

今同提議セラレタル支那郵便制度ノ變改ハ其ノ實際上日本人ニ對シ及ホス影響他ノ何レノ國民ニ對スルヨリモ遙カニ大ナルニ願ミ日本政府ハ支那ニ於テ其ノ郵政ヲ有效ナラシムルカ爲メ經驗アル日本人郵便吏員ヲ適當ノ人數丈雇傭セラレ度シトノ日本政府ノ希望ヲ記錄ニ留メ置カムコトヲ望ム

右希望ノ正當ナルハ關係列國カ支那郵政ニ對シ有效ナル外國ノ援助ヲ必要トスルコトヲ承認セルコト及七十名ヲ下ラサル英國人及二十名ヲ下ラサル佛國人ノ右郵政ニ雇傭セラレ居ルニ日本人専門家ノ之ニ雇ハルルモノ僅カニ二名ナルコトヲ考慮セハ直ニ諒認セラルヘシ

更ニ同總委員會ニ於テハ進ムテ無線電信問題ノ審議ニ入りタルカ本問題ニ關スル陳述中ニ於テ序ヲ以テ支那全權施肇基氏ハ外國郵便局撤廢ノ件ニ關シ本委員會ノ示シタル好意ヲ謝シタル上支那郵便制度ノ能率高キコト將來西伯利鐵道開通セハ更ニ外國郵便ニ付關係諸國ト協定ヲ遂クヘク又現行制度運用ニ當リ充分ノ責任ヲ取ルヘキ旨ヲ聲明セリ

右決議案ハ大正十一年二月一日第五回總會議ニ於テ各國全權ノ正式承認ヲ得タリ

(二) 外國駐屯軍撤退ニ關スル支那側要望

支那ニ於ケル外國軍隊ノ駐屯問題ハ所謂支那提案第五項ニ關スル重要案件トシテ十一月二十五日第六回極東總委員會ニ於テ支那委員ノ提言セル所ナルカ支那側ハ同二十八日ノ第八回總委員會ニ於テ本問題ヲ上議セムトシ外國駐屯軍力支那ノ領土及行政の保全ニ對スル重大ナル制限ヲ成セルノ事實ヲ説明シ在支外國軍隊撤退ニ關スル決議ノ提案ヲ含ム陳述書ヲ朗讀セリ

然ルニ佛國全權「ウイヴィア」氏ハ斯クノ如キ重大案件ヲ豫メ準備ナクシテ論議スルノ不可能ナルヲ理由トシテ支那側ヨリ本件支那側主張ニ關シ關係説明書類ノ廻附ヲ得ハ幸ナリト提議シ各國全權モ之ニ贊同シタル結果支那側モ之ニ同意シ次回ニ於テ改メテ本問題ノ討議ヲ爲スコトナレリ

右支那委員ノ朗讀セル決議案文次ノ如シ

Each of the Powers attending this conference hereinafter mentioned, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal, severally declares that, without the consent of the Government of China, expressly and specially given in each case, it will not station troops, or railway guards or establish and maintain police boxes, or erect or operate electrical communication installations, upon the soil of China; and that if there now exist upon the soil of China such troops or railway guards or police boxes or electrical installations without China's express consent, they will be at once withdrawn.

(右譯文)

本會議ニ參加セル亞米利加合衆國、白耳義國、英帝國、佛蘭西國、伊太利國、日本國、和蘭國及葡萄牙國ハ各別ニ左ノ

## 通聲明ス

各國ハ支那政府カ各場合ニ付明示ヲ以テ特ニ承諾ヲ與ヘサル限リ支那ノ領土内ニ軍隊又ハ鐵道守備隊ヲ駐屯セシメ又ハ警察官派出所ヲ設立維持シ或ハ電氣通信設備ヲ建設若クハ運用セサルヘシ若シ現ニ支那ノ領土内ニ於テ支那ノ明示の承諾ヲ得サル右ノ如キ軍隊又ハ鐵道守備隊又ハ警察官派出所若クハ電氣設備存在スルニ於テハ直チニ之ヲ撤去スヘシ  
 次テ一月二十九日第九回極東總委員會ニ於テ議長ヨリ施全權ニ對シ外國駐屯軍ニ關スル問題上議ノ用意整ヘルヤ否ヤヲ促ス所アルヤ施氏ハ前記説明書類トシテ

十一月二日  
 東亞委員會  
 九回會議  
 議決案

- 一、外國軍隊警察官及鐵道守備隊表
  - 二、支那ノ同意ヲ得サル外國無線電信施設表
  - 三、支那ノ同意ヲ得サル外國有線電信施設表
  - 四、滿洲ニ於ケル日本警察官ニ關スル事情
- 等ノ配布ヲ爲シタル旨ヲ告ケタル上條約上ノ根據ナキ外國軍隊ノ駐屯ハ速ニ之ヲ撤回スヘキコトヲ重ネテ要望スル所アリ  
 タリ

## (二) 駐屯軍撤退ニ關スル帝國全權ノ聲明

茲ニ於テ埴原全權ハ前記支那側提出決議案ニ付先ツ一般的問題ヨリ討議スヘキヤ將又右決議案ニ含マレタル個々ノ特殊問題ヲ討議スヘキヤヲ推問シタルニ「ヒューズ」氏ハ『支那委員ノ意ヲ付ルニ個々ノ問題ニ付順次討議ヲ爲サムトノ趣旨ナルヘシ尤モ一般決議案ヲ先議スルモ妨ナシ』ト答ヘタルヲ以テ埴原全權ハ右ニ關スル日本ノ地位ヲ説明スルニ先チ支那側提案ニ關シ大體ノ意見ヲ述フヘシトテ左記要領ノ陳述ヲ爲セリ

十一月二日  
 東亞委員會  
 九回會議  
 議決案

『支那側提出決議案ノ本旨ハ曩ニ十一月十六日ノ極東問題總委員會ニ提出シタル支那側案第五項「支那ノ政治上及行政

上ノ行動ノ自由ニ對スル制限事項」ニ關聯シ理由ナク支那ノ行政權ヲ妨碍セサル」旨關係諸國ノ約束ヲ求ムルニ在リト信スル處既ニ條約取極等ノ根據アルモノニ付テハ關係國ノ同意ナキ限り之カ撤回ヲ要請スルヲ得サル可シ果シテ然ラハ本決議案ノ趣旨ハ尠クトモ其ノ前半ハ十一月二十一日ノ對支四原則ノ決議第一中ニ包含セラルルモノナリ尙外國軍隊鐵道守備警察電氣通信等ニ就テハ其ノ各々ニ付夫々別箇ノ理由存ス單ニ支那ノ明白ナル同意ノ有無ニ依リ之カ即時撤退ヲ決スヘキモノニ非ス若シ支那側ニ於テ其ノ「ケーセス」ヲ指摘スルニ於テハ日本ノ關スル限リ右ノ理由ヲ説明スヘシ故ニ茲ニ支那提案ノ如キ決議ヲ爲スノ必要ナシト信ス云々』

支那全權  
 前々決議案  
 埴原全權  
 對聲明

議長「ヒューズ」氏ハ兩決議案重複ノ點ニ付埴原全權ト同感ナル旨ヲ言明シタルニヨリ支那委員ハ遂ニ前記一般決議案ノ前半ヲ撤回シ後半現存ノ事態ニ就キ日本側ノ意見ヲ求メタリ茲ニ於テ埴原全權ハ在支日本駐屯軍ニ關シ帝國ノ態度トシテ左記ノ説明ヲ試ミ同時ニ別ニ一ノ覺書ニ依リ各地ニ於ケル日本駐屯軍ノ兵數ヲ明ニセリ

The Japanese delegation wish to explain as succinctly as possible why and how the Japanese garrisons in various parts of China have come to be stationed there. At outset, however, I desire to disclaim most emphatically that Japan has even entertained any aggressive purposes or any desire to encroach illegitimately upon the Chinese sovereignty, in maintaining the garrisons in China.

(1) The Japanese railway guards are actually maintained along the South Manchuria Railway and Shantung Railway. With regards to the Shantung Railway guards Japan believes that she has on more than one occasion made her position sufficiently clear. She has declared and now reaffirms her intentions of withdrawing such guards as soon as China shall have notified her that a Chinese police force has been duly organized and is really to take over the charge of railway protection. The maintenance of troops along the South Manchuria Railway stands on different footing. This is conceded and recognized by China under the

Treaty of Peking of 1905 "Additional Agreement Art. II". It is a measure of absolute necessity under the existing state of affairs in Manchuria region which has been made notorious by activity of mounted bandits. Even in the presence of the Japanese troops, those bandits have made repeated attempts to the said railway zone. In a large number of cases they have cut telegraph lines and committed other acts of ravage. Their lawless activity on an extended scale has, however, been effectively checked by the Japanese railway guards and general security has been maintained for civilian residents in and around the railway zone. The efficiency of such guards will be made all more significant by comparison of the conditions prevailing in the railway zone with those prevailing in districts remote from the railway. The withdrawal of the railway guards from the zone of the South Manchuria Railway will no doubt leave those districts at mercy of the bandits and same conditions of unrest will there prevail as in remote corners of Manchuria. In such situation it is not possible for Japan to forego a right or rather a duty of maintaining railway guards in Manchuria whose presence is duly recognized by the Treaty.

(2) Towards the end of 1911 the first revolution broke out in China and there was a complete disorder in Hupeh district which formed a base of revolutionary operations. As lives and property of foreigners were exposed to danger, Japan together with Great Britain, Russia, Germany and other principal powers, dispatched troops to Hankow for the protection of her people. This is how a small number of troops have come to be stationed at Hankow. The region has since been a scene of frequent disturbances. There were recently a clash between North and South at Changsha; the pillage by troops at Ichang and a mutiny of soldiers at Hankow. Such conditions of unrest have naturally retarded the withdrawal of the Japanese troops from Hankow.

It has never been intended that these troops should remain permanently at Hankow and the Japanese Government have been looking forward to an early opportunity of effecting a complete withdrawal of the Hankow garrison.

They must be assured however that China will immediately take effective measures for the maintenance of peace and order and for the protection of foreigners, and that she will fully assume the responsibility for damage that may be or may have been done to foreigners.

(3) The stationing of garrisons of foreign countries in North China is recognized by the Chinese Government and the Protocol relating to the Boxer Revolution of 1900. Provided there is no objection from other countries concerned, Japan will be ready, acting in union with them, to withdraw her garrison as soon as actual conditions warrant it.

(4) The Japanese troops scattered along the lines of the Chinese Eastern Railway have been stationed in connection with the Interallied Agreement concluded at Vladivostok in 1919. Their duties are to establish a communication between the Japanese contingents in Siberia and South Manchuria. It goes without saying, therefore, that these troops will be withdrawn as soon as the evacuation of Siberia by the Japanese troops is effected.

#### MEMORANDUM.

At the present time Japan maintains in China proper approximately forty-five hundred troops located as follows:

At Tientsin two battalions—approximately twelve hundred men. At Hankow one battalion—approximate-

ly six hundred men. In Shantung, at Tsinan two Companies—approximately three hundred men. Along the Tsinan-Tsingtao Railway and at Tsingtao four battalions—approximately twenty-four hundred men. Total forty-five hundred men.

According to the additional articles of the Russo-Japanese Treaty of Peace of 1905, Russia and Japan are each entitled to maintain fifteen railway guards for each kilometre of roadway. The length of the South Manchuria Railway being eleven hundred and fifty kilometres, Japan is entitled to station seventeen thousand guards along the road. At present there are eleven thousand five hundred.

One thousand and five hundred of these are assigned to the North Manchuria district; that is to say, they are scattered along the Chinese Eastern Railway.

(右譯文)

予ハ日本軍隊ノ支那ニ駐屯スルニ至リタル理由ヲ簡單ニ説明スヘシ然レトモ予ハ先ツ日本カ支那ニ軍隊ヲ駐屯セシムルハ何等侵略的意圖ニ出テタルニ非ス又不當ニ支那ノ主權ヲ侵害セムトスルノ希望ニ基クモノニ非サルコトヲ切言セムト欲ス

日本ノ鐵道守備隊ハ南滿山東ノ兩鐵道沿線ニ配置セラルルモ山東鐵道守備隊ニ付テハ日本ハ屢々其ノ地位ヲ充分闡明シタルヲ信ス而シテ日本ハ支那カ警察隊ヲ組織シ鐵道保護ノ任務ヲ引繼クヘキコトノ通告ヲ受クルヲ待チ速カニ之ヲ撤退スヘキヲ宣言シ且ツ茲ニ再ヒ之ヲ確言スヘシ南滿沿線ニ鐵道守備隊ヲ駐屯セシムルハ事情全ク前者ニ異ナレリ支那ハ既ニ千九百五年日支條約追加協定第二條ニヨリ之ヲ認メタリ是レ滿洲地方馬賊横行ノ現狀ニ照シ絶對必要ノ措置ナリ馬賊ハ日本軍ノ駐屯スルニモ拘ハラズ屢々鐵道ヲ侵サント企テ電線切斷其ノ他ノ暴行ヲ爲シタル例甚タ多シト雖モ日本軍ノ駐屯ニヨリ其ノ不逞ノ行動力廣キ地域ニ於テ有效ニ阻止セラレ鐵道附屬地内及其ノ周圍ニ住居セル人民ノ一般的安全

ハ爲メニ確保セラレタリ鐵道守備隊ノ功績ハ鐵道附屬地附近ノ地方ト隔在セル各地トノ實情ヲ比照セハ愈々明瞭タルヘシ然ルニ南滿鐵道守備隊ノ撤退スルコトアランカ鐵道附屬地及其ノ附近ハ奧地ト同様馬賊ノ横行ニ委ネ不安ノ狀態ヲ現出スヘキ嫌疑ヲ容レス事情此クノ如クナルヲ以テ日本ハ條約ニヨリ適法ニ認メラレタル南滿守備隊駐屯ノ權利ト義務トヲ棄ツルコトヲ得ス

次ニ千九百十一年支那第一革命ノ起ルヤ湖北地方ノ秩序全然亂レ外國人ノ生命財産ハ爲メニ危險ニ暴露セラレタルヲ以テ日本ハ英、露、獨其ノ他ノ主タル諸國ト共ニ自國人ノ保護ノ爲メ兵ヲ漢口ニ派シタリ是レ漢口ニ少數部隊ヲ駐屯セシムルニ至リタル所以ナリ然ルニ該地方ハ其ノ後モ猶屢々動亂ノ巷ト化シ最近ニ至リテモ長沙ニ於ケル南北兩軍ノ衝突アリ宜昌ニ於ケル軍隊ノ掠奪アリ且ツ漢口ニ於ケル軍隊ノ叛亂アリ斯クノ如キ事態ハ自然日本ノ漢口駐屯軍ノ撤退ヲ遲延セシメタリ日本ハ該派遣隊ヲ永久漢口ニ駐屯セシムルノ意思ナク却テ其ノ撤退ノ一日モ速カナランコトヲ冀求シテ今日ニ及ヒタリ然レトモ日本政府ハ支那カ平和秩序ノ維持ト外國人保護ノ爲メ直チニ有效ナル手段ヲ取リ且ツ外國人カ既ニ被リ又ハ將來被ルヘキ損害ニ對シ充分ナル責任ヲ取ルコトヲ保障セラレンコトヲ求ム

次ニ北部支那ニ於ケル外國軍隊ノ駐派ハ支那政府及千九百年團匪事件ニ關スル議定書ノ既ニ承認スル所ナリ若シ關係他國ニシテ何等異議ヲ挾マサルニ於テハ日本ハ實情ニ應シ他關係國ト共ニ喜ンテ撤兵スヘシ

東支鐵道沿線ニ分派セラレタル日本軍隊ハ千九百十九年浦潮ニ於テ締結セラレタル鐵道共同管理ニ關スル列國協定ニ關聯シ駐屯スルモノニシテ其ノ任務ハ西比利亞ト南滿洲トノ日本軍隊間ノ交通ヲ確立スルニアリ此ノ故ニ日本カ西比利亞ヨリ全部撤兵スルト同時ニ前記駐屯兵ノ撤退スヘキハ言フヲ待タス

覺 書

日本國ハ支那本部ニ於テ現ニ約四千五百名ノ兵員ヲ維持ス其ノ所在地左ノ如シ

天 津

二 大 隊

約千二百名

漢口 一大隊 約六百名  
山東濟南 二中隊 約三百名  
膠濟鐵道沿線及青島 四大隊 約二千四百名  
以上合計四千五百名ナリ

支那全權  
陳述留權

千九百五年日露講和條約附屬取極ニ依レハ日露兩國ハ各鐵道沿線一杆毎ニ十五名ノ鐵道守備兵ヲ維持スルノ權利ヲ有ス南滿洲鐵道ノ延長ハ一千五百五十杆ナルヲ以テ日本ハ一萬七千名ノ守備兵ヲ該鐵道沿線ニ駐屯セシムルノ權利ヲ有スルモ現在ニ於テハ一萬五千五百名ヲ駐屯セシメ居レリ  
右兵員中一千五百名ハ北滿地方ニ配置シ東清鐵道沿線ニ散在駐屯セシメ居レリ  
右ニ對シ支那全權ハ駐支日本軍隊ノ侵略的意圖ナキ點ニ付テハ大ニ之ヲ諒トスル旨ヲ述ヘ尙詳細研究ノ上意見ヲ述フヘキ旨ヲ留保シタリ

### (三) 支那全權ノ陳述

十二月二日極東問題總委員會第十一回會議ニ於テ駐屯軍問題續議セラレタルカ先ツ支那全權施肇基氏ハ第九回總委員會ニ於ケル填原全權ノ聲明書ヲ熟讀シタリトテ次ノ如ク陳述セリ

十二月二日  
日第十一回  
總委員會  
支那全權  
陳述

『日本全權聲明中ノ一節ニ既ニ「ルート」決議ノ存スル以上更ニ支那側決議案ノ如キモノヲ審議スルノ必要ナカルヘシトアル處支那ハ決シテ重ネテ其ノ點ノ質疑ヲ求メタルニ非スシテ具體的問題ヲ提起スルノ順序トシテ一言シタルニ過キス尙一友邦ノ内地ニ軍隊ヲ駐屯セシメ又警察官ヲ派出スルコトハ主權ニ對スル重大ナル侵害ニシテ明白ニ且ツ自主的ニ許諾ヲ與ヘタル場合ニ非レハ許スヘカサル事態ト云ハサル可ラス已ニ「ルート」決議案ノ根本本則ヲ確立シタル以上支那モ亦他ノ諸國ト同様ノ權利特權ヲ保有セサルヘカラス

(一) 填原氏聲明中山東駐屯軍ハ支那警察隊組織ト同時ニ撤退スヘキ旨ヲ言明セラレ然モ他ニ何等ノ條件ヲ附セラレサ  
ルハ頗ル多トスル所ナリ本問題ニ斯クノ如ク明確ナル言明ヲ得タルハ今回ヲ以テ初トシ日本ノ誠意ヲ充分ニ表明スルモノナリ假ニ議論ノ便宜ノ爲日本カ獨逸ノ權利全部ヲ繼承シタルモノト爲スモ千九百年獨支條約ニ依レハ軍隊警備ノ件ハ百支里地域以外ニ及フヘカラス從ツテ右地域外ニ於ケル軍隊駐屯ハ全ク根據無キモノト謂ハサルヘカラス

(二) 南滿鐵道沿線駐屯軍ニ付テハ填原氏ハ日支條約ヲ引用シテ正當ノ根據アルモノト論セラレタルモ右條約第一條ハ露國カ南滿鐵道ヲ日本ニ讓渡シタル日露條約第六條ニ對シ承認ヲ與ヘタルモノニシテ右日露條約第三條ハ遼東半島以外ニ於ケル日露駐屯軍ハ成ル可ク速ニ完全ニ又同時ニ撤退スヘキコトヲ規定セリ而シテ露國軍隊カ既ニ全ク滿洲ヲ去レルハ周知ノコトナリ(「ヰイヰイ」氏コノ時微笑ス)日本軍ノ今日駐屯スルハ甚タ謂レ無シ尙填原全權ハ右駐屯ノ理由トシテ滿洲ニ於ケル馬賊ノ跳梁ヲ指摘シタルカ實際ニ於テ其ノ被害過大視セラレ居ルノ虞アリ多少ノ事件ハ何レノ國ニモ發生セサルヲ保シ難キノミナラス滿洲ノ騷擾ハ甚々却ツテ日本軍駐屯ノ爲ニ助勢セラレ居ルモノト認メサルヲ得ス速ニ支那ヲシテ自ラ滿洲治安維持ノ機會ヲ與ヘラレムコトヲ希望シテ已マス過去十五年間ノ不快至極ナル狀況ヲ此ノ上繼續スヘキモノニ非ス

(三) 漢口及其ノ附近ニ於ケル駐屯軍ニ付テハ其ノ附近トハ漢治萍ニモ小部隊駐屯スル趣ナルヲ以テ附言スト說明セリ填原氏ハ第一革命ノ際始メテ駐屯シタル旨ヲ說明セルカ英、露、獨其ノ他諸國ノ軍隊ハ既ニ撤退シタルニ拘ハラズ日本軍ノミ尙駐屯ヲ繼續シ居リ其ノ理由トシテ引續キ事態不穩ナル旨ヲ擧グルモ以テ日本カ他國ト別個ノ措置ニ出ツルヲ説明スルニ足ラス唯日本ニ特別ナル理由トシテハ在留民ノ多數ナルコト等ニアルヘキモ之レ決シテ外國ニ駐兵セシムルノ理由トナラス日本ハ漢口ニハ寧ロ永久のト云フヘキ兵營ヲ建設シ居ルコトモ此ノ際一言セサルヲ得ス然レ共日本ハ最近ノ機會ニ於テ撤退ノ意ヲ有スル由ヲ聞キ欣幸ニ堪ヘス支那ハ之ニ對シ充分治安維持ニ任スヘキコトヲ茲ニ確約シ得ヘシ唯填原氏ノ所言中附ニ落チサルハ今後萬一事件出來ノ場合ニ於テ支那ハ全責任ニ任スヘキヲ條件トシ居ラルル點ナリ是等ニ付テハ國際法上救済ノ方法自ラ定マリ居リ支那ニ於テ此ノ際何等條件トシテ約束スヘキ筋合ノモノニ非ス從來支那カ損害賠償ニ付外國人ニ對シテ最寛容ニ出テタルハ事實ナリ

(四) 北支駐屯軍ニ付テハ將來各國ニ於テ之ヲ撤退スルノ時期ノ到來セムコトヲ切望スルモ今回ノ會議ニ於テハ之ヲ問題トセサルハ先ニモ述ヘタル通ナリ唯支那ノ承諾ヲ與ヘサル駐兵ノミニ付撤退ヲ要求スル次第ナリ

(五) 東支鐵道沿線ノ駐兵ニ付埴原氏ハ右ハ一九一九年浦潮ノ協定ニ根據スル由ヲ述ヘラレタルモ右協定ハ列國協力シテ西北利亞鐵道ノ交通ヲ確保シ「チエコ、スロバキア」軍ノ撤退ヲ助ケムカ爲メ締結セラレタルモノニシテ一國ノミノ駐兵ヲ認メタルモノニ非ス而シテ事態既ニ變轉シ聯合國軍隊既ニ撤退セルニ拘ハラス今日尙日本軍ノ駐屯セルハ何等正當ノ根據ナシ若シ各地駐屯軍ノ聯絡ヲ名トシ之ヲ駐兵ノ論據トシ得ヘクムハ日本ハ支那到ル處ニ駐兵ノ權利ヲ有スルモノト論決セサルヲ得ス免ニ角本問題ハ西北利亞トモ關係アリ米國ノ議題試案ニ掲ケラルル所ナルヲ以テ他日更ニ論議ヲ重スル機會アルヘシト」

#### (四) 支那全權ノ陳述ニ對スル帝國全權聲明

十二月七日  
東支鐵道委員會  
第十三回會議  
日本全權  
岡本  
答復  
聲明

越ヘテ十二月七日極東總委員會第十三回會議ニ於テ本問題ハ續議セラレタリ之ヨリ先帝國全權ニ於テハ外國駐屯軍ニ關スル支那全權ノ陳述ニ對スル日本側ノ回答ヲ去ル五日朝各國全權ニ配布シ置キタルカ七日ノ會議ニ於テ埴原全權ヨリ右ノ次第ヲ告ケ茲ニ改メテ之ヲ朗讀スルコトヲ省略スヘキ旨ヲ述ヘタル處右日本側回答ハ同日總委員會ニ於テ朗讀セラレタルモノト看做シ其ノ全文ヲ記錄ニ留ムルコトナレリ即チ左ノ如シ

尙本聲明書ト共ニ滿洲ニ於ケル不秩序狀態ノ現狀ニ關スル説明書(附屬第一號)及支那ニ於ケル不秩序狀態ニ關スル説明書(附屬第二號)ヲ添加シ置キタリ

It does not necessarily follow that because a certain principle is accepted, it should be applied in all cases immediately and without qualification. In proceeding to its practical application, we must not lose sight of particular facts and circumstances that around each individual case. While constantly keeping the accepted

principle in view, we should go farward step by step its complete realization, in such a manner as will maintain due harmony with the actual situation recalling in each instance.

I should state in all frankness that the stationing of our troops and police in some parts of China is solely due to our instinct for self protection. It is admittedly a costly and thankless undertaking to maintain our troops and police in a foreign land. We should only be too glad to be relieved of that responsibility if the efficient system of protection and control over our nationals resident in China were in operation.

In this connection I can only repeat the significant fact that there exists a state of affairs in China which apart from the question of treaty-rights, renders necessary the presence of foreign troops in the very capital of China.

With reference to Shantung Railway guards, China has declared her intention to send a suitable force of Chinese police for the protection of railway. She has, however, so far failed to send any such police force to whom the Japanese troops can actually hand over the duties.

Turning to the subject of South Manchurian Railway guards Mr. Sze's observations of interpretation of the additional agreement to the Treaty of nineteen hundred and five seems to us hardly convincing. The fact pointed out by the Chinese Delegation that Russia has withdrawn her troops from Manchuria apparently refers to the condition of things created by the anomalous situation in Russia. It does not prove that Russia has definitely agree to the withdrawal of her troops as is contemplated in the Chino-Japanese agreement of nineteen hundred and five.

That agreement also provides that when the tranquillity shall have been reestablished in Manchuria and

when China shall have been herself capable of affording the full protection to lives and property of foreigners. Japan will withdraw her railway guards simultaneously with Russia. Referring to that provision, I would like to invite the attention of the Committee to the actual conditions described in a written statement which I shall presently lay before you.

As for the contention that China should be given an opportunity of proving her ability to maintain the peace and order in Manchuria, the reply is obvious. Japanese interests and Japanese security are matters of such importance that she can not afford to have obvious risks. By taking such chances as are suggested, we should do no good either to China or to ourselves. We should not wander to a sentimental idea at the risk of creating grave international difficulties in a region which has already been the source of life and death struggle on the part of Japan in a war which did more to preserve the integrity and independence of China than perhaps any other that has been fought.

With regard to the stationing of Japanese troops at Hankow, I believe that have made our position sufficiently clear at previous meeting of the Committee, and I shall not attempt to repeat it. I would only add that in many cases of local disturbances in and around Hankow, menace to the security of foreign communities in general assumed so serious proportion that those various communities organized volunteer corps for their self-protection, and that Japanese garrison was called upon to extend active assistance and cooperation to foreign volunteer corps.

It may not be out of place to give here short account of a deplorable condition of disorder and lawlessness in China proper. (See Appendix II)

In connection with the subject of Japanese troops stationed along the Chinese Eastern Railway, criticisms have been made by the Chinese delegation on the continued presence of Japanese expeditionary forces in Siberia. The Japanese Delegation desires to reserve discussion of this question for a suitable opportunity which will later on be afforded by the conference.

For the present, I shall content myself by pointing out that the stationing of Japanese troops along the Chinese Eastern Railway is due to the Interallied Agreement of nineteen hundred and eighteen in which China participated, and that those troops will be withdrawn immediately upon the evacuation of the Maritime Province by the Japanese forces.

(右譯文)

十二月二日在支駐屯軍ニ關スル支那全權ノ聲明ニ對スル日本全權ノ聲明

一ノ原則カ採用セラレタレハトテ該原則カ必スモ直ニ且何等斟酌ヲ加ヘスシテ一切ノ場合ニ適用セラルヘシトノ結果ヲ生セス其ノ實際ノ適用ニ當リテハ吾人ハ各個ノ場合ニ於ケル特殊ノ事實ト特殊ノ境遇トヲ無視スヘカラス採用セラレタル原則ヲ常時念頭ニ置クト同時ニ各個ノ場合ニ伴ヘル實際的事態ニ適當ノ調和ヲ保持スルノ方法ニ於テ歩一步其ノ完全ナル實現ニ向ツテ進マサルヘカラサルナリ

予ハ極メテ卒直ニ陳ヘンニ支那ノ各地ニ日本軍隊及警察ヲ駐屯セシムルハ職トシテ自衛ノ必要ニ出ツ外國ニ自國ノ軍隊及警察ヲ維持スルハ巨費ヲ要シテ而モ何等感謝セラレサルノ事業タリ支那在留民ノ保護管理ニ關スル行政組織ノ有效ニ實現セラレル曉ニハ右軍隊警察ノ駐屯ノ責務ヲ免ルルハ予等ノ欣快措ク能ハサル所ナリ

本件ニ關シ予ハ支那ニ於テハ條約ニ基ク權利ノ問題ハ暫ク別論トシ其ノ首都ニ於テ今尙軍隊ノ駐屯ヲ必要トスル事態存スルハ事實ニ照シテ顯著ナルヲ繰返スニ止メムトス

山東鐵道沿線警備隊ニ關シテハ支那ハ右鐵道警備ノ爲支那警官ヲ適宜ニ配置スルノ意圖アル旨ヲ宣言シタリ然ルニ支那ハ今日ニ及フモ日本軍隊カ安ムシテ其ノ義務ヲ移轉シ得ルカ如キ何等警察隊ヲ派遣セシコトナシ轉シテ南滿洲鐵道守備兵ノ問題ヲ論セムニ施全權ノ千九百五年ノ條約中其ノ附屬協定ニ對スル解釋上ノ意見ハ予等ノ同意シ難キ所ナリ支那全權ノ指摘セル事實即露西亞ノ滿洲撤兵ハ明ニ露西亞ノ變狀ニ基ク事態ニ係リ露國カ千九百五年日支條約ニ規定セラレタル其ノ軍隊撤退ヲ結局ノニ承諾セルモノト解スヘカラス

右附屬協定ニ依レハ若シ滿洲地方平靜ニ歸シ外國人ノ生命財產ヲ支那自ラ完全ニ保護シ得ルニ至リタル時ハ日本國モ亦露國ト同時ニ鐵道守備兵ヲ撤退スヘシト規定シアリ右ニ關シテハ余ハ本委員會カ余ノ將ニ提出セムトスル聲明書ニ記載セラレタル支那ノ現狀ニ留意セラレムコトヲ切望ス(附屬書第一號參照)

支那ニ對シ其ノ滿洲ニ於ケル平和ト秩序トヲ維持スルノ能力ヲ有スルヲ證スルノ機會ヲ與フヘシトノ主張ニ關シテハ極メテ明確ニ答辯スルコトヲ得即日本ノ利益及安全ハ極メテ重要ナルヲ以テ明白ナル危險ヲ冒スヲ得サルモノアリ提案ノ趣旨ニ從ハムカ支那日本俱ニ益スル所ナカラム余等ハ感情ニ趨リテ爲ニ曩ノ戰爭ニ於テ日本側ノ興亡ヲ賭セシ地域ニ於テ重大ナル國際問題ヲ醸スノ危險ヲ冒スヘカラス而シテ其ノ戰爭タル他ノ如何ナル戰爭ヨリモ支那ノ保全ト獨立トヲ完フスルニ與ツテ力アリシナリ

漢口ニ日本軍隊ヲ駐屯セシムルコトニ付余ハ先回ノ委員會ニ於テ余等ノ位地ヲ充分明確ナラシメタリト信スルヲ以テ茲ニ之ヲ贅セサルヘシ余ハ唯漢口及其ノ附近ノ地方的騷擾ニ於テハ概ネ一般外國人社會ノ安寧ヲ脅カサルコト極メテ甚シキヨリ是等外國人社會ハ各自衛ノ爲義勇團ヲ組織シ而シテ日本駐屯軍ハ該外國義勇團ニ實際上ノ援助協同ヲ與フルコトヲ要求セラレタル事實ヲ附言スルニ止メムト欲ス

茲ニ支那本土ノ不秩序ニシテ法規紊亂セル悲ムヘキ狀態ニ付簡單ニ一言スルモ敢テ無用ニ非サルヘシ(附屬書第二號參照)

東支鐵道沿線ニ駐屯セル日本軍ノ件ニ關聯シテ支那全權ハ日本カ西比利亞ニ駐兵ヲ繼續セルヲ非難セラレタルモ日本全權ハ本問題ノ討議ヲ本會議ノ供スル後日ノ適當ナル機會迄留保スルヲ希望ス

日下ノ處余ハ東支鐵道沿線ニ日本軍隊ヲ駐屯セシムルハ支那ノ參加セル千九百十八年ノ聯合國協定ニ依ルコト及右軍隊ハ日本軍隊ノ沿海洲撤退ト同時ニ撤去セラルヘキコトヲ指摘シテ満足セムト欲ス

(附屬書第一號及第二號省略)

右ニ對シ施全權ハ支那側カ目下日本側ニ對スル回答ノ準備中ナル旨ヲ述ヘタリ

## (五) 外國駐屯軍撤退問題ニ關聯スル事實審查問題

之ヨリ先キ十二月二日極東問題總委員會第十一回會議ニ於テ支那全權施基氏カ外國駐屯軍問題ニ對スル壇原全權ノ陳述ニ對シ一々駁論ヲ試ミ更ニ進ムテ支那ニ駐屯セル外國警察官退去問題ヲ論セムトスルヤ「ヒューズ」議長ハ毫モ此ノ上ノ討議ノ繼續ヲ妨止セムトスルノ意思ナキコトヲ前提シテ前記日支兩國全權陳述ニ關聯シ外國軍隊駐屯ノ要否ハ結局事實上支那カ外國人ノ生命財產ヲ保護シ得サルヤ否ヤ事實問題審查ヲ待タサル可カラストシ該事實審查問題ヲ提議シテ曰ク

『今施基氏ノ所言ヲ聞キテ得タル印象ニ依レハ日支双方ノ所述ノ背後ニ横ハル事實ノ問題(Underlying facts)アルモノノ如シ日本ハ人命財產ニ關スル危險ナキニ至ラハ撤兵スヘシト云ヒ支那ハ撤兵終ラハ生命財產ハ確保ヲ擔任スヘシト主張シ結局問題ハ事實上支那カ斯カル責任ニ當リ得ルヤ否ヤノ點ヲ明瞭ニスルニ非サレハ徒に机上ノ論議ヲ重スルモ無益ナルヘキカト思考セラル依テ分科會ヲ設立シ此點ノ審查ヲ爲サシムルコト最モ妥當ナルヘキカト思考ス』ト述ヘタルカ「ヴィグイアニ」氏ハ『個々ノ問題ニ付分科會ヲ設立スルモ果シテ好成績ヲ擧ケ得ルヤ否ヤ余等ノ有スル支那ニ關スル智識ニ鑑ミ甚タ疑問ナルヲ以テ之ヲ治外法權問題調查委員會ニ寄託スルコトトシ然ルヘキカ』ト述ヘ「ヒューズ」氏ハ『要スルニ當地ニ於テ分科會ヲ作ルモ更ニ根本的調査ヲ必要トスルコトトナルヘキニ付「ヴィグイアニ」氏ノ提案ハ誠ニ妙案ナリ』ト

「ヴィグイアニ」氏ハ「治外法權問題調查委員會」ニ寄託提議

「ヒューズ」氏ハ「科委員會」ニ寄託提議

十二月二日極東問題總委員會第十一回會議



支那全權  
事實問題  
調査反對

賛同シ「シャングー」氏モ亦之ニ同意セルカ施肇基氏ハ「治外法權ニ付テハ調査委員ヲ置クコト最モ適當ナルヘキモ軍隊及警察官ノ問題ハ事實問題ニ非ス日本カ支那ノ主權ニ對スル重大ナル侵害ヲ爲シ居ルニ對シ速ニ匡正ノ途ヲ執ラムコトヲ求メ居ルモノナルヲ以テ審査ノ必要ヲ見ス且ツ墳原全權モ日本カ撤兵ノ意思アルヲ言明シ居ルヲ以テ是以上論議スルヲ用ヒス」ト述ヘタルニ「ヒューズ」氏ハ「問題カ果シテ全然主義規則ノ問題ナリヤ或ハ實際上行政權ノ如何ニ行ハレ居ルカノ事實問題ニ歸著スルヤ疑問ナキ能ハス余ハ寧ロ事實問題トシテ之カ審査ヲ行フノ然ルヘキヲ思フモノナリ乍併單ニ軍隊問題ニ付特別ノ審査會ヲ設クルコトノ賢明ナリヤ否ヤヲ知ラス自分トシテハ治外法權審査會附託案ヲ左祖スルモノナリ」ト述ヘタリ茲ニ於テ墳原全權ハ「支那ニ關スル諸般ノ問題ヲ「インテリジエントリー」ニ取扱ハムトセハ先ツ支那ノ現狀如何ヲ見ルコトカ必要ナリ從テ右事實問題審査ハ甚タ重要有效ナルヘシ」ト述ヘテ「ヒューズ」「グイヴィア」氏ハ「所見ニ賛意ヲ表シ其ノ審査會ノ職務ハ事實ノ審査ニ止メ其レ以上ニ出テサルコトト致シタシト提言セルニ支那側ニ於テハ尙同意ノ色ヲ示サス此ノ時「バルフォア」氏起テ「施肇基氏ノ有力ナル主張ヲ傾聽シタルカルカ同氏ハ支那ヲ以テ現ニ正常ノ狀態ニアリト斷言シ居ラルルモノノ如シ乍併支那ハ將ニ帝國時代ヨリ新共和國時代ニ移ラムトスル過渡期ニ在リ未タ其ノ廣大ナル版圖内ノ秩序安定ノ域ニ達セス中央政府ノ政令普ク行ハレスシテ所謂 *Writ of Government doesn't run* ノ憾ナキ能ハス此ノ實情ヲ明瞭ニ審査スルコトハ此ノ際洵ニ必要ナリ其ノ方法ニ付テハ一應ノ議論トシテハ施肇基氏ノ所說モ尤モナルカ實ハ治外法權問題モ審査ノ要點ハ法律的ト謂フヨリモ寧ロ支那内地ニ於ケル社界狀態ノ實際ニアリ從テ寧ロ「グイヴィア」氏案ニ依ルコト然ルヘシ尙ホ列國ハ北京天津ニ駐兵シ居リ右ハ條約上ノ根據アルニハ相違ナキモ一國ノ首都ニ外國兵駐屯ノ必要アルコトハ即チ支那政情ノ一斑ヲ語ルモノト謂ハサルヘカラス」ト述ヘタリ

「ボーデン」氏起  
草案委員  
附託提議

次テ「ボーデン」氏ハ「要スルニ問題ハ治外法權審査委員會ニ附託スルニ當リ附託事項ヲ明確ニスルコト必要ナリ墳原氏覺書ノ諸點ハ必スシモ總テ附託ノ必要ナク例ヘハ山東鐵道守備隊撤退ノ件ノ如キ墳原氏ノ聲明通ニテ容易ニ決定シ得ヘシ然レトモ漢口ノ實狀等ニ付キテハ調査ヲ必要トスヘシ是等ノ點ニ付附託事項ハ起草委員ヲシテ之ヲ決定セシメ然ルヘキ

起草委員  
附託決定

カ」ト提議シ「ヒューズ」「グイヴィア」氏ハ「兩氏モ之ニ同意シ唯「グイヴィア」氏ハ「既ニ本會議ニ於テハ「ルート」決議案ヲ決定シ大方針ヲ定メタル上ナルニ付其點ヲモ考慮シ尙支那國民ノ感情ヲ害セサル様慎重ノ考慮ヲ加ヘテ附託案ヲ決定スルコト必要ナリ」ト述ヘタリ墳原氏ハ支那側ノ今日撤廢問題ニ關シ述ヘタル所ニ付反駁シ置キ度キ點アルニ付適當ノ時機ニ於テ之ヲ爲スヘキコトヲ豫告スル旨ヲ一言セリ茲ニ於テ施肇基氏ハ反覆所見ヲ述フルコトヲ許サレ度シト前提シ「本問題ハ定ニ重大問題ニシテ萬一本會議カ支那ニ於ケル外國軍駐屯ノ現狀ヲ承認セラルルコトナラハ支那全權ハ其任ニ堪ヘサルモノナリ本提議ニ對シ熟考ニ時ヲ重ネ度キヲ以テ來週迄休會セラレ度シ」ト熱心ニ訴ヘタル處「ヒューズ」氏ハ「第一起草委員會ニ於テ充分「ルート」案ヲ尊重シ支那主權ニ對シ差障リアルカ如キ言辭ヲ用キサルコトトスヘク次ニ起草委員會ハ本日開催ノ要無ケレハ充分熟考ノ時アルヘシト諮リ遂ニ滿場一致起草委員附託ノコトニ決シ右委員會ハ翌三日午後三時開催スルコトナリ

十二月六  
日第三回  
起草委員  
會「ルート」  
決議案

The Powers maintaining troops in China for the protection of foreign life and property but without the authority of any treaty or agreement, having declared their purpose to withdraw such troops from Chinese territory whenever China shall assure the protection and safety of life and property for the nationals of such Powers; and China having offered to afford such protection:

Now, to the end that there may be a clear understanding of the conditions upon which must depend in each case the practical execution of these intentions:

It is resolved:

That the Commission to be appointed under the Resolution of the 29th of November, 1921, to inquire into the administration of justice, shall also subject to all the terms and conditions of the said resolution inquire

into report upon the maintenance of public order in the provinces where such troops are stationed, and the adequacy of the Chinese provisions for the protection of the life and property of foreign nationals in such provinces; and in the Commission shall report that China is both able and ready to give the necessary protection, then to recommend definite procedure and times for the substitution of Chinese foreign forces in each case.

(右譯文)

自國民ノ生命財産保護ノ爲メニ支那トノ條約又ハ協定ニ基クコトナクシテ支那ニ軍隊ヲ駐屯セシムル諸國ハ支那カ是等諸國民ノ生命財産ノ安固ニ對シ保障ヲ與フルニ於テハ其ノ軍隊ヲ撤退スルノ意圖ヲ表明シ且支那ハ右ノ保護ヲ與フルコトヲ申出テタルニ依リ各場合ニ於ケル右意圖ノ實行ニ關スル條件ニ付明白ナル諒解ヲ遂クルノ目的ヲ以テ次ノ如ク決議ス

一九二一年十一月二十九日ノ決議ニ依リ任命セラルヘキ支那司法行政調查委員會ハ該決議ノ規定及條件ニ遵ヒ同時ニ外國軍隊ノ駐屯スル地方ニ於ケル公共秩序ノ維持並同地方ニ於ケル外國民ノ生命財産保護ニ關スル支那法令ノ當否ニ付調査報告ヲ爲スヘキモノトス若シ該委員會ニシテ支那カ必要ノ保護ヲ與フルノ能力アリト報告スルニ於テハ各場合ニ於テ外國軍隊ノ撤退ニ關スル一定ノ手續及期日ヲ勸奨スヘキモノトス

支那側調查委員會  
附託反對

然ルニ支那委員顧氏ハ本件ノ如キ純粹ナル政治的且一時的問題ヲ法律専門家ヨリ成ル治外法權調查委員會ニ附託スルカ如キハ正當ナラストシテ右提案ニ反對シ別ニ次ノ如キ提案ヲ爲セリ

一、條約又ハ協定上ノ根據ナクシテ支那ニ軍隊ヲ保有スル各國ハ之ヲ撤退スルニ同意ス

外國人ノ生命財産ヲ保護スルノ目的ヲ以テ支那ノ或地方ニ駐屯スルモノニ付テハ是等諸國民ノ生命財産ニ對スル支那地方官憲ノ保護ノ適當ナルコトニ満足スルト共ニ各國ハ速カニ之ヲ撤退スヘシ

「ゲデス」氏ノ折衷的提言

二、前記軍隊ノ撤退ニ關スル條件及期日ハ本會議參加國ノ在北京代表者ニ於テ支那政府ト協議ノ上之ヲ決定スヘキモノトス

右ニ對シ英國委員「ゲデス」氏ハ「支那提案ニ據ルトキハ各國ハ單獨ニ決定ヲ爲スニ至ルヘク斯クテハ各國ニ對シ全世界ノ前ニ公明ナル行動ヲ求ムルヲ得サル虞アリ、然ルニ治外法權調查委員會ノ如キモ各地ノ調査旅行ノ移動機關トシテハ大規模ニ過クル嫌アリ依テ予ハ右兩案ニ對スル代案トシテ現實ニ支那ニ軍隊ヲ駐屯セシムル諸國ノ代表者ノミヲ以テ斯クノ如キ調査委員會ヲ組織スヘキコトヲ至當ト認ム」ト提言セリ支那全權ハ重ネテ治外法權調查委員會附託案ニ反對シ強ヒテ調査ヲ必要トスルニ於テハ寧ロ「ゲデス」氏ノ提案ニ贊同スヘキモ各國委員ノ再考ヲ促ササルヲ得サル旨ヲ切言セリ右ニ關シ更ニ議論百出シタルカ結局「ゲデス」氏ヲシテ其ノ提言ヲ文書ニ起案シテ提出セシメ次回ニ於テ之ヲ審議スルニ決セリ右ノ結果翌七日ノ第四回起草委員會ニ於テ英國委員「ゲデス」氏ハ前回ニ於ケル其ノ提言ニ基キ支那ニ於ケル外國軍隊ノ撤退ニ關シ「ルート」案ト支那側案トノ折衷ニ近キ左ノ新決議案ヲ提出セリ

十二月七日  
起草委員會  
「ゲデス」氏  
決議案

Whereas the Powers have from time to time stationed armed forces in China to protect the lives and property of foreigners lawfully in China; And whereas it appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

And whereas the Powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement, whenever China shall assure the protection of the lives and property of foreigners in China;

And whereas China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China;

Now to the end that there may be clear understanding of the conditions upon which in each case the

practical execution of these intentions must depend:

It is resolved:

That the Diplomatic Representatives in Peking of the Powers now in Conference at Washington, to wit: the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands and Portugal, with three Representatives of the Chinese Government, shall collectively conduct a full and impartial inquiry into the issues raised by the foregoing declarations of intention made by the Powers and by China, and shall thereafter prepare a full comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matters hereby referred inquiry, and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate.

That each of the Powers above named shall be deemed free to accept or reject all or any of the findings of fact or opinions expressed in the report, but that in no case shall any of the said Powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favour, benefit, or immunity, whether political or economic.

(右譯文)

列國ハ支那ニ於ケル外國人ノ生命及財産ヲ適法ニ保護セムカ爲メ隨時支那ニ武裝隊ヲ駐屯セシメタルニ依リ而シテ右武裝隊中ニハ何等條約又ハ取極ニ基カスシテ支那ニ駐屯スルモノアルニ依リ而シテ列國ハ支那カ在支外國人ノ生命財産ノ保護ヲ保障スルニ於テハ何時タリトモ何等條約又ハ取極ニ基カスシテ現ニ支那ニ駐屯スル外國武裝隊ヲ撤退

スル意圖アルヲ宣言シタルニ依リ

而シテ支那ハ在支外國人ノ生命財産ノ保護ヲ保障スルノ意圖及能力アルヲ宣言シタルニ依リ各場合ニ於テ是等意圖ノ實際ニ遂行セラルル條件ニ付明確ナル諒解ヲ遂クル爲次ノ通り決議ス

現ニ華盛頓會議ニ參加スル諸國即北米合衆國、白耳義國、英帝國、佛蘭西國、伊太利國、日本國、和蘭國及葡萄牙國ノ各政府ハ支那政府ノ代表者三名ト共ニ前記列國及支那ノ意圖ニ關スル宣言ニ依リテ生スル諸問題ヲ充分且公平ニ共同調査ヲ遂ケタル上茲ニ調査ニ附セラレタル事項ニ關シ右調査ノ事實及意見ヲ腹藏ナク記述セル充分包括的ナル報告書ヲ作成シ其ノ謄本ヲ關係九箇國政府ニ夫々提出スヘシ而シテ右關係各國政府ハ右報告書ニ各自適當ト思惟スル意見ヲ附シテ之ヲ公表スヘシ

前記各國ハ右報告書ニ表示セラレタル調査事實又ハ意見ノ全部若クハ一部ヲ承認又ハ拒否スルノ自由ヲ有スルモノト認メラルルモ如何ナル場合ニ於テモ前記各國ハ政治的若クハ經濟的特殊利權、恩典利益又ハ免除ヲ支那カ附與スルコトヲ以テ直接ニモ間接ニモ右調査事實又ハ意見ノ全部若クハ一部ヲ承認スルノ條件タラシムルコトヲ得ス

右原案ニ付審議ヲ開キ字句ノ意義ニ付質問應答ヲ重ネタル末右調査委員會ノ報告ニ於テ少數意見アリタル場合之ヲ如何ニ取扱フヘキカトノ伊太利委員ノ疑義ニ關シ「ルト」氏ハ第一項末段ニ “The Representatives of any of the Powers may make or join in minority reports stating their differences, if any, from the majority reports.”ト附加セハ可ナルヘシトノ提議ヲ出シ全會異議ナク之ヲ可決シタル上次同ニ於テ續議スルコトトシテ散會セリ

次イテ直チニ第五回起草委員會ヲ開ク筈ナリシモ海軍問題及山東問題ノ爲メ各國全權忙殺セラレタル爲メ延期セラレ來リタル處其後各種ノ極東問題ノ速決ヲ要スルコトナリタル結果大正十一年一月三日ニ至リ俄カニ第五回起草委員會ヲ開クコトナレリ

「ゲデス」  
案審議

一月三日  
第五回起  
草委員會

同日ノ會議ニ於テ「ルト」議長ハ先ツ前回討議ノ結果修正セラレタル「ゲデス」案ヲ朗讀シタル後曩ニ支那委員ヨリ本國政

支那委員  
漢口日本  
軍即時撤  
退要望

警察官問  
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セ  
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一月五日  
第十七回  
總委員會

## (六) 在支外國軍隊撤退問題ニ關スル極東問題總委員會ノ決定

支那委員  
薩度

一月五日極東問題總委員會第十七回會議ニ於テ起草委員會委員長「ルート」氏ハ前記第四回及第五回起草委員會ニ於テ討議決定セラレタル「ゲデス」氏決議案ヲ朗讀シタル後「元來本件審査ハ之ヲ治外法權委員會ニ附託スル筈ナリシモ支那國民ハ之ヲ喜ハサルヘシトノコトナリシヲ以テ北京外交團ト支那官憲トノ協力ニ依リ審査スルコトニ改メ更ニ斯カル審査ヲ支那側ニ強要スルハ面白カラストノ見地ヨリ支那側ノ希望ヲ待チテ審査スルコトニ決定セリ尙 *pending*」ナル語ハ警察官ヲモ包含スル趣旨ヲ明記スルコト然ルヘシトノ提議ニ對シ支那側ヨリ今朝之ヲ明記セサルコトト致シタルト申出アリタルヲ以テ之ヲ除クコトナレリ」ト説明セリ次イテ施氏ハ決議案ニ對シ起草分科委員會ニ於テ種々ノ困難ヲ冒シ決定ニ達シタルハ之ヲ諒トスルモ支那ニ於テモ之ヲ受諾スルニ付大ナル困難ナリト前提シタル上豫テ用意セル陳述ヲ朗讀シタルカ其ノ要領左ノ如シ

『支那全權ハ支那政府ニ於テ希望スルニ於テハ或特定ノ地方ニ於ケル外國軍隊撤退ニ付何時ニテモ調査ヲ開始シ得ヘキモノト了解ス國際法上外國軍隊ノ駐屯ハ其國民ノ生命財産ノ保護上已ムヲ得サル非常事態ノ場合ニ限り一時之ヲ許容シ得ヘク右非常事態終了ト共ニ直ニ撤退セサルヘカラサルモノト信ス

支那全權ハ更ニ國際法上主權國ハ其ノ領域内ニ外國軍隊ノ駐屯スルヲ排斥スルノ根本的權利ヲ有スルコトヲ認メ從テ如上ノ調査ノ開始セラレタリトスルモ何等右主權國ノ根本的權利ヲ制限スルモノニアラサルモノト解ス

尙本決議案ハ警察及鐵道守備隊ニ付言及シ居ラサル處警察官並其ノ派出所ニ付テハ列國ノ有スル治外法權ハ其ノ當然ノ結果トシテ其ノ駐屯設置ヲ包含スルニ非ラサルコトヲ言明ス又鐵道守備隊ニ付テハ現ニ日本カ南滿鐵道沿線ニ駐屯セシムル守備隊ハ何等條約上ノ根據ナキモノナリ』

右ニ對シ「ルート」氏ハ『支那全權ノ所言ヲ聽クニ何等誤解アルモノノ如シ本決議案ニ警察官ニ付明言セサルコトナリ居

ルハ今朝願全權ノ申出ニ基キタルモノナルカ起草委員會ニ於テハ軍隊モ警察官モ同様ノ立場ニ於テ論セラレタルモノニシテ何レモ事實ノ審査ヲ俟チテ撤退ノ能否ヲ決定セサルヘカラサルモノト了解ス施全權唯今ノ所言ハ了解ニ苦シムトコロナリ』ト注意スルヤ施全權ハ『實ハ先刻朗讀シタル陳述ハ豫テ用意シ置キタルモノニシテ昨日ノ起草委員以來ノ議事進行ニ伴ヒ其ノ一部分ヲ修正スル必要アリタルモ之ヲ失念シタル爲メ斯クノ如キ誤謬ヲナセル次第ナリ就テハ警察官及鐵道守備隊ニ關スル一項タケハ之ヲ予ノ陳述中ヨリ抹殺シ議事録ニモ載セサルコトト致シ度シ』ト辯疏シ之ニ對シ「ヒューズ」氏ハ『然ラハ警察官ト治外法權トノ關係並ニ南滿鐵道沿線守備隊ニ關スル施全權所陳ハ總テ削除然ルヘキカ』ト諮リ其ノ通り決セリ

警察官及  
鐵道守備  
隊包含ニ  
關スル修  
正提議

帝國全權  
ノ鐵道守  
備隊ニ關  
スル對支  
權限

「ゲデス」  
修正決議  
案可決

然ルニ施氏ハ更ニ鐵道守備隊ハ本決議案中武裝隊ナル語ニ包含セラルルヤ否ヤトノ質問ヲ提起シタルニ「ルート」氏ハ之ニ關シテ「armed force」ノ中ニハ警察官ノミナラス鐵道守備隊ヲモ包含スルモノト了解スルコトヲ至當トスヘシ政府ノ使用者ニシテ苟モ武裝ヲ爲シ秩序ノ維持ニ任スルモノハ一律ニ武裝隊ト解スルコト然ルヘシ』ト説明セリ茲ニ於テ「ヒューズ」氏ハ更ニ『然ラハ本決議案前文 armed forces ノ次ニ including police and railway guards ト明記スルヲ可トスヘシ』ト提議シ採決ヲ行フヘキ旨ヲ宣シタルヲ以テ埴原全權ハ『此上討議ヲ重ネムトスルノ趣旨ニ非サルモ先刻支那全權ノ陳述中日本ノ南滿洲鐵道守備隊ハ條約上ノ根據ナクシテ駐屯スルモノナリトノ一節アリタルカ日本ハ右ハ條約上明カニ定メラレタル權限ニ基クモノナリトノ見解ヲ有スルコトヲ茲ニ言明ス此ノ點ハ曩ニ本委員會ニ於テ言及シタルコトアルカ今日支那全權ノ聲明アリタルニ依リ唯一言日本ノ立場ヲ明カニセント欲ス』ト辯駁ヲ爲シタリ

以上ヲ以テ討議ヲ終結シ前記「ヒューズ」氏ノ提議ニ依リ修正ヲ加ヘタル決議案ニ付決ヲ採リタルニ支那ヲ除ク各國委員ハ何レモ之ニ同意シ茲ニ「ゲデス」決議案ノ通過ヲ見ルニ至レリ

最後ニ施全權ハ埴原全權ノ辯駁ニ對シ他日改メテ應答スルノ權利ヲ留保シタリト述ヘタルニ「ヒューズ」氏ハ『支那全權カ今ニ至リテ斯カル留保ヲ唱ヘラルルハ諒解ニ苦シム所ナリ埴原全權ハ支那側ノ所言ニ對シ日本ノ立場ヲ言明シタルニ過キ

ス又本決議案ハ駐兵ニ關シ條約ノ根據ナキモノヲモ併記シ居ルニ付其效果ニ依リ或ル駐兵ノ合法不法ニ關シ更ニ討議スルヲ妨クルモノニ非ラス將來南滿鐵道沿線守備隊ニ付キ日支兩國間ニ意見ヲ交換セラルルコトハ特ニ茲ニ留保セラルル迄モナク差支ナキ次第ナリ』ト述ヘテ散會セリ

「ゲデス」  
決議  
前記「ゲデス」決議案ハ越エテ二月一日第五回總會議ニ於テ各國全權ノ正式承認ヲ與ヘラレタルカ其ノ全文次ノ如シ

# RESOLUTION REGARDING ARMED FORCES IN CHINA.

Whereas the powers have from time to time stationed armed forces including police and railway guards in China, to protect lives and property of foreigners lawfully in China;

and whereas

It appears that certain of these armed forces are maintained in China without the authority of any treaty or agreement;

and whereas

The powers have declared their intention to withdraw their armed forces now on duty in China without the authority of any treaty or agreement whenever China shall assure the protection of lives and property of foreigners in China;

and whereas

China has declared her intention and capacity to assure the protection of the lives and property of foreigners in China;

Now to the end that there may be a clear understanding of conditions upon which in each case the practical execution of those intentions must depend;

It is resolved that the diplomatic representatives in Peking of the Powers now in conference at Washington to wit, the United States of America, Belgium, the British Empire, France, Italy, Netherlands, and Portugal, will be instructed by their respective Governments, whenever China shall so request, to associate themselves with three representatives of the Chinese Government to conduct collectively full and impartial inquiry into issues raised by the foregoing declarations of intention made by the Powers and by China, and shall thereafter prepare a full and comprehensive report setting out without reservation their findings of fact and their opinion with regard to the matter hereby referred for inquiry and shall furnish a copy of their report to each of the nine Governments concerned which shall severally make public the report with such comment as each may deem appropriate. The representatives of any of the Powers may make of minority reports stating their differences if any from majority reports;

That each of the Powers above-named shall be deemed free to accept or reject all or any of findings of fact or opinions expressed in the report but that in no case shall any of the said Powers make its acceptance of all or any of the findings of fact or opinions either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

(右譯文)

支那國ニ於ケル軍隊ニ關スル決議

各國ハ適法ニ支那國ニ在ル外國人ノ生命財産ヲ保護セムカ爲隨時支那國內ニ軍隊(警察及鐵道守備隊ヲ含ム)ヲ駐屯セシメタルニ因リ

右軍隊ノ若干ハ條約又ハ協定ニ準據セシテ支那國內ニ駐屯スルモノナルニ因リ

陳埴原全權

(一) 帝國全權態度聲明  
支那全權ノ論難

是ヨリ先支那全權ハ二十八日夜ヲ以テ外國駐屯軍ニ關スル調査ヲ各國全權ニ配布シタルカ右調査中外國警察官及無線電信裝置ニ關スル調査ヲモ包含シタリ

『支那ニ於ケル日本領事館警察官問題』ヲ考究スルニ當リ考慮スヘキ一點アリ一ハ右警察官ハ支那人又ハ他ノ外國人ニ干渉セス其ノ任務ハ嚴シク日本人ノ保護ト管理トニ限局セラルルコトナリ二ハ日本警察官ノ與ヘラルル最モ主要ナル任務ハ日本人ノ犯罪ヲ豫防シ且犯罪アリタル場合ニ於テ日本人タル犯罪者ヲ處分スルニアリ

日本支那トノ地理的接攘關係ニ鑑ミ日本ニ於ケル不逞分子カ支那ニ赴キ支那ノ現狀ニ乘シ不法ノ行動ヲ爲スモノアルヘキハ當然ナリ若シ此等不逞ノ徒ニシテ犯行中支那警察官ニヨリ捕ヘラルル場合ニハ該警察力ハ事件ヲ處理スルニ困難アルコトナク審理及處分ノ爲メ犯罪者ヲ可成速カニ日本官憲ニ引渡スヘシ然レトモ犯罪者カ犯行ノ場所ヨリ逃走シタル場合ニ於テハ犯罪者ノ何人ナリヤ及犯行ニ至リタル原因ト事情等ヲ發見スルノ困難ナル場合少ナカラス支那官憲ハ治外法權ヲ有スル外國人ノ家屋ヲ臨檢シ又ハ外國人ヨリ適法ノ形式ニヨリ裁判上ノ證據ヲ蒐集スルノ權限ナキカ爲メ此ノ困