

- (二) 加之獨逸ノ加入ハ他ノ敵國ノ加入ノ問題ヲ惹起スヘク
- (三) 且同會議準備委員會ハ聯合國及中立國ノミ會合ノ手筈ニテ此等諸國ヨリ材料ヲ蒐集シツツアルニ當リ今更獨逸ヲ加入セシムルハ徒ニ紛糾ノ因ヲ導クモノナレハナリ
- 然レトモ華盛頓會議ニハ直ニ獨逸ヲ加入セシムルヲ可トスヘク問題ハ加入條件如何ニ在リ別ニ異リタル規定ナキ限リ獨逸ヲ八大工業國ノ一トシテ支配部ニ其ノ地位ヲ與ヘサルヘカラサルヘシ
- 尙最高會議ニ於テ右ノ如キ加入ニ異議ナカラシカ華盛頓會議ノ採用スヘキ建議案及協約案ハ獨逸政府ニ送附スヘキモノナルヘシ

正 八 年 七 月 五 日 調

千九百十九年巴里講和會議ノ經過ニ關スル調書(其九)

(自五月十六日至同月三十一日)

外 務 省 政 務 局

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○千九百十九年巴里講和會議經過一覽（其ノ九）

月 日	會 議 ノ 性 質	議 事
五月十六日	五大臣會議	甲、洪牙利國境問題 乙、白耳義ノ土、洪兩國ニ對スル損害賠償要求 丙、波蘭政府ノ奧國ニ對シ新領土ニ關スル一切ノ物件引渡請求 丁、奧國講和委員中「ボヘミア」人任命ニ關スル「チエツク」政府ノ抗議否決 獨逸側ノ「ザール」問題ニ關スル抗議 獨逸側ノ基督教傳道問題ニ關スル抗議 千八百三十九年白耳義ニ關スル條約改正 波羅的地方獨逸軍撤退等ニ關スル決議 白耳義ニ關スル條約改正 獨逸側意見提出期間延長通告
五月十七日	對獨商議關係事項	○國際勞働法制ニ關スル獨逸側ノ再抗議 ○敵國內私有財産問題ニ關スル獨逸側ノ抗議 ○經濟條項ニ關スル獨逸側抗議ニ對スル聯合側ノ回答
五月十九日	對獨商議關係事項	○獨逸側提出ノ國際聯盟案ニ對スル聯合側ノ回答
五月二十日	五大臣會議	甲、波羅的近況ニ關スル英國陸軍將校ノ陳述聽取
五月二十一日	對獨商議關係事項	
五月二十二日	對獨商議關係事項	

波羅的委員會(第三次)

五月廿三日	五大臣會議	乙、本委員會ノ權限問題 丙、「エストニア」ノ將來ニ關スル英國委員ノ意見提出 甲、羅馬尼亞國境問題 乙、「チエツク、スローヴァツク」共和國問題 丙、波羅的諸州食糧供給問題 ○賠償並戰爭責任關係ニ關スル獨逸側ノ再抗辯 ○「ザール」問題ニ關スル獨逸側抗議ニ對シ聯合側ノ回答 露國問題討議
五月廿四日	對獨商議關係事項	甲、波蘭軍關係事項 乙、「白海航行商船」ノ件 丙、「チエツク」ノ對獨要求條項 丁、埃國ノ美術品等還附ニ關スル件 埃國委員ノ全權委任狀ノ審查 埃國全權談判開始ノ急速ナルヲ求ム 對埃講和條約經濟條項ノ決裁 俘虜歸還問題ニ關スル獨逸側ノ抗議ニ對シ聯合側ノ回答 支那全權山東省關係條項保留ノ下ニ調印スヘキコトヲ議長ニ通告ス
五月廿五日	首相會議	
五月廿六日	對獨商議關係事項	
五月廿六日	山東問題關係事項	

五月廿七日	對埃商議關係事項	波羅的委員會(第四次)
五月廿八日	對獨商議關係事項	
五月廿九日	對土商議關係事項	
五月廿九日	對獨商議關係事項	
五月卅一日	聯合與國第七回祕密總會議	
五月卅一日	聯合與國第八回祕密總會議	
五月卅一日	對埃商議關係事項	
五月卅一日	對獨商議關係事項	

不 明	對 獨 商 議 關 係 事 項	對 土 關 係 事 項	聯合側ノ回答 佛國外相ヨリ土耳其總理ノ申出ニ承諾ノ通告 基督敎傳導問題ニ關シ獨逸側ノ抗議ニ對スル聯 合側ノ回答
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對獨講和商議ノ經過 (其三)

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内 容

甲、獨逸側意見提出期限延長

講和條件ニ關シ獨逸側ヨリ尙數件ノ所見(Obseration)ヲ提出スル等ナリシカ五月七日同講和條件ノ交附ノ際聯合國側ヨリ附セラレタル十五日ノ回答期限ハ講和條件ノ内容ノ複雑ナルニ對シ短キニ過クルヲ以テ此右期限ヲ延長有リ度キ旨獨逸全權ヨリ申越アリタレハ聯合國側ハ「クレマンソー」ヨリ發セル二十一日附書面ヲ以テ此期限ヲ更ニ一週間延長シ二十九日木曜日迄トスル旨回答セリ

乙、對獨講和條約案ノ修正

(五月二十六日發電)

獨逸委員ニ交附濟ノ對獨講和條約ニ關シ一切聯合側諸國ノ希望ニ依リ左記ノ如ク辭句ノ修正ヲ施シ獨逸側ニ通告シタリ之

ハ正誤ニ屬スルモノ多キモ第八〇條(獨逸系埃太利)第一〇六條(ダンチツヒ)並第八編第一款附屬書式ノ第二(賠償)ノ修正ハ規定ノ實質ニモ互ルモノナリ

備考 前掲修正三條文ト舊條文トヲ對比スレハ次ノ如シ

GERMAN AUSTRIA.

ARTICLE 80.

(舊條文)

Germany acknowledges and will fully respect the independence of Austria, within the frontiers established by the present Treaty, as inalienable, except by consent of the Council of the League of Nations.

(新條文)

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal allied and associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.

ARTICLE 106.

(舊條文)

Within a period of two years from the coming into force of the present Treaty, German nationals over 18 years of age ordinarily resident in the territory described in Article 100 will have the right to opt for German nationality.

Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

All persons who exercise the right of option referred to above must during the ensuing twelve months transfer their place of residence to Germany.

These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

(新條文)

Within a period of two years from the coming into force of the present Treaty, German nationals over eighteen years of age and ordinarily resident in the territory described in Article 100 will be entitled for German nationality.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

All persons who exercise the above right to opt must within the succeeding twelve months, transfer their place of residence to the state for which they have opted.

These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

Part 8 Reparation, section 1. annex 2 ハ新舊條文共ニ長文ナルヲ以テ省略ス

丙、講和條約案ニ對スル獨逸ノ抗議並聯合側ノ回答

(承前、前調書第八頁以下參照)

聯合側ヨリ五月七日獨逸全權ニ交附シタル講和條件ニ關シ獨逸全權ハ同月二十九日所謂對案ヲ提出スル迄左記數項ノ抗議書ヲ送附シ來レリ之ニ對シ聯合側ハ隨時左記ノ回答ヲ發シタリ尤モ六月十六日迄ニ回答未済ノ分ハ同日提出ノ最終回答案

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其一、「ザール」問題ニ關スル抗議

(五月十六日)

附、右ニ對スル聯合側ノ回答

(五月二十四日)

(イ) 獨逸側ノ抗議

獨逸全權ハ更ニ五月十六日附書面ヲ以テ「ザール」問題ニ關シ左ノ通り抗議シ來レリ

「ザール」問題ハ經濟的見地ヨリ之ヲ解決スヘク之カ爲雙方ノ専門委員會間ニ口頭ヲ以テ談判ヲ開クヘキコト竝「ザール」條項附則第三十八條ニ規定セル佛獨協定ハ十五年ヲ待タスシテ今ニ於テ協定ヲ遂クルヲ至當トス」云云

尙添附書面ヲ以テ大要左ノ如キ提議ヲナシタリ

『講和條約「ザール」條項ハ佛國ノ經濟的利益ヲ満足セシムルニ在リ而シテ佛國及其ノ同盟國ニ石炭ヲ供給スルニ當リテハ第八編附則第五ノ規定ト離レテ之ヲ論スルヲ得ス吾人ハ佛國及白耳義ノ利益ヲ満足セシムル爲左ノ條件ヲ提出セムトス

一、右兩國ノ要スル石炭ノ種類及數量如何佛國ノ各地方ニ於テ要スル其ノ數量如何竝之ニ對スル獨逸ノ供給力及輸送方法ヲ講究スルコト

二、戰爭ニ依リ破壊セラレタル佛國石炭企業ノ代償トシテ之ニ前記佛國ニ石炭ヲ供給スヘキ獨逸企業ノ株式ヲ分與スルコト

三、「ザール」地方占領ハ條約履行ノ擔保タルヘキモノナルモ之ハ政治上ノ危險ヲ伴フノミナラス獨逸ノ經濟生活ヲ壓迫

シ其ノ生産力ヲ減殺スヘシ依テ之ニ代フルニ經濟的補償ヲ以テシ前記佛國株主カ獨逸企業ノ經營ニ參與スルコト並獨逸石炭產額中國内ノ需要ヲ充タシタル剩餘ニ關シテハ特別規定ヲ設ケ此剩餘カ規定數量ニ充タサル時ハ佛白獨ニ於ケル石炭消費ヲ制限スルコト之ニ關シ佛白獨委員會ヲ設クルコト

前記ノ處置ヲ採ルニ際シテハ伊國ノ利益ヲ考慮スルコト

(ロ) 聯合側ノ回答

前記抗辯及五月十三日附歐洲内政治條項ニ關スル抗議ニ對シ聯合國五大國委員ヨリ成ル獨逸領土問題委員會ハ左記回答案及前調書第二四頁記載ノ回答案ヲ作成シタルカ之ヲ一通ニ纏メ「ザール」ニ關スル條項附則第三十六條ニ對スル總テノ誤解ヲ除ク爲同條末項ヲ左記ノ通り修正スルコトヲ提議スル旨ヲ附加シ五月二十四日附ヲ以テ獨逸ニ對シ回答ヲ發セリ

「獨逸委員ハ「ザール」炭坑ヲ佛國ニ移轉スル條項ハ北佛炭坑ノ代償及一般賠償ノ一部ヲ構成スルモノナルヲ認ムルモ其ノ提出シタル對案ハ此條項ノ精神ヲ沒却シ賠償ニ關スル條約案第八編附則第五ニ規定セル石炭供給選擇權ニ類似セル解決ヲ求ムトスルモ兩者ハ全然別個ノモノナルノミナラス(?)之カ採掘ノ自由ヲ與フル外佛國ヲ満足セシムヘキ充分ナル補償ヲ見出シ難シ獨逸石炭企業株式(?)讓渡ノ如キハ其ノ實行疑ハシキノミナラス佛獨ノ利害混亂ヲ來スヘク目下之ヲ考量シ難ク聯合國ハ「ザール」炭坑ヲ佛國ニ讓渡シ之カ價格ヲ獨逸ノ支拂フヘキ賠償額ヨリ控除スルヲ以テ最敏速且實際的ノ解決方法ト認ム

而シテ第四十九條ハ(不明)住民ノ權利ト幸福トヲ保護シ並佛國ノ炭坑採掘ノ自由ヲ保障スルモノニシテ條約履行ノ擔保トハ全然性質ヲ異ニスルモノナリ

附則第三十八條佛獨任意協定ニ關スル規定ハ十五年後人民衆意(?)カ「ザール」ノ一部又ハ全部カ獨逸ニ歸屬スヘキコトヲ決定シタ(脱)ト認ムルヲ得ス最後ニ「ザール」ニ關スル規定ハ北佛炭坑ノ破壞ノ特ニ甚タシキモノアルニ顧ミ獨逸ヲシ

テ或數量ノ石炭ヲ供給セシムルノ外特別ノ性質ヲ有スル賠償ノ方法ヲ規定シタルモノナリ

「ザール」ニ關スル條項附則第三十六條末項修正案 「賠償委員會ハ前記獨逸ノ債務ヲ考量ニ置クヘク獨逸ハ同委員ノ同意スル細目ノ規定ニ從ヒ其ノ財產及收入ニ右債務ノ仕拂ニ充當スル爲抵當ヲ設置スルヲ得ヘシ然レトモ若獨逸カ一箇年内ニ債務ヲ履行セサルトキハ賠償委員會ハ國際聯盟ノ訓令ニ基キ仕拂ノ途ヲ講スヘク之カ爲必要ノ場合ニハ問題トナル炭坑ノ部分ヲ清算スルヲ得」

是ノ英譯文左ノ如シ

Obligation of Germany to make such payment shall be taken into account by the Reparation Commission and for the purpose of this payment Germany may create a Prussian charge or revenue upon such detailed terms as shall be agreed by the Reparation Commission. If, nevertheless, Germany, after a period of one year from the date on which payment becomes due shall not have effected the said payment, Reparation Commission shall do so in accordance with such instructions as may be given by the League of Nations, and, if necessary, by liquidating that portion of the mines which is in question.

其二、基督教傳道問題ニ關スル抗議及聯合側ノ回答

(五月十七日)

附、之ニ對スル聯合側ノ回答案

(イ) 獨逸側ノ抗議

講和條約案第四百三十八條基督教傳道問題ニ關シ獨逸全權ハ聯合國ニ對シ五月十七日附ヲ以テ抗辯書ヲ提出セリ要領左ノ如シ

二百餘年來新舊兩派ニ對シテ、逸宜教師ハ世界至ル處宗教上道德上經濟上其ノ住民ノ發展ニ貢獻シ來レリ而シテ其ノ事業ハ教育の方面ニ限ラレタルヲ以テ、曾ニ其大ノ成功ヲ收メタルノミナラス、當該地方政府ノ信用ト住民ノ感謝トヲ博セリ然ルニ若條約案第四百三十八條ノ實施ヲ見ルニ至ラムカ、獨逸宣教師ハ其ノ正當ニ取得セル財産上ノ權利ヲ奪ハレ、閣領印度ヲ除ク外總テ其ノ活動區域ヨリ驅逐セララルニ至ルノミナラス、更ニ尙憂フヘキハ各種族ニ屬スル百五十萬餘ノ受洗者及學生ハ其ノ精神の指導者ヲ失ヒ、頽敗ニ沈淪スルノ危險アリ而シテ他國宗教團體ニ屬スルモノヲ以テ右ノ缺陷ヲ補ハムト欲スルモ、曾ニ其ノ數足ラサルノミナラス、多年獻身のニ努力セル獨逸宣教師ノ如ク土地ノ事情ニ通セス又ハ住民ノ信用ヲ有セサルヘシ

世界戰爭ノ最後ノ措置トシテ獨逸宣教師ノ除斥ヲ行フハ特ニ嫌惡スヘキ現象ト云フヘク世界傳道事業上危險ナル此際該事業ハ其ノ必要ナル補助機關ヲ失ヒ基督敎ハ其ノ高遠ナル事業ノ達成ヲ妨害セラレ各國民ノ向上發展ハ壓迫ヲ被ルニ至ルヘシ今第四百三十八條ノ規定ト傳道事業ノ保護ト自由トヲ保障セル混合條約ノ規定トヲ對比スルニ同條文ノ爲傳道事業ノ超國家的性質ハ政治的理由ノ下ニ毀損セラレ同事業ノ法律的地位並活動上ノ信用ハ如何ニ失墜セララルヘキヤハ極メテ明白ナルモノアリ斯クノ如クニシテ進マンカ曾ニ獨逸宣教師ノミナラス基督敎傳道事業ハ一般ニ其ノ本質ニ反シテ政治的勢力ニ支配セララルニ至ルヘシ

然ルニ一方聯合國ノ傳道事業ハ實ニ模範的成績ヲ舉ケタリ故ニ獨逸全權ハ聯合國政府ニ於テ此第四百三十八條ノ恐ルヘキ影響ニ氣付キ居ルモノト信スル事能ハス何レニセヨ此條項ニ同意スヘシトノ要求ハ獨逸政府ノ威信ト相容レサルモノニシテ之ニ同意スルハ獨逸國民ノ委囑ニ背キテ自由主義ノ原則ヲ維持セサルコトナルノミナラス各基督敎國民ノ神聖ナル確信(?)ヲ害フコト其大ナルモノアルヘシ

講和條約案中ニハ各國民ノ和衷ヲ進ムルヨリハ寧ロ之ヲ妨害スト認メラルヘキ幾多ノ條項ヲ包含ス第四百三十八條ハ其ノ一ニシテ其ノ悉ムヘキ影響ハ將來永キニ互ルモノアルヘシ此結果ヲ避ケムカ爲獨逸全權ハ專門家ヨリ成ル混合委員ヲ

任命シ世界戰爭ノ基督敎傳道事業ニ對スル影響問題ハ如何ニシテ最適當ニ解決シ得ヘキ(脫)メムコトヲ勸奨ス
(ロ) 聯合側ノ回答案

右ニ對シ聯合國側ノ獨逸海外領土問題委員會ハ右回答案ノ要領ヲ簡單ニ獨逸海外領土問題全體ニ對スル回答中ニ包含セシムルコトニ決定シタリ其ノ要領左ノ如シ

五月十七日附獨逸抗辯書ニ依ルニ條約案第四百三十一條ヲ(不明)殖民地以外世界(脫)獨逸宣教師ヲ驅逐スルノ效果ヲ有スルモノトナシ其ノ傳道事業力特ニ教育の方面ニ限ラレタルノ故ヲ以テ此等宣教師ヲ他ノ獨逸人ト區別シ特別待遇ヲ與フヘシト要求スルモノノ如シ

然レトモ聯合國政府ハ右ノ抗辯ヲ認容スルコト能ハス蓋シ現戰爭中ノ經驗ニ徴スルニ獨逸傳道團體及其ノ所屬員ハ其ノ活動ヲ當該地方住民ノ宗教上道德上並經濟上ノ發展ニ限ラザリシノミナラス屬聯合國政府ニ對スル政治的陰謀並「プロバガンダ」ヲ行ヘリ故ニ聯合國政府ニ於テ其ノ領域及本條約ニ依リ其ノ配下ニ歸スヘキ地域ニ於ケル公安ヲ保持シ併セテ右陰謀並「プロバガンダ」ノ再來ヲ豫防セムカ爲ニ適當ノ措置ニ出ツルハ至當ニシテ五聯合國政府カ右領域及配下ノ地域在住ノ獨逸宣教師ニ歸國ヲ命スルノ權並將來此等宣教師又ハ他ノ獨逸傳道團體所屬員ノ入來ヲ拒絕スルノ權ヲ主張スル所以ナリ

然レトモ聯合國政府ハ右措置ニ依リ當該地方住民ノ被ルヘキ道德上宗教上ノ不便損失ヲ除カムカ爲戰爭中既ニ舊獨逸傳道事業ノ管理經營ヲ成ルヘク之ト同宗派若ハ類似セル他ノ傳道團體ニ委スルノ準備ヲ整ヘタルノミナラス將來モ亦此ノ計畫ナリ聯合國政府ハ獨逸傳道事業所屬財產ヲ其ノ本來ノ目的ニ供スルノ必要ヲ認ムルト共ニ元來傳道事業力住民ノ利益ヲ計ルニ存シ傳道團體ノ爲ニスルモノニアラサルコトニ留意シ條約案中右財產ヲシテ引續キ傳道向上ノ目的ニ供セシメムカ爲特別規定ヲ設クルニ決セリ即チ第四百三十八條ノ規定ハ獨逸全權ノ主張スル如ク自由ニ反シ且沒收の性質ヲ有スルモノニアラスシテ獨逸傳道事業所屬財產ハ他ノ一般獨逸私有財產ト異ナル待遇ヲ受クルノ點ニ於テ獨逸傳道事業ニ一

ノ特典「ウンチン」(?)ヲ與フルモノナリ
以上ノ事實ニ鑑ミ聯合國政府ハ獨逸抗辯書末節ニ提議セラレタルカ如ク専門家ノ混合委員會ヲ設クルノ必要ナキモノト
思考ス

其二、俘虜歸還問題ニ關スル獨逸側ノ抗議ニ對スル聯合側ノ回答(五月二十日) 及獨逸側ノ再抗議

(五月二十八日)

(イ) 聯合側ノ回答

聯合諸國代表者ハ五月十五日附俘虜歸還ノ條項ニ對スル獨逸講和委員ノ抗議書(前調書第二八頁參照)ヲ査閲シ五月二十日附ヲ以テ左ノ通り回答セリ

先ツ俘虜及抑留人民中ノ重輕罪犯人ニ關シテハ聯合諸國代表者ハ之カ解放ニ同意スルコトヲ得ス蓋シ此等重輕罪ハ聯合國領土内ニテ行ハレ適法ニ構成セラレタル官憲ニ於テ其ノ犯人ノ獨逸人タルト否トニ關係ナク其ノ處罰ヲ決定セルモノニシテ例ヘハ獨逸人俘虜某カ其ノ就業地ノ農家ニ夜間侵入シ鐵ヲ以テ農民夫妻ヲ殺害セルニ對シ管轄軍法會議ハ一九一八年六月十(不明)日死刑(?)ヲ宣告シタルモ其ノ刑ノ執行(?)ハ「ベルン」條約ニ基キ講和條約調印迄猶豫シアリ講和條約當然ノ結果トシテ此種犯人カ刑ノ免除ヲ受クヘキ理ナシ即チ聯合諸國ハ其ノ講和條約案中ノ重罪若ハ輕罪ノ犯人タル俘虜等ニ關スル規定ノ改訂ニ同意セス

第二ニ獨逸ハ講和條約調印後解放迄ノ期間ニ於ケル俘虜及拘留人民ノ取扱緩和方ヲ提唱セルモ之ニ關シ何等具體的提案ヲ示サス聯合諸國ハ從來是等俘虜ノ取扱上戰爭法規ヲ遵奉シ人道ノ要求ヲ満足スル様細心努力スル所アリ更ニ如何ナル緩和改善ヲ加フヘキモノアルヤヲ知ラス加之第二一八條末項ノ規定ニ從ヒ俘虜及拘留人民カ其ノ解放ニ何等ノ法律及監

督ニ服スルコトハ一般公益上緊要ノコトニ屬ス但シ聯合諸國カ條約調印後解放迄ノ期間ニ於テ俘虜ノ取扱上其ノ精神の及物質的要求ヲ充分斟酌スルノ所存ナルコトヲ言明ス

俘虜カ其ノ私有財産ノ返還ヲ受クルハ彼等ノ有スル法律上ノ權利ニシテ聯合諸國亦之ヲ切望ス
失綜者ニ付テハ聯合諸國ハ從來其ノ有セル總テノ報道ヲ獨逸政府ニ供給スルニ努メタリ講和調印後ト雖之ヲ繼續スルコト勿論ナリ

墳墓ノ管理ニ關シテハ聯合諸國ハ第二二五條及第二二六條ヲ以テ獨逸人民ニ對シ其ノ同胞ノ墳墓カ尊敬保持セラルルコトヲ保障スルニ足ルト思惟スルコト竝第二二五條ノ規定ノ許ス限リ陸海軍兵員ノ遺骸ハ其ノ本國ニ送還セラレ得ヘキモノナルコトヲ指摘セムトス

完全ナル相互主義ニ關スル獨逸側要求ニ付テハ聯合諸國代表者ハ戰爭中獨逸國內ニ抑留セラレタル聯合側人民ノ受ケタル取扱ニ鑑ミ第二二二條ノ規定ヲ設ケサルヲ得サリシ次第ニシテ獨逸政府ノ俘虜取扱振カ聯合諸國ノ取扱振ト非常ノ相違アリシヲ以テ今更此ノ點ニ關シ相互主義ト云フカ如キハ到底問題トナラス

第三ニ聯合諸國代表者ハ講和締結後出來得ル限リ獨逸俘虜及抑留人民(不明)待遇方盡力スヘキモ自國軍隊用被服スラ不充分ニシテ獨逸俘虜ニ供與ノ材料無キヲ憾トス終リニ俘虜ノ解放ヲ管掌スヘキ委員ノ指名ニ付テハ聯合諸國代表者ハ講和條約調印後喜ムテ之ヲ行フヘキモ獨逸全權カ果シテ右調印ノ意思ナルヤ否ヤ不明ナル限リハ遺憾ナカラ之ニ應スルコト能ハス

(ロ) 獨逸國ノ再抗議 (五月二十八日)

獨逸全權ハ更ニ再抗議トシテ五月二十八日附要領左ノ通りノ書翰ヲ提出セリ

俘虜及軍人以外ノ抑留者ニ關スル貴(?)信ニ對シ獨逸委員ハ左ノ意見ヲ陳述スルヲ義務ト信ス

一、俘虜及軍人ニ非サル抑留者ニ關スル規定ヲ變更シ直ニ其ノ待遇ヲ改善スルコトヲ拒絶セラレタルハ深ク遺憾トスル

所ナリ、本件ニ關シ詳細ノ提議ヲ爲サリシハ十日附拙信中直ニ其ノ取扱改良ノ審查委員會ヲ設ケンコトヲ提議シタル爲ナリ不幸ニシテ此ノ委員會ハ貴方ニ拒絕セラレタルモ然ラザランニハ俘虜及抑留者ト其ノ家族トノ郵便通信ヲ改良シ得タルヘシ斯クノ如キハ彼等ノ不幸ナル狀態ニ於ケル唯一ノ慰安ナリ然ルニ歐羅巴ニ於ケル獨逸ノ俘虜及抑留者ノ郵便物ハ數週日遲著スルノミナラス拔取ラレ又ハ紛失セル場合少カラス加之同盟聯合國ニアル獨逸ノ俘虜抑留者ハ休戰後一切本國トノ通信ヲ禁セラレタルモノ枚舉ニ遑アラス右ノ外該委員會ハ給料ノ増加寢食ノ改善運動ノ自由(不明)休息ノ確保ノ如キ一切ノ事項ニ關シ俘虜抑留者ノ狀態改善ノ良法ヲ研究シ彼等ノ銷沈セル心理狀態ヲ救済スルヲ以テ其ノ本務ト爲スヲ得タリシナラン

二、普通法ノ犯罪者タル俘虜抑留者ノ解放ヲ拒絕セラレタルモ獨逸ハ何等ノ差別ヲ爲サス同盟聯合國ノ俘虜抑留者ヲ悉ク解放スルコトニ同意シタレハ同盟聯合國ニ於テモ獨逸人民ニ對シ同様ノ取扱アルヘキヲ主張スルノ理由ヲ有ス獨逸ハ同盟聯合國人ニシテ獨逸在留中普通法ニ依ル重罪輕罪ノ宣告ヲ受ケタルモノ數百名ヲ解放セリ其ノ中某一國ハ殺人犯七名風俗ニ關スル犯罪者特ニ未成年者ヲ強姦侮辱セルモノ百五十五人ヲ有ス而テ最モ重大ナル犯罪者中ノ一人ハ佛國步兵第三十五聯隊ノ一兵ニシテ悍猛ニモ斧ヲ以テ老婆ヲ慘殺セリ

獨逸委員ハ之等ノ事實ヲ引用スルハ特ニ一國民ニ對シ非難ヲ企テントスルニ非ス否一個人カ罪惡ヲ爲シタル爲全國民ニ其ノ責任ヲ歸スルハ不條理トス故ニ二十日附貴信中記載ノ一各卒カ二人ヲ慘殺シタルコトアルヲ以テ獨逸力何等ノ救(不明)ヲ同盟聯合國ノ捕虜抑留者ニ與ヘサル理由トスルヲ許サス獨逸政府ハ佛國政府ノ選附セル犯罪人表ニ依リ獨逸捕虜カ數年ノ極刑ニ處セラレアルヲ知リタルカ故ニ此ノ點ニ付主張スルモノナリ況ヤ其ノ多クハ命令違反ノ爲數年ノ刑ニ處セラレアリテ各個ノ場合ヲ檢スルニ多クハ勝利者ト雖平和締結後尙抑留シ得ル犯罪ニアラサルニ於テオヤ

同盟聯合國ハ二十日附ノ書面中兩交戰國ノ捕虜取扱ニハ多大ノ差違アリト聲明セリ然レトモ獨逸政府ハ此ノ點ニ付世

界ノ裁判ヲ恐レサルモノニシテ各交戰國ノ捕虜抑留者取扱振ノ問題ヲ中立公正ノ委員會ニ審判セシムルヲ辭セサルノミナラス寧ロ斯カル公平ノ裁判所ヲ設ケ充分ノ材料ヲ供給シ獨逸ノ捕虜カ敵國殊ニ(不明)阿弗利加ノ數地方、歐洲ニ於ケル幾多ノ野營牢獄、病院及作戰地帯ニ於テ既ニ受ケ將來尙受ケンツスル非人道ノ待遇ノ幾多ノ例證ヲ審查セシムルハ切望シテ止マサル處ナリ

獨逸委員ハ米國赤十字宛二月十五日附ノ書面ニ付同盟聯合國ノ注意ヲ喚起ス該書面ハ佛國ノ女工カ佛國兵士ノ母タリ妻タル關係上「セースアンフエリアル」縣ニ於ケル獨逸捕虜虐待ニ對シ控告スルモノナリ斯カル悲劇ハ二十日附同盟聯合國ノ書面中ニ註サレタル聲明ヲ當然ト認ムル能ハサラシムルモノナリ

其四、經濟條項ニ關スル抗議ニ對スル聯合國ノ回答

(五月二十二日)

五十三日附ヲ以テ經濟條項ニ關シ爲サレタル獨逸抗議書(前調書第二六頁ヲ見ヨ)ニ對スル二十二日附聯合國側辯駁書左ノ如シ

- 一 聯合國ハ獨逸國民經濟委員會ノ報告ナルモノヲ精査セシカ同報告所載ノ事實ハ甚タ不充分ニシテ間間甚タシキ誇張ノ嫌アルノミナラス現戰爭ノ原因結果ニ基キ而カモ本講和條件ノ正當ヲ證明スヘキ根本原則ヲ忘却セルノ感アリ
- 二 獨逸抗辯書ニ依レハ戰前獨逸内ノ物資ハ六千七百萬人ノ人口ヲ養フニ足ラザリシニ今後更ニ減少セル物資ヲ以テ右六千七百萬人ヲ養ハサルヘカラサルカ如ク主張スルモ其ノ實獨逸ハ併合地ノ返還ニ依リ約六百萬人ノ人口ヲ喪フノ理ナリ
- 三 獨逸ハ聯合國ニ於テ現在若ハ新造ノ商船並一定年間船舶建造優先權ノ讓渡ヲ要求スルノ非ヲ鳴ラヌモ同時ニ聯合國ニ於テ獨逸小船舶ノ大部分ニ對シテ觸レサルノ事實ヲ擧ケス且其ノ大船舶ニ依ル犧牲カ戰爭前後ノ二年間獨逸カ非道ナル無制限潛水艇戰爭ヲ行ヒタルニ對スル必然ノ懲罰ニ基クモノナルコトヲ失念セルニ似タリ聯合國ニ於テ要求スル四百

萬噸ハ擊沈船舶千二百七十五萬噸ノ僅ニ三分ノ一ニ過キス自己 罪業ニ基ク世界船舶ノ不足ニ對シ右ノ犠牲ヲ拂フハ事ノ當然ナリ

四 獨逸ハ東方穀類及馬鈴薯特產地ヲ喪失スルノ不當ヲ高唱ス、モ講和條件中該地方ニ於ケル農作ノ繼續者ハ其ノ作物ノ獨逸ニ對スル輸入ニ付何等ノ禁止規定ナキノ事實ヲ擧ケス然レトモ案文中二年間右東部地方ノ農作物ノ對獨逸輸入ヲ許シ居ルノミナラス該地方カ白、佛、露、塞、波蘭ノ農業地方 如ク獨逸ノ蹂躪セル所トナラス其ノ生産力ニ於テ何等減耗スル所ナカリシハ獨逸ノ幸ニシテ該地方ノ產物カ獨逸ニ輸入セラレサルノ理由ナカルヘシ

五 獨逸ハ磷酸鹽ノ輸入ニ關スル制限ニ不平ナルモ同國ハ曾テ之ヲ生産 ノルコトナク常ニ輸入ニ依リシモノナリ且講和條件中何等將來獨逸ニ對スル磷酸鹽ノ輸入ヲ妨害スルノ規定無キノミナラス他ノ磷酸鹽ヲ生産セサル諸國モ同様之ヲ輸入スルノ要アルヘク其ノ境遇ノ差異タルヤ要スルニ貧富ノ差異ニ歸スルノミ

六 獨逸ハ其ノ石炭產額ノ殆ト三分ノ二ヲ失フヘキコトヲ訴フルモ戰前獨逸石炭消費額ノ四分ノ一ハ今ヤ割讓セラレムトスル地方ニ於ケルモノナリシノ事實ヲ擧ケサルノミナラス戰前獨逸特ニ今割讓ノ目的トナリ居ラサル地方ニ於ケル褐炭ノ產額ハ年年増加シ八千萬噸ニ達セシ事實ヲ擧ケス右ノ割讓地方ニ於ケル石炭產額カ戰前激増セシ事實ヲ擧ケサルカ將來右増加ノ形勢繼續セサルノ理由ナシ

七 加之獨逸ノ不當ナル破壞行為ニ依リ北佛ノ戰場ハ全然荒廢ニ歸シ之カ回復ニハ數年ヲ要スヘク其ノ結果西歐ニ於ケル石炭ノ缺乏ハ永年ニ亘リ極メテ重大ナルモノアルヘキカ被害者タル協商側ニ於テノミ此ノ缺乏ニ苦ミ加害者タル獨逸ニ於テハ之カ救済ニ全力ヲ盡ササルノ理由ナカルヘシ

八 獨逸ハ將來鐵礦及錫ヲ輸入スルノ困難ニ陷ルヘキコトヲ唱フルモ斯ノ如キハ他ノ諸國ニ於テハ何ノ不平ヲモ聞カサル所ナルノミナラス元來或種產物ノ相當分量ヲ確保セムカ爲ニ同生産地ニ政權ヲ行使スルノ必要アリト信スルハ歷史上經濟上何等ノ根據ナキ根本的誤謬ナルヘシ

九 聯合國ハ獨逸一般工業ノ將來ニ關スル獨逸側ノ想像的誇張說ヲ容認スルコト能ハス獨逸ハ戰爭ニ基ク經濟的ノ災害カ殆ト世界的ニシテ之ニ苦マサル國ナキコトヲ考慮セス而シテ戰爭ノ責任者タル獨逸カ同様ノ苦痛ヲ受ケサルノ理アラム

十 獨逸人口ノ將來ニ關スル主張モ亦聯合國ノ首肯シ能ハサル所ナリ獨逸ハ一方國外移住ノ必要ヲ説クト共ニ之ヲ許スノ國少カルヘキヲ唱ヘ同時ニ然ラスタニ生活困難ナル獨逸本國ハ獨逸人ヲ以テ充滿スヘキヲ説クモ斯カル想像論ハ聯合國ノ重キヲ置ク能ハサル所ナリ

十一 最後ニ獨逸抗辯書ハ輕卒ニモ戰死及負傷者ノ犠牲者ニ加フルニ講和條件ノ爲當然獨逸内數百萬人ノ死亡者ヲ出スヘキ旨ヲ認定シタルモ獨逸ノ攻撃ヲ受ケタル聯合側ノ戰死者ハ遙カニ獨逸ニ勝リ一方封鎖犠牲者ノ計算ニ至リテハ全然假設ニシテ將來ノ死亡ニ對スル評價モ亦全然誤謬ノ根底ニ基ク而シテ將來其ノ需要物資ヲ自ラ生産スル代リ其ノ隣國トノ通商ニ依リ之ヲ受クヘキカ爲國民ハ永久立ツ能ハサルノ致命傷ヲ受クヘシト訴フルカ如キハ何等ノ理由ナキコトニシテ一國ハ其ノ主要工業原料ヲ生産セストモ大工業國タルヘク英國ノ如キハ其ノ適例ニシテ獨逸ハ今後新時代(?)ニ於テ歐洲ニ繁榮シ得サルコトナカルヘシ殊ニ其ノ領土ハ他ノ歐洲交戰國ニ於ケルカ如ク掠奪若ハ荒廢ヲ蒙ラス其ノ資源ハ輸入ト相俟テ獨逸ノ回復發展ヲ計ルニ足ルモノアルヘシ

十二 尙獨逸抗辯書ハ將來其ノ強制軍備縮少ニ基ク國力回復上ノ大便宜ヲ(脱)セス即チ直接間接軍備ニ使用セラレタル幾十萬ノ獨逸人ハ將來平和の事業乃至工業ノ生産ヲ進ムルニ貢獻スルヲ得ヘシ獨逸國民ノ満足之ニ如クモノアラムヤ

十三 然レトモ獨逸國力回復上ノ第一要件ハ同國自ラ大部分其ノ責任ヲ取り(?)現世界慘狀ヲ認識スルニアルヘシ望洋ナル全世界ノ(脱)中獨逸ノ分擔スヘキ部分ハ一聯合國ニ於テ獨逸ノ國力ヲ標準トシテ定メタルモノニシテ何等其ノ行爲ノ善惡ヲ標準トシタルモノニアラス歐洲各國民ハ既ニ多大ノ損害ヲ蒙リ且向後永ク其ノ國力ニ餘ル大負擔ニ任スヘシ而モ皆是レ(脱)スルモノナリ獨逸ニ於テ全力ヲ盡シテ右損害負擔ノ賠償ニ任スルハ當然ニシテ獨逸ノ苦境ハ講和條件ノ罪

ニアラス戦争ノ主動者ハ其ノ當然ノ結果ヲ免ルヲ得サルヘシ

其五、國際勞働法制ニ關スル獨逸側ノ再抗議

(五月二十二日)

附、右ニ對スル聯合側回答

(五月三十一日)

(イ) 國際勞働法制ニ關スル五月十日附獨逸側抗議ニ對シ聯合側ヨリ五月十四日附回答アリタルコトハ前調書第二二頁所載ノ如クナルカ該聯合側回答書ニ對スル二十二日附獨逸側再應抗辯書左ノ如シ

獨逸全權ハ聯合國政府カ國內平和ト人類ノ進歩トカ勞働問題ノ解決ニ職由スルコトヲ信スルノ點ニ於テ獨逸國民政府ト一致セルヲ認ムルモ本問題ノ解決方法ニ關シ聯合國政府ト其ノ見解ヲ異ニス

抑々獨逸全權カ十日附書翰ヲ送ルヤ勞働法制並勞働保護ノ問題ニ於テハ勞働者自身ノ力最後ノ決定ヲナスヘキモノトノ獨逸國民政府ノ見地ヲ根本要件トシ講和談判中各國勞働者代表者ニ右決定ノ機會ヲ與ヘ而シテ聯合國側講和條約案ト獨逸政府案ト「ベルン」國際勞働會議ノ決議トヲ一致セシムル考ナリシカ聯合國政府ハ此ノ目的ノ爲「ベルサイユ」ニ勞働者會議ヲ催サントスル獨逸提案ヲ不必要ト認メタリ然ルニ十四日附聯合國回答書中ニ豫見セル華盛頓國際勞働會議ハ勞働組織ニ關スル聯合側條約案ヲ基礎トスルモノニシテ獨逸政府ノ希望スルカ如キ勞働會議ニ代ハルニ足ラス蓋シ該案ハ二個ノ重要ナル點ニ於テ「ベルン」會議ノ要求ヲ考慮セス即チ

(一) 勞働者ノ代表問題ニ關シ「ベルン」會議提案ニ依レハ勞働會議ニ於ケル投票者ノ半ハ各國勞働組合代表者ヨリ成ラナルヘカラストシ獨逸全權ハ此ノ提案ヲ支持スルモノナルカ聯合國案ニ依レハ勞働者ニ與フルニ僅ニ四分ノ一ノ投票權ヲ以テス蓋シ同案ニ依レハ各國ハ政府代表者二名雇主代表者一名ノ外勞働者代表者トシテ僅ニ一名ヲ認メ居ルニ過

ス且各國政府ハ條約案第三百九十條ニ依リ雇主代表者ヲ任命セサルコトニ依リ勞働者ノ投票權ヲ除外シ政府官僚ヲ以テ勞働問題ニ於ケル決定の要素トナスノ自由ヲ有ス斯ノ如キハ從來各國勞働團體ニ於テ擁護シ來レル民主主義ノ根本原則ニ反シ勞働者社會ニ對シ彼等カ依然トシテ私有資本(?)偏重の立法ノ目的物タルカ如キ印象ヲ深カラシムルニ至ルヘシ

(二) 會議決議ノ效力ニ關シ「ベルン」會議ノ決議ニ依レハ國際勞働會ハ會ニ國內法ノ無キ條約ヲ議定スヘキノミナラス採用ノ瞬間ヨリ國內法ト同一ノ效力ヲ有スヘキ國ノ法律ヲモ議定スヘキ事トナリ獨逸政府案ハ右決議ニ賛成シスル法律ヲ採用スルニハ各代表五分ノ四ノ同意ヲ要スル旨ヲ定メ居レルニ聯合國案ニ意見セル會議ニ於テハ何等斯ル決議ニ出スル能ハス只關係國政府ニ於テ何等拘束力無キ建議案若ハ草案ヲ決議シ得ヘキノミナルカ是スラ猶三分ノ二ノ投票ヲ必要トス如斯講和條約案ト「ベルン」會議案トハ著シキ相違アルヲ以テ講和談判ニ際シ勞働者團體ニ於テ討論決定スルコトハ絕對ニ必要ナリ是「ベルン」會議ノ希望タル勞働者ノ最少限度ノ要求ニ關スル決議ヲ以テ講和締結ト共ニ國際法律カラシメントスルノ議ニ投合スル所以ニシテ又同時ニ世界平和ノ最重要ナル基礎ヲ作ルモノト云フヘシ蓋シ勞働團體ノ同意ヲ經サル政府限リノ條約ハ世界ニ終局的の平和ヲ齎スヲ得ヘカヲラレハナリ聯合國政府回答ニハ何等右ノ點ニ關シ考慮ノ餘地ヲ與ヘサルノミナラス條約案ニ於テハ右「ベルン」會議ノ決議ハ何等考慮セラレ居ラス隨テ社會的の構成ノ爲獨逸政府ノ憂慮スル處(不明)セラレ居ラサルナリ聯合國ノ回答ニ依レハ勞働團體條約案文草定ノ際聯合國勞働者代表者モ參加セリトノ事ナルモ之等代表者 其ノ干與セル「ベルン」會議ノ決議以後何等意見ヲ改メ若ハ該決議ヲ拋棄シタル旨ヲ表明シタル事ナシ茲ニ於テ獨逸全權ハ再ヒ講和談判中各國勞働組合代表者ノ會議ヲ催サンコトヲ提議ス若シ此ノ提議ニシテ退ケラレンカ尠クトモ各國勞働組合領袖ノ意見ヲ徵スル事必要ナリ蓋シ勞働者團體ノ講和條規ニ就テハ一般勞働者組合ノ同意ヲ得ン事望マシキ次第ナリ

(ロ) 聯合側ノ再回答

前記獨逸側ノ再抗辯ニ對スル五月三十一日附聯合國回答左ノ如シ

第一 獨逸全權ハ獨逸民主政府ノ主義トシテ労働法ノ問題ニ於ケル最終ノ決定ハ労働者ニ屬スヘシト謂フモ聯合國側ノ民主國ニ在リテハ既ニ久シキ以前ヨリ民主的諸制度ノ經驗ヲ有スルモノニシテ右様法律ノ制定ニ當リ労働者ト協力スルハ其ノ義務ナリト思考スルモ該法律ハ全社會ノ代表者ノ同意ヲ經サルヘカラス

第二 聯合國政府ハ二十二日附獨逸抗辯書ニ所謂政府ノ所見及利益カ必然労働者ノ夫ト相容レストノ見解ヲ以テ根本的誤解トス今ヤ純民主主義政府中ノ或モノニ在リテハ其ノ閣員中ニ労働者ニ公認セラレタル代表者ヲ有ス從テ右所謂政府ト労働者トノ利害相容レスト謂フカ如キハ有名無實ノ民主政府ノ場合ニ非ル限り之ヲ認メ得ヘクモ非ス

第三 聯合國政府ハ獨逸抗辯書中獨逸ノ主義トスル所ヲ如何ニシテ確定的ニ條約中ニ表ハシ得ヘキカニ付標準トスルニ足ル點無キヲ認ム條約中ノ労働組織案ハ労働者代表者ノ考量ヲ經タルモノニシテ將來該労働組織ニ加入スルモノヨリ提案アラハ實行のニ之ヲ取扱ヒ得ヘシ「ベルン」労働會議ノ要求無視セラレタリト謂フハ當ラス當ニ同會議ノ決議事項ニ止ラス其ノ他一切ノ關係問題ハ再三(三)討論セラレ其ノ大部分ハ條約案第十三編ノ全文又ハ労働一般原則中ニ包含セラル今更労働會議ヲ開キテ右ノ決議ヲ繰返シ又ハ同決議ニ加除シテ徒ニ混亂遲延ヲ來スハ不必要ナリ労働法案ハ一般ニ公表セラレ諸労働組合ノ領袖ハ之ニ對シ確定意見ヲ出スニ充分ノ機會ヲ有シタリ

第四、聯合國政府ハ既ニ獨逸代表者ヲ成ルヘク速ニ國際労働組織ニ加入セシムヘキ事ニ決定シ華盛頓會議(一)後直ニ労働組織及同支配部ニ充分ノ權利ヲ以テ加入セシムヘキコトヲ同會議ニ求ムルコトニ決セリ

第五 「ベルン」會議ハ労働者ノ希望及其ノ將來ニ於ケル抱負ヲ決議セルカ華盛頓會議ハ右抱負中直ニ法制トナシ得ルカ如キモノニ實行ヲ與フルノ手段ヲ講シ労働組織ハ前現一般原則ニ從ヒ漸次自餘ノ抱負ヲモ實現スルノ機會ヲ與フヘシ講和會議附隨ノ労働委員會ハ獨逸全權ノ抗辯書中ニ掲ケラレタル事項ニシテ労働組織ノ範圍ニ屬スルモノハ悉ク之ヲ考慮シ會員保護法問護ニ關シテモ同委員會ハ之カ爲テ國際労働會議ヲ開キ會員組合ノ協力ヲ以テ該保護法制定ノ權

ヲ決議セリ(決議書寫添附)

第六 又同委員會ハ國際聯盟監督ノ下ニ國際労働會議ニ(不明)ノ條件ノ下ニ國際法タル效力ヲ有スル決議ヲ爲スノ權能ヲ以テスルノ目的ヲ以テ締約國間ニ成ルヘク速ニ一致ノ協定ヲ遂ケンコトヲ希望スル旨ヲ決議セリ(決議書寫添附)

現在ニ於テ國際労働法ハ單ニ労働會議ノ決議ノミニ依リテ之ヲ實施スルコト能ハス一國際労働者ハ他國代表者ノ強制ニ係ル法律ノ下ニ一切ノ事項ニ關シ拘束セラレアルノ狀況ニアラス故ニ現下ノ狀況ニ於テハ講和條約ニ規定セラレタル國際協約ナルモノハ違反ノ場合何等刑罰的制裁ヲ有セサル國際労働法ヨリモ更ニ有效ナリ

第七 獨逸全權ハ聯合國側提案ヲ以テ民主主義ニ反ストナスモ該提案ハ獨逸提案ニ比シ遙ニ進歩セリ即チ労働會議出席委員ノ四分ノ三ハ直接間接人民ノ意志ヲ代表スルモノニシテ換言スレハ二政府代表者ハ一般人民ヲ代表シ一労働委員ハ労働者ヲ代表シ僑主ノ代表權ハ僅ニ四分ノ一ニ過キス獨逸全權ハ案文第三百九十条ノ結果労働者ノ除外セラル、事アルヘキ旨ヲ唱フルモ尠クトモ聯合國政府ハ人民ノ代表者ナリ又多數ノ國ニ於テハ労働者ノ多數ハ農業ニ從事シ一般工業組合ニ屬セス故ニ其ノ多數者カ労働會議ニ於テ政府ニ依リ代表セラル、ハ適當ノ事ナリ

第八 尙獨逸委員ノ提案ノ如クセハ労働會議ニ代表者ヲ送レル政府ノ五分ノ一ノ反對ニ依リ最政(一)務ヲ妨碍セラル、ニ至ルヘシ殊ニ同提案ハ一國一票トナスヲ以テ如何ナル提議モ僅ニ少數ノ労働者ヲ代表スルニ過キサル政府ノ投票ニ依リ否決セラル、ヲ得ヘキナリ斯ル專制思想ニ正反シ聯合國ノ提案ハ政府ノ投票トセス委員ノ投票ヲ許スノミナ(脱)議員三分ノ二ニ於テ確定的提案ヲナス事ヲ得ヘキモノトス

第九 今ヤ來ル十月開催セラルヘキ第一回國際労働會議ノ準備ナルニ顧ミ別ニ「ヴェルサイユ」労働會議ヲ催スノ必要ナキヤ明ニシテ右労働會議ノ爲講和談判ヲ延期スヘシトノ獨逸全權ノ提議ニ至リテハ平和ヲ渴望セル労働者ノ利益ニ反ス聯合國政府ハ右労働者ノ渴望ヲ至當トシ平和ノ締結ヲ早メ且獨逸ノ侵略的戰爭ニ依リ延期セラレタル社會的改善ノ

手段ヲ講セントカメツ、アリ

其六、敵國內私有財産問題ニ關スル獨逸側ノ抗辯

(五月二十二日)

私有財産ニ關スル講和條項ニ就キ獨逸全權ハ二十二日附ヲ以テ左ノ通ノ抗辯書ヲ提出セリ

締約國雙方ノ臣民ノ私有財産ニ關スル講和條約ノ規定ハ聯合國權力ノ下ニ在ル總テノ獨逸私有財産ヲ一括シ、聯合國人民ノ支配權及聯合諸國ノ損害要償權ヲ満足スル爲、破産手續類似ノ方法ヲ以テ處分セラルヘキ清算財團トシテ扱ハントスル聯合側ノ見解ニ依リ制定セラレ右見解實施ノ爲設ケラレタル幾多ノ規定ノ結果トシテ聯合國勢力團ノ諸地方ニ於ケル獨逸財産ハ悉ク沒收セラレ獨逸臣民ノ權利能力ハ著シク制限セラルルニ至ルヘシ

先ツ敵國內ノ獨逸私有財産ニ對スル戰時中ノ處置ハ總テ今後モ有效ニ存續スト規定セラレ(第二百九十七條ノD)同規定ハ外見上相互のナルモ實際上ハ然ラス蓋シ敵國臣民ハ獨逸側ノ差別的措置ニ基ク一切ノ損害ニ付完全ナル賠償ヲ要求シ得ルノミナラス其ノ希望ニ依リテハ現狀全部恢復ヲ要求シ得ヘク恢復不能ノ場合ニハ同種類ノ財産ニ依ル訴訟ヲ要求スルノ權アルモ(第二百九十七條ノG及F)獨逸人民ハ敵國側ノ差別的措置ニ依ル損害ニ付現狀回復ヲ許サレサルノミナラス何等要償權ヲ有セス

敵國內獨逸財産カ詐欺手段ノ犧牲タルモ敵國官憲ハ其ノ責ニ任セストナス(第二百十八條附則)

(然ルニ聯合國カ戰

爭中執リタル措置ノ效果ハ其ノ權力内ノ獨逸財産ヲ前記目的ノ爲ニ處分スルニ付尙不充分ナルヲ以テ獨逸ハ其ノ一切ノ對敵差別規定ヲ即時廢止スルノ義務ヲ負ヘルニ係ラス敵國側ハ平和克復後モ尙新ニ規定シ得ヘキ戰時的措置ニ依リ獨逸在外財産ノ清算ヲ繼續シ得ヘク且何等其ノ期間ヲ定メサル故將來敵國領土ニ入ルコトアルヘキ獨逸財産ニ關シテモ亦斯カル清算處分ヲ延長適用スルノ權ヲ留保セント欲スルカ如シ

然ルニ右戰時的措置適用期間ノ延長以外、其ノ適用ノ領土的範圍ヲモ擴張セントスルモノノ如ク聯合國領土内ノ財産ニ關スル諸權利ヲ保證スル一切ノ債權ニシテ獨逸人ノ所持ニ係ルモノヲ拋棄セシメ就中敵國會社ノ株式及社債ハ總テ之ヲ拋棄セシメントス(第二百九十八條附則第(脫))又獨逸新割讓領土内ノ獨逸財産ヲモ清算ニ附セントス

例ヘハ佛國々籍ヲ許與セス若ハ將來居住ノ認容セラル「アルサス」、「セーレーヌ」在住獨逸人ノ財産及殊ニ舊獨逸殖民地内ノ獨逸私有財産ハ悉ク個々強制賣買ニ附セントス(五十三條百二十一條)最後ニ尙露西亞、支那、埃、勃甸、土耳其等諸國內ノ獨逸財産ヲモ前記清算財團ニ加ヘントシ聯合國諸國ハ之ニ對シ直接清算處分ニ依リ得サルヲ以テ右諸國內ノ獨逸公共起業及(Concession)ノ即時徵收ヲ獨逸政府ニ要求スルノ權能ヲ賠償委員會ニ附與スルノ規策ヲ講セリ(二百六十條)

次ニ獨逸財産ノ換貨ノ結果ハ破産手續ニ倣ヒ左ノ通り充當セラル

(二百九十七條ノ五及二百九十八條附則 Paragraphノ四)

獨逸國內ニ於ケル收益ハ戰前ノ爲替相場ニ依リ關係敵國貨幣ヲ以テ即時正金ニテ支拂ハルヘク其ノ結果獨逸ハ實際收得額ノ數層倍ヲ返還スルヲ要スルニ至ルコトアルヘシ之ニ反シ獨逸財産清算ノ結果タル聯合國諸國側ノ收益ハ毫モ獨逸ニ支拂ハレス三重ノ擔保ニ附セラレ從テ獨逸有權者ノ處分權ヨリ全然終局的ニ脫却セシメタル其ノ第一ハ獨逸ノ差別的待遇ニヨル損害ニ對スル關係敵國臣民ノ賠償請求右等人民ノ獨逸人ニ對スル債權並九百十四年七月三十日以後關係敵國參戰以前獨逸政府及獨逸官憲ノ一切ノ措置ニ基ク損害要償ノ擔保ニ充當ス

(此ノ第三種ノ要償額ハ關係敵國ノ自由評價ニヨリ決セラルルカ如シ)

其ノ第二ハ獨逸ノ諸同盟國及其ノ臣民ニ對スル聯合國諸國臣民ノ損害要償及債權ノ支拂ニ充當シ(?)例會英國臣民ハ土耳其ノ政府又ハ臣民ニ對シ有スル債權ノ擔保ニ獨逸私有財産ヲ充當ス

其ノ第三ハ右二者ノ用途ノ殘額ヲ以テ賠償委員會ノ相殺法算ニ附シ獨逸ノ支拂フヘキ損害要償ニ充當スルニ在リ尤モ右充當方法ハ獨逸側ノ敵國敵産清算ノ結果ヲ現金ニテ支拂ハス敵國側ノ獨逸財産清算ノ結果ト相殺スルノ方法ニヨリ變更サレ

得ヘキモ斯卡ル相殺方法ハ條約案中ニ其ノ細則ヲ明記セサルヲ以テ關係敵國政府ノ適當ト認ムル場合ニ限り行ハルヘシ
獨逸委員ハ以上ノ規定ハ諸種ノ關係上正義ノ平和ノ根本思想ニ矛盾スルヲ以テ主義トシテ承認シ得タルモノナルコトヲ宣
言セサルヲ得ス而シテ右ノ矛盾ハ如何ナル場合ニモ政治的勢力ノ支配ヨリ脫離スヘキ私法上ノ諸問題ニ關スルヲ以テ一層
顯著ナルモノトス若シ聯合側提案ノ如ク戰爭中ノ差別的待遇ノ結果タル私有財産侵害ニシテ主義上既遂且相續のナリト認
メラルヘシトセハ締約國雙方ニ付一樣ニ之ヲ認メサルヘカラス何レニモ此ノ種規定ハ戰爭中ノ處置カ果シテ強要セラル
ルヤ又ソハ如何ナル程度迄ナルヤノ問題ハ暫ク論セス雖是等ハ常ニ責任アル官憲力戰時中ノ特別處置トシテ行フトコロ
ニシテ戰線ニ於ケル戰闘ノ休止ト同時ニ之亦終止スヘキモノナルコト勿論トス獨逸側ハ主義トシテ休戰條約締結後ニ至リ
初メテ爲レタル此ノ種ノ措置ハ總テ不適法ナリト見解ヲ持ス蓋シ是等ハ休戰後尙戰爭行為ヲ續行スル所以ナレハナリ
況ムヤ講和締結後ニ於テモ斯卡ル私有財産侵害ノ繼續ヲ承諾スヘシトノ要求ハ獨逸ノ最熱心ニ排斥スル所ナリ蓋シ克復確
立ニ代ユルニ事實上經濟戰爭ノ永續ヲ以テスルモノナレハナリ

聯合諸國政府力閉却セル他ノ見解モ亦右ト同一ノ結果ニ達ス即チ條約案中ニ記載セラレタル獨逸人民所有在外財産ノ使
用ハ浩汎ナル私有財産ノ沒收ニ歸着シ國際的法律生活ノ根本ヲ一般のニ動搖セシムルノ結果ヲ生ス

戰爭中多大ノ制限ヲ受ケタル私有財産不可侵ノ原則ヲ國際關係上ニ復活スルハ現時ノ形勢ニ於テ諸國家ノ遂行スヘキ義務
ナルヘシ獨逸側ハ今日迄之ヲ以テ聯合諸國モ亦尊重スル所ノ主義ナルヘシト信シタリ

獨逸商會社ト英國會社トノ間ノ爭議ニ關スル千九百十八年一月二十五日附英國最高法院ノ決定中左ノ文句アリ

「敵國人ノ私有財産ノ沒收ハ英國法ノ認メサル所ナリ敵國人ハ平和克復前ニハ其ノ財産ノ返還ヲ主張シ得サルコト勿論ナ
ルモ平和締結後ニハ右財産ノ占有ヲ回復シ且從來ノ果實ヲモ併セ恢復スヘキモノトス」

獨逸最高法院モ亦右ト同一見解ヲ持シタルコトハ戰爭中佛國私有財産權ノ獨逸國內ニ存續スルコトヲ認メタル千九百十四
年十月二十六日附判例ニ徴スルモ明カナリ

然ルニ今若シ聯合諸國政府ニシテ國家及個人ノ債權ヲ満足スル爲其ノ權力ノ下ニ在ル獨逸私有財産ヲ處分セムカ戰爭中既ニ
交戰雙方ノ法廷ニ於テ承認セラレタル前記ノ見解ハ講和條約ニヨリ全然顛覆セラル

況ンヤ獨逸若ハ其ノ臣民ニ對スル債權ト全ク關係ナキ獨逸ノ諸同盟國若ハ其ノ臣民ニ對スル債權ニ關シ右ノ如キ獨逸所
有財産ノ處分方法ヲ執ラムトスルニ至リテハ專横甚シト謂フヘシ聯合諸國ハ右處分ノ結果ニ付獨逸政府ヲシテ其ノ權利
者ニ對スル賠償ヲ負擔セシメ以テ右處分ヲ沒收ト區別セムトスルモ之ニヨリ事ノ本質ヲ何等變更スルコトナシ在外獨逸私
有財産沒收ノ經濟上ノ惡影響ニ關シテハ既ニ本月十三日付覺書中ニ指摘セル所アリ更ニ説明ヲ要セスシテ明瞭ノコトナル
ヘシ

而シテ一方獨逸委員ハ講和條約ニヨリ獨逸經濟界ハ非常ナル負擔ヲ受ケ到底其ノ在外財産ヲ現狀ノ儘ニ維持シ得サルヲ知
ル獨逸ハ其ノ金錢上ノ契約ヲ履行スル爲其ノ在外財産上多大ノ犧牲ヲ要スヘク且之ヲ行フニ躊躇セサルヘシ但シ其ノ處分
ハ上述獨逸側ノ法律上ノ見解ヲ斟酌シテ行ハルヘキコトヲ主張ス獨逸委員ハ此ノ見解ト聯合諸國ノ利害トノ間ニハ調和ノ
餘地アルヲ信シ又前掲諸般ノ不都合ノ如キモ國際聯盟ノ精神ニ應スル相互主義ノ適用ニヨリ當然除却セララルヘキヲ信ス尤
モ是等諸問題ノ詳細ハ雙方専門家ノ口頭辯論ニ附スルコト必要ナルヘシ

其七、獨逸側提出ノ國際聯盟案ニ對スル聯合側ノ回答

(五月二十二日)

獨逸全權ハ千九百十九年五月十日國際聯盟ニ關シ獨逸側考案ヲ提出セリ右獨逸側提出國際聯盟案ニ對シ聯合側ハ審查委員
會ニ於ケル審議ノ結果(我方ヨリ牧野委員出席)ニ基キ五月二十二日附ヲ以テ大要左ノ通「クレマンソウ」氏ヨリ獨逸宛回
答セリ

國際聯盟ニ關スル獨逸政府提案審查委員會ハ該案中ニ合マルル條項ヲ慎重審議セリ然ルニ之等條項ハ聯盟力確のニ組織セ

ラレタル曉ニ於テ論議スルヲ適當ト思考スルカ故ニ茲ニハ單ニ特種ノ數點ニ付注意ヲ喚起スルニ止メントス
獨逸ノ提案ハ國際聯盟委員會ニ於テ久ク論議ヲ重ネタル問題ナリ然レトモ獨逸政府ノ提案ニ比シ聯盟規約ノ方遙カニ實際
的ニシテ又聯盟ノ目的ヲ達スルニ便宜ナリト思考ス

審査委員會ハ獨逸政府カ平和維持ノ爲ニ建設セラレ民主政府主義ノ適用ノ上ニ基礎ヲ置ク國際聯盟ノ施設ニ(？)好意ヲ
有スルコトニ付満足スルモノナルモ獨逸案カ以上ノ目的ニ實際上有效ナリトハ思考セス左ニ少シク所見ヲ開陳スヘシ

(二) 分離セル國際調停局 (Bureau de Médiation, International séparé)

(獨逸案十六條、十八條及六十二條)カ國際紛爭ヲ解決シ世界ノ平和ヲ維持スルニ必要ナル權威ヲ持テ得ルモノトハ信セ
ス斯ノ如キ事務ハ聯盟案ニ規定セラレ居ル「カウンシル」(聯盟評議會)ニ屬スルモノナル可シ

審査會ハ (Commissions de Conciliations impartiales)

ノ組織カ準備の審査ノ見地ヨリ最モ適當ニシテ且最モ有效ナル方法ナルノミナラス「アルビトラルジニ」(仲裁裁判)紛爭
解決ノ爲ニモ最適當且有效ナル方法ナリト考ニ同意ス加フルニ審査委員會ハ聯盟案中ニ此ノ種ノ委員等使用ニ反對ス
ルカ如キ何等ノ條項ナク寧ロ有用ナル場合ニハ之カ設置ヲ希望スルモノナリ

(二) 國際常設裁判所ノ構成權ニ對シ期間及手續(獨乙案第十四、第十五、第二十九、第三十九條)ニ關スル獨逸政府ノ提
案ニ付テハ細心研究ヲ遂ケタリ右ハ聯盟案第十四條ニ基キ常設裁判所ノ設置ヲ立案スルニ當リ「カウンシル」ニ於テ詳細
研究セラルル所アルヘシ

(三) 審査委員會ハ義務的仲裁裁判ノ主義(獨逸案第三十乃至第三十三條)ヲ審査シタルカ提案ノ如キ形式ニ於テ之ヲ一
般のニ適用セムコトハ現時實現シ得ヘカラス審査委員會ハ一切國際紛爭ノ解決ヲ平和的ニ確保スルノ方法ニ依頼スルノ
義務ヲ既ニ考量シ且向後(脱)設裁判所ノ組織カ仲裁ノ主義ノ發展ニ貢獻スルコトヲ得ヘキヲ信スルモノナリ

(四) 各國間ノ交通通信及經濟上商業上ノ自由ニ關スル獨逸政府ノ提案(第四十四條乃至第五十三條)ノ大部ハ審査委員會

ノ贊同スル所ナリ殊ニ是等ノ問題ニ關スル一般のノ協定ニ關シテハ既ニ聯合國ニ於テ審査ヲ遂ケタル所ニシテ適當ナル
時機ニ於テ國際聯盟ノ議ニ附セラルヘシ

(五) 聯盟規約違反ノ爲聯盟加盟國ノ蒙リタル費用及損害ヲ違反國ヲシテ支拂ハシムルノ提案(第六十五條)ニ關シテハ其
ノ至當ナルヲ認ムルト同時ニ右獨逸政府ノ主義ハ一般規則ノ適用ニ外ナラスト思考ス審査委員會ハ若不幸ニシテ規約違
反者ヲ生シタル場合ニハ聯盟ニ於テ右ノ如キ借置ヲ講スヘキコトヲ信スルト同時ニ別ニ規約ノ規程ヲ變更スルノ必要ヲ
認メス

(六) 審査委員會ハ獨逸政府カ軍備制限(獨逸案第四十條乃至四十二條)ニ同意スルノ事實ヲ了承ス尤モ國際的軍備制限
ニ關スル案ハ既ニ聯盟規約中ニ存セリ

(七) 審査委員會ハ其ノ義務違反ニ對スル聯盟加入國ニ適用スヘキ制裁ニ關スル獨逸政府ノ提案ヲ了承セリ
規約第五十六條ニ規定セララル自動的經濟壓迫ハ必要ノ場合ニハ國際陸海軍力ヲ以テ之ヲ補フモノニシテ此ノ案ハ獨逸
政府ノ提案ヨリ更ニ迅速且有效ナルカ如シ

58. Les Congrégations religieuses reconnues dans les Etats de la Ligue jouiront de la garantie du libre exercice
de leur cultes et de la mission dans toutes les colonies.

59. La liberté de l'activité économique est garantie aux ressortissants de tous les Etats de la Ligue dans chaque
colonie en prenant en considération les dispositions générales sur la liberté du trafic.

60. Pour l'exécution et pour la surveillance des dispositions sus-mentionnées, il sera établi Office Mondial des
Colonie. Dans chaque colonie, des mandataires de la Ligue sont chargés de veiller à l'observation des dispositions
précitées.

61. Le sort d'un territoire au caractère colonial n'adhe' rant ni directement, ni indirectement a la Ligue nune

peut être déterminé en faveur d'un membre, que par une décision de la Ligue des Nations.

X. (?)

62. Dans le cas où un Etat, membre de la Ligue, s'oppose l'exécution des sentences, des décisions ou des dispositions d'un organe compétent de la Ligue, ou si, en outre, il fait infraction à une disposition de la Constitution de la Ligue, l'Office de Conciliation, composé de quinze membres, en décide l'exécution en séance plénière.

63. L'exécution peut particulièrement consister en

- a) rupture de relations diplomatiques par tous les autres Etats.
- b) restriction ou rupture des relations économiques spécialement par rapport aux interdictions d'importation et d'exportation, en traitement inégal douanier, en interruption de toute circulation de personnes, de marchandises et d'informations, en saisie de vaisseaux ;
- c) mesures militaires, dont sera chargé l'Etat lésé seul, ou en commun avec d'autres Etats.

其八、賠償ト戦争責任トノ關係ニ關スル獨逸側ノ再抗議

(五月二十四日)

賠償ト戦争責任トノ關係ニ關スル獨逸抗議並回答ハ前調書第二五頁所載ノ如クナル處獨逸全權「ブロックドルフ、ランツアウ」ハ更ニ五月二十四日附書翰ヲ以テ「クレマシソー」宛要旨左ノ抗辯ヲ致セリ

獨逸ノ戦争責任問題ニ關スル本月二十日附閣下ノ書簡ニ依リ獨逸委員ハ獨逸政府及國民カ千九百十八年十一月五日附國務長官「ランシング」ノ公文ニ賛同セシ意味ヲ聯合諸國カ全然誤解シ居ルコトヲ知レリ依テ獨逸委員ハ右公文ニ先立ツ諸事實ニ付聯合諸國政府ノ記憶ヲ喚起スルノ要アルヲ認ム合衆國大統領ハ數次ノ宣言ニ依リ現世界戦争ハ強力平和ニ依ルコトナ

ク正義ノ平和ニ依リ終止セシムヘク米國ハ此ノ正義ノ平和ノ爲戦争ニ加入スルコトヲ明カニシ之ニ依テ「無併合」「無償金」「無賠償」ノ()定語ヲ生セシメタリ然ルニ一方大統領ハ侵害サレタル權利ノ無條件賠償ヲ要求シ千九百十八年一月八日ノ敎書ニ於テ更ニ所謂十四箇條ナルモノヲ表明シタルカ右敎書ニ於テ獨逸國民ニ對シ主トシテ

(一) 民族自決主義ニ依リ重要ナル東部並西部獨逸領土ノ拋棄

(二) 白耳義及北部佛蘭西占領地復舊ノ約束ノ二要求ヲ爲シタルカ之等要求ハ獨逸政府及國民ニ於テ能ク之ヲ受諾スルヲ得タリ蓋シ之民主的獨逸新憲法ノ認メタル所謂自決主義ニ合シ尙獨逸カ中立侵害ナル此ノ國際法違反行爲ニ依リ前記復舊約束領土ニ戦争ノ被害ヲ及ホシタルヲ認メ居レハナリ

尙波蘭人民ノ自決權ハ白耳義ニ對スル非法ト同シク獨逸前政府ノ承認シタル所ナリ
千九百十八年十一月五日附國務長官「ランシング」ノ公文中侵入領土復舊ハ即チ賠償ノ意義ニシテ獨逸ノ見ル所ヲ以テスレハ賠償義務ノ存スル範圍ハ單ニ不法行爲ニ依リ賠償ノ責ヲ否定スルヲ得サル領土上並相手國ノ主要政治家カ戦争ノ目的トシテ回復ヲ極力主張セル領土以外ニ及ハサルヘキハ自明ノ理ニシテ合衆國大統領ハ千九百十八年一月八日ノ敎書ニ於テモ明白ニ白耳義ニ對スル不法行爲ノ賠償ヲ以テ國際法ノ基礎觀念救済ノ方法ナリトシ英國首相「ロイドジョージ」氏モ亦千九百十七年十月二十二日下院ニ於ケル演說中「白耳義ノ自然ナル政治的領土の經濟的回復及其ノ都市諸地方ノ破壊ニ對シ出來得ル限り賠償ヲ爲サシムルコトハ英國及其ノ同盟諸國ノ主要ナル要求ニシテ之千八百七十年七十一一年獨逸カ佛蘭西ニ對シ爲シタル償金ノ如キモノニアラス又戰費ノ負擔ヲ一交戰國ヨリ他國ニ轉嫁セントスルモノニモアラス」ト述ヘタリ

白耳義ニ關シ述ヘラレタル所ハ獨逸ニ於テ佛蘭西西部ニ付テモ亦之ヲ承認スヘシ之獨逸軍ハ白耳義ノ中立破破ニ依ノヲノミ佛蘭領土ニ達シ得タルヲ以テナリ

獨逸ハ右事實ニ對シテハ自己ノ責任ヲ認ムルモ所謂開戦ノ責任又ハ宣戰ノ形式カ先ツ獨逸ヨリ爲サレタリトノ外形上ノ

事實ニ對シ強ヒラルル責任ハ之ヲ認ムルコト能ハス「ランシング」公文ノ眼目ハ賠償ノ義務ハ單ニ物質的ノ損害ノミナラス侵入地域ニ於テ海陸軍並空中ノ戰爭行為ニ伴ヒ生シタル身體財産上ノ總テノ損害ニ之ヲ及スノ點ニアリ獨逸國民ハ一方白耳義及北佛回復ノ義務ヲ負ヒナカラ他方露西亞軍他年ノ計畫ニ出テタル侵入ノ結果受ケタル東部獨逸荒廢ニ對スル要償ヲ拒絕サルルノ甚タ偏破ナルヲ知ルモ國際法上文露國ノ侵入ト白耳義侵略トハ之ヲ同視シ得サルヲ認メ東部獨逸ニ對スル補償ノ請求ハ之ヲ差控フルコトセリ聯合側政府ノ意嚮ニシテ若シ總テノ戰時國際法違反行為ニ對シ賠償義務ヲ認ムルニアラハ獨逸委員ハ其ノ見解ノ主義上正當ナルヲ認ムルモ同時ニ獨逸モ亦聯合國側ニ對シ巨額ノ要償ヲ提出スルヲ得ヘク特ニ聯合諸國力違法ノ封鎖ヲ單ニ交戰中ノミナラス獨逸力進テ防衛力ヲ拋棄シタル後ニ至ル迄之ヲ持續シタル爲獨逸人民ノ受ケタル莫大ノ損害ニ對シ賠償ヲ要求シ得ヘキモノナルコトヲ指摘スヘシ之ヲ要スルニ聯合諸國政府主張ハ休戰前爲シタル獨逸トノ協定ニ違反スルモノニシテ爲ニ多クノ爭議發生ヲ免レス從テ問題解決ノ便法トシテ條約草案第一編十三條（條約ノ解釋、國際法規、國際規約ノ破棄ヲ構成スヘキ事實ノ有否、若ハ斯ノ如キ破棄ニ依リ主ナル補償ノ範圍及性質ニ關スル論争ノ如キハ一般ニ仲裁ニ適スル問題ト認ム）トノ條項ニアルカ如キ公平ナル國際仲裁裁判ノ審判ニ依ルノ外ナカルヘシト思考ス

猶又本月二十日ノ貴翰ニ於テ國際法ノ原則ニ從ヒ一國民力既ニ負擔セシ義務ト其ノ政體又ハ主權者ノ變更ニ依テ何等ノ變動ヲ受クヘキモノニ非ルヲ指摘セラレタルモ獨逸全權ハ該原則ノ正當ナル事ニ就テハ何等抗爭セントスルモノニ非ス又千九百十八年十月五日獨逸舊政府ノ申出テニ基キ爲シタル協定ノ履行ヲモ拒ムモノニ非ルモ只獨逸全權ノ協議セント欲スルハ條約草案中是迄ノ政治上並軍事上ノ首腦者ノ行ヒタル所謂罪過ニ對スル懲罰問題ニアリ合衆國大統領ハ千九百十七年十二月四日現戰爭ハ復讐行為ニ依リ終結セシムヘカラス何レノ民族何レノ國民モ無責任ノ主權者ノ不正行為ニシテ如何ニ重大且恐怖スヘキモノナリトモ之カ爲懲罰セララル事無カルヘシト宣言セリ獨逸ノ委員ハ此ノ種ハ公約ヲ引照シテ其ノ國際法上ノ義務ヲ免レントスルモノニ非ルモ只開戰並總テノ戰害ニ對スル責任ヲ獨逸國民ニ歸セントスルモノ

アルニ際シ之等公約ヲ引照スルノ權アルコトヲ感スルモノナリ又休戰成立直前ノ交渉中聯合諸國ハ若シ獨逸國民ニシテ其ノ主權者ト其ノ運命ヲ俱ニスル事無キニ於テハ獨逸ノ運命ハ根本的ニ變化スヘシト公約セリ獨逸委員ハ聯合諸國當時ノ公約ハ獨逸國民ノ抵抗力ヲ奪フ一ノ詭計ニシテ今ヤ聯合國ハ如斯公約ヲ拋棄セン事ヲ欲スルモノナリトノ意ニ解スルヲ好マス最後ニ閣下ハ聯合諸國ハ獨逸力「フランクフルト」條約及「プレス」リットウスク「條約」ノ際執リタルト同一ノ方法ヲ以テ獨逸ヲ遇スルノ權アリト主張セラルルモ獨逸全權ハ此ノ際如何ナル程度迄是等二條約ト現條約トノ間ニ相違アリヤヲ考查セントスルモノニ非ス蓋シ聯合諸國政府力其ノ權利主張ノ基礎ヲ之等ノ前例ニ索ムルニハ今日ハ其ノ時期ニ非ス其ノ時期ハ即チ講和談判ノ基礎トシテ米大統領宣言ノ十四點ヲ承認スヘキヤ否ヤヲ決スルノ時ナラサルヘカラサリシナリ而シテ右十四箇條中ニハ千八百七十年七十一一年ノ不正ニ對スル訂正ヲ要求スヘキヲ明示スルト共ニ「プレス」リットウスク「條約」ヲ以テ擯斥スヘキ一例ト爲シ且當時聯合諸國政府ハ過去ニ於ケル暴力講和ヲ以テ今次講和ノ規範トセサルヘキヲ宣言セルニ非スヤ會テ開戰ノ責任ヲ執リタル事無キ獨逸國民ハ其ノ對手國カ如何ナル理由ト證據トニ依リ現戰爭ヨリ生スル總テノ慘禍ヲ獨逸國民ノ責任ニ歸シ是ヲ平和條件ノ基礎ト爲サントスルカラ反問スルノ權アルヲ信ス隨テ聯合諸國政府力其ノ特別委員會ニ依リ蒐集セル戰爭責任ニ關スル諸材料ヲ以テ聯合諸國內部ノ事項トスル趣旨ニ満足スル能ハス本問題ノ如ク獨逸國民ノ死活ニ關スル問題ハ之ヲ公論ニ決セサルヘカラス

祕密講和ハ其ノ處ニ非ス獨逸政府ハ本問題ニ關シ再ヒ意見ヲ開陳スル處アルヘシ尙獨逸委員ハ五月二十八日講和會議議長ニ宛テ聯合國ノ責任委員會ノ報告書ヲ辯駁セル一獨逸委員會ノ調製ニ係ル大部ノ意見書ヲ送付シ來レルモ戰責關係獨逸對案審查委員會ニ於テ戰責委員會ノ報告書ハ獨逸委員ハ公式ニ通知シタルモノニ非サルヲ以テ右意見書ニ對シテハ別ニ回答ヲナササルコトニ決セリ

其九、財政條項ニ關スル獨逸側ノ抗辯

(五月二十九日)

五月二十九日附獨逸全權カ財政條項中特ニ第二五九條及第二六三條ニ關シ提出セル反對意見書要領左ノ如シ
イ、第二五九條ニ對スル意見書

第一號ニ關シ

土耳其公債管理評議會ノ名義ニ於テ伯林 (Belchoder) 銀行ニ供托セラレタル第一回土耳其紙幣發行ノ準備金五千七百九十一萬九千六百八十七麻克三十七「ベニヒ」ハ平和締結後直チニ供託者ノ處分ニ附ス獨逸金輸出禁止ハ此ノ場合ハ之ヲ停止セラレヘシ

第二號ニ關シ

第二回以後ノ土耳其紙幣發行ノ準備トシテ供託セラレタル獨逸國會證券ノ償還ニ付獨逸政府ノ土耳其帝國政府ニ對スル債務ハ土耳其帝國政府カ其ノ受領セル前渡金ヲ返還スル義務ト關聯スルモノニシテ獨逸ノ土耳其ニ對スル其ノ債務ノ成立及履行方法ニ付テハ最後ノ前渡金契約締結前土耳其政府ニ交附セラレタル附屬書ニ十分ノ説明アリ

第三號ニ關シ

土耳其公債管理評議會カ伯林獨逸銀行ニ預金セル土耳其金五萬三千三百七十八磅三十三「ベヤスター」四十分ノ十五ハ第一號記載ノ預金ト同様權利者ノ處分ニ附ス

第四號ニ關シ

千九百十九年五月滿期ノ土耳其內國債利札ニ對シ獨逸ハ土耳其大藏大臣ニ對シ金又ハ銀ヲ送附シタル事ナシ

第五號ニ關シ

獨逸諸銀行ヲ仲介トシラ獨逸國ノ受取リタル前渡金ニ對シテハ獨逸政府及關係銀行ハ何等ノ擔保金ヲ受領セル事ナシ
獨逸銀行ハ戰時中帝國銀行ニ對シテ金ヲ交附セルモ右ハ帝國銀行カ獨逸銀行ニ賣却セル外國爲替ノ代金ニ過キス

第六號ニ關シ

獨逸カ「ブカレスト」及「ブレスト、リトヴスク」條約並ニ追加條約ニ依リテ得タル利益ヲ拋棄ストセハ獨逸カ同條約ヲ以テ負擔シタル義務モ亦當然廢棄セラル、事ヲ要ス獨逸ノ受ケタル利益ヲ返還スルニ當リテハ其ノ爲シタル對價モ亦返還セラル、事ヲ要ス露國政府ヨリ受領セル金ハ既ニ聯合諸國ニ交附セリ露國政府カ獨逸政府ニ對シテ爲シタル留ノ支拂額ニ對スル對價ノ一部即チ一億五千萬麻克ハ露國政府トノ協約ニ從ヒ露國々債ノ利札及當籤ノ件ノ支拂ニ當テタルモノニシテ之カ取消ヲナスコト能ハス

第七號ニ關シ

上述スル處ニ依リ獨逸政府又ハ獨逸國民カ第三者ニ對シテ約シタル義務ニ付テハ獨リ(脫)ノミ其ノ債務額ノ處分ヲナシ得ヘシ(土耳其公債ニ關スル第一號及第三號)

ロ、第二六三條ニ關スル意見

一、珈琲ノ強制賣却ヲナシタル事ナシ「サンバオロ」州政府ハ千九百十四年十一月十日附「ハルブルグ」(Theodor Wille) 會社宛伯林駐在「ブラジル」公使ノ書面ニ依リタル右會社及「Valorisation-Comities」ノ會員タル右會社及「Cross mamupu Sticken」ノ商會ニ對シ「Valorisation」用珈琲ノ全部又ハ一部ヲ一斤六十五「ベニヒ」以上ノ代價ヲ以テ現金引換ヘニテ賣却スヘキ旨命令的ニ委任セリ

二、千九百十四年十月二十日附「ハンプブルグ」(Theodor Wille) 氏宛「サンバオロ」州大藏大臣書面ニ依レハ右賣却代金ハ債權者ノ處分ニ供スル爲伯林 (Belchoder) 銀行ニ預金セラルヘキモノトス

三、獨逸政府ハ千九百十六年三月三十一日附「ブラジル」共和國公使宛書面ニ依リ (Belchoder) 銀行預入ノ右賣却代金

ハ其ノ使用ニ關シテ定マレル法律關係ニ從ヒタル處分ニ供スルカ爲平和締結ノ日迄其ノ全額ヲ保存スル樣保證スヘキ旨ヲ述ヘタリ

四、(Bleichroder) 銀行預金ノ利率ハ千九百十三年四月八日貸金契約第十二條ニ依リテ年四分ヲ越ヘサル範圍ニ於テ英蘭銀行銀行割引率ヨリ一分五厘低カルヘキ旨定メラレタリ「サンバオロ」政府ノ希望ニ基キ千九百十六年九月四日乃至十一月十四日ノ契約ニ依リテ約定利率ヲ千九百十七年一月一日以後四分五厘ニ高メタルモ千九百十七年四月五日英蘭銀行割引率下落ノ爲再ヒ四分トナレリ

五、「トリエスト」貯藏ノ(Valorisation) 用珈琲ニ付テハ獨逸政府ハ何等ノ關係ヲ有セス埃匈國政府ハ「ブラジル」ヨリ處銀ノ委任ヲ受ケタル「トリエスト」珈琲卸商(Arnstein) ヨリ用品ヲ買入レタリ

以上ノ事情ナルヲ以テ獨逸政府ハ五分ノ利息ノ支拂及預入レノ日ニ於ケル麻克相場ヲ以テスル返還ニ對シ保證ノ義務ヲ負フコト能ハス蓋シ利率ニ關シテハ一定ノ合意存在シ而シテ「サンバオロ」政府ハ平和締結ノ日迄右代金ヲ預ケ置クヘキ旨承諾シタルモノナレハナリ

丁、聯合國側提出ノ講和條約案ニ對スル獨逸側ノ對案及附錄文

附 本案添附獨逸全權ノ書翰

A、聯合國側カ千九百十九年五月七日獨逸全權ニ交付シタル講和條約成案ニ對シ同月二十九日獨逸側ヨリ提出セシ對案分

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第一編 總論

第一款 講和談判法律的基础

獨逸委員ハ講和條約ノ主要條件ハ講和談判以前ノ協定ニ依リ其ノ大綱決定セラレ從テ「ベルサイユ」談判ノ基礎ハ既ニ成立シ居リタルモノナリトノ確信ヲ以テ講和會議ニ臨ミタルカ此ノ確信ハ左記ノ事實ニ根據ヲ有ス
 千九百十八年十月五日獨逸政府ハ「ワイルソン」大統領ニ對シ千九百十八年一月八日同大統領カ國會ニ送レル教書中ニ列舉シタル十四箇條ヲ基礎トシ且其ノ後談判ヲ開始シ一般の休戰條約締結ニ導カムカ爲各交戰國ニ對シテ全權委員派遣方ヲ勸誘シタル同大統領ノ聲明就中千九百十八年九月二十日ノ演說ヲ基礎トシ講和締結ニ盡力セラレムコトヲ要請セリ
 千九百十八年十月三日「ワイルソン」大統領ハ獨逸政府ニ對シ其ノ十四箇條ヲ承認スヘキヤヲ照會シ且其ノ細目ノ(脱)適

用ヲ目的トスル協定ニ付テノミ討議ヲ爲スヘキモノナルコトヲ了解セシメタリ獨逸政府ハ之ヲ明白ニ確認シ且聯合諸政府ニ於テモ等シク「ワイルソン」大統領ノ宣言ヲ承認シタルモノト思惟スヘキ旨ヲ聲明セリ獨逸政府ハ又休戰條約締結ノ前提條件トシテ大統領ノ要求セル占領地撤退ノ意アルモノナルコトヲ表明セリ

其ノ後新ニ文書交換ノ結果大統領ハ千九百十八年十月二十三日休戰條約締結問題ヲ聯合諸政府ニ提議セムトスルモノナルコトヲ表明シ同時ニ右ノ目的ノ爲大統領ハ獨逸政府トノ間ニ交換シタル文書ヲ聯合國ニ致シ

聯合諸國カ獨逸ノ承認シタル講和ノ條件及原則ヲ承認スル場合ニ於テハ當該軍事官憲ヲシテ獨逸ノ應諾シタル講和ニ關スル細目ノ履行ヲ保障シ若ハ強力ニ依リ實現シ得ルカ如キ休戰條件ノ提議方ヲ求メタルコトヲ表明セリ

獨逸カ右休戰條件ヲ承認シタルハ即チ講和條約ノ主要條件及原則ヲ承認シタル最確實ノ證左タルモノナリト言ハサルヘカラス

獨逸政府ハ十月二十日付ヲ以テ曩ニ大統領カ其ノ「ノート」中ニ於テ言及スル處アリタル獨逸ノ内政ニ關スル特殊ノ問題ニ付満足ナル解說ヲ供與シタルカ其ノ後十一月三日ニ至リ大統領ハ獨逸政府ニ對シ先是同大統領ヨリ聯合諸政府ニ送付シタル文書ニ對シ聯合諸政府ヨリ回答トシテ左記ノ覺書ヲ入手シタルコトヲ通知セリ (以下覺書)

聯合諸政府ハ米國大統領ト獨逸政府トノ間ニ交換セラレタル文書ニ付慎重ナル審議ヲ遂タル後左記諸點ヲ留保シテ千九百十九年一月八日國會ニ於テ大統領カ其ノ演說中ニ指示シタル講和條件並同大統領其ノ後ノ演說ニ表示シタル原則ヲ基礎トシテ獨逸政府ト講和ヲ締結スルノ意アルモノナルコトヲ表明ス即チ聯合諸政府ハ一般ニ海洋ノ自由ト稱セラルル原則ナルモノハ種種ニ解釋セラレ而シテ右解釋中ニハ聯合側ニ於テ容認シ能ハサルモノアルニ付講和會議開始ノ際ニハ右ノ點ニ關シ一切ノ自由ヲ留保スヘシ大統領ハ千九百十八年一月八日國會ニ於ケル演說中ニ指示シタル講和條件中ニ占領地ハ單ニ撤退還付セラルヘキノミナラス復舊ノ要アルコトヲ聲明セラレタリ聯合諸政府ハ此ノ條件ノ意味ニ關シテモ何等疑惑ナカルヘシト思惟スルモノニシテ獨逸カ海陸上並空中ニ於ケル侵略ニ依リ聯合側人民ニ加ヘタル一切ノ損害ニ對シテモ亦右ノ趣

旨ニ依リ保障セラレヘキモノト諒解ス(覺書終)

千九百十八年十一月十一日條約締結セラル此ノ條約ハ之ニ先立テ行ハレタル「ノート」交換ニ依リ左記ノ事實ヲ奉クヘシ

- (一) 獨逸ハ「ウイールソン」大統領ノ十四箇條及其ノ後ノ宣言ヲ專ラ講和ノ基礎トシテ承認シ大統領又ハ聯合側ニ於テ右以外別ニ基礎ニ付要求スルコトナカリシコト
 - (二) 大統領ノ聲明スル處ニ依レハ休戰條約ノ承認ハ獨逸カ上記講和ノ主要條件及原則ヲ担保ナクシテ承認シタル最上ノ證左タルヘク即チ獨逸ハ休戰條件ヲ承認シ以テ「ウイールソン」大統領ノ要求シタル證左ヲ提供シタリシノミナラス獨逸ハ休戰條件ノ苛酷ナルニ拘ラス之ヲ實行スル爲出來得ル限リヲ盡シタルコト
 - (三) 聯合國側モ亦同シク「ウイールソン」ノ十四箇條及其ノ後ノ宣言ヲ講和ノ基礎トシテ承認シタルモノナルコト
 - (四) サレハ講和ノ基礎ニ關シテハ兩者間ニ嚴正ナル公約存シ獨逸ハ右ノ基礎ニ準據スルノ權利ヲ有シ若聯合國側ニ於テ之ニ準據セサル時ハ國際法ニ基ケル協定ヲ破棄スルモノナルコト
- 獨逸政府ト聯合諸政府トノ間ニハ爭フヘカラサル法律上ノ義務ヲ伴ヘル契約條款ノ設定セラレタルモノナルコトハ既ニ述ヘタル歴史的事實ニ淵源スルモノニシテ右契約中ニハ講和締結ニ關スル基礎ヲ雙方ニ對シ確定不變のニ定メタリ將又雙方ノ合意ニ依リ確立シタル前記原則ノ實施適用ニ關シテハ「ウイールソン」大統領自身ノ所言ニ依ルモ商議ヲ行フコトヲ要スヘク獨逸ハ講和條件ニ關シ討議ヲナスノ權利ヲ有シ又此ノ討議ハ「ウイールソン」十四箇條及其ノ後ノ宣言ノ適用以外ニ及ホスコトヲ得サルモノトス若獨逸ニ對シ之ト異リタル講和ヲ強要スルニ於テハ之嚴正ナル公約ヲ破棄スルモノタルヘシ

第二款

各條約案ハ相互承認ノ法律の基礎、敵政治家既往ノ保障及國際聯盟ノ概念ト矛盾ス

平和條約締結ニ對シ保障セラレタル法律の基礎ヲ信賴シ獨逸國民ハ干戈ヲ投セリ吾人ノ敵ハ屢獨逸國民ト戰ヲナスニ非ス帝國主義ノ無責任ナル政府ト戰フコトヲ證言シ又此ノ戰爭ハ次(一)タニ強行ノ平和ヲ以テモ正義ノ平和ナル新規ナル平和ヲ要スト反復聲明セリ新ナル世紀ハ此ノ平和ヨリ生シテ獨逸ヲモ加フル國際聯盟ニ(不明)セサルヘカラス列強間ニ介立スル獨逸ノ地位ハ覆ヘスヘカラス各國民ノ自決權ハ承認セサルヘカラス此等ノ主義ハ「ウイールソン」ノ十四箇條及其ノ後ノ聲明中ニ約言セラレタリ然ルニ交付セラレタル平和條件ハ敵政治家ノ一切ノ證言ト著シク矛盾セリ茲ニ數例ヲ舉ケム

(一) 獨逸國民ニ對スル戰ニ非ス

「アスキス」ハ九月二十四日(脫)ハ既往ニ於ケル戰爭ノ目的物ナリト聲言シ千九百十七年七月二十五日「ロード、セシル」ハ民主政府ノ眞ニ獨逸ヲ(不明)セラレムニハ之吾人カ將來獨逸ニ對シテ防護セムトスル危險モ從テ減少スヘキ確實ノ保障ナリト言ヒ「チャーチル」ハ千九百十四年十月三日ノ演說中同意味ノ言ヲナシテ曰ク獨逸カ又立ツ能ハサル戰敗ヲナシ國民カ充分ニ其ノ政體ハ人民ノ不幸ヲ招キ國民ヲ驅テ人情ノ敵トナスコトヲ了解シタルトキ獨逸カ戰爭(脫)經驗ヨリ自由民主國トナリタルトキ始メテ神聖ナル永續スヘキ平和ヲ見ルヘシ蓋此平和ハ一國民カ他國民ヲ陵駕セムトスル野心ノ爲世界カ危倶ニ依リ分裂スル平和ニ非サレハナリト

「ウイールソン」モ千九百十七年四月二日吾人ハ獨逸國民ト戰ヲナスモノニ非ス否寧ロ獨逸人民ニ對シ同情ト友情トヲ有ス獨逸政府カ戰端ヲ開クニ至リシハ人民ノ壓迫ニ依リシニ非スシテ人民ハ之ヲ知ラス之ヲ協賛セサリシ、吾人ハ此ノ國民ニ對シテ怨ヲ有セス之ヲ害セムトスルノ意ナシ 無責任ナル政府ト戰フノミト言ヒ千九百十七年國旗祭ニ獨逸國民ハ戰爭ヲ欲シタルモノニ非スト言ヒ同年十二月四日ニハ君主ノ兇行ノ爲國民ノ罰セラルルカ如キコトナク本戰爭カ復讐行爲ニ終ラサラムコトヲ欲スト又千九百十八年四月六日吾人ハ結局ニ於テモ正義ヲ以テ獨逸國民ヲ遇シ他國民ト一般ニ公平ヲ以テ之ニ臨マムト言ヘリ

千九百十八年秋獨逸ノ政體ハ全然顛覆シ今ヤ敵國ハ無責任ナル獨逸政府ニ對スルニ非スシテ自ラ其ノ運命ヲ決セムトス

ル獨逸國民ト對立セリ獨逸帝國ノ新憲法、人民ニテ組織セル政府等ハ最嚴格ナル意味ノ民主主義ニ適合ス面シテ武斷主義ノ顛覆セルコトハ獨逸ノ提議セル國際聯盟案中ニ兵備制限ノ協約ヲ掲載セル事實ニ徴シ明カナリ兵備制限ハ敵ノ平和條件中國際聯盟ノ規定ニ相當スルモノヨリ更ニ大ナル保障ナリ

此等ノ事實ハ平和條約案中ニ毫モ講究セラレタル處ナシ

(二) (一)陰謀ノ平和ニアラス正義ノ平和ヲ要ス
佛國ニテハ「パンルベ」氏ハ千九百十七年九月十八日上下兩院ニ於テ強行平和ハ將來ノ戰端ヲ含ムカ故ニ正義平和ヲ締結スヘシト約シ同年十一月十二日聯合軍ハ平和正義尊重ノ爲ニ戰フト言ヒ「ビジョン」氏ハ議會ノ意嚮同盟國政府ノ宣言ニ適合スル正義友愛ノ平和ヲ得ル爲戰フモノナリト言ヒ、英國「アスキス」氏モ千九百十七年九月二十七日之ト同意味ノ宣言ヲ爲シ千九百十八年一月十日「バルフォア」氏ノ聲明セル處千九百十五年九月四日「ボナロー」氏ノ述フル處共ニ戰爭ハ利己主義ノ爲ニアラス正義人道ノ爲ナリト言フニ歸ス「ロイド、ジョージ」氏ハ千九百十七年十月二十二日下院ニ於テ獨逸人ノ權利ヲ蹂躪スルニ依リテ口實ヲ得セシムヘカラスト又千九百十八年一月五日復讐ニアラス正義ナリ復讐ノ平和ハ正義ニアラスト言ヒ千九百十八年五月十七日「スマッツ」將軍ハ戰爭ノ目的ハ各國民ノ自由ト權利ヲ確保セシメムカ爲ナリト言ヘリ

千九百十七年四月二日「ウイリスン」氏ハ兩院ニ對シ吾人ハ相互ノ信用ト人民ノ自由トニ依リ人道的法規ヲ設定シテ満足スト千九百十七年十二月四日ノ敎書中ニ講和ノ時機來ラハ吾人ハ喜ムテ平和ノ代價ヲ仕佛フヘシ平和ノ代價ハ即チ完全ナル正義ニシテ百事ニ對スル正義ナリ各國民ニ對シ正義ナレハ敵ニ臨ム尙友ニ對スルカ如クナルヘシト言ヒ千九百十八年六月九日墨西哥新聞記者ニ對シテ弱者ノ利益モ強者ノ利益モ平時ニ尊重スルノ主義ヲ保障スルノ主義ヲ約セリ

抑々平和談判ニ於テ確乎タル永續スヘキ平和ヲ得ルコト眞ニ敵國政府人民ノ共同意思ナラハ講和會議ニ列スルモノハ悉ク平和ノ代價ヲ仕佛フ覺悟ヲ要ス又平和(脱)行ヲ確保スル唯一ノ機關ヲ設クル勇氣ヲ要ス此ノ代價ハ百事ニ對シ公

平ナル正義ニシテ之カ爲ニ蒙ル損害ノ何タルヲ問ハス平等ナラサルヘカラス而シテ正義ハ平等ナルノミナラス危殆ナル運命ヲ有スル各國民ノ満足スルモノタラサルヘカラス同大統領ハ千九百十八年二月十一日國會ニ於ケル演說中平和ノ目的ヲ指示シテ吾人ノ欲スルハ權利ト正義ノ保障スル世界の主義ニ基キ新タナル國際間ノ秩序ニシテ個々片々ノ間ノ平和ニアラスト言ヘリ然ルニ平和條件ハ嚴肅ニ反覆セラレタル是等證言ノ一モ尊敬セラレタルモノナキヲ示セリ先ツ領土問題ニ付テ見ムニ人口六十五萬ヲ有スル「ザール」沿岸ノ土地ハ純然タル獨逸領土ナリ然ルニ單ニ此ノ地方ノ石炭ニ對スル口實アル爲十五年ヲ最短期トシテ獨逸帝國ヨリ之ヲ分割セムトスルハ理由ナキ所ナリ又西部ニ於テモ國民自決權ヲ認ムルニ於テハ獨逸ノ領地及獨逸人ノ「ボヘミヤ」ノ如キハ問題ナリ「シユレスウイツヒ」ニ關シテモ國民投票ニ委スル區域ハ純獨逸領土ヲモ含ミ遙ニ丁抹ノ望ム所ヲ超ヘタリ東部ニ於テハ上部「シレシヤ」ハ七百五十年來何等政治上ノ關係ニ依リ波蘭ニ歸屬シタルニアラサルモ之ヲ獨逸ヨリ分割シテ波蘭ニ屬セシメ又「ポーゼン」諸洲及東普魯西全部モ七百五十年來何等ノ政治關係ニ依リ波蘭ニ歸屬シタルニアラサルモ之ヲ獨逸ヨリ分割シテ同シク波蘭ニ屬セシム數百萬ノ獨逸人此ノ地方ニ居住スルニ拘ラス波蘭昔時ノ地形上ノ理由ニ依リスノ如クスルモノナリト又「メー」地方分割ノ條件ヲ掲ケタリ之全然歷史上ノ關係ヲ無視スルモノニシテ只經濟上露西亞ト獨逸ヲ離間セムトスルノ趣旨タルヤ明ナリ波蘭ヲシテ確實ニ海洋ノ自由通路ヲ得セシメムニハ東部普魯西ヲ全然獨逸ヨリ引離スヲ要ストセリ之國家經濟上亡滅ノ宣告ナリ尙「ダシチツヒ」ハ純然タル獨逸ノ都市ナリ然ルニ之ヲ自由都市ト爲シ波蘭ノ所管ト爲サムトス

此等條件ハ豪モ法律上ノ觀念ニ基キニアラスシテ時ニ依リ或ハ永久ニ消滅セシムヘカサル權利ノ思想ヨリ來タリ或ハ人種上ノ事實ニ依リ或ハ經濟上ノ利害ニ基キ皆獨逸ヲ傷害セムトスル決意ニ他ナラス殖民地問題モ亦同シク正義ノ平和ト矛盾ス殖民地ニ於ケル政治ノ要ハ資本主義ノ方法ニ依リ劣等人種ヲ瞞着スルニアラスシテ(脱)ヲ夫々更ニ進歩セル文明ニ導クニ在リ從テ先進國ハ殖民事業ニ干與スル自然ノ權利アリ獨逸モ亦之ヲ享有シ其ノ殖民事業ニ貢獻セルハ爭フヘカラサル處ナリ然ルニ平和條約ハ悉ク獨逸ノ殖民地ヲ奪去ラムトス之所謂滿足ヲ與ヘサルニアラスヤ領土問題ニ關シ獨

リスノ如クナルニアラス平和條約ハ全般ニ互リ腕力ハ正義ニ勝ツト言フ不祥ナル格言ヲ根據トセリ茲ニ例ヲ舉ケム
其ノ第十七條ニ依レハ獨逸帝國ハ豫メ普魯西、帝國ノ一部分ニテ既ニ國家ヲ成シ又將來國家ヲ成スヘキモノト其ノ敵國
トノ間ノ一切ノ條約協約ヲ承認セサルヘカラス獨逸自身ノ國境ニ關シテモ亦然リ

大陸ニ於テ了解セラレタル公法ノ主義ニ從ヘハ經濟戰爭ハ許スヘカラサルモノナルコトハ本戰中ニ認メラレタル處ナリ
而シテ個人ノ財產ハ侵スヘカラサルモノナリ然ルニ平和條件ハ諸國ノ獨逸ニ對スル損害要求ニ對シ敵國ヲシテ其ノ領土
内ノ精算サレタル獨逸財產ノ全部ヲ要求セシムルヲ以テ足レリトセス尙奇怪ニモ敵國政府ハ平和條約ノ有效トナル時ヨ
リ不定ノ期間其ノ領土内ニ於テハ獨逸ノ財產ヲ精算シ若ハ戰時處分ニ附シ之ニ對シ何等ノ賠償ヲナサス又其ノ財產權ノ
喪失時期ヲ顧サルノ權利ヲ留保シ此ノ規定ヲ獨逸殖民地「アルサスローレーン」及分割セラルヘキ其ノ他ノ地方ニモ適
用セリ又獨逸人ハ敵國ノ裁判所ニ引渡サルヘキコトヲ要求セリ正義ノ平和ナル思想ニ基ケハ之ニ關シ更ニ新ナル解決ヲ
ナサハルヘカラス戰時中ニ起リタル一切ノ國際法違反ヲ審判セシムヘキ公平ナル裁判所ヲ新設セサルヘカラス

「ウイールン」ハ千九百十六年十月二十六日ノ演說中戰爭ノ勃發シタルハ孤立シタル一行爲ニアラス最大ノ責任ヲ負フヘ
キハ同盟又ハ聯合ヲナシ陰謀間謀ノ錯雜セル網ヲ造リ各國民ヲ其ノ網目ノ中ニ禁束セル歐羅巴制度ノ全般ナリト言ヒ宣
戰ノ公布ハ單純ナル一事ニアラス其ノ根底ハ深ク歴史ノ案タル土中ニ伏在セリト言ヘリ然ルニ今同ノ戰爭ヨリ生シタル
一切ノ損害ハ獨逸及其ノ與國ノ責任ナリトス焉知ラム伊太利及羅馬尼ノ本戰ニ參加セルハ領土略取ノ爲タリシハ歷史上
ノ確定事實ナラスヤ斯ノ如ク獨逸ノ損害ヲ賠償セシムヘキ法律的基础ヲ舉ゲス加之賠償ノ金額ハ敵國ノミニテ組織セル
委員會ニ依リテ決セラレ獨逸ヲシテ參加セシメス委員會ハ債權者カ破産會社ヲ處分スル如ク獨逸ヲ處分セムトス個人ニ
自然權アルカ如ク國家ニモ自然權アリ此ノ移スヘカラサル權利ハ各國家ノ基礎ニシテ其ノ存在ヲ維持シ其ノ運命ヲ決ス
ルノ權利アリ獨逸ニ對スル此等ノ要求ハ基本權ト兩立スヘカラサルモノナラスヤ獨逸ハ損害ヲ賠償セサルヘカラスト言
ヒ而モ其ノ金額ヲ定メス獨逸ノ河川ハ國際管理ノ下ニ置キ而シテ獨逸ノ代表者ハ極メテ少數ニ制限シ獨逸領内ノ運河鐵

道ハ外國官憲ノ欲スル儘ニ改築スヘシトセリ

上述諸例ノ如キハ(?)屢次ニ誓約セル正義ノ平和ニアラサルヲ示スモノナラスヤ

「ウイールン」氏カ平和ハ全然平等主義幸福共同協助主義ノ上ニ立タサルヘカラス之制度ニ於テハ國民ノ平等ハ其ノ權利
ノ平等ヨリ來タルト言ヘル平和ナルモノニアラサルナリ

(三) 國際聯盟ノ真髓

今次平和ニ當リテハ吾人ハ人類利害ノ共同ヲ念トスルヲ要シ其ノ發露スル處即チ國際聯盟トナラサルヘカラス而シテ該聯
盟ハ法の永續團體トシテ各處戰者即チ戰勝者及戰敗者ヲモ網羅包容スヘキ事ノ獨逸ニ對シテ約言セラレタル事幾度ナルヲ
知ラス

(次テ戰爭中英、佛、米ノ各自内閣々員カ各所ノ公開演說又ハ文書著書中ニ於テ國際聯盟ニ言及シ其ノ組織ニ當リテハ文
明國全體ノ利益ヲ念トス獨逸及其ノ他ノ國民ヲモ網羅シ以テ從來各國ノ競爭ニ代フルニ各自ノ協力ヲ以テセサルヘカラス
ル所以テ聲明セル一節ヲ一々日附ヲ附シテ摘録ス)

如何此公言ヲ耳ニシタル獨逸人ハ獨逸ハ固ヨリ當初ヨリ國際聯盟ノ構成ニ參與スヘキモノナリト了解シ來リタルカ今ヤ右
等公約ニ反シ國際聯盟規約ハ獨逸ヲ除外シテ成立シ而シテ獨逸ハ聯盟加入ニ招請セラルヘキ國家ノ表中ニ何等掲載セラレ
ス加盟許可ノ後日ニ俟タシメラルカ如キハ未ク之ヲ忍フヘシトスルモ右許可ハ「有效ナル保障」ヲ以テ其ノ條件トナセリ
而カモ其ノ保障ノ難易及内容ニ就テハ獨逸ハ未タ之ヲ知ラサルナリ抑モ世界ニ於ケル獨逸ノ眞價ハ其ノ一時天下ニ示シ得
ル軍事上若ハ政(脫)内部ノ組織又眞個國際ノ聯盟タルヲ實現セルモノニ非ス隨テ吾人ノ理想タル神聖ナル同盟ニ非スシ
テ却テ(?)千八百二十五年ノ神聖同盟ノ唾棄スヘキ精神即チ外交上ノ(?)會議反(不明)歴的ニ世界平和ヲ確保シ得ルテフ
信念ノ再限ニシテ必ス文明各國ヲ其ノ幕下ニ服セシメ得ヘキ各大國ニ依リテ支配セラル、委員會ト相併フヘキ技術上ノ見
解(脫)及公平無私ナル機關ノ缺如セルハ甚タ遺憾トスヘキ處如斯シハ人事悉ク各小國ノ獨立及平等權利ノ犧牲ニ終ランノ

強力(?)ニ立脚シ之ニ伴フニ怨恨ト敵愾心トヲ以テセル陳腐政策ハ右ノ如ク(脱)遂ニ葬リ去ラレサルナリ

(四) 獨逸ノ地位壊滅セラレタリヤ

獨逸ノ廢滅ハ敢テ其ノ目的ニ非サルコトハ敵國側ノ絶エス全世界ニ向ツテ聲言シタル所ナリ(以下各國政府當局者力其ノ戰爭目的ハ獨逸ノ獨立ヲ破壞セムトスルニ非スト公言セル演説ヲ摘載ス)

之ニ反シ講和條件ハ暗示スルニ獨逸ノ徹頭徹尾世界的強國トシテ終息スヘキコトヲ以テセリ斯テ獨逸人ハ外國ト其ノ舊關係ヲ繼續スルノ望ミヲ斷タレ獨逸國ハ世界商業ノ一部ヲ擔當スルノ望ミ絶ユ加之今日迄獨逸ヨリ奪ハレタル財産ハ返還セラレスシテ反ツテ悉ク賠償ノ爲メ沒收セラレントス是ト其ノ軌ヲ一ニシ若シ獨逸ノ海外ニ於ケル財産ニシテ講和條約調印後ト雖尙不足ニ戰時規定ノ下ニ置カレ而シテ遂ニ沒收セラレ終ルカ如キコトアランカ全獨逸ハ祖國ノ爲國際交通ノ一部ヲ獲得スルコトハ全然不可能ニ終ル可キナリ況ンヤ又獨逸(脱)ハ對手國內ニ於テ獨本國ニ於ケルト同等ノ私的法律效力ノ地位ヲ享有スルコト能ハサルニ於テヤ獨逸ヲ世界商業ヨリ排除セントスル右意圖ハ海底電線ノ沒收ニ見ルモ亦明ナリ

右外部ノ壓迫ニ加フルニ他面内部ノ經濟生活ノ破壞アルモ其ノ説明ハ之ヲ他ノ部分ニ譲ル

以上ノ規定ハ各國民ノ權利ノ觀念ヲ根本的ニ否定セルモノト謂フ可ク爲モ右觀念アリテ各國民初メテ生存ノ權利ヲ享有スルモノナリ斯ル貴重ノ資源焉ソ空シク他國民ノ經濟上ノ利益満足ノ爲奪奪セラルヘキモノナランヤ

(五) 人民自決權

戰爭中在來ノ權利ニ加フルニ一新根本權利ノ發生ヲ見タリ交戰中各國政治家ノ漸次其ノ戰爭目的トシテ承認スルニ至リシ處ニシテ人民自決權即チ是也移シテ各民族力此權利ヲ行使スルノ機會ニ遭遇スルハ蓋シ明カニ今次戰爭ノ齎セシ一利益タラスンハアラス(以下聯合各國大臣ノ人民自決權ニ關スル演説等摘錄)

然ルニ炭鐵ノ一部ヲ構成スル一ノ物品ト看做サレタル「ザール」ハ地方住民ニ對スル取扱振若ハ「オイベン」「マルメタイ」及「モレスネ」普魯西地方住民ノ意思聽取ノ形式而カモ右意思聽取ハ該住民力白耳義主權ニ服シタル後ニ非サレハ行ハレサル等ニ顧ミルモ前顯公正ニ承認セラレタル人民自決ノ觀念トノ間隔隔ノ甚シキモノアルヲ知ル「アルサス」「ローレン」ニ付テモ亦然リ所謂千八百七十一年ノ不義ナルモノ獨逸ニ於テ之カ賠償ノ義務アリトスルモ右ハ敢テ獨逸ニ於テ「アルサス」「ローレン」人ノ自決權ヲ拋棄シタルヲ意味スルモノニアラス而モ住民ノ意思ニ諮ラヌシテ該地方ヲ讓渡スルハ其ノ事實自體再ヒ不義ヲ構成シ而シテ平和ノ基礎ノ一トシテ委任セラレタル處ニ矛盾スルヤ言フ俟タス

他方二百五十萬ノ住民力其ノ意思ニ反シテ祖國ヨリ擄取ラルルコトハ又國民自決權ノ觀念ト相容レサル處ニシテ意圖セラルルカ如キ國境ノ確立ハ純乎タル獨逸領土ヲ自由ニ處分シテ(不明)波蘭人ノ利益ヲ圖ラントスルモノナリ斯テ「シレジー」「モアイエンヌ」ニ於ケル「ギユラウ」(?)及「ミリテユエ」(?)ノ一圓地方ヨリ獨逸人四萬四千九百人ト相列ヒテ僅ニ波蘭人三千七百人ノ居住セル地方ヲ剝奪セラレントシ「シユナイド」「シユーヘ」及「ブロムベルグ」兩市亦同様ノ命數ニ在リ而カモ後者ハ波蘭人ハ僅カニ其ノ一割八分ヲ有スルノミニシテ「ブロムバーク」「カムベイン」一體ノ地方ニアリテハ波蘭人口ハ僅ニ其ノ四割ニモ達セサルナリ尙波蘭ニ割讓セラルヘキ「ネツチエ」地方ニ關シテハ維遜氏ハ其ノ著書(國家——歷史的及ヒ實際的政治ノ要素)(state Elements of Historical and practical Politics) 中第七章第二五頁ニ於テ其ノ實體的ニ獨逸領タルコトヲ明記セルニアラスヤ更ニ一方波蘭ト他方「シレジー」「モアイエンヌ」「ブランデンブルグ」及從來東普魯西間ノ國境ハ軍事上ノ理由ニ基キテ確定セラレ居ルモ斯ノ如キ理由ハ各領土カ國際聯盟ニ依リテ國際的ニ保障セララル今日斷シテ許ス可ラサル處ナリ國境確定ノ專斷ナルハ更ニ又「オート」「シレジー」ニ於ケル「レオツク」「シユツツ」及「ラチボン」一圓地方カ「チエツクスロバツク」國ニ割讓セラレ居ル事實ニモ之ヲ看取スルコトヲ得

「レヲプスシユエツ」ハ僅七分六厘「ラチボル」ハ三割九分ノ「チエツコ」「スラーブ」人ヲ有スルニ過キサリナリ東普魯西南部地方ノ國境確定ニ付テモ「アングルブルヒ」及「フレッツコ」ノ如キ純然タル獨逸領土ヲ包容シ去ラントスルモノナルカ人

民自決權ヲ無視セル最モ大膽ナル一例ハ「ダンチヒ」カ獨逸帝國ヨリ離隔セラレテ獨立ノ一國家ヲ構成セル事實是也歴史の權利ヨリ云フモ將又「ポーランド」ノ人種の範圍ヨリスルモ獨逸歴史及該市ノ獨逸政(脱)ニ對シ敢テ一言ノ容喙ヲ許サス「ポーランド」ノ經濟上ノ要求ヲ満足セシムルカ爲其ノ海洋接近ノ要アリトモ國際法上認メラレタル國際地役權ニ基キ自由港設置ニ依リヨク之ヲ保障シ得可キニ非スヤ「ゴメル」ノ都市讓渡モ亦人民自決ノ觀念ニ適セス「埃太利、獨逸」ニ在ル數百萬ノ獨逸人カ獨逸ニ合體セントスルノ希望ヲ拒止セラレ或ハ又獨逸國境ニ居住スル數百萬ノ獨逸人カ「チエツクスロバツク」國民トナラサル可ラサルカ如キ共ニ然リトス

翻ツテ獨逸トシテ殘存ス可キ國家領土ニ付テ見ルモ人民自決ノ公約履行セラレスシテ損害賠償ノ實行委員會ハ却ツテ全國ニ對シ其ノ運命ヲ決スルノ實權(一)ヲ掌握スモト獨逸ヲ民主化スルノ大目的ヲ以テ戰ヒタルハ敵側ノ誇トスル處戰爭終止ノ狀態ニ鑑ミルモ吾人カ昔日ノ專制ヲ脱シタルハ明ナリト雖之ニ代フルニ外部ノ「シツケン」(一)ヲ以テスルハ到底許ス可ラス況ンヤ其ノ專斷ノ目的タル獨逸ノ債權國タル國家ニヨリ獨逸人民ノ勞働力ヲ利用セントスルニアルニ於テオヤ如何ナル國家ニ對シテモ斯ノ如クニシテ其ノ獨立放棄ヲ要求スル能ハサルナリ抑モ一國民ノ生存維持ノ權利ハ即第一義ニ其ノ生活ノ内部秩序ヲ自由ニ決定シ得ルノ意味ニシテ獨逸ニ對シ此自由ヲ縛スルハ即人民自決權ノ侵害ニ外ナラサルナリ

第三款 結論

要スルニ講和條約案ハ所謂正義平和ノ基礎ト絕對の矛盾ニシテ純獨逸領土ノ併合ヲ要求シ或ハ獨逸經濟生活ニ致命傷ヲ與ヘ或ハ獨逸人民ヲ驅テ財政上青史ノ比類ナキ奴隸の境遇ニ陷ルコレ五月十二日ノ獨逸國民議會ニ於テ政府及諸黨派ヲ條約案ノ實行不可能ヲ認メタル所以ニシテ條約案ノ實施ハ全世界ノ新不幸ヲ意味スヘシ蓋シ千九百十四年十月十日「ローズベルト」氏ノ云ヘル如ク獨逸ノ政治的破滅ハ世界人類ノ大災害ヲ意味スルモノナレハナリ這般ノ消息ハ經濟的方面ニ於テ最明白ニシテ本條約本(脱)自然ノ結果タル獨逸經濟界ノ沒落ハ獨逸ノ債權者ヲシテ其ノ受クヘキ莫大ナル金額ヲ得ルニ由

ナカラシムヘシ獨逸ヲ世界市場ヨリ驅逐スルハ厭フヘキ競爭者ヲ滅ホスカ如キモ其ノ結果タル獨逸ノ經濟的沒落ハ全世界ヲ無限ノ貧困ニ陷レルモノニシテ斯ル政策ニ出ツルハ戰爭ノ結果交戰國ノ大多數其ノ國富ノ大部分ヲ失ヒタルニ顧ミ愈々危機ナリ世界ノ要求スル所ハ各方面ニ於ケル勞働ノ國際的共同ニ在リ世界ノ經濟的犧牲ハ文明世界ノ政治的組織ヲ要求ス獨逸政府ハ聯合國政府同様現戰爭ノ怖ルヘキ破壞ニ顧ミ世界ノ改造則チ人民權利主義ヲ尊重シ人民相互關係ヲ公正ナラシムルノ必要ヲ認ム只之カ爲ニハ世界列強心機一轉シテ民主主義ノ大精神ヲ體得シ「ウイリッソン」大統領ニ依リ千九百十八年八月四日述ヘタルカ如ク各般ノ問題ヲ決スルニ關係人民ノ自由承諾ヲ基礎トスルヲ要シ其ノ責任ヲ負フニ於テ何等制限ヲ蒙ルコトナキ人民ニシテ初メテ他ニ對シ誠實ノ關係ヲ保障スルコトヲ得ヘシ但シ其ノ誠實ナルカ爲ニハ同人民ニ於テ真正不易ノ先天的權利タル自由ト存立トノ保障ヲ有スルコトヲ要ス

條約案ヲ見ルニ何等此等主義ヲ認メシメ得ヘキモノナク其ノ帝國主義的資本主義的傾向ハ今ヤ埋メナレムトスル舊思想ノ最後ノ凱歌ヲ奏スルニ似タリ世界ヲ無限ノ不幸ニ陷レタル此ノ思想ニ對抗シテ吾人ハ所謂天賦ノ人權ニ訴フル所アラムトス此ノ權ヤ英國爲ニ興隆シ蘭人爲ニ自由ヲ得米國爲ニ獨立シ佛國爲ニ其ノ戰敗ヨリ離脱シタル所以ニシテ斯ル神聖ナル傳說ノ擁護タルモノ何ソ今ヤ斯ク其ノ國內ニ自由意思ニ從フ生活ヲ送り得ルニ至リタル獨逸人ニ對シ右人權ヲ拒ムコトヲ得ヘキヤ講和條約案ハ右人權ト相容レサルニ似タリ只獨逸ハ條約上ノ義務ヲ全フスヘシトノ確タル決心ノ下ニ左ノ對案ヲ提出ス

第二編

第一款 國際聯盟

世界ノ永久平和ハ大國及小國ノ平等權ヲ保障スル國際聯盟ニヨルニアラスムハ實現シ得ヘカラス然レトモ講和條約案中ニ含マル聯盟案ハ甚敷此ノ趣旨ニ反セリ獨逸側ノ聯盟案ハ既ニ聯合國側ニ提出セラレ之ニ對シ五月二十二日附公文ヲ以テ回答セラルル所アリシカ茲ニハ右公文ノ詳細ニ立入ルコトヲ避ケ單ニ獨逸全權ハ獨逸カ講和條約調印ト同時ニ他ノ諸國ト

同等ノ權利ニテ國際聯盟ニ加入スルコトヲ許サルヘキ條件ヲ以テ講和條約中ノ聯盟規約ニ基キ談判スルノ用意アルコトヲ聲明スルニ止メトス

獨逸ハ其ノ提議セル聯盟案ノ根本觀念ヲ國持シ且行ク行クハ右觀念ノ實行セラルルニ至ラムコトヲ希望スルモ差當リテハ各國ニ絶對的ノ平等權及完全ナル相互主義ヲ保障スル經濟條款ノ聯盟案中ニ挿入セラルルニ至ラムコトヲ要求セサルヲ得ス千九百十八年一月八日ノ「ウィルソン」大統領ノ演說第三點ニ基キシモノノ如キ條項ノ挿入ヲ提議ス

商業工業及農業ヲ營ムニ方リ聯盟加入國內ニ在ル他ノ聯盟國民ハ其ノ所在國民ト同一ノ基礎ニ置カレ殊ニ稅及諸掛リニ付同一ノ取扱ヲ受クヘシ

聯盟加入國ハ經濟戰爭ノ繼續又ハ再開ニモ參加セサルヘシ但シ聯盟ノ軌ルヘキ強制手段ニ就テハ此ノ限リニアラス

聯盟加入國ノ領土ヨリ若ハ其ノ領土ニ向フ各種ノ商品ハ聯盟加入國ノ領土内ニ於テハ總テノ通過稅ヲ免除セラルヘシ國際聯盟内部ノ相互關係ハ公安衛生若ハ内部ノ經濟的法律ノ執行ノ爲必要ナラサル限リ輸出入若ハ通過ノ禁止ニ依リ妨ケラレサルヘシ

聯盟加入國ノ特別(?)ノ必要ニ顧ミ特別取極ニ依リ相互間ノ經濟關係ヲ規定スルノ自由ヲ有ス

締約國ハ世界(不明)條約ノ締結ヲ其ノ目的トナスコトヲ承認ス

一國內ノ經濟事項若ハ他國トノ經濟關係ニ容喙セサラシメムカ爲ニ豫防的手段ヲ執ルノ必要アリ

又獨逸ハ千九百十八年九月二日ノ「ウィルソン」大統領ノ宣言ニ基キ左ノ如ク要求セサルヲ得ス國際聯盟ノ内部ニ於テハ利己的ノ經濟聯合アルヘカラス又如何ナル形ニ於テモ經濟的ボーイコット若ハ除外「エキスクリユウジョン」ヲ爲スヲ得ス

獨逸全權ハ國際聯盟案中ニ勞働條件ヲ公正且人道的ニ規定スルコトヲ豫見セル規定アルニ満足スルト同時ニ聯盟ニ關スル獨逸案ニ基礎ヲ爲ス觀念カ該規定ノ適用ニ依リテ實現セラルルコトヲ希望シ國際聯盟力權利觀念ヲ實現スヘシトノ信念ニ基キ且獨逸カ他國ト同様ノ權利ヲ以テ講和條約締結ト同時ニ聯盟ニ加入スルコトヲ許サルヘシトノ條件ノ下ニ獨逸政府ハ

軍事ニ關スル第五編ノ規定ノ根本觀念ニ同意スヘシ殊ニ(脱)各國ノ軍備ヲ一様ニ制限スルノ端緒ニシテ且獨逸以外ノ國モ聯合案第八條ノ規定ニ從ヒ講和條約調印後二箇年内ニ其ノ軍備制限ヲ實行シ徵兵制度ヲ廢止スヘシトノ條件ノ下ニ之ニ同意セントス他國ニ先テ軍備ヲ撤スルノ事實ヨリ獨逸政府ハ武斷的帝國主義的傾向ヲ全然拋棄スルモノナルコトヲ證明ス

獨逸政府ハ獨逸ニモ一定ノ過渡期間ヲ許容セラレンコトヲ請ハサルヲ得タルヲ以テ左ノ如ク提議セントス
獨逸ノ兵力ハ將來及豫備兵ヲ含ミ十萬人(?)ヲ超ユヘカラス該軍隊ハ獨逸内部ノ秩序ノ維持境界ノ防禦及國際聯盟ヨリ生スル義務履行ニ使用セラルルモノトス

過渡期間、獨逸ハ現ニ紛擾ヲ重ネ居ル内部ノ秩序維持ノ爲必要ナル兵力ヲ維持スルノ權利ヲ保留ス過渡期間及其ノ兵力ハ特別協定ニ依リ之ヲ定メ場合ニ依リテハ國際聯盟ニ依リ確定セラルヘシ

聯盟ニ加入セル他ノ國ト同様獨逸ハ其ノ軍隊組織及軍備ヲ決定スヘシ

講和締結ト同時ニ聯盟ニ加入シ且將來ハ相互的ノ取扱ヲ受クヘキコトヲ期待シ獨逸ハ講和條件ニ定メラレタルトコロニ從ヒ其ノ東部ノ要塞ヲ撤シ軍隊ヲ駐屯セシメサルヘキ地域ヲ設定スヘシ

以上ノ地帯内ニ於ケル秩序ヲ確保スルノ方法ニ付テハ殊ニ協定ヲ遂クルヲ必要トスヘシ

獨逸ハ第八十(?)條ニ規定セラルル船舶ノミナラス一切ノ船艦ヲ引渡スヘシ但シ財政上ノ取極ハ之ヲ留保ス

如何ナル國モ國際聯盟ノ「コントロール」以外ニ軍備上ノ「コントロール」ヲ受クルコトナシトノ條項ハ獨逸ニモ等シク適用セラルヘシ

獨逸政府ハ平等ノ基礎ニ於テ萬事ヲ商議スヘシ第五章ニ規定セラレタル實際實行不可能ノ期間及陸海軍ノ戰爭材料ヲ平和ノ目的特ニ經濟的目的ニ利用スルノ件ハ更ニ審議セラルヘシ

空中ノ自由ニ關シテハ獨逸ハ國際聯盟ノ他ノ國ニ適用セラルヘキ規則全部ヲ受諾シ飛行及着陸ニ關シ他國カ獨逸ニ與フルト同様ノ權利ヲ與フヘシ

細目ニ互リ凡テヲ急速ニ解決スルカ爲ニ獨逸政府ハ直ニ口頭ノ交渉ヲ開始センコトヲ要求ス又此ノ準備ノ爲陸海軍條項ニ關スル詳細ヲ公文ニテ開陳スヘキコトヲ留保ス（後略）

第二編

第二款 領土問題

第一章 住民ノ自定權

(A) 獨逸ハ數世紀ニ互リテ獨逸ト結合シ其ノ間何等紛擾無カリシニ依リ確定的ニ獨逸の性質ヲ帶フル領土又ハ其ノ住民カ獨逸ヨリ分離スルコトヲ欲セサル領土ヲ削減セラルヘカラサルモノトス

右ノ原則タル千九百十八年二月十一日「ウヰルソン」大統領カ米國議會ニ於テ聲明シタル十四箇條中ニ包含サレ且既ニ領土(？)問題ノ決定ニ關シ交戰國ノ雙方ニ依リ承認サレタル法理上ノ原則ト合致スルモノニシテ領土問題解決ノ原則左ノ如シ

- 一、最終的ノ決定ハ各場合ニ於ケル最善(？)ノ正義ト永久平和ヲ樹立スヘキ協定ヲ基礎トスヘキモノトス
- 二、人民ハ列強間ニ物品ノ如ク授受サルヘキモノニ非ス此點ニ關シ所謂勢力均衡ノ理論ハ過去ニ埋没サレタルモノトス
- 三、領土問題ノ解決ハ總テ關係人民ノ利益ヲ主眼トスヘク單ニ列國利害關係ノ調節ヲ以テ目的トスヘカラス
- 四、各民族ノ要求ハ新ナル紛争ヲ誘起シ又ハ舊來ノ紛争ヲ將來ニ殘ス事ナキ解釋ヲ與フルニアラサレハ世界の平和(？)ヲ期シ難シ

客年七月四日(ウヰルソン)大統領演說第二點ハ領土問題ノ解決ニ際シ物質的慾望又ハ霸權掌握ノ目的ヲ以テスルヲ排斥シ關係人民ノ自由意志ヲ尊重スヘキヲ說ケリ

如上ノ原則ノ結果

一、上部「シレシア」及「ザール」地方ノ如キ永年獨逸ノ一部ヲ成シタル地方ヲ分離スルハ不當ナリ

二、此ノ割讓ニ同意スヘキ場合ニハ其ノ割讓ニ先チ人民投票ヲ行フヘク人民投票ハ管區「コンミューン」ニ就キ行ヒ議

和締結ヨリ一年前ニ住所ヲ有シタル滿二十歳以上ノ男女獨逸國民ハ悉ク參加スヘク投票ハ嚴ニ秘密トシ騷擾ノ起ルヲ防ク爲投票ヲ行フヘキ地方ヨリ軍隊ヲ撤退セシメ投票完了スル迄丁妹、和蘭、瑞典、挪威、瑞西及西班牙人ヨリ成ル中立國委員ノ行政ニ一任スヘク投票ノ結果他國領ニ入(？)ヲ互ル地區ヲ生スル時ハ彼レ之レ交換スルコト、シ國境規定ニ際シテハ外國領ニ入ルヘキ獨逸人ノ數ハ獨逸ニ入ルヘキ人民ノ數ヲ越ヘサルコト、スヘク而シテ各國ハ投票ヲ左右スル爲將來ノ自由又ハ物質的利益ヲ以テ人民ヲ誘フヘカラス投票ニ關シテ爲シタル行爲ニ就テハ訴追サル、事ナカルヘク投票ハ平和締結後平和ノ事態ニ復歸スルヲ俟テ國際聯盟ノ定ムル時期ニ於テ之ヲ行フヘシ

(B) 少數民族ノ保護ニ關シテハ原則トシテ國際聯盟ノ決定作用ヲ以テ最有效ナルモノトスルモ獨逸ハ條約中ニ獨逸ヨリ分離サルヘキ獨逸民族ニ關シ左ノ規定ヲ設ケムコトヲ要求ス右ノ規定ハ少數獨逸民族性ヲ保持シ特ニ獨逸學校及寺院ヲ維持シ之ニ出入スル事竝獨逸新聞ヲ發刊スルノ自由ヲ與フヘク尙民族性ノ範圍内ニ於テ一層大ナル文化ノ自由ヲ認メンコトヲ希望ス獨逸ハ其ノ領土内ノ少數民族ニハ右ノ原則ヲ適用スヘシ

(C) 人民自定權ハ獨逸ノ不利益ニ於テノミ行ハルヘキモノニ非スシテ各國ニ於テ亦特ニ獨逸民族カ獨逸ニ歸屬スルヲ欲スル地方ニ於テ行ハルヘキモノトス

第二編

第二款 領土問題

第二章 白耳義

講和條約案ハ「モレスネー」ノ中立地帯ニ於ケル白耳義ノ完全ナル主權ヲ認ムル事竝「オイベン」「マルメデー」ヲ白耳義ノ爲ニ拋棄スヘキヲ獨逸ニ要求セルモ「モレスネー」中立地帯及「オイベン」州内ノ「モレスネー」地方ハ其ノ住民ノ多數ハ獨逸人ナルニ不拘人民投票ノ規定ヲ設ケス「オイベン」「マルメデー」地方ハ歷史上白耳義ニ屬シタル事ナク住民カ白耳義ニ屬スルヲ希望スルモノアリトスルモ右ハ白耳義カ同地方占領中ニ煽動シタルモノニ外ナラス獨逸ハ明白ニ獨逸の性質ヲ帶

フル領土ノ制讓ニ同意シ得サルノミナラス條約ノ規定ハ關係人民ノ自由意志ヲ尊重スルノ原則ニ悖ルモノニシテ條約實施ノ六ヶ月後ニ白耳義政府カ民意ヲ問フ爲ニ行フ方法ハ全然不充分ノモノナリ
聯合國政府ハ「オイベン」森林ヲ以テ白耳義森林破壞ノ代償タラシメムトスルモ獨逸ハ此ノ目的ノ爲ニハ別ニ白耳義ニ木材ノ供給ヲ爲スヘク獨逸ハ「オイベン」及「マルメデー」ノ割讓ヲ承認スルヲ得ス

第二編

第二款 領土問題

第三章 「ルクサンブルグ」

「ルクサンブルグ」ニ關スル條項ハ同國ヲシテ關稅同盟ヨリ脫退セシメ而モ其ノ實利ヲ保有セシメムトスルモノニシテ(脫)ハ相互的條件ノ下ニ同國ト新ニ條約ヲ締結スヘシ

第二編

第二款 領土問題

第四章 「ザール」地方

北佛炭坑破壞ノ賠償ヲ名トシテ聯合國ノ要求スル「ザール」地方ノ境界ハ炭坑所在地區ヲ超ヘ森林石灰硝子其ノ他ノ工業地方ヲ含ミ而シテ此ノ地方ニハ佛國關稅制度ヲ施行スヘキヲ規定ス
獨逸ハ五月十三日及十六日付ノ書面ヲ以テ石炭供給契約及株主(不明)賠償ノ方法ヲ求メンコトヲ提議セリ何トナレハ獨逸ハ聯合國カ經濟上ノ満足ヲ得ンカ爲ニ生産地ニ對スル政治的主權ヲ掌握セントセルハ政治上經濟上ノ誤レル思想ニ基キタルヲ信スレハナリ蓋北佛ニ於ケル炭坑ノ復舊ハ十年ナラスシテ完了スヘク獨逸カ補給スヘキ佛國ノ生産不足ハ最初ノ年ニ於テモ年額二千萬噸ヲ出ラス然ルニ「ザール」地方ハ石炭ノ埋藏量百十億噸ヲ超ユ之ヲ佛國カ獲得スルニ於テハ殆ト百倍ノ利益ヲ得ヘシ右「ザール」工業地方獨逸人民ハ最定着の住民ニシテ其ノ大多數ハ獨逸民族ナリ而シテ此ノ地方ハ歷史上紀元

八百七十年來獨逸ニ屬スルモノニシテ千八百十四年巴里條約ハ之ヲ確定的ニ認メタルモノトス今日ニ於テハ此ノ地方住民ハ獨逸國民的制(脫)ハ民選ニ依ラスシテ國際聯盟ニ依リ任命サル加之聯合國ハ言語若ハ宗教勞働問題ニ又ハ人民ノ生活ニ外國ノ影響ヲ加ヘントス此ノ如キハ獨逸ノ忍フ能ハサルトコロニシテ況ヤ「ザール」條項ニ獨逸處罰ノ意味ヲ含マシムルハ獨逸ノ到底承認スル能ハサル所ナリ五月二十四日聯合國ノ回答ハ未タ問題ノ根本ニ觸レサルモノニシテ獨逸ハ切ニ聯合國カ「ザール」條項全部ニ對シ再考ヲ加ヘンコトヲ希望シテ止マサルモノナリ

第二編

第二款 領土問題

第五章 「アルサス、ローレン」

「アルサス、ローレン」ハ歴史的ニ獨逸ニ屬スルモ千八百七十一年獨逸力之ヲ恢復スルニ際シ民意ヲ問ハサリシハ謬ニシテ今ヤ獨逸ハ此ノ不條理ヲ匡正スルニ吝ナラサルモ人民投票ヲ行ハスシテ之ヲ佛國ニ歸屬セシムルハ多數ノ獨逸人民ヲ其ノ本國ヨリ奪取シ同地方ノ經濟關係ヲ攪亂シ且將來ノ禍根ヲ貽スモノナリ故ニ同地方ニ於テ(一)佛國ニ歸屬スヘキヤ(二)自治國トシテ獨逸ト聯繫スヘキヤ(三)全然獨立國家タルヘキヤヲ人民ニ對シ投票ニ依リ定ムヘキモノトス
條約案ニ於テ同地方讓渡ノ效力ヲ休戰ノ日ニ遡ラシムルハ住民ノ法律關係ニ甚敷キ困難ヲ生スヘク住民ノ國籍ニ關スル條約案ハ千八百七十一年來同地方獨逸領タリシ事實ヲ無視シ法律上實際上實行不能ノモノナルヲ以テ領土占領ニ關スル先例ニ從フヘク尙國籍選擇及移住ノ自由並地方官憲カ其ノ職務ニ留マリ得ヘキ規定ヲ設クヘシ
萊因河流線カ「アルサス、ローレン」ト「バザアリヤ」トノ境界タリシニ依リ同河右岸ノ「ケール」Kehl 港ヲ佛領トスルコトハ不當ニシテ又鐵道ノ讓渡ハ有價タルヘク右地點外(ケール)タルヘキ萊因河橋梁ノ左岸及其ノ右岸停車場ハ讓渡シ難シ

佛國ハ右(脫)「アルサス、ローレン」ヲ獲得スルモ獨逸國債ノ一部ヲ負擔セサルハ同地方カ獨逸領タリシ間ニ多大ノ富ノ増進ヲ爲シタリシ事實ニ顧ミ不當ナリ又保險ニ關シ締結スヘキ協約ハ相互ニ被保險者ノ有シ又ハ有スヘキ請求權ヲ認メ之カ

資金ハ比例的ニ分配スルヲ規定スヘキモノトス

第二編

第二款 領土問題

第六章 獨逸系塊國

條約案第八十條ハ獨逸カ塊國ノ永久獨立ヲ認ムヘキヲ規定セリ獨逸ハ強力ヲ以テ塊國ヲ併合スル意ナシト雖歷史上文化上密接ノ關係ヲ有スル塊國人民カ其ノ自由意思ニ依リ獨逸ト結合スルヲ希望スル場合ニハ獨逸ハ之ヲ拒絕スヘキヲ約スルヲ得ス右條約案ハ千九百十八年二月十一日「ウイールン」大統領ノ宣言ニ反スルモノナリ

第二編

第二款 領土問題

第七章 東部諸問題

純然タル波蘭住民ヲ有スル地方ヲ以テ獨立波蘭國ヲ建設スルコトハ獨逸ニ於テ異議無キコト豫メテ宣誓セル處第二十七條及第二十八條ニ依リ波蘭國ニ與ヘラルヘキ東普魯西ノ主ナル地方、西普魯西「ボスナニー」及「シレジユウ」ハ共ニ純然タル波蘭人居住ノ地ト稱スルヲ得ス是等諸地方ヲ波蘭國ニ與ヘムトスルハ單ニ波蘭國ヲシテ軍略的地點又ハ重要鐵道接續點ヲ得シメムカ爲ノミニシテ其ノ或モノハ數世紀ニ涉リ波蘭國ヨリ分離セラレタル地方又ハ嘗テ波蘭國ノ權力下ニ在リシコトナキ地方スラ有之、之ヲ波蘭國ニ與フルカ如キハ國民的諸問題解決ニ際シ新ナル論争不和ノ禍根ヲ避クヘシトスル「ウイールン」ノ原則ニ反スルハ勿論却テ歐洲延イテハ世界ノ平和ヲ擾亂スルノ危險ヲ含ムモノナリ

(イ) オート、シレジユウ

千百二十三年以來「オート、シレジユウ」ハ波蘭國トハ何等ノ關係無ク波蘭ノ傳說記念タルモノ亦更ニ無シ住民ハ波蘭ノ歴史ニ通セス波蘭獨立運動ニ何等ノ關係ヲ有セサリシノミナラス興味ヲ感セス「オート、シレジユウ」ハ純然タル波蘭人

ノ居住ノ地ニ非ルハ帝國議會ニ對スル千九百三年及千九百七年ノ選舉ニ就キタモ之ヲ確知シ得ヘク又獨逸權力崩壞後ニ於テモ「オート、シレジユウ」ニ於ケル獨逸性ノ優勢ヲ認ムルコトヲ得新法制ニ依リ二十五萬ノ兒童ノ父兄ハ獨逸語、波蘭語若ハ「モラビー」語ノ何レニテモ教育ヲ受ケシメ得ヘキコトナリタルニ拘ラス獨逸教授ニ反對セル者ハ僅ニ二割ニ過キス「オート、シレジユウ」住民ノ大部分ハ獨逸及波蘭兩語ノ混合語タル地方語ヲ語リ波蘭語ハ彼等ノ用語ニ在ラス、「オート、シレジユウ」ハ其ノ智的及物質的發達ニ於テモ獨逸ニ負フ處大ナリ獨逸人ハ美術及科學ヲ代表シ大小商業、地方經濟、工業ニ於テモ其ノ主腦ニシテ勞働者ヲ指導シ諸組合ヲ管理ス

獨逸ハ「オート、シレジユウ」ト分離スルコト能ハス反之波蘭國ハ「オート、シレジユウ」ヲ必要トセス「オート、シレジユウ」ノ重要物產ノ石炭ナルカ其ノ產出額ハ昨年度ニ於テ四千三百五十萬噸ニ對シ獨逸全產炭ノ二割三分ヲ占メ獨逸全工機ノ需要ヲ充滿シ又南獨逸ノ一部及「ボヘミヤ」ニ供給セラレ大工業以外ニモ諸處工場ノ需要ヲ充タシ總シテ二千五百萬ノ人口ハ「オート、シレジユウ」ヨリ石炭ノ供給ヲ受ケ居レリ

平時ニ於ケル波蘭ノ石炭消費額ハ約千五十萬噸ニシテ「オート、シレジユウ」ニ屬セサル波蘭國境ノ谿谷ヨリ產スル波蘭ノ產炭額六百五十萬噸ニ達シ不足額中百五十萬噸ヲ「オート、シレジユウ」ニ殘テ「チエツコ、スロバキヤ」石炭ニ求ムルコトヲ得ヘク若波蘭國ニシテ「オート、シレジユウ」ヲ獲ムカ其ノ產炭額ニ重要ナル増加ヲ看ルト共ニ獨逸經濟界ニ非常ノ危險ヲ與フルモノナリ即チ「オート、シレジユウ」ヲ波蘭國ニ(脫)與スルハ疑モナク將來爭亂衝突ノ禍根ヲ作ルモノニシテ歐洲諸國及世界ノ利益ニ反スルノミナラス獨逸ニ永久ノ創痍ヲ遺スモノニシテ其ノ恢復ハ分離當面ヨリ獨逸人ノ熱心ナル希望タルヘク之ヲ獨逸ニ保留セシムルハ世界平和ノ保持ノ爲必與ナルノミナラス又獨逸ヲシテ本戰争ニ基ク債務履行ヲ容易ナラシムル所以ニシテ聯合國自身ノ爲ニモ亦利益ナリ是獨逸カ「オート、シレジユウ」ノ割讓ニ同意スルヲ得サル所以ナリ

(ロ) 「ボスナニー」「ポーゼン」州全部亦純然タル波蘭人居住ノ地ト稱スルコト能ハス其ノ主ナル諸地方ハ數百年以來獨逸

人其ノ住民ノ多數ヲ占メ其ノ以外尙各所ニ散在シ居ルハ獨逸帝國ハ明カニ波蘭性ヲ有スル諸地方ニ就キテハ「ウヰルン」ノ原則ニ依リ割讓スルニ異議ナシ只提案ハ民族主義ニ據ルコトナク波蘭國ニ對スル戰略的地點ヲ與ヘムトスルモノナルカスノ如キ見解ハ獨逸波蘭將來ノ關係カ國際聯盟ノ支配スル處トナラハ何等意味ヲ爲ササルニ至ルヘシ

(ハ) 西普魯西

西普魯西ノ大部分ヲ波蘭國ニ讓渡スルニ於テハ東普魯西ハ獨逸帝國ヨリ分離サルコトナリ「ウヰルン」ノ平和綱領ニ反スルト共ニ該地方居住民及一般獨逸國民ノ重大利益ニ反スルコトナルヘシ東普魯西トノ連絡ヲ保ツニ必要ナル地帶ヲ留保スルハ獨逸ノ爲ニ必要缺クヘカヲサル處ニシテ此ノ地帶ヲ除ク西普魯西中純然タル波蘭人居住ノ地方ハ獨逸ニ於テ之ヲ波蘭國ニ讓渡スルニ異義ナシ

(ニ) 「ダンチツヒ」

第百條乃至第百八條ニ於テ特ニ「ダンチツヒ」及其ノ附近ノ波蘭國ヘノ割讓ヲ定メ居ル處同市並其ノ附近ノ住民中波蘭人ハ纔ニ百分ノ一乃至三ニ過キス同地ノ獨逸性ヲ有スルコトハ波蘭人自身スラ認メ居ル有様ニシテ是ヲ波蘭ニ割讓スルカ如キ明カニ「ウヰルン」ノ原則ニ反スルノミナラス今同提示サレタル經濟條項ナルモノハ「ダンチツヒ」ト獨逸トノ交通ヲ至難ナラシメ時ノ經過ト共ニ之ヲ波蘭化セムトスルモノニシテ獨逸政府ノ「ダンチツヒ」ニ對スル提案ニ反對シ同地及其ノ附近ヲ獨逸ニ留保セムコトヲ要求スル所以ナリ但シ一方獨逸政府ハ千九百十八年一月八日「ウヰルン」大統領ノ演說第十三項ノ趣旨ニ基キ波蘭國ヲ自由ニ海口ニ近接セシムル爲メ「ケーニヒスブルヒ」「ダンチツヒ」ヲ自由港トナシ波蘭人ノ爲港灣設備ノ建設利用ニ關シ各種ノ權利ヲ認ムヘク又(不明)ノ鐵道ニ付獨逸ニ對シ同様に權利ヲ認ムル條件ノ下ニ波蘭國ト舊露領各地トヲ連絡スル諸鐵道ノ利用ニ關シ協定ニ依リ特殊貨率ヲ設クルコトヲ得ヘク又相互的條件ノ下ニ波蘭「リトアニア」、「レトニー」ヨリ波羅のニ通スル水路ノ利用ニ關シ波蘭人ニ對シ廣汎ナル權利ヲ承認スヘシ

(ホ) 東普魯西

住民約五十萬ノ獨逸人口ヲ有スル東普魯西ハ領土のニ獨逸帝國ヨリ分割セラレ經濟上ノ見地ヨリ之ヲ觀レハ波蘭國ニ附與セラレヘキコトナリ獨逸ハ其ノ遂ニ波蘭人ノ手ニ歸スルヲ默視セサルヘカラサルヘク斯ノ如キハ獨逸ノ到底承認シ能ハサル處ナリ

東普魯西ノ南部ニ於テハ獨逸語ヲ以テ國語トセサル住民ノ存在セル事實ヲ以テ其ノ去就ヲ人民ノ意思ニ諮ラムトスルノ口實トナセリ(第九十四條及第九十五條)然レトモ該地方ノ住民ハ純粹ナル波蘭人ノミニ在ラス然シテ或地方ニ於テ獨逸以外ノ國語ノ行ハルコトハ偶然ノ事情ニ過キスシテ是ヲ以テ茲ニ何等ノ理由ト爲スラ得ス蓋シ斯ノ如キハ最古キ聯邦國家ニ於テ往々看タル現象ニシテ「ブルトン」人「ガロア」人「バスケ」人其ノ最タルモノトス東普魯西ノ現在ノ國境ニ就キ其ノ裁定以來大凡ソ五百年ヲ經過シ問題トナレル地方ハ未ダ嘗テ波蘭若ハ「リツニア」ニ從屬シタルコトナク其ノ住民ハ數世紀以來相異ナレル歷史的發達ヲ遂ケ全然相反セル文明或ハ宗教ノ差異アルニ依リ獨逸國境以外ノ住民トハ全然其ノ範ヲ異ニス而シテ國家ノ要求ヲ理解セサル無賴ノ徒黨ヲ除キテハ右住民ハ未ダ嘗テ獨逸ヨリ分離スルノ意思ヲ表明セシコトナシ故ヲ以テ該地方ノ憲法上並經濟上ノ地位ヲ變更スヘキ理由ヲ看ス

西部普魯西ニ於ケル「スチュルム」(Sturm)「マリエンヴェル」(Marienwerder)「マリエンブルヒ」(Marienburg)及「ローゼンベルヒ」(Rosenberg)一圓ノ地方ニ就キテモ亦同シ「マリエンブルグ」地方ハ九割八分ノ獨逸人ヲ算シ「マリエンヴェル」地方「グヰスチユラ」ノ右岸ニ於テハ其ノ全部ハ獨逸人ニシテ「クローゼンベルグ」亦九割三分七厘ノ獨逸人ヲ有ス「ウヰルン」大統領ノ綱領ニ據ルモ右ノ如キ小數比例ノ人口存在ヲ以テ既成領土ノ國家的性質ヲ否定シ得ヘキモノニ在ラス然ラサルニ於テハ右綱領ナルモノハ單ニ從來ノ國家組織解體ノ結果ヲ齎スニ過キサルヘシ

(ヘ) 「メメル」

第九十九條ニ「メメル」(Memel)「ハイデクルトル」(Heidekrug)及「タイルツチット」(Tilsit)「ラグニツト」(Ragnit)ノ地方ヲ包含スル一帯ノ領地ヲ獨逸ヨリ分離セムコトヲ要求セルモ該地方ノ住民ハ「リツニア」語ヲ國語トセル住民ヲモ合ハセ

未タ嘗テ獨逸ト相離ルルノ意思ヲ表示シタルコトナク却テ常ニ獨逸町村ノ忠實ナル分子タリシナリ

國語上ノ條件ヨリ云フモ千九百十年ノ調査ニ據レハ單ニ「ハイデクルーグ」ノ地方ノミ「リツアニー」語ヲ用フルモノ聊カ多數ナルモ其ノ比例ハ僅ニ五割三分ニ過キス「メメル」地方ニ於テハ「リツアニー」語ヲ國語トセルモノハ僅ニ住民ノ四割五分「チルデット」地方ニ割五分、「ラグニツト」地方ニ割二分ヲ算スルノミ要之該地方ニ於テハ獨逸語優勢ニシテ「リツアニー」語ヲ用フルモノ五萬四千人ニ對シ獨逸人ハ凡ソ七十六萬八千人アリ特ニ「メメル」ニ至リテハ純然タル獨逸都市ニシテ千二百五十二年獨逸人ニ依リテ創設セラレ爾來波蘭ニモ將又「リツアニー」ニモ從屬シタル歴史ヲ有セス東普魯西ノ南部國境モ同様ニシテ一四(不明)注意スヘキハ該地方ノ「リツアニー」語ヲ國語トセル住民ト雖殆ト其ノ全部ハ完全ニ獨逸語ノ知識ヲ有シ又相互間ニ之ヲ使用シツツアルノ事實有リ而シテ此ノ地方ニ於テモ亦極端ナル小徒黨ヲ除キテハ舊露西亞帝國内「リツアニー」人ト合セムトスルカ如キ運動存在セス況ムヤ舊露國ニ住スル「リツアニー」人ハ加特力教徒ニシテ獨逸領土ニ住スルモノハ新教徒ナルヲ於茲乎獨逸政府ハ其ノ領土ノ割讓ヲ拒否セサルヘカラリルナリ

(ト) 割讓スヘキ領土内ニ於ケル獨逸人ノ保護

波蘭ハ今日ニ至ル迄其ノ少數國民ノ權利ヲ保障セサルヲ以テ講和條約ニ依リ獨逸領土ノ波蘭國ニ割讓サル場合合同領土内ノ獨逸語國民ノ保護ハ獨逸國之ヲ爲ササルヘカラス獨逸ハ此ノ抗議ヲ提出スルノ權利ヲ有ス蓋シ波蘭ハ東普魯西ニ於テ「リユータン」人ヲ抑壓シ獨逸帝國ニ屬シ事實上波蘭人ニ依リ支配セラルル地方ニ於テ獨逸住民ヲ抑壓酷遇シタルノミナラス千九百十八年十一月以來國內ノ猶太人ヲ虐殺セシモ波蘭地方官憲カ此ノ虐殺ヲ幫助シタル事實有リ獨逸ハ又不定ノ將來ヲ有スル小兒等ニ關シ周到ノ注意ヲ爲ササルヘカサルト共ニ聯合側提案第九十條波蘭國籍ノ選擇ニ關シ千九百十八年一月一日以後定住シタル者ニ就キテハ特ニ波蘭政府ノ認諾ヲ要ストノ規定ニ對シ反對ノ意ヲ表セサルヘカラス又普魯西植民事業發達中確立セラレタル各植民ノ權利並割讓地帶ニ於ケル各種公共團體ノ權利ニ關シ確固タル保障ヲ必要トス

最近波蘭ノ爭亂及鎮壓ノ爲生シタル損害ハ關係者カ平等ニ出席セル委員會ニ依リ定メラレ其ノ損害ノ生シタル地ヲ確定的ニ取得スル國家ニ依リ負擔サルヘク又運動ノ鎮壓ニ參加シタル者ハ處罰又ハ不利益ヲ受クルコトナカルヘシ

第二編

第二款 領土問題

第八章 「シュレスウイツヒ」

民族主義ノ原則ニ遵ヒ新國境ヲ劃セントスル丁抹ノ希望ヲ平和大會(脱)ニ於テ議スルハ「ウヰルン」綱領中明白ニ支持セラレサル處ナルモ獨逸ハ人民自決權ヲ承認スルヲ以テ「シュレスウイツヒ」ニ於ケル人民票決ニ同意スヘシ去リ乍ラ人民票決ヲ爲スヘキ地域票決ノ方法及期間ニ就キテハ提案ノ規定ヲ承諾スルヲ得ス左ノ反對案ヲ提出セムトス

一 人民票決ヲ行フヘキ地域ノ南部限界線ハ言語ヲ區分スル一線ト一致スヘク此ノ線内ニ於テハ各町村ノ住民ノ半數以上ハ丁抹人タラサルヘカラス其ノ結果人民投票ヲ行フヘキ區域ハ「レーン」(Loen)ノ南「ホーエル」(Hoyer)ノ北「モエーゲルト」(Mögertorden)ノ南「トンドルン」(Tondern)ノ北「ボールク」(Bohrkum)ノ西南「ルマデレンケ」(Lelumke)ノ南「カルルン」(Karlin)ノ北「ランシユタット」(Ranstadt)ノ南「ウエスビー」(Wesby)ノ南「メーデルショ」(Mederby)ノ北「ヤルデレンゲ」(Jarlung)ノ南「ヴァルスフル」(Wallfull)ノ北「トレレネー」(Troellee)ノ南「ハルリスレー」(Harrislee)「ハッパツルゲ」(Pattberg)及「ニーウス」(Niehus)ノ西「クレザン」(Kreuzen)ノ北「ヘーネ」(Henne)「ナツ」(Natz)ノ南「フレンスブルグ」(Flensburg)灣「スーデルツフ」(Suderth)ノ附近ニ於テ波羅の海ニ達スル一線ニ依リ劃セラルヘシ

二 此ノ地域ニ於テ人民票決ハ町村ニ依リ爲サルヘキコト

三 人民票決ハ一定期日前地域ニ於テ行フヘク投票日ハ完全ナル協定ニ依リ之ヲ定ムヘキコトヲ留保ス

四 人民票決ニハ獨逸ノ官公吏之ニ立會フヘシ右官公吏ハ瑞典人議長ノ下ニ多數ノ獨逸人及丁抹人ヨリ成ル委員會ノ指揮

ニ從フヘク該委員會ハ無制限ノ監督權ヲ有ス右提案第百十條乃至第百十三條ノ割讓ニ關スル問題ニ就キテハ意見ヲ留保スヘシ

第二編

第二款 領土問題

第九章 「ヘリゴランド」

武裝解除ヲ承認スルモ島民ノ利益及平和保護ノ爲又沿岸及漁港保護ノ爲必要ナル手段ヲ講セサルヘカラス

第二編

第二款 領土問題

第十章 殖民地

第百十九條ハ獨逸ノ海外領土ニ關スル一切ノ權利拋棄ヲ要求スルモノナルカ是千九百十八年一月八日ノ「ウィルソン」ノ議會演說ノ第五點ノ趣旨ニ反ス獨逸ノ殖民地回收要求權ハ

(一) 第一ニ之等殖民地ハ適法ノ手段ニ依リテ獲得シ堅忍ノ努力ヲ以テ之ヲ開發シ幾多ノ犧牲ヲ拂ヒテ漸ク成功ノ域ニ達シタルモノナリ之カ領有モ總テノ列國ニ於テ承認セラレ多少ノ爭議アリシモ主トシテ境界問題ニ屬シ協定又ハ仲裁ニ依リ解決セラレタリ

獨逸殖民地領有ノ將來極メテ必要ナル所以ハ其ノ經濟上必要ナル工業原料ヲ自己ノ殖民地ヨリ受ケシコトニアリ戰爭ノ爲其ノ資源ヲ大ニ減少セル今日自己ノ生産ニ依リ出來得ル限り利益ヲ收ムル要切ナルモノアリ

(二) 第二ニ獨逸ハ工業原料代金ヲ其ノ生産品ヲ以テ支拂ヲ要ス隨テ工業ノ販路ヲ得ル爲將又其ノ商業ノ活動市場ヲ索ムル爲殖民地保有ノ要アリ殊ニ講和條約ニ定ムル義務ヲ果ス爲資源ヲ殖民地ニ求ムルノ要アリ

(三) 最後ニ獨逸過剩人口ノ移植ノ爲殖民地ノ要アルカ戰爭ノ結果移民シ得ル範圍減スルカ故ニ移民ノ必要愈々大ナルモ

ノアリ獨逸モ亦世界ノ科學的利用及未開人民ノ教化ニ對シテ他ノ強國ト同様之ニ參加スルノ權利ノ義務ヲ有ス獨逸ハ其ノ殖民地ニ於テ異常ノ功績ヲ擧ケタリ

多少其ノ殖民行政ニ於テ失敗セルコトアリシモ是各國殖民史上ニ有勝ノコトナリ以上ノ治績ト前記ノ要求ノ理由ニ基キ獨逸モ亦現ニ成功セル殖民事業ヲ繼續スルノ德義上ノ權利ヲ有ス然リ而シテ獨逸カ其ノ殖民地ヲ保有スルコトハ該地ノ土民ノ利益ニ鑑ミ正當ナリ獨逸ノ施政ハ蕃族間ノ掠奪暴虐專擅ノ專政奴隸買賣其ノ他生命財產ノ不安固ヲ永遠ニ消滅セシメタリ加之鐵道ヲ建設シテ國際交通及商業ノ爲ニ開放シ土民ノ教化ノ爲新聞材料輸入ノ途ヲ開ケル等獨逸ノ土民ノ經濟上衛生上教育上ノ幸福増進ノ爲公開セルモノ尠カラス殊ニ軍國主義ヲ確立セムトセシコトナク却テ之ヲ抑制スルニ努メタリ要スルニ獨逸ハ殖民地ニ關スル重要ナル國際的法政ニハ充分積極的ニ行動シ且外國人ヲ自國人ト同等ノ地位ニ置キ門戸開放主義ヲ實行セリ戰前幾多ノ専門家ノ著述ニ於テモ獨逸保護領殊ニ東亞弗利加ニ關スル獨逸施政ノ成功ヲ證言セリ

以上ノ理由ニ依リ第百十九條及第百二十五條ノ要求ハ不公正ナリト信ス以下殖民地拋棄ニ關スル拒絕ノ態度ヲ放棄スルコトナク單ニ右拋棄要求ノ大要ニ關シテ意見ヲ述ヘムトス

動產不動產ヲ問ハス殖民地内ニ於ケル一切ノ獨逸國有財產ヲ無償ニ委任統治國ニ移轉ノ要求ハ不公正ナリ他ノ獨逸カ割讓スル領土内ニ於ケル國有財產カ有償ナリトスル原則ニ例外ナク將又國債分擔ノ問題ニ關シテモ割讓殖民地ニ於テモ委任統治國ニ於テモ之ヲ分擔セサルノ規定トナレカ獨逸ハ該割讓保護領ノ爲又其ノ施政ノ爲獨逸帝國ノ支出シタル經費ハ之ヲ獲得セル國ニ於テ償還シ該割讓地ハ其ノ既ニ負擔セル役務ヲ負擔スヘキコトヲ要求スルモノナリ殖民地内ニ於ケル私有財產ニ至テハ委任統治國ノ自由處分ニ委セラレ該諸國ハ之ヲ清算監視シ又ハ戰時處分ヲ繼續シ又ハ新ニ處分ヲ(脱)ナリ加之該諸國ハ其ノ任意ニテ該地方ニ永住シ又ハ生レタル獨逸人ヲ放逐スルノ權ヲモ有ス是實ニ私權及個人ノ自由ニ關スル獨逸人ノ法律上ノ保護ヲ全然沒却スルモノニシテ國際法上ノ原則ヲ無視セルモノナリ尙又佛國民ノ蒙タル戰

前ノ損害ノ補償ヲモ要求セルカは休戰條約ト矛盾セルモノナリ
最不正ナルモノハ伯林及「ブラッセルノ」一般協定(Seeds convention)ニ規定セル目的物ノ將來ノ規定ニ就キ獨逸ハ全然敵國
ノ意ニ旨從セサルヘカラサルコトナレリ
以上講究ノ結果

(一) 獨逸殖民地ノ處理ニ關スル形式ニ左ノ提議ヲナス

千九百十八年一月八日「ウイールン」大統領ノ議會敕書中ノ十四點中ノ第五點ハ一切ノ殖民地ニ關スル爭議ハ全然公平ナル方法ニテ規定セラルヘキコトヲ保障セルカ之ノ決定前雙方當事者ノ協議ヲ豫想セルモノナリ然ルニ今日迄斯ル協議モ行ハレス今ヤ此ノ約束ニ基キ且特ニ殖民地問題ノ規定ハ嚴正ニ政府及住民ノ利害ヲ同様ニ考量シテ決スヘシトノ原則ニ依リ本殖民地問題ヲ特別委員會ノ議ニ付スヘキコトヲ提議ス

(二) 本問題ノ賣買内容ニ就キテハ左ノ提議ヲナス

獨逸全權委員ハ本條約第九條等ニ豫見セル獨逸海外領土ノ拋棄ハ千九百十八年一月八日ノ北米合衆國議會敕書第五項ニ基キ成立セル休戰條約ノ條項ト一致スルコト能ハサルモノナリト思惟ス加之獨逸國政府ハ獨逸カ其ノ殖民地ヲ回復スルコトヲ主張スルハ正當ナリト信ス然ナカラ獨逸ハ國際聯盟成立シ獨逸自ラ他國ト同一様ヲ有スル一員トシテ直ニ入レルヘキ場合ニハ該聯盟ノ原則ニ從ヒ必要ナル場合ニハ委任統治國ノ資格ニテ其ノ殖民地ヲ統治スルヲ辭セス

第二編

第二款 領土問題

第十一章 膠州灣問題

獨逸ハ膠州及山東省ニ關スル其ノ權利及特權ヲ拋棄スルヲ肯ス但シ第五百五十六條第二項第五百五十七條ニ規定スル國有及私
有財産ニ對スル補償カ此種補償ニ關シ本條約中ニ規定セラル原則ニ從ヒ行ハルヘキコトヲ豫期スルモノナルコトノ諒解ノ

下ニ之ヲ諾ス

第二編

第二款 領土問題

第十二章 露西亞國及舊露西亞系諸國

獨逸政府ハ千九百十四年八月一日露西亞帝國ヲ構成セル領土ニ對シ何等ノ要求ヲ爲ササルト共ニ國家組織ノ問題特ニ舊露
領各地ノ獨立問題ハ是等諸領地ニ於テ自決スヘキ内政問題ニシテ之ニ干涉スルノ意思ヲ有セス
「ブレスト、リトウスク」平和條約及其ノ附屬條約ニ就テハ獨逸政府ハ休戰條約第十五條ニ依リ既ニ之ヲ廢棄スルコトトナ
セリ

獨逸ハ又露國ノ恢復及賠償ニ關スル露西亞ノ權利ヲ認ムルコト能ハス

聯合諸國ト舊露西亞帝國領土内ニ建設セラレ又ハ建設中ノ諸國トノ間ニ締結サルヘキ諸條約ニ就テハ獨逸政府ハ其ノ内容
ヲ承知シ且是等諸條約ノ承認カ露西亞及右舊露領中一定ノ地方トノ舊來ノ關係若ハ獨逸東方ノ隣邦說國ト平和友好關係持
續ノ希望ト相容レサルヘキコトナシトノ確信ヲ得ルニ非サレハ是等諸條約ヲ承認スルコトヲ得ス是等諸國家ノ國境承認ニ
關シテモ亦同一ノ見解ヲ適用スヘシ

第二編

第三款 獨逸國外ニ於ケル獨逸ノ利權及利益海外貿易及航路

條約案第一百八條ノ規定ニ依レハ獨逸ハ歐洲以外ニ於テ何等權利ヲモ有スルヲ得ス該權利ニ關スル聯合國側ノ處分ヲ認メ
認諾スヘキコトヲ約セサルヘカラス右ノ原則ハ講和締結ニ關スル豫備の協定ト背反スルモノナリ若獨逸ヲシテ尙生存ヲ續
ケシムルモノトセハ是等ノ條項及處分ヲ實行スルコトハ不可能ナリ加之聯合國ニ對スル獨逸ノ支拂義務ノ履行モ同様ニ不
能ナルヘシ

抑、輸出入及爲替ノ決濟並貿易業者ノ給養(？)ノ爲獨逸ハ航海ヲ要ス然ルニ戰爭勃發當時敵國港灣内ニ在リシ我カ船舶ハ國際法ニ違反シテ悉ク奪ハレ然モ建造中ノ船舶ノ引渡最甚シキハ引渡ノ爲ニ更ニ之カ建造ノ義務ヲ課セラル之獨逸ヲシテ永ク海外貿易船ヲ有セシメサルモノニシテ工業上ニ課セラレタル負擔ト相待ツテ獨逸ノ産業ヲ益々窮境ニ陥ルモノナリ同時ニ一方獨逸カ敵國及中立國ノ船舶ニ就テ取りタル捕獲審判所ノ判決ヲ認メス他方獨逸船舶ノ沒收ニ對シテハ補償ヲ認メス支那、暹羅、伊太利、葡萄牙、ブラジル等ニ於ケル獨逸船舶ノ沒收モ國際法ニ違反セルモ何等賠償ノ道ヲ開カス且獨逸カ海外ニ於テ有スル航海ニ關聯スル倉庫其ノ他ノ設備ハ總テ奪ハルコトナレリ

第二百九十八條附屬書ハ戰時殊ニ休戰中スラ國際法ニ反シテ行ハレタル獨逸財產ノ損害ニ對スル賠償ノ請求ハ凡テ否認セラレ同附屬書第九ニ依レハ此ノ種戰時處分ハ何時修了スヘキヤモ豫知シ得サルコトナレリ且又聯合諸國ハ獨逸ヲ通シテ行ハル通過貿易ヲモ自國ニ引寄せ獨逸ノ管理外ニ在ル港灣水路ヲ利用シ獨逸ノ舊(？)同盟國ト最自己ニ好都合ナル取極ヲ結ヒ獨逸ヲシテ之ヲ承認セシメントス加之ナラス海港ヲ有セサル一國ノ爲ニ獨逸ノ大ナル港ノ内ニ特別地帶ヲ設クルノ考案ノ如キ聯合國ノ獨逸海外貿易及工業ヲ潰滅セントスルノ計畫ヲ明示スルモノナリスル條件ノ下ニ數年内ニ獨逸郵船隊再建ノ曉果シテ海洋自由ノ原則ヲ獨逸商船ニ實際上適用シ得ル狀態ヲ現出スヘキヤ其ノ不可能ナルコト想像ニ難カラヌ補償ノ條件ノ下ニ獨逸ノ海底電線ハ沒收セラレシカ該條項ハ獨逸ノ海外通信及商業航海ハ勿論外交上ノ直接通信ノ手段スヲ不當ニ制限スルモノニシテ斷シテ拒否セサルヲ得ス

獨逸ノ海外貿易ノ一切ノ活動ハ禁抑セララル獨逸カ支那暹羅「リベリヤ」「モロツコ」埃及ニ有セシ權利特權讓與要求權ハ奪取セラレ私有財産ハ清算セラレタリ第四百七條ノ如キハ獨逸ヲシテ埃及人ノ意思ヲ聞クコトナク其ノ民族自決權ヲ害スルコトヲ得セシメ且英國ノ布告セル保護權ヲ承認セサルヘカラス

露國ニ於テ得タル特典讓與特權(？)ハ千九百十四年八月一日以後第二百九十三條ノ規定ニ依リ廢滅ニ歸セシメラレ賠償委員會ハ獨逸人カ露、支、奧、匈、勃牙利、土耳其ノ諸國並戰前獨逸及其ノ同盟國ニ屬セシ領土保護領内ニ有スル權利利益

ヲ沒收スルコトヲ得(第二百六十六條)斯クノ如キ權利ノ喪失ハ實ニ其ノ補償金額ニ比シ重大ナル損害ナリ同條項ハ猶無法ナル干涉ニ依リ歐洲内ニ於テスラ適法ニ取得セル權利ヲ失ヒ國外ニ於テ工業原料ヲ取得シ其ノ生産物ヲ販賣スル爲重要ナル策源地ヲ撲滅スルモノナリ

聯合諸國ハ相手ニ抗議ノ權利ヲ與ヘスシテ押收及清算ノ權利ヲ保持シテ獨逸ノ債務者ニハ馬克ノ債務ヲ戰前相場ニテ外國貨幣ヲ以テ支拂フヘキコトヲ強要シ從ツテ該債務ノ數倍ノ金額ヲ支拂フノ結果トナリ之ニ反シ獨逸ノ債權者ハ之ヲ外國貨幣ニテ支拂フコトヲ要求シ及之ヲ自己ノ經濟上ノ回復事業ニ直接使用スルノ權利ヲ奪ハレタリ之實ニ不公平ナル補償制度ヲ設定センコトヲ豫見セルモノナリ聯合諸國政府ハ獨逸ヨリ分割セラレタル領土内「アルサス、ローレン」ニ於テモ獨逸ノ舊同盟國勃、土ニ於テモ獨逸人ノ外國ニ於テ有スル一切ノ財產權及利益ヲモ亦抑留整頓スルノ權ヲ留保セリ而シテ之等獨逸ノ權利者ハ其ノ賠償ヲ自國政府ニ要求スルノ外何等該財產ニ關スル權利ヲ有シ得サルナリ然ルニ獨逸國及其ノ臣民ハ不規律否寧ロ不法ナル精算ニ對シテモ法律上ノ訴權ヲモ與ヘラレサルナリ

將又聯合國政府ハ獨逸人ノ外國ニ於テ有スル財產權利利益ニ關シ戰時特別處分ヲ將來ニ於テ執ルノ權利ヲ留保セリ之獨逸ノ外國ニ投シタル資本ヲ抑ヘ獨逸外國貿易復活ノ根源ヲ奪フモノニシテ獨逸政府ノ賠償ト雖到底之カ爲ニ生シタル物質上ノ損失及對人關係ノ廢滅ヲ償フコト能ハス加之海外諸國及舊獨逸殖民地ニ於テ總テノ獨逸人ハ特別監督下ニ置カレ不安不定ノ地位ニ立チ(脱)殖民地ニ於テ引續キ居住シ得ルヤ否ヤ一ニ聯合國ノ任意決定ニ委セラルルヲ以テ獨逸人其ノ利益ニ根本的損害ヲ加ヘラレタル後此レ等ノ地ニ於テ非常ノ勞苦ヲ忍ンテ其ノ事業ノ回復ヲ計ラントスル最後ノ希望ヲモ奪ハルルノ悲境ニアリ

本條約中聯合國國民ニ依リ獨逸國內ニ於ケルト同様ニ獨逸人ハ其ノ活動ヲ復活スルコトヲ許容スル條項ハ一モアルコトナシ獨逸商人ニシテ海外ニ於テ新ニ商業ヲ始メント欲セハ賠償委員會ハ其ノ獨裁的權力ヲ以テ之ヲ追究シ商業上ノ補助機關タル海底電線及無線電信ニヨル其ノ通信ハ一切聯合國ノ檢閲ニ附セラルヘシ

以上ノ調査研究ノ結果獨逸全權ハ聯合國ノ意圖カ孰レノ點ニ於テモ公正公平ノ原則ト一致セルコトヲ見出し得サルナリ即チ聯合國國民ニ對シテハ自由公正ナル競争側ニ基ク一切ノ自由ヲ保障シナカラ獨逸人ニ之ヲ其ノ外ニ排シ超ユヘカラサル障壁ヲ其ノ面前ニ築カントス之レ實ニ利己の經濟聯合及非買同盟又ハ經濟的排除政策ヲ歷史上例シナキ權力ノ濫用ニ依リ獨逸人ニ對シテ宣言セルモノト云フヘシ

上記ノ外國ニ於ケル獨逸人ノ財產權利、利益ニ對シテ設ケラレタル一切ノ手段ハ賠償ノ見地ヨリスルモ之ヲ正當ナリト云フヲ得ス固ヨリ此ノ手段ハ外國ニ於テ獨逸人ト競争スル敵國商人ニハ大ナル利益ヲ與フルモ獨逸ニ賠償ヲ命セラレタル損害ニ對シテ何等貢獻スル所ナク全ク之等ノ手段ハ獨逸ノ商業競争ヲ打破セントスル聯合國ノ陰謀ヲ語ルニ止マル斯クノ如クハ聯合國政府力戰ヒテ敢テセルハ其ノ聲言セル戰爭目的トハ異リ實ハ經濟上ノ競争ヲ抑壓セントスル意圖ニ出タルモノナリト稱フルモノナキニ非ス固ヨリ獨逸政府ハ斯ル說ニ同意スルモノニ非スト雖以上ノ(?)態度ハ其ノ疑ヲ起サシムルモノニ非サルナカラシヤ

獨逸全權ハ獨逸ノ對外貿易ノ偏頗ナル疎外ヲ規定セル之等ノ條項ヲ削除スルコト及聯合國國民ノ貿易ノ爲聯合國ノ提起セル要求ノ範圍内ニ於テ完全ナル相互主義及行動ノ自由ヲ獨逸商業ノ爲ニモ同様ニ許與センコトニ重キヲ置クモノナリ
第二百四十四條附屬書第三ノ定ムル原則即チ戰爭ノ爲生シタル空隙ヲ滿ス爲獨逸船舶モ之ニ貢獻スルコトトシタシ斯クセハ獨逸モ亦世界の聯合中ニ之等船舶ヲ加入セシメ以テ共同ニ必要ナル運輸ニ參與スルヲ得シ之ノ聯合ニ於テハ全クノ商船旗ハ均等ノ原則ニ從ツテ參加スルコトヲ豫期スヘキ且又獨逸ハ沈沒船ニ對スル噸對賠償ノ義務ヲ認ムルコトナク前掲附屬書第五項ニ從ヒ商船ヲ建造スルコトヲ約スヘシ而シテ造船所ノ能力ニ應シテ之ニ從事スヘシ獨逸全權ハ茲ニ相方當事者ノ航海事業及聯合國ト獨逸國トノ海上利害連帶ノ組織ヲ相互的ニ創設シ得ルヤヲ攻究スル爲商議ヲ開始センコトヲ提議スルモノナリ

第二編

第四款 賠償

第一章 獨逸賠償義務ノ法律上ノ根據

賠償義務ニ關スル獨逸委員ノ見解ニ依レハ本對案ノ冒頭ニ掲クル講和條件ノ根本原則ハ自ラ明瞭ナル協定ノ上ニ立タルモノニシテ其ノ内容ニ就テハ現ニ千九百十九年五月二十四日獨逸委員ノ書簡中ニモ概説セル處ナルカ損害賠償ノ領域ニ於テハ獨逸ノ負擔スヘキ義務ノ範圍ヲ定ムルニ當リテハ千九百十八年一月八日ノ「ウィルソン」大統領ノ敕書及同年十一月五日ノ國務卿ノ書簡ヲ基礎トセサルヘカラス

然ルニ右敕書ハ被占領地ノ復舊ヲ要求シ而シテ被占領地復舊ノ何タルカニ就キ「ランシング」卿ノ書簡ハ獨逸ハ聯合國ノ非軍人タル人民カ陸上海上並空中ニ於ケル獨逸ノ攻撃ニ依リ身體並財產ニ受ケタル損害ヲ賠償スヘキ旨ヲ明カニナシ居レリ

獨逸カ今日ト雖休戰當時ト同様此ノ見解ヲ固執スルハ勿論ニシテ斯ノ如キ被占領地賠償義務ヲ承認スル所以ハ蓋シ獨逸カ國際法違反ノ行爲即チ白耳義國中立ノ侵害ニ依リ戰爭ノ被害ヲ該國ニ及シタルニ依ラスムハアラス之ヲ以テ獨逸ハ休戰條約締結ノ際白耳義國ニ對スル侵襲ニ對シテノミ其ノ責任ヲ認メタルナリ故ニ獨逸ノ責任ハ目下ノ處白耳義國ニノミ限局セラルヘタ尤モ獨逸軍カ白耳義國ノ中立ヲ侵シタルハ佛國ノ北部ニ達セムカ爲ニ外ナラサルヲ以テ佛國北部ニ就キテモ白耳義國ニ對スルト同様ノ責任ヲ認ムルコトヲ得ヘシト雖伊太利國、「モンテネグロ」國、塞爾比亞國、羅馬尼亞國及波蘭國ニ關シテハ國際法ニ違反セル獨逸侵襲ノ問題ヲ生セサルヘキヲ以テ獨逸ノ賠償責任ヲ認ムルコトヲ得サルナリ

斯ノ如ク獨逸カ負フヘキ賠償ノ義務ハ獨逸軍ノ占領セル白耳義及佛蘭西領土内ニ於ケル同盟國ノ非軍人タル人民カ獨逸ノ攻撃ノ結果蒙リタル一切ノ損害ニ在ルヲ以テ其ノ義務タル管ニ破壞セラレタル動産ニ限ラス身體及財產ニ受ケタル一切ノ損害ニモ及フハ勿論ナリ然ルニ同盟國及聯合國ノ講和條約案ハ千九百十八年ノ各種ノ協定及宣言ノ内容ヲ著シテ超越シ條約案第二百三十一條ハ同盟國及聯合國並其ノ人民カ蒙リタル一切ノ損失及損害ニ關スル責任ヲ獨逸ニ要求シ同第二百三十

二條第二項ハ陸上海上並空中ニ於ケル攻撃ニ依リ同盟國及聯合國ノ非軍人タル人民並其ノ財産ノ受ケタル一切ノ損害及一般ノ附屬書第一ニ掲クル一切ノ損害ヲ賠償スヘキコトヲ要求ス然シテ右附屬書ハ必スシモ被占領地ノ非軍人タル人民ノ損害ノミヲ規定セサルナリ右ハ千九百十八年ノ協定以外ニ戰爭中國際法違反ノ一切ノ行為ヲ保障スルノ義務ヲ負ハシメムトスルモノト謂ハサルヘカラス

五月二十四日ノ書簡中既ニ述ヘタル如ク獨逸ハ國際法違反ニ關スル責任ノ原則ヲ認ムト雖聯合國側ニシテ千九百十八年ノ協定ヲ離ルルニ於テハ獨逸モ損害賠償ニ關スル要求ノ拋棄ヲ維持シ得サルハ元ヨリ主要ナル損害ノ表目ヲ調製セサルヘカラサルニ至ルヘシ交戰國雙方國際法違反ノ地位ノ比較ヨリ生スヘキ各種ノ難問ヲ實際上解決スルノ方法ハ前顯二十四日ノ書簡ニ述ヘタル如ク公平ナル國際仲裁裁判所ニ付スルノ外ナカルヘキナリ

然シ目下ノ處獨逸政府ハ千九百十八年秋ノ協定ヨリ生スル賠償義務ニ關シテ反對提議ヲ爲スニ止ムヘク而モ其ノ提議ヲ爲スニ當リテ千九百十八年十一月迄白耳義國カ戰費支拂ノ爲同盟國側ニ屬シタル借款ニ付其ノ責任スヘキ旨ヲ宣明ス尤モ右ハ元ヨリ前顯法律上ノ見解ヲ拋棄スルモノニ在ラスシテ單ニ好意的提供ニ外ナラサルナリ

第二編

第四款 賠償

第二章 財政上ノ給付

賠償ノ詳細ニ至リテハ獨逸政府ハ千九百十八年ノ佛蘭西國損害賠償案ノ原則即チ損害ハ確實ニシテ實質的且直接ナルヲ要ストノ原則ヲ採用スル餘地アルヲ認ム此ノ見地ヨリシテ獨逸ハ原則トシテ第二百三十二條附屬書第一中第一項、第二項、第三項、第八項、第九項及第十項ニ規定セル損害ヲ賠償スル義務アルヲ認ム然レトモ右各項ハ何レモ白耳義國及佛蘭西國ノ被占領地ニ於ケル非軍人タル人民ノ蒙ムリタル損害ニ關スル賠償義務ノミヲ認ムルモノトス第四項ニ就キテハ獨逸政府ハ該國並植民地ニ在住セル獨逸人ノ受ケタル苦痛殊ニ殖民地ノ獨逸人ニシテ「コンゴ」ニ關スル條約違反ニ依リ苦シメラ

レタル事情ニ鑑ミ相互主義ヲ主張ス第五項及第七項ノ要求ハ純然タル戰費ノ問題ニシテ獨逸ノ侵襲ニ基ク非軍人タル人民ノ損害ニ非サルヲ以テ法律上ノ根據ヲ缺クモノト認ム

占領軍ノ經費ニ就キテハ獨逸政府ハ占領ノ不必要ヲ主張ス蓋シ獨逸カ陸上並海上ノ軍備制限ヲ承諾スル結果獨逸ハ總テノ點ニ於テ無防備ノ狀態ニ陥ルヘキ上ニ占領軍ノ如キハ却ツテ獨逸ノ財政能力ニ障礙ヲ來シ年々交付スヘキ支拂額ヲ減少セシムルノミカレハナリ獨逸ハ上述ノ基礎ニ於テ其ノ支拂フヘキ賠償總額ヲ佛蘭西國ニ對シテハ佛蘭西法白耳義國ニ對シテハ白耳義法ヲ以テ千九百二十一年五月一日迄ニ確定スヘキコトニ同意ス

一般法律上ノ原則ニ依レハ何人モ同時ニ裁判官タリ當事者タルヲ得サルニモ拘ラス賠償委員會(第二百三十三條)ニ於テ當事者タル被害國ヲモ算加セシメ居ルニ鑑ミ獨逸ハ同委員會ヲシテ獨逸ノ損害ヲ認定セシムルニ反對ス獨逸ハ獨逸委員會ヲモ參加セシメ二者ノ間ニ協商ヲ遂ケ其ノ協議經マラサル點ハ之ヲ中立人ヲ議長トスル仲裁裁判所ニ依リ決定セシメムコトヲ提議ス而シテ右ト同一ノ方法ハ管ニ賠償ノ一部トシテ現ニ交付シ又ハ今後交付ス可キコトヲ約セル現物ヲ以テスル給付ニ關スル價額ヲ評定スルカ爲ノミナラス獨逸ノ給養ニ必要ナル食糧品及原料品ノ數量ニ付妥協ノ成立タサリシ場合(第二百三十五條、及第二百三十六條)ニ於テモ之ヲ用フ可キモノトス獨逸ハ其ノ勞働者ヲ提供シ佛蘭西國及白耳義國ノ恢復ニ資シ賠償義務一部ノ支辨ニ充當スルニ同意ス

獨逸政府ハ本對案ニ於テハ衡平ノ原則ニ適合セリト認ムル一般原則ヲ開陳シタルニ止リ其ノ他ノ細目ニ付文書又ハ口頭ヲ以テ尙意見ヲ提出ス可キ旨ヲ留保ス獨逸ハ賠償義務ヲ履行スル爲全力ヲ盡ス可キモ之ヲ履行スルニ當リ獨逸財産ハ其ノ國民力數代ニ互リ他國民ヨリモ遙カニ重キ負擔ニ苦シマサル可カラサルヲ想フモノナリ

獨逸ハ財政能力ノ範圍ニ於テ獨逸國及各聯邦ノ租稅收入並營利事業ノ收益中ノ幾分ヲ年金トシテ支拂フ可シ獨逸ハ此ノ他獨逸ノ租稅制度カ賠償委員會ニ代表セラルル諸國ノ採用スル租稅制度中ノ最重キモノニ比シ輕カル可キ負擔ヲ獨逸納稅者ニ課セサル可キ旨ヲ規定セル第二百三十四條及附屬書第二ノ第十二項所定ノ趣旨ヲ承認スト雖獨逸カ講和條約ニ依リ截斷

セラレス且其ノ工業及給養ノ基礎カ動搖セラレス而シテ新カル事態カ「アルサス、ローレー」「ンシユレスウイヒ」及「ポーゼン」ノ一部ノ住民自決權ノ結果發生セサルニ非サレハ斯ノ如キ奇重ノ負擔ニ堪フルコト能ハサル可キナリ尙獨逸ハ外國貿易ヲ再興シ將來植民地及海外ニ於ケル商業根據地其ノ他同様ノ利益ヲ獲得スルコトヲ拒絕セラレサル可ク一定量ノ大級商船ヲ保存シ且國際的共助ノ方法ニ依リ海外ニ於ケル獨逸民ノ財產ニ課税シ得可キヲ信ス

獨逸カ「ランシング」ノ書翰ノ協定ニ同意シタルハ當時獨逸ノ有セル程度ノ面積ヲ根據トシタルモノナリ尤モ獨逸カ其ノ面積生産能力原料及食料品カ減少セラレヘキ事情ヲ考慮ニ入レスシテ之レニ同意ヲ與ヘタルハ獨逸ノ過失ト稱シ得ヘシト雖將來人民自決權適用ノ結果トシテ獨逸領土カ減少スヘキ場合ニ於テハ割譲地モ戰爭ヨリ生スル一切ノ割前ヲ負擔スヘキモノナルヲ以テ千九百二十一年五月一日迄ニ見積ラレタル賠償額モ亦之ニ比例シテ減少セラレヘキナリ

獨逸政府ハ其ノ年々支拂フ債金額ヲ單ニ債權者ノ代表者ヨリ成ル賠償委員會ノミヲシテ決定セシムルニ同意スルコト能ハス獨逸政府ハ可成速ニ賠償委員會ニ財政上ノ給付能力査定ニ必要ナル資料ヲ提出スヘキヲ以テ同委員會ハ獨逸委員會ト協同シテ獨逸政府ノ收入中殆年賦金ヲ構成スヘキ割合ヲ評定シ而シテ爭アル點ニ就キテハ中立人ヲ議長トスル混合委員會ヲシテ決セシムヘク斯クノ如クスル時ハ始メテ獨逸ノ社會的及工業的生活ヲ破滅セシムルコトナクシテ獨逸ノ給付シ得ヘキ所ヲ公平ニシテ且客觀的ノ方法ニ依リ確定スルコトヲ得ヘキナリ

獨逸政府ハ各支拂期ニ支拂ハルヘキ金額ヲ適當ノ時期ニ於テ準備セシムル爲各種ノ方法ヲ執ルヘキ必要ハ之ヲ認ムト雖第二百三十三條(一)附屬書第二ニ規定スル如キ專斷の權限ヲ有スル委員會ヲ組織セシムルハ此ノ目的ヲ越ユルモノナリ

獨逸政府ハ賠償委員會ノ必要トスル法制ノ發布ヲ要制セラル、カ如キハ主權ノ素質タル人民自決權ニ背馳スルニ至ルヘキヲ以テ之ヲ認ムルコト能ハス蓋シ條約案ノ如キ苛酷ノ權限ヲ右委員會ニ認ムル時ハ獨逸國及各聯邦並各町村ノ財務行政上ノ區域内ニ於テ同委員會ヲシテ要制徵稅ヲ爲サシムルニ至ルヘク如斯ハ外國人ニ取リ不可能ナルノミナラス賠償ノ支拂上極メテ危險ナリ即チ國民ハ長キ期間ニ互リ生産力ノ全部ヲ舉テ外國ノ使用ニ充當シ其ノ自決權ヲ拋棄スルヲ欲セサルヘキ

ヲ以テ國民ハ漸次事業心ヲ減殺シ何人モ好テ納稅スルヲ欲セサルニ至ルヘク其ノ結果ハ獨逸ノ直接稅ハ逼迫ニ依リ回收セサルヘカラサルニ至ルヘキナリ

獨逸ノ提議ニ依レハ聯合國委員會ノ活動範圍左ノ如シ

一、損害ノ確定

二、現物給付ノ評價

三、獨逸ノ食料品及原料品補給ニ充ツル爲現物給付ヨリ控除セラルヘキ數量ニ關スル協定

四、國家ノ收入ニ計上シ得ヘキモノノ割合ヲ確定スル爲獨逸ノ資力ニ關シ目下着手シ得ヘキ調査

千九百二十一年五月一日ニ確定セラルヘキ賠償金額ノ支拂ハ各國ニ於テ一定ノ範圍ニ於テ各年ニ行ハルヘキ支拂ノ實行方法ニ就キ獨逸ハ下記ノ提議ヲナス

獨逸ハ條約批准後四週内ニ同盟及聯合諸國ノ定ムル年賦割ニ從ヒ遲クモ千九百二十六年五月一日迄ニ滿期トナルヘキ金二百億馬克ノ債務約束ヲナスヘク又確定セラレタル損害ニ對スル賠償金額ニ就キテモ同様ノ方法ニ依リ債務證書ヲ作成シ千九百二十七年五月一日以後利息附ニアラサル年賦割ニ依リテ其ノ金額ノ年賦ヲ支拂フヘシ但シ賠償總額ハ如何ナル場合ト雖同盟及聯合國カ白耳義國ニ前貸セル金額及上記ノ金二百億馬克ヲモ包含シテ金一千億馬克ヲ超ユルコトヲ得ス

第一ノ金二百億馬克ノ債務約束中ニハ鐵道材料農業機械其ノ他各種ノ平時並戰時材料ノ如キ獨逸カ休戰條約ニ基キテ既ニ交付シ及今後交付スヘキ給付、平和條約調印後獨逸ノナスヘキ給付ノ價額ニシテ賠償勸定中獨逸ノ貸方トナルヘキモノ例ヘハ鐵道及國有財産ノ價格國債ノ確定的引受戰爭中獨逸ト聯合セル國家ニ對シテ有スル債權ノ讓渡、世界的海運組合ニ獨逸商船カ參加スルニ依リテ得ヘキ運賃、第八篇附屬書第三乃至第六ノ適用ニ依リ協議ノ結果決定セラルヘキ現物給付同盟及聯合國カ白耳義國ニナシタル前貸額ニ就キ特別借款ノ形式ニ於テナサルヘキ賠償ヲ包含セシメサルヘカラス次ノ金八百億馬克ニ就キ年々支拂ハルヘキ無利息年賦金ニ就テ獨逸政府ノ能力ニ鑑ミテ一定ノ制限ヲ設ケサルヘカラス其

ノ年賦額ハ獨逸國及獨逸各聯邦ノ歲入ニ對スル相當比例額ヲ超過セサルヲ要ス同盟國並聯合國ニ對シテ支拂フヘキ賠償金ハ其ノ額始ト戰爭前獨逸帝國ノ總算總額ニ相當スルノ負擔ナリト雖獨逸ハ尙之カ支拂ニ任セムトス故ニ其ノ年賦額ハ獨逸帝國ノ直接稅企業利益金並關稅ヨリ生スル歲入ニ對スル一定比例ヲ以テ決定セラルヘク而シテ關稅ニ對シテハ支拂ハ金ヲ以テセラルヘキコトヲ規定セラレサルヘカラス但シ最初ノ十年間ニ在リテハ右支拂ハ各支拂期ニ於ケル金貨十億馬克ノ有スル對價ヲ超過セサルコトヲ要ス而シテ該十年間ノ期限滿了ノ二箇年前ニ於テ新ナル最高金額確定ノ爲商議ヲ開始スヘシ

年賦金ノ支拂ハ擔保基金ニ依リテ確保スルヲ得

獨逸ハ千九百二十六年ニ至ル迄間接稅專賣並關稅ノ收入ヨリ一定年額ヲ(脱)其ノ基金額ヲ均一ニ保ツノ義務ヲ負擔スルヲ辭セス右基金ノ事務ニ對スル同盟並聯合國諸政府ノ監督指揮ハ獨逸カ年賦金支拂ヲ遲滯シタル場合ニノミ其ノ遲滯繼續中ヲ限トシテ之ヲ認ム然レトモ第二百三十三條附屬書第二ノ第十八項所定ノ如キ正當ノ根據ナキ方策ヲ認ムルコト能ハス獨逸委員カ其ノ他尙詳細ノ意見ヲ書面ヲ以テ表示スヘキコトヲ留保スルト同時ニ詳細ノ點ニ就キ口頭協議ヲ開始セムコトヲ提議ス

第二編

第四款 賠償

第三章 經濟的給付

提議セラレタル其ノ他ノ協議ノ基礎點

第八編附屬書第三乃至第六所定ノ要求ニ對シ左ノ意見ヲ呈ス

附屬書第三、船舶

附屬書第三ノ要求ハ第二百三十六條ノ要求ト矛盾ス獨逸國ニ對シ其ノ全經濟力ヲ以テ戰爭ニ依リテ破壞セラレタルモノノ

恢復ニ協力スヘキコトヲ要求スルモ獨逸國ハ現在減損セル經濟力ノ範圍内ニ於テノミ其ノ義務ヲ承諾シ得ルニ過キス從ツテ同盟國及聯合國政府ノ主張スルカ如ク獨リ物品金錢ノ引渡ノミナラス商船ノ如キ重要ナル生産用具ノ引渡ヲ要求スルハ不當ニシテ如斯ハ全獨逸經濟組織ノ破壞停止ヲ來サシムヘシ

尙公海用漁船ノ引渡ハ肉類缺乏セル現時ノ獨逸國ニ取リテ重要ノ問題ナリ講和條約案カ百四十六艘ノ漁船ヲ要求スルハ現在使用セル漁船ノ殆ト全部ヲ要求スルモノニシテ如斯ハ人民給養ノ必要上不可能ナリ

現存並建造中ノ遠洋航海用商船全部ノ引渡要求ハ第二百四十四條附屬書第三所定ノ形式ニ於テ之ヲ採用スルヲ得ス然レトモ獨逸商船ヲシテ戰爭事故ニ依リテ生シタル缺損ノ填補ニ協力セシメントスル同附屬書ノ精神ニ副ハンカ爲下記ノ方法ヲ提議ス獨逸ハ全世界ノ爲ニ必要ナル運送ニ參加センカ爲全組合國ニ對シ均一平等ノ見地ニ基キテ事業指揮權ヲ認メ世界的組合ノ用ニ供ス而シテ「噸對噸」ノ賠償原則ハ之ヲ拒絕スレトモ上記附屬書第五號ニ從ヒ商船建造ノ義務ヲ承諾スルノミナラス造船能力ノ許ス限リ更ニ協議ヲ遂ケタル上要求以上ノ噸數ヲ建造シ又其ノ機關ヲ(脱)造スヘキコトヲ承諾ス但シ其ノ噸數ハ第一年ニ於テハ全部ノ狀況ヲ考慮シテ之ヲ少數ニ止ムヘキコト勿論ナリ

尙獨逸委員ハ協同的海事經營ニ對スル聯合國並獨逸ノ海事業者ノ相互的參加ヲ實現シ得ヘキヤ否ヤニ關シ協議ヲ開始スヘキコトヲ約ス

賠償ノ爲ニスル河川用船舶ノ引渡ニ關シテハ獨逸國ハ其ノ認メタル賠償義務ノ範圍ニ於テ回復ヲ爲ササルヘカラサル損失ノ賠償ノミヲ計算ニ加フヘキモノト信ス第六條第一項ニ從ヒテ奪取船舶ノ返還ヲ爲スモ尙不足スル部分ニ就テハ自國船舶ノ一部ヲ賠償委員ニ引渡スヘシ但シ其ノ數ハ千九百十八年十一月十一日現在總數ノ一割ヲ超ユヘカラス又次ノ制限ニ從フヘシ

(一) 白耳義國佛蘭西國並「アルサス」ニテ同盟國及聯合國ノ手ニ歸シタル船舶ハ之ヲ差引クヘシ

(二) 任意賣買ニ依リテ取得セラレタル船舶ヲ返還スル場合ハ追テ決定セラルヘキ其ノ代價ヲ先ツ獨逸ニ返還スヘシ但シ

其ノ金額ハ之ヲ賠償勘定中獨逸ノ貨方ニ加フルモノナルヘク又其ノ評價ハ爭アル場合ニハ中立ノ仲裁裁判所之ヲ定ム
(三) 破壊セラレタル船舶ノ賠償トシテ同一様式且同一噸數ノ船舶ヲ引渡ス

但シ獨逸國內航行ヲ著シク害スルニ在ラサレハ引渡スコト不可能(不明)ハ新規建造ニ依リテ之ヲ補フ
第三編第三百三十九條及第三百五十七條ニ依ル河川用船舶ノ引渡ニ關シテハ別ノ部分ニ於テ之ヲ述フヘシ

附屬書第四 機械其ノ他

獨逸委員ハ獨逸國ヲシテ其ノ經濟資源ヲ以テ直接原狀回復ノ爲ニ盡サシメントスルノ原則ヲ認メ出來得ル限ノ方法ヲ以テ
物資上要求ニ應スヘキコトヲ約ス

然レトモ此ノ約束ノ履行及同盟並聯合國ノ之ニ對スル監督ニ當リ獨逸政府ノ經濟の主權ハ之ヲ保全セサルヘカラス約束履行ノ爲(脱)ノ經濟的自由ノ侵犯ヲ要スル場合ニハ獨逸政府自ラ其ノ判斷ヲ以テ之ヲ行フヘシ之第二百三十三條ニ依リテ設ケラルヘキ賠償委員會ニ對シ右ノ原則ヲ越ユル權利ノ許與ヲ拒絕セサルヘカラス所以ナリ

附屬書第二十一條ニ依レハ賠償委員會ハ其ノ職務ノ執行ニ就キ正義公平善意ヲ旨トスヘシト謂フ獨逸委員又國ヨリ同見ナリ從テ其ノ趣旨ニ基キ獨逸政府ハ自己ニモ亦權利ヲ要求シ賠償委員會ノミカ一方ノ決定ヲ爲シ指揮權ヲ有スルコトニ反對セサルヲ得ス經濟的給付ニ依ル原狀回復ヲ爲スニ際シ其ノ實際的解決ヲ得ムトセハ獨逸國側ニモ亦同一ノ趣旨ニ基ク委員會ヲ設置シ兩々協力シテ經濟的義務ニ關スル獨逸國ノ約束ノ履行ヲ計ラサルヘカラス此ノ協力上ノ組織ハ先ツ之ヲ特別ノ協定ニ付スヘシ

承認シタル賠償義務ノ履行又ハ賠償ニ關スル平和條約中ノ規定ノ解釋ニ關シ雙方ノ委員會意見合致セサル時ハ中立人ヲ裁判長トセル仲裁々判所之ヲ決スヘク其ノ組織ハ各當事者一人ツツノ委員ヲ出シ之ヲシテ中立ノ第三者ヲ選定セシメ之ヲ爲ス

以上ノ條件ノ下ニ獨逸委員ハ附屬書第四ノ要求ヲ認ム然レトモ其ノ個々ノ規定ニ對シテハ委員會ノ權限ニ關スル以上ノ留

保ト提議トニ抵觸セサル限り之ニ同意ス此等ノ規定ハ其ノ範圍特ニ廣キカ故ニ之ヲ詳細ナル審議ニ付スルコトヲ要スヘク特ニ附屬書第四第四項ニ對シテハ重要ナル留保ヲ要ス蓋シ同條(一)ニ依リテ物資ノ引渡等ヲ爲ス時ハ獨逸ノ賠償能力ヲ毀傷スルニ在ラサレハ獨逸經濟生活ノ混亂ヲ防止スルコト不可能ニシテ之到底獨逸國民ノ堪ユル處ニアラサレハナリ
同種ノ機械等ノ豫備品ナキ場合ニハ現在使用中ノ機械等ノ三割ヲ委員會ノ要求ニ基キ之ニ交付セシムヘキコトヲ定ムル附屬書第四第四項ノ要求ハ現在ノ形式ニ於テ承諾スルヲ得ス然レトモ獨逸委員ハ既ニ爲シ及今後爲スヘキ反對提議ノ範圍内ニ於テ公用徵收ヲ爲スヘキコトヲ約ス但シ其ノ目的物ハ事業中又ハ事業稀ナル工場ノ私有財産ニ限ルヘク又其ノ公用徵收ハ四圍ノ事情ニ照ラシ適當ト認メラルル場合ニ之ヲ限ラサルヘカラス

又此ノ點ニ關シ豫備機械缺乏ノ場合ニ於テ改造ニ依リ時間ノ空費ナク同様ノ機械ヲ作成シ得ル場合ニハ之ニ依リテ新規ノ製造又ハ作業中ノ工場ヨリ機械ヲ取去ルコトヲ避ケ得ヘキヤ否ヤヲ顧慮セサルヘカラス
以上ノ意味ニ於テ獨逸委員ハ第二百三十八條ニ從フコトヲ辭セス此ノ點ニ關シ現在使用中ノ機械類ノ返還ニ就テハ同一種類ノ物品ノ豫備品中ヨリ現物ニ代ルヘキ返還ヲ爲シ得ヘキコトヲ認ムル附屬書第四第四項ノ原則ヲ適用セムコトヲ要求ス而シテ此ノ原則ハ更ニ之ヲ擴張シテ同種物品ノ豫備存在セサル場合ニハ假令同種機械等ノ新造交付ニ依リ原狀回復ノ不都合並遲延ヲ防止シ得ル場合ト雖新カル物品ノ返還ヲ要求シ得サルモノト認メサルヘカラス

附屬書第四第六項所定ノ(不明)返還ハ可能ナルヘク又所定期間内ニ其ノ(不明)識別ヲ爲シ得ヘシ之ニ反シ其ノ他ノ請求ハ農業上及人民給養上ノ理由ニ依リ所定期間内ニ(脱)ノ引渡ニ就テ然リトス牛乳ノ分量ハ現在既ニ病者ノ治療及小兒哺育ニ足ラス家畜ノ引渡ハ今後糧秣ノ輸入ニ依リ獨逸畜産ノ品質分量ヲ改善スルニ非サレハ之ヲ考慮スルノ餘地ナシ

然レトモ獨逸政府ハ要求ノ家畜回復ヲ計ル爲其ノ費用ヲ以テ中立國又ハ聯合國ニ於テ爲サルヘキ家畜購入ヲ補助スヘク此ノ場合ニハ獨逸ノ代表者ノ立會ヲ要スヘシ又獨逸委員ハ一定期限以後ニ於テ行ハルヘキ各年家畜引渡數ニ關スル詳細ノ提議ヲ爲スヘシ

領土問題經濟問題並賠償問題ニ關スル規定ノ許ス限リ獨逸國ハ破壞炭礦ノ戰前產額ト今後十年間ノ產額トノ差額ニ相當スル石炭ヲ佛蘭西國ニ提供スヘク其ノ分量ハ當初ハ年額二千萬噸次ノ五年ハ年額八千萬噸ナルヘキコトヲ認メ此ノ最高限度ヲ承認ス

獨逸國及佛蘭西國ハ佛蘭西國炭礦ノ迅速ナル回復ニ付同一ノ利益ヲ有ス獨逸國ハ困難ナル鐵脈ノ開掘並各種ノ工場建設ニ經驗アル多數ノ工業者ヲ提供スヘシ從テ最モ大規模ニ且迅速ニ回復ヲ計ルコトニ協力スル機會カ獨逸國ニ與ヘラルコトハ兩國ノ利益ナリ獨逸國ハ右回復ノ一部又ハ全部ヲ自ラ引受クルコトヲ辭セス

第二項乃至第五項ニ定ムル石炭要求額ハ事實上之ヲ承認スルヲ得ス蓋シ年產額一億九千八百八十萬噸ノ最高限ヲ示シタル千九百十三年ニ於テスラ輸出石炭僅ニ三千八百八十萬噸ニシテ其ノ後產額ハ著シク減少シタルハナリ千九百十八年ニハ僅ニ一億六千五百五十萬噸千九百二十年最初三箇月ニハ約二千九百萬噸從テ之ニ依リテ推算スレハ年產額一億一千六百萬噸ニ過キサルヘシ右ノ減少ハ千九百十九年最初四箇月中ニ起リタル同盟罷工並混亂ノ影響ヲ受ケタルモノナルヤ勿論ナリト雖其ノ主タル原因ハ工夫ノ減少地下勞働時間カ八時間半ヨリ七時間ニ短縮セルコト給養不良ニ基ク勞働力減少及經營狀態ノ不良ニ存シ此等ハ凡テ急速ナル回復ヲ望ムヘカラス從テ獨逸委員ノ推算ニ依レハ今後數年間ノ年產額ハ一億三千五百萬噸即チ千九百十三年ヨリ少ナルヘク又同時ニ獨逸國內ノ需要高モ二割減ニテ一億一千六百萬噸ナルヘシ此ノ計算ニハ「アルザス、ローレヌ」ノ產額需要ヲ算入セサレトモ「ザール」流域並上「シレシア」ノモノハ之ヲ算入セリ蓋シ之ナクシハ石炭ノ輸出ヲ爲シ得サルノミナラス却テ其ノ輸入ヲ爲スノ外ナケレハナリ

以上ノ算數ハ專門家ノ公正ナル計算ニ基クモノニシテ之ニ依レハ第二項乃至第五項所定ノ額ヲ引渡スコトハ絕對不能ニシテ僅ニ一千五百萬噸ノミ可能ナリ

但シ破壞炭礦ノ產額減少高二千萬噸ナル間ハ現在ノ節約制度ヲ繼續シテ右ノ外五百萬噸ヲ引渡スヘシ

然レトモ右ノ交換條件トシテ「ローレヌ」及佛蘭西ヨリ獨逸鐵山ニ對シ「mineral」ヲ供給セラルヘキコトヲ希望ス而シテ其ノ額ハ特約又ハ雙方ノ企業ノ關係ニ依リ特ニ定メラレサル限リ千九百十三年ノ額ヲ基礎トシテ之ヲ定ム尙獨逸委員ハ向フ十年間獨逸石炭總產額カ國內ノ需要ヲ充シテ餘アル時ハ佛蘭西國及白耳義國ニ對シテ其ノ優先購入權ヲ認ムヘシ而シテ右ノ餘剩カ三國ノ需要ヲ充スニ足ラサル時ハ獨逸國佛蘭西國並白耳義國ハ何レモ均一ノ割合ヲ以テ節約ヲ爲スヘク其ノ監督ノ爲三國ノ代表者ヲ以テスル委員會ヲ設置スヘシ尙此ノ協定ヲ爲スニ就テハ伊太利國及「ルクサルブルク國」ノ利益ヲ考慮スヘシ代金及引渡條件ニ關シ獨逸委員ハ競争ヨリ生スル一般代價ヲ計出シ且仕拂フヘキモノナリヤ否ヤヲ質問ス獨逸委員ハ其ノ代價（運送費ヲ含ム）ハ同一價值ノ英國炭（？）ノ一般輸出價格（運送費ヲ含ム）以上ナルコトヲ得ヌ又獨逸國內ノ價格以下ナルコトヲ得サルモノト認ム若シ獨逸ニ對シ其ノ外國ニ對スル輸物ノ全價格ヲ拂ハルコトナク又ハ財政上ノ提議ノ項目中ニ貸方トシテ記入セラルコトアクシハ獨逸ハ經濟生活ニ必要ナル（不明）ヲ爲スコト能ハス從テ賠償義務ノ履行ヲ爲スコト能ヘス

以上ノ提議ノ詳細ハ當初ニ記シタル委員會選舉方法ト同様ノ方法ニテ選任セラルヘキ技術的分科會ヲシテ之ヲ決定シムヘシ

尙先ニ記シタル千九百十三年ノ輸出額三千八百八十萬噸中ニハ舊埃地利洪牙利ニ對スル一千三百六十萬噸及運送上便宜アル國ニ對スル多額ノ輸出額ヲ含メルコトニ留意セサルヘカラス獨逸及聯合國ニ於ケル運送ノ困難及船舶ノ不足ニ鑑ミル時ハ獨逸ノ輸出炭殘額全部ヲ佛蘭西國ニミ引渡スハ一般ノ利益ニ合セスト信ス（脱）ヲ爲スハ引渡約束ヲ免レントシ又ハ其ノ他ノ困難ヲ惹起スル目的ニ出ツルニ在ラス

戰爭ニ依リテ害セラレタル歐洲經濟生活カ凡テノ原料ノ分配ニ對シ運送機關ノ節約的使用ヲ爲スコトヲ要求スルヲ信スルコト毫モ聯合諸國ニ讓ラス又獨逸委員ハ石炭分配ヲ研究シ交通機關ヲ節約スル爲國際委員會ヲ設立スヘキコトヲ提議シ尙又獨逸委員ハ一定期間内獨逸運送機關ニ依リテ毎年佛蘭西國ニ對シ一千五百萬噸乃至二千萬噸ノ石炭ヲ輸送スルハ不可能

ナリト信ス從テ其ノ内多數佛蘭西國ノ運送機關ニ依リテ運送セラルヘキモノトス又此ノ場合ト雖現存ノ鐵道運河等カ能ク其ノ用ニ堪ユヘキヤ否ヤ疑問ナリ

附屬書第五第八項ニ依リ要求セラルル石炭製產物ニ關シテハ獨逸ハ現在(脫)年三萬五千噸ノ「ベンジン」ヲ引渡スヲ得ヌ勿論千九百十三年一月ニハ一箇月一萬六百噸ヲ產出シタルモ其ノ後各種ノ原因特ニ材料不足ノ爲現在產額ハ一箇月四千噸ヲ超ヘス從テ國內重要ナル需要ニスラ應スルコトヲ得ス然レトモ獨逸委員ハ將來狀況ノ改善セラルヘキコトヲ豫期シ向フ三年間一箇月四千噸ヲ超ヘサル限度ニ於テ獨逸「ベンジン」產額ノ五割ヲ佛蘭西國ニ交付スヘシ

獨逸ハ向フ三年間佛蘭西國貨車ニシテ其ノ大部分ヲ運送シ得ルニ於テハ一箇年五萬噸ノ「コール」ヲ交付ス獨逸ハ其ノ貨車ヲ供給スルコト不可能ナリ

獨逸ハ向フ三年間一箇年三萬噸ノ硫酸安母尼亞ヲ佛蘭西ニ交付スヘシ

尙五萬噸ノ「コールタール」ニ代フルニ要求セラルヘキ種類ノ粗製「コールタール」蒸溜製品ヲ交付スルモ可ナリ

代價決定ニハ石炭ニ就キ上述セル處ヲ適用スヘシ

附屬書第六 化學工業

現狀恢復ノ目的ト附則第六ノ要求トノ間ニハ何等ノ關係ヲモ發見スルコト能ハス然レトモ聯合諸國ノ緊急ナル需要ニ應スルカ爲附屬書第六第一項ノ要求ニ應ス但シ代價決定ニ關スル要求ハ之ニ應スルコト能ハス蓋シ此ノ要求ハ委員會ニ染料並化學製品工業ノ製產費ヲ支配スル權利ヲ認ムル結果トナリ附屬書第二十一項ノ定ムル正義公平善意ノ原則ニ反スレハナリ附屬書第六第二項ノ要求ハ之ニ應スルコト能ハス之ニ應スルコトハ獨逸力其ノ義務ノ履行ニ供スヘキ財政的給付能力ヲ向上セシムル所以ニアラス却テ附屬第六第三項ノ規定ハ代價決定ニ關スル附屬書第四第四項ノ原則ト矛盾シ賠償勸定上獨逸ノ貸力トナルヘキ所得ヲ著シク害スルノ虞アリ物品ノ交付ヲ受ケタルモノカ之ヲ轉賣スルニ因リ受クヘキ利益ハ一種ノ間接的賠償トシテ之ヲ承認スルヲ得ス蓋シ斯カル賠償ハ賠償勸定上獨逸ノ利益ニ歸スルコトナケレハナリ

附屬書第七 海底電線

是等ノ要求ハ賠償ト關係ナキカ故ニ他ノ部分ニテ之ヲ述フ

時日短クシテ到底此ノ復雜ニシテ微妙ナル提議ヲ審議スルノ暇ナキカ故ニ以上ノ説明ハ未タ以テ獨逸ノ見地ヲ十分鮮明セラルモノト云フヘカラス然レトモ獨逸委員ハ今後ノ協議(協議ヲシテ有效ナラシメムトセハ口頭ナラサルヘカラス)ニ於テ既ニ爲シタル提議ヲ基礎トシ個々ノ留保ヲ維持シツ、尙當事者雙方ノ贊同ヲ得ヘキ協定ニ到達シ得ヘキコトヲ信ス協議ノ進行ニ伴ヒ同盟國及聯合國政府カ其ノ提議ニ際シテ未タ顧ル處ナカリシ目的ニ到達スヘキ途開カルヘキコト疑ヲ容レヌ此ノ點ニ於テ獨逸委員ハ獨逸炭鐵ニ對スル參加ニ依リテ石炭交付ヲ確保スルコトニ關スル五月十六日ノ「ノート」ニ依ル提議ヲ參照セラレムコトヲ望ミ之ト同一ノ原則ヲ他ノ工業ニモ適用シテ北部佛蘭西及白耳義國ニ於テ破壞セラレタル工業ノ所有者ヲシテ獨逸ニ於ケル同種又ハ同様ノ企業ニ參加セシメテ賠償ノ一手段ヲラシメムコトヲ欲ス個々ノ場合ニ付テ此ノ參加ノ方法ヲ定メ又斯シテ爲サレタル賠償ノ價格如何及之ヲ賠償勸定上獨逸ノ貸方ニ記入スル方法如何ヲ定ムルハ總テ之ヲ今後ノ協議ニ讓ル獨逸政府ハ白耳義及北部佛蘭西復興ノ資金調達カ此ノ方法ニ依リテ著シク容易ナラシメラルヘキコトヲ信ス以上ノ精神ニ依リ獨逸政府ハ上記ノ範圍以上ニ於テモ尙以上ノ如キ獨逸工業ニ對スル參加ヲ許與スルコトヲ辭セス

第二編

第五款 通商條項

講和條約中通商條項ノ基礎タルヘキモノハ「ウイールソン」大統領ノ宣言ナルカ其ノ通商問題ニ關スル諸點左ノ通り

(甲) 千九百十八年一月八日米國議會ニ於ケル演說中十四點ノ適用

第一 國際間ニハ如何ナル祕密協定ヲモ締結スヘカラサルコト

第二 沿海以外ノ海洋ニ於ケル航海ノ絶對的自由

第三 出來得ル限り一切ノ經濟障壁ノ廢止並平和ニ加盟シ且平和維持ノ目的ニ就キ集合スル諸民族ノ爲平等ナル通商條件ノ設定

(乙) 千九百十八年七月四日「マウント、ヴァーノン」ニ於ケル演說中ノ十四點ノ適用

第二 總テノ問題ハ經濟的協定ニ關スルモノト雖利害關係ヲ有スル民族ノ自由承諾ノ基礎ニ依リテ定ムルヲ要ス自己ノ對外勢力又ハ霸權ニ便セムカ爲別異ノ法則ヲ希望スルカ如キ他國民ノ實利特權ヲ基礎トナスヘカラス

(丙) 千九百十八年九月二十七日紐育ニ於ケル演說ノ適用

第二 一國民又ハ或國民ノ一體ノ特別利益ヲ以テ協定ノ如何ナル部分ノ基礎トモナスヘカラス

第三 國際聯盟ノ加盟國間ニハ如何ナル聯合同盟又ハ特別ノ規約協定ヲモ許スヘカラス

第四 國際聯盟内ニハ私利ニ基ク如何ナル特別經濟聯合並經濟上ノ「ボーイコット」其ノ他如何ナル排斥手段ノ使用ヲモ許スヘカラス尤モ國際聯盟カ自カラ紀律及制御(?)ノ手段トシテ認メタル限度ニ於ケル經濟上ノ制裁ハ此ノ限リニアラス

第五 經濟上ノ競争及戰爭ハ近代ニ於テ屢戰爭ヲ誘發シタル畫策及感情ノ淵源ナリ此等ヲ嚴正ニ排斥シ得サル平和ハ不誠實不確實ノ平和ナルヘシ

然レハ獨逸ハ講和條約ノ内容ニ關スル豫備協定ノ趣旨ニ從ヒ講和條約ノ通商條項ハ須ク他ノ國民ニ對スル絕對平等ノ原則ニ基キ設定セラルヘキモノナルコトヲ要求ス之聯合側諸國ニモ利益ナルヘシ休戰條約締結ニ先タツ公文交換ノ際獨逸ハ極メテ多大ノ讓歩ヲ爲シタリ債務者ヲシテ支拂能力ヲ回復セシムルコトハ債權者總テノ利益ナリ既往四年半ニ亙リ國際法ニ違反シテ行ハレタル一切ノ原料品及食料品ノ封鎖ノ爲獨逸ノ國力甚ダシク疲勞シ殊ニ勞働階級ノ生産能力及勞働ハ多年ノ營養不良ニ因リ減少セリ獨逸將來「マンパワー」(人的資源)ノ供給者タル青年ノ健康ハ封鎖ニ因ル飢餓ノ爲著シク害セラレ又獨逸ノ輸出貿易ハ終熄セリ

獨逸ハ通商上戰前ト同一ノ自由ヲ與ヘラルルニ非サレハ其ノ引受ケタル負擔ニ當リ且將來他ノ國民ト略同等ノ地位ヲ占ムルコトヲ得ス獨逸ハ同一ノ理由ニ依リ國際聯盟ヘノ即時加入並國際聯盟調逸案中ニ示セル經濟上ノ權利義務ニ參加ヲ許サレムコトヲ主張セサルヘカラス又獨逸ハ講和條約案ニ依リ聯合諸國ニ附與セラレタル片務的特權ニ代フルニ餘リ多カラサル(脱)數ヲ限リ經濟上ノ無條件特惠ノ相互制度ヲ以テセムコトヲ提議ス

獨逸ヨリ割讓スヘキ領土ニ設ケラルル關稅制度ニ關シテハ此レ等領土ト其ノ隣接國トノ關係ハ過渡期ニ於ケル特別待遇ヲ正當トスルモノナルコト明カナリ

但シ各種生産品ノ品質及數量並手續ニ就キ相互主義ニ基キ特別交渉ヲナスコト必要ナリ

右交渉ハ關係各領土ニ於ケル生産狀態及需要額ヲ充分調査スルコトヲ要ス

獨逸ハ聯合側諸國カ到底承諾セサルカ如キ關稅率上ノ義務ヲ避ケムトスルモノナリ現下不定ノ狀態ニ鑑ミ各國共關稅率ノ設定特ニ財政的關稅ニ關シテハ行動ノ自由ヲ留保スルコト望マシク尙獨逸ヲシテ其ノ關稅收入ニ依リ賠償義務ヲ最速ニ履行スルヲ得セシムルコトハ聯合側諸國ノ利益ナリ

獨逸ハ船舶ニ關スル證明書及書類ハ何レノ地ニ在リテモ承認セラルヘシトノ第二百七十三條ノ原則ニ同意セサルヲ得ス獨逸ハ航海ニ關シ船舶ノ所屬互認ヲ確保スル爲戰前同様出來得ル限り協力スルヲ辭セヌ又將來他國トノ交通上總テノ不正競爭ヲ防止スル法規ヲ制定スルニ吝ナラサルナリ尤此レ等ノ問題ハ工業所有權及著作權ニ關スル問題ト共ニ速ニ萬國會議ニ附スルヲ便トスヘシ

交通問題ニ關シテモ獨逸ハ出來得ル限り特惠待遇ヲ排斥スル國際交通法規ノ制定ニ協力スヘク又海上及内水航行ノ相互的平等ノ原則ヲ國際聯盟ノ規約又ハ特別協定ニ依リ設定スルニ同意ス尙自由港制度ヲ發達セシメムトノ提議モ獨逸ノ贊同スル所ナリ

鐵道ニ關シテハ獨逸ハ主義トシテ且相互條件ニテ聯合側諸國一切ノ貨物ニ對シ他ノ外國又ハ獨逸ノ貨物ト同一ノ待遇ヲ與

フヘク右原則ノ適用ヲ議スル爲ナルヘク速ニ交渉ヲ開始セムコトヲ提議ス獨逸ハ「ベルン」協約ノ回復ニ異議ナキモ鐵道國際制度ノ發達ニ就テハ國際法上平等ノ地位ニ於テ之ニ參加スヘク尙獨逸ハ「ゴター」協約ノ回復ニ對スル意ヲ「ベルン」イユ」ニ於ケル交渉開始ニ先タチ瑞西ニ通告シタリ又獨逸ハ技術上ノ發達ヲ妨クル規定ハ總テ之ヲ撤回セラルヘキモノナリトノ意見ナリ(第二百七十條)鐵道線路及鐵道材料ノ引渡ハ現狀ニ依リ實行シ且鐵道材料ノ引渡額ハ現狀ニ依リ評價スヘシ獨逸ハ波蘭ニ對シ鐵道材料引渡ノ義務ヲ承認スル能ハス獨逸ハ波蘭(維納會議ニ依リ定メラレタル地域)外ニ材料ヲ取リタルコトナク却テ獨逸撤退ニ際シ多量ノ材料ヲ殘シタルノミナラス波蘭ハ不當ニモ其ノ領内ニ在ルモノヲ保留シタリ獨逸ハ聯合側諸國ノ指定セルカ如キ新線路ヲ敷設スルノ義務ヲ承諾スル能ハス又各個ノ場合ニ就キ豫メ協定スルコトナクシテ外國カ獨逸内ニ鐵道ヲ敷設スルコトヲ許ス能ハス獨逸ハ鐵道ノ運輸ニ關シ自國內ノ組織ニ對スル一切ノ干涉ヲ拒絕セサルヘカラス

第二編

第六款 國內航行

第十二編第二款第三章及第四章獨逸河川ニ關スル規定ハ特ニ重要ナリ獨逸ノ河川ハ之ニ通スル水流及運河ト共ニ國際委員會ニ依リ管理セラルヘク(脫)獨逸ハ決シテ多數ヲ制スルコトナシ委員會ノ權限ハ一定セサルヲ以テ其ノ欲スルカ儘ニ廣汎ナルモノト解スルヲ得ヘシ實際ニ於テ委員會ハ經濟上獨逸河川及運河ノ系統全部ニ對シ無限ノ權限ヲ行ヒ得ヘキ地位ニ在リ斯シテ委員會ハ同時ニ獨逸鐵道系統ニ關シ間接ニ權力ヲ振フコトナルヘシ第三百二十五條ニ依リ獨逸ハ自國運輸船ノ利益ノ爲通常線(?)ノ「ノーマル、アイチネラリ」ニ依ラサル運輸方法ヲ採用スルコトヲ(脫)ルノミナラス又講和條約ノ調印ニ際シ將來ノ協定ニ就キ自己ノ意見(不明)ノ權利ヲ豫メ拋棄セサルヘカラス第三百五十三條及第三百六十一條ニ依レハ獨逸ハ外國ノ希望アル時ハ自己ノ意思ニ反シテモ自國領内ニ運河ヲ開鑿スルノ義務ヲ負擔ス斯ノ如クシテ獨逸ハ經濟生活全般ノ國內行政ニ關シ優越最高能力ヲ聯合側諸國ニ引渡スコトナルヘシ内水航行ニ關スル

條項ノ承諾ハ獨逸主權ノ保持ト相容レヌ到底行ハルヘカラサルコトナリ獨逸ハ自國河川ニ關スル從來ノ制度ニ對シ新事態ニ應スル改正ヲ加ヘ以テ外國民ノ船舶貨物ノ爲充分ノ便宜ヲ與フルコトヲ辭セス唯獨逸ハ沿岸國ノミ此等河川ノ行政ニ參加スルノ權アリトスルノ主義ヲ支持スルモノナリ右沿岸國代表權ノ範圍ハ其ノ經濟上ノ利害關係當該河川ニ接スル領土ノ延長及水路維持費ノ負擔額ニ依リ決定スヘキモノナルヘシ

「エルベ」河航行規則ニ關シテハ獨逸ハ「チエツコ、スロバツク」國トノ間ニ經濟上友好關係ヲ維持スルヲ極メテ有利トスルカ故ニ同國ノ要求ニ對シ欣然考慮ヲ加フヘシ

「ライン」河航行ニ關シテハ獨逸ハ從來河川國際制度ノ模範タリシ中央委員會ノ權限ヲ毫モ變更スルノ必要ヲ認メス但シ獨逸ハ改良スヘキ點ニ關シ交渉ヲ爲スヲ拒ムモノニ在ラス

「ダニユーヴ」河ニ就テハ獨逸ハ沿岸國關係ノ變遷ニ鑑ミ同河ニ關スル各般ノ協定ノ編纂及變更ニ助力スルヲ利トスルニ付同河歐羅巴委員會ニ於ケル其ノ從來ノ地位ヲ恢復シ且今後同河ニ關スル一切ノ事項ニ參與スルコトヲ要求セサルヘカラス

「オーダー」河ハ航行シ得ヘキ分ハ全獨逸ニシテ之カ改良ヲ圖リ内水航行ニ適セシムルコトハ一ニ獨逸自體ノ自治ニ屬スルヲ以テ同河委員會ノ如キハ全ク論議スルヲ要セサルナリ

若夫「ヴィイスチユラ」河ニ至リテハ將來獨逸河川系統ノ一要衝ヲ爲スヘキモノニシテ獨逸政府ハ同河航行規則ノ制定ニ付波蘭ト交渉ヲ開始スルヲ辭セサルヘク唯規則案提出ノ權利ヲ留保セントス

「ニーメン」河ニ就テモ亦獨逸政府ハ關係沿岸國ト同様ノ協定ヲ爲スヘシ「ストラスブルグ」及「ブール」二港ヲ利用統一ノ爲長期ノ間特別組織ノ下ニ且佛國行政ノ下ニ置カントスル第六十五條ノ提案ハ其ノ儘ニテハ承諾スルコト能ハス然シ獨逸全權委員ハ特別談判ニ依リ當事者雙方ノ同意シ得ヘキ制度ヲ見出し得ヘシト思考ス

「アルサス」、「ロレーヌ」ヨリ「ライン」ヲ過クル鐵橋其ノ他ノ橋梁ハ流線(タールウエツヒ)カ國境線ヲ爲ス事實ニ鑑ミ其ノ

中央ヨリ夫々獨逸ニ屬スヘキモノナリ又兩岸諸國ハ「ライン」河ノ「アルサス」、「バーデン」ニ跨カル部分ノ水力ヲモ平分スヘク獨逸ハ水力工事ニ關スル規定ニハ原案ノ儘ニテハ同意スルコトヲ得ス獨逸全權委員ハ問題ノ廣汎ナルニ顧ミ細目ハ特別協定ニ讓ルノ要アルヲ認ムルモ必スヤ雙方ニ満足ナル解決ニ達シ得ヘキコトヲ信ス

「チエツコ、スロバツク」國……(不明)……ハ獨逸全權委員ハ「ハンブルグ」及「スタツチン」二港ハ今日迄既ニ塊洪國トノ往復通商ノ爲極メテ自由ニ使用セラレタルコトヲ指摘セムトス兩港(?)ノ關係ハ貿易上如何ナル制限ヲモ加ヘタルコトナク又將來ニ於テモ何等制限ヲ設クルノ意ナシ

獨逸(?)ハ「チエツコ、スロバツク」國トノ特別協定ニ依リ「ハンブルグ」自由港及「スタツチン」自由地區ニ於テ極メテ廣汎ナル共同使用權ヲ附與スルコトヲ辭スルモノニ在ラス

第三百三十九條及第三百五十七條ニ就テハ賠償ノ章ニ規定スル河用船舶ノ引渡ノ外關係國ヲシテ河用船舶ノ相當ノ分前ヲ得シムル爲交渉ヲ開始スヘキモ當事者雙方ノ正當ナル必要ヲ充分考慮ストノ言ニ關シテ之ヲ特ニ「ライン」河ニ關シ尊重スヘキコトヲ條件トセサルヘカラス

「キール」運河ニ關スル規定ニ對シテハ將來ニ於テモ各國民ノ交通ニ之ヲ開放スルコトニ全然同意スヘク相互條件ニ依リ獨逸ハ細目ノ規定ヲ締結スヘシ第三百八十六條ハ「キール」運河ヲ事實上國際聯盟ノ任命ニ係ル國際委員會ニ隸屬セシムルコトヲ定メ居ル處斯ル規定ハ海洋ヲ連絡スル一切ノ他ノ水路ニモ等シク適用セラル、ニ非サレハ承諾スルコトヲ得ス

第二編

第七款 條 約

條約案ハ獨逸ト聯合側諸國トノ間ニ效力ヲ回復スヘキ經濟的又ハ技術的ノ多數國間條約 (multilateral treaties) ハ講和條約中特ニ明記シタルモノニ限リ其ノ他ハ一切無効トナスノ原則ニ基ケルカ如シ斯ル原則ハ其ノ當ヲ缺キ以テ國際關係ノ回復ニ缺クヘカラサル確實ノ基礎トナルニ足ラス且回復セラルヘキ條約ヲ洩ナク列舉セムトスルカ如キハ重大ナル疑義ヲ生セ

シムル所以ナリ殊ニ決定力アル取極ハ決シテ主要條約中ニノミ決定セラル、モノニアラスシテ無數ノ追加條約特別協定細目條約中ニモ包含セラレ又屢特定國ノ爲ニスル留保ニ依リ制限ヲ受クルコトアリ然レハ短時日ノ査閲ニ依ルモ第二百八十二條ノ條約ニハ當然其ノ中ニ加ヘラルヘキ多數國間條約ノ全部ヲ盡シ居ラス且又第七、第十七、第十九、第二十及第二十一ノ各號ノ如キハ其ノ内容及意義ニ就キ疑義ヲ生セシムルモノアルヲ示セリ斯ル事情ノ下ニ於テ(脱)與ヘラレスシテハ此ノ種ノ規定ニ就キ責任ヲ負フコトヲ得ス故ニ講和條約調印ト同時ニ戰前ノ前記諸條約ハ原則トシテ總テ回復スルコト、爲シ唯變更又ハ廢棄ヲ要スルモノニ限リ講和成立後間モナク之ヲ審議スルコト、爲サハ可ナラム

第二百八十三條及第二百八十四條ニ依レハ獨逸ハ郵便電信及無線電信ニ依ル國際通信ノ問題ニ就キ他國間ニ將來締結セラハキ協定ニ就テモ其ノ規定ノ内容ニ參與スルコトナクシテ豫メ同意セサルヘカラスルコト、ナリ居レルカスル約款(?)引受ノ承諾ハ一獨立國民ノ體面ト相容レサル處ナリ

又獨逸トノ二國間條約 (Bilateral treaties) ノ恢復ニ關スル提議ニ對シテモ強硬ニ抗議セサルヘカラス第二百八十九條ニ依レハ獨逸ト聯合側諸國間トノ戰前條約ヲ恢復スヘキヤ否ヤノ決定權ハ一ニ聯合側ニ存シ同條第四項ニ於テ條約ノ相手國タル聯合國ハ條約恢復ノ通告ヲ爲スニ當リ講和條約ノ規定ト抵觸スト自ラ認ムル條項ヲ(不明)置クヘキコトヲ指摘シ得ルコトヲ定メ居レリ此ノ理論ニ依レハ今日迄敵國タリシ國ハ從來條約中ニ定ムル義務ヲ恢復ヲ獨逸ニ求ムルト同時ニ右條約締結ノ當時自ラ爲シタル約束ヲ除外シテ獨逸側ノ讓歩ノ利益ノミヲ占ムルコトヲ得ヘキ地位ニアリ然ルニ此等條約ハ締約國ノ讓歩ヲ含ム(脱)ニシテ其ノ一方ニ義務ノミ殘リ他方ニハ權利ノミ殘ルカ如キ專斷ノ方法ニテ之ヲ分割スルコトハ承認シ難シ

第二百八十九條ノ規定ハ到底獨逸ノ同意スル能ハサル所ナルヲ以テ左記ノ規定ヲ以テ之ニ代ヘンコトヲ提議ス

「開戰前締約國ニ有效ナリシ條約ハ講和條約ノ批准ニ依リ原則トシテ其ノ效力ヲ恢復ス右條約若(?)一定期間満了ノ時期ニアラサレハ廢棄スルコト能ハサルモノナルトキハ該期間ハ戰爭繼續ト等シキ期間ヲ限り之ヲ延長スルモノトス各締約

國力戰時中生シタル變化ト抵觸スト認メタル條約又ハ其ノ特定ノ規定ヲ一定ノ期間内ニ相手方ニ通告スルノ自由ヲ有ス

右條約ノ規定ハ特別委員會ニ依リ特定ノ協定期間内ニ於テ成ルヘク速ニ起草セラルヘキ新條約ニ依リ代ルヘキモノトス又祕露國「ボリグイア」國「エクアドル」國及「ウルグアイ」國ノ如ク獨逸ト開戦セサリシ國トノ條約ハ國際法上ノ原則ニ從ヒ國交斷絶ニ依リ效力ヲ妨ケラレサリシコトヲ考ヘサルヘカラス

第二百九十條及第二百九十二條ニ依リ要求（？）スル獨逸ト其ノ舊同盟國トノ條約並獨逸ト露國及羅馬尼亞國トノ條約ノ廢棄ハ全體トシテ之ヲ承認スルコトヲ得ス何トナレハ此等諸國トノ正式關係ハ夫レカ爲甚シキ危殆ニ陷ルヘケレハナリ獨逸ハ既ニ「プレストリトウス」條約ヲ廢棄シ又「ブカレスト」條約ハ未タ批准ヲ了セス故ニ此等條約ハ最早論議スルノ要ナシ第二百九十一條及第二百九十四條ハ獨逸カ以前條約ニ依リ其ノ同盟國又ハ中立國ニ與ヘタル或種ノ利益ヲ聯合側諸國ニモ許容センコトヲ要求シ居ルカ獨逸國全權委員ハ此ノ種條約ヲ精細ニ審查スルノ地位ニ在ラサル限リハ右要求ニ對シ其ノ態度ヲ決定スル（脱）白耳義ヲモ満足セシムル爲「千八百三十九年條約改正」ノ必要ヲ認メタル諸強國ハ米、英、佛、伊、日、白蘭國カ各一名ヲ任命スヘキ委員會ニ右改正ヨリ發生スヘキ措置ヲ研究シ且領土主權（脱）又ハ國際地役ノ設定ヲ含マサル案ヲ提出スルコトヲ附記ス右委員會ハ白耳義國及和盟國ニ講和會議ニヨリ採用セラレタル一般原則ノ精神ニ則リ航行シ得ヘキ河川ニ關スル兩國ノ共同案ヲ提出センコトヲ求ムヘシ」トノ提議ヲ爲シ之ニ決議シタリ

第二編

第八款（不明）、俘虜及墳墓

墳墓及俘虜ノ抑留民ノ歸還ニ關スル要求ノ第一歩トシテ獨逸全權ハ細目ニ關スル交渉ヲ留保シテ左ノ諸項ヲ提出ス先ツ敵ノ權力範圍ニ於ケル收容前或ハ收容（脱）シタル犯罪ニ依リ判決ヲ受ケタル獨逸俘虜及抑留民ハ聯合國側カ休戰締結ノ際自國人ノ爲要求シテ獨逸側ノ承諾シタル例ニ倣ヒ全部解放ヲ受クヘキモノトス

俘虜及抑留民カ送還實施マテ獨逸ニ於ケル聯合國俘虜及抑留民カ休戰條約締結後受ケタル同様ノ寛大ナル取扱ヲ受クヘキモノナルコトヲ條約ニ記入スルヲ要ス更ニ進シテ獨逸全權ハ今後ノ俘虜及抑留民ノ取扱ヒ並墳墓地監理ニ關スル問題カ條約ノ規定ニ於テ不當ナルヘキコトヲ主張スルノ正當ナルヲ信ス

猶ホ古領地出身俘虜及抑留民ノ歸還ニ關スル第二百十六條ノ規定ハ移住自由ノ精神ニ背反スルヲ以テ規定中歸還者ノ意志ニ一層重キヲ置クヘキコトヲ要求ス

獨逸俘虜及抑留民送還ノ費用ニ關シテハ獨逸政府ハ俘虜及抑留民カ敵國權力範圍ヲ去リタル後ノ費用ノミヲ負擔スヘキモノト思考ス

第二編

第九款 刑罰

第二百二十七條ニ於テ聯合國ハ前獨逸皇帝ニ對シ其ノ國際道德及條約ノ效力ヲ無視シタルノ故ヲ以テ其ノ訴追ヲ提起シ大國ノミニ依リテ組織セラルヘキ特別裁判所ハ國際政策ノ最高原則ニ從ヒテ判決ヲ下スヘキ其ノ刑罰ノ程度ニ就テハ何等ノ制限ナク而シテ右實行ノ爲和蘭政府ニ被告ノ引渡シヲ要求スヘキモノトス

獨逸ハ右裁判所ノ構成ニモ其ノ手續ニモ引渡シニモ關係スルコト、爲リ居ラスト雖獨逸政府ハ右第二百二十七條ヲ包含スル講和條約ニ調印スルコトニ依リ前記訴追ノ正當ナルコト、特別裁判所ノ權限並引渡シノ正當ナルヲ承認スルノ結果ニ至ルヘシ之レ同國ノ認容シ能ハサル處ナリ

右ノ訴追ハ法律の根據ヲ缺ケリ蓋現行國際法ニ依ルニ刑罰の制裁ニ關シ何等ノ規定ヲモ設ケス如何ナル國ノ法律モ國際道德若ハ條約ノ違反ニ對シ刑罰ヲ加フヘキコトヲ定ムルモノナク從テ現行法ニ於テハ右訴追ニ決定ヲ與フヘキ裁判所ナキ理ナリ故ニ右規定ノ結果特別裁判所設ケラレ而シテ又特別判決ノ根據トナルヘキ追及力ヲ有スル刑罰法規設ケラル、ノ理ナ

ク獨逸政府ハ一獨逸人カ諸國ニ於テ特ニ右獨逸人ノ爲正義ニ基カス政策上ノ目的ヨリ發布シタル特別法ニ依リ而モ其ノ行爲當時刑罰ノ目的タラサリシニ拘ラス外國特別裁判所ノ裁判ニ服セシメラルハコトヲ容認スルコト能ハス又獨逸政府ハ不當ナル訴追ノ爲一獨逸人ノ外國ニ引渡シテ和蘭政府ニ要求スルコトニ同意スルコト能ハス

猶第二百二十八條ニ依ルニ獨逸ハ同國人ニシテ敵國ヨリ戰爭ニ關スル法規慣例違反ノ廉ヲ以テ其ノ責任ヲ問ハレタルモノヲ獨逸裁判所カ同國人ニ對シ既ニ訴追ノ手續ヲ開始シタル場合ニ於テモ右敵國軍事裁判所ノ判決ノ爲ニ引渡スヘキモノトス然レトモ獨逸刑法第九條中獨逸人ノ外國政府ニ引渡シテ禁スルモノアルヲ以テ獨逸ハ右ノ如キ義務ニ任スルコトヲ得ス聯

合國政府ハ右ニ依リ獨逸法規ノ變更ヲ強要スルモノニシテ之ニ同意スルハ獨逸名譽ノ許ササル處ナリ

獨逸全權ノ思考スル所ニ據レハ講和會議ノ最高使命ハ交戰國雙方ヨリ國際法侵犯ノ廉ヲ以テ互ニ論難攻撃セル感情ヲ和ク

ルニ其ノ眞ニ不正アリタル場合正義ノ感念ヲ満足セシムルコトヲ以テスルニ在リ

此ノ目的ハ聯合側ノ欲スル如ク政治上ノ目的ヨリ不正ニ對スル賠償ト敵人虐待トヲ混同シ戰勝者ニ與フルニ裁判官タルノ地位ヲ以テシ、正義ニ代フルニ暴力ヲ以テスルニ於テハ違スヘクモアラス、若ハ正義ノ侵犯ヲ回復セムト欲セハ之ヲ回復スルノ手續モ亦正義ニ協ハサルヘカラス現行國際法ニ依レハ戰爭ニ關スル法規慣例侵犯ノ責任スルモノハ國際的義務ノ主體タル國家ノミナリ若ハ一個人ノ處罰ニ依リテ満足ヲ得ヘキ理由アリトスルモ被害國家自身之ヲ處罰スルヲ得然ルニ他國ハ唯右個人ノ所屬國家ニ其ノ處罰ヲ要求スルコトヲ得ルノミ獨逸ハ管ニ右ノ手續ニ反對シタルコトナキノミナラス一切ノ國際法侵犯ヲ嚴罰ニ處シ且同時ニ其ノ訴追カ何レノ當事者ヨリ提起セラルルモ公平ニ審理セラルル様取計フコトニ今モ依然トシテ異議ナキコトヲ宣明ス尙又獨逸ハ戰爭中ノ犯行カ果シテ戰爭ノ法規慣例侵犯ト認メラルヘキヤ否ヤ見ムトスル爲中立國人ヨリ組織セラルヘキ國際裁判所ニ任スルニ國際法上ノ先決問題ニ關スル決定ヲ以テスルニ異議ナシ但シ左ノ條件ヲ必要トス

(一) 國際裁判所ハ各條約當事國臣民ニ依リ戰爭ノ法規慣例侵犯ヲ審理シ得ヘキコト

(二) 右裁判所ノ構成ニ當リテハ獨逸モ聯合國ト同様ノ權利ヲ有スルコト

(三) 國際裁判所ノ權限ハ國際法上ノ問題ノ解決ニ限リ而シテ處罰ハ國內裁判所ノ權限ニ屬スルコト

第二編

第十款 勞 働

講和條約案第十編ニ依ルニ勞働者ノ利益繁榮並其ノ勞働ノ保護ハ勞働者自身ノ決定ニ基クモノニアラスシテ政府ニ依頼スルコトヲ明記セリ而シテ獨逸ハ國際聯盟及勞働組織ニ直ニ輸入スルコトナリ居ラサルヲ以テ獨逸人民ハ同國勞働法制定並勞働保護制度カ同國勞働組合ノ協力ニ依リ模範的發達ヲ遂ケ居ルニ拘ラス勞働者ノ繁榮並衛生狀態ヲ進メムカ爲ニ協力スルノ權利義務ヲ有セサルノ理ナリ

戰前獨逸勞働保險ノ效果ハ「ロイドデョーデ」氏モ之ヲ英國議會ニ慫慂シタル程ナルカ講和條件ノ爲獨逸勞働者ハ多年苦闘ノ結果ヲ没却セラルヘク此等勞働者ハ勞働法制定ノ成功ヲ擁護セムカ爲本戰爭ニ從事シタルニ拘ラス右成功ヲ繼續スルコト能ハスシテ最悲惨ノ境遇ニ陥リ主トシテ勞働法制定ノ結果世界市場ニ雄飛スルニ至リタルハ獨逸ハ世界經濟ヨリ驅除セラ

ルニ至ルヘシ

條約案第十三編中ニモ認メタルカ如ク各國ノ勞働條件ハ互ニ相關聯スルモノニシテ獨逸ニ於ケル勞働條件ノ不適(一)ハ他國勞働者ノ地位ヲ下落セシムヘク即チ講和條約ノ結果世界各國勞働階級ハ犧牲ニ供セラレ得ヘキナリ

獨逸勞働者ハ勞働者ノ國際的運動直接ノ目的ヲ實現スルカ如キ講和ニアラサレハ之ヲ受諾スルヲ得ス獨逸勞働者ノ存在ヲ脅スカ如キ講和ハ他國人民トノ友好關係ヲ保障シ得ヘキ正義ノ平和タルヲ得ス斯ル講和ハ千九百十七年六月十日「ウヰルン」大統領カ露國政府ニ申送タル四海兄弟ノ辭ハ有名無實タルヘカラストノ言ト矛盾ス

右ノ點タル五月十六日並二十二日兩度ノ抗辯書ニモ述ヘタル如ク(脱)得ヘクモアラス只勞働組合及其ノ決議ヲ認メ且其ノ進歩セル勞働法制定一切ノ交親(一)國ニ適用スルニ依テノミ之ヲ實現スルヲ得ヘシ

而シテ獨逸法制カ最モ進歩セルコトハ労働會議アル毎ニ承認セラレタル所ニシテ獨逸ヲ國際聯盟及労働組織ヨリ除外スルハ獨逸労働者ニ對スル侵害タルト同時ニ労働者將來ノ幸福ヲ保障セントスルノ意圖ヲ空ウスルモノナリ是レ獨逸全權カ一時タリトモ獨逸ヲ労働組織ヨリ除外スルニ對シ嚴重ナル抗議ヲ提起スル所以ナリ

獨逸全權ノ知レル所ニ依レハ同國労働組合ハ獨逸労働者ヲ其ノ幸福ニ付何等ノ保障ヲ與ヘス若ハ充分ノ保障ヲ與ヘサル外國例ヘハ波蘭ノ如キ國ノ支配下ニ置クニ至ルヘキ獨逸領土ノ割讓ニ反對セリ聯合國政府ハ何等專横且無責任ニ獨逸労働者ニ損害ヲ被ラシメ且自己ノ目的利益ノ爲ニ労働セシムルノ權ヲ有セサルノミナラス斯ノ如キハ「ウヰルソン」大統領カ千九百十八年九月二十七日紐育ニ於ケル演說ニ所謂正義ノ基礎ヲ破壞スルモノナリ獨逸全權ハ已ニ聯合國政府ニ對シ獨逸労働社會カ如何ナル犠牲ヲモ厭ハス實現セント欲スル労働者ノ權利條件ヲ通告セルヲ以テ今更之ヲ繰返ササルモ右要求條件ハ「ベルン」會議ノ決議ト一致シ居レリ

條約案第十三編ノ規定ハ民主主義ノ抱負ニ反ス蓋シ該規定ニ於ケル政府ノ權能カ被治者ノ意思ニ淵源セサルノミナラス聯合國ハ一方労働ヲ以テ商品ノ如ク取扱フヘカラストノ主義ヲ立テナカラ他方労働者ニ對シ基礎の人權タル平等權ヲモ市民權並其ノ資格ヲモ認メス

斯ノ如ク平等權ヲ認メサル平和ハ労働者ニ復讐心ヲ起サシメ強固永續のナルコト能ハサルヘシ千九百十八年七月四日「ウヰルソン」大統領ハ其ノ演說中労働問題ノ解決ハ一切利害労働者ノ自由承諾ニ其ノ基礎ヲ置カサルヘカラスト述ヘタリ講和條約案第四百二十七條ノ一般原則ハ各國労働者平等權ノ前提タル移轉ノ自由結社權並外國ニ於ケル労働保護法制ノ利益ニ均霑スルノ自由ヲ認メス從テ労働者ノ要求ニ副ハサルモノナルヘシ蓋シ同條ニ依レハ外國労働者ヲ一國労働法適用ノ下ニ置クト否トハ當該國ノ任意ニシテ同條第六項ニ依ルニ唯適法ニ其ノ滞在ヲ許サレタル労働者ノミ經濟上同一待遇ヲ受クヘシト言フモ所謂適法ノ滞在ハ資本主義的國家主義的利益ニ依リ恣ニ決定セラルノ憂ナシトセハ此ノ規定ハ獨逸労働者ニ對スル惡意ノ差別的タルノ效果ヲ有スヘク結局労働者階級協同關係ニ大打擊ヲ加フルモノナリ

故ニ獨逸全權ハ各國労働者ノ同意ヲ以テ労働組合ノ會合ヲ催シ同會議ヲシテ聯合國政府ノ講和條件獨逸民主政府ノ對案並「ベルン」會議ノ決議ニ對スル態度ヲ決定セシムコトヲ茲ニ更ニ提議スルト同時ニ右會議ニ於ケル労働法並労働組織ニ關スル討議ノ結果ハ之ヲ講和條約中ニ包含セシメ以テ國際法律タルノ地位ヲ與フヘキコトヲ希望ス右以外ノ解決方法ハ總テ時代ノ要求ヲ顧ミサル根本的人權ノ侵害ヲ意味スルモノニシテ之ノ荷モ世界平和ノ回復ヲ冀フノ(脱)世界の良心ノ許サハル處ナルヘシ

獨逸全權カ今人民ノ幸福ノ爲千九百十八年二月十一日「ウヰルソン」大統領ノ左ノ言ヲ引用スルハ實ニ以上ノ主義ニ基クモノニシテ同言ヤ唯各國労働階級ノ自由ナル同意ニ依リテノミ之ヲ實現スルコトヲ得ヘキナリ即チ曰ク(脱)ハ世界ノ平和ニシテ吾人ノ目指ス處ハ新ナル國際的秩序ニ在リ同秩(脱)的ナル權利構成ノ主義並其ノ基礎ヲ有ス即チ普通一週ノ斷片の平和ニアラサルナリ

第二編

第十一款 保障

講和條約案ハ其ノ實施ニ就テモ亦強力主義ヲ脱セス條約實施ノ保障トシテ永年間獨逸々土ノ占領ヲ要求シ居レルカ同規定ハ二個ノ目的ニ出ツルモノ、如シ即チ

(一) 第四百二十九條末項ハ獨逸ノ攻撃ニ對スル保障

(二) 第四百三十條ハ獨逸ニ於テ賠償義務ヲ拒ム場合ニ對スル保障ヲ定ムルモノ、如シ

然レトモ獨逸ノ軍備力戰後モ引續キ薄弱ナルヘキニ鑑ミ獨逸ヨリ聯合國ヲ脅スト言フカ如キハ想像シ得サル所ニシテ獨逸ハ敵國ニ於テモ平和ト國民間ノ融和トヲ希望スヘキヲ信ス西境ニ於ケル防備ヲ撤廢スルニ更ニ異議ナシ海上ニ於テモ獨逸ハ聯合側ノ大艦隊ニ對シ何等ノ防禦力ヲ有セス既ニ衰弱セル獨逸國民カ此ノ上自己ノ滅亡ヲ賭シテ攻撃戰爭ノ暴舉ニ出ツヘシトハ想像シ得サル所ナリ

次ニ獨逸ニ對シ經濟上財政上ノ義務ヲ履行セシムカ爲ニモ占領手段ハ何等ノ保障トナラサルノミナラス一方獨逸ハ短期間内ニ其ノ大義務ヲ履行スルコト能ハサルヲ以テ第四百三十一條ノ規定ニ依ル獨逸「ライン」地方ノ自由回復ハ何時來タルヘキカヲ知ラサルニ至ルヘシ

占領ノ結果獨逸ハ賠償義務ヲ履行スルニ極メテ困難ナルニ至ルヘシ蓋シ獨逸ハ占領軍維持ノ爲莫大ノ金額ヲ負擔スヘキノミナラス「ライン」ノ左岸タルト右岸タルト問ハス統一の經濟區域ヲナス獨逸内ノ經濟的狀態ハ爲ニ大ニ妨害セラルルニ至ルヘシ農業國ナラハ兎モ角工業國ニシテ而モ其ノ地位獨逸ノ如キモノニ對シテハ占領ハ何等保障ノ目的ヲ達スルモノニアラスシテ單ニ當該地方住民ニ對スル慘憺ナル刑罰タルニ過キサルヘシ

獨逸内ニ於テモトキニ經濟上文化上進歩セル地方ノ住民ハ今ヤ獨逸カ自由ナル民主國トナレルニ拘ラス外國ノ配下(？)ニ永年個人の經濟的將又國民的自由並權利ヲ妨害セラルルニ至ルヘク而シテ第二百十二條ニ於テ千九百十八年十一月十一日ノ休戰條規ヲ維持スル結果獨逸官憲ハ行政ニ關シ經濟生活ニ關シ將又「ライン」河ヲ包含スル交通路ニ對シ自由處分權ヲ失ヒ戰時徵用權ハ今後モ存續スルコトナルヘシ又第二百七十條ハ占領地域ヲ特別關稅區域トナスノ權能ヲ與フルヲ以テ該地方ハ經濟上漸次母國ヲ離レ白耳義及佛蘭西ノ配下ニ歸スヘキノミナラス獨逸ハ其ノ領域内ニ何等關稅境界ヲ設ケサルヲ以テ西部獨逸ノ大部分ニ關稅監督ハ不可能ニ歸スヘシ

斯ノ如ク永年間獨逸國民ノ統一ヲ失ハシムルノ講和ハ國民相互間ノ信頼並融和ノ基礎タルコトヲ得ス
次ニ獨逸ハ休戰條約ニ基キ占領セラレ居ル地域殊ニ先ツ「ライン」橋頭(？)地方ノ講和調印後遲クモ六箇月以内ニ於ケル撤退ヲ期待スルモノナルカ右期間内ニ於テ尙右占領地ニ於ケル今日ノ忍フヘカラサル狀況ヲ改メムカ爲被占領ニ關スル協定ヲ遂クルノ必要アリ占領ハ純然タル軍事の性質ヲ有ス司令官ノ權限ハ尙平時ニ於ケル佛軍司令官ノ如カルヘク住民ハ自由ニ其ノ個人の並國民的權利ヲ行使スルコトヲ許サルヘク立法行政司法權ハ一切當該獨逸機關並自治體ニ依リ行使セラルヘク被占領地ト自餘ノ獨逸トノ政治上法律上行政上經濟上ノ關係ハ復活保障セラルヘク被占領地ト自餘ノ獨逸間ノ人的物的

交通並通信全ク自由タルヘク占領軍ハ唯現在ノ兵舍並自ラ建設スル兵舍内ニノミ之ヲ宿營セシムヘク不足ノ場合ニハ獨逸政府ノ提供シタル建物又ハ地區ニ滞在スヘク占領軍ノ給養ハ同軍自身ノ貯藏中ヨリ之ヲ行ヒ足ラサルトキハ自ラ之ヲ補給スヘク休戰中占領軍憲ノ發シタル命令及處分ニシテ在來ノ規定ト衝突スルモノハ一切講和條約調印後直ニ之ヲ廢止スヘク獨逸政府ノ任命ニ係ル代官ハ占領軍司令官ト直接交渉シテ一切ノ細目ヲ定ムヘク爭アルトキハ國際聯盟ノ決定ニ從ヒ之ヲ處理スヘシ

若聯合國政府ニシテ講和締結後獨逸ノ條約遵守並條約義務履行ヲ確實ナラシメムト欲セハ強制及權力以外更ニ有效ナル手段アリ

從來獨逸國內ノ大變化ニ就キ充分之ヲ理解セルモノハ甚タ稀ナルカ獨逸ハ國民ノ意志ニ依リ民主共和國トナリタルモノニシテ國民ノ意思ヲ尊重セサルカ如キ政體ニ逆轉スルハ絶對不可能ナリ

國際關係ノ密接ナル今日ニ於テハ何國民ト雖國際團體ニ於テ相當ノ一員タルカ爲ニハ其ノ隣國ノ援助ニ依頼スルノ要アリ新獨逸國ハ斯ル信頼ヲ得ルニ足ルモノナルコトヲ確信ス從テ其ノ國際聯盟ニ加盟ヲ要求スルヲ得ヘシ獨逸ノ國際聯盟加入ハ夫自身獨逸ニ如何ナル政府成立スルモ條約ヲ履行スヘキコトニ關シ既ニ有力ナル保障ヲ與フルモノニシテ其ノ保障ハ戰捷國側ニ於テ獨逸ニ對シ其ノ經濟生活回復ノ爲有效ナル援助ヲ與フルニ異議ナカラムカ愈其ノ效力大ナルモノアルヘシ獨逸政府ハ獨逸國民ノ渴望タル永續の平和ヲ確保セムコトヲ切望シ右ノ提議ヲナスモノナルカ人類ニ斯ル平和ヲ與フルト否トハ一ニ聯合國政府ノ掌中ニ存シ獨逸政府ノ左右シ得ル所ニアラスト雖強力ニ依ル平和ノ結果ニ就キ再茲ニ警告ヲ與フルハ同政府ノ義務トスル所ナリ露國ノ運命ハ明カナル證據ナリ苦痛極マツテ國民自棄ニ陥ルヤ政治的社會的現狀ハ崩壞ス困憊セル獨逸國民ハ其ノ土崩瓦解ヲ避ケムカ爲苦心慘憺タルモ此ノ國力ヲ盡シタル大戰爭ノ結果ハ殆ト懸テ講和條約ノ如何ニ在リ講和條件ノ重キハ想像ニ難カラサルニ依リ唯之ヲ負擔シ得ヘキ場合ニ於テノミ獨逸國民ハ再勞動ト秩序トニ服シ人類相當ノ生存並聯合側ニ對スル義務ヲ全フスルヲ得ヘシ反之苦痛ト自棄トハ當ニ右義務ノ履行ヲ疑問ナラシムルノミナ

ラス苦痛ト戦争(脱)ノ道德的墮落トノ爲獨逸人ノ(不明)トナリ居レル折柄獨逸ヲ驅テ無政府状態ニ陥ラシムヘキナリ大國民ノ經濟的苦境及道德的頹廢ハ結局文明世界ヲ蠱毒スルモノナリ

勤勉ナル獨逸國民ハ正義ト平和トヲ欲スルコト今モ尙昨ノ如シ之全世界ノ希望ニシテ此ノ悲惨ナル戦争ニ願ミ心アルモノハ皆正義ノ平和ヲ渴望シ居レリ若此ノ渴望ニシテ失望ニ終ラムカ正義ノ觀念ハ幾日(?)トナク地ヲ拂ヒ同念ニ基ク世界ノ秩序ハ不可能ニ歸スヘシ大國民ノ壓迫ト奴隸扱トニ依リ永續的平和ハ樹立セラルヘクモアラス唯平乎タル道德的文化的基礎即チ條約及其ノ義務ヲ忠實ニ守ルニ依テノミ人類ハ將來ノ生存ヲ繼續シ得ルニ至ルヘシ新ナル平和ハ正義ノ平和タルヘク從テ自由ナル同意ニ基ク平和ナラサルヘカラス夫故右講和ハ先ツ以テ千九百十八年十月三日及同十一月五日ノ間ニ獨逸ト聯合國間ニ交換セラレタル公文ニ定メラレタル協定ニ依ラサルヘカラス

各條約當事者間ノ公平ト自由同意トハ時ノ經過ト共ニ結局該條約唯一ノ保障タルニ至ルヘシ獨逸國民ハ自由ト勞(脱)トヲ基礎トスル共同團體ヲ作ルノ目的ヲ以テ昨日ノ敵國ニ懇フルコト左ノ如シ即チ獨逸國民ハ各國民及人類ノ利益ノ爲獨逸國民カ其ノ良心ニ懇ヘ確信ヲ以テ同意シ得ルカ如キ講和ヲ要求ス

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前記獨逸對案ハ邦語要領譯文ナル處右對案ニハ附錄文附屬セリ其ノ英譯文左ノ如シ

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APPENDIX ON SPECIAL LEGAL QUESTIONS

A. RESUMPTION OF DIPLOMATIC AND CONSULAR RELATIONS.

The German Delegation considers that a self-evident consequence of the conclusion of peace must be a resumption of official relations between the two sides as soon as the treaty of peace comes into force. The following notes are made in this connection :

1. The preamble mentions the resumption of official relations of the Allied and Associated Governments with

Germany and with any of the German states.

The question whether and to what extent the several federated German states will obtain the right of foreign representation will find its solution in the new German Constitution which is now being discussed in the Constitutional National Assembly. The German Delegation insists that the treaty of peace must not anticipate this solution.

2. By Article 279, the right is claimed by the Allied and Associated Governments to appoint at their discretion consular officers in all German localities without consultation of the German Government. This demand is a far-reaching innovation in comparison with the provisions which have thus far been intercourse between nations. It is certainly not justified as long as the clause is interpreted only in favour of the Allied and Associated Governments. The German Government could accept the innovation if it were applied equally to both sides.

B. TREATMENT OF PRIVATE RIGHTS

1. Explanation.

Sections 3 to 4 of Part 10 discuss private rights of nationals on each side. Such private rights have been prejudiced in the first place by the length of the war, but to a still greater degree by the emergency legislation of the belligerent states. The task of the Treaty of Peace must be to remove the consequences of such injuries as far as possible and to replace private international relations on a normal legal basis. On view of the differences between the

emergency legislation in the separate belligerent countries, varying methods are appropriate. Whatever course is, however, chosen the basic idea in regard to the subject of private rights must be applied, that any adjustment must be on the principle of reciprocity. Germany is so much the more entitled to demand reciprocity in this respect, as it was

not the German Government which favored and initiated the **extension of war into the realm of private rights.**

The proposed adjustments by the Allied and Associated Governments of private rights in Sections 3 to 8. do not take into account () important points, the demands of reciprocity. On the contrary, numerous provisions are clearly evident that even with regard to this subject, not the idea of right, by the idea of might, has been the controlling factor.

2. On Part 10 Section 3.

Debts (Article 296)

(1) General Provisions.

The proposal of the establishment of a clearing system meets with no objections on principle from the German Government. The application of such a procedure has during the war been often discussed by German citizens interested. The proposals which were made on the latter occasions must be distinguished from those now formulated, in that they did not intentionally injure the other side and that they treated the position of the parties accepting the arrangement with entire equality. At the present time such a clearing system is only justified as it is initiated on the basis of reciprocity and the equal position of both parties.

In addition the clearing system must not be allowed to affect the principle that private persons must be the bearers of claims and debts. In accordance with this, freedom of communication between the parties and their free right of decision in regard to the enforcement, abatement, modification, extension of the claims which come into the clearing system, must be conceded, if this can be reconciled with the process in question. The justification of the clearing system is to be found in the effort.

to remove obstacles which stand in the way of the enforcement by creditors of their claims after the conclusion of Peace by private methods. It is also to be found in the effort to bring again into force with the greatest expedition possible the provisions in regard to private rights which have been suspended during the war, and to give them their former validity. The opposite result would be effected if a procedure was instituted which would impede free communication between creditors and debtors, and which, by the interference of official agencies, would destroy relations as they existed before the war. By this method injury would be done not only to the economic life of a separate state, but the effect would be prejudicial to the whole world, and economic barrier would be erected between the different races of which establishment would be irreconcilable with equitable foundation of peace.

It must be laid down that both these fundamental concepts, viz, of complete reciprocity, and of the maintenance of the parties to make enactments freely are impaired by the following provisions in our opponents propositions:

1). By the provision that each of the Allied and Associated Powers, but not Germany, shall have the power to decide whether the procedure is applicable or not (Article 296 e).
2). By the provision that the conversion and payment shall always be made on the currency standard of the opponents' Power concerned (Article 296 d).

3). By the provision that Germany must always pay in cash a balance against it, but that a balance in favour of Germany may be retained to cover the general indemnity demands (Section II of the Appendix to Article 296).

(2) Individual provisions.

Regarding the individual provisions of the Section the following observations should be made:

1. In Article 296 Paragraph 1. Nos, 3 and 4 the reservation occurs: "so far as payment.....to the citizens

of this power or to the neutrals has not been suspended during the war." It is not evident what the purpose of this limitation is, and more particularly to what States it refers.

2. The claims from liquid () mentioned in Article 296, Section 2, are discussed in the comments on Section 4.

3. Article 296, Section 3 a.

The prohibition of payment provided for here is in itself justifiable. The value of the Equalization Office (Ausgleich Stell) and its intermediation in the whole settlement of claims between the parties to the agreement would be endangered if direct payments were allowed to be made without the Equalization Office having knowledge of them and agreeing to them.

On the other hand, the prohibition of "communication" between the parties to the agreement, as here provided for, must be eliminated.

To have such communication go through the bureau of the Equalization Office would hinder a settlement whose results could satisfy both sides without applying constraint to them.

Rather, the aspiration should be to have the parties to the agreement join in free communication, because only thereby can they restore their business connections.

4. Article 296, Section 3-B.

The guarantee herein provided for of the State for the debts of its citizens has been several times during the war brought up by interested circles.

However, it has been steadily opposed in other quarters and not accepted by the Government, although in the

military situation prevailing then it might have been looked upon as advantageous for Germany. In fact some weighty considerations argue against assumption of this guarantee by the State.

More particularly, there is herein on the part of the debtor State an extensive advantage to the citizens of the creditor State whose claims are (), an advantage over all other creditor whose claims are insecure, as well as over other persons injured by the war in regard to their legal claims—an advantage which is denied of any inherent () For all that, the arrangement of an assumption of guarantee would appear tolerable if, as laid down as a hypothesis at the beginning, reciprocity were fully provided for. To this end it would be necessary to have the operation of the assumption of guarantee when () favoured German creditors abolished when one of the opposing States utilized the privilege at its disposal of not employing the procedures of equalization.

Furthermore it would be necessary not to have the guarantee made illegal through exercising the right of retention of German assets for German creditors.

The exceptions (provided for under b, Section 2 1) from the assumption of guarantee are recognized as fundamentally justified.

In order, however, to be able fully to survey the range of this provision, a definition is asked for of the legal terms mentioned therein: "bankruptcy, failure, formal indication of insolvency." On the other hand, no remark will be made about having an exception made for debtors in the occupied territories, although the German Delegation is conscious that thereby the assumption of guarantee loses its value materially for Germany.

5. Article 29, Section 3 a.

This provision, by which debts must be paid and credited in the currency of the interested opposing Power, is

unacceptable, as it signifies an arbitrary alteration of the essential conditions of the debt. The debt must remain in its original form, no matter whether it operates to the advantage or disadvantage of the creditor. The French term in the provision rightly designates the desired stipulation for payment in another currency as a "conversion." But such a conversion of the debt, not provided for by the parties constitutes, under any condition, a breach of the agreement () apart from this the suggested settlement would have the effect that the demand for bills of exchange in the currency of the Allied and Associated Powers would grow extraordinarily. This must necessarily lead to a further depreciation of the German currency. But a further result would be that, even if the conversion followed, the exchange before the War, for payment bills of exchange would have to be provided in the currency of the foreign country, which could be obtained only to the various amounts of the exchange.

Accordingly it must be asked that the payment of money debts shall be made in the original currency.

There is no injustice in this; for every creditor who permits payment to be promised in foreign money runs the risk of having this money depreciate with respect to that of his own country.

In this connection reference may be made to the fact that in the additions to the Treaty of Brest-Litovsk of August 27, 1918, in spite of the bad state of Ruble exchange, the (?) steps were taken to protect German creditors from loss due to the fall in exchange, because this would have contradicted the fundamental principle of the maintenance of the original legal conditions.

6. Article 296, Section 3, Subsection 4.

In the case of payment to creditor of the newly created States a (?) exchange by the German Commission on reparation does not appear to be justified. If the debt was incurred in the currency of the former State from whose

territory the new State arose, the provisions of this new State about the relations between its currency and the original currency ought to serve as a foundation. There should be a preliminary requirement that the German participant should not be treated worse than others, whether these be domestic or foreign.

Every newly created State will have, with regard to the debts between its own citizens, to attain to the establishment of such a condition, as soon as it install a new currency.

7. Article 295, Section 3. E.

According to this provision a period of six months is granted to ² the Allied and Associated States, during which they may decide at their own free will whether or not they wish to accede to the procedure of Equalization (*Ausgleich Verfahren*).

The provision, as has already been said, is contrary to the principle of reciprocity which must be desired as a preliminary condition for the procedure. The result would be that the procedure would be used in those cases in which, upon recovering up a balance of claims and debts, it gave an advantage to the individual opposing state. In any case no other purpose of the provision is apparent. This is () significant if the provision in Section 11, subsection 2 of the Appendix as unconditionally necessary, is allowed to drop; for doubtless the only chosen Allied and Associated Powers in whose favour a balance had grown up, would accept the equalization, and those whom the balance against, would refuse it.

8. Article 296, Section 3. F.

This provision seems obscure to the German Delegation.

a. Further elucidation especially of the cases in which it shall apply, is requested.

(3) Special provisions for Alsace-Lorraine.

According to Art. 72 of the draft the procedure for the settlement of debts is to apply also in the relations between Alsace-Lorrainers and the other Germans. In this connection the definitive date of the beginning of the war stipulated in Art. 296 Paragraph 1, No. 1 is replaced by Nov. 11th, the beginning of the armistice. Thus the character of enemies of Germany as concerns economic warfare would be attributed with retroactive force to the Alsace-Lorrainers at a time when they unquestionably appertained to Germany, a provision which is without any foundations in fact. It serves only the purpose of utilising the private claims of Germans against German debtors in the occupied district to secure the burdens imposed on Germany. The objections raised above, concerning the standard and the rate of exchange of the claims to be regulated are strengthened by the fact that the contracts which are here arbitrarily altered were concluded between Germans in Germany, but that in their case no allowance could have been made for a foreign risk, with regard to this point, the fundamental principle must be maintained with all resoluteness that even in the case of the separation of Alsace-Lorraine, debts must invariably be liquidated in accordance with the original standard.

3. On Fourth Section.

Property, rights and interests.

(Articles 297, 298)

The attitude taken by the German delegation toward the proposals contained in this Section has already been set forth in detail in the note of May 22nd, 1919. Attention is hereby called to these statements. However, the fact must be brought forward with particular emphasis that certain of the Allied and Associated Governments have made

great efforts to avail themselves prematurely and with no foundation in right of the advantages of the settlement which it has been attempted to stipulate in the draft of the Peace Treaty. While Germany considered it a self-evident obligation not to take any forcible measures against enemy-owned private property after the conclusion of the armistice and to limit herself in the execution of the preestablished measures to necessary acts of conservation in the interest of the proprietors, several of the states hostile to her have taken advantage of the long continuance of the armistice to institute forcible liquidation proceedings against German private property which had hitherto been protected, to continue undertaken liquidations in a more energetic manner.

This, according to information which has reached the German Government, has occurred in France, Belgium, China and Guatemala among other countries. If such a procedure is to be characterized as incompatible with the Armistice, this is true in a still higher degree of the measures of liquidation which French occupation authority have recently directed in Alsace-Lorraine, without awarding the final decision regarding the destiny of this territory. The German Government can not reconcile with their duty of protecting the German affected, the sanctioning of the above mentioned procedure by accepting the respective peace conditions and thus establishing precedent for the future.

Furthermore, the following is to be noted in elaboration of the notes of May 22nd.

1. According to Article 297 f and g nationals of those hostile states which after the conclusion of the Armistice instituted "general liquidation" of enemy property are further given the special privilege of demanding restitution in integrum in the place of compensation for damages caused them under the provisions of exceptional German legislation. The next question which arises is what is to be understood under "general liquidation" in the sense of this decision and which of the hostile states are affected.

Furthermore, () for what reason and what right a special privilege is demanded for states which decided on the liquidation of German property, only after the cessation of hostilities, thereby violating the spirit and sense of the Armistice.

2. According to Article 297 the net proceeds of the liquidations on both sides can be put to account in the settlement or debts provided for in Section 3 preceding. It is not clearly to be seen whether and what way, in this case () the net proceeds of the liquidations reckoned in favour of German proprietors (paragraph 4 of the Annex) shall according to the intention of the Allied and Associated Governments be fixed.

4. ON SECTION 5.

CONTRACTS, PRESCRIPTIONS AND JUDGEMENTS.

(ARTICLE 299 () 303).

13. ?

(1) Contracts.

According to the draft the question as to how far contracts between nationals or residents of belligerent States shall be maintained or dissolved is not to be decided in a uniform manner for all the belligerent States. It () special provisions only for contracts between "enemies"—i. e., for contracts between the nationals of those states, of which one has forbidden trading with the enemy or has otherwise regarded it as illegal; the draft also excepts from these provisions the contracts which have been concluded between German nationals on the one hand and nationals of

the U. S. of North America, Brazil, and Japan on the other. The German delegation requests further information concerning the grounds which have been determinative for this *differentiative treatment*.

Contracts between enemies, according to Article 299 (a), shall be regarded in principle as dissolved; however, certain specially enumerated class (?) of contracts (Par. 2 of the Annex) shall remain in force, with the exception of contracts fulfilled by one party, from which a payment in specie may be demanded. That fundamental arrangement is nevertheless limited by Article 299 (b), and by the beginning of Part 2 of the Annex. Each participating enemy power can demand "in the general interest" the execution of contracts which in () and of themselves would be dissolved. The contracts which are mentioned can be liquidated; as regards these, the war statutes of the Allied and Associated States find further application, and there are also the provisions according to which contracts can be dissolved by official decree or through notification. Thus the continuance of the contract between enemies is made dependent on the inclination of the Allied and Associated States or of their nationals alone

Such a regulation seems impossible to accept. It would perpetuate the legal uncertainty produced by war conditions, and would also make German contracted interests in the future a prey to the arbitrary will of aliens.

The German delegation is moreover of the opinion that the problem on the future treatment of pre-war contracts can not be solved in one and the same way for all classes of Contract, and that for this reason neither the principle of Cancellation nor that of Validity can without exception be carried out. To the principle proposed in the draft that pre-war contracts shall be held void there are from the German legal point of view serious objections. These may be postponed, but in any case priority must be given to the consideration of the question how far certain categories of contract should, as an exception to that principle, be held valid for special reasons or dealt with under special rules.

This question can only be cleared by the thorough discussion in a mixed Commission of Experts.

Single points, especially in Sections II and III of the Annex, will for this reason not be here examined in detail. Yet attention may now be drawn to the arbitrary character of the regulation proposed in Paragraph (d) of Article 299; according to which contracts between inhabitants of a territory to be ceded of the one part and their former enemies of the other part, would be held valid, only in case the party inhabiting the territory to be ceded should acquire the nationality of his former enemy. For this one-sided favor shown to persons electing the new nationality, no legal basis can be found. No less unjustifiable is the provision in Paragraph 12 of the Annex, under which the Allied and Associated Powers cancel the Life Insurance policies taken out by their nationals in German companies, and are thus able to destroy the foreign business of these companies for the benefit of non-German companies. Special treatment has been provided for contracts entered into, prior to the proclamation of the French decree of Nov. 30, 1918, between residents of Alsace-Lorraine of the one part, and the German Empire or a German Federal State, or German not resident in Alsace-Lorraine of the other part.

Such contracts are recognized as valid on principle, a solution which is obviously correct, since these are not cases of contracts between enemies. Nevertheless Section 2 of the French Government's proclamation grants in the broadest terms the right to cancel such contract for reasons of public interest.

A protest must on principle be entered against such interference with private legal relations being involved in the separation of Alsace-Lorraine.

(2) Prescription.

No objections on principle can be raised against the proposals made in Article 300 (a) and (g) and ()

Article 301 as to the period for prescription, limitation of sections and presentation of securities well as for the preservation of negotiable securities. Yet it needs to be explained why Article 303 ? does not apply as between German nationals of the one part and those of- S. America, Brazil and Japan of the other part.

As regards the provisions of Article 30 () (b) and (a) explanation is needed of their substance and of the reasons therefore. It is difficult to perceive what measures in section () are to be understood under the term ? (measures of execution), and particularly whether these are only measures of compulsory judicial enforcement and arrest, or also of other kinds and if so what ? the measures are to be thereby ? understood. Section (?) is according to its wording not confined to contracts between enemies, and not to cases of non-fulfilment in consequence of military measures. The arrangement also appears unintelligible in view of the provisions mentioned under (c)

(3) Judgment.

According to Article 302, certain decision of courts of the Allied and Associated Powers are to be effective in Germany without further provision ; certain decisions of German Courts are to be subject to an investigation by the Mixed Courts of Arbitration. As there is no doubt of the impartiality of the German Courts, the denial of the reciprocity in these cases, can be explained only by the endeavour of the opponents-visible likewise in any other passages of the draft to undermine (?) the authority of German Courts. Granting full reciprocity, there would be no objections to be alleged against Article 302.

For the case of change of judicial sovereignty in Alsace-Lorraine, Article 378 makes a (?) paragraph 1, No. 1, regarding the mutual recognition of the validity of judgments appears acceptable in principle, but as the day of the change of executive power must be substituted for November 11, 1918. The exception to the prejudice of recognition

of Alsace-Lorraine courts in litigations between citizens of Alsace-Lorraine and other German courts. For the same reason the statement of Paragraph 2 must be rejected in its present form, since it seeks to clothe the apparently intended amnesty for political offences in the form of a declaration of nullity of German penal sentences.

In consideration of the fact that the retroaction of the transition of the executive power proposed in the draft seems unjustified, the statement of Paragraph 1, sentence 1, regarding the declaration of nullity of certain verdicts of the Imperial High Court of Justice must be omitted.

5 ON SECTION 6.

MIXED COURTS OF EQUITY.

ARTICLE 304, 305.

1. The establishment of mixed courts of equity is required by justice and practicability. On principle this must take place in such a manner that unity of administration of justice may be assured for all litigations in matters of private law, and that the execution of the verdicts may be carried out uniformly in all contracting states.

The draft of the conditions of peace differs from these principles in the following points.

(1.) The competence of the national courts is arranged in part with an exclusion of first instance competence of the mixed courts of equity ; thus in the Annex to Article 296, Paragraph 16, Section 2, where, at the request of the creditor's place of settlement, the court of the debtor's residence replaces the mixed court of equity ; in Art. 300

(b). where the claim of a subject of an Allied or Associated power for compensation for injury suffered through an execution in Germany is withdrawn from the court of equity in case a court of an Allied or Associated power is competent; in Article 304 (b) where, in competence over actions concerning agreements between subjects of the enemy powers the national courts of the Allied and Associated and neutral powers takes precedence over the court of equity, though with the possibility for a plaintiff belonging to an Allied or Associated Power to bring the matter before the court of equity in case of nonexclusive competence of the national court; and, finally, in Article 310, where the court of equity is declared competent for litigation regarding the conditions² of licence to be newly issued only when the rights arising from the old licence had been acquired under German legislation.

(2) Or the regulation of the execution of verdict () apparently more limited formula is employed in Art. 304 (1) than in Annex to Art. 296, Paragraph 24; in addition to validity, the latter regulation expressly () entions power of execution (3) as the former doesn't do this.

(2901)

For the obviation of these inequalities the following is proposed.

1. A comprehensive and exclusive competence is given to the mixed court of equity. The reservations in favour of other courts in Art. 298, Annex 16, Section 1; Art. 300 (b), 304 (b) and 310 are, therefore, struck out; in Art. 302, Section 2, reciprocity is granted. The union of all litigations which are alike in character before one and the same court assures the continuity and unity of jurisdiction, and prevents vexatious conflicts of competence advantages which have long been appreciated by the jurisprudence of all nations, moreover, by assigning litigations out () of the Treaty of Peace a perious task would be set for the nation (). By () their verdicts, so far as rendered against their own subjects, would be exposed to the attacks of the nationalistic press; while so far as

decided against nationals of the state previously enemy, they would always be construed by the latter a consequence of prejudice.

The mixed court of equity alone is exalted above suspicions and attacks of this character. The correct course here is shown by Art. 305. sentence 1, which, it is true, is to have no validity in relation between Germany and the United States.

2). All verdicts of the mixed court of equity are valid and executable in the jurisdiction of all contracting states.

2. The proposed combination of the courts of equity seems essentially justified on the hypothesis that the League of Nations whose council is to appoint the impartial president including Germany.

3. According to Paragraphs 8 and 9 of the annex 8 the language of the court, and the place and time of its sessions, are determined by the hostile power concerned. Not only is this injustice towards Germany unparalleled in international and national arbitral agreements; it also fails in essence to attain its purpose. It would be made almost impossible to obtain prominent judicial personages from neutral countries for the office of president to through biased determination of the judicial language and of the seat of the court on the part of the hostile Power, choice should be made of a language difficult to master and unusual in international intercourse or of a place difficult to reach. One-sided determination of the time by one party would, furthermore, render every obstruction feasible. In conformity with general judicial custom, therefore, determination of the language of the court, and of the place and time, is better to be left to the president, since he enjoys general confidence and his choice will regularly fall on one great international languages. The designation of German, English and French as a judicial language permissible in every case also seems

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possible.

4. In course of the reciprocity resulting from the common interest of all State in the uniform and just winding up of these litigations, the courts and authorities of all contracting States should, within their competence give, in immediate connection, aid of every kind to the mixed courts of equity, particularly by communication of presentation and collection of proofs.

6. ON SECTION VII.

INDUSTRIAL PROPERTY.

(ARTICLE 306—311.)

The regulation of professional legal () proceeds from a basal concept, with consistent execution and full maintenance of reciprocity, would harmonize with the requirements of law and equity. According to Art. 306, Section I, all professional, literary, and artistic rights of protection designated in the international agreements of Paris and Berne as well as claims arising from notification of such rights of protection and from the publication of a literary or artistic work, are to be renewed in all respects from the entry into force of the Treaty of Peace, and that for all contracting countries. The circle of persons in whose favour the renewal is to result is not defined therein with full clarity. The meaning of the term "legal representatives" in the English text, and of "avant droits" in the French, requires elucidation.

The general concept of the renewal of all rights is, however, most seriously prejudiced in its practical working through the reservation of the other statements of the (). Under the reservation fall also the statements which permit the liquidation or German rights of protection after the war; of Art. 297 and Paragraph 15 of the annex to

Art. 298. The scope of Paragraph 15 is not, in fact, free from doubt in every respect, and requires explanation. In any case, according to this, the Allied and Associated Powers would have the possibility of again withdrawing, immediately in course of liquidation, renewed rights of protection from Germans entitled to them.

In addition, however, the principle expressed is stripped off all practical meaning so far as it concerns German rights of protection which are one sidedly provided in favour of the Allied and Associated Powers. In itself the principle would lead to the status that all legal and official regulations made during the war to the prejudice of subjects of one of States lose their efficacy from the entry of the Treaty into force. Germany is also to be compelled to recognize this consequence as regards German regulations. On the other hand, according to Article 305, Section 2, () will maintain in full degree the results of their economic war against German owners of rights of protection, (Schutzrecht-patent rights) The economic significance of this requirement is increased by the fact that, according to Article 306 Section 3, no utilization of German rights of protection, so far as it has been made during the war by the Government of an Allied and Associated Power or with its consent, is to give ground for any responsibility whatever as regards the German owner. As a result, according to this, rights of protection will be renewed only in favour of subjects of subjects of the Allied and Associated Powers.

In so far as military regulations on both sides have *not* the connecting ? of indemnities or compensations these are, as a rule, treated according to the general statements regarding the settlement of debts, to whose manifoldly unjust formulation reference has already been made. But, moreover, the principle of Article 306, Section 4, is further broken, since each of the hostile Powers reserves to itself the right to deviate from this settlement in the course of its internal legislation, accordingly, therefore, to free caprice. If the settlement takes place, the *sommes dues payées*" (sums due or,

paid) are placed to the account of Germany, the "sommcs produits" ("sums produced") to the account the opponents. Whether the difference in text corresponds to a difference in fact requires explanation.

The proposals of the Allied and Associated Powers are not content, however, with ensuring their advantages arising from military regulations during the war; rather, according to Article 306, Section 5, the intention is to stipulate for themselves the possibility of seizing German rights of protection in peace as well. They desire to retain for themselves authorization to exploit for their own advantage the rights of protection of Germans, whether they were acquired before or during, or even after the war; to confer licences; () exploitation; as well as to connect by conditions in any manner desired or otherwise to limit, the exercise of their rights by Germans, and, in fact, *inter alia* when they regard this requisite to ensure the entire fulfillment of any obligation whatever undertaken by Germany in the Treaty of Peace. By this hypothesis, on whose presentation the enemy decide with an exclusion of impartial control, the Allied and Associated Powers will be free to appropriate the fruits of German inventive spirit without compensation and for an incalculable *times*.

This declaration of out-lawly of German intellectual property is the more intolerable since it weakens German economic life and (?) to liquidate the burdens laid upon it by the world war.

The renewal of the periods elapsed during the war (Art. 307) as well as the revival of rights perhaps extinguished through neglect of transaction or omission of payment, seems proper in principle. So far, accordingly, as supplementary raising of claims and complaints of () is to be allowed, the statement goes beyond what is necessary. When, moreover, it is proposed that the rights of third parties acquired before the revival of the extinguished right shall be maintained, this also would appear proper, in so far as the proposal would not be one-sidedly *driven* of favour

of the Allied and Associated Powers and the () of protection of the well acquired rights be left to the discretion of these Powers. Sharp contradiction is again challenged by the statement of the last sentence of Art. 307, Section II, which, in opposition to the most general principles of every peace, seeks to prescribe the permanent validity of military law over against the rights of the protection of patents and models which have again come into force. Through this, together with the authorization of liquidation for these rights of protection, which is likewise reserved, the revival theoretically provided in Art. 306 would become practically objectless.

The extension of the period of compulsory fulfilment (Art. 307, Section III) and the treatment of priority periods, as well as of the rights of third parties acquired in good faith (Art. 308), are subject to no qualms of principle; only an extension of the period provided in the last statement from six months to a year seems proper. Also the *mutual*(?) renunciation of continuation of violations of rights of protection (Art. 309) is acceptable.

The regulation of licence contracts made before the war (Annex 310), according to which these contracts are to be regarded as extinguished with retroactive force from the beginning of the war corresponds to the principle set forth in general in Article 299 and already discussed. If it is accepted there, the deduction must be drawn from it here. In that case the original holder of the licence shall be granted the further right in the domain of the Allied and Associated Powers to demand a renewal of the expired licence contract under altered conditions. This statement whose essential justification seems doubtful, has moreover, on one-sidedly burden-some effect on Germany in that in cases which (?) are settled by agreement of the parties when the legal relation is in itself subject to German law, not the German Courts, but the mixed tribunal, are called (?) to decide (?) but, on the other hand, when the legal relation is subject to the law of one of the enemy Powers, the decision is entrusted to the national court of this Power. Justice requires

that the decision always be left to the mixed tribunal. The maintenance of war licences provided in Section 2 which would indeed be endurable in case of recognition of full reciprocity, becomes unjust through the fact that only the war licences are to be maintained which have been given in favour of subjects of the Allied and Associated Powers.

Art. 311 requires the addition that German rights of protection belonging to Germans living outside the separated districts may also further be exercised in future without restriction in these districts. In Art. 76 of the draft a corresponding addition should be incorporated which should especially ensure the exercise of German rights of protection in Germany for inhabitants of Alsace-Lorraine.

The numerous *hesitates* and doubts here expressed, which are still further increased by closer investigation of the details of the regulation, render it indispensable that, before a final position is taken, this whole complex of questions also be discussed in joint consultation between experts of all Contracting Parties.

6. SPECIAL SEA LAW REGULATIONS.

Article 440 and Sections 7 to 9 of Appendix to Part (8).

Article 440 of the proposal demands from Germany the recognition of all decisions and regulations of enemy prize courts over German and German goods and excludes every money payment for claims in favour of German subjects. On the other hand, Germany should agree that the decisions and regulations her prize courts will be examined in a manner determined at will by the Allied and Associated Powers and moreover not only so far as they concern the dependents of these Powers but likewise even the subjects of neutral states, Furthermore, Germany is to subject herself to the results of the examination without even having a claim to be heard. The one-sidedness of these regula-

tions is therefore the more unbearable because the Allied and Associated Powers lay claim for () to the decisions over neutral rights without any legality. Justice demands either the recognition or the examination without destruction or partiality of the decisions and regulations of the prize court of all treaty States. Germany can declare herself to be in agreement with both of these solutions, should an examination be agreed upon, it can only be brought before an International Court of Justice which is composed on a basis of parity.

Should the Treaty regulations of Article 440 become valid, then those who oppose the Treaty would unjustly receive alongside of the full indemnity demanded by them a considerable reward which rightly belongs to Germany. On the basis of the terms of the Armistice the German Empire had to surrender tonnage, formerly belonged to enemy, but awarded to the Empire by the legal decisions of the Prize Courts. Nothing is said in their proposal about the return or the accounting of this tonnage. On the other hand, there has been no attempt to make good this groundless injury by the return of ships or cargoes formerly German which became subject to the decisions or regulations of enemy Prize Courts.

In this connection, the regulations under Sections 7, 8 and 9 of the Appendixes III to Part VIII should be pointed out. According to Section 7, Germany must take all measures, which will be required of her by that reparation commission, to get back German ships handed over to neutrals since the beginning of the war. By this Germany would be delivered over to the speculation of foreign countries. According to Section 8 Germany should renounce all claims on account of holding back or use or loss or damage of German ships, with the exception of the sums stated in the Armistice Protocol. By this means Germany would be deprived, among other things, of all claims, which would accrue as a result of such damage according to the principles of international law in regard to the treatment of embargo-

ships. According to Section 9, Germany shall not be able to raise any claims whatever to ships and cargoes which were thereafter sunk and later salvaged; this should be valid without regard for the decision of the Prize Courts of Germany of her Allies.

The regulations appear unjust in this form; paragraph 9 can be agreed to on the condition that the value of salvaged ships and goods be made good to Germany of the indemnity basis after the discount of all costs of salvaging.

D. QUESTIONS OF PENAL LAW.

1. The German Delegation has given expression, in their comments on the penal regulations of the proposal, (Part 9), on the point of view that violation of international law committed by individuals during the war should be pardoned.

On the other hand, along with these thoughts the idea must also be given validity that, with the making of Peace the former violations of the subjects of both parties brought about by conditions of War, should be forgotten even of the general violation of law as established.

This holds good not only in the relation of a belligerent state to its own subjects but also in the relation of subjects of another party.

Such an amnesty has been included in many previous Treaties of Peace and will assist even now in bringing the peoples together. The German delegation likes () the following proposition since the proposal of Peace terms foresees no amnesty:

Apart from the liberation of the war prisoners and interned civilians guilty of a penal act, which is explained

elsewhere, it may be urged in the first place that every state guaranteed the freedom to impose a penalty for penal acts of subjects of another party, which they initiated during the war for the good of their home country or which represent violation of the special legislation issued against enemy aliens, such cases must be excluded which were directed against the laws and usages of war.

Further certain cases should be included in the amnesty which were begun before the conclusion of Peace by the inhabitants of a territory occupied by () the extraordinary circumstances during an occupation () in war or by Treaty will generally be the causes of a political or military arrangement such loses its meaning as a rule with the return of the former administration and () remain () punishment without diminution of legal rights.

2. Article 302 of the Proposal foresees the examination of pardon decisions in cases of civil process.

In the domain of penal law where higher legal rights (codes) are involved fundamental idea of regulation should be recognized. The German Delegation takes the stand that every state make possible for the subject of another party to take up a penal process carried through against her before her courts, if the decision follows in process against those absent.

3. In this connection one must point out the unpermissible, procedure of the offices of the occupation in Alsace-Lorraine and the Palatinate which have brought before them () persons of different classes.

() administration officials, judges, witnesses, liquidators, prosecutors and others for responsibility in criminal as well as civil law, although the cases were duly converted by German law in for force.

APPENDIX ON FINANCIAL CLAUSE

The German financial delegation has been charged in the main to handle Part 8, including paragraphs (1) and (2), and Part 9 of the conditions of a peace respecting reparation and financial questions. It feels it necessary to make the following preparatory remarks in regard to the spirit and contents of the whole proposals:—

There is undoubtedly only one way to repair the terrible misfortunes in which this war has plunged the whole of the humanity, and to solve the financial and economic problems which threatened equally, though perhaps in a different degree, all peoples who were engaged in the war. After the unhappy year of war and devastation the peoples of the world must now united in friendly cooperation in order, by helping each other reciprocally, and thus assisting more rapidly in the reconstruction of the world, to lighten the burdens. The proposed conditions of peace which have been submitted to it by the Enemy Governments are not drawn upon these lines. On the contrary they are based on the hope that a Germany which is squeezed and oppressed by all measures of political and economic disqualification would give more to their peoples, and would be able to remove more of their burdens than that new Germany which we wish to set up.

If the territorial, political and economic conventions which contained in the proposals of the Allied and Associated Governments are carried into effect, Germany, even if she has to pay no indemnities, would be condemned to economic and financial annihilation. Enormous agricultural districts, which we need both for feeding our people and for the settlement of at least a part of the working-classes, which can no longer be employed in industry, are to be removed from Germany. Deposits of raw material which can not be dispensed with, above all nearly one-third of our total

coal production, are to be given up.

The entire economic apparatus of Germany will, in so far as it has not already been destroyed in the war, now or after the conclusion of peace, be handed over to complete annihilation. We are to lose the tax paying power as well as the working power of great districts. There will remain a Germany which, in order to satisfy her immediate requirement for food, clothing and industrial work, will in the future be dependent far more than hitherto on imports from abroad because she has been robbed to a great extent of her own resources. Not only however will her sole means of payment, i. e. her power of work, be to a great extent placed under an embargo in advance, but she will also be surrounded by almost insuperable restrictions in every part of the world. She can not imagine how her people so oppressed and harmed will be able to exist at all. She is faced by a grave danger that there will first of all be an emigration on mass and if this is impossible, that deaths in great number will be necessary to give air to the people. But one thing is certain; the idea, that, according to the Peace Conventions, there will remain any thing in Germany to provide for the gigantic reparation which the proposed Peace Conventions, take into consideration, is an impossible one. A Germany amongst whose inhabitants every desire for work is compelled in advanced by present despair and absolute hopelessness for the future, can certainly not be considered as capable of producing any indemnities. The proposal of the Allied and Associated Governments, which in the first place wishes to make Germany incapable of existence, and then expects the repayments from this same Germany, is both unjust and incapable of execution.

With reference to the amount of the sums which the Allied and Associated Governments require from Germany as a reparation we remark that we do not wish here to touch upon the legal bases of the repayments as they are treated in another place (by the legal Commission of the Peace Delegation). In any case, we can only examine the

limits of Germany's financial capacity to pay and the following remarks are made from this point of view.

From this purely financial point of view it is in the first place impossible that Germany should replace all the war expenses of her opponents. It is equally impossible that Germany should take over the liabilities of Allies. For the same reason, on purely financial grounds, the declaration of Paragraphs 5 and 7 of Annex 1 respecting military pensions and pensions for survivors etc. can not be taken into consideration. Respecting the amount of the burdens to be taken over by Germany, apart from reparations the Commission is compelled to emphasise the extraordinary importance of Article 249, object of which is to impose on Germany to the greatest possible extent the costs of the maintenance of an army of occupation for a period even after the conclusion of Peace. These expenses, which are to be paid in gold or possibly in an amount equivalent to the gold value of the mark, may be extraordinary and impossible for Germany to support considering her weakened financial power. To-day the costs of the foreign Army of Occupation are, so far as it has been possible to gather, higher than the cost of the maintenance of the Army and Navy in Germany in peace time. It will be unfair to place on Germany the expenses of a further occupation since this would mean that she would, in paying for the troops of occupation, have to pay for a part of the enemies' peace army, the expense of which ought to be met by the enemy Powers. () fortunate because every occupation entails damaging consequences which can be increased only too easily by the interference of the troops of occupation in the administrative, political and economic sphere.

Germany's taxable capacity and her capacity for payment depend on the fact that the economic areas which remain to German should enjoy the same administration. The authority of the German Government, however, with reference to taxation, customs, etc., can only be reestablished if there is no army of occupation in the country for the

period of the armistice has produced on the Left Bank of the Rhine a chaotic situation with respect to import and currency. A prolonged occupation which is connected with the imposition of a separate custom system would rob Germany of the possibility of a purposeful economic and financial policy.

SECTION 3.

We are also compelled to raise objection to the fact that Germany has to surrender, () reason, important elements of her financial power.

ARTICLE 254.

Article 254 of the proposed peace conditions provides for the inheritance by Germany of the debt for those districts which are to be taken away from her. The proposed method of calculation, according to which the amount of the debt to be taken over is to be reckoned in accordance with the proceeds of certain categories of taxes in the districts which are to be ceded, in proportion to those of the population of Germany, is difficult to carry out in view of the different German Federated States; but what seems quite unjustified is the arrangement whereby the debt to be taken over is only to comprise the debts which were incurred up to the 1st Aust 1914, such as in this way the entire costs of the war will fall upon the shoulders of the remaining German population. The inhabitants of the districts to be ceded were just as ready as the rest of the German people to defend their Fatherland since they believed that it was attacked. No single Deputy of these districts which are now to be removed from Germany voted against the war credits.

These were all Deputies who were then elected according to the freest voting system in the world (equal, universal, secret, direct), and if now particular parts are cut off this can naturally only take place in such a way that all debts of the Empire which have been incurred up to the day of the separation, together with the debts of the federated States to which these separated parts belong, must be taken over by these former citizens of the Empire in their new country.

It is not, however, the 1st August, 1914, but the day of the signature of the Treaty of Peace which must be taken as the date for the calculation of those parts of the debt, which have to be taken over, including payments imposed by the Treaty of Peace.

In Alsace-Lorraine at any rate the provincial debts of Alsace-Lorraine, the debts for the building of the Alsace-Lorraine railways and such loans as have been made since 1871 for the creation of the public utilities in Alsace-Lorraine must be taken over.

In the year 1871 Germany granted France in calculating the war indemnity, amount of the railways then laid in Alsace-Lorraine, and we are in general compelled to demand that in so far as railway lines are to be ceded amount corresponding to their present value should be placed to the credit of Germany.

The exclusion of all compensation for the cession of the Imperial and State properties in Alsace-Lorraine (Article 266) appears to us, in view of the settlement of 1971, not to be justified, especially as regards new buildings etc.

(1076)

ARTICLE 256.

The corresponding demand of Belgium (Article 256, Paragraph 4) has also no foundation and can not be admitted.

Further the special arrangements for Poland (Article 92, Paragraph 3) can also not be agreed to.

ARTICLE 255.

The regulation whereby Poland is not to participate in that part of the Imperial and State debt which has been expended for German colonization in Posen (Article 255, Paragraph 2) can only be put into execution provided that corresponding safeguards for the payment of interest and for the payment of interest and for claims on the Prussian State arising out of this colonization and admitted as a consequence thereof.

Without wishing in any way to prejudice the question of the proposed cession of colonies (Schutz gebiete) we have to make the following observations from a following point of view.

This cession is to take place without taking over any () the Empire or the Federated States. On the side of Germany it must be demanded, in case the cession of the colonies is really expected, that the ceded territories where debts as were incurred by them () without the guarantee of the Empire, while the Empire should be free of these guarantees, and that the State which takes them over should give the Empire a release of all claims in favour of such ceded colonies.

The cession of the colonies, however, is in distinct contradiction with the principles of the Armistice. In

President Wilson's 14 points, stated in point 5 "a free open minded and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined." There is no word in President Wilson's programme of the cession of any colonies and particularly no mention of such cession.

Without compensation, but as for as Germany is concerned the colonies have become to such a great extent necessary elements of her own economic life as they are () parts of her national capital, that she can not give up her right to colonial possession only on financial grounds.

ARTICLE 231.

Finally, we must also mention the regulations of Article 231, whereby the cession of all materials which have been already handed over as a consequence of the conditions of armistices, is confirmed, and the right to possession of armistices, is confirmed, and the right to possession of the Allied and Associated Governments is thereby recognised.

In order to determine such recognition it would be necessary to make a clear examination, which has not been possible to make in the short time; in any case, however, it would be desirable that not only all property nor connected with military objects (Friedens Werte) which has been handed over but also the stock belonging to the () which the proposed peace terms exclude from their calculation, should be placed to the credit of Germany on the bill for reparation.

The above remarks set forth in detail the far-reaching differences in the opinion as to the burden which may

property be placed on Germany, and as to those which shall be placed to her credit. But these special considerations fall almost into back ground when we endeavour to obtain a complete picture of what the proposed peace conditions will impose upon as in their financial parts.

The final sum which Germany is to pay is not yet, determined and it will only be so on the 1st May, 1912, but interest is to be paid upon is to the amount of 5% and this amount is equally divided to us. The payment is meanwhile contemplated in three installments, of twenty, forty, and if the Reparation Commission considers Germany capable, another milliards of bonds.

The issue of further Bonds can be demanded later, as the calculation is to take place in accordance with the principle above stated; the total figure would clearly be altogether a fantastic one.

It would be a burden which it is impossible to imagine, that future generations, even working in the hardest possible be way, would scarcely be able to remove.

The Allied and Associated Governments evidently fully understand these facts.

Otherwise they would not have made the above-mentioned reservation in regard to the payment of the last forty of the hundred milliard marks in treasury bonds above referred to.

But there is a point about which they do not seem to be altogether clear, and that is: if they imposed upon Germany such a debt, which takes away from her every possibility in the future; if, in consequence every amelioration of the German economic situation, which the German people might attain by great industry and spartan economy would simply have the result that still further payments would be exacted from them in settlement of this debt, then all pleasure in producing, all desire to work, all enterprise must be annihilated in Germany () all time.

The German people would feel themselves condemned to work as slaves because every thing which they produced would go not to themselves nor even to their children, and Germany would become for decades oppressed by the most serious uninter-rapt social class conflicts.

Instead of forming this danger into account the principle on which these proposals are based is seem to be to keep Germany under pressure and control, financial, economic, and political in a way unparalleled in this history of civilized humanity.

A means for carrying out this is the Commission on Reparation, which has been provided with extraordinary powers under the peace conditions. In order to pay reparation, in order to meet all demands arising out of the Treaty of Peace and its Annexes, as well as in order to pay for the demands arising out of the Armistice, the first charge is to replace, in accordance with Article 248, all property and all revenue of the Empire and not Federated States. The Commission is, according to paragraph 12 of Annex 2, to examine most carefully the German system of taxation for which it is provided with most extensive powers of control and execution, in order to see that in the first place all revenues of Germany, inclusive of such means as may be required for the service, or for the repayment of all internal loans, should be preferably used for the sums which are to be paid by Germany on the reparation account: in the second place to see that the German system of taxation is quite as severe in regard to the individual tax-payer as that of any of the powers which are represented on the Commission.

These regulation simply a complete financial control over Germany by the Allies, and a complete umpire over the Imperial Budget.

They are indeed actually impossible to put into execution. For the acceptance of a first charge or the total

capital of the debt of all property and revenue of the Empire, and of the Federated States is impossible because the credit of the Empire and the States would in this way be so undermined that any further independent financial administration of these states could not be thought of. How could Germany take up any loans either at home or abroad (except with the Commission on Reparation) if the service of such loans were to be rendered uncertain by a charge on all possibilities of payment to the extent of an actually unlimited amount? Even the service of the existing German Imperial and State loans is made entirely dependent on the calculations of the Commission, and yet the maintenance of German economic life depends entirely on the maintenance of this service. The large and small economies, industrial enterprises, savings-banks and insurance companies, and all such business for the administration of foreign property hold the great part of their possessions in Imperial and state loans, above all in war loans.

If these became only partially valueless, this would bring about as a consequence a now, and complete break down of German economic life which would be even more disastrous than the economic consequences of the war and of the conditions of the Armistice.

Germany could not be able to rise again after such a complete break down for a considerable time so as to be able to pay in any way even what was required for reparation. It is clear from our situation that Germany will have to bear no smaller burden of taxation than that of any power represented on the Commission, or our burden of taxation will probably be considerably higher than that of any other country.

As the Commission on Reparation is at present planned it would really be the absolute Master of Germany's internal and external economy.

ARTICLE 260.

According to Article 260 the Commission may demand that all German nationals should renounce their rights and interests in all public utility undertakings (a very far-reaching and not clearly definable expression) and in all concessions in Russia, China, Austria, Hungary, Bulgaria and Turkey as well as in the possessions and colonies of those countries or in regions which, according to the demands of the Allied and Associated Powers, are to be separated from Germany.

The German Government itself must help in this. It must draw up and deliver a list of all these concessions and Germans, must effect the expropriation and compensate the expropriated persons and then be answerable to the Commission for the property thus expropriated. The Commission thereby acquires an unheard-of omnipotence.

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Through it, almost all German property in the above mentioned countries may be expropriated, while the expropriation of German possessions in Enemy countries, themselves may, according to the draft conditions of Peace, be carried further by the continuation of liquidations and sequestration, but how can Germany continue to work and meet the financial obligations, especially payments abroad and particularly to the Allied and Associated Governments, if everything which she possesses in a foreign country is henceforth taken from her and she gives up all such means of earning money? This expropriation injures its victims the more in that the Empire could only pay the compensation due to the expropriated persons by floating new internal loans, the value of which would be gravely compromised by the Treaty of Peace.

The expropriation would by very nearly a confiscation.

In the Peace proposals the duty of the Empire to compensate for private property to be expropriated for the benefit of the Allied and Associated Powers, () without consideration of the fact that a limit will have to be put to the method even on technical grounds connected with currency. The flotation of German state loan will be impossible in the near future in any large amounts either inside or outside Germany and therefore compensation can only be made by copious emissions of notes. The inflation, which is already excessive now, would, if the proposed conditions of Peace were carried out, uninterruptedly rise still further. Moreover, great deliveries in kind to foreign countries can only take place if the Empire makes good their values to the producer, thus a further increase of notes. So long as these deliveries last there could be no question of a stabilization of German currency even to its present level. The depreciation of the mark would have to continue more and more. The uncertainty of the currency would however affect not Germany alone but all exporting countries also, for Germany, with her continually depreciating currency and would be an element of unrest and be obliged uninterruptedly to throw goods out and exaggerated deliveries in kind which are made in the conditions of Peace are to be rejected on account of their technical currency considerations.

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In the proposals for conditions of Peace,² all countries at war with Germany have mechanically () found and contradictions accumulate from chapter to chapter () necessary in order to avoid the collapse owing to the () of the economic body, from which efforts are demanded. Its organic solution () by full () concerned in connection with all pertinent questions.

ARTICLE 251.

According to Article 251, the Commission is empowered to decide how much may be applied to the purposes of supplies of food and the furnishing of raw materials from abroad ; this in effect gives the Commission the power of determining whether and to what extent the German people shall be fed, and within what limits industry is to be allowed to work, so that there can no longer be any question of economic self-determination and ().

ARTICLE 241.

According to Article 241, Germany would be bound to pass all legislations necessary to ensure the complete execution of agreements——this perchance meant to imply, in conjunction with Article 234 and Paragraph 12 of Annex 2, that Germany is bound, in accordance with orders from the Commission, to issue all such laws on taxation as the Commission may require——what matter () with the Commission first to decide how the German State Revenues are to be applied, if thereafter at the bidding of the Commission, dispositions for the payment of interest of war loans, pensions of German disabled in wars and allowances to surviving dependants of fallen soldiers must likewise be suspended or restricted, as well as expenditure for promoting primary and secondary education, etc.

German democracy is thus indeed annihilated at the very moment when the German people was about build it up after a severe struggle——annihilated by the very persons who throughout the war never tired of maintaining () democracy to us. ()——the right to dispose of the revenues of the State, and the Parliamentary systems vanish ; the budgetary power of the Reichstag be collapsed. The Governments and representative institutions

in Germany then have as their only task to render to the Commission the services of a sheriff in enforcing payment of debts.

Germany is no longer a people and a State, but becomes a mere trade concern placed by its creditors in the hands of receiver. without its being granted so much as the opportunity to prove its willingness to meet its obligations of its own accord.

The Commission which is to have its permanent headquarters outside Germany will possess in Germany incomparably greater rights than the German Emperor ever possessed——the German people under its regime would remain for decades to come shown of all rights and deprived to a far greater extent than any people in days of absolutism of any independence of movement of any of individual aspiration in its economic or even in its ethical progress.

The decision of all these grave questions rests with the Reparation Commission which will determine them unilaterally and alone : whether it is a question of the valuation of the Saar mines ; of the burden of compensation to be imposed on Germany ; of drawing or amending programmes for the delivery and valuation of goods to be restored by Germany ; of fixing prices for commodities and foreign securities to be given up by Germany ; of lotting Imperial and State debts to be taken over by the portions of territory separated from Germany ; of determining the value of credit account of Imperial and State property passing to foreign States in the severed territories——all this and much more which can not be enumerated in detail, is to be settled by the Commission in the exercise of its arbitrary powers. Even any change in the problems which are dealt with here in regard to Annex II must in the provisions of the Treaty () resolution of Governments represented on the Commission without any kind of legal

guarantee, yet, without any kind of right for Germany to be consulted.

Germany has the right in some, not in all, questions to give her opinion but she shall have no voice in regard to the discussions of the Commission which take place in secret. But what is considered in the simplest private suits in all civilised countries is a self-evident right of every man, that is to say, that both parties should make known their opinion verbally, and that if they can not come to an agreement, a third person should decide thereon, that is denied to us. The Commission is a party and a judge is one person. Germany is moreover deprived of her rights in another way.

The Allied and Associated Governments maintain the right to retain and to liquidate German property of every kind even after the conclusion of peace and to subject it to existing or even freshly arising war measures (Article 297 Annex Paragraph 9). Whereas on the other hand they demand ample protection for the property of their Article 252 own nationals in Germany. They claim (Article 252) for themselves the right to all property of enemy subjects in their countries whilst immediately afterwards in Article 253, they adopted the standpoint that the securities and mortgages which were given to the enemy Powers or their subjects before the war must not be affected by the conditions of the Treaty of Peace. Therefore a distinctly different consideration of private property is set up for the conquerors and the conquered. What is claimed for the one is expressly denied to the other.

ARTICLE 258.

With similar decision we must protest against Article 258 whereby Germany is called upon to renounce any representation or participation etc. in administrations or Commissions on State-banks or financial and agricultural organi-

zations. No justification can be found for this agreement which makes Germans pariahs in the world. It is unquestionably opposed to the principles which were accepted Articles 259 and 261 by us and the other Powers in the Armistice Notes. Finally Articles 259 and 261 are also directly opposed and entirely in contradiction to equity on the one hand Germany must hand over to these Governments large consignments of gold for Turkey, Austria and Hungary and recognise her obligations in that respect: on the other hand it is demanded that Germany must transfer to the Allied and Associated Governments her claims against Austria, Hungary, Bulgaria and Turkey especially those arising out of the war period, and it is not stated in what manner these claims shall be settled in the account. It follows as a matter of course that the obligations which Germany has towards her former Allies can not possibly be separated from the claims of Germany in those Allies. It is absolutely necessary to strike a balance in this respect. The position in regard to Turkey is in particular so complicated that the obligations can not be treated separately from an understanding between the original (?) parties to the agreement.

We must abstain for the moment from a more ample discussion of details in regard to the provisions of the draft Peace Conditions owing to the short time which is given for the discussion. Whilst we reserve further detail for discussion at a later date, we meanwhile mention the following:

ARTICLE 243.

It is stipulated in Article 243 Paragraph 2, that no gold may be exported without the consent of the Reparation Commission until the 19 May 1921. Although the obligation of the gold () be taken into account for the near future the State-bank must nevertheless be permitted to export gold in case of a question of guarantees arising, which

it is itself given, and which it is not in a position to fulfil by other means.

ARTICLE 262.

Article 262 stipulates that all payments to be made in specie and in gold marks must be made at the option of the creditors in pound sterling payable in London, in dollars payable in New York, in francs payable in Rome, at a gold parity according to the coinage provisions in force on the 1st January 1914. On the other hand it must be pointed out that Germany is only in a position to deliver her goods and to take further financial measures for her re-establishment if the payments are to be made once and for all at the rate of exchange at which the debt was incurred. For the work of restoration of Belgium and France sums would naturally have to be fixed which would finally have to be paid in Belgium or French francs.

In the paragraphs concerning the German obligation to pay it is repeatedly stated that these payments are to be made in gold. The balance of the State-bank will however, owing to the fatal conditions for payment for the import of food supplies during the Armistice in the near future, be extraordinarily low and therefore payments in gold will not be possible. In order to avoid mistakes it would be necessary for all payments in gold marks or in gold to be undertaken in such a way that they might be made by Germany in foreign currency at the rate of exchange in force on the 1st January 1914.

ARTICLE 296.

The Commission must call attention in particular to the great dangers of Article 296 paragraph 4 (d) according

to which German debtors of an enemy country will be obliged to pay the debts which they incurred in German marks in the currency of the enemy country converted at the rate of exchange of the mark before the outbreak of war. In this way heavy damage is inflicted in a quite arbitrary manner on the German debtor for it is impossible to distinguish on what the rate is based to transfer debts contracted in marks into a foreign currency. The "clearing" will, moreover, only fulfil its object if a delay of six months be not allowed in which the various States may declare their adherence or their non-adherence.

If it is wished to carry the "clearing" idea into execution a uniform and speedy participation of all States must be required.

We come to conclusion.

The proposals of the Allied and Associated Governments in their present form and extent are positively incapable of execution.

Even were it possible for them to be forced upon Germany, they would most grievously disappoint the hopes of our present enemies. This would clearly appear in connection with the very first-installment of 20 thousand million marks for the immediate payment of which the conditions of Peace provide.

If our enemies should even succeed in collecting a substantial peace () of this 20 thousand million marks, by taking the German merchant fleet, by compulsory shipbuilding in German yards, by forced deliveries of coal, dyes and drugs, by crediting themselves with all German balances and with the proceeds of the liquidation of all German property in the territories of the Allied and Associated Powers and in German territories which are to be ceded, little progress would thereby be made towards satisfaction of the indemnity demands. After deduction of the expenditure

which would have been incurred in the interval for military occupation and of the very substantial sums required merely for the supplying Germany of the barest necessities in the shape of food and raw materials, little—if anything would remain for the purposes of indemnity. From Germany whose main arteries had been throttled, it would, however, be impossible to rely upon receiving any further payments. No German administration would be equal to the task of exporting further payments. A foreign Government which attempted still further to squeeze the ruined country, would be obliged at once to recognise that the cost of the administration, which could be operated only under occupation by powerful military forces, must bring the Allied governments losses which in a short time would exceed all the payments previously obtained from Germany.

A different path must be sought, a path of mutual understanding. In all countries, as in Germany, there are persons who preach revenge, hatred, militarism, and jingoism; but in all countries too there are those who fight for right and justice there are far-sighted persons who saw that the whole world would be the poorer, if the German people with its power of work, its need to consume, its spiritual achievement were excluded from co-operation in the work of the world.

It is not Germany alone who to-day needs credit to the utmost amount for the replenishing of her depleted stocks, the procuring of the indispensable minimum of food and raw materials for the consolidation of her enormous floating debts, but almost all the belligerent countries of Europe must resume the economy of peace under most difficult conditions.

The first and most urgent task to be accomplished is to combine all the forces of the world for this purpose and to give to all the possibility of continued existence.

Only if this is achieved, will German be in a position to discharge even not(?) heavy obligation of reparation which she has undertaken and is resolved to satisfy to the utmost of her power.

But for this there are(?) the further necessary conditional(?) that Germany shall retain the territorial integrity which is in correspondence with the Armistice, that we shall keep colonial possessions and merchant ships, including large tonnage, that in our own country and in the world at large we shall enjoy the same freedom of action as all other peoples, that all war legislation shall be at once annulled, and that all interferences during the war with our economic rights, with interest of private property etc., shall be treated in accordance with the principle of reciprocity.

In the assumption and only in the assumption that these conditions are fulfilled, we can make great financial sacrifices and submit the following proposal:—

The sum to be ascertained as the amount of the debt shall be admitted and the loans incurred by Belgium from her Allies: down to November 11, 1918, shall be paid by us. The conditions of payment shall be the following:

The debt to France shall be ascertained in French and that to Belgium in Belgian francs.

Germany undertakes within 4 weeks of the exchanges of the Ratification of the Peace to issue in the () to be determined by the Allied and Associated Powers a bond for 20 thousand million gold marks, due to be paid not paid not later than March, 1928, and to issue further in like manner the necessary acknowledgements of obligations for the remainder of the sum to be ascertained as the amount of the debt and from May 1, 1927, on to make annual payments to wards such sum in instalments free of interest, provided always that the total debts to be ascertained shall in no event exceed the amount of 100 thousand million gold marks, in which shall be included both the payments to Belgium for loans obtained by her from the Allied and Associated Powers and the above mentioned 20 thousand

million gold marks.

There shall be reckoned towards the first 20 thousand million gold mark bond all deliveries already made or to be made by Germany in virtue of the Armistice, such as railway material, agricultural machinery, military and non-military material of all description etc., and further the value of all deliveries which Germany may be required to make under example value of railways, state property, the final assumption of state debts, the cession of claims upon the powers allied with Germany in the war, a portion to be ascertained of the freight revenue arising from the inclusion of the German merchant tonnage in the world, and further all the deliveries in kind which are to be determined by negotiation in accordance with Annexes 3 to 7 of Part 8, and further the value of labour and material supplied by Germany for the restoration of Belgium and France, and also such restitution as may be made to Belgium in the form of a special loan in respect of the sum lent to her by Allied and Associated Powers. These aforesaid limitations which are made in view of Germany's incapacity for greater effort shall apply to the non-interest bearing instalments to be paid annually up to a maximum of 20 thousand million marks. Such instalments shall not exceed a percentage to be determined of the German Imperial and State revenues.

German () takes to assume for the payment of the indemnities due to Allied and Associated Powers an annual burdens approximately equivalent to the former total not peace budget of the German Empire.

In accordance with the above provisions the annuity to be paid yearly shall be determined as a fixed percentage of the revenues of the German Empire from direct to indirect taxes, profits on undertakings, and customs which later may be made payable in gold.

Notwithstanding such payment shall in the first two years of payment not exceed the current value of 80 (?)

thousand million gold marks. The payment of the annuities may be assured by a guarantee fund: the German Empire could oblige itself to make an annual payment to this fund from the proceeds of the indirect taxes, monopolies and customs down to the year 1926 and to maintain the fund thence forward at a constant amount. In the event only of default by Germany in the payment of an annuity and until such default was made good, control by the Allies over the service of this fund could be admitted but not arbitrary measures such as are threatened in Paragraph 18 Annex 11, to Article 244 (page 107).

The amount of the damage shall be determined by the Reparation Commission acting in concern with a German Commission, in case of disagreement by a mixed court of arbitration with a neutral chairman; the same procedure shall be adopted for the determination of the prices of the deliveries in kind and for the securing of agreement as to the amounts necessary for the supply of food and raw materials to Germany in so far as proceeds for deliveries in kind are in question.

At least as heavy a burden shall be imposed upon the German system of taxation as is borne by the most heavily burdened of the States represented upon the reparation commission.

Territories to be ceded shall assume as from the day of the conclusion of peace their pro rata share of the public debt and their proper percentual share of the reparation for damage to be made to the enemy.

We are fully aware how extraordinary a financial burden Germany must assume. If none the less we venture upon such a proposal as the above, we do so on the confidence that if our enemies will renounce the claims which they would otherwise () the German people will muster the resolution and the strength to bear these financial burdens.

It is however essential in that case that case that from the very commencement, that is to say from the begin-

ning of the new time of peace, Germany shall be admitted to the League of Nations on a footing of equality. It must in our opinion be one (2) of the League of Nations to unite the strength of all its members in order to facilitate and to cheaper the obtaining by each severally of the capital which they require to set their peace economy once more to work. The more valuable such help will be to Germany in particular the easier will it be for her to meet the heavy obligation which she is undertaking.

We recognise that we can not even approximately reestablish a world trade on the pre-war scale, and that our economic life must be on a much more modest footing. All we ask is that we shall not be expected to vegetate, dishonoured and enslaved. Heavily hit by misfortune we wish nevertheless to be allowed to live as a self-respecting, hardworking people.

The world and above all Germany is longing for an early peace. We propose that the Financial Commission should be given opportunity of negotiating immediately with the Financial Delegates of the Allied and Associated Governments. There has hitherto been no opportunity for a free discussion of the conditions of peace.

Only in such discussion can, so we hope, the bases be at last found for alleviating the distress of all the nations, alleviating, not removing. We must not go to work under false illusions. In hostile countries there are still many persons who believe that a country like Germany can by herself make good the war damage suffered by nearly thirty countries, but the experts know as well as we that is impossible.

The reparation which Germany now undertakes she will endeavour in long years of intense toil to perform. Only her pleasure in living and her honour must be left to her.

Versailles, May, 1919.

The Financial Commission of the German Peace Delegation.

C 附

本案添附獨逸全權ノ書翰

獨逸全權ハ本對案提出ニ際シ左ノ如キ講和會議々長宛書翰ヲ添附セリ

議長閣下

余ハ茲ニ講和條約案ニ對スル獨逸全權委員ノ意見ヲ別紙ノ通閣下ニ送付スルノ光榮ヲ有ス吾人ハ妥當ナル基礎ニ於テ講和ノ提案ヲ受領スヘキコトヲ期待シテ「ベルサイユ」ニ來リ吾人ノ承諾セル義務ヲ履行スル爲全力ヲ擧ケテ盡瘁セムトノ堅キ決心ヲ以テ之ニ臨メリ然ルニ敵タル戰捷者ノ吾人ニ要求セル條件ヲ閱讀シテ全然失望シタリ即チ該條約案ノ精神ヲ深く考究スルニ從ヒ益々其ノ實行ノ不可能ナルヲ知リタリ右ノ要求タル實ニ獨逸國民ノ能力以上ニ出ツルモノナリ

該條約案ハ波蘭國再建ノ爲爭フヘカラサル獨逸領土即チ全然獨逸人ヨリ成ル西普魯西、「ボメラニア」中獨逸人ニ屬スル地方純然タル獨逸都市ニシテ往昔ノ「ハンザ」都市タル「ダンチヒ」(右ニ對シテハ波蘭ノ統治權下ノ自由都市ニ變スルコトヲ諾セサルヘカラサルコトナレリ)ヲ放棄スヘキコトヲ吾人ニ要求セリ加之吾人ハ東普魯西ヲ其ノ本國タル政治團體ヨリ切斷セラレ且根本的獨逸市タル「メメル」ト共ニ其ノ極北(?)地方ヲ沒收セラルコトヲ諾セサルヘカラス將又波蘭及「チエク、スロバツク」ノ爲上「シレシヤ」ヲ放棄セサルヲ得ス之七百五十年以來獨逸トノ密接ナル政治上ノ關係ヲ無視シ該地方ノ國民生活力獨逸的ニシテ且獨逸東部ニ於ケル工業ノ基本的要素ヲ構成セルコトヲ考慮セサルモノナリ此ノ外獨逸分子カ主要勢力ヲナセル數地方ヲ白耳義ニ割讓シ且「ブレビシツト」(一般投票)及充分ナル補償(?)モ與ヘラレス而モ右割讓後ニ投票ヲ行フコトトセリ全然獨逸ニ屬スル「ザール」ハ獨逸帝國ヨリ分離セラルコトナレルカ佛國ニ對シテハ住民ヲ歸屬セシメス單ニ石炭ヲ與フルノミニ義務アリト雖結局佛國ニ合併ノ準備タル「ライン」地方ハ十五年間占領セラレ該期間後聯合國ハ此ノ地方ノ復歸ヲ拒斥?スルノ權ヲモ有スルニ至ラム又該期間内聯合國ハ本國トノ經濟的及精神的關係ヲモ

弛緩セシメ得ル措置ヲ爲スノ自由ヲモ有スルナラム

斯ノ如ク分割セラレ弱メラレタル獨逸ハ假令戰費ノ支拂ハ負擔セサルコトトナレルモ尙其ノ國富ノ二倍以上ノ金額ニ上ル敵ノ費用ヲ原則トシテ負擔スルコトヲ認諾セサルヘカラス現ニ妥當ノ基礎ヲ離レテ聯合國ハ非戰闘員ノ受ケタル損害ノ補償及獨逸ノ同盟國ノ代リニ責ヲ負フヘキ補償ヲ獨逸ニ要求セリ而シテ該支拂額ハ敵側一存ニテ決定シ後日變更増加セラルヘク其ノ制限ハ單ニ獨逸國民ノ支拂能力ニ止マリ其ノ生存條件ヲ考量スルコトナシ斯ノ如クンハ獨逸國民ハ永久ノ奴隸タル處罰ヲ受クルニ等シカルヘシ

斯ル無法ナル要求ト同時ニ吾人ノ經濟的生活ノ再建ヲ不能ナラシムルニ至レリ先ツ吾人ノ商船隊ヲ引渡シ外國ニ於テ有スル有價證券ヲ放棄セサルヘカラス外國ニ於テ若ハ自己ノ同盟國內ニ於ケル獨逸企業上ノ財產權モ總テ敵ニ移轉スヘク平和克復後ト雖敵國ハ獨逸ノ財產ニ對スル沒收權ヲ有スヘク獨逸ノ商人ハ敵國內ニ於テ戰時特別處分類似ノ處分ヲ受クルヲ免レス吾人ハ殖民地ヲ舉ケテ放棄スヘク獨逸宣教師ハ其ノ職務ヲ行フノ權スラモ有セサルニ至レリ之當ニ政治上經濟上又ハ思想上吾人ノ生存ヲ放棄スヘ(脱)コトナリ

獨逸國內ニ於テヌスラ(不明)國自決權タモ犧牲ニ供セサルヘカラサルナリ賠償委員會ハ我國民生活ニ對シ經濟及教育ノ範圍ニ亙リ獨裁の權能ヲ行フヘク獨逸帝國國內ニ於テ皇帝、聯邦議會、帝國議會タモ未タ有セザリシ程ノ超越セル權力ヲ有スヘシ該委員會ハ無限ニ國家地方團體個人ノ經濟的生活ヲ支配シテ(不明)公衆衛生スラ其ノ手ニ左右シ得ヘキナリ殆ト全國民ヲ舉ケテ精神的奴隸ノ狀態ニ置クヲ得ヘシ又支拂ヲ爲サシムルノ目的ニテ獨逸勞働者ノ爲ニ設ケラレタル社會保險業スヲ阻止スルヲ得ヘキナリ

他ノ方面ニ於テハ獨逸ノ主權ハ壓迫ヲ受ク即チ主ナル水路ハ國際管理ノ下ニ置カレ敵ノ要求ニ應ジ自己ノ領土內ニ於テ運河鐵道ヲ建設スルノ義務ヲ負ハサレ自己ノ與ラサル條約及東方新興國ト敵トノ間ニ締結セラレ而モ自國ノ境界ニ關スル條約ニ同意ヲ強ヒラレタリ世界協同ノ事業ヲ爲スヘキ國際聯盟ニ排斥セラレタリ

斯シテ一國ヲ舉ケテ自己追放寧ロ死刑ノ宣告ニ調印スルコトヲ命セラルモモノナリ

獨逸ハ平和ニ到達スル爲犧牲ヲ拂フヲ要シ又條約ニ依リ之ヲ約スルヲ要スルコトモ承知セリ唯出來得ル極限迄(不明)ヘキコトヲ覺悟セルナリ即チ

一、獨逸ハ正義ノ平和ノ新時代創成ニ貢獻スルノ意アルコトヲ示ス爲他國ニ先シテ自己ノ軍備制限ヲ行ハムコトヲ提議ス又徵兵制度ヲ撤廢シ過渡期ノ計畫ヲ助長シ其ノ軍ヲ十萬人ニ減スヘシ敵力獨逸ニ殘サントスル軍艦ヲモ放棄スヘシ但シ獨逸力直ニ他國ト同様國際聯盟ニ加入セシメラレ茲ニ善意ヲ有スル一切ノ活動國民即チ今日ノ敵ヲモ含メル其ノ國際聯盟構成セラルヘシトノ豫想ノ下ニ之ヲ行フモノナリ該聯盟ハ其ノ基礎ヲ人類ニ對スル責任ノ觀念ニ置カルヘク且其ノ團體員ノ國境防護ノ爲強力ニシテ信頼スルニ足ル強制ヲ行ハサルヘカラス

二、領土問題ニ關シテハ獨逸ハ「ウイールン」ノ綱領ノ基礎上ハ無制限ニ立タムトス又獨逸ハ「アルザス、ロレーヌ」ニ對スル主權ヲ放棄スルモ該地方ニ於テ自由ナル投票權ヲ希望ス更ニ波蘭ニ對シテハ「ボスナニヤ」ノ大部分即チ眞ニ波蘭人ノ居住地及「ポーゼン」ノ首府ヲ放棄スヘシ又波蘭ニ對シテ「ダンチヒ」「ケーニスベルヒ」「メメル」ニ於テ自由港ノ讓與「ビイステュラ」河ノ航行ヲ規定スル特許及鐵道ニ關スル特別條約ヲ以テ國際的保障ナシニ海上ニ出ツル自由通過ヲ保障スルニ躊躇セス、次ニ佛國鐵山業回復迄「ザール」溪谷ヨリ産スル石炭ヲ以テ佛國ノ經濟的給養ヲ保障スルニ吝ナルモノニアラス將又「ジュレスウイツヒ」ニ關シテハ丁抹人ノ多數居住セル地方ヲ總投票ニ依リ丁抹ニ讓與スヘシ尙獨逸ハ奧地利及「ボヘミア」ニ於ケル獨逸人ノ爲人民自由決定權ヲ尊重セラルヘキコトヲ要求ス

若獨逸自カラ委任統治國トシテ承認セラル、ニ於テハ自國植民地ヲ舉ケテ國際聯盟ノ共同統治ノ下ニ置クヲ諾スヘシ三、獨逸ハ妥當ナル講和案ニ從ヒ金貨ニテ千億馬克ノ額迄自己ノ負擔ニ於テ支拂ヲ爲スヘキコトヲ約スヘシ但シ右金額中二百億馬克ハ千九百二十六年五月一日迄殘八百億ハ無利息ニテ年々爲替手形ニテ消却スヘシ該手形ハ主義トシテ獨逸帝國及聯邦ノ歲入ニ準シ定メラレタル率ヲ以テ其ノ金額ヲ決スヘク平時ニ於ケル舊豫算額ニ近キモノタルヘシ最初ノ十年

間八十億馬克ヲ超ヘサルヘク之カ爲獨逸ノ納稅義務者ハ賠償委員會ニ代表人ヲ出タス國ノ納稅者ニシテ最重キ負擔ヲ課セラル、モノヨリ少キ賦課ヲ受クルコトナカルヘシ

獨逸ハ上述ヘタルモノノ外領土上ノ犧牲ヲ拂フコトナク且國內及國外ニ於テ一切ノ行動ノ自由ヲ得ヘキコトヲ豫想スルモノナリ

四、獨逸ハ回復事業ノ爲自己ノ經濟上ノ全力ヲ盡スノ覺悟ヲ有ス從テ白耳義及北佛ノ破壞セラレタル地方ノ回復ノ爲協力セムコトヲ希望ス北部佛蘭西ノ破壞セラレタル鑛山ノ產出不足ニ對シ最初ノ五年間年々二千萬噸次ノ五年間年々八百萬噸ツツノ石炭ヲ供給スヘシ尙此ノ外ニ佛蘭西白耳義伊太利「ルクサンブルグ」ノ爲石炭ノ引渡ヲ計ルヘシ加之獨逸ハ「ベシジン」油、瀝青、磷酸、安母尼亞、及染料、其ノ他ノ藥品ノ巨額ヲ供給スヘシ

五、最後ニ獨逸ハ自己一切ノ商船噸數ヲ世界ノ用ニ提供セムコトヲ提議ス且其ノ載貨ハ損害補償ノ計算内ニ入ルヘキ部分ヲ敵ノ處分ニ委スヘク一定年限間獨逸造船所ニ於テ自己ノ需要ヲ超過スル噸數ヲ敵國ノ爲建造スヘシ

六、白耳義及北佛ニ於テ破壞セラレタル河川用船舶ノ代價トシテ獨逸ハ自己ノ船舶ヲ提供スヘシ

七、獨逸ハ産業分擔(經濟復舊(不明))ニ依リ損害補償ノ自己ノ義務ヲ速ニ履行スル爲殊ニ石炭引渡確保ノ爲炭坑ニ於テ適當ナル手段ヲ見出し得ヘシト信ス

八、全世界ノ組織アル勞動團ノ意思ニ從ヒ獨逸ハ各國ノ勞動者ノ權利ノ全然自由且平常ナラムコトヲ希望ス將又講和條約ヲ以テ勞動者自身ノ決意ニ基キ社會政策及社會保險ニ參加スルノ權ヲ總テノ勞動者ニ確保セムコトヲ欲ス

九、獨逸全權委員ハ戰爭ノ責任及戰時犯罪ニ關シ中立ヨシシノ見地ヨリスル自己ノ要求ヲ再宣言ス即チ一ノ不偏不黨ノ委員會ヲ設ケ總テノ交戰國及總テノ主要參加者ノ記錄ヲ其ノ責任ヲ以テ審査スルノ權ヲ附與スヘシ而シテ犯罪ノ問題ハ僻見ヲ抱クコトナク審査セラルヘシトノ保障アリテ始メテ國際聯盟ノ組織ニ必要ナル精神狀態ヲ敵國ニ與フルヲ得ヘシ吾人ノ爲サムトスル最重大ナル提議ノ趣旨ハ茲ニ存ス他ノ大ナル犧牲及詳細ノ點ニ至リテハ別紙覺書及其ノ附屬書ニ讓

ル

該覺書作成ノ爲吾人ニ與ヘラレタル猶豫期間甚タ短クシテ總テノ問題ヲ盡ス能ハサリキ有益且應變ノ討議ハ唯口頭ノ會談ニ依リテノミナシ得ヘシ

而シテ今回ノ講和ハ實ニ有史以來ノ最大條約ナルカスル廣大ナル談判力單ニ文書ノ交換ノミニ依リテ進捗セシメラルルコトハ其ノ例ナキ處ナリ將又重大ナル犧牲ヲ拂ヘル國民ノ感情ハ公然且無制限ノ意見交換ニ依リ殊ニ下ノ原則ニ依リ自己ノ運命決セララルヘキコトヲ要求ス即チ總テ公然作成セララルル公知ノ講和條約及(脱)今後如何ナル種類ノ國際協約(祕密條約ヲ含ム)ナルモノ存スヘカラサルコト而シテ外交ハ常ニ公然全世界ノ面前ニ行ハルヘキコト之ナリ

獨逸ハ自己ニ提出セラレタル條約調印及之カ履行ノ用意アリ乍然假令不幸ノ結果ヲ見ルトモ獨逸ニトリテハ權利ハ餘リニ貴重ニシテ苟モ實行ヲ約シ得サル條件ヲ認諾スヘク自カラ屈スルコト能ハサルナリ前世紀ニ於テハ強國ノ講和條約ハ常ニ強者ノ權利ヲ強要セリト雖此等ノ條約ハ世界戰爭中ニ於テモ勝者カ敗者ニ要請シタル場合即チ「ブレストリトウスク」及「ブカレスト」條約ノ如キ強力ノ容認ハ唯將來ノ不和ノ禍根ニ止マリシナリ我敵國カ戰爭遂行ノ際幸先シテ標榜セル高尚ナル(脱)鑑ミレハ當ニ上記ノ精神トハ異レル條約ヲ要スルハ尤モナリ唯各國當局者ノ協同一致ノ協力ニ依リテ始メテ恒久ノ平和ヲ創設スルヲ得ヘシ吾人ハ此ノ戰爭ノ結果タル憎惡厭忌ノ念ノ擴大(不明)セサルモノナリ却テ人道主義、協同ニ活動スル勢力ハ往昔ニ比シ遙ニ雄大ナルヲ知ル「ベルサイユ」ノ講和會議ノ歷史的事業ハ此ノ協同ヲ指導誘掖スルニ在リ

敬具

千九百十九年五月二十九日

「ベルサイユ」ニ於テ

「ブロックドルフ、ランツアウ」署名

對埃講和商議ノ經過 (其二)

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甲 埃國委員ノ全權委任狀承認

(五月二十日發電ニ依ル)

埃國委員ハ聯合國側ヨリ提出サレタル全權委員委任狀ニ對シテハ何等異議ナキ旨回答シタルカ五月二十四日聯合國全權委任狀審査委員會ハ埃國委員ノ全權委任狀ヲ審査シ妥當ト認ムル旨回答スルコトニ決定セリ備考尙ホ前調書所載埃國全權ノ隨員ハ「クライン」ヲ除クノ外各省代表者ニ非スシテ本任者ナリ

乙 埃國全權ノ談判速急開始要求並回答

(五月二十八日巴里發電)

イ、埃國全權ノ申出

在「サンゼルマン」埃國全權カ五月二十四日附書翰ヲ以テ聯合側ニ對シ埃國全權一行ハ其使命ノ重大ナルニ願ミ行政上ノ重要利益ヲモ顧ミス各方面ノ代表者ヲ網羅シ來タレルカ講和談判遷延ノ結果國內ニ謠言蜚語ヲ生ミ引イテ不安不秩序ヲ

議スノ虞アルノミナラス多數ナル全權一行ノ滞在長引クハ埃國財政ノ現狀之ヲ許ササル旨ヲ指摘シ成ルヘク速ニ埃國トノ談判開始ヲ切望シ來レリ

ロ、聯合側ノ回答

聯合側ハ二十七日附書翰ヲ以テ三十日零時「サンゼルマン」ニ於テ埃國全權ニ講和條約案ヲ提出スヘシ但

(一)埃國將來ノ兵力問題

(二)同國ノ賠償並債務問題ハ舊埃國分裂各部ノ之ニ對スル利害並態度ヲ考慮スルノ必要アルヲ以テ之カ審査ヲ後日ニ留保スヘキ旨ヲ答ヘタルカ埃國全權ハ二十八日附書翰ヲ以テ右ノ取計ニ満足ノ意ヲ表スルト同時ニ留保セラレタルニ問題モ成ルヘク速ニ討議セラレムコトヲ望ム旨回答セリ

尙獨逸トノ場合同様二十九日對埃講和條約案決議ノ爲聯合與國間秘密總會議開催ノ筈

丙 對埃講和條約文ノ審議

(五月二十八日巴里發電ニ依ル)

對埃講和

對埃條約案文ノ協議ハ不明ノ對獨條約ニ關スル各委員會ニ於テ審議シ居リ此等各委員會モ兩三日ニテ賠償、俘虜、軍事條項、經濟條項、並河川港灣條款等大體議了シ之ヲ首相會議ニ移牒シ賠償及軍事條項中陸軍條項ニ就キテハ細目ニ互リテ尙委員會ニ於テ講究中ナルカ埃國全權ヨリ談判開始ヲ督促シ來タリタル關係モアリ最近ノ模様ニテハ賠償條項並軍事條項中陸軍條項及財政條項ノ一部ハ埃國トノ談判ニ依リ協定スルコトトシ其ノ他ノ條項ハ押付ノ形ニ於テ來タル三十日(金曜日)ヲ以テ全部先方ヘ交付スル豫定ナリ

備考 對埃經濟條項

對埃太利及匈牙利トノ條約中經濟條項ニ就キテハ大體對獨逸條約案ニ準據スルコトトシ關稅及財產請算ノ部分ニ多少ノ

變更ヲ加ヘタル上五月十六日ノ經濟委員會ニ於テ可決シタル成案ハ二十五日午前ノ首相會議ニテ決議ヲ得起草委員ニ同付セラレタル趣ナリ

丁 對埃講和條件開示聯合與國秘密總會議

埃國ト交戰狀態ニ在ル諸國ニ對埃講和條件ヲ示ス爲五月二十九日及同三十一日ノ兩日ニ於テ聯合與國第七及第八回秘密總會議ノ開催セラレタルコトニ付テハ別掲同記事參照

戊 埃國全權ノ口頭陳述要求並回答

(六月十九日巴里發電ニ依ル)

埃國全權ヨリ聯合國側ノ交付スル講和條約案ニ關シ口頭陳述ヲ要求シ來リタルニ對シ五月三十一日附講和會議々長ノ名ヲ以テ條約案ニ關スル往復ハ一切書面ニ依ルヲ要ス但シ右書面ハ必ス機密ノ取扱ニ附セラルヘキ旨回答シタリ

對土講和商議經過 (其一)

甲、土耳其ノ講和會議へ陳情方聽許ノ件

(六月八日發電ニ依ル)

一、土耳其總理ノ申出

五月二十八日附ヲ以テ土耳其總理「ダマッド、フエリッド」(Grand Vizier Damad Ferid) ヨリ講和會議議長宛
『講和會議カ將ニ土耳其ニトリ重大問題ノ討議ニ移ラムトスルニ際シ土耳其政府ハ他ノ壓迫ニ依リ採リ來タリタル最近
數年間ノ不詳政策ニ對スル責任ヲ自覺シ其ノ結果將來ノ(脱)憂慮措ク能ハス茲ニ聯合側大國代表者ニ對シテ土耳其ノ
實情ヲ詳ニシ土耳其人ノ真情ヲ明カニシ以テ正義公正ノ判斷ヲ請ハムコトヲ切望スルモノニシテ總理(Grand Vizier)
自カラ此ノ目的ノ爲ニ最後ノ決定ノ下サルル前講和會議ニ委細陳述スルノ希望ヲ有スルニ付右聽許アリ度キ旨』
申出アリ

二、最高會議ノ承諾

右ニ付佛國外務大臣ヨリ在「コンスタンチノーブル」佛國派遣委員宛五月三十一日

『右土耳其首相ノ要請ヲ聯合側最高會議ニ移牒シタル處土耳其ノ講和會議代表者ヲ受理スヘキコトニ確定セルニ付其ノ
旨先方ニ通知シ尙右代表者旅行ノ安全ニ必要ナル處置ヲ執ルヘキ旨』

回訓シタル趣六月六日講和會議書記局ヨリ通知ニ接シタルカ其ノ後右佛國派遣委員ヨリハ

『右ハ直ニ土耳其首相ニ通シタル處首相ニ於テ非常ニ満足ノ意ヲ表シ且一般人民ニ對シテ著シク好印象ヲ與ヘタリ同首
相ハ佛國軍艦搭亂來佛ニ關スル佛國側中出ヲ快諾セル旨』

ノ電報ニ接セル旨通知アリタリ

乙 土耳古代表者

(六月八日發電ニ依ル)

尙新聞電報ニ依レハ土耳古代表者ハ左ノ通ナリト言フ

「ダマッド、フエリッド、バシヤ」總理兼外務大臣(Damad Ferid Pasha Grand Vizier and Minister for Foreign Affairs)「チ
 ユーフィク、バシヤ」前總理(Tewfik Pasha Former Grand Vizier)「チカーン、バシヤ」大藏大臣 (Tewfik Bey Minister
 of Finance)「リイザ、チユーフィク、バシヤ」樞密院長(Riza Tewfik Key President of Council of State)「リチャード、ハルム、
 ベイ」(Richard Halim Bey)

(1106)

聯合與國總會議並講和打合會 (五大臣會議五國會議)

附

- 一、山東問題ノ經過(承前)……………一七九
 二、波羅的委員會(承前)……………一八三

○五月十六日五大臣會議

一、日 時 五月十六日午後三時

一、出席者 牧野全權

一、議長 「ビシヨン」

一、匈牙利國境問題ニ關シ

(イ) 希臘トノ國境ハ「コンスタンチノーブル」地方ニ關スル首相會議ノ決定アル迄ハ (Thrace) 「スレーズ」地方ニ於
 テ之等諸國間ノ國境ヲ確定スルコト困難ナルヲ以テ此點ニ關シ首相會議ノ決定ヲ促スコト、シ

(ロ) 羅馬尼トノ國境ニ付羅馬尼問題委員會ハ同盟國タル羅馬尼ヲシテ其ノ領土ヲ敵國タル匈牙利ニ讓渡スルヲ強制ス
 ルヲ得スト雖兩國間ニ國境改訂ノ協議アル場合ニハ羅馬尼ハ「ドブルジャ」ニ於ケル海岸地方ノ一部ヲ匈牙利ニ讓ル
 コトトシ其豫定線ヲ報告シタルカ右ニ關シ意見區々ノ結果羅馬尼ノ國境ハ匈牙利方面ヲ除ク外「ベツサラビヤ」「プロ
 ビナ」「バナト」地方何レノ國境モ未タ確定セサルニ依リ此際匈牙利方面ノ國境改正ヲ勸誘スルモ羅馬尼ハ之ニ應セサ
 ルヘキヲ以テ本件ハ後日ノ決定ニ讓リタリ

「ソニン」ハ此種ノ問題ニ關スル一般感想トシテ講和會議ハ對露問題ニ付テハ未タ何等決定スル所無キ處目下東歐問

(1107)

題解決ニ當リ益々其必要ヲ感スルニ至レリ而シテ露國ハ今ヤ「ボルセビキ」派ト「コルチャツク」ノ率ユル非「ボルセビキ」派トノ二派ニ分レ聯合國カ露國問題ヲ決スヘキ好機會ナリト思考スル旨ヲ述ヘビシヨシヨリ首相會議ノ注意ヲ促スコトハナレリ

(ハ) 塞爾比トノ國境ニ關シテハ委員會ノ報告ヲ採用シ「ストルーミツツア」河ニ於ケル兩國ノ境カ「ニツシユ」「ウスクフ」「サロニカ」鐵道ヲ離ル、コト僅ニ九基ナルニ顧ミ「ストルーミツツア」市ヲ中心トスル同河谷一帯ヲ塞爾比領トシ「Vrnjake」地方ニ於テモ兩國々境カ前記鐵道ヲ離ル、コト十六基ナルヲ以テ之ヲ稍東方ニ移シ「Pino」地方ニ於テハ兩國ノ國防上ノ必要ヲ斟酌シ「Tsoribrod」ツオリブロード」市附近ヲ塞爾比ノ有トン「Dragoman」ドラゴーマン」及「Oinzi」ジンチ」山道ヲ匈牙利領トセリ

二、白耳義政府ハ同國ハ土耳其、匈牙利ト開戦セサリシモ右兩國ハ白耳義人ヲ敵人トシテ取扱ヒタルヲ以テ右兩國ニ對スル講和條約中ニ戰時ニ蒙リタル損害ノ賠償並經濟運送、航空ニ關シ白耳義臣民ハ他ノ聯合國臣民ト同一ノ權利ヲ有スヘキ旨ノ規定ヲ挿入センコトヲ請求シタルカ右ハ賠償委員會ニ附託シ

三、波蘭政府ヨリ埃國政府ヲシテ波蘭ニ歸屬スヘキ地方ニ關スル司法行政上軍治上ノ書類並地圖ハ一七七二年以降ノモノヲ一切波蘭政府ニ引渡スコト並同年以後埃國カ右地方ヨリ沒收シタル美術品及學術及宗教上ノ(不明)又ハ紀念品ヲ還附セシムヘキコトヲ請求シタルカ右ハ賠償委員會ニ附託シタリ

四、埃國政府カ其講和委員及專門委員中ニ「ボヘミヤ」人ヲ任命セルニ對スル「チエツクスロヴツク」政府ノ抗議ハ之ヲ採用セサルコトニ決シタリ(終)

○五月十九日五大臣會議

一、日 時 五月十九日午後三時

一、出席者 牧野全權「ビシヨシ」バルフォア「ランシング」マルチノ「白耳義外務大臣」「ヒマンス」和蘭外務大臣「フ

アン、カルネベク」

一、議 長 「ビシヨシ」

一、内 容 千八百三十九年白耳義ニ關スル條約改正ノ會議

イ、「ビシヨシ」ノ委員會決定報告

「ビシヨシ」ハ調書其七第二一頁附記(二)ヲ以テ具報シタル講和會議白耳義問題委員會ノ決定ヲ報告シ

ロ、白國外相ノ陳述

「ヒマンス」ハ二月十二日五國會議ニ於テ陳述シタル所(調書其三第七頁參照)ヲ繰リ返シ客年八萬ノ獨逸軍カ和蘭政府ノ同意ヲ得テ蘭領「リンブルグ」ヲ通過シテ退却シタルニ白耳義カ和蘭ニ抑留サレタル白耳義軍人ノ釋放ヲ要求セルニ際シテ和蘭政府ハ之ヲ拒絕セリト述ヘ

ハ、蘭國外相ノ條約改正賛成陳述

「フアン、カルネベク」ハ和蘭政府ハ非公式ニ聯合國カ千八百三十九年ノ條約ヲ改正セントセルヲ聞知シ五月九日附「ビシヨシ」氏ノ書翰ニ依リ此處ニ出席シ白耳義問題委員會ノ決定ナルモノモ只今始メテ承知シタル次第ナリ和蘭政府ハ白耳義政府ト同條約改正ノ協議ヲ開始スルニ異存ナク白耳義ノ申出ニ對シテハ好意ヲ以テ考慮ヲ加フヘク和蘭ノ領土ノ現狀ニ變更ヲ起ササル限リ白耳義中立ノ廢棄ニ賛成スヘシト述ヘ

兩國外相ノ論議

「ススコ」河ノ浚渫「Ter-Neuzer」運河「リンブルグ」地方ニ關スル歴史的事實ニ關シ白蘭兩國代表者間ニ議論ノ交換アリタリ

五月二十日五大臣會議

一、日 時 五月二十日

一、出席者 前日ト同シ但シ伊國ヨリ「ソニン」ノ「出席

一、内 容 白耳義ニ關スル條約改正會議（前日ノ續）

イ、白國外相ノ條約改正ニ關スル主張説明

「ヒマンズ」ハ更ニ千八百三十九年ノ條約改正ニ關スル白耳義ノ主張ヲ説明シ白耳義ハ政治上經濟上及國防上ノ必要ヨリ右ノ改正ヲ要求ス今次ノ戰爭ニ依リ白耳義ノ中立保障ハ消滅セリ然ルニ同條約ノ白耳義領土ニ關スル規定ハ其國防ヲ困難ナラシメ且ツ其ノ經濟的發展ヲ阻害シ

白耳義ノ繁榮ノ唯一ノ楔子タル

「アングエルス」港ノ海上及其背後地「ヒンテルランド」トノ交通ハ和蘭カ「エスコウ」河口ノ兩岸ヲ扼シ且「アングエルス」ヨリ「ライン」河ニ至ル運河カ和蘭領「リンブルグ」ヲ通過セサルヘカラサルニ依リ全ク和蘭ニ死命ヲ制セラレ國防上「エスコウ」リンブルグ「マテ」ハ全ク和蘭ノ決定ニ支配サルル狀態ニ在リ

前日「カルネベーク」氏ハ白耳義中立ノ廢棄ヲ承認シ且ツ白耳義ノ提議ハ好意ヲ以テ考慮スヘキコトヲ約サレタルモ右條約改正ハ白、和蘭兩國間ニ於テ協議スヘシトノ意見ナリシカ（脱）條約調印國ハ白蘭兩國ノミニ非ス且ツ其ノ改正ハ一般平和ニ關係スル事項ナリ又「カルネベーク」氏ハ領土問題ヲ論外ニ置カントシタルモ講和會議ハ既ニ白耳義ノ領土及河川ニ關スル改正ヲ行フヘキヲ認メタリ白耳義ノ國防問題ニ關シテハ專門の講究ヲ要スルヲ以テ聯合大國ノ委員會ヲシテ

一、白耳義ノ第一防禦線タル「ミユヅ」河ハ現狀ニ於テ（特ニ「マーストリヒト」カ和蘭領タルニ於テ）維持シ得ヘキヤ

二、白耳義ノ本防禦線タル「エスコウ」河ハ同國カ同河全部ヲ占領スルコトナクシテ有效ノモノナリヤ

ヲ調査スルコトトシ尙白耳義ノ要求スル左ノ諸項ヲ委員會ニ附託スルコトトシタシ

一、(a)「エスコウ」ト海トノ自由交通即チ同河「西」エスコウ」全部並「ガン、テルノイチエン」Grand Teneuzen 間運河及鐵道及同運河ノ「西エスコウ」ニ於ケル入口ニ對スル主權的制限 (Attributes of sovereignty) (b)和蘭ハ白耳義ノ國防上同國カ「エスコウ」下流全部ヲ使用スル必要ヲ認メ白耳義ハ國防ノ爲メ自由ニ何時ニテモ同河ヲ使用スル權利スヲ有ヘキコト並和蘭ハ右白耳義ノ權利ヲ妨クヘキ一切ノ施設ヲ放棄スルコト (c)白耳義ハ「フランダー」地方ノ流水ヲ調節スル水門ヲ管理スルコト (d)「ブーチャント」(Bouchaute) 地方ノ白耳義漁業者ノ要求ヲ満足セシムルコト

二、「西エスコウ」及「ライン」河トノ連絡ニ關シ一八三九年ノ條約ノ規定セル交通路ノ代リニ「アンウエルス」「モーエルデック」(Moerdijk) 間ニ大運河ヲ共同費用ニ於テ建設スルコト

三、和蘭領「リンブルグ」ニ關シ (a)南「リンブルグ」ニ於テ同地方ノ地形ヨリ生スル白耳義ノ安全ニ對スル危險ヲ除キ且同國ノ經濟上ノ利益ヲ保護スヘキ制度ヲ設クルコト (b)「ライン」「ミューズ」「エスコウ」間ニ大運河ヲ建設スルコト

四、Bernart Due ンニ關シ現在ノ白蘭兩國境カ錯雜セルニ依リ生スル困難ヲ除ク

尤右兩委員會ハ一委員會ノ二分科會トスルモ可ナルヘシ、白耳義政府ハ領土ノ擴張ヲ希望スルモノニアラサルモ前述ノ要求カ領土ノ變更ニ依ラスシテ他ニ之ヲ満足シ得ル方法アルヘキヤハ委員會ノ調査ニ委セムト述ヘ

ロ、和蘭國外相ノ主張

「カルネベーク」ハ白耳義ハ現條約ニ基ク制度ノ下ニ經濟的發展ヲ爲シ得タルコト「エスコウ」河カ國際河流ナルカ爲メニ和蘭カ白耳義ヲ抑制スル地位ニ立テリトノ論據ナキコト「リンブルグ」地方ハ白耳義ヨリ割取シタルモノニアラサルコトヲ述ヘ、白耳義委員ハ同國ノ中立破滅ト共ニ他ノ安全ノ保證ヲ求メ中立問題ト領土問題トヲ關聯セシメテ論セラレタルモ右ハ一八三九年條約締結ノ沿革上根據ナク和蘭ハ白耳義中立ノ廢棄ニ異議ナキモ和蘭カ其代價ヲ拂フヘキ理由

ナシ前日領土問題ニ關スル自分ノ言ハ斷定的ナリシカ之ハ止ムヲ得サル所ナリ最近緊張シタル白蘭兩國ノ關係ヲ融和セシムルコト急務ニシテ先ツ兩國間ニ交渉ヲ開始セハ有益ナル效果ヲ收メ得ヘシト信ス自分ハ何等「ヒマンズ」氏ノ提出シタル要求ニ付日時ヲ遷延セシムル意ナキモ右提議ハ初メテ和蘭ニ提出サレタルモノナレハ先ツ之ニ付同僚タル閣員ト相談シタル同時ニ詳細ノ點ニ關シテハ直接「ヒマンズ」氏ニ質問スル様至シタシト述ヘ

ハ、「ヒマンズ」氏之ニ同意シ且前述ノ委員會ハ聯合國各國ヨリ各二名及白耳義和蘭(脱)スルコトトシタシト述ヘタルカニ、「カルネベーク」ハ可成速カニ和蘭政府ノ回答アル様盡力スヘシト約シタリ

○五月廿三日五大臣會議

一、日 時 五月廿三日午後三時

一、出席者 珍田 「ヒシヨン」 「バルフォア」 「ラレシング」 「ソニンノ」

一、議長 「ビシヨン」

一、内容 議事概要左ノ通

甲、「ルーマニア」國境

(イ) 「プロビナ」地方ニ於ル國境

右ニ關シ「ルーマニア」問題委員會ハ舊埃國領「プロビナ」ノ大部分ヲ「ルーマニア」ニ併合シ同地方北部ニ於テ「コロメヤ」「ザレツキー」間ノ鐵道地帶及西部ニ於テ「セルメモツ」(Czernomoz)河谷ハ寧ロ「ガリシヤ」トノ關係密接ナルモノトシ從テ右兩地域ニ對スル「ルーマニア」ノ要求ヲ採用セサリシ旨ヲ報告シタリ

右ニ關シ「ルーマニア」ノ國境トシテハ委員會ノ決定セル線ヲ採用シ同線以外ニ「ルーマニア」ノ要求セル地方ハ埃國ヲシテ之ヲ聯合國ノ爲ニ放棄セシムルコト、セリ

(ロ) 「バナト」地方 附「ダブルジャ」

右ニ關シ「ルーマニア」ハ其全部ヲ要求セルモ委員會ハ其西南部ハ其住民ノ希望ニ依リ「ユーゴスラヴ」ニ屬スヘキモノト決定シタルヲ報告シ本會議ハ之ヲ採用シタルカ「ランシング」ハ此問題ニ關聯シ「ダブルジャ」ニ於ケル「ルーマニア」ト「ブルガリヤ」トノ國境改正ヲ提議シ先年「ルーマニア」カ此地方ヲ「ブルガリヤ」ヨリ割取シタル手段ハ何(脱)ツトモ之ヲ(脱)カリヤ人多數ナル(脱)居ルモ「ビシヨン」「バルフォア」ハ

「ルーマニア」ハ「バナト」全部ヲ要求セルニ之ヲ満足セシメサリシ以上同國ハ「ダブルジャ」國境改正ヲ承認セサルヘシトノ意見ニテ此點ハ後日ニ讓ルコト、セリ

(乙) 「チエツク」ハ、スローヴァツク「共和國」 (以下「チツク」ト略稱ス)

一、「ルーテン」人ノ自治地方ニ關スル「チエツク」委員會ノ報告

「チエツク」共和國ノ一部ヲ構成スヘキ「カルバシアン」「連山南方」「ルーテン」人ノ自治地方ニ關シ「チツエク」問題委員會ハ左ノ決定報告ヲ提出セリ

(イ) 右「ルーテン」地方ハ「チエツク」ト「ルーテン」

議會トノ協議ニ依リテ定ムル特別ノ名稱ヲ有スヘシ

(ロ) 「ルーテン」地方ハ特別ノ議會ヲ有スヘシ同議會ハ言語教育宗教及別ニ「チエツク」法律ノ定ムル事項ニ關シ立法權ヲ有シ其決議シタル法律ハ「チエツク」大統領ノ裁可ヲ經且ツ同議會ニ對シ責任アル「ルーテン」地方知事(ガヴァナー)副署スヘシ

(ハ) 其他ノ事項ニ關シテハ「ルーテン」人ハ「チエツク」憲法ニ從テ「チエツク」議會ノ立法ニ參加ス

(ニ) 「ルーテン」地方行政長官トシテ「チエツク」大統領ハ知事ヲ任命ス同知事ハ言語教育宗教及「ルーテン」内政ニ關シ最高權力ヲ有スヘキ其他ノ事項ニ關シテハ「チエツク」政府最高權ヲ有スヘシ同政府内ニ「ルーテン」省ヲ置ク

「カルバチャ」以南ノ「ルーテン」地方ニ設定セラレタル裁判所ハ「チエツク」裁判所ノ系統ニ屬ス然ルニ「ルーテン」地方外ニ在ル上級裁判所ニ上訴スル時ハ特別ノ「ルーテン」裁判所ニ提起サルヘシ

(ホ) 知事ハ七級以下ノ官吏ヲ任命ス上級官吏ハ知事又ハ「チエツク」内閣ノ推薦ニ依リ「チエツク」大統領之ヲ任命ス

(ヘ) 「ルーテン」人ハ大統領カ「ルーテン」人ヨリ任命スル無任所大臣ニ依リ「チエツク」内閣ニ於テ代表サルヘシ

二、「ランシング」ノ提議

右ニ關シ「ランシング」ハ下級官吏ハ成可「ルーテン」人中ヨリ任命スヘキコト及「チエツク」政府カ「ルーテン」人ノ權利ヲ侵シタル時ハ國際聯盟ノ裁決ヲ求ムルヲ得ヘキ規定ヲ追加センコトヲ提議シタルカ右ノ内第一點ハ全會異議ナク第二點ハ「ルーテン」人ノ權利ハ聯合諸國ト「チエツク」ノ條約ニ依リ規定サレ聯合國ハ「ルーテン」人ヲ保護スル權利ヲ有スヘク「ランシング」ノ提案ハ却テ關係各民族間ニ紛議ヲ誘起スヘシトノ意見多數ヲ占メタリ

三、結 局

本會議ハ前記委員會ノ決定ヲ採用シ之ニ前記本會議ノ議事ノ記録ヲ附シテ新設國家ニ關スル委員會ニ移牒スルコトニセリ

(丙) 「バルチック」諸州食糧供給問題

委員ノ報告

本問題ニ關シ同問題委員ハ左ノ決定報告ヲナセリ

(イ) 「レットランド」及「リツアニア」地方民ノ軍隊成立次第獨逸軍ハ休戰條約第十二條ニ依リ同地方ヲ撤退スヘシ

(ロ) 英國將軍指揮ノ下ニ「リバウ」又ハ「レバル」ニ軍事委員會ヲ置キ「エストニア」「レットランド」「リチニア」ニ於ケル地方民軍及義勇兵ノ組織及訓練並ニ過激派及獨逸人ノ此等地方ニ進入スルヲ防クコトニ參與セシムルコト

(ハ) 前記義勇兵ハ「スカンデナヴィヤ」諸國及芬蘭ニ於テ募集スヘシ

(二) 聯合諸國ヨリ「バルチック」諸邦ニ一千萬磅ヲ貸與シ其用途ハ政事委員會及軍事委員會ヲシテ決定セシムルコト

(ホ) 聯合國ハ食糧軍需品彈藥等ヲ供給シ其費用ハ前記金額中ヨリ支辨スルコト

(ヘ) 政事委員會及經濟委員會ハ右「バルチック」諸國ニ貸與シタル資金ノ全部又ハ一部ニ對スル效果ヲ調査スルコトヲ「フリーバー」

右ニ關シ食糧供給委員會長「フリーバー」ハ最近露國人及「エストニア」人ヨリ成ル露國北軍枝隊本部「レバル」ヨリ同軍ハ「ペトログラード」ニ向ヒ「アルバ」ヲ去ル八十基米ノ點迄進軍シ「オムスク」政府ノ命ヲ俟テリ至急食糧ノ送附アリタキ旨ノ電報ニ接シタリ又「エストニア」人ハ攻撃的ノ餘力ヲ有スルヲ以テ此際露國人ヲ援助セハ速ニ獨逸ヲシテ「バルチック」諸州ヲ撤退セシムルヲ得ヘシト述ヘ

ハ、「バルフォア」

「バルフォア」ハ一千萬磅貸附ノ件ハ自分限リニハ決シ難キモ其他ノ點ニ付テハ前記委員會ノ決議ニ賛成ナリ但シ右露國人及「エストニア」人ノ軍隊ノ行動ニ對スル「アドラ」ニ食糧ヲ供給スルコト及同軍ノ「ペトログラード」占領ハ「アルカンドル」及北露戰線並ニ「レットニア」「リツアニア」ニ及ホス影響ニ關シ軍人ノ意見ヲ聞キタシト述ヘ

ニ、「サー、ヘンリー、ウイルソン」將軍

將軍ハ「ボルシエビキ」ハ「エストニア」及芬蘭ニ在ル軍隊ヨリモ優勢ナルヲ以テ直ニ「ペトログラード」ヲ占領シ得ルヤハ疑問ナルモ同地ノ占領ハ「ムルマンスク」軍及「コルチャツク」軍トノ聯絡ヲ可能ナラシムヘキヲ以テ「コルチャツク」提督ニ異存ナキ限リ之ニ賛成スル旨ヲ述ヘ

ホ、結 局

委員會ノ決議(イ)(ロ)(ハ)ヲ採用シ一千萬磅貸付ノ件ハ首相會議ニ提出スヘク首相會議ニ於テ右貸付ニ決セラル、時ハ(ホ)及(ヘ)ニ同意スヘキ旨ニ決シ尙ホ「ランシング」ノ提議ニ依リ「ボルシエビキ」ノ占領セル地方以外ニ於テハ食糧ノ供給ヲ繼續スルコト、シ又「バルフォア」ノ提議ニ依リ左ノ二項ニ付首相會議ノ採決ヲ求ムルコトニセリ

- 一、露國「エストニア」軍ノ「ベトログラード」ニ對スル行動ニ關シ訓令ヲ發スルコト
- 二、聯合國ノ(脱)ナキ様「コルチャツク」提督ト交渉ヲ開クコト

○五月二十四日五大臣會議

- 一、日 時 五月二十四日
- 一、出席者 松井全權 「ビシヨン」 「バルフォア」 「ランシング」 「ソニンノ」
- 一、議長 「ビシヨン」
- 一、内 容 議事概要左ノ通

甲、波蘭軍關係事項

波蘭軍ハ目下「ウイルミコル」ノ南ヨリ「ウヰルナ」ノ東四十哩ノ地點ヲ過キ「ソリイ」ヲ經テ「バラノウウイツチ」ニ出ツル戰線ニ於テ「ポリシエビキ」軍ト對峙シツミアル處先般來獨逸軍ハ兵力ヲ「アウグストーウオ」スワルキ「附近ニ集中シ「ウイルナ」(同地ハ波蘭軍占領ス)方面ノ波蘭軍ノ後方ヨリ部落ヲ脅スニ至リ波蘭政府ハ休戰條約第十二條ニ依リ獨逸軍ノ退去ヲ要求シタルニ依リ「フオツシユ」元帥ハ「リウドウイノーフ」「バルワルニスキ」「デルシユニスキ」「ジェリ」及「ウイルコミル」ノ南ニ互ル線ヲ劃シ其ノ南方ニ在ル地帶ヨリ獨逸軍ヲ撤退セシメ波蘭軍ヲシテ之ヲ占領セシムルノ意見ヲ申出テタルカ右地帶ハ「リツアニア」ノ一部ヲ含ミ波蘭人ト「リツアニア」人間ニ紛爭ヲ醸ス虞アルヲ以テ之ニ關スル波羅の問題委員會ノ意見ヲ採用シ前記ノ地帶中將來波蘭領タルコト殆ト確定セル「アウグストーウオ」スワルキ「「チエルナハント」(Zernahantec)河以西ノ「セーニー」並「グロド」ノ地方ヨリ直ニ獨逸軍ヲ撤退セシメ其ノ他ノ部分ニ於テハ成ルヘク「リツアニア」ニ於ケル波蘭軍ノ占領ヲ局限スル爲獨逸軍ノ撤退ニ依リ生スヘキ政治上ノ影響ニ付キ更ニ調査スルコトトシ尙右ノ趣ヲ在「スバー」休戰委員ニ通牒スルコトトセリ

乙、自海航行ノ商船ノ件

「アルハンゲルスク」及「ムルマン」地方ニ於テ軍事行動開始ノ季節至リ軍隊及軍需品輸送船舶輻湊スヘキヲ以テ白海諸港ニ航行スル商船ハ英國海軍省ノ許可ヲ受クヘキ英國案ハ可決セラレタリ

丙、「チエツク」ノ對奧匈要求條項

「チエツク」ハ「スロバツク」政府ハ奧國及匈牙利ニ對スル戰前債務戰時債務「チエツク」ハ「スロバツク」領内ノ國有財産奧國銀行券ニ關スル要求條項ヲ提出シタルカ右ハ財政及賠償委員會ニ附託スルコトトス

丁、奧國ノ美術品等還附ニ關スル件

奧國ヲシテ美術品並學術ニ關スル蒐集品ヲ還附セシムヘキ白耳義ノ要求ハ既ニ本件ニ關シ賠償委員會ニ於テ決定シタル規定ヲ以テ充分ト認メタリ

○五月二十四日五國會議

- 一、日 時 五月二十四日午後
- 一、場 所 米大統領邸
- 一、出席者 米大統領 英佛伊首相 珍田委員
- 一、内 容 露國問題討議

(一) 會議開催ノ次第

五月二十四日午後急ニ「ウイルソン」大統領邸ニ於テ露國問題ヲ議スル旨通知シ同時ニ五大國ヨリ「コルチャツク」提督ニ宛發送スヘキ電信案(後掲甲號)ヲ送附シ來レリ當日ハ重要ノ會合ナキ筈ニテ牧野委員ハ占領地視察ニ赴キ不在ナリシヲ以テ珍田委員列席シ大統領ノ外英佛伊各首相列席ス

(イ) 大統領ノ「コルチャツク」宛電信案提示

○大統領ハ先ツ我ニ向ヒ露國問題ノ考量中ナルカ日本ト協議ヲ經スシテ同問題ヲ決定スルコト能ハサルハ勿論ノ議ナルヲ以テ御出席ヲ求メタル次第ナリト前置シタル後右電信案ノ要領ヲ朗讀説明シタルニ付

○珍田委員ハ案文中ニ引用セル一九一八年十一月二十七日付「コルチャツク」ノ宣言トハ如何ナルモノナリヤ承知致タシト質問セルニ

○大統領ハ右宣言ノ趣旨ハ要スルニ戰前露國ノ有セル債務ヲ全部承認スルニ在リト述ヘ珍田委員ヨリ果シテ開戦後ノモノハ合マサルヤ開戦後「ケレンスキー」政府ノ覆没迄ノ分ヲ含ムト否トハ日本ノ利益ニ最重要ノ問題ナリト述ヘタルニ「ロイド、ジョージ」氏ハ開戦後ノモノモ含ムト記憶スト答ヘタリ但シ其ノ後右宣言寫(後掲乙號)ヲ取寄セ閱讀ノ結果開戦前後ヲ問ハス總テ包含ストノ見解ニ一致シタリ

(ロ) 珍田委員ノ意見陳述

次ニ大統領ハ前顯電信案ニ對スル我方ノ意見ヲ求メタルヲ以テ珍田委員ハ該案ハ出席前ニ送付ヲ受ケ十分熟讀スルノ邊ナキモ自分一己ノ一應ノ意見トシテハ帝國政府ニ於テ大體異存ナカルヘシト思考ス現ニ帝國政府ニ於テハ「コルチャツク」政府認承方ニ付キ四國政府ヘ提議ヲ爲シツツアル次第ナリトテ單ニ「インフオメーション」トシテ在米大使宛貴電(後掲丙號)ヲ一讀シタル後「コルチャツク」ニ宛本件電報ヲ發送スル趣旨一畢竟同提督ノ政府ヲ承認スルニ先タツ豫備ノ手續ト見ルヘキモノト思惟スト述ヘタルニ

○大統領及「ロイド、ジョージ」氏共ニ其ノ通ナリト答ヘタリ

○珍田委員ハ進ムテ猶ホ一二明瞭ニシ置キタキ點アリトテ第一ニ「コルチャツク」政府ニ與フヘキ軍需品食糧等ニ關スル援助ニ付テハ勿論各關係國ノ事情及資力ノ程度ヲ斟酌シテ決定セラルヘキ義ト思考スト述ヘタルニ

○ロイド、ジョージ」氏ハ各國ニ於テ國力相應ニ分擔セラルルコトナラハ好都合ナルカ從來ノ經驗ニ據レハ主トシテ英國ヨリ供給シ居ル次第ナリト云ヒ各國ノ分擔等ニ付テハ別段際立タル協議ヲ要セス單ニ實際ノ便宜ニ從ヒ必要ノ措置ヲ執ルヘキ覺悟ナルカニ見受ケラレタリ從テ右分擔ニ付テハ我ニ於テ實際迷惑ヲ感スルカ如キコトナカルヘシト信ス

○珍田委員ハ更ニ電信案前段ニアル and the help such as may volunteer for their service ノ十字ニ付日本ハ西比利ニ軍隊ヲ派遣シ居リシヲ今後軍事上ノ援助ヲ與フル事トナル場合ニ於テモ志願兵ヲ以テスルコトハ事實上差支アルヘキヲ以テ文字通ニ實行スルヲ得サルヘキニ付其點ハ豫メ承知シ置カレタシ(脱)

○ロイド、ジョージ」氏ハ英國ニ於テハ此上軍隊ヲ強制的ニ露國ニ派遣スル事ハ不能ニシテ強ヒテ之ヲ實行セムトセハ必ス軍隊内ニ騷擾ヲ惹起スヘク到底志願組織ニ依ル外方法ナシトテ國內ノ事情ヲ説明シタリ

○此時大統領ハ自分ハ將來露國ニ外國ノ軍隊ヲ派遣セサル事ト了解シ居ル次第ニシテ此處ニ問題トナレルハ外國軍隊ノ派遣ニ外ナラスシテ「コルチャツク」政府自身ノ組織スル軍隊内ニ外國ノ義勇兵ノ加ハルヲ云フモノナリ尤モ現ニ西比利ニアル日米兩國軍ノ如ハ畢竟地方ノ秩序維持ノ爲メニ外ナラサルカ故ニ本件トハ全然沒交渉ナリ結局問題ノ措辭ハ疑義ヲ生スルノ恐レアルヲ以テ之ヲ削除シ單ニ and other help ト改ムル事ヲ提議セリ

然レトモ「ロイド、ジョージ」氏ハ其レニテハ反テ志願兵ニ依ラサル軍事上ノ援助ト解セラル、事ナキヲ保シ難キニ付事

ロ全然此一節ヲ削除シ志願兵ニ依ル援助ハ將來ノ問題トスル事然ルヘシトノ意見ヲ説明セリ

(ハ) 電信案發送方

本件電信ハ出來得ル限り速ニ發送シタキ四國側ノ希望ニテ二十五日我確答ヲ與フルコトヲ約束シ我方ニ於テ同意ノ上ハ五國代表者署名ノ上「コルチャツク」提督ニ宛テ發電レ其ノ發表ヲ「デニキン」及「アルハンゲル」政府ニ電報スルコトニ協議セリ

(ニ) 「コルチャツク」人物評

尙當日雜談中「コルチャツク」ノ人物評出タル處大統領及「ロイドジョージ」氏ニ於テハ同人カ果シテ自由思想ヲ以テ民主的ノ政府ノ基礎ヲ確立スルニ適當ナリヤニ付多少不安ノ意ヲ有スルヤニ推察セラレタリ

(ホ) 「オムスク」政府ノ性質

將又「ロイド、ジョージ氏ハ「コルチャツク」ヨリ満足ナル回答ヲ得同人ノ政府ヲ承認スルコト、ナリタル場合ニ於テモ同政府ヲ全露ノ政府トシテ承認スヘキヤ又ハ單ニ國人カ權力ヲ樹立セル地方ノ政府トシテ承認スヘキヤハ更ニ講究スヘキ問題ナリト謂ヘリ

(ヘ) 帝國委員ノ電報案同意確答

右ノ次第ニテ本件電報ハ結局「コルチャツク」承認ノ第一歩トシテ承認問題ニ關スル帝國政府調令ノ趣旨トモ何等背馳セサルヲ以テ西園寺牧野初メ各委員協議ノ上二十五日同意ノ旨確答セリ

(1120)

附 錄 甲 號

五大國ヨリ「コルチャツク」提督宛電信案

(五月二十五日發電)

The Allied and Associated Powers feel that the time has come when it is necessary for them(?) once more to make clear the policy they propose to pursue in regard to Russia.

It has always been a cardinal axiom of the Allied and Associated Powers to avoid interference in the internal affairs of Russia. Their original intervention was made for the sole purpose of assisting those elements in Russia which

wanted to continue the struggle against German autocracy and to free their country from German rules, and in order to rescue the Czechs-Slovaks from the danger of annihilation at the hands of Bolshevik forces. Since the signature of the Armistice on the 11th of November, 1918, they have kept forces in various parts of Russia. Munitions and supplies have been sent to assist those associated with them, at very considerable amount. No sooner, however, did the peace concluded than they endeavoured to bring peace and order to Russia by inviting representatives of all the warring Governments within Russia to meet them in the hope that they might be able to arrange a permanent solution of Russian Problems. This proposal and a later offer to relieve from the distress among the suffering millions of Russia broke down through the refusal of the Soviet Government to accept the fundamental conditions to give up hostile measures whilst negotiations or the work at relief was proceeding. They are now being proposed to withdraw their troops and to incur no further expense in Russia on the ground that continued intervention show no prospect of producing early settlement.

(1121)

They are prepared, however, to continue their assistance on the lines laid down below provided they are such as help Russian people to liberty, self-government, and peace.

The Allied and Associated Governments now wish to declare formally that the object of their policy to restore peace within Russian is always(?) enabling the Russian people to resume control of their own affairs through the instrumentality of a freely elected Constituent Assembly and to respect peace along its frontier by arranging for the settlement of dispute in regard to the boundaries of the Russian State and its relation with its neighbours through the peaceful arbitration of the League of Nations.

They are convinced by their experience of the last year that (脫) possible to attain these ends by dealings with

the Soviet government of Moscow. They are therefore disposed to assist the Government of Admiral Kolchak and his associates with munition, supplies and food, to establish themselves as the Government of all Russians provided they receive from them definite guarantee that their policy has the same object in view as that of the Allied and Associated Powers. With this object they would ask Admiral Kolchak and his associates whether they will agree to the following as the conditions upon which they accept continued assistance from the Allied and Associated Powers. In the first place, that as soon as they reach Moscow they will summon a Constituent Assembly elected by a free, secret and democratic franchise as the supreme legislation of Russia to which the Government of Russia must be responsible, or (附) sufficiently restored they will summon the Constituent Assembly elected in 1917 to sit until such time as new elections are possible.

Secondly, that throughout area which they at present control they will permit free election in the normal course for all local and legally constituted assemblies such as municipality, zemstros, etc. Thirdly, they will countenance no attempt to revive special privileges of class or order in Russia. The Allied and Associated Powers have noted with satisfaction solemn declarations made by Admiral Kolchak and his associates that they have no intention of restoring farmer land systems. They felt that principles to be followed in the solution of this and other internal questions must be left to free decision of Russian constituent assembly; but they wish to be assured that those whom they are prepared to assist stand for civil and religious liberty of all Russian citizens, and will make no attempt to reintroduce regime which the revolution has destroyed. Fourthly, that they independence of Finland and Poland are recognized; and that in the event of frontier and others relative to rule of these countries not being settled by agreement, they will be referred to arbitration of the League of Nations.

Fifthly, that if a solution of the relations between Estonia, Latvia Lithuania and the Caucasion and trans-Caspian territories and Russia is not speedily reached by agreement, the settlement will be made in consultation and co-operation with the League of nations, and that until such settlement is made the Government of Russia agrees to recognize these territories as autonomous and to conform themselves to relations which may exist between *de facto* Governments and the Allied and Associated Government. Sixthly, that as soon as a government for Russia has been constituted on a democratic basis, Russia should join the League of Nations and co-operate with the other members in the limitation of armament and of military organization throughout the world. Finally, that they abide by the declaration made by Admiral Kolchak on 28th November, 1918, in regard to Russian's national debts.

The Allied and Associated Powers will be glad to learn as soon as possible whether the Government of Admiral Kolchak and his associates are prepared to accept these conditions, and also whether in the event of acceptance they will undertake to form a single government and army command as soon as the military situation makes it possible.

(右 譯 文)

同盟及聯合諸國ハ露國ニ對シテ執ラントスル政策ヲ再ヒ茲ニ宣明スルノ必要ナル時機到來セリト信ス
抑モ露國ノ國內問題ニ對スル干涉ハ之レヲ回避スヘキコトハ同盟及聯合諸國ニ於テ常ニ其政策ノ根本原則ト爲シ來リタル
處ナルカ先般初メテ干涉ノ舉ニ出テタルハ畢竟獨逸ノ專制政治ニ對抗シテ闘争ヲ續行シ以テ露國ヲシテ獨逸ノ統治夥伴ヨ
リ脱セシメントスル露國內ノ各分子ヲ援助シ併セテ過激派軍ノタメ壊滅ノ危険ニ瀕シ居リタル「チエツク、スロヴァツク」
ヲ救済センカ爲メニ外ナラサリシナリ此等諸國ハ一九一八年十一月十一日休戰條約調印以來其軍隊ヲ露國ノ各地ニ駐屯セ
シメ又彼等一味ノモヲ救 せんカ爲メ軍需品其ノ他ノ需品ヲ送付シ其額頗ル多キニ達シタリ而シテ平和會議開始ト同時
ニ此等諸國ハ露國問題ノ恒久的解決ヲ遂ケ度キ希望ヲ以テ露國內ニ於テ互ニ相争ヘル一切ノ政府代表者ヲ招キテ會合シ以

テ露國ニ平和ト秩序ノ再現ヲ計ラシ爲メ努力スル處アリタリ然ルニ本提議及其後露國內百萬ヲ以テ算スル罹災者ノ困苦ヲ救済セシカ爲メナサレタル提案ハ勞農政府力救済ニ關スル商議又ハ事業進行中ハ敵對行爲ヲ中止スヘシトノ根本的條件ヲ受諾セサル爲メ遂ニ失敗ニ歸シタリ同盟及聯合諸國ハ干涉ヲ繼續スルモ速ニ問題解決ノ見込ナシトノ理由ヲ以テ露國ニ於ケル其軍隊ヲ撤退シ且ツ此ノ上ノ經費支出ヲ止ムル様要請セラレツ、アル次第ナルモ此等諸國ハ露西亞人民ヲ自由ト自治ト平和トニ導キ得ルモノトセハ左記ノ方針ニ從ヒ其援助ヲ繼續セントス

同盟及ヒ聯合國政府ハ露國ニ於ケル平和ノ克復ヲ以テ其ノ政策ノ目的トセル所以ハ(脱)露國民ヲシテ自由ニ選舉セラレタル憲法議會ニ依リ其ノ國務ヲ處理スル實權ヲ回復シ國際聯盟ノ平和的仲裁裁判ニ依リ露國國境及ヒ其ノ隣邦トノ關係ニ關スル紛争ノ解決ヲ計リ以テ同國內ノ平和ヲ尊重スルニ至ラシメトスルニアルコトヲ公然茲ニ聲明ス同盟及聯合國ハ客年ノ經驗ニ照シ在「モスコ」勞農政府ト商議ヲ重スルモ到底前記ノ目的ヲ達スルコト能ハサルヘシト確信ス依テ前記諸國ハ「コルチャツク」提督及其ノ黨與ノ組織セル政府ニ對シ同政府ノ政策カ同盟及聯合國ノ政策ト其ノ目的ヲ一ニスルモノナリトノ確固タル保障ヲ得ルニ於テハ之レニ對シ軍需品食料品及ヒ其ノ他ノ需品ヲ供給シ以テ彼等カ全露ノ政府トシテ確立セラレル様之ニ對シ援助ヲ與ヘムトス

前記諸國ハ右ノ目的ヲ以テ「コルチャツク」及ヒ其ノ黨與ニ對シ彼等カ同盟及聯合諸國ヨリ引續キ援助ヲ受クル條件トシテ左記諸項ノ件ヲ承諾スルヤ否ヤニ關シ敢テ其ノ所見ヲ叩カムトス

第一、彼等カ「モスコ」ニ達スルヤ直ニ露國ノ最高立法機關トシテ自由秘密且ツ民主的の投票ニ依リ選舉セラレ之レニ對シ露國政府カ責任ヲ有スヘキ憲法議會ヲ召集スルコト或ハ(脱)新ニ選舉ヲ行ヒ得ル時期ニ達スル迄ハ一九一七年ニ選舉セラレタル憲法議會ヲ召集スルコト

第二、現在彼等ノ管下ニアル地方ニ於テハ市會州會等ノ如キ一切ノ地方議會ニシテ適法ニ組織セラレタルモノニ對シテハ普通自由選舉ヲ許容スルコト

第三、彼等ハ露西亞ニ於ケル階級又ハ門族ノ特權ヲ復活セシメムトスル一切ノ計畫ニ對シ何等援助ヲ與ヘサルヘキコト

同盟及聯合國ハ「コルチャツク」提督及其ノ黨與ニ於テ舊時ノ土地制度ヲ回復スルノ意志ヲ有セストノ嚴格ナル宣言ヲナシタルコトハ頗ル満足トスル處ニシテ本件並ニ其ノ他ノ國內問題ノ解決ニ際シ執ルヘキ主義ノ決定ハ一ニ之ヲ露西亞憲法議會ノ自由審議ニ委セサルヘカラスト思考スルモ同盟及ヒ聯合諸國ハ今ヤ其ノ援助ヲ與ヘントスル「コルチャツク」一派ニ於テ露西亞人一切ノ行政上及宗教上ノ自由ヲ擁護シ且ツ一度ヒ革命ニ依リ崩壞セラレタル制度ヲ復活セシムル計畫ヲ爲サルヘシトノ保證ヲ得シコトヲ希ハサルヲ得ス

第四、「フインランド」及波蘭ノ獨立ヲ承認スルコト此等諸國ノ境界及統治ニ關スル問題ニシテ妥協ニ依リ解決ヲ見サル場合ニ於テハ之ヲ國際聯盟ノ仲裁裁判ニ附託スルコト

第五、「エストニア」「ラトビア」「リトアニア」及「カウカシア」及「トラン、カスピアン」地方ト露西亞トノ關係ニシテ速ニ妥協シ得サル場合ニハ國際聯盟ト協議戮力シテ其ノ解決ヲ計ルヘク而シテ右解決ヲ見ル迄ハ露西亞政府ハ此等ノ地域ヲ自治體トシテ承認シ此等事實上ノ政府ト同盟及聯合諸國政府トノ間ニ存在スル關係ニ適應スル態度ヲ執ルヘキコト

第六、露西亞政府カ民主的基礎ノ上ニ組織セラル、ト同時ニ露西亞ハ國際聯盟ニ加入シ全世界ノ軍備及軍事組織制限ノ件ニ關シ他ノ聯盟國ト協同動作スヘキコト

最後ニ彼等ハ露國々債ニ關シ一九一八年十一月二十八日「コルチャツク」提督ノ爲シタル宣言ヲ遵行スヘキコト同盟並ニ聯合諸國ハ「コルチャツク」提督並其ノ黨與ノ政府カ此等條件ヲ受諾スルノ準備アリヤ若シ之ヲ受諾スルトセハ軍事狀態ノ許ス限リ速ニ單一ノ政府及軍司令部ノ組織ヲ爲スヘキヤ成ルヘク速ニ之ヲ知ランコトヲ欲ス

往電第一〇九九號「コルチャツク」宛電信案ハ其後五月廿七日五大國最高會議ニ於テ第六項トシテ左ノ通り追加シ舊第六項ヲ第七項トスルコト、ナレリ

第六、「ベツサラヴィア」中「ルーマニア」ニ屬スル部分ノ將來ノ決定ハ平和會議ノ權限ニ屬スルコトヲ承認スルコト

附 錄 乙 號

一九一八年十一月二十七日付「コルナヤツク」ノ宣言

「コルナヤツク」提督ヲ首長トスル露國政府ハ露國カ常ニ其ノ國民並ニ締盟各國民ニ對スル一切ノ義務ヲ遵守セル事實ニ鑑ミ茲ニ特別宣言ヲ以テ同政府ハ國庫ノ負擔ニ歸スル一切ノ債務ヲ受諾シ露國統一ノ業再ヒ成ルニ及ヒ之レヲ履行スヘキ旨聲明スルノ要アリト思惟ス

右債務トハ左ノ通り

利子支拂、内債償還、契約ニ基ク支拂、貸銀、恩給及法律並ニ條約ニ基ク其ノ他ノ支拂

露國政府ハ同時ニ勞農官憲ノ制定シタル財政ニ關スル一切ノ法律ハ叛亂者ノ制定シタル法律トシテ其ノ無効ナルコトヲ宣言ス

(1126)

附 錄 丙 號

「コルナヤツク」政府承認方ニ關スル外務大臣發在米大宛電報

(五月十八日發電)

「オムスク」政府依承認問題ニ關シ今般帝國政府ハ外電第三七八號ノ通り關係各國政府ニ提議スルコトニ決定シタルニ付貴官ハ至急任國當局ニ右外電ノ趣旨ヲ面陳シ同時ニ其ノ覺書ヲ交付セラレ任國政府ノ回答ヲ求メラレ度尙右ニ對スル先方ノ挨拶振リ回電アリタシ

因ニ在本邦米國大使ハ本問題ニ關シ過般本大臣ノ内意ヲ尋ネタル行懸リモアルニ付同大使ニ對シテハ特ニ五月十七日右帝國政府決定ノ次第ヲ内告シタル所同大使ハ不取敢其ノ要旨ヲ本國政府ニ電報シタシト希望セルニ付同意ヲ與ヘ置ケリ尙同

大使ハ米國政府ニ於テモ最早「オムスク」政府假承認ノ時期到來セリトノ意見ニ傾キ居レル旨内話セリ

本電別電ト共ニ在英、佛、伊、大使ニ轉電シ本電前段ハ本大臣ノ訓令トシテ執行スヘキ旨申添ヘラレ尙在英大使ヲシテ本電及別電ヲ日置及丸毛ニ參考トシテ轉電セシメラレタシ但丸毛ヘハ別電英文ハ要領翻譯ノ上轉電ヲ要スル旨付加ヘラレタシ

More than six months have elapsed since the Provisional Russian Government has been organized at Omsk, under the direction of admiral Kolchack, to undertake the restoration of order and security in Russia. It has so far borne with admirable tact and determination the most difficult task that has ever fallen upon the lot of any Government, while its position seems now to be further strengthened by the recognition reported to have been recently accorded to it as the central authority of Russia by the political groups at Archangel and at Ekaterinodar.

Having regard to the known desire of all the Allied and Associated Powers to see an early re-establishment in Russia of an orderly and efficient Government with reasonable promise of stability, and believing that an official acknowledgement by foreign Powers of the international standing of the Omsk Government will materially conduce to that end, the Japanese Government feel that the moment is opportune to consider the question of provisional recognition to be extended to the Omsk Government. The recognition might be made subject to such conditions as may be found essential to safeguard the legitimate interests of foreign nations, including a definite assurance on the part of the new Government to assume all international obligations and indebtedness undertaken by Russia before the over throw of the Kerensky Administration.

In bringing these considerations to the notice of the Government to which you are accredited, the Japanese Government desire to suggest that the question might conveniently be discussed among the delegates of the Principal

(1127)

○聯合與國第七回祕密總會議

一、日 時 五月二十九日午後三時

一、場 所 佛國外務省

一、内 容 埃國ト交戦状態ニ在ル諸國ニ對埃講和條件ヲ示ス爲祕密總會議ヲ開ク
イ、「クレマンソー」

「クレマンソー」議長ヨリ該條件中、軍事ニ關スル條項、賠償ニ關スル條項及伊國ニ關スル政治條項ノ三點ハ未タ決定ニ至ラサルニ付其他ノ條件ニ就キ通報スル旨述タルニ

ロ、「ブラシアノ」ノ希望

「ルーマニヤ」委員「ブラチヤノ」ニ於テ右諸國ハ聯合國ヨリ其對埃講和條件ニ埃國委員ニ交付スル四十八時間前ニ成文ヲ接受シ篇ト考究ヲ遂タル上ニアラサレハ自國ニ關係アル條件ニ正當ニ贊否ヲ表スルコト困難ナルニ付講和條件ノ要領ヲ通報セラル、外別ニ成文ノ交付ヲ受ケ度ク從テ埃國委員ヘノ條件交付ハ一兩日延期セラレタシト述タリ

ハ、「クレマンソー」提議

之ニ對シ「クレマンソー」議長ハ各方面ニ於テ晝夜勉勵セルニ拘ラス準備ノ遅延セル事情ヲ述ヘ同時ニ右同國ノ請求ニ極メテ正當ナルヲ以テ今二十九日中ニ右諸國代表者ニ講和條件ニ送付シ三十一日午後三時ヨリ更ニ祕密會議ヲ開キ六月二日月曜日ニ埃國委員ニ右講和條件ニ交付ノルコトヲサンコトヲ提議シ異議ナク可決シ直ニ散會セリ

○聯合與國第八回(祕密)總會議

一、日 時 五月三十一日午後三時

一、内 容 對埃講和條件協議

イ、「クレマンソー」

「クレマンソー」氏ハ來ル月曜日(六月二日)埃國委員ニ提出サルヘキ講和條件ヲ本會議ノ議ニ附シ且伊太利ニ關スル政治項陸海軍條項賠償條項ニ關スル條約案ハ未タ完成セサルモ數日後ニ完成ノ運ヒニ到ルヘキヲ述ヘ

ロ、羅國「ブラチヤノ」ノ要求

先ツ「ブラチヤノ」氏ヨリ羅馬尼國內少數民族保護ノ規定ニ關シ羅國ハ既ニ新領土ノ住民ニ對シテモ人類及宗教上ノ差別ヲ設ケサルヘク羅馬尼國民ハ總テ平等ノ權利ト政治上ノ自由ヲ有スヘキコトニ決定セリ然ルニ本件ニ關スル條約案規定 Roumania accepts and agrees to embody in a treaty with the principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Roumania who differ from the majority of the population in race, language or religion.

譯 文

羅馬尼ハ人種言語或ハ宗教上多數人民ヨリ異リ居ル同國住民ノ利益保護ノタメ主タル同盟及聯合國ニ於テ必要ナリト認ムル規定ヲ此等諸國トノ條約中ニ設クルコトヲ約諾ス

トハ外國カ羅馬尼ノ内政ニ干涉シ其主權ヲ損シ各國平等ノ原則ニ反スルヲ以テ之ヲ「羅馬ニハ新領土ニ於ケル言語人種宗教上ノ少數民族ハ他ノ羅馬尼國民ト同一權利ヲ與フト修正センコトヲ求メ

ハ、波蘭「バデレヴスキ」ノ宣言

「バデレヴスキ」氏ハ波蘭政府ハ言語人種宗教上ノ少數民族ニ波蘭人ト同様權利ヲ與ヘフキコトヲ宣言シニ、「チエツク」ノ「クラマルツ」ノ「ユーゴースラヴ」ノ「トロンビツチ」ノ要求

「クラマルツ」氏ハ「チエコ、スロバキア」政府ハ少數民族保護ニ關シ喜ンテ聯合大國ト協議スヘキモ條約案(前記羅馬尼亞關スルモノト略ホ同條ノ規定)中聯合國ニ依リ必要ト認メラル、字句ハ不必要ニシテ且不快ナル事實ヲ惹起スルノ惧アルヲ之ヲ削除センコトヲ求メ

「トロンビツチ」氏モ右ト同様ノ修正ヲ希望シ且右條項ハ新領土ニノミ適用サルヘキヲ求メタリ
ヘ、「ウイルソン」辯明

茲ニ於テ維遜大統領ハ聯合大國ハ何等小國ヲ壓制セントスルモノニアラサルモ聯合小國カ此條約ニ據ルヘキ領土ハ聯合諸國ノ力ニ依リテ得タルモノニシテ且ツ之カ最後ノ保障ハ結局大國ノ兵力カ斯ノ如キ重大ナル責任ヲ負フヘキ大國カ將來ノ禍根ヲ限ク爲必要ト認ムル條項ヲ作ルコトハ至當ノコトニテ然ラサル以上米國民ハ條約ノ履行ヲ保障スル義務ヲ負フコトヲ拒ムヘシト述ヘ

ト、希「ベニゼロス」ノ提議

最後ニ「ベニゼロス」氏ヨリ本件條項ハ必スシモ月曜日ニ埃國委員ニ提出スル條件ノ一部トスル必要ナキ故本件ハ五大國ト關係國トノ相談ニ依リテ解決スルコトトシテ之ヲ埃國トノ條約ニ挿入スルコトニ決定セハ追テ關印ノ日マテニ之ヲ埃國ニ提出スル機會アルヘシト述ヘ

「クレマンソー」氏ヨリ右「ベニゼロス」氏ノ提議及其他ノ提案ハ更ニ研究スヘシト述ヘタリ

チ、財政條項提出見合

尙ホ佛國委員「クロツツシ」氏ノ提議ニ依リ財政條項ハ賠償條項ト密接ナル關係アルヲ以テ月曜日ニハ埃國ニ提從スルヲ見合セ賠償條項ト照合シ之ニ關スル小國ノ提案ハ起草委員會ノ調査ニ附スルコトナセリリ

リ、講和條件關係小國ノミヘノ送付

六月二日午後「サンゼルマン」ニ於テ講和條件ヲ埃國委員ニ交附スルコトハ何等變更ナシ右ノ次第ニ依リ本總會議ハ埃國

ニ講和條件ヲ示ス爲開キタルニ拘ラス前回及今回トモ議場ニ於テ何等一般のニ條件ノ成文又ハ要領ヲ告知シタルコトナク右條件ハ關係五小國ノ請求ニ應ジテ右小國ニ送付シタルノミナリ

《附一》山東問題ノ經過

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内容

甲、山東問題ニ關スル小幡公使ト陸宗輿トノ會見

(小幡公使來電)

五月十九日陸宗輿大統領ノ内意ヲ含ミ來訪セリ。特シ講和會議ニ於テ陸徵祥カ渡佛前ニ決定ノ方針ヲ確守セス年少氣銳ノ願、汪兩人ヲシテ節度ヲ逸シ思フカ儘ノ行動ヲ爲シセシメ而カモ山東問題ハ遂ニ彼等ノ意ノ如クニ解決セラレス全然支那失敗ニ歸シタルノミナラス日本ト善隣ノ關係ニモ甚シク累ヲ及ホシタルハ年來最モ眞面目ニ日支提携兩國親善ノ實現ヲ念トセル大統領ノ最モ遺憾トシ又最モ憂慮シツツアル處ナリ就テハ大統領ハ日本ノ意向如何ニ依リテハ此際山東問題ニ關シ直接兩國間ニ協議ヲ遂クルモ可ナリト考ヘ居リ其協議ノ時機及ヒ地點即チ協議ハ速ニ之ヲ開始スルヲ得策トスルヤ否ヤ又協議ハ東京ニ於テ爲スヘキヤ北京ニ於テスヘキ其邊ニ關シ本使ノ意見ヲ聞キタシトノコトナリシニ付本使ハ我政府ノ意向ニ關シ何等承知スル處ナクシテ漫然本使限リノ意見ヲ吐露致シタリトテ結局政府ノ是認ヲ得サレハ無駄ニ終ルニ過キヤ

ルカ故ニ是非本使ノ意見ヲ承知シ度シトナラハ一應政府ノ意向ヲ確ムルノ外ナシト思科スルモ茲ニ本件ニ關シ何等意見ヲ交換スルニ先チ先以テ日本トシテ承知シ置カサル可ラサルハ過日巴里ニ於テ決定ノ講和條約案ニ對シ支那政府ノ執リツツアル態度ナリ最近聞ク處ニ據レハ支那政府ハ巴里全權ニ對シ講和條約ハ青島ニ關スル部分ヲ留保シ之ニ調印スヘキ旨電訓シタル趣ナルカ果シテ事實トスレハ支那政府ノ此態度ハ正シク外交總長等ノ有セラレ只今所述ノ希望ト甚シク矛盾スル處アルカ如クニ感ス支那政府ハ果シテ右ノ如キ電訓ヲ發セラレタル次第ナリヤト反問シタルニ對シ陸ハ電訓ノ内容ニ付テハ充分承知セサルモ山東問題ヲ留保シタルハ即チ本問題ヲ日支間ニ直接ニ協定セムト欲スルカ爲カト解セラルト述ヘタリ依テ本使ハ日本カ目下山東鐵道ヲ管理シ青島ヲ掌握セルハ日獨戰爭ノ軍事行動ニ伴フ事實上ノ占領ニシテ日本カ之等ノモノヲ適法ニ處分シ得ル權限ハ講和條約カ確定シ日本カ獨逸ノ權利ヲ繼承スルニ依リ生スル次第ナルカ故ニ講和條約カ確定以前ニ在リテハ嚴格ニ云ハハ日本ハ支那ト山東問題、青島管理問題ヲ議スルノ地位ニアラスト解シ但シ講和條約ノ確定ヲ見越シ之カ確定ヲ待チ效力ヲ發生セシムルカ如キ條件附ノ約束ナラハ今日ト雖締結シ得サル限リニモアラサルヘシ。只此場合ニハ支那政府ハ其ノ全權ヲシテ留保附調印ノ如キ態度ニ出テシノス、全然無條件調印ヲナサシムルヲ要スト(不明)本件ハ何レ研究シ置クヘシト答ヘ置ケリ

尙錢總理ヨリモ同日袁良ヲ使トシテ目下喧囂ヲ極メツ、アル民心ヲ安スル爲、又一面ニハ日支離間ヲ計畫スル外國人ヲシテ活動ノ餘地ナカラシムル爲詳細ノ協定ハ後日ニ譲リ青島管理ヲ直ニ實行シ得サルヘキヤト内議シ來レリ(本使、陸宗輿ト會見ノ爲、袁良ニハ船津代ツテ面會セリ)

右ハ先方ニ於テ當方ノ挨拶ヲ期待シ居ルコト考ヘ得ルニ付何等御意見アラハ至急御垂示相煩ハシタク。山東問題、青島問題カ目下ノ如ク憂慮スヘキ風潮ヲ起シ問題ノ終結スル迄ハ容易ニ此風潮モ終熄セサル可シト考ヘ得ルニ付折角先方ヨリ此申込ヲナセル機會ニ講和條約成立ト同時ニ效力ノ發生スヘキ條件ニテ此際至急山東問題、青島管理ノ條項ヲ協定シ置ク方得策ナル可シト思考ス

乙、米國委員ノ辭職廣東代表者ノ米國議會ヘ陳情

(五月二十六日發電)

巴里新聞報道ニ依ルニ米國講和全權附專門委員中講和會議ノ成案ニ飽キ足ラス辭職スルモノアリ「カリホルニア」(California)大學教授「エドワード・ウィリアムス」(Edward Williams)ノ辭職歸米ノ如キ膠州灣問題ノ解決ニ反對ナルカ爲ナリトノコトナルカ二十六日ノ新聞ニ依ルニ在當地ニ廣東政府代表者王寵惠ハ米國議會宛「講和條約ハ日本ニ對シ山東省ニ於ケル獨逸ノ不正當ナル權利ヲ一切無條件ニ讓與セムトス之レ米國及協商國ハ一方世界の方面ヨリ普魯西主義ヲ破壞セムト企圖シツツ他方日本ノ爲ニ之ヲ支那ニ永續セシムル事ニ一致セルモノナリ若シ此悲ム可キ事態ニ變更ヲ見サラムカ支那ノ「マンパワー」(人種資源)及ヒ廣大ナル資源ハ日本ノ配下ニ歸スルカ又ハ支那ハ立口ニ平和ヲ捨テテ自ラ武装スルノ外ナカルヘシ吾人ハ米國議會カ此不正當ナル解決ニ罪シ此ノ悲境ヲ轉回スルニ努力セムコトヲ希望ス」トノ趣旨ノ電信ヲ發セリト云フ

丙、支那全權ノ留保調印通牒

支那全權ハ講和會議議長宛五月二十六日附公文ヲ以テ政府ノ訓令ニ依リ山東省關係條項留保ノ下ニ對獨條約ニ調印スヘキ旨通牒シ來レル旨書記局ヨリ通知アリ右支那全權公文要領左ノ通

四月三十日山東ニ關スル首相會議ノ決定公表ノ後五月四日附公文ヲ以テ右決定ニ對シ不取敢抗議シ次テ六日ノ總會議ニ於テ對獨講和條約成案ニ對シテハ山東關係條項留保ヲ聲明ヒリ五月七日條約成案獨逸全權交附後漸ク其ノ全文「テクスト」ノ交付ヲ受ケ之ヲ査閱スルヲ得タル處山東關係條項第一五六條第一五七條第一五八條ノ三箇條ハ支那ヲシテ失望セシムル益甚シキモノアリ山東全省ノ宗主權者トシテノ支那ノ權利ヲ保全スル爲將又太古ヨリ此地ニ居住セル支那數百萬蒼生ノ福祉

確保ノ爲何等ノ規定存在セサルノミナラス前記ヨリ下條ニ規定セル一切ノ權利利益及特權ノ讓渡ハ名義上ハ獨逸ニ對シテ要求セラルルモノト雖事實上支那ノ犧牲ニ於テノミ實行セラルルモノナリ

膠州山東問題ニ關スル首相會議ノ決議一度支那ニ傳ヘラルルヤ國ヲ擧ケテ失望スルト共ニ到處支那國民ノ抗議ノ聲ヲ昂メ支那委員ハ國會各省議會各商業會議所教育及農事ノ各協會其他支那内外ノ重要ナル團體ヨリ對獨逸和條約ニ調印セラレンコトヲ懇懇スルノ氣報ニ接シタリ

右支那國民希望ノ流露否定スヘカラサルモノアルニ鑑ミ獨逸トノ講和條約ニ對シ支那政府ノ執ルヘキ態度ハ自ラ明カナリ然レトモ戰爭遂行ニ於ケルト等シク世界平和回復ノ爲メ有スル聯合國及同盟國ノ目的ノ統一ヲ害スルモノト解セラルルカ如キ一切ノ行動ハ出來得ヘクンハ之ヲ避ケントスルハ其切望スル所ナルヲ以テ支那ハ既ニ五月六日ノ總會議ニ於テ山東省ニ於ケル獨逸ノ權利讓渡ニ關スル條項ニ對シテ爲シタル留保ノ下ニ對獨逸和條約ニ調印スヘキコトニ決定シタリ、但右決定ニ依リ支那政府ハ其抗議スル所ハ獨逸カ山東省ニ於テ有スル其權利、利益及特權ヲ放棄スヘキコトニ對シテ之ヲ爲スコノニアラスシテ單ニ該放棄カ支那ノ宗主權ヲ害シ以テ日本ノ利益ノ爲メニ行ハルコトニ對シテ之ヲ爲スモノナルコトヲ確言セント欲ス

余ハ本國政府ノ訓令ニ基キ支那全權ハ獨逸トノ講和條約ニ對シテハ一九一九年五月六日開催セラレタル講和豫備條約會議ノ總會議ニ於テ聲明シ而テ會議錄ニ記錄セラレタル留保ノ下ニ支那共和國ノ爲メ之ヲ調印スヘキコトヲ閣下ニ通告スルノ光榮ヲ有ス、陸徵祥署名

(終)

○備考

一、右書面ハ書記局ヨリ其寫條規ニ依リ單ニ各國全權側ニ廻附シ來リシ迄ニテ之ニ對シ何等特種ノ處置ヲ執リタルコトナキ旨書記局ニ就キ確メタル旨來電アリ(山東以前ノ支那關係講和條約案ニ對スル五月十五日ノ抗議(乙)調書其八第六九頁ニ就テモ同様ナリ)

二、尙支那側申出ノ如ク條約ノ一部ニ付留保シテ調印スルコトヲ得ルヤハ條約全般ニ關スル主義上ノ問題ニシテ往電請第(不明)號ノ次第モアリ、此種條約一部留保ノ如キハ認メ得ラレサルモノナル可シト思考スルモ此點ニ付帝國委員ニ於テ充分注意シツツアリ

《附二》 波羅的委員會第二次會合

一、日 時 五月十九日

一、内 容 波羅的の地方獨逸軍撤退等ニ關スル件決議

(イ) 撤兵不許可ニ關スル「フオツシュ」將軍ノ提議

「ラトヴィア」及「リトアニア」ニ於ケル獨逸軍力「ボルセビク」軍ト休戦シテ同地方ヨリ直ニ撤退スヘキ旨通告シ來リタルカ右ハ休戰條約第十二條ノ違反ニシテ(同條ニ「戰前ノ露國々境内ニ現存スル獨逸軍隊ハ一九一四年八月一日當時ノ獨逸國內ニ退去スヘシ但シ聯合國カ右地方ノ狀況ニ詮考シテ其適當ナリト認ムル時期ニ於テスルコトヲ要ス」ル旨ノ規定アリ)「バルチック」地方ノ獨逸軍ハ同地方民ノ軍隊カ「ボルセビク」ニ對抗シ得ルニ至ル迄之カ撤退ヲ許スヲ不可トスヘク其ノ撤退ノ時期ハ聯合國側ニ於テ定ムヘキモノナリトテ「フオツシュ」元帥ヨリ講和會議ノ注意ヲ喚起シ來タリ本件ニ關シ外務大臣會議ニ附セラルルコトトナリタルニ付「バルチック」委員會ヨリモ本件ニ付意見ヲ立ツル必要アリ依テ本日會議ヲ開ケリ

(ロ) 委員會ノ決議(外相會議へ提出)

委員會ニ於テハ「フオツシュ」元帥ノ前記提議ヲ承認シ左ノ決議ヲ爲シ之ヲ外務大臣會議ニ提出スルコトニ決ス

(一) 獨逸ヲシテ其ノ軍隊ヲ「キュシエダリアツク」(Kushedariae)「リウモル」(Lijmoru)「バルヴェルダシニキ」(Balver-jishki)「リエヴィノフ」(Lyudvinof)「ヴィンヤニイ」(Vijiny)ノ各地ヲ通スル線(本線ハ「コヴノ」(Kovno)ヲ

ヴィルナ (Vilna) トノ間ヲ東北ヨリ西南ニ通スル線ナリ) ノ北ニ維持セシムヘシ

尤モ獨逸ヲシテ前記區畫線ノ北部ニ勢力ヲ扶植セサル様、バルチック地方ニ派遣セラルヘキ軍事委員ヲシテ常ニ監督セシムヘク前記地方ヨリ獨逸軍ヲ撤退セシムヘキ時期ハ右委員ヲシテ定メシムヘキモノトス

(二) 前記各線ノ南ニ於テハ波蘭兵ハ「ヴィルナ」以東迄モ進ミ居ル所「グロドノ」(Grodno), 「アウグストヴォ」(Augustovs), 「スヴァルスキー」(Svalbiki) 及「セイニイ」(Seini) 地方ハ將來波蘭領ニ入ルヘキコト確實ナルヲ以テ獨逸兵ヲ直ニ撤退セシメ波蘭兵ヲシテ之ニ代ラシムルトキハ「リトアニア」人ヲシテ不滿ノ念ヲ懷カシムヘキ虞アルヲ以テ右獨逸兵ノ撤退ニ付テハ尙調査ノ上其ノ時期(脱)トナスヘシ

(三) 四月十六日「リボウ」ニ於ケル「クーデター」(革命)カ獨逸人ノ援助ニ出テクルヲ以テ同地方ノ獨逸軍指揮官「フオン、デル、ゴルツ」ヲ召還セシムヘシトノ議アルモ同將軍カ「ラトヴィア」ノ各政黨聯立内閣ノ成立ヲ援助シ「ラトヴィア」軍隊ニ武器ヲ返附シ其ノ編成ヲ妨ケサル等一定條件ニ應スルノ保障ヲ與フルニ於テハ必スシモ同將軍ノ召還ヲ主張セサルヘシ

最近「リボウ」ニ於テ獨逸人ノ後援ノ下ニ又「クーデター」アリタル等聯合國ハ食糧品ノ供給ヲ中止スル等ノ手段ニ依リ同地方ニ於ケル獨逸及「バルト」人及獨逸軍ノ政治的運動ヲ制止セシムルコトヲ得サルヤ否ヤ「リボウ」ニ在ル聯合國代表者ニ問合スルノ必要アリ又同方面ニ在ル獨逸人ノ活動ヲ防止スルカ爲ニモ一日モ早く聯合國ハ過般外務大臣會議ニテ決定セラレタル軍事委員ヲ「リボウ」ニ派遣スル必要アリ云云

(ハ) 尙當日ノ會議ニ於テ(脱)ハ「ナルワ」ハ「ボルセビク」軍ヨリ砲撃ヲ受ケタルモ陷落セサリシ由(脱)一般ニ良好ナル旨情報アリト語レリ

波羅的委員會第三次會合

一、日 時 五月二十二日

一、内 容

甲、波羅的近況ニ關スル英國陸軍將校ノ陳述聽取

最近「リバウ」ヨリ來レル英國陸軍少佐(キーン)ノ陳述ヲ聞ク其要點左ノ如シ

(1) 四月十六日「リバウ」ノ「クーデター」(革命)ハ獨逸人ノ使喚ニ出テタルモノニシテ諸般ノ事情ヨリ見ルモ「フラン、デルゴルツ」將軍ノ之ニ關係シ居タル事ハ明白ナリ獨逸系「バルト」人ノ目的ハ「レットン」人ノ勢力ヲ消滅セントスルニアリテ同地方ハ「ボルシエビキ」ノ恐怖狀態ノ下ニ在ルト云ハンヨリハ寧ロ獨逸人ノ「テラー」(虐政)ノ下ニ服シ居ルト云フヘシ「リガ」ニシテ獨逸人ニ占領セラルルニ至ラハ「レットン」人ノ智識階級ハ總テ殲滅セラル、ニ至ルヘシ「クールランド」ニ移民ヲ送ラントスル計畫ニ就テハ既ニ「バロン、バルトス」ノ所有地ノ三分ノ一ハ獨逸移民ノ爲メニ充テラルヘシトノ約束カ獨逸官憲ト右「バロン」トノ間ニ成立シ一萬乃至一萬二千ノ獨逸兵ハ將來右移民ト成ル爲メ「レット」ノ衛兵中ニ志願シ居レリト云フ

(2) 三月初旬「リバウ」ニハ一萬二千乃至一萬五千ノ獨逸兵アリテ當初ハ士氣モ良好ナラサリシモ爾來過激派の分子モ取除カレ今日ニテハ訓令モ行届キ供給モ良ク何レモ應募ノ獨逸志願兵ナルカ地方民ノ之ニ對スル感情ハ之等獨逸人ノ「テラー」ヨリモ寧ロ「ボルシエビキ」ノ「テラー」、ルウジュ(過激的虐政)ヲ望メルモノノ如シ

(3) 同地方ノ右事態ヲ改善スルカ(脱)監督ノ下ニ「ウルマ(不明)ス」政府ヲ立テ以テ地方民ヨリ來レル軍隊ヲ編成スルヨリ外無ク右軍隊ヲ編成スルニハ聯合國軍事委員ヲ辿リ「リガ」ヲ根據地トスルヲ必要トス

尙聯合國ヨリ地方民給養ノ爲メニ同地方ニ送ル食料品ハ地方鐵道ノ監督行届カサル爲メ却テ獨逸兵ノ手ニ渡ルモノノ如シ云々

乙、本委員會ノ權限問題

第一回會議ノ際定メタル當委員會ノ權限ハ「バルチック」諸邦ニ關スル既報ノ問題ヲ包含シ極メテ重大ナルヲ以テ一應五大臣會議ノ際採決ヲ經ルコトス

丙、「エストニア」ノ將來ニ關スル英國委員ノ意見提出

英國委員ヨリ「エストニア」將來ノ運命ニ關シ大要左ノ意見ヲ提出セリ

「エストニア」將來ノ地位ニ關シテハ之ヲ露國內ノ一部トシテ露國ヨリ出來得ル丈ノ自治ヲ與フルコトニスルカ或ハ之ヲ獨立セシメ露國軍事上及商業上ノ利益ニツキ「エストニア」ヨリ露國ニ對シ一定ノ保障ヲ與エシムルカノ何レカラ選ハサルヘカラス何ト(脱)何レニスルモ次ノ如キ一定ノ條件ヲ設クルノ必要アルヘシ

第一案 「エストニア」ノ自治ヲ認ムル場合

(イ) 「エストニア」ノ行政財政及商業上ノ獨立

(ロ) 「エストニア」人ハ露國ニ對シ兵務ヲ免除セラル「エストニア」ハ警察ノ爲民兵ヲ維持スルコトヲ得「エストニア」ハ其國旗ヲ掲クル商船ヲ有スルコトヲ得

(ハ) 露國ヲ出入スル貨物ノ「エストニア」自由通過

(ニ) 「エストニア」ハ領事館ヲ除キ外交關係ハ之ヲ露國ヲシテ代表セシムルコト

(ホ) 露國ハ「エストニア」一定ノ港ニ海軍根據地ヲ有スルコトヲ得

第二案 「エストニア」ノ獨立ヲ認ムル場合

新「エストニア」ニ於ケル露國ノ利益ノ保障ニ關シ聯合國又ハ國際聯盟ノ定ムル一定條件ヲ將來露國政府ト「エストニア」トノ間ニ締結スヘキ條約中ニ插入セシムルコト而シテ右條件ハ少クトモ第一案ノ(ハ)(ニ)(ホ)ヲ包含スヘキモノトス

右二案ハ實質上大差ナク唯形式上露國人ト「エストニア」人トノ感情問題ト看ルヘク而シテ感情問題トシテハ露國ノ實際

ノ利益ニシテ充分ニ保護セラルレハ右「エストニア」人カ獨立ヲ熱望シ居ルニ鑑ミ將又對「ボルセビキ」運動ニ協力スル對價トシテ「エストニア」人ノ希望ニ重キヲ置クヲ可トスヘク尙附隨ノ理由トシテハ第一案露國カ「エストニア」ニ與フル保障ヲ犯スノ危險ハ第二案「エストニア」カ露國ニ對シテ之ヲ犯スノ危險ヨリ多シト看ルヘク又第二案ニアリテハ「エストニア」ヲ露國ニ對シテ保護スルカ爲國際聯盟ニ加入セシメ之ニ訴フルノ權利ヲ認ムルコトヲ得ヘキニ反シ第一案ニ於テ「エストニア」ニ同様ノ權利ヲ認ムルハ穩當ナラス

英國委員ハ露國ト獨逸トノ間ニ緩衝國ヲ造ル必要アリトシ「バルチック」諸邦ヲ獨立セシメコレト聯盟(「コンフエデラシヨン」)ヲ造ラハ各箇トシテハ弱小ナルモ協同シテ獨逸ニ當ルコトヲ得ヘシト暗ニ獨立說ヲ主張セルカ佛伊委員ハ之等諸邦ハ聯盟ヲ造ルヘキ利益ノ共通セルモノナシ又之等諸邦ト露國トノ關係薄弱ナレハナル程却テ獨逸ノ威誘ニ陷ルヘキナリトテ夫レトナク反對シ居レリ

波羅的委員會第四次會合

一、日 時 五月二十六日

二、内 容

甲、波羅の問題ニ關スル在佛露國大使ノ意見聴取(波羅的諸邦ノ自治主張)

在佛露國大使「マクラコフ」ノ波羅の問題ニ關スル意見ヲ聴取シタルカ同大使ハ聯合國ハ露國ノ同意ナクシテ波羅的地方ノ「ステータス」(地位)ヲ決定セザランコトヲ希望ストテ「エストニア」州ニハ既ニ第一革命(一九一七年四月)ノ際臨時政府ハ「ゼムストオ」ニ類スル自治制ヲ認メ更ニ之ヲ以テ十分ナラストシ地方の立法機關ヲ作リタリ當時ハ未タ他方人心ノ趨勢ハ獨立ヲ唱ヘ居ラサリシカ其ノ分離ヲ言出シタルハ一ハ「ボルセビキズム」ニ對スル反動ト他ハ一ノ流行の思想ニ出テタルモノト謂フヘク露國ニシテ波羅的地方ヲ失フトキハ軍事上海岸ヲ防禦スルコトヲ得ス獨逸ノ進撃ニ對シテハ今日

ノ線迄退カサルヘカラサル状態トナルハ勿論經濟上露國ノ死活問題ナリ戰爭前露國ノ輸出入總額ノ三割三分ハ波羅的諸港ヨリナサレ居タルモノニシテ露國ニシテ是等ノ海港ヲ失フトキハ剩ス所僅ニ浦潮「アルハンゲル」及「オデッサ」ノ三港トナリ而シテ是等ノ港ハ孰レモ中部露西亞ノ農産物ノ直接ノ輸出港ニアラサルヲ以テ結局波羅的地方ノ發展ヲ寸毫モ防止スルカ如キ考ヲ有セサルヲ以テ露國ノ主權ノ下ニ波羅的諸邦ニ十分ノ自治ヲ與フルヲ適當トスト述フ

乙、獨軍撤退關係ノ件

獨逸カ「リツアニア」「ラトビヤ」ヨリ撤退スルニ際シ機關車等運轉材料ノ全部ヲ持去ル由出先官憲ヨリ情報アリタルニ付之ヲ防止スルカ爲委員會ハ「フオシエ」將軍及外務大臣會議ノ注意ヲ喚起セムトス

丙、委員會ノ權限質問ニ對スル回答

議長ハ委員會ノ權限ニ關シ大臣會議ニ照會シタル處委員會ハ波羅的諸邦ト露國トノ間ノ將來關係ヲ審議スル權限ヲ有スル旨大臣會議ヨリ回答アリタル旨ヲ報告ス

丁、「オムスク」政府承認ト波羅的諸邦

聯合國政府カ「コルチャツク」ヲ承認スルニ當リ波羅的諸邦ト將來ノ露西亞トノ關係ニ就キ特別ノ保障ヲ取ラサルハ極メテ危險ニシテ同政府ヲ正式ニ承認スル前ニ右諸邦ノ「ステータス」ヲ考慮スルヲ要スル旨委員會ヨリ大臣會議ノ注意ヲ喚起セムコトヲ提議シ委員會ニテ採用セララル

附、

「エストニア」ニ關スル佛國委員ノ意見書提出

本日ノ會議ノ際佛國委員ハ「エストニア」ニ關スル意見書ヲ提出セルカ其内容次ノ如シ

「エストニア」問題ハ(一)「エストニア」ニ對シ如何ナル地位「ステータス」ヲ認ムヘキヤノ實質論ト(二)右「ステータス」

ニ付「エストニア」カ聯合國及露國ヨリ受クヘキ保障ニ關スル形式論ト二分ツコトヲ得ヘシ

第一、實質論トシテハ無條件ニテ「エストニア」ヲ獨立國ノ列ニ入ルコトノ困難ナルハ何人モ首肯スル所ナルカ若シ同國ニ對シ外交代表權又ハ海軍力若ハ税關ノ獨立ヲ認メストセハ完全ナル獨立國ト謂フヘカラス故ニ寧ロ獨立迄ハ承認等ノ語ヲ避ケ「エストニア」自治國「Stat autonome d' Estonie」ナル名稱ヲ附シ「エストニア」ト露國トノ關係ヲ依然繼續セシムルヲ可トスヘシ而シテ右自治ノ要件次ノ如シ

一、「エストニア」ハ議會ヲ有シ内政ノ完全ナル自治ヲ享有シ右議會ノ制定セル法律ハ國防關稅等特定ノ例外事項ヲ除キ露國ノ同意ヲ要セサルモノトス

二、財政ノ分離、但シ「エストニア」ハ露國ノ負債ノ一部ヲ負擔スヘシ

三、獨立セル陸海軍力ヲ有スルコトヲ得ス露國ト同一國防ノ下ニ置カル海軍根據地ハ露國ノモノトス但シ「エストニア」ノ國旗ヲ掲クル商船ヲ有シ又「エストニア」ハ民兵及警察力ヲ維持シ得ヘシ露國ハ「エストニア」ニ於テ徵兵制度ヲ施サス且平時其軍隊ヲ駐屯セシメサルコト

四、「エストニア」ハ特立セル外交權ヲ有セス其外交ハ露國ニ依託セラル但シ領事官ヲ設クルコトヲ得ルモ露國ノ外交ニ隸屬セシムルコト

五、露國ト共通ノ關稅制度ヲ採用シ露國ト「エストニア」トノ間ニ關稅線ヲ設ケス

六、獨立ノ郵便電話ヲ有スルコト但シ國際郵便ノ關係ニ於テハ露國ノ一部ト看做サル

第二、形式論トシテハ「エストニア」カ將來定メラルヘキ「ステータス」ノ維持ニ關シ聯合國及露國ヨリ受クヘキ保障ノ問題ナルカ右保障ノ裁量ノ方法トシテハ將來聯合國露國及「エストニア」ノ調印スヘキ一般の條約中ニ右保障ニ關スル條項ヲ插入ス而シテ露國政府確立ノ際右條約ノ調印ヲ拒絕スルカ如キコト無キ爲聯合國政府カ新舊政府承認ノ條件トシテ「エストニア」ノ「ステータス」其他露國小數人種ノ權利ヲ認メシムルニ在リ尙是等ノ條項ハ國際聯盟ノ監理ノ下ニ置カルヘ

右「エストニア」ニ關スル制度ハ「ラトヴィヤ」及「リチニア」ニシテ露國ニ對シ「エストニア」ト同一關係ニ在ルモノトセハ殆ト變更ヲ要セスシテ適用スルコトヲ得ヘク尙波羅の諸邦ニ對シ露國ノ權利ヲ害セサル限り相互ノ間ニ自由ニ經濟的條約ヲ締結スルノ權利ヲ認ムルコトヲ得ヘシ

波羅的委員會第五次會合

一、日 時 五月二十七日

一、内 容

甲、「エストニア」獨立ニ關スル同國代表者ノ陳述聴取

「エストニア」代表者「不明」ノ「エストニア」獨立ニ關スル陳述ヲ聞ク。其要旨ハ「エストニア」人ハ露國人ト異リ、芬人種ナル次第ヲ述ヘ「エストニア」ニ對シ人民自決權ニ基キ獨立ヲ與ヘラレタク、且ツ聯合國ニシテ「エストニア」人ヲシテ「ボル、セビキ」ニ對シ戰闘ヲ繼續セシメ其成功ヲ期セントセハ速ニ「エストニア」ノ獨立ヲ承認スル必要アリト云フニ在リ

乙、「エストニア」問題討議

イ、議長ハ五國會議力常委員會ニ露國ト波羅的諸邦トノ關係ヲ審議スルノ權限ヲ認メ來タレルニ付(第三次會合參照)「エストニア」ニ關スル英國案ヲ基礎トシテ講究センコトヲ提議ス

ロ、自治問題

佛國委員「エストニア」ノ獨立ヲ認ムルヤ又ハ自治ヲ與フルヤ先決問題ヲ決定センコトヲ提議シタル處獨立說ヲ主張スルモノナク、自治ヲ認ムル第一案ニ討議ヲ進ム。自治案ノ行政上ノ獨立ニ付、英、佛、伊、米委員同意ヲ表ス。行政上ノ

獨立トハ結局佛國案ノ(一)(第四次會合參照)ノ如ク内政上ノ自治ニシテ獨立ノ議會ヲ有シ法律制定ノ權モ含ムモノトス。財政上ノ獨立ハ豫算上ノ獨立ノ意ニ解スヘク、貨幣制度ヲ如何ニスヘキヤノ問題ヲ生シタルカ露國ト同一ノ貨幣制度ニ依ルコトトス。佛國委員ハ英國案ノ通商ノ獨立トハ其意味明瞭ナラス要ハ佛國案ノ(二)關稅制度ノ獨立ヲ認ムルヤ否ヤニアルヲ以テ先決問題ヲ審議スル必要アリ。而シテ之ヲ認メストセハ通商ノ獨立トハ云ハサル可シト更ニ考究スルコトトシ決定ニ至ラス

ハ、國防問題

是ニ於テ議長ハ英國案ヨリ佛國案ニ移リテ討議ヲ進メ佛國案ノ(三)國防問題ヲ議ス。「シベエケン」ハ從來露國ノ軍港ナリシカ露國ヲシテ他ニ軍港ヲ設ケシムルコトヲ得ルヤ否ヤ他ニ之ヲ求メ得ヘシトセハ露國ノ海軍根據地ヲ「エストニア」ニ認ムルノ必要ナカル可シトノ議出テ、露國ノ海軍根據地ヲ認ムルノ可否ニ付、専門家ノ意見ヲ求ムル必要アリトシ、國防問題ハ決定ニ至ラス

ニ、商船ノ獨立國旗問題

又「エストニア」ヲシテ獨立ノ國旗ノ下ニ商船ヲ有セシムルノ可否ニ付、之亦、關稅問題ト關聯セル問題ニシテ同一ノ關稅制度ヲ認ムルニ於テハ鐵道ノ延長トモ見ル可キ商船ニ特別ノ國旗ヲ掲ケシムルハ穩當ナラス。又外交上領事關係ヲ露國ニ託スルモノトセハ「エストニア」ノ商船ニ特別ノ國旗ヲ掲ケシムルコトハ單ニ「エストニア」人ノ「アムール」ブル(自負心)ヲ満足セシムルニ止ル。併シ若シ其以上ニ實際上ノ效果アルモノナルニ於テハ、尙ホ充分研究スルノ必要アリトノ議出テ是亦決定セス

ホ、外交關係

佛國案ノ(四)、外交關係ハ原案ノ通り可決。領事關係モ亦外交關係同様露國ヲシテ之ヲ行ハシム但シ「エストニア」ノ利害關係アル重要ナル土地ニ於ケル露國領事館ニ「エストニア」ノ官吏ヲ駐在セシムルコトトス

へ、關係問題

佛國案ノ(五)、關稅問題ハ上述(ロ、參照)ノ如ク未定

ト、

佛國案ノ(六)、郵便電信電話ハ原案可決

チ、尙右ノ外「エストニア」ト露國トノ間ニ代表者ヲ交換スルコト及「エストニア」人ノ露國ニ於テ有スル權利ヲ定ムル必要アルコト等ヲ議シタルカ次同迄ニ右討議ノ結果ニ基キ英國ヨリ新ナル案ヲ作製スルコトトシテ閉會ス

國際聯盟關係事項

國際聯盟ノ組織

(六月三日巴里發電ニ依ル)

國際聯盟ノ組織ニ關シ信賴スヘキ情報者ヨリ左ノ通ノ報道ヲ得タリ

國際聯盟ノ組織ハ講和條約調印後直チニ開始シ「ハウス」大佐ハ右組織委員ノ一人トシテ倫敦ニ赴ク筈
聯盟ノ常設機關ハ廣汎複雑ノ事務ニ互リ數百名ノ人員ヲ以ツテ數個ノ部門ヲ設クルコトトナルヘシ聯盟諸國政況情報ノ蒐集ヲ司ル國際記錄局(「レジストレーションデパートメント」)ハ最も重要ナル部門ニシテ今回ノ講和會議ニ通譯官タリシ「マントウ」氏ハ其ノ部門ノ要職ニ就クコトトナル可シ最高經濟會議モ亦重要部門ノ一ニシテ世界生産物特ニ食糧品ノ公平ナル分配ニツキ規定作成ノ業ニ當リ又國際勞働及ヒ公報事務(「パブリシテイ」)ニ付テモ各一部門ノ設置ヲ見ルコトトナル可シ之等ニツキテハ十月「ワシントン」ニ於ケル聯盟第一回會議開催ノ間際ニ至ル迄ハ完成セサル可キ見込ミナリ

「ジエネバ」ニ於ケル事務開始モ右華府會議以後ニ至ル可シ之ニ先立チ聯盟委員ハ舊獨逸殖民地ニ於ケル委任統治案ノ起草ニ從ヒ四首相會議ノ裁決ヲ經テ華府會議ノ際公表セラルル筈

尙「ジエネバ」ニハ何レ聯盟事務所新設セラル可キモ其ノ落成マテハ多分瑞西ニ於テ「ジエネバ」裁判所ヲ提供ス可ク聯盟ノ費用ハ年二百萬磅臺ニ上ルベシ

損害補償關係事項

講和條約案ニ於ル賠償諸問題

(五月三十一日巴里發電ニ依ル)

(一) 損害評價方法

賠償委員會ノ決定セル損害評方法ハ裁量ニ依リテ條約案ニ挿入セラレサルコト、ナリタリ條約案第八編賠償條項(Annex 2 第十二ノ(e)ハ評價方法ニ關スル唯一ノ規定ナリ其ノ他ノ場合ニ關シテハ將來 Annex 2ノ reparation commissionニ依リテ決定セラル、コト、ナルヘシ從而既報賠償委員會ノ決議セル評價方法中採用セラルヘキ範圍ニ關シテハ今日何等確立セル所ナキモ Annex 2ノ reparation commissionノ決定ニ際シ有力ナル參考タルヘキコトハ察スルニ難カラス

(二) 船舶損害評價標準

船舶損害評價標準ニ關シテハ賠償委員會第一分科會ニ於テ當初ヨリ異論アリ議長 Lord Sumner ハ初メ(脱)見ナリシカ其ノ後種々折衝ノ結果調書其五第五一頁備考及五二、五三、五四頁所報ノ如ク債權收復等不能ナル財産トシテ取扱ヒ從テ第十八條(?)ヲ適用スルコトニ了解成立セリ第二十二條(?)ハ古美術品等極メテ狹義ニ解スルコト、ナリタリ

(三) 被害船舶ノ豫想利得

賠償委員會ノ決定セル被害船舶ノ豫想利得ハ調書其七第一〇五頁乙既報ノ如ク最高會議ニ於テ削除セラレ條約案中ニ挿入セラレサルコト、ナレリ

(四) 聯合國間ニ於ル賠償金額ノ分配

賠償金ノ配分ニ關スル協定ハ賠償ニ關スル五月三日ノ相談會(調書其八第八四頁乙)ニ既報ノ如ク最高會議ノ方針變更シ

調印前豫メ分配額ヲ定ムルコトナク條約案賠償條項 Annex 2ノ reparation commissionノ手ニ委スルコト、ナリタルモ
 ノト御承知相成度シ

交通委員會關係事項

國際四協約案議事進行方ニ關スル件

(五月二十四日巴里發電ニ依ル)

交通委員會

自由國際河川、國際鐵道及國際港ニ關スル議事進行方ニ關シ(前調書第九一頁參照)米國大統領ハ未タ確定的意見ヲ發表セ
 サル由ナルカ佛國政府ハ此際交通ニ關スル四協約ヲ締結スルコトヲ熱望シ現ニ英國政府ト共ニ運動中ニシテ歐洲諸國モ大
 概同様ノ態度ヲ執ルモノノ如ク不日交通委員會總會ヲ開キ右四協約締結ニ關スル會議ノ根本方針ヲ確定スヘキ筈ナルニ付
 前往電ニ關シ折返シ御同訓アリタシ

經濟委員會關係事項

聯合諸國間ニ協定スヘキ經濟通商事項ニ關スル請訓

(六月五日巴里發電)

經濟委員會ノ事業トシテ聯合國商工會議ヨリ委託セラレタル綱目中ニハ聯合諸國間ニ協定スヘキ經濟通商關係事項ヲモ包含シ居レル處各國トモ既ニ會議ノ遷延ニ倦ミ居ル際トテ此上更ニ會議開催ノ運ヒトナルヘキヤ否ヤ明ナラサルモ萬一ノ場合ヲ慮リ此際相當ノ準備ヲ爲シ置ク必要アルニ付左記ノ點ニ付至急御回訓アリタシ

第一 「マドリット」條約加入ノ問題提起セラレタル時ハ本邦側ニ於テ之ニ加入スルコト會議ノ大勢ヨリ已ムヲ得サルコトト思考セラルルニ付右ノ場合ニハ六箇月位ノ猶豫期間ヲ附シ之ニ加入スル事トシ差支無カルヘキヤ

第二 登錄商標保護ニ關シ英國委員ノ帝國委員ニ交付シタル覺書(註參照)ニ付本邦内ニ於ケル不正競争取締ノ狀況ヲ說明スル必要生スルコト之有ルヘキニ付同電所載ノ事實ノ有無及之ニ對スル取締方針御回示アリタシ

第三 英國特許局長「テンブル、フランク」ヨリ支那ニ於ケル工業所有權保護ニ關シ本邦(脱)者ニ對シ同人限リノ思付トシテ左記ノ申出ヲ爲シ來レル處他日或ハ會議ノ題目トナルコト有ルヘキニ付右ニ對スル帝國政府ノ御意嚮御回示アリタシ

一、支那政府ニ對シ完全ナル商標登錄法ノ制定ヲ求ムルコト之カ爲メ必要アル場合ニハ關係諸國ヨリ援助ヲ與フルコト

二、各國ノ支那ニ於ケル商標ニ關スル爭議(ハ右登錄法ニ依リテ解決スルコト(從テ今後ハ支那ニ於ケル自國商標保護ノ爲メ第三國ヘ其登錄ヲ爲スカ如キ手數ヲ要セサルニ至ルヘシ)

三、新ニ制定スヘキ支那登錄法ニ從ヒ商標登錄ノ際爭議アル時ハ支那ニ於ケル使用ノ順位 (Priority of user in China)

ヲ以テ爭議解決ノ原則トスルコト

(註) 登録商標保護ニ關シ英國委員ノ日本委員ニ交付シタル覺書

(四月九日巴里發電)

經濟委員會ニ英國ヲ代表シテ出席セル Sir Hubert L. Smith. ヨリ左ノ通り覺書ヲ福井委員ニ手交シ帝國政府ノ注意ヲ喚起シタキ趣申入レタリ

Protection of British trade-marks and British marks of origin in Japan.

Numerous complaints have been made to the Board of Trade that merchants and manufactures in Japan have very closely imitated British label marks and got up goods which have been sent into foreign markets and even into British colonies. The following are typical example of such cases:—

Whisky made in Tokyo was sold as Tomson's Scotch Whisky distilled and bottled by A. Y. Thomson & Co. of London and Glasgow. Fountain pens made in Tokyo were marked the Empress fountain made in London. Mastard put up in Yokohama was described as having been put up by J. & T. Morton of Pry & Co.

Sweets. A Japanese imitate or of Messrs. Pascall's label apologized. Messrs. Pascall and undertook to destroy offending label.

Biscuit. Messrs. Huntley and Palmer has complained of the imitation of one of the labels.

Razors. Sunas shipped from Japan to Australia bore mark of Roman lamp and of "English velvet hile British make" and in some cases word "London" in imitation of good of a British manufacturer which bear representation of the Roman lamp and are marked "British material, British make."

Every paper made in Japan and shipped to Australia bore on the back words "W. J. Davies & Sons, manufacturers to H. M. the Emperor of Japan's honourable Board ordinance and the royal army."

Cycle accessories. Hand grip for cycles imported from Japan bore (不明) imitation of registered design of Messrs. Dover, Limited of Coventry. Bicycles chain was imported from Japan in a box labelled "Dover chain made by Dover cycle chain Co."

Knife imported into Singapore bore words "Worees Burgess" which mark is appearing on the Knife of Messrs John Yates Co. Ltd of Birmingham.

Perfume. Perfume labels of Messrs Atkinson had not been registered in Japan and a firm of Osaka took advantage of this fact to register them in their own (不明). On being approached they agreed to relinquish above said offending registration.

School exercise books imported into India from Japan had been slavishly copied trade-mark and (脱?) Unfortunately there are not always legal remedies in these cases. In order to obtain protection for trade-mark in Japan, it is necessary that it should be registered. No doubt any British traders who do business in Japan should, if they wish to protect their trade-mark avail themselves of the law of registration and of remedies provided thereunder, and the cases given above go beyond imitation of specific trade mark. In some cases statements made are misleading and constitute false indication of origin.

Apparently there is no provision in the Japanese Law as regards marking of goods with false indicate of origin, nor is there any legal remedy to be obtained by the traders, get-up of whose goods is imitated unless his trade-mark (which must have registered) is copied.

In view of provisions of the Articles 8-9(?) and (O) bis (?) of the International Convention for protection of Industrial Property, to which Japan is a party, it would appear highly desirable that some adequate legal remedies should be afforded, in the case of imitation of get-up of another trader's goods and applicable to the goods of false indication of origin.

As regards registration of trade-mark in Japan, where it is admitted that British traders should register their marks, it is requested that (?) adequate period should be allowed after advertisement and before registration, in order to afford opportunity for opposition to any one whose interests are affected either by the acceptance of the mark which conflicts with his own mark already registered or by registration of a mark which really belongs to him by the right of prior user. It has always been the contention of the British Authorities (?) that where prior user of specific mark can clearly be proved, registration of a mark by another person which conflicts with such user should not be allowed.

In any case it is suggested that some means obtaining remedies (?) of such mark where it has not been registered (?) in goods form should be provided.

國際勞働法制關係事項

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内容

甲、華盛頓會議準備事項

A 松井大使來電

準備委員會ノ質問事項中失業若ハ豫防ニ關スル件
過般倫敦ニテ開催中ナリシ本年十月華盛頓ニ開ク國際勞働大會準備委員會ニ於テ決定ノ上各國政府ニ對シ發シタル質問事項中ノ第二失業若豫防問題中第一二項ニ於テ國際的手段ニ依リ失業若ヲ制限若ハ豫防スヘキ有效ナル方法執ラレ得ヘシト思考セルトノ間アリ右ニ關シテハ三月二十一日ノ勞働委員會ニ於テ勞働原則第一〇號移民自由ニ關スル提案ヲ伊國委員ヨリ撤回シタル際(調書其四第一〇八頁調書其五第一三八號參照)本邦委員ヨリ本提案ノ重要ナルコト本件ハ失業若豫防ノ問題トモ關聯セルコト及他日國際勞働總會ニ於テ討議セラルヘキモノト諒解スル旨ヲ述ヘタルコトアル付御承知置ヲ請フ

B、在英永井代理大使來電

第一信

イ、準備委員會ヨリ各國政府宛書狀案發送ノ件(前調書第一〇三頁參照)

本件ニ關スル政府ヨリノ質問電報ニ對シ左ノ通同電アリタリ

準備委員會幹事「バトラ」ニ問合セタル處其回答ニ依レハ同章及質問書ハ準備會終了後直ニ發信シタル由ニテ其ノ未タ日本政府ニ到着セサルハ目下電報ノ輻輳セル爲遲延シタルモノナルヘク「バトラ」ヨリ念ノ爲外務省及殖民省ニ照會スヘシトノコトナリ

ロ、英國代表政府委員

次ニ最近勞働委員カ「バトラ」ト會談シタル際同氏ノ談中ニ來ル十月ノ華盛頓會議ハ全權公使及勞働者ノ代表者カ初メテ會同スルモノナレハ英國ヨリハ「バーンス」氏カ政府委員トシテ出席スヘシトノ見込ハ前ト異ルコトナシトノ話アリタリ

ハ、主要工業八箇國ヲ定ムル標準(前調書第一〇五頁參照)

主要工業八箇國ヲ設定スルコトニ付テハ準備委員公使書記ニテ各國ノ

(一) 動力(水力及蒸氣力ノ絕對數)及人口ニ對スル割合

(二) 工業及運輸ニ使用セラルル勞働者數(絕對數)及人口ニ對スル割合

(三) 鐵道延長「基米」ノ絕對數及千平方基米ニ對スル割合並

(四) 商船噸數ノ比較表ヲ作り參考ニ資スルモノニシテ爲念前電ヲ補足ス

第二信

イ、書狀案送付ノ件

不取敢第一信ヲ以テ「バトラ」ニ問合セタル結果ヲ報告シ置キタル處準備委員會ヨリ外務省ニ照會シタル結果ニ依ル

ニ右ハ目下電報遲延多ク議會ニ於テモ問題アル際質問書ハ長文ナルノミナラス二十二箇國ニ發送スヘキモノナルヲ以テ郵便局ニテ苦情アリ外務省及郵便局間ニ交渉永引キタルコト判明シ同章ハ略シ質問書ニ簡單ナル説明ヲ附シテ二十六日發信アリタル旨回答ニ接シタリ岡委員ニハ電信ノ延引シタルコトヲ遺憾トシ本邦ヨリノ回答力從テ遲延スルコトアルヘキヲ恐ルル旨ヲ書面ニテ申送り置キタリ

ロ、準備委員會米國委員

準備委員會ニ對スル米國委員ハ數日前「ゴンバース」正式ニ任命セラレ「グットウエル」同氏代理トシテ之ニ出席スルコトナリタリ

ハ、次回ノ準備委員會期

又準備委員會ノ今後處理スヘキ事業ハ複雑多端ナレハ目下六月末ヨリ開會セントノ議アリ

ニ、英國ニ於ル華盛頓會議々案取調方

尙英國ニテハ華盛頓會議議案中ニ八時間勞働ニ付テハ勞働省ノ「ギヤース」(Pearce)失業ニ付テハ「バンス」(Burns)教授婦人及少年勞働ニ付テハ國際勞働法協會幹事「サンヂャー」嬢(Miss Sangor)ヲ主任囑託員トシ質問書ニ對スル回答ヲ整理セシメ各問題ニ對シ精細ナル豫備約調査ヲ遂行セシメ居レルカ如シ

ホ、華盛頓會議英國委員

華盛頓會議ニ於ケル次席政府委員ニ付テハ内務省「デレブイニユ」又ハ勞働省「シャツクルトン」(何レモ次官級)ノ中ヨリ任命セラルヘク非政府委員ニ付テハ各聯合會ニ諮リ其會内ニ於ケル選舉ニ依リ一名ヲ舉ゲシムルカ又ハ數名ヲ舉ゲシメ其中ヨリ政府力任命スルナラントノ說アリ同候補トシテハ雇主側ニアリテハ綿業組合長勞働者側ニアリテハ「トーマスバンニング」、「パウワーマン」、「クラインス」等有力ナルカ如シ

乙、獨逸ノ勞働聯盟加入決定

(五月二十四日巴里發電ニ依ル)

獨逸ノ勞働聯盟加入問題ニ關シ講和會議ヨリ勞働委員會議長ノ職ヲ執レル「ブルグス」ニ宛タル書翰ヲ以テ獨逸ニ對シ勞働ニ關スル新聯盟 (New Organization) ニ加入セシムルコトニ關スル勞働委員會ノ提議(圖書其八第一〇七頁參照)ハ大國ノ會議ニ於テ之ヲ採用スルコトニ決シタルニ付華盛頓會議ノ終結後直ニ(不明)勞働委員會五月十五日附書翰ニ掲ケタル條件(前記往電)ヲ以テ獨逸ヲ加入セシムヘキ旨華盛頓會議ニ通知セラレタリ且華盛頓會議ノ事業ハ之ヲ獨逸政府ニ通牒スルコトヲ要スヘシトノ旨ヲ申送リタリ

國際從軍徽章關係事項

○徽章制定ノ決議ニ對スル諸國ノ賛否

三月十九日及二十一日ノ兩日ニ互リ作製シタル國際從軍徽章制定委員會ノ決議ニ關シ其後佛羅羅希臘白耳義四國政府ヨリ本件ノ決議ニ異存無キ旨通牒アリタル趣佛國儀式局長ヨリ通知アリタリ尤モ佛國ハ本件ノ實施ニハ議會ノ協賛ヲ要スル處未タ法案ハ提出セラレス白國ハ綬ヲ既ニ佛國ニ注文セリト云フ、米國ハ該決議ニ對シ同意ノ旨ヲ佛國ニ通知セサルニ不拘既ニ綬ノ配布ヲ開始シ米國軍人中之ヲ佩用スルモノ少カラサルト同時ニ綬ニ星附キノモノヲ見受クル處右ハ決議ノ趣旨ニ適ハストテ儀式局長ハ多少不平ヲ洩ラン居タリ

對獨條約追加事項

○經濟條項第八章挿入ノ件

總理大臣會議ニ於テ獨逸トノ條約ニ經濟條項第八章トシテ左ノ一條ヲ加フルコトニ決定シ獨逸全權ニ交付セリ右官營保險ニ關スル事項ハ經濟委員會ニ於テ會議ヲ經サリシモノナリ

SECTION 8.

SOCIAL AND STATE INSURANCE IN CEDED TERRITORY.

第三一二條 Without prejudice to the provisions contained in other articles of the present Treaty, German Government undertakes to transfer to any power to which German territory in Europe is ceded and to any Power administering former German territory as a mandatory under Art. 23 of Part I (?). (國際聯盟), such portion of the reserves to accredit by the Government of German Empire or of German Empire of German States or by public or private organization under their control as is attributable to the carrying on of social or State insurance in such territory.

Powers to which these funds are transferred must apply them to the performance of the obligation arising from such insurance. Conditions of the transfer will be determined by special conventions to be concluded between the German Governments concerned.

講和條約批准關係事項

○三箇國批准說決定

四月十七日外務大臣會議ニ於テ戰爭終結ニ關スル條項ニ付討議アリタル際起草委員會ヨリハ「本條約實施ノ時ヨリ獨逸カ順次聯合五國及其他ノ調印交戰國ヲ引入レタル戰爭狀態ハ終了ス」トノ案ヲ提出シタルニ米國委員ハ聯合各國カ悉ク批准スルニハ約一箇年ヲ要スヘシ故ニ本條約ハ聯合五國中ノ三國カ批准ヲ寄託セルトキ獨逸ト此等諸國間ニ戰爭終了スルコト、シ其他ノ諸國ト獨逸間ニハ夫々其批准寄託アリタル日ヨリ戰爭終了ノ事トスヘシトノ案ヲ提出シタルカ佛國ハ右ハ論敦條約ノ精神ニ反スルモノナルヲ以テ聯合五國カ批准ヲ寄託セルトキ戰爭終了ノ事トセント提議シ英國ハ米國案ニ賛成ヲ表シタルカ種々意見交換ノ後米國ヨリ同國案ト起草委員會案トヲ調和スヘキ事ヲ同委員會ニ附託セムコトヲ提議シ之ヲ決シタリ其後同委員會ニ於テハ英國側ヨリ聯合五國中ノ三箇國批准說ヲ提出シタル結果本件條文ノ成立ヲ見タルモノナリ米國カ三箇國批准說ヲ提起シタル(脱)全ク平和克復ヲ速カナラシメントノ趣旨ニ外ナラスシテ其間ニ他國ヲ差措カントスル意思ノ如キハ毫モ無カリシ次第ナリ (終)