality and reciprocity, there can be no real economic cooperation between the two countries. And to be fully acceptable to China such cooperation, in conformity with the spirit of the open-door policy, must be inclusive of other powers and not exclusive for Japan.

The interpretation which the Japanese Government has put forward in regard to certain local agreements which were previously made to liquidate incidents provoked by the Japanese troops themselves is obviously designed to distort the true facts and confuse public opinion.

It is also claimed by Japan that the present dispute between her and China can only be settled by direct negotiation between the two countries. Such a claim, in our view, ignores the important fact that the lives of the nationals of many powers, as well as their material interests, are already affected. Besides, there is a general interest which all states have in the upholding of law and order in international relations and in the maintenance of peace and security between nations. I need not try to develop this point here, because the conclusion that the present situation is a matter of concern not only to the two states in conflict but, to a lesser or greater degree, to all states has been solemnly acknowledged by fifty-one nations. The fact that this Conference has been convoked and is sitting testifies to the consensus of opinion of the other signatory powers of the treaty.

China, indeed, fully shares this view and, therefore, welcomes the presence at this Conference not only of the powers which have important interests in the Far East but also of all those which may be only indirectly interested in that region.

The principal fact of the present situation in the Far East is that Japan has flagrantly violated the terms of the Nine-power Treaty of February 6th, 1922, to which she has solemnly attached her signature and thereby pledged her respect for it. It is not only a violation against China, whose sovereignty, independence and territorial and administrative integrity have been and are being threatened by Japan's repeated aggression against her, and whose fullest and most unembarrassed opportunity to develop and maintain for herself a stable and effective government has been denied her by the Japanese policy of interference and invasion; it also constitutes a violation against all the other signatory powers that she will discharge her obligations in accordance with the stipulations of the treaty.

China, faithful to her signature, has been doing her best to make the treaty respected by Japan. In the last four months she has been defending, at tremendous sacrifice of the life and blood of her people,

her sovereignty, independence, and territorial and administrative integrity against the overwhelming superiority of the Japanese forces of aggression. In doing this she, in fact, defends not only the material interests of the powers in China but also the general cause of the sanctity of treaties.

China's resistance has been and remains under severe handicaps of all kinds. It is, however, animated by an undaunted spirit and a determined will. The bravery of the Chinese soldier in the face of the most formidable onslaught of Japanese aggression has given, I hope, no cause for criticism even when judged by the most exacting standard of military gallantry in the world. I cannot believe that the mighty powers which are represented here at the Conference and which are also parties to the treaty which China has been trying to defend with her limited resources of power and strength, will refuse to do their part in upholding the principle of the sanctity of treaty obligations, a principle which forms an essential basis of peace in the world. On the contrary, let me say that China has the utmost confidence in your loyalty and devotion to the stipulations of the treaty which gives the mandate for our Conference and in your willingness also to do your utmost in order to make the principle of faith in the pledged word prevail in international relations. Such an effort will as much serve the general interest of civilization itself as render full justice to China.

The delegates of several powers represented at this Conference have expressed a sincere desire to bring about a cessation of the hostilities now raging between my country and Japan and to work for the restoration of peace by agreement. China, whose love of peace is traditional, appreciates this gesture of good-will. The Chinese Government which steadily pursued a policy of peace in the past years in the face of the most flagrant armed aggression from Japan, and which clung to that policy even in the trying days just preceding the opening of hostilities by Japan on her, has been fighting only to resist the Japanese invasion. We desire peace but we know that we cannot obtain it in the presence of Japanese aggression. So long as that aggression persists, so long we are determined to continue our resistance. It is not a peace at any price that will either render justice to China or do credit to civilization. It is only by accepting a peace based upon the principles of article I of the Nine-power Treaty of Washington, under which we are sitting, that China, by her tremendous sacrifices during the past few months, will be contributing to the cause of law and order in the relations between nations.

Gentlemen, knowing your devotion to the principle of the sanctity of treaties, which has been so ably affirmed by the honorable Delegates of France, Great Britain and the United States this morning, I wish to assure you of the whole-hearted collaboration of our Government.

We give you this assurance the more willingly because we believe that if the rampant forces of Japanese aggression in the Far East are not effectively checked and faith in the pledged word is not restored, there is every danger that these forces will overrun the boundaries of China and throw the world into a general war from which no important power will in the long run be able to keep aloof. As President Roosevelt has so truly said in a majestic speech recently, "The peace-loving nations must make a concerted effort in opposition to those violations of treaties and that ignoring of human instincts which today are creating a state of international anarchy and instability from which there is no escape through mere isolation or neutrality." Mr. President, it is in the interests of the general cause of peace and security between nations, as well as in the hope of obtaining justice for China, that we wish you success in your efforts and are ready to contribute our fullest share for its attainment.

ADDRESS BY HIS EXCELLENCY MR. AUGUSTO DE CASTRO, OF
PORTUGAL

(Translation)

I should like first of all to associate myself on behalf of my Government with the homage paid on this day of his birthday to His Majesty King Leopold, and I desire also most cordially to welcome the presence of our distinguished President, Mr. Spaak, the eminent Belgian Minister for Foreign Affairs.

The Portuguese Government, as a signatory to the Washington treaty of 1922, received the Belgian Government's invitation to be represented at this Conference. Its considerable interests, not merely historical and geographical—the part played by Portugal in the civilization of Asia is so well known that there is no need to remind you of it—but also its political and territorial interests at the present time, and its position in the Far East, made its presence at this assembly essential. I think it is quite unnecessary to assure you that, in this spirit, and with a view to collaborating in any moral effort in the world for securing real peace, the Portuguese Government, which, from the beginning of the Sino-Japanese conflict has declared its neutrality, will give most friendly consideration, and, within the limits and spirit of its neutrality, will lend its support to all useful work for conciliation to which this Conference may lead in connection with the aims defined in the invitation that has brought us together here.

COMMENTS OF THE CHINESE MINISTRY OF FOREIGN AFFAIRS, NOVEMBER 4, 1937, ON THE JAPANESE REPLY TO THE INVITATION TO THE CONFERENCE AND THE STATEMENT OF THE JAPANESE GOVERNMENT OF OCTOBER 28, 1937

The note sent by the Japanese Government to the Belgian Embassy at Tokio on October 27th and the lengthy statement issued on the following day, purporting to clarify Japan's stand in respect to her refusal to participate in the forthcoming Nine-power Conference at Brussels not only contain many unwarranted statements concerning China but also show a definite antipathy towards the efforts of the League of Nations and the United States for the reestablishment of peace.

The Japanese statement contended:

1° That the fundamental cause of the Sino-Japanese conflict was the anti-foreign policy of the Chinese Government since the revolution of 1911, especially the anti-Japanese aspects;

2° That, being sympathetic towards China's national aspirations, Japan had rendered assistance towards their realization;

3° That instead of showing grateful appreciation of Japan's good-will, China had amassed weapons of war against her, thereby causing the present conflict; and

4° That the key to the solution of the Sino-Japanese dispute lies in the abandonment of China's anti-Japanese policy for one of cooperation with Japan.

Anyone who is familiar with the recent events of the Far East will readily perceive the fallacy of the above contentions. China's foreign policy since the revolution has been based on the legitimate aspiration of attaining independence and equality. It has been generally understood and sympathetically supported by all friendly nations. The Chinese Government has always respected legitimate foreign interests in China and welcomes foreign capital as well as technical assistance. The ever-increasing volume of Sino-foreign trade and the very friendly relations existing between the Chinese people and the peoples of other countries today are concrete proofs of China's good-neighbor policy, which defy distortion by the Japanese.

China and Japan are close neighbors who are, moreover, tied by racial kinship and linguistic affinity. It cannot but be the fervent desire of the Chinese Government and people to befriend their neighboring country. Unfortunately, ever since the days of the revolution in 1911, Japan has been pursuing her continental ambitions

at the expense of China. The episode of the Twenty-one Demands is still fresh in our memory. During the nationalist revolution, Japan deliberately obstructed the northward advance of the nationalist army and prevented the unification of China under the new regime by precipitating the Tsinan incident in 1928. One can hardly imagine any nation which professes to welcome the awakening of China's national spirit would behave in such a manner.

As regards the claim that Japan took the lead in restoring to China her customs autonomy and proclaimed her sympathy towards China's aspirations for the abolition of extraterritoriality, all recorded facts prove that the contrary was the case. In 1928, China had concluded with other powers treaties providing unconditional restoration of her customs autonomy, but it was not until 1930 when Japan consented to conclude a similar tariff agreement, subject to certain conditions favorable to herself. In the last two years, Japan has inspired and given protection to large-scale smuggling in China and actively interfered with her customs' preventive service, causing enormous losses to China's revenues and dislocation of her customs administration.

Regarding extraterritoriality, Japan has lately taken every advantage of this special privilege to carry on numerous illegal activities in China such as unauthorized airplane flights over Chinese territory, the establishment of espionage organizations, supplying ammunition to bandits and the protection of drug traffic. Such being the case, it is inconceivable how these facts could be reconciled with the claim that Japan pursued a policy designed to satisfy legitimate wishes of the Chinese people. Since September 18th, 1931, Japan's acts of aggression in China have taken on an ever-increasing degree of audacity, and vast tracts of territory have been seized from China. Following the organization of the puppet "Manchukuo" and the so-called "East Hopeh Autonomous Council", she is now busily engaged in the creation of the so-called "Manchukuo" or "Mongol State" in the provinces of Chahar and Siuyuan. No nation can be expected to endure so much humiliation, yet China, hoping Japan would finally awaken to her mistakes, time and again admonished the Chinese people to exercise forbearance. In every unfortunate incident between Chinese and Japanese nationals, the Chinese Government, in keeping with her good-neighbor policy, has always patiently sought an amicable settlement, even though the fault usually did not lie with the Chinese involved. During the past three years, Japan's trade with China increased annually while the customs statistics of the past six months of the current year show that she has almost attained the first place in Sino-foreign trade. That such steady development of Japanese trade with China should be possible should itself be ample proof that there has been no anti-Japanese policy on the part of the Chinese Government.

The evacuation of Japanese nationals from various parts of China after the Lukouchiao incident was in fact intended to spare them from such mass slaughters as were later perpetrated by Japanese airmen at Canton, Hankow and elsewhere. The Chinese Government provided the Japanese with every facility in their evacuation and undertook to protect Japanese property left in its custody, although Chinese evacuation from Japan was impeded in all manners by the Japanese authorities. Telling contrast in this case is sufficient indication of the underlying sentiment entertained by each of the parties concerned.

There is, however, a definite limit in human endurance. Relentless pressure of Japan's aggressive activities in China has at last compelled the Chinese people to rise in self-defense. But even in this armed resistance, the Chinese people clearly perceived that China's enemy is not the Japanese people but the Japanese militarists who are bent on aggression. What the Chinese people want to do is not to eliminate legitimate Japanese interests in China, but to halt the acts of aggression on the part of the Japanese militarists. In short, there is no such thing as anti-foreignism in China, nor in reality anything which may be regarded as anti-Japanese. The present unfortunate situation has arisen entirely from the intolerable and ceaseless pressure of Japanese aggression in China. The Japanese statement further alleged that the immediate cause of the Sino-Japanese conflict in North China was China's violation of the so-called Ho-Umetzu agreement by sending troops northward and that hostilities at Shanghai were caused by China's disregard of the 1932 agreement. Therefore, it contended that Japan's action in Hopeh and Shanghai has been taken purely in self-defense and does not violate the Nine-power Treaty; such specious argument totally ignores the facts. The outbreak of the Lukouchiao and Hungjao aerodrome incidents as a result of provocative actions of the Japanese Army; earnest and repeated endeavors made by the Chinese Government to seek a peaceful solution for these incidents; the lack of sincerity on the part of the Japanese to keep peace, as manifested by their concentration of huge military and naval air forces for offensive purposes; consequent attacks on the Chinese troops who were forced to resist in self-defense; the indiscriminate killing of Chinese non-combatants by Japanese forces and the destruction of Chinese cultural and educational establishments—all these are facts which the Chinese Government has repeatedly made public and which have been attested by impartial reports.

These same facts have been dealt with justly and thoroughly in the reports and the resolutions of the League Assembly adopted on October 6th, leaving little doubt who is the aggressor and who the victim.

Moreover in moving its armed forces within its own territory, whether Shanghai or North China, the Chinese Government exercised but sovereign rights which cannot be subjected to any restriction. It is preposterous to assume that Japan is entitled to despatch an enormous army to China, while China is denied the right to move troops for self-defense. The Shanghai agreement of 1932 has been repeatedly violated by free and unlawful movements of Japanese armed forces around Shanghai. Upon the outbreak of the present hostilities, the Japanese openly made use of the International Settlement as bases of operations. It is, therefore, incomprehensible that Japan should have accused any party but herself of tearing up the Shanghai agreement.

As signatory to the Nine-power Treaty, Japan is bound to respect China's sovereignty, territorial and administrative integrity. But instead of living up to her pledged word, Japan, without the least ground, embarked upon large-scale military operations against China, occupying Chinese cities, massacring the Chinese people, destroying Chinese property. It is inconceivable that such aggressive actions could have been taken in the name of self-defense and reconciled with the terms of the Nine-power Treaty.

Many references were made by the Japanese to the Chinese Communist Party and the question of Communism. It was contended that Communism and anti-Japanese policy of the Chinese Government were the two main obstacles to peaceful relations between China and Japan. Such groundless propaganda however can hardly deceive the world.

China's policy rests firmly on the foundation of the Three People's Principles enunciated by the late Dr. Sun Yat-sen. During the last decade, supreme efforts have been made by the Kuomintang and the National Government to prevent the spread of Communist doctrines and to suppress violence of the Chinese Communists. The long-drawn-out campaign against the Communists and the great cost it involved are facts too well known to require lengthy narration. More recently, the Communist Party, awakening to the acute danger of foreign aggression, realized that national salvation could be achieved only through whole-hearted enforcement of the Three People's Principles. Consequently on September 22, the Communist Party formally declared: 1° the renunciation of the theory and practice of violence; 2° the cessation of all activities aimed at Bolshevizing China; 3° the abolition of the Chinese soviets; 4° the disbandment of the Chinese Red army. In view of these developments, it may be said that the whole Chinese nation is devoted to the Three People's Principles today, striving, under the guidance of Generalissimo Chiang Kai-shek, to resist foreign aggression and to realize Dr. Sun Yat-sen's lofty ideals.

The facts recapitulated above cannot be obscured by propaganda, however cleverly contrived. In conclusion, it cannot be overemphasized that the present unhappy state of relations between the Chinese and the Japanese is entirely due to Japan's ceaseless aggressions against China. Peace and normality will be restored to East Asia the instant Japan abandons her traditional policy of force, ceases her acts of aggression and recalls her invading forces from Chinese soil.

COMMUNICATION FROM THE CONFERENCE TO THE JAPANESE GOVERNMENT, NOVEMBER 7, 1937

1° The representatives of the states met in Brussels on November 3d last have taken cognizance of the reply which the Japanese Government sent in on October 27th to the invitation of the Belgian Government, and the statement which accompanied this reply.

2° In these documents the Imperial Government states that it cherishes no territorial ambitions in respect of China and that on the contrary it sincerely desires "to assist in the material and moral development of the Chinese nation", that it also desires "to promote cultural and economic cooperation" with the foreign powers in China and that it intends furthermore scrupulously "to respect foreign rights and interests in that country".

3° The points referred to in this declaration are among the fundamental principles of the treaty of Washington of February 6th, 1922 (the Nine-power Treaty). The representatives of the states parties to this treaty have taken note of the declarations of the Imperial Government in this respect.

4° The Imperial Government moreover denies that there can be any question of a violation of the Nine-power Treaty by Japan and it formulates a number of complaints against the Chinese Government. The Chinese Government for its part contends that there has been violation, denies the charges of the Japanese Government and, in turn, makes complaint against Japan.

5° The treaty has made provision for just such a situation. It should be borne in mind that the exchange of views taking place in Brussels is based essentially on these provisions and constitutes "full and frank communication" as envisaged in article VII. This Conference is being held with a view to assisting in the resolving by peaceful means of a conflict between parties to the treaty.

One of the parties to the present conflict, China, is represented at the Conference and has affirmed its willingness fully to cooperate in its work.

The Conference regrets the absence of the other party, Japan, whose cooperation is most desirable.

6° The Imperial Government states that it is "firmly convinced that an attempt to seek a solution at a gathering of so many powers whose interests in East Asia are of varying degree, or who have practically no interests there at all, will only serve to complicate the

situation still further and to put serious obstacles in the path of a just and proper solution".

It should be pointed out that all of these powers which are parties to the treaty are, under the terms of this instrument, entitled to exercise the rights which the treaty confers upon them; that all powers which have interests in the Far East are concerned regarding the present hostilities; and that the whole world is solicitous with regard to the effect of the hostilities on the peace and security of the members of the family of nations.

However, the representatives of the states met at Brussels believe that it may be possible to allay Japan's misgivings referred to above; they would be glad to know whether the Imperial Government would be disposed to depute a representative or representatives to exchange views with representatives of a small number of powers to be chosen for that purpose. Such an exchange of views would take place within the framework of the Nine-power Treaty and in conformity with the provisions of that treaty. Its aims would be to throw further light on the various points referred to above and to facilitate a settlement of the conflict. Regretting the continuation of hostilities, being firmly convinced that a peaceful settlement is alone capable of ensuring a lasting and constructive solution of the present conflict, and having confidence in the efficacy of methods of conciliation, the representatives of the states met at Brussels earnestly desire that such a settlement may be achieved.

7° The states represented at the Conference would be very glad to know as soon as possible the attitude of the Imperial Government towards this proposal.

REPLY OF THE JAPANESE GOVERNMENT, NOVEMBER 12, 1937, TO THE COMMUNICATION OF NOVEMBER 7 FROM THE CONFERENCE

The Imperial Government has the honor to acknowledge the receipt of the *note verbale* of November 7th concerning the Brussels Conference.

The Imperial Government is glad to observe that the opinion expressed in this document by the powers participating in the Conference is the result of careful consideration. It regrets, however, that this opinion is not such as would enable it to modify the views which it set out clearly in its reply and statement of October 27th. The participating powers have been good enough to state that they are prepared to designate representatives of a small number of powers for the purpose of exchanging views with one or more representatives of Japan within the framework of the Nine-power Treaty and in conformity with the terms of that treaty. The Imperial Government, however, cannot do otherwise than maintain its points of view, that since it has been obliged to resort to its present action as a measure of defense against Chinese acts of provocation, this action does not come within the scope of the Nine-power Treaty and that there is no justification for discussing the applicability of the latter; moreover, it could not agree to take part in a meeting based on the provisions of the treaty while it is accused of having violated the terms of that treaty.

As the present occurrences have their origin in conditions peculiar to the Far East, an endeavor to reach a solution by the only two parties having direct and immediate interests constitutes the means of securing the most just and the most equitable settlement. The Imperial Government is firmly convinced that the intervention of a collective organ such as the present Conference would merely excite national feeling in the two countries and would make it more difficult to reach a solution satisfactory to all. Nevertheless, the Imperial Government would be very glad if the powers, after taking full cognizance of the views expressed above, could make a contribution in conformity with the real situation to the stabilization of East Asia.

The participating powers have pointed out that all powers which have interests in the Far East are affected by the present hostilities and that the whole world is anxious regarding the effects of these hostilities on the peace and security of the members of the family of

nations. In this connection the Imperial Government wishes to emphasize, as it has clearly repeated in its former declarations, that it is endeavoring by every means to ensure respect for the rights and interests of foreign powers in China and that it attaches the highest importance to the establishment of a lasting peace in the Far East following on a satisfactory settlement of the present affair.

DECLARATION AND ADDRESSES MADE AT THE SEVENTH MEETING OF THE CONFERENCE, NOVEMBER 13, 1937, IN CONSIDERING THE REPLY OF THE JAPANESE GOVERNMENT

DECLARATION BY HIS EXCELLENCY DR. V. K. WELLINGTON KOO, OF CHINA

After ten days of effort the Conference finds itself back in the position where it started. The latest reply of the Japanese Government to the appeal of the Conference sent a week ago is another flat refusal to collaborate in the interest of peace. It throws, in our opinion, no new light on any of the points brought to its attention, but simply gives a more determined "No" than ever.

It will be recalled that the last communication of the Conference, like the original invitation of the Belgian Government addressed to Japan, was couched in most conciliatory terms. All reference to the League of Nations, which first suggested the idea of holding a conference, was carefully omitted. The unanimous opinion of 51 nations of the world on her invasion of China and the nature of her military operations in Chinese territory was not even alluded to. The studied reticence in regard to her flagrant violation of the Nine-power Treaty, under which the Conference has been sitting, was a clear assurance that she was not summoned to appear before a tribunal to defend her unlawful actions in China. She was invited to participate in the Conference as an equal partner and implored to extend her cooperation. Particular attention was paid to the language of the communication, and every care was taken to avoid any expression that might ruffle the tender susceptibilities of the Japanese Government. The Conference went so far as to take note of her objection to dealing with a large body of powers represented at the Conference, and offered to choose a small number of powers in order to induce her to consent to an exchange of views with them.

We, of the Chinese Delegation, assured the Conference from the outset of the determination of the Chinese Government to contribute its full cooperation for the restoration of peace consonant with justice, and for a settlement of the conflict on the basis of the principles of the treaty. In our desire to contribute to the success of your effort, we offered even to retire temporarily from the meetings of the Conference in private if our absence would facilitate progress in its discussions.

But neither the spirit of conciliation nor the soft words were of any avail. The refusal of the Japanese Government is more resolute and absolute than ever, and both the language and the tone of its reply seem to indicate clearly that all the painstaking efforts of the Conference to secure her collaboration for the cause of peace and the respect of treaties have been taken as a sign of weakness and served apparently only to inspire her insolence.

The latest reply of the Japanese Government, as I have said, adds nothing new to its previous communications. It repeats the flimsy pretexts and excuses with which I dealt at length in my statement before the Conference on the opening day. The reiterated claim that Japan's present action in China is resorted to as a measure of defense is not only a deliberate distortion of the meaning of the time-honored term, but makes a mockery of the universal sentiment of justice and truth. Even if the Japanese Government really believed—which the Chinese Delegation seriously doubts—that Japan's aggression in China was dictated by considerations of self-defense, it could in no way justify her claim that the matter lay outside the scope of the Nine-power Treaty. The "full and frank communication" envisaged in article VII of the treaty is intended, in our view, for just such a situation.

The reply again insists upon a direct settlement of the present conflict by China and Japan. Let me inform you here that for four years the Chinese Government patiently tried to reach a peaceful settlement with Japan of the questions outstanding between them, and the present conflict is the result. For every act of concession, every gesture of conciliation on the part of China was taken by Japan as a sign of fear and led to more bullying and brow-beating. The acceptance of one demand by China was always followed by the presentation of other demands. Failing compliance by China, the Japanese Army resorted to intimidation and coercion in the form of nefarious activities of smuggling, night maneuvers, war exercises, and heavy reinforcements to the Japanese garrison in North China in violation of the protocol of 1901 and out of all proportion either to the purpose of keeping open communication from Peiping to the sea or in comparison with those of the other powers. The perpetual "dual diplomacy" practiced by Japan through the Japanese Foreign Office and the Japanese Army in her dealings with China has convinced China of the danger and futility of direct negotiation.

It is said that "the present occurrences have their origin in conditions peculiar to the Far East". For our part we do not see that there is anything peculiar in the Far Eastern situation, unless it be the Japanese method of preserving peace in Eastern Asia by armed invasion of peaceful China. Moreover, conditions in the Far East are no more peculiar today than they were in the time the Nine-power Treaty was signed freely by Japan and the other signatory powers.

Whatever the conditions are—and they are of her own creation or encouragement—they are not beyond the purview of the treaty, but are proper subject-matter for discussion by the interested powers.

The Chinese Government is convinced that the cooperation of the Conference, far from exciting national feeling in the two countries and making it more difficult to reach a solution, will facilitate a settlement and inspire confidence in its justice and conformity with the principles of the treaty. It will allay mutual suspicion and distrust, and will also serve the cause of peace.

As Generalissimo Chiang Kai-shek has declared in a statement of last week: "Direct negotiation between China and Japan will merely be another opportunity for Japan to press such demands as are not only unacceptable to China but also unacceptable to the other signatories of the Nine-power Treaty." For, besides our recent experience, the story of the notorious Twenty-one Demands pressed on China by Japan is still fresh in the memory of those who are familiar with the history of the Far East in recent times.

The powers at the Conference are asked by the Japanese Government to "make a contribution in conformity with the real situation to the stabilization of East Asia". Does this mean, Mr. President, that the Conference should accept the temporary changes brought about by the force of arms, and condone Japan's open violation of her treaty obligations as embodied not only in the Nine-power Treaty of Washington but also in the Kellogg-Briand Pact of Paris? This is the language of the treaty-breaker who wishes to impose upon the Conference a *fait accompli*. China is confident that the participating powers who are all faithful to their signatures to the treaty and respect the principles of law and justice will choose to make their contribution to stability in the Far East by upholding treaty obligations and thereby serving the real interests of peace.

The issues of the present conflict between China and Japan are not confined to the territorial and political integrity of China. In fact important rights and interests of the foreign powers in China and their obligations under the Nine-power Treaty are involved; and, more than that, the principle of respect for treaty obligations and the cause of peace, in which all nations rightly feel a deep concern and interest, are at stake.

China asks only to be left in peace and free from external aggression in order to pursue her stupendous task of political and economic reconstruction. The Nine-power Treaty has assured her of this opportunity and the Japanese aggression has deprived her of it. We ask that the Japanese aggression be stopped and the Nine-power Treaty be respected. It is a treaty which all powers parties to it have a common obligation to uphold.

China, on her part, has been fighting with life and blood of her people to stop Japanese invasion and uphold the treaty. She has

been, and still is, exerting her utmost to defend her political and territorial integrity and to maintain the principle of the sanctity of treaties. She has been fighting against the violation of the treaty, a violation which is against all other signatory powers as well as against China. So long as Japanese aggression persists, so long will China continue to resist. The Government and the people of China are determined to fight the aggressor to the end.

Now that the door to conciliation and mediation has been slammed in your face by the latest reply of the Japanese Government, will you not decide to withhold supplies of war materials and credit to Japan and extend aid to China? It would be, in our opinion, a most modest way in which you can fulfil your obligation of helping to check Japanese aggression and uphold the treaty in question.

In our struggle against the forces of Japanese aggression with a whole nation behind us, resolute in purpose and undaunted in spirit, we do not ask the other signatory powers to fight for us, but we need material help to enable us to continue our effective resistance. In order to shorten the duration of hostilities and hasten the restoration of peace, it is also necessary to refrain from contributing to the financial and economic resources of the aggressor and feeding him with an uninterrupted flow of arms and raw materials for his war industries.

International peace, Mr. President, like national peace, if it is to be made durable, must be defended. The restoration and defense of peace in the Far East at present calls for concerted action of a moral, material, financial and economic character on the part of the other participating powers in the Conference. Such action must also be timely. For if it is delayed too long because of hesitation and doubt, then the violence and disorder now raging in the Far East will soon reach such proportions as will be impossible to restrain and control without undergoing the trials and tribulations of another world war.

ADDRESS BY HIS EXCELLENCY YVON DELBOS, OF FRANCE

(Translation)

Before we resume our work, I should like to make a few observations of a general character.

In addition to the interests which we have to defend in the Far East, and to our rights and the duties incumbent upon us under the treaty of Washington, there are other considerations that are even more important.

We are ardently devoted to peace, there as everywhere, because we cannot remain indifferent to so much accumulated devastation and so many ruined human lives, and because we realize that no one can be sure to escape the possible consequences and extension of a conflict. We are, moreover, mindful of the fact that the first condi-

tion of peace is the observance of the principles on which civilization itself is founded; respect for treaties signed and fidelity to the pledged word. It is not merely an obligation binding on persons; it is a duty common to all states and all individuals—a permanent universal law, every infraction of which is prejudicial to general confidence and security.

Doubtless, no undertaking can be regarded as eternal; and the immutability of texts is no effective argument against altered circumstances; but any work of readjustment must be the result of free and peaceful collaboration between the nations concerned, and not of violence based on the concept that certain needs—of which the interested party is the sole judge—are a justification for resort thereto.

A further condition of peace is respect for the independence of each state. France is a democratic nation, passionately devoted to the maintenance, within her own borders and within the framework of parliamentary institutions, of a just balance between order and liberty, between the rights of the individual conscience and the duties of each citizen towards his country; but she is herself so firmly resolved to resist all foreign interference that she could never dream of forcing her own principles on other states.

Each nation is entitled to choose its own institutions freely. No ideological groupings—or any coalitions of interests for which these may serve as a pretext—can protect the legitimate rights of nations nor provide a stable foundation for their welfare and security. Any attempt either to impose or prohibit any particular political theory outside one's own frontiers is bound to embitter disputes, introduce a new element of distrust and increase discord and confusion throughout the world. It is the duty of all peace-loving nations to unite to prevent the ardor of passions resulting in outbreaks of violence.

Respect for international obligations, respect for the right of peoples to govern themselves freely—these are the necessary rules of life between nations, the rules by which the policy of France is inspired. The sincere and active collaboration of France will always be available to those who are endeavoring, in this spirit, to establish confidence and consolidate peace.

It is in the hope of assisting in the restoration of these bases of normal and pacific relations between China and Japan that we have come to the Brussels Conference and that we have associated ourselves with the invitation extended to Japan to exchange with the powers parties to the treaty of Washington the "full and frank communication" for which the treaty makes provision.

In addressing this appeal to Japan—an appeal to which China has already replied favorably—we had no other desire than to assist the two powers to settle, by amicable and effective arrangement, the conflict which now divides them. The Japanese reply raises a prob-

lem that the Conference must consider. In any case, no solution by force could, either in law or in fact, provide a lasting adjustment of the relations between the two countries. Peace in the Far East, as elsewhere, is inseparable from respect for international law.

ADDRESS BY THE RIGHT HONORABLE ANTHONY EDEN, OF THE
UNITED KINGDOM

We are meeting here in conference because the nations we represent are signatories of the Nine-power Treaty or because we have special interests in the Far East. We are all of us directly concerned with the preservation of peace in that quarter of the world, peace which is at present being violated. It would, therefore, be quite impossible for us to assent to the doctrine that the conflict which is at present raging in the Far East is a matter for China and Japan alone. A mere recollection of recent events will show how unacceptable such an attitude must be to us. Losses in lives and property have not been confined to two nations only.

Nor is this all. There is another reason for which the Government I represent were willing and indeed anxious to cooperate in this Conference at Brussels. We are signatories of the Nine-power Treaty. We believe that there is only one enduring foundation for the preservation of world peace, and that is not national ambitions with alliances or ideologies, but a respect for international law and the observance of treaties. By this means, and by this means alone, can the world escape from a further ordeal such as it passed through twenty years ago. This does not imply that we will consider no change at any time in any sphere; such an attitude would be impossible to uphold, for the world is not static. But it does imply that we must be opposed to changes brought about by force and that, if such changes continue to be attempted on whatever pretext, then civilization will proceed by stages of ever-increasing suffering to destruction.

Many of us have been conscious in recent times of the risks inherent in any attempt to base international relationships on anything else than respect for international law and for each other's institutions. I, therefore, take this occasion, when we are met together to discuss the observance of a treaty which we have signed, to repeat that it is on the basis of a respect for international law that His Majesty's Government in the United Kingdom will conduct their international policy. No other basis is acceptable to us, and no other, we are convinced, will in the end achieve the purpose we must all have at heart, preservation of world peace. We cannot accept that dislike however deep-seated, abhorrence however sincerely felt, for the form of government or the political institutions of one nation, justifies another nation in interfering by force in its internal affairs. To admit such

a principle would be to deny the right of each nation to live its own life in peace and freedom which is the prerogative of all peoples.

And now let me make some preliminary observations on the problem which confronts us in the light of the Japanese Government's reply to the communication addressed to them by this Conference. I would state emphatically that His Majesty's Government would sincerely have welcomed Japanese cooperation at this Conference. We would have been glad to hear from that country a statement of her view of the present conflict. We would readily have entered into an unprejudiced examination of the problem with Japan and with China. Japan, however, was unable to accept either the original invitation to attend the Conference or the later invitation which we addressed to her last week to appoint a representative to exchange views with a small number of powers whom the Conference would have been willing to choose for that purpose. Such an exchange of views would have been both proper, because the Nine-power Treaty provides for it, and helpful, as a means of reaching an agreed settlement in the Far East.

It remains the view of His Majesty's Government that it is in the interest of both of the powers at present waging an undeclared war that such a settlement should be found. His Majesty's Government are profoundly convinced that fruitful international relations will only result from a general acceptance of international law. A system of law has been slowly built up as a result of the efforts of almost every nation in the world. Of recent years, however, there has been a growing tendency to override that system and to attempt to achieve settlements by force. Yet it is a matter of the greatest importance to the nations who believe it to be the duty of all peoples to seek to settle disputes by peaceful means, that such a system should be upheld. Indeed this is the fundamental issue which the world has to consider today. While, therefore, the Conference will no doubt wish to state with the least possible delay its views on certain points of the Japanese Government's reply, careful consideration of the international situation created by that reply will be necessary for us all.

ADDRESS BY THE HONORABLE NORMAN H. DAVIS, OF THE UNITED STATES OF AMERICA

Like M. Delbos and Mr. Eden, I also feel that this occasion calls for some general observations. If we do not from time to time pause in our consideration of the particular, and reiterate the principles that guide us in their relation to the general, then the impression may gain ground that our policies have less depth or purpose than is in fact the case. We are in this Conference very much concerned with

peace in one important area of the world, the Far East. It is of vital importance that peace be restored there, not merely for the two participants in the present conflict, but for the world at large. The cost in human misery is vast, and the material losses are heavy. But even greater is the loss to world confidence and the undermining of stability and security if the integrity of certain principles which we hold sacred is not preserved. Through a period of centuries, the world has developed a system of international law, which is the basis of international morality and conduct and which provides for fair dealing among nations, just as private relationships are based on codes of fair dealing among individuals. When observed, this gives a sense of security to nations, enables them to develop their own civilization in their own way, to choose the form of government they desire, and to know that they are free to solve their internal problems without the interference of outside powers. This is essential for orderly progress in the world.

International law has been written into, and is based upon, a series of international agreements and the cornerstone of progress is the observance of undertakings solemnly given and solemnly received between nations. Change is possible—more than that, it is often desirable—but is legitimate only if carried out by peaceful methods and by mutual agreement. The question we are considering, in its final analysis, is whether international relations shall be determined by arbitrary force or by law and respect for international treaties. In fact, that seems to be the greatest issue that faces the world today, and is one of the most momentous problems that mankind has been called upon to solve. As President Roosevelt expressed it the other day, "Those who cherish their freedom and recognize and respect the equal rights of their neighbors to be free and live in peace must work together for the triumph of law and moral principles in order that peace, justice, and confidence may prevail in the world." If the conception of change by violence should prevail, we would be faced by international anarchy; only the concept of respect for law and treaty will give us a world that is secure and wherein good-will and confidence can exist and in which peace can be successfully preserved. Respect for treaties, and observance of the pledged word, is the immutable foundation on which the structure of world peace can be built. If, today, I have reiterated this in simple language, it is to emphasize the conviction which is ours, that on no other basis can an equitable and lasting solution of the Sino-Japanese conflict be found and in no other way can a just peace be reestablished and be maintained in the Far East.

To come to the specific problem with which we are here immediately concerned: Japan was invited to attend the Conference, where we would have welcomed from her a full explanation of her side of the

case as to the incidents which led to the outbreak of hostilities, as well as the underlying causes of the conflict. She declined. Going one stage further, and in a desire to be considerate of every possible susceptibility, we asked Japan whether she would be disposed to depute a representative to exchange views with the representatives of a small number of powers to be chosen for that purpose by the Conference. Such an exchange of views would have taken place within the framework of the Nine-power Treaty and in conformity with its provisions; its aims would have been to throw further light on the various points under discussion and to facilitate a settlement of the conflict. Again Japan's reply is negative. Had Japan accepted, I am confident that we could have been most helpful to her as well as to China, which it was and is our most sincere desire to be.

I am convinced that the only just and durable solution would be a settlement by voluntary, peaceful agreement, which would result in good-will and confidence and in mutually beneficial commercial relations. It would, of course, have been desirable had China and Japan been able to compose their difficulties by peaceful negotiation without resort to armed conflict. Unfortunately, however, they did not do so, and their failure created a situation in which the rights and interests of other powers became involved and which has made still more difficult a peaceful and mutually acceptable settlement by direct negotiation.

From the standpoint of observance of the letter and spirit of treaties to which she voluntarily put her name, from the standpoint of her material self-interest, from the standpoint of world peace and progress and international good-will, it would seem that there are compelling reasons why Japan should cooperate in our work. We hope that Japan may still see her way clear to doing so.

ADDRESS BY MR. POTEMKINE, OF THE UNION OF SOVIET SOCIALIST REPUBLICS

(Translation)

Faithful to her policy of peace, the Union of Soviet Socialist Republics is always ready to give her support to any initiative inspired by a desire to maintain peace and to prevent resort to war becoming a method for the settlement of international disputes. That is why the Soviet Government, which is particularly concerned in the maintenance of peace in the Far East, has taken part in the Brussels Conference. We are compelled to note with regret that all the efforts made by the Conference to terminate hostilities in the Far East by methods of mediation and conciliation have failed.

There is, however, no reason for abandoning the hope that peace may be restored. The Soviet Delegation is firmly convinced of the

possibility of settling the conflict on the basis of equity, respect for treaties signed and the principle of national sovereignty.

This object, however, cannot be achieved unless the joint and effective efforts of the powers concerned in the maintenance of peace in the Pacific are directed to that end. Any agreed initiative taken on this basis will have the support of the Union of Soviet Socialist Republics.

ADDRESS BY COUNT LUIGI ALDROVANDI-MARESCOTTI, OF ITALY

(Translation)

I have listened closely and with great interest to all the speeches that have been made at this meeting. I think I could agree with much that has been said concerning sincerity in the respect of treaties. It must, however, be remembered that, in connection with these treaties, there are conditions which change.

I think also that certain remarks have been made which, to me at least, seem to fall entirely outside the scope of our Conference: mention has been made of measures that might be adopted in regard to one or other of the parties to the conflict. I do not think that we are called upon to take such action. We have a very limited aim regarding which I expressed my views at the first meeting.

Adhering to the few observations I offered on that occasion I think that the question which arises is: What is there now that remains for this Conference to do?

DECLARATION OF THE CONFERENCE NOVEMBER 15, 1937

The representatives of the Union of South Africa, the United States of America, Australia, Belgium, Bolivia, Canada, China, France, the United Kingdom, India, Mexico, Netherlands, New Zealand, Portugal and the Union of Socialist Soviet Republics have drawn up the following declaration:

1° The representatives of the above-mentioned states met at Brussels, having taken cognizance of the Japanese Government's reply of November 12, 1937, to the communication addressed to the latter on November 7, 1937, observe with regret that the Japanese Government still contends that the conflict between Japan and China lies outside the scope of the Nine-power Treaty and again declines to enter into an exchange of views for the purpose of endeavoring to achieve a peaceful settlement of that conflict;

2° It is clear that the Japanese concept of the issues and interests involved in the conflict under reference is utterly different from the concept of most of the other nations and governments of the world. The Japanese Government insist that, as the conflict is between Japan and China, it concerns those two countries only. Against this, the representatives of the above-mentioned states now met at Brussels consider this conflict of concern in law to all countries party to the Nine-power Treaty of Washington of 1922 and to all countries party to the Pact of Paris of 1928, and of concern in fact to all countries members of the family of nations;

3° It cannot be denied that in the Nine-power Treaty the parties thereto affirmed it to be their desire to adopt a specified policy designed to stabilize conditions in the Far East and agreed to apply certain specified principles in their relations with China and, in China, with one another; and that in the Pact of Paris the parties agreed "that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means";

4° It cannot be denied that the present hostilities between Japan and China adversely affect not only the rights of all nations but also the material interests of nearly all nations. These hostilities have brought to some nationals of third countries death, to many nationals of third countries great peril, to property of nationals of third coun-

tries wide-spread destruction, to international communications disruption, to international trade disturbance and loss, to the peoples of all nations a sense of horror and indignation, to all the world feelings of uncertainty and apprehension;

5° The representatives of the above-mentioned states met at Brussels therefore regard these hostilities and the situation which they have brought about as matters inevitably of concern to the countries which they represent and—more—to the whole world. To them the problem appears not in terms simply of relations between two countries in the Far East but in terms of law, orderly processes, world security and world peace;

6° The Japanese Government has affirmed in its note of October 27th, to which it refers in its note of November 12th, that in employing armed force against China it was anxious to make "China renounce her present policy". The representatives of the above-mentioned states met at Brussels are moved to point out that there exists no warrant in law for the use of armed force by any country for the purpose of intervening in the internal regime of another country and that general recognition of such a right would be a permanent cause of conflict;

7° The Japanese Government contends that it should be left to Japan and China to proceed to a settlement by and between themselves alone. But, that a just and lasting settlement could be achieved by such a method cannot be believed. Japanese armed forces are present in enormous numbers on Chinese soil and have occupied large and important areas thereof. Japanese authorities have declared in substance that it is Japan's objective to destroy the will and the ability of China to resist the will and the demands of Japan. The Japanese Government affirms that it is China whose actions and attitude are in contravention of the Nine-power Treaty; yet, whereas China is engaged in full and frank discussion of the matter with the other parties to that treaty, Japan refuses to discuss it with any of them. Chinese authorities have repeatedly declared that they will not, in fact that they cannot, negotiate with Japan alone for a settlement by agreement. In these circumstances, there is no ground for any belief that, if left to themselves, Japan and China would arrive in the appreciably near future at any solution which would give promise of peace between those two countries, security for the rights and interests of other countries, and political and economic stability in the Far East. On the contrary, there is every reason to believe that if this matter were left entirely to Japan and China the armed conflict—with attendant destruction of life and property, disorder, uncertainty, instability, suffering, enmity, hatreds and disturbance, to the whole world—would continue indefinitely;

8° The Japanese Government, in their latest communication, invite the powers represented at Brussels to make a contribution to the stability of Eastern Asia in accordance with the realities of the situation;

9° In the view of the representatives of the above-mentioned states met at Brussels, the essential realities of the situation are those to which they draw attention above;

10° The representatives of the above-mentioned states met at Brussels are firmly of the belief that, for the reasons given above, a just and durable settlement is not to be expected of direct negotiations between the parties. That is why, in the communications addressed to the Japanese Government, they invited that Government to confer with them or with representatives of a small number of powers to be chosen for that purpose, in the hope that such exchange of views might lead to acceptance of their good offices and thus help towards the negotiation of a satisfactory settlement;

11° They still believe that if the parties to the conflict would agree to a cessation of hostilities in order to give an opportunity for such a procedure to be tried, success might be achieved. The Chinese Delegation has intimated its readiness to fall in with this procedure. The representatives of the states met at Brussels find it difficult to understand Japan's persistent refusal to discuss such a method;

12° Though hoping that Japan will not adhere to her refusal the above-mentioned states represented at Brussels must consider what is to be their common attitude in a situation where one party to an international treaty maintains against the views of all the other parties that the action which it has taken does not come within the scope of that treaty and sets aside provisions of the treaty which the other parties hold to be operative in the circumstances.

The representative of Sweden made the following statement:

No one can regret more deeply than does the Swedish Government the fact that the Conference's efforts at mediation have so far remained without result. Having to take note of this fact, my Government, which adheres to the principles of the declaration but which does not possess the same political interests in the Far East as certain other powers, feels that it is its duty to abstain from voting for this text.

The representative of Norway made the following statement:

The Norwegian Government accepted the invitation to this Conference in the desire thereby to contribute if possible to a settlement of the conflict in the Far East by peaceful mediation.

Nobody deplores more than my Government that the efforts of the Conference towards such mediation have hitherto been fruitless.

I am quite in accord with the principles underlying the declaration before us and venture to express the hope that it may still prove possible to obtain through mediation a settlement on the basis of those principles.

Referring, however, to my previous declaration made on the 13th instant, I find it proper to abstain from voting.

The representative of Denmark made the following statement:

I should like to associate myself with the statements just made by my colleagues from Sweden and Norway. Also my country deplores that the efforts for mediation have hitherto not met with success, and I fully share the hope that through means of mediation it may still be possible to obtain some results. For similar reasons as those given by my Scandinavian colleagues, also I think it proper to abstain from voting on the text of this declaration, while fully in accord with the principles laid down therein.

The representative of Italy made the following statement:

Italy considers the declaration before us as a door open not towards the settlement of the conflict, but rather towards the most serious complications.

Italy does not intend to assume the responsibilities that might devolve therefrom, and she therefore expresses her definitely contrary vote, whilst reserving her attitude as regards all that concerns the subsequent phases of the dispute.

STATEMENTS MADE AT THE CLOSING MEETING OF THE CONFERENCE, NOVEMBER 24, 1937

STATEMENT BY HIS EXCELLENCY DR. V. K. WELLINGTON KOO,
OF CHINA

The Chinese Delegation notes that the revised text of the draft declaration contains a number of modifications and clarifications of the original text. The new draft, like the old one, reaffirms certain general principles which China has always accepted. But in view of the continued raging of the hostilities in the Far East, the Chinese Delegation believes that a mere reaffirmation of these principles cannot be considered as a satisfactory result of the Conference, because it is not adequate to deal effectively with the grave situation.

The Chinese Delegation regrets that the suggestions which it made to the Conference, particularly at the meeting on November 22d, with a view to the adoption of certain positive and concrete measures, have not been considered by the Conference. For the reasons which it explained in its statements before the Conference on November 13th and 22d, the Chinese Delegation holds that such common action is indispensable in any effort to restrain the Japanese aggression and hasten the restoration of peace in the Far East.

The Chinese Delegation notes that the suspension of the sittings of the Conference is to be only temporary and deemed advisable in order to allow time for participating governments to exchange views and further explore all peaceful methods by which a just settlement of the dispute may be attained consistently with the principles of the Nine-power Treaty and in conformity with the objectives of that treaty. As regards such further exploration by participating governments, the Chinese Delegation cannot refrain from expressing its conviction that, in order to make this additional effort successful, it is not only essential that such effort should be made actively and promptly but that it is also indispensable to consider at the same time the necessity of common action in the form of positive aid to China and restrictive measures against the aggressor.

While prepared to accept the declaration in the spirit of solidarity, the Chinese Delegation requests the Conference to take note of this statement and attach it to the declaration of the Conference.

STATEMENT BY COUNT LUIGI ALDROVANDI-MARESCOTTI,
OF ITALY

(Translation)

At the very first meeting I expressed doubts as to the utility of the present Conference. My doubts have proved to be well founded. Therefore nobody can find more natural than I do the adjournment of the Conference. I should even find its dissolution natural. I therefore declare myself favorable to the adjournment as proposed. At the same time I declare that I do not accept the arguments put forward in the document in question, and therefore I cannot give my vote in favor of its adoption.

STATEMENT BY THE HONORABLE NORMAN H. DAVIS, OF THE
UNITED STATES OF AMERICA

Before recessing, Mr. President, I desire to express a word of appreciation not only for the hospitality shown by the Belgian Government during this Conference but for the many courtesies that we have all received at your hands. May I say, Sir, that I have rarely seen sessions presided over with so much clarity and tact as has been shown by yourself.

I also wish to refer to one point which appears in our declaration and which I feel should be particularly emphasized, namely, that this recess does not in any sense signify that the problem we have been considering is to be dropped, or that our interest in its solution is to be in any way lessened.

The fact that we have been unable, thus far, to bring about negotiations looking to a peaceful settlement by agreement of the Sino-Japanese conflict in no way diminishes our interest and our concern. On the contrary, it makes it all the more important to continue earnestly and actively to seek every possible peaceful means for hastening a cessation of hostilities and bringing about a constructive settlement.

For myself, I may say that with this end in view, I am returning home for consultation with my Government.

Those who may be discouraged and impatient over the delay in achieving the objectives sought, should realize that we are not now ending the Nine-power Conference. We are merely going into a recess. Nothing has been lost and much has been gained through the fact of our having assembled, of having engaged in an exchange of views and having exerted the efforts thus far made. We are dealing here not with a new problem, but with a new development in a situation which over many years has given rise to many perplexities—a situation which is of concern to many different powers, each of which has its own sum total of preoccupations—a situation in which a great variety of interests are involved. On the basis of our exchanges of

views, each of our respective Governments will have a more accurate understanding of the problem which confronts us in common and of those features of that problem which are of immediate and peculiar concern to it. Each and all of the Governments here represented will be able to proceed with the further shaping of policies in relation to the Far Eastern situation in the light of more complete knowledge of the difficulties and possibilities involved than were possessed by any of us before the Conference began. We have put on record and have made available to the world affirmations of a common view and declarations of a common attitude. We have enunciated fundamental principles which, in their relations with one another, should contribute substantially toward molding a sound and helpful world opinion and official thought.

STATEMENT BY VISCOUNT CRANBORNE, OF THE UNITED KINGDOM

I should like to associate His Majesty's Government in the United Kingdom with the thanks that have been tendered by the representative of the United States to the Belgian Government for their kind hospitality, and in particular to our President, Mr. Spaak. This is perhaps not the usual moment to do so, for the Conference is not coming to an end, but is merely temporarily suspending its sessions. At the same time, we are so deeply indebted to Mr. Spaak for his courtesy, his patience, his good judgment, and the firm yet kindly control which he has exercised over our labors, that I feel we could hardly separate without expressing our deep gratitude.

I should like to express the agreement of His Majesty's Government in the United Kingdom with what has been said by Mr. Norman Davis in summing up the results of our work to date. The Conference has heard today the words of the representative of China. He has explained how far the results have fallen short of his hopes. Let me assure him that we are fully conscious of this. We are not unmindful of the situation that he has so clearly and so temperately put before us. At the same time, I am sure that he too appreciates the conditions in which this Conference has met and in which its deliberations have been carried on. Given those conditions, I think that there will be few of the delegates assembled here who have taken part in deliberations of this Conference, who will not share the view expressed by Mr. Norman Davis that the conclusions incorporated in the declaration which has just been passed are those which alone could practically have been reached at this stage of our work.

The declaration itself emphasizes our necessarily continuing interest in the peace of the Far East and the governments assembled here will keep in the closest touch during our recess with a view to taking advantage of any opportunity that may occur of advancing the objects

for which we have met. So far as His Majesty's Government are concerned, this remains their constant aim and they will be glad to associate themselves with any of the other powers assembled here to bring it to fruition.

STATEMENT BY MR. FRANÇOIS DE TESSAN, OF FRANCE

(Translation)

Naturally my first words, like those of Mr. Norman Davis and Lord Cranborne, will be an expression of thanks to the Belgian Government for its most cordial hospitality, and to the President of this Conference who has given us one more proof of his distinguished statesmanship.

Every effort to secure peace, even if it does not achieve the desired results, is a highly commendable act in itself. An experiment giving apparently negative results may sometimes make it possible to gage and circumscribe inherent difficulties and so encourage us to persevere in our endeavor.

As long as the problem remains unsolved, we must exert every effort to reestablish normal conditions around the Pacific. As Mr. Norman Davis has said, although the Brussels Conference may be suspending its meetings, the nations represented here are still bound to continue their efforts, to keep in touch with one another and thus discover the most effective approach to peace.

¶ The feeling, which has developed during our meetings, that we have a common task proves that we are agreed on the principles of conciliation, the application of treaties, and our joint duty towards humanity. The document submitted to you for your approval not only expresses but unifies our determination.

¶ Since our discussions will now be discontinued for a time, the French Delegation, fully aware of its responsibilities and admitting its regret that the Conference's action has not led to more immediate success, earnestly hopes that a fair and lasting settlement will be reached as soon as possible. It continues to hope that all the powers interested in peace will be able eventually to fulfil the mission assigned to them under the Nine-power Treaty.

We sympathize most deeply with China in her present trials which we trust will soon cease. France, for her part, faithful to the terms of this Conference's mandate, will associate herself with all efforts that may be made to shorten and settle, in conformity with justice, the conflict which is raging in the Far East.

STATEMENT BY THE HONORABLE RAOUL DANDURAND,
OF CANADA

Mr. President, at the end of this first phase of our work I feel it my duty as the oldest delegate present at this Conference to express to

His Majesty, on behalf of all the delegations here assembled, our feelings of gratitude for the gracious interest he has taken in our work.

I also wish to offer our sincerest thanks to the Belgian Government for having consented to undertake the organization of this Conference, for the cordiality of its welcome and for the many attentions that it has bestowed upon us.

Finally, addressing myself to our President, I desire to assure him of our great gratitude, and our admiration of the manner in which he has directed our efforts in the difficult task we have undertaken. His authority, his art of accurate understanding, and the rapidity of his decisions have been of inestimable value. I must also mention that magnificent vitality which has enabled him, when he was so fully occupied elsewhere, to make us feel that he was, with his unflinching good humor, devoting himself exclusively to us.

I would beg him to be good enough to convey to his collaborators, the members of the General Secretariat, our congratulations on the effective aid that we have constantly received from them.

STATEMENT BY MR. W. J. JORDAN, OF NEW ZEALAND

The New Zealand Delegation endorses all that has been said regarding your chairmanship, Sir, and the hospitality of your country. Your tact, patience and outstanding statesmanship have impressed us all. We thank you, Sir. We could express at some length our disappointment at the failure of this Conference to bring about a cessation of hostilities. Notwithstanding the Nine-power Treaty Conference, China is still the victim of aggression, her people, including non-combatants, are still suffering death at the hands of invading armies. We will leave it at that. May I also express to Dr. Wellington Koo our sympathy with his bereaved people and my personal admiration for the faithful and able manner in which he has stated the case for his country?

STATEMENT BY COUNT LUIGI ALDROVANDI-MARESCOTTI, OF ITALY

(Translation)

I desire whole-heartedly to associate myself with the sentiments that have been expressed with regard to the Belgian Government and with regard to our President, Mr. Spaak.

STATEMENT BY HIS EXCELLENCY DR. V. K. WELLINGTON KOO, OF CHINA

I think the Chinese Delegation would be untrue to its sentiments if it did not take this opportunity to associate itself with the words of

appreciation and gratitude for the hospitality of the Belgian Government and also for the distinguished manner in which you, Mr. President, have presided over the proceedings of the Conference with such marked skill and eminent impartiality. I wish at the same time to take this occasion to express the thanks of our Delegation to the New Zealand Delegation, particularly, for the kind words of its distinguished representative here, and to all the other delegations for the time and labor which they have devoted to this problem in the Far East, which is of vital importance to my country, as well as to world peace.

Although the results of the Conference, from our point of view, have not been satisfactory, we know that the world has centered its interest on the proceedings of the last three weeks. Therefore I wish, in this connection, to raise a question which is really of more or less a routine character for all international conferences—I mean the question of publicity. I know that the report which has been adopted will be published in the Press, but I ask, Mr. President, whether it would not be possible, in order to increase its authoritativeness, for a copy to be sent by the Secretary General of the Conference to all the governments of the world, not as a formal report of the Conference submitted to the governments for their consideration, but for the purpose of authentic information.

STATEMENT BY THE HONORABLE NORMAN H. DAVIS, OF THE
UNITED STATES OF AMERICA

This Conference has accentuated the fact during our sessions that the specific problem with which we have been dealing is a matter which does concern the entire world, and as the issues involved are of particular interest to all the world, it seems to me that Mr. Koo's suggestion, that the result of our work here, this report, might well be communicated to all the governments of the world for their information, is a good one.

CLOSING REMARKS BY THE PRESIDENT OF THE CONFERENCE, HIS
EXCELLENCY PAUL-HENRI SPAAK, OF BELGIUM

(Translation)

Before I declare this meeting closed I wish to tell you how deeply I have been moved by the eulogies of our venerable *doyen* and the heads of other delegations—eulogies too kind as regards Belgium and her Government, and certainly too generous as regards myself.

My work has been made easy by your unfailing courtesy, for which I thank you sincerely.

I do not think that I should be departing from our self-imposed rule of impartiality were I to thank the Chinese Delegation in particular for

the spirit of moderation and conciliation which it has invariably shown throughout this session, in spite of the tragedy in which its country has been plunged. I desire to pay a very special tribute to its distinguished head, Dr. Wellington Koo.

Dr. Wellington Koo has told us that he will leave the Conference with a feeling of some disappointment. This disappointment is doubtless shared by many of us who realize that we have not accomplished the mission assigned to us of restoring peace in the Far East by friendly methods.

We are somewhat disappointed, but we are not discouraged. The words spoken here by Mr. Norman Davis, by Lord Cranborne and M. de Tessen show that nobody intends to abandon effort. It is, in fact, encouraging to think that the representatives of countries with a total population of many million inhabitants have agreed to affirm certain great principles and that they are determined to remain faithful to these principles: love of peace and respect for treaties.

Let us not be discouraged therefore; let us continue our effort. Personally I still have confidence and faith; I am sure that the principles you have asserted will triumph in the end.

DECLARATION OF THE CONFERENCE NOVEMBER 24, 1937

1° The Nine-power Treaty is a conspicuous example of numerous international instruments by which the nations of the world enunciate certain principles and accept certain self-denying rules in their conduct with each other, solemnly undertaking to respect the sovereignty of other nations, to refrain from seeking political or economic domination of other nations, and to abstain from interference in their internal affairs.

2° These international instruments constitute a framework within which international security and international peace are intended to be safeguarded without resort to arms and within which international relationships should subsist on the basis of mutual trust, good-will, and beneficial trade and financial relations.

3° It must be recognized that whenever armed force is employed in disregard of these principles the whole structure of international relations based upon the safeguards provided by treaties is disturbed. Nations are then compelled to seek security in ever-increasing armaments. There is created everywhere a feeling of uncertainty and insecurity. The validity of these principles cannot be destroyed by force, their universal applicability cannot be denied, and their indispensability to civilization and progress cannot be gainsaid.

4° It was in accordance with these principles that this Conference was called in Brussels for the purpose, as set forth in the terms of the invitation issued by the Belgian Government, "of examining, in accordance with article VII of the Nine-power Treaty, the situation in the Far East and to consider friendly methods for hastening the end of the regrettable conflict now taking place there".

5° Since its opening session on November 3d the Conference has continuously striven to promote conciliation and has endeavored to secure the cooperation of the Japanese Government in the hope of arresting hostilities and bringing about a settlement.

6° The Conference is convinced that force by itself can provide no just and lasting solution for disputes between nations. It continues to believe that it would be to the immediate and the ultimate interest of both parties to the present dispute to avail themselves of the assistance of others in an effort to bring hostilities to an early end as a necessary preliminary to the achievement of a general and lasting settlement.

It further believes that a satisfactory settlement cannot be achieved by direct negotiation between the parties to the conflict alone, and that only by consultation with other powers principally concerned can there be achieved an agreement the terms of which will be just, generally acceptable and likely to endure.

7° This Conference strongly reaffirms the principles of the Nine-power Treaty as being among the basic principles which are essential to world peace and orderly progressive development of national and international life.

8° The Conference believes that a prompt suspension of hostilities in the Far East would be in the best interests not only of China and Japan but of all nations. With each day's continuance of the conflict the loss in lives and property increases and the ultimate solution of the conflict becomes more difficult.

9° The Conference therefore strongly urges that hostilities be suspended and resort be had to peaceful processes.

10° The Conference believes that no possible step to bring about by peaceful processes a just settlement of the conflict should be overlooked or omitted.

11° In order to allow time for participating governments to exchange views and further explore all peaceful methods by which a just settlement of the dispute may be attained consistently with the principles of the Nine-power Treaty and in conformity with the objectives of that treaty, the Conference deems it advisable temporarily to suspend its sittings. The conflict in the Far East remains, however, a matter of concern to all of the powers assembled at Brussels—by virtue of commitments in the Nine-power Treaty or of special interest in the Far East—and especially to those most immediately and directly affected by conditions and events in the Far East. Those of them that are parties to the Nine-power Treaty have expressly adopted a policy designed to stabilize conditions in the Far East and, to that end, are bound by the provisions of that treaty, outstanding among which are those of articles I and VII.

12° The Conference will be called together again whenever its Chairman or any two of its members shall have reported that they consider that its deliberations can be advantageously resumed.

REPORT OF THE CONFERENCE

DATED NOVEMBER 24, 1937

1. The Conference at Brussels was assembled pursuant to an invitation extended by the Belgian Government at the request of His Majesty's Government in the United Kingdom with the approval of the American Government. It held its opening session on November 3rd, 1937. The Conference has now reached a point at which it appears desirable to record the essential phases of its work.

2. In the winter of 1921-22 there were signed at Washington a group of interrelated treaties and agreements of which the Nine-power Treaty regarding principles and policies to be followed in matters concerning China constituted one of the most important units. These treaties and agreements were the result of careful deliberation and were entered upon freely. They were designed primarily to bring about conditions of stability and security in the Pacific area.

The Nine-power Treaty stipulates in article I that—

The Contracting Powers, other than China, agree:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States.

Under and in the light of these undertakings and of the provisions contained in the other treaties, the situation in the Pacific area was for a decade characterized by a substantial measure of stability, with considerable progress toward the other objectives envisaged in the treaties. In recent years there have come a series of conflicts between Japan and China, and these conflicts have culminated in the hostilities now in progress.

3. The Conference at Brussels was called for the purpose, as set forth in the terms of the invitation, "of examining in accordance with article VII of the Nine-power Treaty, the situation in the Far East and to consider friendly, peaceable methods for hastening the end of

the regrettable conflict now taking place there". With the exception of Japan, all of the signatories and adherents to the Nine-power Treaty of February 6, 1922, accepted the invitation and sent representatives to Brussels, for the purpose stated in the invitation.

4. The Chinese Government, attending the Conference and participating in its deliberations, has communicated with the other parties to the Nine-power Treaty in conformity with article VII of that treaty. It has stated here that its present military operations are purely in resistance to armed invasion of China by Japan. It has declared its willingness to accept a peace based upon the principles of the Nine-power Treaty and to collaborate whole-heartedly with the other powers in support of the principle of the sanctity of treaties.

5. The Japanese Government, in replying with regret that it was not able to accept the invitation to the Conference, affirmed that "The action of Japan in China is a measure of self-defense which she has been compelled to take in the face of China's fierce anti-Japanese policy and practice, and especially by her provocative action in resorting to force of arms; and consequently it lies, as has been declared already by the Imperial Government, outside the purview of the Nine-power Treaty"; and advanced the view that an attempt to seek a solution at a gathering of so many powers "would only serve to complicate the situation still further and to put serious obstacles in the path of a just and proper solution".

6. On November 7, 1937, the Conference sent, through the Belgian Government, to the Japanese Government, a communication in the course of which the Conference inquired whether the Japanese Government would be willing to depute a representative or representatives to exchange views with representatives of a small number of powers to be chosen for that purpose, the exchange of views to take place within the framework of the Nine-power Treaty and in conformity with the provisions of that treaty, toward throwing further light on points of difference and facilitating a settlement of the Sino-Japanese conflict. In that communication the representatives of the states met at Brussels expressed their earnest desire that peaceful settlement be achieved.

7. To that communication the Japanese Government replied in a communication of November 12, 1937, stating that it could not do otherwise than maintain its previously expressed point of view that the present action of Japan in her relations with China was a measure of self-defense and did not come within the scope of the Nine-power Treaty; that only an effort between the two parties would constitute a means of securing the most just and the most equitable settlement, and that the intervention of a collective organ such as the Conference would merely excite public opinion in the two countries and make it more difficult to reach a solution satisfactory to all.

8. On November 15 the Conference adopted a declaration in the course of which it affirmed that the representatives of the Union of South Africa, the United States of America, Australia, Belgium, Bolivia, Canada, China, France, the United Kingdom, India, Mexico, Netherlands, New Zealand, Portugal and the Union of Socialist Soviet Republics “. . . consider this conflict of concern in law to all countries party to the Nine-power Treaty of Washington of 1922 and to all countries party to the Pact of Paris of 1928, and of concern in fact to all countries members of the family of nations”.

9. In the presence of this difference between the views of the Conference and of the Japanese Government there now appears to be no opportunity at this time for the Conference to carry out its terms of reference in so far as they relate to entering into discussions with Japan towards bringing about peace by agreement. The Conference therefore is concluding this phase of its work and at this moment of going into recess adopts a further declaration of its views.

10. The text of the communication sent to the Japanese Government on November 7th, 1937, reads as follows: [For text, see *ante*, p. 51.]

11. The text of the declaration adopted by the Conference on November 15, 1937, reads as follows: [For text, see *ante*, p. 65.]

12. The text of the declaration adopted by the Conference on November 24, 1937, reads as follows:

[The report ends with the declaration of the Conference of November 24, 1937; for text of the declaration, see *ante*, p. 76.]

STATEMENT TO THE PRESS, MADE BY THE HONORABLE NORMAN H. DAVIS, AMERICAN DELEGATE, UPON ARRIVAL IN NEW YORK, DECEMBER 11, 1937

The Conference which has been in session in Brussels, Belgium, under the Nine-power Treaty, is taking a recess. The American Delegation has come home to report.

The objective of this Conference has been to examine the situation in the Far East and seek a method of bringing to an end by peaceful means the Chino-Japanese conflict. The United States is participating because it is a signatory to the Nine-power Treaty and because it is deemed important that this country participate in any appropriate common effort to effect a peaceful settlement of that conflict.

Although the Conference has not thus far achieved its main objective, it has nevertheless accomplished a number of useful things. It has made clear the issues involved in the conflict which it has under consideration. In its formal declarations, sixteen nations have affirmed their views that war arising in any part of the world directly affects and is of concern to all nations and have reaffirmed their adherence to the principles of the Nine-power Treaty. It has emphatically reiterated fundamental principles which should govern international relations, which are essential for a just settlement in the Far East and which in the long run must prevail.

The fact that the Conference has not thus far found a method for bringing about peace in the Far East by no means disposes of that problem or brings to an end the effort of the Conference. On the contrary, nations whose interests, treaty rights and obligations are affected thereby will continue to concern themselves with that problem until it is solved constructively.

Accordingly, the governments participating in the Conference will, during the recess, exchange views and further explore all peaceful methods by which a just settlement of the conflict may be attained consistently with the principles of the Nine-power Treaty and in conformity with the objectives of that treaty.

THE ACHIEVEMENTS OF THE CONFERENCE

STATEMENT MADE TO THE SECRETARY OF STATE BY THE
HONORABLE NORMAN H. DAVIS, AMERICAN DELEGATE,
DECEMBER 16, 1937

The outstanding achievements of the Conference were as follows:

1. Exchanging of views, among nineteen governments, enabling the delegates of each—and through them their governments—to obtain knowledge of the attitude and position of the others;

2. Demonstration of the unwillingness of Japan to resort to methods of conciliation;

3. Clarification of the fact that the Japanese continue to insist that the issues between Japan and China are exclusive to those two countries whereas the Conference powers, with the exception of Italy, deny this and affirm that the situation is of concern to all of them and in fact to all members of the family of nations;

4. Express reaffirmation by the Conference powers, with the exception of Italy, of the principles of the Nine-power Treaty;

5. Express serving of notice that the settlement ultimately arrived at must be consistent with the principles of the Nine-power Treaty and satisfactory to the Conference powers;

6. Express serving of notice that the Conference powers will continue to concern themselves with the situation and that the Conference is not ended but is in recess and is subject to reconconvocation.

TREATY BETWEEN JAPAN AND THAILAND CONCERNING THE CONTINUANCE
OF FRIENDLY RELATIONS AND THE MUTUAL RESPECT OF
EACH OTHER'S TERRITORIAL INTEGRITY

His Majesty the Emperor of Japan and His Majesty the King of Thailand, being equally animated by the earnest desire of reaffirming and further strengthening the traditional bonds of friendship between Japan and Thailand, and being convinced that the peace and the stability of East Asia is the common concern of the two States, have resolved to conclude a treaty, and for that purpose have named as their Plenipotentiaries, that is to say: (Plenipotentiaries named)

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE 1.

The High Contracting Parties shall mutually respect each other's territorial integrity and hereby reaffirm the constant peace and the perpetual friendship existing between them.

ARTICLE 2.

The High Contracting Parties shall mutually maintain friendly contact in order to exchange information, and to consult one another, on any question of common interest that may arise.

ARTICLE 3.

In the event of one of the High Contracting Parties suffering an attack from any third Power or Powers, the other Party undertakes not to give aid or assistance to the said Power or Powers against the Party attacked.

ARTICLE 4.

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Bangkok, as soon as possible.

ARTICLE 5.

The present Treaty shall come into effect on the date of the exchange of ratifications and shall remain in force for five years from that date.

In case neither of the High Contracting Parties shall have given notice to the other six months before the expiration of the said period of five years of its intention to terminate the Treaty, it shall continue operative until the expiration of one year from the date on which either Party shall have given such notice.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate, at Tokyo, this twelfth day of the sixth month in the fifteenth year of Syowa, corresponding to the twelfth day of the third month in the two thousand four hundred and eighty-third year of the Buddhist Era, and the twelfth day of June in the nineteen hundred and fortieth year of the Christian Era.

(L.S.) Hachiro Arita
(L.S.) Phya Sri Sena

Ex-77

DOCUMENT 181

SUBJECT: CONCERNING MILITARY ORDINANCE

(Sept. 11, 1907)
Milit.Ord.No.1

The Emperor has enacted the Ordinance and orders to execute.

1. The regulation concerning the command of Army, Navy which has gone through Imperial approval is said Military Ordinance.
2. The Ordinance which necessitate to put to publicity, is signed by the Emperor with His Instruction and Army or Navy Minister concerned countersigns and writes down the date.
3. The Ordinance is issued on the Official Gazette.
4. The Ordinance is effective on the date of its issue, unless otherwise determined.

第四 第一回平和會議諸條約

國際紛爭平和的處理條約

一八九九年(明治三十二年)七月二十九日海牙ニ於テ調印
 一九〇〇年(明治三十三年)九月三日批
 同 年 一〇月六日批准書寄託
 同 年 二月二日 公 布
 獨逸國普魯西國皇帝陛下、埃地利國「ボヘミア」國
 洪牙利國皇帝陛下、白耳義國皇帝陛下、清國皇帝
 陛下、丁抹國皇帝陛下、西班牙國皇帝陛下並同皇
 帝陛下ノ名ヲ以テスル攝政皇后陛下、亞米利加合

第四 第一回平和會議諸條約 (國際紛爭平和的處理條約)

NO. 4. PREMIERE CONFERENCE

DE LA PAIX.

CONVENTION

POUR LE

RÈGLEMENT PACIFIQUE DES CON- FLITS INTERNATIONAUX.

Signée à La Haye, le 29 Juillet 1899 (32^{me} année de
 Meiji).

Ratifiée le 3 Septembre 1900 (33^{me} année de Meiji).

Ratification déposée à La Haye, le 6 Octobre 1900 (33^{me}
 année de Meiji).

Publiée à Tokio, le 22 Novembre de la même année.

SA MAJESTÉ L'EMPEREUR D'ALLEMAGNE, ROI DE
 PRUSSE; SA MAJESTÉ L'EMPEREUR D'AUTRICHE,
 ROI DE BOHEME ETC. ET ROI APOSTOLIQUE DE
 HONGRIE; SA MAJESTÉ LE ROI DES BELGES;
 SA MAJESTÉ L'EMPEREUR DE CHINE; SA

第四 第一回平和會議諸條約（國際紛争平和の處理條約）

衆國大統領、墨西哥合衆國大統領、佛蘭西共和國大統領、大不列顛及愛爾聯合王國兼印度國皇帝陛下、希臘國皇帝陛下、伊太利國皇帝陛下、日本國皇帝陛下、盧森堡國大公「ナッソー」公殿下、モンテネグロ」國公殿下、和蘭國皇帝陛下、波斯國皇帝陛下、葡萄牙國及「アルガルヴ」皇帝陛下、羅馬尼亞國皇帝陛下、全露西亞國皇帝陛下、塞爾比亞國皇帝陛下、暹羅國皇帝陛下、瑞典諾威國皇帝陛下、瑞西聯邦政府、土耳其國皇帝陛下及勃爾牙利國公殿下ハ一般ノ平和ヲ維持スルコトニ協力セムコトヲ切ニ希望シ全力ヲ竭シテ國際紛争ヲ平和的ニ處理スルコトヲ補助スルニ決シ文明國團ノ各員ヲ結合スル所ノ連帶實務ヲ識認シ法ノ領域ヲ擴張スルト共ニ國際的正義ノ感ヲ鞏固ナラシメムコトヲ欲シ諸獨立國ノ間ニ各國ノ頼ルヲ得ヘキ常設仲裁裁判制度ヲ置クコトハ前記ノ目的ヲ達スルニ最も有效ナルヘキヲ確信シ仲裁手續ニ關スル一般且正則ノ組織ヲ設クルノ有益ナルヲ察シ萬國平和會議ノ至尊ナル發議者ト共ニ國安民福ノ基礎タル公平正理ノ原則ヲ國際的協商ニ依テ定立スルノ須要ナル

MAJESTÉ LE ROI DE DANEMARK, SA MAJESTÉ LE ROI D'ESPAGNE ET EN SON NOM SA MAJESTÉ LA REINE-RÉGENTE DU ROYAUME, LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE, LE PRÉSIDENT DES ÉTATS-UNIS MEXICAINS, LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE, SA MAJESTÉ LA REINE DU ROYAUME-UNI DE LA GRANDE BRETAGNE ET D'IRLANDE, IMPÉRATRICE DES INDES, SA MAJESTÉ LE ROI DES HELLENIQUES, SA MAJESTÉ LE ROI ROYALE D'ITALIE, SA MAJESTÉ L'EMPEREUR DU JAPON, SON ALTESSE ROYALE LE GRAND-DUC DE LUXEMBOURG, DUC DE NASSAU, SON ALTESSE LE PRINCE DE MONTÉNÉGRO, SA MAJESTÉ LA REINE DES PAYS-BAS, SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE, SA MAJESTÉ LE ROI DE PORTUGAL ET DES ALGARVES ETC., SA MAJESTÉ LE ROI DE ROUMANIE, SA MAJESTÉ L'EMPEREUR DE TOUTES LES RUSSIES, SA MAJESTÉ LE ROI DE SERBIE, SA MAJESTÉ LE ROI DE SIAM, SA MAJESTÉ LE ROI DE SÉDE ET DE NORVÈGE, LE CONSEIL FÉDÉRAL SUISSE, SA MAJESTÉ L'EMPEREUR DES OTOMANS ET SON ALTESSE ROYALE LE PRINCE

ヲ認メ之カ爲ニ條約ヲ締結セムト欲シ各各左ノ全
權委員ヲ任命セリ(委員氏名省略)

DE BULGARIE.

Animés de la ferme volonté de concourir au
maintien de la paix générale;

Résolus à favoriser de tous leurs efforts le
réglement amiable des conflits internationaux;

Reconnaissant la solidarité qui unit les mem-
bres de la société des nations civilisées;

Voulant étendre l'empire du droit et fortifier
le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une
juridiction arbitrale, accessible à tous, au sein
des Puissances indépendantes peut contribuer
efficacement à ce résultat;

Considérant les avantages d'une organisation
générale et régulière de la procédure arbitrale;

Estimant avec l'Augsuste Initiateur de la
Conférence Internationale de la Paix qu'il importe
de consacrer dans un accord international les
principes d'équité et de droit sur lesquels reposent
la sécurité des Etats et le bien-être des Peuples;
Désirant conclure une Convention à cet effet
ont nommé pour Leurs plénipotentiaires, savoir:
(Noms et titres des plénipotentiaires).

因テ各全權委員ハ互ニ其ノ委任狀ヲ示シ其ノ良好妥當ナルヲ認メ以テ左ノ條項ヲ協定セリ

第一章 一般平和ノ維持

第一條

列國間ノ關係ニ於テ兵力ニ訴フルコトヲ成ルヘク制止セムカ爲記名國ハ國際紛議ヲ平和ニ處理スルコトニ其ノ全力ヲ竭サムコトヲ約定ス

第二章 周旋及居中調停

第二條

記名國ハ重大ナル意見ノ衝突又ハ紛爭ヲ生シタル場合ニハ兵力ニ訴フルニ先チ事情ノ許ス限り其ノ交親國中ノ一國若ハ數國ニ周旋又ハ居中調停ヲ依頼スルコトヲ約定ス

一般平和ノ維持

國際紛議ノ平和的處理

周旋及居中調停

依頼

85

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

TITRE I. DU MAINTIEN DE LA

PAIX GÉNÉRALE.

ARTICLE 1.

En vue de prévenir autant que possible le recours à la force dans les rapports entre les États, les Puissances signataires conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

TITRE II. DES BONS OFFICES ET DE

LA MÉDIATION.

ARTICLE 2.

Fa cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances signataires conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

提 供	居 中 調 停 者 ノ 本 分
<p>第三條</p> <p>記名國ハ右依頼ノ有無ニ拘ラス紛争以外ニ立ツ一國又ハ數國カ事情ノ許ス限リ自ラ進テ周旋又ハ居中調停ヲ紛争國ニ提供スルコトヲ有益ト認ム</p>	<p>紛争以外ニ立ツ國ハ交戰中ト雖其ノ周旋又ハ居中調停ヲ提供スルノ權利ヲ有ス</p> <p>紛争國ハ右權利ノ行使ヲ目シテ友誼ニ戾レルモノト爲スコトヲ得ス</p> <p>第四條</p> <p>居中調停者ノ本分ハ紛争國雙方ノ申分ヲ和解シ且其ノ間ニ生スルコトアルヘキ惡感情ヲ融和スルニ在ルモノトス</p> <p>第五條</p> <p>居中調停者ノ職務ハ其ノ提出シタル和解方法ノ採納セラレサルコトヲ紛争國ノ一方又ハ調停者自ラ</p>
<p>ARTICLE 3.</p> <p>Indépendamment de ce recours, les Puissances signataires jugeant utile qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant que les circonstances s'y prêtent, leurs bons offices ou leur médiation aux Etats en conflit.</p> <p>Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.</p> <p>L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte peu amical.</p> <p>ARTICLE 4.</p> <p>Le rôle du médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les Etats en conflit.</p> <p>ARTICLE 5.</p> <p>Les fonctions du médiateur cessent du moment où il est constaté, soit par l'une des Parties en</p>	<p>第四 第一回平和會議諸條約 (國際紛争平和的處理條約)</p> <p>九五</p>

宣言シタルトキ直ニ終止スルモノトス

第六條

周旋及居中調停ハ紛爭國ノ依頼ニ由ルト紛爭以外ニ立ツ國ノ發意ニ出ツルトニ論ナク全ク勸告ノ性質ヲ有スルニ止リ決シテ拘束ノ效力ヲ有セサルモノトス

第七條

反對ノ約束アル場合ノ外ハ居中調停ヲ承諾シタルカ爲動員其ノ他ノ戰鬪準備ヲ中止シ遲延シ又ハ障礙スルノ結果ヲ生スルコトナシ

若戰鬪開始ノ後ニ於テ居中調停起リタルトキハ反對ノ約束アル場合ノ外之カ爲進行中ノ軍事的動作ヲ中止スルコトナシ

第八條

記名國ハ事情ノ許ス限リ左ノ手續ヲ以テスル特別居中調停ノ適用ヲ可トスルコトニ同意ス

litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

ARTICLE 6.

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

ARTICLE 7.

L'acceptation de la médiation ne peut avoir, pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

ARTICLE 8.

Les Puissances signataires sont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une médiation spéciale sous la forme suivante.

國際審查
委員審
査

平和ヲ破ルノ虞アル重大ナル紛議ヲ生シタル場合
ニハ紛争國ハ平和ノ破裂ヲ豫防スル爲各各一國ヲ
選定シ他ノ一方ノ選定シタル國ト直接ノ交渉ヲ開
クノ任務ヲ附託ス

右附託ノ期間ハ反對ノ規約アル場合ノ外三十日ヲ
超エサルモノトシ期間中紛争事件ニ關スルコトハ
調停國ニ一任シタルモノト看做シ紛争國ハ自ら直
接ノ交渉ヲ爲スコトヲ中止ス右調停國ハ紛議ヲ處
理スルニ全力ヲ竭スヘキモノトス

平和ノ既ニ破レタル後ト雖右調停國ハ平和ヲ回復
スルノ機會アル毎ニ之ヲ利用スルノ共同任務ヲ負
フモノトス

第三章 國際審查委員

第九條

名譽又ハ重要ナル利益ニ關係セス單ニ事實上ノ見
解ノ異ルヨリ生シタル國際紛争事件ニシテ外交上

En cas de différend grave compromettant la
Paix, les Etats en conflit choisissent respective-
ment une Puissance à laquelle ils confient la
mission d'entrer en rapport direct avec la Pui-
sance choisie d'autre part à l'effet de prévenir la
rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme,
sauf stipulation contraire, ne peut excéder trente
jours, les Etats en litige cessent tout rapport
direct au sujet du conflit, lequel est considéré
comme délégué exclusivement aux Puissances
médiatrices. Celles-ci doivent appliquer tous
leurs efforts à régler le différend.

En cas de rupture effective des relations
pacifiques, ces Puissances demeurent chargées de
la mission commune de profiter de toute occasion
pour rétablir la paix.

TITRE III. DES COMMISSIONS INTER- NATIONALES D'ENQUÊTE.

ARTICLE 9.

Dans les litiges d'ordre international n'enga-
geant ni l'honneur ni des intérêts essentiels et

設置ノ方

第十一條

國際審査委員ハ反對ノ規約ナキ限り本條約第三十二條ニ定メタル方法ニ依リ之ヲ設置ス

便宜ノ提

第十二條

紛争國ハ係争事實ヲ完全ニ知悉シ且精確ニ會得スルニ必要ナル一切ノ方法及便宜ヲ其ノ爲シ得ノシト認ムル限り充分ニ國際審査委員ニ提供スルコトヲ約定ス

報告書

第十三條

國際審査委員ハ各委員ノ記名シタル報告書ヲ紛争國ニ提出ス

報告書ノ
效果

第十四條

國際審査委員ノ報告書ハ單ニ事實ノ記述ニ止ルモノニシテ決シテ仲裁宣告ノ性質ヲ有セス此ノ記述ニ對シ如何ナル結果ヲ付スヘキヤハ全ク紛争國ノ

ARTICLE 11.

Les Commissions internationales d'enquête sont formées, sauf stipulation contraire, de la manière déterminée par l'article 32 de la présente Convention.

ARTICLE 12.

Les Puissances en litige s'engagent à fournir la Commission internationale d'enquête, dans la plus large mesure qu'Elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

ARTICLE 13.

La Commission internationale l'enquête présentée aux Puissances en litige son rapport signé par tous les membres de la Commission.

ARTICLE 14.

Le rapport de la Commission internationale d'enquête, limité à la constitution des faits, n'a nullement le caractère d'une sentence arbitrale. Il laisse aux Puissances en litige une entière

ノ手段ニ依リ其ノ妥協ヲ遂クルコト能ハサリシ場合ニハ紛爭國ハ事情ノ許ス限リ國際審査委員ヲ設ケ之ヲシテ公平誠實ナル審査ニ依リテ事實問題ヲ明カニシ紛爭ノ結了ヲ補助スルノ任ニ當ラシムルヲ以テ記名國ハ有益ナリト認ム

第十條

國際審査委員ハ紛爭國間ノ特別條約ヲ以テ之ヲ設置ス

審査條約ハ審査スヘキ事實及委員ノ權限ヲ明瞭ニ規定ス

審査條約ハ審査手續ヲ規定ス

審査ハ雙方對審ノ上之ヲ行フ

遵守スヘキ方式及期限ニシテ審査條約ニ規定ナキ

モノハ委員自ラ之ヲ定ム

provenant d'une divergence d'appréciation sur des points de fait, les Puissances signataires jugent utile que les Parties qui n'auraient pu se mettre d'accord par les voies diplomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

ARTICLE 10.

Les Commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La convention d'enquête précise les faits à examiner et l'étendue des pouvoirs des commissaires.

Elle règle la procédure.

L'enquête a lieu contradictoirement.

La forme et les délais à observer, en tant qu'ils ne sont pas fixés par la convention d'enquête, sont déterminés par la commission elle-même.

特別條約
及其ノ規約
定

萬國仲裁
裁判

仲裁裁判

目的

承認

仲裁裁判
條約締結
ノ目的

自由タルヘシ

第四章 萬國仲裁裁判

第一節

仲裁裁判

第十五條

萬國仲裁裁判ハ紛爭國ノ選定セル裁判官ヲシテ法ヲ尊重スルノ基礎ニ據リ國ト國トノ間ニ生シタル紛議ヲ處理セシムルコトヲ以テ目的トス

第十六條

法律問題就中國際條約ノ解釋又ハ適用ニ關スル問題ニ就テハ記名國ハ外交上ノ手段ニ依リ結了スルコト能ハサリシ紛議ヲ處理スルニハ仲裁裁判ヲ以テ最モ有效ニシテ且最モ公平ナル方法ト認ム

第十七條

仲裁裁判條約ハ既ニ生シタル紛議又ハ將來生スルコトアルヘキ紛議ノ爲ニ締結ス

liberté pour la suite à donner à cette constatation.

TITRE IV. DE L'ARBITRAGE INTERNATIONAL.

CHAPITRE I.

DE LA JUSTICE ARBITRALE.

ARTICLE 15.

L'arbitrage international a pour objet le règlement de litiges entre les Etats par des juges de leur choix et sur la base du respect du droit.

ARTICLE 16.

Dans des questions d'ordre juridique, et en premier lieu dans les questions d'interprétation ou d'application des conventions internationales, arbitrage est reconnu par les Puissances signataires comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

ARTICLE 17.

La convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

仲裁裁判條約ハ總テノ紛議又ハ特ニ指定シタル種類ノ紛議ノミニ關スルコトヲ得

第十八條

仲裁宣告ニ對スル服從

仲裁裁判條約ハ誠實ニ仲裁宣告ニ服從スルノ約束ヲ包含ス

第十九條

仲裁裁判ノ範圍

仲裁裁判ニ依賴スヘキ義務ヲ記名國ニ對シテ現ニ規定シタル一般若ハ特別條約ノ有無ニ拘ラス記名國ハ仲裁裁判ニ付スルコトヲ得ヘシト思料スル一切ノ場合ニ義務的仲裁裁判ヲ普及セシムカ爲本條約批准前又ハ其ノ後ニ於テ一般若ハ特別ノ新協定ヲ爲スノ權利ヲ保留ス

第二節

常設仲裁裁判所

常設仲裁裁判所

第二十條

外交上ノ手段ニ依リテ處理スルコト能ハサリシ國

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

ARTICLE 18.

La convention d'arbitrage implique l'engagement de se soumettre de bonne foi à la sentence arbitrale.

ARTICLE 19.

Indépendamment des traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances signataires, ces Puissances se réservent de conclure, soit avant la ratification du présent Acte, soit postérieurement, des accords nouveaux généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'Elles jugeront possible de lui soumettre.

CHAPITRE II.

DE LA COUR PERMANENTE D'ARBITRAGE.

ARTICLE 20.

Dans le but de faciliter le recours immédiat

構成

際紛議ヲ直ニ仲裁裁判ニ付スルニ便ナラシムルノ目的ヲ以テ記名國ハ何時タリトモ依頼スルコトヲ得ヘキ且紛爭國間ニ反對ノ規約ナキ限ハ本條約ニ揭ケタル手續ニ依リテ其ノ職務ヲ行フヘキ常設仲裁裁判所ヲ構成スルコトヲ約定ス

第二十一條

常設仲裁裁判所ハ紛爭國ノ間ニ特別ノ裁判所ヲ設置スルノ協約アル場合ノ外一切ノ仲裁事件ヲ管轄スルモノトス

第二十二條

海牙ニ萬國事務局ヲ設置シ仲裁裁判所書記局ノ事務ニ當ラシム
右事務局ハ裁判所ノ開廷ニ關スル通信ノ媒介者トス
事務局ハ記録ノ保管ヲ掌リ一切ノ行政事務ヲ處理
記名國ハ相互ノ間ニ定メタル一切ノ仲裁裁判規約ノ認證牒本竝其ノ當事者タル場合ニ特別裁判所カ

a l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances signataires s'engagent à organiser une Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux Règles de procédure insérées dans la présente Convention.

ARTICLE 21.

La Cour permanente sera compétente pour tous les cas d'arbitrage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une juridiction spéciale.

ARTICLE 22.

Un Bureau international établi à La Haye sert de greffe à la Cour.

Ce Bureau est l'intermédiaire des communications relatives aux réunions de celle-ci.

Il a la garde des archives et la gestion de toutes les affaires administratives.

Les Puissances signataires s'engagent à communiquer au Bureau international de La Haye

管轄

萬國事務局

仲裁裁判官

下シタル仲裁宣告ノ認證謄本ヲ海牙萬國事務局ニ交付スルコトヲ約定ス

記名國ハ仲裁裁判所ノ下シタル宣告ノ執行ヲ證明スルコトアルヘキ法律規則及文書モ亦同シク右事務局ニ交付スルコトヲ約定ス

第二十三條

各記名國ハ本條約批准後三箇月以内ニ國際法上ノ問題ニ堪能ノ名アリテ德望高ク且仲裁裁判官ノ任務ヲ受諾スルノ意アル者四名以下ヲ指定スヘシ

右指定ヲ受ケタル者ハ仲裁裁判所裁判官トシテ名簿ニ記入シ事務局ヨリ之ヲ各記名國ニ通知スヘシ

仲裁裁判官ノ名簿ニ異動アル毎ニ事務局ヨリ之ヲ記名國ニ通知ス

第四 第一回平和會議諸條約（國際紛争平和的處理條約）

une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre elles et de toute sentence arbitrale les concernant et rendue par des juridictions spéciales.

Elles s'engagent à communiquer de même au Bureau, les lois, règlements et documents constatant éventuellement l'exécution des sentences rendues par la Cour.

ARTICLE 23.

Chaque Puissance signataire désignera, dans les trois mois qui suivront la ratification par elle du présent acte, quatre personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'arbitres.

Les personnes ainsi désignées seront inscrites, au titre de membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances signataires par les soins du Bureau.

Toute modification à la liste des arbitres est portée, par les soins du Bureau, à la connaissance des Puissances signataires.

二國若ハ數國相約シテ共同ニ一名又ハ數名ノ仲裁
裁判官ヲ指定スルコトヲ得

同一人ニシテ數國ヨリ指定セラルルコトヲ得

仲裁裁判所裁判官ハ其ノ任期ヲ六箇年トス但シ再
任セラルルコトヲ得

仲裁裁判所裁判官中死亡又ハ退職スル者アルトキ
ハ其ノ任命ノ爲ニ定メタル方法ニ依リ之ヲ補缺ス

第二十四條

記名國ハ其ノ相互ノ間ニ生シタル紛議ヲ處理セム
カ爲常設仲裁裁判所ニ訴ヘムト欲スルトキハ其ノ
紛議ヲ裁定スヘキ當該裁判部ヲ組織スル仲裁裁判
官ノ選定ハ仲裁裁判所裁判官總名簿ニ就テ之ヲ爲
スヘシ

仲裁裁判部ノ構成ニ關シ紛爭國相互間ニ直接ノ協
定ナキ場合ニハ左記ノ方法ニ從フヘキモノトス

雙方ニ於テ各二名ノ仲裁裁判官ヲ選定シ右仲裁裁
判官ハ共同シテ更ニ一名ノ上級仲裁裁判官ヲ選定

Deux ou plusieurs Puissances peuvent s'enten-
dre pour la désignation en commun d'un ou de
plusieurs membres.

La même personne peut être désignée par des
Puissances différentes.

Les membres de la Cour sont nommés pour
un terme de six ans. Leur mandat peut être
renouvelé.

En cas de décès ou de retraite d'un membre
de la Cour, il est pourvu à son remplacement
selon le mode fixé pour sa nomination.

ARTICLE 24.

Lorsque les Puissances signataires veulent
s'adresser à la Cour permanente pour le règlement
d'un différend survenu entre elles, le choix des
arbitres appelés à former le Tribunal compétent
pour statuer sur ce différend, doit être fait dans
la liste générale des membres de la Cour.

A défaut de constitution du Tribunal arbitral
par l'accord immédiat des Parties, il est procédé
de la manière suivante :

Chaque Partie nomme deux arbitres et ceux-
ci choisissent ensemble un surarbitre.

ス
其ノ投票相半ハシタル場合ニハ雙方ノ協議ヲ以テ
指定シタル第三國ニ上級仲裁裁判官ノ選定ヲ委託
ス

若右指定ニ關スル協議成立セサルトキハ雙方ニ於
テ各各異リタル一國ヲ指定シ其ノ指定セラレタル
兩國ノ協議ヲ以テ上級仲裁裁判官ヲ選定ス

右ノ如ク仲裁裁判部ノ構成ヲ了リタルトキハ雙方
ヨリ常設仲裁裁判所ニ訴フルノ決意及仲裁裁判官
ノ氏名ヲ事務局ニ通知ス

仲裁裁判部ハ雙方ノ定メタル期日ニ開廷ス

仲裁裁判所裁判官ハ外國ニ在リテ其ノ職務ヲ執行
スルニ方リ外交官ノ特權及免除ヲ享有ス

第二十五條

仲裁裁判部ハ通常之ヲ海牙ニ設置ス

仲裁裁判部ハ不可抗力ノ場合ノ外雙方ノ承諾ヲ經
ルニ非サレハ其ノ所在地ヲ變更スルコトヲ得ス

En cas de partage des voix, le choix du
surarbitre est confié à une Puissance tierce, désignée
de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque
Partie désigne une Puissance différente et le choix
du surarbitre est fait de concert par les Puissances
ainsi désignées.

Le Tribunal étant ainsi composé, les Parties
notifient au Bureau leur décision de s'adresser à
la Cour et les noms des arbitres.

Le Tribunal arbitral se réunit à la date fixée
par les Parties.

Les membres de la Cour, dans l'exercice de
leurs fonctions et en dehors de leur Pays, jouissent
des privilèges et immunités diplomatiques.

ARTICLE 25.

Le Tribunal arbitral siège d'ordinaire à La
Haye.

Le siège ne peut, sauf le cas de force majeure,
être changé par le Tribunal que de l'assentiment
des Parties.

旋ノ行爲ニ外ナラサルモノト看做スヘキコトヲ宣
言ス

第二十八條

少クトモ九箇國ニ於テ本條約ヲ批准シタル後ハ成
ルヘク速ニ常設評議會ヲ海牙ニ設置シ同府ニ駐劄
スル記名國ノ外交代表者及和蘭國外務大臣ヲ以テ
之ヲ組織シ和蘭國外務大臣ヲ推シテ其ノ議長トス

評議會ハ萬國事務局ヲ創設組織スルノ任務ヲ有シ
竝之ヲ指揮監督ス

評議會ハ仲裁裁判所ノ構成ヲ各國ニ通知シ及其ノ
開應ノ設備ヲ爲ス

評議會ハ其ノ事務章程及其ノ他必要ナル諸規則ヲ
定ム

評議會ハ仲裁裁判所ノ職務執行ニ關シテ生スルコ
トアルヘキ行政事務上一切ノ問題ヲ決定ス

評議會ハ事務局ノ役員及雇員ノ任命停職及罷免ニ

l'intérêt supérieur de la paix, de s'adresser à la
Cour permanente ne peuvent être considérés que
comme actes de Bons Offices.

ARTICLE 28.

Un Conseil administratif permanent composé
des représentants diplomatiques des Puissances
signataires accrédités à la Haye et du Ministre
des Affaires Étrangères des Pays-Bas qui remplira
les fonctions de Président, sera constitué dans cette
ville le plus tôt possible après la ratification du
présent Acte par neuf Puissances au moins.

Ce conseil sera chargé d'établir et d'organiser
le Bureau international, lequel demeurera sous sa
direction et sous son contrôle.

Il notifiera aux Puissances la constitution de
la Cour et pourvoira à l'installation de celle-ci.

Il arrêtera son règlement d'ordre ainsi que
tous autres règlements nécessaires.

Il décidera toutes les questions administratives
qui pourraient surgir touchant le fonctionnement
de la Cour.

Il aura tout pouvoir quant à la nomination,

第二十六條

萬國事務
局ノ利用
海牙萬國事務局ハ其ノ廳舍及局員ヲ記名國ノ爲特
別仲裁裁判所ノ用ニ供スルコトヲ得

管轄ノ擴
張

常設仲裁裁判所ノ管轄ハ雙方ニ於テ其ノ裁判ニ訴
フルコトヲ協定シタルトキハ規則ニ定メタル條件
ニ從ヒ之ヲ非記名國間又ハ記名國ト非記名國トノ
間ニ生シタル紛議ニ及ホスコトヲ得

第二十七條

紛争國ニ
對スル注
意

記名國ハ其ノ二國又ハ數國ノ間ニ激烈ナル紛争ノ
起ラムトスル場合ニハ常設仲裁裁判所ニ訴フルノ
途アルコトヲ紛争國ニ注意スルヲ以テ其義務ナリ
ト認ム

故ニ記名國ハ紛争國ニ向ツテ本條約ノ規定アルコ
トヲ注意シ且平和ノ大切ナル利益ヲ保タムカ爲常
設仲裁裁判所ニ訴フヘキコトヲ勸告スルハ全ク周

ARTICLE 26.

Le Bureau international de La Haye est autorisé à mettre ses locaux et son organisation à la disposition des Puissances signataires pour le fonctionnement de toute juridiction spéciale d'arbitrage.

La juridiction de la Cour permanente peut être étendue, dans les conditions prescrites par les Règlements, aux litiges existant entre des Puissances non signataires ou entre des Puissances signataires et des Puissances non signataires, si les Parties sont convenues de recourir à cette juridiction.

ARTICLE 27.

Les Puissances signataires considèrent comme un devoir, dans le cas où un conflit aigu menacerait d'éclater entre deux ou plusieurs d'entre elles, de rappeler à celles-ci que la Cour permanente leur est ouverte.

En conséquence, Elles déclarent que le fait de rappeler aux Parties en conflit les dispositions de la présente Convention, et le conseil donné, dans

關スル全權ヲ有ス

評議會ハ俸給及手當ヲ定メ並全般ノ經費ヲ監督ス

評議會ハ正當ニ招集セラレタル會合ニ於テ五名以上ノ出席者アルトキハ有效ノ評議ヲ爲スコトヲ得
決議ハ投票ノ多數ニ依ル

評議會ハ其ノ制定シタル諸規則ヲ速ニ記名國ニ通知シ且毎年仲裁裁判所ノ事業行政事務ノ執行及經費ニ關スル報告書ヲ記名國ニ提出ス

第二十九條

萬國事務局ノ經費ハ萬國郵便聯合事務局ノ爲ニ定メタル比例ニ依リ記名國ニ於テ之ヲ負擔ス

第三節

仲裁裁判手續

第三十條

la suspension ou la révocation des fonctionnaires et employés du Bureau.

Il fixera les traitements et salaires et contrôlera la dépense générale.

La présence de cinq membres dans les réunions dûment convoquées suffit pour permettre au Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances signataires les règlements adoptés par lui. Il leur adresse chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses.

ARTICLE 29.

Les frais du Bureau seront supportés par les Puissances signataires dans la proportion établie pour le Bureau international de l'Union postale universelle.

CHAPITRE III.

DE LA PROCÉDURE ARBITRALE.

ARTICLE 30.

規則

仲裁裁判ノ發達ヲ助クルノ目的ヲ以テ記名國ハ紛爭國カ別段ノ規則ヲ協定セサル場合ニ於テ仲裁裁判手續ニ適用スヘキ左ノ規則ヲ定ム

第三十一條

仲裁裁判ニ依頼スル諸國ハ其ノ係爭事件ノ趣旨並仲裁裁判官ノ權限ヲ明瞭ニ確定シタル特別條約(仲裁契約)ニ記名ス右條約ハ雙方ニ於テ誠實ニ仲裁宣告ニ服從スルノ約束ヲ包含ス

第三十二條

仲裁ノ職務ハ雙方ニ於テ隨意ニ指定シ若ハ本條約ニ依リテ設置シタル常設仲裁裁判所ノ裁判官中ヨリ雙方ノ選定シタル一名又ハ數名ノ仲裁者ニ委託スルコトヲ得

紛爭國相互ニ仲裁裁判所ノ構成ニ關シ直接ノ協定ナキ場合ニハ左記ノ方法ニ從フヘキモノトス

En vue de favoriser le développement de l'arbitrage, les Puissances signataires ont arrêté les règles suivantes qui seront applicables la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

ARTICLE 31.

Les Puissances qui recourent à l'arbitrage signent un acte special (compromis) dans lequel sont nettement déterminés l'objet du litige ainsi que l'étendue des pouvoirs des arbitres. Cet acte implique l'engagement des Parties de se soumettre de bonne foi à la sentence arbitrale.

ARTICLE 32.

Les fonctions arbitrales peuvent être confiées à un arbitre unique ou à plusieurs arbitres désignés par les Parties à leur gré, ou choisis par elles parmi les membres de la Cour permanente d'arbitrage établie par le présent Acte.

A défaut de constitution du Tribunal par l'accord immédiat des Parties, il est procédé de la manière suivante :

仲裁ノ職務
務ノ委託

特別條約

雙方ニ於テ各二名ノ仲裁裁判官ヲ選定シ右仲裁裁判官ハ共同シテ更ニ一名ノ上級仲裁裁判官ヲ選定ス

其ノ投票相半ハシタル場合ニハ雙方ノ協議ヲ以テ指定シタル第三國ニ上級仲裁裁判官ノ選定ヲ委託ス

若右指定ニ關スル協議成立セサルトキハ雙方ニ於テ各各異リタル一國ヲ指定シ其ノ指定セラレタル兩國ノ協議ヲ以テ上級仲裁裁判官ヲ選定ス

第三十三條

君主其ノ他國ノ元首ニシテ仲裁者ニ選定セラレタルトキハ仲裁裁判手續ハ仲裁者自ラ之ヲ定ム

第三十四條

上級仲裁裁判官ハ當然裁判長タルヘシ

仲裁裁判所ニ上級仲裁裁判官ナキトキハ裁判所自ラ其ノ裁判長ヲ指定ス

第三十五條

Chaque Partie nomme deux arbitres et ceux-ci choisissent ensemble un surarbitre.

En cas de partage des voix, le choix du surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surarbitre est fait de concert par les Puissances ainsi désignées.

ARTICLE 33.

Lorsqu'un Souverain ou un Chef d'Etat est choisi pour arbitre, la procédure arbitrale est réglée par lui.

ARTICLE 34.

Le surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de surarbitre, il nomme lui-même son président.

ARTICLE 35.

仲裁者ト
シテノ君
首

仲裁裁判
長

85 - 20

82 - 21

仲裁裁判官ノ補缺ヲ

仲裁裁判官中死亡シ辭職シ又ハ原因ノ如何ニ拘ハラス故障ヲ生シタル者アルトキハ其ノ任命ノ爲ニ定メタル方法ニ依リ之ヲ補缺ス

第三十六條

仲裁裁判所ノ所在地

仲裁裁判所ノ所在地ハ雙方ニ於テ之ヲ指定ス其ノ指定ナキトキハ海牙ヲ以テ所在地トス

前項ノ所在地ハ不可抗力ノ場合ノ外雙方ノ承諾ヲ經ルニ非サレハ仲裁裁判所ニ於テ之ヲ變更スルコトヲ得ス

第三十七條

紛争國ニ依ル特別代理人ノ派遣

紛争國ハ自國ト仲裁裁判所トノ間ニ在リテ媒介者タル任務ヲ帶フル所ノ委員又ハ特別代理人ヲ該裁判所ノ下ニ派遣スルノ權利ヲ有ス

紛争國ハ尙顧問又ハ辯護人ヲ任命シ仲裁裁判所ニ於テ其ノ權利及利息ヲ辯護セシムルコトヲ得

En cas de décès, de démission ou d'empêchement, pour quelque cause que ce soit, de l'un des arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 36.

Le siège du Tribunal est désigné par les Parties. A défaut de cette désignation le Tribunal siège à La Haye.

Le siège ainsi fixé ne peut, sauf le cas de force majeure, être changé, par le Tribunal que de l'assentiment des Parties.

ARTICLE 37.

Les Parties ont le droit de nommer auprès du Tribunal des délégués ou agents spéciaux, avec la mission de servir d'intermédiaires entre Elles et le Tribunal.

Elles sont en outre autorisées à charger de la défense de leurs droits et intérêts devant le Tribunal, des conseils ou avocats nommés par Elles à cet effet.

第四 第一回平和會議諸條約（國際紛爭平和的處理條約）

第三十八條

國語ノ選

仲裁裁判所ハ法廷ニ於テ自ラ使用シ及其ノ使用スルコトヲ許スヘキ國語ヲ選定ス

第三十九條

仲裁裁判手續

仲裁裁判手續ハ大體ニ於テ之ヲ準備書面ノ提出及口頭辯論ノ二種トス

準備書面ノ提出トハ雙方ノ派遣員ヨリ印刷シ又ハ筆記シタル一切ノ公文及訴訟上援用スル理由ヲ揭ケタル一切ノ書類ヲ仲裁裁判所裁判官及相手方ニ提出スルヲ謂フ右書類ノ提出ハ本條約第四十九條ノ規定ニ基キ仲裁裁判所ニ於テ定メタル方式及期限ニ從ヒ之ヲ爲スヘシ

口頭辯論トハ法廷ニ於ケル雙方理由ノ口頭演述ヲ謂フ

第四十條

書類ノ交換

紛爭國ノ一方ヨリ提出シタル書類ハ總テ之ヲ他ノ一方ニ通知スヘキモノトス

1111

ARTICLE 38.

Le tribunal décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

ARTICLE 39.

La procédure arbitrale comprend en règle générale deux phases distinctes : l'instruction et les débats.

L'instruction consiste dans la communication faite par les agents respectifs, aux membres du Tribunal et à la Partie adverse, de tous actes imprimés ou écrits et de tous documents contenant les moyens invoqués dans la cause. Cette communication aura lieu dans la forme et dans les délais déterminés par le Tribunal en vertu de l'article 49.

Les débats consistent dans le développement oral des moyens des Parties devant le Tribunal.

ARTICLE 40.

Toute pièce produite par l'une des Parties doit être communiquée à l'autre Partie.

口頭辯論

第四十一條

口頭辯論ハ裁判長之ヲ指揮ス
口頭辯論ハ紛争國ノ承諾ヲ經テ爲シタル仲裁裁判
所ノ決定ニ依ルノ外之ヲ公開セス
口頭辯論ハ裁判長ノ指定スル書記ノ作リタル調書
ニ之ヲ記載シ此ノ調書ノミヲ以テ公正ナル性質ヲ
有スルモノトス

第四十二條

仲裁裁判所ハ準備書面ノ提出終結ノ後ハ紛争國ノ
一方ヨリ他ノ一方ノ承諾ヲ得シテ提出スル新ナ
ル一切ノ公文又ハ書類ニ付論議スルコトヲ拒絶ス
ルノ權利ヲ有ス

第四十三條

仲裁裁判所ハ紛争國ノ派遣員又ハ顧問カ其ノ注意
ヲ求ムルコトアルヘキ新ナル公文又ハ書類ヲ參酌
スルノ自由ヲ有ス

前項ノ場合ニ於テ仲裁裁判所ハ右公文又ハ書類ノ
提出ヲ要求スルノ權利ヲ有ス但シ其ノ趣ヲ相手方

ARTICLE 41.

Les débats sont dirigés par Président.

Ils ne sont publics qu'en vertu d'une décision du Tribunal, prise avec l'assentiment des Parties.

Ils sont consignés dans des procès-verbaux rédigés par des secrétaires que nomme le Président. Ces procès-verbaux ont seuls caractère authentique.

ARTICLE 42.

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 43.

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appellent son attention.

En ce cas, le tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation

第四 第一回平和會議諸條約（國際紛爭平和的處理條約）

一一四

公文提出
ノ要求

第四十四條

仲裁裁判所ハ尙雙方ノ派遣員ニ一切ノ公文ノ提出ヲ要求シ且必要ナル一切ノ説明ヲ請求スルコトヲ得若之ヲ拒ミタル場合ニハ其ノ旨ヲ記録ス

口頭ノ申立

第四十五條

雙方ノ派遣員及顧問ハ其ノ訴訟ヲ辯護スル爲ニ有益ナリト認ムル一切ノ理由ヲ口頭ニテ仲裁裁判所ニ申立ツルコトヲ得

抗辯及中
間ノ争ノ
決定

第四十六條

雙方ノ派遣員及顧問ハ抗辯ヲ爲シ及中間ノ争ヲ起スノ權利ヲ有ス此ノ點ニ關スル仲裁裁判所ノ決定ハ確定ニシテ更ニ之ヲ論議スルコトヲ許サス

仲裁裁判
官ニ依ル
質問

第四十七條

仲裁裁判所裁判官ハ雙方ノ派遣員及顧問ニ質問ヲ爲シ且疑ハシキ事項ニ關シテ其ノ説明ヲ求ムルノ

d'en donner connaissance à la Partie adverse.

ARTICLE 44.

Le Tribunal peut, en outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus le Tribunal en prend acte.

ARTICLE 45.

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 46.

Ils ont le droit de soulever des exceptions et incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 47.

Les membres du Tribunal ont le droit de poser des questions aux agents et aux conseils des

權利ヲ有ス

辯論ノ進行中仲裁裁判所裁判官カ爲シタル質問又ハ注意ハ仲裁裁判所全體若ハ其ノ裁判官自己ノ意見ヲ表彰シタルモノト看做スコトヲ得ス

第四十八條

仲裁裁判所ハ仲裁契約其ノ他紛爭事件ニ關シテ援用セラルヘキ諸條約ヲ解釋シ且國際法ノ原則ヲ適用シテ自ラ其ノ權限ヲ定ムルコトヲ得

第四十九條

仲裁裁判所ハ訴訟取扱手續ニ關スル命令ヲ發シ各當事者ノ結論ヲ爲スヘキ方式及期限ヲ定メ且證據採ノ爲適當ナル一切ノ手續ヲ履行スルノ權利ヲ有ス

第五十條

雙方ノ派遣員及顧問ヨリ各各其ノ訴訟ヲ辯護スル

第四 第一回平和會議諸條約 (國際紛爭平和的處理條約)

Parties et de leur demander des éclaircissements sur les points douteux.

Ni les questions posées, ni les observations faites par les membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses membres en particulier.

ARTICLE 48.

Le Tribunal est autorisé à déterminer sa compétence en interprétant le compromis ainsi que les autres traités qui peuvent être invoqués dans la matière, et en appliquant les principes du droit international.

ARTICLE 49.

Le Tribunal a le droit de rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes et délais dans lesquels chaque Partie devra prendre ses conclusions et de procéder à toutes les formalités que comporte l'administration des preuves.

ARTICLE 50.

Les agents et les conseils des Parties ayant

辯論ノ終

仲裁裁判所ノ手續ニ關スル權利

仲裁裁判所ノ解釋權

一切ノ説明及證據ヲ提出シ了リタルトキハ裁判長ハ辯論ノ終結ヲ宣告ス

第五十一條

仲裁裁判所ノ評議ハ秘密會トス

決議ハ總テ裁判官ノ多數ニ依ル

裁判官中表決ノ數ニ加ハルコトヲ拒ム者アルトキハ其ノ旨ヲ調書ニ記入スヘシ

第五十二條

仲裁宣告

投票ノ多數ニ依リテ決定シタル仲裁宣告ニハ其ノ理由ヲ付ス右宣告ハ書面ニ認メ各裁判官之ニ記名ス

裁判官中少數ニ屬シタル者ハ記名ノ際其ノ不同意ノ旨ヲ記入スルコトヲ得

第五十三條

仲裁宣告ノ朗讀

仲裁宣告ハ雙方ノ派遣員及顧問在廷シ又ハ之ニ對シ正當ノ呼出ヲ發シタル仲裁裁判所ノ公開廷ニ於テ之ヲ朗讀ス

présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

ARTICLE 51.

Les délibérations du Tribunal ont lieu à huis clos.

Toute décision est prise à la majorité des membres du Tribunal.

Le refus d'un membre de prendre part au vote doit être constaté dans le procès-verbal.

ARTICLE 52.

La sentence arbitrale, votée à la majorité des voix, est motivée. Elle est rédigée par écrit et signée par chacun des membres du Tribunal.

Ceux des membres qui sont restés en minorité peuvent constater, en signant, leur dissentiment.

ARTICLE 53.

La sentence arbitrale est lue en séance publique du Tribunal, les agents et les conseils des Parties présents ou dûment appelés.

仲裁宣告
ノ效果

正當ニ言渡ヲ爲シ且雙方ノ派遣員ニ通知シタル仲裁宣告ハ確定ニシテ上告ヲ許サス

第五十四條

第五十五條

仲裁宣告
ノ再審

紛争國ハ仲裁契約ニ於テ仲裁宣告ノ再審ヲ請求スルノ權利ヲ保留スルコトヲ得

前項ノ場合ニハ再審ノ請求ハ反對ノ約束ナキ限り最初宣告ヲ爲シタル仲裁裁判所ニ之ヲ爲スヘシ右ノ請求ハ口頭辯論終結ノトキ仲裁裁判所モ又再審ヲ要求シタル一方ノ紛争國モ共ニ覺知セサリシ新事實ニシテ其ノ性質宣告ニ斷乎タル影響ヲ與ヘ得ヘキモノヲ發見シタル場合ノ外之ヲ爲スコトヲ得

再審ノ手續ハ特ニ新事實ノ存在スルコトヲ確認シ其ノ事實ハ前項ニ掲ケタル性質ヲ有スルコトヲ識認シ且之カ爲再審ノ請求ノ受理スヘキモノタルコトヲ宣言スル仲裁裁判所ノ決定ニ依ルノ外之ヲ開始スルヲ得ス

ARTICLE 54.

La sentence arbitrale, dûment prononcée et notifiée aux agents des Parties en litige décide définitivement et sans appel la contestation.

ARTICLE 55.

Les Parties peuvent se réserver dans le compromis de demander la revision de la sentence arbitrale.

Dans ce cas et sauf convention contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du tribunal lui-même et de la Partie qui a demandé la revision.

La procédure de revision ne peut être ouverte que par une décision du Tribunal constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères prévus par le paragraphe précédent et déclarant à ce titre la demande recevable.

再審ノ請求ヲ提出スヘキ期限ハ仲裁契約ニ於テ之ヲ定ム

第五十六條

仲裁宣告
受ケル國

仲裁宣告ハ仲裁契約ヲ締結シタル紛爭國ニ對スルノ外效力ヲ有スルコトナシ
仲裁契約ニシテ紛爭國以外ノ諸國カ加盟セル條約ノ解釋ニ關スルモノナルトキハ紛爭國ハ其ノ締結シタル仲裁契約ヲ右諸國ニ通告スヘシ右諸國ハ各各訴訟ニ參加スルノ權利ヲ有ス若其ノ一國又ハ數國ニ於テ此ノ權能ヲ利用シタルトキハ宣告文中ニ記載シタル解釋ハ其ノ國ニ對シテモ亦均ク效力ヲ有スルモノトス

第五十七條

紛爭國ハ各自國ニ係ル費用ヲ負擔シ且仲裁裁判所費用ヲ等分ニ負擔ス

總則

第五十八條

本條約ハ成ルヘク速ニ批准スヘシ

Le compromis détermine le délai dans lequel la demande de revision doit être formée.

ARTICLE 56.

La sentence arbitrale n'est obligatoire que pour les Parties qui ont conclu le compromis.

Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Puissances que les Parties en litige, celles-ci notifient aux premières le compromis qu'elles ont conclu. Chacune de ces Puissances a le droit d'intervenir au procès. Si une ou plusieurs d'entre elles ont profité de cette faculté, l'interprétation contenue dans la sentence est également obligatoire à leur égard.

ARTICLE 57.

Chaque Partie supporte ses propres frais et une part égale des frais du Tribunal.

DISPOSITIONS GÉNÉRALES.

ARTICLE 58.

La présente Convention sera ratifiée dans le plus bref délai possible.

批准書ハ海牙ニ保管ス

各批准書ニ付一通ノ保管證書ヲ作り其ノ認證原本ヲ外交上ノ手續ニ依リ海牙萬國平和會議ニ贊同シタル各國ニ交付スヘシ

第五十九條

萬國平和會議ニ贊同シタル諸國ニシテ本條約ニ記名セサルモノハ他日之ニ加盟スルコトヲ得此ノ場合ニ於テ其ノ加盟ヲ締盟國ニ通知スルニハ書面ヲ以テ和蘭國政府ニ通告シ同國政府ヨリ更ニ之ヲ爾餘ノ締盟國ニ通知スヘシ

第六十條

萬國平和會議ニ贊同セサリシ諸國カ本條約ニ加盟シ得ヘキ條件ハ他日締盟國間ノ協商ニ依リテ之ヲ定ム

非記名國
ノ加盟

會議不參
國ノ加盟

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances, qui ont été représentées à la Conférence Internationale de la Paix à la Haye.

ARTICLE 59.

Les Puissances non signataires qui ont été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 60.

Les conditions auxquelles les Puissances qui n'ont pas été représentées à la Conférence Internationale de la Paix, pourront adhérer à la présente Convention, formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

第六十一條

廢棄

若締盟國中ノ一國ニ於テ本條約ヲ廢棄スルトキハ
書面ヲ以テ其ノ旨ヲ和蘭國政府ニ通告シタル後一
箇年ヲ經過スルニ非サレハ廢棄ノ效力ヲ生スルコ
トナシ
右通告ハ和蘭國政府ヨリ直ニ爾餘ノ締盟國ニ通知
ス
右廢棄ノ效力ハ之ヲ通告シタル國ノミニ止ルモノ
トス
右證據トシテ各全權委員ハ本條約ニ記名調印スル
モノナリ
千八百九十九年七月二十ナド流牙ニ於テ本書一通
ヲ作リ之ヲ和蘭國政府ノ記錄ニ保管シ其ノ認證
本ヲ外交上ノ手續ニ依リ締盟國ニ交付スルモノナ
リ

獨逸 國
ミュンステル印
奧地利洪牙利國

ARTICLE 61.

S'il arrivait qu'une des Hautes Parties con-
tractantes dénonçât la présente Convention, cette
dénonciation ne produirait ses effets qu'un an
après la notification faite par écrit au Gouverne-
ment des Pays-Bas et communiquée immédiate-
ment par celui-ci à toutes les autres Puissances
contractantes.

Cette dénonciation ne produira ses effets qu'à
l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé
la présente Convention et l'ont revêtue de leurs
seaux

Fait à La Haye, le vingt-neuf juillet mil huit
cent quatre-vingt dix-neuf, en un seul exemplaire
qui restera déposé dans les archives du Gouverne-
ment des Pays-Bas et dont des copies, certifiées
conformes, seront remises par la voie diplomatique
aux Puissances contractantes.

Pour l'Allemagne :

(L. s.) MUNSTER DERNBURG

Pour l'Autriche-Hongrie :

ヴエルセルスハイニン印

オコリクサニー印

白耳義國

ア、ベルネルト印

伯爵ド、グレル、ロシエー印

シュヴァリエー、デカン印

清國

楊儒印

丁抹國

エフ、ビル印

西班牙國

公爵デ、テツアン印

ドブルヴェ、エル、デ、ヴィーリヤ、ウルーチャ印

アルツロー、デ、バゲール印

亞米利加合衆國

アンドリニエ、デー、ホワイト印

セッス、ロウ印

スタンフォード、ニウエル印

エー、チー、マハン印

(L.s.) WELSHSHEIMB.

(L.s.) OKOLICSANYI.

Pour la Belgique :

(L.s.) A. BEERNAERT.

(L.s.) Cte de GREVILLE ROGIER.

(L.s.) Chr DESCAMPS.

Pour la Chine : YANG XÜ.

(L.s.) YANG XÜ.

Pour le Danemark :

(L.s.) F. BILLE.

Pour l'Espagne :

(L.s.) EL Duque de TETUAN.

(L.s.) W. R. DE VILLA URUTIA.

(L.s.) ARTURO DE BAGUER.

Pour les Etats-Unis d'Amerique :

(L.s.) ANDREW D. WHITE.

(L.s.) SETH LOW.

(L.s.) STANFORD NEWEL.

(L.s.) A. T. MAHAN.

第四 第二回平和會議諸條約（國際紛爭平和的處理條約）

エウホリアム、クロジエー印

千八百九十九年七月二十五日萬國會議ノ總會ニ
於テ爲セル宣言ヲ保留ス

墨西哥合衆國

ド、ミエー印

セニール印

佛蘭西共和國

レオン、ブルルシア印

ジェー、ビウール印

デツールネル、ド、コンスタン印

大不列顛及愛蘭國

ジュリアン、ボーンスフォート印

ヘンリー、ホワード印

希臘國

ニー、デリアンニ印

伊太利國

ニーグラ印

ア、ツァンニーニ印

ボンビーリー印

(l.s.) WILLIAM CROZIER.

Sous réserve de la déclaration faite dans la
séance plénière de la Conférence du 25 juillet
1898.

Pour les États-Unis Mexicains :

(l.s.) A. DE MIER.

(l.s.) J. ZENIL.

Pour la France :

(l.s.) LEON BOURGEOIS.

(l.s.) G. RIBOURD.

(l.s.) DESTOURNELLES DE CON-
STANT.

Pour la Grande Bretagne et l'Irlande :

(l.s.) PAUNCEFOTE.

(l.s.) HENRY HOWARD

Pour la Grèce :

(l.s.) N. DELYANNI.

Pour l'Italie :

(l.s.) NIGRA.

(l.s.) A. ZANNINI.

(l.s.) G. POMPII.

日本國	本野一郎印	盧森堡國	アイシエン印	「モンテネグロ」國	スタール印	和蘭國	ファン、カルネベーク印	デン、ベール、ボールチュゲール印	ター、エム、チェー、アッセル印	エー、エヌ、ラヒュセン印	波斯國	ミルザ、リザ、カン(アルファ、ウッドウレー)印	葡萄牙國	伯爵デ、マセーツ印	ドルネーラス、デ、ヴァスコンセーロス印	伯爵デ、セリール印	羅馬尼亞國	アー、ベルヂマン印
<i>Pour le Japon :</i> (L. I.) I. MOTONO.	<i>Pour le Luxembourg :</i> (L. s.) EYSCHEN.	<i>Pour le Montenegro :</i> (L. s.) STAL.	<i>Pour les Pays-Bas :</i> (L. s.) V. KARNEBEEK.	<i>Pour le Portugal :</i> (L. s.) DEN BEER PORTUGAEL.	<i>Pour la Perse :</i> (L. s.) T. M. C. ASSEH.	<i>Pour la Perse :</i> (L. s.) E. N. RAHUSEN.	<i>Pour le Portugal :</i> (L. s.) MIRZA RIZA KHAN, Arfa-ul-Dovleh.	<i>Pour le Portugal :</i> (L. s.) AGOSTINHO PORNELLAS DE VASCONCELLOS.	<i>Pour la Roumanie :</i> (L. s.) Conde de SELIR.	<i>Pour la Roumanie :</i> (L. s.) A. BELDIMAN.								

第四 第一回平和會議諸條約（國際紛爭平和的處理條約）

ジャン、エヌ、バビニウ印

本條約第十六條第十七條及第十九條ニ關シテ表
彰シ（調査委員提出案第十五條第十六條及第十
八條ナリ）千八百九十九年七月二十日ノ第三委
員會ノ議事録ニ掲ケタル保留ヲ以テ

露西亞國

スタール印

ア、バシリー印

塞爾比亞國

ミヤトヴィッチ印

千八百九十九年七月二十日第三委員會ノ議事録
ニ掲ケタル保留ヲ以テ

暹羅國

ビア、スリヤ、ヌヴァートル印

ヴィスッダ印

瑞典諾威國

ビルト印

瑞西國

ロート印

(L. s.) J. N. PARINIU.

Sous les réserves, formulées aux articles 16,
17 et 19, de la présente Convention (15, 16 et
18 du projet présenté par le Comité d'Examen)
et consignées au procès-verbal de la séance de
la Troisième Commission du 20 juillet 1899.

Pour la Russie :

(L. s.) STAL.

(L. s.) MARTENS.

(L. s.) A. BASILY.

Pour la Serbie :

(L. s.) CHEDO MIYATOVITCH.

Sous les réserves, consignées au procès-verbal
de la Troisième Commission du 20 juillet 1899.

Pour le Siam :

(L. s.) PHYA SURIYA NUVALR.

(L. s.) VISUDDHA.

Pour les Royaumes de Suède et de Norvège :

(L. s.) BLIDT.

Pour la Suisse :

(L. s.) ROTH.

土耳其國

チュルカン印

スーリー印

千八百九十九年七月二十五日萬國會議ノ邊會ニ於テ爲セル宣言ヲ保留ス

勃爾牙利國

博士デ、スタンシエフ印

陸軍少佐ヘ、サブチエフ印

國際紛爭平和的處理條約非署名國ノ加入ニ關スル議定書

一九〇七年六月二四日海牙ニ於テ調印

PROTOCOL

between Great Britain and other Powers for the Accession of non-signatory Powers to the Convention of July 29, 1899, for the Pacific Settlement

Pour la Turquie:

(L.s.) TURKHAN.

(L.s.) MEHEMED NOURY.

Sous réserve de la déclaration faite dans la séance plénière de la Conférence du 25 juillet 1899.

Pour la Bulgarie:

(L.s.) D. STANCIOFF.

(L.s.) Major HESSAPCHIEFF.

ment of International Disputes. — Signed at The Hague, June 14, 1907.

LES Puissances qui ont ratifié la Convention pour le Règlement Pacifique des Conflits Internationaux, signée à la Haye le 29 juillet 1899, désirant mettre à même d'adhérer à cette Convention les États, non représentés à la Première Conférence de la Paix, qui sont convoqués à la Deuxième, les Soussignés, Délégués ou Représentants diplomatiques

ques des Puissances précitées, savoir : —

La Grande-Bretagne, l'Allemagne, l'Autriche-Hongrie, la Belgique, la Bulgarie, la Chine, le Danemark, l'Espagne, les Etats-Unis d'Amérique, les États-Unis Mexicains, la France, la Grèce, l'Italie, le Japon, le Luxembourg, le Monténégro, le Norvège, les Pays-Bas, la Perse, le Portugal, la Roumanie, la Russie, la Serbie, le Siam, la Suède, la Suisse et la Turquie, dûment autorisés à cet effet, sont convenus qu'il sera ouvert par le Ministre des Affaires Étrangères des Pays-Bas un procès-verbal d'adhésion qui servira à recevoir et à constater les dites adhésions, lesquelles sortiront immédiatement leur effet. En foi de quoi il a été dressé le présent Protocole, en un seul exemplaire, qui restera déposé dans les archives du Ministère des Affaires Étrangères des Pays-Bas et dont une copie légalisée sera transmise à chacune des Puissances Signataires.

Fait à La Haye, le 14 juin, 1907.

Pour la Grande-Bretagne :

HENRY HOWARD.

Pour l'Allemagne :

K. VON SCHLÖZER.

Pour l'Autriche-Hongrie :

G. DE MÉREY.

Pour la Belgique :
GUILLAUME.

Pour la Bulgarie :
Général-major VINAROFF.

Pour la Chine :
LOU TSENG-TSIANG.

Pour le Danemark :
C. BRUN.

C. F. SCHELLER.

A. VEDEL.

Pour l'Espagne :
JOSÉ DE LA RICA Y CALVO.

Pour les États-Unis d'Amérique :
JOSEPH CHOATE.

HORACE PORTER.

U. M. ROSE.

DAVID JAYNE HILL.

Wm. I BUCHANAN.

C. S. SPERRY.

GEO. B. DAVIS.

Pour les États-Unis Mexicains :
GONZALO A. ESTEVA.

S. B. DE MIER.

TREATY SERIES, NO. 538

CONVENTION

BETWEEN

THE UNITED STATES AND OTHER POWERS

RELATIVE TO THE OPENING OF HOSTILITIES

Signed at the Hague October 18, 1907

Ratification advised by the Senate March 10, 1908

Ratified by the president of the United States Feb 23, 1909

Ratification deposited with the Netherlands Govern-
ment November 27, 1909

Proclaimed February 28, 1910

By the President of the United States of America

A PROCLAMATION

Whereas a Convention relative to the opening of hostilities was concluded and signed at The Hague on October 18, 1907, by the respective Plenipotentiaries of the United States, Germany, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, Spain, France, Great Britain, Greece, Guatemala, Haiti, Italy, Japan, Luxemburg, Mexico, Montenegro, Norway, Panama, Paraguay, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Salvador, Serbia, Siam, Sweden, Switzerland, Turkey, Uruguay, and Venezuela, the original of which Convention, being in the French language, is word for word as follows:

(Translation)

III

CONVENTION

RELATIVE TO THE OPENING OF HOSTILITIES

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, & C., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President

of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela;

Considering that it is important in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning.

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

(Here follow the names of Plenipotentiaries)

Article 2

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

Article 3

Article I of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article II is binding as between a belligerent Power which is a party to the Convention and Neutral Powers which are also parties to the Convention.

Article 4

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procesverbal signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the proces-verbal relative to the first notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Article 5

Non-Signatory Powers may adhere to the present Convention.

The Power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once forward to all other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Article 6

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the proces-verbal of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Article 7

In event of one of the High Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Article 8

A register kept by the Netherlands Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article IV, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article V, paragraph 2) or of denunciation (Article VII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at the Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherlands Government, and duly certified copies of which shall be sent, through the diplomatic channel to the Powers which have been invited to the Second Peace Conference.

(Here follow signatures)

And whereas the Senate of the United States, by their resolution of March 10, 1908, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Convention;

And whereas the said Convention has been duly ratified by the United States of America, by and with the advice and consent of the Senate thereof, and by the Governments of Austria-Hungary, Bolivia, Denmark, Germany, Great Britain, Mexico, the Netherlands, Russia, Salvador, and Sweden, and the ratifications of the said Governments were, under the provisions of Article 4 of the said Convention, deposited by their respective plenipotentiaries with the Netherlands Government on November 27, 1909;

And whereas in accordance with the provisions of Article 5 of the said Convention, the Government of China gave notification to the Netherlands Government on January 15, 1910, of its adherence to the said Convention;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the

United States and the Citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-
eighth day of February in the year of our
(SEAL) Lord one thousand nine hundred and ten, and
of the Independence of the United States of
America the one hundred and thirty-fourth.
Wm H Taft

By the President:

P C KNOX

Secretary of State

TREATY SERIES, No. 536

PACIFIC SETTLEMENT
OF INTERNATIONAL DISPUTES

CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND OTHER POWERS

Signed at The Hague, October 18, 1907.

Ratification advised by the Senate of the United States, with understanding and declarations, April 2, 1908.

Ratified by the President of the United States, February 23, 1909.

Ratification of the United States of America deposited with the Netherland Government, November 27, 1909.

Proclaimed by the President of the United States, February 28, 1910.

By The President Of The United States of America.

A PROCLAMATION.

WHEREAS a Convention for the Pacific Settlement of International Disputes was concluded and signed at The Hague on October 18, 1907, by the respective Plenipotentiaries of the United States of America, Germany, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, Spain, France, Great Britain, Greece, Guatemala, Haiti, Italy, Japan, Luxemburg, Mexico, Montenegro, Norway, Panama, Paraguay, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Salvador, Servia, Siam, Sweden, Switzerland, Turkey, Uruguay, and Venezuela, the original of which Convention, being in the French language is word for word as follows:

(Translation)

I.

CONVENTION

For The Pacific Settlement Of International Disputes

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria; King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg; Duke of Nassau; the President of the United Mexican States; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc; His Majesty the King of Rumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela;

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration accessible to all, in the midst of independent powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration:

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of states and the welfare of peoples;

Being desirous, with this object of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The High Contracting Parties have resolved to conclude a new convention for this purpose, and have appointed the following as their plenipotentiaries:

List of plenipotentiaries follows:

Who, after having desposited their full powers, found in good and due form, have agreed upon the following:

PART I. THE MAINTENANCE OF GENERAL PEACE

ARTICLE 1.

With view to obviating as far as possible resources to force in the relations between states, the Contracting Powers agree to use their best efforts to insure the pacific settlement of international differences.

PART II. GOOD OFFICES AND MEDIATION

ARTICLE 2.

In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ARTICLE 3.

Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

ARTICLE 4.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

ARTICLE 5.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6.

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of powers strangers to the dispute have exclusively the character of advice, and never have binding force.

ARTICLE 7.

The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement in the contrary.

ARTICLE 8.

The Contracting Powers are agreed in recommending the application when circumstances allow, of special mediation in the following form:

In case of serious difference endangering peace, the states at variance choose respectively a power, to which they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these powers are charged with the joint task of taking advantage of any opportunity to restore peace.

ARTICLE 9.

In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10.

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; it determines the mode and time in which the commission is to be formed and the extent of the powers of the commissioners.

It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE 11.

If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.

The place of meeting, once fixed cannot be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.

ARTICLE 12.

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by articles 45 and 57 of the present convention.

ARTICLE 13.

Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 14.

The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

ARTICLE 15.

The International Bureau of the Permanent Court of Arbitration acts as registry for the commission which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the commission of inquiry.

ARTICLE 16.

If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.

It is the function of the registry, under the control of the president, to make the necessary arrangements for the sitting of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE 17.

In order to facilitate the constitution and working of commissions of inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE 18.

The commission shall settle the details of the procedure not covered by the special inquiry convention or the present convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE 19.

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20.

The commission is entitled, with the assent of the parties, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the state on whose territory it is proposed to hold the inquiry.

ARTICLE 21.

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22.

The commission is entitled to ask either party for such explanations and information as it considers necessary.

ARTICLE 23.

The parties undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE 24.

For all notices to be served by the commission in the territory of a third Contracting Power, the commission shall apply direct to the Government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 25.

The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the Government of the state in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

ARTICLE 26.

The examination of witnesses is conducted by the president.

The members of the commission may, however, put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the president to put such additional questions to the witness as they think expedient.

ARTICLE 27.

The witness must give evidence without being allowed to read any written draft. He may, however, be permitted by the president to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE 28.

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29.

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE 30.

The commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the commission.

If a member declines to vote, the fact must be recorded in the minutes.

ARTICLE 31.

The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in virtue of a decision of the commission taken with the consent of the parties.

ARTICLE 32.

After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

ARTICLE 33.

The report is signed by all members of the commission.

If one of the members refuses to sign, the fact mentioned; but the validity of the report is not affected.

ARTICLE 34.

The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

ARTICLE 35.

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE 36.

Each party pays its own expenses and an equal share of the expenses incurred by the commission.

PART IV. INTERNATIONAL ARBITRATION

Chapter I.-The system of arbitration

ARTICLE 37.

International arbitration has for its object the settlement of disputes between states by judges of their own choice and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the award.

ARTICLE 38.

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the Contracting Powers as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the Contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE 39.

The arbitration convention is concluded for disputes already existing and for disputes which may arise in the future.

It may embrace any dispute or only disputes of a certain category.

ARTICLE 40.

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the Contracting Powers, the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

Chapter II. The Permanent Court of Arbitration

ARTICLE 41.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present condition.

ARTICLE 42.

Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special tribunal.

ARTICLE 43.

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

The Contracting Powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arranged at between them and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE 44.

Each Contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the Contracting Powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the Contracting Powers.

Two or more powers may agree on the selection in common of one or more members.

The same person can be selected by different powers. The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for appointing him. In this case the appointment is made for a fresh period of six years.

ARTICLE 45.

When the Contracting Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court. These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is intrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If within two months time these two powers cannot come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being national of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

ARTICLE 46.

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, the text of their compromis and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the compromis, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE 47.

The Bureau is authorized to place its offices and staff at the disposal of the Contracting Powers for the use of any special board of arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between non-contracting powers or between contracting powers and noncontracting powers, if the parties are agreed on recourse to this tribunal.

ARTICLE 48.

The Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other power of the declaration.

ARTICLE 49.

The Permanent Administrative Council, composed of the diplomatic representatives of the Contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulation.

It decides all questions of administration which may arise with regard to the operations of the Court.

It has entire control over the appointment, suspension, or dismissal of the officials and employees of the Bureau.

It fixes the compensation and salaries, and controls the general expenditures.

At meeting duly summoned, the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Contracting Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenditure. The report likewise contains a resume of what is important in the documents communicated to the Bureau by the powers in virtue of article 43, paragraphs 3 and 4.

ARTICLE 50.

The expense of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering powers shall be reckoned from the date on which their adhesion comes into force.

Chapter III.--Arbitration procedure.

ARTICLE 51.

With a view to encouraging the development of arbitration, the Contracting Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

ARTICLE 52.

The powers which have recourse to arbitration sign a compromis, in which the subject of the dispute is clearly defined, the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The compromis likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which parties are agreed.

ARTICLE 53.

The Permanent Court is competent to settle the compromis, if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is made by only one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, and providing for a compromis in all disputes and not either explicitly or implicitly excluding the settlement of the compromis from the competence of the Court. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the compromis should be settled in some other way.

ARTICLE 54.

In the cases contemplated in the preceding article, the compromis shall be settled by a commission consisting of five members selected in the manner arranged for in article 45, paragraphs 3 to 6.

The fifth member is president of the commission ex officio.

ARTICLE 55.

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in article 45, paragraphs 3 to 6, is followed.

ARTICLE 56.

When a sovereign or the chief of a state is chosen as arbitrator, the arbitration procedure is settled by him.

ARTICLE 57.

The umpire is president of the tribunal ex officio. When the tribunal does not include an umpire, it appoints its own president.

ARTICLE 58.

When the compromis is settled by a commission, as contemplated in article 54, and in the absence of an agreement to the contrary, the commission itself shall form the arbitration tribunal.

ARTICLE 59.

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 60.

The tribunal sits at The Hague, unless some other place is selected by the parties.

The tribunal can sit in the territory of a third power only with the latter's consent.

The place of meeting once fixed cannot be altered by the tribunal except with the consent of the parties.

ARTICLE 61.

If the question as to what languages are to be used has not been settled by the compromis, it shall be decided by the tribunal.

ARTICLE 62.

The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal,

They are further authorized to retain for the defense of their rights and interests before the tribunal, counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the power which appointed them members of the Court.

ARTICLE 63.

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the compromis.

The time fixed by the compromis may be extended by mutual agreement by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussion consists in the oral development before the tribunal of the arguments of the parties.

ARTICLE 64.

A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE 65.

Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

ARTICLE 66.

The discussions are under the control of the president.

They are public only if it be so decided by the tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by the president. These minutes are signed by the president and by one of the secretaries and alone have an authentic character.

ARTICLE 67.

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE 68.

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

ARTICLE 69.

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

ARTICLE 70.

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

ARTICLE 71.

They are entitled to raise objections and points. The decisions of the tribunal on these points are final and cannot form the subject of any subsequent discussion.

ARTICLE 72.

The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the tribunal in general or by its members in particular.

ARTICLE 73.

The tribunal is authorized to declare its competence in interpreting the compromise, as well as the other papers and documents which may be invoked, and in applying the principles of law.

ARTICLE 74.

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, orders, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 75.

The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE 76.

For all notices which the tribunal has to serve in the territory of a third Contracting Power, the tribunal shall apply direct to the Government of that power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers them calculated to impair its own sovereign rights or its safety.

The Court will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 77.

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case, the president shall declare the discussion closed.

ARTICLE 78.

The tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the tribunal.

ARTICLE 79.

The award must give the reasons on which it is based. It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.

ARTICLE 80.

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE 81.

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE 82.

Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

ARTICLE 83.

The parties can reserve in the compromis the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can be made only on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can be instituted only by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The compromis fixes the period within which the demand for revision must be made.

ARTICLE 84.

The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 85.

Each party pays its own expenses and an equal share of the expenses of the tribunal.

Chapter IV.-Arbitration by summary procedure

ARTICLE 86.

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of chapter III apply so far as may be.

ARTICLE 87.

Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

ARTICLE 88.

In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

ARTICLE 89.

Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the Government which appointed him.

ARTICLE 90.

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal, has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in court it may consider useful.

PART V. FINAL PROVISIONS

ARTICLE 91.

The present convention, duly ratified, shall replace, as between the Contracting Powers, the Convention for the Pacific Settlement of International Disputes of the 29th of July, 1899.

ARTICLE 92.

The present convention shall be ratified, as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a proces-verbal signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the proces-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which shall have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the powers of the date on which it received the notification.

ARTICLE 93.

Nonsignatory powers which have been invited to the Second Peace Conference may adhere to the present convention.

The power which desires to adhere notifies its intentions in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 94.

The conditions on which the powers which have not been invited to the Second Peace Conference may adhere

to the present convention shall form the subject of a subsequent agreement between the Contracting Powers.

ARTICLE 95.

The present convention shall take effect, for those powers which participate in the first deposit of ratifications, sixty days after the date of the proces-verbal of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 96.

In the event of one of the Contracting Parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall have effect only in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 97.

A register kept by the Netherland Minister of Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 93, paragraph 2) or of denunciation (article 96, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

IN FAITH WHEREOF, the plenipotentiaries have appended their signatures to the present convention.

~~single~~ at The Hague, the 18th of October, 1907, in a copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

(signatures follow)

Certified a true copy:

The Secretary-General
of the Ministry of Foreign Affairs of the Netherlands,
PANNEMA

TREATY SERIES, No. 664

TREATY
BETWEEN THE
UNITED STATES AND JAPAN

REGARDING RIGHTS OF THE TWO GOVERNMENTS
AND THEIR RESPECTIVE NATIONALS IN FORMER
GERMAN ISLANDS IN THE PACIFIC OCEAN NORTH
OF THE EQUATOR, AND IN PARTICULAR
THE ISLAND OF YAP

SIGNED AT WASHINGTON, FEBRUARY 11, 1922
RATIFICATION ADVISED BY THE SENATE, MARCH 1, 1922
RATIFIED BY THE PRESIDENT, JUNE 2, 1922
RATIFIED BY JAPAN, JUNE 23, 1922
RATIFICATIONS EXCHANGED AT WASHINGTON, JULY 13, 1922
PROCLAIMED, JULY 13, 1922



WASHINGTON
GOVERNMENT PRINTING OFFICE
1922

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Japan with regard to the rights of the two Governments and their respective nationals in the former German Islands in the Pacific Ocean, lying north of the Equator, in particular the Island of Yap, was concluded and signed by their respective Plenipotentiaries at Washington, on the eleventh of February, one thousand nine hundred and twenty-two, the original of which Convention is word for word as follows:

The United States of America and Japan;

Considering that by Article 119 of the Treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the Powers described in that Treaty as the Principal Allied and Associated Powers, to wit, the United States of America, the British Empire, France, Italy and Japan, all her rights and titles over her oversea possessions;

Considering that the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four Powers, to wit, the British Empire, France, Italy and Japan, have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the Treaty of Versailles, to administer the groups of the former German Islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

"Article 1. The islands over which a Mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

"Article 3. The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"Article 4. The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

"Article 6. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4, and 5.

"Article 7. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations";

Considering that the United States did not ratify the Treaty of Versailles and did not participate in the agreement respecting the aforesaid Mandate;

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the Island of Yap, have resolved to conclude a convention for that purpose and to that end have named as their Plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

Subject to the provisions of the present Convention, the United States consents to the administration by Japan, pursuant to the aforesaid Mandate, of all the former German Islands in the Pacific Ocean, lying north of the Equator.

ARTICLE II

The United States and its nationals shall receive all the benefits of the engagements of Japan, defined in Articles 3, 4 and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a Member of the League of Nations.

It is further agreed between the High Contracting Parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the Mandate to be made by Japan to the Council of the League of Nations;

(5) Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the Mandate as recited in the Convention, unless such modification shall have been expressly assented to by the United States.

ARTICLE III

The United States and its nationals shall have free access to the Island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the Island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radio-telegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the Island of Yap an adequate radio-telegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radio-telegraphic stations on the Island by the United States or its nationals shall be suspended.

ARTICLE IV

In connection with the rights embraced by Article III, specific rights, privileges and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the Island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the Island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the Island, or to establish radio-telegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this Article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the Island for their persons and property.

(5) No taxes, port, harbour, or landing charges or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the Island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities cannot otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the Island shall not be subject to expropriation.

ARTICLE V

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutions. The ratifications of this Convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

DONE in duplicate at the City of Washington, this eleventh day of February, one thousand nine hundred and twenty-two.

CHARLES EVANS HUGHES [SEAL.]

K. SHIDEHARA [SEAL.]

And whereas the said Convention, has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the thirteenth day of July, one thousand nine hundred and twenty-two;

Now, therefore, be it known that I, Warren G. Harding, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirteenth day of July, in the year of our Lord one thousand nine hundred and [SEAL.] twenty-two, and of the Independence of the United States the one hundred and forty-seventh.

WARREN G. HARDING

By the President:

CHARLES E. HUGHES

Secretary of State.

[EXCHANGES OF NOTES.]

[*The Japanese Ambassador to the Secretary of State.*]

JAPANESE EMBASSY,
Washington, February 11, 1922.

Sir:

In proceeding this day to the signature of the Convention between Japan and the United States with respect to the islands, under Japan's Mandate, situated in the Pacific Ocean and lying north of the Equator, I have the honor to assure you, under authorization of my Government, that the usual comity will be extended to nationals and vessels of the United States in visiting the harbors and waters of those islands.

Accept, Sir, the renewed assurances of my highest consideration.

K. SHIDEHARA.

Honorable CHARLES E. HUGHES,

Secretary of State.

[*The Secretary of State to the Japanese Ambassador.*]

DEPARTMENT OF STATE,
Washington, February 11, 1922.

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note under date of February 11, 1922, stating that the Japanese Government are quite willing to extend to American nationals and vessels the usual comity in visiting the harbors and waters of the Japanese mandated islands.

Accept, Excellency, the renewed assurances of my highest consideration.

CHARLES E. HUGHES.

His Excellency

BARON KIJURO SHIDEHARA,

Ambassador of Japan.

[*The Secretary of State to the Japanese Ambassador.*]

DEPARTMENT OF STATE,
Washington, February 11, 1922.

Excellency:

In proceeding this day to the signature of the Convention between the United States and Japan with respect to former German Possessions under a Mandate to Japan, I have the honor to state that if in the future the Government of the United States should have occasion to make any commercial treaties applicable to Australia and New Zealand, it will seek to obtain an extension of such treaties to the mandated islands south of the Equator, now under the Administration of those Dominions. I should add that the Government of the United States has not yet entered into a convention for the giving of its consent to the Mandate with respect to these islands.

I have the honor further to state that it is the intention of the Government of the United States, in making conventions, relating to former German territories under mandate, to request that the governments holding mandates should address to the United States, as one of the Principal Allied and Associated Powers, duplicates of the annual reports of the administration of their mandates.

Accept, Excellency, the renewed assurance of my highest consideration.

CHARLES E. HUGHES.

His Excellency
BARON KIJURO SHIDEHARA,
Ambassador of Japan.

[*The Japanese Ambassador to the Secretary of State.*]

JAPANESE EMBASSY,
Washington, February 11, 1922.

Sir:

I have the honor to acknowledge the receipt of your note of this date, stating that if in the future the Government of the United States should have occasion to make any commercial treaties applicable to Australia and New Zealand, it will seek to obtain an extension of such treaties to the islands south of the Equator, under the mandate of Australia and New Zealand, and further that it is the intention of the Government of the United States, in making hereafter conventions relating to former German territories under mandate, to request that the Mandatories should address to the United States, as one of the Principal Allied and Associated Powers, duplicates of the annual reports on the administration of such mandated territories.

In taking note of your communication under acknowledgment, I beg you, Sir, to accept the renewed assurances of my highest consideration.

K. SHIDEHARA.

Honorable CHARLES E. HUGHES,
Secretary of State.

JAPANESE RATIFICATION OF PACT OF PARIS

(Translation 1)

HIROHITO, By the Grace of Heaven, Emperor of Japan,
seated on the Throne occupied by the same Dynasty
changeless through ages eternal, To all to whom
these Presents shall come, Greeting!

Having examined the Treaty for the Renunciation
of War, signed at Paris by the Japanese Plenipotentiary
together with the Plenipotentiaries of the Powers
concerned on the twenty-seventh day of August, 1928,
regarding which Treaty the Japanese Government on
twenty-seventh day of the sixth month of the fourth
year of Showa issued a declaration concerning a
phrase contained in the First Article thereof, We,
maintaining the said declaration, approve, accept, and
ratify the same.

In faith whereof, We have signed this instrument
and caused the Great Seal of the Empire to be affixed
thereto the Imperial Palace in Tokio, this twenty-
seventh day of the sixth month of the fourth year of
Showa, being the two thousand five hundred and eighty-
ninth year from the Accession of the Emperor Jimmu.

Hirohito.

(seal)

Baron Giichi Tanaka,
Minister for Foreign Affairs

The Japanese Ambassador (Debuchi) to the Secretary of
State (Stimson)

No. 92

Washington, July 24, 1929

Sir: I have the honor, under instructions from my
Government, to transmit herewith to you the Declaration
of the Imperial Government made on June 27 of this
year, concerning the phraseology "in the names of their
respective peoples", appearing in Article 1 of the
Treaty for the Renunciation of War, signed at Paris on
August 27, 1928. The Declaration was made for the
purpose of dispelling any doubt in relation to the

JAPANESE RATIFICATION OF PACT OF PARIS

(Translation 1)

Constitution of Japan, elucidating, as it does, the construction placed by the Japanese Government on the phraseology in question.

I am further instructed to request you to be so good as to send a copy of this note and of the Declaration above mentioned to each of the other High Contracting Parties concerned.

Accept (etc)

K. Debuchi

1 Furnished by the Japanese Government.

(Translation 2)

DECLARATION

The Imperial Government declare that the phraseology "in the names of their respective peoples", appearing in Article I of the Treaty for the Renunciation of War, signed at Paris on August 27, 1928, viewed in the light of the provisions of the Imperial Constitution, is understood to be inapplicable in so far as Japan is concerned.

June 27, 4 Showa (1929).

2 Furnished by the Japanese Government.

TREATY SERIES, No. 670

AGREEMENT

BETWEEN THE

UNITED STATES, THE BRITISH EMPIRE,
FRANCE AND JAPAN

SUPPLEMENTARY TO THE TREATY OF DECEMBER 13, 1921,
BETWEEN THE SAME FOUR POWERS RELATING TO
THEIR INSULAR POSSESSIONS AND INSULAR
DOMINIONS IN THE REGION OF
THE PACIFIC OCEAN

SIGNED AT WASHINGTON, FEBRUARY 6, 1922

RATIFICATION ADVISED BY THE SENATE, WITH A RESERVATION
AND UNDERSTANDING, MARCH 27, 1922

RATIFIED BY THE PRESIDENT, JUNE 9, 1923

RATIFICATIONS DEPOSITED WITH THE GOVERNMENT OF THE
UNITED STATES, AUGUST 17, 1923

PROCLAIMED, AUGUST 21, 1923



WASHINGTON
GOVERNMENT PRINTING OFFICE
1923

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an Agreement between the United States of America, the British Empire, France and Japan, supplementary to the Treaty between the same four Powers relating to their insular possessions and insular dominions in the region of the Pacific Ocean, signed at Washington on December 13, 1921, was concluded and signed by their respective Plenipotentiaries at Washington on February 6, 1922, the original of which Agreement, in the English and French languages, is word for word as follows:

Les Etats-Unis d'Amérique, l'Empire Britannique, la France et le Japon ont convenu, par l'entremise de leurs Plénipotentiaires respectifs, d'ajouter la clause suivante au Traité signé entre les quatre Puissances à Washington le 13 décembre 1921.

Les expressions "possessions insulaires" et "dominions insulaires" employées dans le dit Traité ne s'appliquera, en ce qui concerne le Japon, qu'au Karafuto (c'est-à-dire à la partie sud de l'île de Sakhaline) à Formose et aux Pescadores, ainsi qu'aux îles placées sous le mandat du Japon.

Le présent accord aura même force et valeur que le dit Traité dont il forme une clause supplémentaire.

Les dispositions touchant les ratifications, contenues dans l'article IV du dit Traité du 13 décembre 1921, seront applicables au présent accord. Le texte, rédigé en français et en anglais, restera déposé dans les archives du Gouvernement des Etats-Unis. Une expédition authentique en sera remise par ce Gouvernement à chacune des autres Puissances Contractantes.

En foi de quoi, les Plénipotentiaires des Puissances susnommées ont signé au présent accord.

The United States of America, the British Empire, France and Japan have, through their respective Plenipotentiaries, agreed upon the following stipulations supplementary to the Quadruple Treaty signed at Washington on December 13, 1921:

The term "insular possessions and insular dominions" used in the aforesaid Treaty shall, in its application to Japan, include only Karafuto (or the Southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said Treaty to which it is supplementary.

The provisions of Article IV of the aforesaid Treaty of December 13, 1921, relating to ratification shall be applicable to the present Agreement, which in French and English shall remain deposited in the Archives of the Government of the United States, and duly certified copies thereof shall be transmitted by that Government to each of the other Contracting Powers.

In faith whereof the respective Plenipotentiaries have signed the present Agreement.

Fait à Washington le six février, mil neuf cent vingt-deux.

Done at the City of Washington, the sixth day of February, One Thousand Nine Hundred and Twenty-two.

	CHARLES EVANS HUGHES	[L. S.]
	HENRY CABOT LODGE	[L. S.]
	OSCAR W UNDERWOOD	[L. S.]
[L. S.]	ELIHU ROOT	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	LEE OF FAREHAM.	
[L. S.]	A. C. GEDDES	
[L. S.]	R. L. BORDEN.	
[L. S.]	G. F. PEARCE	
[L. S.]	JOHN W SALMOND	
[L. S.]	ARTHUR JAMES BALFOUR	
[L. S.]	V S SRINIVASA SASTRI	
	A SARRAUT	[L. S.]
	JUSSERAND	[L. S.]
	T. KATO	[L. S.]
	K. SHIDEHARA	[L. S.]
	M. HANIHARA	[L. S.]

And Whereas the said Agreement has been ratified on all parts and the ratifications of the said Governments were deposited with the Government of the United States of America on August 17, 1923; And Whereas the said Agreement was ratified by the United States subject to the following reservation and understanding, which repeats the declaration of intent and understanding made by the representatives of the Powers signatories of the said Treaty relating to their insular possessions and insular dominions in the region of the Pacific Ocean:

"1. That the Four Power Treaty relating to Pacific Possessions shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the Mandatory Powers respectively in relation to the mandated islands.

"2. That the controversies to which the second paragraph of Article 1 of the Four Power Treaty relating to Pacific Possessions refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers."

Now, therefore, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said Agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States and the citizens thereof, subject to the aforesaid reservation and understanding.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done in the City of Washington this twenty-first day of August
in the year of our Lord one thousand nine hundred
and twenty three, and of the Independence of the
[SEAL.] United States of America the one hundred and forty-
eighth.

CALVIN COOLIDGE

By the President:

CHARLES E. HUGHES
Secretary of State.

IN CONFORMITY WITH THE AGREEMENT BETWEEN THE
UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE AND
JAPAN, CONCLUDED AT WASHINGTON, FEBRUARY 6, 1922, SUPPLEMENTARY TO THE TREATY
CONCLUDED BETWEEN THEM ON
DECEMBER 13, 1921, RELATING TO THEIR INSULAR POSSESSIONS
AND INSULAR DOMINIONS IN THE REGION OF THE PACIFIC OCEAN.

In conformity with the agreement between the United States of
America, the British Empire, France and Japan, concluded at
Washington on February 6, 1922, supplementary to the Treaty
concluded between the same four Powers at Washington on
December 13, 1921, relating to their insular possessions and insular
dominions in the region of the Pacific Ocean, the undersigned repre-
sentatives of the United States of America, the British Empire,
France and Japan this day met at the Department of State at
Washington to proceed with the deposit with the Government of
the United States of America of the instruments of ratification of the
said Agreement by the governments they respectively represent.

The representative of the United States of America declared that
the instrument of ratification of the United States is deposited with
the reservation and understanding recited in the ratification, and
which repeats the declaration of intent and understanding signed on
December 13, 1921, by the Plenipotentiaries of the four Powers
Signatories of the Treaty of December 13, 1921, as follows:

"1. That the Four Power Treaty relating to Pacific Posses-
sions shall apply to the Mandated Islands in the Pacific Ocean;
provided, however, that the making of the Treaty shall not be
deemed to be an assent on the part of the United States of
America to the mandates and shall not preclude agreements
between the United States of America and the mandatory
Powers respectively in relation to the mandated islands.

"2. That the controversies to which the second paragraph of
Article I of the Four Power Treaty relating to Pacific Posses-
sions refers shall not be taken to embrace questions which
according to principles of international law lie exclusively within
the domestic jurisdiction of the respective Powers."

The instruments of ratification produced, having been found upon
examination to be in the form, and entrusted to the Government of
the United States of America to be deposited in the archives of the
Department of State.

PROCÈS-VERBAL

OF DEPOSIT OF RATIFICATIONS OF THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE AND JAPAN, CONCLUDED AT WASHINGTON, FEBRUARY 6, 1922, SUPPLEMENTARY TO THE TREATY CONCLUDED BETWEEN THEM ON DECEMBER 13, 1921, RELATING TO THEIR INSULAR POSSESSIONS AND INSULAR DOMINIONS IN THE REGION OF THE PACIFIC OCEAN.

In conformity with the Agreement between the United States of America, the British Empire, France and Japan, concluded at Washington on February 6, 1922, supplementary to the Treaty concluded between the same Four Powers at Washington on December 13, 1921, relating to their insular possessions and insular dominions in the region of the Pacific Ocean, the undersigned representatives of the United States of America, the British Empire, France and Japan this day met at the Department of State at Washington to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said Agreement by the governments they respectively represent.

The representative of the United States of America declared that the instrument of ratification of the United States is deposited with the reservation and understanding recited in the ratification, and which repeats the declaration of intent and understanding signed on December 13, 1921, by the Plenipotentiaries of the Four Powers Signatories of the Treaty of December 13, 1921, as follows:

"1. That the Four Power Treaty relating to Pacific Possessions shall apply to the Mandated Islands in the Pacific Ocean; provided, however, that the making of the Treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the Mandatory Powers respectively in relation to the mandated islands.

"2. That the controversies to which the second paragraph of Article I of the Four Power Treaty relating to Pacific Possessions refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective Powers."

The instruments of ratification produced, having been found upon examination to be in due form, are entrusted to the Government of the United States of America to be deposited in the archives of the Department of State.

IN WITNESS WHEREOF, the present procès-verbal, of which a certified copy will be sent by the Government of the United States of America to each one of the Powers signatory to the said Treaty, is signed.

Done at Washington, August 17, 1923, at 12 o'clock.

For the United States of America:

CHARLES EVANS HUGHES [SEAL]

For the British Empire:

H. G. CHILTON [SEAL]

For France:

ANDRÉ DE LABOULAYE [SEAL]

For Japan:

M. HANIHARA [SEAL]

○

AMELIORATION OF THE CONDITION
OF THE WOUNDED AND THE SICK
OF ARMIES IN THE FIELD
(RED CROSS CONVENTION)

CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND OTHER POWERS

Signed at Geneva, July 27, 1929.

Ratification advised by the Senate of the United States
January 7, 1932.

Ratified by the President of the United States, Jan 16, 1932

Ratification of the United States of America deposited
with the Government of Switzerland, February 4, 1932

Proclaimed by the President of the United States,
August 4, 1932.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas, a Convention for the Amelioration of the Condition of the Wounded and the Sick of Armies in the Field was signed at Geneva on July 27, 1929, by the respective Plenipotentiaries of the United States of America and forty-six other countries, the original of which Convention, being in the French language, is word for word as follows:

(Translation 2)

CONVENTION OF GENEVA OF JULY 27, 1929, FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK OF ARMIES IN THE FIELD.

The President of the German Reich, The President of the United States of America, the Federal President of the Republic of Austria, His Majesty the King of the Belgians, the President of the Republic of Bolivia, the President of the Republic of the United States of Brazil, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of the Bulgarians, the President of the Republic of Chile, the president of the Republic of China, the President of the Republic of Colombia, the President of the Republic of Cuba, His Majesty the King of Denmark and Iceland, the President of the Dominican Republic, His Majesty the King of Egypt, His Majesty the King of Spain, the President of the Republic of Estonia, the President of the Republic of Finland, the President of the French Republic, the President of the Hellenic Republic, His Serene Highness the Regent of Hungary, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Latvia, Her Royal Highness the Grand Duchess of Luxembourg, the President of the United States of Mexico, the President of the Republic of Nicaragua, His Majesty the King of Norway, Her Majesty the Queen of the Netherlands, His Imperial Majesty the Shah of Persia, the President of the Republic of Poland, the President of the Portuguese Republic, His Majesty the King of Rumania, His Majesty the King of the Serbs, Croats and Slovenes, His Majesty the King of Siam, His Majesty the King of Sweden, the Swiss Federal Council, the President of the Czechoslovak Republic, the President of the Turkish Republic, the President of the Oriental Republic of Uruguay, the President of the Republic of the United States of Venezuela,

equally desirous of ... within their power, the evils inseparable from war, ... perfect and complete, for this purpose, the

equally desirous of diminishing, so far as lies within their power, the evils inseparable from war, and wishing to perfect and complete, for this purpose, the provisions agreed upon at Geneva, August 22, 1864, and July 6, 1906, to ameliorate the condition of the wounded and the sick of armies in the field,

have decided to conclude a new Convention for this purpose, and have appointed the following as their plenipotentiaries, namely:

(List of Plenipotentiaries follows)

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

Chapter One. The Wounded and Sick

Article one.

Officers, soldiers, and other persons officially attached to the armies who are wounded or sick shall be respected and protected in all circumstances; they shall be humanely treated and cared for without distinction of nationality by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded or sick in the hands of his adversary, shall leave with them, so far as military exigencies permit, a portion of the personnel and materiel of his sanitary service to assist in caring for them.

Article 2

Subject to the care that must ^{be} taken of them under the preceding article, the wounded and sick of an army who fall into the power of the other belligerent shall become prisoners of war, and the general rules of international law in respect to prisoners of war shall become applicable to them.

The belligerents shall remain free, however, to agree upon such clauses to the benefit of the wounded and sick prisoners as they may deem of value over and above already existing obligations.

Article 3

After every engagement, the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and the dead to protect them from robbery and ill-treatment.

Alocal armistice or cessation of fire to enable to removal of wounded left between the lines shall be arranged whenever circumstances permit.

Article 4

Belligerents shall mutually forward to each other as soon as possible the names of the wounded, sick and dead taken in charge or discovered by them, as well as all indications which may serve for their identification.

They shall draw up and forward to each other death certificates.

They shall collect and likewise forward to each other all objects of personal use found on the field of battle or on the dead, especially one-half of their identity plaque, the other half remaining attached to the body.

They shall see that a careful examination, if possible, medical, is made of the bodies of the dead prior to their interment or cremation, with view to verifying their death, establishing their identity, and in order to be able to furnish a report thereon.

They shall further see that they are honorably buried and that the graves are treated with respect and may always be found again.

For this purpose, and at the outbreak of hostilities they shall officially organize a service of graves in order to render any later exhumation possible and to make certain of the identity of bodies even though they may have been moved from grave to grave.

Upon the termination of hostilities, they shall exchange lists of graves and of dead buried in their cemeteries and elsewhere.

Article 5

The military authority may make an appeal to the charitable zeal of the inhabitants to receive and, under its supervision, to care for, the wounded or sick of the armies, granting to persons responding to such appeals special protection and certain facilities.

CHAPTER II. Sanitary Formations and Establishments.

Article 6

Mobile sanitary formations, i.e., those which are intended to accompany armies in the field, and the fixed establishments belonging to the sanitary service shall be protected and respected by the belligerents.

Article 7

The protection due to sanitary formation and establishments shall cease if they are used to commit acts injurious to the enemy.

Article 8

A sanitary formation or establishment shall not be deprived of the protection accorded by Article 6 by the fact:

- 1) that the personnel of the formation or establishment is armed and uses its arms in self-defence or in defense of its wounded and sick;
- 2) that in the absence of armed hospital attendants the formation is guarded by an armed detachment or by sentinels;
- 3) that hand firearms or ammunition taken from the wounded and sick and not yet turned over to the proper authorities are found in the formation or establishment;
- 4) that there is found in the formation or establishment personnel or materiel of the veterinary service which does not integrally belong to it.

CHAPTER III. Personnel

Article 9

The personnel charged exclusively with the removal, transportation, and treatment of the wounded and sick, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be treated as prisoners of war.

Military personnel which has received special instructions to be used when necessary as auxiliary attendants or litter bearers in the removal, transportation and treatment of the wounded and sick, and bearing an identification document, shall benefit by the same conditions as the permanent sanitary personnel if they are captured at the moment when they are fulfilling these functions.

Article 10

The personnel of volunteer aid societies, duly recognized and authorized by their Government, who are employed in the same functions as the personnel contemplated in Article 9, paragraph 1. are assimilated to that personnel upon condition that the said societies shall be subject to military laws and regulations.

Each High Contracting Party shall make known to the other, either in time of peace or at the opening or during the progress of either, in time of peace or at the opening or during the progress of hostilities, and in any case

before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

Article 11

A recognized society of a neutral country may only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own Government and the authority of such belligerent.

The belligerent who has accepted such assistance shall be required to notify the enemy before making any use thereof.

Article 12

The persons described in Articles 9, 10 and 11 may not be detained after they have fallen into the power of the adversary.

Unless there is an agreement to the contrary, they shall be sent back to the belligerent to whose service they are attached as soon as a way is open for their return and military exigencies permit.

While waiting to be returned, they shall continue in the exercise of their functions under the direction of the adversary; they shall be assigned preferably to the care of the wounded and sick of the belligerent to whose service they are attached.

At the time of their departure they may carry with them such effects, instruments, arms and means of transport as belong to them.

Article 13

While they remain in their power, belligerents shall secure to the personnel mentioned in Articles 9, 10, and 11, the same maintenance and quarters, pay and allowances, as to persons of corresponding rank in their own armies.

At the outbreak of hostilities the belligerents shall reach an understanding on the corresponding ranks of their sanitary personnel.

CHAPTER IV. Buildings and Materiel.

Article 14

If mobile sanitary formations, whatever may be their nature, fall into the power of the adversary, they shall retain their materiel, their means of transportation, and their conducting personnel.

... military, however, shall

The competent military authority, however, shall have the right to employ them in caring for the wounded and sick; restitution shall take place in accordance with the conditions prescribed for the sanitary personnel and as far as possible at the same time.

Article 15

Buildings and materiel of the fixed sanitary establishments of the army shall remain subject to the laws of war, but may not be diverted from their use so long as they are necessary for the wounded and sick.

However, commanders of troops engaged in operations may use them in case of urgent military necessity if, before such use, the wounded and sick treated there have been provided for.

Article 16

The buildings of aid societies admitted to the benefits of the Convention shall be regarded as private property.

The materiel of these societies, irrespective of its location, shall likewise be regarded as private property.

The right of requisition recognized to belligerents by the laws and customs of war shall be exercised only in case of urgent necessity and after the wounded and sick have been provided for.

CHAPTER V. Sanitary Transports.

Article 17

Vehicles equipped for sanitary evacuation traveling singly or in convoy shall be treated as mobile sanitary formations subject to the following provisions:

A belligerent intercepting sanitary transportation vehicles, traveling either singly or in convoy, may, if required by military necessity, stop them and break up the convoy, charging himself in all cases with the care of the wounded and sick whom it contains. He may only utilize such vehicles in the sector wherein they were intercepted and exclusively for sanitary needs. When their local mission is at an end, these vehicles must be returned under the conditions stipulated in Article 14

Military personnel assigned by competent orders for sanitary transportation purposes shall be returned under the conditions stipulated in Article 12 for sanitary personnel, and subject to the provisions of the last paragraph of Article 18.

All means of transportation especially organized for evacuation purposes, as well as, their appurtenances attached to the sanitary service, shall be returned in conformity with the provisions of Chapter IV.

Military means of transportation and their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and all means of transportation obtained by requisition shall be subject to the general rules of international law.

Article 18

Aircraft used as a means of sanitary transportation shall enjoy the protection of the Convention during such time as they are exclusively reserved for the evacuation of wounded and sick and for the transportation of sanitary personnel and materiel.

They shall be painted in white and shall bear clearly visible the distinctive sign mentioned in Article 19 alongside of the national colors on their upper and lower surfaces.

Excepting with special and express permission, a flight over the firing-line, as well as over the zone situated in front of the major medical dressing stations, and in general over any territory under the control of or occupied by the enemy shall be forbidden.

Sanitary aircraft must comply with all summons to land.

In case of a landing thus required or made accidentally upon territory occupied by the enemy, the wounded and sick, as well as the sanitary personnel and materiel, including the aircraft, shall benefit by the provisions of the present convention.

The pilot, mechanics, and wireless operators who have been captured shall be returned on condition of only being utilized in the sanitary service until the termination of hostilities.

CHAPTER VI. The Distinctive Sign

Article 19

Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the Federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

However, for countries which already use, as distinctive sign, in place of the red cross, the red crescent or the red lion and sun on white field, these emblems shall likewise be recognized within the meaning of the present Convention.

Article 20.

The emblem shall appear on flags and brassards,

as well as upon all materiel, appertaining to the sanitary service, with the permission of the competent military authority.

Article 21

The personnel protected in virtue of the first paragraph of Article 9 and Articles 10 and 11 shall wear attached to the left arm a brassard bearing the distinctive sign, issued and stamped by a competent military authority.

The personnel mentioned in Article 9, paragraphs 1 and 2, shall be furnished with an identification document consisting either of an inscription in their military booklet or a special document.

Persons mentioned in Articles 10 and 11 who do not wear military uniform shall be furnished by competent military authority with a certificate of identity containing their photograph and attesting to their sanitary status.

Identification documents must be uniform and of the same type in each army.

The sanitary personnel may in no case be deprived of their insignia nor of their own identification papers.

In case of loss they shall have the right to obtain duplicates.

Article 22

The distinctive flag of the Convention may only be displayed over the sanitary formations and establishments which the Convention provides shall be respected, and with the consent of the military authorities. In fixed establishments it shall, and in mobile formations it may, be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Convention as long as they continue in that situation.

The belligerents, in so far as military exigencies allow, shall take such measures as may be necessary to render the distinctive emblems marking sanitary formations and establishments plainly visible to the land, air, and sea forces of the enemy, with a view to preventing the possibility of any aggressive action.

Article 23

The sanitary formations of neutral countries, which, under the conditions set forth in Article 11, have been

authorized to render their services, shall fly, with the flag of the Convention, the national flag of the belligerent to which they are attached.

They shall have the right during such time as they are rendering service to a belligerent to fly their own national flag.

The provisions of the second paragraph of the preceding article are applicable to them.

Article 24

The emblem of the red cross on a white ground and the words RED CROSS or GENEVA CROSS may be used, whether in time of peace or war, only to protect or designate sanitary formations and establishments, the personnel and materiel protected by the Convention.

The same shall apply with respect to the emblems mentioned in the second paragraph of Article 19 for such countries as use them.

Moreover, the volunteer aid societies provided for under Article 10 may, in conformity with their national legislation, employ the distinctive emblem for their humanitarian activities in time of peace.

As an exceptional measure and with the specific authorization of one of the national Red Cross Societies (Red Crescent, Red Lion and Sun), the use of the emblem of the Convention may be allowed in peace time to designate the location of relief stations reserved exclusively to giving free assistance to wounded or sick.

CHAPTER VII. The Application and Execution of the Convention.

Article 25

The provisions of the present Convention shall be respected by the High Contracting Parties under all circumstances.

If, in time of war, a belligerent is not a party to the Convention, its provisions shall nevertheless remain in force as between all the belligerents who are parties to the Convention.

Article 26

It shall be the duty of the commanders-in-chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well as for unforeseen cases, in accordance with the instructions of their respective Governments, and conformably to the general principles of this Convention.

Article 27

The High Contracting Parties shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this Convention, and to make them known to the people at large.

CHAPTER VIII. The Repression of Abuses and Infractions

Article 28

The Governments of the High Contracting Parties whose legislation may not now be adequate shall take or shall recommend to their legislatures such measures as may be necessary at all times:

a) to prevent the use by private persons or by societies other than those upon which this Convention confers the right thereto, of the emblem or of the name of the RED CROSS or GENEVA CROSS, as well as any other sign or designation constituting an imitation thereof, whether for commercial or other purposes:

b) by reason of the homage rendered to Switzerland as a result of the adoption of the inverted Federal colors, to prevent the use, by private persons or by organizations, of the arms of the Swiss Confederation or of signs constituting an imitation thereof, whether as trade-marks, commercial labels, or portions thereof, or in any way contrary to commercial ethics, or under conditions wounding Swiss national pride.

The prohibition mentioned in subparagraph a) of the use of signs or designations of the RED CROSS or GENEVA CROSS, as well as the prohibition mentioned in subparagraph b) of the use of the arms of the Swiss Confederation or signs constituting an imitation thereof shall take effect from the time set in each act of legislation and at the latest five years after this Convention goes into effect. After such going into effect it shall be unlawful to take out a trade-mark or commercial label contrary to such prohibitions.

Article 29

The Governments of the High Contracting Parties whose penal laws may not be adequate, shall likewise take or recommend to their legislatures the necessary measures to repress in time of war all acts in contravention of the provisions of the present Convention.

They shall communicate to one another through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the date of the ratification of the present Convention.

Article 30

At the request of a belligerent, an investigation must be held, in such manner as shall be agreed upon by the interested parties, concerning any alleged violation of the Convention; whenever such a violation is proved, the belligerents shall put an end to it and repress it as promptly as possible.

FINAL PROVISIONS

Article 31

The present Convention, which will bear the date of this day, may be signed up to February 1, 1930, on behalf of all the countries represented at the Conference which opened at Geneva on July 1, 1929, as well as by the countries not represented at the Conference which are parties to the Geneva Conventions of 1864 or of 1906.

Article 32

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at Berne.

A record of the deposit of each instrument of ratification shall be prepared, a duly certified copy of which shall be forwarded by the Swiss Federal Council to the Governments of all the countries on whose behalf the Convention has been signed or notification of adhesion made.

Article 33

The present Convention shall become effective six months after the deposit of at least two instruments of ratification.

Subsequently, it shall become effective for each High Contracting Party six months after the deposit of its instrument of ratification.

Article 34

The present Convention shall replace the Conventions of August 22, 1864 and of July 6, 1906, in the relations between the High Contracting Parties.

Article 35

From the date on which it becomes effective, the present Convention shall be open for adhesions given on behalf of any country in whose name this Convention was not signed.

Article 36

Adhesions shall be given by written notification addressed to the Swiss Federal Council and shall take effect six months after the date of their receipt.

The Swiss Federal Council shall communicate adhesions to the Governments of all the countries on whose behalf the Convention was signed or notification of adhesion made.

Article 37

A state of war shall give immediate effect to ratifications deposited or adhesions notified by belligerent Powers prior to or after the outbreak of hostilities. The communication of ratifications or adhesions received from Powers at war shall be made by the Swiss Federal Council by the most rapid method.

Article 38

Each of the High Contracting Parties shall have the right to denounce the present Convention. The denunciation shall not take effect until one year after notification has been made in writing to the Swiss Federal Council. The latter shall communicate such notification to the Governments of all the High Contracting Parties.

The denunciation shall have effect only with respect to the High Contracting Party which gave notification of it.

Moreover, such denunciation shall not take effect during a war in which the denouncing Power is involved. In this case, the present Convention shall continue in effect, beyond the period of one year, until the conclusion of peace.

Article 39

A duly certified copy of the present Convention shall be deposited in the archives of the League of Nations by the Swiss Federal Council. Likewise, ratifications, adhesions, and denunciations of which the Swiss Federal Council has been notified shall be communicated by it to the League of Nations.

IN FAITH WHEREOF, the Plenipotentiaries named above have signed the present Convention.

Done at Geneva, the Twenty-seventh of July, one thousand nine hundred and twenty-nine, in a single copy, which shall remain in the archives of the Swiss Confederation and duly certified copies of which shall be forwarded to the Governments of all the countries invited to the Conference.

(Signatures follow)

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 12.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the Arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 13.

The Members of the League agree that they will carry out in full good faith any awards that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 15.

Any Member of the League represented on the Council may make a public statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendations as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly if concurred in by the Representatives of those Members of the League represented on the Council and of a

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 15.

majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

THE COVENANT OF THE LEAGUE OF NATIONS.

ARTICLE 22.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of the conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of the territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, and women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.