

China: Yunnan Railway.

525/8/40

No. 277

(F 1854/51/10).

Confidential

FOREIGN OFFICE, S.W.1.

18th March, 1940.

MS
12-4



H.E. L 14/4

Mr Butler

My Lord Marquess,

A member of the French Embassy in London stated in conversation at this department on the 13th March that the French Government had received from their Ambassador at Tokyo the text of the memorandum handed by the Japanese Government to the United States Ambassador in reply to his representations against the bombing of the Yunnan railway (see Your Lordship's telegram No. 192 of the 10th February last).

2. In this memorandum the Japanese Government began by stating that when the agreement relating to the construction of the Yunnan railway was signed in 1903 by the French and Chinese Governments, it was laid down that the railway could not claim neutrality in case of war between China and a third Power. This justified the Japanese in attacking the railway in present conditions. In reply to the United States Government's protests against damage to United States life and property, the Japanese Government must point out that war was in progress in China on a large scale and it was natural that the Japanese forces should take steps to prevent supplies from reaching their enemy from Hanoi. Although the Japanese Government much regretted the losses suffered by United States citizens, this was inevitable in view of the juridical

position/

His Excellency

The Most Honourable

The Marquess of Lothian, C.H.,

etc., etc., etc.,

Washington.

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END

position described above.

3. The memorandum concluded by saying that the Japanese Government's attitude as regards their undertaking to respect the rights of third parties had not changed in any way; but it must be understood that respect for such rights in no way limited the military action of the Japanese forces.

4. In communicating a copy of this document to M. Arsène Henry, Mr. Grew had expressed some surprise at the line taken by the Japanese Government. He thought that the State Department would wish to point out the curious contradiction between the juridical position now taken up and the fact that no state of war existed between Japan and China.

5. A copy of this despatch is being sent to His Majesty's Ambassadors at Shanghai and at Tokyo.

I am, with great truth and respect,
My Lord Marquess,
Your Excellency's obedient Servant,
(For the Secretary of State)

R. E. Howe