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NEW CYCLE IN ASIA

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THE TRAGEDY OF THE CHINESE REVOLUTION

NO PEACE FOR ASIA

NEW CYCLE IN ASIA

SELECTED DOCUMENTS ON MAJOR
INTERNATIONAL DEVELOPMENTS
IN THE FAR EAST, 1943-1947

EDITED WITH NOTES AND INTRODUCTION

By

HAROLD R. ISAACS

*Issued under the auspices of the International Secretariat,
Institute of Pacific Relations*

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INTRODUCTION

The Pacific War of 1941–45 was the explosive peak of a century of conflict in Asia. By itself it settled nothing but Japan's attempt to become master of the continent. The war drew all the tangled threads of the past into a hard, swirling vortex, then flung them free again to assume new shapes and new combinations and to create new patterns of conflict.

For a reporter's picture of the events in the immediate aftermath of the war in Asia, I take the liberty of referring the reader to *No Peace for Asia* * in which I have attempted to give some of the story of what happened in China, Japan, Korea, India, Indochina, and Indonesia, largely on the basis of first-hand observation. The reader will also find in that book a study of the new pattern of power created by the war in the Far East. This selection of documents is a supplement to that work and, indeed, grew out of materials originally intended to appear as appendices to that volume.

Documents are not always faithful records of living history. Too often the facts laugh at them. But given the bolder and barer frankness of our times, this is less true now, perhaps, than ever before. The documents brought together in this book are a vital part of the story. In a remarkable number of cases they are, by themselves, authentic images of reality. There is obviously much more in the historical process than can be found here. Documents can seldom render the hunger and violence and suffering that go with great events. They can only suggest the struggles and the paradoxes, the contradictions, the ulterior motives, or the high aspirations that produced them. Nevertheless, the reader will find here an unusually clear outline of the new dispensation in Asia.

It consists of a new alignment of the major power factors in Asia on the one hand, and on the other the emergence of new nationalist forces and new states in the old imperialist empires of Great Britain, France, and the Netherlands. For the time being at least, the new major power antagonism between the United States and Russia is developing inside the historic triangle of China, Manchuria, and

* Macmillan, 1947.

Japan, within which Korea is but one of the several focal points of actual or potential conflict. The struggle between the older empires and colonial nationalism is taking place in southern Asia where, for now, the problem of American-Russian relations does not directly impinge. But in this epoch of inter-continental history and permanent war, all events come to form part of a single design. In the heat of the struggle for world power as we now know it, geography dissolves. India's Northwest Frontier has long been a factor in power politics touching Russia. The creation of Pakistan affects the balances of the Middle East. And in times to come, as our epoch matures, the direct relationship of the fate of Indochina and Indonesia to the greater world issues will again be clearly established. The course of the recent war proved clearly enough that in our times there may be fringes of conflict but no havens from it.

The events of the war worked immense changes in Asiatic power relationships. Japan's victories were transient. But they were sufficient to drive Britain from its century-old dominant position in China and to weaken permanently the hold of Britain, France, and the Netherlands on their great colonial empires in the south. By defeating Japan, the United States established its military ascendancy in the entire Pacific basin. But at the same time, Soviet Russia took up where Czarist Russia left off forty years earlier. It contested with the United States the opportunity to fill the power vacuum created on continental Asia by the collapse of Japan's empire. Manchuria cradled the Russo-Japanese War of 1904, the Sino-Japanese War that began in 1931, and ultimately the American-Japanese War of 1941. The Manchurian issue thus swung full cycle. The new Sino-Russian-American dossier about Manchurian railroads, ports, and industries began to accumulate when the war against Japan had barely ended. Today, the unresolved Manchurian issues, the civil war in China, the push-and-pull over the partition of Korea, and the political-economic evolution of occupied Japan are but early shadows of what is to come.

In southern Asia, meanwhile, the older colonial powers have been trying to salvage what they could of the debris of empire. Britain, in Burma and Malaya, and Holland in Indonesia were hopelessly and crushingly defeated by the Japanese. France in Indochina yielded to Japan without a struggle. Only the defeat inflicted upon Japan by the United States in the western Pacific gave these older powers a chance to regain what they had lost. But the war had, in fact, swept away the entire previous conception of Britain's power

in Asia, of which French and Dutch power were parasitic adjuncts. With this, inevitably, went the political foundations of empire. Nationalism in the colonies, with a long history of slow growth and frustrated struggle behind it, was nourished to new strength by the events of the war. Japan failed to exploit this nationalism to its own advantage but Japan did succeed in making it impossible for the old colonial regimes in their old forms ever to be re-established.

Great Britain, the greatest of the imperial powers, understood this the most clearly. Impoverished and weakened and menaced anew along its "lifelines" by resurgent Russia, Britain's need now is not for unwilling vassals but for friendly allies and partners. This transformation has been the object of British colonial policy since the end of the war when, under the leadership of the new Labor government, the transition was begun in the Near and Middle as well as the Far East. It is in this context that the struggle in Palestine, the withdrawal from Egypt, the relations to the Arab League, the transfer of power in India and Burma, and the somewhat slower revision of Malaya's status must be understood. The changes are taking place amid great and complex difficulties. They have already raised the new and fateful fact of a divided India. But on them Britain is gambling the retention of at least some of the great political, economic and military power it wielded for so long as the world's greatest empire.

The French and Dutch, seeking the same ends, have been less facile. The French were shoe-horned into a fresh foothold in Indochina with the military assistance of the British and American lend-lease equipment. They reacted against the new nationalism of Viet Nam with *coup d'états* and military force. They have not hesitated to use surrendered Japanese troops and later hired German Nazi mercenaries for the purpose. They offered the Vietnamese and other Indochinese nationalists membership in a new "French Union" but would not offer any real transfer of power. Agreements were made but never became operative. The result was bitter warfare that began in southern Indochina in 1945 and in the north in 1946. That war is still going on.

The Dutch, restored to a foothold in Indonesia in the same manner, offered the insurgent Indonesians membership in a new "Netherlands Commonwealth." Negotiations went on, amid intermittent hostilities, for two years. Agreements were signed but never became effective. On the crucial issue, among others, of internal police power, the talks finally broke down and the Dutch, in July, 1947,

openly and deliberately launched an all-out military offensive against the Indonesian nationalists in a fresh attempt to bring them to heel by brute force.

Such has been the course of events in postwar Asia. The Chinese people thought liberation from Japan would mean peace. It has meant civil war. The Korean people thought the defeat of Japan would mean their freedom. It has meant paralysis and partition. The nationalists of Southeast Asia thought the American victory over Japan would bring them the fruits of the Atlantic Charter and fulfill the promises of the United Nations about freedom and self-determination. They are, instead, fighting desperately for their independence and are receiving no help in their cause. They all thought the end of the war would usher in a new period of fruitful construction on a worldwide basis. It has brought instead fresh conflicts, deepened hardships, an economic impasse and the shadow of still greater wars to come. This is the picture drawn in some measure in the documents to be found in this book.

Like vivid markers on a winding road, some of these documents point to where many things ended, others to where much has begun. None of it has happened smoothly or without violence. Old solutions have been precipitated. New compounds have not yet been created. In almost total flux, the pattern is troubled and explosive and crowded with unresolved elements. They can join in new combinations of human and material resources infinitely more productive and fruitful than anything we have known in all history. They are no less capable of generating new cataclysms. Here, at this precise moment, they are the scattered segments whose origin we know but whose future we can only surmise.

As a contribution to some study and understanding, meanwhile, this collection is offered as a handbook to the serious reader and student of current affairs in Asia. It is not meant to be complete but is, I hope, reasonably representative. The documents have been put together in what is intended to be a coherent and organized way with notes giving the dates and places and circumstances and interpreting some of the background. Some of these documents, particularly those relating to Indochina and Indonesia, I collected myself in those countries while some of these events were in progress. Others are part of the general file that has accumulated in the last few years waiting to be put together in some handy form. Wherever possible, authentic official versions have been secured from the appropriate sources for inclusion here and the sources are duly cited.

While this book is issued with the cooperation of the International Secretariat of the Institute of Pacific Relations, I am of course solely responsible for the selection of the documents and for the editorial notes accompanying them. My acknowledgments are due to Mary Healy of the Institute of Pacific Relations, James Putnam of the Macmillan Company, and to Viola R. Isaacs.

I am particularly indebted to Mr. Robert Isaacs for his interest in this project.

H.R.I.

New York, N. Y.
July 22, 1947.

I

The Defeat of Japan

On July 26, 1945, at Potsdam, the heads of the Governments of the United States, Great Britain, and China, issued a Declaration calling for the unconditional surrender of Japan. On August 6, 1945, the atomic bomb was dropped on Hiroshima. On August 8, the second atomic bomb was dropped on Nagasaki. The same day the Soviet Union declared war on Japan and invaded Manchuria. On August 10, the Japanese Government announced its readiness to surrender and asked clarification of the future status of the Emperor of Japan. The Allied reply of August 11 gave assurances that the Emperor would remain ruler of Japan for the time being, subject to the Supreme Allied Commander. On August 14, the Japanese Emperor announced the surrender of Japan. The war that began at Pearl Harbor on December 7, 1941, ended formally on September 2, 1945, with the signature of the surrender instrument aboard the battleship U.S.S. Missouri in Tokyo Bay. Thus ended the 50-year-old attempt by Japan to become master of Asia.

Occupation of Japan has been carried out under the effective control of the United States, although token sectors were assigned to British Commonwealth troops. The Moscow Conference of Foreign Ministers in December, 1945, agreed to set up a Far Eastern Commission and an Allied Council for Japan. The Commission, which sits in Washington, D.C., is composed of representatives of the United States, Great Britain, U.S.S.R., China, France, Netherlands, Canada, Australia, New Zealand, India, and the Philippines. Its theoretical function is to serve as the policy-making organ for the Allies with respect to the Far East. The Allied Council for Japan sits in Tokyo, and includes representatives of the United States, the British Commonwealth, the U.S.S.R., and China. Its role has remained purely advisory.

On July 11, 1947, the United States proposed a preliminary conference of the eleven nations represented on the Far Eastern Commission to draft a peace treaty for Japan. On July 23, the Soviet

Government in effect rejected this invitation on the grounds that treaty-drafting powers belonged to the Council of Foreign Ministers. Indications were that Washington intended to proceed with the Japan treaty with or without Russian participation.

POTSDAM PROCLAMATION DEFINING TERMS FOR JAPAN'S SURRENDER

Signed at Potsdam, July 26, 1945, by the President of the United States, the Prime Minister of Great Britain, and concurred in by despatch by the President of the National Government of China. Text is from the U.S. Department of State Bulletin, July 29, 1945.

(1) We—the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.

(2) The prodigious land, sea and air forces of the United States, the British Empire and of China, many times reinforced by their armies and air fleets from the west, are poised to strike the final blows upon Japan. This military power is sustained and inspired by the determination of all the Allied Nations to prosecute the war against Japan until she ceases to resist.

(3) The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges on Japan is immeasurably greater than that which, when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, *will* mean the inevitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland.

(4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

(5) Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.

(6) There must be eliminated for all time the authority and in-

fluence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world.

(7) Until such a new order is established *and* until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

(9) The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

(10) We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.

(11) Japan shall be permitted to retain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to re-arm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.

(12) The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.

(13) We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.



INSTRUMENT OF SURRENDER

Text from the reproduction of the original document in the Bulletin of the Department of State, Washington, D.C., September 9, 1945.

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China, and Great Britain on 26 July, 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the unconditional surrender to the Allied powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the

Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, and maintenance and immediate transportation to places as directed.

The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan, at 0904 on the second day of September, 1945.

MAMORU SHIGEMITSU

By Command and in behalf of
the Emperor of Japan and the
Japanese Government.

GEN. YOSHIJIRO UMEZU

By command and in behalf of
the Japanese Imperial General
Headquarters.

Accepted at Tokyo Bay, Japan, at 0908 I on the second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

DOUGLAS MACARTHUR

Supreme Commander for the
Allied Powers.

C. W. NIMITZ,

United States Representative.

HSU YUNG-CHANG,

Republic of China Representative.

BRUCE FRASER,

United Kingdom Representative.

LT. GEN. KUZMA DEREVYANKO,

Union of Soviet Socialist Republics Representative.

- E. A. BLAMEY,
Commonwealth of Australia Representative.
- L. MOORE COSGRAVE,
Dominion of Canada Representative.
- LECLERC,
Provisional Government of the French Republic Representative.
- C. E. L. HELFRICH,
Kingdom of the Netherlands Representative.
- LEONARD M. ISITT,
Dominion of New Zealand Representative.



U.S. INITIAL POST-SURRENDER POLICY FOR JAPAN

Statement of policy prepared jointly by the Department of State, the War Department, and the Navy Department, approved by the President and officially communicated to General Douglas MacArthur on September 6, 1945. Text is from the United States Bulletin of the Department of State, September 23, 1945.

PURPOSE OF THIS DOCUMENT

This document is a statement of general initial policy relating to Japan after surrender. It has been approved by the President and distributed to the Supreme Commander for the Allied Powers and to appropriate U.S. departments and agencies for their guidance. It does not deal with all matters relating to the occupation of Japan requiring policy determinations. Such matters as are not included or are not fully covered herein have been or will be dealt with separately.

PART I—ULTIMATE OBJECTIVES

The ultimate objectives of the United States in regard to Japan, to which policies in the initial period must conform, are:

- (a) To insure that Japan will not again become a menace to the United States or to the peace and security of the world.
- (b) To bring about the eventual establishment of a peaceful and responsible government which will respect the rights of other states

and will support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations. The United States desires that this government should conform as closely as may be to principles of democratic self-government but it is not the responsibility of the Allied Powers to impose upon Japan any form of government not supported by the freely expressed will of the people.

These objectives will be achieved by the following principal means:

(a) Japan's sovereignty will be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor outlying islands as may be determined, in accordance with the Cairo Declaration and other agreements to which the United States is or may be a party.

(b) Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated from her political, economic, and social life. Institutions expressive of the spirit of militarism and aggression will be vigorously suppressed.

(c) The Japanese people shall be encouraged to develop a desire for individual liberties and respect for fundamental human rights, particularly the freedoms of religion, assembly, speech, and the press. They shall also be encouraged to form democratic and representative organizations.

(d) The Japanese people shall be afforded opportunity to develop for themselves an economy which will permit the peacetime requirements of the population to be met.

PART II—ALLIED AUTHORITY

1. *Military Occupation*

There will be a military occupation of the Japanese home islands to carry into effect the surrender terms and further the achievement of the ultimate objectives stated above. The occupation shall have the character of an operation in behalf of the principal allied powers acting in the interests of the United Nations at war with Japan. For that reason, participation of the forces of other nations that have taken a leading part in the war against Japan will be welcomed and expected. The occupation forces will be under the command of a Supreme Commander designated by the United States.

Although every effort will be made, by consultation and by con-

stitution of appropriate advisory bodies, to establish policies for the conduct of the occupation and the control of Japan which will satisfy the principal Allied powers, in the event of any differences of opinion among them, the policies of the United States will govern.

2. Relationship to Japanese Government

The authority of the Emperor and the Japanese Government will be subject to the Supreme Commander, who will possess all powers necessary to effectuate the surrender terms and to carry out the policies established for the conduct of the occupation and the control of Japan.

In view of the present character of Japanese society and the desire of the United States to attain its objectives with a minimum commitment of its forces and resources, the Supreme Commander will exercise his authority through Japanese governmental machinery and agencies, including the Emperor, to the extent that this satisfactorily furthers United States objectives. The Japanese Government will be permitted, under his instructions, to exercise the normal powers of government in matters of domestic administration. This policy, however, will be subject to the right and duty of the Supreme Commander to require changes in governmental machinery or personnel or to act directly if the Emperor or other Japanese authority does not satisfactorily meet the requirements of the Supreme Commander in effectuating the surrender terms. This policy, moreover, does not commit the Supreme Commander to support the Emperor or any other Japanese governmental authority in opposition to evolutionary changes looking toward the attainment of United States objectives. The policy is to use the existing form of Government in Japan, not to support it. Changes in the form of Government initiated by the Japanese people or government in the direction of modifying its feudal and authoritarian tendencies are to be permitted and favored. In the event that the effectuation of such changes involves the use of force by the Japanese people or government against persons opposed thereto, the Supreme Commander should intervene only where necessary to ensure the security of his forces and the attainment of all other objectives of the occupation.

3. Publicity as to Policies

The Japanese people, and the world at large, shall be kept fully

informed of the objectives and policies of the occupation, and of progress made in their fulfilment.

PART III—POLITICAL

1. *Disarmament and Demilitarization.*

Disarmament and demilitarization are the primary tasks of the military occupation and shall be carried out promptly and with determination. Every effort shall be made to bring home to the Japanese people the part played by the military and naval leaders, and those who collaborated with them, in bringing about the existing and future distress of the people.

Japan is not to have an army, navy, air force, secret police organization, or any civil aviation. Japan's ground, air and naval forces shall be disarmed and disbanded and the Japanese Imperial General Headquarters, the General Staff and all secret police organizations shall be dissolved. Military and naval matériel, military and naval vessels and military and naval installations, and military, naval and civilian aircraft shall be surrendered and shall be disposed of as required by the Supreme Commander.

High officials of the Japanese Imperial General Headquarters, and General Staff, other high military and naval officials of the Japanese Government, leaders of ultra-nationalist and militarist organizations and other important exponents of militarism and aggression will be taken into custody and held for future disposition. Persons who have been active exponents of militarism and militant nationalism will be removed and excluded from public office and from any other position of public or substantial private responsibility. Ultra-nationalistic or militaristic social, political, professional and commercial societies and institutions will be dissolved and prohibited.

Militarism and ultra-nationalism, in doctrine and practice, including para-military training, shall be eliminated from the educational system. Former career military and naval officers, both commissioned and non-commissioned, and all other exponents of militarism and ultra-nationalism shall be excluded from supervisory and teaching positions.

2. *War Criminals*

Persons charged by the Supreme Commander or appropriate United Nations Agencies with being war criminals, including those

charged with having visited cruelties upon United Nations prisoners or other nationals, shall be arrested, tried and, if convicted, punished. Those wanted by another of the United Nations for offenses against its nationals, shall, if not wanted for trial or as witnesses or otherwise by the Supreme Commander, be turned over to the custody of such other nation.

3. Encouragement of Desire for Individual Liberties and Democratic Processes

Freedom of religious worship shall be proclaimed promptly on occupation. At the same time it should be made plain to the Japanese that ultra-nationalistic and militaristic organizations and movements will not be permitted to hide behind the cloak of religion.

The Japanese people shall be afforded opportunity and encouraged to become familiar with the history, institutions, culture, and the accomplishments of the United States and the other democracies. Association of personnel of the occupation forces with the Japanese population should be controlled, only to the extent necessary, to further the policies and objectives of the occupation.

Democratic political parties, with rights of assembly and public discussion, shall be encouraged, subject to the necessity for maintaining the security of the occupying forces.

Laws, decrees and regulations which establish discriminations on grounds of race, nationality, creed or political opinion shall be abrogated; those which conflict with the objectives and policies outlined in this document shall be repealed, suspended or amended as required; and agencies charged specifically with their enforcement shall be abolished or appropriately modified. Persons unjustly confined by Japanese authority on political grounds shall be released. The judicial, legal and police systems shall be reformed as soon as practicable to conform to the policies set forth in Articles 1 and 3 of this Part III and thereafter shall be progressively influenced, to protect individual liberties and civil rights.

PART IV—ECONOMIC

1. Economic Demilitarization

The existing economic basis of Japanese military strength must be destroyed and not be permitted to revive.

Therefore, a program will be enforced containing the following elements, among others; the immediate cessation and future prohibition of production of all goods designed for the equipment, maintenance, or use of any military force or establishment; the imposition of a ban upon any specialized facilities for the production or repair of implements of war, including naval vessels and all forms of aircraft; the institution of a system of inspection and control over selected elements in Japanese economic activity to prevent concealed or disguised military preparation; the elimination in Japan of those selected industries or branches of production whose chief value to Japan is in preparing for war; the prohibition of specialized research and instruction directed to the development of war-making power; and the limitation of the size and character of Japan's heavy industries to its future peaceful requirements, and restriction of Japanese merchant shipping to the extent required to accomplish the objectives of demilitarization.

The eventual disposition of those existing production facilities within Japan which are to be eliminated in accord with this program, as between conversion to other uses, transfer abroad, and scrapping will be determined after inventory. Pending decision, facilities readily convertible for civilian production should not be destroyed, except in emergency situations.

2. Promotion of Democratic Forces

Encouragement shall be given and favor shown to the development of organizations in labor, industry, and agriculture, organized on a democratic basis. Policies shall be favored which permit a wide distribution of income and of the ownership of the means of production and trade.

Those forms of economic activity, organization and leadership shall be favored that are deemed likely to strengthen the peaceful disposition of the Japanese people, and to make it difficult to command or direct economic activity in support of military ends.

To this end it shall be the policy of the Supreme Commander:

(a) To prohibit the retention in or selection for places of importance in the economic field of individuals who do not direct future Japanese economic effort solely towards peaceful ends; and

(b) To favor a program for the dissolution of the large industrial and banking combinations which have exercised control of a great part of Japan's trade and industry.

3. Resumption of Peaceful Economic Activity

The policies of Japan have brought down upon the people great economic destruction and confronted them with the prospect of economic difficulty and suffering. The plight of Japan is the direct outcome of its own behavior, and the Allies will not undertake the burden of repairing the damage. It can be repaired only if the Japanese people renounce all military aims and apply themselves diligently and with single purpose to the ways of peaceful living. It will be necessary for them to undertake physical reconstruction, deeply to reform the nature and direction of their economic activities and institutions, and to find useful employment for their people along lines adapted to and devoted to peace. The Allies have no intention of imposing conditions which would prevent the accomplishment of these tasks in due time.

Japan will be expected to provide goods and services to meet the needs of the occupying forces to the extent that this can be effected without causing starvation, widespread disease and acute physical distress.

The Japanese authorities will be expected, and if necessary directed, to maintain, develop and enforce programs that serve the following purposes:

- (a) To avoid acute economic distress.
- (b) To assure just and impartial distribution of available supplies.
- (c) To meet the requirements for reparations deliveries agreed upon by the Allied Governments.
- (d) To facilitate the restoration of Japanese economy so that the reasonable peaceful requirements of the population can be satisfied.

In this connection, the Japanese authorities on their own responsibility shall be permitted to establish and administer controls over economic activities, including essential national public services, finance, banking, and production and distribution of essential commodities, subject to the approval and review of the Supreme Commander in order to assure their conformity with the objectives of the occupation.

4. Reparations and Restitution

REPARATIONS

Reparations for Japanese aggression shall be made:

- (a) Through the transfer—as may be determined by the appro-

priate Allied authorities—of Japanese property located outside of the territories to be retained by Japan.

(b) Through the transfer of such goods or existing capital equipment and facilities as are not necessary for a peaceful Japanese economy or the supplying of the occupying forces. Exports other than those directed to be shipped on reparation account or as restitution may be made only to those recipients who agree to provide necessary imports in exchange or agree to pay for such exports in foreign exchange. No form of reparation shall be exacted which will interfere with or prejudice the program for Japan's demilitarization.

RESTITUTION

Full and prompt restitution will be required of all identifiable looted property.

5. Fiscal, Monetary, and Banking Policies

The Japanese authorities will remain responsible for the management and direction of the domestic fiscal, monetary, and credit policies subject to the approval and review of the Supreme Commander.

6. International Trade and Financial Relations

Japan shall be permitted eventually to resume normal trade relations with the rest of the world. During occupation and under suitable controls, Japan will be permitted to purchase from foreign countries raw materials and other goods that it may need for peaceful purposes, and to export goods to pay for approved imports.

Control is to be maintained over all imports and exports of goods, and foreign exchange and financial transactions. Both the policies followed in the exercise of these controls and their actual administration shall be subject to the approval and supervision of the Supreme Commander in order to make sure that they are not contrary to the policies of the occupying authorities, and in particular that all foreign purchasing power that Japan may acquire is utilized only for essential needs.

7. Japanese Property Located Abroad

Existing Japanese external assets and existing Japanese assets located in territories detached from Japan under the terms of surrender, including assets owned in whole or part by the Imperial Household and Government, shall be revealed to the occupying

authorities and held for disposition according to the decision of the Allied authorities.

8. *Equality of Opportunity for Foreign Enterprise within Japan*

The Japanese authorities shall not give, or permit any Japanese business organization to give, exclusive or preferential opportunity or terms to the enterprise of any foreign country, or cede to such enterprise control of any important branch of economic activity.

9. *Imperial Household Property*

Imperial Household property shall not be exempted from any action necessary to carry out the objectives of the occupation.

II

The Powers and China

The 99-year-old system of extraterritorial privileges for foreign nationals in China and the system of foreign treaty port control came to an end during the Second World War. Treaties relinquishing these rights were signed by representatives of Great Britain, the United States, and China on January 11, 1943. Other countries followed suit: Brazil (August 20, 1943); Belgium (October 20, 1943); Norway (November 10, 1943); Canada (April 14, 1944); Sweden (April 5, 1945); The Netherlands (May 29, 1945); France (February 28, 1946). Japan and Italy had already lost their treaty status as a result of the war.

Extraterritoriality in China meant that foreign nationals enjoying special treaty rights were not subject to Chinese law or courts, but remained while in China under the jurisdiction of their own national authorities who maintained special courts for the purpose. Centers of this foreign jurisdiction were the various international and foreign concessions, all of which are liquidated by the new treaties.

The system of extraterritoriality was first explicitly established in the Sino-American Treaty of 1844. It was subsequently written into all treaties signed by China with foreign states during the latter half of the 19th century. Pressure for abolition of the system began with the rise of modern Chinese nationalism. The "unequal treaties" were the principal targets of the Chinese nationalist movement during the last thirty years. These included not only extraterritoriality and the concessions, but foreign control of Chinese tariffs and Chinese maritime customs. These special privileges were the subject of periodic negotiations, numerous special commissions, extensive propaganda and counter-propaganda.

Germany and Austro-Hungary automatically lost their treaty privileges when China declared war on the Central Powers in 1917. The Soviet Union unilaterally renounced the privileges held by Czarist Russia by proclamation from Moscow in 1919 and its new position was formalized in the Sino-Russian Treaty signed on May

31, 1924. During the national revolutionary events in China in 1925-27, the treaty Powers began offering tentative proposals for restoration of Chinese tariff autonomy. In Hankow, early in 1927, the populace seized control of the British concession, which was subsequently returned to Chinese sovereignty by the Chen-O'Malley agreement later that Spring. The next year, after the revolution had been checked and Chiang Kai-shek had set up his own government in Nanking, tariff negotiations were resumed and completed with restoration of Chinese tariff autonomy in 1930. Extraterritoriality remained an issue between China and the Powers, however, until after Japan forcibly occupied all the treaty ports and in effect usurped all the special positions previously enjoyed by the Western powers. It was in these circumstances that final rendition of all extraterritorial rights was negotiated.

The text of the United States treaty on extraterritoriality is given here as a representative document. All other treaties on the same subject are identical in all essentials with various special insertions. The British treaty, signed in Chungking by Sir Horace Seymour, H. M. Ambassador to China, and Hugh E. Richardson, representative of the Government of India, and Foreign Minister T. V. Soong, specifically restored to Chinese control the British Concessions at Tientsin and Canton. Its text will be found in Cmd 6456, H.M.S.O. London, July, 1943. The French treaty, signed by French Ambassador Jacques Meyrier and Foreign Minister Wang Shih-chieh, successor to T. V. Soong, specifically restored the French Concessions in Shanghai, Tientsin, Hankow, and Canton. Its text will be found in the *Journal Officiel de la République Française*, May 19, 1946. France surrendered the leased territory of Kwangchowan on the South China coast in a separate agreement signed at Chungking on August 18, 1945.

A new pattern of power was shaped in Asia by the war of 1941-45. Japan was eliminated as a major power. Great Britain, for many decades the leading Western power in Asia, yielded that position to the United States. The Asiatic colonial empires of Britain, France and the Netherlands entered upon a period of profound transformation under the pressure of the events of the war and the rise of powerful nationalist movements. By its defeat of Japan, the United States became the ascendant military power in the entire Pacific basin. At the same time, Russia re-entered the Asiatic scene as the only other Power of the first magnitude.

The Cairo Declaration of 1943 foreshadowed the end of the Japanese imperial dream. The catastrophic defeat inflicted upon Japan stripped that country of its conquests of half a century and reduced it to its original home islands. The new alignments in Asia were first outlined in the secret Yalta Agreement of February,

1945, which restored in Manchuria the main features of the Czarist Russian positions of 1904, returning to Russia the "pre-eminent position" it had lost to Japan in the Russo-Japanese War of 1904-5. This secret agreement, made by President Roosevelt, Premier Stalin, and Prime Minister Churchill, was perforce ratified by China and its terms incorporated into the Sino-Soviet Treaty of August, 1945.

The Yalta Pact also gave the Kurile Islands to Russia. These were duly occupied by Russia, along with the Japanese half of Sakhalin, after Japan's surrender. The Russians regard this as a definitive territorial arrangement. The semi-official American interpretation is that the Yalta terms are still subject to the eventual signature of a peace treaty with Japan.

This new triangular Sino-Russian-American relationship in North-east Asia produced acute new problems immediately after the end of the war. During an occupation that lasted about six months, the Russians removed to Soviet territory large and decisive quantities of Manchurian industrial equipment which it claimed as "war booty." This elicited protests from China and an inquiry from the United States and remains an unsettled issue.

The status of Dairen and Port Arthur have also remained unclear. Dairen, under the terms of the previous agreements, was to become an international port under joint Sino-Soviet control but had remained instead under the exclusive military control of the Russians. On Feb. 27, 1947, the Russians announced in a note to the United States their readiness to meet the treaty terms relating to Dairen. Sino-Russian negotiations to this end were begun but remained without issue. In response to a further U.S. note on Dairen on August 14, 1947, the Soviet Government said that any changes in the situation would have to wait on the eventual signing of the Japanese peace treaty.

Manchuria has meanwhile become a major theater of the Kuomintang-Communist civil war. American military support to the Kuomintang was open and extensive. The Russians evidently made it possible for the Chinese Communists to acquire large stocks of Japanese arms in Manchuria. Subsequent Kuomintang charges of more extensive Russian aid to the Communists have not, however, been substantiated. The Communist challenge for control of Manchuria and intimations of a Communist-inspired "autonomy" movement in the neighboring Inner Mongolia obviously, however, have a great role to play in the development and resolution of Sino-Russian-American relations in Manchuria and in China Proper. These relations became, with the fall of Japan, the fundamental problem of international politics in Asia.

THE SINO-AMERICAN TREATY ON EXTRATERRITORIALITY

Signed in Washington, January 11, 1943. Text is from the Bulletin of the Department of State, Washington, D.C., March 20, 1943.

The United States of America and the Republic of China, desirous of emphasizing the friendly relations which have long prevailed between their two peoples and of manifesting their common desire as equal and sovereign States that the high principles in the regulation of human affairs to which they are committed shall be made broadly effective, have resolved to conclude a treaty for the purpose of adjusting certain matters in the relations of the two countries, and have appointed as their Plenipotentiaries:

The President of the United States of America,

Mr. Cordell Hull, Secretary of State of the United States of America, and

The President of the National Government of the Republic of China,

Dr. Wei Tao-ming, Ambassador Extraordinary and Plenipotentiary of the Republic of China to the United States of America;

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

ARTICLE I

All those provisions of treaties or agreements in force between the United States of America and the Republic of China which authorize the Government of the United States of America or its representatives to exercise jurisdiction over nationals of the United States of America in the territory of the Republic of China are hereby abrogated. Nationals of the United States of America in such territory shall be subject to the jurisdiction of the Government of the Republic of China in accordance with the principles of international law and practice.

ARTICLE II

The Government of the United States of America considers that

the Final Protocol concluded at Peking on September 7, 1901, between the Chinese Government and other governments, including the Government of the United States of America, should be terminated and agrees that the rights accorded to the Government of the United States of America under that Protocol and under agreements supplementary thereto shall cease.

The Government of the United States of America will cooperate with the Government of the Republic of China for the reaching of any necessary agreements with other governments concerned for the transfer to the Government of the Republic of China of the administration and control of the Diplomatic Quarter at Peiping, including the official assets and the official obligations of the Diplomatic Quarter, it being mutually understood that the Government of the Republic of China in taking over administration and control of the Diplomatic Quarter will make provision for the assumption and discharge of the official obligations and liabilities of the Diplomatic Quarter and for the recognition and protection of all legitimate rights therein.

The Government of the Republic of China hereby accords to the Government of the United States of America a continued right to use for official purposes the land which has been allocated to the Government of the United States of America in the Diplomatic Quarter in Peiping, on parts of which are located buildings belonging to the Government of the United States of America.

ARTICLE III

The Government of the United States of America considers that the International Settlements at Shanghai and Amoy should revert to the administration and control of the Government of the Republic of China and agrees that the rights accorded to the Government of the United States of America in relation to those Settlements shall cease.

The Government of the United States of America will cooperate with the Government of the Republic of China for the reaching of any necessary agreements with other governments concerned for the transfer to the Government of the Republic of China of the administration and control of the International Settlements at Shanghai and Amoy, including the official assets and the official obligations of those Settlements, it being mutually understood that the Government of the Republic of China in taking over administration and

control of those Settlements will make provision for the assumption and discharge of the official obligations and liabilities of those Settlements and for the recognition and protection of all legitimate rights therein.

ARTICLE IV

In order to obviate any questions as to existing rights in respect of or as to existing titles to real property in territory of the Republic of China possessed by nationals (including corporations or associations), or by the Government, of the United States of America, particularly questions which might arise from the abrogation of the provisions of treaties or agreements as stipulated in Article I, it is agreed that such existing rights or titles shall be indefeasible and shall not be questioned upon any ground except upon proof, established through due process of law, of fraud or of fraudulent or other dishonest practices in the acquisition of such rights or titles, it being understood that no right or title shall be rendered invalid by virtue of any subsequent change in the official procedure through which it was acquired. It is also agreed that these rights or titles shall be subject to the laws and regulations of the Republic of China concerning taxation, national defense, and the right of eminent domain, and that no such rights or titles may be alienated to the government or nationals (including corporations or associations) of any third country without the express consent of the Government of the Republic of China.

It is also agreed that if it should be the desire of the Government of the Republic of China to replace, by new deeds of ownership, existing leases in perpetuity or other documentary evidence relating to real property held by nationals, or by the Government, of the United States of America, the replacement shall be made by the Chinese authorities without charges of any sort and the new deeds of ownership shall fully protect the holders of such leases or other documentary evidence and their legal heirs and assigns without diminution of their prior rights and interests, including the right of alienation.

It is further agreed that nationals or the Government of the United States of America shall not be required or asked by the Chinese authorities to make any payments of fees in connection with land transfers for or with relation to any period prior to the effective date of this treaty.

ARTICLE V

The Government of the United States of America having long accorded rights to nationals of the Republic of China within the territory of the United States of America to travel, reside and carry on trade throughout the whole extent of that territory, the Government of the Republic of China agrees to accord similar rights to nationals of the United States of America within the territory of the Republic of China. Each of the two Governments will endeavor to have accorded in territory under its jurisdiction to nationals of the other country, in regard to all legal proceedings, and to matters relating to the administration of justice, and to the levying of taxes or requirements in connection therewith, treatment not less favorable than that accorded to its own nationals.

ARTICLE VI

The Government of the United States of America and the Government of the Republic of China mutually agree that the consular officers of each country, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities as may be agreed upon. The consular officers of each country shall have the right to interview, to communicate with, and to advise nationals of their country within their consular districts; they shall be informed immediately whenever nationals of their country are under detention or arrest or in prison or are awaiting trial in their consular districts and they shall, upon notification to the appropriate authorities, be permitted to visit any such nationals; and, in general, the consular officers of each country shall be accorded the rights, privileges, and immunities enjoyed by consular officers under modern international usage.

It is likewise agreed that the nationals of each country, in the territory of the other country, shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of each country who are under detention or arrest or in prison or are awaiting trial in the territory of the other country shall be forwarded to such consular officers by the local authorities.

ARTICLE VII

The Government of the United States of America and the Government of the Republic of China mutually agree that they will

enter into negotiations for the conclusion of a comprehensive modern treaty of friendship, commerce, navigation and consular rights, upon the request of either Government or in any case within six months after the cessation of the hostilities in the war against the common enemies in which they are now engaged. The treaty to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedures and in the modern treaties which the Government of the United States of America and the Government of the Republic of China respectively have in recent years concluded with other governments.

Pending the conclusion of a comprehensive treaty of the character referred to in the preceding paragraph, if any questions affecting the rights in territory of the Republic of China of nationals (including corporations or associations), or of the Government, of the United States of America should arise in future and if these questions are not covered by the present treaty, or by the provisions of existing treaties, conventions, or agreements between the Government of the United States of America and the Government of the Republic of China not abrogated by or inconsistent with this treaty, such questions shall be discussed by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

ARTICLE VIII

The present treaty shall come into force on the day of the exchange of ratifications.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible.

Signed and sealed in the English and Chinese languages, both equally authentic, in duplicate, at Washington, this eleventh day of January, one thousand nine hundred forty-three, corresponding to the eleventh day of the first month of the thirty-second year of the Republic of China.

CORDELL HULL [SEAL]

WEI TAO-MING [SEAL]

Supplementary Exchange of Notes

CHINESE EMBASSY,
Washington, January 11, 1943.

HONORABLE CORDELL HULL,
Secretary of State.

EXCELLENCY:

Under instruction of my Government, I have the honor to state that in connection with the treaty signed today by the Government of the Republic of China and the Government of the United States of America, in which the Government of the United States of America relinquishes its extraterritorial and related special rights in China, it is the understanding of the Government of the Republic of China that the rights of the Government of the United States of America and of its nationals in regard to the systems of treaty ports and of special courts in the International Settlements at Shanghai and Amoy and in regard to the employment of foreign pilots in the ports of the territory of China are also relinquished. In the light of the abolition of treaty ports as such, it is understood that all coastal ports in the territory of the Republic of China which are normally open to American overseas merchant shipping will remain open to such shipping after the coming into effect of the present treaty and the accompanying exchange of notes.

It is mutually agreed that the merchant vessels of each country shall be permitted freely to come to the ports, places, and waters of the other country which are or may be open to overseas merchant shipping, and that the treatment accorded to such vessels in such ports, places, and waters shall be no less favorable than that accorded to national vessels and shall be as favorable as that accorded to the vessels of any third country.

It is mutually understood that the Government of the United States of America relinquishes the special rights which vessels of the United States of America have been accorded with regard to the coasting trade and inland navigation in the waters of the Republic of China and that the Government of the Republic of China is prepared to take over any American properties that may have been engaged for those purposes and to pay adequate compensation therefor. Should either country accord the rights of inland navigation or coasting trade to vessels of any third country such rights

would similarly be accorded to the vessels of the other country. The coasting trade and inland navigation of each country are excepted from the requirement of national treatment and are to be regulated according to the laws of each country in relation thereto. It is agreed, however, that vessels of either country shall enjoy within the territory of the other country with respect to the coasting trade and inland navigation treatment as favorable as that accorded to the vessels of any third country.

It is mutually understood that the Government of the United States of America relinquishes the special rights which naval vessels of the United States of America have been accorded in the waters of the Republic of China and that the Government of the Republic of China and the Government of the United States of America shall extend to each other the mutual courtesy of visits by their warships in accordance with international usage and comity.

It is mutually understood that questions which are not covered by the present treaty and exchange of notes and which may affect the sovereignty of the Republic of China shall be discussed by representatives of the two Governments and shall be decided in accordance with generally accepted principles of international law and with modern international practice.

With reference to Article IV of the treaty, the Government of the Republic of China hereby declares that the restriction on the right of alienation of existing rights or titles to real property referred to in that article will be applied by the Chinese authorities in an equitable manner and that if and when the Chinese Government declines to give assent to a proposed transfer the Chinese government will, in a spirit of justice and with a view to precluding loss on the part of American nationals whose interests are affected, undertake, if the American party in interest so desires, to take over the right or title in question and to pay adequate compensation therefor.

It is mutually understood that the orders, decrees, judgments, decisions and other acts of the United States Court for China and of the Consular Courts of the United States of America in China shall be considered as *res judicata* and shall, when necessary, be enforced by the Chinese authorities. It is further understood that any cases pending before the United States Court for China and the Consular Courts of the United States of America in China at the time of the coming into effect of this treaty shall, if the plaintiff or petitioner so desires, be remitted to the appropriate courts of the Government

of the Republic of China which shall proceed as expeditiously as possible with their disposition and in so doing shall in so far as practicable apply the laws of the United States of America.

It is understood that these agreements and understandings if confirmed by Your Excellency's Government shall be considered as forming an integral part of the treaty signed today and shall be considered as effective upon the date of the entrance into force of that treaty.

I shall be much obliged if Your Excellency will confirm the foregoing.

I avail [etc.]

WEI TAO-MING

DEPARTMENT OF STATE,
Washington, January 11, 1943.

His Excellency, Dr. WEI TAO-MING,
Ambassador of China.

EXCELLENCY:

In connection with the treaty signed today between the Government of the United States of America and the Government of the Republic of China in which the Government of the United States of America relinquishes its extraterritorial and related special rights in China, I have the honor to acknowledge the receipt of your note of today's date reading as follows:

[Here follows the text of the above note from the Chinese Ambassador.]

I have the honor to confirm that the agreements and understandings which have been reached in connection with the treaty signed today by the Government of the United States of America and the Government of the Republic of China are as set forth in the above note from Your Excellency.

I avail [etc.]

CORDELL HULL



CAIRO DECLARATION

President Roosevelt, Prime Minister Churchill and Generalissimo Chiang Kai-shek met at Cairo, November 22-26, 1943. Russia, not being then at war with Japan, was not represented. The following joint statement was issued simultaneously in Washington, London, and Chungking on December 1, 1943. This text is from the White House release.

The several military missions have agreed upon future military operations against Japan. The Three Great Allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land, and air. This pressure is already rising.

The Three Great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

With these objects in view, the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan.



YALTA AGREEMENT

This was a secret agreement, signed at Yalta by President Roosevelt, Prime Minister Churchill, and Premier Stalin on February 11, 1945. It was made public on February 11, 1946. Text is from the Bulletin of the Department of State, Washington, D.C., February 24, 1946.

The leaders of the three great powers—the Soviet Union, the United States of America and Great Britain—have agreed that in

two or three months after Germany has surrendered and the war in Europe has terminated the Soviet Union shall enter into the war against Japan on the side of the Allies on condition that:

1. The status quo in Outer Mongolia (the Mongolian People's Republic) shall be preserved;

2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz:

(a) The southern part of Sakhalin as well as all the islands adjacent to it shall be returned to the Soviet Union.

(b) The commercial port of Dairen shall be internationalized, the pre-eminent interests of the Soviet Union in this port being safeguarded and the lease of Port Arthur as a naval base of the U.S.S.R. restored.

(c) The Chinese Eastern Railroad and the South Manchurian Railroad which provides an outlet to Dairen shall be jointly operated by the establishment of a joint Soviet-Chinese company, it being understood that the pre-eminent interests of the Soviet Union shall be safeguarded and that China shall retain full sovereignty in Manchuria.

3. The Kurile Islands shall be handed over to the Soviet Union.

It is understood that the agreement concerning Outer Mongolia and the ports and railroads referred to above will require concurrence of Generalissimo Chiang Kai-shek. The President will take measures in order to obtain this concurrence on advice from Marshal Stalin.

The heads of the three great powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated.

For its part the Soviet Union expresses its readiness to conclude with the National Government of China a pact of friendship and alliance between the U.S.S.R. and China in order to render assistance to China with its armed forces for the purpose of liberating China from the Japanese yoke.

Feb. 11, 1945

J. STALIN
FRANKLIN D. ROOSEVELT
WINSTON S. CHURCHILL



TREATY OF FRIENDSHIP AND ALLIANCE BETWEEN THE U.S.S.R. AND THE CHINESE REPUBLIC

Signed at Moscow, August 14, 1945. Text is from the English version issued in Moscow and published in the New York Times, August 27, 1945.

The Presidium of the Supreme Council of the Union of Soviet Socialist Republics and the President of the National Government of the Chinese Republic,

desiring to strengthen the friendly relations existing between the Soviet Union and the Chinese Republic by means of an alliance of good neighborliness following military cooperation,

having decided to render each other assistance in the struggle against aggression on the part of enemies of the United Nations in this world war and cooperation in the war against Japan until its unconditional surrender,

expressing unswerving desire to cooperate in upholding peace and security for the good of the peoples of both countries and all freedom-loving nations,

acting in accordance with the principles affirmed in the common Declaration of the United Nations on the First of January, 1942, the Declaration of the Four Powers signed in Moscow on October 30, 1943, and in formation of the International Organization of the United Nations,

have decided to conclude with this aim the present treaty and have appointed as their plenipotentiaries:

The Presidium of the Supreme Council of the Union of Soviet Socialist Republics: Vyacheslav Mikhailovich Molotov, Peoples' Commissar for Foreign Affairs of the Soviet Union;

The President of the National Government of the Chinese Republic: Wang Shih-chieh, Minister for Foreign Affairs of the Chinese Republic.

These, after the exchange of their credentials in complete and due form, have agreed as below:

ARTICLE I

The high contracting parties have agreed together with the

United Nations to wage war against Japan until final victory. The high contracting parties have promised to give each other all the indispensable military and other assistance and support in this war.

ARTICLE II

The high contracting parties have pledged themselves not to enter into separate negotiations with Japan and not to conclude a peace agreement or armistice without mutual agreement with either the present Japanese Government or with any other Government or organ in power in Japan which will not clearly repudiate all aggressive intentions.

ARTICLE III

The high contracting powers have pledged themselves after the conclusion of the war against Japan to undertake mutually all existing measures in order to make it impossible to repeat the aggression and breach of peace by Japan. If one of the high contracting powers finds herself involved in military operations against Japan as a result of the aggression and breach of peace by Japan, the other high contracting party will give military and other assistance and support with the means at its disposal. This article remains in force until such time as, following the demand of the two high contracting parties, the responsibility shall be laid on the Organization of the United Nations for the prevention of further aggression on the part of Japan.

ARTICLE IV

Each of the high contracting parties pledges itself not to conclude any alliance whatsoever and not to take part in any coalition whatsoever directed against the other contracting party.

ARTICLE V

The high contracting parties, taking into consideration the interests of security and economic development of both parties, agree to work together in close and friendly cooperation after the conclusion of peace and to act according to the principles of mutual respect for their sovereignty and territorial entity and noninterference in the internal affairs of both contracting parties.

ARTICLE VI

The high contracting parties agree to give each other all possible

economic assistance in the post-war period with a view to lightening and speeding up the national rehabilitation of both countries in order to make their contribution to the prosperity of the world.

ARTICLE VII

Nothing in this treaty should be interpreted in a way which would prejudice the rights and duties of both high contracting parties as members of the Organization of the United Nations.

ARTICLE VIII

The above treaty shall be ratified within the shortest possible time. The exchange of ratification documents will take place in Chungking as soon as possible.

The treaty comes into force immediately upon ratification and remains in force for a period of thirty years. Unless one of the high contracting parties should make one year before expiration of the treaty a declaration of its desire to denounce the agreement, the agreement will remain valid for an unlimited period. Each of the high contracting parties can terminate this agreement by giving one year's notice to the other high contracting party.

In confirmation of the above the plenipotentiaries have signed and sealed this treaty.

Drawn up in Moscow on the 14th of August 1945, which corresponds to the 14th day of August of the thirty-fourth year of the Chinese Republic, in two copies, each in the Russian and Chinese languages, both texts being equally valid.

As plenipotentiary of the Presidium of the Supreme Council of the Union of Soviet Socialist Republics,

MOLOTOV

As plenipotentiary of the National Government of the Chinese Republic,

WANG SHIH-CHIEH

AGREEMENT BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE CHINESE REPUBLIC ON THE CHANGCHUN RAILWAY

August 14, 1945

The Presidium of the Supreme Council of the Union of Soviet Socialist Republics and the President of the National Government of the Chinese Republic, desiring to strengthen friendly relations

and economic ties between the two countries on a basis of full equality and rights and interests of both parties, have agreed as to the following:

ARTICLE I

After expulsion of the Japanese armed forces from the Three Eastern Provinces of China the main trunk lines of the Chinese Eastern Railway and the South Manchuria Railway leading from the station of Manchuria (Manchouli) to the station of Pogranichnaya and from Harbin to Dalny (Dairen) and Port Arthur shall be joined into one railway system under the name of the Chinese Changchun Railway. This railway system will become the joint property of the Soviet Union and the Chinese Republic and will be jointly exploited by them. Only that land and those branch lines will be the joint property and will be jointly exploited which have been constructed by the Chinese Eastern Railway line in the period of Russian and joint Soviet and Chinese administration as well as the South Manchuria Railway during the period of Russian administration, which are intended for the direct requirements of these railways as well as subsidiary undertakings servicing these railways and constructed in the periods of time mentioned above.

All other railways and subsidiary undertakings will be the full property of the Chinese Government. The joint exploitation of the above-mentioned railways will be carried out by one single administration under Chinese sovereignty as a purely commercial transport undertaking.

ARTICLE II

The contracting parties agree that the rights of common property of the above railway line belong to both parties equally and must not be transferred by either in full or in part.

ARTICLE III

The contracting parties, with the aim of joint exploitation of the above railway, agree to set up a Sino-Soviet company of the Chinese Changchun Railway Company. An administration of ten members is being constituted for this company, five of them being appointed by the Chinese and five by the Russians. The administration will have its seat in the town of Changchun.

ARTICLE IV

The Chinese Government out of the members of the administra-

tion of the Chinese citizens appoints a chairman of administration and assistant chairman of administration.

The Soviet Government out of the Soviet citizens members of the administration appoints a deputy chairman of administration and a deputy assistant chairman of administration.

In decisions concerning administration, the chairman's vote counts as two. The legal quorum of administration is seven people.

All important questions which the administration agrees to defer must be handed over to the decision of the Governments of the contracting parties for just and friendly solution.

ARTICLE V

A commission of revision will be attached to the administration consisting of six members, of which three are appointed by the Chinese Government and three by the Soviet Government. The president of the revision committee will be elected from among the Soviet members. The deputy chairman will be elected from among the Chinese members. The chairman's vote counts as two. The quorum of the commission is five members.

ARTICLE VI

For current matters the administration will appoint a managing director of the Chinese Changchun Railway from among the Soviet members and a deputy managing director from among the Chinese members.

ARTICLE VII

The revision commission will appoint a chief controller and his deputy. The chief controller will be appointed from among the Chinese citizens and the deputy chief controller from among the Soviet citizens.

ARTICLE VIII

The directors and deputy directors of services and departments of the railway as well as station masters of the more important stations are to be appointed by the administration. The managing director has the right to suggest candidates for these posts. Single members of the administration can also suggest candidates, following the consent of the managing director of the railway.

Should the chief of a service or department be a Chinese citizen, the deputy chief must be a Soviet citizen. Should the chief of a serv-

ice or department be a Soviet citizen, his deputy must be a Chinese citizen. Chiefs of services and departments will be appointed from among Soviet and Chinese citizens on a 50-50 basis.

ARTICLE IX

The Chinese Government has the responsibility of guarding the railway. For the guarding of the railway premises, equipment and other installations and in order that goods in transit should not be liable to destruction or loss or theft the Chinese Government will set up and control a railway police force. The railway police must at the same time maintain normal order on the railway. As to the duties of the police in carrying out the requirements of this article, these will be drawn up by the Chinese Government after consultation with the Soviet Government.

ARTICLE X

Only in a period of war against Japan can the railway be used for the transport of Soviet troops. The Soviet Government has the right to transport on this railway by transit without customs inspection military equipment in sealed carriages guarded by the railway police force, and the Soviet Union will not have its own armed escort.

ARTICLE XI

Goods transported on the railway by transit from one Soviet station to another and also from Soviet territory to the port of Dalny (Dairen) and Port Arthur or *vice versa* will not be subject to customs or any other duties by Chinese authorities. Such goods on arrival in Chinese territory are liable to customs examination.

ARTICLE XII

The Chinese Government pledges to supply the railway with coal according to a special agreement.

ARTICLE XIII

The railway line is subject to taxes in the same way as other Chinese State railways.

ARTICLE XIV

The contracting parties have agreed to supply the Chinese Changchun Railway administration with working capital in sums agreed upon in the Statutes of the Railway. Profits and loss from

the exploitation of the line shall be divided between the two parties.

ARTICLE XV

The contracting parties within one month from the signing of the above agreement will appoint three representatives each, who, in Changchun, will work out a statute on the joint exploitation of the road. This statute must be drawn up within two months and will then be submitted to confirmation by both Governments.

ARTICLE XVI

The property which will go over to joint possession of the Union of Soviet Socialist Republics and the Chinese Republic and will be liable to joint exploitation according to Article I of the present agreement must be defined by a commission which must consist of three representatives of each Government.

This commission must be set up in Changchun within one month of the signature of the present agreement. This commission must end its work within three months of the beginning of joint exploitation of the railway and present its findings for confirmation by both Governments.

ARTICLE XVII

The present agreement has been concluded for a period of thirty years. After expiration of this period the Chinese Changchun Railway with all its property will revert to the full possession of the Chinese Government at free cost.

ARTICLE XVIII

The present agreement comes into force from the day of ratification.

Drawn up in Moscow the 14th of August, 1945, which corresponds to the 14th of August of the thirty-fourth year of the Chinese Republic, in two copies, each in the Russian and Chinese languages, both texts being equally valid.

MOLOTOV, for the Soviet Union;

WANG SHIH-CHIEH, for the Chinese Republic.

SOVIET-CHINESE AGREEMENT ON PORT ARTHUR

August 14, 1945

Both contracting parties, in accordance with the Soviet-Chinese Treaty of Friendship and Alliance, and as a supplementary section to it, have agreed upon the following:

1. With the aim of strengthening the security of China and the U.S.S.R. and the preventing of aggression again by Japan, the Government of the Chinese Republic agrees to joint utilization by both of the contracting parties of Port Arthur as a naval base.

2. The exact frontiers of the area of the naval base noted in the point above are defined in the description and map appended.

3. The contracting parties have agreed to turn Port Arthur into a purely naval base at the disposal of the battleships and merchant ships of China and the U.S.S.R. alone. A Chinese-Soviet military commission will be established on questions of the joint use of the above-named naval base. It is to consist of two Chinese and three Soviet representatives. The chairman of the commission is appointed by the Soviet side and the vice chairman by the Chinese side.

4. The defense of the above-noted naval base is given the Government of the U.S.S.R. by the Chinese Government. The Government of the U.S.S.R., with the aim of the defense of the naval base, establishes the necessary equipment, and the cost is borne by the Government of the U.S.S.R.

5. Civil administration in the given area belongs to China, and in making appointments for responsible leading posts the Chinese Government shall take into account the interests of the U.S.S.R. in the given area. The civil administration in the town of Port Arthur is appointed and dismissed by the Chinese Government by agreement with the Soviet military command.

Suggestions which the Soviet military command in this area makes to the Chinese civil administration with the aim of securing defense will be carried out by the Chinese administration. In disputable cases the question will be put for examination and decision by a Chinese-Soviet military commission.

6. The Government of the U.S.S.R. has a right to maintain in the area noted in Point 2 its Army, Naval and Air Forces and determine their location.

7. The Soviet Government has also the task of establishing the

maintenance of lighthouses, signals and other equipment necessary for the security of navigation in the given area.

8. When the agreement comes to an end all the equipment and public property put up by the U.S.S.R. in the given area is handed over without compensation and becomes the property of the Chinese Government.

9. The period of the present agreement is for thirty years. The agreement comes into force from the day of its ratification. The plenipotentiaries signed the above agreement and put their seals upon it.

Done in Moscow August 14, 1945, which is equivalent to August 14 of the thirty-fourth year of the Chinese Republic.

In two copies, each in the Russian and Chinese languages, and both texts have equal validity.

On behalf of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics,

MOLOTOV;

On behalf of the President of the National Government of the Chinese Republic,

WANG SHIH-CHIEH.

SOVIET-CHINESE AGREEMENT ON PORT DAIREN

August 14, 1945

In view of the fact that the Treaty of Friendship and Alliance has been concluded between the Union of Soviet Socialist Republics and the Chinese Republic, also of the fact that the Union of Soviet Socialist Republics has guaranteed respect for Chinese sovereignty of the Three Eastern Provinces as an inseparable part of China, in order to insure the interests of the Union of Soviet Socialist Republics in Dairen as an import and export port of commodities, the Chinese Republic hereby expresses its consent:

1. to proclaim Dairen a free port open to trade and shipping of all countries;

2. to set aside for leasing to the U.S.S.R. piers and warehouses in the said free port on the basis of separate agreement.

3. Administration in Dairen will be exercised by China.

The chief of the port shall be appointed from among Soviet citizens by the manager of the Chinese Changchun Railway by agreement with the Mayor of the town of Dairen. The assistant chief of the port shall be appointed in the above way from among Chinese citizens.

During peacetime Dairen shall not be included in the sphere of operations of regulations on the naval base contained in the agreement on Port Arthur of August 14, 1945, and will become subject to the military regime established in this port only in event of war with Japan. Goods coming from abroad to this free port and transported over the Chinese Changchun Railway directly to the U.S.S.R., also goods coming from the U.S.S.R. over the above railways through the free port for export, or materials and equipment for the port installation coming from the U.S.S.R. are exempted from customs duties.

The above goods must be transmitted in sealed cars. Chinese import duties shall be levied on goods entering China through the free port. Goods exported from other parts of China to the free port are subject to export duties during the period while such continue to be levied in China.

The present agreement has been concluded for a term of thirty years. The present agreement comes into force as from the day of its ratification.

In testimony of which plenipotentiaries signed the present agreement and have fixed their seals thereto.

Done in Moscow August 14, 1945, which corresponds to August 14 of the thirty-fourth year of the Chinese Republic. In two copies, each in the Russian and Chinese languages, both texts having equal force.

Signed on the authorization of the Supreme Soviet of the U.S.S.R.,
MOLOTOV;

On the authorization of the Presidium of the National Government of the Chinese Republic,
WANG SHIH-CHIEH.

SOVIET-CHINESE AGREEMENT ON THE THREE EASTERN PROVINCES

August 14, 1945

Agreement on relations between the Soviet commander-in-chief and the Chinese administration after the entry of Soviet troops into the territory of the Three Eastern Provinces of China in connection with the present joint war against Japan:

Relations between the Soviet Commander-in-chief and the Chinese administration should correspond to the spirit of friendship and allied relations existing between the two countries.

Agreed on the following:

1. After the entry of Soviet troops as a result of hostilities into the territory of the Three Eastern Provinces of China, supreme authority and responsibility in the zone of hostilities in all questions relating to the prosecution of the war for the period necessary for operations shall rest with the commander-in-chief of the Soviet armed forces.

2. Representatives of the National Government of the Chinese Republic and the personnel shall be appointed for the restored territories who shall: (a) establish and direct in accordance with Chinese laws the administration on the territories cleared of the enemy; (b) render assistance in establishing cooperation in the restored territories between the Chinese armed forces both regular and irregular and the Soviet armed forces; (c) insure active collaboration between the Chinese administration and the Soviet commander-in-chief and in particular issue instructions to local organs to this effect being guided by the requirements and wishes of the Soviet commander-in-chief.

3. To insure contact between the Soviet commander-in-chief and the representatives of the National Government of the Chinese Republic a Chinese military mission will be appointed with the headquarters of the Soviet commander-in-chief.

4. In the zones under the supreme authority of the Soviet commander-in-chief the administration of the National Government of the Chinese Republic for the restored territory shall maintain contact with the Soviet commander-in-chief, through the representative of the National Government of the Chinese Republic.

5. As soon as any part of the restored territory ceases to be a zone of direct hostilities the National Government of the Chinese Republic shall assume full authority as regards civilian affairs and shall render the Soviet commander-in-chief every assistance and support through its civil and military organ.

6. All persons belonging to the Soviet armed forces on Chinese territory shall be under the jurisdiction of the Soviet commander-in-chief. All Chinese nationals, both civilian and military, shall be under Chinese jurisdiction. This jurisdiction shall also extend to the civilian population on Chinese territory, even in the event of crimes and offenses against the Soviet armed forces, with the exception of crimes and offenses committed in the zone of hostilities which are subject to jurisdiction of the Soviet commander-in-chief. In disputable cases questions shall be decided in agreement between

the Soviet commander-in-chief and the representative of the National Government of the Chinese Republic.

7. A separate agreement shall be concluded concerning financial questions involved in the entry of Soviet troops to the territory of the Three Eastern Provinces of China.

8. The present agreement comes into force immediately upon ratification of the Treaty of Friendship and Alliance between the U.S.S.R. and China signed on this date. Done in Moscow on August 14, 1945, which corresponds to August 14 of the thirty-fourth year of the Chinese Republic.

In two copies, each in the Russian and Chinese languages, both texts having equal force.

For the Presidium of the Supreme Council of the U.S.S.R.,
MOLOTOV;

For the President of the National Government of the Chinese Republic,
WANG SHIH-CHIEH.

EXCHANGE OF NOTES REGARDING SOVIET AID TO
THE CENTRAL GOVERNMENT OF CHINA AND
CHINESE SOVEREIGNTY OVER MANCHURIA
AND SINKIANG

August 14, 1945

Honorable Mr. Minister, in connection with the signing on this date of the Treaty of Friendship and Alliance between China and the U.S.S.R. I have the honor of placing on record that the following provisions are understood by both contracting parties in the following way:

1. In accordance with the spirit of the above treaty and for the implementation of its general ideas and purposes the Soviet Government is ready to render China moral support and assistance with military equipment and other material resources, this support and assistance given fully to the National Government as the Central Government of China.

2. In the course of negotiations on the ports of Dairen and Port Arthur, also on the joint operation of the Chinese Changchun Railway, the Soviet Government regarded the Three Eastern Provinces as part of China and again confirmed its respect for China's full sovereignty over the Three Eastern Provinces and recognition of their territorial and administrative integrity.

3. As to latest events in Sinkiang, the Soviet Government confirms that, as stated in Article V of the Treaty of Friendship and Alliance, it has no intention to interfere with China's internal affairs. In the event that you, Mr. Minister, confirm your agreement with such understanding of the above points, the present note and your answer to it shall constitute a part of the above Treaty of Friendship and Alliance. Accept, Mr. Minister, the assurance of my very high respect.

MOLOTOV

In his note of reply Minister of Foreign Affairs of China Wang Shih-chieh declared his complete agreement with such understanding of the above stated points.

EXCHANGE OF NOTES REGARDING OUTER MONGOLIA

August 14, 1945

MR. PEOPLE'S COMMISSAR:

In view of the desire for independence repeatedly expressed by the people of Outer Mongolia, the Chinese Government declares that after Japan's defeat, if a plebiscite of the people of Outer Mongolia confirms this desire, the Chinese Government will recognize the independence of Outer Mongolia in her existing boundaries.

The above statement will be binding after the ratification of the Treaty of Friendship and Alliance signed by the Chinese Republic and the U.S.S.R. on August 14, 1945.

I beg you, Mr. People's Commissar, to accept the assurances of my very high respect.

WANG SHIH-CHIEH

MR. MINISTER:

Hereby I confirm receipt of your note in which you state that "in view of the desire for independence repeatedly expressed by the people of Outer Mongolia the Chinese Government declares after Japan's defeat, if a plebiscite of peoples of Outer Mongolia confirms this desire, the Chinese Government will recognize the independence of Outer Mongolia in her existing boundaries. The above statement will be binding after the ratification of the Treaty of

Friendship and Alliance signed by the Chinese Republic and the U.S.S.R. on August 14, 1945."

The Soviet Government, with satisfaction, has taken note of the above note of the Government of the Chinese Republic and declares on its part that it will respect the state of independence and territorial integrity of the Mongolian Peoples Republic. I beg you, Mr. Minister, to accept the assurances of my very high respect.

MOLOTOV



Extract Relating to China from the COMMUNIQUE OF THE MOSCOW CONFERENCE OF THE THREE FOREIGN MINISTERS

Issued December 27, 1945. Text from the Bulletin of the Department of State, Washington, D.C., December 30, 1945.

The three foreign Secretaries exchanged views with regard to the situation in China. They were in agreement as to the need for a unified and democratic China under the National Government, for broad participation by democratic elements in all branches of the National Government, and for a cessation of civil strife. They reaffirmed their adherence to the policy of non-interference in the internal affairs of China.

Mr. Molotov and Mr. Byrnes had several conversations concerning Soviet and American armed forces in China.

Mr. Molotov stated that the Soviet forces had disarmed and deported Japanese troops in Manchuria but that withdrawal of Soviet forces had been postponed until February 1st at the request of the Chinese Government.

Mr. Byrnes pointed out that American forces were in north China at the request of the Chinese Government, and referred also to the primary responsibility of the United States in the implementation of the Terms of Surrender with respect to the disarming and deportation of Japanese troops. He stated that American forces

would be withdrawn just as soon as this responsibility was discharged or the Chinese Government was in a position to discharge the responsibility without the assistance of American forces.

The two Foreign Secretaries were in complete accord as to the desirability of withdrawal of Soviet and American forces from China at the earliest practical moment consistent with the discharge of their obligations and responsibilities.



U.S. NOTE TO CHINA AND U.S.S.R. ON INDUSTRIES IN MANCHURIA

Delivered through the American Embassies in Chungking and Moscow on February 9, 1946. Text from the Bulletin of the Department of State, Washington, D.C., March 17, 1946.

Current reports of discussions between officials of the Chinese Government and the Russian Government with regard to the disposition and control of industrial enterprises in Manchuria give concern to this Government.

The Sino-Soviet Treaty and agreements signed August 14, 1945 provide for joint Sino-Soviet control over certain trunk railways in Manchuria, but these agreements exclude reference to any similar control over industrial enterprise in Manchuria. It is the understanding of the United States Government, which was kept informed of the course of negotiations which led up to the agreements of August 1945 and which has accepted those agreements, that exclusive Sino-Soviet governmental control over Manchurian enterprise would be limited to the railways dealt with in the aforesaid agreements. It is therefore disturbing to this Government to receive reports that discussions are under way which might result in the establishment of exclusive Sino-Soviet control over industrial enterprises in Manchuria. Under present conditions, when free access to Manchuria is not open to nationals of other powers and equality of opportunity in seeking participation in the economic development of Manchuria is denied Americans and other Allied nationals, it is felt that negotiation of agreements between the

Chinese and Russian Governments with regard to industries in Manchuria would be contrary to the principle of the Open Door, would constitute clear discrimination against Americans who might wish an opportunity to participate in the development of Manchurian industry, and might place American commercial interests at a distinct disadvantage in establishing future trade relations with Manchuria.

Directly related to this matter of the industries in Manchuria is the matter of reparations policy for Japan, because the major portion of the industries of Manchuria were Japanese-owned prior to the defeat of Japan. This Government considers that the ultimate disposition of Japanese external assets, such as the industries in Manchuria, is a matter of common interest and concern to those Allies who bore the major burden in defeating Japan. This Government is now preparing a general policy outline for consideration by the concerned governments with regard to Japanese reparations. It will be suggested that an Inter-Allied Reparations Commission for Japan be established, and that one of the primary functions of this Commission will be the final allocation of Japanese external assets among the various claimant nations. It would seem, therefore, most inappropriate at this juncture for any final disposition to be made of Japanese external assets in Manchuria either by removal from Manchuria of such industrial assets as "war booty" or by agreement between the Russian and Chinese Governments for the control of ownership of those assets.

The Government of the United States desires to be cooperative with the Chinese and Soviet Governments in seeking a solution of the problems outlined above and it hopes that the other two Governments are animated by a similarly cooperative spirit. It would therefore appreciate being informed of any discussions which the two Governments may be having or may plan to have or any action they may have taken, in regard to the disposition or control of industrial enterprises in Manchuria and we would welcome full and frank discussion of the general problem.



CHINESE REPLY TO NOTE ON MANCHURIAN INDUSTRY

Partial text as published in the Bulletin of the Department of State, Washington, D.C., March 17, 1946.

The Soviet Government declared in a memorandum addressed to Chinese Government on January 21, 1946 that all Japanese enterprises in the Chinese northeastern provinces which had rendered services to the Japanese Army were regarded by Soviet Union as war booty of Soviet forces. The Chinese Government considers this claim of Soviet Government as far exceeding the scope of war booty as generally recognized by international law and international usage and for this reason the two governments have not been able to reach a unanimity of views of fundamental principles involved.

In another memorandum presented to officials of the Generalissimo's Headquarters in Changchun the Soviet Government declared that it proposed to hand over to China a part of the Japanese enterprises which Soviet Union regarded as war booty while remaining enterprises (including specified coal mines, power plants, iron and steel industries, chemical industries and cement industries) were to be jointly operated by China and Soviet Union. Chinese Government on its part has found it impossible to agree to this Soviet proposal because it goes beyond provisions of the Sino-Soviet agreements of August 14, 1945 and is contrary to the aforesaid stand of Chinese Government regarding Japanese properties and enterprises in China.



U.S. NOTE TO CHINA AND U.S.S.R. ON CONTROL OF DAIREN

Delivered through the American Embassies in Nanking and Moscow on January 3, 1947. Text from the Bulletin of the Department of State, Washington, D.C., January 19, 1947.

The American Government considers it desirable that the current unsatisfactory situation with regard to the status and control

of the port of Dairen be promptly considered by the Chinese and Soviet Governments with a view to the implementation of the pertinent provisions of the Soviet-Chinese agreement of August 14, 1945, in regard to Dairen. This Government perceives no reason why there should be further delay in reopening the port, under Chinese administration, to international commerce as contemplated in the aforementioned agreement.

The Government of the United States, while fully appreciating that this is a matter for direct negotiation between the Chinese and Soviet Governments, feels that it has a responsibility to American interests in general to raise the question with the two directly interested Governments. It hopes that the abnormal conditions now prevailing at Dairen may be terminated at an early date and that normal conditions may be established which will permit American citizens to visit and reside at Dairen in pursuit of their legitimate activities.

In the foregoing connection this Government also wishes to express the hope that agreement can be reached soon for the resumption of traffic on the Chinese Changchun Railway.

It is believed that prompt implementation of the agreements with regard to Dairen and the railway would constitute a major contribution to the reestablishment of normal conditions in the Far East and the revival of generally beneficial commercial activity. This Government therefore would be glad to have the assurance of the Chinese and Soviet Governments that all necessary steps to this end will be taken in the near future.

III

United States Mediation in China

To make it possible for the American command in China to use Communist partisan forces more effectively against the Japanese, General Joseph Stilwell in 1944 asked Generalissimo Chiang Kai-shek to reorganize and democratize his government and to make political concessions to the Communists. This proposal was resisted by Chiang and ended in Stilwell's recall from China at Chiang's request. Ambassador Patrick Hurley's subsequent attempt to mediate between the Kuomintang and the Communists no longer bore any serious relation to the strategy of the war against Japan, since in the interim it had been decided to assault Japan directly instead of relying to any important extent upon a continental campaign. Ambassador Hurley's avowed mission was to do all he could to strengthen the internal position of Chiang Kai-shek and the National Government. The Communists understood this as an effort to get them to capitulate to Chiang Kai-shek and all negotiations to this end failed.

When the war ended, the American policy of support to Chiang Kai-shek was translated into effective and extensive military aid against the Communists. American air and sea transport moved Kuomintang armies into areas that might otherwise have been overrun by the Communists. Large quantities of war equipment, aircraft, vehicles, artillery, were turned over to the Kuomintang forces. Civil war erupted in China on a dozen fronts and American forces being used to guard railways and other lines of communication were involved in a number of violent incidents. The Hurley mission came to a close amid a wild hubbub of mutual recriminations and Congressional hearings in December, 1945.

President Truman on December 15, 1945 sent General George C. Marshall to China as his special envoy to make a fresh attempt to restore peace in China on terms and conditions satisfactory to the United States. Gen. Marshall was empowered to require Chiang Kai-shek to make political concessions, to terminate the one-party system, and to create the basis for some new coalition that would relieve China of the burden of a new civil war. But Gen. Marshall

operated under the same basic American policy that had guided Ambassador Hurley, viz., to assure the ascendancy of the Chiang Kai-shek regime while bringing about greater stability in the country. This proved impossible to do.

Gen. Marshall scored swift early successes in getting signatures on a cease-fire agreement (January 10, 1946) and a series of reform resolutions by the Political Consultation Conference (January 31, 1946). But bad faith on both sides and the issue of control of Manchuria (excluded from the truce agreement) brought the two parties almost immediately into renewed conflict. Mutual recriminations and debate over unkept pledges filled most of the subsequent negotiating time while in the field the civil war spread. Chiang Kai-shek and the dominant elements of the Kuomintang were determined to destroy the military and political strength of the Communists. The Communists were determined to retain and extend their wartime gains wherever it was possible to do so.

Continued military support of the Kuomintang by American forces, the turning over of large stocks of armaments and other military supplies in China, the agreement for sale to China at nominal cost of \$800,000,000 in surplus military goods stocked mainly on Okinawa, and clashes between American military convoys and Communist partisans, made the American mediation effort look more and more like intervention in Chinese affairs on the side of the Kuomintang. The Communist demand for withdrawal of American forces was shared by many who otherwise did not sympathize with the Communists' position. Anti-American feeling became general, especially in the large cities. Virtually the only articulate group in China which did not join in this demand was the dominant Kuomintang clique which benefited most from American presence.

Chiang Kai-shek convened a National Assembly boycotted by the Communists and all but two of the small middle parties allied to the Democratic League. This Assembly on December 25, 1946, adopted a new constitution which was promulgated on January 1, 1947, to become effective on December 25, 1947.

With the political cleavage thus widened, fighting spread. The Kuomintang-Communist-American truce teams in the field proved increasingly incapable of halting the hostilities. The spread of the civil war, the disruption of communications, widespread corruption, and uncontrolled inflation deepened the process of disintegration. Obvious failure brought the Marshall mission to a close on January 7, 1947. General Marshall acknowledged this when, in one of his first acts as Secretary of State, on January 29, 1947, he ordered the withdrawal of the bulk of American forces from China and liquidation of the Peiping Executive Headquarters through which

the mediation policy had been implemented. This ended the American mediation effort but did not mean total American withdrawal from China. Military and naval groups remained to train Chinese Government units.

By the summer of 1947, the civil war was fully engaged. The National Government's military position, particularly in Manchuria, had deteriorated. The economic crisis in the country had assumed catastrophic dimensions. Two years after the defeat of Japan, the Chinese people were in a plight worse than any the war had ever produced. The prospect of prolonged civil war or prolonged stalemate would be modified by the further evolution of American and/or Russian policy in the Far East. The internal issues of Chinese development were subject now, as before, to the broader issues of the struggle for power in Asia.

PRESIDENT TRUMAN: STATEMENT OF UNITED STATES POLICY TOWARD CHINA, 1945

Issued December 16, 1945. Text from the Bulletin of the Department of State, Washington, D. C., December 16, 1945.

The Government of the United States holds that peace and prosperity of the world in this new and unexplored era ahead depend upon the ability of the sovereign nations to combine for collective security in the United Nations Organization.

It is the firm belief of this Government that a strong, united, and democratic China is of the utmost importance to the success of this United Nations Organization and for world peace. A China disorganized and divided either by foreign aggression, such as that undertaken by the Japanese, or by violent internal strife is an undermining influence to world stability and peace, now and in the future. The United States Government has long subscribed to the principle that the management of internal affairs is the responsibility of the peoples of the sovereign nations. Events of this century, however, would indicate that a breach of peace anywhere in the world threatens the peace of the entire world. It is thus in the most vital interest of the United States and all the United Nations that the people of China overlook no opportunity to adjust their internal differences promptly by methods of peaceful negotiation.

The Government of the United States believes it essential:

(1) That a cessation of hostilities be arranged between the armies of the National Government and the Chinese Communists and other dissident Chinese armed forces for the purpose of completing the return of all China to effective Chinese control, including the immediate evacuation of the Japanese forces.

(2) That a national conference of representatives of major political elements be arranged to develop an early solution to the present internal strife—a solution which will bring about the unification of China.

The United States and the other United Nations have recognized

the present National Government of the Republic of China as the only legal government in China. It is the proper instrument to achieve the objective of a unified China.

The United States and the United Kingdom by the Cairo Declaration in 1943 and the Union of Soviet Socialist Republics by adhering to the Potsdam Declaration of last July and by the Sino-Soviet treaty and agreements of August 1945 are all committed to the liberation of China, including the return of Manchuria to Chinese control. These agreements were made with the National Government of the Republic of China.

In continuation of the constant and close collaboration with the National Government of the Republic of China in the prosecution of this war, in consonance with the Potsdam Declaration, and to remove possibility of Japanese influence remaining in China, the United States has assumed a definite obligation in the disarmament and evacuation of the Japanese troops. Accordingly the United States has been assisting and will continue to assist the National Government of the Republic of China in effecting the disarmament and evacuation of Japanese troops in the liberated areas. The United States Marines are in north China for that purpose.

The United States recognizes and will continue to recognize the National Government of China and cooperate with it in international affairs and specifically in eliminating Japanese influence from China. The United States is convinced that a prompt arrangement for a cessation of hostilities is essential to the effective achievement of this end. United States support will not extend to United States military intervention to influence the course of any Chinese internal strife.

The United States has already been compelled to pay a great price to restore the peace which was first broken by Japanese aggression in Manchuria. The maintenance of peace in the Pacific may be jeopardized, if not frustrated, unless Japanese influence in China is wholly removed and unless China takes her place as a unified, democratic, and peaceful nation. This is the purpose of the maintenance for the time being of United States military and naval forces in China.

The United States is cognizant that the present National Government of China is a "one-party government" and believes that peace, unity, and democratic reform in China will be furthered if the basis of this Government is broadened to include other political elements in the country. Hence, the United States strongly advo-

cates that the national conference of representatives of major political elements in the country agree upon arrangements which would give those elements a fair and effective representation in the Chinese National Government. It is recognized that this would require modification of the one-party "political tutelage" established as an interim arrangement in the progress of the nation toward democracy by the father of the Chinese Republic, Dr. Sun Yat-sen.

The existence of autonomous armies such as that of the Communist army is inconsistent with, and actually makes impossible, political unity in China. With the institution of a broadly representative government, autonomous armies should be eliminated as such and all armed forces in China integrated effectively into the Chinese National Army.

In line with its often expressed views regarding self-determination, the United States Government considers that the detailed steps necessary to the achievement of political unity in China must be worked out by the Chinese themselves and that intervention by any foreign government in these matters would be inappropriate. The United States Government feels, however, that China has a clear responsibility to the other United Nations to eliminate armed conflict within its territory as constituting a threat to world stability and peace—a responsibility which is shared by the National Government and all Chinese political and military groups.

As China moves toward peace and unity along the lines described above, the United States would be prepared to assist the National Government in every reasonable way to rehabilitate the country, improve the agrarian and industrial economy, and establish a military organization capable of discharging China's national and international responsibilities for the maintenance of peace and order. In furtherance of such assistance, it would be prepared to give favorable consideration to Chinese requests for credits and loans under reasonable conditions for projects which would contribute toward the development of a healthy economy throughout China and healthy trade relations between China and the United States.



PRESIDENT TRUMAN: STATEMENT OF UNITED STATES POLICY TOWARD CHINA, 1946

Issued December 18, 1946. Text from the United States Bulletin of the Department of State, December 29, 1946.

Last December I made a statement of this Government's views regarding China. We believed then, and do now, that a united and democratic China is of the utmost importance to world peace, that a broadening of the base of the National Government to make it representative of the Chinese people will further China's progress toward this goal, and that China has a clear responsibility to the other United Nations to eliminate armed conflict within its territory as constituting a threat to world stability and peace. It was made clear at Moscow last year that these views are shared by our Allies, Great Britain and the Soviet Union. On December 27, Mr. Byrnes, Mr. Molotov, and Mr. Bevin issued a statement which said, in part:

"The three Foreign Secretaries exchanged views with regard to the situation in China. They were in agreement as to the need for a unified and democratic China under the National Government, for broad participation by democratic elements in all branches of the National Government, and for a cessation of civil strife. They affirmed their adherence to the policy of non-interference in the internal affairs of China."

The policies of this Government were also made clear in my statement of last December. We recognized the National Government of the Republic of China as the legal government. We undertook to assist the Chinese Government in reoccupation of liberated areas and in disarming and repatriating the Japanese invaders. And finally, as China moved toward peace and unity along the lines mentioned, we were prepared to assist the Chinese economically and in other ways.

I asked General Marshall to go to China as my representative. We had agreed upon my statement of the United States Government's views and policies regarding China as his directive. He knew full well in undertaking the mission that halting civil strife,

broadening the base of the Chinese Government, and bringing about a united, democratic China were tasks for the Chinese themselves. He went as a great American to make his outstanding abilities available to the Chinese.

During the war the United States entered into an agreement with the Chinese Government regarding the training and equipment of a special force of 39 divisions. That training ended V-J Day and the transfer of the equipment had been largely completed when General Marshall arrived.

The United States, the United Kingdom, and the Union of Soviet Socialist Republics all committed themselves to the liberation of China, including the return of Manchuria to Chinese control. Our Government had agreed to assist the Chinese Government in the reoccupation of areas liberated from the Japanese, including Manchuria, because of China's lack of shipping and transport planes. Three armies were moved by air and eleven by sea to central China, Formosa, north China, and Manchuria. Most of these moves had been made or started when General Marshall arrived.

The disarming and evacuation of Japanese progressed slowly—too slowly. We regarded our commitment to assist the Chinese in this program as of overwhelming importance to the future peace of China and the whole Far East. Surrendered but undefeated Japanese armies and hordes of administrators, technicians, and Japanese merchants, totalling about 3,000,000 persons, had to be removed under the most difficult conditions. At the request of the Chinese Government we had retained a considerable number of American troops in China, and immediately after V-J Day we landed a corps of Marines in north China. The principal task of these forces was to assist in the evacuation of Japanese. Only some 200,000 had been returned to Japan by the time General Marshall arrived.

General Marshall also faced a most unpropitious internal situation on his arrival in China. Communications throughout the country were badly disrupted due to destruction during the war and the civil conflicts which had broken out since. This disruption was preventing the restoration of Chinese economy, the distribution of relief supplies, and was rendering the evacuation of Japanese a slow and difficult process. The wartime destruction of factories and plants, the war-induced inflation in China, the Japanese action in shutting down the economy of occupied China immediately after V-J Day, and finally the destruction of communications combined

to paralyze the economic life of the country, spreading untold hardship to millions, robbing the victory over the Japanese of significance to most Chinese, and seriously aggravating all the tensions and discontents that existed in China.

Progress toward solution of China's internal difficulties by the Chinese themselves was essential to the rapid and effective completion of most of the programs in which we had already pledged our assistance to the Chinese Government. General Marshall's experience and wisdom were available to the Chinese in their efforts to reach such solutions.

Events moved rapidly upon General Marshall's arrival. With all parties availing themselves of his impartial advice, agreement for a country-wide truce was reached and announced on January 10th. A feature of this agreement was the establishment of a unique organization—the Executive Headquarters in Peiping. It was realized that due to poor communications and the bitter feelings on local fronts, generalized orders to cease fire and withdraw might have little chance of being carried out unless some authoritative executive agency, trusted by both sides, could function in any local situation.

The headquarters operated under the leaders of three commissioners—one American who served as chairman, one Chinese Government representative, and one representative of the Chinese Communist Party. Walter S. Robertson, Chargé d'Affaires of the American Embassy in China, served as chairman until his return to this country in the fall. In order to carry out its function in the field, Executive Headquarters formed a large number of truce teams, each headed by one American officer, one Chinese Government officer, and one Chinese Communist officer. They proceeded to all danger spots where fighting was going on or seemed impending and saw to the implementation of the truce terms, often under conditions imposing exceptional hardships and requiring courageous action. The degree of cooperation attained between Government and Communist officers in the headquarters and on the truce teams was a welcome proof that, despite two decades of fighting, these two Chinese groups could work together.

Events moved forward with equal promise on the political front. On January 10, the Political Consultative Conference began its sessions with representatives of the Kuomintang or Government Party, the Communist Party and several minor political parties participating. Within three weeks of direct discussion these groups

had come to a series of statesmanlike agreements on outstanding political and military problems. The agreements provided for an interim government of a coalition type with representation of all parties, for revision of the draft constitution along democratic lines prior to its discussion and adoption by a national assembly, and for reduction of the Government and Communist armies and their eventual amalgamation into a small, modernized, truly national army, responsible to a civilian government.

In March General Marshall returned to this country. He reported on the important step the Chinese had made toward peace and unity in arriving at these agreements. He also pointed out that these agreements could not be satisfactorily implemented and given substance unless China's economic disintegration were checked and particularly unless the transportation system could be put in working order. Political unity could not be built on economic chaos. This Government had already authorized certain minor credits to the Chinese Government in an effort to meet emergency rehabilitation needs as it was doing for other war devastated countries throughout the world. A total of approximately \$66,000,000 was involved in six specific projects, chiefly for the purchase of raw cotton, and for ships and railroad repair material. But these emergency measures were inadequate. Following the important forward step made by the Chinese in the agreements as reported by General Marshall, the Export-Import Bank earmarked a total of \$500,000,000 for possible additional credits on a project by project basis to Chinese Government agencies and private enterprises. Agreement to extend actual credits for such projects would obviously have to be based upon this Government's policy as announced December 15, 1945. So far, this \$500,000,000 remains earmarked, but unexpended.

While comprehensive large-scale aid has been delayed, this Government has completed its wartime lend-lease commitments to China. Lend-lease assistance was extended to China to assist her in fighting the Japanese, and later to fulfil our promise to assist in re-occupying the country from the Japanese. Assistance took the form of goods and equipment and of services. Almost half the total made available to China consisted of services, such as those involved in air- and water-transportation of troops. According to the latest figures reported, lend-lease assistance to China up to V-J Day totaled approximately \$870,000,000. From V-J Day to the end of February, shortly after General Marshall's arrival, the total was

approximately \$600,000,000—mostly in transportation costs. Thereafter, the program was reduced to the fulfilment of outstanding commitments, much of which was later suspended.

A considerable quantity of civilian goods has also been made available by our agreement with China for the disposal of surplus property which enabled us to liquidate a sizable indebtedness and to dispose of large quantities of surplus material. During the war the Chinese Government furnished Chinese currency to the United States Army for use in building its installations, feeding the troops, and other expenses. By the end of the war this indebtedness amounted to something like 150,000,000,000 Chinese dollars. Progressive currency inflation in China rendered it impossible to determine the exact value of the sum in United States currency.

China agreed to buy all surplus property owned by the United States in China and on seventeen Pacific Islands and bases with certain exceptions. Six months of negotiations preceded the agreement finally signed in August. It was imperative that this matter be concluded in the Pacific as had already been done in Europe, especially in view of the rapid deterioration of the material in open storage under tropical conditions, and the urgent need for the partial alleviation of the acute economic distress of the Chinese people, which it was hoped this transaction would permit. Aircraft, all non-demilitarized combat material, and fixed installations outside of China were excluded. Thus, no weapons which could be used in fighting a civil war were made available through this agreement.

The Chinese Government canceled all but 30,000,000 United States dollars of our indebtedness for the Chinese currency, and promised to make available the equivalent of 35,000,000 United States dollars for use in paying United States governmental expenses in China and acquiring and improving buildings and properties for our diplomatic and consular establishments. An additional sum of 20,000,000 United States dollars is also designated for the fulfilment of a cultural and educational program.

Before General Marshall arrived in China for the second time, in April, there was evidence that the truce agreement was being disregarded. The sincere and unflagging efforts of Executive Headquarters and its truce teams have succeeded in many instances in preventing or ending local engagements, and thus saved thousands of lives. But fresh outbreaks of civil strife continued to occur, reaching a crisis of violence in Manchuria, with the capture of Changchun by the Communists, and where the presence of truce

teams had not been fully agreed to by the National Government.

A change in the course of events in the political field was equally disappointing. Negotiations between the Government and the Communists have been resumed again and again, but they have as often broken down. Although hope for final success has never disappeared completely, the agreements made in January and February have not been implemented, and the various Chinese groups have not since that time been able to achieve the degree of agreement reached at the Political Consultative Conference.

There has been encouraging progress in other fields, particularly the elimination of Japanese from China. The Chinese Government was responsible under an Allied agreement for the disarmament of all Japanese military personnel and for the repatriation of all Japanese civilians and military personnel from China, Formosa, and French Indo-China north of the sixteenth degree of latitude. Our Government agreed to assist the Chinese in this task. The scope of the job was tremendous. There were about 3,000,000 Japanese, nearly one half of them Army or Navy personnel, to be evacuated. Water and rail transportation had been destroyed or was immobilized. Port facilities were badly damaged and overcrowded with relief and other supplies. The Japanese had to be disarmed, concentrated, and then transported to the nearest available port. In some instances this involved long distances. At the ports they had to be individually searched and put through a health inspection. All had to be inoculated. Segregation camps had to be established at the ports to cope with the incidence of epidemic diseases such as Asiatic cholera. Finally, 3,000,000 persons had to be moved by ship to Japan.

American forces helped in the disarmament of Japanese units. Executive Headquarters and its truce teams were able to make the complicated arrangements necessary to transfer Japanese across lines and through areas involved in civil conflict on their way to ports of embarkation. American units also participated in the inspections at the port, while American medical units supervised all inoculation and other medical work. Finally, American and Japanese ships under the control of General MacArthur in Japan, and a number of United States Navy ships under the Seventh Fleet transported this enormous number of persons to reception ports in Japan.

At the end of last year, approximately 200,000 Japanese had been repatriated. They were leaving Chinese ports at a rate of about

2,500 a day. By March of this year, rapidly increased efforts on the part of the American forces and the Chinese authorities involved had increased this rate to more than 20,000 a day. By November, 2,986,438 Japanese had been evacuated and the program was considered completed. Except for indeterminate numbers in certain parts of Manchuria, only war criminals and technicians retained on an emergency basis by the Chinese Government remain. That this tremendous undertaking has been accomplished despite conflict, disrupted communications, and other difficulties will remain an outstanding example of successful American-Chinese cooperation toward a common goal.

Much has been said of the presence of United States armed forces in China during the past year. Last fall these forces were relatively large. They had to be. No one could prophesy in advance how well the Japanese forces in China would observe the surrender terms. We had to provide forces adequate to assist the Chinese in the event of trouble. When it became obvious that the armed Japanese would not be a problem beyond the capabilities of the Chinese Armies to handle, re-deployment was begun at once.

The chief responsibility of our forces was that of assisting in evacuation of Japanese. This task was prolonged by local circumstances. Provision of American personnel for the Executive Headquarters and its truce teams has required a fairly large number of men, particularly since the all important network of radio and other communications was provided entirely by the United States. The Executive Headquarters is located at Peiping, a hundred miles from the sea, and in an area where there was the possibility of local fighting. Hence, another responsibility was to protect the line of supply to and from headquarters. Another duty our forces undertook immediately upon the Japanese surrender was to provide the necessary protection so that coal from the great mines northeast of Tientsin could reach the sea for shipment to supply the cities and railroads of central China. This coal was essential to prevent the collapse of this industrial area. Our Marines were withdrawn from this duty last September. Other units of our forces were engaged in searching for the bodies or graves of American soldiers who had died fighting the Japanese in China. Still others were required to guard United States installations and stores of equipment, and to process these for return to this country or sale as surplus property.

At peak strength a year ago we had some 113,000 soldiers, sailors, and marines in China. Today this number is being reduced to less

than 12,000, including some 2,000 directly concerned with the operations of Executive Headquarters, and will be further reduced to the number required to supply and secure the American personnel of Executive Headquarters and the air field and stores at Tsingtao.

Thus during the past year we have successfully assisted in the repatriation of the Japanese and have subsequently been able to bring most of our own troops home. We have afforded appropriate assistance in the reoccupation of the country from the Japanese. We have undertaken some emergency measures of economic assistance to prevent the collapse of China's economy and have liquidated our own wartime financial account with China.

It is a matter of deep regret that China has not yet been able to achieve unity by peaceful methods. Because he knows how serious the problem is, and how important it is to reach a solution, General Marshall has remained at his post even though active negotiations have been broken off by the Communist Party. We are ready to help China as she moves toward peace and genuine democratic government.

The views expressed a year ago by this Government are valid today. The plan for political unification agreed to last February is sound. The plan for military unification of last February has been made difficult of implementation by the progress of the fighting since last April, but the general principles involved are fundamentally sound.

China is a sovereign nation. We recognize that fact and we recognize the National Government of China. We continue to hope that the Government will find a peaceful solution. We are pledged not to interfere in the internal affairs of China. Our position is clear. While avoiding involvement in their civil strife, we will persevere with our policy of helping the Chinese people to bring about peace and economic recovery in their country.

As ways and means are presented for constructive aid to China, we will give them careful and sympathetic consideration. An example of such aid is the recent agricultural mission to China under Dean Hutchison of the University of California, sent at the request of the Chinese Government. A joint Chinese-American agricultural collaboration commission was formed which included the Hutchison mission. It spent over four months studying rural problems. Its recommendations are now available to the Chinese Government, and so also is any feasible aid we can give in implementing those

recommendations. When conditions in China improve, we are prepared to consider aid in carrying out other projects, unrelated to civil strife, which would encourage economic reconstruction and reform in China and which, in so doing, would promote a general revival of commercial relations between American and Chinese businessmen.

We believe that our hopes for China are identical with what the Chinese people themselves most earnestly desire. We shall therefore continue our positive and realistic policy toward China, which is based on full respect for her national sovereignty and on our traditional friendship for the Chinese people, and is designed to promote international peace.



GENERAL GEORGE C. MARSHALL: THE SITUATION IN CHINA

Issued in Washington, January 7, 1947. On the same day, General Marshall left Nanking, bringing to a close his 13-month mission as personal representative of the President in China. Simultaneously in Washington the White House announced his appointment as Secretary of State. Text is from the United States Bulletin of the Department of State, January 19, 1947.

The President has recently given a summary of the developments in China during the past year and the position of the American Government toward China. Circumstances now dictate that I should supplement this with impressions gained at first hand.

In this intricate and confused situation, I shall merely endeavor here to touch on some of the more important considerations—as they appeared to me—during my connection with the negotiations to bring about peace in China and a stable democratic form of government.

In the first place, the greatest obstacle to peace has been the complete, almost overwhelming suspicion with which the Chinese Communist Party and the Kuomintang regard each other.

On the one hand, the leaders of the Government are strongly op-

posed to a communistic form of government. On the other, the Communists frankly state that they are Marxists and intend to work toward establishing a communistic form of government in China, though first advancing through the medium of a democratic form of government of the American or British type.

The leaders of the Government are convinced in their minds that the Communist-expressed desire to participate in a government of the type endorsed by the Political Consultative Conference last January had for its purpose only a destructive intention. The Communists felt, I believe, that the Government was insincere in its apparent acceptance of the PCC resolutions for the formation of the new government and intended by coercion of military force and the action of secret police to obliterate the Communist Party. Combined with this mutual deep distrust was the conspicuous error by both parties of ignoring the effect of the fears and suspicions of the other party in estimating the reason for proposals or opposition regarding the settlement of various matters under negotiation. They each sought only to take counsel of their own fears. They both, therefore, to that extent took a rather lopsided view of each situation and were susceptible to every evil suggestion or possibility. This complication was exaggerated to an explosive degree by the confused reports of fighting on the distant and tremendous fronts of hostile military contact. Patrol clashes were deliberately magnified into large offensive actions. The distortion of the facts was utilized by both sides to heap condemnation on the other. It was only through the reports of American officers in the field teams from Executive Headquarters that I could get even a partial idea of what was actually happening, and the incidents were too numerous and the distances too great for the American personnel to cover all of the ground. I must comment here on the superb courage of the officers of our Army and Marines in struggling against almost insurmountable and maddening obstacles to bring some measure of peace to China.

I think the most important factors involved in the recent breakdown of negotiations are these: On the side of the National Government, which is in effect the Kuomintang, there is a dominant group of reactionaries who have been opposed, in my opinion, to almost every effort I have made to influence the formation of a genuine coalition government. This has usually been under the cover of political or party action, but since the Party was the Government, this action, though subtle or indirect, has been devas-

tating in its effect. They were quite frank in publicly stating their belief that cooperation by the Chinese Communist Party in the government was inconceivable and that only a policy of force could definitely settle the issue. This group includes military as well as political leaders.

On the side of the Chinese Communist Party there are, I believe, liberals as well as radicals, though this view is vigorously opposed by many who believe that the Chinese Communist Party discipline is too rigidly enforced to admit of such differences of viewpoint. Nevertheless, it has appeared to me that there is a definite liberal group among the Communists, especially of young men who have turned to the Communists in disgust at the corruption evident in the local governments—men who would put the interest of the Chinese people above ruthless measures to establish a Communist ideology in the immediate future. The dyed-in-the-wool Communists do not hesitate at the most drastic measures to gain their end as, for instance, the destruction of communications in order to wreck the economy of China and produce a situation that would facilitate the overthrow or collapse of the Government, without any regard to the immediate suffering of the people involved. They completely distrust the leaders of the Kuomintang and appear convinced that every Government proposal is designed to crush the Chinese Communist Party. I must say that the quite evidently inspired mob actions of last February and March, some within a few blocks of where I was then engaged in completing negotiations, gave the Communists good excuse for such suspicions.

However, a very harmful and immensely provocative phase of the Chinese Communist Party procedure has been in the character of its propaganda. I wish to state to the American people that in the deliberate misrepresentation and abuse of the action, policies, and purposes of our Government this propaganda has been without regard for the truth, without any regard whatsoever for the facts, and has given plain evidence of a determined purpose to mislead the Chinese people and the world and to arouse a bitter hatred of Americans. It has been difficult to remain silent in the midst of such public abuse and wholesale disregard of facts, but a denial would merely lead to the necessity of daily denials; an intolerable course of action for an American official. In the interest of fairness, I must state that the Nationalist Government publicity agency has made numerous misrepresentations, though not of the vicious nature of the Communist propaganda. Incidentally, the Communist

statements regarding the Anping incident which resulted in the death of three Marines and the wounding of twelve others were almost pure fabrication, deliberately representing a carefully arranged ambushade of a Marine convoy with supplies for the maintenance of Executive Headquarters and some UNRRA supplies as a defense against a Marine assault. The investigation of this incident was a tortuous procedure of delays and maneuvers to disguise the true and privately admitted facts of the case.

Sincere efforts to achieve settlement have been frustrated time and again by extremist elements of both sides. The agreements reached by the Political Consultative Conference a year ago were a liberal and forward-looking charter which then offered China a basis for peace and reconstruction. However, irreconcilable groups within the Kuomintang, interested in the preservation of their own feudal control of China, evidently had no real intention of implementing them. Though I speak as a soldier, I must here also deplore the dominating influence of the military. Their dominance accentuates the weakness of civil government in China. At the same time, in pondering the situation in China, one must have clearly in mind not the workings of small Communist groups or committees to which we are accustomed in America, but rather of millions of people and an army of more than a million men.

I have never been in a position to be certain of the development of attitudes in the innermost Chinese Communist circles. Most certainly, the course which the Chinese Communist Party has pursued in recent months indicated an unwillingness to make a fair compromise. It has been impossible even to get them to sit down at a conference table with Government representatives to discuss given issues. Now the Communists have broken off negotiations by their last offer which demanded the dissolution of the National Assembly and a return to the military positions of January 13 which the Government could not be expected to accept.

Between this dominant reactionary group in the Government and the irreconcilable Communists who, I must state, did not so appear last February, lies the problem of how peace and well-being are to be brought to the long-suffering and presently inarticulate mass of the people of China. The reactionaries in the Government have evidently counted on substantial American support regardless of their actions. The Communists by their unwillingness to compromise in the national interest are evidently counting on an economic collapse to bring about the fall of the Government, acceler-

ated by extensive guerrilla action against the long lines of rail communications—regardless of the cost in suffering to the Chinese people.

The salvation of the situation, as I see it, would be the assumption of leadership by the liberals in the Government and in the minority parties, a splendid group of men, but who as yet lack the political power to exercise a controlling influence. Successful action on their part under the leadership of Generalissimo Chiang Kai-shek would, I believe, lead to unity through good government.

In fact, the National Assembly has adopted a democratic constitution which in all major respects is in accordance with the principles laid down by the all-party Political Consultative Conference of last January. It is unfortunate that the Communists did not see fit to participate in the Assembly since the constitution that has been adopted seems to include every major point that they wanted.

Soon the Government in China will undergo major reorganization pending the coming into force of the constitution following elections to be completed before Christmas Day 1947. Now that the form for a democratic China has been laid down by the newly adopted constitution, practical measures will be the test. It remains to be seen to what extent the Government will give substance to the form by a genuine welcome of all groups actively to share in the responsibility of government.

The first step will be the reorganization of the State Council and the executive branch of Government to carry on administration pending the enforcement of the constitution. The manner in which this is done and the amount of representation accorded to liberals and to non-Kuomintang members will be significant. It is also to be hoped that during this interim period the door will remain open for Communists or other groups to participate if they see fit to assume their share of responsibility for the future of China.

It has been stated officially and categorically that the period of political tutelage under the Kuomintang is at an end. If the termination of one-party rule is to be a reality, the Kuomintang should cease to receive financial support from the Government.

I have spoken very frankly because in no other way can I hope to bring the people of the United States to even a partial understanding of this complex problem. I have expressed all these views privately in the course of negotiations; they are well known, I think, to most of the individuals concerned. I express them now publicly, as it is my duty, to present my estimate of the situation and its

possibilities to the American people who have a deep interest in the development of conditions in the Far East promising an enduring peace in the Pacific.



CHEN LI-FU: COMMENT ON STATEMENT BY GENERAL MARSHALL

Chen Li-fu, head of the Board of Organization of the Kuomintang, is one of the recognized leaders of the Kuomintang Right wing. He has been closely associated with Chiang Kai-shek ever since the latter's accession to power in 1927. This statement, made in Nanking January 13, 1947, appeared in the New York Times on January 14.

First of all, I wish to congratulate General Marshall for his achievements in fulfilling his missions since his arrival in China. He contributed much toward bringing together the various political parties, though it is regrettable that the Chinese Communist party finally decided to abstain from participating in the National Assembly.

He contributed toward expediting the successful convocation of the National Assembly and, above all, to the adoption of what he described as the "democratic Constitution," which in all major respects is in accordance with the principles laid down by the all-party Political Consultative Conference of last January.

Second, I admire him for the insight he has shown in his study of the Chinese problem. I fully share his point of view on the Chinese Communist party. If, however, he could have devoted a little more time in contact with members who take a leading part in the Kuomintang his appraisal of the Chinese situation in its proper breadth and depth might have been more enlightening.

Third, General Marshall is correct in pointing out that China's Communist problem is different in character from that of the United States. He is also right in warning the American public against the danger of evaluating the armed, powerful Chinese Communist party by standards used in evaluating the small Communist groups in America.

Fourth, General Marshall shows remarkable knowledge in pointing out that the Chinese Communist party is determined on conducting "a very harmful, immensely provocative" propaganda without regard for facts, without any regard for the suffering of the people, and that they are equally determined to engineer the overthrow of the Government and the collapse of the national economy.

Fifth, General Marshall is particularly sound in calling our attention to the fact that the Chinese Communists are Marxists of pure breed and "intend to work toward establishing a Communistic form of Government in China," and that in this sense they are different from the agrarian reformers that some Americans have unwittingly considered them to be.

Sixth, I entirely agree with him on his thesis that China henceforth should bring about a constitutional democracy by enforcing the new Constitution and welcoming minor political parties into the Government.

What is regrettable—and indeed a shame to us—is that General Marshall, a great friend from a great ally, in spite of his advanced age and in spite of hardships and pains, has labored and struggled in China's cause during the past thirteen months and in the end has earned the distrust of the handful of Chinese that is the Chinese Communist party.

"In the deliberate misrepresentation and abuse of the action, policies and purposes" of the American Government the Communist propaganda "has been without regard for the truth, without any regard whatsoever for the facts, and has given plain evidence of a determined purpose to mislead the Chinese people and the world and to arouse a bitter hatred of Americans. . . . It has been difficult to remain silent in the midst of such public abuse and wholesale disregard of facts, but a denial would merely lead to the necessity of daily denials; an intolerable course of action for an American official."

When I read these sentences I could well imagine putting myself in his place and feel how painful and disillusioned at heart he must have been.

But to those who are familiar with Communist tactics it is not surprising at all. Is it not true that during the past twenty years the Chinese Communists have every day been using the same method, and even more vehemently, against the Government of their own country and their own people?

Have they not been purposely distorting the truth, misrepresent-

ing facts and indulging in vicious abusive propaganda with the plain intention of misleading the Chinese people and the world and arousing bitter hatred of the Chinese Government and the Kuomintang?

Take myself as an example. I was the first pioneer in blazing the trail for cooperation between the Kuomintang and the Communists. In fact, I was the man who actually brought to consummation a cooperation plan for the initial period. I today am one who has suffered most from their misrepresentation, insults and abusive tactics. In view of my experience, anyone accustomed to Communist tactics should not take their attacks on the United States as something unusual or surprising.

Most Kuomintang delegates in the National Assembly are persons who have been schooled in Anglo-American liberalism or influenced by it. Unfortunately, they are the same persons who have been painted by Communist propaganda as "reactionaries" or "diehards."

In point of fact, however, they are also "liberals" who have adopted the democratic Constitution which in all major aspects "is in accordance with the principles laid down by the all-party Political Consultative Conference last January."

The Communists are always masters at devising catchwords and slogans and using them as deadly ideological weapons. They do so without the slightest moral scruple and with such persistence that people are unconsciously influenced and in the end take them at face value.

During the past twenty years those who have uncovered or frustrated the Communist plot of "establishing a communistic form of government in China" have come under the label of "reactionaries" or "diehards."

The study of political problems is the same as that of scientific problems. When a scientist approaches a problem of science he must keep himself in closest contact with the phenomena under study and, by thoroughly investigating and analyzing all the relevant facts involved, discover the truth. The same method should be used in the study of problems of politics.

Staying in China for thirteen long months, possessed of immense wisdom and enthusiasm, and armed with a scientific method and mind, General Marshall, after a careful study of the situation, has come to discover "a very harmful and immensely provocative phase of the Chinese Communist party procedure has been in the charac-

ter of its propaganda" and that "dyed-in-the-wool Communists do not hesitate at the most drastic measures to gain their end."

Also it is no wonder that the general should have realized that the Chinese Communists are Marxists of pure breed, that their actions and words are merely means of a policy with which to attain their ultimate aim of "establishing a Communist form of government in China" so while "a democratic form of government of the American or British type" is the very ideal that the Kuomintang has been for years advocating and studying to achieve, this form of government, as General Marshall rightly put it, is only the medium through which the Chinese Communist party intends to reach its final goal.



CHINESE NATIONAL GOVERNMENT: STATEMENT ON THE COMMUNIST PROBLEM

Issued in the name of the National Government by the Ministry of Information at Nanking, January 20, 1947. While not couched in the form of a direct comment on the statement of General Marshall, this review gives the Kuomintang version of events in the post-war Kuomintang-Communist conflict. Text is from the official Chinese News Service release, January 21, 1947.

With a view to establishing constitutional rule and completing national reconstruction, the Government has been constantly seeking for peace and unification. As far back as the beginning of the War of Resistance, in order to pool together the nation's efforts, the Government called the People's Political Council consisting of representatives of all political parties and independents.

From the beginning, the Government has always regarded the Communist problem as a political problem. The Kuomintang at the Tenth Plenary Session of the Fifth C.E.C. in 1942 and the Eleventh Plenary Session the following year persistently advocated an early solution through political means.

After May, 1944, the Government has been negotiating with the

Communist Party without let-up in the hope that a peaceful settlement could be reached.

When the Committee for the Promotion of Constitutional Rule met on March 1, 1945, President Chiang Kai-shek, being convinced that the Communist problem, if left unsolved, would constitute a serious obstacle in the way of national unification and reconstruction, reiterated his determination of finding a peaceful solution without delay. He also proposed three steps leading towards constitutional government.

After Victory, President Chiang Kai-shek invited the Communist leader, Mr. Mao Tse-tung, to Chungking for discussions. These discussions resulted in the Double Tenth agreement with the announcement that the negotiations would be continued on the basis of mutual trust and concession so that satisfactory results will be achieved.

Since the Political Consultation Conference last January, agreement had been reached between the Government and the Communists on military and communications problems with the help of U.S. Special Envoy General George C. Marshall. These agreements raised hope throughout the world that the Communist problem in China would be solved by such political means.

The Government and Kuomintang, especially in the resolution of the Second Plenary Session of the Sixth C.E.C., repeatedly pledged support to the P.C.C. resolutions and expressed their willingness to implement them in cooperation with the other political parties and independents. The failure of realization of the P.C.C. resolution is due to the following factors:

First, according to the Sino-Soviet Treaty, the National Government should take over the administration in the nine Northeast Provinces. When the Soviet troops began withdrawing, Communist troops obstructed in various ways the take-over work of the National Army. In the middle of March last year the Communists occupied various places already taken over by the Government forces in Liaopei and attacked Szepingkai, Harbin, and Tsitsihar. In order to fulfill its treaty obligations and assert its rights to recover sovereignty over the Northeast, the Government on March 27 reached an agreement with the Communists for sending truce field teams to the Northeast. Unfortunately nothing was achieved despite the efforts of the field teams under the Executive Headquarters, thus the Northeast remains in chaotic conditions. The

National Assembly scheduled by the P.C.C. to convene on May 5 had to be postponed.

Second, since the Government returned to Nanking in May, 1946, conflicts in the Northeast were further intensified and communications in North China continued to be disrupted. The Government jointly with the Communists issued a cease-fire order for fifteen days during which it hoped to put a full stop to the hostilities in the Northeast, to restore communications lines throughout the country and to implement the army reorganization plan. On all these three points, the Government and the Communist Party had almost reached agreement. But though the deadline of the truce period was postponed three times, the Communists intensified their attacks during the interval, capturing Tehchow, Taian, and attacking Tatung, Tsinan, and the outer rim of Tsingtao. Again nothing was achieved.

Third, before the National Assembly was convoked, in view of the confused domestic conditions and the countrywide demand for peace and especially the sincerity and earnest desire of the various political parties and independents for the early termination of hostilities, the Government on October 16 proposed to the Communists an eight-point peace program, in the hope that another cease-fire order be issued and the National Assembly be called as scheduled to enact a Constitution. But despite the strenuous mediatory efforts of the minority parties, and despite the Government's intention to make concessions, the Communists stood adamant in their opposition to the compromise suggestions and demanded further postponement of the National Assembly. A deadlock was thus reached.

After the adjournment of the National Assembly, the Government, with the date set for the enforcement of the Constitution, made further efforts for the resumption of peace talks. Through Dr. J. Leighton Stuart, U.S. Ambassador, the Government informed the Communist Party of its willingness to send a representative to Yen-an to resume the peace negotiations. But the Communists still insisted on the restoration of the troops' dispositions extant on January 13 last year, and on the annulment of the Constitution adopted by the National Assembly as a *sine qua non* condition. But the fact is that great changes have occurred in the troops' dispositions during the past year since January 13. It is practically impossible to revert to the original positions. Moreover, withdrawal of Government troops from recovered areas would surely endanger the people's lives and property in those areas, a thing most incom-

patible with the Government's obligation to restore order and to protect the people and to prevent the reoccurrence of Communist terrorism.

If the Communists were really sincere to achieve peace, they should implement the army reorganization plan and other programs reached in the Committee of Three. If so, there should be no need for any dispute over the temporary dispositions of the troops.

As regards the annulment of the Constitution, the National Assembly consisted of district, occupational, and racial representatives and delegates from various political parties, in accordance with the P.C.C. resolutions. The Assembly, therefore, was by no means a Kuomintang-dominated assembly. Moreover, the Constitution adopted by the Assembly embodies the very principles laid down by the Communist Party and the other parties represented in the Political Consultation Conference, and in the Draft Constitution Reviewing Committee. Therefore, there should not be any reason for the Communists to object to the Constitution.

The above stated facts clearly indicated that in order to achieve peace and unity, the Government has made the greatest possible concessions to appeal to the reasonable consideration of the Communists.

Since political democratization and nationalization were common objectives of the P.C.C., there seems to be no reason why the Communists should cling to their prejudices and suspicions.

Now the war has been over for more than a year, peace and unity must be achieved without delay. It is fervently hoped that the Communists will appreciate the Government's earnest efforts to seek a political settlement and agree to resume negotiations. The Government is still ready to meet the Communists with tolerance and sincerity.

The Government hereby proposes the following four points for the resumption of peace talks and Government reorganization. The four points are:

(1) The Government is willing to send a representative to Yen-an, or to invite Communist delegates to come to Nanking to resume the peace talks, or to call a roundtable conference to be attended by representatives of the various parties and independents.

(2) The Government and the Communists will immediately order their troops to cease hostilities and remain at their present

positions and negotiate effective measures to ensure cessation of hostilities.

(3) The Government is prepared to resume negotiations with the Communists for the enforcement of the army reorganization plan and the restoration of communications agreements in accordance with the principles laid down by the Committee of Three.

(4) Before the full operation of the Constitution, the Government is willing to work out a just and equitable plan for solving the much controverted problem of regional administration.



CHOU EN-LAI: THE COMMUNIST VIEW OF THE MARSHALL MEDIATION EFFORT

Speech delivered at Yen-an on January 10, 1947, first anniversary of the abortive truce agreement negotiated by General Marshall. English text is from the translation issued by Communist headquarters at Nanking. Corrections have been made by the editor for grammar and construction only.

On this day one year ago the entire nation welcomed peace and cessation of hostilities. But before long, the whole country was plunged into the abyss of civil war. It is already clear to all that China can never have peace unless warlordism is eliminated. Last February the entire nation celebrated the success of the Political Consultation Conference. But before long all the P.C.C. decisions were thrown overboard by the Kuomintang reactionary clique. It is already clear to all that the democratic P.C.C. line can never be realized unless dictatorship is abolished.

One year ago, the people of the entire country welcomed President Truman's statement on China and the arrival of General Marshall in China to mediate. But before long, the policy of American imperialism toward China was revealed in all its nakedness, while the policy of national betrayal by Chiang Kai-shek's government also revealed itself in flat detail. Consequently there arose slogans: "American forces, quit China"; "Oppose American inter-

vention in internal affairs"; "Oppose secret diplomacy"; "Oppose Sino-American Commercial Treaty." (These were advanced by) several hundred thousand students and urban citizens in all major cities of China.

During the changes of the past year, not only did the Kuomintang reactionary clique incite civil war and tear up the P.C.C. decisions, but even the American mediator who signed the cease-fire agreement never again referred to the cease-fire order. The China Youth Party, the Democratic Socialists, and the so-called "social luminaries" who took part in the P.C.C. also participated in the one-party dominated and illegal national assembly, destroying the P.C.C. line and voting the dictatorial constitution wholly in violation of P.C.C. principles and deepening the split within the whole country. Therefore only the Chinese Communist Party, together with the two true democratic parties, the true "social luminaries" and the broad masses are still fighting for the January cease-fire agreement and the P.C.C. line and the withdrawal of American forces from China and are still opposing American intervention in internal affairs.

General Marshall made a statement summarizing one year of mediation just before he left China. General Marshall admits that there is a reactionary clique within the Kuomintang which dominates the Kuomintang Government and includes military and political leaders. They oppose coalition government, do not believe in cooperation within the country, only believe in settlement through armed force and are not sincere about carrying out the P.C.C. decisions. This is all very true. But unfortunately he did not point out that Chiang Kai-shek is the supreme leader of this reactionary clique. Chiang Kai-shek said that coalition government means overthrowing of government and that a conference of all parties and groups is a meeting for dividing the spoils. Last year, when the Peiping Executive Headquarters was established, Chiang Kai-shek opposed sending field teams to Manchuria to mediate. After the Manchurian cease-fire agreement was signed, Chiang Kai-shek ordered Tu Yu-ming in Manchuria to launch large-scale hostilities. Negotiations after the June truce order last year broke up because Chiang Kai-shek was bent on violating the P.C.C. decisions and demanded that the Chinese Communists withdraw from four liberated areas, including North Kiangsu and Jehol. Following this he launched large-scale fighting south of the Great Wall, which is continuing today.

During the past year Chiang Kai-shek transferred 218 brigades (formerly divisions), namely 60 per cent of his total military strength, in violation of the cease-fire agreement, in order to attack the liberated areas under Communist leadership. Up till the end of last year, he invaded over 174,000 square kilometers of territory and seized 165 towns and villages in the liberated areas. Is this not armed offensive? The one-party "national assembly" convened last year thoroughly destroyed the P.C.C. line. From beginning to end, it was decided by one man—Chiang Kai-shek. Therefore the chief culprit who destroyed the cease-fire agreements and the P.C.C. decisions is none other than Chiang Kai-shek.

The reactionary clique of Chiang Kai-shek tried to "preserve its feudal control" by use of force. As a result, even General Marshall has to admit that this has more and more weakened the strength of its government. With regard to the breakdown of economy and communications, this is all the result of the carrying out of civil war by Chiang Kai-shek. The Chiang Kai-shek government allotted eighty per cent of the national budget to military expenditure. On top of this are the exploitation and domination of bureaucratic capital and corruption and the incompetence of the dictatorial government. How then can the financial and economic collapse be prevented? It is too much for General Marshall to think that a bad government will become a good government under the leadership of the same Chiang Kai-shek and with the participation of a number of persons who participated in the P.C.C. January last year only to betray the P.C.C. later on and who actively participated in Chiang's National Assembly, so-called liberal elements within the Kuomintang and elements of minority parties like the China Youth Party and the Democratic Socialist Party. A so-called coalition government without the participation of the Communist Party will be unable to eliminate Chiang Kai-shek's dictatorship and will never become a liberal government.

General Marshall knows only too well that Chiang's National Assembly convened last year violated the P.C.C. decisions and procedure, but he still deliberately described the dictatorial constitution passed by Chiang Kai-shek's assembly as a "democratic constitution," saying that the main points correspond to the P.C.C. decisions and that the Communist Party demands seem to have been included. All this is specious talk. All the main points of the dictatorial constitution run counter to P.C.C. principles. The P.C.C. stood for safeguarding people's liberties. Chiang's constitu-

tion curbs them. The P.C.C. stood for safeguarding the autonomous rights of minority nationalities. Chiang's constitution abolished these rights. The P.C.C. held that the province should be the highest unit of local self-government, with the right of defining its constitution and carrying out the principle of equal distribution of power between the central and local governments. Chiang's constitution does away with provincial constitutions and carries out total centralization of power. The P.C.C. held that the Central Government should enforce a coalition government with a cabinet responsible to the legislature. But Chiang's constitution returns to the dictatorial president as stipulated in the Double-Five Constitution. General Marshall's attempt to find a way out for Chiang Kai-shek's dictatorial government by putting Chiang's constitution into effect, reorganizing the government, and presenting this as the termination of one-party political tutelage would only result in this government becoming more and more unpopular and isolated without support from the people.

But is the Chinese Communist opposition to Chiang's constitution, its refusal to participate in the government under present conditions, its demand for restoration of the military positions of both sides as of January 13 last year, its demands for the abolition of Chiang's constitution and the reconvening of the conference of all parties and groups—are these, as General Marshall alleges, an unwillingness on the part of the Chinese Communist Party to promote a fair compromise? On the contrary, these demands are the fairest compromise and are also the minimum demands for peace and democracy. Even General Marshall recognizes that the Chinese Communist Party was willing to compromise during January and February of last year. After February and March, all actions in violation of the P.C.C. and the cease-fire order obviously were instigated by Kuomintang reactionary cliques. The Chinese Party continues to insist on seeking a compromise on the basis of the cease-fire order and the P.C.C. line of January last year. The grounds for this insistence is the "free and far-reaching charter" acclaimed by General Marshall.

Chiang Kai-shek is violating the cease-fire order and the P.C.C. line, while the Chinese Communist Party is supporting the cease-fire order and the P.C.C. line. Is it not fully obvious that Chiang Kai-shek is actually trying to wipe out the liberated areas? If Chiang Kai-shek will not accept the fairest compromise of nullifying Chiang's constitution and restoring the military positions of Janu-

ary 13, must the Chinese Communist Party then recognize as a compromise the National Assembly Constitution, which violates the P.C.C., and the positions seized in violation of the cease-fire order? The Chinese Communist Party does not accept this unreasonable demand. Hence the statement that there are extremists in the Chinese Communist Party who do not care for the national interest and the people's suffering. This kind of statement belies the facts and is an attempt to insult the Chinese Communist Party. The Chinese people will surely not believe it. For twenty-six years the Chinese Communist Party has believed in and relied upon the people, as a result of which it has prestige today. If the Chinese Communist Party agrees to Chiang Kai-shek's seizure of places in the liberated areas, allows him to oppress the people freely, recognizes Chiang's National Assembly Constitution and allows him to continue the dictatorship, it would be really not caring for the people's suffering or the national interest. Real peace, moreover, will also surely not be attained.

Many friends who yearn for peace for China do not understand the reliable basis of it and the minimum safeguards for a truce. They are unwilling to fight perseveringly for true peace and fatuously hope for peace as a gift. Chiang Kai-shek sees this, so when his offensives are going well, he absolutely refuses to interfere. When the offensives fail and he has to gain time to regroup his troops for new attacks (e.g., as in January and February of last year), he agrees to cease fire and to carry on so-called peace negotiations. How, may we now ask, can a fair compromise be attained in this manner? It can never be done. A fair compromise must be established on a reliable basis beneficial to the people.

This basis is the truce agreement signed by General Marshall and Chiang Kai-shek's representative, Chang Chun, and the resolutions passed by the P.C.C. presided over by Chiang Kai-shek. General Marshall's statement only mentioned the P.C.C. decisions and does not mention the cease-fire agreement. This is not because he accidentally forgot about it. It is rather an intentional evasion of his responsibility as a signatory whereby he seeks to escape responsibility for the three-man committee and as American representative in the Peiping Executive Headquarters. This, on the contrary, proves that the American government is intentionally supporting Chiang Kai-shek in the waging of large-scale civil war.

General Marshall was most bitter against the propaganda work of the Chinese Communist Party. It is true that since last March,

the Chinese Communist Party has incessantly exposed the mistakes of the change in the United States Government policy toward China. It especially ceaselessly exposed and protested against the stationing of American troops in China, American intervention in Chinese internal affairs and penetration into liberated areas (the Anping incident mentioned by Marshall was only one of over thirty such acts), transportation of troops for Chiang Kai-shek, and aid for the Chiang Kai-shek government and his troops from the United States Government, including lend-lease, surplus property, economic loans, supply of war vessels and air transport, military advisers, technical training, etc. The essence of the policy of American imperialism is to colonize China. The facts of Kuomintang diplomacy of national betrayal (such as the signing of the Sino-American Commercial Treaty, Aviation Pact, etc.) were also frequently and thoroughly exposed by us.

After June last year, even as Chiang Kai-shek was launching his biggest offensive, the Chinese Communist Party continuously sought compromise through American mediation. But Chiang Kai-shek always wanted a yard when given an inch and endlessly set up unreasonable demands. American mediators, from beginning to end, did not raise a word of censure against Chiang Kai-shek but on the contrary issued two statements blaming the Communists for not accepting American mediation. This of course led to refutations by us. General Marshall regarded these as propaganda sufficient to arouse the hatred of people in the world against the United States Government and therefore of an evil nature. But in reality what arouses people is not abstract propaganda but living facts.

The above-mentioned facts are not changed. They are all evils in the eyes of nations that love independence and freedom.

General Marshall now returns to America to take up the post of Secretary of State. We hope that for the traditional friendship and interests of the Chinese and American nations, he can from the standpoint of the late President Roosevelt's policy toward China review the United States Government's China policy during the past year, cease repeating past mistakes, cease aiding the Chiang Kai-shek government in the waging of civil war, withdraw American troops from China, refrain from intervening in Chinese internal affairs, and readjust Sino-American relations. This will greatly help the efforts of the Chinese people to attain peace, democracy and independence, and will forevermore help peace in the Far East and the cause of international cooperation.

On the occasion of the first anniversary of the P.C.C., we believe that all democratic people and compatriots of the entire country are willing to struggle jointly for complete realization of the cease-fire agreement and the P.C.C. line.



Excerpt from
**POLITICAL REPORT OF THE
DEMOCRATIC LEAGUE**

Issued in Shanghai, Jan. 21, 1947. This text is abridged from the English translation prepared by the U.S. Chapter of the Democratic League and published in New York, in mimeographed form, in March, 1947.

In October, 1945, the Chinese Democratic League held its first provisional National Convention in Chungking. A political report reviewing and analyzing the political situation then existing in China was made. We declared in this report the kind of democracy at which we aim and we put forward eight proposals for solution of various national issues . . . The main points of this plan were the calling of a political conference participated in by all parties and groups, and formation of a coalition government. We recognized at that time that the key to the solution of China's problems is the stopping of armed conflict between the Kuomintang and the Communist Party; that is, the elimination of civil war and resumption of peace throughout the nation. For it is our deep conviction that peace is the prerequisite of national unity and that only after we have achieved national peace and unity can we proceed with the task of setting up a constitutional and democratic government in China. These were our convictions in 1945. They are still our convictions today . . .

1946 was a year of peace negotiations. The time and attention of the entire nation, as well as the main efforts of the League, were spent on these two words. We negotiated, but achieved no peace. There is no democracy in China and the Chinese people have no peace. This is a great loss to our nation. The League wants to con-

vey its regret to the Chinese people for its share in the failure of these tasks.

The most important political event of the past year was the convening of the Political Consultative Conference in January. This represented an attempt to apply the formula for solving the two-party conflict and other national issues through multi-party consultation and cooperation . . . We all remember that an hour before the opening of the Conference, the Kuomintang and the Communist Party, through the efforts of General Marshall, signed a truce agreement. This was welcomed at the time as great news for peace in China. Unfortunately, the underlying cause of the failure of the PCC agreement was also to be found in this truce agreement. Namely, Manchuria was ruled out of the sphere in which the truce was to be carried out . . .

To be perfectly frank, both the Kuomintang and the United States Government had their own special reasons for leaving the Manchurian problem out of the cease-fire truce. In Manchuria, while the Kuomintang was planning an anti-Communist campaign, the United States was seeking to establish a cordon sanitaire against the Soviet Union. These two policies supplemented each other. There was a joint Kuomintang-United States policy. As a consequence, the already complex situation in Manchuria became even more of a tangle. It became not only a burning national issue but also an international one. After the Japanese surrender, the government continued to send to Manchuria large bodies of troops with the United States Government taking charge of their transportation. This was really uncalled for. Later on, the U. S. Government harbored the design for long-term garrisoning of North China by American troops. The Democratic League called for the withdrawal of American troops as early as 1945, for we knew then that the Northeastern problem would one day become insoluble. The truce terms were signed on January 10, 1946. In March and April, armed conflict broke out anew in Manchuria. It spread to China Proper. Local conflict soon turned into national war. The American mediator, General Marshall, became helpless in the face of this worsening situation. . . . The failure of the January 10 truce agreement to provide a proper solution for Manchuria was the basic cause of all subsequent failures in solving the national problem . . .

[The PCC agreement] consisted of five decisions: reorganization of the government, a common platform, convocation of the National Assembly, consultative drafting of the new constitution, and

an army reorganization plan. . . . We are not attempting here to analyze the PCC decisions item by item. As explained before, they represent the result of mutual concessions and consultations. While they were not wholly satisfactory to each individual participant in the conference, they were the best that could be obtained under the circumstances The most valuable feature of the PCC resolutions was the spirit of all-party participation and common responsibility through the process of cooperation to achieve the objectives of democratization of the government and nationalization of the army.

. . . . The PCC agreement was of great value, but it was never put into effect. The question as to who was responsible for this failure is still being disputed and deserves our objective scrutiny. The resumption of armed conflict in Manchuria during March and April of 1946 was the key to this question. This conflict was soon extended on a national scale and the PCC agreement as well as the January 10 cease-fire order became so much waste paper. The Kuomintang, and for that matter even the American mediator, blamed the Communists for the renewal of warfare in Manchuria. But as impartial observers, we must remember that after the conclusion of the PCC in January, 1946, before the outbreak of fighting in Manchuria in March, the Kuomintang had dealt heavy blows to the spirit of the PCC. In the first place, the four promises by Chairman Chiang (Kai-shek) at the beginning of the conference concerning civil liberties were never redeemed. Secondly, mass meetings held to celebrate the PCC were broken up with violence by Kuomintang agents. Thirdly, at the second Central Executive Committee meeting of the Kuomintang, held in March of last year, resolutions were passed nullifying the PCC decisions relating to the drafting of the constitution. Fourthly, Kuomintang reactionaries instigated anti-Communist demonstrations in Chungking and other parts of China. These acts clearly indicated that the reactionaries in the Kuomintang were conspiring to destroy the entire PCC agreement. It was the cumulative effect of these incidents that was responsible for the renewal of conflict in Manchuria

Since March and April last year, while the civil war was raging, the government has further committed a series of acts in open violation of the PCC agreement. (a) Since April 24, the government has refused to call any committee meetings of the PCC (b) The government proceeded to reorganize the Ministry of Communications and the Ministry of Economics evidently to forestall any Communist demands for these posts in the event of reorganization

of the government. (c) The government went ahead unilaterally with the organization of a National Defense ministry without inviting the participation of other parties and groups as provided by the PCC agreement. (d) In July last year, without consulting other parties and groups, the government announced unilaterally that the National Assembly would be convened on November 12, 1946 . . .

The unilateral convocation of the National Assembly by the government represented the final act of completely destroying the PCC agreement. No explanations, however cleverly put forth by the government, can cover up this stark historical fact. As we have repeatedly pointed out before, the all important spirit of the PCC agreement was to be found in unity of action of all parties and groups for the realization of democracy in China. The formation of an all-party coalition government therefore must precede the calling of the National Assembly. It was to be the function of this government both to formulate and execute national policies. In other words, the reorganization of the total National Government and that of the Executive Yuan must be carried out simultaneously. The resultant coalition government then was to be charged with the following tasks: the implementation of a common national program; the convocation of the National Assembly; the framing of a constitution; the establishment of a constitutional government; and the organization of a national army. If the Kuomintang was to be the only party to carry out these tasks, it would only result in a sham constitution and a sham democracy . . .

The unilateral National Assembly has already concluded. A so-called constitution was formulated and publicly announced. We, the Democratic League, refused to participate in the National Assembly and refused to accept the constitution . . . The constitution promulgated at this time not only cannot advance constitutionalism in China but on the contrary adds another obstacle in the way toward a true constitutional democracy. We are not merely considering here the content of the constitution, but also the future of unity and peace in China. At the present time, the attitude of the Chinese Communist Party is very clear. They considered at first the dismissal of the National Assembly as a prerequisite for the resumption of peace negotiations. On December 29, last year, Yen an spokesmen firmly denied the legal basis of this constitution. To uphold or discard this constitution became then a serious dispute between the Kuomintang and the Communist Party. With this added dispute, not only peace in China, but even the resumption

of peace negotiations between the Kuomintang and the Communist Party becomes more remote. . . .

As long as war is not stopped and peace not restored, there can be no doubt that the common people will suffer more heavily and deeply. All that the common people are asking for is to have a chance to exist, to continue to live and to be human beings. If this is to be possible, the only way out is to stop fighting and to restore peace.

It is certainly no exaggeration to say that today the common people in China cannot continue to live and to be human beings. Today we cannot but recognize the sufferings, the misery, and the sorrow of Chinese society, which cannot possibly be described in any language. Let us see what the civil war has brought to the common people. Chinese society is usually classified into four groups: scholars, farmers, workers, and merchants. Let us ask: is there any one of these groups today that can continue to live and continue to be human beings?

Office workers and teachers, whose livelihood depends entirely on their salaries, cannot meet half of their monthly expenditures with the whole of their monthly salary. They are indeed unable to provide for their parents, their wives and their children. Office workers and teachers are actually in the position of (being cold) without clothing, of hunger without food, sickness without medical care, death without burial. What a desperate situation this is!

In the rural areas of China today the Central Government requisitions men and materials and the local governments impose exorbitant levies and taxes. In such requisitions of men and materials, the Central Government and the local governments are actually draining the lake for fish and killing the goose for eggs. While the young and strong die in the battlefields, the old and feeble fill the trenches. Famine and starvation spread over the fields even though there be no natural calamity. Even for mortgaging their land or for selling their wives and children, the peasants are unable to find any customers. There is actually no house or property that is still left to be broken (up) or liquidated. How tragic this is!

The industrial and commercial sections of China today, crushed by the dumping of American imports on the one hand and oppression by domestic bureaucratic capital on the other, with vicious currency inflation and soaring prices in addition, have entirely fallen into the position of bankruptcy and closing down. In fact

those industrialists and merchants who are able to declare bankruptcy and close down their factories or shops without additional disasters are still to be considered as fortunate. Actually, all of them, be they industrialists or workers, shopowners or clerks, are in a completely helpless position, only waiting to be destroyed in the whirlpool of an economic collapse. All these are the blessings brought about by the civil war.

From the point of view of the whole fiscal policy and social economics, China is indeed faced with a crisis which is unprecedented in the history of any nation. The announced government budget for this year amounts to \$9 trillions. How many times this amount the government budget will become at the end of this year is not yet predictable. A balanced budget is of course out of the question. But even with this budget of \$9 trillions, divided by a population of 450 million, each citizen will have to bear an annual burden of \$20,000. Is this not a burden unprecedented in all history? . . . All that every citizen receives (in return) is civil war, starvation, and death. What we are saying is certainly no exaggeration. A month ago we read already in the newspapers that in the city of Shanghai 500 people died of cold in one day, while in Nanking nearly 100 died of cold in one day. No one knows how many more were killed by the weather and starvation in all cities and villages in the whole country. To all such occurrences, the Government pays not the least attention. In China today, the people have only the greatest freedoms of poverty, starvation, and of death. What a nation is such a nation? What a government is such a Government? And yet a civil war goes on.

Such is the tragic position of the common people. Let us now examine the Kuomintang's calculations. The Government has now adopted a constitution. At the present time it is talking about a reorganization of government, hoping to induce one or two small parties to join in the establishment of a so-called new government with which to carry out a so-called constitutional government. Suppose we concede that the Kuomintang has some sincerity in the practice of constitutionalism. We must then point out that in all political history there is absolutely no precedent that civil war and constitutionalism can proceed at the same time, nor is there any precedent that constitutionalism can be carried out in a divided nation. The Kuomintang's lip service to constitutionalism is clearly a camouflage of the one-party dictatorship, intended to obtain the support of the United States. But if the civil war continues, in-

evitably economic conditions will become more chaotic, society will become more disintegrated, and the public will be further antagonized. The future will inevitably be a situation which is beyond repair. Where then will the Kuomintang's calculations reach?

Let us now examine also the calculations of the Chinese Communist Party. The Communist Party considers that the Kuomintang, in maintaining a highly vulnerable government on the verge of an economic collapse and yet determined to pursue a civil war, will certainly become more and more weakened as war continues. In the recent few months of war, the Communist Party, by mobile and guerrilla warfare, has destroyed the principal force of more than 600,000 troops of the other side. Thus, the Communist Party will become stronger and stronger as war continues and will consider other things only after it has taken the initiative on the battlefield and gained superiority in the war. Suppose again that we assume such anticipation on the battlefield will be realized. But if economic collapse actually occurs, it is the whole nation and the whole people that will suffer, while the ruling class will suffer very little losses. When the whole nation becomes so collapsed as to be beyond repair, it is perhaps also the time that all the different parties in the whole nation will crumble to ruin. Both the two parties will suffer from the civil war and neither can exist when the whole nation collapses.

The fact that at the present time the two sides are both determined to go to war is due to the assumption on both sides that the other absolutely does not have any sincerity in cooperation. Hence war is considered as unavoidable. Yet both sides also realize that no matter what be the outcome of the war, it is impossible for either side to eliminate completely the other. Thus, both sides anticipate that some compromise will have to follow the war. Hence both sides realize and admit that war does not provide any real solution to the problem. Both sides understand that the present international situation of China also does not allow us to pursue a prolonged war. The two parties, therefore, will have to come to some compromise sooner or later. We, the Democratic League, from the point of view of the common people, consider that the sooner the Kuomintang and the Communist Party stop fighting and restore peace, the greater will be the benefit to the people, while in the reverse case, the greater will be the sacrifice of the nation.

IV

The United States, the U.S.S.R., and Korea

Korea, for many centuries an independent nation, became fifty years ago the object of conflicting designs by Japan and Russia. Following the defeat of Russia by Japan in 1905, it became a Japanese protectorate and five years after that an outright Japanese colony. At Cairo in 1943, the United States, Great Britain, and China pledged the restoration of Korean independence "in due course." At Potsdam and again in its declaration of war against Japan, the Soviet Union associated itself with that pledge.

As the war against Japan ended, Russian-American occupation of Korea took place, rigidly divided at the 38th parallel and thereby cutting the country in half. No documents have as yet been published which disclose the source of the arrangements for this partition. It was, however, ruinous for Korea. Rail traffic was halted at the boundary. The south was deprived of northern ores, hydroelectric power, chemicals, lumber, and fabricated metals. The north was deprived of southern rice. Only refugees moved from the northern zone to the south. The political division was equally sharp. In the north the Russians established a Communist-dominated Korean regime. In the south, the Americans ruled through a military government relying primarily on the support of conservative and right-wing political groupings.

At the Moscow Conference of Foreign Ministers in December, 1945, it was announced that an "independent state" was the common goal in Korea but that this was to be preceded by a four-power trusteeship (with the U.S., U.S.S.R., Britain, and China participating) for a period of "up to five years." This decision was accepted by the Korean Communist Party but denounced by all other Korean political groups as a betrayal of Korean hopes for independence.

The Joint Commission provided for in the Moscow Communiqué met at Seoul on March 20, 1946. It proved impossible to take up any matters having to do with the resumption of rail traffic or trade between the divided halves of the country. The conference was

dominated by a dispute over which Korean groups would be "consulted" in connection with the proposed unification of the country. The Russians refused to "consult" with any Korean groups which opposed the Moscow trusteeship decision. Since only the Communists and their satellites had accepted the trusteeship plan, the Americans refused to accept exclusion of all others and the Commission suspended, deadlocked, on May 8, 1946.

After a year of this unresolved disagreement, on April 11, 1947, Secretary of State George Marshall (then in Moscow) asked for reconvening of the Joint Commission and announced simultaneously that the United States would proceed "without further delay" to take steps in its own zone to further the purposes of the previous agreements. This was understood to involve creation of an interim Korean Government in the south which would receive extensive American economic assistance. In the ensuing correspondence, Foreign Minister Molotov agreed to reconvene the Commission and the issue of consultation of Korean groups was apparently resolved on the terms proposed by the United States. But when the Commission resumed in Seoul on May 20, 1947, and subsequently for a brief sitting in Heijo, capital of the Soviet zone, it was again deadlocked over precisely this issue. Further correspondence between Washington and Moscow served only to deepen the impasse. On August 28 the United States proposed that the Korean issue be placed before a four-power conference of the U.S., U.S.S.R., Great Britain, and China. The two latter signified readiness to attend such a conference but on September 7 receipt of a Russian note rejecting the proposal was announced in Washington and the conference was dropped. Thus two years after the fall of Japan, Korea was still in a condition of political and economic dismemberment, its hopes of unified independence waiting on decision or agreement on its fate by the United States and the Soviet Union.

Extract Relating to Korea from the COMMUNIQUÉ OF THE MOSCOW CONFERENCE OF THE THREE FOREIGN MINISTERS

Issued December 27, 1945. Text is from the Bulletin of the Department of State, Washington, D.C., December 30, 1945.

1. With a view to the re-establishment of Korea as an independent state, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, there shall be set up a provisional Korean democratic government which shall take all the necessary steps for developing the industry, transport and agriculture of Korea and the national culture of the Korean people.

2. In order to assist the formation of a provisional Korean government and with a view to the preliminary elaboration of the appropriate measures, there shall be established a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea. In preparing their proposals the Commission shall consult with the Korean democratic parties and social organizations. The recommendations worked out by the Commission shall be presented for the consideration of the Governments of the Union of Soviet Socialist Republics, China, the United Kingdom and the United States prior to final decision by the two Governments represented on the Joint Commission.

3. It shall be the task of the Joint Commission, with the participation of the provisional Korean democratic government and of the Korean democratic organizations to work out measures also for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea.

The proposals of the Joint Commission shall be submitted, following consultation with the provisional Korean Government for the joint consideration of the Governments of the United States, Union of Soviet Socialist Republics, United Kingdom and China for the working out of an agreement concerning a four-power trusteeship of Korea for a period of up to five years.

4. For the consideration of urgent problems affecting both southern and northern Korea and for the elaboration of measures establishing permanent coordination in administrative-economic matters between the United States command in southern Korea and the Soviet command in northern Korea, a conference of the representatives of the United States and Soviet commands in Korea shall be convened within a period of two weeks.



KOREA'S CASE

This appeal was submitted to the United Nations General Assembly on November 1, 1946, by a delegate of the Korean Representative Democratic Council. In the absence of any delegation willing to sponsor Korea's case, the attempt to bring the Korean situation formally to the attention of the Assembly was unsuccessful. This document, given here as released by the Korean delegation in New York, has been slightly abridged.

To the United Nations General Assembly:

Your urgent attention is respectfully invited to the dangerous situation in Korea which calls for immediate action.

The arbitrary division of our country with the military forces of the United States in the South and of the Union of Soviet Socialist Republics in the North is paralyzing the economy and the people of Korea.

This intolerable condition constitutes a direct threat not only to the peace of the Orient but to the peace of the whole world. It contains every element of international disaster to a world still in the throes of misery resulting from World War II. It holds the same threat to the future of the United Nations that Japan's invasion of Manchuria presented to the League of Nations. Surely the United

Nations has no wish to repeat the tragic mistakes of the League of Nations.

As a sovereign nation, with forty-two centuries of uninterrupted national existence, Korea is dedicated to liberty and self-government with no interference or dictation from any foreign power.

The Korean people are proud of their long and unbroken record as a peace-loving nation that has never waged aggressive war. But we, the people of Korea, are ready to fight and, if need be, to die for the preservation of our liberty. We take real pride in the fact that we proved to the treacherous Japanese and to the whole world that, despite forty years of Japanese tyranny and oppression, the soul of Korea remained unconquered and unconquerable.

May I remind this great Assembly, consisting in the main of small nations, that only because Korea was a small nation did she fall victim to a big nation—Japan. Can this Assembly of small nations afford, for a single moment, to overlook the historic and tragic fact that it was the betrayal of a small and friendly nation which wrecked the peace of Asia and paved the way for World War II?

Please tell us, why are we, the Korean people, still denied our freedom? Why are we forced to suffer the humiliation of seeing our nation torn in half and ruled by two powerful nations—nations with opposing ideologies?

Japan, which proved herself so treacherous an enemy, has already been allowed her own civil government, but not Korea.

Japan has already been permitted a free election, but not Korea.

Only Germany, the despoiler of small nations, is subjected to the treatment which peaceful Korea is still forced to endure.

Denied the right and privilege of a government of our own, the Korean people take this means to appeal to your great Assembly. Peace in our time—peace at any time—will be impossible while Korea, a nation of thirty millions of your fellow human beings, is divided and enslaved.

The leaders of the Korean people respectfully but solemnly warn this Assembly of the increasing difficulty of maintaining order in the midst of a disheartened population which reposed faith in the promise of the great Powers that the defeat of the common enemy, Japan, would bring the restoration of Korean national independence.

With the approach of winter, the situation daily grows more perilous. Needed supplies from northern Korea, particularly coal, are not permitted entry to southern Korea. Needed foodstuffs from

the South are denied movement into the North. You, who aim to insure world peace, surely realize that cold and starvation are always and everywhere the foes of law and order.

The Korean people view with increasing dismay growing inflation, utterly inadequate housing, the care of more than 100,000 refugees from the North, and the denial of the right to trade with other nations.

Nor do we understand the continued imposition of military rule on a peaceful, friendly nation as compatible with the principles of democracy or with the oft stated ideals of the great Powers.

The Korean Representative Democratic Council of South Korea, in the name of justice and humanity—and for the preservation of the United Nations and world peace—specifically requests that:

1. The Cairo Declaration and the Potsdam Declaration, assuring the Korean people their freedom and independence, be immediately enforced;

2. All American and Russian military forces be withdrawn from Korea; and

3. The interim Korean Government be immediately admitted to membership in the United Nations.

We request that the American military government in southern Korea be terminated and a Korean civilian government be inaugurated in that area. In the event of delay in the retirement of the Soviet authorities from northern Korea, we urge the retention of the American military forces, under the able leadership of Lieutenant General John R. Hodge, until such time as the Russian forces withdraw.

As a member of the United Nations, having the privilege of diplomatic relations with other powers, the interim Korean Government would be in a position to negotiate directly with the Government of Soviet Russia regarding the elimination of the artificial 38th parallel division of our country, and the withdrawal of Russian military forces. The interim Korean Government could take immediate steps to create a permanent Korean Government through the medium of a truly national democratic election. . . .

Two tragic world wars within the lifetime of a single generation have taught the salutary lesson that no nation, no matter how strong, can achieve security and peace by denying a small nation the right to security and peace.

The people of Korea are convinced that the strength of the United Nations does not rest on might but on justice—justice for

all nations, large and small. And it is because of this firm conviction that we gladly place Korea's cause in your keeping. We ask for nothing which violates the principles of the United Nations. We ask only that you do not exclude us from the protection of the United Nations for which countless millions had to die before its beneficent principles could be brought to life.



MARSHALL LETTER ON KOREA

Delivered to Soviet Foreign Minister V. M. Molotov in Moscow on April 11, 1947, during the Foreign Ministers' Conference. Text is as released to the press by the United States Delegation in Moscow.

I wish to call your attention to the situation in Korea. The representatives of the Soviet Union and the United States on the Joint Commission in Korea have been unable to make progress toward the establishment of a Korean provisional government. It has been nineteen months since the Japanese surrender, yet Korea has profited little. The country is divided into two zones. The Soviet commander in Northern Korea has refused to permit freedom of movement and free economic exchange between these zones. This has precluded freely chosen political amalgamation of the Korean people and has resulted in grave economic distress.

The policy of the United States toward Korea has the following basic objectives:

- (1) To assist in the establishment as soon as practicable of a self-governing sovereign Korea, independent of foreign control and eligible for membership in the United Nations.
- (2) To insure that the national government so established shall be representative of the freely expressed will of the Korean people.
- (3) To aid the Koreans in building a sound economy as an essential basis for their independent and democratic state.

The United States, in the Cairo Declaration of Dec. 1, 1943, declared its determination that in due course, Korea should become free and independent. The United Kingdom and the Republic of China were parties to the same declaration. The Cairo Declaration was specifically reaffirmed by the three powers in the Potsdam Declaration, which defined terms for the Japanese surrender. The

U.S.S.R. in its declaration of war on Japan on Aug. 8, 1945, declared its adherence to these declarations.

Upon the surrender of Japan, United States and Soviet forces accepted the surrender of Japanese forces in Korea in the areas respectively south and north of a line arbitrarily assigned for this purpose, the thirty-eighth degree parallel. This line of demarcation became in effect a boundary between zones of occupation.

At the conference of the Foreign Ministers of the United States, the United Kingdom and the U.S.S.R. in Moscow in December, 1945, the serious consequences of the bizonal division of Korea were discussed and an agreement regarding Korea was reached and published in part three of the communiqué of the conference. The Republic of China subsequently subscribed to this agreement.

On March 20, 1946, the Joint Commission appointed under the terms of the Moscow Agreement met and began its task, as outlined in the agreement, of assisting in the formation of a provisional Korean democratic government as a first step in assuring the establishment of an independent and sovereign Korean nation.

It was the hope of the Government of the United States that speedy action would be taken by the joint commission, a provisional Korean Government would rapidly be established, the unfortunate results of the line of demarcation between the United States and the Soviet forces would be overcome and Korea could be started on the way to attaining an independent and democratic government.

Unfortunately the work of the joint commission became stalemated after a short time through the inability to agree on the definition of the word "democratic" as it pertained to the representatives of the parties and social organizations mentioned in the Moscow Agreement to be consulted by the joint commission in its task of assisting in the formation of a provisional government.

As it became evident that no agreement could be reached at the time, the joint commission adjourned sine die on May 8, 1946.

The United States commander in Korea has several times suggested to the Soviet commander that the commission reconvene and get on with its work.

However, the Soviet commander has insisted on a formula which would result in eliminating the majority of representative Korean leaders from consultation as representatives of Korean democratic parties and social organizations, and has reiterated this position in a letter to the American commander as recently as Feb. 28, 1947.

It has therefore been impossible to agree upon a basis for reconvening the commission.

Now in April, 1947, almost sixteen months since the agreement pertaining to Korea was reached at Moscow, there has still been no real progress made toward the implementation of that agreement.

In fulfillment of the intent of the agreement and declaration made at Moscow in December, 1945, the Government of the United States desires to further the work of establishing a free and independent Korea without additional delay.

To this end I ask that our Governments agree to instruct our respective commanders in Korea to reconvene the Joint Commission as soon as possible and charge it with expediting its work under the terms of the Moscow Agreement on a basis of respect for the democratic rights of freedom of opinion.

I further suggest that a mutually acceptable date during the summer of 1947 be fixed for a review by the two Governments of the progress made to that date by the Joint Commission.

In the meantime, the United States, mindful of its obligations under the Moscow Agreement, sees no alternative to taking without further delay such steps in its zone as will advance the purposes of that agreement.

I am furnishing copies of this letter to the British and Chinese Governments.



MOLOTOV'S REPLY

Text as transmitted by Tass in English from Moscow on April 22, 1947.

May I inform you of the following in reply to your letter of April 8 regarding Korea:

At the Moscow conference of the Ministers of Foreign Affairs of the Soviet Union, the United States of America and the United Kingdom in December, 1945, agreement had been reached defining the policy of the three powers toward Korea. The proposals of the Soviet Government were laid down as the basis of this agreement, with which the Government of the U.S.A. also agree, which sub-

sequently renounced its initial intentions not to create a national Korean government in Korea within the next few years.

The Moscow agreement envisaged as the primary task the establishment of a provisional Korean democratic government that could take all necessary steps toward developing industry, transport and agriculture of Korea and the national culture of the Korean people. When making those proposals the Soviet Government believed that the amalgamation of Korea under the leadership of a national Korean government was the most important premise of restoring Korea as an independent state and providing the conditions for that country's development on democratic principles.

The Soviet Government continues to maintain this standpoint and defends undeviating implementation of the Moscow agreement pertaining to Korea, being certain that Korea, on the basis of the fulfillment of that agreement, will successfully develop along a democratic path, become an independent and flourishing state, and join as an equal member of the United Nations organization.

However, the program of measures outlined in the Moscow agreement on Korea has not been fulfilled thus far. A provisional Korean democratic government has not been established. The work of the joint U.S.S.R.-U.S.A. commission, formed for the purpose of promoting the establishment of a provisional Korean democratic government, was interrupted as a result of the American delegation on that commission taking up a stand contradictory to the Moscow agreement pertaining to Korea.

Neither did the American Command in Southern Korea agree to businesslike discussion of the suggestions of the Soviet Command in Northern Korea regarding economic exchange between the two zones, and this made agreement on that question impossible.

In the course of the work of the joint U.S.S.R.-U.S.A. Commission in March-May, 1946, the Soviet delegation exerted every effort to secure implementation of the above agreement pertaining to Korea, and in the first place to secure the earliest establishment of a provisional Korean democratic government and the amalgamation of Korea under its leadership. However, the Soviet delegation has met along this course not only difficulties but direct opposition on the part of the American delegation.

Guided by the agreement pertaining to Korea providing for the joint commission, the Soviet delegation, when elaborating its proposals for consultation with Korean democratic parties and social organizations, demanded a broad invitation to such parties and

organizations to consultation with the commission. But the American delegation precluded the participation of a series of major democratic organizations of Southern Korea and insisted that invitations to consultation be sent to groups which were opposing the Moscow agreement, consulting with which naturally could not facilitate fulfillment of that agreement.

Thus, in the list of parties and organizations submitted by the American delegation for consultation with the joint commission, the American delegation included seventeen political parties and social groups of Southern Korea which opposed the Moscow agreement, and only three democratic parties which supported the agreement. The American delegation eliminated from participation in consultation such large democratic parties and social organizations as the All-Korea Confederation of Labor, the All-Korea Peasant Union, the Korean National Revolutionary Party, the All-Korea Union of Youth and others.

Deeming it impossible to agree with this attitude of the American delegation, the Soviet delegation nevertheless exerted every effort to find a way toward an agreed decision. This, however, proved impossible, and the work of the commission, upon the American delegation's suggestion, was discontinued.

The intolerable character of such a situation is obvious. As a result, as you are aware, steps had to be taken again in order to find a way out of this situation. The Soviet commander in his notes to the American commander endeavored to find a basis for resumption of the joint commission's work. As a result of an exchange of letters, the standpoints of the parties concerned came considerably closer together, and this was noted by both commanders. It was expected that agreement would soon be reached and that the joint commission would resume work at the earliest date. There followed, however, no reply from the American commander to the latest letter of the Soviet commander of Feb. 28th of this year, and the agreement, the contours of which seemed to appear, has not been reached.

The lack of coordination of action has been a grave impediment to the timely fulfillment of the program of measures outlined in the Moscow agreement with regard to Korea as a whole.

As regards Northern Korea, considerable progress has been achieved in the field of democratization as well as in restoring the national economy and culture since Japan's surrender. Broad democratic reforms assuring political liberties and raising the living

standard of the population have been carried through. I am referring primarily to the inauguration of general suffrage; the law on equal rights of women; the establishment of local bodies of power and of the people's committee of northern Korea on the basis of free democratic elections; the land reform, as a result of which 725,000 landless farmers and small holders were given more than one million hectares of land free of charge which had previously been the property of Japanese colonizers and their accomplices in Korea; the nationalization of former Japanese industry; the law on the 8-hour working day, safety of labor and social insurance; the reform of national education, as a result of which the Korean language has been reinstated in the schools, the school network extended and the enrollment of students been enlarged, etc.

However, such broad democratic reforms have been implemented only in Northern Korea, where two-fifths of the Korean population reside.

Strictly abiding by the program outlined in the Moscow agreement in its policy toward Korea, the Soviet Government regards the following tasks as primary:

1. The establishment of a provisional Korean democratic government on the basis of broad participation by Korean democratic parties and social organizations, in order to expedite the political and economic amalgamation of Korea as a self-governed state independent of foreign interference, which fact would eliminate the division of the country into two zones.
2. The establishment of democratic bodies of power throughout Korea by free elections on the basis of general and equal suffrage.
3. Aid to the Korean nation in restoring Korea as an independent, democratic state and in developing the national economy and national culture.

In conformity with the constant desire of the Soviet Government for the speediest restoration of Korea as a united sovereign state, and for the elimination of the difficulties caused by the fact that Korea to this day is not united and has no national government of her own, I suggest that the Joint U.S.S.R.-U.S.A Commission resume its work on May 20 this year in the city of Seoul, on the basis of precise implementation of the Moscow agreement pertaining to Korea, and that in July-August, 1947, the commission submit to the two governments for consideration the results of its work in elaborating recommendations in respect to the establishment of a provisional Korean democratic government.

V

The United States and the Philippines

The first Philippine Republic was proclaimed in 1898 by Gen. Emilio Aguinaldo. It was suppressed by American armed forces in a war that lasted until 1902. The second Philippine Republic was proclaimed under Japanese auspices on October 14, 1943. This regime disappeared two years later with American reconquest of the islands. In accordance with the Philippines Independence Act of 1934, President Truman proclaimed the independence of the Philippines on July 4, 1946.

Many individuals who figured in the Japanese puppet republic have continued in places of power. One of them, Manuel Roxas, was elected president of the Republic on April 2, 1946. Roxas, who enjoyed the support of Gen. Douglas MacArthur, defeated Sergio Osmena, who had served as president-in-exile during the Japanese occupation. Osmena succeeded Manuel Quezon after Quezon's death in the United States in 1944.

The Philippines Trade Act, signed by President Truman on April 30, 1946, provides for a period of 28 years during which the Philippines will enjoy a preferential position with respect to the American tariff. The act also required Filipino acceptance of a preferential economic position for the United States in the islands, which was approved by a plebiscite held in the Philippines on March 11, 1947. On March 14, the Philippines government approved another measure granting the United States fifteen sites for military and naval bases for 99 years. A five-year military assistance agreement between the United States and the Philippines was signed in Manila on March 21 by President Roxas and U.S. Ambassador Paul V. McNutt.

Besides the problems of the Philippines external trade and strategic situation, the new Republic under Roxas began its career heavily laden with immense problems of internal reconstruction and economic rehabilitation. Profound social and political cleavages arising primarily out of the condition of the peasantry were

expressed in the opposition of the peasant partisan movement known as Hukbalahap and the Democratic Alliance to the Roxas government. At the end of the first year, an inconclusive civil war against the radical peasant partisans in Luzon was still being fought.

PROCLAMATION OF PHILIPPINES INDEPENDENCE

Issued at Washington, D.C., July 4, 1946. Text is from the Bulletin of the Department of State, Washington, D.C., July 14, 1946.

By the President of the United States of America

A PROCLAMATION

WHEREAS the United States of America by the Treaty of Peace with Spain of December 10, 1898, commonly known as the Treaty of Paris, and by the Treaty with Spain of November 7, 1900, did acquire sovereignty over the Philippines, and by the Convention of January 2, 1930, with Great Britain did delimit the boundary between the Philippine Archipelago and the State of North Borneo; and

WHEREAS the United States of America has consistently and faithfully during the past forty-eight years exercised jurisdiction and control over the Philippines and its people; and

WHEREAS it has been the repeated declaration of the legislative and executive branches of the Government of the United States of America that full independence would be granted the Philippines as soon as the people of the Philippines were prepared to assume this obligation; and

WHEREAS the people of the Philippines have clearly demonstrated their capacity for self-government; and

WHEREAS the Act of Congress approved March 24, 1934, known as the Philippine Independence Act, directed that, on the 4th Day of July immediately following a ten-year transitional period leading to the independence of the Philippines, the President of the United States of America should by proclamation withdraw and surrender all rights of possession, supervision, jurisdiction, control, or sovereignty of the United States of America in and over the territory and people of the Philippines, except certain reservations therein or thereafter authorized to be made, and, on behalf of the United States of America, should recognize the independence of the Philippines:

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do proclaim that, in accord with and subject to the reservations provided for in the applicable statutes of the United States,

The United States of America hereby withdraws and surrenders all rights of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States of America in and over the territory and people of the Philippines; and,

On behalf of the United States of America, I do hereby recognize the independence of the Philippines as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this Fourth day of July in the
year of our Lord, nineteen hundred and forty-six,
[SEAL] and of the Independence of the United States of
America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON

Acting Secretary of State.

VI

Great Britain and India

During the war, Great Britain refused to entertain the Indian nationalist demand for a transfer of a great measure of power to Indian hands. The Cripps offer of 1942 was rejected by the All-India Congress Party as inadequate. On August 8, 1942, the Congress Working Committee demanded that Britain "Quit India." The British reply was the arrest and imprisonment of all the important leaders of the party, from Gandhi and Nehru down to local party officials. A major insurrection followed which had a largely spontaneous popular character. It was put down with much bloodshed. The war was prosecuted from India without Congress support but with the tacit support of the Moslem League and (subsequent to June 22, 1941) the Indian Communist Party.

Subhas Chandra Bose, former Congress leader, joined the Japanese and under their auspices organized the Indian National Army, made up largely of Indian troops captured by the Japanese in Malaya and Burma. This force was abortively used alongside Japanese troops in the unsuccessful attempt to invade India in the spring of 1944, but its main impact was in the sphere of propaganda. When the war ended, its members were regarded by the Indian nationalist movement as patriots, and British attempts to prosecute them as traitors had to be abandoned in the face of strong popular protests. Great Britain was able, however, to make such extensive use of Indian manpower and resources during the war that it became India's debtor to the extent of nearly \$5,000,000,000, a drastic reversal of the historic financial relationship between metropolitan England and colonial India. The military-strategic and political developments during the war had already made it plain, however, that the colonial status of India could not be preserved.

In March, 1946, a Cabinet mission was sent to India, headed by Lord Pethick-Lawrence and Sir Stafford Cripps. It attempted during negotiations lasting three months to establish the basis for setting

up a unified constitutional regime in India to which Britain would transfer power. This involved primarily the relations among the dominant Congress Party, which wanted a unified India, the dissident Moslem League, which wanted a separate Moslem state under the name of Pakistan, and the princely states, which formed separate pseudo-sovereign entities. Failing to bring about agreement, the Cabinet Mission on May 16, 1946, issued its own proposals. These called for creation of an Interim Government, election of a Constituent Assembly, and drafting of a constitution that would assure a large measure of provincial autonomy but would retain, through a federal system, the essential unity of the country.

The Interim Government was formed in September. The Constituent Assembly was elected in July and met in December. The Moslem League, after some delays, accepted participation in the Government but boycotted the constitution-drafting Assembly so long as the demand for Pakistan remained ungranted. This conflict, marked by widespread communal riots and violence, was in a condition of deadlock when on February 20, 1947, Prime Minister Attlee announced that Great Britain would definitely withdraw from India "not later than June, 1948" regardless of the internal situation in the country at that time.

Following this historic and portentous announcement, which met with no opposition from the Conservative minority led by former Prime Minister Churchill, Lord Louis Mountbatten succeeded Lord Wavell as Viceroy with the mission to negotiate arrangements for Britain's withdrawal. His negotiations resulted in a plan that finally accepted the Moslem demand for the partition of India. Under this plan, British transfer of power and lapse of its "paramountcy" in the Indian states was scheduled for August 15, 1947. India was partitioned into a Moslem Pakistan and a predominantly Hindu Union of India. The future of the 562 princely states was left open and they were given the choice of joining either new state. Rulers of some of the princely states announced they would remain independent after the transfer, but their right to do so was challenged by the Congress Party. Pakistan was to consist of truncated territories in the far west and the far east of India, with disputed areas to be partitioned according to the results of plebiscites. Both Pakistan and the Indian Union were to remain, at least until June 1948, dominions in the British Commonwealth.

This plan was announced in London and New Delhi on June 3, and accepted with varying degrees of reluctance and dissatisfaction by the Indian parties during the two weeks that followed. Legislation to give effect to its terms was rushed through the British Parliament. Viscount Mountbatten was named governor-general of the new Dominion of India and Mohammed Ali Jinnah, the Moslem

League Leader, was named governor-general of Pakistan. A Partition Council was created. With the preparation and holding of plebiscites, the huge job of splitting the administrative, military, and political structure of India was begun. On August 15, 1947, a divided India entered this new era of its history amid the tragic carnage of large scale communal rioting in many parts of the country and particularly in the border areas between India and Pakistan.

Excerpt from
RAMGARH CONGRESS RESOLUTION ON
SUPPORT OF THE WAR

*Adopted by the All-India National Congress at Ramgarh, March 20,
1940. Text from Cmd. 6196, H.M.S.O., London.*

This Congress, having considered the grave and critical situation resulting from the war in Europe and the British policy in regard to it, approves of and endorses the resolutions passed and the action taken on the war situation by the All-India Congress Committee and the Working Committee. The Congress considers the declaration, by the British Government, of India as a belligerent country, without any reference to the people of India, and the exploitation of India's resources in this war, as an affront to them, which no self-respecting and freedom-loving people can accept or tolerate.

The recent pronouncements made on behalf of the British Government in regard to India demonstrate that Great Britain is carrying on the war fundamentally for Imperialist ends and for the preservation and strengthening of her Empire, which is based on the exploitation of the people of India as well as of other Asiatic and African countries. Under these circumstances, it is clear that the Congress cannot in any way, directly or indirectly, be party to the war, which means continuance and perpetuation of this exploitation.

The Congress, therefore, strongly disapproves of Indian troops being made to fight for Great Britain and of the drain from India of men and material for the purpose of the war. Neither the recruiting nor the money raised in India can be considered to be voluntary contributions from India. Congressmen and those under the Congress influence cannot help in the prosecution of the war with men, money or material.

The Congress hereby declares again that nothing short of complete independence can be accepted by the people of India. Indian freedom cannot exist within the orbit of Imperialism, and Dominion Status or any other status within the Imperial structure is

wholly inapplicable to India, is not in keeping with the dignity of a great nation and would bind India in many ways to British politics and economic structure. The people of India alone can properly shape their own constitution and determine their relations to the other countries of the world, through a constituent assembly elected on the basis of adult suffrage.

The Congress is further of opinion that while it will always be ready, as it ever has been, to make every effort to secure communal harmony, no permanent solution is possible except through a constituent assembly, where the rights of all recognised minorities will be fully protected by agreement as far as possible, between the elected representatives of the various majority and minority groups, or by arbitration if agreement is not reached on any point. Any alternative will lack finality.

India's constitution must be based on independence, democracy and national unity, and the Congress repudiate attempts to divide India or to split up her nationhood. The Congress has always aimed at a constitution where the fullest freedom and opportunities of development are guaranteed to the group and the individual and social injustice yields place to a juster social order.



FIRST RESOLUTION FOR PAKISTAN

*Adopted by the All-India Moslem League at Lahore, March 24, 1940.
Text from Cmd. 6196, H.M.S.O., London.*

While approving and endorsing the action taken by the Council and the Working Committee of the All-India Muslim League, as indicated in their resolutions dated 27th August, 17th and 18th September, 22nd October, 1939, and 3rd February, 1940, on the constitutional issue, this session of the All-India Muslim League emphatically reiterates that the scheme of Federation embodied in the Government of India Act, 1935, is totally unsuited to and unworkable in the peculiar conditions of this country, and is altogether unacceptable to Muslim India.

This session further records its emphatic view that while the declaration dated 18th October, 1939, made by the Viceroy on be-

half of His Majesty's Government is reassuring in so far as it declares that the policy and plan on which the Government of India Act, 1935, is based will be reconsidered in consultation with the various parties, interests and communities in India, Muslim India will not be satisfied unless the whole constitutional plan is reconsidered *de novo*, and that no revised plan would be acceptable to the Muslims unless it is framed with their approval and consent.

Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, viz., that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute "independent States" in which the constituent units shall be autonomous and sovereign: that adequate, effective and mandatory safeguards should be specifically provided in the constitutions for minorities in the units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Muslims are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

This session further authorizes the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary.



THE CRIPPS PROPOSALS

Published March 30, 1942. Text from Cmd. 6350, H.M.S.O., London.

The conclusions of the British War Cabinet as set out below are those which Sir Stafford Cripps has taken with him for discussion

with the Indian Leaders and the questions as to whether they will be implemented will depend upon the outcome of these discussions which are now taking place.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration:—

(a) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(b) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:—

(i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as Indian Union, and arrived at by a procedure analogous to that here laid down.

(ii) the signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose

any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation.

(d) the constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:—

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole, and with the same powers as the British Indian members.

(e) During the critical period which now faces India and until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.



CONGRESS RESOLUTION ON CRIPPS PROPOSALS

Issued by the Congress Working Committee, April 11, 1942. Text from Cmd. 6350, H.M.S.O., London.

The Working Committee have given full and earnest consideration to the proposals made by the British War Cabinet with regard to India and the elucidation of them by Sir Stafford Cripps.

These proposals, which have been made at the very last hour because of the compulsion of events, have to be considered not only in relation to India's demand for independence but more especially, in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the world.

Congress has repeatedly stated, ever since the commencement of the war in September 1939, that the people of India would line themselves with the progressive forces of the world and assume full responsibility to face the new problems and shoulder the new burdens that had arisen, and it asked for the necessary conditions to enable them to do so to be created. The essential condition was the freedom of India, for only the realisation of present freedom could light the flame which would illuminate millions of hearts and move them to action.

At the last meeting of the All-India Congress Committee, after the commencement of the war in the Pacific, it was stated that:—"Only a free and independent India can be in a position to undertake the defence of the country on a national basis and be able to help in the furtherance of the larger causes that are emerging from the form of war."

The British War Cabinet's new proposals relate principally to the future, upon the cessation of hostilities. The Committee, while recognising that self-determination for the people of India is accepted in principle in that uncertain future, regret that this is fettered and circumscribed and that certain provisions have been introduced which gravely imperil the development of a free and united national government and the establishment of a democratic state. Even the constitution-making body is so constituted that the people's right of self-determination is vitiated by the introduction of non-representative elements.

The people of India have, as a whole, clearly demanded full independence, and Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to or could meet the essential requirements of the present situation.

The Committee recognise that future independence may be implicit in the proposals, but the accompanying provisions and restrictions are such that real freedom may well become an illusion.

The complete ignoring of ninety millions of people in the Indian States, and their treatment as commodities at the disposal of their Rulers, is a negation both of democracy and self-determination. While the representation of an Indian State in the constitution-making body is fixed on a population basis, the people of the State have no voice in choosing those representatives, nor are they to be consulted at any stage while decisions vitally affecting them are being taken. Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails, and where the possibility of maintaining foreign-armed forces has been stated to be a likely contingency and a perpetual menace to the freedom of the people of the States as well as of the rest of India.

The acceptance beforehand of the novel principle of non-accession for a Province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the Provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves into an Indian Union. Congress has been wedded to Indian freedom and unity and any break of that unity especially in the modern world when peoples' minds inevitably think in terms of ever larger federations would be injurious to all concerned and exceedingly painful to contemplate. Nevertheless the Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will. While recognising this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. Acceptance of this principle inevitably involves that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong National State.

The proposal now made on the part of the British War Cabinet encourages and will lead to attempts at separation at the very inception of the Union and thus create great friction just when the utmost co-operation and goodwill are most needed. This proposal has been presumably made to meet the communal demand, but it will have other consequences also and lead politically reactionary and obscurantist groups among the different communities to create trouble and divert public attention from the vital issues before the country.

Any proposal concerning the future of India must demand attention and scrutiny, but in to-day's grave crisis it is the present that counts and even the proposals for the future in so far as they affect the present. The Committee necessarily attached the greatest importance to this aspect of the question and on this ultimately depends what advice they should give to those who look to them for guidance. For this the present British War Cabinet's proposals are vague and altogether incomplete, and there would appear to be no vital changes in the present structure contemplated. It has been made clear that the defence of India will in any event remain under British control. At any time Defence is a vital subject; during war-time it is all-important and covers almost every sphere of life and administration. To take away Defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and nullity, and to make it perfectly clear that India is not going to be free in any way and her Government is not going to function as a free and independent Government during the pendency of the war.

The Committee would repeat that the essential fundamental prerequisite for the assumption of responsibility by the Indian people in the present is their realisation as a fact that they are free and are in charge of maintaining and defending their freedom. What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in the matter of Defence. It is only thus that even in this grave eleventh hour it may be possible to galvanise the people of India to rise to the height of the occasion. It is manifest that the present Government of India, as well as its Provincial agencies, are lacking in competence and are incapable of shouldering the burden of India's defence. It is only the people of India, through their popular representatives, who may shoulder this burden worthily. But that can only be done by present free-

dom and full responsibility being cast upon them. The Committee are, therefore, unable to accept the proposals put forward on behalf of the British War Cabinet.



MOSLEM LEAGUE · RESOLUTION ON CRIPPS PROPOSALS

*Issued by the Working Committee of the All-India Moslem League,
April 11, 1942. Text from Cmd. 6350, H.M.S.O., London.*

The Working Committee of the All India Muslim League have given their most earnest and careful consideration to the announcement made by Mr. Churchill, the British Prime Minister, in the House of Commons on March 11th 1942 and the Draft Declaration of the War Cabinet of His Majesty's Government regarding the future of India, and also the interim proposals during the critical period which now faces India for the immediate participation of the Leaders of the principal sections of the Indian People in the counsels of their country.

The Committee appreciate that the British Prime Minister in his pronouncement made it clear that the draft Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India; thus maintaining the validity of the Declaration of August 8th 1940, which had promised to the Moslems that neither the machinery for the framing of the Constitution should be set up, nor the Constitution itself should be enforced, without the approval and consent of Moslem India.

The Committee, while expressing their gratification that the possibility of Pakistan is recognised by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government embodying the fundamentals are not open to any modification and therefore no alternative proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification, the Committee have

no alternative but to say that the proposals in their present form are unacceptable to them for the following reasons:—

(1) The Mussalmans, after 25 years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interests of peace and the happiness of the two peoples, to compel to constitute one Indian Union composed of the two principal nations—Hindus and Moslems: but this appears to be the main object of His Majesty's Government as adumbrated in the preamble of the draft Declaration, the creation of more than one Union being relegated only to the realm of remote possibility, and is purely illusory.

(2) In the draft Declaration a constitution-making body has been proposed with the primary object of creating one Indian Union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones: and it will therefore be unfair to the Moslems to compel them to enter such a constitution-making body whose main object is the creation of a new Indian Union. With conditions as they are it will be not only futile but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

The machinery which has been proposed for the creation of the constitution-making body, namely that it will consist of members elected by the newly-elected Lower Houses of the eleven Provinces upon the cessation of hostilities as a single electoral College by the system of proportional representation, is a fundamental departure from the right of the Mussalmans hitherto enjoyed by them to elect their representatives by means of separate electorates, which is the only sure way in which true representatives of the Mussalmans can be chosen.

The constitution-making body will take decisions by a bare majority on all questions of the most vital and paramount character involved in the framing of the Constitution, which is a departure from the fundamental principles of justice and contrary to constitutional practice so far followed in the various countries and Dominions; and the Mussalmans by agreeing to this will, instead of exercising their right and judgment as a constituent factor, be at the entire mercy of the constitution-making body in which they will be a minority of about 25 per cent.

(3) The right of non-accession to the Union as contemplated in

the draft Declaration has been conceded presumably in response to the insistent demands by the Mussalmans for the partition of India: but the method and procedure laid down are such as to negative the professed object; for in the draft proposals the right of non-accession has been given to the existing Provinces which have been formed from time to time for administrative convenience and on no logical basis.

The Mussalmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny, and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issue is to court disaster.

In the draft proposals no procedure has been laid down as to how the verdict of the Province is to be obtained in favour of or against accession to the one Union, but in the letter dated April 2nd from the Secretary of Sir Stafford Cripps addressed to the President of the All-India Muslim League it is stated that "a Province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in."

If the majority for accession to the Union is less than 60 per cent the minority will have the right to demand a plebiscite of the adult male population. In this connection it must be emphasised that in the Provinces where the Mussalmans are in a majority, as in the case of the major Provinces of Bengal and the Punjab, they are in a minority in the Legislative Assemblies, and in the Assemblies of Sind and the North-West Frontier Province the total number (namely 60 and 50 respectively) is so small and the weightage given to the non-Moslems so heavy that it can be easily manipulated, and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Mussalmans of those Provinces.

As regards the suggested plebiscite in the Provinces in which the Mussalmans are in a majority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult population of the Provinces and not to the Mussalmans alone; which is to deny them the inherent right to self-determination.

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a Union.

(5) With regard to the Treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indi-

cate as to what would happen in case of disagreement on the terms between the contracting parties; nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to the interim arrangement there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth, and of the United Nations. The Committee are therefore unable to express their opinion until a complete picture is available. Another reason why the Committee are unable to express their opinion on the interim arrangements for participation in the counsels of the country is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole, and that it would not be possible to retain only the part relating to the immediate arrangements at the centre and discard the rest of the draft scheme; and as the Committee has come to the conclusion that the proposals for the future are unacceptable, it will serve no useful purpose to deal further with the question of the immediate arrangements.



THE "QUIT INDIA" RESOLUTION OF 1942

Adopted by the All-India Congress Committee at Bombay, August 8, 1942. Text from Cmd. 6430, H.M.S.O., London.

The All-India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee in their resolution dated July 14, 1942, and to subsequent events, including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad. The Committee approves of and endorses that resolution, and is of opinion that events subsequent to it have given it further justification, and have made it clear that the immediate ending of British rule in India is an urgent necessity, both for the sake of India and for the success

of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom.

The Committee has viewed with dismay the deterioration of the situation on the Russian and Chinese fronts and conveys to the Russian and Chinese peoples its high appreciation of their heroism in defence of their freedom. This increasing peril makes it incumbent on all those who strive for freedom and who sympathise with the victims of aggression, to examine the foundations of the policy so far pursued by the Allied Nations, which have led to repeated and disastrous failure. It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them. These policies have been based not on freedom so much as on the domination of subject and Colonial countries, and the continuation of the Imperialist tradition and method. The possession of Empire, instead of adding to the strength of the ruling power, has become a burden and a curse. India, the classic land of modern Imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged, and the peoples of Asia and Africa be filled with hope and enthusiasm.

The ending of British rule in this country is thus a vital and immediate issue on which depend the future of the war and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and Imperialism. This will not only affect materially the fortunes of the war, but will bring all subject and oppressed humanity on the side of the United Nations, and give these nations, whose ally India would be, the moral and spiritual leadership of the world. India in bondage will continue to be the symbol of British Imperialism and the taint of that imperialism will affect the fortunes of all the United Nations.

The peril of to-day, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet that peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which will immediately transform the nature of the war.

The A.I.C.C., therefore, repeats with all emphasis the demand for

the withdrawal of the British power from India. On the declaration of India's independence, a provisional Government will be formed and free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite Government, representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its Allied Powers, and to promote the well-being and progress of the workers in the fields and factories and elsewhere to whom essentially all power and authority must belong. The provisional Government will evolve a scheme for a constituent assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. This constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating units, and with the residuary powers vesting in these units. The future relations between India and the Allied Nations will be adjusted by representatives of all these free countries conferring together for their mutual advantage and for their co-operation in the common task of resisting aggression. Freedom will enable India to resist aggression effectively with the people's united will and strength behind it.

The freedom of India must be the symbol of and prelude to this freedom of all other Asiatic nations under foreign domination. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain their complete freedom. It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any other Colonial Power.

While the A.I.C.C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the

establishment of such a world federation, disarmament would be practicable in all countries, national armies, navies and air forces would no longer be necessary, and a world federal defence force would keep the world peace and prevent aggression.

An independent India would gladly join such a world federation and co-operate on an equal basis with other countries in the solution of international problems.

Such a federation should be open to all nations who agree with its fundamental principles. In view of the war, however, the federation must inevitably, to begin with, be confined to the United Nations. Such a step taken now will have a most powerful effect on the war, on the peoples of the Axis countries, and on the peace to come.

The Committee regretfully realizes, however, that despite the tragic and overwhelming lessons of the war and the perils that overhang the world, the Governments of few countries are yet prepared to take this inevitable step towards world federation. The reactions of the British Government and the misguided criticism of the foreign Press also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially to meet the present peril and to enable India to defend herself and help China and Russia in their hour of need. The Committee is anxious not to embarrass in any way the defense of China or Russia, whose freedom is precious and must be preserved, or to jeopardise the defensive capacity of the United Nations. But the peril grows both to India and these nations, and inaction and submission to a foreign administration at this stage is not only degrading India and reducing her capacity to defend herself and resist aggression but is no answer to that growing peril and is no service to the peoples of the United Nations. The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with no response and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need, and sometimes even hostility to India's freedom, which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people conscious of their strength and of the justice of their cause.

The A.I.C.C. would yet again, at this last moment, in the interest of world freedom, renew this appeal to Britain and the United Nations. But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an

imperialist and authoritarian Government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction, for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines on the widest possible scale, so that the country might utilize all the non-violent strength it has gathered during the last 22 years of peaceful struggle. Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken.

The Committee appeals to the people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji and carry out his instructions as disciplined soldiers of Indian freedom. They must remember that non-violence is the basis of this movement. A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function. When this happens every man and woman who is participating in this movement must function for himself or herself within the four corners of the general instructions issued. Every Indian who desires freedom and strives for it must be his own guide urging him on along the hard road where there is no resting place and which leads ultimately to the independence and deliverance of India.

Lastly, whilst the A.I.C.C. has stated its own view of the future governance under free India, the A.I.C.C. wishes to make it quite clear to all concerned that by embarking on a mass struggle, it has no intention of gaining power for the Congress. The power, when it comes, will belong to the whole people of India.



CABINET MISSION PROPOSALS

Issued as a White Paper on May 16, 1946. Text from Cmd. 6821, H.M.S.O., London.

1. On the 15th March last, just before the despatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words:—

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present régime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision . . .

"I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so . . .

"But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible."

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas: one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the North-East consisting of the provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate state of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six provinces enumerated above would be very considerable as the following figures * show:—

<i>North-Western Area</i>	<i>Muslim</i>	<i>Non-Muslim</i>
Punjab	16,217,242	12,201,577
North-West Frontier Province....	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan	438,930	62,701
	<hr/>	<hr/>
	22,653,294	13,840,231
	62.07 per cent	37.93 per cent
<i>North-Eastern Area</i>		
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	<hr/>	<hr/>
	36,447,913	34,063,345
	51.69 per cent	48.31 per cent

* All population figures in this statement are from the most recent census taken in 1941.

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur divisions in the Punjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23.6 per cent. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a United India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian Armed Forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in

India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan state are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states.

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which provinces would have full autonomy subject only to a minimum of central subjects, such as foreign affairs, defence and communications.

Under this scheme provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a central executive and legislature in which some ministers, who dealt with compulsory subjects, were responsible to the whole of India while other ministers, who dealt with optional subjects, would be responsible only to those provinces who had elected to act together in respect of such subjects. This difficulty would be accentuated in the central legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other provinces, which did not desire to take the optional subjects at the centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form:—

- (1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: foreign affairs, defence, and communications; and should have the powers necessary to raise the finances required for the above subjects.
- (2) The Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.
- (3) All subjects other than the Union subjects and all residuary powers should vest in the provinces.
- (4) The States will retain all subjects and powers other than those ceded to the Union.
- (5) Provinces should be free to form groups with executives and legislatures, and each group could determine the provincial subjects to be taken in common.
- (6) The constitutions of the Union and of the groups should contain a provision whereby any province could by a majority vote of its

legislative assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above programme but to set in motion machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable course is to utilise the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of Provincial Legislative Assemblies do not bear the same proportion to the total population in each province. Thus, Assam, with a population of 10 million, has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the province. Thus the number of seats reserved for Moslems in the Bengal Legislative Assembly is only 48 per cent of the total, although they form 55 per cent of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

- (a) to allot to each province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.
- (b) to divide this provincial allocation of seats between the main communities in each province in proportion to their population.
- (c) to provide that the representatives allocated to each community in a province shall be elected by members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India, General, Moslem and Sikh, the "General" Community including all persons who are not Moslems or Sikhs. As smaller minorities would upon a population basis have little or no representation, since they would lose the weightage which assures them seats in Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to minorities.

19. (i) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislative Assembly (General, Moslem or Sikh) electing its own representatives by the method of proportional representation with single transferable vote:—

TABLE OF REPRESENTATION

SECTION A

<i>Province</i>	<i>General</i>	<i>Muslim</i>	<i>Total</i>
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	167	20	187

SECTION B

<i>Province</i>	<i>General</i>	<i>Muslim</i>	<i>Sikhs</i>	<i>Total</i>
Punjab	8	16	4	28
North-West Frontier Province	0	3	0	3
Sind	1	3	0	4
Total	9	22	4	35

SECTION C

<i>Province</i>	<i>General</i>	<i>Muslim</i>	<i>Total</i>
Bengal	27	33	60
Assam	7	3	10
	<hr/>	<hr/>	<hr/>
Total	34	36	70
Total for British India			292
Maximum for Indian States			93
			<hr/>
Total			385

NOTE.—In order to represent the Chief Commissioners' Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British Baluchistan.

(ii) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a negotiating committee.

(iii) Representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a chairman and other officers elected and an Advisory Committee (see paragraph 20 below) on rights of citizens, minorities and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into three sections shown under A, B and C in the Table of Representation in sub-paragraph (i) of this paragraph.

(v) These sections shall proceed to settle provincial constitutions for the provinces included in each section and shall also decide whether any group constitution shall be set up for those provinces and if so with what provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (viii) below.

(vi) The representatives of the sections and the Indian States shall reassemble for the purpose of settling the Union constitution.

(vii) In the Union Constituent Assembly resolution varying the provisions of paragraph 15 above or raising any major communal

issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which, if any, resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(viii) As soon as the new constitutional arrangements have come into operation it shall be open to any province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the legislature of the province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas will contain due representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, the group or the Union constitutions.

21. His Excellency the Viceroy will forthwith request the provincial legislatures to proceed with the election of their representatives and the States to set up a negotiating committee.

It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy tasks of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a government having popular support is necessary. The Viceroy has already started discussions to this end and hopes

soon to form an interim government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India, who now have the opportunity of complete independence, we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new Constitution under which they will live. Despite the labours which we have shared with the Indian parties and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that, at this supreme moment in Indian history, statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that, in our view, there is small hope of a peaceful settlement by the agreement of the Indian parties alone. The alternative would, therefore, be a grave danger of violence, chaos and even civil war. The gravity and duration of such a disturbance cannot be foreseen, but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen and the world as a whole. We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole 400 millions of Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope, in any event, that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice

may be, we look forward with you to your ever-increasing prosperity among the greatest nations of the world and to a future even more glorious than your past.



INDIAN CONSTITUENT ASSEMBLY RESOLUTION ON INDEPENDENCE

Adopted by the Assembly in New Delhi on January 22, 1947. Text is from the New York Times, January 23, 1947.

This Constituent Assembly declares its firm and solemn resolve to proclaim India as an independent sovereign republic and to draw up for her future governance a constitution wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States, as well as such other territories as are willing to be constituted into the independent sovereign India, shall be a union of them;

And wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter, according to the law of the constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom;

And wherein all power and authority of the sovereign independent India, its constituent parts and organs of government, are derived from the people;

And wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality;

And wherein adequate safeguards shall be provided for minorities,

backward and tribal areas, and depressed and other backward classes;

And whereby shall be maintained the integrity of the territory of the republic and its sovereign rights of land, sea and air according to justice and the law of civilized nations, and this ancient land attain its rightful and honored place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.



ATTLEE STATEMENT ON WITHDRAWAL FROM INDIA

Made in the House of Commons, February 20, 1947. Text is from Cmd. 7047, H.M.S.O., London.

1. It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians and today the civil administration and the Indian armed forces rely to a very large extent on Indian civilians and officers. In the constitutional field the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new Constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles; since they came into office they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of March 15, last, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and Constitution and that, in the opinion of His Majesty's Government, the time had come for responsibility for the Government of India to pass into Indian hands.

3. The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future Constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that, without some initiative from the Cabinet Mission, agreement was unlikely to be reached that they put forward proposals themselves.

4. These proposals, made public in May, last, envisaged that the future Constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

5. Since the return of the Mission an Interim Government has been set up at the centre, composed of the political leaders of the major communities exercising wide powers within the existing Constitution. In all the Provinces, Indian Governments responsible to Legislatures are in office.

6. It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

7. His Majesty's Government desire to hand over their responsibility to authorities established by a Constitution approved by all parties in India in accordance with the Cabinet Mission's plan, but unfortunately there is at present no clear prospect that such a Constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June, 1948.

8. This great subcontinent now containing over 400,000,000 people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and ad-

ministering India with justice and efficiency. It is, therefore, essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

10. After months of hard work by the Cabinet Mission, a great measure of agreement was obtained as to the method by which a Constitution should be worked out. This was embodied in their statements of May, last. His Majesty's Government there agreed to recommend to Parliament a Constitution worked out, in accordance with the proposals made therein, by a fully representative Constituent Assembly. But if it should appear that such a Constitution will not have been worked out by a fully representative Assembly before the time mentioned, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over on the due date, whether as a whole to some form of Central Government for British India or in some areas to the existing provincial governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

11. Although the final transfer of authority may not take place until June, 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act of 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under paramountcy to any Government of British India. It is not intended to bring paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

13. His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with the representatives of those to whom they propose to transfer power.

14. His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection

between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

15. His Majesty's Government cannot conclude this statement without expressing, on behalf of the people of this country, their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.



ATTLEE STATEMENT ON PARTITION OF INDIA

Made to the House of Commons, June 3, 1947. Text from Cmd. 7136, H.M.S.O., London.

1. On Feb. 20, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June, 1948. His Majesty's Government had hoped that it would be possible for the major parties to cooperate in the working out of the Cabinet mission's plan of May 16, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Moslem League party, including in it a majority of representatives of Bengal, the Punjab and Sind, as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of

the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below.

His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that as a consequence of this announcement the Moslem League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labors.

At the same time it is clear that any constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their constitution is to be framed:

- (a) In the existing Constituent Assembly; or
- (b) In a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done it will be possible to determine the authority or authorities to whom power should be transferred.

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one representing the Moslem majority Districts and the other the rest of the Province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Moslem majority Districts in these two Provinces are set out in the Appendix to this announcement.

6. The members of the two parts of each Legislative Assembly, sitting separately, will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part

decides in favor of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united.

Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in Paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Moslem majority Districts (as laid down in the Appendix) and non-Moslem majority Districts. This is only a preliminary step of a purely temporary nature, as it is evident that for the purposes of final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a boundary commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Moslems and non-Moslems. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal boundary commission. Until the report of a boundary commission has been put into effect, the provisional boundaries indicated in the appendix will be used.

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in Paragraph 4 above.

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other consideration, that if the whole or any part of the Punjab decides not to join the exist-

ing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in Paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

12. British Baluchistan has elected a member but has not taken its seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in Paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

13. Though Assam is predominately a non-Moslem province, the District of Sylhet, which is contiguous to Bengal, is predominately Moslem. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Moslem part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet District, under the aegis of the Governor-General and in consultation with the Assam Provincial Government, to decide whether the District of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new province of Eastern Bengal, if that Province agrees. If the referendum results in favor of amalgamation with Eastern Bengal, a boundary commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Moslem majority areas of Sylhet District and contiguous Moslem majority areas of adjoining Districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will, in any case, continue to participate in the proceedings of the existing Constituent Assembly.

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet mission's plan of May 16, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this District should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

<i>Province</i>	<i>General</i>	<i>Moslems</i>	<i>Sikhs</i>	<i>Total</i>
Sylhet District	1	2	0	3
West Bengal	15	4	0	19
East Bengal	12	29	0	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form a new Constituent Assembly.

16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon:

(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including defense, finance and communications.

(b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.

(c) In the case of Provinces that may be partitioned, as to administration of all Provincial subjects such as the division of assets and liabilities, the police and other services, the high courts, Provincial institutions, etc.

17. Agreements with tribes of the northwest frontier of India will have to be negotiated by the appropriate successor authority.

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy toward the Indian States contained in the Cabinet mission memorandum of May 12, 1946, remains unchanged.

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all of the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently, as far as practicable within the conditions of this plan, the existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories; they will, of course, be free to frame their own rules.

20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June, 1948,

for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable, way of meeting this desire His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of Indian Constituent Assemblies to decide in due course, whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

21. His Excellency the Governor General will, from time to time, make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

APPENDIX

Moslem majority districts of Bengal and the Punjab according to the 1941 census:

Bengal—Chittagong Division: Chittagong, Noakhali, Tippera; Dacca Division: Bakarganj, Dacca, Faridpur, Mymensingh; Presidency Division: Jessor, Murshidabad, Nadia; Rajshahi Division: Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.

Punjab—Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhpura, Sialkot; Rawalpindi Division: Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur; Multan Division: Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

VII

Great Britain and Burma

Burma was swiftly over-run by the Japanese in the first weeks of the Pacific war. Some groups among the Burmese nationalists gave extensive aid to the invaders and hastened the total collapse of the British defense forces. Although the Japanese finally granted Burmese "independence" on August 1, 1943, their heavy hand upon the country dispelled many of the earlier hopes and illusions of the nationalists. In 1944-45, Burma was reconquered by British, American and Chinese forces. Aung San, young nationalist leader who organized the Burma National Army under Japanese auspices, turned his troops against the Japanese in the final stages of the reconquest. As head of the Anti-Fascist People's Freedom League, he led the determined Burmese nationalists who confronted the British upon their return to power in the spring of 1945.

The League and allied nationalist organizations pressed for immediate independence. They forcibly rejected the terms of the British White Paper of 1945, which envisaged in the main a return to the status quo ante 1941 and a slower tempo toward ultimate Burmese autonomy. They also resisted announced British plans to separate the Karen states in the north from the rest of Burma and to grant them distinct autonomy. Under the 1945 plan, Burma would have returned to a regime in which prime power remained in the hands of the British Governor and limited legislative powers in the hands of the Burmese.

In the negotiations in London in January, 1947, the earlier plan was abandoned in favor of establishing an immediate Interim Government on the India model and proceeding at once to election of a Constituent Assembly to draft a constitution for an independent Burma which would have the free choice of remaining in or out of the British Commonwealth. The Constituent Assembly was elected on April 9 and met in Rangoon on June 10. On June 17, the Assembly unanimously adopted a resolution declaring that Burma would be an independent sovereign republic to be known as the Union of Burma. On July 19, 1947 Premier Aung San and six of his fellow

cabinet ministers were assassinated in the capitol building in Rangoon. Thakin Nu, another leader of the majority party, the Anti-Fascist League, became premier. U Saw, leader of the rightist opposition party, the Myochit, was held for implication in the murders.

Excerpt from
SPEECH BY PRIME MINISTER CLEMENT
ATLEE WELCOMING BURMESE
DELEGATION

Delivered at the first meeting of British and Burmese representatives at No. 10 Downing Street on January 13, 1947. Texts are from the Burma Office release of the same date.

I would like to repeat, before our talks begin, the assurance I gave in the House of Commons on December 20th. It is for the people of Burma to decide their own future. We have no desire to retain any unwilling people within the Commonwealth and Empire. Our wish and intention is to hasten forward the time when Burma shall realise her independence either within or without the British Commonwealth and to see the Burmese people attain their self-government by the quickest and the most convenient time possible. Whatever may be the decision, we hope to continue and strengthen the ties of friendship between our two peoples. You will realise, therefore, that there is no difference between us in principle. We want to consider together the ways and means for achieving our common object.



Excerpt from
SPEECH BY U AUNG SAN, CHAIRMAN
OF BURMESE DELEGATION

I would . . . like to say on behalf of the Delegation that whatever internal differences there may be in our country, though indeed these are happily few and comparatively unimportant, we are one on the question of the right of our country to full and unfettered

sovereignty. We want certainly to be able to exercise that right as soon as possible and also we want to be provided at once with the opportunity of preparing for the day when we shall exercise that right in law as well as in fact. Naturally when we speak of our country as such, we envisage a unified country and no other, for only then will our freedom be real, lasting, and complete. We can confidently assert here that so far as our knowledge of the conditions of our own country goes, there should be no insuperable difficulty in the way of a Unified Burma provided all the races of our country are given full freedom and opportunity to meet together and to work together without the interference of outside interests. So far as we are concerned, we stand for the full freedom of all the races in our country, including these in the so-called independent Karenni States and we hold strongly the view that no such race and no region in our country should be denied now the fruits of the freedom that must shortly be achieved by our country and our people. These then are our simple aspirations and our simple demands, demands that we believe are endorsed by the entire people of Burma, irrespective of race or religion. On our own reckoning, the day of independence for our nation should be made possible within a year from now. We are very much gratified to hear the Prime Minister repeat the assurance that he gave in the House of Commons on the 20th December and we thank His Majesty's Government for that expression of their intention to leave it to Burma to choose between independence within and independence without the British Commonwealth and to aid us to achieve our choice as rapidly as possible. Nevertheless it sometimes happens that even the most laudable of intentions at times fail to fructify and that broad decisions of principle are often watered down or even defeated in the actual practice or in their detailed application. I am constrained to mention this by the actual experience we have had in Burma but we heartily welcome the statement made by the Prime Minister just now that the object of His Majesty's Government is to give Burma any help they can to conduct her own affairs in the way in which she wishes to conduct them and to make the utmost contribution that they can to Burma's future and to friendly and understanding relations between her and the Commonwealth. I wish to assure His Majesty's Government in this connection that if such is their object and if that object can be put into practice effectively, it will most certainly evoke a fitting response from the entire Burmese nation.

In conclusion I would like to mention that throughout our whole country, the Constitution of 1935 and the White Paper of 1945 are the objects of universal condemnation and that all our people are expecting that this Delegation of ours will be able to persuade His Majesty's Government to substitute them without delay by a new scheme which will enable only the nationals of Burma to participate in the management of our own affairs and which will directly lead us to our independence. We have come here hoping that we shall be able to obtain such a settlement with His Majesty's Government.



Excerpt from
SPEECH BY THAKIN BA SEIN, MEMBER
OF THE BURMESE DELEGATION

The real and true aspirations of the entire Burmese people is nothing but complete independence. Nothing short of complete independence shall satisfy their aspirations.

Throughout all her history until she came into contact with the British Imperialist Power, Burma was an independent and sovereign kingdom, wielding immense power and influence in that part of Asia. . . . Ever since we lost our independence, we have been ceaselessly struggling to regain it. Up to the present time there have been many revolts and risings in various parts of the country and all these are directed against foreign domination and foreign exploitation. These are but the expression of the intense desire of the Burmese people for freedom.

Before the War the British Government took upon itself the responsibility of defending Burma, but at the hour of crisis she was left undefended and unprotected. And she became a battlefield. It is needless for me to point out what that means in terms of destruction of life and property all over the country. Even under such circumstances Burma continued her struggle for her own freedom and salvation, unaided and alone, like all freedom-loving peoples of the world.

During the last War, in August 1943, by solemn proclamation,

Burma's independence was announced to the world, and pending the framing of a free Constitution, Burma was solely governed by Burmans having diplomatic relations abroad. All these had tremendous psychological effect upon the people of the country. They all felt that her lost independence was at last restored.

The British overlord was driven out of Burma. Because of the consciousness of this sovereign status and the restoration of the past glory, the Burmese people were able to endure all the restrictions, hardships, sufferings, and destruction that followed in the wake of the War.

When the British returned to Burma, the Burmese people naturally expected the recognition of her independence. Just the reverse was the case. The administration, the type of it, was worse than that of pre-war Burma. The hard-earned Japanese currency was demonetised. Within the twinkling of an eye Burmans became a nation of paupers. And all her hopes for freedom were dashed to the ground. Not only that, the British on return to Burma, in violation of all the avowed expressions of goodwill, began to adopt repressive measures. The country feels, and which is right, that the British came back with a heavy grudge. With the setting up of the Military Administration, the sacred letters of democratic laws disappeared. After doing the greatest harm within the shortest time, the Administration gave way to the White Paper Plan. The state of affairs remained the same; but there was only change in the name of the administration. Since the date and the hour of the British reoccupation, the Burmans have come to realise that independence is never meant to be given or to be recognised. Storms of lawlessness swept over the country. From day to day the situation has become worse.

Mr. Chairman, your Government then thought that if the new Executive Council were to be formed, they would be able to bring the situation under control. But the course of events has proved that things are still bad and difficult in Burma. We have to look for the root cause. It is not far to seek. The present complications, chaos, and disorders in the country are the violent repercussions to the lack of definite and concrete statement on the recognition of Burma's independence and on the acceptance of the principles of independence. Had independence been given a definite and concrete shape in Burma, the country would never have suffered from the ravages of the most high-handed lawlessness. To the right-thinking people who know the actual state of affairs in the country, the

main source of blame, I am afraid, rests with the policy of the British Government and the delay of the declaration of Burma's independence.

At present the country is not prepared in a truly democratic sense to have any elections, fair and just elections. There is no sense of security at all in the country. Life, liberty, and property have been openly flouted. The armed societies and the armed robberies still prevail in many parts of the country. Heaps of illicit firearms have gone into the hands of many irresponsible people and criminals.

Burma is rocked today to the very foundations, under the post-war convulsions.

Mr. Chairman, the post-war Burma has outgrown the pre-war Burma beyond all recognition. The recent war gave Burma its characteristic spark of awakened and rising nationalism as it did in the case of other countries in South East Asia. We see under our very nose Indonesia on the eve of independence. Indochina is following the footsteps of the former. India is on the threshold of independence. The Philippines have obtained independence. What about Burma? So asks every Burman to himself. Instead of a full-fledged independent Burma, we have a Burma under the White Paper Plan. Independence is already overdue for Burma. Every Burman is deeply conscious of it. . . .

. . . Consequently the acceptance by His Majesty's Government of the principle of independence should therefore constitute the basis of our discussions. Everything else should flow from this basis.

Mr. Chairman, once the principle of independence were accepted, time for implementing it without delay, latest within one year, becomes the subject of general discussions. To deny the right of independence to subject people would mean a negation of fundamental principles of the United Nations Organization. The second World War was fought to establish justice on earth and peace and goodwill among mankind. Peace cannot endure in a world half slave and half free. A United and Independent Burma will be more an asset than a liability to Britain. A divided and exploited Burma will be a danger to herself both from within and without. An independent Burma should on equal terms negotiate with Britain and seek Britain's friendship.



WHITE PAPER ON BURMA

Conclusions reached in the conversations between His Majesty's Government and the Delegation from the Executive Council of the Governor of Burma. Text from Cmd. 7029, H.M.S.O., London, January 27, 1947.

His Majesty's Government and the Delegation of the Burma Executive Council having discussed all the matters affecting the future relations between Great Britain and Burma which were raised by the Delegation have reached the following agreed conclusions as to the methods by which the people of Burma may achieve their independence, either within or without the Commonwealth, as soon as possible:—

1. *The Constituent Assembly*

In order that the people of Burma may decide on the future constitution of their country as soon as possible a Constituent Assembly shall be elected instead of a Legislature under the Act of 1935. For this purpose the electoral machinery of the 1935 Act will be used.

Elections will take place in April for the general non-communal, the Karen, and the Anglo-Burman constituencies as constituted under the Act of 1935, and for each constituency two members shall be returned. Any Burma nationals (as defined in Annex A) registered in a general constituency other than one of those mentioned above shall be placed on the register of a general non-communal constituency.

2. *Transitional Form of Government*

During the period of transition the Government of Burma will be carried on as at present under the special powers of Section 139 of the Act of 1935 and the Temporary Provisions Act of 1945 together with any Orders in Council made thereunder.

If any exceptional circumstances arise which, in the opinion of either Government require special treatment, His Majesty's Government will consider what, if any, alteration can be made to meet such circumstances.

3. *Interim Legislature*

During the interim period there will be a Legislative Council as provided by the Act of 1945. Power will be sought by His Majesty's Government by Order in Council to increase the numbers authorised from 50 to 100.

As soon as the elections to the Constituent Assembly are completed, the Governor will nominate a Legislative Council of 100. It will be drawn from among those elected to the Constituent Assembly with the inclusion of a small number of persons to represent the non-indigenous minorities.

The powers of the Legislative Council will be identical with those possessed by the recently dissolved Legislative Council of 50.

4. *Interim Government*

The Executive Council of the Governor will constitute the Interim Government of Burma.

While it is not possible to alter the legal powers of the Executive Council, or of the Governor, which must continue within the framework set out in paragraph 2 above, the Interim Government will be conducted generally in the same manner as the Interim Government of India at the present time, and in particular:—

- (a) The Executive Council will be treated with the same close consultation and consideration as a Dominion Government, and will have the greatest possible freedom in the exercise of the day-to-day administration of the country.
The convention exercised during the currency of the Act of 1935 as to the Governor presiding at the meetings of the Council of Ministers shall be continued in relation to the Executive Council.
- (b) His Majesty's Government agree in principle that the Government of Burma shall have financial autonomy (see Annex B).
- (c) Matters concerning Defence and External Affairs will be brought before the Executive Council, which will be fully associated with the disposal of business in such matters.
- (d) The Governor will depute to his Counsellor for Defence and External Affairs the day-to-day administration of those subjects.

Subject only to the limitations inherent in the legal position, the Executive Council will be at full liberty to raise, consider, discuss and decide on any matters arising in the field of policy and administration.

5. *External Affairs*

There shall be appointed forthwith a High Commissioner for Burma to represent the Burmese Government in London. His Majesty's Government will request the Governments of the countries with which Burma wishes to exchange diplomatic representatives to agree to such an exchange.

6. *Membership of International Organisations*

His Majesty's Government will lend their full support to any application by Burma for membership of the United Nations Organisation as soon as Burma's constitutional position makes it possible for such an application to be entertained. In the meantime His Majesty's Government will explore with the Secretary-General how far it is possible for Burma to be represented at any meetings of, or under the auspices of, the United Nations Organisation.

They will also approach any other international bodies which the Government of Burma may desire, with a view to ascertaining whether Burma can be associated with the work of such bodies as a member nation or otherwise.

7. *Defence*

- (a) In accordance with settled practice all British forces stationed in Burma will remain under the ultimate control of His Majesty's Government.
- (b) All Burmese forces will forthwith come under the control of the Government of Burma.
- (c) His Majesty's Government have agreed in principle that the G.O.C. in Burma shall become subordinate to the Governor and Government of Burma at the earliest practicable moment, but for the present, until the liquidation of inter-Allied arrangements of Command which cover many countries, the G.O.C. in Burma will remain under S.E.A.L.F. During this period there will of course be close collaboration between the Governor, the Government of Burma, and the authorities concerned.

Appropriate arrangements on similar lines will apply in respect of the Naval and Air Services.

- (d) The question of assistance in building up the Defence Forces of Burma will be a matter for discussion between the two Governments. His Majesty's Government wish to do their utmost to help the Government of Burma in this matter, but must have regard to their already heavy commitments in other parts of the world.

- (e) The question of the retention or use of any British Forces in Burma after the coming into operation of the new Constitution will be a matter of agreement between His Majesty's Government and the Government of Burma.

8. *Frontier Areas*

It is the agreed objective of both His Majesty's Government and the Burmese Delegates to achieve the early unification of the Frontier Areas and Ministerial Burma with the free consent of the inhabitants of those areas. In the meantime, it is agreed that the people of the Frontier Areas should, in respect of subjects of common interest, be closely associated with the Government of Burma in a manner acceptable to both parties. For these purposes it has been agreed:—

- (a) There shall be free intercourse between the peoples of the Frontier Areas and the people of Ministerial Burma without hindrance.
- (b) The leaders and representatives of the peoples of the Frontier Areas shall be asked, either at the Panglong Conference to be held at the beginning of next month or at a special Conference to be convened for the purpose, to express their views upon the form of association with the Government of Burma which they consider acceptable during the transition period: whether—
- (i) by the appointment of a small group of Frontier representatives to advise the Governor on Frontier affairs and to have close liaison with the Executive Council; or
 - (ii) by the appointment of one Frontier Area representative as Executive Councillor in charge of Frontier affairs; or
 - (iii) by some other method.
- (c) After the Panglong meeting, or the special conference, His Majesty's Government and the Government of Burma will agree upon the best method of advancing their common aims in accordance with the expressed views of the peoples of the Frontier Areas.
- (d) A Committee of Enquiry shall be set up forthwith as to the best method of associating the Frontier peoples with the working out of the new Constitution for Burma. Such Committee will consist of equal numbers of persons from Ministerial Burma, nominated by the Executive Council, and of persons from the Frontier Areas, nominated by the Governor after consultation with the leaders of those areas, with a neutral Chairman from outside Burma selected by agreement. Such Committee shall be asked to report to the Government of Burma and His Majesty's Government before the summoning of the Constituent Assembly.

9. *Finance*

A number of financial questions have been considered and an agreement has been arrived at as to how these matters should be dealt with, which is set out in Annex B, attached hereto.

10. *Other Matters*

A number of other questions will arise for settlement between His Majesty's Government and the Government of Burma connected with the change in the status of Burma. These will be taken up as they arise and will be dealt with in the same friendly and co-operative spirit that has marked the present discussions.

Both His Majesty's Government and the Delegates of the Burma Executive Council are convinced that by a continuation of the present method of consultation and co-operation smooth and rapid progress can be made towards their common objective of a free and independent Burma, whether within or without the British Commonwealth of Nations, and they have, therefore, agreed to co-operate in the settlement of all future matters which shall arise between them through the transitional period until Burma's new Constitution comes into operation.

(Sd.) C. R. ATTLEE.

(Sd.) AUNG SAN.

10 *Downing Street, S.W. 1,*
27th *January, 1947.*

NOTE: The Hon. Thakin Ba Sein and the Hon. U Saw are unable to associate themselves with these conclusions.

ANNEX A

A Burma National is defined for the purposes of eligibility to vote and to stand as a candidate at the forthcoming elections as a British subject or the subject of an Indian State who was born in Burma and resided there for a total period of not less than eight years in the ten years immediately preceding either 1st January, 1942, or 1st January, 1947.

(Intld.) C. R. A.

(Intld.) A. S.

ANNEX B

FINANCE

1. His Majesty's Government have agreed in principle that Burma should have financial autonomy.

2. His Majesty's Government have undertaken to do all they can to secure her effective membership, as soon as she is in a position to make the application and should she so desire, of the International Monetary Fund and the International Bank.

3. Burma has received as an interest-free loan approximately £8 million (net) for the Burma financial year October 1945 to September 1946 and it has already been agreed that, for the financial year October 1946 to September 1947, she should receive a further £7.5 million (net). His Majesty's Government have now agreed that they will make a further contribution towards this year's deficit on the Ordinary Budget, taking account of any contribution for the Frontier Areas.

4. As regards the Projects Budget (which deals mainly with the governmental trading activities) His Majesty's Government will examine the possibility of a credit with a definite ceiling, without United Kingdom control, but with the fullest exchange of information.

5. His Majesty's Government are prepared to agree in principle to the possibility of converting a part of any interest-free loan into an outright grant in the light of the results of the further joint study of the facts of the financial situation (see next paragraph).

6. It is agreed that there should be a further joint study in Burma of the facts of the financial situation, without commitment on either side. Should further financial assistance be needed from His Majesty's Government beyond that agreed in paragraphs 3 and 4 of this Annex, this assistance, if given, will be subject to such conditions as may be agreed upon.

(Intld.) C. R. A.

(Intld.) A. S.

VIII

France and Indochina

Between June, 1940, and March 9, 1945, Japan enjoyed full control of Indochina with the compliance and assistance of the French colonial authorities. The colony was the main base for Japan's southward push against the Philippines and Southeast Asia after the attack on Pearl Harbor. On March 9, 1945, in a virtually bloodless coup, the Japanese eliminated the French administration and replaced it with a feeble puppet government joined by a few Annamite monarchist sects. The Annamite nationalist movement, organized in the Viet Minh, or Viet Nam Independence League, had been carrying on an underground resistance against both the French and Japanese. In 1941 an attempted Viet Minh uprising in Cochinchina was suppressed by French troops amid great carnage. In the spring of 1945, Viet Minh guerrillas operating in Tonkin, in the far north, were armed with American weapons and officered by American Army combat teams and had liberated large areas along the Chinese frontier when the war's end came in August.

The Viet Minh organized the Government of the Democratic Republic of Viet Nam. Ho Chi Minh, veteran nationalist leader and Communist, and leader of the anti-Japanese guerrillas in Tonkin, was elected president. This government overthrew the puppet regimes in north and south and established its power at Hanoi on August 18, 1945 and at Saigon on August 25. Bao Dai, Emperor of Annam, abdicated at Hue on August 25. The independence of Viet Nam (the ancient name of the country, meaning Land of the South) was proclaimed on September 2, 1945, heralding the end of 80 years of French rule.

Occupation of Indochina south of the 16th parallel was assigned to the British-led Southeast Asia Command. With the entry of British forces, French troops were released from internment and re-armed. Under the leadership of French officers who came in with the British, a coup d'état was effected in Saigon on September 23, 1945. The Viet Nam regime was expelled from the city. Hundreds were arrested. This touched off a bloody guerrilla war, first in Saigon

itself and then spreading to the Saigon delta and the whole of Cochinchina. British, French, and Japanese troops were employed against the Viet Minh guerrillas. After the coup, the French offered to negotiate with the Viet Minh on the basis of the French Government Declaration of March 23, 1945, but this was rejected as being wholly inadequate to meet Vietnamese demands for independence. With the steady arrival of French reinforcements (heavily equipped with American lend-lease weapons, vehicles, and supplies), the Japanese were finally disarmed and the British turned over full control to the French in Saigon, withdrawing by the end of the year.

North of the 16th parallel, the Chinese were in occupation and here the Viet Nam Government functioned without serious hindrance. Elections were held and the first independent parliament of the new regime was organized. In February, 1946, the French signed a new treaty with China relinquishing extraterritoriality and France's various concessions in China. In a separate agreement on Indochina, French control of the Yunnan railway was yielded and special rights accorded to the Chinese in trade transit across Indochina to the port of Haiphong. In return for these concessions, the Chinese withdrew during the next few months. The re-entry of French troops in the north appeared to presage spread of the war to Tonkin. On March 6, 1946, however, an agreement was signed at Hanoi by France and Viet Nam, recognizing Viet Nam's independence within the proposed Indochinese Federation and French Union. French troops were admitted without conflict but the March 6 agreement and subsequent accords proved inoperative as outbreaks continued and mutual charges of violations were made. Negotiations continued without fruitful effect through the summer and fall.

Matters came to a head in Hanoi on December 19, 1946, when clashes in that city resulted in generalized warfare throughout Indochina. The French charged that the Vietnamese were the instigators of the outbreak. The Vietnamese however, accused the French of deliberately trying to overthrow the new nationalist regime. Attempts by Ho Chi Minh to re-open negotiations were rebuffed. Marius Moutet, sent out by Premier Leon Blum to investigate the situation, did not see Ho although he was invited to do so.

On February 13, 1947, Blum's successor, Premier Paul Ramadier announced in Paris that France would no longer negotiate with Ho Chi Minh's government and that the accord of March 6, 1946 "does not exist." In reply on February 16 the Viet Nam radio announced that if France regarded previous agreements as null and void, Viet Nam would withdraw its acceptance of inclusion within the proposed "French Union"—which it had reiterated as late as December 31—and would henceforth fight for "absolute independence." Subse-

quent official Viet Nam declarations, however, continued to state that the nationalist government was still prepared to negotiate on the basis of the previous accords and the projected "French Union."

Bitter and inconclusive warfare spread meanwhile through all of Cochinchina, Annam, and Tonkin. Reinforcements for the French Foreign Legion consisted largely of former Nazi troops released from prison camps to enlist in the Legion. Emile Bollaert, sent out to replace Admiral Thierry d'Argenlieu as High Commissioner, offered only capitulatory terms to Ho Chi Minh's government. On June 19, 1947, the half-year anniversary of the outbreak in Hanoi was celebrated throughout Viet Nam with pledges that the fight against the French would be continued until the unity and independence of Viet Nam were assured.

DECLARATION OF THE FRENCH GOVERNMENT ON THE STATUS OF INDOCHINA

Issued on March 23, 1945. Text translated from Notes Documentaires et Etudes, No. 115, Serie Coloniale XV. Ministère de l' Information, Paris.

The government of the Republic has always considered that Indochina was called upon to occupy a special place in the organization of the French community and to enjoy in it a freedom adequate to the degree of its evolution and capacities. The promise of it was made in the declaration of December 8, 1943. A little later the general principles enunciated at Brazzaville concretized the will of the Government.

Today Indochina is fighting; troops, French and Indochinese together, the elite and the peoples of Indochina, unaffected by the maneuvers of the enemy, are showing prodigious courage and are offering resistance in behalf of the cause which is the cause of the whole French community. Thus Indochina is acquiring new rights to the role it is called upon to play.

Confirmed by events in its earlier intentions, the Government considers it its duty now to define the status Indochina shall have when it is liberated from the invader.

The Indochinese Federation will comprise, together with France and the other sections of the community, a "French Union" whose foreign interests will be represented by France. Indochina will enjoy, within this Union, its own freedom.

The inhabitants of the Indochinese Federation will be Indochinese citizens and citizens of the French Union. In this capacity, without discrimination of race, religion, or origin, and with equality of merit, they will have access to all Federal posts and employment in Indochina and in the Union.

The conditions under which the Indochinese Federation will participate in the federal organisms of the French Union, as well as the status of the citizen of the French Union, will be fixed by the Constituent Assembly.

Indochina will have a federal government of its own presided over by the Governor General and composed of ministers responsible to him who shall be chosen from among the Indochinese as well as among the French living in Indochina. Under the Governor General, a Council of State will be charged with the preparation of federal laws and regulations. An Assembly elected according to the mode of suffrage most appropriate to each of the countries of the Federation and in which French interests shall be represented, will vote on taxes of every description as well as on the Federal budget, and will deliberate on proposed laws. Treaties of commerce and friendship concerning the Indochinese Federation shall be submitted to its examination.

Freedom of thought and belief, freedom of the press, freedom of association, freedom of assembly and, in a general way, democratic liberties, shall provide the basis of Indochinese laws.

The five countries composing the Indochinese Federation and differing among themselves in race and civilization and traditions, will preserve their own special character within the Federation.

The Governor General will, in the interests of each, be the arbiter over all. Local governments will be perfected or reformed; positions and employment in each of these countries will be specially opened to its own citizens.

With the aid of the mother country and within the general system of defense of the French Union, the Indochinese Federation will create its land, sea, and air forces, in which Indochinese shall have access to all grades and equality of qualification with personnel coming from the mother country or other parts of the French Union.

Social and cultural progress will be pursued and accelerated in the same direction as political and administrative progress.

The French Union will take all necessary measures to make elementary education compulsory and effective and to develop secondary and higher education. The study of local language and thought will be closely associated with French culture.

By putting into effect an independent and efficacious inspection of work and by trade union development, the well-being, social education, and emancipation of the Indochinese workers will be constantly sought.

The Indochinese Federation will enjoy, within the framework of the French Union, an economic autonomy which will enable it to attain its full agricultural development and to realize in particular

the industrialization which will enable Indochina to handle its demographic situation. Thanks to this autonomy and beyond all discriminatory regulation, Indochina will develop its commercial relations with all other countries and especially with China, with whom Indochina, like the French Union as a whole, expects to have close and friendly relations.

The status of Indochina, such as has just been examined, will be established after consultation with the qualified organs of liberated Indochina.

Thus the Indochinese Federation, in the peace system of the French Union, will enjoy the freedom and organization necessary to the development of all its resources. It will be able to fulfill in the Pacific the role which belongs to it and to make felt in the whole of the French Union the quality of its elite.



ABDICATION OF BAO DAI, EMPEROR OF ANNAM

Carefully trained and educated in France from his earliest youth, Bao Dai assumed the position of Emperor of Annam in 1932, subject to the rule of the French Resident. He served the French as a puppet king and retained that position during the Japanese occupation. On August 25, 1945, he abdicated his throne with this remarkable declaration and in accordance with his wishes, the Government of the Republic of Viet Nam appointed him a counsellor of state in the new regime as plain M. Nguyen vinh Thuym. Text is translated from La République, Issue No. 1, Hanoi, October 1, 1945.

The happiness of the people of Viet Nam!
The Independence of Viet Nam!

To achieve these ends, we have declared ourself ready for any sacrifice and we desire that our sacrifice be useful to the people.

Considering that the unity of all our compatriots is at this time our country's need, we recalled to our people on August 22: "In this decisive hour of our national history, union means life and division means death."

In view of the powerful democratic spirit growing in the north

of our kingdom, we feared that conflict between north and south would be inevitable if we were to wait for a National Congress to decide us, and we know that this conflict, if it occurred, would plunge our people into suffering and would play the game of the invaders.

We cannot but have a certain feeling of melancholy upon thinking of our glorious ancestors who fought without respite for 400 years to aggrandize our country from Thuan-hoa to Ha-tien.

We cannot but feel a certain regret over the thought of the twenty years of our reign during which it was impossible for us to render any appreciable service to our country.

Despite this, and strong in our convictions, we have decided to abdicate and we transfer power to the democratic Republican Government.

Upon leaving our throne, we have only three wishes to express:

1. We request that the new Government take care of the dynastic temples and royal tombs.

2. We request the new Government to deal fraternally with all the parties and groups which have fought for the independence of our country even though they have not closely followed the popular movement; to do this in order to give them the opportunity to participate in the reconstruction of the country and to demonstrate that the new regime is built upon the absolute union of the entire population.

3. We invite all parties and groups, all classes of society, as well as the royal family, to solidarize in unreserved support of the democratic Government with a view to consolidating the national independence.

As for us, during twenty years' reign, we have known much bitterness. Henceforth, we shall be happy to be a free citizen in an independent country. We shall allow no one to abuse our name or the name of the royal family in order to sow dissent among our compatriots.

Long live the independence of Viet Nam!

Long live our Democratic Republic!

Signed: BAO DAI

Hue, August 25, 1945.



DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF VIET NAM

Issued at Hanoi, September 2, 1945, following establishment of the new republican regime. Text is translated from La République, Issue No. 1, Hanoi, October 1, 1945.

"All men are created equal. . . . They are endowed by their Creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness."

These immortal words are from the Declaration of Independence of the United States of America in 1776. Taken in a broader sense, these phrases mean: "All peoples on earth are born equal; all peoples have the right to live, to be free, to be happy."

The Declaration of the Rights of the Man and Citizen of the French Revolution of 1791 also proclaimed: "Men are born and remain free and with equal rights."

These are undeniable truths.

Nevertheless for more than eighty years the French imperialists, abusing their "liberty, equality, and fraternity," have violated the land of our ancestors and oppressed our countrymen. Their acts are contrary to the ideals of humanity and justice.

In the political domain, they have deprived us of all our liberties.

They have imposed upon us inhuman laws. They have established three different political regimes in the North, the Center, and the South of Viet Nam in order to destroy our historic and ethnic national unity.

They have built more prisons than schools. They have acted without mercy toward our patriots. They have drenched our revolutions in rivers of blood.

They have subjugated public opinion and practiced obscurantism on the broadest scale. They have imposed upon us the use of opium and alcohol to weaken our race.

In the economic domain, they have exploited us without respite, reduced our people to the blackest misery and pitilessly looted our country.

They have despoiled our ricelands, our mines, our forests, our

raw materials. They have retained the privilege of issuing banknotes and a monopoly of foreign trade.

They have invented hundreds of unjustified taxes, condemning our countrymen, especially the peasants and small merchants, to extreme poverty.

They have prevented our capital from fructifying; they have exploited our workers in the most barbarous fashion.

In the autumn of 1940 when the Japanese Fascists, with a view to fighting the Allies, invaded Indochina to organize new war bases, the French imperialists, on their knees, surrendered our country.

Since then, under the double Japanese and French yokes, our people have literally bled. The result has been terrifying. From Quangtri to the North, two million of our countrymen died of famine in the first months of this year.

On March 9, 1945, the Japanese disarmed the French troops. Once again, the French either fled or unconditionally surrendered. Thus they have been totally incapable of "protecting" us; on the contrary, in the space of five years they have twice sold our country to the Japanese.

Before March 9, the League of Viet-Minh several times invited the French to join it in struggle against the Japanese. Instead of responding to this appeal, the French struck all the harder at the partisans of the Viet-Minh. They went as far as to murder a large number of the political prisoners at Yen Bay and Caobang during their rout.

Despite all this, our countrymen have continued to maintain a tolerant and human attitude toward the French. After the events of March 9, the League of Viet-Minh helped many Frenchmen to cross the frontier, saved others from Japanese prisons, and besides protected the lives and property of all Frenchmen.

In fact, since the autumn of 1940, our country has ceased to be a French colony and became a Japanese possession.

After the surrender of the Japanese, our entire people rose to regain their sovereignty and founded the democratic Republic of Viet Nam.

The truth is that we seized our independence from the hands of the Japanese and not from the hands of the French.

The French fleeing, the Japanese surrendering, Emperor Bao Dai abdicating, our people broke all the chains which have weighed upon us for nearly a hundred years and made our Viet Nam an

independent country. Our people at the same time overthrew the monarchical regime established for tens of centuries and founded the Republic.

For these reasons we, members of the Provisional Government, representing the entire population of Viet Nam, declare that we shall henceforth have no relations with imperialist France, that we cancel all treaties which France has signed on the subject of Viet Nam, that we abolish all the privileges which the French have arrogated to themselves on our territory.

All the people of Viet Nam, inspired by the same will, are determined to fight to the end against any attempt at aggression by the French imperialists.

We are convinced that the Allies who have recognized the principles of equality of peoples at the Conferences of Teheran and San Francisco cannot but recognize the independence of Viet Nam.

A people which has obstinately opposed French domination for more than eighty years, a people who during these last years ranged themselves definitely on the side of the Allies to fight against Fascism, this people has the right to be free. This people must be independent.

For these reasons, we, members of the Provisional Government of the Democratic Republic of Viet Nam, solemnly proclaim to the entire world:

Viet Nam has the right to be free and independent and is, in fact, free and independent. All the people of Viet Nam are determined to mobilize all their spiritual and material strength, to sacrifice their lives and property, to safeguard their right to liberty and independence.

Hanoi, September 2, 1945

Signed: Ho Chi Minh, *President*.

Tran Huy Lieu, Vo Nguyen Giap, Chu Van Tan, Duong Duc Hien, Nguyen Van To, Nguyen Manh Ha, Cu Huy Can, Pham Ngoh Thach, Nguyen Van Xuan, Vu Trong Khanh, Pham Van Dong, Dao Trong Kim, Vu Din Hoc, Le Van Hien.



SINO-FRENCH AGREEMENT ON RELATIONS BETWEEN CHINA AND INDOCHINA

Signed at Chungking, February 28, 1946, on the same day as the treaty in which France relinquished its extraterritorial privileges in China. This special accord laid down the conditions under which Chinese troops finally withdrew from Indochinese territory north of the 16th parallel, to which they had been assigned as the occupying force under the terms of Allied arrangements made at Potsdam. This cleared away the Chinese obstacle to French re-entry in Tonkin and Annam. Text is translated from the Journal Officiel de la République Française, Paris, May 19, 1946.

The French Government and the Chinese Government, desiring equally to strengthen their traditional bonds of friendship and, in conformity with the terms of the Franco-Chinese exchange of letters of March 13, 1945, to resume and develop economic relations between Indochina and China, have decided to conclude an arrangement to this end and have designated as their respective plenipotentiaries:

The Provisional Government of the Republic: His Excellency M. Jacques Meyrier, Ambassador of the French Republic to China, and

The National Government of the Republic of China: His Excellency Dr. Wang Shih-chieh, Minister of Foreign Affairs of the Republic of China,

who, having communicated to each other their full powers found to be in due form, have agreed upon the following terms:

SECTION I

Conditions of Establishment

ARTICLE 1. Chinese nationals shall continue to enjoy the rights, privileges, and exemptions which they traditionally possessed in Indochina, notably as concerns entry and exit, the tax system, the acquisition and possession of rural and urban real property, the holding of commercial paper, the creation of primary and second-

dary schools, the exercise of profession in agriculture, fishing, internal and coastal navigation, and other free professions.

ARTICLE 2. The treatment of Chinese nationals in Indochina regarding the right to travel, reside, conduct commercial, industrial, and mining enterprises, to acquire and possess real property, shall not be less favorable than that accorded to the nationals of the most favored third country.

ARTICLE 3. The taxes applied, in conformity with Article 1, to Chinese nationals residing in Indochina, and especially the personal tax, shall not be heavier than those applied to Indochinese nationals.

ARTICLE 4. Chinese nationals in Indochina enjoy in matters of legal procedure and administration of justice the same treatment as French nationals.

SECTION II

International Transit

ARTICLE 1. The French Government will reserve in the port of Haiphong a special zone, including warehouses, building sites, and, if possible, the docks necessary for the free transit of merchandise coming from or destined for China. The customs control of this zone will be exercised by Chinese customs, all other questions remaining under the jurisdiction of the French administration, notably security and public hygiene.

ARTICLE 2. Merchandise originating in or destined for Chinese territory, which will use the Tonkin railways, shall pass customs free between the Sino-Indochinese frontier and the zone reserved for Chinese international transit in the port of Haiphong. It will be transported in cars sealed at departure by the Chinese customs authorities.

ARTICLE 3. Merchandise originating in or destined for China and transported by railway in Indochina shall be free of all transit duties and transit taxes.

SECTION III

Sino-Indochinese Commerce

Commercial exchanges between China and Indochina shall be regulated by a commercial agreement on the basis of most-favored-nation treatment.

SECTION IV

The Indochina-Yunnan Railway

ARTICLE 1. The Franco-Chinese agreement concerning the Indochina-Yunnan railway, concluded October 29, 1903, will terminate upon the date of the signature of the present agreement.

ARTICLE 2. The property of the section of the Indochina-Yunnan railway situated in Chinese territory, between Kunming and Hochow, as well as its equipment and installations, shall be transferred in its present condition to the Chinese Government by means of the anticipated repurchase.

ARTICLE 3. The French Government will advance to the Chinese Government the sum of the payment due for the anticipated repurchase and which will be determined by a mixed Franco-Chinese commission. It will not be reimbursed with this sum except to the extent that it may be charged to the reparations imposed upon the Japanese Government in the form of claims drawn up by the Chinese Government with a view to being indemnified for material losses suffered by the Chinese Government and Chinese merchants resulting from the halt in operations of the Indochina-Yunnan railway and the closing of the port of Haiphong in June 1941, as a result of Japanese intervention.

The present agreement, drafted in two copies in French and in Chinese, the two texts being equally authentic, enters provisionally into effect upon the date of its signature, pending ratification which shall take place as soon as possible. The exchange of the instruments of ratification shall take place at Chungking or Nanking.

In witness whereof, the plenipotentiaries designated above have signed the present agreement and attached their seals thereto.

Done at Chungking the 28th of February 1946, corresponding to the 28th day of the second month of the thirty-fifth year of the Chinese Republic.

MEYRIER

WANG SHIH-CHIEH



AGREEMENT BETWEEN FRANCE AND VIET NAM

Signed at Hanoi March 6, 1946. Text translated from the Bulletin Hebdomadaire, No. 67, Paris, March 18, 1946, Ministère de la France d'Outremer.

1. The French Government recognizes the Republic of Viet-Nam as a Free State, having its Government, its Parliament, its army, and its finances, and forming part of the Indochinese Federation and the French Union.

With regard to the unification of the three Ky (Nam-ky, or Cochin China, Trung-ky, or Annam, Bac-Ky, or Tonkin), the French Government undertakes to follow the decisions of the people consulted by referendum.

2. The Government of Viet Nam declares itself ready to receive the French army in friendly fashion when, in accord with international agreements, it relieves the Chinese troops. An annex attached to the present preliminary convention will fix the terms under which the operation of relief will take place.

3. The stipulations formulated above shall enter into effect immediately upon exchange of signatures. Each of the contracting parties shall take necessary steps to end hostilities, to maintain troops in their respective positions, and to create an atmosphere favorable for the immediate opening of friendly and frank negotiations. These negotiations shall deal particularly with the diplomatic relations between Viet Nam and foreign states, the future status of Indochina, and economic and cultural interests. Hanoi, Saigon, and Paris may be indicated as the locales of the negotiations.

Done at Hanoi, March 6, 1946

Signed: Sainteny,
Ho Chi-Minh,
Vu Huong Khanh.



DECLARATION OF THE VIET NAM GOVERNMENT ON THE FRANCO- VIET NAM CONFLICT

Issued at Hanoi, January 6, 1947. Text, slightly abridged, is translated from a release of the Viet Nam News Service in Bangkok, dated January 25, 1947.

1. *The Viet Nam Struggle for Independence*

At a time when the democratic powers have just emerged from a long war against fascism, Viet Nam, victim of French colonial aggression, must still defend itself with arms. It is no longer necessary to emphasize the misdeeds and crimes of that particular form of colonialism, upon its constant and deliberate attempt to poison an entire people with alcohol and opium, its policy of exploitation, pressure, and obscurantism imposed upon Viet Nam by a handful of colonialists and from which the French people themselves have derived no real benefit. Suffice it to recall that since the French conquest more than three-quarters of a century ago, the people of Viet Nam have never ceased striving to regain their independence. The long list of uprisings and revolts, although harshly quelled, have marked this painful period without interruption and have demonstrated the invincible strength of our national spirit.

2. *The Viet Nam Democratic Republic*

During the recent world war, French colonialists, who considered nothing but their own selfish interests, betrayed the Allied cause. Not only did they yield Indochina to the Japanese but after allowing them to enter Tonkin (June, 1940) they further cooperated with them by signing a pact with them for the "common defense of Indochina." Viet Nam, on the contrary, very quickly ranged itself on the side of the democratic nations and actively participated in the struggle against Japanese fascism.

With a *coup de force* on March 9, 1945, the Japanese Army entirely eliminated French administration throughout the territory of Indochina but Viet Nam resistance, far from giving up, continued with increased intensity. On August 18, 1945, Japan having capitulated to the Allies, the Viet Nam resistance came out of the wilds and installed themselves in Hanoi, the capital, where they

seized the sovereign power. The government of Ho Chi Minh was unanimously acclaimed and recognized throughout the country, in Bac Bo (Tonkin), Trung Bo (Annam), Nam Bo (Cochinchina). On September 2, 1945, amidst unprecedented popular enthusiasm, the Democratic Republic of Viet Nam was solemnly proclaimed.

Thus after eighty years of struggle . . . the Viet Nam Republic was born and the independence of its people regained.

3. *Franco-Viet Nam Agreements*

As a result of the landing of French troops in Nam Bo (Cochinchina) to undertake the reconquest of this country by force of arms, war broke out in that part of Viet Nam on September 23, 1945. Viet Nam resisted this rash attempt to re-install the old French colonialism. The war was about to extend to Bac Bo (Tonkin) in 1946 when French troops were getting ready to enter there to relieve the Chinese troops and the Viet Nam Government was determined to oppose this entry in this part of its territory. However, to avoid further bloodshed and with a sincere desire for peace and willingness to collaborate with the French, President Ho Chi Minh signed the preliminary convention of March 6, 1946, with representatives of the French Government. By the terms of this preliminary convention:

(1) Viet Nam was recognized as a Free State, with its own government, parliament, army, and finances, forming part of the Indochinese Federation and the French Union.

(2) A referendum would be held in Cochinchina to allow its people to decide their own political status (i.e., whether to join Viet Nam or remain autonomous).

(3) Hostilities would cease on all fronts and troops on both sides would remain in their respective positions. The relief of the Chinese troops would be effected by 15,000 French and 10,000 Viet Nam troops respectively.¹

(4) Negotiations would be opened immediately, bearing principally upon the diplomatic relations of Viet Nam with foreign nations, the future status of the Indochinese Federation and the question of French economic and cultural interests in Viet Nam.

As a result, a Franco-Viet Nam conference took place at Fontainebleau in June and July 1946, but it failed because of the ex-

¹ These military arrangements were made in an annex to the March 6 agreement.—Ed.

cessively wide divergences between the points of view of the two delegations and especially because of the maneuvers of the colonialists, viz:

(a) The setting up on June 1, 1946—the very day following the departure of President Ho Chi Minh and the Viet Nam delegation enroute to France—of the autonomous state of Cochinchina with a puppet government nominated by the French authorities.

(b) The meeting at Dalat of the so-called Federal Conference on August 1, sponsored by the same authorities and which, when it convened, comprised hand-picked delegates not only from Cambodia and Laos, but also from Cochinchina, Southern Annam, and the Highlands.²

Despite all this, President Ho Chi Minh, to avoid a complete rupture between the two countries, signed with the French Government on September 14, 1946, a *modus vivendi* (1) providing for a mixed commission to settle urgent questions provisionally; (2) ordering cessation of hostilities on both sides in Nam Bo (Cochinchina); (3) guaranteeing the population of this region the enjoyment of democratic liberties.

Thus the way was paved for the next Franco-Viet Nam conference, scheduled for January, 1947.

4. *Sabotage of Agreements by French Representatives in Viet Nam*

The March 6 convention and the *modus vivendi* of September 14 were systematically sabotaged by the colonialists. Documents signed by the highest representatives of France in Viet Nam³ and the innumerable violations by these representatives of their signed agreements indisputably prove their fixed design to re-establish purely

² Note by the Viet Nam News Service: The convention of March 6, 1946, stipulated that negotiations would be held in France on the status of the Indochinese Federation. Up to August, the Fontainebleau Conference had not yet created the basis for the Indochinese Federation, so there was no valid authority for the French to call such a Federal conference in Indochina. Besides, a Federal conference to decide upon the status of the Indochinese Federation, of which Viet Nam is the chief part, comprising 85 per cent of the total population, could not properly be held without representatives of Viet Nam. The Cochinchina status had not been solved, no referendum having been held. . . . Southern Annam and the Highlands were never stipulated in the March 6 Convention and are and always have been *de facto* Vietnamese territory.

³ In a memorandum issued by the Viet Nam Government at Hanoi on December 31, 1946, the text of instructions issued to French military commanders by Generals Leclerc and Valluy bearing the dates of April 6 and 10, 1946, was published, containing the following extract: "In each garrison, the commander is to draw a plan for initial security, including a plan for permanent protection of the cantonment and especially a plan of action for maneuver on the city . . . ; when this plan

and simply the old French domination over this country. By their policy of "fait accompli" they tried to make the agreements null and void. By their policy of force they hoped to terrorize the population, annihilate all vestiges of resistance and prove to Viet Nam the necessity for submission.

The violations of these agreements and the maneuvers aimed at disrupting Viet Nam's unity and undermining the sovereignty of the Free State (are shown by) the following facts:

(1) Continuation of hostilities in Nam Bo (Cochinchina) and in the south of Trung Bo (Annam).

(2) Atrocities and terrorism perpetrated under the name of "mopping up operations" and "maintaining law and order," such as bombardments, burning of villages, massacring the civil population, mass arrests, arbitrary execution of patriots.

(3) Creation of the autonomous State of Cochinchina with a puppet government named by the French authorities.

(4) Occupation of the Highlands of Trung Bo (Annam).

(5) The attempt to re-establish under the name of Indochinese Federation the old regime under the Governor General, a kind of super-state aimed at stifling the Free State of Viet Nam.

(6) The arbitrary setting up of the organization of Federal Commissioners for Finance, Justice, Political Affairs, Economic Affairs.

(7) Institution of the so-called Federal Customs, Federal Sûreté, Federal Ports, and the totally unjustified control of imports and exports at Haiphong.

In the garrison areas where the French "relief" troops were or believed themselves to be sufficiently strong, they provoked almost daily incidents calculated to furnish a pretext for the employment of force, either to terrorize the population or to occupy a locality. They instituted a system of provocations, assassinations, and aggressions pursued by their own military forces in the streets of Hanoi over a period of more than three weeks in November and Decem-

is fixed and set in operation on its broad lines, it is to be completed as soon as possible by the study of a series of measures which must have for their effect to modify progressively and ultimately transform the situation from a purely military operation to a coup d'état. It is indispensable to gather as soon as possible all possible documentation on the Chinese and Annamite organizations in the city and on the local leaders (identity, habits, habitations, etc.). . . . At the same time, teams of specialists are to be created . . . with the task of discreetly neutralizing these leaders as soon as the command considers it necessary to establish a system of security. . . ." (From Memorandum of the Government of the Democratic Republic of Viet Nam, Hanoi, December 31, 1946. Translated from Special Release No. 18, Viet Nam News Service, Bangkok, January 18, 1947.)—Ed.

ber, 1946, both against the civilian population and the Viet Nam police. In the incidents of December 17 and 18, 1946, at Hanoi, several quarters of the city were subjected to cannon fire and ransacked. Numerous Viet Nam civilians, the majority women and children, had their throats cut. Further, the French attacked and occupied the port of Haiphong following the incidents of November 20, 1946, after blockading the same port. No clearer proof of French premeditation can be furnished than their cold, systematic and calculated attack on Haiphong and the successively more exacting ultimatums of the local French command.

From the end of November, 1946, the incidents and provocations multiplied and took an exceptionally grave turn, seriously jeopardizing public order in Hanoi itself despite the urgent and constant appeals and protests of the Viet Nam Government for restoring a calm situation. The local French authorities evidently wanted an armed conflict so as to present the Blum Government⁴ with a *fait accompli*. To the efforts by Viet Nam at conciliation, they replied with fresh provocations, viz: the aforementioned incidents in Hanoi on December 17 and 18, 1946; the occupation of the Secretariat buildings of two Viet Nam ministries in the same city; the unacceptable ultimatums of December 18 and 19, 1946, demanding the destruction of Vietnamese defense works, disarmament of Viet Nam military forces, and the handing over of the police services to the French command during the night of December 19, 1946, when the latter had already completed all its preparations.

5. *Viet Nam Appeals to the World*

The era of colonial conquest and domination is over. Viet Nam is firmly resolved to persevere to the very end in her struggle for her most sacred rights, viz., the territorial integrity of her country and her political independence. . . . The Viet Nam Government in signing the agreement of March 6, 1946, offered France a policy of open door and cooperation. Yet the representatives of France in Indochina have sought to render this policy abortive in the hope of re-establishing over Viet Nam the old regime of domination which was for them a veritable monopoly of exploitation. . . .

⁴ An interim cabinet headed by Socialist Leon Blum was in power in France at the time of the Hanoi outbreak. It sent Colonial Minister Marius Moutet to Indochina on a mission of investigation. He refused to meet with Ho Chi Minh and quickly returned to France where he declared that only a military solution of the situation was possible.—Ed.

IX

The Netherlands and Indonesia

The collapse of the Dutch under Japanese attack in 1942 in the East Indies was even swifter and more complete than the debacle of the British in Burma and Malaya. The conquerors were welcomed as liberating heroes by the Indonesian population and many Indonesian nationalists flocked to the Japanese standard, accepting at face value the promise of "Asia for the Asiatics." Japanese actions soon made plain, however, that the intention was to drain the country to feed the Japanese war machine. Japanese rule proved to be heavy-handed and even more burdensome, in nationalist eyes, than the Dutch rule that had preceded it. There were, nevertheless, profound changes worked by the conditions of the Japanese occupation. Powerful anti-Western propaganda, with a strong racist tinge, penetrated many remote areas. Indonesians were brought into responsible government posts to a degree never possible under Dutch rule. Indonesian military units were formed, trained, and eventually armed.

At nearly the final hour when they were in almost daily expectation of Allied invasion, the Japanese tried to strengthen their defense position in the Indies by granting Indonesian independence. Delegates were summoned to meet in Batavia for the purpose on August 14, 1945. By the time they assembled, Japan had surrendered. On August 17, 1945 the assembly went ahead with its original purpose. It proclaimed the end of 350 years of Dutch rule. It declared Indonesian independence, and established the new Republic of Indonesia. In the month that elapsed before the arrival of the British occupying forces, the new government was able to organize itself and arm itself liberally from Japanese stores. In a purely military sense, it became thereby a far more formidable nationalist power than its counterpart in Indochina.

The arrival of Dutch contingents close behind the first British units aroused the first Indonesian suspicion that the occupation was intended to cover the return of Dutch rule. Bloody incidents involving Dutch troops, their Ambonese auxiliaries and Indonesian nationalists began to multiply. At Surabaya a British attempt to disarm

the nationalist forces in the city brought on a five-week battle, which required extensive use of airforces before the city was brought under British control. In similar actions at Semarang and Bandung and other points through central Java, Japanese troops were extensively used in operations against the nationalists.

The Dutch position at first was a refusal to negotiate with the "extremists" and the nationalist leaders who had collaborated with the Japanese, like President Soekarno and Vice-President Mohammed Hatta, the two top leaders of the new Republican government. Sutan Sjahrir, who had been imprisoned during most of the Japanese occupation, was made premier and undertook to open negotiations. The Dutch, still reluctant, were critical of the British for not applying more force. The British, unwilling to become more heavily embroiled than was necessary, pressed the Dutch to negotiate a settlement. Talks were finally begun under British auspices and were prolonged over a period of many months, while the Dutch forces in the islands were reinforced and widespread fighting continued. Most of it occurred in Java, some in Sumatra. Reoccupation of the lesser islands where the nationalists were weaker took place with relatively little interference.

A cease-fire agreement was announced on October 14, 1946. It did not become generally effective. While fighting continued intermittently, the negotiations went on and on November 15, 1946, a provisional agreement was initialled at Linggadjati (Cheribon). British troops withdrew from Indonesia, completing their exit on November 29. The agreement called for Dutch recognition of the Republic of Indonesia, comprising Java, Sumatra, and Madura, as part of an eventual United States of Indonesia which would include Borneo and the Eastern islands as separate states. All would remain within the new Netherlands Commonwealth.

This agreement was finally signed in Batavia on March 25, 1947 after protracted and inconclusive controversy over interpretation of its terms. Crucial points, such as the actual degree of Indonesian independence and control of the police power, were still unresolved. The Dutch had meanwhile assembled in Indonesia an army of about 100,000 men, spearheaded by a marine commando division trained and equipped in the United States. The Dutch began serving a series of ultimatums on the Indonesians and on July 20, 1947, launched an all-out attack, with planes, tanks, and half a dozen amphibious landings along the Javanese and Sumatran coasts. This was called a "limited police action."

Military action continued for ten days, during which the Dutch occupied all Republican-held ports and cut Republican territory into several sections. They indicated the intention to form a number

of smaller states out of the large area (Java, Sumatra and Madura) previously acknowledged as the territory of the Republic of Indonesia. The Indonesians embarked upon a scorched earth resistance policy, destroying port installations, factories, and plantations as they withdrew in the face of superior Dutch striking power. On the political side, they declared that in view of the Dutch action, which they saw as an outright attempt to smash the Republic, they would now fight for total independence and for exclusion of the Dutch from any interim international arrangement that might be made.

The Dutch aggression in Indonesia was cited before the Security Council of the United Nations by Australia and India. On August 1, the Council passed a resolution calling upon both sides to cease hostilities at once. The United States Government meanwhile proffered its "good offices" to get negotiations resumed. The American offer was accepted by the Netherlands but rejected by the Republic of Indonesia, which demanded international arbitration of the issue under U.N. auspices. The Security Council discussion went on for four weeks more while the Dutch continued what were called "mopping-up operations" in Republican territory. On August 26 a proposal to create a U.N. Commission to supervise and report on the execution of the cease-fire order was vetoed by France. The Council instead asked for reports from a commission of career consuls in Batavia who had previously been asked by the Netherlands to perform this function. The Council also proffered its "good offices" in mediation of the conflict. Under the terms of this decision, the Republic of Indonesia named Australia and the Netherlands named Belgium to serve on the proposed mediation commission. A third nation was to be named by the other two members. Meanwhile the Netherlands announced that the authority of the Republic had been outlawed in the larger part of the island of Java.

THE PLAN FOR A NETHERLANDS COMMONWEALTH

Radio Address by Queen Wilhelmina, December 6, 1942. Text is the English translation as given in The Netherlands Commonwealth and the Future, published by the official Netherlands Information Bureau, New York, 1945.

Today it is a year ago that the Japanese, without previous declaration of war, launched their treacherous attack on our Allies. At that time we did not hesitate for a moment to throw ourselves into the struggle and to hasten to the aid of our Allies, whose cause is ours.

Japan had been preparing for this war and for the conquest of the Netherlands Indies for years and in so doing sought to follow the conduct of its Axis partners in attacking one country after another. This plan we were able to prevent, thanks to our immediate declaration of war. After a year of war we can bear witness that the tide is turning and that the attacker, who had such great advantages, is being forced on the defensive.

It is true that the Netherlands Indies, after defending themselves so heroically are, for the most part, occupied by the enemy, but this phase of the struggle is only a prelude. The Japanese are getting ever nearer the limit of their possibilities as our ever-growing might advances towards them from all sides. They have not been able to break China's courage and endurance and Japan now faces the ebbing of her power in this self-willed war, which will end with her complete downfall.

At this moment my thoughts are more than ever with my country and my compatriots in the Netherlands and the Netherlands Indies. After an age-old historical solidarity, in which had long since passed the era of colonial relationship, we stood on the eve of a collaboration on a basis of equality when suddenly we were both confronted by the present ordeal. The treacherous aggression on the Netherlands in 1940 was the first interruption in the process of development; the heroic battle of the Netherlands Indies, followed by the occupation of the major part of this territory in 1942, was the second.

At the time when the Indies were still free and only Holland was occupied, the vigor of our unity became apparent and on both sides a feeling of stronger kinship developed more rapidly than it could have in peacetime. Now, however, this mutual understanding has been deepened still further because the same struggle is shared in all its agony and the same distress is suffered in all its bitterness. In the Netherlands as well as in the Netherlands Indies the enemy, with his propaganda for the so-called new order, has left nothing untried to lure the spirit of the people and to disguise his tyranny and suppression with the lies of his promises for the future. But these lies and this deceit have been of no avail because nearly all have seen through them and have understood that our enemies have as their aim nothing but slavery and exploitation and that as long as they have not been driven out and defeated there can be no question of freedom.

In previous addresses I announced that it is my intention, after the liberation, to create the occasion for a joint consultation about the structure of the Kingdom and its parts in order to adapt it to the changed circumstances. The conferences of the entire Kingdom which will be convoked for this purpose, has been further outlined in a Government declaration of January 27th, 1942. The preparation of this conference, in which prominent representatives of the three overseas parts of the Kingdom will be united with those of the Netherlands at a round table, had already begun in the Netherlands Indies, Surinam and Curaçao, the parts of the Kingdom which then still enjoyed their freedom. Especially in the Netherlands Indies, detailed material had been collected for this purpose and it was transmitted to me in December 1941 by the Governor-General. The battle of the Netherlands Indies disrupted these promising preparations.

We can only resume these preparations when everyone will be able to speak his mind freely.

Although it is beyond doubt that a political reconstruction of the Kingdom as a whole and of the Netherlands and the overseas territories as its parts is a natural evolution, it would be neither right nor possible to define its precise form at this moment. I realize that much which is great and good is growing in the Netherlands despite the pressure of the occupation; I know that this is the case in the Indies where our unity is fortified by common suffering. These developing ideas can only be shaped in free consultation in which both parts of the Kingdom will want to take cognizance of each

other's opinions. Moreover, the population of the Netherlands and of the Netherlands Indies has confirmed, through its suffering and its resistance, its right to participate in the decision regarding the form of our responsibility as a nation towards the world and of the various groups of the population towards themselves and one another.

By working out these matters now, that right would be neglected, and the insight which my people have obtained through better experience, would be disregarded.

I am convinced, and history as well as reports from the occupied territories confirm me in this, that after the war it will be possible to reconstruct the Kingdom on the solid foundation of complete partnership, which will mean the consummation of all that has been developed in the past. I know that no political unity nor national cohesion can continue to exist which are not supported by the voluntary acceptance and the faith of the great majority of the citizenry. I know that the Netherlands more than ever feel their responsibility for the vigorous growth of the Overseas Territories and that the Indonesians recognize, in the ever-increasing collaboration, the best guarantee for the recovery of their peace and happiness. The war years have proved that both peoples possess the will and the ability for harmonious and voluntary cooperation.

A political unity which rests on this foundation moves far towards a realization of the purpose for which the United Nations are fighting, as it has been embodied, for instance, in the Atlantic Charter, and with which we could instantly agree, because it contains our own conception of freedom and justice for which we have sacrificed blood and possessions in the course of our history. I visualize, without anticipating the recommendations of the future conference, that they will be directed towards a commonwealth in which the Netherlands, Indonesia, Surinam and Curaçao will participate, with complete self-reliance and freedom of conduct for each part regarding its internal affairs, but with the readiness to render mutual assistance.

It is my opinion that such a combination of independence and collaboration can give the Kingdom and its parts the strength to carry fully their responsibility, both internally and externally. This would leave no room for discrimination according to race or nationality; only the ability of the individual citizens and the needs of the various groups of the population will determine the policy of the government.

In the Indies, as in the Netherlands, there now rules an oppressor who, imitating his detestable associates and repudiating principles which he himself has recognized in the past, interns peaceful citizens and deprives women and children of their livelihood. He has uprooted and dislocated that beautiful and tranquil country; his new order brings nothing but misery and want. Nevertheless, we can aver that he has not succeeded in subjugating us, and as the ever-growing force of the United Nations advances upon him from every direction, we know that he will not succeed in the future.

The Netherlands Indies and the Netherlands with their fighting men on land, at sea and in the air, with their alert and brave merchantmen and by their dogged and never-failing resistance in the hard struggle, will see their self-sacrifice and intrepidity crowned after the common victory with the recovery of peace and happiness for their country and their people in a new world. In that regained freedom they will be able to build a new and better future.



PREAMBLE TO THE CONSTITUTION OF THE REPUBLIC OF INDONESIA

Adopted by the Preparatory Assembly at Jakarta (Batavia) August 17, 1945. Text is from the official English translation published in The Voice of Free Indonesia, No. 1, Jakarta, October, 1945.

Since independence is the right of every nation, any colonial system in this world is contrary to humanity and justice and must therefore be abolished.

Our struggle for an independent Indonesia has come to a successful stage, and the Indonesian people are on the very threshold of an Indonesian State— independent, united, sovereign, just, and prosperous.

With God's blessing and moved by the high ideal of a free national life, the Indonesian people declare their Independence.

The establishment of a national Indonesian Government is for nurturing the Indonesian people and their territories; for promoting public welfare; for uplifting the standard of living, and for

participation in the founding of a world order, based on independence, eternal peace and social justice. Our national independence is embodied in the constitution of the Indonesian State, set up as a republic with sovereignty vested in the people. We believe in an all-embracing God; in righteous and moral humanity; in the unity of Indonesia. We believe in democracy, wisely guided and led by close contact with the people through consultation so that there shall result social justice for the whole Indonesian people.



POLITICAL MANIFESTO OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

Issued at Jakarta (Batavia), November 1, 1945. English text from The Voice of Free Indonesia, No. 2, Jakarta, November, 1945.

It is two months now since we made clear in every possible way our desire to live as a free people. Today we are entering a new phase in our fight for freedom, and we are conscious that the eyes of the world are on us, with a view to ascertaining what our views and objectives are. It is therefore incumbent on us to afford the world every facility to study us and to realise that not only is our cause grounded on truth, justice and humanism, but also on common sense and sane thinking.

On March 9, 1942, the Dutch Government in Indonesia surrendered to the Japanese in Bandung after going through the farce of offering resistance to the invaders. As a result of that Dutch defection, the unarmed Indonesian people were delivered to the tyrannical excesses of the Japanese militarists; and for a full three and a half years the Japanese worked their will on the population, subjecting the people to a type of pressure and oppression unknown in the last few decades of Dutch rule here. The Japanese looked upon Indonesians as mere cattle. Not a few Indonesians were sacrificed by them in the interest of Japanese aggression. Forced labour was imposed on the common people, while peasants were intimi-

dated into handing over to the Japanese the fruits of their toil. The intelligentsia was bludgeoned into lying to and deceiving the people, and the entire population itself was obliged to conform to Japanese military discipline; it was made to drill and carry out orders with soldier-like precision. The Japanese are gone but the little military knowledge they infused into us remains, especially in our youth.

The Dutch must accept the responsibility for what happened. After centuries of so-called "training," on March 9, 1942, the Dutch handed over 70 million people to the Japanese in a condition of military unpreparedness and intellectual backwardness. Indonesians lacked the wherewithal with which to stand up to the Japanese might and oppression and fell easy victims to Japanese propaganda. Not trusting us, the Dutch deliberately refrained from giving us military training; bent on keeping us ignorant, the Dutch denied education to the masses. As they groaned under Japanese excesses our people began to take stock of the Dutch and the consequences of Dutch rule. With sharper insight they were able to perceive how ineffective and valueless the Dutch administration had been. From that moment Indonesians awakened to the true state of affairs and there was a sudden upsurge of nationalism far stronger and deeper than ever before. And that nationalism was heightened by Japanese propaganda directed towards Asiatism.

Tyrannical Japanese rule could neither curb nor stamp out the growth of Indonesian nationalism; in fact it was instrumental in fostering the growth of self-respect and patriotism among the masses, and in arousing the desire to be rid of Japanese as well as all other forms of foreign domination. Millions of our peoples died while countless other millions bore every manner of suffering under the three and a half years of Japanese rule: for this the Japanese are responsible but so too are the Dutch for having denied us the mental and material strength needed to stand up to the Japanese. Yet there is one point that must not be overlooked. Although the administration of Indonesia and the management of her industries were nominally Japanese, it was really Indonesians who—because of the glaring inefficiency of the Japanese—carried out all the functions previously in Dutch hands. This factor is important because it gave us valuable training and self-confidence.

After having handed us bound hand and foot to the Japanese, the Dutch have not even a shadow of moral right to take the virtuous stand that we co-operated with the Japanese; all the more so because, generally speaking, the Japanese obtained a greater measure

of co-operation from the Dutch men and women in their employ than from the Indonesians. The Dutch wilfully ignore the anti-Japanese aspect of Indonesian nationalism. Overtly and covertly the Indonesians resisted the Japanese, in the shape of sabotage uprisings and of other form of opposition. Thousands of nationalists fought for this with their lives. Others underwent tortures. Yet others lived like hunted animals. Witness what happened at Blitar, Tasikmalaja, and Indramajoe, in Sumatra, in West Borneo and in many other places. Other nationalists who worked in the open along constitutional lines in order to strengthen national consciousness were forced into working with the Japanese. They had no option but to march and to goose-step and to shout out war cries in the approved Japanese manner because they served in the regiments raised by the Japanese for their own purposes.

The nationalists who worked with the Japanese never for a minute, in spite of their enforced presence in the totalitarian camp, forsook the nationalistic ideals which had for years and years been their guiding lights. This is evidenced by the constitution they framed for the Republic of Indonesia and, although it was worked out during the time of the Japanese occupation, the entire document is entirely democratic in form and spirit.

On the 17th of August 1945 the Republic of Indonesia was proclaimed, and it marked the culmination of the political desire of the Indonesian people to attain sovereignty for their nation. Like an irresistible tidal wave, it carried every Indonesian along with it. Meanwhile the Japanese had begun negotiations for their surrender to the Allies. The world at large, especially those who had helped bring into being the United Nations at San Francisco, was faced with the question of Indonesian sovereignty vis-à-vis the Dutch, whom the United Nations recognised as vested with sovereignty over Indonesia.

Whenever they appeared at international conferences the Dutch claimed that they had never looked upon Indonesia as a colony and that, consequently, the Indonesians had nothing but love and affection for the Dutch Government. But for two months now the world has seen how determined the Indonesians are to have nothing to do with Dutch imperialism. In every possible way the Indonesians have manifested their desire to remain a sovereign people. The Dutch want to reimpose their rule on Indonesia, and the foisting of Dutch imperialism on us will be nothing else but a deliberate violation of the Atlantic Charter and of the United Nations' Charter; and it will result in endless bloodshed and sacrifice of life, for

only by force and force alone can the Dutch try to pull down the government which we have set up.

Nor have the Dutch any moral right to walk into Indonesia to resume their old imperialistic policies on the assumption that they bear no blame for their past sins or for their surrender which resulted in 70 million Indonesians being delivered to the tender mercies of Japanese militarism. Justice denies the Dutch any say in our affairs, and any sanctioning of their imperialistic aspirations will mean violation of the principles of justice and humanity. The San Francisco Charter places the responsibility for the welfare of dependent peoples on certain nations, but these nations themselves are not empowered to violate the basic principles of that Charter.

There can be no doubt of the fact that the Dutch have no logical or reasonable answer to offer for the difficulties they are faced with, and this makes their position all the more untenable. Up to now there is not any sign of the Dutch having other intentions than restoring the old colonial system, despite their proclamation of a statement made by Queen Wilhelmina in 1942. The Dutch know that they are unequal to the task of imposing their domination on us, but they are buoyed up by the hope of being able to utilise the Allied forces, which are here to disarm the Japanese, to crush the determination of the Indonesians to maintain their sovereignty, and thereby make it possible for the Dutch to colonise us all over again. Be that as it may, the Dutch will never be able to make us give up the type of government we have chosen for ourselves because the burning flame of our patriotism will render null and void all Dutch designs on us. So long as the world can see no other way out of the present impasse except that of supporting the Dutch claim on Indonesia, and so long as such action leads to deprivation of the right of Indonesians to decide their own destiny, so long will Indonesia be unable to contribute her material wealth to the enrichment of the world. Such a state of affairs will especially tell on those countries next-door to us, chiefly Australia, the Philippines and the United States of America. America must needs be affected because the Indonesians, with the rest of Asia, look forward to generous American assistance in the days to come in the task of reconstructing Indonesia and raising the living standard of her peoples. American credits and technical assistance to our country, plus the purchase of Indonesia's raw material, are some forms of help we hope to secure.

In the task of perfecting our social and administrative structure

we Indonesians see no necessity for the use of forcible measures. If, however, such force is ever used it will be by the Dutch because of their desire to impose themselves on us. We have no wish to impose our will on other races. All we want is a recognition of our independence and the opportunity to perfect our system of government.

The political burden we have shouldered lays upon us the responsibility for the well-being of our country as well as an obligation to satisfy the world family of nations that we are discharging our duties in an efficient and just manner. We entertain no hatred for the Dutch or any other foreign peoples, and certainly none at all towards the Eurasians, the Ambonese and the Menadonese who are flesh of our flesh and blood of our blood. The logic of circumstances alone should make that evident, because we know and realise that the needs of our country and of our people call for technical, financial and educational assistance—just to mention three forms of help we shall require—from outside sources for many years to come. In this connection the Dutch enjoy a distinct advantage over others—they have been here and are familiar with conditions in Indonesia. Indonesian independence will necessarily entail a complete reorientation of political relations between us and the Dutch, but it will not affect Dutch capital or Dutch lives.

The incredible richness of our land gives ample promise of better living standards for our people in common with the rest of the world if only this great latent wealth of ours is properly exploited. In that task the peoples of all nations—most of all the United States, Australia and the Philippines—will find ample opportunity to help us with their money and skill.

However, both Indonesia and the world will be denied this chance of co-operation for our mutual benefit if opposition from the Dutch withholds recognition of our country or of the form of government we have chosen for ourselves. In such an event not only will we and the Dutch be losers, but also the world at large which is eagerly hoping for material and spiritual contributions from Indonesia towards satisfying world needs.

When the Republic of Indonesia is formally recognised we will accordingly take appropriate action regarding a number of important matters. All debts incurred by the Dutch East Indies Government previous to the Japanese surrender and fairly chargeable to us we will unhesitatingly take over. All property of foreigners will be handed over to them with one exception: we reserve the right to acquire at fair prices such property as shall be deemed

necessary for the welfare of the country. In concert with our immediate neighbours and the rest of the world we intend to take our place in the Council of the United Nations to further and implement the ideals contained in the San Francisco Charter. Our internal policy will be based on the sovereignty of the people, and we will put into practice all the steps necessary to bring home and evoke in the breasts of the Eurasian and European residents of our country the highest feeling of patriotism and democracy.

In a short while we intend to prove our adherence to the democratic ideals by calling a general election, in accordance with the constitutional principles laid down for our country. There is always the possibility that such an election may result in far-reaching changes, both in the composition of the present government and in such constitutional changes as may be called for by the representatives of the people.

Citizens and residents of Indonesia will be the beneficiaries of the reconstruction programme we plan to put into operation. Such a scheme calls for large credits as well as manufactured goods from the United States, Australia and the other countries commercially linked to us. Dutchmen as well as other sections of the population, provided they do not commit breaches of the regulations, will be guaranteed the opportunity to engage themselves in any legitimate form of work they desire.

The Dutch Government and the Dutch people have now reached a point where they have got to make up their minds regarding Indonesia. Do they intend to follow blindly the lead given them by a small band of capitalists and imperialists, selfish and self-seeking, who are bent on sacrificing the youth of Holland on the risky venture of trying to subjugate Indonesia anew? Or have they the vision and the ability to adjust themselves to changed conditions and, through the way of peaceful discussion, secure for themselves and their descendants in this country the predominant place they hold in trade and industry, thereby also making it possible for themselves to live here and earn their livelihood in peace and security?

As soon as we obtain conditions favouring the full contribution of our resources towards the national and social reconstruction, we shall immediately endeavour to make it possible for our people to exercise all the rights vested in them, those very rights which are stressed by the United Nations. Not only will our people enjoy freedom of speech and of religion and freedom from want and from

fear, but they will be given every incentive to make themselves healthy in body and progressive in mind by providing all peoples of all social grades the benefits of modern education and training. Side by side with plans for our internal advancement and well-being, we must go beyond mere trade relations with the outside world. There must in the fullness of time be an interchange of culture and of knowledge, especially with our near neighbours and more so with people such as the Filipinos who spring from a common racial stock. We can and will make our full contribution to world culture, but that will only be possible when we exist as a free nation on a footing of complete equality with the other peoples of the world.



DECLARATION OF THE POLICY OF THE NETHERLANDS INDIES GOVERNMENT

Official Statement Issued by Lt. Gov. Gen. Hubertus Van Mook at Batavia, November 10, 1945. Text from official English translation issued in press release at Batavia on same date.

The course of events after the surrender of Japan has caused a considerable confusion and circumstances outside the control of the Government have prevented them until now to make public the main outline of the intentions with regard to the political reorganisation of the Kingdom and of the Netherlands Indies.

As long ago as 27 January 1942 a round table conference for this purpose was announced, to be held after the liberation of all the occupied territories, and on 6 December of that year the principles of reorganisation were sketched in a speech of Her Majesty the Queen. The main clauses were:

"I visualise, without anticipating the recommendations of the future conference, that they will be directed towards a commonwealth in which the Netherlands, Indonesia, Surinam and Curaçao will participate, with complete self-reliance and freedom of conduct for each part regarding its internal affairs, but with the readiness to render mutual assistance.

"It is my opinion that such a combination of independence and col-

laboration can give the Kingdom and its parts the strength to carry fully their responsibility, both internally and externally. This would leave no room for discrimination according to race or nationality; only the ability of the individual citizens and the needs of the various groups of the population will determine the policy of the government."

The conviction that the Kingdom can only be rebuilt on these principles of racial equality and cooperation has since become widespread. The idea of a partnership, which is new in history, has developed as a form that can give complete satisfaction to a national consciousness that has grown under enemy occupation.

In the confusion of these days, however, this national consciousness not only chose the direction of proclaiming a Republic of Indonesia, with the cooperation of the Japanese military government, but at the same time there were put into effect an anti-Netherlands propaganda and a system of terrorism against people of dissenting opinion of such violence that publication would have been useless and incompatible with the dignity of the Government. As long as thousands of defenceless Netherlanders, who had only just come through the worst of enemy oppression, were exposed to danger, and a free discussion was thwarted by threats, it remained impossible to commence the work of common reconstruction.

Now that the danger for the liberated internees has been lessened through the aid of our Allies and the situation with regard to freedom of speech and contact seems to have improved somewhat, the moment has come to elaborate the Government's program, based on the speech of Her Majesty the Queen, of December 6th, 1942.

The Government recognise the legitimate aspirations of the Indonesians towards a national existence and are convinced that these aspirations can be realised by a process of evolution through the friendly cooperation between Indonesians and Netherlanders.

Their general purpose is therefore the rapid development of Indonesia as a partner in a Kingdom, which will be constructed to guarantee the national self-respect of all member-peoples. To that end the central Government of this country will have to be reconstructed, by legal process, in such a way that it will consist of a democratic representative body, with a substantial majority of Indonesian members, and a council of ministers, under the Governor General as the representative of the Crown. This organisation will govern the internal affairs of the country, assisted by subordinate organisations to take care of the regional and local public interests. The suffrage shall be a subject of further consultation,

but it will have to rest on the foundation of a freely shaped public opinion and of an adequate representation for all important sections of the body politic.

Indonesia will be called upon to become a full partner in the Kingdom, which will be organised as a commonwealth consisting of the participating territories. The manner in which this basic idea will be realised is to be proposed by the round table conference and to be decided by the constitutional authorities of the Kingdom. Problems like that of a regional flag, besides the flag of the Kingdom, will also have to be decided on the recommendations of the same round table conference. The admission of Indonesians and other non-Dutch citizens to the general services of the Kingdom, can be systematically increased forthwith.

Regulations and institutions based on racial discrimination or considered as such shall be abrogated or reformed. The distinction between a Netherlands and an Indonesian civil service shall be abolished; the unification of penal courts and procedure shall be completed. The admission of citizens of non-Netherlands origin to the highest posts in all public services will be vigorously extended and full mutual cooperation ensured. It will also be necessary to find a place for Indonesians and other non-Netherlands citizens in the staffs and the management of business.

The educational system will have to be reformed in such a way that illiteracy is eradicated as rapidly as possible and that it can offer to the inhabitants every form of training needed by the community. In order to broaden its base an exchange with the Netherlands and with foreign countries will be promoted. The development of Indonesian civilisation will retain full attention. The organisation of honest and full public information can be mentioned in this connection.

The Indonesian language and other important native languages will be systematically developed for modern use in order to make them fully serviceable for the needs of cultural, social and economic life. The recognition of the Indonesian language as the official language beside the Dutch will be made complete. The knowledge of Dutch and of the main world-languages will be increased.

The economic policy will have for its objective the rehabilitation and the extension of the general prosperity of the population. It will be implemented, under a strong and systematic governmental guidance, by specially designed organisations and efficient planning.

Room will be made for the development of business of every size for all racial groups and the participation of Indonesians, Indo-Chinese and Indo-Arabs in big business will be furthered. By all means, including industrialisation, an increased production and an improved distribution of income will be pursued, and the expansion of native capital will be vigorously advanced. An efficient cooperation with the Netherlands and with other countries will strengthen the base of this policy without influencing its aim.

As a result of the disorganisation caused by war and occupation, a social policy extending to all classes will be more necessary than ever.

The monetary situation shall have to be straightened out as quickly as possible by provisional measures in order to stabilise it, due account being taken of the economic and financial position of Indonesia.

A strong armed force will be built up on a base of a general integration of defence to which all races will contribute and in which they all will take their part.

The citizenship of Indonesia will be clearly defined on a foundation of racial equality without neglecting the special legal needs of the several groups. Problems like the agrarian question will have to be solved within that framework.

The reconstruction of Indonesia can only be attained by a real cooperation between its citizens of different race and between the Netherlands and Indonesia, who are far stronger together than apart. That reconstruction will have to be quickly taken in hand, as otherwise the general impoverishment and lawlessness will grow to such an extent that recovery may hardly be possible. The continuous deterioration and destruction must end. Only by following the legal path of reform the process of reconstruction can begin. The Government therefore urgently appeal to all the people, who have the interests of this country at heart, to join their forces to that end.

The Government fully realise that years of Japanese oppression and Japanese propaganda, years of isolation from the outer world, and the confusion and distress during the period of transition following the war have been the cause of various violent acts and demonstrations which under normal circumstances would have been prevented or repressed under the penal code. They realise that cooperation can only be achieved when these circumstances are fully

taken into consideration in judging the various facts. Such cooperation is impossible if Netherlanders and Indonesians remain under the influence of feelings induced by violent happenings.

But if much of what happened during and after the occupation is better forgotten, a number of acts will have to be adjudicated to satisfy the sense of justice. Those who knowingly and actively harmed their co-citizens and their country, either by voluntary cooperation with the enemy, or by committing or inciting to commit crimes against persons or their possessions, will have to be brought to justice.

Furthermore the lawful possessions stolen by the enemy or by others must be restored to their rightful owners as far as possible. The problem of war-damages will have to be treated separately, taking into consideration the individual position of the victims and the collective capacity of the country. In solving this problem we must be guided primarily by the necessity of restoring general prosperity.

Finally all the arms which have been passed over illegally by the enemy, or which have been stolen, must be restored to the Allies and the carrying of arms must be restricted to people legally entitled or licensed to do so.

It is urgently necessary that the reconstruction of Indonesia is started as soon as possible. The present dissensions carry the country even nearer to chaos, which neither the people nor the international world can tolerate. The moment has come for all who want to undertake the work of reconstruction to join hands. Moreover, as it is the intention of the Government to convene the round table conference at the earliest possible date, it is doubly necessary to restore order to enable us to proceed with the nomination of representatives by a general consultation that is free of threats and intimidation.

The whole country is waiting for the moment when reconstruction can begin and the misery, which many are suffering, can be alleviated. The Government observe with the greatest concern the growing divergence caused by misunderstanding and excitement. They are convinced that on both sides the will is there to solve the conflict and to commence constructive work. In the foregoing declaration of policy they have pointed the way by which the present barren discord can be ended.



THE LINGGADJATI AGREEMENT

Initialed at Linggadjati (Cheribon), on the north central coast of Java by members of the Netherlands Commission-General and leaders of the Government of the Republic of Indonesia, November 15, 1946, and signed at Jakarta (Batavia) on March 25, 1947. Text is from the English-language Netherlands News Letter, Netherlands Information Bureau, December 1, 1946.

PREAMBLE

The Netherlands Government, represented by the Commission-General for The Netherlands Indies, and the Government of the Republic of Indonesia, represented by the Indonesian delegation, moved by a sincere desire to insure good relations between the peoples of The Netherlands and Indonesia in new forms of voluntary cooperation which offer the best guarantee for sound and strong development of both countries in the future and which make it possible to give a new foundation to the relationship between the two peoples; agree as follows and will submit this agreement at the shortest possible notice for the approval of the respective parliaments:

ARTICLE I

The Netherlands Government recognizes the Government of the Republic of Indonesia as exercising de facto authority over Java, Madura, and Sumatra. The areas occupied by Allied or Netherlands forces shall be included gradually, through mutual cooperation in Republican territory. To this end, the necessary measures shall at once be taken in order that this inclusion shall be completed at the latest on the date mentioned in Article XII.

ARTICLE II

The Netherlands Government and the Government of the Republic shall cooperate in the rapid formation of a sovereign democratic state on a federal basis to be called the United States of Indonesia.

ARTICLE III

The United States of Indonesia shall comprise the entire territory of The Netherlands Indies with the provision, however, that in case the population of any territory, after due consultation with the other

territories, should decide by democratic process that they are not, or not yet, willing to join the United States of Indonesia, they can establish a special relationship for such a territory to the United States of Indonesia and to the Kingdom of the Netherlands.

ARTICLE IV

The component parts of the United States of Indonesia shall be the Republic of Indonesia, Borneo, and the Great East without prejudice to the right of the population of any territory to decide by democratic process that its position in the United States of Indonesia shall be arranged otherwise.

Without derogation of the provisions of Article III and of the first paragraph of this Article, the United States of Indonesia may make special arrangements concerning the territory of its capital.

ARTICLE V

The constitution of the United States of Indonesia shall be determined by a constituent assembly composed of the democratically nominated representatives of the Republic and of the other future partners of the United States of Indonesia to which the following paragraph of this article shall apply.

Both parties shall consult each other on the method of participation in this constituent assembly by the Republic of Indonesia, by the territories not under the authority of the Republic and by the groups of the population not, or insufficiently, represented, with due observance of the responsibility of the Netherlands Government and the Government of the Republic, respectively.

ARTICLE VI

To promote the joint interests of The Netherlands and Indonesia, the Netherlands Government and the Government of the Republic of Indonesia shall cooperate in the establishment of a Netherlands Indonesian Union by which the Kingdom of the Netherlands, comprising The Netherlands, The Netherlands Indies, Surinam and Curaçao, shall be converted into said Union consisting on the one hand of the Kingdom of the Netherlands, comprising The Netherlands, Surinam and Curaçao, and on the other hand the United States of Indonesia.

The foregoing paragraph does not exclude the possibility of a further arrangement of the relations between The Netherlands, Surinam and Curaçao.

ARTICLE VII

A. The Netherlands Indonesian Union shall have its own organs to promote the joint interests of the Kingdom of the Netherlands and the United States of Indonesia.

B. These organs shall be formed by the Governments of the Kingdom of the Netherlands and the United States of Indonesia and, if necessary, by the parliaments of those countries.

C. The joint interests shall be considered to be cooperation on foreign relations, defense and, as far as necessary, finance as well as subjects of an economic or cultural nature.

ARTICLE VIII

The King (Queen) of The Netherlands shall be at the head of the Netherlands Indonesian Union. Decrees and resolutions concerning the joint interests shall be issued by the organs of the Union in the King's (Queen's) name.

ARTICLE IX

In order to promote the interests of the United States of Indonesia in The Netherlands and of the Kingdom of the Netherlands in Indonesia, a High Commissioner shall be appointed by the respective Governments.

ARTICLE X

Statutes of the Netherlands Indonesian Union shall, furthermore, contain provisions regarding:

A. Safeguarding of the rights of both parties toward one another and guarantees for the fulfillment of their mutual obligations;

B. Mutual exercise and civic rights by Netherlands and Indonesian citizens;

C. Regulations containing provisions in case no agreement can be reached by the organs of the Union;

D. Regulation of the manner and conditions of the assistance to be given by the services of the Kingdom of the Netherlands to the United States of Indonesia as long as the services of the latter are not, or are insufficiently, organized; and

E. Safeguarding in both parts of the Union of the fundamental human rights and liberties referred to in the Charter of the United Nations Organization.

ARTICLE XI

A. The Statutes of the Netherlands Indonesian Union shall be drafted by a conference of representatives of the Kingdom of the Netherlands and the future United States of Indonesia.

B. The statutes shall come into effect after approval by the respective parliaments.

ARTICLE XII

The Netherlands Government and the Government of the Republic of Indonesia shall endeavor to establish the United States of Indonesia and the Netherlands Indonesian Union before January 1, 1949.

ARTICLE XIII

The Netherlands Government shall forthwith take the necessary steps in order to obtain the admission of the United States of Indonesia as a member of the United Nations Organizations immediately after the formation of the Netherlands Indonesian Union.

ARTICLE XIV

The Government of the Republic of Indonesia recognizes the claims of all non-Indonesians to the restoration of their rights and the restitution of their goods as far as they are exercised or to be found in the territory over which it exercises de facto authority. A joint commission will be set up to effect this restoration and restitution.

ARTICLE XV

In order to reform the Government of The Indies in such a way that its composition and procedure shall conform as closely as possible to the recognition of the Republic of Indonesia and to its projected constitutional structure, the Netherlands Government, pending the realization of the United States of Indonesia and of the Netherlands Indonesian Union, shall forthwith initiate the necessary local measures to adjust the constitutional and international position of the Kingdom of the Netherlands to the new situation.

ARTICLE XVI

Directly after the conclusion of this agreement, both parties shall proceed to reduce their armed forces. They will consult together

concerning the extent and rate of this reduction and their cooperation in military matters.

ARTICLE XVII

A. For the cooperation between the Netherlands Government and the Government of the Republic contemplated in this agreement, an organization shall be called into existence consisting of delegations to be appointed by each of the two Governments with a joint secretariat.

B. The Netherlands Government and the Government of the Republic of Indonesia shall settle by arbitration any dispute which might arise from this agreement and which cannot be solved by joint consultation in conference between those delegations. In that case a chairman of another nationality with a deciding vote shall be appointed by agreement between the delegations or, if such agreement cannot be reached, by the President of the International Court of Justice.

ARTICLE XVIII

This agreement shall be drawn up in the Netherlands and Indonesian languages. Both texts shall have equal authority.

X

The United Nations and Trusteeship

The founding conference of the United Nations at San Francisco (April-June, 1945) produced no radically new international action with regard to the colonial problem. The debate on the issue was dominated by the respective national strategic and political interests of the countries concerned and concluded in a compromise in which those interests remained unassailed. A general declaration was written into the Charter (Chapter XI) in which colonial powers accepted the goal of "self-government" for their dependencies and undertook to keep the U.N. informed on the progress and welfare of their colonial subjects. No machinery for enforcement was established.

Serious colonial conflicts which have taken place since the founding of the U.N. have received meager U.N. consideration. It did not act on the charges brought against Britain by the Ukraine at the London meeting of the Security Council in February 1946, with reference to Britain's role in Java. These charges were dropped and did not, in any case, constitute a hearing on the Indonesian demand for independence from Dutch rule. During 1945 and 1946 on various occasions Viet Nam appealed to the U.N. against the French, and Korean representatives sought a hearing to protest the partition of their country, but both failed to find sponsors for their appeals and they went unheard. When the Dutch attacked the Indonesian Republic on July 20, 1947, U.N. action was limited to a request to both sides to halt hostilities and an offer of "good offices" for purposes of mediation.

The other form of U.N. concern with regard to dependent peoples has to do with the formula of Trusteeship, originally laid down at the Big Three Conference at Yalta in February 1945. This formula, subsequently written into the Charter (Chapters XII and XIII) provides for a system of trusteeship to be applied to territories taken from the enemy powers in World War II, to former League of Nations mandates, and to such other territories as are voluntarily offered for the purpose. The ultimate goal for these territories is defined in the charter as "self-government or independence" with numerous qualifications and reservations. The Trusteeship Council

did not come into existence until the end of the U.N. Assembly session in January 1947. The Assembly approved trusteeship agreements for eight mandated territories, by Great Britain (for Tanganyika, British Cameroons, British Togoland); France (for French Cameroons, French Togoland); Australia (for New Guinea); Belgium (for Ruanda-Urundi); and New Zealand (for Western Samoa). Britain announced on February 14, 1947, that the Palestine problem would be laid before the U.N. Assembly but did not propose any change in the mandate status. On February 17, 1947, the United States submitted a proposal making it sole trustee of the former Japanese mandated islands (the Carolines, Marianas, and Marshalls) in the Western Pacific. This proposal was approved by the U.N. Security Council on April 2, 1947. Under this trusteeship arrangement, subsequently approved by the Congress of the United States, the island area will be known as the Territory of the Pacific.

COLONIAL AND TRUSTEESHIP CHAPTERS OF THE UNITED NATIONS CHARTER

Adopted by the San Francisco Conference, June 26, 1945

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the

following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements, for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81.

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate

the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of

the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.



DRAFT TRUSTEESHIP AGREEMENT FOR THE JAPANESE MANDATED ISLANDS

Submitted by the United States Delegation to the United Nations, February 17, 1947 and approved by the Security Council on April 2, 1947. Text is from Press Release 139, U.S. Delegation, February 14, 1947.

PREAMBLE

WHEREAS Article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreements; and

WHEREAS under Article 77 of the said Charter the trusteeship sys-

tem may be applied to territories now held under mandate; and

WHEREAS on December 17, 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

WHEREAS Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

NOW, THEREFORE, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

ARTICLE I

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the trust territory.

ARTICLE II

The United States of America is designated as the administering authority of the trust territory.

ARTICLE III

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement as an integral part of the United States, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

ARTICLE IV

The administering authority, in discharging the obligations of trusteeship in the trust territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the trust territory.

ARTICLE V

In discharging its obligations under Article 76(a) and Article 84, of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

1. to establish naval, military and air bases and to erect fortifications in the trust territory;
2. to station and employ armed forces in the territory; and
3. to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

ARTICLE VI

In discharging its obligations under Article 76(b) of the Charter, the administering authority shall:

1. foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government, and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in local government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends;
2. promote the economic advancement and self-sufficiency of the inhabitants and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;
3. promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spiritous

beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

4. promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

ARTICLE VII

In discharging its obligations under Article 76(c), of the Charter, the administering authority, subject only to the requirements of public order and security, shall guarantee to the inhabitants of the trust territory freedom of speech, of the press, and of assembly; freedom of conscience, of worship, and of religious teaching; and freedom of migration and movement.

ARTICLE VIII

1. In discharging its obligations under Article 76(d) of the Charter, as defined by Article 83(2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favorable than that accorded therein to nationals, companies and associations of any other United Nation except the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favorable than that granted by them to the nationals of other states. The Security Council may recommend, or invite other organs of the United Nations to

consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

ARTICLE IX

The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the trust territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

ARTICLE X

The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states, may cooperate with specialized international bodies, public or private, and may engage in other forms of international cooperation.

ARTICLE XI

1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

ARTICLE XII

The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

ARTICLE XIII

The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

ARTICLE XIV

The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

ARTICLE XV

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

ARTICLE XVI

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

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