

式ニ協定スルモ可能ナランサレト本件ヲ決定セスシテ置クコト可ナルヘシト述フ

### ○第三條

次ニ議長ハ第三條（附錄三）ヲ讀ミ上ケ二三討議ノ後本條ヲ可決セリ

### ○第四條

次ニ議長ハ第四條（附錄三）ヲ讀ミ上ケテ討議ヲ求ム

「カムレル」ハ此處ニ非參加國ヲシテ委員會ハ其決議ヲ世界ニ強フルモノニ非ルコトヲ知ラシムル様何事カ附加スヘシト述フルヤ議長ハ本條最後ノ行ノ to make its recommendations effective ヲ to secure the consideration of its recommendations by the other civilized powers ト代ヘンコトヲ提議シテ其修正文ヲ讀ミ上ケタルカ此ノ書キ方ニ全會一致賛成ス

次ニ「ジャンツエ」ハ委員會ノ經費ハ何人ノ負擔ナルヤト質問シ議長ハ各自其ノ經費ヲ負擔スヘシト答フ議長ハ語ヲ續ケテ曰ク然レトモ經費云々ヲ考フルハ甚タ不愉快ナル事ナリ恐クハ關係各國ノ外務省ハ本分科會カ本件ニ立入ルヲ感謝セサルヘシ云々

斯クテ決議ハ投票ニ附セラレ全會一致附錄四ノ如ク可決シ委員會ハ閉會ス

## 第三節 決定

### 第一款 第十九回總委員會決議

一月二十七日午後第十九回軍備制限總委員會開催頭議長「ヒューズ」ハ分科會報告ノ討議ヲ宣シ分科會（五國起草委員會）議長「ルート」ハ分科會決議（附錄四）ヲ朗讀ス

議長ハ右決議案ノ討議ヲ求メタル後米國ハ右決議案ニ賛成ナル旨附言ス斯クテ何等異議起ラサリシヲ以テ投票ニ附セラレ全會一致之ヲ可決セリ

次ニ議長ハ他ニ何カアリヤト問フヤ佛國委員「カムレル」ハ本決議ヲ潛水艦毒瓦斯條約ニ合體セシムルヲ可ナリトセスヤト語リタルカ「ルート」ハ其提議ハ稍々困難アリト述ヘ潛水艦毒瓦斯法規ハ他國加入ヲ直接ニ要求セルニ此決議ニ依レハ委員會報告ヲ五國カ受諾スル迄ハ他國ノ加入ノ問題ハ起ラサルナリ故ニ之ト彼トヲ混合スルハ賢明ニ非ストテ之ヲ排ス

#### ○決議譯文

（原文ハ附錄四參照）

戰時法規ノ改正ヲ審議スル法律家委員會ニ關スル決議

亞米利加合衆國、英帝國、佛蘭西國、伊太利國及日本國ハ左ノ如ク協定セリ

一 前記諸國ヲ代表スル各國二名以內ノ委員ヨリ成ル委員會ヲ設置シ左ノ問題ヲ審議スヘシ

（イ） 國際法ノ現存規則ハ千九百七年ノ海牙會議以來新ナル戰爭手段ノ採用又ハ發達ニ依リ生シタル攻撃又ハ防禦ノ新方法ニ適用スルニ充分ナリヤ

（ロ） 若シ然ラストセハ其ノ結果現存規則ニ對シ如何ナル變更ヲ國際法ノ一部トシテ採用スヘキヤ

二 右委員會ノ委員任命ノ通告ハ本會議終了後三月内ニ亞米利加合衆國政府ニ送付セラルヘク同政府ハ關係諸國ト協議

ノ上委員會ノ會合ノ日及場所ヲ定ムヘシ

三 委員會ハ國際法並陸戰、海戰及空中戰ニ關スル專門家ノ助力及意見ヲ求ムルコト自由タルヘシ

四 委員會ハ其ノ結論ヲ同委員會ニ代表セララルル各國ニ報告スヘシ

前記諸國ハ右報告ノ受諾ニ關シ及其ノ勸告ニ付他ノ文明諸國ノ考量ヲ得ル爲ニ執ルヘキ方法ニ關シ商議スヘシ  
千九百二十二年二月四日軍備制限會議第六回總會ニ於テ之ヲ採用ス

## 第二款 第二十一回總委員會ノ決議

一月三十一日午後軍備制限總委員會第二十回會議ニ於テ海軍條約潛水艦毒瓦斯條約ヲ審議セルカ二月三日午後第二十一回軍備制限總委員會ニ於テハ劈頭議長ヨリ附錄五ノ如キ決議案提出セラレタリ

而シテ説明シテ曰ク本決議案ハ二日前(第二十回總委員會)「ルート」ノ提出セル條約(潛水艦毒瓦斯條約ヲ指ス)ハ戰時法規委員會ノ改訂スヘキニ非ルヲ示ス爲メ同氏ノ作成セルモノナリ云々  
斯クテ決ヲ採リ全會一致之ヲ可決セリ

### ○決議譯文

#### (原文附錄五)

戰時法規法律家委員會ノ權限ヲ制限スルコトニ關スル決議

新ナル戰爭手段ニ關スル國際法ノ規則ニ付審議報告ヲ爲スヘキ委員會カ既ニ本會議ニ於テ諸國ノ採用シタル潛水艦又ハ有害ナル瓦斯及化學製品使用ニ關スル規則又ハ聲明ニ付再議又ハ報告ヲ爲スコトハ該委員會ヲ任命スルコトニ同意シタル諸國ノ意思ニ非サルコトヲ決議ス

千九百二十二年二月四日軍備制限會議第六回總會ニ於テ之ヲ採用ス

## 第三款 第六回總會議ノ可決

右第一款及第二款ノ二箇ノ決議ハ一括シテ米國委員「ルート」ヨリ二月四日ノ第六回總會議ニ報告セラレ最後ノ採擇決定ヲ見タリ

## 附 錄

- 一、「ルート」決議案
- 二、「ゲデス」修正案
- 三、「ルート」修正決議案
- 四、委員會設置問題最終決議案
- 五、委員會權限ニ關スル決議案

## 附錄 1

Jan. 18, 1912.

### TENTATIVE DRAFT

Proposed by Mr. Root.

The United States of America, the British Empire, France, Italy and Japan have agreed:—

I. That a Special Commission shall be constituted to review and report as hereinafter provided upon present conditions of international law in respect of rules governing the conduct of war.

II. That the Special Commission shall be formed as follows:—

Each of the above mentioned powers shall appoint two members.

The members thus appointed shall be a majority votes select five other Powers which were specially affected by the events of the recent war and at least three of which shall have been neutrals during such war. Each of the five Powers so selected shall be invited to appoint two additional members of the Commission.

III. That the Special Commission shall meet within six months after its completion, at a date and place to be determined by its members, and shall consider the existing rules governing the conduct of war on land, on sea and in the air with special reference to the following questions.

(a) Have the effect and application of any of these rules been rendered doubtful or uncertain by changes in the methods of warfare since the Hague Conference of 1907?

(b) Have the introduction, discovery or invention, of new or improved agencies of warfare since the Hague Conference of 1907 produced new methods of attack or defense not contemplated or adequately covered by existing rules?

(c) If such doubt, uncertainty or inadequacy, be found to exist, what changes of existing rules and what new and additional rules ought to be adopted in consequence thereof as a part of the law of nations?

IV. That the Special Commission shall report its conclusions to each of the Powers represented in its membership. These Powers thereupon confer as to the acceptance of the report and the course to be followed to make its recommendations effective.

V. That the Special Commission shall be at liberty to request such assistance and advice as it shall deem useful from experts in international law and in land, naval and aerial warfare.

VI. That the notices of appointment of the members shall be transmitted to the Government of the United States of America, at Washington which is hereby requested to conduct the correspondence necessary for the information of all the Powers concerned and the arrangements necessary for the installation of the Special Commission and the distribution and consideration of its report.

附錄 11

Jan. 18, 1922.

#### TENTATIVE AMENDMENT

Proposed by Mr. Geddes.

III. That the Special Commission shall meet within six months after its completion, at a date and place to be determined by its members and shall consider the following matters :—

(a) Have the introduction, development discovery or invention of new agencies of warfare since the Hague Conference of 1907 produced new methods of attack or defence not contemplated or adequately covered by existing rules?

(b) If so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

附錄 11

Jan. 19, 1922.

The United States of America, the British Empire, France, Italy and Japan have agreed :—

I. That a Special Commission composed of two members representing each of the above mentioned Powers shall be constituted to consider the following questions :—

(a) Do existing rules of international law adequately cover new methods of attack or defence resulting from the introduction or development, since The Hague Conference of 1907, of new agencies of warfare?

(b) If not so, what changes in the existing rules ought to be adapted in consequence thereof as a part of the law of nations?

II. That notices of appointment of the members of the Special Commission shall be transmitted to the Government of the United States of America which after consultation with the Powers concerned will fix the day and place for the meeting of the Special Commission.

III. That the Special Commission shall be at liberty to request assistance and advice from experts in international law and in land, naval and aerial warfare.

IV. That the Special Commission shall report its conclusions to each of the Powers represented in its membership. Those Powers shall thereupon confer as to the acceptance of the report and the course to be followed to make its recommendations effective.

## 附錄四

Jan. 20, 1922.

Definitive Draft.

The United States of America, the British Empire, France, Italy and Japan have agreed:—

I. That a Commission composed of not more than two members representing each of the above mentioned Powers shall be constituted to consider the following questions:—

(a) Do existing rules of international law adequately cover new methods of attack or defence resulting from the introduction or development, since The Hague Conference of 1907, of new agencies of warfare?

(b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

II. That notices of appointment of the members of the Commission shall within three months after the adjournment of the present conference be transmitted to the Government of the United States of America which after consultation with the Powers concerned will fix the day and place for the meeting of the Commission.

III. That the Commission shall be at liberty to request assistance and advice from experts in international law and in land, naval and aerial warfare.

IV. That the Commission shall report its conclusions to each of the Powers represented in its membership.

These Powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.

## 附錄五

Resolved, that it is not intention of the Powers agreeing to the appointment of a commission to consider and report upon the rules of international law respecting new agencies of warfare, that the commission shall review or report upon the rules or definitions relating to submarines or the use of noxious gases and chemicals already adopted by the Powers in this Conference.