

第九八号

(十月二日接受)

總會第十七 (三十日午前)

一、分担率ニ関スル第一委員会ノ報告ハ九月三十日總會ニ於テ玖馬代表ノ「アブステンション」ノ声明ノ上全会一致ヲ以テ可決セラル (總會議事規則第十九条第五項参照)
二、非常任理事国ニハ伯刺西爾(四十二票)、西班牙(四十票)、「ウルガイ」(四十票)、白耳義(三十票)、瑞典(三十五票)、加奈陀(二十七票) 當選ス

(三十日午後)

三、埃国救済問題ニ関シテハ「バルフォア」卿ヨリ報告アリ (報告要領ハ別ニ電報ス) 之ニ対シ埃国全權ノ謝辭演説アリ
四、右終ッテ議長ハ閉会ノ辞ヲ述ベ第三回聯盟總會ヲ終了セリ
在欧米各大使ニ郵送セリ



事項八 國際聯盟ニ於ケル委任統治問題ニ関スル件

四五九 一月七日

内田外務大臣ヨリ
在英國林大使宛 (電報)

パレスティン委任統治条項正式承認ニ関スル

英國ノ提議ヲ支持スベキ旨同國政府ニ通告方

訓令ノ件

附記一

大正十年十二月三十一日在英國林大使宛内田

外務大臣宛電報第一二九〇号

パレスティン委任統治条項ニ関スル英國ノ提

議支持方同國外務省ヨリ依頼越ノ件

二

同右電報第一二九一号

第七号

英國政府ノ対米國回答要領

貴電第一二九〇号ニ関シ

「パレスティン」ニ関スル委任統治条項正式承認ノ件次回
理事会ニ上議サルル場合帝國側ニ於テ英國ノ提議ヲ支持ス
ヘキ旨帝國理事ニ訓令シタルニ付右ノ趣英國政府ニ通告セ
ラレタシ

本電在仏米伊各大使ニ転電アリタシ

(附記一)

大正十年十二月三十一日在英國林大使宛内田外務大臣宛電報第

八 國際聯盟ニ於ケル委任統治問題ニ関スル件 四五九

一二九〇号

パレスティン委任統治条項ニ関スル英國ノ提議支持方同國外務
省ヨリ依頼越ノ件

第一二九〇号

(一月一日接受)

英國外務省ヨリ十二月二十九日附公文ヲ以テ本年八月二十
四日附委任統治条項ニ関スル米國政府書面中「パレスタイ
ン」委任統治条項案ニ関スル部分ニ対スル本月二十九日附
要領別電第一二九一号在英米國大使宛英國政府回答ヲ添
附シ同統治条項ノ決定ノ遅延及ビ未定ノ為同地ニ関シ英國
政府ノ憂慮ヲ惹起シ居ルコト同地ニ於ケル特別ノ宗教上及
ビ人種上ノ問題及ビ英國政府ノ受任ニ附帶スル特別条件ハ
日々英國政府ノ引受ケタル事業ノ負担ヲ重カラシムルコト
竝英國政府ノ此措置ガ同地民心ノ安定ニ資スベシト思考シ
来ルベキ聯盟理事会ニ対シ右統治条項ノ正式承認ヲ求ムル
コトニ決定シタルガ右承認ヲ確保スル為ニハ先ヅ同地ノ統
治条項ニ対スル米國政府ノ反对ヲ撤回セシムルコト肝要ナ
ルニ付前記回答ヲ發シタル次第ナリト述ベ右事情ノ為帝國
政府ニ右ノ意思ヲ早ク通告スルヲ得ザリシコトヲ遺憾トス

ルト共ニ帝國政府ニ於テ帝國理事ニ對シ英國ノ提議支持方訓令ヲ期待スル旨申越シ来リタルニ付テハ然ルベク御措置相成ル様致シタシ尚仏伊政府ニ對シテモ同様申入レタル旨附言シアリ

公文及ビ附屬書写本省在仏米伊大使及ビ聯盟事務局ヘ郵送セリ

註 大正十年八月ノ委任統治条項ニ関スル米國政府書面ニ就イテハ日本外交文書大正十年第三冊上巻四九三頁下段ノ四一九文書ノ別紙參照

(附記一)

大正十年十二月三十一日在英國林大使發内田外務大臣宛電報第一二九一號
英國政府ノ對米回答要領

第一二九一號

(一月一日接受)

(一)往電第一二九〇號最近ノ理事会ニ對シ「パレスタイン」統治条項正式承認ヲ求ムルニ決定シタル理由ヲ開示シ
(二)米國公文「バラグラフ」四ニ関シ英國政府ハ對土勝利ガ對独勝利ト離ル可カラザル關係ニ在ルノ事實ヲ否マズ特ニ米國人及会社ニ對シ差別待遇ヲ与ヘ又ハ商業上ノ完全ナル機會均等ヲ否ムノ意毫モ存セズ然シ聯盟員以外ノ國ヲ統治

条項中ニ規定スルヲ得ズ兩政府間ノ公文交換ヲ以テ米國人及会社ノ均等待遇ヲ約スベシ

(三)「バラグラフ」五ニ関シ

(a)「パレスタイン」条項ト「シリア」条項トノ此ノ点ニ関スル差異ハ政策ノ差異ニ基ヅクモノニ非ズシテ統治引受當時ノ事情ニ基ヅクモノナリ英國政府ハ目下審議中ノ同地憲法案案中ニ外國人(米國人ヲ含ム)ハ輕微ナル事情ニ関スル例外ノ場合ノ外ハ英國判事ガ多數ヲ占ムル裁判所ニ於テ審理セラルベシトノ条項ヲ挿入シタリ右輕微事件ノ場合ト雖モ英國判事ガ多數ヲ占ムル裁判所ニ控訴スルヲ得尙委任統治終了ノ場合ニ第六條ニ依リ得タル權利ヲ保全スル為ニ適當ナル定メヲ為サシムル為第二十八條ノ規定ノ延長ヲ聯盟ニ勸奨スルモ可ナリ

(b)米國人差別待遇ノ問題及英國政府ノ為サントスル約束ニ就テハ既ニ前述シタリ「パレスタイン」条項第十八條ノ文句ガ「シリア」条項ト相違スルハ英法及仏法間ノ差違ニ依ルモノニシテ英法ノ「カムパニー」ナル語ハ問題ノ条項ノ保護ニ正当ニ値スル總テノ団体ヲ包含スルニ付米國政府ハ同条ノ現在ノ文句ニテ御安心ナサレテ可ナリ

欲セラルルニ於テハ米國宣教師ノ權利ニ関シ証言ヲ為スモ可ナリ

(d)(A)式統治条項ノ變更ニ関シテモ往電第一二七〇號^(電)ニ述ベタル如ク為スベシ

(四)「メソポタミヤ」統治条項ニ関シテハ更ニ別ニ申進ズベシ

註 林大使發内田外務大臣宛電報第二二七〇號ハ日本外交文書大正十年第三冊上巻五一四頁下段ニアリ

四六〇 一月七日 内田外務大臣ヨリ
在仏國石井大使宛(電報)

パレスタイン委任統治条項正式承認ニ関スル

英國ノ提案支持方訓令ノ件

第一六號

在英大使ヨリ貴官ヘ転電シタル同大使發本大臣宛電報第一二九〇號「パレスタイン」ニ関スル委任統治条項正式承認ノ件次回理事會ニ上議サル場合貴官ニ於テ英國ノ提案ヲ支持セラルル様御措置アリタシ

本電在英米伊各大使ヘ転電アリタシ

四六一 六月十日 在仏国石井大使ヨリ
内田外務大臣宛(電報)

臨時聯盟理事会ニ於ケルB式委任統治及パレ
スタイン問題ノ審議ニ関スル觀測報告ノ件

聯第一〇三号

(六月十一日接受)

来月早々開カルベキ臨時聯盟理事会ハB式委任統治及「パ
レスタイン」問題ヲ議スル筈ナルガ米國政府ハ委任統治問
題ニ関シ日本ニ対シタルト同一ノ主張ヲ為シ英國ハ日本ト
同一程度ノ譲歩ヲ為ス覚悟アルモ先ヅ以テ聯盟ニ依リテ統
治条項ガ設定セラレザレバ譲歩ヲ言明スル能ハズトナシ仏
國ハ未ダ其所マデモ進行シ居ラズト言フ

次ニ「パレスタイン」問題ハ普通委任統治条項ノ外ニ英國
ガ一九一七年猶太人保護及「ナシヨナル、ホーム」設定ニ
付約言アル為猶太人ニ特種權利ヲ与フベキ義務アルニ対シ
猶太人ノ特權ハ他人種殊ニ加特力教徒ノ欲セザル所ニテ茲
ニ羅馬法王ノ干涉ヲ見タル訳ナルガ理事会代表中仏伊白西
伯刺西爾等加特力國多ク殊ニ伊太利ハ目下法王庁ト特別親
善關係ニ在ル上該地方ニ関シ予テ英仏ノ約諾アル利權ノ実
現ヲ見タル上ナラデハ委任統治ノ設定好マシカラズトノ内

四六三 六月二十六日 在英國林大使ヨリ
内田外務大臣宛(電報)

パレスタイン委任統治条項最終草案ニ関スル

修正ノ支持方英國政府ヨリ希望申越ノ件

別電 同右電報第三八七号

パレスタイン委任統治条項最終草案修正ノ件

附記 大正十年八月英國政府作成ノパレスタイン委任
統治条項最終草案ノ修正案

第三八六号

(六月二十八日接受)

英國政府ヨリ公文ヲ以テ客年八月作成ノ「パレスタイン」
委任統治条項最終草案ニ別電第三八七号ノ如キ修正ヲ加ヘ
来ル七月開催ノ聯盟特別理事会ニ於テ其ノ承認ヲ求メタキ
意向ナルニ付同理事会ニ於ケル本邦理事ノ支持ヲ切望スル
旨且其ノ為修正ノ内容ヲ石井理事ニ予メ通報方依頼シ来レ
ルニ依リ即時在仏大使ニ転報セリ公文写郵送ス

(別電)

六月二十六日在英國林大使宛内田外務大臣宛電報第三八七号
パレスタイン委任統治条項最終草案修正ノ件

第三八七号(別電)

(一)最終草案第八条 are definitely 以下左ノ通ニ改メ
are suspended in Palestine but shall be revived
ハ 國際聯盟ニ於ケル委任統治問題ニ関スル件 四六三

心アリ是等暗流ノ為議論ハ紛糾スベシ

本使ハ更ニ特別訓令無キ限り英國ヲ援助シツツ妥協ヲ計ル
積ナリ

在歐米各大使ヘ郵送セリ

四六二 六月十三日

内田外務大臣ヨリ
在仏国石井大使宛(電報)

臨時聯盟理事会ニ於ケル委任統治問題審議ニ

対スル我方ノ方針ニ関シ訓令ノ件

第三二九号

貴電聯第一〇三号ニ関シ

委任統治ニ関シテハ英米間ニ妥協成リ不日右ニ関シ兩國間
ニ条約又ハ其ノ他ノ形式ニ依リ何等カ協定ノ成立ヲ見ルヘ
キ様思惟セラルル処本件ニ関スル米國及關係國間ノ協定ガ
曩ニ日米間ニ成立シタル赤道以北ノ太平洋委任統治諸島ニ
関スル条約ト主要ナル点ニ於テ一致セムコトハ帝國政府ノ
最モ希望スル所ナルニ付委任統治問題ニ関シ英國側ヲ支持
セラルルニ当リテハ右ノ趣旨御含置アリタシ

註 事項五参照

immediately and completely upon the termination of
the mandatory regime unless Powers whose nationals
were entitled on the 1st August, 1914, to such rights,
should agree or have agreed by a treaty to their
suspension or modification.

(一)同第二十五条 shall be entitled へ to postpone へ 同
with consent of the Council of the League of Na-
tions ヲ挿入ス

(二)同第二十七条 present mandate 以下 that mandate へ
二字ニ改ム

(三)同第二十八条ノ次ノ末文ノ to all powers 以下 to all
members of the League へ改メ

(四)同第十四条ノ改正ハ別ニ通告ス

(附記)

大正十年八月英國政府作成ノパレスタイン委任統治条項最終草
案ノ修正案

THE FINAL DRAFT OF THE MANDATES FOR
MESOPOTAMIA (IRAK) AND PALESTINE.
(ISSUED AS A WHITE PAPER (CMD. 1500)

TUESDAY AUGUST 29, 1921.)

Palestine ニ關スル分

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said treaty the High Contracting Parties agreed to entrust, by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers; and

Whereas by the same article the High Contracting Parties further agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being

clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their National Home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the terms of the Mandate in respect of Palestine have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in

conformity with the following provisions:

Hereby approves the terms of the said mandate as follows:—

ARTICLE 1.

His Britannic Majesty shall have the right to exercise as Mandatory all the powers inherent in the Government of a sovereign State, save as they may be limited by the terms of the present Mandate.

ARTICLE 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safe-guarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 3.

The Mandatory shall encourage the widest measure

of self-government for localities consistent with the prevailing conditions.

ARTICLE 4.

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

ARTICLE 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4 close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The Administration of Palestine will be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are suspended in Palestine but shall be revived immediately and completely upon the termination of the mandatory regime unless Powers whose nationals were entitled on the 1st August, 1914, to such rights, should agree or have agreed by a treaty to their suspension or modification.

ARTICLE 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall safeguard (a) the interests of foreigners; (b) the law, and (to the extent deemed expedient) the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administra-

tion of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country and, subject to Article 311 of the Treaty of Peace with Turkey, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement

and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside

its territorial limits.

ARTICLE 13.

All responsibility in connection with the Holy Place and religious building or sites in Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who will be responsible solely to the League of Nations in all matters connected therewith: provided that nothing in this Article shall prevent the Mandatory from entering into such arrangement as he may deem reasonable with the Administration for the purpose of carrying the provisions of this Article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

In accordance with Article 95 of the Treaty of Peace with Turkey, the Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The chairman of the Commission will be appointed by the Council of the League of Nations. It will be the duty of this Commission to ensure that certain Holy Places, religious buildings or sites regarded with special veneration by the adherents of one particular religion, are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned. The selection of the Holy Places, religious buildings or sites so to be entrusted, shall be made by the Commission, subject to the approval of the Mandatory.

In all cases dealt with under this Article, however,

the right and duty of the Mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monuments as may be enacted in Palestine with the approval of the Mandatory.

The rights of control conferred under this Article will be guaranteed by the League of Nations.

ARTICLE 15.

The Mandatory will see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its

own language (while conforming to such educational requirements of a general nature as the Administration may impose) shall not be denied or impaired.

ARTICLE 16.

The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, who shall not use them for purposes other than those above specified save with the consent of

the Administration of Palestine, and except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this Article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of troops and the carriage of fuel and supplies.

ARTICLE 18.

[The Mandatory must see that there is no discrimination in Palestine against the nationals of any of the States members of the League of Nations (including companies incorporated under their laws) as compared with those of the Mandatory or of any foreign States in matters concerning taxation, commerce, or navigation, or of any foreign State in matters concerning taxation,

commerce, or navigation, the exercise of industries or professions, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this Mandate the Administration of Palestine may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population.

Nothing in this Article shall prevent the Government of Palestine on the advice of the Mandatory from concluding a special customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

the enactment, and will ensure the execution of a Law of Antiquities based on the provisions of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all States members of the League of Nations.

ARTICLE 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscriptions in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statements or inscriptions in Hebrew shall be repeated in Arabic.

ARTICLE 23.

The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

ARTICLE 24.

The Mandatory shall make to the Council of the

The Mandatory will adhere on behalf of the Administration to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20.

The "Mandatory will co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The Mandatory will secure, within twelve months from the date of the coming into force of this Mandate,

League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the mandatory shall be entitled with the consent of the Council of the League of Nations to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16, and 18.

ARTICLE 26.

If any dispute whatever should arise between the

legitimately incurred by the Administration of Palestine during the period of the Mandate.

The present copy shall be deposited in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all members of the League.

Made at the day of

註 右ノ前記別電第三八七号ニヨリ訂正セラレタルモノナリ

~~~~~  
四六四 七月一日 在英國林大使ヨリ  
内田外務大臣宛(電報)

パレスタイン委任統治条項最終草案第十四条  
ノ改正ニ付日本ノ支持方英國政府ヨリ希望申

越ノ件

別 電 同日在英國林大使宛内田外務大臣宛電報第四〇  
一号

右第十四条ノ改正案

第四〇〇号

(七月二日接受)

往電第三八七号(五)ニ関シ英國政府ヨリ更ニ六月三十日  
附公文ヲ以テ「パレスタイン」委任統治条項最終草案ニ対  
シ最近諸種ノ反对又ハ懸念アルニ鑑シ同草案旧第十四条ノ  
ハ 國際聯盟ニ於ケル委任統治問題ニ關スル件 四六四

members of the League of Nations relating to the interpretation of the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 27.

The consent of the Council of the League of Nations is required for any modification of the terms of that mandate.

ARTICLE 28.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations,

代リニ別電第四〇一号ノ如キ新条項ヲ設ケ聯盟ノ承認ヲ求  
ムル意嚮ニテ是亦帝國政府ノ賛成ヲ希望スル旨申越シタリ  
尚英國政府ハ別電所載ノ委員會ハ構成ス可キ各員ガ國際的  
手續ヲ以テ作製スル候補者名簿ヨリ選定セラル可キコト且  
同委員會ガ「パレスタイン」ニ利害關係アル列強並同教徒  
(耶蘇教徒、回々教徒、猶太教徒)ヨリノ代表者ヲ必ズ網  
羅スル充分國際的ナル会合タル可キコト並理事会ノ決スル  
方法ニ依リ理事会ニ於テ該委員會ノ第一議長ヲ任命ス可キ  
コトヲ聯盟理事会ニ提議スル意向ヲ有スル旨附記シアリ原  
文ハ郵送ス  
本件兩度ノ英國政府ノ來照ハ大要在仏大使ニ電報スルト共  
ニ原文写各大使ニ郵送セリ

(別 電)

七月一日在英國林大使宛内田外務大臣宛電報第四〇一号  
パレスタイン委任統治条項最終草案第十四条ノ改正案

第四〇一号

(七月二日接受)

(1) In order to determine the existing rights in the Holy Places and religious buildings or sites in Palestine, which the Mandatory is pledged under the



preceding Article to maintain, a Commission consisting of not less than seven members shall be appointed by the Mandatory, subject to the approval of the Council of the League of Nations. The duty of the Commission shall be to frame a report defining these rights, including rights of ownership, uses and access. The report shall be laid before the Council of the League of Nations for confirmation, and when confirmed shall be binding on the Mandatory.

In the preparation of their report the Commission will consider all conflicting claims to any of the Holy Places and religious buildings or sites, and will endeavour in consultation with representatives of the confessions concerned to arrive at an agreed definition of existing rights. If no agreement can be arrived at within a period to be fixed in each case by the Commission, the Commission after hearing all parties shall decide judicially on the claims of which it has had notice and shall embody such decision in their report.

(2) The report of the Commission may also contain recommendations for ensuring that certain Holy Places, religious buildings or sites which the Commission finds to be regarded with special veneration by the adherents of one particular religion are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned.

Such control will be guaranteed by the League of Nations.

(3) The Commission will settle its own procedure, and shall appoint its own staff. Each member of the Commission will in turn act as chairman of the Commission. The expenses of the Commission shall be defrayed by the League of Nations.

(4) In all cases dealt with under this Article, the right and duty of the Mandatory to maintain order and decorum in the places concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monu-

ments as may be enacted in Palestine with the approval of the Mandatory.

(5) Any religious confession which considers that the Mandatory is not giving effect to the provisions of the report may appeal to the Council of the League who may require the Mandatory to reassemble the Commission for the purpose of considering and reporting upon any such appeal. Such report shall be laid before the Council of the League of Nations for confirmation and when confirmed shall be binding on the Mandatory.

Hayashi

四六五 七月十五日 内田外務大臣ヨリ  
在英國林大使宛(電報)

英國側提議ノパレスタイン委任統治条項案支  
持方日本理事ニ訓令セル旨英國政府ニ通告方  
訓令ノ件

第二六二号

貴電第三八六号及第四〇〇号ニ関シ今次英國側提議ノ修正  
ヲ加ヘタル「パレスタイン」委任統治条項案理事会ニ上議

ハ 國際聯盟ニ於ケル委任統治問題ニ關スル件 四六五 四六六 四六七

サルル場合帝國側ニ於テ英國ノ提案ヲ支持スヘキ旨帝國理  
事ニ訓令シタルニ付右ノ趣英國政府ニ通告セラレタシ  
本電在仏大使ノ転電アリタシ

四六六 七月十五日 内田外務大臣ヨリ  
在仏國石井大使宛(電報)

パレスタイン委任統治条項ニ關スル英國側修  
正案支持方訓令ノ件

第四〇〇号

在英林大使ヨリ貴官ニ転電シタル同大使発本大臣宛電報第  
三八六号及第四〇〇号「パレスタイン」委任統治条項正式  
承認ノ件ニ関シ英國側今次ノ修正案ハ別ニ支障ナシト認メ  
ラルルヲ以テ往電第一六号ノ趣旨ニ依リ本件統治条項案理  
事会ニ上議サルル場合英國ノ提案ヲ支持セラルル様適宜御  
措置アリタシ

本電在英大使ニ転電アリタシ

四六七 七月十七日 在米國佐分利臨時代理大使ヨリ  
内田外務大臣宛(電報)

委任統治問題ニ關スル米國國務長官ノ紐育タ  
イムス記者トノ会見談報告ノ件

四九五

第四六一号 (七月十九日接受)

十五日新聞報

Hamilton Holt ニ次テ Raymond Josaick ガ米国現政府ノ聯盟ニ対スル態度ヲ攻撃シタルニ対シ國務長官ハ紐育「タイムス」記者トノ会見談ニテ其態度ヲ弁明シ居レルガ其内委任統治問題ニ就キ左ノ趣旨ヲ語レリ

一、(A)式委任統治中「メソポタミア」ニ就テハ英國政府ヨリ未ダ回答ニ接セズ又「パレスタイン」問題ニ就テハ華府會議中「バルフォア」卿ト意見ヲ交換シ會議後本年四月英米兩政府間ニ正式ニ文書ノ交換ヲ見タル処三四週間前更ニ本件ニ就キ英國政府ヨリ申出ノ次第アリタルニ付直ニ回答ヲ發シ置キタリ次ニ「シリア」委任統治ニ就テハ昨年八月ノ米國政府通牒ニ対シ漸ク三四週間前仏國ノ回答ニ接シ其後米國政府ヨリ更ニ是ニ答フル所アリテ大体ニ於テ本件ニ關シ米仏兩政府ノ意見一致シタリ

二、(B)式委任統治ニ就テハ十二月關係國ヨリ其回答ニ接シタル後華府會議後ニ至リ更ニ交渉ヲ開始シタルガ是又三四週間前ニ条約案ヲ接受シタルニ付米國政府ノ意見ヲ附シ回答シ置キタルヲ以テ本件ハ労働理事會ニテ審議サル

(配註外欄)

C式委任統治地域ノ土人ノ国籍問題ニ關シ調査研究スル所アリタルカ今回別紙ノ如キ解決案ヲ過般「ジェネーヴ」ニ開會ノ聯盟理事會ニ提出シタル處理事會ニ於テハ本問題ノ重要ナルニ鑑ミ其ノ決定ヲ次回理事會ニ留保スルト共ニ先以テ前記委員會ノ提案ヲ關係國政府ニ廻付シ其ノ意向ヲ探ルコトトナリタル趣ヲ以テ今般帝國政府ニ対シ右照會ノ次第有之候惟フニ右ハ聯盟規約ノ精神及委任統治制度ノ根本主義ニ鑑ミ右委員會ノ提案ヲ以テ大体ニ於テ當ヲ得タルモノト被認候ニ付次回理事會ニ於テ本件上議ノ場合ニハ右提案ニ賛成スル様取計度シ

右閣議ヲ請フ

(欄外註記)

「十二月十二日法制局ヘ出頭協議ノ結果」當ヲ得タルモノヲ「支障ナキモノ」ト修正スルコトニ決定ス(米沢印)」

(別紙)

委任統治委員會提出ノB式及C式委任統治地域ノ土人ノ国籍問題解決案

PROJET DE MEMORANDUM SUR LA  
QUESTION DU STATUT NATIONAL

八 國際聯盟ニ於ケル委任統治問題ニ關スル件 四六九

ベシ

英仏ヘ転電セリ

四六八 七月二十日 在英國林大使ヨリ  
内田外務大臣宛(電報)

パレスタイン委任統治条項ニ關スル日本ノ支持ニ対シ英國政府ヨリ謝意表明ノ件

第四二七号 (七月二十一日接受)

貴電第二六二号ニ關シ

早速外務大臣宛公文ニテ通告方取計ヒ置キタルニ対シ七月十九日附公文ヲ以テ本件ニ關スル帝國政府ノ支持ニ対シ英國政府ノ深厚ナル謝意帝國政府ヘ伝達アリタキ旨申越セリ

四六九 十二月二日

内田外務大臣ヨリ  
加藤内閣總理大臣宛

B式及C式委任統治地域ノ土人ノ国籍ニ關シ  
閣議請議ノ件

附記 委任統治委員會ヨリ聯盟理事會ニ提出ノ報告訳文

条三機密送第一四三号

曩ニ聯盟理事會ノ決議ニ基キ委任統治委員會ニ於テB式及

DES HABITANTS DES TERRITOIRES

SOUS MANDATS B ET C.

Résolution I.

“Il est désirable, sans égard aux principes établis dans l'article 22 du Pacte, que les habitants indigènes des territoires sous mandats B et C reçoivent un statut national parfaitement distinct du statut des nationaux ou sujets de la Puissance mandataire.

La résolution est adoptée.”

Résolution II.

La Commission discute les termes dans lesquels il convient de définir le statut des habitants indigènes dans cette seconde résolution.

Diverses suggestions sont proposées dans l'intention d'unir dans cette définition les habitants “administrés” sous mandat français (“administrés français”) et les habitants “protégés” sous mandat britannique.

Après un échange de vues, auquel M. ORTS, M. ORMSBY-GORE, M. BEAU, M. YANAGIDA prennent

part, il est décidé, sur la proposition du PRÉSIDENT, de définir les habitants en question sous les termes de “administrés ou protégés sous mandat de la Puissance mandataire”.

La seconde résolution est alors adoptée sous la forme suivante :

“Ces habitants seront des administrés ou protégés sous mandat de la Puissance mandataire”.

### Résolution III.

La Commission discute alors la question de savoir si la troisième résolution doit définir la nationalité des personnes à laquelle elle s'applique.

M. ORMSBY-GORE propose que cette résolution s'applique aux habitants “non indigènes”.

Après discussion, à laquelle le PRÉSIDENT, M. YANAGIDA et M. BEAU prennent part, il est décidé d'adopter la formule proposée par M. Orts limitant l'application de la résolution aux étrangers à ces territoires et y établis le 10 janvier 1920.

### 提案スルニ決セリ

- 一、規約第二十二条ノ主義ヲ尊重シテB式及C式委任統治地域ノ土人ニハ受任国ノ国民トハ全然異リタル別種ノ国籍 (National Status) ヲ与フルコト
- 二、前記土人ノ国籍ハ受任国ノ特別法ヲ以テ之ヲ定ムヘク其名称ニ付テハ委任統治民 (“Administered persons under mandate” 又ハ “Protected persons under mandate”) 等トスルヲ可トスルコト
- 三、B式又ハC式委任統治地域ヲ委託セラレタル受任国ハ右地域ノ住民ニ於テ個々ニ且全ク自由ノ意思ヲ以テ受任国ノ国籍ヲ取得セムトスルニ対シ其ノ国法ニ遵ヒ之カ規定ヲ設クルヲ妨ケサルコト

### 理由

#### 一

第一ノ決定ニ関シ委員会ハ先ツ第一ニ一方B式及C式委任統治地域ノ土人ノ国籍ト他方受任国ノ国民ノ夫トノ間ニ一ノ差別ヲ設クルノ必要ヲ指摘セムト欲ス蓋シ右ノ差別ヲ認メスシテ受任地域ノ土人ヲ純粹單純ニ受任国ノ人民又ハ臣民ト同一ノモノト視ルハ規約ノ精神及委任統治制度ノ根本

La résolution est alors adoptée sous la forme suivante :

“Il appartiendra aux Puissances mandataires à qui sont confiés les territoires sous mandat C de réglementer, conformément à leur législation, l'acquisition individuelle et de plein gré de la nationalité de la Puissance mandataire par les étrangers à ces territoires et y établis le 10 janvier 1920”.

M. ORTS se réserva la faculté de consigner son opinion, après plus ample examen, dans une note de minorité.

Il est décidé que la question qui a été soulevée au cours de la discussion relativement aux habitants allemands du Sud-Ouest africain sera considérée derechef lorsque le rapport sur le mandat pour le Sud-Ouest africain sera présenté à la Commission.

### (附記)

委任統治委員會ヨリ聯盟理事会ニ提出ノ報告要訳文 (註 仮訳文ナリ)

委任統治地域ノ土人ノ国籍ニ関シ委員会ハ左ノ通理理事会ニ

主義ニ反スレハナリ其ノ理由左ノ如シ

- (イ) 歴史上併合ノ場合ニ於テモ割譲地ノ土人ハ必スシモ併合国ノ国籍ヲ取得セルニ非サルヲ見レハ委任統治ノ場合ニ於テ土人カ受任国ノ国籍ヲ取得セサルハ怪ムニ足ラス
- (ロ) 受任国カ委任統治地域ヲ統治スルハ國際聯盟ノ名ニ於テ其ノ施政ヲ委託セラレタルニ因ル若シ土人カ受任国固有ノ国籍ヲ有スルモノトセハ之ヲ第三国ノ名ニ於テ統治スルハ矛盾ナリ
- (ハ) 委任統治制度ハ本来委任統治国ト受任地域トノ間ニ文明ノ程度ニ差異アルヲ認メ未開ノ委任統治地域ヲ文明ノ進歩セル受任国ノ後見ニ付スルコトニ立脚ス然ルニ兩者ノ住民ヲ国籍ノ点ニ於テ同一ノモノト見ルハ右ノ本質的差異ヲ否認スルモノナリ

#### 二

第二ノ提案ニ関シ委員会ハ下記ノ点ヲ理事会ニ提議セント欲ス

一、委員会ハ委任統治地域ノ住民ノ国籍ヲ創定スルハ受任国ノ立法行為ニ依ルノ外ナキモノト認ム而シテ此ノ点ニ

付テハ國際聯盟ヨリ各受任国ニ對シ右ノ民籍ヲ創定スル  
為ノ法規ヲ制定セムコトヲ求ムルヲ可トスヘシ

二、委員會ハ右住民ノ民籍ニ付詳細ナル定義ヲ發表スルノ  
必要ナシト認ム唯其ノ名称ニ付委任統治民 (“adminis-  
tered persons under mandate”) 又ハ “protected persons  
under mandate”) 等ノ名ヲ採用セムコトヲ勸告ス右ハ  
受任国ノ便宜ニ合シ且委任統治下ノ住民ノ民籍ノ特質ヲ  
明確ニスルノ二重ノ利益アリト思考セラル

三

第三ノ提案ニ關シ委員會ハ下記ノ点ヲ理事会ニ提議セムト  
欲ス

B 式及 C 式委任統治地域ノ一切ノ住民ヲ單一ナル法規ヲ  
以テ強制的ニ歸化セシムルコトヲ認ムルハ規約ノ精神及  
委任統治制度ノ本質ニ反ス受任国ト其カ國際聯盟ニ代リ  
テ施政スル地域トノ法律關係ハ或地域ヲ併合スル国家ト  
雖割讓条約中ニ明白ナル規定ヲ存スルニ非サレハ併合セ  
ラルル住民ニ關シ執ルコトヲ得サル手段ヲ執ルヲ許ササ  
ルヘシ而シテ「ヴェルサイユ」条約ハ何等旧独領殖民地  
ノ住民ニ對シ受任国ノ國籍ヲ附与スヘキ旨ノ条項ヲ包含

スルコトナシ

四七〇 十二月十六日 閣議決定

B 式及 C 式委任統治地域ノ土人ノ國籍ニ關ス  
ル件

内閣外甲第八七号

大正十一年十二月十六日

内閣總理大臣男爵 加藤 友三郎(印)

外務大臣伯爵 内田 康哉殿

指 令

大正十一年十二月二日条三機密一四三号

B 式及 C 式委任統治地域ノ土人ノ國籍ニ關スル件請識ノ通

四七一 十二月十九日

内田外務大臣ヨリ  
在仏國奧山臨時代理大使宛(電報)

B 式及 C 式委任統治地域ノ土人ノ國籍ニ關ス  
ル委任統治委員會ノ提案ニ賛成方訓令ノ件

第六二四号

B 式及 C 式委任統治地域ノ土人ノ國籍問題ニ關スル委任統  
治委員會ノ提案ニ對シテハ帝國政府ニ於テ別段異存ナキニ

付次回理事会ニ於テ本件上議ノ場合ニハ英仏側ニ於テ反對  
ナキ限り右提案ニ賛成セラレ差支ナシ  
本電在海牙松田公使ニ転電アリタシ