

傳報部
普通公第五九一號

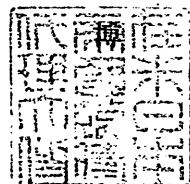
昭和七年十二月一日

第一課長

在米

臨時代理大使 齋藤

外務大臣伯爵 内田 康 哉 殿



米國政治社會學會ニ於ケル「マツクマレー」、施
肇基及本官演説「テキスト」送付ノ件

十一月二十八日 贊府ニ於テ *American Academy of Political and Social Science* 主催ニテ「リットン」報告ニ關スル講演會開催
セラレ前駐日米國大使「モリス」司會ノ下ニ「マツクマレー」、施
肇基及本官出演ノ次第ハ往電第六二四號及第六二六號ヲ以テ不取敢報

告シタル處右講演會ニ於ケル各演説「テキスト」御參考迄各三部別添
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本信寫送付先 在米各領事(含ホノルル)、在歐各大使、在露府
聯盟、在支公使、北平、在滿洲大使及在滿各領事
(附屬各一部)

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MANCHURIA
AND THE LYTTON REPORT

ADDRESS BY MR. HIROSI SAITO, THE JAPANESE
CHARGÉ D'AFFAIRES, AT THE AMERICAN ACADEMY
OF POLITICAL AND SOCIAL SCIENCE, PHILADELPHIA,
ON NOVEMBER 28, 1932

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MANCHURIA AND THE LYTTON REPORT

It is my great pleasure and honour to have been asked to speak before this world-famous academy and side by side with the eminent gentlemen, distinguished in their careers and well-known erudition. Further, I consider myself very fortunate to have the opportunity of stating Japan's case in the Manchurian affair, which is commanding so much attention all over the world and which involves the question of life and death to my country.

I.

In 1922 Powers participating in the Washington Conference declared in a solemn Resolution that they were "deeply impressed with the severe strain on the public revenue of China through the maintenance in various parts of the country of military forces, excessive in number, and controlled by the military chiefs of the Provinces without coordination," which circumstance was "mainly responsible for China's present unsettled conditions." They further expressed "the earnest hope that immediate and effective steps may be taken by the Chinese Government to reduce the afore-said military forces and expenditures."

Since this Resolution was passed, with a view to assisting China in her pacification and unification, ten long years have elapsed; but what has actually been done in China? Instead of such military forces being reduced in number, they have been signally increased. The nation has continued to be divided into several military camps which, under their respective warlords, have continuously engaged in internecine warfare in a struggle for supremacy, and no central government capable of unifying the nation has been established. Not only no political and economic rehabilitation has come into sight, but the whole nation has been hurled into a state of disturbance and misery, chaos and devastation. Banditry has become rampant, Communism has crept in and taken root, and many innocent people have despaired and starved.

The Lytton Report which was recently submitted to the League of Nations and was later made public (October 2, 1932), depicts convincingly the situation of China I have just tried to describe. The Lytton Commission of Inquiry spent six months in the Far East studying the actual situations on the spot, and the sincere and honourable manner in which the very difficult task was undertaken by its members is worthy of high appreciation. The Report is an important historical document and, embodying as it does a great deal of very valuable materials, will in the future be frequently referred to by Governments and students in international

affairs. But it was hurriedly written and the subject-matter was extremely complicated. As the Report itself observes several times, the situation in China Proper and Manchuria is quite unique and without parallel in any other part of the world. It is quite natural that there are passages in the Report to which Japan has had to take exception. The Japanese Government has, therefore, prepared and sent in to the League of Nations a paper entitled "Observations of the Japanese Government on the Report of the Commission of Inquiry." (Published on November 20th, 1932.)

In describing the chaotic conditions in China, the Lytton Report states:

"* * * disruptive forces in China are still powerful. The cause of this lack of cohesion is the tendency of the mass of the people to think in terms of family and locality, rather than in terms of the nation, except in periods of acute tension between their own country and foreign Powers. Although there are, nowadays, a number of leaders who have risen above particularist sentiments, it is evident that a national outlook must be attained by a far greater number of citizens before real national unity can result." (P. 17)

The Report further makes the observation that "not even the semblance of unity could be preserved." (P. 17) Is it not then a fact that there breathes many a man in China who has never said: "this is my own, my native land?" It is, however, not his own fault, but the social and political environments are not favourable for the growth of nationalism and patriotism in its pure and genuine sense.

Moreover, the Lytton Report admits that the pernicious Communist influence has insinuated itself into the Chinese social structure in such formidable manner as to have "become an actual rival of the National Government," possessing "its own law, army and government, and its own territorial sphere of action." (P. 23) In point of fact, the Chinese Soviet Government established in 1926, in Kiangsi, has extended its power to the Provinces of Hunan, Fukien and Kwangtung. That the important maritime Provinces of Fukien and Kwantung have recently come under its authority is a very significant matter.

The Report, then, concludes that "political upheavals, civil wars, social and economic unrest, with the resulting weakness of the Central Government,—those conditions, * * * until remedied, will continue a menace to world peace and a contributory cause of world economic depression." (P. 13)

The Japanese "Observations" point out the apparent contradiction in the Lytton Report in that the latter, after recognizing such disturbed conditions in China, should give the verdict that

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"considerable progress has in fact been made." There may have been noticeable some signs of outward progress in and around Nanking and Shanghai which fall under the sway of the Nanking Government. But how far does the influence of the Nanking Government extend? Out of the historic eighteen Provinces of China Proper, only three, Anhwei, Kiangsu and Chekiang, are under its complete orders. And the authority of that Government is at this very moment challenged by Communists from the West, and by rival and ambitious warlords from the North and the South. "Disruptive forces" are everywhere in evidence.

In the columns of newspapers only a few days ago, we read a telltale report from Shanghai, running as follows:

"In one breath the Chinese denounce Japan's charges that this country's 'disunited government' is impotent and in the next breath they denounce the [Chinese] leaders of the three civil wars that have broken out in the last three months, declaring the selfishness of the regional militarists is jeopardizing China's international status." (*New York Times*, Cable from its Shanghai correspondent, Nov. 21.)

It is a well-known fact that of recent years there has been an exodus of Chinese coolies to Manchuria in the tremendous numbers of a million yearly. How could such a migration on a large scale happen, but for the intolerable situation in war-ridden China Proper and for the established peace and attractive opportunities in the Manchurian region?

II.

In contrast to the disorderly conditions in China Proper, Manchuria has enjoyed for the past quarter of a century, peace and order, progress and prosperity, having accomplished great strides in its commercial and industrial development. That has been admittedly the result of Japanese influences.

In undertaking the task of peaceful development in Manchuria Japan has been urged on by the stimuli, both political and economic. Japan had to fight two desperate wars on Manchurian soil in 1894 and 1904 to ward off aggression and to secure her own separate existence. It was only through Japan's victory in the Russo-Japanese War that Manchuria remained Chinese territory. But Japan has never harbored any territorial designs and only worked for the peace and prosperity of the region. She would be satisfied if Manchuria were a dependable bulwark against the possible onrush of outside aggressions. She would be quite content if the resources and markets of Manchuria were legitimately open for Japanese enterprise. Japan needs to feel politically and strategically secure in her territory and to work out her own

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economic salvation, with as many as three thousand souls to be supported by a square mile of arable land.

This fact was clearly recognized by Mr. Franklin D. Roosevelt, President-elect, as early as in 1923 when he wrote:

"American sympathies have been pro-Chinese rather than pro-Japanese. Perhaps, however, we are appreciating now a little more readily than formerly the Japanese point of view. * * * We can now recognize that there is a real necessity to Japan of the markets and raw products of that part of the Chinese mainland contiguous to her island shores. Here, then, is another valid reason * * * for altering or abandoning the old-fashioned habit of mind." (Magazine, Asia)

It is on account of such political and economic importance of Manchuria to Japan, that it has often been called the "life-line" of Japan, and the Lytton Report, after enumerating Japan's rights in Manchuria, admits:

"This summary of the long list of Japan's rights in Manchuria shows clearly the exceptional character of the political, economic and legal relations created between that country and China in Manchuria. There is probably nowhere in the world an actual parallel to this situation, no example of a country enjoying in the territory of a neighboring State such extensive economic and administrative privileges." (P. 38)

Without a full knowledge of the historic background, such situation would not be really understood.

In this connection, I may point out that the validity of the Treaty signed and the Notes exchanged by Japan and China in 1915, which confirmed and strengthened some of Japan's rights and interests in Manchuria, has often been called into question by Chinese publicists. They contend that the agreements were a result of the so-called Twenty-One Demands, and, having been arrived at under duress, were null and void. Even admitting that duress was applied, the validity of such agreements would not in the least be affected. Any text-book on International Law would make that point clear. Otherwise, many treaties, which constitute the framework of the present day international relations, including the Treaty of Versailles itself, would become null and void, and, as suggested by a Japanese Delegate to the Washington Conference in 1922, a very dangerous precedent would be established. Moreover, in point of fact, such so-called duress was resorted to by Japan only at the request of the Chinese Government, which wished to be placed in a position to explain to the people that it was coerced to sign those agreements. And what was the next step the Chinese Government took on that occasion? It came out and declared to

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the world that the agreements were null and void. The Japanese Government could not but feel that it was a victim of insidious double-crossing.

To substantiate Japan's claim that Manchuria has been enabled to attain its tranquility and progress under Japanese influences, I need only adduce a few figures. Japan's investment in Manchuria aggregates one billion dollars, a large portion of which is represented by the work of the South Manchuria Railway. The foreign trade of Manchuria increased fourteen-fold during the past two decades. The number of factories rose from one hundred and fifty-two in 1909 to eight hundred and forty-nine in 1930. Twenty-five years ago coal and iron mining in Manchuria was primitive and negligible, but now conducted under modern methods it occupies the most important position in the industry of the region. Where there were no systems of modern education, there now exist seventy-four elementary schools, fourteen high schools, two technical colleges and one medical college. Where sanitation was entirely unknown to the people, there now are operated eighteen large well-equipped hospitals with their numerous ramified stations. I am only stating a very plain fact when I say that Japan has been the stabilizing and modernizing influence in Manchuria.

III.

What, then, was the Chinese attitude toward Manchuria during the past few years? Were Japan's vital legitimate rights and interests respected? Were Japan's endeavors in the stabilization and progress of the region appreciated? Was the desire of the Japanese to cooperate with the Chinese in the development of the land requited? Not at all; but quite on the contrary, the Chinese were bent upon ousting the Japanese from Manchurian soil once and for all. And the anti-Japanese tendency became greatly intensified after the assumption of the warlordship by the young Marshall, Chang Suehliang, who became arrogant and mistook Japan's conciliatory attitude as a sign of weakness.

Such anti-Japanese movements in Manchuria were but a part of the subversive method of diplomacy adopted by the Nanking Government. In a country like China where no unity exists and disruptive influences are constantly at work, it was perhaps the best policy for the aspirants for political ascendancy to divert the attention of the masses from internal to external complications. While they vied with one another for power with force of arms, they were united in disseminating amongst the people the cult of hatred against foreigners. They have avowed the revolutionary diplomacy of unilateral abrogation of commercial treaties, conces-

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sions, leaseholds, settlements, and extra-territoriality. They have further had no scruple in having recourse to the unlawful, inhuman and militant boycott. It is not an ordinary abstention from purchasing goods but a systematic and ruthless suppression of trade abetted by government authorities themselves. In reporting upon the Chinese boycott against American goods to the State Department, the American Minister, in 1905, characterized the boycott as "a hostile act carried on under official guidance and with the sympathy of the Chinese Government * * * designed to blackmail concessions." In the face of such anti-foreign movements, Great Britain had to suffer in 1925; the warships of Great Britain and the United States had to bombard Nanking in 1927; Soviet Russia had to invade Northern Manchuria in 1929; and at the present moment Japan is bearing the brunt.

In such circumstances, what can liberalism do? Even Lord Cromer, that staunch liberal, was taught by his own experience in Egypt that "it is not always possible to make the undiluted theories of academic liberalism fit the hard facts as they present themselves when a nation which has reached a comparatively high plane of civilization is brought into forcible contact with a people living on a lower plane" (Zetland, P. 89). Especially so when the latter people is determined to follow a policy of militant antagonism.

IV.

The revolutionary diplomacy of the Chinese manifested itself, of recent years, in their ever-increasing menace to the Japanese rights and interests in Manchuria. Cases of grievances accumulated and were multiplied, until there were three hundred odd cases actually pending in September, 1931. The tense feeling which had been smouldering in the Japanese mind early in 1931, was inflamed to an indignant flare by the Wanpaoshan incident and the Nakamura murder. And the clash of the Japanese and Chinese soldiers on September 18, 1931, following the blowing up of the Japanese railway track near Mukden, was the culmination of such an impossible state of affairs.

May I, at this point, digress a little to the examination of the question of sovereignty? Sovereignty is defined in International Law as the supreme right of a state. But has a nation only its rights and no duties? No less an authority than Chief Justice Hughes said in 1928 in Cuba, "The rights of nations remain, but nations have duties as well as rights. * * * We cannot * * * ignore the duties of states, by setting up the impossible reign of self-will without any recognition upon the part of a state of its

obligations to its neighbors." (Report, Sixth International Conference of American States, P. 15.)

When houses are built far apart from each other as in the remote country, the inmates can freely follow their wildest inclinations in the interior without any molestation to their neighbors. Not only can they leave the house in a disorderly condition and indulge in as many boisterous sprees as they wish but they can go to the extreme of shooting revolvers and committing murder without incurring immediate outside complaints. But when we live in a town house or an apartment, not only should we keep our home free from disease germs but we should refrain from being unduly noisy and tumultuous. With the progress in the means of communication and conveyance and with the growing economic and political interdependence of nations, the duties of a nation are fast becoming more emphasized and exacting. Sovereignty can no longer be the exercise of self-will but should assume solemn obligations in domestic and foreign relations.

Is China fully discharging her duties as a sovereign state? The Lytton Report observes: "So far as Japan is China's nearest neighbor and largest customer, she has suffered more than any other Power from the lawless conditions." (P. 23.)

In the presence of systematic atrocities of the Chinese with the avowed purpose of ejecting the Japanese from Manchuria, Japan had to take measures of self-defence. In this respect, the Lytton Report criticizes the Japanese action on the night of September 18, 1931, in the following terms: "The military operations of the Japanese troops during this night * * * cannot be regarded as measures of legitimate self-defence. In saying this, the Commission does not exclude the hypothesis that the officers on the spot may have thought they were acting in self-defence." (P. 71.) In refutation of the verdict given by the Lytton Report, it would only be necessary to remember the general exasperating situation above-described and to recall the words of Mr. Kellogg contained in his note of June 23, 1928, relating to the Kellogg Pact:

"There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self-defence. That right is inherent in every sovereign state and is implicit in every treaty. * * * Every nation * * * alone is competent to decide whether circumstances require recourse to war in self-defence."

And Japan did not go to war with China in Manchuria. It was only a case of a punitive expedition sent in self-defence.

V.

It so happened that, when the incident of September 18, 1931,

occurred in Manchuria, the Council of the League of Nations was meeting in Geneva. The Chinese Government immediately appealed to the Council to take up the matter, accusing Japan for breaking treaty engagements. Japan confidently believes that she has not broken any international pledges. But setting that point aside, how could China, who follows the revolutionary diplomacy of systematically ignoring treaties and agreements, unblushingly accuse others of treaty-breaking? It has been the Chinese actions in contravention of international pledges that have been the very cause of the present Sino-Japanese dispute. The League Covenant and the Kellogg Pact forbid the use of arms as a political instrument, but they do not allow any Power, under its cover, to be neglectful of its sovereign obligations, to break all other treaties and agreements with impunity, and to molest its neighbors with constant provocations and dangerous attacks.

Upon the appeal from China, the League Council began its deliberations. But it is a far cry from Geneva to Manchuria. In the initial stage, the facts of the case were not thoroughly understood by the Council. The general frame of mind of the Councilors was at first not very much more than a reflection of the war-weary world opinion which condemned *prima facie* any recourse to arms at all. They were somewhat oblivious of what Lord Passfield (formerly Mr. Sidney Webb) called the "inevitability of gradualness" in human progress. But later with the growing realization of the actual situation, the Council decided upon the wise course of dispatching to the actual scene of the trouble a Commission of Inquiry, of whose endeavors the result is the Lytton Report.

VI.

In the meantime, Chang Suchiang's Government in Manchuria collapsed and the officials under him, fearing revenge from the people whom they had maltreated and impoverished, all fled from their posts. Manchuria was left without any government, and the people who had been struggling to get rid of Chang's tyranny and had been engaged in the "Paoching Anmin" movement, namely, the movement for "the preservation of the frontiers and the bringing of peace to the people," since they had wished to keep Manchuria free from the havoc of war in China Proper, improvised local governments at Mukden, Changchun, Kirin and other centers. The establishment of such temporary local government is a common practice all over China. When a warlord is defeated by another and before a new Government is installed, local leaders would get together and try to carry on some sort of autonomous administration. But it is always of a very short duration,

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being taken over by the incoming military governor. In Manchuria, during the past twelvemonth, the situation was unique. No new warlord came to take the place of Chang, and the Japanese were not going to administer Manchuria themselves. With the passage of time, leaders in those local governments came to realize the possibility of uniting their efforts and to have their cherished hope of preserving the frontiers and giving peace to the people. The result was the declaration of independence of Manchukuo on March 1, 1932, and soon after Mr. Henry Pu-Yi, the last Manchu Emperor of China, was proclaimed its Chief Executive. It is gratifying to note that the new state was established on sound and honourable doctrines: it is based upon the principle of "Wang-tao," the "kingly way" namely, government of justice and humanity, it does not repudiate its share of the Chinese foreign loans and it declares the observance of the principle of the open door and equal opportunity.

As regards the independence of Manchukuo, the Lytton Report makes the accusation that "the present régime cannot be considered to have been called into existence by a genuine and spontaneous Independence movement," (P. 97), for the reason that the two most important factors which contributed to the establishment of the new state "were the presence of Japanese troops and the activities of Japanese officials, both civil and military." (P. 97)

I do not deny that Manchukuo would not have been called into existence but for the presence and assistance of Japanese troops and civilians. But does that nullify the fact that the Manchurian people themselves have created the new Manchurian State? Were not such states as Poland, Czechoslovakia, Yugoslavia, Esthonia, Latvia and Lithuania, founded in the wake of the World War; and would they have come into existence but for the military efforts and active support of the Allied and Associate Powers? And no one denies the fact that those new European states were established spontaneously by the will of the respective peoples.

VII.

The Lytton Report seems to cast doubt as to the successful future functioning of the Manchukuo Government. But the new-born state only eight months old is already showing signs of good and vigorous development. Its financial position has turned out to be much stronger than was first expected, its commerce and industry are infused with a new vitality and its people are becoming reassured and contented. With the normal favorable balance of foreign trade registered at 100,000,000 silver dollars a year even in the past, it stands to reason to be optimistic about its future. It

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is reported that Manchukuo is now considering a gigantic three-year plan of industrial development involving a considerable amount of money. A recent report has it that some Chinese businessmen in Tientsin and Shanghai have made inquiries with a view to making investments in Manchukuo. Those Chinese, always shrewd in business, must be visualizing growing favorable opportunities in the new state.

It is more than natural that in a young state there are still irregularities and difficulties, complaints and dissatisfactions, and it will be many years before Manchukuo will have grown up. We have to be patient and bide our time to see Manchukuo attain its majority as a nation.

The people of Manchukuo are mostly illiterate farmers. A great number of them are refugees from China Proper, where they had tasted enough of the bitterness and privations brought upon them by the incessant ravages of warfare. Their desire is a peaceful abode where their labors will be rewarded with due compensations. If the Manchukuo Government, which is the only civil government the Chinese people have had for many long years, can give them such abode and assure them such compensations, it will eventually and surely win "the consent of the Governed."

The Lytton Report is now in the hands of the League of Nations, and the Manchurian question is at this very moment being discussed in Geneva. It is our sincere hope that some satisfactory arrangement may soon be arrived at with full cognizance of the actualities of the very unusual and anomalous situation.

As I have already stated and as responsible officials of the Japanese Government have repeatedly declared, Japan has no territorial ambitions in Manchuria; all she hopes for is the peace and prosperity of the region and the friendship of the people. And it should be firmly borne in mind that, in view of the unique situations in Manchuria and China, of which there exists no parallel in any other country, whatever decision that may be made in relation to Manchuria, would never constitute a legal or political precedent for other parts of the world.

We of Japan confidently believe that the present Sino-Japanese conflict is after all nothing but a passing storm which, though ominous for the moment, will leave the political sky of the Far East all the clearer and will bring about such a wholesome atmosphere as to enable Japan and China to resume and strengthen their time-honored relations of friendship and cooperation.

END.

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as to principles and their application. It is the earnest wish of this Government that, through an interchange of views with the facilities afforded by a Conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time, that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples." The conference dealt at large with a number of questions relative to China; and in the course of its proceedings the Japanese Delegation renounced virtually the whole of those rights which had been acquired by the ultimatum following the Twenty-one Demands, except for the claim to a right of settlement and agricultural enterprise in Manchuria. But the essence of the consequences of the conference, as embodied in the treaty relating to principles and policies concerning China, is the self-abnegating agreement "to respect the sovereignty, the independence, and the territorial and administrative integrity of China, to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government, to use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China, to refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing

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action inimical to the security of such States", and further, "not to enter into any treaty, agreement, arrangement, or understanding, either with one another, or, individually or collectively, with any Power or Powers, which would infringe or impair the principles stated" above. The whole of the negotiations and of the resulting agreement took cognizance of the fact that China then, as now, was an entity deficient in political development, upon whose weakness the Powers mutually undertook, in their own interest, not to trespass. And, although, in the course of the deliberations, the Japanese Delegation did quite properly take occasion to emphasize the importance of its interests and the particular degree of concern with which it was compelled to regard Manchuria because of economic and strategic considerations, there was no intimation of a desire on their part to have Manchuria, or any portion of it other than the Kwantung Leased Territory and the zone of the South Manchuria Railway recognized as possessing a status which would in any degree distinguish it from the rest of China as regards the self-denying ordinances which the Powers concurred in imposing upon themselves by the Nine-Power Treaty. And no treaty or agreement that has been concluded since the Washington conference (at any rate up to the time of the recognition of Manchukuo by Japan) has imported any alteration into the legal status of Manchuria as recognized by that treaty.

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One more step towards the establishment of her position in Manchuria Japan was able to take before the War came to a close. Of the Allied Powers chiefly interested in the Far East, the United States alone had not yet given any degree of acquiescence in Japan's claims to a special position in Manchuria. But in the autumn of 1917, Viscount Ishii, Japanese Ambassador on Special Mission to the United States, concluded with Secretary Lansing an exchange of notes in which the latter stated that "The Governments of the United States and Japan recognize that territorial proximity creates special relations between countries, and, consequently, the Government of the United States recognizes that Japan has special interests in China, particularly in the part to which her possessions are contiguous." Whatever may have been the import of this statement, it had at any rate the effect of creating alike in Japan and in China a popular belief that the United States had acquiesced in a Japanese purpose to make herself dominant in South Manchuria.

Such was not, however, the interpretation which the American Government placed upon the exchange of notes; and during 1919 Secretary Lansing initiated negotiations with Japan, Great Britain and France, with a view to the reestablishment of a financial consortium for Chinese business, under terms which would, while leaving untouched the existing railway and other interests of the various Powers in China, make possible the financial cooperation of all other interested nationalities in the further development of the

resources of China. The one difficulty encountered in the formation of this new consortium was that Japan insisted upon the exclusion of Manchuria as being her special sphere of interest. In the end, however, upon assurance that her existing rights would be construed to include certain specified lines of railway which were already under contract by Japanese nationals although not yet constructed, Japan consented to waive her contention that Manchuria should be considered upon a basis different from that of the rest of China. And although the consortium formed in 1920 has been unable to function because of certain political objections inherent in the Chinese domestic situation, it still has its significance in defining the limits of Japanese claims in Manchuria.

The unsatisfactory and restless situation created in the Far East by the World War and its incidents, including the Japanese occupation of the Province of Shantung, brought it about that the whole subject had to be taken under consideration in connection with the project for a limitation of naval armaments. That conference, consisting of the principal naval Powers and of those chiefly concerned in Far Eastern questions, was called by the Government of the United States, to meet in Washington in the autumn of 1921. The linking of the two subjects was referred to in our Government's invitation, in which it was stated that "the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove causes of misunderstanding and to seek ground for agreement

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base and a very great economic stake which had become vital to the commercial and industrial life of the home country, which of practical necessity involved political implications that there was a constant temptation to realize in derogation of the administrative and political independence of China, and which had obtained recognition in more or less definite terms by the three principal Allied Powers. This fabric rested, however, upon the basis of rights due to expire in a comparatively few years — the lease of Kwantung in 1923, and the railway rights in 1923 and 1939. It is easy to understand, therefore, that the Japanese considered it essential to their interests to obtain a prolongation of these terms. That they achieved in connection with the so-called Twenty-one Demands made upon China in 1915. It would serve no useful purpose on this occasion, to discuss the general legal and ethical aspects of those demands, secretly presented and negotiated, and in the end enforced by an ultimatum. They involved far more than a prolongation of the status quo in Manchuria; they went very near to the assertion of a dominant position throughout China. But for our present purposes we need only note that the desired extensions of the Kwantung Leasehold and of the period of Japanese operation of the railway system were assented to by the Chinese at the very outset of the negotiations, and so were not among the issues of which Japan by the ultimatum demanded a settlement nor were the demands for further mining concessions. In their bearing upon the position of Manchuria,

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the essential fact is that the treaties arising out of the Twenty-one Demands confirmed Japan for a further period of some eighty or ninety years in the enjoyment of the very extensive set of rights which no realistically minded Chinese could have expected her to relinquish.

It was shortly after this episode that the fragile unity of the new Chinese Republic was shattered by the death of President Yuan Shih-kai; and then began what is perhaps to be the century-long political agony of the Chinese people in the effort to find themselves as a nation. In the indiscriminate scramble for power that then ensued, the Japanese Government quite definitely and with little attempt at concealment gave its support to a particular group of Northern militarists, to whom it purveyed very considerable sums of money through the unconscionable series of loans made by an agent named Nishihara. These loans were ostensibly for constructive purposes such as the construction of railways under Japanese supervision, and for Chinese participation in the war in cooperation with Japan: but the proceeds were squandered by the Chinese War-lords, and there remained the financial indebtedness of the Chinese Government and the set of concession rights established in favor of Japan by the loan agreements. It is scarcely going beyond the terms of a document published by the Japanese Finance Ministry of the day, to comment that the Nishihara loans were designed to create a situation in which Japan might in effect foreclose upon a profligate Chinese Government.

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spheres of interest, and running a line between the spheres of Russian influence in the north, and Japanese in the south. This treaty was of a familiar type: on its face, and perhaps in intention, it was purely negative — a pact of renunciation and non-aggression by each party with respect to an area in which the interests of the other party were recognized as predominant. But by the mere fact of specifying areas within which the respective parties are declared (even though it be only inter se) to have a special status within the territories of a third Power, such agreements have always held implicit in them the concept of special political rights which tend inevitably to evolve into claims to a general and exclusive superiority of rights in the territory in question. Such was the course of development of the relations inaugurated by the secret agreement of 1907 between Japan and Russia. It was followed by three other such agreements, in 1910, 1912 and 1916, which transformed the original negative understanding into a mutual recognition of positive rights, extended to Inner Mongolia the scheme of spheres adopted for Manchuria, and in the end (during the World War) ripened into an out-and-out alliance against any Power which might challenge the position of either of the parties as established by these secret agreements.

Side by side with this development of the relations between Japan and Russia, there had taken place a change in the character of the Anglo-Japanese Alliance. The original agreement of 1902 was revised in 1905, during the progress

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of the Russo-Japanese War, and again in 1911; and the effect of these revisions was to transform what had originally been a purely defensive alliance into an understanding that at least by implication seemed to recognize, on the part of Great Britain, Japan's dominant special rights and interest in "Eastern Asia" — a phrase which, in its context, must refer to Southern Manchuria.

With France, too, Japan had in 1907 reached an agreement engaging "to support each other for assuring the peace and security in those regions of the Chinese Empire" which were "adjacent to the territories where they have the rights of sovereignty, protection or occupation".

Japan had thus obtained at least a degree of acquiescence, on the part of Great Britain, France and Russia, in her claims to a special position in Southern Manchuria, before the year 1909, when our own Government made the genuinely well-intentioned but rather unrealistic effort to obviate the contest for economic and political supremacy in Manchuria by proposing the internationalization of the railways. This proposal by Secretary Knox met a rebuff, at the instance of Japan, from all the interested Powers except Germany: and it undoubtedly had the effect of urging Japan and Russia further in the direction of an agreement to divide the spoils in Manchuria.

Such, then, was the position at the outbreak of the World War in 1914: — Japan had in South Manchuria, by conquest from Russia, and by consent of China, a territorial

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agreement reached on the subject has not been made public but has remained a matter of claims by the Japanese and denials by the Chinese. The Lytton Report gives for the first time enough information to warrant the surmise that the Chinese negotiators, without committing themselves to any concrete formula, did give in vague general terms some assurances that they would not enter into injurious competition with the South Manchuria Railway.

It was a rich field that Japan conquered from Russia in South Manchuria in 1905; and it is to her credit that she cultivated it diligently and ably. The transportation facilities were excellently developed; the workings of coal and iron were expanded to a point that perhaps erred on the side of optimism; and the trade in the soya bean was brought to such phenomenal growth that it constitutes a veritable romance of commerce. And without subscribing to the more exaggerated claims that would attribute to Japan everything good developed in Manchuria, one must in fairness admit that Japan did contribute materially to the productivity of the region and to the general economic betterment of the people of South Manchuria. On the whole, moreover, I think that this development of Japanese interests was carried out without deliberate unfairness to the interests of others; Japanese had not only the advantages of proximity to the region, and of similarity in language, but also those resulting from the greater suitability of their goods to a market of low purchasing power, the control of communica-

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tions and the predominance in other accessory facilities to trade, the very great (although imponderable) influence of prestige, and a peculiar degree of clannish solidarity in the advancement of their business interests; so that it is not necessary to suppose that they "closed the door of opportunity in Manchuria", in order to explain the fact that the business of other nationalities ceased to thrive there after Japan became dominant. As regards relations with the Chinese authorities, it is no doubt true that the growth of Japanese interests involved constantly increasing pressure - that the maintenance of the conditions which Japan considered necessary to assure peaceful and orderly functioning of the enterprises in which she had so great a stake led to frequent interferences with Chinese freedom of action, and even on some occasions the overt use of force to modify the domestic situation.

Japan had indeed ventured her stake upon a condominium in which it was inevitable that she should consider it necessary to assure for herself a controlling position, even to the extent of asserting a dominant political status. And to protect that status from the possibility of encroachment by the other outside Power most likely to contest it, Japan early reached an accord with Russia. As early as 1907, within two years after the war, there was concluded (along with an innocuous public treaty proclaiming platitudes about respecting the status quo and the existing rights of all parties in interest) a secret treaty dividing Manchuria into

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divided by the first manifestations of revolution, and hampered by operating over thousands of miles of single-track railway, was defeated by the Japanese, united in a common purpose of desperate patriotism, and operating with the advantages of inner lines; and how, when both contestants were in fact close to exhaustion, they were brought together by President Roosevelt for the negotiation of peace at Portsmouth. The treaty signed there in the autumn of 1905 did not indeed drive Russia out of Manchuria; but it gave to Japan all special Russian rights and concessions within the area of the campaign in southern Manchuria -- roughly a quarter of Manchuria, but the region of greatest economic and strategic potentialities. Once more the Peninsula (henceforth to be known as the Kwantung Leased Territory) passed into Japanese hands, and with it the port of Dairen which is the commercial key of northern China. And there also passed into the hands of Japan several hundred miles of the newly-constructed Russian railway terminating at Dairen, together with large appurtenant rights. And these transfers were in due course confirmed by separate treaty between Japan and China.

Here we may well pause to consider the nature and extent of the interests thus conquered by Japan. Over the Kwantung Leased Territory she acquired a virtually sovereign right of administration for a period of almost twenty years; that territory afforded the only adequate port facilities in Manchuria or elsewhere on the shores of the Gulf of Chihli:

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it was connected with a rich agricultural hinterland by a railway easily converted into the best and most efficient in the Far East; appurtenant to that railway were both coal mines and iron mines containing a considerable proportion of all the known deposits in Eastern Asia, and thus capable of supplying the comparative lack of such deposits in Japan. These things give some indication of the importance of Japan's acquisitions in Manchuria; but they wholly fail to give an adequate conception of the economic and political dominance which accrues to a railway that links a primitive agricultural people to the outer world of industry; under such conditions a railway becomes the master of the destiny of the region. It is no wonder that the Japanese have regarded their railway system - the South Manchuria Railway - as the basis of their position in Manchuria, have stretched to the utmost in its favor every provision of the treaties, have treated its right-of-way as though it were the soil of Japan itself, have fortified and guarded and patrolled every foot of it with picked troops, and have at times accorded it the right to exercise actual governmental functions in the appointment of local consuls and in dealing with the Chinese authorities. Nor is it to be wondered at that, in negotiating at Peking for the Chinese Government's confirmation of the Japanese conquests from Russia, the Japanese sought to obtain assurances that China would never build or permit the building of competing lines in Manchuria. Whatever may have been the degree of success of this attempt, it is unfortunate that any

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of Dairen and Port Arthur. But Russia, Germany and France, were unfavorably disposed towards this intrusion of Japan into the situation on the Asiatic mainland; and by a joint demarche, in 1895, they constrained Japan to forego, in exchange for an additional indemnity, the Manchurian territory ceded to her under the recently concluded Peace Treaty of Shimonoseki.

This conclusion is now manifest in retrospect as not only inconclusive but an aggravation of all the dangerous tendencies latent in the politics of the East. It left Japan embittered and determined to have the revenge against Russia which she actually achieved ten years later. It threw the politically helpless China into the arms of Tsarist Russia — the European nation most disposed towards a policy of adventure and least capable of maintaining the role of a great imperial power under the new conditions that were developing.

The almost immediate result of the humiliation of China by Japan, and of Japan by the European combination led by Russia, was that Russia offered China her support for the future in exchange for the right to build and operate through Manchuria, from west to east, a railway connecting the Trans-Siberian system with Vladivostok and the Pacific Coast region of Siberia, by a short-cut considerably quicker and more easily operated than any available route through wholly Russian territory. The noted Chinese Viceroy, Li Hung-chang,

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attended the Coronation ceremonies of the Emperor Nicholas II at Moscow in the spring of 1896; and while there he was induced by Count Witte and Prince Lobanoff to sign a secret treaty of alliance. Out of this transaction grew a new situation: not only was the original Chinese Eastern Railway built by an ostensibly private corporation which cloaked the interest of the Imperial Government; but Russia shortly obtained the leasehold, with virtually complete rights of administration and defense, of the very Peninsula which she had led Japan to relinquish, and the railway concession was extended to include a north-and-south connection with the newly leased territory. Thus, within three years of the treaty which recorded Japan's triumph over China and gave her a foothold in Manchuria, the whole position had been shifted; Japan had been ousted in favor of Russia to whom Manchuria had been opened as a military base and as a field for economic penetration.

It was in this contingency that Japan, feeling threatened as well as humiliated by Russia's advance to shores closely neighboring her own, formed in 1902 the alliance with Great Britain which was for the next twenty years to be a major factor (although of varying influence) in the affairs of the Far East. The immediate effect of the Anglo-Japanese Alliance was to "hold the ring" for Japan in the contest with Russia which she conceived to be inevitable, and which was actually fought out in 1904-5. You no doubt recall how Russia, overconfident and listless,

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FROM: The American Academy of Political and Social Science,
3457 Walnut Street, Philadelphia.

RELEASE: Morning papers
November 23

Address of Hon. J.V.A. MacMurray, former Minister of the United States to China, at the meeting of the American Academy of Political and Social Science, November 28th, 1932, Ballroom, Bellevue Stratford Hotel, Philadelphia, Pa.

THE TREATY STATUS OF MANCHURIA

As it is the fancy of some men to collect postage stamps or old bottles, it has been for some years my own personal hobby to collect the treaties and relevant documents relating to China. There is a certain degree of adventure in the mere pastime of gathering together things not always easy to come by; and I acknowledge an innocent exultation in the memory of having had the opportunity, in the early days of my amateurship, to find the explanation of the myth of the Cassini Convention and confirm the substantial accuracy of the first published version of the secret treaty of alliance between China and Russia, concluded in 1896. Up to this point, the collecting habit is in the rudimentary stage of mere acquisitiveness. But whatever the personal satisfactions of such an avocation, they lead to nothing unless one at least arranges his collection, setting it into categories and orders of relationship, so that the things collected cease to be casual and disparate, and come to have significance as phases of some development. At this point, the habit attains the dignity of connoisseurship in the

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search for facts. One may indeed aspire further, and make a search for truth, either as a philosophic abstraction or as a philosophic basis for action; but in so rarefied an atmosphere the mere collector, a dweller of the plain, does not breathe easily. And it is as a plainsman that I speak tonight, although in the company of two such distinguished mountaineers as my old friends Dr. Sze and Mr. Saito.

For your President and Chairman have thought that it would be useful for the purpose of this meeting to have the treaty situation set forth to you by one who has no responsibilities as regards the present situation, and whose interest is that of the student and amateur of such matters, not concerned with national policies save as they have the character of history.

In this tangled Manchurian situation, the issues are understandable only by reference to the treaty history of the country. And for our present purposes that history may be said to have begun a generation ago, with the war between Japan and China in 1894-5. Up to that time, we can consider Manchuria as almost an economic and political void, despite its size and potential wealth and despite its geographical situation at the point where three virile peoples -- Chinese, Japanese and Russian -- were bound to meet in the course of their national development. Defeating China in war, the Japanese demanded various cessions of Chinese territory, including the southern tip of the Manchurian Peninsula, with its almost unexcelled commercial and naval harbors.

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which she did not clearly possess prior to that date, or for placing upon China any obligations which she is not willing to assume, It is in this sense that I think China has been justified in demanding that the status quo ante should be restored.

The Commission has emphasized its anxiety that an administrative regime should be established in Manchuria which will furnish a reasonable guarantee that law and order will be effectively maintained in Manchuria, and thus opportunity given for the rapid development and utilization of the natural resources of that great area. Certainly this is desired by China, and she believes that, when freed from Japanese jurisdictional and military interference she will be able to bring this about.

There are other phases of controversy between China and Japan which I would like to discuss in the light of the Lytton Report, but there is not time for me to do so. One thing, however, I do wish to stress before I sit down, and this is the necessity for prompt action upon the part of the Council of the League. Already it is considerably more than a year since the dispute was submitted to, and accepted by, the League, and during this time, conditions in Manchuria, have, by reason of the acts of Japan, gone from bad to worse. As to this imperative need for prompt and energetic action, I shall close by quoting words used only a few days ago in the English House of Lords by Lord Lytton himself. He said:

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"It is now high time that the League of Nations should at any rate come to grips with the matter, for it would be most dangerous if the situation in Manchuria were allowed to drift any longer."

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ditions prevailing before last September, to restore these conditions would merely be to invite a repetition of the trouble."

Properly interpreted, I see no objection to this proposition, for China, even more than Japan, was not satisfied with the situation that prevailed in Manchuria prior to September of last year. This was so because the Japanese were then exercising jurisdictional rights in Manchuria for which there was no possible warrant in either international law or treaty provisions, and were claiming further rights under treaties the fundamental validity of which China denied. Because of these facts, a situation existed which the Commission describes in the following words:

"Manchuria was admittedly a part of China, but it was a part in which Japan had acquired or claimed such exceptional rights, so restricting the exercise of China's sovereign rights, that a conflict between the two countries was a natural result."

A little later on, the report declares:

"There is probably nowhere in the world an exact parallel to this situation, no example of a country enjoying in the territory of a neighboring State such extensive economic and administrative privileges. A situation of this kind could possibly be maintained without leading to incessant complications and disputes if it were freely desired or accepted on both sides, and if it were the sign and embodiment of a well-considered policy of close collaboration in the

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economic and in the political sphere. But, in the absence of these conditions, it could only lead to friction and conflict."

The correctness of this description of the situation in Manchuria, as it existed prior to September, 1931, cannot be denied, and it will not surprise any one to learn that China was not satisfied with it.

From the time when this situation became vastly aggravated by the acts of Japan beginning upon the night of September eighteenth of last year, and since the time of the submission of the controversy by China to the Council of the League, China has insisted that the status quo ante, that is, the situation prior to September eighteenth, 1931, should be restored, but this demand has not meant that, when this is done, so far as it can be done, no further effort should be made, starting from that point, to bring about such a change in the relations between China and Japan as to furnish a basis upon which the future relations between the two countries may be harmonious and mutually beneficial. In other words, I, personally, am in agreement with the Commission that no mere restoration of the status quo ante will provide a satisfactory solution of the controversy that has been submitted to the League. But it does seem to me, and I am disposed to emphasize this point, that the starting point from which a satisfactory solution of the controversy must proceed, is that nothing that has happened since September of last year should furnish justification for granting to Japan any rights

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of expediency, the Commission was not justified in clothing its report in temperate language. But I do think that, were it not for this matter of expediency, the wrongful acts of Japan would have been painted by the Commission in much stronger colors. I also believe that, except for this same matter of expediency, the recommendations of the Commission would have been much more drastic in character as regards what should be expected of Japan by way of a prompt and complete cessation of her military aggressions against China, the making by her of restitution and compensation to China for the wrongs already done, and the purging of herself by Japan, so far as possible, of her guilt of impairing the sanctity of solemn treaties, and weakening the instrumentalities for the maintenance of international peace which, during recent years, the world has so laboriously constructed.

As regards the specific suggestions made by the Commission with regard to the measures to be taken by the League or by China and Japan, it is to be pointed out that they concern the bringing into existence a situation in the Far East which, while regardful of what are deemed to be true interests of China and Japan, will tend to prevent future international discord, and thus promote the interests of the other Powers as well. However, no attempt is made by the Commission to indicate the practical means whereby Japan may be constrained to withdraw her troops from the soil of China, to confine her policies toward China to the legitimate fields of commerce, finance and friendly cultural co-operation.

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tion, and to make due compensation to China for the grievous wrongs done to her during the last fourteen months. To me, it seems doubtful whether any successful scheme of settlement of the present situation can be devised which does not, as a preliminary or collateral feature, make provision for these matters. At the same time I can well see why the Commission should have thought that it was not necessary, or perhaps not desirable, that it should attempt to advise the Council as to what it should do in these regards. In other words, that the Commission felt that it could best help the Council by confining its suggestions to those broad measures which it deemed best suited to bringing about relations between China and Japan of a permanently satisfactory character.

I have not left myself much time in which to consider Chapters Nine and Ten of the Report in which the Commission states the principles and conditions of a permanent settlement of the controversies between China and Japan, and the specific suggestions which it makes, to that end to the Council. There are, however, one or two observations that I consider it appropriate to make with regard to these stated principles and suggestions.

The Commission says:

"It must be clear from everything we have already said that a mere restoration of the status quo ante would be no solution. Since the present conflict arose out of the con-

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the diplomatic service, which has extended over a considerable number of years, supplemented by a study of many international controversies, has shown me that, regrettably, in such controversies, there is a strong temptation, which is often yielded to by the statesmen in charge of the foreign policies of their respective Governments, to adopt these modes of settlement, which, for the time being, are easiest to obtain, and which, temporarily, at least, will prevent further trouble, even though substantial justice is not done to the parties immediately involved, or the whole situation placed upon a permanently satisfactory basis.

Another general observation which I wish to make concerning the report of the Lytton Commission is with regard to the fact that it is a unanimous one. It is highly satisfactory that this unanimity should have been secured, but it is worth while to consider the manner in which, in all probability, this unanimity was obtained. Anyone who has served upon a committee or board or commission composed of a number of persons and dealing with highly controversial matters, whether of fact or of principle, knows that complete agreement upon the report to be made is seldom obtained except by persuading those members of the Commission, board or committee who have strong views to moderate them, or, at least, to moderate the language in which they are to be stated. It is only when we have minority as well as majority reports rendered that we find the views of the individual members strongly and emphatically expressed. It is, of course, im-

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possible to say, with reference to the report of the Lytton Commission, to what extent certain of its members felt constrained, for the sake of obtaining a report which all would consent to sign, to forego statements of fact or characterizations of conduct which they believed the facts would warrant. But, looking only to what is said in the report, it is clear that the Commission as a whole thought that Japan had acted in Manchuria and at Shanghai without justification under generally accepted principles of international law and practice, and in violation of her undertakings as embodied in the Covenant of the League of Nations and the Kellogg Peace Pact. And it is established with a reasonable degree of certainty that Lord Lytton specifically advised the Japanese Foreign Office that, should Japan "recognize" the so-called State of Manchukuo, she would violate the Washington Nine Power Treaty, under which she had pledged herself "to respect the sovereignty, the independence, and the territorial and administrative integrity of China."

That some of the Commission, and, perhaps, all but one of the Commission felt that the language of the report should be more strongly reprobative of Japan than it is, is asserted by the usually well-informed Diplomatic Correspondent of the London Sunday Times, who declares: "When the full official story of the Commission's work is told, those who know it allege that it will be of sensational interest." (Sunday Times, October 9, 1932.)

I am not prepared to say that, from the broad viewpoint

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as to the general lines along which a satisfactory solution of the controversies between China and Japan might be sought. The making of these suggestions was within the competence of the Commission, but was not required by the Resolution providing for its creation. It is, then, fair to say, I think, that, whereas the findings of fact by the Commission should carry such great weight that their correctness can be questioned only if error be indubitably shown by overwhelming counter-evidence, the suggestions or recommendations of the Commission for action by the Council or by China and Japan can carry only such weight as may be given to them by their inherent reasonableness and justice or their conformity with the facts as found.

It will be observed that I have spoken of justice as well as reasonableness. This I have done advisedly. By reasonableness, I mean that the measures to be adopted in settlement of the situation that exists in Manchuria should be such as are really practicable, and calculated to effect the ends sought. By justness I mean that the essential equities of the case should be regarded. As to this, my thought is that it will not be proper for the League or any other instrumentality to seek only that solution which, from a purely practical point of view, seems the easiest to obtain. Substantial justice to the two parties immediately involved must also be secured. My own confident belief is that, when the need arises China will be willing to forego insistence upon measures which, ethically viewed, she

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would have a right to insist upon, if, by such concessions, she will be able to make possible the establishment of a situation in the Far East which, while not sacrificing any of her essential sovereign rights, will advance the true interests of all the nations that have interests in that part of the world. In other words, I believe that China will show herself to be reasonable in her demands, and ready, when absolute essentials are not involved, to make sacrifices for the common good. But I do not think that the League or any of the other Powers should seek to dictate to China what part of her just claims she should forego. Such concessions as China will make, should result from an exercise of her own free will. And, while I am speaking of the common good, it is proper that I should say that something more than the immediate material interests of the Powers^{is} involved in the present controversy that centers around Manchuria. Of greater importance than these is the question whether solemn multilateral covenants shall be kept, and whether the instrumentalities for the peaceful adjustment of international controversies which the stricken post-war world has built up, shall be made effective. Thus, I say, any solution of the present Manchurian controversy whatever its other merits, will be profoundly unfortunate if it provides any rewards whatever for national wrongdoing, or fails to carry a rebuke for such wrong-doing.

It may, perhaps, be thought that I have dwelt too long upon this point, but I do not think so, for my experience in

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REEL No. A-0187

FROM:
The American Academy of Political
and Social Science
3457 Walnut Street, Philadelphia.

RELEASE
morning papers
November 29, 1932.

Address of Dr. Sao-Ke Alfred Sze at the meeting of the
American Academy of Political and Social Science, Ballroom,
Bellevue Stratford Hotel, Philadelphia, November 28th at
8:15 P.M.

MANCHURIA AND THE LYTTON REPORT: A Chinese View.

It is necessary for me to say, first of all, that I
am not in a position to speak as an official of the Chinese
Government. What I shall have to say will, therefore, repre-
sent only my own personal views.

Before making any specific comments upon the report
of the Lytton Commission it is proper, I think, to make some
observations with regard to the general purpose and charac-
ter of that report.

It is to be noted, first of all, that, under its
"terms of reference", as fixed by the Resolution of Decem-
ber 10, 1931 of the Council of the League of Nations, the
Commission was instructed "to study on the spot and to re-
port to the Council on any circumstances, which, affecting
international relations, threatens to disturb peace between
China and Japan, or the good understanding between them, upon
which peace depends."

It will thus be seen that the Commission was appointed,
primarily, as a fact-finding agency, and it is in this light
that its report should be viewed. By this I do not mean that
there was any impropriety whatever upon the part of the Com-
mission in making suggestions to the Council of the League

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電信課長

主管 領報部長

主編 第二課長

昭和七年十一月十一日起草

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理窟ツボキ獨逸人ノ啓發誘導ニハ我方ノ意見ヲ押付クルヨリハ我ニ
對シ有利ナル結論ヲ爲ス材料ヲ提供スルコト有利ト認メ右譯書ヲ選
定セル譯ニテ聯盟總會丈ケノ關係ナラハ兎モ角大局ヨリ見テ時機適
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千部ニテ八百三十二冊充ニシア約十日ヲ要スル見込

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REEL No. A-0187

0422

寫送先

大臣 次官 電信課長
亞細亞 歐米 通商 條約 情報 文化 人事 文書 會計

昭和7年11月21日

昭和7 二七九三五 暗

上海 廿一日後發
本省 十二月廿一日後着

亞

内田外務大臣

有吉公使

第一四二六號

加州大學支那駐在研究員ニシテ聯盟調査團アリシ「ドルフマン」ハ
二十八日須磨ニ對シ極秘ノ含ミトシテ左ノ通内話セル趣ナリ
「リットン」報告第九、十條ハ「マツコイ」「クロードル」等ノ
反對ヲ押切り「リ」卿カ「アース」ヲ使ヒ起草セルモノニシテ其
ノ實現性ニ乏シキ事ハ同卿承知シ居ル程ナレハ壽府ニ於ケル同報
告書ニ對スル態度モ次第ニ緩和ヲ見ルニ至ルヘシ
ニ支那ハ聯盟、米國ノ頼ムヘカラサルヲ悟ルニ至リ例ノ筆法ニテ蘇

外務省

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ニ初メテ日本ノ希望スルカ如キ直接交渉モ可能トナルニ至ルヘシ
云々

尙同人ハ近ク本邦及滿洲國經由歸米ノ途ニ上ル筈
滿、北平、南京ヘ轉電セリ

外務省

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REEL No. A-0187

分類 A11.0.21-12-2-6

管主 亞細亞火油 3 任主 亞細亞火油第二課 3 昭和七年十二月二十日起草	電送 23681 號 昭和 7 年 12 月 28 日 午後 6 時 0 分發 <table border="1"> <tr> <td data-bbox="2133 684 2323 1268">宛</td> <td data-bbox="1955 684 2133 1268">件</td> </tr> <tr> <td data-bbox="2133 1268 2323 1684">發</td> <td data-bbox="1955 1268 2133 1684">記 錄 件 名</td> </tr> </table> 在 米 出 洲 工 使 在 聯 盟 代 表 正 常 事 務 部 長 満洲事變 支那防共協定 聯軍支那防共協定 支那防共協定	宛	件	發	記 錄 件 名	暗 合 第 二 四 二 四 號	在 文 公 使 署 求 取 記 載 報 知 四 二 六 号 支 聯 盟 署 在 歐 亞 工 使 二 轉 報 ア リ 度 （以 下 金 文） 電 信 案 外 務 省
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電信課長

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REEL No. A-0187

アジア歴史資料センター
Japan Center for Asian Historical Records
<http://www.jacar.go.jp/>

WILFRED W. FRY
CHAIRMAN

JAMES M. SPEERS
TREASURER

FRANCIS S. HARMON
GENERAL SECRETARY

THE INTERNATIONAL COMMITTEE OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS
OF THE UNITED STATES AND CANADA

CORPORATE NAME
THE INTERNATIONAL COMMITTEE OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS

347 MADISON AVENUE, NEW YORK

January 11, 1933

Foreign Office,
Japanese Government,
Tokyo, Japan.

Dear Sirs:

I should very much appreciate receiving copies
of the following publications -

Japan - Foreign Office Relations of Japan
with Manchuria and Mongolia. Tokyo Government
Offices 1932.

Japan. Foreign Office. The present condition
of China. Tokyo, Government Office 1932

Very sincerely yours,

J. M. Speers

JMC:CC

情報部 第二課
昭和八年 貳月 拾日 接受

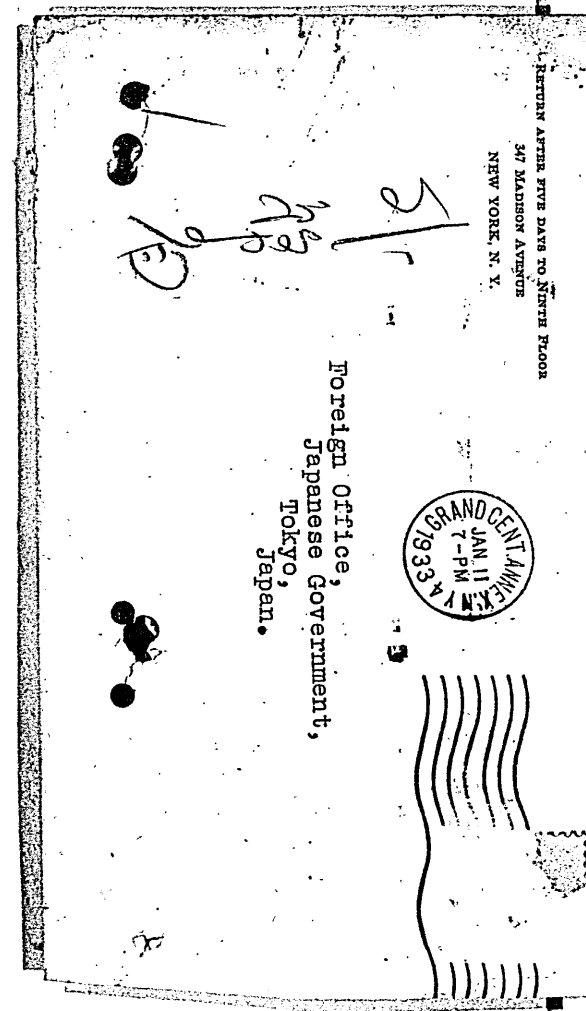
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秘書課長 (富井)

文書課發送 昭和八年貳月九日發送済

淨書 (シ) 正校(原稿) (甲) 號用紙

主 情 報 部 長 3 主 第二課長 (起草) 八年二月七日 大 者

受 信 通 第 中 々 信 號 大 正 昭和八年貳月八日附 附 屬 書 通

人 名 東 知 事 中 野 智 人 外 務 省 陸 軍 部

件 名 リフトン 報告書 (2 冊) 名 込 綴 滿 洲 軍 事 報 告 書 支 那 調 査 報 告 書 支 那 調 査 報 告 書

お 登 録 者 二 月 五 日 附 着 信 中 野 智 人 リフトン

報告書 / 我々が耳に聞くに根拠的錯誤云々 (2 冊)

この報告書は新聞紙発行のリフトン報告書令文

公 信 案 外 務 省

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公第六三號

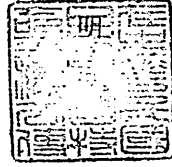
昭和八年二月十四日

在中華民國

特命全權公使 有吉

外務大臣伯爵 内田 康哉 殿

「リットン」委員會報告書（佛文）送付方ノ件
「リットン」委員會報告書（佛文）五部御送付相成度



清報部

第一課長

昭和八年貳月廿日 受

在中華民國上海日本公使館

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公 信 案

外 務 省

序編第一一五頁並ニ西隣聯盟協会（東京）
題所ニ九ノ四二ノ二（発行「リットン報告書」に對
する常務政府ノ意見書）御参考與ルル事以候
及回答状 敬呈

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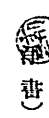
347, Madison Ave., New York) ヨリ 日本
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文書課發達	昭和八年貳月廿貳日發達済	淨書		正校(原稿)	 (印書)
主情報部	主 任 第二課長	昭和八年貳月廿貳日附	昭和八年二月廿	日 起 草	
報 普 通 密 第 二 〇 號	昭 和 一	昭 和 一	昭 和 一	昭 和 一	
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名 件 錄 記					
資 料 寄 贈 方 件					
本 年 百 十 日 附 第 一 〇 號					
Com-mit-tee of J. M. C. A. of the U. S. and Canada					
公 信 案					

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REEL No. A-0187

アジア歴史資料センター
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情報部

第二課長

普通 第一七八號

昭和八年 四月 二十一日

在 紐 育

總領事 堀内 謙 次



外務大臣 伯 密 時 内 田 康 哉 殿

「リットン」報告書ニ對スル帝國政府意見書
中引用字句ニ關スル件

先般当地外交政策協會調査部長「レイモンド
ビューエル」博士ヨリ別添甲號寫ノ通「リットン」報
告書ニ對スル帝國政府意見書第三章中ニ
於テ

在紐育日本總領事館

(一) 米國上院カ不戰條約批准ノ際自衛權ハ之
ヲ行使スル國家ノ領土以外ノ地域ニモ及フヘキ
モノナリトノ決議ヲ採擇シタルカ如ク記述シタルモ
右ハ事實ニ非ルヒ日並ニ
(二) 同シク右ニ關スル佛國政府一九二八年七月十
四日付書翰ノ字句ヲ拾モ佛國政府ノ意見ノ如
ク記述シタルモ右ハ米國政府ノ同年六月ノ通牒
中ノ字句ヲ「パラフレイス」シタルモノニ過キサルヒ日注
意シ表リタルニ付其後當館ニ於テ米國上院議
事録其他ニ依リ之ヲ調査シタルニ
(三) 件ハ「ビューエル」説ノ通當時米國上院ハ右ノ
如キ決議ヲナシ居ラス但レ我方引用ノ字句ハ
元來一九一四年「エリヒュー・ルート」カ表明シタル

在紐育日本總領事館

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REEL No. A-0187

意見ニシテ不戦條約採擇前一九二九年一月十五日
上院ニ提出セラレタル外交委員會ノ報告中ニ轉
載セラレ居リ（別添ニ豫參照）又
（二）ノ件ハ「ビューエル」ノ説ニモ一理アルモ右ハ佛國
政府ノ意見ヲ表示シ居ルモノト推論シ得ヘキ
理由アルコト（別添丙豫參照）ヲ尙見セリ、
依テ同博士、對シテハ別添丁豫寫ノ通り
一度圓答レ置キタリ、
右ハ既ニ本省ニ於テモ既ニ御氣付ノコトトハ存
スルモ何等御參考迄以段報告申進ス
本信寫送付先 在米大使 巴里豫盟

在紐育日本總領事館

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REEL No. A-0187

The French Minister of Foreign Affairs
(Briand) to the American Ambassador
(Herrick) in Reply to the American Note
of June 23, 1928, Sent to 14 States.

Paris, July 14, 1928

"The Government of the Republic is happy, moreover, to
take note of the interpretations which the Government of the United
States gives to the new treaty with a view to satisfying the various
observations which had been formulated from the French point of view.

"These interpretations may be summarized as follows:

"Nothing in the new treaty restrains or compromises in any
manner whatsoever the right of self-defense. Each nation in this
respect will always remain free to defend its territory against at-
tack or invasion; it alone is competent to decide whether circumstances
require recourse to war in self-defense."

General Pact for renunciation of War, text of Pact as
signed, notes, and other papers. 1928 (Published by the Department of
State of the U.S.) P.44.

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C O P Y

April 21, 1933

Dr. Raymond L. Buell
Foreign Policy Association
18 East 41st Street
New York, N. Y.

Dear Dr. Buell:

I must apologize to you for this delay in acknowledging
receipt of your letter of December 12 last in which you kindly
called my attention to certain statements in the Observations of
the Japanese Government on the Lytton Report, which in your opi-
nion constituted errors.

Upon carefully examining the pertinent documents, I have
found the fact that a resolution was passed by the United States
Senate on January 15, 1929, advising and consenting to the ratifi-
cation of the Kellogg-Briand Treaty. However, the statement re-
garding the question of self-defense quoted in the Observations hap-
pens to be in the Report of the Senate Committee on Foreign Rela-
tions submitted to the Senate on the same day, shortly before the
said resolution was passed.

I have also studied your second remark in connection with
the French note of July 14, 1928, addressed to the American Amba-
sador. I think that one can infer that the French Government en-
dorsed the American interpretations as satisfying the French view-
point.

In appreciation of the interest you have shown in this
matter, I am enclosing excerpts from the above-mentioned documents.

The points discussed will be duly transmitted to the For-
eign Office in Tokio.

I thank you very much for your kindness in calling my
attention. I shall highly appreciate such favours from you in the
future.

Sincerely yours,

KH:SM

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it then violates the rights of others.***** The Monroe doctrine is based upon the right of self-defense. This is the first law of nations, as of individuals.' (Prof. Theodore Woolsey, June, 1914.).

"The committee further understands that the treaty does not provide sanctions, express or implied.-----"

"This report is made solely for the purpose of putting upon record what your committee understands to be the true interpretation of the treaty, and not in any sense for the purpose or with the design of modifying or changing the treaty in any way or effectuating a reservation or reservations to the same."

Congressional Record, January 15, 1929,
page 1730.

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Resolution of Ratification of the Briand-Kellogg Treaty of 1928, passed by the U. S. Senate on January 15, 1929, reads in full:

"Resolved (two-thirds of the Senators concurring therein), That the Senate advise and consent to the ratification of Executive A, Seventieth Congress, second session, a multilateral treaty for renunciation of war, signed in Paris August 27, 1928"

Congressional Record, January 15, 1929, p. 1731.

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REPORT OF THE SENATE COMMITTEE ON FOREIGN RELATIONS,
Submitted to the Senate on January 15, 1929 reads
in part regarding the question of self-defence.

"The committee reports the above treaty with the understanding that the right of self-defense is in no way curtailed or impaired by the terms or conditions of the treaty. Each nation is free at all times and regardless of the treaty provisions to defend itself, and is the sole judge of what constitutes the right of self-defense and the necessity and extent of the same.

"The United States regards the Monroe Doctrine is a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe Doctrine which is a part of our system of national defense. Bearing upon this question and as to the true interpretation of the Monroe doctrine as it has always been maintained and interpreted by the United States, we incorporate the following:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. ***** It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness." (President Monroe's message, December 2, 1823).

"The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a

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Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government.' (Message of President Cleveland, December 17, 1895.)

"The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it.***** Since the Monroe Doctrine is a declaration based upon this Nation's right of self-protection it cannot be transmuted into a joint or common declaration by American States, or any number of them.

"It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers "without endangering our peace and happiness"; that the "United States cannot behold such interposition in any form with indifference." (Hon. Elihu Root, July 1914).

"There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being; therefore, whenever it oversteps the principle of self-defense, reasonably interpreted, the right disappears and the policy is questionable, because

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COPY

FOREIGN POLICY ASSOCIATION
Incorporated

NATIONAL HEADQUARTERS: 18 EAST 41st STREET, NEW YORK

Raymond Leslie Buell
Research Director

December 12, 1932

Mr. K. Horinouchi
Consulate General of Japan
90 Broad Street
New York, N. Y.

Dear Mr. Horinouchi:

Thank you very much for sending me a copy of the observations of the Japanese Government on the Lytton Report.

Would you permit me to point out what in my opinion constitutes several errors in this statement?

(1) On page 23 the observations refer to a resolution of the United States Senate at the time of ratification of the Anti-War Pact stating that the right of self-defense extends beyond the limitations of the territorial jurisdiction of the state. I think that you will find the Senate did not pass any resolution at the time of approving the Anti-War Pact. There was a report of the Committee on Foreign Relations interpreting that Pact, but that report does not contain the sentence quoted in the Japanese statement.

(2) The Japanese statement quotes the French note of July 14, 1928, as if this were the view of the French Government. As I read that French note, this statement was merely the paraphrase of the American note of June, 1928.

Sincerely yours,

(Signed) Raymond L. Buell

Cf. Congressional Record, January 15, 1929, p. 1731.

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在紐育日本總領事館

同博士ヨリ更ニ別紙寫ノ通一文書中ノ引用字
句ヲ本文ノ如クニ取扱フハ不正確ト認メラル云々ノ
旨申越ニタルニ付右何等御参考迄通報申進
ス
本信寫送付先 在米大使
在巴里聯盟事務局

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亞細亞局

條約局

普通通第ニ〇三號
昭和八年五月十二日
在紐育
總領事堀内謙八
外務大臣伯爵内田康哉殿
「リットン」報告書ニ對スル帝國政府意見書
引用字句ニ因スル件
本件ニ因シ本官ト当地外交政策協會調査部
長「レイモンド・ヒューエル」博士ト往復ノ次第ハ四月
二十一日附普通通第一七八號拙信ヲ以テ及報告
置キタル處本官ノ四月一日附書翰ニ對シ今報

在紐育日本總領事館

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C O P Y

FOREIGN POLICY ASSOCIATION
Incorporated

National Headquarters: 18 East 41st Street, New York
Telephone: LExington 2-2523

Raymond Leslie Buell
Research Director

May 1, 1933

Mr. K. Horinouchi
Consulate General of Japan
90 Broad Street
New York, N. Y.

My dear Mr. Horinouchi:

Thank you for your letter of April 21. I probably am unduly meticulous, but to me it is inaccurate to treat a quotation as an original statement. That is to say, if the Senate Committee quotes a passage from President Cleveland, in my opinion it is not accurate to regard that passage as a statement of the Committee itself, but merely as a statement of the President, as quoted favorably by the Committee.

Sincerely yours,

(Signed) Raymond L. Buell

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参考

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REEL No. A-0187

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Japon, ne constitue plus le véritable problème actuel;

- b) que, pour le Japon, l'existence du Mandchouko fait en effet disparaître l'intérêt d'une discussion rétrospective sur des points aujourd'hui secondaires, puisqu'il fait disparaître les violations elles-mêmes;
- c) que le véritable problème est le maintien du Mandchouko comme garantie de la paix en Extrême-Orient;
- d) qu'il y a lieu aussi d'envisager une période transitoire au cours de laquelle toute l'aide possible sera apportée au Mandchouko pour se consolider et aussi pour achever le nettoyage des bandits; qu'après cette période transitoire, on s'en remettra au Mandchouko.

D'autres points pourraient éventuellement être abordés par exemple; affirmation nouvelle du respect de l'intégrité de la Chine, organisation éventuelle d'une garantie régionale réciproque, etc.

Le contenu d'une telle communication serait naturellement à adapter aux informations que l'on pourrait avoir

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avoir sur les progrès des échanges de vues entre Commissaires.

Conclusion

C'est au cours des deux ou trois semaines prochaines que l'opinion de la Commission commencera à se former sur le fond du problème.

La question principale qui se posera sera le choix entre les deux tendances suivantes:

- maintien de la souveraineté chinoise avec reconnaissance des droits spéciaux du Japon sous une garantie ou un contrôle international,
- reconnaissance du fait de l'existence du Mandchouko avec garantie internationale du respect des droits découlant des traités.

Si le Japon désire qu'une solution en relation avec la seconde tendance triomphe, il est nécessaire de faire un très sérieux effort pour convaincre la Commission, sans cesser surtout de porter la question, au-delà des détails, sur le plan du maintien de la paix en Extrême-Orient, véritable mission dont a été chargée la Commission par le Conseil de la Société des Nations.

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des réformes déjà faites,

" en cours de réalisation,

" en projet (avec les délais probables de réalisation),

Les questions les plus importantes à détailler sont:

- les questions financières;
- les questions économiques;
- les questions de communications;
- les questions judiciaires;
- les questions policières;
- la question de l'armée.

Ce memorandum ou un memorandum séparé devrait faire ressortir que, grâce aux réformes faites ou à faire,

a) la condition des habitants, indigènes et étrangers, sera améliorée par la suppression des abus anciens;

b) les intérêts spéciaux des japonais seront garantis (cessation de la campagne anti-japonaise, respect du droit au bail et des autres droits, arrangement en matière de chemins de fer, etc.).

Il pourrait être rappelé pour mémoire dans ce memorandum les violations, dont le Japon s'est plaint, en se bornant à renvoyer - pour chaque catégorie de violations, - aux innombrables documents remis.

7.

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7. Un memorandum rappelant la doctrine du Mandchouko en matière de respect des traités:

- respect de la pratique de l'exterritorialité;
- contribution aux emprunts gagés sur certains revenus;
- porte ouverte;
- égalité de chances; etc.

8. Cette documentation écrite sera complétée par les réponses à divers questionnaires concernant spécialement les questions économiques et de chemins de fer.

9. En outre, il est désirable que le meilleur accueil soit réservé aux demandes d'explications formulées par des experts spécialement auprès des divers départements ministériels du Mandchouko. Une nouvelle visite d'experts à Changchoun est en effet envisagée.

10. Enfin, tous ces documents ayant été remis le memorandum confidentiel - visé plus haut page 10, indiquerait les solutions envisagées par le Gouvernement japonais. Il pourrait notamment rappeler à la Commission.

a) que le redressement des violations passées, malgré l'importance capitale de la question pour le Japon,

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Les documents qu'il serait utile de produire de façon à rentrer dans le cadre probable du Rapport sont:

1. Un memorandum sur l'organisation ancienne des trois Provinces de l'Est (organisation administrative, financière, judiciaire); en montrant les imperfections de cette organisation - Il ne faut pas oublier qu'une documentation identique a été demandée du côté chinois et que l'organisation ancienne y sera représentée comme parfaite. - En outre, l'organisation ancienne de la Mandchourie étant la même que celle actuelle du reste de la Chine, il serait facile d'en tirer des conclusions utiles quant aux avantages de la constitution de Mandchouko par rapport aux autres provinces chinoises.
2. Un memorandum sur l'autonomie ancienne des trois provinces de l'Est, spécialement au point de vue des relations extérieures.
3. Un memorandum sur la période intermédiaire entre le 18 septembre et la formation du Mandchouko, afin de prouver qu'il n'y a pas eu occupation

militaire

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militaire japonaise, mais seulement mesures pour assurer la sécurité et l'ordre public.

4. Un memorandum sur la naissance du Mandchouko, insistant sur les mouvements d'indépendance antérieurs, la volonté des groupements populaires, qui ont désigné des délégués pour des réunions de Moukden, le travail d'organisation du nouvel Etat, entrepris complètement à part des autorités japonaises (avec en Annexe les proclamations successives).
5. Un memorandum très complet sur l'organisation du Mandchouko, donnant
le tableau général de l'Administration centrale, de l'Administration provinciale et locale, (avec textes constitutifs),
le détail des Administrations,
le recrutement du personnel, et le mode de nomination des conseillers,
et montrant les progrès par rapport à l'ancienne organisation.
6. Un memorandum très complet sur le programme du Gouvernement de Mandchouko avec indication:

des

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acceptables pour le Gouvernement japonais (en laissant toutefois certaines possibilités de compromis). Un tel memorandum pourrait par exemple être envoyé dès la prise de fonctions du nouveau Ministre des Affaires étrangères.

Il va de soi que si les Commissaires ont à nouveau l'occasion, comme cela serait désirable, de retourner à Changchoun avant la rédaction du rapport final, le même effort de persuasion devrait être déployé par les autorités de Mandchouko.

b) effort de documentation.

Il importe de ne pas perdre de vue:

1. que les documents à présenter maintenant sont les seuls qui aient une valeur pour le rapport final, car c'est seulement maintenant que l'on sait dans quel sens orienter cette documentation. - Les documents remis précédemment conservent toutefois leur valeur d'information générale;
2. que cette documentation doit être présentée sous une forme directement (ou presque) utilisable pour le rapport final. Les autorités Militaires japonaises ont bien

compris

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compris l'importance de cette présentation, et c'est en partie à cela qu'est dûe la rédaction satisfaisante du rapport préliminaire. Il paraîtrait que le même souci a également inspiré la documentation chinoise actuellement préparée par le Bureau de Peiping;

3. que lorsqu'il s'agit de lois, ordonnances, d'crets, traités, contrats, etc., les documents eux-mêmes doivent être fournis - et non des analyses ou de simples explications (1) ;
4. que la documentation doit être autant que possible remise en traduction. Il paraît prudent de ne pas s'en remettre à d'autres pour avoir de bonnes traductions et même pour être certain que tel document sera traduit.

(1) Il conviendrait notamment de remettre enfin la traduction imprimée à Tokio en mars dernier des ordonnances, lois, etc., concernant les coréens, le droit à bail et d'autres mesures anti-japonaises en Mandchourie. Les experts réclament depuis plus d'un mois un document de cette nature.

Les

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IV.

Comment faire cet effort?

Il faut, d'une part, entraîner la conviction des Commissaires, et d'autre part, leur fournir tous les documents, informations et explications susceptibles d'étayer cette conviction.

Donc: effort de persuasion et effort de documentation.

a) effort de persuasion.

Il doit consister en conversations franches entre les Commissaires et les autorités japonaises, et aussi en certaines communications à faire au moment opportun.

La conversation entre le Comte Uchida et Lord Lytton a été jugée importante étant donné la personnalité de Comte Uchida et ses chances de devenir Ministre des Affaires étrangères. Mais l'exposé que doit faire le Général Honjo revêt aux yeux des Commissaires une portée au moins aussi grande. Ils s'attendent à apprendre de lui ce que désire réellement le Japon - et particulièrement l'Armée, - en ce qui concerne le futur statut de la Mandchourie. Comme cette conversation sera la dernière

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avant

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avant que la Commission aborde à Peiping les premières discussions sur ses conclusions, il est certain qu'elle servira d'orientation aux travaux de la Commission.

Aussi il est désirable que le Général Honjo donne son opinion très nette sur les solutions qu'il envisage comme de nature à concilier les intérêts du Japon en Mandchourie et le maintien de la paix internationale en Extrême-Orient.

Les conversations futures de Tokio ne pourront servir qu'à redresser le cas échéant les conclusions élaborées, mais il sera plus difficile alors de les changer complètement.

Aussi, entre les conversations avec le Général Honjo et le retour à Tokio, il paraîtrait fort utile - indépendamment des conversations que l'Assesseur japonais pourra avoir avec les Commissaires, - de faire remettre à ceux-ci pendant le séjour de Peiping, à un moment à déterminer, une communication, (1) sous forme de memorandum confidentiel, exprimant les vues officielles de Tokio quant au règlement final et aux conclusions

(1) certains des points à inclure dans une telle communication sont indiqués plus loin.

acceptables

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indispensable de faire naître ou pénétrer davantage dans l'esprit de ceux-ci la conviction:

- a) que le Mandchouko^{uo} est une réalité, qu'il est doué d'un gouvernement réel déjà organisé et effectif sur tout le territoire (à l'exclusion des zones où il y a encore des bandits);
- b) que le Mandchouko^{uo} peut vivre, parce qu'il n'est une création arbitraire et artificielle du Gouvernement japonais, mais répond aux sentiments de la population et de ses dirigeants;
- c) que le Mandchouko^{uo} supprimera les causes de plaintes de la population par la réforme de l'administration, des finances, de la justice et de la police, et en faisant disparaître les abus et les exactions de l'ancienne administration;
- d) que le Mandchouko^{uo} supprimera également les causes des plaintes japonaises parce qu'il respectera les traités et les droits japonais en découlant;

e)

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- e) que le Mandchouko^{uo} respectera également tous les engagements internationaux s'appliquant à son territoire, et spécialement en ce qui concerne les principes de la porte ouverte et de l'égalité des chances;
- f) qu'enfin le Mandchouko seul peut permettre l'établissement d'une paix durable en Extrême-Orient, car le Japon ne pourrait admettre un retour à la souveraineté chinoise, sans vouloir toutefois exercer lui-même sur ce pays un contrôle direct par annexion ou autrement.

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soit d'un Haut commissaire, choisi par le conseil de la Société des Nations(1) avec ou sans accord préalable du Japon,

soit d'un Comité de contrôle, nommé aussi par le Conseil de la Société des Nations(1), et comprenant un ou plusieurs membres japonais,

soit d'un Comité mi-japonais, mi-chinois sous un président choisi par le Conseil de la Société (1) des Nations, etc.

b) comme contrôle sur les autres branches de l'administration:

- organisation d'une police internationale avec participation du Japon;

- institution de conseillers japonais, avec ou sans autres conseillers étrangers, auprès des branches diverses de l'administration;

- etc., etc.

Certains Commissaires semblent penser que ce maintien de la souveraineté de la Chine avec des garanties internationales en faveur du Japon serait peut-être préférable pour celui-ci, étant donné l'incertitude de

(1) La nomination par le Conseil de la Société des Nations étant considérée comme un contrôle du Japon.
~~(1) La nomination par le Conseil de la Société des Nations étant considérée comme un contrôle du Japon.~~

l'avenir

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l'avenir du Mandchoukou^{uo} et le danger de voir peut-être un jour ce nouvel organe se comporter vis-à-vis du Japon de la même façon que les administrations chinoises précédentes.

Quoi qu'il en soit, il semblerait utile que le Gouvernement japonais ait fixé son opinion sur les diverses formes de contrôle, qui pourraient être proposées par la Commission, dans l'hypothèse d'un maintien de la souveraineté de la Chine.

III.

Sur quels points doit porter l'effort de la Délégation et des autorités japonaises.

Le moyen estimé actuellement par le Japon comme le meilleur pour exercer un contrôle efficace sur la Mandchourie est sans aucun doute le maintien et la consolidation du Mandchoukouo. Aussi, étant donné l'opinion actuelle des Commissaires sur cette administration, opinion qui est résumée dans la note du 25 mai dernier, il est

indispensable

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- soit par une participation de l'Etat "A" dans un gouvernement international du territoire "B", ou dans un contrôle international du Gouvernement de cet Etat "B";

- soit du fait de certains engagements de l'Etat "B" envers l'Etat "A", résultant de traités en conventions.

On peut imaginer encore de multiples formes de contrôle indirect, mais dérivant des formes ci-dessus.

Ces formes de contrôle indirect en Mandchourie supposent l'existence du Mandchouko¹⁹ Etat indépendant; cette existence n'est pas par elle-même une violation du Traité de Washington, violation imputable à un des Gouvernements signataires; elle ne constituerait une telle violation que s'il était démontré que le nouvel Etat a été créé, constitué et maintenu par la volonté et sous la pression d'un des Gouvernements⁸ signataires.

Il est donc également de la plus haute importance que l'historique de la naissance de Mandchouko²⁰ fasse ressortir l'absence totale d'intervention de la part du Gouvernement japonais ou des autorités japonaises. La sympathie du Gouvernement

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vernement japonais à l'égard de ce mouvement, et même l'aide apportée après la constitution du gouvernement ne sauraient être considérées comme une violation des engagements pris à Washington, bien que cette opinion ne soit pas exclue de l'esprit de tous les Commissaires.

C. - Enfin, étant donné les dispositions de certains Commissaires en faveur du maintien de la souveraineté de la Chine, il faut également examiner quelle forme de contrôle direct ou indirect pourrait être, dans cette hypothèse, exercé par le Japon.

La souveraineté restant à la Chine, on peut concevoir:

a) comme contrôle sur le gouvernement régional:

- nomination du Gouverneur par le Gouvernement chinois avec approbation du Japon;

- nomination du Gouverneur en toute liberté par le Gouvernement chinois avec institution auprès de lui:

soit

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pour la grande majorité des Commissaires, une des bases fondamentales des solutions à établir et la seule conforme d'après eux aux engagements du Traité de Washington; toutefois ces Commissaires seraient sans doute disposés à reconnaître la situation particulière du Japon en Mandchourie des points de vue économique et stratégique et à lui donner des garanties à cet égard au moyen d'un mécanisme international à déterminer (avec le concours éventuellement de la Société des Nations).

Si le Gouvernement japonais ne peut ne rallier à aucun prix à un tel maintien ou retour de la Mandchourie sous la souveraineté de la Chine, il doit le déclarer dès maintenant à la Commission, et de façon très nette. (On peut oublier les tendances de cette Commission à esquiver les difficultés, comme par exemple pour le choix de Peitaiho).

B. - Dans l'hypothèse d'une Mandchourie soustraite à la souveraineté de la Chine, sous quelles formes un contrôle direct ou indirect pourrait-il être acquis ou exercé par le Japon, sans lui créer des complications internationales, c'est-à-dire sans être en opposition soit avec les engagements pris envers la Société des Nations, soit

avec

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avec les traités internationaux auxquels le Japon est partie?

Les formes de contrôle direct, connues dans la pratique internationale, à savoir: occupation, annexion, protectorat ou mandat, ne sauraient être considérées comme possibles en ce qui concerne la Mandchourie, parce qu'elles seraient contraires aux engagements pris, soit devant la Société des Nations, soit à Washington. Ou, si certaine de ces formes, à savoir le mandat, était envisagée, il faudrait un accord international pour la réaliser.

Les formes de contrôle indirect d'un Etat "A" sur un territoire "B" non soumis à sa souveraineté supposent l'existence d'un Etat indépendant sur ledit territoire "B"; l'contrôle peut s'exercer par l'une ou plusieurs à la fois des méthodes suivantes:

- soit par la participation de nationaux de l'Etat "A" au Gouvernement de l'Etat indépendant, à titre de membres du Gouvernement, de fonctionnaires ou de conseillers;
- soit par la présence de troupes de l'Etat "A" sur le territoire "B";

- soit

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Confidentiel.

1er juin 1932.

N O T E

極秘

Les diverses conclusions, indiquées comme possibles dans la Note du 25 mai et qui ne sont satisfaisantes ni les unes ni les autres pour le Japon, existent dans l'esprit de certains ou de plusieurs membres de la Commission ou du Secrétariat, mais n'ont pas encore fait l'objet de discussions entre eux.

Aussi est-il encore temps de chercher à remédier à certaines impressions défavorables ou à compléter des informations insuffisantes. Il sera certainement plus difficile, lorsque des discussions auront eu lieu entre les Commissaires, de rapprocher leurs vues des desiderata du Japon.

I.

Que désire le Japon?

D'après les déclarations fragmentaires d'hommes politiques japonais et sans qu'il soit cependant possible

de

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- 2 -

de faire état d'une politique nettement affirmée du Gouvernement ou de l'Etat Major japonais, il semble que l'on puisse résumer en deux points les objectifs de la politique actuelle du Japon qui paraissent répondre à ses intérêts nationaux et internationaux:

1. Soustraire la Mandchourie à tout contrôle du Gouvernement chinois et la maintenir sous le contrôle direct ou indirect du Japon, en empêchant toute intervention de tiers.
2. Réussir cette opération sans créer pour le Japon des complications internationales.

II.

Moyens à envisager

A. - Un tel objectif exclut d'abord le maintien ou le retour de la Mandchourie sous la souveraineté de la Chine.

On ne doit pas oublier cependant que le maintien de la Mandchourie sous la souveraineté de la Chine est encore, pour

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分類
OBSERVATION
OF
THE IMPERIAL GOVERNMENT OF
JAPAN ON THE REPORT
CONCERNING
JAPAN OF THE LEAGUE OF NATIONS COMMISSION
OF ENQUIRY INTO THE TRAFFIC IN WOMEN
AND CHILDREN IN THE EAST.

JAPANESE GOVERNMENT

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Dr. Bascom Johnson,

Chairman of the League of Nations Commission of Enquiry into the Traffic
in Women and Children in the East.



Dear Sir,—

I have the honour to acknowledge receipt of Mr. Schmieden's letter dated
August 8th addressed to Dr. Kusama together with the Report concerning Japan.
In reply, I beg to submit herewith the observation of our Government on your
Report concerning Japan.

Faithfully yours,

Signed

Tsunekatsu Kurimoto,

Representative of the Imperial
Government of Japan.

Tokyo,



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(1) In page 1 under the heading "Accession or adherence to treaties and Central Authority" it is stated "the ratification by Japan of the Convention of 1921 does not apply to the Overseas Dependencies of Korea, Formosa and the Leased Territory of Kwantung". Japan, however, never announced, when on October 21st, 1925, she adhered to the Convention of 1910, her intention of enforcing in her Overseas Dependencies the Convention mentioned in Clause 1 of Article XI of the Convention of 1910. In other words, the Convention of 1921, the International Arrangement of 1904 and the Convention of 1910 apply to Japan Proper only, but these do not apply to her Overseas Dependencies of Korea, Saghalien and Formosa as well as to the mandated territory of the South Sea Islands and the Leased Territory of Kwantung.

(2) In page 3 under the heading "Population" it is stated that predominance of males over females existed throughout the Empire but this was especially noticeable in Korea and Kwantung. This phenomenon, however, is not particularly noticeable in Korea, the fact being that in respect to predominance of males over females it is Kwantung that stands at the head of the list, followed by Saghalien, the mandated territory of the South Sea Islands, Formosa, Korea and Japan Proper.

(3) In page 5 under the heading "(3) Laws relating to prostitution and allied questions", it is stated "no laws were furnished which penalise the offence of living on the earnings of a prostitute (souteneurs)". But in many cases persons making their living in the way referred to come under the purview of Article 182, and Article 224 and the following five articles of the Penal Code or of Article 1 of the Regulations for Punishment of Police Offences and are punished in accordance with these provisions. In regard to these provisions mention was made in the reports already sent to the League of Nations or in the answers given last year to the questionnaire put by the Commission of Enquiry, but for reference Article 1 of the Regulations for Punishment of Police Offences may be again quoted here. Further, with regard to the remark made in page 11 concerning souteneurs, attention may also be called to the fact that cases of souteneurs who are punished year after year in accordance with the Regulations are fairly numerous.

Article 1.

Regulations for Punishment of Police Offences.

A person to whom any of the following items applies shall be liable to detention for a term not exceeding thirty days:

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2. A person who has engaged in clandestine prostitution or pandered and let his or her house for immoral purposes.

(4) In page 6 under the heading "(a) Brothels" and again in page 11 under the heading "(f) Barter and sale of children", statements are made to the effect that the parents of a prospective prostitute and a brothel-keeper enter into contract by themselves, the former being advanced money by the latter. In practice, however, contract for debt is directly entered into by the girl and brothel-keeper and though the parents of the girl often stand surety for the debt, they are not the parties to the contract. The same is the case with geisha.

Further, in page 6 it is stated "sometimes at high rates of interest", but as the result of strict supervision of authority, there is no such case in which the proprietor takes high interest.

(5) In pages 6 and 7 under the heading "(a) Brothels", a statement is made to the effect that the police often bring pressure to bear on prostitutes desiring to give up their calling on their own free will. With reference to this statement it is the desire of the Government of Japan to assert that it is contrary to the facts. Not only in form but in spirit, the Government has been and is strictly enforcing the Regulations for the Control of Licensed Prostitutes ever since they were promulgated in 1900.

In order that they be strictly enforced the Central Government has frequently issued instructions and circulars to the prefectural authorities enjoining them to supervise the local police with great vigour, so that the latter might not bring in any way undue pressure on those unfortunate women who desire to abandon their shameful calling. It is true that for some time soon after the promulgation of the regulations referred to, cases of the police having caused such women and their parents or relatives to consult among themselves or of having summoned to the offices brothel-keepers, occurred on a few occasions. But as the result of the above mentioned measures for the strict enforcement of the Regulations, there have occurred during the past quarter of a century or so no cases in which the police brought any undue pressure to bear on licensed prostitutes desiring to retire on their own free will. Our government cannot consent to the plea made in the Report on behalf of the police in this connection and to the remark in the same page stating "if prostitutes were, in fact, granted unrestricted retirement....." It must, however, be admitted that as stated in page 21 and the following page of the "Investigation concerning Licensed Prostitution" which was submitted to the Commission of Enquiry in June of last year, when a licensed prostitute desires to abandon her trade before she

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has completed payment of the debt she owes to the proprietor of the licensed house some of the proprietors at times try to prevent her from doing so either directly or indirectly and resort to unscrupulous means.

In order to prevent such evil from occurring, the Central Government has frequently issued instructions to the local government authorities enjoining them to see that in no case the police may allow brothel-keepers to obstruct the free retirement of licensed prostitutes. Thanks to this measure as well as to the punishment meted out in accordance with the Penal Code and Article 6 of the Regulations for the Control of Licensed Prostitutes to brothel-keepers found to have obstructed the retirement of licensed prostitutes, the evils in question have been markedly disappearing in recent years. Again with regard to the statement made in page 12 under the heading "(h) Preventive and protective measures" to the effect that later the practice of consultation and pressure above described in cases where prostitutes attempt to withdraw from brothels in conformity with the law of 1900 begun, the Government is unable to agree. Finally the Government desires to point out the fact that not only the number of licensed prostitutes who withdraw by agreement with brothel-keepers or were prohibited to engage in the trade because of the expiration of the permitted term of trade has been very large year after year, but, as already reported in the "Investigation concerning Licensed Prostitutes" which was submitted to the Commission, that the number of those who retire on their own free will is fairly large year after year.

(6) In pages 7 and 8 under the heading "(b) Prostitutes (licensed)" it is only stated "the period of service in the licensed brothel was generally fixed at a minimum of 4 years and a maximum of 6, with an average of 5".

As reported in pages 8 and 9 of the "Investigation concerning Licensed Prostitutes", the Government would like to repeat that the policy of limiting the term of the trade of a licensed prostitute is adopted for the purpose of preventing her from pursuing degenerated life. By the term "limit of the period of service" is meant the period during which the Police permit a licensed prostitute to pursue her calling, so that when the period matures the prostitute is absolutely prohibited from continuing her calling. The maximum permitted period of trade is 6 years and the minimum 4, average being 5, but the actual period during which licensed prostitutes are engaged in their trade is usually shorter than this length of time.

(7) With regard to the standing of girls, who are inmates of brothels, which is referred to in line 24 and the following few lines in page 7 and the

statement made under the heading "(5) Possible relation of labour condition to prostitution and traffic", the Government of Japan considers that setting aside the case of geisha, poverty is the chief cause of many girls entering the life of shame. The Government therefore considers the removal of poverty is the shortest cut to the eradication of the vice in question. With this idea in view the Government is putting forth great efforts for the prevention of people to become destitute by endeavouring on the one hand to have the Poor Law thoroughly and effectively put in operation and on the other hand by giving suitable jobs to such women as are likely to be led astray by making full use of the Law for Assisting the Unemployed in obtaining Employment and also by spurring various social welfare organizations on to greater activities. It is needless to say that the fact that engaging in the trade of ill fame is morally disgraceful, no matter whatever the reason to fall into the shameful life and has bad influence to the standing of her communities. The Remark "they do not always lose standing in their home communities by working in brothels to pay off these debts", therefore, is contrary to the fact.

(8) In page 8 statistical figures are given concerning the education of licensed prostitutes. These figures, however, are not correct. The following Table No. 1 prepared on the basis of the latest investigation made by the authorities concerned shows the correct figures. As a matter of fact compulsory primary education is well established and universal in Japan with the result that those who are illiterate are extremely few in number. It is true that women of little education are more likely to take up the trade of prostitutes than those of better education and that the educational standard of licensed prostitutes is lower than that of people in general. Nevertheless there being some marked difference between the figures given in the Report and those obtained by the authorities concerned, the Table No. 1 above mentioned is inserted. Further, though it is stated in line 8 of page 9 "little is known of the subsequent career of these women" the Government desires to point out the fact that a fairly large number of them returned home or married as shown in the following Table No. 2, which was prepared by the Metropolitan Police Board after due investigation.

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(TABLE NO. 1)

INVESTIGATION INTO THE DEGREE OF EDUCATION OF
LICENSED PROSTITUTES.

(Made on October 1st, 1932)

Prefecture	Classification	Those who attended no school and are illiterate	Those who attended no school but are able to read and write	Primary School		Higher Primary School		Higher Girls' School		Those who left college without completing course or completed course	Total
				Those who left school without completing course	Those who completed course	Those who left school without completing course	Those who completed course	Those who left school without completing course	Those who completed course		
Hokkaido		103	108	630	347	145	152	13	3	—	1,506
Aomori		22	19	153	153	18	13	1	1	—	380
Iwate		28	21	123	115	23	12	1	—	—	323
Miyagi		2	18	127	132	14	32	—	4	—	329
Akita		5	15	47	37	7	4	2	—	—	117
Yamagata		14	33	218	243	18	13	2	—	—	541
Fukushima		11	20	109	129	13	15	1	2	—	360
Ibaraki		10	9	33	23	1	1	—	1	—	78
Tochigi		33	49	193	97	9	17	2	1	—	411
Gumma	No licensed prostitute										
Saitama	Ditto										
Chiba		23	26	160	164	10	15	2	—	—	400
Tokyo		58	320	2,325	3,272	330	436	44	9	—	6,794
Kanagawa		73	81	641	467	24	50	8	1	—	1,345
Niigata		59	59	444	589	23	18	5	3	—	1,205
Toyama		12	26	141	141	10	3	1	—	—	334
Ishikawa		1	1	6	7	1	—	—	—	—	16
Fukui		14	20	170	214	13	15	3	1	—	450
Yamanashi		11	7	113	37	5	6	2	—	—	181
Nagano		20	38	210	233	10	11	4	1	—	527
Gifu		26	16	276	284	17	20	4	3	—	646

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Shizuoka	21	44	321	372	37	43	5	6	—	849
Aichi	64	176	1,397	947	151	137	46	11	1	2,930
Miye	40	85	499	426	37	46	6	2	—	1,141
Shiga	16	26	156	132	12	16	3	—	—	361
Kyoto	138	178	1,621	1,768	482	259	80	3	—	4,529
Osaka	116	621	3,329	3,862	588	484	39	28	—	9,067
Hyogo	63	159	949	1,004	86	120	35	14	—	2,430
Nara	13	25	311	331	17	32	5	—	—	734
Wakayama	7	13	39	29	10	5	—	—	—	103
Tottori	3	10	31	65	2	5	4	—	—	120
Shimane	10	1	16	87	6	1	—	—	—	121
Okayama	43	89	387	338	31	53	9	6	—	956
Hiroshima	98	145	814	1,048	72	135	30	17	—	2,359
Yamaguchi	66	77	348	387	47	68	7	6	—	1,006
Tokushima	12	10	119	143	52	30	—	—	—	366
Kagawa	25	33	274	318	20	26	5	1	—	702
Ehime	7	4	37	76	2	1	1	—	—	128
Kochi	5	—	39	224	49	24	3	—	—	344
Fukuoka	41	34	505	820	74	123	15	10	—	1,622
Saga	11	22	172	182	32	49	6	2	—	476
Nagasaki	57	93	317	775	46	155	6	2	—	1,451
Kumamoto	30	21	267	420	42	32	7	3	—	822
Oita	17	29	117	201	56	46	7	5	—	478
Miyazaki	9	12	53	133	12	17	3	3	—	242
Kagoshima	27	37	103	131	16	23	17	2	—	361
Okinawa	180	76	165	73	10	3	1	—	—	503
Total	1,654	2,906	18,570	20,976	2,685	2,771	435	151	1	50,149
Per mille	32.93	57.95	370.30	418.27	53.54	55.26	8.67	3.01	0.02	

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(TABLE NO. 2)

INVESTIGATION MADE BY THE METROPOLITAN POLICE BOARD INTO
THE SUBSEQUENT CAREER OF LICENSED PROSTITUTES
WHO ABANDONED THEIR TRADE.

Classification	No. of those who abandoned their trade during 1931	No. of those who aban- doned their trade be- tween January and Sep- tember, 1932.	Remark
Married	162	125	
Went home to engage in household work	384	311	
Became maid servants	82	58	
Became waitresses	20	12	
Became attendants at bars	58	58	
Became geisha	2	1	
Became employees at brothels	99	46	
Became licensed prostitutes again	86	55	
Became missionary of Tenri- kyo branch of Shintoism	1	—	
Became street advertiser	—	1	
Died	1	1	
Under investigation	364	310	
Total	1,259	978	

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(9) In page 9, under the heading "(C) Clandestine prostitutes" it is stated "in the environs of Tokyo, however, there are two quarters in which unlicensed prostitutes operate with very nearly the same freedom and publicity as do women in the licensed quarters inside the city". It is true that in these two quarters there live comparatively large number of unlicensed prostitutes, but they are by no means engaged in their trade with any freedom or publicity. It is the intention of the police authorities to do all of them away in due time, as was declared by Mr. Kondo, Chief of the Department for Peace and Orders of the Metropolitan Police Board, on the occasion of the conference of the Commission of Enquiry held at the office of the Metropolitan Police Board. In fact unlicensed prostitutes who have been duly punished is fairly large in number. The estimated number of unlicensed prostitutes living in these two quarters is about 1,700, and is not 1,985 as stated in the Report.

(10) In page 9, under the heading "(C) Clandestine prostitutes" it is also stated "During the last five years there had been arrested also 6 foreign women for practising clandestine prostitution, 5 Russians and 1 German. Three of the Russians and one German were arrested in Kobe and the remaining 2 Russians in Saghalien. The police testified that such arrests are made when women 'come out very openly'. At present 'some are engaged as chamber-maids in hotels and some as attendants in bars—they have not yet been found guilty of prostitution, they are only suspected—if we found them objectionable we would deport them'." But the fact is that there is no foreign woman who has been arrested for practising clandestine prostitution. The statement made by the police was to the effect that there was much reason to suspect that 6 foreign women, who were engaged as chamber-maids in hotels or attendants in bars in Kobe and Yokohama (5 Russians and 1 German, of whom 2 Russians living in Yokohama and the remainder in Kobe) practised clandestine prostitution, but as they conducted themselves very discreetly and it was difficult for the police to seize indisputable evidence they do not arrest them yet, but should it become plain that they were persons who are morally objectionable, they would arrest and deport them. As for the statement that a French woman was deported, it is an existed fact.

(11) In the paragraph headed "(C) Clandestine prostitutes" and the last line under the heading "(A) Brothels" and in other parts of the Report geisha generally seem to be regarded and dealt with as clandestine prostitutes. Literally translated the Japanese word geisha is "Artiste", and a geisha is a woman who entertains guests by giving performance, so that only a woman who is

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more or less well versed in music, dancing or similar other arts is permitted to engage in the trade of a geisha. It is not therefore right to regard geisha in general as clandestine prostitutes. Like dancers and actresses, some of them may have so-called patrons or lovers and it is likely that some others may practise prostitution. Accordingly, though it cannot be denied that like dancers or actresses some of geisha are in a position exposed to the danger of conducting themselves immorally, it is a mistake born out of lack of appreciation of realities to conclude that they are prone to prostitution.

It is thus not proper to deal with geisha in general as clandestine prostitutes and discuss them in paragraph devoted to the subject of "Clandestine Prostitutes".

(12) In page 11, under the heading "(E) Procurers", it is stated "as the procuring of new recruits for the brothels appears to be largely in the hands of the employment agents and go between who are of Japanese nationality, their activities are legalised except that they may not deceive or persuade a girl against her will to enter or leave a house of prostitution". But the employment agent is only permitted to let a proprietor of a licensed house or a person wishing to become licensed prostitute know of a girl seeking employment or a job open so that if he is found to have persuaded or canvassed a girl to become a licensed prostitute, in case this was done against her will as a matter of course, even in case it was done not against her will, he is punished as having committed an illegal act as already mentioned at the last line in page 36 of the "Investigation concerning Licensed Prostitution". It is not proper to deal with the employment agent in paragraph devoted to the subject "Procurer".

(13) In Page 11, in the paragraph headed "(f) Barter and sale of children", it is stated "In addition to the practice of advance money given to the parents of girls or to the girls themselves to be worked out by services in the brothel, there are similar arrangements by geisha house keepers to secure at an early age girls who can be trained as geisha and subsequently inducted to geisha houses under contract to work off debts resulting from advances to parents for the services of these girls".

The contract of advance money to be worked out by these services is, of course null and void because it is against public order and good morals. As a matter of fact there has been no such custom as to enter into this kind of illegal contract since the judicial decision declaring that this kind of contract is null and void was given. Such advance money is nothing but a simple debt,

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that is to say, corresponding to the debt we borrow when we are in need of money. The fact is that the girl only enters into contract with the proprietor of a licensed house to borrow advance money but she does not make any contract to borrow advance money to be worked out by the service, that is, she does not make any contract with the proprietor to engage in the trade of ill fame and she is not in any case liable to engage in it.

She pays back her debt from the money she earned through her trade but the trade itself is not the method of payment of debt. Thus the girl is an independent business woman and is not the employee of the proprietor of a licensed house, notwithstanding she rents a room in a licensed house and living in it—a licensed house or Kashizashiki the meaning of which is a room to let for a licensed prostitute in Japanese. So strictly speaking the term "employer" or "service" used in the Report is mistake. Under no circumstances, therefore, advance money can be regarded as money obtained from the sale. So, it is not right to deal with advance money in the paragraph under the heading "Barter and sale of children".

(14) In the same paragraph, it is stated "formerly a practice existed in which keepers of houses of prostitution or of geisha houses adopted young girls for the purpose of training them in the business". But even in former times there was no such custom that the proprietor of a licensed house made a bad use of the system of adopting children. Nor have the police ever permitted an adopted daughter of the proprietor of a licensed house to become a licensed prostitute. It is not right to deal with keepers of geisha houses or geisha similarly with proprietors of licensed houses or licensed prostitutes, both of whom are entirely different in character from both of the former. Accordingly the Government desires to point out that the remark made by the Chief of the Salvation Army in paragraph "(C) Clandestine Prostitute" in page 10 that they have no right to compel her to become a Geisha or a prostitute but there is a moral influence" is obviously the product of a slip in shorthand note-taking of his statement as far as "a prostitute" is concerned. In fact the Chief of the Salvation Army himself has lately written to the authorities concerned declaring that in his statement he made no reference to prostitutes. (see appended letter.) As a result of a strict supervision of the authority there has been little or no case of a bad use of the system of adopting children by Geisha house keeper recently, of which the government stated to the commission on the occasion of the conference held at the Home Minister's Official Residence. Again in the same paragraph in page 11 dealing with the question of clandestine

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prostitutes, there is another statement attributed to the Chief of the Salvation Army "I think they start when they are twelve. When of age they are expected to become fallen girls. When they are quite young—little children, almost—they are compelled to take men". A person who is found to have committed an immoral act against a girl of such tender age is severely punished as one who has committed the crime of quasi-rape. The authorities concerned are unable to recognize that such criminal acts are really committed anywhere in Japan.

Mr. Yamamuro's letter.

Tokyo, October 20th, 1932.

Mr. Masuda,
Secretary, Police Affairs Bureau,
Department for Home Affairs.

Dear Sir,

With regard to the statement I made to the League of Nations Commission of Enquiry into the Traffic in Women and Children, of which you made inquiries by telephone the other day, I beg to inform you that I do not remember having ever used the words "prostitute" on the occasion when I made that statement. I am quoted to have said: "they have no right to compel her to become a geisha or a prostitute but there is a moral influence", but I never used the words "prostitute". I am afraid there occurred a mistake in note-taking.

Praying for your good health and happiness,

I remain, yours faithfully,
Gumpei Yamamuro.

(15) With regard to the statement given in the paragraph headed "(h) Preventive and protective measures", mention was already made concerning the activities for the prevention of poverty and the relief of persons in needy circumstances. But it may further be stated that there are many organizations for social welfare and associations for culture of the masses throughout the country, which are engaged in the moral education of such women as are ex-

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posed to the danger of degradation. For women needing protection, the local social welfare committees who are publicly appointed under the Poor Law and exist in all the cities, towns and villages throughout the country, and the organizations for the protection of women and children also existing in various parts of the country, are taking measures for preventing them from taking up the disgraceful trade. In this connection, it is worth while mentioning that the number of such women receiving protection exceeds 2,550 a year.

(16) With regard to the paragraphs in page 16 under the heading "(2) Laws bearing on incoming traffic" and "(b) other laws in relation to incoming traffic", for reference the following Circular are herewith reported.

With a view to preventing incoming traffic in foreign women, since a long time ago the Government of Japan has made it a rule to prohibit foreign women from becoming licensed prostitutes.

"(Circular No. 81 issued by the Director General of the Home Office to Prefectural Governors under date April 27th, 1901)

Word has lately been received to the effect that certain proprietors of licensed houses have a plan on foot to invite Chinese, Korean and other foreign women with a view to making them licensed prostitutes. If once permission is given to foreign women to become licensed prostitutes, it is considered that it will engender the practice of foreign women of ill fame coming to this country much to the injury to the upkeeping of good public morals. Accordingly if any foreign woman applies for registration in the list of licensed prostitutes, you are asked not only to refuse such application but to be always attentive to the prevention of coming of foreign woman of ill fame to this country.

(17) In page 16, under the heading "(3) situation with regard to immigration and application of laws", with regard to Japan Proper, statistical figures showing the number of foreigners who entered and settled in the country only were given in the Report submitted last year to the Commission of Enquiry, but no number of foreign travellers who visited the country was mentioned. Accordingly for reference the following statistical table including the number of foreign travellers who came to Japan Proper for brief visits is herewith given.

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	Country	Year					Total
		1926	1927	1928	1929	1930	
Asia	China	12,334	13,504	15,133	16,958	14,585	72,514
	Siam	12	4	19	51	20	106
	Persia	16	15	9	14	3	57
	India	254	141	186	371	266	1,218
	Strait Settlements	2	8	2	1	2	15
	The Philippines	83	95	142	375	293	988
	Turkey	12	15	4	17	6	54
	British Arabia	1	—	—	—	—	1
	Afghanistan	2	2	2	—	2	8
	Annam	2	—	—	—	—	2
	Syria	1	2	—	1	1	5
	Palestine	2	1	—	—	—	3
	Burma	—	—	3	1	—	4
	French Indo-China	—	2	1	—	7	10
Java	—	—	—	—	2	2	
Europe	England	4,015	6,191	7,206	7,588	5,249	30,249
	France	477	471	543	851	467	2,809
	Italy	160	176	102	443	223	1,104
	Germany	742	898	840	1,465	985	4,930
	Russia	1,876	2,100	1,672	1,962	1,452	9,062
	Sweden	80	191	123	223	115	732
	Norway	56	113	87	194	82	532
	Denmark	147	173	143	274	150	887
	Holland	203	223	187	344	281	1,238
	Belgium	45	51	49	125	44	314
	Switzerland	163	261	201	312	256	1,193
	Austria	28	44	46	79	81	278
	Hungary	19	13	26	28	18	104
	Luxemburg	3	1	5	7	3	19
	Czecho	68	54	37	90	38	287
	Jugo-Slav	—	3	6	5	6	20

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America	Roumania	25	35	21	21	9	111
	Spain	47	50	73	139	53	362
	Greece	25	25	19	23	20	112
	Portugal	58	107	77	144	84	470
	Poland	77	59	61	108	105	410
	Latvia	34	31	47	73	25	208
	Estonia	15	5	10	27	6	63
	Finland	7	19	12	10	22	70
	Litovania	6	3	2	22	28	61
	Armenia	4	4	4	5	—	17
	Serbia	2	—	19	10	—	31
	Danzig	1	—	—	—	—	1
	Bulgaria	—	4	1	1	4	10
Africa	Egypt	1	4	1	5	5	16
	Congo	1	—	—	—	—	1
	South African Confederation	—	2	—	1	—	3
America	United States	7,696	8,943	10,466	12,335	8,536	47,976
	Canada	3	1	10	20	27	61
	Costa Rica	2	—	1	—	—	3
	Mexico	24	13	15	14	10	76
	Panama	—	5	—	2	—	7
	Brazil	25	24	13	8	21	91
	Argentine	13	17	15	26	31	102
	Chile	16	12	10	39	3	80
	Peru	17	5	9	9	6	46
	San Salvador	2	1	—	—	—	3
	Colombia	1	2	—	—	—	3
	Cuba	1	6	3	—	2	12
	Uruguay	—	3	1	2	1	7
	Bolivia	—	1	—	4	1	6
	Gnatemara	—	—	4	—	2	6
	San Domingo	—	—	5	—	—	5
	Hayti	—	—	—	—	1	1
	Venezuela	—	—	—	—	2	2
	Nicaragua	—	—	—	—	1	1

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Oceania	Australia	7	2	—	1	3	13
	Hawaii	—	—	22	5	—	27
	Samoa	—	—	—	5	—	5
	New Zealand	—	—	—	—	1	1
No nationality		—	2	—	2	2	6
Total		28,913	34,137	37,695	44,840	33,646	179,231

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(18) In page 17, under the heading "(5) Statistics of persons excluded", it is stated, "In Japan Proper, as has already been stated, very few persons have been excluded—5 altogether between the years 1926 and 1930...." The number of persons excluded represents that of persons who were excluded for moral reason. Besides them, there were a fairly large number of foreigners who were excluded for the reason of public peace or public health.

(19) In the paragraph headed "(7) Number of prosecutions of traffickers and procurers" in page 18, the matters mentioned concerning Japan and those mentioned in Annex XV are all matters concerning offenders who were found to be engaged in outgoing traffic in women and children and are not related to incoming traffic in them. Of the 9 offenders found to be engaged in outgoing traffic in women and children, one was a woman, a midwife by profession. Practically no incoming traffic in women and children exists in Japan, so that no traffickers in them exists. Consequently, the statement made in lines 1 to 3 in the paragraph headed "(6) Number of prosecutions for violation of traffic laws" is erroneous as far as Japan Proper is concerned. Finally in the paragraph headed "(7) Number of prosecutions of traffickers and procurers" in page 18, it is stated "In Korea there were 28 cases under Articles I and II of the Convention of 1910. Twelve were cases of internal traffic and 16 of international traffic from Korea to Manchuria, particularly to Mukden and Harbin". The 16 cases referred to were all cases of outgoing and not of incoming traffic.

(20) In the paragraph headed "(7) administrative and unofficial measures to prevent traffic" in page 21, it is stated to the effect that there was no such measures.....except that the police and emigration authorities were required to watch the boats and railway station and to question closely any persons suspected of being traffickers or victims of traffickers. But as a matter of fact the authorities concerned not only have been and are endeavouring to prevent traffic in women but also exerting themselves to protect women in danger of being made victims by traffickers. Among the measures taken by them for this purpose it may be mentioned that they endeavour to discover traffickers, persons suspected of being victims of traffickers and women who need protection. When such persons are discovered, not only are they questioned, but close investigation is made by referring to the police offices governing the places of their permanent domicile as well as of their present residence, and also by referring to their parents or relatives. In case reliable evidence of suspected persons being really traffickers is obtained it goes without saying that they are

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at once arrested, and punished. Even in case no such evidence is obtained, but in case there is reason for suspicion that such persons are victims of traffickers or there is danger of women engaging in prostitution abroad or are considered to be in danger of being led astray in future, protection is given to such women and are handed over to their parents, guardians or suitable institutions. In such ways the authorities concerned are endeavouring to give protection even in cases which strictly speaking do not come within the purview of traffic in women.

(21) In Annex II it is referred "Showing the Total Population of Chosen and Ratio of Males to Females", but it is the reference to Kwantung instead of Chosen.

(22) Though not observation of the Government of Japan on the Report of the Commission of Enquiry, there are two points in the information submitted by it constituting Annex XIX which it desires to correct.

The first of these is the instruction mentioned in the information concerning Shanghai appearing in page 51, which was asked for by the Consul at Shanghai in November, 1897, in regard to funds sending home persons engaged in prostitution or those who arrived there for the purpose of engaging in it. The statement in the instruction referred to is true as far as the situation at that time is concerned, but two years later, namely in 1899 the Law for Crews undermentioned was enacted and in the following year, namely in 1900, an Imperial Ordinance was promulgated on the authority of Article 23 of the same Law, providing that in case a Japanese subject living abroad who has been repatriated by the Japanese government authorities there or a person supporting such person is unable to pay for his or her passage home the prefecture where the person has his or her residence, and in case he or she has no such residence or his or her place of residence is unknown, the prefecture at which he or she arrives, shall pay for it. The Government of Japan desires to point out here the fact that the number of those who were repatriated or their supporters who are unable to pay for passage home and on whose behalf the prefecture of their residence or arrival pays it is fairly large year after year.

Another is the statement in page 54 concerning Australia. In the concluding part of the paragraph, it is stated "only along the northern coast of the country, availing themselves of inadequate vigilance by the police, women of ill fame make secret entry into the country by means of sailing vessels or fishing boats, making it extremely difficult to check their inroad". It is desired

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by the Government of Japan that in regard to these matters the Information be duly corrected as far as the following three points are concerned.

1. The term "women of ill fame" in the passage just quoted has been found to be erroneous translation of the term "Japanese" in the Japanese original.

2. It goes without saying that those who made landing by means of sailing vessels or fishing boats made use of them from neighbouring islands or from the steamers, and not from any distant places.

3. The Information in question was quoted from a report supplied by the Japanese Consular officials in that country many years ago. The fact given in it was of the distant past and is by no means one to be seen to-day.

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REEL No. A-0187

EXTRACT FROM LAW FOR CREWS.

(Law No. 47 promulgated on March 8th, 1899)

Article 23.

When a Minister, a Consul or a Trade Commissioner in service of the Government of Japan and stationed abroad orders a Japanese subject to be repatriated home in accordance with law and regulations, the captain of a vessel can not refuse taking such Japanese on board his vessel unless he has just reason for refusing.

Provisions concerning the payment of the passage home of such Japanese shall be determined by Ordinance.

Concerning the payment of the passage home of a Japanese Subject in accordance with Article 23 of the Law for Crews.

(Imperial Ordinance No. 415 promulgated on December 28th, 1900).

Article 1.

The captain of a vessel, who has carried home a Japanese subject in accordance with the provisions of Clause 1 of Article 23 of the Law for Crews may demand the payment of his or her passage home in accordance with the provisions of this Ordinance of the party responsible therefor.

Article 2.

The passage home shall be paid by the person repatriated home. In case the payment can not be obtained from the person repatriated home, the persons responsible for his or her support shall pay it.

The demand for payment of the passage home of the person repatriated may be made of any of the persons responsible for his or her support. In this case the person who has paid his or her passage home is free to demand to refund it of the person, who, in accordance with the provisions of Articles 955 and 956 of the Civil Code, is required to carry out the obligation of his or her support.

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Article 3.

When the payment of the passage home of the person repatriated can not be obtained from any of the persons responsible for his or her support, the prefecture wherein he or she has his or her residence, and in case the place of his or her residence is unknown the prefecture where he or she arrives, shall be responsible for its payment.

Article 4.

In a case such as is mentioned in the preceding article, in case the place of the residence or arrival of the person repatriated belongs to Formosa (Hokkaido or Okinawa Prefecture) the State Treasury pays his or her passage home for the time being.

In case in accordance with the provisions of the preceding clause, the State Treasury pays the passage home of the person repatriated, the captain of the vessel which has carried him or her home shall present a written application for the payment of his or her passage home to the Government-General of Formosa (the Prefectural Office of Hokkaido or Okinawa).

Article 5.

By the term "passage home" mentioned in this Ordinance is meant the due expense for a class of berth considered suitable by the Minister, the Consul or the Trade Commissioner for the person to be repatriated home.

Supplementary Rules

This Ordinance shall be put in effect from January 1st, 1901.

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