

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書ヲ各國全權ニ配布シタルカ右調書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

難ハ益々甚シ此ノ故ニ支那警察官ハ日本警察ノ十分ナル協力ヲ受クルニアラサレハ犯罪人ノ處罰ハ多ク不可能ニシテ法律違反ノ責アル者ハ審理ト處罰トヲ免ルヘシ此ノ傾向ハ數萬人ノ日本人ノ居住スル滿洲ニ於テ特ニ顯著ナリ日本警察官ノ駐在スル地方ニ在リテハ其ノ駐在セサル地方ニ比シ日本人間ノ犯罪數遙カニ少ナシ

問題ノ理論的方面ハ之ヲ措キ支那内地ニ於ケル日本警察官ノ駐在カ支那人又ハ外國人ノ日常生活ニ何等干涉スルコトナクシテ日本在留民ノ犯罪豫防上實際極メテ有益ナルノ實證ハ斯クテ看取セラルヘシ日本ノ警察權ノ執行ハ支那ノ社會ニ保護ヲ與フルモノニシテ支那現在ノ警察組織ハ之ヲ與フルコトナシ日本代表者ハ支那殊ニ滿洲ニ於ケル現狀ニ關スル知識ト報道トヲ有スルモ茲ニ其ノ詳細ニ互ルノ要ヲ認メン』

(右全文)

Statement regarding maintenance of Japanese police in Manchuria and treaty ports of China.

In considering the question of Japanese consular police in China, two points must be taken into account. First, such police do not interfere with the Chinese or other foreign nationals. Their functions are strictly confined to the protection and control of Japanese subjects. Second, most important duties with which the Japanese police are charged are first to prevent the commission of crimes by the Japanese and second to find and prosecute Japanese criminal when crimes are committed.

In view of geographical proximity of the two countries it is natural that certain disorderly elements in Japan should move to China and taking advantage of the present conditions in that country should there undertake lawless actions. When these lawless persons are caught in act of crime by the Chinese police it is not difficult for that police force to deal with the case. Culprits are handed over as early as possible to

Japanese authorities for the prosecution and trial.

But when criminals fled from the scene of their acts it is in many cases hard to discover who committed the crimes and what were the causes and circumstances that led up to their commission. This is more difficult for Chinese authorities as they have no power to make domiciliary visits to the homes of foreigners who enjoy extraterritorial rights or to obtain judicial testimony in due form from foreigners. Without the full cooperation of the Japanese police therefore the punishment of crime is in great many cases an impossibility and those who are responsible for law breaking escape the trial and punishment.

This tendency is especially evident in Manchuria in which region hundred of thousands of the Japanese are resident. In places where the Japanese police are stationed, there are far fewer criminal cases among the Japanese than in places without the Japanese police. Lawless elements constantly move to districts beyond reach of the Japanese police supervision.

Apart from theoretical side of the question, it will thus be observed that the stationing of the Japanese police in the interior of China has proved to be of much practical usefulness in the prevention of crimes among Japanese residents without interfering with the daily life of the Chinese or of other foreign nationals. Japanese policing provides a protection for the Chinese communities which at present their own organization fails to provide.

The Japanese delegation is in possession of knowledge and information as to actual conditions prevailing in China and especially in Manchuria. However it is unnecessary to go into details at the present stage.

右ニ對シ

支那委員ハ改メテ意見ヲ述フヘキ旨留保シ『日本警察官ノ支那駐在カ違法犯人ノ檢舉取締ニ在ルトセハ日本ニ於テ斯ル違法犯人ノ支那逃來ヲ禁セラルレハ自ラ本問題ヲ解決スヘク之カ爲支那ノ抗議アルニ拘ラス強ヒテ警察權ヲ行使スルハ條約上並國際法上ノ根據ナシ』ト論駁セリ茲ニ於テ「ヒューズ」氏ハ外國軍隊問題警察權問題ニ於テハ支那全權ノ要求ノ如ク日本全權陳述書ノ配布ヲ俟チ考究ノ上更ニ討議スヘキ旨ヲ宣告シタリ

(二) 警察官駐在問題ニ關スル決定

十二月二日
第十一回
支那全權
會同總委員
駁論

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ニ關シ支那全權ハ日本側覺書ニ對スル詳細ナル回答ノ陳述ヲ爲シタル後進シテ警察官駐在問題ニ入り次ノ如ク論シタリ

『支那全權ハ日本警察官カ支那人ニ干渉シタルコトナシトノ日本全權ノ陳述ヲ疑ハサルヲ得ス日本警察官カ支那領土内ニ於テ支那人ヲ逮捕シ又ハ之ヲ拘束セル例ハ無數ニ之ヲ擧グルコトヲ得ヘシ治外法權ノ制度ノ下ニ於テハ日本人犯罪者ヲ逮捕シ又ハ證據ヲ蒐集スルニ於テ不便ヲ生スルト爲ス議論ハ却テ治外法權拋棄ヲ有利トスル理由タルヘシ支那ニ於テ治外法權ヲ享有スル諸國モ日本ノ警察權ノ併有ヲ主張スルモノナシ滿洲ニ於ケル日本人カ多數ナリトノ事實ハ同地ニ警察權ヲ樹立スルノ正當且充分ナル證據ト爲スコトヲ得ス之ヲ要スルニ支那ハ本會議ニ對シテ此種性質ノ侵略的傾向ヲ阻止スルノ手段ヲ講シ以テ支那ヲシテ其ノ獨立及保全ヲ維持スルノ努力ヲ完カラシメムコトヲ要望スルモノナリ云々』

警察官
駐屯軍
問題中ニ
包含セラ
ル

其後本問題ハ駐屯軍問題ニ關スル起草委員會ニ於テ支那委員ニヨリ再ヒ提議セラレタルカ「ルート」委員長ノ提議ニヨリ本件ハ駐屯軍問題ニ關スル起草委員會決議案ノ中ニ一括セラレ同決議案中武裝隊 (armed forces) ノ次ニ警察官ヲ包含スル (including police) 旨ヲ附加スルコトナリテ大正十年一月五日ノ第十七回總委員會ニ於テ報告セラレ同總委員會ハ更ニ鐵道守備隊ヲモ右武裝隊中ニ包括セシムルコトニ修正シタル上前記決議案ヲ可決スルニ至レリ (駐屯軍ニ關スル問題參照)

第七節 外國無線電信ニ關スル問題

第一項 在支電氣通信ニ關スル帝國政府一般訓令

電氣通信
ニ關スル
帝國政府
一般訓令

帝國政府ハ華盛頓會議ニ於テ極東問題ノ一トシテ電氣通信問題ノ上議セラルヘキコトヲ豫想シ本問題ニ關スル我方ノ措置振ニ付全權出發ニ際シ豫メ訓令ヲ交付シタルカ右ノ内特ニ支那ニ關係スル事項左ノ如シ

華盛頓會議ニ於ケル通信問題ニ關スル訓令

(一) 行政權保全ニ關係アルモノ

(イ) 外國軍用電信問題

在支外國軍隊駐屯ノ必要上支那ニ設置セラレタル外國軍用電信ハ外國軍隊ノ撤退ト共ニ之ヲ廢止スルコトニ同意セラレ差支ナシ

今後支那ニ於テ外國軍用無線電信ノ設備ヲナスニ當リテハ極東ニ於ケル自國領域内ノ最近局ト直接通信シ得ル最小限度ノモノニ限ルノ主義ヲ各國ヲシテ承認セシムル様努力セララルヘシ

(ロ) 支那ノ公認シ居ラサル通信 (郵便及電信) 機關撤廢問題

支那ニ於ケル同國政府ノ公認シ居ラサル通信機關撤廢問題論議セラルル場合ニハ帝國政府トシテハ何等斯ル施設ヲ爲シ居ラサル旨ヲ聲明セラルヘシ尤モ證據ヲ舉ケテ我施設ノ事實ヲ指摘セラルルカ如キ場合アルニ於テハ右ハ恐ラク支那内地ニ於ケル通信設備不備ノ爲メ我居留民等非常ナル不便ヲ感シ便宜ノ方法ヲ講スルノ已ムヲ得サル事情ニ出ツルモノナルヘキ旨聲明セラルト同時ニ支那側ヲシテ是等内地ニ關スル通信機關ノ完備ヲ圖ラシムルノ必要ヲ説述セラレタシ

(ハ) 山東ニ於ケル通信機關及舊獨逸海底線並青島佐世保線問題