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情報部長

極秘

第六十五回國際聯盟理事會ニ於ケル
滿洲事變起草委員會議事概要

外務省條約局第三課

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外史

本調書ハ昭和六年十二月二十二日附機密聯本公第九二二號ヲ以テ在巴里
 澤田國際聯盟帝國事務局長ヨリ犬養外務大臣宛報告アリタルモノヲ其ノ
 儘印刷ニ附シタルモノナリ

第六十五回國際聯盟理事會ニ於ケル
 滿洲事變起草委員會議事概要

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第六十五回國際聯盟理事會ニ於ケル 滿洲事變起草委員會議事概要

十一月二十九日(午前十一時)起草委員會議事概要

出席者

英「セシル」(議長)、佛「マツシグリ」、西「マダリアガ」、諸「コルバン」、伊藤參事官、「ドラモンド」(事務總長)、「アブノル」(副事務總長)

一、「セシル」ヨリ伊藤參事官提出ノ「エード・メモアール」(別紙甲號)ノ各項ヲ逐次審議スヘシト述ヘ伊藤參事官ヨリ本件ノ例外的性質ニ鑑ミ決議案ノ字句ハ成ルヘク之ヲ簡單且彈力性アルモノトナシ議長ノ宣言ニ於テ決議ノ内容ヲ註釋説明シテ兩當事國及理事會ニ満足ヲ與フルヲ適當ト認メ「エード・メモアール」ヲ作成セリト説明ス

二、「セシル」ハ自分ハ右ノ點ニ關シ伊藤參事官ノ意見ニ同感ナルカ議長ノ註釋ニ加フヘキ事項ハ同參事官提出ノ各項ニ限ラルル次第ナリヤ支那側ノ言分ヲモ加ヘラルル趣旨ナリヤト尋ネタルニ付伊藤參事官ハ此ノ點ハ兩當事國ヲ同等ニ取扱フコト當然ナリト答フ

三、「セシル」ヨリ決議案第一中冒頭 *recalls* ヲ除キタル理由ヲ尋ネタルニ付之ハ單ナル字句ノ變更ニ過ギスト説明シ次テ右第一末段 *so that...* 以下ヲ削除シタル理由ニ付テハ右字句ハ九月三十日ノ決議ノ一部分ヲ特ニ抽出シアルヲ以テ不完全且不必要ナリト思考スト説明シタルニ「セシル」「マダリアガ」「ドラモンド」交々理事會カ撤兵ニ重キヲ置ク趣旨ハ之ヲ諒トセラレ度キ旨ヲ述ヘタルニ付伊藤參事官ハ右ノ趣旨ハ決議第五末段ニモ表ハレ居ルヲ以テ殊更第一號中ニ之ヲ掲クル必要ヲ認メスト述ヘ「マダリアガ」ヨリ妥協案トシテ第一末段ニ *dans les conditions prévues dans la dite*

resolution ノ趣旨ヲ附加セントラ提議シ「コルバン」ハ撤兵ノ期限ヲ明示スルコトナク唯九月三十日ノ決議ノ趣旨ヲ
繰リ返スコトハ寧ロ日本ノ利益ナリト云ヒ「マツシグリ」之ニ賛成シタルモ伊藤參事官ハ理事會カ此點ニ特ニ重キヲ置
ク趣旨ハ之ヲ議長ノ説明ニ讓リ充分目的ヲ達シ得ヘシト主張シ結局「セシル」ハ日本側ノ意向ハ充分之ヲ諒解シタルニ
付更ニ考慮スルコトトスヘシト述ヘ第一ノ討議ヲ打切ル

四、決議第二ニ付テハ先ヅ伊藤參事官ヨリ原案(4)カ日本ノ憲法上困難ヲ生スル所以ヲ説明シ司令官ニ對スル命令ノ件ハ之
ヲ決議案中ヨリ除キ議長ヨリ右ノ趣旨ヲ説明スヘシト主張シ此ノ點ニ付テハ各員別段異議ナシ

五、「セシル」ヨリ第二ニ關スル伊藤案中 intention トアルハ之ヲ engagement トナスヘシト主張シ伊藤參事官固執セス

六、次テ伊藤參事官ヨリ匪賊討伐カ決議第二ニ反セサルコトヲ議長宣言案中ニ附加スルハ斯ル行動ハ純然タル警察的措置
ニシテ法律上軍事行動ト截然區別シ得ルノミナラス滿洲ノ現狀ニ於テ絶對ニ必要ナルコトヲ説明シタル處「セシル」マ
シグリ」意見ヲ留保ス

七、次テ「セシル」ヨリ決議第二 Manchuria ノ次ニ and in other parts of China ヲ附加シタル理由ヲ尋ネタルニ付排日行
爲等ノ例ヲ擧ケテ其ノ理由ヲ説明シタル處「セシル」ハ決議第二ハ専ラ軍事行動ニ關スルモノナリト述ヘタルニ付伊藤
參事官ハ滿洲以外ニモ天津事件ノ如キモノアリト答ヘ伊藤ヨリ in Manchuria ナル字句ヲ除キテハ如何ト提議シ各員異
議ナシ

八、決議第五第三項末段 which will have complete freedom 云々ヲ削除シ之ヲ議長宣言案ニ移スコトニ付テハ種々議論ノ
後日項前段ト It is understood トノ間ニ Les deux gouvernements donneront toutes facilites pour recueillir sur place tou-
tes informations necessaires ノ趣旨ヲ挿入スルコトトナル

九、委員會ノ「メモバー」ヲ三名以上トナスコトニ付日本側ニ異議アリヤトノ質問アリ殊ニ「セシル」ヨリ三人ニテハ財
政鐵道等ノ専門的智識ヲ欠ク惧ナキヤトノ質問アリ之ニ對シ伊藤ハ三人ニ限ル必要ヲ立證スル理由存スル譯ニハ非ザル

十、次テ議長宣言案(決議案註釋)ニ付討議ス
第一項ニ付テハ既ニ前述決議第一ノ部分ニテ議論ヲ盡シ別段新ナル議論ナシ
第二項 étant entendu 以下ニ付テハ「セシル」「コルバン」等ヨリ反對意見アリ「マダリアガ」ヨリ étant entendu que
、 、 、 de prendre de telles mesures de police qui soient indispensables pour protéger la vie et les biens des sujets japonais
en attendant l'évacuation ノ趣旨ニ改メテハ如何ト提議シタルモ「セシル」ハ act of war ト police measure トノ分界ハ
明ナラストテ反對意見ヲ固持シタルモ「ドラモンド」ヨリ本項ハ撤兵前ニ限ララル趣旨ナルコトヲ注意シタルニ「セシ
ル」モ反對ヲ固執セス日本側ノ意思ハ明瞭トナリタルヲ以テ更ニ研究スヘシト述ヘタリ

十一月三十日(午後四時) 起草委員會議事概要

出席者

「ドラモンド」遅レテ參會シタル外前回ニ同シ
一、「セシル」ヨリ前夜提出アリタル日本修正案(別紙乙號)ニ付説明ヲ求ムル旨ヲ述ヘ先ツ決議第一ニ付テハ日本側修正
ノ趣旨ハ良ク之ヲ諒解スルモ本項ニ撤兵ニ關スル條項ヲ成ル可ク強キ形ニ於テ入ルルコトハ理事會各員ノ切望スル所ナ
リト説明シ「マダリアガ」ヨリ前回提案ノ妥協案ヲ更ニ提案シタルカ結局我方ノ希望ヲ容レ新ナル「レダクシヨン」ヲ
考慮スルコトトナル

二、決議案第二中 Manchuria ノ次ニ and in other parts of China ヲ附加スルコトニ付テハ前回通 Manchuria ノ字句ヲ除
クコトニ決定

三、決議第二(A) 我憲法上ノ困難ヲ避クル爲ノ修正ノ點ハ結局原案中トシテ………respective forcesヲ削除スルコトニ決定
四、匪賊討伐ニ關スル條項ヲ決議案中ニ挿入スルコトニ付テハ前同通り反對アリ之ヲ議長宣言案ニ存置スルコトニ付テモ
匪賊討伐ノ名ノ下ニ軍事行動ヲ起ササル危險アルコトヲ慮リ我方修正案ノ字句通り採用スルヲ好マス伊藤參事官ハ斯ル
行動ハ滿洲ノ特異ナル事態ニ鑑ミ絶對ニ必要ナル所以ヲ説明シタル處「セシル」ハ日本側ノ希望ハ良ク之ヲ了解ス滿洲
現下ノ事態ニ於テ斯ル警察的措置ニ付日本軍ノ自由ノ立場ニ置カルコトハ日支兩國ノ爲ニ利益ナリ然レトモ日本案ノ
通りノ字句ヲ議長宣言案ニ入ルルニ於テハ日本軍ノ自由行動ノ範圍餘リニ廣汎ニ過クルノ嫌アリ依テ斯ル行動ヲ起ス場
合中立人タル「オブザーヴァー」(既ニ現地ニ在ルモノ)ヲ立合スコトトシ以テ日本軍ノ行動ノ公正ヲ示スコトトシテハ
如何ト提議シタルカ更ニ伊藤參事官ト「マツシグリ」「コルバン」等トノ間ニ匪賊討伐ノ本質ニ付議論アリ結局「セシル」
提議ノ如キ案ヲ作成シ之ヲ我方ニ送付シ來ルコトナレリ(「セシル」ヨリ送付シ來レル案別紙丙號ノ通り)
五、決議第五冒頭ノ修正ニ付テハ我方修正案中(B)案ヲ採用スルコトトシ他ハ全部異議ナク五時散會ス

四

十二月五日(午前十時半) 起草委員會議事概要

出席者 前回ニ同シ但シ「レジエー」「マツシグリ」ニ代リテ出席

一、伊藤參事官ヨリ日本政府ハ決議案(十二月一日十二國理事ノ決定シタル新案別添丁號)ニ付テハ第五末項ヲ削除シ議
長宣言案ニ於テハ唯今配布シタル案(別紙戊號)ノ通修正シ度キ希望ナルコトヲ述ヘ大臣來電第二七六號ノ趣旨ヲ敷衍
シテ我方調査委員會派遣ヲ提議シタル根本趣旨ニ付諒解ヲ求メ且大臣來電第二八二號(二)ノ(ニ)ノ趣旨ニ依リ日本政府
ハ新ニ決議案ニ附加セラレタル第五末項(本項ハ「レジエー」ノ考察ニナレルモノナリト云フ)ニ同意シ得サル所以ヲ
説明ス

二、右ニ對シ「セシル」ハ本案ノ趣旨ハ極メテ簡單ニシテ日本ノ懸念セラルル如ク撤兵ニ期限ヲ附スル趣旨ヲ有スルニ非

ス又委員會到着ノ際撤兵カ完了シ居レハ問題ハ起ラス日本備ノ既ニ成ル可ク速ニ撤兵スヘキ旨ヲ聲明セラレ居リ且宣言
案末項ニ徴スルモ委員會ハ一切ノ調査ヲ爲ス權能ヲ有スルヲ以テ本案ヲ以テ委員會カ兩軍ノ軍事の措置ニ介入關與セス
トノ條項ニ矛盾ストノ論ハ當ラズ但シ若シ本議案中ニ勸告ナル文字アルコトカ日本政府ニ斯ル誤解ヲ生セシタルモノトセ
バ之ヲ削除スル用意アリト述ヘ

三、「レジエー」ハ本案ハ決シテ撤兵ニ期限ヲ附スルモノニ非ス日本軍ノ撤退カ生命財產ノ安全確保ヲ條件トセルコトハ
動カス可カラサル原則的事項ニシテ本案ニ依リ之ヲ動カシ得ルモノニ非ス本案ハ支那側ノ約束履行ヲモ確保セントスル
モノナルヲ以テ日本政府ノ心配ハ當ラズト述ヘタルニ依リ

四、伊藤參事官ハ代表部ニ於テモ大體唯今「レジエー」氏ノ説明セラレタル如ク本案ヲ解釋シ東京ニ「リコメンダ」シ
タルモ日本政府ノ解釋ハ前述ノ如クニシテ本案ヲ受諾シ得サル次第ナリト説明シタル處

五、「レジエー」ハ然ラハ日本側ノ反對ハ「レダクシヨシ」ノ問題ナリヤト念ヲ押シタルモ伊藤參事官ハ之ニ對シ回答ス
ルヲ避ケ委員會ハ廣汎ナル權限ヲ有シ且中間的報告ヲナシ得ルコト宣言案中ニモ明記シアルヲ以テ之ヲ利用セハ本案ト
同様ノ目的ヲ達シ得サルヤト述ヘ

六、次テ「マダリアガ」ハ決議案中既ニ第一ニ付テ日本側ノ注文ニ依リ撤兵ニ重キヲ置クコトヲ明ニスルコトヲ避ケタル
次第ナルヲ以テ本項ノ如キモノヲ存置スルモ必スシモ日本ニ不利ニアラサルヘシト云ヒ

七、「ドラモンド」ハ委員會ニ勸告ヲナシタルコトカ日本側ノ反對ノ重點ナリト思考スルニ付右ハ之ヲ削除シ差支ナシ
ト云ヘルモ伊藤參事官ハ日本側ノ反對理由ハ右ノ點ノミニ限ラス本案全體トシテ日本ノ撤兵ニ期限ヲ附スルカ如キ印象
ヲ與フルカ不可ナリト説明ス

八、依テ「セシル」ハ然ラハ他ノ「レダクシヨシ」ヲ考フルノ外ナク要ハ調査委員會ノ第一ノ任務ハ九月三十日ノ決議ノ
實行確保ニ在ルコトヲ明ニスルハ可ナルヘシト云ヒタルモ

五

九、伊藤參事官ハ本案ノ如ク苟クモ第三國ノ介入トナルカ如キ案ハ日本側ニ於テ受諾スルコト到底困難ナリトテ三國干涉以來ノ日本人ノ滿蒙ニ對スル心理狀態ヲ説明シ且滿蒙問題カ朝鮮統治ニモ大ナル影響ヲ及ホスコトヲ懸念シ居レリト説明ス

一〇、結局本件ニ關シテハ日本代表部ニ於テ再興ノ上新ナル「レダクシヨン」ヲ提示スルコトトナル

一一、次テ議長宣言案ニ對スル我方修正案ヲ審議ス

一二、前文中ノ修正ニハ異存ナシ

一三、Paragraph I

第一項ニハ as speedy as possible ヲ存置スヘク且第二項冒頭 The Council attaches the utmost importance to this provision ノ一句ハ是非存置シ度シトノ希望アリ

一四、Paragraph II

第一項ノ變更ニハ異存ナシ

一五、第二項匪賊討伐ノ件ニ關シテハ伊藤參事官ヨリ大臣來電第二八四號ノ趣旨ヲ敷衍シテ本項修正ノ必要ヲ力説ス

一六、右ニ對シ「セシル」ハ占領繼續期間日本軍カ斯ル匪賊討伐ノ自由ヲ有スルコトハ何人モ異存ナキ次第ナルカ之ヲ一般的规定スルコトニ付反對アルヲ以テ此ノ點ハ決議案及宣言案中ヨリ全然削除シ日本側ノ一方の宣言トセラレテハ如何ト提議ス

何ト提議ス

一七、次テ「レシエ」ト伊藤參事官トノ間ニ本件匪賊討伐ハ滿鐵附屬地内ニ於ケル生命財産ノ安固ニ關スル場合ノミナリ

ヤ附屬地外ノ場合ニモ之ヲ及ホスモノナリヤニ付應答アリ伊藤參事官ノ説明ニ依リ平時ハ別トシ現下ノ「アブノーマル」

ノ事態ノ下ニ於テハ地域ノ如何ニ拘ラス匪賊討伐ノ必要アルコトヲ承認セリ

一八、次テ更ニ「セシル」ヨリ日本側一方ノ宣言トナス外本件ノ解決方法ナキコトヲ繰返シタルニ付伊藤參事官ハ此ノ點

ハ代表部トモ相談ノ上政府ヘ取次クヘシト答フ

一九、Paragraph 4

我方修正案ノ趣旨ニ依リ Manduria ナル字句ヲ削除スルハ差支ナキモ本項ハ元來日支兩國ニ關係ナキ事項ナルヲ以テ

日本側モ修正ヲ固執セラレサル様シ度シトノ希望アリ

二〇、Paragraph 5

第一項ノ修正ニ付テハ代案ノ方ヲ採用スルコトトナレリ

第二項 right of faculty ニ改ムルコト異存ナシ

十二月六日(午後二時半) 起草委員會議事概要

出席者 前回ニ同シ

一、「セシル」ヨリ昨日ノ起草委員會ノ結果ニ依リ日本代表部ハ議長宣言案中匪賊ノ件ヲ日本側一方ノ聲明トナスコトヲ政府ニ「リコメンデ」セルコト並ニ決議案第五末項ニ付テハ伊藤參事官ヨリ自分ニ對シ私案ノ提出アリタルコトヲ報告シ伊藤參事官ヨリ私案ノ説明ヲ求ム

二、伊藤參事官ハ左記私案ヲ各委員ニ書取ラシメタル後

Dans le cadre du mandat ci-dessus, la Commission peut-être, après son arrivée en Chine, chargée par le Conseil de lui fournir des informations sur l'exécution de Sa Résolution du 30 septembre dernier.

日本政府ノ本件ニ關スル訓令ハ「カテゴリー」ナルヲ以テ右私案カ果シテ政府ノ承認ヲ經ヘキヤ否ヤハ疑問ナルモ右私案ノ趣旨トスル所ハ調査委員會ハ廣汎ナル權能ヲ有スルヲ以テ理事會カ必要ト認メタル場合ニハ之ニ九月三十日ノ決議實行確保ノ資料ヲ求ムルコト不可能ニ非ス依テ右ノ趣旨ヲ決議案ニ入レ一方日本政府ノ不安ヲ除キ他方理事會側ノ希望

ニ逼ハムトスルモノナリト説明セリ

三、「セシル」ヨリ右案ハ東京ハ電報シタリヤト尋ネ伊藤參事官然リト答フ

四、「ドラモンド」ハ右案中 *en Chine* トアルヲ *sur place* トシテハ如何ト云ヒ伊藤參事官ハ右ノ如クセハ調査委員會ハ先ツ滿洲ヘ行クコトヲ豫想セシムルコトナリ不可ナリト答フ

五、「マダリアガ」ハ *Après son arrivée* 云々トアルヲ *dès son arrivée* トシテハ如何ト提議シタルニ付伊藤參事官其ノ理由ヲ尋ネタル處斯クセハ支那側ヲ同意セシムルコト一層容易ナルヘシト答フ

六、「レジエー」ハ *en Chine* トアルモ右ハ勿論滿洲ヲ含ム意味ナレハ差支ナシト思考スト述フ

七、「ドラモンド」ハ *exécution* ノ次ニ *d'une ou d'autre partie* ヲ加ヘルコトヲ提議ス

八、次テ「コルバン」ハ *peut-être chargé par le Conseil de lui fournir* ヲ *la Commission fournira* トナサンコトヲ提議シテス

九、「ドラモンド」ハ *notamment* ヲ附加シテ右「コルバン」ノ指摘シタル疑點ヲ避ケンコトヲ主張シ「セシル」ハ *la Commission pourra fournir* トナサンコトヲ提議シ伊藤案其ノ儘ニテハ本件ノ爲特別理事會ノ招集ヲ必要トスルニ至ル處アリト述フ（「レジエー」「マダリアガ」等モ同様ノ意見ヲ述フ）

十、依テ伊藤參事官ハ調査委員會ハ既ニ廣汎ナル權限ヲ有シ且中間報告ヲナシ居ル次第ナルヲ以テ本件ノ如キ規定ハ元來ニ必要ナルモノナルコトヲ明ニシタル上若シ一月ノ理事會前ノ委員會カ支那ニ到着スレハ新ニ理事會ヲ召集スル必要モナキ様考ヘラルト述フ

十一、次テ「セシル」ハ英國ニ於ケル各種調査委員會ノ慣行ニ徴シ伊藤案ハ妥當ナル様思考スル旨ヲ述ヘタルモ他ノ各員ハ依然此ノ儘ニテハ委員會ノ權限ヲ却テ縮少スルコト、ナルヘシトノ見解ヲ持シ讓ラス

十二、最後ニ「レジエー」ヨリ右困難ヲ避クル爲左ノ提案ヲナス

Dans le cadre du mandat ci-dessus, la Commission peut-être appelée, dès son arrivée en Chine, de lui fournir des informations sur l'exécution de sa Résolution du 30 septembre dernier.

十三、右ニ對シ伊藤參事官ハ右案ニテハ何人カ調査委員會ニ斯ル要求ヲナスヤ明ナラスト述フ
十四、次テ伊藤案ニ依リ理事會カ調査委員會ニ資料ノ供給ヲ求ムル場合ニハ滿場一致ヲ要スルヤ多數決ニテ足ルヤノ問題生シ意見交換ノ後此點ハ再考スルコト、ナレリ

十二月七日(午後七時) 起草委員會議事概要

出席者 前回ニ同シ

一、伊藤參事官ヨリ先刻東京ヨリ訓令接到セル處右ニ依レハ政府ハ(一)決議第五末項ニ關スル前回提示セル伊藤私案ヲ受諾シ(二)匪賊ニ關シテハ一方的宣言トナスコトニ同意シ(三)二三字句ノ點ニ付新案ヲ申送り來レリト述フ

二、先ツ議長宣言案中 Paragraph I 第二項ノ provision ヲ resolution ニ改ムルニハ異議ナシ
同第一項中 *as speedily as possible* ヲ存置スヘキヤ否ヤニ付テハ意見纏ラス一應留保

三、Paragraph II 第三項ノ修正ニ付テハ日本カ本項ノ眞意ヲ誤解シ居ルモノトシテ修正ニ應セス
四、次テ匪賊討伐ニ關スル日本新案(一方宣言案、大臣來電第二八九號)ヲ配布シ之ヲ審議ス

右日本案ノ字句殊ニ「滿洲各地」ト云フカ如キ字句ノ點ニ付テハ依然反對アリ又「アンダースタンディング」トアルヲ以テ若シ日本側ノ一方的宣言ニ對シ其ノ意ヲ明ニセサレハ各理事ニ於テ全部之ヲ認ムルコトナリ決議案第二ノ趣旨ヲ没却スル虞アルコトヲ懸念シ居リ

五、「セシル」ハ若シ日本側カ右ノ如キ宣言ヲ爲スニ於テハ自分ハ日本側カ斯クノ如キ宣言ヲ爲スハ滿洲ノ特殊事態ニ鑑ミ決議第二ノ解釋ニ對シ *certain latitude* ヲ必要トスルコトヲ意味スル爲ナルヘキ旨宣言スヘシト述フ

六、「マダリアガ」ハ右日本側ノ宣言ハ決議第二ノ趣旨ヲ全然没却スルモノニ非ストノ趣旨ヲ聲明スヘシト述フ
 七、而シテ「セシル」ヨリ左記案ヲ示シ之ヲ日本側ノ一方宣言ノ後ニ他ノ理事會員ノ了解トシテ讀ミ上シルコトシテハ如何ト述フ

The Japanese Government has drawn the attention of the Council to the situation at present existing in Manchuria. As a result of recent events, banditry has increased in certain districts, and constitutes a danger for the safety of the life and property of the inhabitants. In these circumstances, the Japanese Government considers that its forces should be entitled to repulse attacks by bandits not only, as has been the custom in the past, when these attacks took place in the South Manchurian Railway zone, but also should they be directed against localities outside the zone temporarily occupied by Japanese troops. It goes without saying that when these localities cease to be so occupied, the responsibility for their defence against bandits would cease to fall on the Japanese forces, and would be again assumed by the Chinese authorities.

八、伊藤參事官ハ決議第二ノ解釋ハ各具體的ノ場合ニ理事會ニ於テ決スレハ足り豫メ之ニ付理事會ノ意思ヲ表明スルノ必要ナシ特ニ右ニ關シテハ一理事會カ自己ノ見解ヲ述ヘ留保ニ付更ニ各理事ニ於テ之ニ對シ彼此意見ヲ述フルノ必要ナカルヘント主張ス

九、次テ「マダリアガ」ハ唯今「セシル」ヨリ提出ノ案ヲ議長宣言中ニ入ルルコトトシテハ如何ト提議ス

十、之ニ對シ伊藤參事官ハ斯クスル爲ニハ更ニ日本政府ノ訓令ヲ仰カサルヘカラスト述フ

十一、次テ「レジエ」ヨリ議長宣言案 Paragraph 1 第一項中ノ as speedily as possible ハ決議中ニモアリ之ヲ存置スヘシト主張シ起草委員會ノ意見トシテ其ノ通決定

十二、決議案第五項削除ノ件ニ移リ (一) 伊藤私案ニ付此ノ場合ノ理事會ノ決定ヲ多數決ニ依ルコトヲ明定スル案 (レジエ) (二) 議長ニ一任スル案 (即チ伊藤案中ノ le Conseil ヲ le president du Conseil ニ改ム「マダリアガ」等出テタル

モ「コルバン」ハ伊藤案ハ原案ヲ削除スルヨリモヨリ有害ナリト主張シ

十三、結局「セシル」ハ決議案中ヨリ本項ヲ削除シ議長宣言案中ニ入レ度シト提議ス (其ノ際「勸告」云々ノ字句ヲ削除スルモ差支ナシト云ヘリ)

十四、各點ニ關シ伊藤參事官ヨリ更ニ代表部ノ意見ヲ求メ或ハ更ニ會合ヲ希望ヲ表明スルコトアルヘシトテ辭去ス

甲 號

Confidentiel.

AIDE-MÉMOIRE

présenté par Mr. ITO, pour expliquer le texte dont il est heureux de recommander l'adoption par le Comité de Rédaction nommé par le Conseil.

Au stade des délibérations où se trouve actuellement le Conseil, il serait désireux d'arriver à un texte auquel la Délégation japonaise au moins puisse adhérer.

Tout d'abord, je voudrais suggérer au Comité de Rédaction de prendre comme base de discussion, le projet de Résolution qui a été rédigé par certains membres du Conseil, afin d'accélérer le travail du Conseil.

Je ne proposerai au Comité de Rédaction que des modifications indispensables pour rendre claire, au point de vue juridique, les idées qui sont contenues dans ledit projet de résolution.

A mon avis, le Conseil ferait bien d'adopter dans les circonstances actuelles un système qui, sans tenir strictement compte de sa jurisprudence coutumière, correspondrait davantage à la réalité de la situation pour mettre au clair le caractère tout particulier du conflit qui est porté devant le Conseil en vertu de l'article II du Pacte. Dans cet ordre d'idées, je voudrais suggérer d'abord un texte élastique de projet de résolution, pour éviter la critique de créer un précédent qui soit préjudiciable pour le fonctionnement futur du Conseil de la Société dans les circonstances analogues mais différentes de celles actuellement en question. Pour combler cependant les lacunes qui puissent se produire de la brièveté du projet de résolution, je voudrais suggérer le système de commentaire au projet de résolution dont le Président du Conseil donnera lecture après l'adoption du projet. De cette manière, on pourrait combiner un projet de résolution succinct incorporant des idées générales, et accompagné d'un commentaire qui est indispensable pour mettre en relief l'existence d'un cas d'espèce.

Inspiré des considérations ci-dessus, je voudrais présenter aux membres du Comité de rédaction d'abord un texte

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du projet qui exprime en termes succincts les grandes lignes contenues dans le projet de résolution rédigé par certains membres du Conseil, et ensuite un texte qui, sous forme de commentaire, pourra être prononcé par le Président du Conseil après l'adoption de la résolution pour mettre au clair la signification de la résolution, pour montrer le caractère tout particulier, justifiant l'existence d'un commentaire approprié dans la circonstance.

II.

Voici le texte du projet de la résolution.

The Council,

1.—Re-affirms the resolution passed unanimously by it on September 30th, by which the two Parties declare that they are solemnly bound, calling upon the Chinese and Japanese Governments to take all steps necessary to assure its execution.

2.—Considering that events in Manchuria and in other parts of China have assumed an even more serious aspect since the Council Meeting of October 24th, takes note of the declaration made by the Chinese and Japanese Representatives of their intention of their Governments to refrain from any initiative which may lead to further fighting and loss of life and to take all measures necessary to avoid any further aggravation of the situation.

3.—Invites the two Parties to continue to keep the Council, which remains seized of the question, informed as to the development of the situation.

4.—Invites the other Members of the Council to furnish the Council with information received from their representatives on the spot.

5.—Without prejudice to the carrying out of the above mentioned measures and desiring, in view of the special circumstances of the case, to contribute towards a definitive and fundamental solution of the questions at issue between the two Governments,

Decides to appoint a Commission of three members to study on the spot and to report to the Council on any circumstance which, affecting international relations, threatens to disturb peace between China and Japan, or the good understanding between them upon which peace depends.

The Governments of China and of Japan will each have the right to nominate one assessor to assist the Commission. It is understood that should the two Parties initiate any negotiations these would not fall within the scope of the terms of reference of the Commission nor would it be within the competence of the Commission to interfere with the military arrangements to be made by either Party.

The appointment and deliberations of the Commission will not prejudice in any way the engagement taken by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone.

III.

Voici le texte du commentaire que le Président du Conseil prononcera après l'adoption de la résolution ci-dessus.

1) En ce qui concerne le paragraphe 1er de la Résolution, je voudrais attirer l'attention du Conseil sur le fait que ce paragraphe ne fait que réaffirmer la Résolution adoptée unanimement par le Conseil le 30 septembre dernier d'après laquelle le Représentant du Japon a déclaré que son Gouvernement poursuivra aussi rapidement que possible le retrait déjà commencé de ses troupes pour les ramener dans la Zone du Chemin de fer dans la mesure où la sécurité de la vie de ses ressortissants et la protection de leurs biens seront effectivement assurées, en espérant réaliser complètement cette intention dans le plus bref délai.

2) En ce qui concerne le paragraphe 2 de la Résolution, je voudrais exprimer mon ardent espoir que les commandants de l'armée chinoise et japonaise recevront les ordres stricts pour mettre en exécution la disposition contenue dans le présent paragraphe, étant entendu que rien n'interdise les forces japonaises de prendre de telles mesures qui soient indispensables pour protéger la vie et les biens des sujets japonais contre les activités des bandites et des autres éléments sans loi existant en Manchourie.

3) En ce qui concerne le paragraphe 5 de la Résolution, je déclarerai :

a) que chacun des gouvernements chinois et japonais aura le droit d'indiquer au Président de la Commission toute question dont il désire un examen particulier ;

- b) que la Commission aura une complète liberté pour obtenir toute information qu'elle désire ;
 c) que la Commission pourra, si elle le désire, présenter des rapports interin au Conseil.

乙 號

Preliminary Draft Resolution.

The Council,

- 1.—Recalls and re-affirms the Resolution passed unanimously by it on September 30th, by which the two Parties declare that they are solemnly bound. (Alternative)
 (A) *It therefore reiterates its request to the Chinese and Japanese Governments to take all steps necessary to assure the execution of the said Resolution.*
 (B) It therefore calls upon the Chinese and Japanese Governments to take all steps necessary to assure its execution so that the withdrawal of the Japanese troops into the railway zone, in proportion as the safety of the lives and property of Japanese subjects is effectually assured, may be carried out as speedily as possible.
- 2.—Considering that events in Manchuria and in other parts of China have assumed an even more serious aspect since the Council Meeting of October 24th, notes that the two Parties undertake
- (a) *to exercise every possible precaution to preclude any initiative which may lead to further fighting and loss of life; it is understood that nothing in this Resolution shall preclude the Japanese forces from taking such measures as may be needed for the protection of the lives and property of Japanese subjects against the activities of bandits and other lawless elements in Manchuria.*
- (b) to take all measures necessary to avoid any further aggravation of the situation.
- 3.—Invites the two Parties to continue to keep the Council, which remains seized of the question, informed as to the development of the situation.
- 4.—Invites the other Members of the Council to furnish the Council with information received from their representatives on the spot.

5.—Without prejudice to the carrying out of the above-mentioned measures,

The Council,

Desiring, in view of the special circumstances of the case, (Alternative)

- (A) *To secure a thorough comprehension of the questions at issue between the two Governments,*
 (B) *To contribute towards a definitive and fundamental solution by the two Governments of the questions at issue between them,*

Decides to appoint a Commission of three members to study on the spot and to report 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.

The Governments of China and of Japan will each have the right to nominate one assessor to assist the Commission. It is understood that should the two Parties initiate any negotiations these would not fall within the scope of the terms of reference of the Commission nor would it be within the competence of the Commission to interfere with the military arrangements of either Party. (No restriction of movement will be placed on the Commission, which will have complete freedom to obtain all information it may desire.)

The appointment and deliberations of the Commission will not prejudice in any way the engagement taken by the Japanese Government in the Resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone.

N.B. The President after the adoption of the resolution will state:—

- (a) that each of the two Governments will have the right to indicate to the Chairman of the Commission any question the examination of which it particularly desires;
 (b) that the Commission may, should it so desire, furnish the Council with interim reports.

丙 號

DRAFTING COMMITTEES PROPOSAL FOR PARAGRAPH IN PRESIDENTS DECLARATION.

With respect to paragraph 2, it is evident that such provisions are essential if normal conditions are restored. There is however one point which requires elucidation. In the special conditions prevailing at present in Manchuria the administrative machinery of government is seriously compromised. There are districts in which many bandits and lawless bands endanger the lives and property of the inhabitants, some of whom are Japanese subjects. In the circumstances it has been strongly pressed upon the Council that it may prove necessary as an exceptional measure for the Japanese Government during the period before evacuation is complete to take, if such a danger renders it necessary, police measures sufficient to provide directly for the safety of its subjects. In the very exceptional conditions that prevail the Council could not take upon itself to rule out altogether action of that kind. Nevertheless, and even assuming that such action is confined strictly to police purposes, it is liable to lead to grave misconception and the increase of tension between the two countries concerned. I am glad therefore to learn that both Governments are ready to give an opportunity to neutral observers to accompany any operations of the kind. This is really only the special application to this case of the general invitation given to neutral observers by both Governments.

Paris, 30th November 1931

丁 號

The Council,

1. Reaffirms the resolution passed unanimously by it on September 30th 1931, by which the two parties declare that they are solemnly bound. It therefore calls upon the Chinese and Japanese Governments to take all steps necessary to assure its execution, so that the withdrawal of the Japanese troops within the railway zone may be effected as speedily as possible under the conditions set forth in the said resolution.

2. Considering that events have assumed an even more serious aspect since the Council Meeting of October 24th, Notes that the two Parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life.

3. Invites the two Parties to continue to keep the Council, which remains seized of the question, informed as to the development of the situation.

4. Invites the other Members of the Council to furnish the Council with any information received from their representatives on the spot.

5. Without prejudice to the carrying out of the above-mentioned measures,

Desiring, in view of the special circumstances of the case, to contribute towards a final and fundamental solution by the two Governments of the questions at issue between them,

Decides to appoint a Commission of five Members to study on the spot and to report 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.

The Governments of China and of Japan will each have the right to nominate one assessor to assist the Commission.

The two Governments will afford the Commission all facilities to obtain on the spot whatever information it may require.

It is understood that should the two Parties initiate any negotiations these would not fall within the scope of the terms of reference of the Commission, nor would it be within the competence of the Commission to interfere with the military arrangements of either Party.

The appointment and deliberations of the Commission shall not prejudice in any way the undertaking given by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone.

Should the undertakings given by the two Parties according to the resolution of September 30th not have been carried out by the time of the arrival of the Commission, the Commission shall as speedily as possible report to the

Council on the situation with such recommendations as it may think fit.
6. Between now and its next ordinary Session, which will be held on January 25th 1932, the Council invites its President to follow the question and to summon it afresh if necessary.

Paris, December 1st, 1931

戊號

PRELIMINARY DRAFT STATEMENT BY THE PRESIDENT

4/XII/31.

It will be observed that the resolution which is before you provides for action on two separate lines: (1) to put an end to the immediate threat to peace; (2) to facilitate the final solution of existing causes of dispute between the two countries.

The Council was glad to find during its present sittings that an enquiry into the circumstances which tend to disturb the relations between China and Japan, in itself desirable, would be acceptable to the Parties. The Council therefore welcomed the proposal to establish a Commission which was brought before it on November 21st. The final paragraph of the resolution provides for the appointment and functioning of such a Commission.

I shall now make certain comments on the resolution paragraph by paragraph.

Paragraph 1. This paragraph reaffirms the resolution unanimously adopted by the Council on September 30th, laying particular stress on the withdrawal of the Japanese troops within the railway zone on the conditions described therein. The Council is persuaded that the two Governments will set themselves to the speedy and complete fulfilment of the engagements which they assumed on September 30th.

Paragraph 2. It is an unfortunate fact that since the last meeting of the Council events have occurred which have seriously aggravated the situation, and have given rise to legitimate apprehension. It is indispensable and urgent to abstain from any initiative which may lead to further fighting, and from all other action likely to aggravate the situation.

There is, however, one point which requires elucidation. In the special conditions prevailing at present in Manchuria as a result of recent events the administrative machinery of government is seriously compromised. There are districts in which many bandits and lawless elements endanger the lives and property of the inhabitants, some of whom are Japanese subjects. In these circumstances, it is well understood that the Resolution is not intended to preclude the Japanese forces from taking such action as may be rendered necessary to provide directly for the protection of the lives and property of the Japanese subjects against the dangers of bandits and lawless elements. Such action is admittedly an exceptional measure, pending the restoration of normal conditions in Manchuria.

Paragraph 4. Under paragraph 4, the members of the Council other than the Parties are requested to continue to furnish the Council with information received from their representatives on the spot.

Such information having proved of high value in the past, the Powers who have the possibility of sending such representatives to various places in China are asked to do all that is possible to continue the present system.

Paragraph 5. Provides for the institution of a Commission of Enquiry. Subject to its purely advisory character, the terms of reference of the Commission are wide. (In principle no question affecting international relations which it feels called upon to study will be excluded);* each of two Governments will have the right to request the Commission to consider any question the examination of which it particularly desires. The Commission will have full discretion to determine the questions upon which it will report to the Council, and will have power to make interim reports when desirable.

It is specially provided that "should the two Parties initiate any negotiations, these would not fall within the scope of the terms of reference of the Commission, nor would it be within the competence of the Commission to interfere with the military arrangements of either Party". This latter provision does not limit in any way, its faculty of investigation. It is also clear that the Commission will enjoy full liberty of movement in order to obtain the information it may require for its reports.

* the alternative text: In principle no question which it feels called upon to study will be excluded provided that the question relates to any circumstances which affecting international relations, threatens to disturb peace between China and Japan, or the good understanding between them upon which peace depends.