

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. Those 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.

第三節 毒瓦斯分科會議事經過

第一項 第一回分科會

一、十一月三十日午後四時汎米會館ニ於テ開催各國列席委員左ノ通

出席委員

原口陸軍少將	
小島海軍々醫大佐	日本
建川騎兵中佐	
スミス教授	Prof. Edgar P. Smith
フリリス少將	米國
ズネチー中佐	Brig. Gen. Anne A. Fries
バーソロミュー大佐	英 國
ムーラー教授	Col. W.H. Bartholomew
マイエー教授	佛 國
Prof. Mayor	
ベンテマリー中佐	伊 國
Nata Pentimalli	

「フリリス」少將ノ發議ニ依リ「スミス」教授ヲ議長ニ「ズネチー」中佐ヲ「セクレター」ニ推薦ス

二、議長ハ米國委員ハ何等訓令ヲ受ケ居ラス各國委員中全權ヨリ訓令ヲ受ケタル者アリヤト問ヘルニ對シ一同訓令ヲ受ケ居ラスト答フ「ムーラー」教授ハ吾等ハ先ツ委員會ノ目的ヲ知ルヲ要ス吾等ハ法律ヲ解スル者ニ非サレハ單ニ諮詢事項ニ對シ解答スルノミナルヘシト述ヘ「マイエー」教授ハ戰爭法規委員會ハ法律家ヨリ成ル者ナレハ毒瓦斯其物ニ就テハ了解ナカルヘク此委員會ノ意見ヲ徴シテ後決スヘキモノト思惟スル旨ヲ述フ

委員會ノ
權限

議長ハ昨二十九日米國陸軍委員會議ニ於テ本問題ニ關シ討議アリ本日午後四時迄ニ何等カ訓令モ來ル由ナレハ暫ク待タ
レタシト述ヘタルモ午後五時ニ到リテ未タ訓令來着セス散會ス

參考

出席帝國委員ノ感想

委員會ノ議題ヲ準備スヘキ米國委員カ何等ノ準備モナク慢然委員ヲ會同シ時間ヲ空費セル不準備不整頓驚クノ外ナシ
議長ニ推薦サレタル「スミス」教授ハ米國化學協會會長ニシテ毒瓦斯ノ泰斗タリ佛國委員ノ兩教授モ亦第一流ノ斯專門家
米國「フリース」少將ハ米國陸軍ノ毒瓦斯作戰部長「ザネチー」中佐ハ目下「コロンビア」大學化學教授ニシテ之レ又
毒瓦斯ノ大家ナルカ如シ之ニ反シ英ノ「バーソロミュー」大佐、伊ノ「ベンテマチー」中佐ハ何等毒瓦斯ノ智識ナキ者
ナリ將來何物ヲ討議スルヤ不明ナリトスルモ斯ル一方ニ偏セル各國ノ委員ヲ以テ討議ヲ進メシト頗ル困難事トスヘシ
之レ亦豫メ討議スヘキ議題ヲ定メサリシ結果ヨリ生セシ不始末ト思惟ス

第二項 第二回分科會

一、十二月六日午前九日汎米會館ニ於テ開催、各國列席委員ハ第一回ニ同シ但シ佛國「ムーラー」教授缺席英國委員補佐
官一名増加ス

二、議長ハ委員會ノ討議權限ニ關シ米國全權ノ訓令ヲ讀ヒシニ議長ニ一任ストノ解答ヲ得タリト告ク

戰時法規
委員會
質問

劈頭毒瓦斯全般ニ關スル討議ノ提案アリシモ之ヲ後廻シトシ戰爭法規委員會ヨリ本委員會ニ質問シ來レル左記七項ヲ逐
次審議スルニ決ス

第一 毒瓦斯ハ其ノ效力上戰闘ノ他ノ手段ト類似スル武器ト見做シ得ルヤ

第二 毒瓦斯ノ物理的、化學的及生理的效力ヲ其ノ使用ニ關スル協約的制限ノ根據トシテ採用スルコト可能ナリヤ否

ヤ

第三 毒瓦斯ノ活用ヲ戰闘員ノミニ限定スルコトカ專門的見地ヨリ可能ナリヤ否ヤ

第四 平時ニ毒瓦斯ノ研究及製造ヲ防止スルコト專門的見地ヨリ可能ナリヤ否ヤ

第五 平時ニ毒瓦斯ノ研究及製造ヲ制限スルコト專門的見地ヨリ可能ナリヤ否ヤ

第六 平時ニ毒瓦斯ノ研究及製造ヲ制限スルコト可能ナリトシ其ノ研究及製造ヲ監督スルコト專門的ニ可能ナリヤ否

ヤ

第七 都市ニ對シ致死死瓦斯ノ使用ヲ禁止スト云フカ如キ瓦斯ノ效力上ノ根據ヲ以テ瓦斯使用制限ノ條約的基礎ヲ設定
スルコト可能ナリヤ(第二節第三款參照)

三、右ニ關スル逐條審議ノ結果左ノ通(第二節第五款回答參照)

(イ) 第一項ニ關シ先ツ日本委員ノ意見ヲ求メタルヲ以テ「日本ハ他 列國ノ如ク瓦斯使用ノ充分ナル經驗ヲ有セサル
ニヨリ主トシテ主義ニ關シ述ヘントス蓋シ火砲及小銃彈ハ對下タル戰闘員ニ一時の損傷ヲ與ヘ以テ其ノ戰闘能力ヲ一
時減殺スルヲ目的トスルモ毒瓦斯ハ之ニ對シ對手タル戰闘員ヲ慘酷ニ殺害スルヲ目的トスルモノナレハ全然之ヲ他ノ
武器ト同一ノ物ト看做スヲ得ス反對論者ハ毒瓦斯ニ對シ相當防禦ノ方法ヲ講セハ爾ク慘酷ナラスト說クモ毒瓦斯研究
ノ將來ノ進歩發達ニ想到セハ戰慄スルモノアリ」ト說キ佛國委員ハ此ノ問題ヲ討議スルニ際シ將來ノ發達ヲ顧慮スル
ヲ要セストシテ我委員ノ說ニ反對シ伊國委員ハ將來ノコトモ勿論顧慮セサルヘカラスト說キ我委員ニ同意セシカ英米
兩國共佛國委員ニ同意セシカ爲三對二ナリ他ノ武器ト同一ノ武器ナリトスルモノ多數ヲ占ムル結果トナレリ

(ロ) 第二項ニ關シテハ下ノ如キ意見多數ヲ占ムルニ至レリ即チ毒瓦斯ノ中理化學的及生理學的ニ人體ニ及ホス效果ノ
如何ナル程度迄ヲ限界トシ之ヲ所謂毒瓦斯ト認メ之ヲ根據トシテ協約的制限ヲ定メシトハ不可能ナリ蓋シ爆藥中有
毒ノ瓦斯ヲ發生シ致死的效果ヲ來スモノアレハナリ

(附、我委員ハ下ノ意見ヲ發表シ置ケリ即チ爆藥中有毒ノ瓦斯ヲ發生スルモノアルモ其ノ生理的效果ハ所詮毒瓦斯ノ如

ク劇烈ナラス

故ニ炸裂ノ目的ナクシテ單ニ致死的效果ヲ與フル目的ヲ以テ劇烈ナル毒性化合物ヲ使用スルコトヲ人道上ノ見地ヨリ各國一致シテ誠意之カ使用禁止ヲ勵行スルコトトセハ協約的制限ノ方法ハ左程不可能ナラス即チ炸裂ノ用ヲナササル化合物ニシテ其ノ瓦斯ヲ吸收スル瞬間慘酷ナル症狀ヲ惹起シ死ヲ來スカ如キモノヲ指定シテ禁止又ハ制限スルヲ得ヘシト)

(ハ) 第三項ニ就テハ我委員ハ戰闘員ノミニ限定スルコト不可能ナリト説キ伊米之ニ反對シ限定シ得ト主張セシカ佛國委員ヨリ這般ノ大戰ニ於テ被砲撃地域ヨリ十九吉米ヲ距ツル村落ノ住民カ毒瓦斯ニ感シ被害アリシ實例ヲ舉ケテ限定ノ不可能ナルヲ説キ英國委員モ亦其ノ説ヲ支持セシヲ以テ「限定シ得ルモ而モ甚タ困難ナリ」ト云フニ決定

(ニ) 第四、第五、第六項ニ關シ我委員ハ總テ可能ナリトノ意見ヲ主張シ各國委員ハ以外ノ面持ヲナシ種々ノ理由ヲ舉ケテ不可能ヲ説キシカ我委員ハ現在ノ法規其ノ他ヲ以テセハ不可能ナランモ新ニ法規ヲ設ケ各國共ニ眞ニ之ヲ禁止スル意アラハ必スシモ不可能ト云ヒ張ル理由ナク又本項質問ノ意味ハ技術的見地ヨリ可能ナリヤ否ヤヲ明カニセントスルニアラスヤト反復主張セシ結果技術的見地ヨリセハ可能ナレトモ實行上不可能ナリト云フニ大體一致シテ其ノ他各國委員間ニ意見ノ交換アリシ後右三項ハ日英米ハ技術的ニハ可能ナルモ實行上不可能ナリトシ第五項ニ關シ佛ハ量(製産額)ノ制限、伊ハ製造(平時ニ必要ナルモノノミ製造)ノ制限ハ可能ナリト固持シ第六項ニ關シ佛ハ量ニ就テハ監督可能、伊ハ量ト質(例セハ「フオスゲン、プロミン」等ノ外其ノ製造ヲ禁止)トニ就テ監督可能ト主張シ各其ノ通り報告スルコトニ決定

(ホ) 第七項ハ委員間ニ意見ノ交換アリシ後「毒瓦斯ノ效果ヲ制限ノ基礎トナスコト能ハス即チ如何ナル程度ノ中毒效果アルモノハ都市ニ對シ使用スルヲ禁スト云フカ如キハ不可能ナリ」ト云フニ一致セリ

毒瓦斯
禁止問題ニ
對スル米
國案

四、右ノ審議ニ三時間ヲ費シ既ニ正午トナリシカ更ニ毒瓦斯戰一般ノ討議ヲ繼續スルニ決シ米國側ヨリ毒瓦斯ハ廢棄スヘ

キヤ否ヤノ問題ヲ提出シ米國委員ノ意見トシテ廢棄スヘカラサルモノトシテ左ノ理由ハケ條ヲ擧ケタリ

一、戰爭技術ニ科學ヲ適用スルコトノ一進歩ナリ

二、其ノ效果ノ可能性異常ニ大ニシテ戰爭ノ勝敗ヲ決スルカヲ有ス

Its possibilities of effectiveness are too great. In it lies the power to decide wars.

三、既ニ這般戰爭ニ於テ試用セラレ其ノ結果各國軍ハ一般ニ之ヲ採用セリ

四、他ノ方法ニ比シ非人道的ナラサルノミナラス却チ非人道的ノ點少シ

五、或ル國民カ協約アルニ係ラス其ノ義務ヲ忘レ此有力ナル手段ヲ用キルコトアルニ際シ其ノ結果トシテ蒙ルヘキ恐ルヘキ慘害ニ對シ防衛スル爲平時ヨリ之ニ對シ防護ノ手段ヲ準備シ置カサルヘカラス

六、人類ノ幸福ニ資スル化學ノ進歩ヲ防止又ハ制限シ能ハサルノミナラス之ヲ防止又ハ制限スヘキモノニアラス

七、毒瓦斯ハ生命ヲ損失セスシテ國內ノ騷擾ヲ鎮定スル方法ヲ提供ス

(附米國委員ノ意見ハ毒瓦斯ハ適當ナル防護假面ヲ使用スレハ左程恐ルヘキモノニアラスト聲言セシコトアリ故ニ此ノ如キ言ヲナスモノト思料ス然レトモ科學ノ進歩ニヨリ更ニ新ニ防護ニ困難ナル毒瓦斯ノ製出セラルルニ至ルヤ知ルヘカラス現在ニ於テモ既ニ「マスタード」瓦斯ノ如キモノニ對スル完全ナル防禦ハ非常ニ困難ナルニ鑑レハ米國委員ノ此ノ言ハ畢竟牽強附會ノ説ニ過キス)

八、侵寇ニ對シ經濟的準備ノ形式ヲ提供ス

五、右米國提議ニ對シ議長ハ先ツ毒瓦斯戰廢棄ニ關スル各國委員ノ意見ヲ徵スヘシトシ第一ニ我委員ノ意見ヲ問フ我委員ハ廢棄スヘシト唱ヘ次テ佛國委員ハ此ノ種ノ問題討議ノ權ヲ委任セラレアラストノ意外ノ答ヲ爲シ佛國委員ハ廢棄說ヲ唱フルト共ニ佛國委員ノ任務權限ニ關シ追究スル所アリ伊國委員ハ之ニ對シ毒瓦斯使用ハ既ニ「ベルサイユ」條約ニ禁止ヲ認メアリ今更討議ノ必要ナキニ非スヤ

(註、對獨條約第七十一條、窒息性、毒性其ノ他ノ瓦斯及之ニ類似スル一切ノ液體材料又ハ考案ハ其ノ使用ヲ禁止セラレアルニ因リ獨逸國內ニ於テ之ヲ製造シ又ハ輸入スルコトヲ嚴禁ス)ト述フルヤ問題ニ新正面ヲ開キ紛糾擾攘議長ハ呆然トシテ手ノ付クヘキナシ茲ニ於テカ英米兩國委員日語セル後米國委員ハ八日迄討議延期ヲ提議シ伊國委員ハ議長カ既ニ討議ヲ進ムルニ決セル以上之ヲ中止スル理由ナシト迫リ我委員ハ討議延期ニハ強テ反對セサルモ日米伊カ既ニ意見ヲ開陳セシニ獨リ英國委員ハ何等述フルコトナク此ノ儘閉會スルハ適當ナラスト主張セシヲ以テ英國委員ハ個人トシテハ廢棄ニ同意セスト遁ケ紛糾裡ニ散會ス

(參考)

出席帝國委員意見

(一) 戰爭法規委員會ヨリノ質問七箇條ニ對スル審議ニ關シ我委員ハ毒瓦斯戰廢棄ヲ基礎トシテ意見ヲ述ヘ伊國委員ハ大體同様ノ方針ヲ取りシカ米英兩國委員ハ我ト全然反對ノ態度ニ出テ佛國委員ハ比較的公正ノ實際の見地ヨリ議論セルモノト認メ得ヘシ

(二) 毒瓦斯戰一般討議ニ入ルヤ各國其赤謀々ニ自國ノ立場ヲ保護スルニ努メシカ佛國委員カ「ベルサイユ」條約ヲ引出セルカ爲問題ハ意外ノ方面ニ轉向シ延會トナルニ至リ佛國側ノ真意ハ明カナラザレトモ昨午九百二十年十月「ブラッセル」ニ開催セル國際聯盟軍事委員會第二回會合ニ於テ毒瓦斯使用ニ關スル國際的規定ヲ討議スル際日、佛、西三國委員ハ人道上ノ見地ヨリ絕對禁止ヲ主張シ伊、白兩國委員ハ戰闘員ノミニ局限シテ使用許可ヲ唱ヘ英國委員ハ無制限ヲ説キ伯、希ハ意見ノ發表ヲ留保セリ然シテ此ノ軍事委員會ノ決議報告ニ對シ佛國理事「レオン、ブルジョア」氏ハ同時開催セル聯盟理事會ニ於テ平和條約ニ依リ使用ヲ嚴禁セル此ノ毒瓦斯ノ使用ヲ默認スル能ハス又海牙會議ハ毒瓦斯ノ使用ヲ禁止シアルノミナラス戰爭ノ慘禍ヲ減少スルノ希望ヨル將來ノ戰爭ニ於テ之ヲ使用スルコトハ嚴格ニ非難スヘキモノナリト説明セリ佛國トシテハ斯ル重大問題ニ關シ僅ニ一年ノ間ニ意見ヲ變更セリトモ思ハレサルニ依リ佛國モ亦禁止ヲ主

毒瓦斯戰
一般問題
ニ對スル
各國委員
ノ態度

張スルモノト見得ヘシ討議ノ形勢自己ニ不利ト傾クヤ直ニ討議ノ中止ヲ提議シ之ヲ強制スルカ如キ態度ニ出ツル英米委員ノ態度ハ狡猾橫暴ト非難スルニ値スヘシ

第三項 第三回分科會議

一、第三回ヲ十二月八日汎米會館内ニ開催ス

議長ハ開會劈頭「ヒューズ」氏ヨリ本委員會ノ討議ハ毒瓦斯ト爆彈ニ限定スヘシトノ命令アリタリト宣シ前回討議ヲ開始シ途中紛糾中止セル毒瓦斯戰全般討議ノ中止ヲ強制セリ此ノ命令ナルモノカ果シテ事實ナルヤ頗ル疑シク恐ラク自國主張ノ通過ヲ計ル上ニ於テ一般討議ヲ避クルヲ利益ト認メタキ結果ニ過キサルヘシ次テ

毒瓦斯戰
ニ關スル
報告米國
案

二、議長ハ毒瓦斯戰ニ關スル米國ノ原案ヲ提出シ速ニ戰時法規委員會ニ廻附スルノ必要アルヲ以テ本日ノ會合ニ於テ決議シ度シト強ヒ此ノ米國委員ノ橫暴勝手ナル司令振リニ對シ我委員ハ不勝不快ノ感ニ懷キ而モ提案第一項ニ於テ「毒瓦斯戰ハ他ノ武器ト類似ノモノニシテ既ニ世界戰爭ノ試驗ヲ經該戰爭ニ從事セル各國ハ之ヲ採用セリ」ト掲ケ先ツ以テ毒瓦斯戰ハ火砲小銃戰ト差異ナシトノ原則ヲ定メ次テ毒瓦斯戰ヲ承認セシメントスルモノナリ此ノ點ハ英佛委員既ニ同意シアルコトナレハ爭フモ小數意見トナリ通過ノ見込ナケレハ我委員ハ原案全部ヲ否認スルニ決シ爾後ノ審議ニ加入スルヲ避ケタリ四國委員ニ於テ米國案ヲ審議シ細部ニ修正ヲ加ヘ審議終了スルヤ

三、我委員ハ「毒瓦斯戰將來ノ發達ニ鑑ミ其ノ殘虐ナル到底之ヲ他ノ戰爭手段ト同様ニ認得サルハ既ニ述ヘタル所ナリ「ヒューズ」氏カ毒瓦斯戰一般ノ討議ヲ許サスト命令セル理由ハ稍々了解ニ苦ムトコロナルカ命令トナレハ致シ方ナシ米國提案中ニハ同意スヘキ點アルモ根本主義ニ於テ見解ヲ異ニスルヲ以テ乍遺憾審議ニ加ラサリシ次第ナリ若シ多數決ヲ以テ本提案ノ通過ヲ決セラルルナラハ採決ニ加ハル能ハス」ト陳述セリ伊國委員ハ我委員ニ同意スト言出シ佛國委員モ主義ニ於テ同意セストスル態度ヲ取ルヤ會議紛糾シ混亂收拾シ得サルニ至ル

四、英國委員此ノ間ニ入りテ調停ニ努メ兎ニ角米國提案ヲ更ニ審議シ意見ヲ述フルコトニ折合ヒ一日間延會シ散會セリ我

米國原案
ニ對スル
我對案

委員ハ左上記米國原案ノ修正案ヲ審査シ左下記ノ意見ヲ準備セリ

米國原案修正案

(A) 毒瓦斯戦ハ他ノ武器ト類似ノモノニシテ非常ニ困難ナカラ他ノ武器ノ場合ノ如ク其ノ使用ヲ軍隊ニ限定スルコト可能ナリ

毒瓦斯戦ハ世界戦争ノ試験ヲ經該戦争ニ從事セル各國之ヲ採用セリ

(B) 多クノ爆藥ハ通常毒瓦斯戦ト稱セラルルモノト同様ニ死ノ原因トナル有毒瓦斯ヲ生スル事實ニ注意スルヲ要ス

(C) 平時ニ戦用瓦斯トナリ得ヘキ瓦斯ヲ巨量ニ使用スルカ故ニ之等瓦斯ノ製産禁止ニ有效ノ手段ヲ講スルコト不可能ナリ世界戦争ニ現ニ使用セラレタル瓦斯中ノ數種ハ平時ニ廣ク使用セラル

Chlorine, phosgene, chloropicrin 及 hydrocyanic 酸ノ如ク有用ノ材料ハ近キ將來ニ使用セラルルニ至ル其ノ他ノ瓦斯等ト共ニ此ノ内ニ含ム

斯ル瓦斯ノ製産ヲ制限スルコトハ事實上不可能ナリ

我委員ノ對案

(A) 毒瓦斯ノ將來ノ可能的慘害ヨリ之ヲ他ノ武器ト類似ノモノト認メ得サルニ關シテハ米國ノ提案ト全然意見ヲ異ニス

毒瓦斯戦ハ世界戦争ノ試験ヲ經タリト雖モ認メラレタルニ非ス聯合國ハ自衛上已ムヲ得ス採用シタルモノニシテ其ノ不法行爲タルコトハ之ヲ承認セリ

(B) 爆發ノ目的以外ニ特ニ慘酷ニ兵員ヲ殺害スルヲ目的トスル毒瓦斯ハ禁止スヘキモノタリ

(C) 平時ニ於テ瓦斯ノ製産ヲ禁止スル手段ヲ講スルコト不可能ナルハ事實ナルモ平時ニ於テモ製産巨額ナルニヨリ之ヲ戦争ニ使用シテ可ナリトスル理由ナシ全ク別種ノ問題タリ

(D) 國交關係逼迫セル際豫想敵國ニシテ協定ヲ無視シ且國際法ニ依ル嚴罰ヲ顧ミス多量ノ瓦斯ヲ製産スルコトヲ防止スルコトハ單ニ染料工業ノ如キ平和的工業ノ制限ニ依リ期スルヲ得ヘシ

(D) 同意

(E) 全強國中或者ハ華府會議ニ加ハリ居ラサルカ是等列強カ瓦斯ノ使用ヲ禁止スルニ同意スヘキコトヲ保障スルコト不可能ナリ

(E) 本陳述ヲ正當トセハ本委員會ノ作業ハ無意義トナルヘシ五ヶ國間ニ先ツ協定シ之ヲ世界ノ他ノ諸國ニモ適用スルノ法ヲ講スヘキナリ況ンヤ毒瓦斯ノ使用カ不法ナルニ關シテハ世界ノ殆ント總テノ國カ既ニ之ヲ承認シアルニ於テオヤ

(F) 無法ノ敵カ協定ニ背反シ瓦斯ヲ使用スルヨリ來ル可能の結果ハ頗ル重大ニシテ之ニ對スルノ準備ヲ怠ルノ危険ヲ冒ス國ナカルヘシ瓦斯防禦假面ヲ準備センカ爲ニハ防衛ニ必要ナル材料ヲ發見スルカ爲瓦斯ヲ製産スルコト必要ナリ

(F) 毒瓦斯使用禁止協定違反國ニ對シ制裁ノ方法ヲ講究スルコト不可能トセサルヘシ

(G) 瓦斯ト爆藥ノ性質ニ關シ戰時誤解ヲ生スルコト殆ント確ニシテ假令誠意ヲ以テ調印セル協定存スルモ一方又ハ他方カ新聞ニ依リ協定破壞罪ヲ他方ニ歸スルコトアルヘシ

(G) 誤解ヲ防キ得ル方法ヲ審議スヘシ

(H) 研究ノ結果ヲ通報スヘキ協定ヲ設クルモ總テノ國カ

(H) 同意

之ヲ要スルニ米國提案ハ瓦斯製産ノ制限禁止困難ナルカ故ニ毒瓦斯ノ使用ヲ許スヘシト説ク者タリ若シ人道ヒ之カ使用ヲ禁止スヘキモノトセハ進テ平時所要以上ノ製産制限禁止ノ方法ヲ審議スヘキナリ北米合衆國大統領カ今回ノ會議召集ノ招待狀中「人類ノ利益ノ爲新式兵器ノ使用ヲ適當ニ監理シ得ル提議ヲ作ルヲ利益トス」ト述ヘ日本國政府ニ其ノ回答ニ於テ之ニ同感ナル趣ヲ表示シ日本ノ委員ハ本會議ニ於テ禁止法ヲ審議スルモノト信シ參列シタリ然ルニ米國委員ヨリ禁止不可能ナリトノ見地ノミヨリセル意見ヲ聽クハ誠ニ意外トスル所ニシテ該意見ニ同意シ得サルハ已ムヲ得サル所ナリ

Reference No. 2.

VIEW OF THE DELEGATES OF UNITED STATES OF AMERICA,

After a careful study of the subject of chemical warfare, the Committee is of the opinion that:

- (a) Chemical warfare is a weapon analogous to other weapons of war and it is possible to limit its employment to armed forces as is the case with other weapons through with greater difficulty. Chemical warfare agents stood the test of the world war and were adopted by all nations engaged in that struggle.
- (b) Attention is careful to the fact that many high explosives produce these gases that cause death in the same

way as those usually termed chemical warfare gases.

- (c) Owing to the enormous use of potential warfare gases in peace it is impossible to take effective steps to prohibit production of these gases. Of the gases actually used in the World War several are extensively used in peace. These include such useful materials as chlorine, phosgene, chloropicrin and hydrocyanic acid gas with others which are likely to come into use at an early date. It is practically impossible to restrict production of such gases.
- (d) It would only be possible during a period of strained relations to prevent a potential enemy, should be so desire in spite of agreements and the threat of very severe penalties under international law from manufacturing gas on a large scale by limitations placed on peace industries such as the dye industry.
- (e) It would be impossible to guarantee that all the principal powers, some of whom are not even represented at Washington, would agree to, or honour an agreement if made, to abstain from the use of gas.
- (f) The probable result of the employment of gas by unscrupulous enemy contrary to agreement would be so serious that no country dare accept the risk of being found unprepared to meet it. In order to prepare gas masks it is essential to manufacture gas to discover the materials necessary for protection.
- (g) It is almost certain that misunderstandings would arise in war as to the nature of gases and explosives and even if an agreement were signed in good faith one or other country, through its press, would accuse the other of breaking it.
- (h) There is no possibility of being certain that all countries would abide by an agreement to communicate the results of their research.

Reference No. 3.

VIEW OF JAPANESE DELEGATES RELATING TO CHEMICAL WARFARE.

(a) We hold views different to those advanced by the American delegates in that owing to the possible calamities incidental to the use of poisonous gases their use should not be viewed in the same light as other weapons.

It is true that chemical warfare was resorted to in the European war but this does not mean it has been recognized by the Powers. Although the Allies had recourse to chemical warfare they were compelled to do so by the stress of circumstances and its illegality has been recognized by all the Allies.

(b) Except for explosive purposes the use of gases merely with the object of ruthlessly incapacitating men should be prohibited.

(c) It is true that it is difficult to devise means by which to prohibit the production of gases in time of peace but this circumstance does not constitute any reason that their use in war is justifiable. The two are entirely different questions.

(d) Approval.

(e) If the contentions of the American delegates hold good the work of this Committee would be meaningless. The Powers represented at the conference should first map out a plan that will be acceptable to other countries. This is the more so since almost all the countries of the world are convinced of the advisable nature of discontinuing chemical warfare in the future.

(f) It would not be impossible to devise means by which an unscrupulous country employing gas contrary to agreement might be brought to book.

(g) with regard to the possible misunderstandings as pointed out by the American delegates means should be studied so that the occurrence of such misunderstandings may be prevented.

(h) Approval.

In short, it is claimed by the American delegates that the use of gases should be allowed since the restriction and prohibition and prohibition of their production or use are very difficult. We are, however, of the opinion that the Committee should deliberate on the way in which chemical warfare may be discontinued as it really deserves such treatment from a humanitarian point of view.

In his invitation to the Washington conference addressed to various countries President Harding said "It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of warfare may be suitably controlled." Replying to President Harding's invitation the Japanese Government said that Japan was in entire accord and sympathy with the suggestion formulated in the invitation. The Japanese delegates have been under the impression that the conference has been called upon to consider the way by which the use of gas might be prohibited in future war. Under such circumstances, it is rather surprising to hear the view based on an impossibility of prohibiting the use of gas in warfare as profounded by the American delegates and we regret that we can hardly agree with what is suggested by them.

第四項 第四回分科會

一、十二月九日汎米會館ニ開催我委員カ準備セル陳述書ヲ各國委員ニ分配シ其ノ考慮ヲ求ムルヤ佛國委員ヨリ本委員ハ毒瓦斯戰繼續ノ可否ヲ論定スルノ要ナク毒瓦斯戰ニ關スル協定ヲ作ルニ際シ考慮スヘキ點トシテ純然タル技術的意見ノミヲ決議セハ足ルモノナレハ其ノ方針ニテ再審議ヲナスヘシトノ修正意見ヲ提出シ各國委員モ之ニ同意シ逐條審議シ第一

條ヲ削除シ左記七ヶ條ヲ異議ナク決議セリ

二、決議

毒瓦斯分科委員會ノ一般の報告書

毒瓦斯問題
委員會報告
決定

毒瓦斯問題ヲ慎重ニ審議セル結果本委員會ハ毒瓦斯戰ヲ規定スル協定ヲ作ルニ際シテハ左記ノ件ヲ考慮スヘキモノナリト思考ス

- (イ) 委員會ハ現在ノ處毒瓦斯使用制限ノ根據ヲ其ノ物理的化學的生理的特性ニ置キ得ルモノト思考セス又多クノ爆發藥ハ通常戰用瓦斯ト稱セラレルモノト同様屢々死亡ノ原因ヲナス有毒瓦斯ヲ發生スル事實ニ注意スルヲ要ス
- (ロ) 化學戰ニ使用セラレル瓦斯ニ關スル研究ヲ禁止又ハ監理スルコトハ不可能ナルト共ニ各國カ該研究ノ結果ヲ報告スル協定ニ遵守スルコトヲ豫期スルコト能ハス
- (ハ) 戰用瓦斯タリ得ヘキ瓦斯ハ平時巨量ニ使用セラレルカ故ニ之等瓦斯ノ製造禁止ニ有效ナル手段ヲ講スルコト不可能ナリ世界戰爭ニ現ニ使用セラレタル瓦斯中ノ數種ハ平時ニ廣ク使用セラレタリ此ノ内ニハ Chlorine, bromine phosphene, chlorine, hydrocyanic 酸等近キ將來ニ使用セラレルニ至ルヘキ其ノ他ノモノト併セテ有用ナル材料ヲ含ム此ノ瓦斯ノ製産ノ制限ハ各國ニ自國用トシテ必要ナル量ヲ製造スルコトヲ得シムルト共ニ夫以上ノ製産ヲ禁シ化學ニ關スル商工業ニ付テ一般の國際規則ヲ設クルニ非サレハ不可能ナリ
- (ニ) 平時ニ於テ使用スル戰用瓦斯ハ普通使用セラレル材料同様ノ化學的構成分ヲ有ス從テ若シ一國カ協定ヲ無視シ國際法ノ課スル嚴罰ニモ拘ラス大企模ノ瓦斯製造ヲ實行セント欲スル際之ヲ制限スル唯一ノ方法ハ染料工業ノ如キ平時製産業ニ制限ヲ加フルコトニ依リテ之ヲ行フコトヲ得ヘシ
- (ホ) 世界列強中ノ一國ト雖宣戰ニ際シ毒瓦斯使用ニ關スル國際協定ヲ遵守スルコトヲ拒否スルトキハ一般の協定ハ自
然ニ無効ニ歸スヘシ

- (ク) 國際法上充分ニ嚴重ナル懲罰ノ存在セサル現狀ニ於テハ手段ヲ選ハサル敵國カ協定ニ違背シ瓦斯ヲ使用スルコトアラムカ其ノ結果ハ頗ル重大ナルモノアルヲ以テ之ニ對スル準備ヲ怠ルカ如キ危險ヲ冒ス國ナカルヘシ蓋シ瓦斯「マスコ」ヲ準備センカタメニハ防衛ニ必要ナル材料ヲ發見スルカ爲メ瓦斯ヲ製造スルコト必要ナリ
- (ト) 多クノ爆發藥ハ戰用瓦斯ト同様ノ損害ヲ與フル瓦斯ヲ生スルカ故ニ戰用瓦斯使用ノ制限ハ恐クハ戰爭開始ト共ニ多クノ誤解ヲ生ムヘシ

After a careful study of the subject of chemical warfare, this Committee is of the opinion that any convention for regulating chemical warfare should take into account the following considerations:

- (a) The Committee does not at present see how to base a limitation of the use of poisonous gases on their physical, chemical or physiological properties, and attention is drawn to the fact that many high explosives produce toxic gases that frequently cause death as do those usually termed chemical warfare gases.
- (b) It is not possible to prohibit or supervise research to such gases as are used in chemical warfare and there is no possibility of being certain that all countries would abide by an agreement to communicate the results of their research.

(c) Owing to the enormous use of potential warfare gases in peace, it is impossible to take effective steps to prohibit production of these gases. Of the gases actually used in the world war several are extensively used in peace. These include such useful materials as chlorine, bromine phosgene, chloropicrin and hydrocyanic acid gas with others which are likely to come into use at an early date.

It would only be possible to restrict production of such gases by a universal international regulation of chemical industry and commerce, giving to each and all nations the means to provide for their own needs but no more.

(d) Chemical warfare gases which are not used in peace time have a chemical constitution akin to that of materials, in common use. The result is that it would be possible during a period of strained relations to prevent a potential enemy, should be so desire in spite of agreements and the threat of very severe penalties under international law, from manufacturing gas on a large scale only if limitations of the nature of those mentioned in the preceding paragraph were placed on peace industries, such as the dye industry.

(e) Even if only one Power in the world refused to keep an international agreement to abstain from using poisonous gases on its declaration of war the general agreement would automatically be nullified.

(f) The probable result of the employment of gas by an unscrupulous enemy contrary to agreement and in the absence of a sufficiently severe penalty under international law, would be so serious that no country dare accept the risk of being found unprepared to meet it. In order to prepare gas masks it is essential to manufacture gas in order to discover the materials necessary for protection.

(g) Since many high explosives produce gases that injure in the same manner as warfare gases, limitations on the use of the latter would probably result in misunderstandings immediately on the outbreak of war.

三、本修正案討議中米國委員ハ殆ト沈黙ヲ守リ英國委員ハ専ラ協調ニ務メ本問題ハ到底今回ノ會議ニ於テ決定セラルヘキニ非サレハ結果ニハ餘リ顧慮セストスルカ如キ態度ヲ取り佛國委員ハ終始最モ熱心ニ研究シ其ノ正當ト認ムル所ヲ主張セリ伊國委員ハ時々小修正ヲ提議スルモ根本ニ於テ我ト同意見ヲ主張セリ我委員ハ瓦斯ノ生産及研究等ヲ禁止又ハ制限スル必要ヲ認メサルモ平時斯ノ如キ瓦斯ノ生産アルカ爲戰時之ヲ使用セサルヘカラストスル理由ナシトスル趣旨ヲ主張シ米國案ノ瓦斯戰ハ他ノ戰爭ト同類ノ者ト認ムル主義ヲ撤退セシメ尙國際法ノ規定ニ依リ協定違反國ニ嚴罰ヲ課スル手段ヲ講セハ平時毒瓦斯戰ニ對スル準備ハ必スシモ之ヲ要セサルヘシトノ意見ヲ附加シ且爆藥ハ毒瓦斯ト同様ノ死ノ原因

ヲナス毒瓦斯ヲ發生スト云フ原案ヲ緩和シテ爆藥ハ時トシテ毒瓦斯ト同様ノ死ノ原因ヲナス毒性瓦斯ヲ發生スト云フ意見ヲ採用セシメタリ

四、十二月十日即チ本決議ノ翌日戰時法規委員會議長ハ米國全權諮問委員會カ十二月一日新式兵器ニ關シ研究決議セル報告ヲ「ヒューズ」氏ヨリ送付シ來レリトシテ之ヲ委員ニ分配セリ

該報告ハ毒瓦斯ノ使用全廢ヲ高唱セルモノニシテ毒瓦斯委員會ニ於ケル米國委員ノ主張ト全然背反スルモノナリ(第二節第六款參照)

五、右諮問委員會ノ決議ハ我委員ノ主張ト全然合致スルモノニシテ米國委員カ此ノ決議アルニ係ラス全然之ヲ無視シ別個ノ見地ヨリ瓦斯戰非廢棄ヲ主張セシ動機ト理由ハ之ヲ了解スルニ苦ム本問題ハ華府會議ニ於テ到底結著ヲ見難キモノナリト雖米國政府ノ顧問委員會既ニ此ノ說ヲナシ戰時法規委員會モ亦毒瓦斯戰ノ不法行爲ナルコトヲ承認セリト言ヘハ將來國際會議ヲ開キ更ニ此ノ問題ヲ討究シ斷然廢棄ニ導ク如ク我政府カ積極的政策ヲ取ラレムコトハ人道ノ軍事上ノ見地ヨリ特ニ希望セサルヲ得サルナリ

附 記

以上ハ毒瓦斯分科委員會ニ出席セル帝國委員ノ報告ナルカ右分科會ノ決議ニ拘ラス毒瓦斯全廢カ米國全權殊ニ「ルート」ニ依リテ強ク主張セラレ五國亦之ニ賛同シ潛水艦ノ使用制限ニ關スル宣言ト併セテ新條約トナリタル經過ハ本編第二章第二節第三節ニ之ヲ詳述セリ