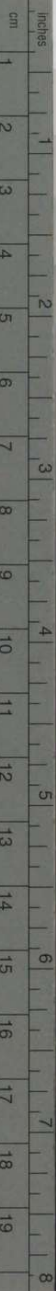


# Kodak Gray Scale



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A 1 2 3 4 5 6 M 8 9 10 11 12 13 14 15 B 17 18 19



## Kodak Color Control Patches

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Blue	Cyan	Green	Yellow	Red	Magenta	White	3/Color	Black
1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27

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9. 5. 26



昭和八年三月三十一日

滿洲事變及上海事變關係發表集  
(五)

外務省情報部



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外務省  
中報部  
寄贈本





649-50.

一、國際聯盟規約第十五條第四項ニ依ル國際聯盟總會報告書(假譯)

(一九三三年二月二十四日採擇)

總會ハ規約第十五條第九項ニ依リ總會ノ審議ノ爲提出セラレタル紛争ノ解決ヲ爲スノ目的ヲ以テ  
同條第三項ニ依リ其ノ爲スベキ義務アリタル努力ガ失敗シタルコトヲ認メ同條第四項ニ基キ紛争  
ノ諸事實ノ記述及右紛争ニ關シ公正且適當ト認ムル勸告ヲ載セタル次ノ報告書ヲ採擇ス

第一部

極東ニ於ケル諸事件

調査委員會報告書ノ最初ノ八章ノ採擇

報告書ノ梗概

總會ハ支那及日本間ノ紛争ノ根本の原因ノ甚シク複雑ナルコトヲ認ム現地ニ於テ事態ヲ調査スル  
爲理事會ニ依リ派遣セラレタル調査委員會ハ「本紛争ニ包含セラルル諸問題ハ往往稱セラルルガ  
如ク簡單ナルモノニ非ズ即チ此等ノ諸問題ハ寧ロ極度ニ複雑ナリ一切ノ事實及其ノ歴史的背景ニ  
關スル徹底セル知識アルモノノミ之ニ對シ確定意見ヲ表示シ得ル資格アリト謂フベキナリ」トノ  
見解ヲ表明セリ



調査委員會報告書ノ最初ノ八章ハ滿洲ニ於ケル諸事件ニ關スル限ニ於テ紛争及主要事實ノ史的背景ノ均衡アリ且公平ニシテ詳細ナル敘述ナリ總會ハ別ニ公表セラレタル調査委員會報告書ヲ略述シ又ハ約說スルコトヲ實行不可能且不必要ナリト思考ス

總會ハ支那及日本ノ政府ノ通報セル意見書ヲ審査シタル後調査委員會報告書ノ最初ノ八章ヲ總會自體ノ報告書ノ一部トシテ採擇ス

然レドモ紛争ノ諸種ノ局面ニ關シ理事會及總會ガ執リタル措置竝ニ委員會報告書中ニ示サレザル或事件特ニ千九百三十二年初頭上海ニ於テ發生セル敵對行爲ノ基因ニ關スルモノヲ敘述シ以テ本記述ヲ完全ナラシムルコト必要ナリ此等ノ事件ニ付テハ總會ハ領事團調査委員會ヨリ提出セラレタル諸報告ヲ總會自體ノ報告書ノ一部トシテ採擇ス右諸報告ハ別ニ公表セラレタリ調査委員會報告書ハ千九百三十二年九月初ヲ以テ擱筆セラレ居ルヲ以テ其ノ後滿洲ニ於テ發生セル諸事件ヲモ敘述スルコトヲ要ス

紛争ノ進展ニ關スル右簡單ナル史的概說ハ本報告書第二部ニ掲ゲラル右ハ調査委員會報告書ニ掲ゲラレタル諸事件ノ敘述ト關聯シテ閱讀セラルベキモノナリ

第三部ハ紛争ノ主タル要因及總會ガ基礎的事實ヨリ推論シ得ベキ結論ヲ記述ス

## 第二部

第四部ハ總會ガ紛争ニ付公正且適當ト認ムル勸告ヲ記載ス

### 聯盟ニ於ケル紛争ノ經過

#### (イ) 紛争ノ進展ノ概說

紛争ガ聯盟ニ付託セラレタル以後經過シタル長期間中ニ於ケル理事會及總會ノ決定ハ極東ニ於ケル紛争ノ進展ニ從ヒテ爲サレタリ

最初ニ紛争ガ第十一條ニ依リ支那ニ依リ理事會ニ付託セラレタル際理事會ガ解決スルコトヲ要請セラレタル諸事件ハ奉天ニ於テ及滿洲ニ於ケル他ノ地ニ於テ發生シタリ理事會ハ日本ヨリ日本ガ滿洲ニ於テ領土的企圖ヲ有セザル旨竝ニ日本ハ日本國民ノ生命及財産ノ安全ガ確保セラレベキコトノ條件ノ下ニ其ノ軍隊ヲ南滿洲鐵道附屬地内ニ撤收スベキ旨ノ累次ノ保障ヲ得タリ是レ即チ千九百三十一年九月三十日ノ決議及十月二十四日ノ決議案ノ趣旨トセシ所ナリ後者ハ日本ヲ除ク一切ノ理事會ノ承認セルモノナレドモ之ニ依リ理事會ハ日本代表部ヨリ再ビ保障ヲ受クルコトヲ得タリ

右決議案ガ失敗ニ歸シタル後日本ガ兩國ヲ疎隔セル根本の問題ノ解決ノ必要ヲ主張シタルニ依



リ理事會ハ九月三十日ノ其ノ決議中ノ約束ノ履行ヲ妨グルコトナクシテ兩國間ノ懸案ヲ兩當事國間ニ於テ最終的且根本的ニ解決スルコトニ寄與センコトヲ意圖スルニ至レリ千九百三十一年十二月十日理事會ハ日本ノ爲セル提議ニ基キ現地ニ於テ調査ヲ爲シ且「國際關係ニ影響ヲ及ボシ支那及日本間ノ平和又ハ平和ノ基礎タル良好ナル了解ヲ攪亂セントスル虞アル一切ノ事情」ニ關シ理事會ニ報告スベキ訓令ヲ付シテ五名ノ委員ヨリ成ル委員會ヲ任命スルコトニ決定セリ然レドモ十二月ヨリ翌年三月ニ至ル間ニ於テ極東ノ事態ハ顯著ナル惡化ヲ見タリ日本軍ハ南滿洲ノ占領ヲ完了シ北滿洲ノ占領ヲ開始シタリ滿洲外ニ在リテハ上海ニ於テ支那及日本ノ正規軍ノ關與セル激烈ナル抗爭開始セラレ且續行セラレタリ同時ニ日本軍ノ占領セル滿洲諸地方ノ行政組織ノ改造セラレタル結果トシテ支那ノ主權ヲ認メザル「滿洲國」ト稱スル「獨立國」ノ組織ヲ見タリ爾後理事會ハ紛爭ヲ規約第十一條ニ依リテノミナラズ第十條及第十五條ニ依リテモ解決スベキコトヲ支那ヨリ求メラレタリ千九百三十二年二月十九日理事會ハ規約第十五條第九項ノ條項ニ基キ提出セラレタル支那ノ要求ノ結果トシテ紛爭ヲ總會ニ付託セリ

一月以降紛爭ノ本質ノ十分ナル調査ニ必要ナリシ調査委員會報告書ヲ接受スル迄ハ理事會從テ總會ハ敵對行爲ヲ停止シ及事態ノ惡化ヲ防止シ竝ニ當事國ノ權利及規約ノ原則ガ既成事實ノ爲

ニ害セラルルコトヲ救フ爲其ノ全力ヲ盡スコトニ付主トシテ注意ヲ拂ヒタリ總會ハ其ノ三月十一日ノ決議ニ依リ紛爭ニ對スル聯盟ノ態度ヲ明カニシ且聯盟規約ニ依レル紛爭ノ解決ニ至ル迄ハ聯盟規約又ハ「パリ」條約ニ反スル手段ニ依リテ齎サルルコトアルベキ如何ナル事態、條約又ハ協定ヲモ承認セザルハ各聯盟國ノ義務ナル旨ヲ宣言セリ

上海ニ於ケル敵對行爲ハ終熄セラレタルモ滿洲ニ於テハ日本軍又ハ「滿洲國」政府軍隊ト支那不正規軍トノ間ニ引續キ戰鬪行ハレタリ千九百三十二年九月北平ニ於ケル調査委員會報告書ノ署名後數日ニシテ事態ノ根本的變化更ニ發生セリ即チ日本政府ハ「滿洲國」政府ヲ承認セリ調査委員會報告書ハ九月末前ニハ即チ規約第十五條ニ依ル總會ノ報告書ニ付規約ニ定ムル六月ノ期間ノ經過後ニ非ザレバ「ジュネーヴ」ニ到著スルコト能ハザリキ依テ總會ハ當事國ノ承諾ヲ得テ七月一日先例ト爲ラズトノ了解ノ下ニ嚴ニ必要ナルベキ限度ニ於テ期間ヲ延長スルコトニ決定セリ斯クテ調査委員會ハ其ノ報告ヲ現地ニ於テ完了スルコトヲ得當事國ハ報告書ニ關スル自國ノ意見書ヲ提出シ又理事會及總會ハ斯ク蒐集セラレル一切ノ資料ヲ審査スルコトヲ得タリ

資料ノ審査及當事國トノ意見ノ交換ハ千九百三十二年十一月半ヨリ千九百三十三年二月初迄繼



續セリ理事會ノ討議ノ後總會ハ調査委員會報告書中ニ掲ゲラレタル情報及結論ヲ基礎トシテ第十五條第三項ニ基キ當事國間ノ交渉ニ依リテ紛争ノ解決ヲ達成セント努力セルモ右努力ハ成功セザリキ依テ總會ハ勅條第四項ニ從ヒ本報告書ヲ採擇セリ

(ロ) 聯盟ニ提起セラレタル紛争ノ起原 南滿洲ニ於ケル一千九百三十一年九月十八日乃至十九日ノ事件 理事會ノ第一回討議

理事會ニ對スル支那ノ請求ハ日本軍ガ千九百三十一年九月十八日ヨリ十九日ニ互ル夜間滿洲ニ於テ執リタル行動ニ端ヲ發ス

奉天附近ニ於ケル事變(千九百三十一年九月二十一日支那政府ガ理事會ニ提起セル訴ニ依レバ「九月十八日夜十時ニ始マリ日本兵ノ正規軍ハ如何ナル種類ノ挑發ヲモ受クルコトナクシテ奉天市及其ノ附近ニ於テ支那兵ニ對シ射撃及砲撃ヲ開始シ兵工廠及營舎ヲ砲撃シ、、、彈藥庫ニ放火シ」又「長春、寬城子其ノ他ノ地ニ於ケル支那軍ノ武裝ヲ解除セリ」)(千九百三十一年十二月公報第二千四百五十三頁)

九月二十六日理事會ニ通報セラレタル日本軍ノ所說ニ依レバ一中尉ノ指揮スル七名ノ巡察隊ハ奉天北方ノ鐵道附屬地ニ於テ偵察ヲ行ヒツツアリタルトキ午後十時三十分頃後方ニ當リテ大爆

發ヲ聞キ方向ヲ轉ジタルニ北方約五百メートルニ於テ右爆發ノ起レル地點ニ近ク支那兵ノ逃走シツツアルヲ認メタリ巡察隊ハ最初之ヲ追跡シタルガ掩蔽下ニ在ル兵士ヨリ又次デ約四五百名ノ支那軍ヨリ射撃ヲ受ケタリ日本軍ノ一中隊長ハ速ニ二百二十名ノ兵ヲ率キテ到着シ支那軍ヲ追跡シテ奉天北大營ノ一部ヲ占領セリ(文書 C, 621, 1931. 千九百三十一年十二月公報第二千四百七十八頁)

調査委員會報告書第四章ハ九月十八日ヨリ十九日ニ互ル夜間ニ發生セル事件ヲ詳細ニ記述シ且此等ノ事件ニ關スル委員會ノ意見ヲ述ベ右意見ノ基礎タル理由ノ記述ヲ添ヘタリ(第七十頁)ノ結果トシテ日本軍ノ警備スル南滿洲鐵道附屬地内ニ於テハ日本軍指揮官ハ軍事的豫防手段ヲ必要トストノ理由ニ依リ鐵道附屬地外殊ニ附屬地隣接ノ支那都市及奉天ヲ終點トスル支那鐵道線ニ軍隊ヲ派遣セリ奉天、長春、安東、營口其ノ他ノ支那都市ハ占領セラレ支那軍ハ四散セシメラレ又ハ武裝ヲ解除セラレタリ

九月二十一日支那ハ規約第十一條ニ依リ訴ヲ提起シ理事會ニ對シ各國ノ平和ヲ危殆ナラシムル事態ノ此ノ上ノ進展ヲ防止シ原狀ヲ回復シ且中華民國ニ對シテ支拂フコトヲ要スト認メラルル賠償ノ金額及種類ヲ決定センコトヲ求メタリ



九月二十二日理事會ハ理事會議長(西班牙代表「ルルー」氏)ニ對シ(一)事態ヲ惡化シ又ハ問題ノ平和的處理ヲ害スル虞アル如何ナル行爲ヲモ差控フル様兩政府ニ對シ緊急要請ヲ發シ(二)支那及日本ノ代表ト協議シ兩國ガ其ノ國民ノ生命及財産ノ安全ヲ危殆ナラシムルコトナクシテ各自ノ軍隊ヲ直ニ撤退シ得ベキ適當ナル手段ヲ探求スルノ權能ヲ付與セリ

九月二十九日當時ノ理事會議長ハ兩當事國ノ提供セル情報ニ基キ總會ニ事態ヲ説明スルニ當リ「南滿洲鐵道附屬地内ヘノ日本軍ノ撤收ハ實行セラレツツアリ」ト述べ且九月二十八日「日本代表ハ理事會ニ對シ撤收ハ進行シツツアリ、、、鐵道附屬地外ニ於テハ吉林及奉天ヲ別トシ新民屯及鄭家屯ニ於テ此ノ地方ニ當時橫行シツツアリタル支那兵匪集團ノ襲撃ニ對シ日本國民ヲ保護スル爲小部隊ガ殘存スルニ過ギズト聲明セリ」ト述べタリ

理事會ガ九月三十日次ノ決議ヲ採擇セル際ニ於ケル形勢ハ右ノ如クナリキ

#### 「理事會」

一 理事會議長ガ支那及日本ノ政府ニ致セル緊急要請ニ對スル右兩政府ノ回答及該要請ニ應ジテ既ニ執ラレタル處置ヲ了承ス

二 日本政府ガ滿洲ニ於テ何等領土の企圖ヲ有セザル旨ノ同政府ノ聲明ノ重要ナルコトヲ認

ム

三 日本政府ガ其ノ國民ノ生命及財産ノ安全ノ有效ニ確保セララルニ從ヒ既ニ開始セラレタル其ノ軍隊ノ鐵道附屬地内ヘノ撤收ヲ能フ限リ速ニ續行スベキ旨及成ルベク迅速ニ右ノ意嚮ヲ完全ニ實現センコトヲ希望スル旨ノ日本代表ノ聲明ヲ了承ス

四 支那政府ガ日本軍隊ノ撤收ノ續行竝ニ支那地方官憲及警察力ノ回復ニ從ヒ鐵道附屬地外ニ於ケル日本國民ノ生命及財産ノ安全ニ對スル責任ヲ負フベキ旨ノ支那代表ノ聲明ヲ了承ス

五 兩政府ガ兩國間ノ平和及良好ナル了解ヲ攪亂スル虞アル一切ノ行爲ニ出ヅルコトヲ避ケンコトヲ欲スルヲ信ジ兩政府ハ各自ニ事件ノ範圍ノ擴大又ハ事態ノ惡化ヲ防止スル爲一切ノ必要ナル處置ヲ執ルベシトノ保障ヲ支那及日本ノ代表ヨリ與ヘラレタルコトヲ了承ス

六 兩當事國ニ對シ兩國間ノ正常關係ノ回復ヲ促進シ及之ガ爲前記約定ノ履行ヲ續行シ且速ニ完了スル爲能フ限リノ一切ヲ爲スベキコトヲ請求ス

七 兩當事國ニ對シ事態ノ進展ニ關スル完全ナル情報ヲ屢理事會ニ送ランコトヲ請求ス

八 緊急會合ヲ必要ト爲スガ如キ何等豫期セザル事件ノ發生セザル限リ十月十四日(水曜日)



同日ニ於ケル事態ヲ考究スル爲更ニ「ジネーヴ」ニ會合スルコトヲ決定ス

九 理事會議長ガ事態ノ進展ニ關シ當事國又ハ他ノ理事國ヨリ得ルコトアルベキ情報ニ顧ミ會合ノ必要ナキニ至レリト其ノ同僚特ニ兩當事國代表ノ意見ヲ求メタル後決定スル場合ハ

十月十四日ト定メラレタル理事會ノ會合ヲ取消スコトヲ議長ニ許可ス

右理事會ノ希望ハ達成セラレザリキ十月九日支那代表部ハ日本軍ガ更ニ「侵略的軍事行動」ヲ開始セリトノ理由ノ下ニ理事會ノ緊急會合ヲ求メタリ右ハ奉天占領後臨時ニ省政府ノ設置セラレタル錦州ノ空中爆撃ニ主トシテ關聯セリ

理事會ハ其ノ九月ノ會合ニ於テ日支紛争ニ關スル理事會ノ議事録及同紛争ニ關スル文書ヲ合衆國政府ニ送付スルコトニ決定シ又合衆國政府ハ聯盟ノ態度ニ對スル其ノ滿腔ノ同情ヲ聲明セリ十月十六日亞米利加合衆國政府ト引續キ協力スルコト決定セラレ同政府ハ理事會ニ列席スベキ一名ノ代表ヲ派遣センコトヲ招請セラレタリ合衆國代表ハ「バリ」條約ノ規定ト滿洲ニ於ケル現下ノ不幸ナル事態トノ間ノ關係ヲ理事會ト共ニ審議シ及同時ニ理事會ガ現ニ當面シツツアル問題ノ他ノ方面ニ關シテハ理事會ノ審議ヲ注視スル」ノ權限ヲ本國政府ニ依リ付與セラレタリ

十月十七日理事會ニ代表ヲ出セル若干ノ政府（英吉利、佛蘭西、獨逸、「アイルランド」自由國、伊太利、諾威及西班牙）ハ「バリ」條約ノ署名國トシテ支那及日本ノ政府ニ對シ同文書翰ヲ送付シ同條約ノ規定特ニ「締約國ハ相互間ニ起ルコトアルベキ一切ノ紛争又ハ紛議ハ其ノ性質又ハ起因ノ如何ヲ問ハズ平和的手段ニ依ルノ外之ガ處理又ハ解決ヲ求メザルコトヲ約ス」トノ第二條ノ規定ニ付兩政府ノ注意ヲ喚起スルコトニ決定セリ

合衆國政府ハ兩政府ニ對シ右ト同様ノ書翰ヲ送付セリ

十月二十二日理事會議長（佛蘭西代表「ブリアン」氏）ハ一ノ決議案ヲ提出シタルガ當事國以外ノ理事國ハ全會一致ヲ以テ之ニ同意シタリ

右決議案ハ九月三十日ノ決議ニ於テ支那及日本ノ政府ガ爲セル約定竝ニ日本ハ滿洲ニ於テ何等ノ領土の企圖ヲモ有セズトノ日本代表ノ聲明ニ言及シタル後日本政府ニ對シ鐵道附屬地内ヘノ日本軍ノ撤收ヲ直ニ開始シ且之ヲ續行シ以テ理事會ノ次回ノ會合前ニ全軍隊ガ撤收セラルベキコトヲ要求シ又他方支那政府ニ對シテハ右撤兵セラレタル地域ノ接收措置トシテハ該地域ニ於テ日本臣民ノ生命及財産ノ安全ヲ確保シ得ルガ如キモノヲ執ルベキコトヲ要求シ且之ガ爲執ラるベキ若干ノ細目ノ手段ヲ提言セリ



兩政府ハ又撤兵ノ完了後速ニ兩國間ノ一切ノ懸案特ニ今次ノ事件ヨリ發生シタル問題及滿洲ニ於ケル鐵道ノ事態ヨリ發生セル困難ニ關スル問題ニ付直接交渉ヲ開始スベキコトヲ勸告セラレタリ右目的ノ爲理事會ハ兩當事國ガ和協委員會又ハ同種ノ恒久的機關ヲ設置スベキコトヲ提言セリ最後ニ理事會ガ十一月十六日再ビ會合スベキコト提案セラレタリ

十月二十三日支那代表ハ一ノ決議案ヲ「絕對的最小限度」トシテ受諾セリ日本代表ハ一ノ對案ヲ提出シ且日本國政府ガ滿洲ニ於ケル緊張及無秩序狀態ニ顧ミ撤兵ヲ完了シ得ル確定期日ヲ決定シ得ルモノト思惟シ居ラザル旨ヲ説明セリ日本政府ハ人心ノ鎮靜ノ回復セラルベキコトヲ絕對ニ必要ナリト認メ且右目的ヲ念頭ニ置キ支那及日本間ノ正常關係ノ基礎タルベキ若干ノ根本的要項ヲ決定セリ日本代表ハ此等ノ根本的要項ヲ決議中ニ於テ敘述シ又ハ理事會ノ席上ニ於テ之ガ細目ニ付討議スルノ權限ヲ付與セラレ居ラザリキ右要項ハ寧ロ之ヲ當事國間ノ直接交渉ノ主題タラシムルヲ可トスベシト爲セリ

理事會ハ右要項ノ何タルカヲ知ルコトナクシテハ前記決議案中ニ於テ之ニ言及スルコト不可能ナリト思惟シタリ

右決議案ハ日本代表ガ反對投票ヲ爲シタル爲採擇セラレザリキ(千九百三十一年十月二十四日)

理事會ハ表決ニ付シタル後十一月十六日迄休會セリ

十月二十四日ノ會合ノ後支那代表ハ本國政府ノ爲ニ理事會議長ニ對シ次ノ宣言ヲ爲セリ

「今朝「グレート、ブリテン」代表ガ理事會ニ於テ表明セル條約上ノ義務ニ關スル意見ハ予ノ衷心ヨリ同意スル所ナルガ右ニ關シ予ハ次ノ宣言ヲ爲スノ權限ヲ本國政府ヨリ付與セラレタリ

支那ハ各聯盟國ト同様規約ニ依リ「一切ノ條約上ノ義務ヲ嚴ニ尊重」スルノ義務アリ支那政府ハ規約ニ基ク其ノ一切ノ義務ヲ忠實ニ履行スルコトヲ決意シ居レリ支那政府ハ規約第十三條ニ規定セラレ居ル如ク條約ノ解釋ニ關スル日本トノ一切ノ紛爭ヲ仲裁裁判又ハ司法的處理ニ依リ解決スルコトヲ約シ以テ右意思ノ證據ヲ示スノ用意アリ

右目的ニ從ヒ支那政府ハ支那及亞米利加合衆國間ニ最近締結セラレタルモノ又ハ近年聯盟國間ニ逐次締結セラレツツアルモノト同様ノ仲裁裁判條約ヲ日本ト欣ンデ締結スベシ」

(ハ) 北滿洲ニ於ケル日本ノ軍事行動ノ進展

十月ノ理事會ノ會合ノ後滿洲ニ於テハ洮南昂昂溪鐵道ガ通過スル嫩江上ノ橋梁ノ附近ニ於テ更ニ日本ノ軍事行動行ハレタリ此等ノ橋梁ハ張海鵬將軍ノ進軍ヲ阻止スル爲黑龍江省政府主席馬



占山將軍ノ支那軍ニ依リ十月破壊セラレタリ張海鵬將軍ハ支那側ニ依レバ此等橋梁ノ修理ニ關スル日本側ノ干涉ヲ正當トスル爲日本側ノ使喚ニ依リ攻撃ニ出デタル由ナリ東京政府ハ支那政府ニ對シ洮南昂昂溪鐵道ハ南滿洲鐵道會社ガ請負契約ノ下ニ建設セルモノナル旨、支那官憲ハ未ダ其ノ債務ヲ支拂ハザル旨、右債務ヲ借款ニ振替フルコトヲ拒絕セル旨竝ニ從テ右鐵道ハ財產ノ保全及鐵道運行ノ維持ニ關シ大ナル利害ヲ有セル南滿洲鐵道會社ニ屬シ居ルモノト認メラルベキ旨主張セリ

十一月二日日本政府ハ南滿洲鐵道會社及洮昂鐵路局ノ請求ニ基キ軍隊（歩兵、砲兵及空軍）掩護ノ下ニ同日工兵ノ一隊ガ鐵道橋梁修理ノ爲派遣セラレタル旨聲明セリ  
日本軍ハ支那軍ト接觸スルニ至レルガ支那軍ハ退却ヲ拒ミタルガ故ニ擊退セラレタリ日本軍ハ十一月東支鐵道ノ線ニ達セシノミナラズ之ヲ橫斷シテ昂昂溪ヲ占領シ次デ十一月十九日齊齊哈爾ヲ占領セリ

## (二) 滿洲ニ於ケル行政組織ノ改組措置

軍事行動ガ滿洲北部ニ向ヒ擴大セル一行政制度ノ改組モ亦進展セリ特ニ奉天ニ於テハ九月十八日ノ事變ニ因ル混亂ノ後市政ハ先ヅ土肥原日本陸軍大佐ニ、次デ東京大學ノ法學博士タル市

長趙欣伯博士ニ委ネラレタリ又錦州ニ逃レタル政權ニ對抗シテ遼寧省政府ヲ組織スル爲ノ努力行ハレタリ

九月二十四日設立セラレタル「地方維持委員會」ハ十月遼寧省自治公署ト爲リ同公署ハ次デ十一月七日臨時遼寧省政府ニ改マレリ右臨時省政府ハ舊東北政府及南京國民政府トノ關係ヲ斷絶セル旨聲明セリ同時ニ最高諮議會設置セラレタルガ同會ノ任務中ニハ省政府ヲ指導及監督シ竝ニ地方自治ノ發達ヲ獎勵スルノ任務ヲ包含セリ總テノ新官廳及諸發券銀行ニハ多クノ場合ニ南滿洲鐵道ノ有力社員タリシ日本人顧問配置セラレタリ

支那代表ハ日本軍ガ奉天、吉林其ノ他ノ占領地點ニ於ケル此等新政權ノ樹立及維持ニ對シ責任アリ此等新政權ハ「日本軍司令官ノ傀儡ニシテ其ノ走狗ナル」旨主張セリ

日本代表ハ「日本官憲トシテハ支那人自身ガ秩序維持ニ任ズル團體ヲ組織スルコトヲ獎勵スルノ外ナカリキ、日本政府ガ數度ノ機會ニ於テ希望ヲ公式ニ表明セル軍隊ノ迅速ナル撤收ハ此等團體ノ有能ナル任務遂行ニ依リ大ニ容易ト爲ルベキ」旨回答セリ

加之鹽務會辦「ドクター、フレデリック、エー、クリーヴランド」ノ數個ノ報告ハ支那代表部ニ依リ千九百三十一年十一月理事會ニ通報セラレタリ此等ノ報告ハ日本軍事當局ガ滿洲各都市ノ鹽



務收入ヲ強制的ニ差押ヘツツアリシ旨述べ居レリ日本側通報中ニハ「支那鹽務稽核處ノ收入ノ剩餘ヲ他ノ支那側團體（地方維持委員會）ニ移轉スル爲軍事當局ガ干涉スルハ不正當ナリト認メラルルコトヲ得ズ」ト主張シ居レリ

(ホ) 千九百三十一年十一月及十二月ノ理事會會議調查委員會ノ設置

此ノ間理事會ハ十一月十六日及同月二十一日「バリ」ニ開カレ一調查委員會ヲ現地ニ派遣スベシトノ日本ノ提案提出セラレタルガ「右委員會ノ創設及派遣ハ九月三十日ノ決議ニ從ヒ南滿洲鐵道附屬地ヘ其ノ軍隊ヲ能フ限リ速ニ撤收セントスル日本政府ノ眞摯ナル希望ヲ毫モ變更スルモノニ非ズ」

右提案ハ審議セラレ十二月十日理事會ハ次ノ決議ヲ採擇セリ

「理事會ハ

一 兩當事國ガ嚴肅ニ拘束ヲ受クベキ旨宣言シ居レル千九百三十一年九月三十日理事會ノ全會一致可決セル決議ヲ再ビ確認ス依テ理事會ハ右決議ノ條件ニ依リ日本軍ノ鐵道附屬地内ヘノ撤收ガ能フ限リ速ニ實行セラレンガ爲支那及日本ノ政府ニ對シ右決議ノ實施ヲ確保スルニ必要ナル一切ノ處置ヲ講ゼンコトヲ要求ス

二 十月二十四日ノ理事會以來事態度更ニ重大化シタルニ顧ミ兩當事國ガ此ノ上事態ノ惡化スルヲ避クルニ必要ナル一切ノ措置ヲ執ルベキコト及此ノ上戰鬪若ハ生命ノ喪失ヲ惹起スルコトアルベキ一切ノ主動的行爲ヲ差控フベキコトヲ約スルコトヲ了承ス

三 兩當事國ニ對シ事態ノ進展ニ付引續キ理事會ニ通報センコトヲ求ム

四 其ノ他ノ理事會ニ對シ其ノ現地ニ在ル代表者ヨリ得タル情報ヲ理事會ニ提供センコトヲ求ム

五 上記諸措置ノ實行トハ關係ナク

本件ノ特殊ナル事情ニ顧ミ兩政府ニ依ル兩國間ノ繫爭諸問題ノ終局的且根本的解決ニ寄與センコトヲ希望シ

國際關係ニ影響ヲ及ボシ支那及日本間ノ平和又ハ平和ノ基礎タル兩國間ノ良好ナル了解ヲ攪亂セントスルノ虞アル一切ノ事情ニ關シ現地ニ於テ研究ヲ遂ゲ理事會ニ報告センガ爲五名ヨリ成ル一委員會ヲ任命スルコトヲ決定ス

支那及日本ノ政府ハ右委員會ヲ助クル爲各一名ノ參與員ヲ指名スルノ權利ヲ有ス

兩政府ハ右委員會ガ其ノ必要ト爲スベキ一切ノ情報ヲ現地ニ於テ入手センガ爲ノ各般ノ便宜



ヲ右委員會ニ供與ス

兩當事國が何等カノ交渉ヲ開始スル場合ニハ右交渉ハ右委員會ノ受任事項ノ範圍内ニ屬セザルベク又何レカノ當事國ノ軍事の施措ニ干涉スルコトハ右委員會ノ權限ニ屬セザルモノト了解ス

右委員會ノ任命及審議ハ日本軍隊ノ鐵道附屬地内ヘノ撤收ニ關シ九月三十日ノ決議ニ於テ日本政府ノ與ヘタル約束ニ何等影響ヲ及ボスモノニ非ズ

六 現在ヨリ千九百三十二年一月二十五日ニ開カルベキ理事會ノ次回通常會議迄ノ間依然本件ヲ付託セラレ居ル理事會ハ理事會議長ニ於テ本件ノ經過ヲ注意シ若シ必要アラバ新ニ理事會ヲ招集センコトヲ求ム

議長(佛蘭西代表「ブリアン」氏)ハ右決議提出ニ當リ理事會ハ千九百三十一年九月三十日ノ其ノ決議ヲ最重視スル旨、理事會ハ兩政府ガ右決議ニ依リ爲シタル約定ヲ完全ニ履行スベキコトヲ確信スル旨竝ニ此ノ上ノ戰鬪ヲ惹起スルコトアルベキ一切ノ主動の行爲及事態ヲ惡化セシムル虞アル他ノ一切ノ行動ヲ差控フルコトハ更ニ必須且緊急ナル旨ヲ強調セリ

合衆國政府ハ十二月十日ノ右決議ノ採擇ニ當リ確定的進行措置ガ講ゼラレタルコトニ對スル其

ノ満足ヲ表示セリ

(ヘ) 錦州ニ對スル日本ノ軍事行動 南滿洲ニ於ケル支那政權ノ最後ノ殘骸ノ消滅

理事會ニ於テ右決議ノ案文ヲ起草中兩當事國ハ西南滿洲ニ軍事行動蔓延ノ危險ニ付數次ニ互リ理事會ノ注意ヲ喚起シ且日本軍ト錦州ニ於ケル張學良元帥ノ軍隊トノ間ニ一中立地帶ヲ設定セントスル努力行ハレタルガ右努力ハ不成功ニ終レリ日本代表ハ十二月十日ノ決議ノ採擇ノ際同決議第二項ニ關シ同代表ハ「滿洲各地ニ於テ猖獗ヲ極ムル匪賊及不逞分子ノ活動ニ對シ日本臣民ノ生命及財産ノ保護ニ直接備フルニ必要ナルベキ行動ヲ日本軍ガ執ルコトヲ妨グルノ趣旨ニ非ズトノ了解ノ下ニ」同項ヲ受諾シ「右ノ如キ軍事行動ハ滿洲現下ノ特殊狀況ニ基ク例外的措置ニシテ同地方ニ於テ正常狀態ガ回復セララルト共ニ自然其ノ必要ナキニ至ルベシ」ト述べタリ

十二月二十三日日本側ノ攻撃ハ錦州ニ向ヒテ開始セラレ同地ハ千九百三十二年一月三日占領セラレタリ次デ日本軍ハ長城迄進出シテ長城ノ南ニ位スル山海關ニ駐屯スル日本軍トノ接觸ヲ樹立セリ此等軍事行動ノ結果支那側ノ組織アル政權ハ全ク南滿洲ヨリ消滅セリ

(ト) 上海ニ於ケル敵對行爲 敵對行爲ノ原因



滿洲以外ニ在リテハ上海ニ於テモ千九百三十二年一月以後事態惡化セリ

上海ニ關シテハ聯盟ハ千九百三十二年二月初旬現地ニ於テ設置セラレタル領事團調查委員會ノ提出セル事件當初ヨリ三月五日ニ至ル出來事ニ關スル四個ノ報告ヲ有ス

其ノ後ノ出來事ハ千九百三十二年一月設置セラレ三月十四日上海ニ到著セル調査委員會ノ報告書ニ敘述セラレ居レリ

調査委員會報告書ニ記述ノ朝鮮ニ於テ起レル重大ナル排支暴動ハ千九百三十一年七月以後支那ノ他ノ部分ニ於ケルト同様ニ同地方ニ於テモ日貨ノ「ボイコット」ヲ招徠セリ日本軍ノ滿洲占領ハ「ボイコット」ヲ激化シ右「ボイコット」ハ若干ノ場合ニ於テハ公的機關及支那政府ノ主動的支持ヲ伴ヘリ日本ノ貿易ハ甚大ナル損害ヲ被レリ兩國民間ノ緊張ハ尖銳化シ且重大ナル事件起リタル結果上海日本在留民ハ排日運動鎮壓ノ爲軍隊及軍艦ノ派遣ヲ請求セリ日本總領事ハ大上海支那人市長ニ五項ノ要求ヲ提出セリ此等ノ要求中ノ二項(排日運動ノ適當ナル取締、敵愾心竝ニ排日暴動及激發行爲ノ養成ニ從事セル一切ノ排日團體ノ即時解散)ニ關シ市長ハ之ヲ受諾スルコト困難ナル旨一月二十一日述ベタリ

同日日本海軍司令官ハ若シ支那人市長ノ回答ニシテ不満足ナリシ場合ニハ同官ハ日本ノ權利及

利益ヲ擁護スルニ必要ナルベキ手段ヲ執ル決意アルコトヲ聲明セリ一月二十四日日本海軍ノ増援隊上海沖ニ到着セリ聞北支那街ノ支那軍モ亦増援ヲ得ツツアリトノ風説旺ニ行ハレタリ一月二十七日日本總領事ハ其ノ要求ニ對スル満足ナル回答ヲ翌朝六時迄ニ與ヘンコトヲ求メタリ列國代表ニ對シ衝突ヲ避クル爲能フ限ノ讓歩ヲ爲スベキ其ノ意圖ヲ傳ヘタル市長ハ排日「ボイコット」團體ノ閉鎖ニ成功シ且支那警察官ハ一月二十七日ヨリ二十八日ニ互ル夜間ニ於テ多數ノ事務所ニ封印ヲ施シタリ一月二十八日朝日本海軍司令官ハ他ノ外國指揮官ニ對シ支那側ガ満足ナル回答ヲ與ヘザリシ場合ニハ翌朝行動ヲ開始スベキ其ノ意圖ヲ通報セリ共同租界工部局ハ會合シ同日午後四時ヨリ緊急狀態ヲ布告スベキコトヲ決定セリ午後四時日本總領事ハ領事團ニ對シ日本ノ要求ヲ總テ容ルル旨ノ支那側回答ヲ接受シタル旨及右回答ハ全然満足ナルモノニシテ差當リ如何ナル行動モ執ラザルベキ旨ヲ通報セリ

一方共同租界ノ防備委員會ハ緊急狀態ノ爲必要ト爲レル計畫ヲ實行シ諸外國軍隊ニ其ノ防備スベキ區域ヲ割當テタリ防備委員會ノ定メタル日本軍ノ防備區域ハ租界ノ一部ノミナラズ之ヲ超エテ上海吳淞鐵道ヲ西部境界ト爲セル凸角部ヲ包含セリ日本海軍ノ本部ハ右凸角ノ北端ニ近キ所ニ在リ且當時ニ於テハ日本陸戰隊ノ屯所上海工部局ニ屬スル二道路(北四川路及狄思威路)上



ニ設ケラレ居リタリ午後十一時日本海軍司令官ハ緊急狀態ヲ引用シテ帝國海軍ハ多數日本國民ノ在住スル開北ノ情況ヲ憂惧シ同方面ニ派兵スルコトニ決定シタルコトヲ聲明シ且開北ニ駐屯スル支那軍ガ速ニ鐵道以西ニ撤退センコトヲ希望シタリ

一時間ノ後日本海軍陸戰隊及武裝セル自衛團ハ鐵道ノ方向ニ向ヒ進出セリ事實最後部隊ハ租界及防備區域外ニ通ズル河南路ノ門ヨリ停車場ニ到達セント企テタリ右企圖ハ該防備區域警護ノ任ニ當リ且防備軍ノ義務ハ防禦ニ在リテ攻撃ニ在ラズトノ原則ニ基ク嚴重ナル命令ヲ受ケ居リタル上海義勇軍ニ依リ阻止セラレタリ

防備計畫ニ從ヒテ開北防備區域ニ派遣セラレタル日本軍ハ支那軍ト接觸スルニ至レルガ右支那軍ハ領事團委員會ノ第一報告ニモ記セル通り撤退セント欲シタリトモ撤退ノ迫ナカリシナルベシ

(チ)

上海ニ於ケル敵對行爲 理事會ノ討議 規約第十條ノ援用 第十五條ニ依ル總會ノ第一回討議 上海ニ於ケル敵對行爲ノ終熄

敍上ハ上海ニ於ケル戰闘ノ發端ニシテ當時「ジュネーヴ」ニ於テ開會中ノ理事會及上海ニ特殊ノ利益ヲ有スル諸國ハ數次ニ互リ之ヲ抑止セントセリ支那ハ紛爭ガ第十條及第十五條ニ依リ處理

セラレベキコトヲ一月二十九日求メタルガ右ハ前述ノ重大ナル諸事件ノ直後ナリキ

二月十六日支那及日本ヲ除ク他ノ理事國ハ日本政府ニ對シテ緊急要請ヲ爲シ規約第十條ニ付其ノ注意ヲ喚起セルガ右ニ依リテ之ヲ見レバ此等理事國ハ「同條ヲ無視シテ行ハレタル聯盟國ノ領土保全ノ侵害及其ノ政治的獨立ノ變革ハ聯盟國ニ依リ有效且實效的ト認メラレ得ザル」旨ノ見解ヲ有シタルモノノ如シ

二月十九日理事會ハ支那ノ請求ニ基キ紛爭ヲ總會ニ移牒セリ總會ハ三月三日開催スベク招集セラレタリ

理事會ハ總會開催ニ先ダチ戰闘停止ノ爲最後ノ努力ヲ試ミ現地ニ於ケル停戰協定ノ成立ヲ條件トシテ圓卓會議ヲ上海ニ於テ開催方二月二十九日提案セリ

理事會ノ提案ハ實行セラレザリキ戰闘ガ繼續セル一方總會ハ三月三日兩當事國代表ノ言ヲ聽キタル後三月四日次ノ決議ヲ採擇セリ

「總會ハ二月二十九日理事會ニ依リ爲サレタル提議ヲ想起シ且右提議中ニ豫定セラレタル他ノ措置ヲ害スルコトナク

(一) 總會ガ通報ヲ受ケタル如ク停戰ノ爲雙方ノ軍隊司令官ニ依リ發セラレタル命令ヲ有效ナラ



シムルニ必要ナル措置ヲ直ニ執ランコトヲ支那及日本ノ政府ニ要求ス

- (二) 上海租界ニ於テ特殊ノ利益ヲ有スル他ノ諸國ニ對シ前項所定ノ要求ノ實行セラレタル方法ヲ總會ニ通報センコトヲ請求ス

- (三) 戰鬭ノ停止ヲ決定シメ且日本軍ノ撤收ヲ規定スル協定締結ノ爲前掲諸國ノ陸海軍官憲及文官ノ援助ヲ以テ支那及日本ノ代表ニ依リ交渉ノ開始セラルベキコトヲ勸告ス總會ハ前掲諸國ニ依リ右交渉ノ進行振ヲ常ニ通報セラレンコトヲ希望ス

三月五日亞米利加合衆國政府ハ在上海同國陸軍官憲ニ對シ協力ヲ爲スベキ訓令ヲ發シタル旨通報セリ

三月十四日上海ニ於テ右提案ノ如キ交渉開始セラレタリ總會ノ設置セル十九人委員會ハ困難ヲ緩和スル爲支那ノ要求ニ基キ二回ニ互リ干涉ヲ爲セリ五月五日遂ニ上海ニ於テ停戰協定署名セラレ且六日日本軍ノ撤收開始セラレタリ日本ヨリ上海ニ派遣セラレタル諸師團ハ五月三十一日迄ニ乘船歸國ノ途ニ就キ右諸師團ノ一タル第十四師團ハ滿洲ニ派遣セラレタリ七月一日總會ハ日本海軍陸戰隊ノ兵數ハ著シク減少セルガ尙五月五日ノ協定ニ從ヒ一時租界及擴張道路ニ隣接セル數個ノ地點ニ駐屯シ居ル旨ノ通報ニ接セリ此等ノ部隊ハ其ノ後撤收セラレタリ

支那側ハ上海ニ於ケル日本ノ干涉ノ結果約二十四萬ノ軍人及市民ガ死傷シ又ハ行方不明ト爲レリト看故シ其ノ物質的損害ヲ約十五億「メキシコ、ドル」ト推算シ居レリ

- (リ) 滿洲ニ於ケル日本側占領ノ進展 行政制度改造ノ進展 滿洲國ノ創立

上海事變ガ進行シツツアリシ間ニ於テ滿洲ニ於テモ事態ハ進展シツツアリキ

哈爾濱ハ二月五日日本軍ノ占領ニ歸シタルガ日本軍ハ其ノ後數箇月間舊支那軍ノ殘軍、「義勇軍」、「匪賊」及其ノ他ノ「不正規軍」ニ對シ引續キ軍事行動ヲ行ヒ滿洲ノ極メテ廣汎ナル部分ニ互リ不期戰繼續セラレタリ

行政制度ノ改造ニ付テハ其ノ初期ニ關シ既ニ前ニ述ブル所アリシガ右改造モ亦進捗セリ千九百三十二年二月十七日全滿洲ニ對シ最高行政委員會設置セラレ且二月十八日同委員會ハ獨立宣言ヲ發セリ二月十九日日本代表ハ「ジュネーヴ」ニ於ケル理事會ノ會合ニ於テ滿洲ニ於テハ「獨立」ハ「自治」ト同意義ノ語ナル旨及「日本ハ右獨立ノ樹立ニ對シ好意ヲ有スル」旨説明セリ三月九日諸地方行政機關ハ「滿洲國」ナル名稱ノ下ニ於ケル一獨立「國家」トシテ合同セラレタリ「ヘンリー」溥儀氏（前宣統帝）ハ同國家ノ執政ニ就任スルコトヲ受諾セリ支那政府ハ曩ニ千九百三十一年十一月十七日「前皇帝ハ同人ヲ皇帝トシテ宣布スベキ僞政府ヲ



樹立スルノ目的ヲ以テ日本人ノ爲ニ誘拐セラレ天津日本租界ヨリ奉天ニ護送セラレタル」旨ヲ陳述セルガ「最初ヨリ引續キ其ノ後ノ發展ノ各段階ニ於テ滿洲ニ在ル日本軍ノ使曠及援助ヲ以テ創立且維持セラレタル」所謂國家ノ設立ヲ反覆非議セリ

(ヌ) 總會ノ討議 三月十一日ノ決議 第十五條ニ基ク報告準備ノ期限ニ關スル決定

此ノ間總會ハ「ジュネーヴ」ニ於テ紛争ノ審査ヲ續行シ來レルガ十分ナル討議ノ末三月十一日次ノ決議ヲ採擇セリ

# 「一

總會ハ規約ノ規定ガ今次ノ紛争ニ全部適用セラルベキモノナリ殊ニ次ノ諸點ニ關シ然ルモノナルコトヲ思ヒ

(一) 條約ノ嚴重ナル尊重ノ原則

(二) 一切ノ聯盟國ノ領土保全及現在ノ政治的獨立ヲ尊重シ且外部ノ侵略ニ對シ之ヲ擁護スルノ聯盟國ノ爲シタル約定

(三) 聯盟國間ニ發生スルコトアルベキ紛争ヲ平和的解決方法ニ付スルノ聯盟國ノ義務

當時ノ理事會議長「ブリアン」氏ガ千九百三十一年十二月十日ノ其ノ宣言中ニ表明セル原則

ヲ採擇シ

十二理事國ハ千九百三十二年二月十六日ノ日本政府ニ對スル其ノ要請中ニ再ビ右諸原則ヲ援用シ「規約第十條ヲ無視シテ行ハレタル聯盟國ノ領土保全ノ侵害及其ノ政治的獨立ノ變革ハ聯盟國ニ依リ有效且實效的ト認メラルコトヲ得ザルコト」ヲ宣言シタルノ事實ヲ想起シ聯盟國間ノ國際關係及紛争ノ平和的解決ヲ規律スル原則ニシテ上ニ想起セラレタルモノハ世界ノ平和組織ノ礎石ノ一ヲ爲シ且第二條ニ於テ「締約國ハ相互間ニ起ルコトアルベキ一切ノ紛争又ハ紛議ハ其ノ性質又ハ起因ノ如何ヲ問ハズ平和的手段ニ依ルノ外之ガ處理又ハ解決ヲ求メザルコトヲ約ス」ル旨規定スル「バリ」條約ト全然調和スルモノナルコトヲ思ヒ

總會ニ付託セラレタル紛争解決ノ爲總會ガ終局ニ於テ執ルベキ措置ニ至ル間

上記ノ原則及規定ノ強制的性質ヲ宣明シ且聯盟國ハ聯盟規約及「バリ」條約ニ反スル手段ニ依リテ獲得セラルコトアルベキ一切ノ事態、條約又ハ協定ヲ認メザルノ義務アルコトヲ宣言ス

# 二

總會ハ



日支紛争ノ解決ガ當事國ノ一方ノ武力の壓迫ノ下ニ求メラルベキコトハ規約ノ精神ニ反スルコトヲ確認シ

千九百三十一年九月三十日及同年十二月十日兩當事國ノ協力ヲ得テ理事會ニ依リ採擇セラレタル決議ヲ想起ス

確定的停戰及日本軍撤收ノ目的ヲ以テ兩當事國ノ協力ヲ得テ採擇セラレタル千九百三十二年三月四日ノ總會自身ノ決議ヲモ併セテ想起シ又上海租界ニ於テ特殊ノ利益ヲ有スル聯盟國ガ右目的ノ爲有ラユル助力ヲ致スノ用意アルコトヲ了承シ此等ノ諸國ニ對シ必要ノ場合ニ於テ撤兵地域内ニ於ケル秩序維持ノ爲協力センコトヲ請求ス

## 三

總會ハ

本件紛争ニ對シ國際聯盟規約第十五條所定ノ手續ヲ適用セントスル旨ノ一月二十九日支那政府ノ爲セル請求ニ顧ミ

規約第十五條第九項ニ從ヒ本件ヲ總會ニ付託セントスル旨ノ二月十二日支那政府ノ爲セル請求及二月十九日ノ理事會ノ決定ニ顧ミ

總會ガ支那政府ノ請求ノ主題タル紛争全般ノ付託ヲ受ケタルコト竝ニ規約第十五條第三項所定ノ和協手續及必要ノ場合ニハ同條第四項所定ノ勸告ニ關スル手續ヲ適用スルノ義務アルコトヲ思ヒ

十九名ノ委員即チ委員長ヲ擔當スベキ總會議長、紛争當事國ヲ除ク他ノ理事國及祕密投票ニ依リ選舉セラルベキ他ノ六聯盟國ヨリ成ル一委員會ヲ構成スルコトヲ決定ス  
總會ノ爲ニ且其ノ監督ノ下ニ職務ヲ行フベキ右委員會ハ次ノ任務ヲ有スベシ

(一) 停戰及右停戰ヲ確定的タラシムベキ且千九百三十二年三月四日ノ總會決議ニ從ヒ日本軍ノ撤收ヲ規律スベキ取極ノ締結ニ關シ能フ限り速ニ報告スルコト

(二) 千九百三十一年九月三十日及十二月十日理事會ニ依リ採擇セラレタル決議ノ實行ヲ注視スルコト

(三) 規約第十五條第三項ニ從ヒ兩當事國ノ合意ヲ以テ紛争解決準備方ニ努力シ且總會ニ説明書ヲ提出スルコト

(四) 必要ノ場合ニハ總會ガ常設國際司法裁判所ニ對シ諮問の意見ヲ求ムルコトヲ提案スルコト  
(五) 必要アル場合ニハ規約第十五條第四項所定ノ報告書案ヲ準備スルコト



- (六) 必要ト認メラルル一切ノ緊急措置ヲ提案スルコト  
 (七) 能フ限リ速ニ且遅クモ千九百三十二年五月一日迄ニ事態ニ關スル第一回報告書ヲ總會ニ提出スルコト

總會ハ理事會ニ對シ其ノ有スルコトアルベキ意見ト共ニ理事會ガ總會ニ移牒スルコトヲ適當ナリト認ムル資料ヲ右委員會ニ通報センコトヲ請求ス

總會ハ會期ヲ繼續シ且其ノ議長ハ其ノ必要ト認ムル場合直ニ之ヲ招集スルコトヲ得

三月十二日亞米利加合衆國政府ハ總會ノ行動ハ「バリ」條約及聯盟規約ノ基礎ヲ成ス秩序及正義ノ諸原則ヲ國際法ノ辭句ニ具現スルコトニ著シキ進歩ヲ爲セルモノナルベキ旨聲明セリ合衆國政府ハ右諸條約ノ侵犯ニ依リテ達成セル結果ノ有效性ヲ認メザルノ政策ニ付世界各國民ガ一致セルコト及右ハ國際法ニ對スル顯著ナル貢獻ニシテ且平和ノ爲ニ建設的基礎ヲ提供セルモノナルコトヲ特ニ満足トセリ

總會ハ調査委員會報告書ガ九月迄ニ完成セラレ得ザル趣ノ通報ヲ接受セルヲ以テ兩當事國ノ同意ヲ得タル上千九百三十二年七月一日規約ニ規定セラレタル總會ノ報告ノ準備ノ爲ノ六月ノ期間ヲ嚴ニ必要ナル程度迄延長スルコトニ決定セリ

總會議長ハ規約ニ規定セラレタル期間ノ延長方ヲ提案セル其ノ六月二十四日附支那及日本ノ代表宛書翰中ニ於テ左ノ如ク述ベタリ

「、、、予ハ兩當事國ガ理事會ニ於テ爲シ且完全ニ其ノ實施力ヲ保有セル決議中ニ理事會ニ依リ九月三十日及十二月十日採録セラレタル事態不擴大ノ約定ハ嚴重ニ遵守セラルベキコトヲ確信スル旨附言スルノ義務ヲ有ス予ハ六箇月ノ期間ガ延長セララルコトアルベキ期間内ニ於テ此等決議ガ引續キ完全ニ有效ナルベキコトニ付貴代表ニ於テ同意セラルベキコトヲ信ス予ハ更ニ總會ガ三月十一日採擇シ且理事會ノ右兩決議ヲ想起セル決議ニ付貴代表ノ注意ヲ喚起シ度シ」

期間延長ノ採擇後議長ハ其ノ書翰中ノ右ノ一節ニ言及シ且次ノ如ク附言セリ

「前記ノ事情ニ顧ミ總會ノ唯今爲シタル決定ハ當事國ガ調査委員會ノ事業ノ又ハ聯盟ガ紛爭解決ノ目的ヲ以テ爲スベキ努力ノ成功ヲ危殆ナラシムルガ如キ如何ナル行動ヲモ差控フルノ要アルコトヲ宣明スルノ權限ヲ予ニ與フルモノナリ

予ハ尙聯盟國ハ聯盟規約又ハ「バリ」條約ニ反スル手段ニ依リテ齎サルコトアルベキ如何ナル事態、條約又ハ協定ヲモ承認セザルハ各聯盟國ノ義務ナル旨ヲ三月十一日總會ガ宣言セルコ



トニ付諸君ノ注意ヲ喚起シ度シ」

(ル) 滿洲國ノ組織 日本ノ滿洲國承認

此ノ間ニ滿洲國政府ノ組織過程ハ引續キ進行セリ同國政府ハ中央銀行ヲ創立シ鹽稅(同國政府ハ鹽稅ヲ擔保トスル外債ノ元利拂ノ爲ニ必要ナル金額ノ衡平ナル分擔額ヲ引續キ支拂フノ用意アル旨ヲ聲明セリ)關稅(關稅收入ヲ擔保トスル外債及賠償金ニ關シ前記ト同様ナル聲明ヲ爲セリ)郵務等ノ管理ヲ開始セリ

滿洲國陸軍ハ顧問トシテ傭聘セラレタル日本將校ノ援助ニ依リ創設セラレタリ日本政府ハ其ノ千九百三十二年四月八日附通報中ニ於テ「日本軍隊ハ目下新政府ノ軍隊ニ對シ友好的精神ヲ以テ秩序及安寧ノ回復及維持上其ノ必要トスベキ援助ヲ供與シツツアル」旨ヲ述べタリ

千九百三十二年十一月十八日附日本政府ノ意見書ニ依レバ滿洲ニ日本軍存在スルヲ以テ「主要匪賊部隊ヲ二年乃至三年以内ニ一掃シ得ベキ」趣ナリ

日本及新國家間ノ關係ハ武藤大將ノ滿洲國首都長春派遣後明確ニセラレタルガ同大將ハ滿洲ニ於ケル領事、關東廳及全日本軍ノ統制ノ爲八月八日關東軍司令官兼特派特命全權大使、關東廳長官ニ任命セラレタリ新大使ハ信任狀ヲ攜帶スルコトナク其ノ任命ハ日本ガ一方的ニ爲シタル

モノナリ

九月十五日武藤大將ハ滿洲國國務總理ト共ニ次ノ諸規定ヲ記載セル一議定書ニ署名セリ

「日本國ハ滿洲國ガ其ノ住民ノ意思ニ基キテ自由ニ成立シ獨立ノ一國家ヲ成スニ至リタル事實ヲ確認シタルニ因リ

滿洲國ハ中華民國ノ有スル國際約定ハ滿洲國ニ適用シ得ベキ限り之ヲ尊重スベキコトヲ宣言セルニ因リ

日本國政府及滿洲國政府ハ日滿兩國間ノ善隣ノ關係ヲ永遠ニ鞏固ニシ互ニ其ノ領土權ヲ尊重シ東洋ノ平和ヲ確保センガ爲左ノ如ク協定セリ

一 滿洲國ハ將來日滿兩國間ニ別段ノ約定ヲ締結セザル限り滿洲國領域内ニ於テ日本國又ハ日本國臣民ガ從來ノ日支間ノ條約、協定其ノ他ノ取極及公私ノ契約ニ依リ有スル一切ノ權利利益ヲ確認尊重スベシ

二 日本國及滿洲國ハ締約國ノ一方ノ領土及治安ニ對スル一切ノ脅威ハ同時ニ締約國ノ他方ノ安寧及存立ニ對スル脅威タルノ事實ヲ確認シ兩國共同シテ國家ノ防衛ニ當ルベキコトヲ約ス之ガ爲所要ノ日本國軍ハ滿洲國內ニ駐屯スルモノトス」



斯クテ滿洲國ハ日本ニ依リ正式ニ承認セラレタリ支那政府ハ右承認ニ對シ抗議セリ同政府ハ「日本ハ其ノ朝鮮ニ於ケル政策ノ前例ヲ踏襲シ併合ノ第一歩トシテ滿洲ニ對シ事實上ノ保護國ヲ設定セリ」ト主張セリ

(ヲ) 理事會ニ於ケル調査委員會報告書ノ審議

調査委員會報告書ハ千九百三十二年九月四日北平ニ於テ署名セラレ且十月一日兩政府及聯盟國ニ通達セラレタリ日本政府ハ右報告書ニ對スル其ノ意見書ヲ理事會ニ通達スルニ最短六週間ノ期間ヲ求メ理事會ハ九月二十四日報告書ノ審議ヲ遅クトモ十一月二十一日ニ開始スルコトヲ決定セリ

右ニ際シ理事會議長(「アイルランド」自由國代表「ド、ヴァレラ」氏)ハ日本ガ委員會報告書ノ公表ニスラ至ラザル内ニ滿洲國政府トシテ知ラレタル政府ヲ承認セルノミナラズ又同政府トノ條約締結ニ依リ紛争ノ處理ヲ阻害スルノ意圖ニ出デタルモノト看做スノ外ナキ措置ヲ執リタルコトニ付遺憾ノ意ヲ表セリ總會ノ特別委員會モ十月一日ノ其ノ公開會合ニ於テ右遺憾ノ意ヲ共ニセリ「ド、ヴァレラ」氏ハ「殆ド一年ニ互リ理事會ハ其ノ集團の資格ニ於テ又理事會ヲ構成スル各國政府ハ各個ニ於テ本重大紛争ノ真相ニ關シ如何ナル批判ノ語ヲモ發スルコトヲ慎重ノ態

度ヲ以テ差控ヘ來レルガ其ノ理由ハ紛争ヲ其ノ各般ノ方面ニ互リ調査スル爲委員會構成セラレタルコト及該委員會ガ報告書ヲ提出シ且其ノ報告書ガ聯盟ノ機關ニ依リ審議セラルル迄ハ問題全體ハ未決ノモノト看做サルベキコトニ在リタリ」ト述ベタリ

理事會ハ千九百三十二年十一月二十一日ヨリ二十八日ニ互リ開催セラレタル會合ニ於テ委員會報告書及當事國ノ意見書ヲ審議セリ「リットン」卿ハ調査委員會ノ爲議長ノ質問ニ答ヘテ委員會ハ其ノ報告書ニ對シ何等ノ追加ヲ爲スノ意嚮ナキ旨ヲ述ベタリ

右報告書ニ掲ゲタル勸告ニ關シ理事會ハ支那及日本ノ代表ノ諸聲明中ニハ理事會ニ於ケル討議ニ役立チ且理事會ヲシテ總會ニ對シ意見又ハ提議ヲ爲スヲ得シムルガ如キ當事國間ノ合致點ヲ何等發見シ得ザリシコトヲ認メタリ

此等ノ狀況ニ在リテ理事會ハ總會ニ對シ單ニ調査委員會ノ報告書、當事國ノ意見書及理事會ノ議事録ヲ移牒セリ

(ヅ) 總會ニ於ケル調査委員會報告書ノ討議 解決方法商議ノ努力

總會ハ千九百三十二年十二月六日會合セリ一般的討議ノ後總會ハ十二月九日次ノ決議ヲ採擇セリ



「總會ハ

千九百三十一年十二月十日理事會ガ採擇セル決議ニ依リ設置セラレタル調査委員會ノ報告書ヲ當事國ノ意見書及千九百三十二年十一月二十一日ヨリ二十八日ニ互リ開催セラレタル理事會會合ノ議事録ト共ニ接受シタルニ依リ

千九百三十二年十二月六日ヨリ九日ニ互ル總會ノ會議ニ於テ行ハレタル討議ニ顧ミ

千九百三十二年三月十一日ノ總會決議ニ依リ任命セラレタル特別委員會ニ對シ

(一) 調査委員會報告書、當事國ノ意見書及如何ナル形式ニ依ルヲ問ハズ總會ニ於テ表明セラレタル意見及提議ヲ審査スルコト

(二) 千九百三十二年二月十九日附理事會決議ニ依リ總會ニ付託セラレタル紛争ノ解決ヲ目的トシテ提案ヲ起草スルコト

(三) 成ルベク速ニ總會ニ此等ノ提案ヲ提出スルコトヲ請求ス

特別十九人委員會ハ二決議案及一理由書ノ形式ニ依リ同委員會ガ紛争ノ解決ヲ實現スル爲努力ヲ繼續スルノ基礎タリ得ベシト思考セル所ヲ概括のニ示セル案文ヲ起草セリ

右案文ハ次ノ如シ

第一 決議案

「總會ハ

一 規約第十五條ノ規定ニ依レバ其ノ第一任務ハ紛争ヲ解決スル爲努力スルニ在ルコト從テ目下ノ處紛争ノ事實及之ニ對スル勸告ヲ記載セル報告書ヲ作成スルノ任務ヲ有セザルコトヲ認メ

二 千九百三十二年三月十一日ノ總會決議ニ依リ紛争解決ニ關スル國際聯盟ノ態度ヲ決定セル諸原則ヲ樹立シタルコトヲ思ヒ

三 斯ノ如キ紛争解決ニ際シテハ國際聯盟規約「パリ」條約及九國條約ノ規定ガ尊重セラルベキコトヲ確認ス

四 紛争ヲ解決スル目的ヲ以テ調査委員會報告書第九章ニ掲ゲラレタル諸原則ヲ基礎トシ且同報告書第十章ニ示サレタル諸提議ヲ參考トシテ當事國ト協力シ交渉ヲ爲スノ任務ヲ有スル一委員會ヲ設置スルコトヲ決定ス

五 該委員會ヲ構成スル爲特別十九人委員會ニ代表セラレタル聯盟國ヲ任命ス



六 亞米利加合衆國及「ソヴィエト」社會主義共和國聯邦ガ右交渉ヘノ參加ヲ受諾スルコトノ望マシキヲ思ヒ前記委員會ニ亞米利加合衆國及「ソヴィエト」社會主義共和國聯邦ノ政府ヲ右交渉ニ參加方招請ノ任務ヲ委託ス

七 該委員會ニ對シ其ノ使命ヲ達成スル爲必要ト思惟スル措置ヲ執ルノ權能ヲ付與ス

八 該委員會ニ對シ千九百三十三年三月一日迄ニ其ノ事業ニ關シ報告センコトヲ請求ス

九 該委員會ハ兩當事國ノ同意ヲ得千九百三十二年七月一日ノ總會決議中ニ言及セラレタル期間ヲ決定スルノ權能ヲ有スベシ兩當事國ガ斯ノ如キ期間ニ關シ同意シ得ザルトキハ委員會ハ總會ニ對シ本問題ニ付其ノ報告ヲ提出スルト同時ニ提案ヲ爲スベシ

十 總會ハ其ノ會期ヲ繼續シ且其ノ議長ハ必要ニ應ジ成ルベク速ニ之ヲ招集スルコトヲ得」

## 第二決議案

「總會ハ千九百三十一年十二月十日ノ理事會決議ニ依リ任命セラレタル調査委員會ガ國際聯盟ニ對シ與ヘタル貴重ナル援助ヲ感謝シ且其ノ報告書ガ誠意アリ且公平ナル業績ノ一實例ト爲ルベキコトヲ宣明ス」

## 理由書

「一 總會ハ其ノ十二月九日ノ決議ニ於テ其ノ特別委員會ニ對シ

「一 調査委員會ノ報告書、當事國ノ意見書及如何ナル形式ヲ以テ爲サレタルヲ問ハズ總會ニ於テ表示セラレタル意見及提議ヲ研究スルコト

二 千九百三十二年二月十九日附理事會決議ニ依リ總會ニ付託セラレタル紛爭ヲ解決センガ爲提案ヲ作成スルコト

三 能フ限り速ニ此等ノ提案ヲ總會ニ提出スルコト」

ヲ請求シタリ

二 若シ委員會ニシテ總會ニ對シ事件ノ描寫及一般情勢ニ對スル判斷ヲ提示スルコトヲ要スルニ於テハ委員會ハ右記述ニ必要ナル一切ノ資料ヲ調査委員會報告書ノ最初ノ八章中ニ見出スコトヲ得ベク委員會ノ意見ニ依レバ右報告書ハ主要事實ニ關シ均衡アリ公平ニシテ且完全ナル記述ナリ

三 然レドモ右様記述ハ未ダ其ノ時期ニ非ズ總會ハ規約第十五條第三項ニ從ヒ先ヅ和協手段ニ依リ紛爭ノ解決ヲ達成スルニ努メザルベカラズ若シ右努力成功シタルトキハ總會ハ其ノ適當ト認ムル所ニ依リ事實ヲ記載セル調書ヲ公表スベキナリ若シ總會ニシテ右努力ニ失敗スル場



合ニハ同條第四項ニ依リ紛爭事實及之ニ關スル勸告ノ報告書ヲ作成スルコトハ總會ノ義務ナリトス

四 右第十五條第三項ニ基ク努力ガ繼續セラルル限り規約中ニ規定セラレタル各種ノ偶發事故發生ノ場合ニ總會ノ果スベキ責任ノ觀念ハ總會ヲシテ特ニ消極的態度ヲ執ルコトヲ餘儀ナクセシム依テ特別委員會ハ本日總會ニ提出スル決議案ニ於テ和協ヲ目的トスル提案ヲ爲スニ止メタリ

五 特別委員會ハ三月十一日ノ總會決議ニ依リ當事國ト協力シテ紛爭解決ノ準備ヲ爲スコトヲ命ゼラレタリ他方當事國ノ代表トノ協力ニ依ル努力ニ亞米利加合衆國及「ソヴィエト」社會主義共和國聯邦ガ參加スルハ望マシキコトナルヲ以テ右兩國政府ノ交渉參加方招請ヲ提議シタリ

六 誤解ヲ避ケンガ爲且非聯盟國タル右兩國ノ協力ニ關シ現段階ニ於テ企圖シ居ル所ハ偏ニ和協ニ依リ紛爭解決ノ交渉ヲ爲スニ在ルコトヲ明瞭ナラシメンガ爲特別委員會ハ同委員會ガ此ノ目的ノ爲ニハ交渉ヲ爲ス責任ヲ有スル一新委員會ト認メラレ且右資格ニ於テ亞米利加合衆國及「ソヴィエト」社會主義共和國聯邦ノ政府ニ其ノ會合ニ參加センコトヲ招請スルノ權能ヲ

與ヘラルベキコトヲ提議ス

七 交渉委員會ハ其ノ使命ヲ達成スル爲必要ナル一切ノ權能ヲ有スベシ殊ニ同委員會ハ專門家ト協議スルコトヲ得同委員會ハ其ノ適當ト思惟スル場合ニハ一若ハ二以上ノ小委員會又ハ一名若ハ二名以上ノ特ニ資格ヲ認メラレタル個人ニ其ノ權能ノ一部ヲ委託スルコトヲ得ベキナリ

八 交渉委員會ノ委員ハ法律關係ノ事項ニ付テハ千九百三十二年三月十一日ノ總會決議第一部及第二部ニ依リ又事實關係ノ事項ニ付テハ調査委員會報告書ノ最初ノ八章ノ敘述ニ依リ指導セラルベシ解決方法ヲ考慮スルニ當リテハ委員ハ調査委員會報告書第九章記載ノ諸原則ヲ基礎トシ且右報告書ノ第十章ニ於テ爲サレタル諸提議ヲ參照シ之ヲ探求スベキナリ

九 右ニ關聯シ十九人委員會ハ現紛爭ニ特有ノ特殊ナル狀況ニ於テ千九百三十一年九月前ノ狀態ヘノ單ナル復歸ハ永續スベキ解決ヲ確保スル爲十分ナラズ且滿洲ニ於ケル現制度ノ維持及承認モ亦解決方法ト認メ得ザルモノナリト思考ス

十二月十五日ニ決議案及理由書ハ當事國ニ提示セラレタリ支那及日本ノ代表部ハ修正ヲ提案シ委員會議長及事務總長ハ兩國代表部ト商議ヲ爲スノ權能ヲ付與セラレタリ十二月二十日委員會ハ右商議ヲ繼續シ得シムル爲遅クトモ千九百三十三年一月十六日迄休會スルコトヲ決定



## (カ) 長城内ノ山海關ニ於ケル日本ノ軍事行動

千九百三十三年一月初山海關ニ於テ重大ナル事件發生セリ

北平ト奉天トノ中間ナル長城ノ終端ニ位スル本市ハ常ニ大ナル軍略的重要性ヲ有スルモノト認メラレ來レリ同市ハ滿洲ヨリ現河北省ニ侵入セント欲スル侵略者ノ通過セシ通路ニ當レリ加之日本ガ滿洲國ノ一部ト認ムル熱河省ニ河北ヨリ入ルニハ最容易ナル通路ナリ日本側ノ通報ニ依レバ張學良元帥ハ河北ノ北部ヨリ大部隊ヲ熱河ニ送り居リシ由ナル一方支那側ノ通報ニ依レバ日本軍ハ熱河ニ於ケル大規模ノ軍事行動ヲ河北ノ北部ヨリ開始セント企圖セル由ナリ

千九百三十二年十二月二十九日ノ日本側通報ハ其ノ前數日間ニ於テ熱河ニ向テスル支軍ノ動員ガ特ニ顯著ナリシ旨ヲ報ゼリ更ニ千九百三十三年一月四日日本代表部ハ在北平日本官憲ガ軍隊ノ右移動ノ中止方ニ付張將軍ヲ説得セント努力セルモ效ナカリシ旨竝ニ斯カル「緊張及不安」ノ狀況ニ於テ一月一日ヨリ二日ニ亙ル夜間山海關ニ於テ事件發生セル旨ヲ述ベタリ

日本關東軍ノ部隊ハ長城ヲ越エ同市ヲ攻撃シ一月三日之ヲ占領セリ

支那政府ハ右軍事行動ノ間ニ數千ノ平和的の市民ガ殺戮セラレタル旨ヲ主張ス一月十一日同政府

ハ千九百一一年議定書署名國ニ宛テ同議定書ニ依リ與ヘラレタル特殊ノ特權ヲ日本ガ不法ニ利用セルコトニ對スル抗議ヲ送付セリ同政府ハ右抗議ニ於テ支那ノ防禦軍ガ日本軍ノ攻撃の行爲ニ對抗スル爲其ノ合法ナル權利ヲ行使スル結果ニ依リテ生ズル事態ニ付同政府ニ於テ責任ヲ執ルコト能ハザル旨ヲ宣言セリ

## (ヨ) 解決方法商議手續ノ失敗

十九人委員會ハ千九百三十三年一月十六日再開セリ同委員會作成ノ決議案及理由書ニ關スル當事國代表トノ商議ハ引續キ行ハレタルモ支那及日本ノ代表部ガ十二月ニ提出セル修正案ハ別トシ同委員會ハ何等ノ新提案ニ接セザリキ但シ日本代表部ハ新案提出ニ關シ其ノ政府ト連絡中ニシテ右案ハ四十八時間以內ニ提出セラレ得ベキ旨述ベタリ

委員會ハ一月十八日該案ヲ接受セリ委員會ハ該案ガ同委員會ニ於テ十二月十五日當事國ニ通報セルモノトハ數箇ノ根本の問題ニ於テ相違シ居ルヲ承知セリ然レドモ日本代表部ガ本國政府ノ新提案ヲ提出スル際同政府ハ紛爭ノ解決ノ爲任命セラルベキ機關ハ聯盟國ノミヲ包含スベシトノ規定ヲ重視スル旨特ニ強調セルヲ以テ十九人委員會ハ若シ之ガ同委員會ノ通報セル案文ニ對スル日本ノ唯一ノ異議ナルニ於テハ當事國ト協議ノ上問題ヲ解決スルコト不可能ナラザルベシ



ト思惟セリ故ニ同委員會ハ若シ右難點ガ解決セラルルニ於テハ日本ハ十二月十五日ノ第一決議案ヲ受諾スルノ用意アリヤ否ヤノ點ニ關シ特ニ補足的通報ヲ得ンコトヲ求メタリ委員會ハ支那代表部ト商議ヲ續クル以前ニ先ヅ此ノ點ニ關スル日本ノ回答ヲ待ツベキモノトセルガ支那代表部ノ案ハ兩當事國ニ通報セラレタル案文ニ對シ日本案ノ如ク根本的ニ相違シ居ラザリキ

一月二十一日委員會ハ日本代表ガ同委員會議長及事務總長ニ對シテ爲シタル陳述ノ内容ハ非聯盟國ニ對シ解決方法商議ニ參加方ヲ要請スベキ旨ノ規定ヲ第一決議案ヨリ除クコトトスルモ日本政府ハ同案ヲ受諾スルノ用意ナキ旨ヲ傳ヘタルモノナルコトヲ承知シタリ

日本代表部ハ此等ノ陳述ヲ爲スニ當リ同國政府ノ爲新提案ヲ提出セリ

委員會ハ此等ノ提案(第一附錄)ヲ支那代表部ノ提出セル十二月十日ノ委員會案文ニ對スル修正(第二附錄)ト共ニ審査セルガ兩當事國ノ受諾シ得ベキ決議案ヲ作成スルコトノ不可能ナルヲ認ムルノミナリキ支那代表部及委員會自身ニ於テ合衆國及「ソヴィエト」社會主義共和國聯邦ノ解決方法商議參加ヲ重要視セル結果若シ委員會ガ同時ニ第一決議案ノ他ノ條項ヲ日本ノ提案ノ趣旨ニ依リ修正スルヲ要スルモノトセバ日本ノミノ要求ニ依リ此等兩國ノ招請ニ關スル條項ヲ削除スルコトハ不可能ナリキ

尙委員會ハ假ニ理由書ヲ委員會ノ爲ニ議長ノ爲ス宣言ニ變更シ當事國ニ於テ之ニ對シ留保ヲ附スルコト自由ナルベキモノト爲スコトニ同意スル場合ニ於テモ日本政府ハ十二月十五日委員會ノ作成シタル案文ヲ受諾セズ却テ委員會ノ受諾シ得ザルベキ修正ヲ案文ニ加ヘンコトヲ同政府ノ新提案中ニ於テ求メタルコトヲ承知シタリ

斯カル事態ニ顧ミ十九人委員會ハ其ノ委囑セラレタル任務ニ從ヒ當事國ノ同意ヲ得テ紛爭解決ノ準備ニ努力シタル後右趣旨ノ提案ヲ總會ニ提出スルコト不可能ナルヤニ見受ケラレタルコトヲ承知シタリ

故ニ委員會ハ千九百三十二年三月十一日決議第三部(第五項)ニ依リ同委員會ニ委囑セラレタル任務ノ遂行ノ爲規約第十五條第四項ノ規定スル所ニ依リ本報告書案ヲ起草セリ

本報告書案ノ起草ノ開始ヲ決定スルニ當リ委員會ハ總會ノミガ商議失敗後第十五條第四項ノ規定ヲ適用スル權限アルコトヲ指摘スル所アリタリ故ニ委員會ハ當事國ガ委員會ニ對シ通報セント欲スルコトアルベキ新ナル提議ハ引續キ之ヲ受理スルコトトセリ

二月八日日本代表ハ十二月十五日ニ作成セラレタル案文ニ對スル新ナル修正ヲ委員會ニ提出セリ(第三附錄)二月九日委員會ハ此等修正ヲ考慮シタル後之ニ關シ殊ニ日本政府ハ支那ノ主權



及行政の保全ト兩立スル廣汎ナル自治ノ滿洲ニ於ケル樹立ニ關スル調査委員會報告書第九章中ノ第七原則ヲ來ルベキ和協ノ爲ノ基礎ノ一トシテ受諾スルヤ否ヤノ質問ニ關シ更ニ説明ヲ求ムルコト望マシト思考セリ右質問ハ同日附書翰ヲ以テ日本代表部ニ交付セラレタリ（第四附録）日本政府ハ二月十四日同政府ガ「滿洲國」ノ獨立ノ維持及承認ハ極東平和ノ唯一ノ保障ニシテ且全問題ハ結局右基礎ニ於テ日本及支那間ニ解決セラルベシト確信スル旨ヲ回答セリ（第五附録）右通報ニ對スル回答トシテ委員會ハ甚ダ遺憾ナルモ二月八日提出セラレタル日本ノ提案ハ和協ノ基礎トシテ受諾シ得ベキモノニ非ズト思惟スルノ外ナシトセリ尙委員會ハ總會ノ最終會合ノ日ニ至ル迄ハ日本政府ガ更ニ爲サント欲スルコトアルベキ爾後ノ如何ナル提案ヲモ欣然審査スベキコト勿論ナルモ現在ノ事態ノ惡化ハ和協ヲ目的トスル新ナル努力ヲ失敗セシメザル迄モ之ヲ更ニ困難ナラシムルニ相違ナキコトヲ日本政府ニ於テ認知シ居ルモノト委員會ニ於テ信ズル旨ヲ附言セリ（第六附録）

同日委員會ハ本報告書案ヲ採擇セリ

### 第三部

#### 紛争ノ主タル要因

右概觀ニ依リ理事會又ハ總會ガ日支紛争ノ解決方法ヲ見出サンガ爲十六月以上ニ互リ引續キ努力シ來レルコトヲ知り得ベシ聯盟規約ノ諸條項及其ノ他ノ國際約定ヲ基礎トシ多數ノ決議採擇セラレタリ既述セルガ如キ事件ノ史的背景ノ複雜性、後述スルガ如ク日本ガ支那ノ領土内ニ於テ廣汎ナル權利ヲ行使セル滿洲ノ特殊ナル法律的地位、最後ニ滿洲ノ或部分ニ於ケル支那及日本ノ官憲間ニ存スル錯雜且機微ナル關係ハ聯盟ノ爲セル交渉及調査ノ努力ガ長期ニ互リシコトヲ是認スルモノニシテ且之ヲ必要ナラシメタリ然ルニ當事國ノ聲明ニ基キ且其ノ參加ヲ得テ採擇シタル決議ヲ基礎トシテ理事會及總會ガ懷キタル事態ノ改善ニ關スル希望ハ裏切ラレタリ反對ニ事態ハ不斷ニ惡化ノ傾向アリタリ滿洲及聯盟國ノ領域ノ他ノ部分ニ於テ調査委員會報告書ガ「假裝セル戦争」ト稱シタル軍事行動繼續セラレ來リ且現ニ繼續セラレツツアリ

總會ハ紛争ノ主タル要因ヲ考究シ特ニ次ノ結論ニ到達スルト共ニ次ノ事實ヲ認メタリ

一 總會ガ付託ヲ受ケタル支那及日本間ノ紛争ハ支那及諸外國ニ於テ支那ノ主權ノ下ニ在ル支那ノ完全ナル一部ナリト常ニ認メ居リタル滿洲ニ於テ發生シタルモノナリ日本政府ハ調査委員會報告書ニ對スル其ノ意見書中ニ於テ「南滿洲鐵道附屬地トシテ知ラルル極メテ狹隘ナル地域ニ於テ」露西亞ニ許與セラレ次デ日本ニ依リ獲得セラレタル諸權利ハ支那ノ主權ト牴觸ストノ議



論ヲ反駁シ「寧ロ反對ニ此等ノ權利ハ支那ノ主權ニ由來スルモノナリ」ト爲セリ  
支那ヨリ露西亞ニ次デ日本ニ許與セラレタル權利ハ事實支那ノ主權ニ由來スルモノナリ千九百  
五年ノ北京條約ニ於テ「ポーツマス」條約ニ依リ露西亞ガ日本ニ對シテ爲シタル「一切ノ讓渡  
ヲ清國政府ハ承認セリ」千九百十五年日本ガ滿洲ニ於ケル其ノ權利ヲ擴張スル爲要求ヲ提出シ  
タルハ支那ニ對シタルモノニシテ且右要求ノ結果トシテ千九百十五年五月二十五日ノ南滿洲及  
東部內蒙古ニ關スル條約ヲ締結セルハ中華民國政府ナリキ

「ワシントン」會議ニ於テ千九百二十二年二月二日日本代表部ハ日本ガ南滿洲及東部內蒙古ニ於  
ケル或優先權ヲ拋棄スル旨ヲ聲明シ且「此ノ決定ヲ爲スニ當リ日本ハ常ニ支那ノ主權及機會均  
等ノ原則ヲ顧慮シ公正且寛容ナル精神ニ依リ導カレ來レルモノナリ」ト説明セリ「ワシントン」  
會議ニ於テ締結セラレタル九國條約ハ支那ノ總テノ他ノ部分ニ關スルト同様ニ滿洲ニモ適用ア  
リ最後ニ今次ノ紛争ノ初期ニ於テ日本ハ滿洲ガ支那ノ完全ナル一部ニ非ズト主張シタルコトナ  
シ

二 過去ノ經驗ニ依レバ滿洲ノ支配者ハ支那ノ他ノ部分少クトモ北支那ノ事ニ付大ナル勢力ヲ行  
使シ且各種軍略上及政治上明白ニ有利ナル地位ヲ占ム此等ノ諸省ヲ支那ノ他ノ部分ヨリ分離ス  
ルコトハ平和ヲ危殆ナラシムルガ如キ重大ナル「イリデンティスト」問題ヲ惹起セシムルコト必  
然ナリ

三 總會ハ此等ノ事實ヲ記述スルニ當リ滿洲ニ存在セル自治ノ傳統ヲ無視セルニハ非ズ右傳統ハ  
極端ナル場合且支那中央政府ノ特ニ弱カリシ時代ニ於テ例ヘバ張作霖元帥ノ全權委員ヲシテ  
「中華民國東三省自治政府」ノ名ニ於テ「ソヴィエト」社會主義共和國聯邦ト東支鐵道、航行、  
境界劃定等ニ關スル千九百二十四年九月二十日ノ協定ヲ締結スルコトヲ得シメタリ然レドモ同  
協定ノ規定ニ徴スルニ東三省自治政府ハ同政府自體ヲ以テ支那ヨリ獨立セル一國家ノ政府ト思  
惟シタルモノニ非ズシテ東三省ニ於ケル支那ノ利益ニ影響ヲ及ボスベキ問題ニ關シ中央政府ニ  
於テ數月前右聯邦ト協定ヲ締結シタルモ此等ノ問題ニ付テハ同自治政府自ラ「ソヴィエト」社會  
主義共和國聯邦ト交渉シ得ベシト信ジタルモノナルコト明カナリ

右滿洲ノ自治ハ最初張作霖元帥次デ張學良元帥ガ民政及軍政雙方ノ長官タリ且自己ノ軍隊及自  
己ノ官吏ヲ通ジテ東三省ニ於テ實效的權力ヲ行使シタルノ事實ニ依リテモ亦之ヲ看取セラル張  
作霖元帥ガ數回宣言セル獨立ハ彼又ハ滿洲ノ人民ガ支那トノ分離ヲ希望セルコトヲ意味セルモ  
ノニ非ズ彼ノ軍隊ハ支那ガ恰モ外國ナルカノ如ク之ヲ侵略シタルニ非スシテ單ニ内亂ノ參加者



トシテ侵略シタルニ過ギズ滿洲ハ一切ノ戰爭及「獨立」ノ期間ヲ通ジ終始支那ノ完全ナル一部タリシナリ加之千九百二十八年以降張學良元帥ハ支那國民政府ノ權力ヲ承認セリ

四 千九百三十一年九月ニ至ル四半世紀ノ間ニ於テ滿洲ヲ支那ノ他ノ部分ニ聯結セル政治的及經濟的紐帶ハ益鞏固ト爲リタルガ同時ニ日本ノ滿洲ニ於ケル利益ノ發展モ止ミタルニ非ズ滿洲ヲ構成セル「東三省」ハ中華民國ノ治下ニ他ノ諸省ヨリノ支那人ノ移住ノ爲ニ廣ク開放セラレ此等ノ支那人ハ土地ヲ所有スルコトニ依リテ滿洲ヲシテ多クノ點ニ於テ長城以北ニ於ケル支那ノ單純ナル延長タラシメタリ約三千萬ノ住民中支那人又ハ之ニ同化セル滿洲人ハ二千八百萬ナリト見積ラルル加之張作霖元帥及張學良元帥ノ治下ニ於テ支那人住民及支那ノ利益ハ滿洲ノ經濟的資源ノ開發及組織ニ關シ從前ニ比シ遙ニ大ナル役ヲ勤メタリ

他方日本ハ滿洲ニ於テ支那ノ主權ノ行使ヲ全ク例外的ナル樣式及程度ニ於テ制限スルガ如キ效果アル權利ヲ獲得又ハ主張セリ日本ハ事實上完全ナル主權ニ該當スル權力ヲ行使シ以テ關東州租借地ヲ統治セリ日本ハ南滿洲鐵道會社ヲ介シテ數箇ノ都市竝ニ奉天及長春ノ如キ人口大ナル都市ノ重要ナル部分ヲ含ム鐵道附屬地ノ施政ニ當レリ此等ノ地域中ニ於テ日本ハ警察、徵稅、教育及公共事業ヲ管理シタリ日本ハ租借地ニ關東軍ヲ、鐵道附屬地ニ鐵道守備隊ヲ又各地方ニ

領事館警察ヲ配スル等滿洲ノ若干部分ニ武裝部隊ヲ存置シ來レリ斯ノ如キ事態ニシテ當事國雙方ニ依リ自由ニ希望セラレ若ハ受諾セラレタルモノナリトセバ又緊密ナル經濟的及政治的協力ニ付十分了解ノ上採ラレタル政策ノ表現及具體化ナリトセバ紛糾及不斷ノ論爭ヲ醸スコトナク之ヲ持續シ得ベキモ斯カル條件ヲ缺クニ於テハ右ハ相互ノ誤解及衝突ヲ惹起スルノミナリ雙方ノ權利ノ交錯セルコト、時トシテハ法律的地位ノ不明確ナルコト及日本側ノ抱懷スル滿洲ニ於ケル其ノ「特殊地位」ノ觀念ト支那ノ國權回復ノ要求トノ間ノ對立ノ顯著ト爲レルコトハ事變及紛爭ヲ頻發セシムル源泉ト爲レリ

五 千九百三十一年九月十八日前ニ在リテハ滿洲ニ於テ兩當事國ノ一方ハ他方ニ對シ正當ナル苦情ヲ有セリ即チ日本ハ論議ノ餘地アル權利ヲ利用シ又支那官憲ハ論議ノ餘地ナキ權利ノ行使ニ對シ障礙ヲ設ケタリ九月十八日事件ノ直前ニ於テ正規ノ外交交渉及平和的手段ニ依リ兩當事國間ノ諸懸案ヲ解決スル爲各種ノ努力試ミラレタルガ此等ノ手段ハ未ダ其ノ總テヲ盡シタルモノニ非ザリキ然ルニ滿洲ニ於ケル支那人及日本人間ノ緊張ハ増大シ日本ニ於ケル輿論ノ一動向ハ必要アラバ實力ニ依リ一切ノ懸案ヲ解決スベキコトヲ唱道セリ

六 支那ハ現ニ過渡的且國家改造ノ時代ニ在ル爲中央政府ノ努力及既ニ達成セラレタル相當ノ進



步ニモ拘ラズ過渡期ノ事態ト不可分ナル政治的擾亂、社會的混亂及分裂的傾向ヲ必然的ニ伴ヒツツアリ

支那ハ國際協力政策ノ採用ヲ必要トス右政策ノ一方法ハ國際聯盟ニ於テ支那ニ對シ支那政府ガ其ノ國民ヲシテ同國家ノ改造及安定ヲ成就セシムル上ニ於テ必要トスベキ諸制度ヲ近代化スル爲引續キ技術上ノ援助ヲ供與スルコトニ在リ

「ワシントン」會議ニ於テ端ヲ發セル國際協力政策ノ原則ハ引續キ有效ナルモ其ノ十分ナル實行ハ支那ニ於テ屢實行セラレタル激烈ナル排外宣傳ノ爲ニ主トシテ遷延セラレタリ右排外宣傳ハ經濟的「ボーイコット」ノ使用及學校ニ於ケル排外教育ノ兩方面ニ於テ特ニ強調セラレ遂ニ現紛爭勃發ノ零團氣ノ醸成ヲ助成スルニ至レリ

七 或事件ニ對スル支那人ノ憤懣ヲ表示シ又ハ或要求ヲ支持スル爲ニ千九百三十一年九月十八日ノ事件前ニ支那人ガ「ボーイコット」ヲ行使セシコトハ既ニ緊張セル事態ヲ更ニ惡化セシムルノ外ナカリキ千九百三十一年九月十八日ノ事件以後ニ於ケル支那ノ「ボーイコット」行使ハ復仇行爲ノ範圍ニ入ルモノナリ

八 紛爭解決ニ關スル國際聯盟規約ノ諸規定ノ目的ハ國家間ノ緊張ガ國交斷絶ヲ不可避のナラシ

ムルガ如キモノト爲ルヲ阻止スルコトニ在リ調査委員會ハ支那及日本間ニ存在セル紛議ガ何レモ其レ自體ニ於テ仲裁裁判ニ依リ解決シ得ベカリシコトヲ發見セリ此等ノ紛議ガ累積シテ兩國間ノ緊張ヲ増進シタル理由アレバコソ損害ヲ蒙レリト自ラ思惟セル國家ニ於テハ外交交渉ガ不當ニ遷延セラレタル際右事態ニ對シ國際聯盟ノ注意ヲ喚起スルハ正ニ該國家ノ義務ナリシナリ

規約第十二條ハ紛爭ノ平和的解決ニ關スル嚴格ナル義務ヲ包含ス

九 總會ハ千九百三十一年九月十八日ヨリ十九日ニ互ル夜現場ニ在リタル日本將役ハ自衛ノ爲行動シツツアリタリト自ラ信ジタルヤモ知レズトノ可能性ヲ排除セザルモ同夜奉天及其ノ他ノ滿洲各地ニ於テ執ラレタル日本ノ軍事行動ヲ以テ自衛ノ措置ト認ムルコトヲ得ズ將又紛爭ノ全期間ヲ通ジ進展セル日本ノ軍事の措置モ全體トシテハ自衛ノ措置ト認ムルコトヲ得ズ加之自衛ノ措置ノ採用ハ一國ヲシテ規約第十二條ノ規定ニ從フコトヲ免レシムルモノニ非ズ

十 千九百三十一年九月十八日以來ノ日本軍事當局ノ民政上及軍事上ノ活動ハ本質的ニ政治的考慮ニ依リシコトヲ示シ居レリ東三省ノ漸進的軍事占領ハ順次滿洲ニ於ケル總テノ重要都市ヲ支那官憲ノ手ヨリ奪ヒ而シテ各占領後ニハ常ニ民政改組セラレタリ日本文官及武官ノ一團ハ九月



十八日ノ事件後ニ存シタルガ如キ滿洲ノ事態ノ解決策トシテ滿洲獨立運動ヲ考案シ組織シ且遂行シ此ノ目的ノ下ニ或支那人ノ姓名及行動ヲ利用シ支那政權ニ對シ不平ヲ懷ク或少數者及土着ノ團體ヲ利用シタリ日本參謀本部ヨリ迅速ニ援助及指導ヲ受ケタル右運動ハ日本軍隊ノ存在ニ依リテノミ達成セラルルコトヲ得タリ右運動ハ自發的且純真ナル獨立運動ト認メラルルコトヲ得ズ

前項ニ記述セル運動ノ結果タル「滿洲國」ノ「政府」ニ於ケル主要ナル政治的及行政的權力ハ現實ニ行政ヲ指揮シ且支配シ得ル日本人官吏及顧問ノ手中ニ在リ既述セル如ク滿洲住民ノ大多數ヲ成ス支那人ハ一般ニ右「政府」ヲ支持セズ之ヲ以テ日本側ノ手先ト認ム又調査委員會ガ其ノ報告書ヲ完結セシ後且理事會及總會ガ右報告書ヲ考慮スルニ先ダチ滿洲國ガ日本ニ依リ承認セラレタルコトハ注意ヲ要ス滿洲國ハ他ノ如何ナル國ニ依リテモ未ダ承認セラレ居ラズ特ニ聯盟國ハ斯ノ如キ承認ハ千九百三十二年三月十一日ノ決議ノ精神ト合致セズトノ意見ヲ有スルヲ以テナリ

千九百三十一年九月十八日ノ事件ヲ誘致セル事態ハ若干ノ特異ナル性質ヲ有ス右ハ日本ノ軍事行動ノ進展、滿洲國政府ノ創建及日本ノ同政府ノ承認ニ依リ引續キ擴大セラレタリ疑モナク今

次ノ事件ハ一國ガ國際聯盟規約ノ提供スル調停ノ機會ヲ豫メ利用シ盡スコトナクシテ他ノ一國ニ宣戰セル事件ニ非ズ又一國ノ國境ガ隣接國ノ軍隊ニ依リ侵略セラレタルガ如キ簡單ナル事件ニモ非ズ何トナレバ滿洲ニ於テハ曩ニ述ベタル事情ニ依リ示サルガ如ク世界ノ他ノ部分ニ於テ正確ナル類例ヲ見ザル幾多ノ特殊事態存スルヲ以テナリ然レドモ支那領土ノ廣大ナル部分ガ宣戰ナクシテ實力ヲ以テ奪取セラレ且日本軍隊ニ依リ占領セラレタルコト竝ニ右行動ノ結果トシテ該部分ガ支那ノ他ノ部分ヨリ分離セラレ且獨立ヲ宣言セラレタルコトハ異論ヲ挾ム餘地ナシ

理事會ハ千九百三十一年九月三十日ノ決議ニ於テ日本政府ハ日本臣民ノ生命及財産ノ安全ノ有効ニ確保セラルルニ從ヒ既ニ開始セラレタル其ノ軍隊ノ鐵道附屬地内ヘノ撤收ヲ能フ限リ速ニ續行スベキ旨及成ルベク迅速ニ右ノ意嚮ヲ完全ニ實現センコトヲ希望スル旨ノ日本代表ノ聲明ヲ了承セリ更ニ理事會ハ千九百三十二年十二月十日ノ決議ニ於テ九月三十日ノ決議ヲ確認シテ兩當事國ガ此ノ上事態ノ惡化スルヲ避クルニ必要ナル一切ノ處置ヲ執ルベク此ノ上戰鬪若ハ人命ノ喪失ヲ惹起スルコトアルベキ一切ノ主動的行爲ヲ差控フベシトノ兩當事國ノ約定ヲ了承セリ



此等ノ事件ニ關聯シテ規約第十條ニ依リ聯盟國ハ一切ノ聯盟國ノ領土保全及現在ノ政治的獨立ノ尊重ヲ約シ居ルヲ指摘スルコトヲ要ス

最後ニ規約第十二條ニ依リ聯盟國ハ若シ國交斷絶ニ至ルノ虞アル紛爭發生スルトキハ之ヲ仲裁裁判若ハ司法的解決又ハ理事會ノ審査ニ付スベキコトヲ約シ居レリ

千九百三十一年九月十八日前ニ存在シタル緊張狀態ノ發生ノ際ニ於テハ當事國ノ雙方何レニモ若干ノ責任アリタルガ如キモ千九百三十一年九月十八日以降ノ諸事件ノ發展ニ關シテハ毫モ支那側ノ責任問題ハ起リ得ザルモノナリ

#### 第四部

##### 勸告ノ記述

本部ハ總會ガ紛爭ニ付公正且適當ト認ムル勸告ニシテ規約第十五條第四項ニ規定セラルルモノヲ記述ス

#### 第一節

總會ノ勸告ハ本件ノ極メテ特殊ナル事情ヲ考慮シ且次ノ原則、條件及考察ヲ基礎トセリ

(甲) 紛爭ノ解決ニハ國際聯盟規約、「バリ」條約及「ワシントン」九國條約ノ規定ヲ遵守スベシ

聯盟規約第十條ハ「聯盟國ハ聯盟各國ノ領土保全及現在ノ政治的獨立ヲ尊重シ且外部ノ侵略ニ對シ之ヲ擁護スルコトヲ約ス」ト規定ス

「バリ」條約第二條ニ依レバ「締約國ハ相互間ニ起ルコトアルベキ一切ノ紛爭又ハ紛議ハ其ノ性質又ハ起因ノ如何ヲ問ハズ平和的手段ニ依ルノ外之ガ處理又ハ解決ヲ求メザルコトヲ約ス」

「ワシントン」九國條約第一條ニ依レバ

「支那國以外ノ締約國ハ左ノ通約定ス

(一) 支那ノ主權、獨立並其ノ領土の及行政の保全ヲ尊重スルコト

(二) 支那カ自ラ有力且安固ナル政府ヲ確立維持スル爲最完全ニシテ且最障礙ナキ機會ヲ之ニ供與スルコト

(三) 支那ノ領土ヲ通ジテ一切ノ國民ノ商業及工業ニ對スル機會均等主義ヲ有效ニ樹立維持スル爲各盡力スルコト

(四) 友好國ノ臣民又ハ人民ノ權利ヲ減殺スヘキ特別ノ權利又ハ特權ヲ求ムル爲支那ニ於ケル情勢ヲ利用スルコトヲ及右友好國ノ安寧ニ害アル行動ヲ是認スルコトヲ差控フルコト

ト



(乙) 紛争ノ解決ニハ千九百三十二年三月十一日ノ總會決議第一部及第二部ノ規定ヲ遵守スベシ  
本報告書ニ既ニ引用セル右決議ニ於テ總會ハ規約ノ規定ガ今次ノ紛争ニ全部適用セラルベキモ  
ノナリ殊ニ次ノ諸點ニ關シ然ルモノナリト思考セリ

(一) 條約ノ嚴重ナル尊重ノ原則

(二) 一切ノ聯盟國ノ領土保全及現在ノ政治的獨立ヲ尊重シ且外部ノ侵略ニ對シ之ヲ擁護スルノ  
聯盟國ノ爲シタル約定

(三) 聯盟國間ニ發生スルコトアルベキ紛争ヲ平和的解決方法ニ付スルノ聯盟國ノ義務

總會ハ當時ノ理事會議長ガ其ノ千九百三十一年十二月十日ノ宣言中ニ於テ定メタル諸原則ヲ採  
擇シ又十二理事國ガ千九百三十二年二月十六日ノ日本政府ニ對スル其ノ要請中ニ再ビ右諸原則  
ヲ援用シ第十條ヲ無視シテ行ハレタル聯盟國ノ領土保全ノ侵害及其ノ政治的獨立ノ變革ハ聯盟  
國ニ依リ有效且實效的ト認メラルコトヲ得ザル旨ヲ宣言シタルノ事實ヲ想起セリ

總會ハ聯盟國間ノ國際關係及紛争ノ平和的解決ヲ規律スル前記諸原則ハ「バリ」條約ト全然調  
和スルモノナリト其ノ意見ヲ述ベタリ總會ニ付託セラレタル紛争ノ解決ノ爲總會ガ終局ニ於  
テ執ルコトアルベキ措置ノ執ララル迄ハ總會ハ前記ノ諸原則及規定ノ拘束力アルコトヲ宣明シ

且聯盟國ハ聯盟規約又ハ「バリ」條約ニ反スル手段ニ依リテ齎ラサルコトアルベキ如何ナル  
事態、條約又ハ協定ヲ承認セザルハ各聯盟國ノ義務ナル旨ヲ宣言セリ

最後ニ總會ハ日支紛争ノ解決ガ當事國ノ一方ノ武力的壓迫ノ下ニ於テ求メラレ得ベキコトハ規  
約ノ精神ニ反スルコトヲ聲明シ且千九百三十一年九月三十日及同年十二月十日當事國ノ同意ヲ  
得テ理事會ニ依リ採擇セラレタル決議ヲ想起セリ

(丙) 支那及日本間ニ前記諸國際約定ノ尊重ヲ基礎トスル永續的瞭解ガ確立セララル爲ニハ紛争ノ  
解決ハ調査委員會ガ定メタル次ノ諸原則及諸條件ニ適合スルコトヲ要ス

「一 支那及日本雙方ノ利益ト兩立スルコト

兩國ハ聯盟國ナリ各自ハ聯盟ヨリ同一ノ考慮ヲ拂ハルルコトヲ要求スルノ權利ヲ有ス兩國ガ  
利益ヲ獲得セザル解決ハ平和ノ爲ニ裨益スル所ナカルベシ

二「ソヴェエト」聯邦ノ利益ニ對スル考慮

隣接國中ノ二國間ニ於テ第三國ノ利益ヲ尊重スルコトナクシテ平和ヲ講ズルコトハ公正若ハ  
賢明ナラザルベク將又平和ニ資スル所以ニモ非ザルベシ

三 現存多邊的條約トハ合致



如何ナル解決ト雖モ國際聯盟規約、「パリ」條約及「ワシントン」九國條約ノ規定ニ合致スルコトヲ要ス

#### 四 滿洲ニ於ケル日本ノ利益ノ承認

滿洲ニ於ケル日本ノ權利及利益ハ無視スルコトヲ得ザル事實ナリ之ヲ承認セズ且滿洲トノ日本ノ史的關聯ヲモ考慮ニ入レザル如何ナル解決モ満足ナルモノニ非ザルベシ

#### 五 支那及日本間ニ於ケル新條約關係ノ設定

滿洲ニ於ケル兩國各自ノ權利、利益及責任ヲ新條約中ニ再ビ聲明スルコトハ合意ニ依ル解決ノ一部タルベキモノニシテ將來ノ軋轢ヲ避ケ相互ノ信賴及協力ヲ回復スル爲ニ望マシキコトナリ

#### 六 將來ニ於ケル紛爭ノ解決ニ對スル有效ナル措置

敍上ヨリ來ル當然ノ歸結トシテ、將來發生スルコトアルベキ比較的重要ナラザル紛爭ノ迅速ナル解決ヲ容易ナラシムル爲措置ヲ爲スノ要アリ

#### 七 滿洲ノ自治

滿洲ニ於ケル政府ハ支那ノ主權及行政の保全トノ一致ノ下ニ東三省ノ地方の狀況及特質ニ應

ズル様工夫セラレタル廣汎ナル範圍ノ自治ヲ確保スルガ如キ方法ニ依リテ改メラルルコトヲ要ス新文治制度ハ善良ナル政治ノ本質の要求ヲ満足スル様構成セラレ且運用セラレザルベカラズ

#### 八 内部の秩序及外部の侵略ニ對スル安全保障

滿洲ノ内部の秩序ハ有效ナル地方の憲兵隊ニ依リ確保セラルルコトヲ要シ外部の侵略ニ對スル安全保障ハ憲兵隊以外ノ一切ノ武裝隊ノ撤退ト利害關係國間ニ於ケル不侵略條約ノ締結トニ依リ與ヘラルルコトヲ要ス

#### 九 支那及日本間ニ於ケル經濟的接近ノ促進

本目的ノ爲兩國間ノ新通商條約望マシカル條約ハ兩國間ノ通商關係ヲ平衡ナル基礎ノ上ニ置キ且之ヲ兩國間ノ改善セラレタル政治關係ト合致セシムルコトヲ目的ト爲スコトヲ要ス

#### 十 支那ノ改造ニ關スル國際協力

支那ニ於ケル現時ノ政治の不安定ハ日本トノ友好關係ニ對スル障礙ニシテ且（極東ニ於ケル平和ノ維持ハ國際の關心事項タルヲ以テ）世界ノ他ノ部分ノ憂懼ナルト共ニ右ニ列舉シタル條件ハ支那ニ於テ鞏固ナル一中央政府ナクシテハ實行スルコト能ハザル所ナルヲ以テ満足ナ



ル解決ニ對スル窮極ノ要件ハ故孫逸仙博士ガ提議セル如ク支那ノ内部的改造ニ對スル一時的ノ國際協力ナリトス」

## 第二節

本節ノ諸規定ハ規約第十五條第四項ニ依ル總會ノ勸告ヲ成スモノナリ

既ニ紛争ノ解決ニ適用セラルベキ原則、條件及考察ヲ定メタルヲ以テ總會ハ次ノ如ク勸告ス

(一) 滿洲ニ對スル主權ハ支那ニ屬スルコトヲ思ヒ

(甲) 南滿洲鐵道附屬地外ニ於ケル日本軍隊ノ駐屯及同附屬地外ニ於ケル右軍隊ノ行動ハ紛争ノ解決ヲ規律スベキ法の諸原則ト兩立セザルコト竝ニ右諸原則ト兩立スル事態ヲ能フ限リ速ニ確立スルノ要アルコトヲ思ヒ總會ハ右軍隊ノ撤收ヲ勸告ス事件ノ特殊ナル事情ニ顧ミ以下ニ勸告セラルル交渉ノ第一ノ目的ハ右撤收ノ爲ニ準備シ且其ノ方法、段階及期限ヲ決定スルコトニ在ルベシ

(乙) 滿洲ニ特有ノ地方的狀況、同地ニ於テ日本ノ有スル特殊ノ權利及利益竝ニ第三國ノ權利及利益ヲ考慮シ總會ハ支那ノ主權ノ下ニ置カレ且支那ノ行政的保全ト兩立スル一ノ機關ヲ相當ノ期間内ニ滿洲ニ於テ設立センコトヲ勸告ス右機關ハ廣汎ナル範圍ノ自治ヲ有スベク、地方

的狀況ニ調和スベク且現存ノ多邊の條約、日本ノ特殊ナル權利及利益、第三國ノ權利及利益竝ニ一般の第一節(丙)ニ採録セラレタル諸原則及條件ヲ考慮スルモノナルコトヲ要ス支那中央政府及其ノ地方官憲ノ各自ノ權能竝ニ兩者間ノ關係ノ決定ハ國際約定ノ效力ヲ有スル支那政府ノ宣言書ニ依リ之ヲ爲スベシ

(二) (甲) 及 (乙) ノ二勸告ニ於テ取扱ハレタル問題以外ニ調査委員會報告書ガ極東ノ平和ノ依存スル支那及日本間ノ良好ナル了解ニ影響ヲ及ボス或他ノ問題ヲ前記第一節(丙)ニ記述セル紛争ノ解決ニ關スル諸原則及條件中ニ掲ゲ居ルコトヲ思ヒ總會ハ當事國ニ對シ右諸原則及條件ヲ基礎トシテ此等ノ問題ヲ解決センコトヲ勸告ス

(三) 前記ノ勸告ヲ實施スルニ必要ナル交渉ガ適當ナル機關ニ依リ行ハルルヲ要スルコトヲ思ヒ總會ハ次ニ明記セラルル方式ニ從ヒ兩當事國間ニ交渉ヲ開始センコトヲ勸告ス  
各當事國ハ當事國ノ他ノ一方モ亦總會ノ勸告ヲ受諾スルコトノ唯一ノ條件ノ留保ノ下ニ自國ノ關スル限リ右勸告ヲ受諾スルヤ否ヤヲ事務總長ニ通報スルコトヲ求メラル  
當事國間ノ交渉ハ總會ガ設置スル一委員會ノ援助ヲ得テ次ノ如ク行ハルベシ  
總會ハ獨逸、白耳義、英帝國、「カナダ」、西班牙、佛蘭西、「アイルランド」、自由國、伊太利、



和蘭、「ボルトガル」、「チエッコスロヴァキア」及「トルコ」ノ政府ニ對シ事務總長ヨリ兩當事國ガ總會ノ勸告ヲ受諾スル旨ノ通報ニ接シタルトキ直ニ各一名ノ委員ヲ任命センコトヲ茲ニ請求ス

事務總長ハ又亞米利加合衆國及「ソヴィエト」社會主義共和國聯邦ノ政府ニ對シ右受諾ヲ通報シ右各政府ガ欲スルニ於テハ各一名ノ委員ヲ任命センコトヲ之ニ請求スベシ事務總長ハ兩當事國ノ受諾ノ通報ノ接受後一月以内ニ交渉ノ開始ニ適當ナル一切ノ措置ヲ執ルベシ

聯盟國ヲシテ各當事國ガ總會ノ勸告ニ從ヒテ行動シ居ルヤ否ヤヲ交渉ノ開始後ニ於テ判定スルコトヲ得シメンガ爲

(イ) 委員會ハ其ノ必要ト認メタル都度交渉ノ狀況及殊ニ前記勸告(一)ノ(甲)及(乙)ノ實行ニ關スル交渉ニ付報告スベク(一)(甲)ニ關シテハ委員會ハ如何ナル場合ニ於テモ交渉ノ開始後三月以内ニ報告スベシ此等ノ報告ハ事務總長ニ依リ聯盟國及委員會ニ代表ヲ出セル非聯盟國ニ通報セラルベシ

(ロ) 委員會ハ本報告書第四部第二節ノ解釋ニ關スル一切ノ問題ヲ總會ニ付託スルコトヲ得ベシ總會ハ規約第十五條第十項ニ從ヒ本報告書ヲ採擇セラレタルト同一ノ條件ニ於テ右解釋ヲ與

フベシ

### 第三節

事件ノ特殊ナル事情ニ顧ミ敍上ノ勸告ハ千九百三十一年九月前ノ原狀ヘノ單ナル復歸ヲ定ムルモノニ非ズ右勸告ハ又滿洲ニ於ケル現制度ノ維持及承認ハ現存國際義務ノ根本原則ト及極東ニ於ケル平和ノ依存スル兩國間ノ良好ナル了解ト兩立セザルモノナルヲ以テ之ヲ排除スルモノナリ聯盟國ハ本報告書ヲ採擇スルコトニ依リ特ニ滿洲ニ於ケル現制度ニ關シテハ本報告書中ノ勸告ノ實行ヲ阻害シ又ハ遲滯セシムルコトアルベキ如何ナル行爲ヲモ差控フルノ意思ヲ有スルモノナリ聯盟國ハ法律上ニ於テモ又事實上ニ於テモ引續キ右制度ヲ承認セザルベシ

聯盟國ハ滿洲ニ於ケル事態ニ關シ何等ノ單獨行動ヲモ差控ヘ且其ノ行動ニ付聯盟國相互間ニ於テ並ニ非聯盟國タル利害關係國ト協調ヲ繼續スル意思ヲ有ス聯盟國ニシテ九國條約ノ署名國タルモノニ關シテハ同條約ノ規定ニ從ヒ「其ノ何レカノ一國ガ本條約ノ規定ノ適用問題ヲ包含シ且右適用問題ノ討議ヲ爲スヲ望マシト認ムル事態發生シタルトキハ何時ニテモ關係締約國間ニ十分ニシテ且隔意ナキ交渉ヲ爲スベキコト」ヲ想起シ得ベシ

本報告書ノ勸告ニ適合スル事態ヲ極東ニ於テ確立スルコトヲ能フ限リ容易ナラシムル爲事務總長



ハ本報告書ノ謄本ヲ「パリ」條約又ハ九國條約ノ署名國タル非聯盟國ニ送付シ此等ノ諸國ガ右報告書ニ表明セラレタル見解ニ同意シ且必要ノ場合ニハ其ノ行動及態度ヲ聯盟國ト一致セシメンコトノ總會ノ希望ヲ之ニ通報スルコトヲ命ゼラル

## 第一附錄

一九三三年一月二十一日日本政府ノ爲シタル提案

### 第一決議案

總會ハ

- (一) 規約第十五條ノ規定ニ依レバ其ノ第一義務ハ紛争ノ解決ヲ確保スル爲努力スルニ在ルコト從テ目下ノ處紛争ノ事實及之ニ關スル勸告ヲ記載セル報告書ヲ作成スルノ任務ヲ有セザルコトヲ認メ
- (二) 千九百三十二年三月十一日ノ總會決議ニ依リ紛争ノ解決ニ關スル國際聯盟ノ態度ヲ決定セル諸原則ヲ表明シタルコトヲ思ヒ
- (三) 調査委員會報告書第九章ニ表明セラレタル諸原則ハ斯ノ如キ解決ヲ爲ス爲ニ有效ナル基礎ヲ爲スコトヲ思ヒ且斯ノ如キ解決ニ際シテハ國際聯盟規約、「パリ」條約及九國條約ノ規定ガ尊重セラレベキコトヲ確認シ
- (四) 右原則ガ極東ニ於ケル事態ノ發展ニ如何ニ適用セラレ得ベキヤヲ決定スルコトハ世界平和ニ



最モ關心ヲ有スル總會ノ任務ナルコトヲ思ヒ

- (五) 右解決ノ實際の事業ノ爲ニ特別十九人委員會ハ兩當事國間ノ繫争問題ヲ右兩當事國ニ依リ根本的且最終的ニ解決スルコトニ貢獻スベキ小委員會ヲ其ノ委員中ヨリ任命スベキコトヲ決定シ

- (六) 右小委員會ニ對シ其ノ任務ノ有效ナル遂行ノ爲必要ト思考スルガ如キ措置ヲ執ルコトヲ許與シ

- (七) 特別十九人委員會ガ千九百三十三年三月一日前ニ總會ニ對シ報告ヲ爲シ得ル様右小委員會ニ對シ其ノ事業ヲ常ニ十九人委員會ニ通告センコトヲ要請ス

- (八) 特別十九人委員會ハ千九百三十二年七月一日ノ總會決議ニ揭ゲラレタル期間ヲ兩當事國ノ同意ヲ得テ決定スルノ權能ヲ有スベク右期間ニ關シ兩當事國ノ同意ナキ場合ニハ委員會ハ第十五條第三項ニ依リ總會ニ依リ自己ニ委託セラレタル事業ニ關シ最終報告ヲ提出スルト同時ニ本問題ニ關シ總會ニ對シ提案ヲ爲スベク

- (九) 總會ハ依然會期ヲ繼續シ其ノ議長ハ其ノ必要ト認ムル場合之ヲ招集シ得ベシ

## 第二決議案

總會ハ千九百三十一年十二月十日ノ理事會決議ニ依リ設置セラレタル調査委員會ガ國際聯盟ニ對シ貴重ナル援助ヲ與ヘタルコトヲ感謝シ且總會ハ右調査委員會ノ報告書ガ平和維持ニ對スル聯盟ノ努力ニ對シ極メテ貴重ナル貢獻ヲ爲セルコトヲ宣明ス

## 議長宣言案

- 一 總會ハ其ノ十二月九日ノ決議ニ於テ其ノ特別委員會ニ對シ

- (一) 調査委員會ノ報告書、當事國ノ意見書竝ニ如何ナル形式ヲ以テ爲サレタルヲ問ハズ總會ニ於テ表示セラレタル意見及提議ヲ研究スルコト

- (二) 千九百三十二年二月十九日ノ理事會決議ニ依リ總會ニ付託セラレタル紛争ヲ解決センガ爲ニ提案ヲ作成スルコト

- (三) 能フ限り速ニ此等ノ提案ヲ總會ニ提出スルコトヲ請求シタリ

- 二 若シ委員會ニシテ總會ニ對シ事件ノ描寫及一般情勢ニ對スル判斷ヲ提出スルコトヲ要スルニ於テハ委員會ハ右記述ニ必要ナル資料ヲ調査委員會報告書ノ最初ノ八章中ニ見出シタルナルベシ



三 然レドモ斯ノ如キ調書ノ作成ハ未ダ其ノ時期ニ非ズ總會ハ規約第十五條第三項ニ從ヒ先ヅ和協手段ニ依リ紛争ノ解決ヲ爲スノ義務ヲ有ス若シ右努力成功スルトキハ總會ハ其ノ適當ト思考スル事實ヲ掲ゲタル調書ヲ公表スベシ

四 右第十五條第三項ニ基ク努力ガ繼續セラルル限リ規約中ニ規定セラレタル各種ノ偶發事故發生ノ場合ニ總會ノ果スベキ責任ノ觀念ハ總會ヲシテ特ニ消極的態度ヲ執ルコトヲ餘儀ナクセシム依テ委員會ハ本日總會ニ提出シタル決議案ニ於テ紛争ノ解決ヲ目的トスル提案ヲ爲スニ止メタリ

五 特別委員會ハ三月十一日ノ總會決議ニ依リ當事國ト協力シテ紛争ノ解決ヲ準備スルニ努力スルコトヲ委託セラレタリ

六 解決ノ實際の事業トシテ特別委員會ガ兩當事國間ノ繋争問題ヲ右兩當事國ニ依リ根本的且最終的ニ解決スルコトニ貢獻スベキ小委員會ヲ其ノ委員中ヨリ任命スベキコト提案セラレタリ

七 小委員會ハ其ノ任務ノ遂行ニ必要ナル一切ノ權能ヲ有スベク殊ニ專門家ニ諮問シ且其ノ助力ヲ利用スルコトヲ得ベシ

八 小委員會ノ委員ハ法律關係ノ事項ニ付テハ千九百三十二年三月十一日ノ總會決議ノ原則ニ依

リ又事實關係ノ事項ニ付テハ調査委員會報告書ノ最初ノ八章中ニ爲サレタル認定ニ依リ當事國ノ意見ヲ考量シテ指導セラルベシ考案スベキ解決方法ニ付テハ右委員ハ決議第三項及第四項ニ規定セラレ居ルガ如ク調査委員會報告書第九章ニ表明セラレタル諸原則ニ從ヒ之ヲ探求スベシ

九 特別十九人委員會ノ報告ハ總會ニ提出セラルベク總會ハ更ニ適當ナル決定ヲ爲スベシ加之紛争ノ解決ヲ更ニ困難ニ爲サシメザランガ爲委員會ハ如何ナル聯盟國ト雖モ聯盟規約、「バリ」條約、九國條約、三月十一日ノ總會決議及本決議中ノ原則ト合致セザル行動ヲ執ラザルベキ旨ノ固キ希望ヲ有ス予ハ總會モ亦之ニ同意ナルベキコトヲ信ズ



## 第二附錄

起草委員會作成ノ決議及理由書ニ對スル或種修正ヲ提案セル支那代表部覺書

一九三二年十二月二十六日、壽府

一、

一、十二月十六日起草委員會現任議長ト又十二月十七日及十八日右委員會ノ若干委員ト爲シタル會談ニ於テ支那代表部ハ同代表部ガ公正ナル解決ノ爲ニ不可缺ナリト臨時總會ニ於テ陳述シタル原則ニ關シ決意ヲ喚起シ且提案ナレタル決議案ノ内容ニ對スル支那政府ノ失望ヲ通告セリ支那ノ異論ナキ權利竝ニ聯盟規約及其ノ他ノ平和文書ノ基本原則ヲ保全スル爲ニ決議案及理由書ニ對シ若干ノ重要ナル修正ガ提示セラレタリ

二、參照及考察ニ便ナラシムル爲支那代表部ハ其ノ提案シタル訂正ヲ修正案ノ形式ニ於テ各々說明ヲ附シ提出スルコト望マシト思考ス左記修正案ハ和協ノ努力ニ對スル特別ノ考慮ヲ以テ且臨時總會ニ於テ述べタル如キ支那政府ノ元來ノ要求（之ニ關シ支那政府ハ飽迄固執スルノ權利ヲ留保ス）ヲ害スルコトナク提出セラルルモノナリ



(イ) 第一決議案第四項ハ左ノ如ク修正セラルベシ

「解決ノ目的ヲ以テ調査委員會報告書ノ最初ノ八章中ニ記述セラレタル主要事實ノ制定ニ依リ指導セラレ且一九三二年三月十一日ノ前掲決議中ノ諸原則及右報告書第九章ニ掲ケラレタル諸原則ヲ基礎トシ更ニ滿洲ニ於ケル現制度ノ維持及承認ハ解決方法ト認メラレ得ザルコトヲ特ニ認メツツ當事國ト協力シ交渉ヲ爲スノ任務ヲ有スル一委員會ヲ設クルコトヲ決定ス」

(ロ) 同決議案第九項ハ左ノ如ク修正セラルベシ

「委員會ハ兩當事國ノ同意ヲ得一九三二年七月一日ノ總會決議中ニ言及セラレタル期間ヲ決定スルノ權能ヲ有スベシ兩當事國ガ斯ノ如キ期間ニ關シ同意ヲ得ザルトキハ委員會ハ(其ノ報告ノ提出ト同時ニ)又ハ十九人特別委員會ハ總會ニ對シ期間ニ關スル提案ヲ爲スベク右期間ハ規約第十五條第四項ニ從ヒ報告ヲ爲スノ必要アルトキハ右提案ノ日ヨリ一月ヲ超ユベカラズ」

(ハ) 「理由書」ノ最終項ハ左ノ如ク修正セラルベシ

「右ニ關聯シ十九人委員會ハ現紛爭ニ特有ノ特殊ナル狀況ニ於テ支那ノ主權竝ニ其ノ領土的及行政の保全ヲ十分ニ尊重スルモ一九三二年九月前ノ狀態ヘノ單ナル復歸ハ永續スベキ解決

ヲ確保スル爲充分ナラズ且滿洲ニ於ケル現制度ノ維持及承認モ亦解決方法ト看做シ得ザルモノナリト思考ス」

二、

三、「調査委員會報告書ノ最初ノ八章中ニ記述セラレタル主要事項ノ制定ニ依リ指導セラレ」ナル字句ノ追加ハ滿洲ニ於ケル事態ノ起源、進展及現在ノ特性ニ關スル事實ノ問題ニ付テノ討議ヲ阻止セントスルノ意嚮ニ基ク右ノ事實ハ調査委員會ニ依リ儼然ト確定セラレタリ而シテ決議案中ニ之ヲ記載セザルトキハ右事實ニ關シ何等有益ナラザル新ナル議論ヲ生ゼシムベシ事實聯盟ガ日支紛爭ノ終局の解決ノ爲ノ其ノ努力ヲ故ラニ永引カセタルハ滿洲ノ事態ニ伴フ事實ニ關シ調査委員會ヨリノ公平ナル調書ヲ期待セル爲ナリ右ノ調査ハ今ヤ聯盟ニ於テ利用シ得ル次第ナリ若シ右ガ看過セラレ又ハ解決案ヲ見出サントスル現在ノ試ミニ於テ事實ノ終局の基礎トシテ十分ニ利用セラレザルニ於テハ人命ノ喪失、財産ノ破壊及領土ノ侵略ノ如キ恐シキ犠牲ヲ支那ニ生ゼシメタル過去ノ凡テノ遷延ハ意味無ク且不正ノモノトナルベシ

四、吾人ハ滿洲ニ關スル報告書ノ重要ナル制定ノ價值ヲ減ゼントスルモノニアラザルノミナラズ起草委員會ノ意嚮ガ總體的ニ支那代表部ノ見解ト一致スルモノト(理由書中ニ右ノ制定ニ言及



セラレ居ルガ故ニ) 思考ス故ニ前記ノ考慮ヨリ決議案本文中ニ特ニ記載ヲ爲スノ必要アルヤニ  
思考セラル

五、一九三二年三月十一日ノ總會決議ニ定メラレタル原則ヲ日支紛争解決ノ爲ノ基礎中ニ入ル  
コト必要ナリ

決議案第二項中ニ右決議ニ言及スルハ有益ナレドモ其ノ目的トスル所ヲ十分ニ明瞭ナラシメズ  
三月十一日ノ總會決議ハ聯盟規約及巴里條約ニ反スル手段ニ依リテ生ゼシメラレタル一切ノ事  
態、條約又ハ協定ノ不承認ノ基本原則ヲ表明シ居ルノミナラズ支那ガ重要視スル一九三一年九  
月三十日及十二月十日ノ理事會決議ガ引續キ有效ナルコトヲ想起セシメ居レリ如何ナル解決方  
法ニ於テモ總會及理事會ノ決議(右ハ明カニ效力ヲ有スルモノナルガ)ノ實行ハ支那代表部ノ  
意見ニ於テハ基本的且最初ノ考慮ヲ爲スベキモノナリ

六、「滿洲ニ於ケル現制度ノ維持及承認ハ解決方法ト認メラレ得ザル」トノ字句ヲ強調スルハ右ガ  
國際平和文書ノ神聖ノ基本原則ヲ包含スルノ事實ニ依リテ指導セラレタルナリ聯盟規約及  
「パリ」條約ハ共ニ國際紛争ノ平和的解決ヲ規定シ華府九國條約ハ特ニ署名國ニ對シ支那ノ主權  
獨立竝ニ領土及行政の保全ヲ尊重スルノ義務ヲ賦課ス

臨時總會ガ前記一九三二年三月十一日ノ決議中ニ不承認ノ主義ヲ表明セルハ明カニ此等ノ文書  
ノ神聖ヲ保持スルコト極メテ重要ナルコトヲ考慮シタルモノナリ調査委員會モ亦其ノ報告書中  
ニ此ノ點ヲ強調セリ苟モコノ點ニ關スル宗義曖昧ナルコトハ聯盟ガ其ノ成立及存在ノ最モ基本  
的ナル原則ノ一ヲ拋棄セルモノト世界ヨリ解セラルベシ支那代表部ハ滿洲ニ於ケル現政權ノ不  
承認及不維持ノ明瞭ナル規定ハ終局ノ解決ヲ求ムル凡テノ手續ニ支那ガ参加スル爲ノ不可缺ノ  
條件ナルコトヲ明白ニ開陳セント欲ス

七、調査委員會報告書第十章ノ引用ヲ除クベシト提案セラレタルガ夫ハ第十章ニ包含セララル示  
唆ハ報告書ノ言ヲ藉テ云ヘハ「吾人ガ前章ニ於テ設定シタル諸條件ニ合致シ得ベキ一方法ヲ例  
示スルノ目的ヲ以テ爲サレタルモノ」ナレバナリ右示唆ハ公正且實際的ナル解決ノ必要不可缺  
ナル要素ニ非ズ加之支那政府ノ意見トシテハ右示唆ノ或モノハ主義トシテ反對ナルモノニシテ  
其ノ他ノモノハ採用セラレタリトスルモ現在ノ事態ニ於テハ實行困難ナリ

三、

八、第二修正ハ支那代表部ガ重要ナリト信ズル二點ヲ明カニスル目的ヲ以テ提案セラレタリ期限  
ノ決定ハ憲法上ノ問題ニシテ之ガ決定ニ關スル提案ヲ爲スハ獨リ聯盟國ノ任務ナリ之ガ爲ニ十



九人委員會ハ提案ヲ爲スベキ當該機關ニシテ特ニ去ル七日ノ臨時總會ハ明カニ右ノ任務ヲ十九人委員會ニ委託シタレバナリ然ルニ現決議案ノ案文ニ依レバ本件ニ關スル提案ヲ爲スベク期待サルルハ將來設ケラルル特別委員會ナルヤニ見受ケラルル討論ノ目的タル修正案中ニ提案セラルル如キ文句ノ變更ハ單ニ本問題ヲ解決スルノミナラズ提案セラレタル特別委員會ハ十九人委員會ノ繼續セル存在ヲ阻害セズ且今後右特別委員會ニ委任セラルベキ任務及義務以外ニ臨時總會ヨリ委セラレタル任務及義務ヲ害スルモノニアラザルコト明瞭ナラシムルニ役立ツベシ

九、規約第十五條第四項ニ基テ報告書ノ作成セラルベキ確定期限ノ決定ハ日支紛争ノ急速解決ヲ確實ナラシメ且規約中ニ定メラルル此ノ意味深キ保障ガ之レ以上ニ害セラレザルベキコトヲ確保スルノ二重ノ目的ノ爲ニ特ニ重要視セラルルナリ支那代表部ハ明カニ世界のニ適用アルベキ規約ノ起草者ハ複雜ナル紛争ノ起リ得ベキコトヲ知ラザリシニアラズ依テ之ガ爲ニ彼等ハ最終報告作成ノ爲ニ六ヶ月ノ最長期間ヲ規定シタルモノナリト信ズ斯ル保障ノミガ聯盟組織法ノ違反ガ如何ナル場所ニ於テ起レリトスルモ之ガ速ニ處理セラレ且被害當事國ニ對スル賠償ガ不當ナル遲延ナクシテ得ラルベシトノ安全ノ觀念ヲ生ゼシメ得ベシ

## 四、

十、理由書最終項ニ對スル修正ハ「支那ノ主權並ニ領土の及行政の保全ヲ十分ニ尊重シツツ」ノ字句ヲ挿入シ且「狀態」ノ前ニ「事實上」ヲ挿入スルコトニ在リ右提案ノ目的ハ原狀ノ事實上ノ性質ト法律上ノ性質トノ間ノ差異（起草委員會ハ疑モナク既ニ之ヲ承知シ居レリ）ヲ強調センコトニ在リ支那政府ハ一九三一年九月前ニ存在セシ如キ滿洲ノ行政ニ自ラ適當ナル變革ヲ爲スコトニ異議ヲ有セザルモ東三省ニ於ケル支那ノ法律的地位ガ日支紛争ノ一切ノ解決ニ於テ何等害セラルベキコトヲ容認スルヲ得ズ茲ニ提案セラレタル追加ハ右ノ點ヲ明瞭ナラシムルニ役立ツベシト信ズ

十一、支那代表部ハ十九人委員會ハ右ニ提出セラレ、説明セラレ且支那政府ガ基本的ナリト思考スル修正案ヲ受諾シ決議案及理由書ノ本文中ニ之ヲ挿入スルコト當ヲ得タルモノナルコトヲ認ムベシト思考ス尙支那代表部ハ更ニ研究ヲ爲シタル上又最初支那代表部ニ通告セラレタル二案文ニ他ノ變更ガ加ヘラレタル場合追加の修正案ヲ指示スルノ權利ヲ留保スルコトヲ附言セントス



### 第三附錄

八〇

一九三三年二月八日日本代表ヨリ聯盟事務總長ニ手交セル提案

#### 一、第一決議案

##### 十九人委員會案

四、紛争ヲ解決スル目的ヲ以テ調査委員會報告書第九章ニ掲ゲラレタル諸原則ヲ基礎トシ且同報告書第十章ニ示サレタル諸提議ヲ參考トシテ當事國ト協力シ交渉ヲ爲スノ任務ヲ有スル一委員會ヲ設置スルコトヲ決定ス

##### 修正提案

四、調査委員會報告書第九章ニ表明セラレタル諸原則及結論ヲ「其ノ後進展シ來レル各個ノ事件ニ調和シツツ」(調査委員會報告書第一三二頁)基礎トシテ紛争ヲ解決スルノ目的ヲ以テ和協ヲ確保スル爲兩當事國ト協力シテ努力スルコトハ十九人委員會ノ任務ナルベキコトヲ決定ス

#### 二、第二決議案

##### 十九人委員會案

總會ハ一九三一年十二月十日ノ理事會決議ニ依リ任命セラレタル調査委員會カ國際聯盟ニ對シ與ヘタル貴重ナル援助ヲ感謝シ且其ノ報告書ガ誠意アリ且公平ナル業績ノ一實例トナルベキコトヲ宣明ス

#### 三、議長宣言案

イ、

##### 十九人委員會案

若シ委員會ニシテ總會ニ對シ事件ノ描寫及一般情勢ニ對スル判斷ヲ提示スルコトヲ要スルニ於テハ委員會ハ右記述ニ必要ナル一切ノ資料ヲ調査委員會報告書ノ最初ノ八章中ニ見出スコトヲ得ベク委員會ノ意見ニ依レバ右報告書ハ主要事實ニ關スル均衡アリ公平ニシテ且完全ナル記述ナリ

##### 修正提案

(前段修正ナシ)

且其ノ報告書カ平和維持ニ關スル聯盟ノ努力ニ對シ極メテ貴重ナル貢獻ヲ爲セルコトヲ宣明ス

##### 修正提案

(、、意見ニ依レバ右報告書ハ「迄修正ナシ」)

右報告書ハ平和維持ニ關スル聯盟ノ努力ニ對シ極メテ貴重ナル貢獻ナリ



## 十九人委員會案

八、交渉委員會ノ委員ハ法律關係ノ事項ニ付テハ一九三二年三月十一日ノ總會決議第一部及第二部ニ依リ又事實關係ノ事項ニ付テハ調査委員會報告書ノ最初ノ八章ノ敘述ニ依リ指導セラルベシ解決方法ヲ考慮スルニ當リテハ委員ハ調査委員會報告書第九章記載ノ諸原則ヲ基礎トシ且右報告書第十章ニ於テ爲サレタル諸提議ヲ參照シ之ヲ探求スベキナリ

## 修正提案

八、委員會ノ委員ハ法律關係ノ事項ニ付テハ一九三二年三月十一日ノ總會決議第一部及第二部ニ依リ又事實關係ノ事項ニ付テハ調査委員會報告書ノ最初ノ八章ノ敘述ニ依リ指導セラルベシ解決方法ヲ考慮スルニ當リテハ委員ハ決議第四項ニ基キ調査委員會報告書第九章ニ表明セラレタル諸原則及結論ヲ其ノ後進展シ居レル各個ノ事件ニ調和シツツ基礎トシテ之ヲ探求スベキナリ

## 十九人委員會案

九、右ニ關聯シ十九人委員會ハ現紛争ニ特有ノ特殊ナル狀況ニ於テ一九三一年九月前ノ狀態ヘノ單ナル復歸ハ永續スベキ解決ヲ確保スル爲十分ナラズ且滿洲ニ於ケル現制度ノ維持及承認モ亦解決方法ト認メラレ得ザルモノナリト思考ス

## 修正提案

右ニ關聯シ十九人委員會ハ滿洲ニ於テ樹立セラレタル現制度ヲ日本カ承認シタルコト及他ノ聯盟國ハ同様に措置ニ出テ居ラザルコトヲ承知セリ尙調査委員會報告書第九章（總會ハ本決議第四項ニ於テ同章ノ諸原則及結論ヲ紛争解決ノ交渉ノ基礎トシテ採用セリ）中ニ一九三一年九月前ノ狀態ヘノ單ナル復歸ハ永續的解決ヲ確保スルニ十分ナラザルベク又滿洲ニ於ケル現制度ノ維持及承認モ解決方法ト看做サルヲ得ザルベク將又將來ニ於ケル満足スベキ制度ハ現在ノモノニ格段ナル變更ヲ加フルコトナクシテ發展セシメラルベキ旨（第一三〇頁）述べ居ルコトハ之ヲ注目スベシ



## 第四附錄

十九人委員會ノ爲ニ事務總長ヨリ日本代表ニ宛タル書翰

一九三三年二月九日、壽府

十九人委員會ハ昨日閣下ガ同委員會ニ提出セラレタル新提案ヲ最慎重ニ審査セリ委員會ハ日本政府ガ委員會ノ見解ニ副ハンガ爲シタル努力ヲ衷心多トスルモノナルコトヲ閣下ニ表明センコトヲ予ニ求メタリ

然レドモ委員會ガ更ニ情報ヲ求メント欲スル重要ナル一點アリ日本政府ハ調査委員會報告書第九章ニ記載セル諸原則及結論ヲ和協ノ基礎トシテ欣然受諾スル旨聲明セラレ居レリ右報告書ノ第七原則ハ次ノ如シ

「滿洲ノ自治

滿洲ニ於ケル政府ハ支那ノ主權及行政の保全トノ一致ノ下ニ東三省ノ地方的狀況及特質ニ應ズル様工夫セラレタル廣汎ナル範圍ノ自治ヲ確保スルガ如キ方法ニ依リテ改メラルルコトヲ要ス新文治制度ハ善良ナル政治ノ本質の要求ヲ満足スル様構成セラレ且運用セラレザルベカラズ」

依テ委員會ニ於テハ日本政府ハ右原則ヲ受諾スルコトニ依リテ其ノ獨立國トシテ承認シタル「滿洲國」ノ存立ノ繼續ガ今次ノ紛爭ノ解決方法ヲ供スルモノニ非ズト認ムルガ故ニ同政府ハ和協委員會ノ會合ノ節ハ其ノ任務ガ滿洲國ノ繼續ニモ非ズ又事件前ノ原狀ヘノ復歸ニモ非ザル解決方法ニシテ支那ノ主權及行政の保全ト兩立シテ滿洲ニ於ケル良好ナル秩序竝ニ滿洲ニ於ケル日本ノ權利及合法ナル利益ノ適當ナル保護ヲ確保スルモノヲ發見スルニ在ルコトニ同意シタルモノト推定ス

委員會ガ本重大問題ニ關スル日本政府ノ態度ヲ正確ニ解釋シタルヤ否ヤヲ閣下ガ成ルベク早期ニ委員會ニ通告セラルルヲ得バ委員會ハ幸甚トスルモノナリ

## 第五附錄

日本代表ノ書翰

一九三三年二月十四日、壽府

余ハ十九人委員會ニ於テ審議中ニ屬スル決議案及議長宣言草案ニ關スル本月九日附貴翰ヲ領承スルノ光榮ヲ有ス



余ハ右貴翰ニ對スル回答トシテ貴下ノ提起セラレタル點ニ付テ日本政府ニ於テ數回ニ互リ且明確ナル聲明ヲ爲シタルモノナルコト及余自身モ亦貴下、十九人委員會議長並ニ國際聯盟理事會及總會ニ對シ口頭及文書ニ依リ十分ナル説明ヲ爲スノ勞ヲ執リ來レルモノナルコトヲ述ブル次第ナリ

余ハ右説明ニ際シ日本政府ハ同政府ノ滿洲國獨立承認ヲ爭論的審議ノ題目ト爲サシムベキ地位ニ在ラザルモ而モ若シ右及之ニ關聯スル他ノ諸點ノ徹底的説明ヲ爲ス爲十分ノ時日力與ヘラレルニ於テハ日本政府ノ地位ニ關シ世界ノ了解ヲ贏チ得ルニ至ルベキヲ余ニ於テ終始信ジ居ルモノナル旨ヲ強調セリ余ハ十九人委員會委員等ガ貴下ト余トノ會談ノ趣意ニ關シ十分ナル報道ヲ受ケ且本件ニ關スル日本ノ態度ニ關シ委員等ニ於テ何等ノ誤解モアリ得ベカラザル旨ヲ貴下ヨリ傳聞セリ

尙余ハ十九人委員會カ決議案及議長宣言草案ヨリ非聯盟國招請ニ關スル部分ヲ削除スルコトニ對シ同意ヲ表スルト共ニ日本政府ニ於テ爾餘ノ部分ヲ受諾スベキ方途ヲ講ゼラレタキ希望ヲ表明セル際貴下及十九人委員會議長カ去ル一月十八日余ニ對シ議長宣言草案ノ最後ノ項ニ關スル日本ノ態度ヲ闡明スル爲日本政府ニ於テ一方の聲明又ハ留保ヲ爲シテハ如何ト提案セラレタルノ事實ニ

付貴下ノ注意ヲ喚起セント欲スルモノナリ其ノ際余ハ日本ガ右ノ如キ方途ニ出ヅルコトニ對シ十九人委員會ハ反對セザルベシト了解セリ若シ十九人委員會ガ冒頭貴翰中ニ提起セラレタル問題ニ關スル日本ノ地位ニ對シ明確ナル觀念ヲ得シ居ラザリシニ於テハ右提案ハ爲サルコトナカリシナラント余ハ確信スルモノニシテ右ハ單ニ提案セラレタルノミナラズ事實二月四日ノ公式「コンミニケ」ニ依リ確認セラレタリ

日本政府ハ調査委員會報告書第九章ノ諸原則カ現實ニ進展シツツアル出來事ニ對シ當然拂フベキ注意ヲ拂ヒツツ適用セラルルト共ニ和協ノ本質上何人ト雖モ紛爭問題ノ早急ナル判斷ヲ避クルヲ要ストノ主義ニ對シテモ同様ノ注意ヲ拂ヒツツ適用セラルベシトノ諒解ノ下ニ右諸原則ヲ決議案及宣言案ニ挿入スルコトニ對シ反對ヲ爲サザルモノナリ右和協的立場ヲ執ルニ際シ日本政府ニ於テ十九人委員會ガ本件ニ關スル日本ノ態度即チ日本政府ハ滿洲國ノ獨立ノ維持及承認カ極東平和ノ唯一ノ保障ニシテ且總テノ問題ハ右基礎ニ於テ結局日支間ニ解決セラルベキコトヲ確信スルモノナル旨十分承知シ居レリトノ推定ニ基キテ施措シ居リタルハ勿論ノ儀ナリ日本政府ハ又和協委員會カ是等及關係諸點ニ關シ詳細ナル説明ヲ爲ス爲十分ナル時間ノ余裕ヲ與フベキコト及日本ハ其ノ地位ノ正當ニシテ且道義的ナルコトニ關シ總テノ公平ナル人物ヲシテ十分之ヲ確信セシムル



ニ至リタルベキコトニ付終始正シキ期待ヲ懷キ來リシ次第ナリ  
余ハ敍上ノ記述ニ依リ貴下ノ質問事項ニ關スル日本ノ立場ヲ明カニシタルヲ信ズルモノニシテ  
又日本代表ハ貴下及十九人委員會カ本件ニ關シ拂ハレツツアル努力ヲ衷心ヨリ多トスルモノナ  
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## 第六附錄

十九人委員會ノ爲ニ事務總長ヨリ日本代表ニ宛タル書翰

一九三三年二月十四日、壽府

十九人委員會ハ二月十四日附貴翰ヲ受領センコトヲ予ニ求メタリ委員會ハ滿洲國ニ關スル貴國政  
府ノ態度ヲ表示スル貴翰所載ノ陳述ニ對シ感謝スルモノナリ

貴翰ニ依リ日本代表部ハ調查委員會報告書第九章ニ記載セル十原則及結論ヲ紛爭解決ノ基礎トシ  
テ受諾スルニ當リ同代表部ハ提案セル「右諸原則及結論ヲ其ノ後進展セル事件ニ適用スル」ナル字  
句ノ附加ガ第七原則ノ範圍ヲ變更スベキコトヲ意圖セルコト明カト爲レリ委員會ニ於テハ和協委  
員會ガ構成セラレタリトスルモ日本代表ハ斯カル委員會ニ於テ調查委員會報告書所述ノ如ク現制

度ノ維持及承認ガ滿洲問題ノ滿足ナル解決方法ヲ供セザルベキコトヲ委員會ノ事業ノ基礎ノ一部  
トシテ受諾スルノ用意ナカリシナルベシト了解ス若シ然リトセバ委員會ハ甚ダ遺憾ナガラ二月八  
日提出セラレタル日本ノ提案ハ受諾シ得ル和協ノ爲ノ基礎ヲ供セザルモノト思惟セザルヲ得ザル  
ナリ委員會ハ貴翰中ニ提起セラレタル種種ノ點ニ對シ十分ナル考慮ヲ加ヘタルモ當該事件ノ下ニ  
於テハ此等ノ點ノ討議ノ開始ニ依リ何等ノ成果ニモ達スルコトヲ得ズト認ム委員會ニ就テハ總會  
ノ最終會合ノ日ニ至ル迄ハ貴國政府ガ爲サント欲セラルルコトアルベキ爾後ノ如何ナル提案ヲモ  
最慎重ナル注意ヲ以テ欣然審査スベキコト勿論ナルモ委員會ハ閣下ニ於テ現在ノ事態ノ惡化ガ和  
協ヲ目的トスル新ナル努力ヲ失敗セシメザル迄モ之ヲ更ニ困難ナラシムルニ相違ナキコトヲ認知  
セラルベキコトヲ確信スルモノナリ



REPORT OF THE ASSEMBLY, ADOPTED IN ACCORDANCE  
WITH PARAGRAPH 4 OF ARTICLE 15  
OF THE COVENANT.

(on February 24, 1933.)

The Assembly, in view of the failure of the efforts which, under Article 15, Paragraph 3, of the Covenant, it was its duty to make with a view to effecting a settlement of the dispute submitted for its consideration under Paragraph 9 of the said Article, adopts, in virtue of Paragraph 4 of that Article, the following report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

PART I.

Events in the Far East.—Adoption of the first eight Chapters of the Report of the Commission of Enquiry.—Plan of the Report.

The underlying causes of the dispute between China and Japan are of considerable comple-



xity. The Commission of Enquiry sent by the Council to study the situation on the spot expresses the view that the "issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated, and only an intimate knowledge of all the facts, as well as of their historical background, should entitle anyone to express a definite opinion upon them."<sup>1</sup>

The first eight chapters of the Report of the Commission of Enquiry present a balanced, impartial and detailed statement of the historical background of the dispute and of the main facts in so far as they relate to events in Manchuria. It would be both impracticable and superfluous either to summarise or to recapitulate the Report of the Commission of Enquiry, which has been published separately; after examining the observations communicated by the Chinese and Japanese Governments, the Assembly adopts as part of its own Report the first eight chapters of the Report of the Commission of Enquiry.

It is necessary, however, to complete the statement of the Commission of Enquiry by describing the measures taken by the Council and the Assembly in connection with the various phases of the dispute, as well as certain events which do not appear in the Report of the Commission, more particularly those relating to the origin of the hostilities which occurred at Shanghai at the beginning of 1932. In regard to these events, the Assembly adopts as part of its

<sup>1</sup> Report of the Commission of Enquiry (Document C. 683. 1932, page 126).

own Report the reports addressed to it by the Consular Commission of Enquiry. These reports have been published separately.<sup>1</sup> The story of what happened in Manchuria since the beginning of September 1932 must also be related, since the Report of the Commission of Enquiry does not go beyond that date.

This brief historical summary of the development of the dispute will be found in Part II of the present Report. It should be read in connection with the narrative of events given in the Report of the Commission of Enquiry.

Part III describes the chief characteristics of the dispute and the conclusions drawn by the Assembly from the essential facts.

Part IV contains the recommendations which the Assembly deems to be just and proper in regard to the dispute.

## PART II.

### Development of the Dispute before the League of Nations.

#### I. SUMMARY OF THE DEVELOPMENT OF THE DISPUTE.

The decisions of the Council and of the Assembly in the long period which has elapsed

<sup>1</sup> The first three reports of the Consular Commission, with their supplements, are given in Document A (Extr.) 3. 1932 and the fourth report in Document A (Extr.) 15. 1932. They are also reproduced in the Special Supplement to the *Official Journal* No. 101, page 149 *et seq.*



since the dispute was first brought before the League of Nations were determined by the evolution of the conflict in the Far East.

At the outset, the incidents with which the Council was called upon to deal when the dispute was submitted to it by China under Article II occurred at Mukden and in some other places in Manchuria; the Council received repeated assurances from Japan that she had no territorial designs in Manchuria and that she would withdraw her troops within the South Manchuria Railway Zone, subject to the sole condition that the safety of the lives and property of Japanese nationals were assured. Such was the purport of the resolution of September 30th and of the draft resolution of October 24th, 1931. The latter, which was agreed to by all the Members of the Council except Japan, enabled the Council once again to secure pledges from the Japanese delegation.

After the rejection of this draft resolution, Japan's insistence on the need of a settlement of the fundamental questions which divided the two countries led the Council, without prejudice to the execution of the undertakings embodied in the resolution of September 30th, to put forward measures with a view to a final and fundamental solution by the two parties of the questions at issue between them. On December 10th, 1931, the Council, acting on a proposal made by Japan, decided to appoint a Commission of five members with instructions to make an enquiry on the spot and to report to the Council on "any circumstance which, affecting

international relations, threatens to disturb peace between China and Japan, or the good understanding between them upon which peace depends".

Between December and March, however, there was a considerable change for the worse in the situation in the Far East. Japanese troops completed the occupation of South Manchuria and began to occupy North Manchuria. Outside Manchuria a severe conflict, involving Chinese and Japanese regular forces, was begun and carried on at Shanghai. At the same time, the reorganisation of the civil administration in those parts of Manchuria occupied by the Japanese troops resulted in the formation of an "independent state" styled "Manchukuo", which did not recognise Chinese sovereignty. The Council was henceforth asked by China to deal with the dispute, not only under Article II, but also under Articles 10 and 15 of the Covenant. On February 19th, 1932, as the result of a request by China submitted under the terms of Article 15, Paragraph 9, the Council referred the dispute to the Assembly.

From January onwards, pending the receipt of the report of the Commission of Enquiry, without which the substance of the dispute could not be thoroughly examined, the chief concern of the Council, and subsequently of the Assembly, was to do everything in its power to stop hostilities and prevent an aggravation of the situation, while preserving the rights of the parties and the principles of the Covenant from suffering prejudice by reason of any *fait accompli*. The Assembly, by its resolution of March 11th, defined the attitude of the League of Nations



towards the dispute. It declared that, pending a settlement in conformity with the Covenant, it was incumbent upon the Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

The hostilities at Shanghai were brought to an end, but fighting continued in Manchuria between Japanese forces or forces of the "Manchukuo" Government and irregular Chinese forces. In September, 1932, some days after the signing at Peiping of the Report of the Commission of Enquiry, there was a further fundamental change in the situation: the Japanese Government recognised the "Manchukuo" Government.

The Report of the Commission of Enquiry could not reach Geneva before the end of September—namely, after the expiry of the time-limit of six months laid down in the Covenant for the report of the Assembly under Article 15. The Assembly, therefore, with the assent of the parties, decided on July 1st to extend the time-limit for as long as might be strictly necessary, on the understanding that such extension should not constitute a precedent. The Commission of Enquiry was thus able to complete its Report on the spot, the parties to submit their observations on the Report, and the Council and Assembly to examine all the material thus collected.

The examination of this material and the exchanges of views with the parties continued

from the middle of November, 1932, to the beginning of February, 1933. After the discussions by the Council, the Assembly endeavoured, but without success, to bring about a settlement of the dispute by negotiation between the parties under Paragraph 3 of Article 15, on the basis of the information and conclusions contained in the report of the Commission of Enquiry. It has therefore adopted the present Report in conformity with Paragraph 4 of that Article.

## 2. ORIGIN OF THE DISPUTE BEFORE THE LEAGUE OF NATIONS.—EVENTS OF SEPTEMBER 18TH-19TH, 1931, IN SOUTH MANCHURIA.—FIRST DISCUSSIONS OF THE COUNCIL.

China's request to the Council arose out of the action taken by the Japanese troops in Manchuria on the night of September 18th-19th, 1931.

In consequence of an incident near Mukden,<sup>1</sup> in the South Manchuria Railway Zone, which

<sup>1</sup> According to the appeal addressed by the Chinese Government to the Council on September 21st, 1931, "beginning from ten o'clock on the night of September 18th, regular troops of Japanese soldiers, without provocation of any kind, opened rifle and artillery fire upon Chinese soldiers at or near the city of Mukden, bombarded the arsenal and barracks, . . . set fire to the ammunition depot" and "disarmed the Chinese troops in Changchun, Kwanlungze, and other places" (*Official Journal*, December 1931, page 2453).

According to the version given by the Japanese army, communicated to the Council on September 26th, a patrol of seven men under a lieutenant were making reconnaissances in the railway zone north of Mukden when they heard behind them, about 10.30 p.m., a violent explosion. They turned about and some 500 metres northwards,



is guarded by Japanese troops, the Japanese command, on the ground that military precautions were necessary, sent troops outside the railway zone, more especially to the Chinese towns in the neighbourhood of the zone and to the Chinese railway lines terminating at Mukden. The Chinese towns of Mukden, Changchun, Antung, Yingkow and others were occupied and the Chinese troops dispersed or disarmed.

On September 21st, China appealed under Article II of the Covenant and asked the Council to take immediate steps to prevent the further development of a situation endangering the peace of nations, to re-establish the *status quo ante* and to determine the amount and character of such reparations, as might be found due to the Republic of China.

On September 22nd, the Council authorised its President (the representative of Spain, M. Lerroux): (1) to address an urgent appeal to the two Governments to refrain from any act which might aggravate the situation or prejudice the peaceful settlement of the problem;

near the place at which the explosion had occurred, they perceived Chinese soldiers in flight. The patrol at first pursued them, but found themselves under fire from soldiers under cover and then from a force of some 400 or 500 Chinese troops. The Japanese company commander promptly came up with 120 men, pursued the Chinese troops and occupied part of the Mukden North Barracks (Document C. 621. 1931; *Official Journal*, December 1931, page 2478).

Chapter IV of the report of the Commission of Enquiry sets out in detail the events that occurred during the night of September 18th-19th, 1931, and gives the Commission's opinion on these events, accompanied by a statement of the reasons on which it is based (page 70).

(2) to seek, in consultation with the Chinese and Japanese representatives, adequate means whereby the two countries might proceed immediately to the withdrawal of their respective troops, without compromising the safety of the lives and property of their nationals.

On September 29th, the President-in-Office of the Council, explaining the situation to the Assembly then in ordinary session, on the basis of information supplied by the two parties, stated that "the withdrawal of the Japanese forces to within the South Manchuria Railway Zone was being carried out" and that on September 28th "the Japanese representative had announced to the Council that the withdrawal was proceeding . . . . . Outside the railway Zone, there only remained, apart from Kirin and Mukden, small detachments at Hsinyin and Chengchiatun for the protection of Japanese nationals against the attacks of bands of Chinese soldiers and brigands which at the same time were ravaging those districts".

Such was the position when, on September 30th, the Council adopted the following resolution:

"The Council,

"(1) Notes the replies of the Chinese and Japanese Governments to the urgent appeal addressed to them by its President, and the steps that have already been taken in response to that appeal;

"(2) Recognises the importance of the Japanese Government's statement that it has no territorial designs in Manchuria;



"(3) Notes the Japanese representative's statement that his Government will continue, as rapidly as possible, the withdrawal of its troops, which has already been begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals is effectively assured and that it hopes to carry out this intention in full as speedily as may be ;

"(4) Notes the Chinese representative's statement that his Government will assume responsibility for the safety of the lives and property of Japanese nationals outside that zone as the withdrawal of the Japanese troops continues and the Chinese local authorities and police forces are re-established ;

"(5) Being convinced that both Governments are anxious to avoid taking any action which might disturb the peace and good understanding between the two nations, notes that the Chinese and Japanese representatives have given assurances that their respective Governments will take all necessary steps to prevent any extension of the scope of the incident or any aggravation of the situation ;

"(6) Requests both parties to do all in their power to hasten the restoration of normal relations between them and, for that purpose, to continue and speedily complete the execution of the above-mentioned undertakings ;

"(7) Requests both parties to furnish the Council at frequent intervals with full

information as to the development of the situation ;

"(8) Decides, in the absence of any unforeseen occurrence which might render an immediate meeting essential, to meet again at Geneva on Wednesday, October 14th, 1931, to consider the situation as it then stands ;

"(9) Authorises its President to cancel the meeting of the Council fixed for October 14th should he decide, after consulting his colleagues, and more particularly the representatives of the two parties, that, in view of such information as he may have received from the parties or from other members of the Council as to the development of the situation, the meeting is no longer necessary."

The hopes of the Council were not fulfilled. On October 9th, the Chinese delegation asked for an urgent meeting of the Council on the ground that Japanese troops had begun further "aggressive military operations". The reference was primarily to the aerial bombardment of Chinchow,<sup>1</sup> where, after the capture of Mukden, a Provincial Government had temporarily established itself.

The Council, at its meeting in September, had decided to forward to the Government of the United States of America the minutes of its meeting and the documents relating to the

<sup>1</sup> The bombardment of Chinchow (October 8th, 1931) is described on page 72 of the Report of the Commission of Enquiry.



Sino-Japanese dispute, and the Government of the United States had affirmed its whole-hearted sympathy with the attitude of the League of Nations.

On October 16th, it was determined to continue to co-operate with the Government of the United States of America, which was invited to send a representative to sit at the Council table. The representative of the United States was authorised by his Government "to consider with the Council the relationship between the provisions of the Pact of Paris and the present unfortunate situation in Manchuria and, at the same time, to follow the deliberations of the Council with regard to other aspects of the problem with which it is now confronted".

On October 17th, a certain number of the Governments represented on the Council (the United Kingdom, France, Germany, the Irish Free State, Italy, Norway and Spain) decided, as signatories of the Pact of Paris, to address an identical note to the Governments of China and Japan, calling their attention to the provisions of that Pact and more especially to the terms of Article 2, whereby "the Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or whatever origin they may be, which may arise among them, shall never be sought except by pacific means".

The United States Government sent a similar note to the two Governments.

On October 22nd, the President of the Council (the representative of France, M. Briand),

submitted a draft resolution upon which the members of the Council, other than the parties, had unanimously agreed.

The draft resolution, after referring to the undertakings entered into by the Governments of China and Japan in the resolution of September 30th and to the declaration of the Japanese representative that this country had no territorial designs in Manchuria, called upon the Japanese Government immediately to begin the withdrawal of its troops into the railway zone and proceed therewith so that the whole of the troops might be withdrawn before the next meeting of the Council. It called upon the Chinese Government to make such arrangements for taking over the territory thus evacuated as would ensure there the safety of the lives and property of Japanese subjects, and indicated certain measures of detail to be adopted for this purpose.

Recommendations were also made to the two Governments that, as soon as the evacuation was completed, they should open direct negotiations on all the questions outstanding between them, in particular in respect of those arising out of the recent incidents and of those relating to the difficulties caused by the railway situation in Manchuria. For this purpose, the Council suggested that the two parties should set up a conciliation committee or some such permanent machinery. Finally, it was proposed that the Council should meet again on November 16th.

On October 23rd, the representative of China accepted the draft resolution as a "bare



minimum". The representative of Japan submitted a counter-draft and explained that his Government, in view of the tension in Manchuria and the state of disorder prevailing there, did not deem it possible to fix a definite date by which the evacuation could be completed. His Government regarded it as absolutely indispensable that a calmer frame of mind should be restored and, with this object in view, had determined a number of fundamental points which should be the basis for normal relations between China and Japan. He was not authorised to set out these fundamental points in a resolution or to discuss their details at the Council table; they could better be made the subject of direct negotiations between the parties.

The Council considered that it was impossible to refer to "fundamental points" in a draft resolution without knowing what they were.

The draft resolution was not adopted, the Japanese representative voting against it (October 24th, 1931). The Council, after taking the vote, adjourned until November 16th.

The Chinese representative, after the meeting of October 24th, made the following declaration to the President of the Council on behalf of his Government.

"China, like every Member of the League of Nations, is bound by the Covenant to 'a scrupulous respect for all treaty obligations'. The Chinese Government for its part is determined loyally to fulfil *all* its obligations under the Covenant. It is prepared to give proofs of this intention by undertaking to settle all disputes with Japan as to treaty inter-

pretation by arbitration or judicial settlement, as provided in Article 13 of the Covenant.

"In pursuance of this purpose, the Chinese Government is willing to conclude with Japan a treaty of arbitration similar to that recently concluded between China and the United States of America, or to those concluded of recent years in increasing numbers between Members of the League."

### 3. DEVELOPMENT OF JAPANESE MILITARY OPERATION IN NORTH MANCHURIA.

After the Council meeting in October, further Japanese military operations took place in Manchuria in the neighbourhood of the bridges carrying the Taonan-Angangchi Railway over the River Nonni. These bridges had been destroyed in October by the Chinese troops of the President of the Heilungkiang Provincial Government, General Ma Chan-shan, in order to stop the advance of General Chang Hai-peng who, according to the Chinese, had taken the offensive at the instigation of the Japanese. To justify Japanese interpretation for the repair of these bridges, the Tokio Government had represented to the Chinese Government<sup>1</sup> that the Taonan-Angangchi Railway had been built by the South Manchuria Company under a contract;

<sup>1</sup> Document C. 671. VII; *Official Journal*, December 1931, page 2513.

<sup>2</sup> Document C. 804. 1931; *Official Journal*, December 1931, page 2576.



that the Chinese authorities had not yet paid their debt; that they had refused to convert that debt into a loan, and that the railway might therefore be regarded as belonging to the South Manchuria Company, which had a great interest in preserving the property and in maintaining traffic on the line.

On November 2nd, the Japanese Government stated that, at the request of the South Manchuria and the Tsinan-Angangchi Railway Administration, a company of sappers had been sent on that day to repair the railway bridge under the protection of troops (infantry, artillery and air forces).<sup>1</sup>

The Japanese troops came into contact with the Chinese forces, which refused to retire and were driven back.<sup>2</sup> In November, the Japanese troops reached and even crossed the Chinese Eastern Railway, and took Angangchi and subsequently Tsitsihar (November 19th).

#### 4. MEASURES FOR THE RE-ORGANISATION OF THE CIVIL ADMINISTRATION IN MANCHURIA.

While military operations were thus spreading towards the north of Manchuria, progress was made with the re-organisation of the civil administration. At Mukden, in particular, after

<sup>1</sup> Document C. 788, 1931; *Official Journal*, December 1931, page 2565.

<sup>2</sup> These operations are described in the Report of the Commission of Enquiry (page 72 *et seq.*)

the disorganisation caused by the incident of September 18th, the administration of the municipality was first entrusted to a Japanese, Colonel Dolbarr, and later, on October 20th, to a Chinese Mayor, Dr. Chao Hsin-pi, Doctor of Law of the University of Tokio. Efforts were also made to organise a Liaoning Provincial Administration in opposition to the former administration which had taken refuge at Chinchow. The "Committee for the Maintenance of Peace and Order", constituted on September 24th, became in October the office of the Autonomous Government of the Province of Liaoning. The latter in turn was converted, on November 7th, into an acting Provincial Government of Liaoning, which announced that it was breaking off relations with the former North-Eastern Government and with the Nationalist Government at Nanking. At the same time, a Supreme Advisory Council was established, whose duties included those of directing and supervising the Provincial Government and encouraging the development of local autonomy. All the new authorities, as also the banks of issue, had received Japanese advisers, who were, in many cases, influential officials of the South Manchuria Railway.<sup>1</sup>

The representative of China insisted that the Japanese army was responsible for setting up and maintaining, at Mukden, Kirin and other points in its occupation, these new authorities, who were "the puppets and creatures of the Japanese Army Command".<sup>2</sup>

<sup>1</sup> Document C. 752, 1931; *Official Journal*, December 1931, page 2486.

<sup>2</sup> Document C. 812, of November 7th, 1931; *Official Journal*, December 1931, page 2544.



The representative of Japan replied that the "Japanese authorities had no alternative but to encourage the formation by the Chinese themselves of bodies responsible for the maintenance of order. . . . The efficient performance of their duties by those bodies would make much easier the rapid withdrawal of troops, which was desired by the Japanese Government, as had been formally stated on several occasions."

Moreover, several reports from Dr. Frederick A. Cleveland, Associate Chief Inspector of the Salt Revenue, were communicated to the Council in November 1931 by the Chinese delegation. These reports stated that the Japanese military authorities were forcibly seizing the salt revenues in the Manchurian towns. It was urged in a Japanese communication that "the action of the military authorities in intervening to transfer the surplus revenues of the Chinese Salt Tax Office to another Chinese body (the local Committee for the Maintenance of Order) could not be regarded as unjustifiable".<sup>2</sup>

##### 5. SESSION OF THE COUNCIL IN NOVEMBER-DECEMBER 1931.—CONSTITUTION OF A COMMISSION OF ENQUIRY.

Meanwhile, the Council met in Paris on November 16th, 1931, and on November 21st, a

<sup>1</sup> Document C. 854, of November 12th, 1931; *Official Journal*, December 1931, page 2572.

<sup>2</sup> Document C. 863, 1931; *Official Journal*, December 1931, page 2525.

Japanese proposal for a Commission of Enquiry to be sent to the Far East was put forward, "the creation and despatch of this Commission in no way modifying the Japanese Government's sincere desire to withdraw its troops as quickly as possible within the South Manchuria Railway Zone in pursuance of the resolution of September 30th".

This proposal was considered, and on December 10th, the Council adopted the following resolution:

"The Council,

"(1) Reaffirms the resolution passed unanimously by it on September 30th, 1931, by which the two parties declare that they are solemnly bound; it therefore calls upon the Chinese and Japanese Governments to take all steps necessary to assure its execution, so that the withdrawal of the Japanese troops within the railway zone may be effected as speedily as possible under the conditions set forth in the said resolution;

"(2) Considering that events have assumed an even more serious aspect since the Council meeting of October 24th:

"Notes that the two parties undertake to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which may lead to further fighting and loss of life;

"(3) Invites the two parties to continue to keep the Council informed as to the development of the situation;



"(4) Invites the other Members of the Council to furnish the Council with any information received from their representatives on the spot ;

"(5) Without prejudice to the carrying out of the above-mentioned measures ;

"Desiring, in view of the special circumstances of the case, to contribute towards a final and fundamental solution by the two Governments of the questions at issue between them :

"Decides to appoint a Commission of five members to study on the spot and to report to the Council on any circumstance which, affecting international relations, threatens to disturb peace between China and Japan, or the good understanding between them, upon which peace depends ;

"The Governments of China and of Japan will each have the right to nominate one assessor to assist the Commission ;

"The two Governments will afford the Commission all facilities to obtain on the spot whatever information it may require.

"It is understood that, should the two parties initiate any negotiations, these would not fall within the scope of the terms of reference of the Commission, nor would it be within the competence of the Commission to interfere with the military arrangements of either party.

"The appointment and deliberations of the Commission shall not prejudice in any way the undertaking given by the Japanese Government in the resolution of September 30th as regards the withdrawal of the Japanese troops within the railway zone ;

"(6) Between now and its next ordinary session, which will be held on January 25th, 1932, the Council, which remains seized of the matter, invites its President to follow the question and to summon it afresh if necessary ?.

The President (the French representative, M. Briand) emphasised, when he submitted the resolution, the great importance which the Council attached to its resolution of September 30th, 1931, and its conviction that the two Governments would carry out to the full the engagements which they had assumed under it. He further stated that it was indispensable and urgent that the two parties should abstain from any initiative which might lead to further fighting and from any other action likely to aggravate the situation.

The Government of the United States, on the adoption of the resolution of December 10th, expressed its gratification that definite progress had been made.

#### 6. JAPANESE OPERATIONS AGAINST CHINCHOW.—DISAPPEARANCE OF THE LAST REMAINS OF CHINESE AUTHORITY IN SOUTH MANCHURIA.

While the Council was drawing up the text of this resolution, the two parties repeatedly



called its attention to the danger of military operations spreading to South-West Manchuria, and efforts were made to establish a neutral zone between the Japanese troops and those of Marshal Chang Hsueh-liang at Chinchow. These efforts were unsuccessful. The representative of Japan, referring at the time of its adoption to Paragraph 2 of the resolution of December 10th, stated that he accepted it "on the understanding that it was not intended to preclude the Japanese forces from taking such action as might be rendered necessary to provide directly for the protection of the lives and property of Japanese subjects against the activities of bandits and lawless elements rampant in various parts of Manchuria. Such action was admittedly an exceptional measure called for by the special situation prevailing in Manchuria, and its necessity would naturally be obviated when normal conditions should have been restored in that region."

On December 23rd, a Japanese offensive was launched in the direction of Chinchow, which was occupied on January 3rd, 1932. The Japanese forces then advanced as far as the Great Wall and established contact with Japanese troops stationed at Shanhaikwan to the south of the Wall. As the result of these operations, Chinese constituted authority disappeared entirely from South Manchuria.

#### 7. THE SHANGHAI HOSTILITIES.—ORIGIN OF THE HOSTILITIES.

Outside Manchuria, from January 1932 onwards, the situation became worse also at Shanghai.

In connection with Shanghai, the League received four reports on events from their beginning up to March 5th from the Consular Commission<sup>1</sup> which was set up on the spot early in February 1932. Later events are described in the Report of the Commission of Enquiry, which was constituted as already explained in January 1932 and arrived at Shanghai on March 14th.

In this part, as in other parts of China, the serious anti-Chinese riots which had occurred in Korea, as described in the Report of the Commission of Enquiry,<sup>2</sup> led, from July 1931 onwards, to a boycott of Japanese goods. The occupation of Manchuria by Japanese troops intensified the boycott with, in certain cases, the active support of official organisations and of the Chinese Government. Japanese trade suffered heavy losses. The tension between the nationals of the two countries became acute and serious incidents occurred, as a result of which the Japanese residents in Shanghai requested the despatch of troops and warships to put down the anti-Japanese movement. The Japanese Consul-General then presented five demands to the Chinese Mayor of Greater Shanghai.

<sup>1</sup> The Commission consisted of the Consuls of Italy (Chairman), the United Kingdom, France, Norway, Germany and Spain. The Consul of the United States collaborated in the work of the Commission.

<sup>2</sup> The report of the Commission of Enquiry describes on page 62 *et seq.* the incidents which arose between Chinese and Korean farmers at Wanposhan (Manchuria) and how sensational and inaccurate accounts of these incidents provoked a massacre of Chinese in Korea.



The Mayor stated on January 21st that he had difficulty in complying with two of these demands (adequate control of the anti-Japanese movement; immediate dissolution of all anti-Japanese organisations engaged in fostering hostile feelings and anti-Japanese riots and agitation).

On the same day, the Admiral in command of the Japanese naval forces publicly announced that, if the reply of the Chinese Mayor were unsatisfactory, he was determined to take such measures as might be necessary to protect Japanese rights and interests. On January 24th, Japanese naval reinforcements arrived off Shanghai. Rumours were current that the Chinese troops in the Chinese quarter of Chapai were also being reinforced. On January 27th, the Japanese Consul-General asked for a satisfactory reply to his demands by 6 o'clock on the following morning. The Mayor, who had informed the representatives of the Powers of his intention to make all possible concessions to avoid a clash, succeeded in securing the closing down of the Anti-Japanese Boycott Association, and the Chinese police sealed various offices on the night of January 27th-28th. On the morning of January 28th, the Japanese Admiral notified the other foreign commanders of his intention to act on the following morning if the Chinese had not sent a satisfactory reply. The Municipal Council of the International Settlement met and decided that a state of emergency should be declared as from 4 p.m. on the same day. At 4 p.m. the Japanese Consul-General informed the consular body that a Chinese reply accepting all the Japanese demands had been received, that this reply was entirely satis-

factory and that, for the moment, no action would be taken.

Meanwhile, the Defence Committee of the International Settlement carrying out the plans called for by a state of emergency assigned to the different foreign forces the sectors they would have to defend. The Japanese sector, as fixed by the Defence Committee, included not only a part of the Settlement but a salient extending beyond it, bounded on the west by the Shanghai-Woosung Railway. The Japanese naval headquarters are situated near the northern extremity of this salient and in normal times there are posts of Japanese marines on two roads—North Szechuen Road and Dixwell Road—which belong to the Shanghai Municipal Council. At 11 p.m., the Japanese Admiral, referring to the state of emergency, announced that the Imperial Navy, anxious as to the situation in Chapai, where numerous Japanese nationals resided, had decided to send troops to this sector and hoped that the Chinese forces stationed at Chapai would be speedily withdrawn to the west of the railway.

One hour later Japanese marines and armed civilians proceeded towards the railway; the last detachment attempted to reach the station by the Honan Road Gate leading out of the Settlement and the defence sectors. It was stopped by the Shanghai Volunteer Corps, who were guarding this sector and who had received strict orders based on the principle that the duty of defence forces was to defend and not to attack.

The Japanese troops sent to the Chapai sector in conformity with the plan of defence



came into contact with the Chinese troops which, as the first report of the Consular Commission notes, would not have had time to withdraw even had they wished to do so.

8. THE SHANGHAI HOSTILITIES.—DISCUSSIONS OF THE COUNCIL.—REFERENCE TO ARTICLE 10 OF THE COVENANT.—FIRST DISCUSSIONS OF THE ASSEMBLY UNDER ARTICLE 15.—TERMINATION OF THE SHANGHAI HOSTILITIES.

This was the beginning of the battle of Shanghai, which the Council, then in session at Geneva, and the Powers having special interests in Shanghai repeatedly endeavoured to stop. It was immediately after the serious incidents described above that China, on January 29th, asked that the dispute should be dealt with under Articles 10 and 15.

On February 16th, the Members of the Council other than China and Japan addressed to the Japanese Government an urgent appeal calling attention to Article 10 of the Covenant from which it appeared to them to follow that "no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of that article ought to be recognised as valid and effectual by Members of the League".<sup>1</sup>

<sup>1</sup> Document C. 237, 1932; *Official Journal*, March 1932, page 383.

On February 19th, the Council, at the request of China, referred the dispute to the Assembly. The Assembly was convened to meet on March 3rd.

The Council, before the Assembly met, made a last effort to stop the fighting by proposing on February 29th that a Round-Table Conference should be set up in Shanghai, subject to the making of local arrangements for a cessation of hostilities.

The proposal of the Council was not carried into effect. As fighting continued, the Assembly after hearing the representatives of the two parties on March 3rd, adopted the following resolution on March 4th:

"The Assembly,"

"Recalling the suggestions made by the Council on February 29th and without prejudice to the other measures therein envisaged:

"(1) Calls upon the Governments of China and Japan to take immediately the necessary measures to ensure that the orders which, as it has been informed, have been issued by the military commanders on both sides for the cessation of hostilities, shall be made effective;

"(2) Requests the other Powers which have special interests in the Shanghai Settlements to inform the Assembly of the manner in which the invitation set out in the previous paragraph is executed;



"(3) Recommends that negotiations be entered into by the Chinese and Japanese representatives, with the assistance of the military, naval and civilian authorities of the Powers mentioned above, for the conclusion of arrangements which shall render definite the cessation of hostilities and regulate the withdrawal of the Japanese forces. The Assembly will be glad to be kept informed by the Powers mentioned above of the development of these negotiations."

On March 5th, the Government of the United States of America intimated that the American military authorities at Shanghai had been instructed to co-operate.

The proposed negotiations began at Shanghai on March 14th. On two occasions, the Committee of Nineteen set up by the Assembly intervened, at China's request, to smooth away difficulties. An armistice was finally signed at Shanghai on May 5th and the withdrawal of the Japanese troops began on the 6th. By May 31st, the divisions sent from Japan to Shanghai had been re-embarked, one of those divisions—the 14th—being sent to Manchuria. On July 1st, the Assembly was informed that Japanese naval landing troops, with very reduced effectives, were still temporarily stationed, in accordance with the agreement of May 5th, at a small number of posts adjacent to the Settlement and to the extra-Settlement roads. These detachments were afterwards withdrawn.

The Chinese consider that the Japanese intervention at Shanghai cost them 24,000 soldiers

and civilians killed, wounded or missing, and they estimate their material losses at about 1,500 million Mexican dollars.

#### 9. DEVELOPMENT OF THE JAPANESE OCCUPATION IN MANCHURIA.—PROGRESS OF ADMINISTRATIVE RE-ORGANISATION.—THE CONSTITUTION OF "MANCHUKUO".

While the Shanghai affair was progressing, the situation was also developing in Manchuria. Harbin was occupied on February 5th by the Japanese army which, during the succeeding months, continued its operations against the remnants of the former Chinese army, the "volunteers", the "brigands" and other "irregulars". Guerilla warfare continued over a very large part of Manchuria.

Progress was also made with the administrative re-organisation, the first stages of which have already been mentioned above.

On February 17th, 1932, a Supreme Administrative Council was constituted for the whole of Manchuria, and, on February 18th, this Council published a declaration of independence. On February 19th, the Japanese representative explained at a meeting of Council in Geneva that in Manchuria "independence" was synonymous with "autonomy" and that "Japan had favourably regarded the establishment of this independence". On March 9th, the local administrations were amalgamated as an independent "State" under the name of "Manchukuo".



Mr. Henry Pu-yi (the former Emperor Hsuan Tung) accepted the regency of this State.

The Chinese Government, which had already stated, on November 17th, 1931, that "the ex-Emperor was kidnapped and escorted by the Japanese from the Japanese concession in Tientsin to Mukden for the purpose of establishing a bogus Government with himself proclaimed as Emperor", repeatedly denounced the establishment of the so-called State "which from the very beginning, and at every subsequent stage of its development, had been created and maintained at the instigation and with the assistance of the Japanese military forces in Manchuria".<sup>2</sup>

10. DISCUSSIONS OF THE ASSEMBLY.—RESOLUTION OF MARCH 11TH.—DECISIONS  
REGARDING THE TIME-LIMIT FOR THE PREPARATION OF THE REPORT  
UNDER ARTICLE 15.

Meanwhile the Assembly, continuing its examination of the dispute at Geneva, adopted, on March 11th, 1932, after a full discussion, the following resolution:

"I.

"The Assembly,

"Considering that the provisions of the Covenant are entirely applicable to the present dispute, more particularly as regards:

<sup>1</sup> Document C. 868. 1931; *Official Journal*, December 1931, page 2550.

<sup>2</sup> Document A (Extr.) 105, of April 21st, 1932; *Official Journal*, Special Supplement No. 101, page 264.

"(1) The principle of a scrupulous respect for treaties;

"(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;

"(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;

"Adopting the principles laid down by the acting President of the Council, M. Briand, in his declaration of December 10th, 1931;

"Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared 'that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League of Nations';

"Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris, which is one of the corner-stones of the peace organisation of the world and under Article 2 of which 'the High Contracting Parties agree that the settle-



ment or solution of all disputes or conflicts, of whatever nature and whatever origin they may be, which may arise among them shall never be sought except by pacific means ;

" Pending the steps which it may ultimately take for the settlement of the dispute, which has been referred to it ;

" Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

## "II.

"The Assembly,

" Affirming that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party ;

" Recalls the resolutions adopted by the Council on September 30th, and on December 10th, 1931, in agreement with the parties ;

" Recalls also its own resolution of March 4th, 1932, adopted in agreement with the parties, with a view to the definitive cessation of hostilities and the withdrawal of the

Japanese forces ; notes that the Powers Members of the League of Nations having special interests in the Shanghai Settlements are prepared to give every assistance to this end, and requests those Powers, if necessary, to co-operate in maintaining order in the evacuated zone.

## "III.

"The Assembly,

" In view of the request formulated on January 29th by the Chinese Government, invoking the application to the dispute of the procedure provided for in Article 15 of the Covenant of the League of Nations ;

" In view of the request formulated on February 12th by the Chinese Government that the dispute should be referred to the Assembly in conformity with Article 15, Paragraph 3, of the Covenant and in view of the Council's decision of February 19th ;

" Considering that the whole of the dispute which forms the subject of the Chinese Government's request is referred to it and that it is under an obligation to apply the procedure of conciliation provided for in Paragraph 3 of Article 15 of the Covenant and, if necessary, the procedure in regard to recommendations provided for in Paragraph 4 of the same Article ;



"Decides to set up a Committee of nineteen members—namely, the President of the Assembly, who will act as Chairman of the Committee, the Members of the Council other than the parties to the dispute and six other Members to be elected by secret ballot.

"This Committee, exercising its functions on behalf of and under the supervision of the Assembly, shall be instructed :

"(1) To report as soon as possible on the cessation of hostilities and the conclusion of arrangements which shall render definitive the said cessation and shall regulate the withdrawal of the Japanese forces in conformity with the Assembly resolution of March 4th, 1932 ;

"(2) To follow the execution of the resolutions adopted by the Council on September 30th and December 10th, 1931 ;

"(3) To endeavour to prepare the settlement of the dispute in agreement with the parties, in accordance with Article 15, Paragraph 3, of the Covenant, and to submit a statement to the Assembly ;

"(4) To propose, if necessary, that the Assembly submit to the Permanent Court of International Justice a request for an advisory opinion ;

"(5) To prepare, if need be, the draft of the report provided for in Article 15, Paragraph 4, of the Covenant ;

"(6) To propose any urgent measure which may appear necessary ;

"(7) To submit a first progress report to the Assembly as soon as possible and at latest on May 1st, 1932.

"The Assembly requests the Council to communicate to the Committee, together with any observations it may have to make, any documentation that it may think fit to transmit to the Assembly.

"The Assembly shall remain in session and its President may convene it as soon as he may deem this necessary."

On March 12th, the Government of the United States of America declared that the action of the Assembly would go far towards developing into terms of international law the principles of order and justice which underlay the Paris Pact and the League Covenant. The United States Government was especially gratified that the nations of the world were united on a policy not to recognise the validity of results attained in violation of the treaties in question, and this was a distinct contribution to international law and offered a constructive basis for peace.



On July 1st, 1932, having been informed that the Report of the Commission of Enquiry could not be completed before September, the Assembly, after obtaining the consent of the two parties, decided to prolong, to the extent that might be strictly necessary, the time-limit of six months laid down in the Covenant for the preparation of its report.

In the letter addressed on June 24th to the representatives of China and Japan, proposing an extension of the time-limit laid down in the Covenant, the President of the Assembly said:

" . . . It is my duty to add that I have every confidence that the undertaking not to aggravate the situation entered into by the two parties before the Council and recorded by the latter on September 30th and December 10th (1931) in resolutions which retain their full executory force will be scrupulously observed. I am sure that you will agree with me that these resolutions will continue to be fully valid during the period for which the time-limit of six months may be extended. I would also refer you to the resolution which the Assembly adopted on March 11th, and in which it recalled the two resolutions of the Council."<sup>1</sup>

After the adoption of the extension of the time-limit, the President referred to this passage of his letter and added:

<sup>1</sup> *Official Journal*, Special Supplement No. 102, page 35.

"Such being the case, the decision just taken by the Assembly authorises me to declare that the parties must abstain from any action that might compromise the success of the work of the Commission of Enquiry or of any efforts the League may make with a view to a settlement.

"I would remind you also that, on March 11th, the Assembly proclaimed 'that it is incumbent upon the Members of the League of Nations not to recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.'<sup>1</sup>

# 11. THE ORGANISATION OF "MANCHUKUO".—RECOGNITION OF "MANCHUKUO"

BY JAPAN.

Meanwhile the process of organising the Government of "Manchukuo" continued. The Government created a central bank and undertook the administration of the salt revenue (declaring its willingness to continue to pay an equitable proportion of the sums required for the service of the foreign loans secured on the receipts of the salt revenue), of the Customs

<sup>1</sup> *Official Journal*, Special Supplement No. 102, page 16.



(making a similar declaration as regards the loans and indemnities secured on the Customs revenue), of the postal services, etc.

A "Manchukuo" army was created with the assistance of Japanese officers engaged as advisers. In a Communication dated April 8th, 1932, the Japanese Government announced that "the Japanese forces are at present providing the forces of the new Government in a friendly spirit with such assistance as they may need to restore and maintain order and tranquillity".<sup>1</sup>

According to the Observations of the Japanese Government, dated November 18th, 1932, the presence of the Japanese troops in the country would "enable the principal bandit units to be wiped out within from two to three years".<sup>2</sup>

The relations between Japan and the new State were defined after the dispatch to Changchun, capital of "Manchukuo", of General Muto, who, on August 8th, had been appointed Commander-in-Chief of the Kwantung Army and, at the same time, Ambassador Extraordinary and Plenipotentiary on Special Mission and Governor-General of Kwantung, in order to control the Consular service, the Government of the Leased Territory and all the Japanese forces in

<sup>1</sup> Document C. 357, 1932: *Official Journal*, Special Supplement No. 101, page 268.  
Document C. 775, 1932 VII, page 32.

Manchuria. The new ambassador carried no credentials and the appointment was made unilaterally by Japan.<sup>1</sup>

On September 15th, General Muto signed with the Prime Minister of "Manchukuo" a protocol containing the following provisions:

"Whereas Japan has recognised the fact that Manchukuo, in accordance with the free will of its inhabitants, has organised and established itself as an independent State; and

"Whereas Manchukuo has declared its intention of abiding by all international engagements entered into by China in so far as they are applicable to Manchukuo;

"Now the Governments of Japan and Manchukuo have, for the purpose of establishing a perpetual relationship of good neighbourhood between Japan and Manchukuo, each respecting the territorial rights of the other, and also in order to secure the peace of the Far East, agreed as follows:

"(1) Manchukuo shall confirm and respect, in so far as no agreement to the contrary shall be made between Japan and Manchukuo in the future, all rights and interests possessed by Japan or her subjects within the territory of Manchukuo by virtue of Sino-Japanese treaties, agreements or other arrangements or of Sino-Japanese contracts, private as well as public;

<sup>1</sup> Japanese communication of August 11th; *Official Journal*, Special Supplement No. 102, page 47.



"(2) Japan and Manchukuo, recognising that any threat to the territory or to the peace and order of the High Contracting Parties constitutes, at the same time, a threat to the safety and existence of the other, agree to co-operate in the maintenance of their national security, it being understood that such Japanese forces as may be necessary for this purpose shall be stationed in Manchukuo.

"The present Protocol shall come into effect from the date of its signature. . . ."

"Manchukuo" was thus formally recognised by Japan. The Chinese Government protested against this recognition. It represented that, "following the precedent of her policy in Korea, Japan has established a virtual protectorate over Manchuria as a step towards annexation".<sup>1</sup>

## 12. CONSIDERATION BY THE COUNCIL OF THE REPORT OF THE COMMISSION OF ENQUIRY.

The Report of the Commission of Enquiry was signed at Peiping on September 4th, 1932, and was communicated to the two Governments and to the Members of the League on October 1st. The Japanese Government asked for a minimum period of six weeks in which to communicate its observations upon it to the Council, and the Council decided on September 24th to begin its consideration of the Report at latest on November 21st.

<sup>1</sup> Document C. 654. 1932 (note of the Chinese representative, of September 17th, 1932).

On this occasion, the President of the Council (the representative of the Irish Free State, Mr. de Valera) expressed regret—with which the Special Committee of the Assembly at its public meeting on October 1st associated itself—that, before even the publication of the Commission's report, Japan, not only by recognising but also by signing a treaty with what was known as the "Manchukuo" Government, had taken steps which could not but be regarded as calculated to prejudice the settlement of the dispute. "For almost a year", Mr. de Valera said, "the Council in its collective capacity and the individual Governments which composed it had scrupulously refrained from uttering any word of judgment on the merits of this grave dispute on the grounds that a Commission had been set up to investigate the dispute in all its bearings and that, until that Commission had reported, and its Report had been considered by the organs of the League, the whole question was still to be regarded as *sub judice*."

The Council, at meetings held from November 21st to 28th, 1932, considered the Report of the Commission and the observations of the parties. In reply to a question by the President, Lord Lytton stated, on behalf of the Commission of Enquiry, that the latter did not wish to add anything to its Report.

As regards the recommendations contained in the Report, the Council noted that it was not able to find in the declarations of the Chinese and Japanese representatives any measure of agreement between the parties which would enable it usefully to engage in a discussion and to



submit observations or suggestions to the Assembly.

In these circumstances, the Council merely transmitted to the Assembly the Report of the Commission of Enquiry, the observations of the parties and the minutes of its meetings.

### 13. DISCUSSION OF THE REPORT OF THE COMMISSION OF ENQUIRY BY THE ASSEMBLY.—ATTEMPT TO NEGOTIATE A SETTLEMENT.

The Assembly met on December 6th, 1932. After a general discussion, it adopted on December 9th, the following resolution:

“The Assembly,

“Having received the report of the Commission of Enquiry set up under the resolution adopted on December 10th, 1931, by the Council, together with the observations of the parties and the minutes of the Council meetings held from November 21st to 28th, 1932;

“In view of the discussions which took place at its meetings from December 6th to 9th, 1932:

“Requests the Special Committee appointed under its resolution of March 11th, 1932:

“(1) To study the Report of the Commission of Enquiry, the observations of the

parties and the opinions and suggestions expressed in the Assembly, in whatever form they were submitted;

“(2) To draw up proposals with a view to the settlement of the dispute brought before it under the Council resolution dated February 19th, 1932;

“(3) To submit these proposals to the Assembly at the earliest possible moment.”

The Special Committee of Nineteen drew up two draft resolutions and a statement of reasons indicating generally the basis on which it thought it possible to continue its endeavours to effect a settlement of the dispute.

The texts were as follows:

#### *Draft Resolution No. 1.*

“The Assembly,

“Recognising that, according to the terms of Article 15 of the Covenant, its first duty is to endeavour to effect a settlement of the dispute, and that consequently it is not at present called upon to draw up a report stating the facts of the dispute and its recommendations in regard thereto;

“Considering that, by its resolution of March 11th, 1932, it laid down the principles



determining the attitude of the League of Nations in regard to the settlement of the dispute :

" Affirms that in such a settlement the provisions of the Covenant of the League of Nations, the Pact of Paris and the Nine-Power Treaty must be respected ;

" Decides to set up a Committee whose duty will be to conduct, in conjunction with the parties, the negotiations with a view to a settlement, on the basis of the principles set out in Chapter IX of the Report of the Commission of Enquiry, and having regard to the suggestions made in Chapter X of that Report ;

" Appoints, to form a Committee, the Members of the League represented on the Special Committee of Nineteen ;

" Considering it desirable that the United States of America and the Union of Soviet Socialist Republics should consent to take part in the negotiations, entrusts to the above-mentioned Committee the duty of inviting the Governments of the United States of America and the Union of Soviet Socialist Republics to take part in these negotiations ;

" Authorises it to take such measures as it may deem necessary for the successful execution of its mission ;

" Requests the Committee to report on its work before March 1st, 1933.

" The Committee will have power to fix, in agreement with the two parties, the time-

limit referred to in the Assembly resolution of July 1st, 1932 ; should the two parties fail to agree on the duration of such a time-limit, the Committee will, simultaneously with the presentation of its report, submit proposals to the Assembly on the subject.

" The Assembly shall remain in session, and its President may convene it as soon as he may deem this necessary."

#### *Draft Resolution No. 2.*

" The Assembly thanks the Commission of Enquiry appointed in virtue of the Council's resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations and declares that its Report will stand as an example of conscientious and impartial work."

#### *Statement of Reasons.*

" The Assembly, in its resolution of December 9th, 1932, requested its Special Committee :

" (1) To study the Report of the Commission of Enquiry, the observations of the parties, and the opinions and suggestions expressed in the Assembly, in whatever form they were submitted ;



"(2) To draw up proposals with a view to the settlement of the dispute brought before it under the Council resolution dated February 19th, 1932 ;

"(3) To submit these proposals to the Assembly at the earliest possible moment."

"If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation, it would have found all the elements necessary for such a statement in the first eight chapters of the Report of the Commission of Enquiry, which, in its opinion, constitute a balanced, impartial and complete statement of the principal facts.

"But the time has not come for such a statement. In accordance with Article 15, Paragraph 3, of the Covenant, the Assembly must first of all endeavour to effect a settlement of the dispute by conciliation, and, if such efforts are successful, it shall publish a statement giving such facts as it may deem appropriate. If it fails, it is its duty, in virtue of Paragraph 4 of the same Article, to make a statement of the facts of the dispute and recommendations in regard thereto.

"So long as the efforts on the basis of Article 15, Paragraph 3, are continued, a sense of the responsibilities placed on the Assembly in the various contingencies provided for in the Covenant obliges it to maintain a particular reserve. Hence, the Committee has confined itself, in the draft resolution which it is to-day submitting to the Assembly, to making proposals with a view to conciliation.

"By the Assembly's resolution of March 14th, the Special Committee was instructed to endeavour to prepare the settlement of the dispute in agreement with the parties. Since, on the other hand, it is desirable that the United States of America and the Union of Soviet Socialist Republics should join in the efforts made in collaboration with the representatives of the parties, it is proposed that the Governments of these two countries should be invited to take part in the negotiations.

"In order to avoid misunderstandings, and to make it plain that what is contemplated at the present stage with the co-operation of two countries not Members of the League is solely the negotiation of a settlement by conciliation, the Special Committee suggests that it should be regarded for this purpose as a new Committee responsible for conducting negotiations and should be authorised in this capacity to invite the Governments of the United States of America and the Union of Soviet Socialist Republics to take part in its meetings.

"The Negotiations Committee will have all the powers necessary for the execution of its mission. In particular, it may consult experts. It may, if it thinks fit, delegate part of its powers to one or more sub-committees, or to one or more particularly qualified persons.

"The members of the Negotiations Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 14th, 1932, and, as regards matters of fact, by the findings set out in the first eight chapters of the Report of the Commission of



Enquiry. As regards the solutions to be considered, they will seek them on the basis of the principles set out in Chapter IX of the Report of the Commission of Enquiry and having regard to the suggestions made in Chapter X of the said Report.

"In this connection, the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, a mere return to the conditions previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution."

On December 15th, the two draft resolutions and the statement of reasons were submitted to the parties. The Chinese and Japanese delegations proposed amendments and the President of the Committee and the Secretary-General were authorised to enter into conversations with them. On December 20th, the Committee decided to adjourn until January 16th, 1933, at latest, in order to enable the conversations to continue.

#### 14. JAPANESE MILITARY OPERATIONS AT SHANHAIKWAN WITHIN THE GREAT WALL.

Early in January 1933 occurred the serious incidents at Shanhaikwan. Situated at the extremity of the Great Wall, halfway between Peiping and Mukden, this city has always been regarded as of great strategic importance. It is on the route followed by invaders who, coming from Manchuria, wish to penetrate into what is now the province of Hopei. Moreover,

from Hopei is the easiest route into Jehol, a province which Japan regards as forming part of "Manchukuo". It was from the north of Hopei that, according to Japanese communications, Marshal Chang Hsueh-liang was sending considerable forces into Jehol and that, according to Chinese communications, the Japanese army intended to begin large-scale operation in Jehol.

A Japanese communication of December 29th, 1932,<sup>1</sup> reported that during the last few days the mobilisation of Chinese troops directed against Jehol was especially marked. The Japanese delegation further stated on January 4th, 1933,<sup>2</sup> that the Japanese authorities at Peiping had vainly endeavoured to persuade General Chang to stop this movement of forces, and that in these circumstances of "tension and anxiety" an incident had occurred at Shanhaikwan on the night of January 1st-2nd.

Units of the Japanese army of Kwantung passed the Great Wall and the town was attacked. It was occupied on January 3rd.

The Chinese Government asserts that, during this operation, thousands of peaceful citizens were slaughtered. It addressed a protest on January 11th to the Powers signatories of the Protocol of 1901 against the unlawful advantage taken by Japan of a special privilege claimed under the Protocol. It declared that it could not assume any responsibility for a situation

<sup>1</sup> Document A (Extra.) 1. 1933.

<sup>2</sup> Document A (Extra.) 3. 1933.



resulting from the exercise by Chinese defensive forces of their legitimate right to resist the aggressive acts of the Japanese troops.<sup>1</sup>

#### 15. FAILURE OF THE PROCEDURE FOR NEGOTIATING A SETTLEMENT.

The Committee of Nineteen met again on January 16th, 1933. It noted that, though the conversations with the representatives of the parties concerning the draft resolutions and the statement of reasons framed by it had continued, no new proposal had been received apart from the amendments submitted in December by the Chinese and Japanese delegations. The Japanese delegation, however, had stated that it was in communication with its Government regarding new proposals which would be submitted within forty-eight hours.

The Committee received these proposals on January 18th. It noted that they differed in several fundamental points from those which it had communicated to the parties on December 15th. As, however, the Japanese delegation, when submitting the new proposals of its Government, had specially emphasised that the latter attached great importance to the stipulation that the body to be appointed for the settlement of the dispute should include only Members of the League, the Committee of Nineteen felt that, if this were the only objection raised by Japan to the texts which had been communicated, it should not be impossible to settle the question

<sup>1</sup> Document A (Extra) 8, 1933.

in consultation with the parties. It therefore asked for supplementary information, particularly on the point whether, if this difficulty were overcome, Japan would be prepared to accept the draft resolution No. 1 of December 15th. The Committee thought it should await the Japanese reply on this point before continuing its conversations with the Chinese delegation, whose proposals did not differ so fundamentally as those of Japan from the texts communicated to the two parties.

On January 21st, the Committee noted that the effect of the statements made by the Japanese delegate to its Chairman and to the Secretary-General was that the Japanese Government was not prepared to accept draft resolution No. 1, even if the provision that non-member State be invited to participate in the negotiations for a settlement were eliminated from the draft.

The Japanese delegation, in making these statements, had submitted new proposals on behalf of its Government.

The Committee, after examining these proposals (Annex 1), together with the amendments submitted by the Chinese delegation to the Committee's texts of December 15th (Annex 2), could do no more than note that it was impossible to frame a draft resolution acceptable to the two parties. The importance attached by the Chinese delegation and by the Committee itself to the participation of the United States of America and of the Union of Soviet Socialist Repu-



blics in the negotiation of a settlement made it impossible to eliminate at the sole request of Japan the provision concerning the invitation to those States, if the Committee must at the same time modify in the sense of the Japanese proposals the other provisions of draft resolution No. 1.

The Committee further noted that, even if it agreed to transform the statement of reasons into a declaration made by the Chairman on behalf of the Committee, to which the parties would be free to submit reservations, the Japanese Government did not accept the text established by the Committee on December 15th, but asked, in its new proposals, that important amendments to the text should be made which the Committee could not accept.

In view of this situation, the Committee of Nineteen noted that, after endeavouring to prepare, in accordance with the mission entrusted to it, the settlement of the dispute in agreement with the parties, it appeared to it to be impossible to submit proposals to that effect to the Assembly.

The Committee, therefore, in execution of the task entrusted to it under Part III (Paragraph 5) of the resolution of March 11th, 1932, has prepared the present draft report as contemplated in Article 15, Paragraph 4, of the Covenant.

In deciding to begin the preparation of this draft report, the Committee did not fail to point out that the Assembly was alone competent to apply, after the failure of the negotia-

tions, the provisions of Article 15, Paragraph 4. The Committee therefore remained at the disposal of the parties for any further proposals they might desire to communicate to it.

On February 8th, the Japanese representative submitted to the Committee further amendments to the text prepared on December 15th (Annex 3). On February 9th, the Committee, after considering these amendments, deemed it desirable to ask for further information in regard thereto, in particular whether the Japanese Government accepted as one of the bases for the contemplated conciliation Principle 7 in Chapter IX of the Report of the Commission of Enquiry regarding the establishment in Manchuria of a large measure of autonomy consistent with the sovereignty and administrative integrity of China. This question was submitted to the Japanese delegation in a letter of the same date (Annex 4).

The Japanese Government replied on February 14th that it was convinced that the maintenance and recognition of the independence of "Manchukuo" were the only guarantee of peace in the Far East, and that the whole question would eventually be solved between Japan and China on that basis (Annex 5). In reply to this communication the Committee, to its deep regret, felt bound to hold that the Japanese proposals put forward on February 8th did not afford an acceptable basis for conciliation. It added that it was, of course, willing to examine up to the date of the final meeting of the Assembly any further proposals which the Japanese Government might wish to make, but that it was sure that the Japanese delegation



would realise that any aggravation of the existing situation must render more difficult, if not indeed frustrate, further efforts at conciliation (Annex 6).

On the same date the Committee adopted the draft of the present Report.

### PART III.

#### Chief Characteristics of the dispute.

It will be seen from this review that for more than sixteen months the Council or Assembly has continuously tried to find a solution for the Sino-Japanese dispute. Numerous resolutions have been adopted based on various Articles of the Covenant and other international agreements. The complexity, to which reference has already been made, of the historical background of the events; the special legal situation of Manchuria, where Japan, as will be noted later, exercised within Chinese territory extensive rights; finally the involved and delicate relations existing in fact between the Chinese and Japanese authorities in certain parts of Manchuria justified and rendered necessary the prolonged efforts of negotiation and enquiry made by the League. However, the hopes entertained by the Council and the Assembly of an improvement in the situation, arising from the declarations of the parties and the resolutions adopted with their participation, were disappointed. The situation, on the contrary, tended to

grow constantly worse. In Manchuria, or other parts of the territory of a Member of the League, military operations, which the Report of the Commission of Enquiry has described as "war in disguise", continued and still continue.

Having considered the principal features of the dispute, the Assembly has reached, in particular, the following conclusions and noted the following facts:

1. The dispute between China and Japan which is submitted to the Assembly originated in Manchuria, which China and foreign Powers have always regarded as an integral part of China under Chinese sovereignty. In its observations on the Report of the Commission of Enquiry,<sup>1</sup> the Japanese Government contests the argument that the rights conferred on Russia and subsequently acquired by Japan "in the extremely limited area known as the Southern Manchuria Railway zone" conflict with Chinese sovereignty. "They were, on the contrary, derived from the sovereignty of China."

The rights conferred by China on Russia and subsequently on Japan derive from the sovereignty of China. Under the Treaty of Peking in 1905, "the Imperial Chinese Government consented to all the transfers and assignments made by Russia to Japan" under the Treaty of Portsmouth. In 1915, it was to China that Japan addressed demands for the ex-

<sup>1</sup> Document C. 775, 1932, page 18.



tension of her rights in Manchuria and it was with the Government of the Chinese Republic that, following on these demands, the Treaty of May 25th, 1915, was concluded concerning South Manchuria and Eastern Inner Mongolia. At the Washington Conference, the Japanese delegation stated, on February 2nd, 1922, that Japan renounced certain preferential rights in South Manchuria and Eastern Inner Mongolia and explained that, "in coming to the decision, Japan had been guided by a spirit of fairness and moderation, having always in view China's sovereign rights and the principle of equal opportunity."<sup>1</sup> The Nine-Power Treaty, concluded at the Washington Conference, applies to Manchuria as to every other part of China. Finally, during the first phase of the present conflict, Japan never argued that Manchuria was not an integral part of China.

2. Past experience shows that those who control Manchuria exercise a considerable influence on the affairs of the rest of China—at least of North China—and possess unquestionable strategic and political advantages. To cut off these provinces from the rest of China cannot but create a serious irredentist problem likely to endanger peace.

3. The Assembly, in noting these facts, is not unmindful of the tradition of autonomy existing in Manchuria. That tradition, in one extreme case, and in a period of particular weakness on the part of the Central Government of China, made it possible, for instance, for

<sup>1</sup> Conference on the Limitation of Armaments, Washington, 1922, page 1512.

the plenipotentiaries of Marshal Chang Tso-lin to conclude, in the name of the "Government of the Autonomous Three Eastern Provinces of the Republic of China", the agreement of September 20th, 1924, with the Union of Soviet Socialist Republics concerning the Chinese Eastern Railway, navigation, the delimitation of frontiers, etc. It is obvious from the provisions of that agreement, however, that the Government of the Autonomous Three Eastern Provinces did not regard itself as the Government of a State independent of China, but believed that it might itself negotiate with the Union of Soviet Socialist Republics on questions affecting the interests of China in the Three Provinces, though the Central Government had, a few months previously, concluded an agreement on these questions with the self-same Power.

This autonomy of Manchuria was also shown by the fact that, first, Marshal Chang Tso-lin and later Marshal Chang Hsueh-liang were the heads both of the civil and military administration and exercised the effective power in the Three Provinces through their armies and their officials. The independence proclaimed by Marshal Chang Tso-lin at different times never meant that either he or the people of Manchuria wished to be separated from China. His armies did not invade China as if it were a foreign country but merely as participants in the civil war. Through all its wars and periods of "independence", Manchuria remained an



integral part of China. Further, since 1928, Marshal Chang Hsueh-liang has recognised the authority of the Chinese National Government.

4. During the quarter of a century ending in September 1931, the political and economic ties uniting Manchuria with the rest of China grew stronger, while, at the same time, the interests of Japan in Manchuria did not cease to develop. Under the Chinese Republic, the "Three Eastern Provinces" constituting Manchuria were thrown wide to the immigration of Chinese from the other provinces who, by taking possession of the land, have made Manchuria in many respects a simple extension of China north of the Great Wall. In a population of about 30 millions, it is estimated that the Chinese or assimilated Manchus number 28 millions. Moreover, under the administration of Marshals Chang Tso-lin and Chang Hsueh-liang, the Chinese population and Chinese interests have played a much more important part than formerly in the development and organisation of the economic resources of Manchuria.

On the other hand, Japan had acquired or claimed in Manchuria rights the effect of which was to restrict the exercise of sovereignty by China in a manner and to a degree quite exceptional. Japan governed the Leased Territory of Kwantung, exercising therein what amounted in practice to full sovereignty. Through the medium of the South Manchuria Railway, she administered the railway zones, including several towns and important parts of populous cities, such as Mukden and Changchun. In these areas, she had control of the police,

taxes, education and public utilities. She maintained armed forces in certain parts of the country: the Army of Kwantung in the Leased Territory; railway guards in the railway zones; consular police in the various districts. Such a state of affairs might perhaps have continued without leading to complications and incessant disputes if it had been freely desired or accepted by both parties and if it had been the expression and manifestation of a well-understood policy of close economic and political co-operation. But, in the absence of such conditions, it was bound to lead to mutual misunderstandings and conflicts. The interconnection of respective rights, the uncertainty at times of the legal situation, the increasing opposition between the conception held by the Japanese of their "special position" in Manchuria and the claims of Chinese nationalism were a further source of numerous incidents and disputes.

5. Before September 18th, 1931, each of the two parties had legitimate grievances against the other in Manchuria, Japan taking advantage of rights open to question and the Chinese authorities putting obstacles in the way of the exercise of rights which could not be contested. During the period immediately preceding the events of September 18th, various efforts were made to settle the questions outstanding between the two parties by the normal methods of diplomatic negotiations and pacific means, and these means had not been exhausted. Nevertheless, the tension between Chinese and Japanese in Manchuria increased and a movement of opinion in Japan advocated the settlement of all outstanding questions—if necessary, by force.



6. The present period of transition and national reconstruction in China, despite the efforts of the Central Government and the considerable progress already achieved, necessarily involves political disturbances, social disorder and disruptive tendencies inseparable from a state of transition. It calls for the employment of a policy of international co-operation. One of the methods of that policy would be that the League of Nations would continue to afford China the technical assistance in modernising her institutions which her Government might request with a view to enabling the Chinese people to re-organise and consolidate the Chinese State.

The full application of the policy of international co-operation initiated at the Washington Conference, the principles of which are still valid, has been delayed, chiefly by the violence of the anti-foreign propaganda carried on in China from time to time. In two respects—the use of the economic boycott and anti-foreign teaching in schools—this propaganda has been pushed to such lengths that it has contributed to creating the atmosphere in which the present dispute broke out.

7. The use of the boycott by the Chinese previous to the events of September 18th, 1931, to express their indignation at certain incidents or to support certain claims could not fail to make a situation which was already tense still more tense.

The use of the boycott by China, subsequent to the events of September 18th, 1931, falls under the category of reprisals.

8. The object of the provisions of the Covenant of the League of Nations regarding the settlement of disputes is to prevent the tension between nations becoming such that a rupture appears to be inevitable. The Commission of Enquiry found that each of the issues between China and Japan was in itself capable of settlement by arbitral procedure. It is precisely because the accumulation of these issues increased the tension between the two nations that it was incumbent on the nation which regarded itself as injured to draw the attention of the League of Nations to the situation when diplomatic negotiations were unduly protracted.

Article 12 of the Covenant contains formal obligations as regards the pacific settlement of disputes.

9. Without excluding the possibility that, on the night of September 18th-19th, 1931, the Japanese officers on the spot may have believed that they were acting in self-defence, the Assembly cannot regard as measures of self-defence the military operations carried out on that night by the Japanese troops at Mukden and other places in Manchuria. Nor can the military measures of Japan as a whole, developed in the course of the dispute, be regarded as measures of self-defence. Moreover, the adoption of measures of self-defence does not exempt a State from complying with the provisions of Article 12 of the Covenant.

10. Since September 18th, 1931, the activities of the Japanese military authorities, in civil as well as in military matters, have been marked by essentially political considerations.



The progressive military occupation of the Three Eastern Provinces removed in succession all the important towns in Manchuria from the control of the Chinese authorities, and, following each occupation, the civil administration was re-organised. A group of Japanese civil and military officials conceived, organised and carried through the Manchurian independence movement as a solution to the situation in Manchuria as it existed after the events of September 18th, and, with this object, made use of the names and actions of certain Chinese individuals and took advantage of certain minorities and native communities that had grievances against the Chinese administration. This movement, which rapidly received assistance and direction from the Japanese General Staff, could only be carried through owing to the presence of the Japanese troops. It cannot be considered as a spontaneous and genuine independence movement.

11. The main political and administrative power in the "Government" of "Manchukuo", the result of the movement described in the previous paragraph, rests in the hands of Japanese officials and advisers, who are in a position actually to direct and control the administration; in general, the Chinese in Manchuria, who, as already mentioned, form the vast majority of the population, do not support this "Government" and regard it as instrument of the Japanese. It should also be noted that, after the Commission of Enquiry completed its Report and before the Report was considered by the Council and the Assembly, "Manchukuo" was recognised by

Japan. It has not been recognised by any other State, the Members of the League in particular being of opinion that such recognition was incompatible with the spirit of the resolution of March 11th, 1932.

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The situation which led up to the events of September 18th, 1931, presents certain special features. It was subsequently aggravated by the development of the Japanese military operations, the creation of the "Manchukuo Government" and the recognition of that "Government" by Japan. Undoubtedly the present case is not that of a country which has declared war on another country without previously exhausting the opportunities for conciliation provided in the Covenant of the League of Nations; neither is it a simple case of the violation of the frontier of one country by the armed forces of a neighbouring country, because in Manchuria, as shown by the circumstances noted above, there are many features without an exact parallel in other parts of the world. It is, however, indisputable that, without any declaration of war, a large part of Chinese territory has been forcibly seized and occupied by Japanese troops and that, in consequence of this operation, it has been separated from and declared independent of the rest of China.



The Council, in its resolution of September 30th, 1931, noted the declaration of the Japanese representative that his Government would continue, as rapidly as possible, the withdrawal of its troops, which had already been begun, into the railway zone in proportion as the safety of the lives and property of Japanese nationals was effectively ensured, and that it hoped to carry out this intention in full as speedily as might be. Further, in its resolution of December 10th, 1931, the Council, re-affirming its resolution of September 30th, noted the undertaking of the two parties to adopt all measures necessary to avoid any further aggravation of the situation and to refrain from any initiative which might lead to further fighting and loss of life.

It should be pointed out in connection with these events that, under Article 10 of the Covenant, the Members of the League undertake to respect the territorial integrity and existing political independence of all Members of the League.

Lastly, under Article 12 of the Covenant, the Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council.

While at the origin of the state of tension that existed before September 18th, 1931, certain responsibilities would appear to lie on one side and the other, no question of Chinese responsibility can arise for the development of events since September 18th, 1931.

## PART IV.

### Statement of the Recommendations.

This part sets forth the recommendations which the Assembly deems just and proper in regard to the dispute.

## SECTION I.

The recommendations of the Assembly take into account the very special circumstances of this case and are based on the following principles, conditions and considerations:

(a) The settlement of the dispute should observe the provisions of the Covenant of the League, the Pact of Paris, and the Nine-Power Treaty of Washington.

Article 10 of the Covenant of the League provides that "the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League".

According to Article II of the Pact of Paris, "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature, or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means".



According to Article 1 of the Nine-Power Treaty of Washington, "the Contracting Powers, other than China, agree to respect the sovereignty, the independence, and the territorial and administrative integrity of China".

(b) The settlement of the dispute should observe the provisions of Paris I and II of the Assembly resolution of March 11th, 1932.

In that resolution, which has already been quoted in this Report, the Assembly considered that the provisions of the Covenant were entirely applicable to the present dispute, more particularly as regards:

(1) The principle of a scrupulous respect for treaties;

(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;

(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement.

The Assembly has adopted the principles laid down by the President-in-Office of the Council in his declaration of December 10th, 1931, and has recalled the fact that twelve Members of the Council had again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared that no infringement of the terri-

torial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognised as valid and effectual by Members of the League.

The Assembly has stated its opinion that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in full harmony with the Pact of Paris. Pending the steps which it might ultimately take for the settlement of the dispute which had been referred to it, it has proclaimed the binding nature of the principles and provisions referred to above and declared that it was incumbent upon the Members of the League not to recognise any situation, treaty or agreement which might be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

Lastly, the Assembly has affirmed that it is contrary to the spirit of the Covenant that the settlement of the Sino-Japanese dispute should be sought under the stress of military pressure on the part of either party, and has recalled the resolutions adopted by the Council on September 30th and December 10th, 1931, in agreement with the parties.

(c) In order that a lasting understanding may be established between China and Japan on the basis of respect for the international undertakings mentioned above, the settlement of



the dispute must conform to the principles and conditions laid down by the Commission of Enquiry in the following terms:

"1. *Compatibility with the interests of both China and Japan.*

"Both countries are Members of the League and each is entitled to claim the same consideration from the League. A solution from which both did not derive benefit would not be a gain to the cause of peace.

"2. *Consideration for the interests of the Union of Soviet Socialist Republics.*

"To make peace between two of the neighbouring countries without regard for the interests of the third would be neither just nor wise, nor in the interests of peace.

"3. *Conformity with existing multilateral treaties.*

"Any solution should conform to the provisions of the Covenant of the League of Nations, the Pact of Paris, and the Nine-Power Treaty of Washington.

"4. *Recognition of Japan's interests in Manchuria.*

"The rights and interests of Japan in Manchuria are facts which cannot be ignored, and any solution which failed to recognise them and to take into account also the historical associations of Japan with that country would not be satisfactory.

"5. *The establishment of new treaty relations between China and Japan.*

"A re-statement of the respective rights, interests and responsibilities of both countries

in Manchuria in new treaties, which shall be part of the settlement by agreement, is desirable if future friction is to be avoided and mutual confidence and co-operation are to be restored.

"6. *Effective provision for the settlement of future disputes.*

"As a corollary to the above, it is necessary that provision should be made for facilitating the prompt settlement of minor disputes as they arise.

"7. *Manchurian autonomy.*

"The Government in Manchuria should be modified in such a way as to secure, consistently with the sovereignty and administrative integrity of China, a large measure of autonomy designed to meet the local conditions and special characteristics of the Three Provinces. The new civil regime must be so constituted and conducted as to satisfy the essential requirements of good government.

"8. *Internal order and security against external aggression.*

"The internal order of the country should be secured by an effective local gendarmerie force, and security against external aggression should be provided by the withdrawal of all armed forces other than gendarmerie, and by the conclusion of a treaty of non-aggression between the countries interested.



9. *Encouragement of an economic rapprochement between China and Japan.*

"For this purpose, a new commercial treaty between the two countries is desirable. Such a treaty should aim at placing on an equitable basis the commercial relations between the two countries and bringing them into conformity with their improved political relations.

"10. *International co-operation in Chinese reconstruction.*

"Since the present political instability in China is an obstacle to friendship with Japan and an anxiety to the rest of the world (as the maintenance of peace in the Far East is a matter of international concern), and since the conditions enumerated above cannot be fulfilled without a strong Central Government in China, the final requisite for a satisfactory solution is temporary international co-operation in the internal reconstruction of China, as suggested by the late Dr. Sun Yat-sen."

SECTION II.

The provisions of this section constitute the recommendations of the Assembly under Article 15, Paragraph 4, of the Covenant.

Having defined the principles, conditions and considerations applicable to the settlement of the dispute,

THE ASSEMBLY RECOMMENDS AS FOLLOWS:

1. Whereas the sovereignty over Manchuria belongs to China,

A. Considering that the presence of Japanese troops outside the zone of the South Manchuria Railway and their operations outside this zone are incompatible with the legal principles which should govern the settlement of the dispute, and that it is necessary to establish as soon as possible a situation consistent with these principles,

The Assembly recommends the evacuation of these troops. In view of the special circumstances of the case, the first object of the negotiations recommended hereinafter should be to organise this evacuation and to determine the methods, stages and time-limits thereof.

B. Having regard to the local conditions special to Manchuria, the particular rights and interests possessed by Japan therein, and the rights and interests of third States,

The Assembly recommends the establishment in Manchuria, within a reasonable period, of an organisation under the sovereignty of, and compatible with the administrative integrity of, China. This organisation should provide a wide measure of autonomy, should be in harmony with local conditions and should take account of the multilateral treaties in force, the particular rights and interests of Japan, the rights and interests of third States, and, in general, the principles and conditions reproduced in Section I (c) above; the determination of the respective powers of and relations between the Chinese Central Government and the local authorities



should be made the subject of a Declaration by the Chinese Government having the force of an international undertaking.

2. Whereas, in addition to the questions dealt with in the two recommendations 1A and 1B, the Report of the Commission of Enquiry mentions in the principles and conditions for a settlement of the dispute set out in Section I (c) above certain other questions affecting the good understanding between China and Japan, on which peace in the Far East depends,

The Assembly recommends the parties to settle these questions on the basis of the said principles and conditions.

3. Whereas the negotiations necessary for giving effect to the foregoing recommendations should be carried on by means of a suitable organ,

The Assembly recommends the opening of negotiations between the two parties in accordance with the method specified hereinafter.

Each of the parties is invited to inform the Secretary-General whether it accepts, so far as it is concerned, the recommendations of the Assembly, subject to the sole condition that the other party also accepts them.

The negotiations between the parties should take place with the assistance of a Committee set up by the Assembly as follows: The Assembly hereby invites the Governments of Belgium, Great Britain, Canada, Czechoslovakia, France, Germany, the Irish Free State, Italy, the

Netherlands, Portugal, Spain and Turkey each to appoint a member of the Committee as soon as the Secretary-General shall have informed them that the two parties accept the Assembly's recommendations. The Secretary-General shall also notify the Governments of the United States of America and of the Union of Soviet Socialist Republics of this acceptance and invite each of them to appoint a member of the Committee should it so desire. Within one month after having been informed of the acceptance of the two parties, the Secretary-General shall take all suitable steps for the opening of negotiations.

In order to enable the Members of the League, after the opening of negotiations, to judge whether each of the parties is acting in conformity with the Assembly's recommendations:

(a) The Committee will, whenever it thinks fit, report on the state of the negotiations, and particularly on the negotiations with regard to the carrying out of recommendations 1A and B above; as regards recommendation 1A, the Committee will in any case report within three months of the opening of negotiations. These reports shall be communicated by the Secretary-General to the Members of the League and to the non-member States represented on the Committee;

(b) The Committee may submit to the Assembly all questions relating to the interpretation of Section II of Part IV of the present Report. The Assembly shall give this interpreta-



tation in the same conditions as those in which the present Report is adopted, in conformity with Article 15, Paragraph 10, of the Covenant.

### SECTION III.

In view of the special circumstances of the case, the recommendations made do not provide for a mere return to the *status quo* existing before September 1931. They likewise exclude the maintenance and recognition of the existing regime in Manchuria, such maintenance and recognition being incompatible with the fundamental principles of existing international obligations and with the good understanding between the two countries on which peace in the Far East depends.

It follows that, in adopting the present Report, the Members of the League intend to abstain, particularly as regards the existing regime in Manchuria, from any act which might prejudice or delay the carrying out of the recommendations of the said Report. They will continue not to recognise this regime either *de jure* or *de facto*. They intend to abstain from taking any isolated action with regard to the situation in Manchuria and to continue to concert their action among themselves as well as with the interested States not members of the League. As regards the Members of the League who are signatories of the Nine-Power Treaty, it may be recalled that, in accordance with the provisions of that Treaty: "Whenever a situation

arises which, in the opinion of any one of them, involves the application of the stipulations of the present Treaty and renders desirable discussion of such application, there shall be full and frank communication between the contracting Powers concerned".

In order to facilitate as far as possible the establishment in the Far East of a situation in conformity with the recommendations of the present Report, the Secretary-General is instructed to communicate a copy of this Report to the States non-members of the League who are signatories of, or have acceded to, the Pact of Paris or the Nine-Power Treaty, etc. informing them of the Assembly's hope that they will associate themselves with the views expressed in the Report, and that they will, if necessary, concert their action and their attitude with the Members of the League.

### ANNEX 1.

#### PROPOSALS MADE BY THE JAPANESE GOVERNMENT ON JANUARY 21ST, 1933.

##### A. DRAFT RESOLUTION NO. 1.

The Assembly.

1. Recalling that, according to the terms of Article 15 of the Covenant, its first duty is



to endeavour to effect a settlement of the dispute and that consequently it is not at present called upon to draw up a report stating the facts of the dispute and its recommendations in regard thereto;

2. Considering that, by its resolution of March 11th, 1932, it laid down the principles determining the attitude of the League of Nations in regard to the settlement of the dispute;

3. Considering that the principles set forth in Chapter IX of the Report of the Commission of Enquiry constitute the useful basis for effecting such a settlement, and affirming that in such a settlement the provisions of the Covenant of the League of Nations, the Pact of Paris and the Nine-Power Treaty must be respected;

4. Considering that, in the best interest of world peace, it is its duty to determine how these principles can be applied to the development of the situation in the Far East;

5. Decides that for this practical work of settlement the Special Committee of Nineteen shall appoint from among its members a small committee to contribute towards a final and fundamental solution by the two parties of the questions at issue between them;

6. Authorises this small committee to take such measures as it may deem necessary for the successful execution of its mission;

7. Requests this committee to keep the Special Committee of Nineteen informed of its work, in order that the latter may be able to report to the Assembly before March 1st, 1933.

8. The Special Committee of Nineteen will have power to fix, in agreement with the two parties, the time-limit referred to in the Assembly resolution of July 1st, 1932; should the two parties fail to agree on the duration of such a time-limit, the Committee will submit proposals to the Assembly on the subject simultaneously with the presentation of its final report regarding the task entrusted to it by the Assembly under Article 15, Paragraph 3.
9. The Assembly shall remain in session and its President may convene it as soon as he may deem necessary.

#### B. DRAFT RESOLUTION No. 2.

The Assembly thanks the Commission of Enquiry appointed in virtue of the Council's resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations, and declares that its Report constitutes an invaluable contribution to the efforts of the League for the maintenance of peace.

#### C. DRAFT DECLARATION BY THE PRESIDENT.

1. The Assembly, in its resolution of December 9th, 1932, requested its Special Committee:



"(1) To study the Report of the Commission of Enquiry, the observations of the parties, and the opinions and suggestions expressed in the Assembly, in whatever form they were submitted;

"(2) To draw up proposals with a view to the settlement of the dispute brought before it under the Council resolution dated February 19th, 1932.

"(3) To submit these proposals to the Assembly at the earliest possible moment."

2. If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation, it would have found the elements necessary for such a statement in the first eight chapters of the Report of the Commission of Enquiry.

3. But the time has not come for such a statement. In accordance with Article 15, Paragraph 3, of the Covenant, the Assembly must first of all endeavour to effect a settlement of the dispute by conciliation, and, if such efforts are successful, it shall publish a statement giving such facts as it may deem appropriate.

4. So long as the efforts on the basis of Article 15, Paragraph 3, are continued, a sense of the responsibilities placed on the Assembly in the various contingencies provided for in the Covenant obliges it to maintain a particular reserve. Hence, the Committee has confined itself, in the draft resolution which it is to-day submitting to the Assembly, to making proposals with a view to the settlement of the dispute.

5. By the Assembly's resolution of March 11th, the Special Committee was instructed to endeavour to prepare the settlement of the dispute in agreement with the parties.

6. For the practical work of settlement it is proposed that the Special Committee should appoint from among its members a small committee to contribute towards a final and fundamental solution by the two parties of the questions at issue between them.

7. The small committee will have all the powers necessary for the execution of its mission. In particular, it may consult experts and utilise their services.

8. The members of the small committee will be guided as regards matters of law by the principles of the Assembly resolution of March 11th, 1932, and, as regards matters of fact, taking into account the observations of the parties, by the findings set out in the first eight chapters of the Report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them as laid down in Paragraphs 3 and 4 of the resolution according to the principles set out in Chapter IX of the Report of the Commission of Enquiry.

9. The report of the Special Committee of Nineteen will be submitted to the Assembly, which will take such decision as may be appropriate thereto. Further, in order that the settlement of the dispute may not be made more difficult, the Committee firmly expects, and I feel sure that the Assembly will agree, that no Member of the League will take action which



is not in conformity with the principles contained in the Covenant of the League of Nations, the Pact of Paris, the Nine-Power Treaty, its own resolution of March 11th and the present resolution.

## ANNEX 2.

MEMORANDUM OF THE CHINESE DELEGATION PROPOSING CERTAIN  
AMENDMENTS TO THE RESOLUTION AND STATEMENT OF REASONS  
DRAWN UP BY THE DRAFTING COMMITTEE.

Geneva, December 26th, 1932.

## I.

1. In the conversations which they had the honour to hold with the Acting President of the Drafting Committee on December 16th and with certain members of the Committee on December 17th and 18th, the Chinese delegation drew attention to the basis which they had stated in the Special Assembly to be indispensable for a just settlement and conveyed to them the disappointment of the Chinese Government at the contents of the proposed draft resolu-

tion. A few essential modifications were suggested for the draft resolution and the statement of reasons, with a view to safeguarding the indisputable rights of China and the fundamental principles of the Covenant and other peace instruments.

2. In order to facilitate reference and consideration, the Chinese delegation deem it desirable to present their proposed modifications in the form of amendments, with a word of explanation for each. These following amendments are presented with special consideration for the effort at conciliation, and without prejudice to the original requests of the Chinese Government as stated in the Special Assembly, upon which they reserve the right of insisting:

A. That the fourth paragraph in the draft resolution No. 1 be amended to read:

“Decides to set up a committee whose duty will be to conduct, in conjunction with the parties, the negotiations with a view to a settlement, guided by the findings of essential facts set out in the first eight chapters of the Report of the Commission of Enquiry, and on the basis of the principles laid down in its aforesaid resolution of March 11th, 1932, and those set out in Chapter IX of the said Report, taking special note that the maintenance and recognition of the present regime in Manchuria cannot be regarded as a solution.”

B. That the ninth paragraph in the same draft be amended to read:

“The Committee will have power to fix, in agreement with the two parties, the



time-limit referred to in the Assembly resolution of July 1st, 1932; should the two parties fail to agree on the duration of such a time-limit the Committee, simultaneously with the presentation of its report, or the Special Committee of Nineteen, will submit proposals to the Assembly for a time-limit which, if it is necessary to make a report as provided for under paragraph 4 of Article 15 of the Covenant, shall not exceed one month from the date of such submission."

C. That the last paragraph of the "Statement of Reasons" be amended to read:

"In this connection the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, while fully respecting the sovereignty and the territorial and administrative integrity of China, a mere return to the *de facto* condition previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution."

## II.

3. The addition of the phrase "guided by the findings of essential facts set out in the first eight chapters of the Report of the Commission of Enquiry" is intended to preclude a debate on questions of facts relating to the origin, development and present character of the

situation in Manchuria. These facts have been authoritatively ascertained by the Commission of Enquiry and want of mention in the draft resolution might give rise to a renewed discussion about them which could not serve any useful purpose. In fact, the League of Nations had deliberately deferred its efforts to effect a final settlement of the Sino-Japanese conflict in order to await an impartial account from the Commission of Enquiry of the relevant facts involved in the Manchurian situation. Now this account is available to the League. If it is to be overlooked or not to be fully utilised as the definitive basis of facts in the present attempt to find a solution, then all the delay in the past, which has entailed upon China a terrible sacrifice in lives lost, property destroyed and more territory invaded, has been meaningless and unwarranted.

4. It is believed, however, that, far from wishing to undermine the value of the essential findings of the Report relating to Manchuria, the Drafting Committee's intentions generally correspond with the views of the Chinese delegation, as reference is made to these findings in the Statement of Reasons. For these considerations, therefore, it appears necessary to make specific mention in the text of the draft resolution itself.

5. The inclusion of the principles laid down in the Assembly resolution of March 11th, 1932, in the basis for a settlement of the Sino-Japanese conflict is necessary. The reference to the same resolution in the second paragraph of the draft resolution, while useful, is not suffi-



ciently clear as to its purport. The March 11th resolution of the Assembly, not only enunciates the fundamental principle of non-recognition of any situation, treaty or agreement brought about by means contrary to the Covenant of the League and the Pact of Paris, but also recalls the continuing validity of the Council resolutions of September 30th and December 10th, 1931, to both of which China attaches great importance. In any settlement the execution of these resolutions of the Assembly and the Council, which unquestionably remain in full force, should, in the opinion of the Chinese delegation, constitute an essential and preliminary consideration.

6. The emphasis laid upon the clause that "the maintenance and recognition of the present regime in Manchuria cannot be regarded as a solution" is dictated by the fact that it embodies a fundamental principle of the sanctity of international peace instruments. The Covenant of the League and the Pact of Paris both enjoin the peaceful settlement of international disputes, while the Nine-Power Treaty of Washington specifically obligates the signatory parties to respect the sovereignty, the independence, and the territorial and administrative integrity of China. It was clearly in consideration of the paramount importance of preserving the sanctity of these instruments that the Special Assembly enunciated the principle of non-recognition in its resolution of March 11th, 1932, referred to above. The Commission of Enquiry, too, has stressed this point in its report. Any equivocation on this point

would be interpreted by the world as a surrender on the part of the League of one of the most fundamental principles of its establishment and existence. The Chinese delegation desire to state clearly that, for their part, an explicit provision for the non-recognition and non-continuation of the present regime in Manchuria is an indispensable condition to their participation in any procedure looking to a final settlement.

7. It is proposed to omit reference to Chapter X of the Report of the Commission of Enquiry because the suggestions contained therein, to quote the words of the Report, "are intended as an illustration of one way in which the conditions we have laid down in the preceding chapter might be met". They are not necessary or indispensable elements of a fair and practical solution. Besides, in the view of the Chinese Government, several suggestions are objectionable in principle, while others, if adopted, would be difficult of execution in the light of the existing circumstances.

### III.

8. The second amendment is proposed with a view to elucidating two points which the Chinese delegation believe to be of importance. The fixing of a time-limit is a constitutional question, proposals for the determination of which it is incumbent upon the League Members alone to submit. For this purpose the Committee of Nineteen would be the competent body



to make suggestions, especially as the Special Assembly in July last has expressly entrusted it with this duty. But, according to the text of the draft resolution under consideration, it would appear to be the Special Committee to be set up which would be expected to submit proposals on the subject. A change of wording such as suggested in the amendment under discussion would not only meet the point but also serve to make clear that the creation of the proposed Special Committee does not prejudice the continued existence of the Committee of Nineteen nor affect its functions and duties entrusted to it by the Special Assembly other than those now to be delegated to the Special Committee.

9. The fixing of a definite period of time within which a report under paragraph 4 of Article 15 of the Covenant shall be made is considered especially important for the double purpose of securing an early settlement of the Sino-Japanese conflict and ensuring that this significant safeguard provided in the Covenant may not be further impaired. The Chinese delegation believe that the framers of the Covenant, which is clearly intended to be of universal application, were not unaware of the possible rise of complicated issues, and they provided the maximum period of six months for making a final report with that purpose in view. Only such a safeguard could inspire a sense of security that a breach of this organic law of the League, wherever arising, would be speedily dealt with and redress for the suffering party might be obtained without undue delay.

#### IV.

10. The amendment to the final paragraph of the Statement of Reasons consists in inserting the clause, "While fully respecting the sovereignty and the territorial and administrative integrity of China", and replacing the word "that" with the phrase "*de facto*". The purpose of this proposal is to emphasise a distinction of which the Drafting Committee has undoubtedly been already aware, between the *de facto* and the *de jure* character of the *status quo ante*. While the Chinese Government has no objection to effecting, of its own accord, desirable changes in the administration of Manchuria as it existed prior to September 1931, it cannot admit or agree that China's legal position in her Three Eastern Provinces should in any way be prejudiced in any settlement of the Sino-Japanese conflict. The proposed addition, it is believed, will help to clarify this point.

11. The Chinese delegation trust that the Committee of Nineteen will see its way to accept and incorporate in the final text of the draft resolution and Statement of Reasons the amendments which are herein above presented and explained and which the Chinese Government deems essential. They also wish to add that they reserve the right of suggesting additional amendments on further study or if other changes are made in the two texts as originally communicated to them.



## ANNEX 3.

PROPOSALS HANDED TO THE SECRETARY-GENERAL BY THE  
REPRESENTATIVE OF JAPAN ON FEBRUARY 8TH, 1933.<sup>1</sup>

## 1. DRAFT RESOLUTION No. 1.

*Draft of the Committee of Nineteen.*

4. Decides to set up a Committee whose duty will be to conduct, in conjunction with the parties, the negotiations with a view to a settlement, on the basis of the principles set out in Chapter IX of the Report of the Commission of Enquiry, and having regard to the suggestions made in Chapter X of that report.

*Amendment proposed.*

4. Decides that it shall be the duty of the Committee of Nineteen to endeavour, in conjunction with the two parties, to secure conciliation with a view to a settlement on the basis of the principles and conclusions set out in Chapter IX of the Report of the Commission of Enquiry, "applying them to events which have developed" (page 132 of the Report of the Commission of Enquiry).

<sup>1</sup> *Note by the Secretary-General.*—These proposals assume that the passages in the resolution and Statement of Reasons (which would become a declaration of the President) regarding the invitation to Powers non-members of the League to participate in the Negotiations Committee are omitted.

## 2. DRAFT RESOLUTION No. 2.

*Draft of the Committee of Nineteen.*

The Assembly thanks the Commission of Enquiry appointed in virtue of the Council's resolution of December 10th, 1931, for the valuable assistance it has afforded to the League of Nations and declares that its report will stand as an example of conscientious and impartial work.

*Amendment proposed.*

constitutes an invaluable contribution to the efforts of the League for the maintenance of peace.

## 3. DRAFT DECLARATION BY THE PRESIDENT.

## A.

*Draft of the Committee of Nineteen.*

If the Committee had had to lay before the Assembly a picture of events and an appreciation of the general situation,

*Amendment proposed.*

it would have found all the elements necessary for such a statement in the first eight chapters of the Report of the Commission of En-



Enquiry, which in its opinion constituted a balanced, impartial and complete statement of the principal facts.

## B.

*Draft of the Committee of Nineteen.*

8. The Members of the Negotiations Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 11th, 1932, and as regards matters of fact by the findings set out in the first eight chapters of the Report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them on the basis of the principles set out in Chapter IX of the Report of the Commission of Enquiry and having regard to the suggestions made in Chapter X of the said Report.

Enquiry, which in its opinion constituted an invaluable contribution to the efforts of the League for the maintenance of peace.

*Amendment proposed.*

8. The Members of the Committee will be guided as regards matters of law by Parts I and II of the Assembly resolution of March 11th, 1932, and as regards matters of fact by the findings set out in the first eight chapters of the Report of the Commission of Enquiry. As regards the solutions to be considered, they will seek them, in conformity with paragraph 4 of the Resolution, on the basis of the principles and conclusions set out in Chapter IX of the Report of the Commission of Enquiry, applying them to events which have developed.

## C.

*Draft of the Committee of Nineteen.*

9. In this connection the Committee of Nineteen considers that, in the special circumstances which characterise the dispute, a mere return to the condition previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be regarded as a solution.

*Amendment proposed.*

9. In this connection the Committee of Nineteen notes that Japan has recognised the present regime established in Manchuria and that no other Member of the League has done so.

It is to be noted that the Report of the Commission of Enquiry states, in Chapter IX, the principles and conclusions of which the Assembly has adopted in paragraph 4 of the Resolution as the basis of the negotiations for a settlement, that a mere return to the conditions previous to September 1931 would not suffice to ensure a durable settlement, and that the maintenance and recognition of the present regime in Manchuria could not be re-



garded as a solution, and also that a satisfactory regime for the future might be evolved out of the present one without any violent change (page 130).

## ANNEX 4.

LETTER ADDRESSED BY THE SECRETARY-GENERAL TO THE  
REPRESENTATIVE OF JAPAN ON BEHALF OF THE  
COMMITTEE OF NINETEEN.

Geneva, February 9th, 1933.

The Committee of Nineteen considered most carefully the new proposals which Your Excellency submitted to it yesterday. The Committee desired me to express to Your Excellency its sincere appreciation of the efforts made by the Japanese Government to meet the Committee's views.

There is, however, one essential point on which the Committee desires further information. The Japanese Government declares its willingness to accept as the basis of conciliation the principles and conclusions set out in Chapter IX of the Report of the Commission of Enquiry. Principle 7 of that Report is as follows:

"7. *Manchurian Autonomy* :

"The Government in Manchuria should be modified in such a way as to secure, consistently with the sovereignty and administrative integrity of China, a large measure of autonomy designed to meet the local conditions and special characteristics of the Three Provinces. The new civil regime must be so constituted and conducted as to satisfy the essential requirements of good government."

The Committee therefore assumes that, as by the acceptance of this principle the Japanese Government recognises that the continuance of the existence of the "Manchukuo", which it has recognised as an independent State, cannot afford a solution of the present dispute, it agrees that when the Committee of Conciliation meets its task will be to find a solution, which, while being neither the continuance of the "Manchukuo", nor the return to the previously existing state of affairs, will secure, consistently with the sovereignty and administrative integrity of China, good order in Manchuria, and the proper protection of Japanese rights and legitimate interests in Manchuria.



The Committee would be grateful if Your Excellency would inform it at the earliest possible moment if it has correctly interpreted the attitude of the Japanese Government in this vital question.

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ANNEX 5.

LETTER FROM THE REPRESENTATIVE OF JAPAN.

Geneva, February 14th, 1933.

I have the honour to acknowledge receipt of your note of the 9th instant, regarding the proposed resolution and the draft declaration by the President under discussion in the Committee of Nineteen.

In reply I beg to state that the point you raise is one on which the Japanese Government have made repeated and unequivocal declaration, and on which I myself have taken pains to make full explanations to you, to the President of the Committee of Nineteen and to the Council and the Assembly of the League of Nations not only verbally but also in writing.

In my explanations, I laid emphasis on the point that while the Japanese Government were not in a position to have their recognition of the independence of Manchoukuo made a

subject of contentious discussion, they would nevertheless be able, I was and remain confident, to make the world understand the fairness and unassailable character of their position, provided that ample time were given for the thorough explanation of this and other relevant points. I understood from you that the members of the Committee of Nineteen had been fully apprised of the tenor of our conversations and that there could be no misunderstanding on their part of the Japanese attitude in this matter.

I would further call your attention to the fact that the time when the Committee of Nineteen expressed their agreement to the deletion from the proposed resolution and draft declaration by the President of the portion relating to the invitation of non-member States, while expressing the wish that the Japanese Government would see their way to accepting the rest, you and the President of the Committee of Nineteen made to me, on January 18th last, a suggestion that the Japanese Government might make an *ex-parte* declaration or reservation in elucidation of Japan's attitude in regard to the last paragraph of the draft declaration by the President.

I was then given to understand that the Committee of Nineteen would not object to Japan's taking such a course. The suggestion, I am confident, would never have been made if the Committee of Nineteen had not acquired a clear conception of Japan's position as regards the question raised by your note under acknowledgement. But it was not only made, but was actually confirmed, by the official *communiqué* of February 4th.



The Japanese Government have no objection to inclusion in the draft Resolution and Declaration of the principles of Chapter IX of the Report of the Commission of Enquiry, on the understanding that they will be applied with due regard to the actual development of events, and with like regard to the principle that the very nature of conciliation involves an impartial abstention from prejudgment of the issues.

In taking this conciliatory stand, the Japanese Government have naturally been acting on the assumption that the Committee of Nineteen were fully aware of their attitude in the matter—namely, that the Japanese Government are convinced that the maintenance and recognition of the independence of Manchoukuo are the only guarantee of peace in the Far East and that the whole question will eventually be solved between Japan and China on that basis. They have also entertained throughout a just expectation that the Committee of Conciliation would give ample time to have these and other points fully explained, and that they could finally convince every impartial mind of the justice and moral strength of their position.

I trust that from the above the standpoint of Japan as regards the subject of your enquiry has been made clear and I may add that the Japanese delegation also sincerely appreciate the efforts which you and the Committee of Nineteen are exerting in the matter.

#### ANNEX 6.

### LETTER ADDRESSED BY THE SECRETARY-GENERAL TO THE REPRESENTATIVE OF JAPAN ON BEHALF OF THE COMMITTEE OF NINETEEN.

Geneva, February 14th, 1933.

The Committee of Nineteen desire me to acknowledge the receipt of your letter of February 14th.

The Committee is grateful for the statements contained in that letter, which indicate the attitude of your Government as to the "Manchukuo".

Your communication makes it clear that the Japanese delegation, in accepting as a basis for the settlement of the dispute the ten principles and conclusions set out in Chapter IX of the Report of the Commission of Enquiry, intended that the additional words proposed by the delegation, "applying such principles and conclusions to the events which have developed", should modify the scope of Principle 7. The Committee understands that, if a Committee of Conciliation had been constituted, the Japanese representative at such a Committee would not, in fact, have been prepared to accept, as part of the basis of its work, that, as stated in the



Report of the Commission of Enquiry, the maintenance and recognition of the existing regime would not afford a satisfactory solution of the Manchurian problem. This being so, the Committee, to its deep regret, feels bound to hold that the Japanese proposals put forward on February 8th do not afford an acceptable basis for conciliation. The Committee has given full consideration to the various points raised in your letter, but in the circumstances it does not feel that to enter into a discussion of them could lead to any fruitful result. The Committee is, of course, willing to examine with the greatest care, up to the date of the final meeting of the Assembly, any further proposals which your Government may wish to make, but the Committee feels sure that your Excellency will realise that any aggravation of the existing situation must render more difficult, if not indeed frustrate, fresh efforts at conciliation.

## 二、聯盟規約第十五條第五項ニ依ル日本政府陳述書(假譯)

(二月二十六日發表)

### 第一部 日本ノ國際聯盟トノ協力

日本ハ聯盟ノ發達及成功ニ對シ其ノ創始以來多大ノ關心ヲ持チ來レリ日本政府ハ聯盟ニ對シ殆ト十四年ニ亘リ滿腔ノ協力ヲ與ヘ日本ノ爲政者ハ聯盟ノ勢力ノ擴大及權威ノ増進ノ爲最善ノ努力ヲ爲セリ日本ハ其ノ代表カ聯盟ノ事業ニ對シ參與活動セルコトヲ矜持ノ念ヲ以テ回想ス日本ハ原聯盟國及常任理事國トシテ聯盟ノ有益ナル諸活動ニ協力ヲ爲ス幾多ノ機會ヲ有シ且此等ノ機會ヲ十分ニ利用セリ日本ハ聯盟ヲ人類ノ福祉ニ對スル最も有力ナル機關ト看做スモノニシテ此ノ世界平和確立ニ對スル大事業ノ爲ニ聯盟國カ極東ノ事態ヲ充分ニ會得シ且方式及原則ニ拘泥スルコトナク實際的方法ニ依リ事態ヲ處理センコトヲ庶幾スルノミナリ

本紛争ハ當初一九三一年九月支那ノ要求ニ依リ規約第十一條ニ基キ國際聯盟理事會ノ審議ニ附セラレタリ日本ハ本事件ニ於テ支那側ノ攻撃ニ對スル自衛ノ爲ニ行動ヲ餘儀ナクセシメラレタルニ過キサルニモ拘ラス當初ヨリ此ノ不幸ナル事件ノ真相及背景ニ付能フ限リ聯盟ニ對シ説明ヲ惜マサリシト同時ニ九月三十日ノ理事會ノ決議ヲ俟ツコトナクシテ常ニ出來得ル限リ事態擴大ヲ防止



スルニ努メ來レリ日本ハ又事態ノ推移ニ關スル一切ノ情報ヲ聯盟ニ通告シ聯盟ヲシテ極東ノ實情ヲ了解スルニ便ナラシメタリ

然ルニ滿洲ニ於ケル治安狀況ハ張學良ノ活動繼續ノ爲不幸ニシテ容易ニ改善ヲ見ス一方日支兩國民間ノ感情更ニ惡化スルニ至リ其ノ結果當時ノ狀況ニ於テ附屬地内ニ日本軍隊ヲ撤收スルコトハ到底不可能ナリキ十月理事會再開ノ際日本ハ日本臣民ノ生命財産ノ安全ノ確保ヲ圖リ且日本軍隊ノ撤收ヲ可能ナラシムルノ第一根本條件トシテ先ツ兩國國民ノ興奮ヲ緩和スルコト重要ナルヲ認メ之カ爲兩國平常關係ノ回復ヲ目的トスル直接交渉ノ途ヲ開クコトヲ必要ナリト信シ右見解ヲ理事會議長及若干國理事ニ説明スルニ努メタルモ直接交渉開始ノ提案ハ受諾セラレサリキ

加之理事會ハ非聯盟國タル米國ノ代表ヲ招請シ「オブザーバー」トシテ其ノ審議ニ參加セシムルノ案ヲ立テタリ日本ハ非聯盟國ヲ理事會ニ參加セシムルハ聯盟ノ基礎法ニ反スト爲シ右提案ニ反對セルモ他ノ理事國ハ之ヲ以テ單ナル手續事項ナリト主張シ米國ノ「オブザーバー」ヲ理事會ニ招請セリ日本ハ右カ聯盟基礎法上ノ問題ニシテ多數決ニ依ル決定ハ明カニ規約違反タルコトヲ引續キ確信セリ日本ノ同僚タル各理事國カスノ如キ實質上ノ重要事項ヲ單ナル手續事項トシテ多數決ニ依リ決定シ得ヘキモノナリトノ見解ヲ持スルニ於テハ日本トシテハ誤解ニ基キテ規約

ヲ批准シタルモノトナルコト明カトナレリ然レトモ日本ハ尙聯盟擁護ノ願望ヨリ引續キ理事會ノ行動ニ繼續參與セリ

聯盟各國ト我方トノ見解ノ懸隔ハ聯盟カ極東ノ事態ニ對スル理解ヲ缺如セル爲生シタルモノナリ日本ハ聯盟ヲ援助シ且其ノ合法的勢力及效用ヲ維持セントノ念望ヨリ聯盟各國カ支那ノ現狀ヲ十分了解シ得ル様一九三一年十一月ノ理事會ニ於テ支那ニ調査委員會ノ派遣方ヲ提議セリ右提議ハ十二月十日ノ理事會決議ニ依リ採擇セラレタリ「リットン」卿ヲ首班トスル調査委員會ハ日本ヲ經テ一九三二年三月支那ニ到着シ同四月滿洲國ニ入レリ日本ハ同委員會ニ對シ其ノ調査進捗ノ爲能フ限り便宜ヲ供與セリ新國家滿洲國ノ成立ニ依リ特ニ支那參與員ノ入滿ニ付困難アリタリ仍テ日本ハ右困難除去ノ爲滿洲國トノ間ニ斡旋ノ勞ヲ執リ調査委員會ヲシテ其ノ調査ヲ遂行スルコトヲ得シメタリ

調査委員會報告書ハ客年十月一日公表セラレタリ委員會ノ調査期間短期ナリシ爲同報告書ヲ以テ支那ノ現狀ノ真相ヲ傳フルニ足ルモノト爲シ得サル憾ミ多カリキ仍テ日本ハ客年十一月十八日「リットン」報告書ニ對スル其ノ「意見書」ヲ聯盟ニ提出シ聯盟カ本紛爭ニ對シ公平ナル結論ニ到達シ得ル様正確ナル材料ヲ供給セリ



「リットン」報告書ハ一九三二年十一月二十一日ヨリノ理事會及十二月六日ヨリノ總會ニ於ケル審議ノ題目トナレリ總會カ日本ノ同意ナク任命セル十九人委員會ハ十二月十五日規約第十五條第三項ニ依リ總會ノ義務タル和協手續ニ關スル決議及理由書ヲ起草セリ日本ハ右決議案中非聯盟國參加ニ關スル部分ノ削除及和協委員會ノ權限中和協達成事業ヲ遲滯セシムヘキ若干點ノ修正竝ニ滿洲ニ於ケル現政權ノ維持及承認ヲ解決ト認メ難キ旨ヲ特ニ記載セル理由書ノ最終項全部ノ削除ヲ要求セリ

一方第十五條第三項カ規約上紛爭ノ和協的解決ニ對スル最後ノ手續タルニ鑑ミ日本ハ聯盟トノ協力ヲ持續シ得ヘキ妥協點ヲ發見スルニ努メタリ

報告書第二部(ワ)ニ記述セラレタルカ如ク十九人委員會議長及事務總長ハ日支兩國代表ト意見ノ交換ヲ爲スヘキ權限ヲ與ヘラレ日本代表事務總長間ノ會談ハ一九三三年一月初旬ヨリ續行セラレタリ此等會談ノ結果一草案作成セラレ右草案ハ十九人委員會議長了解ノ下ニ日本政府ノ承諾ヲ求ムル爲同政府ニ交付セラレ次テ右草案ニ對スル日本政府ノ修正十九人委員會ニ通告セラレタルカ日本代表ハ右草案ハ之ヲ將來ノ交渉ノ基礎トシ難キ旨ノ通報ニ接シタリ然ルニ事務總長ト共ニ兩國代表ト交渉ヲ爲スノ權限ヲ與ヘラレタル十九人委員會議長カ前記會談ヲ十分承知シ且右草案ノ

作成ニ反對セサリシモノト信スヘキ十分ノ理由アリシヲ以テ前記ノ通報ハ日本政府ヲ喫驚セシメタリ

委員會ハ遂ニ決議案中ヨリ非聯盟國ノ和協委員會ノ事業參加ニ關スル部分ノ削除ニ同意セルモ日本政府ニ於テ十二月十五日ノ決議及理由書案文ノ爾餘ノ部分ヲ總テ受諾シ且日本ニ於テ其ノ反對セル理由書最終項ニ對シ留意ヲ爲サンコトヲ提案セリ右最終項ニ記述セラレタル宣言ハ本陳述書中ニ述フル所アルカ如ク聯盟ノ權限超過行爲ヲ構成スルノミナラス問題全體ニ對シ偏斷ヲ與ヘ且滿洲國ノ維持ニ關シ日本政府ノ執レル政策ニ對スル直接ノ攻撃ヲ意味スルモノナリ加之聯盟側ノ斯ノ如キ態度ハ十九人委員會竝ニ日本政府ノ唱道スル和協ノ精神ニ合致セサルモノナリ日本政府ハ此等ノ理由ニ基キ委員會ノ提案ヲ受諾スルコト能ハサリキ

日本代表カ右ノ點ニ關スル委員會ノ提案ヲ拒否スルヤ委員會ハ第十五條第四項ニ基キ報告書案起草ノ手續ニ著手セリ

然レトモ日本政府ハ和協ニ對スル希望ヲ捨テス之ヲ達成スル爲ノ最後ノ努力トシテ十二月十五日ノ案文ノ通告ヲ受ケタル際提案シタル諸修正ノ撤回ニ同意シ且「リットン」報告書第九章ノ原則及結論カ「其ノ後發生セル出來事ニ調和」スル如キ方法ニ依リ適用セラルヘキ限リニ於テ之ヲ和



協ノ基礎トシテ受諾スヘキコトヲ承認セリ（右引用辭句ハ報告書ヨリ殆ト其ノ儘援用セリ）更ニ日本政府ハ議長宣言即チ元ノ理由書ノ最終項ニ關シテハ右ハ何等カノ豫斷又ハ日本ノ對滿洲國方針ニ對スル攻撃トナラサル様其ノ辭句ヲ變更スルコトヲ條件トシ之カ存置ニ同意セリ

十九人委員會ハ右最終案ヲ同様受諾シ得スト爲セリ委員會ハ斯ノ如ク一切ノ日本ノ提案ヲ拒否シ且第三項ニ依ル和協ハ不可能ナリトノ結論ニ達シタルカ爾來規約第十五條第四項ノ規定セル報告書ノ起草ヲ進メタリ斯クシテ準備セラレタル報告書案ハ二月二十一日ノ總會ニ提出セラレ二月二十四日日本ノ反對投票ニ拘ラス總會ニ於テ採擇セラレタリ

## 第二部 紛争ノ主要事實ニ關スル報告書ノ誤謬

報告書ハ第三部ニ於テ「紛争ノ主要事實」ト稱スルモノヲ記述セリ報告書ノ該部分カ多分ニ調査委員會報告書ヲ基礎トセルハ遺憾ナリ右報告書ニアルカ如ク「本紛争ニ包含セララル諸問題ハ往往稱セララルカ如ク簡單ナルモノニ非ス反對ニ此等問題ハ極端ニ複雑ナルモノニシテ一切ノ事實及其ノ歴史的背景ニ關スル徹底セル知識アルモノノミ之ニ對シ確定的意見ヲ表示シ得ル資格アリト謂フヘキナリ」調査委員會ハ滿洲ニ於テハ六週間支那ニ於テハ十五週間ヲ費シタルニ過キス而モ支那ニ於テハ其ノ大部分ヲ北平ニ滞在シ且其ノ旅行ハ支那ノ僅カ一小局部即チ同國ノ真相ヲ十

分調査スルヲ得サル若干ノ開港場ニ限ラレシコトヲ想起スルヲ要ス右狀況ノ下ニ委員會カ「一切ノ事實及其ノ歴史的背景ニ關スル徹底セル知識」ヲ諒得スルコトハ不可能ナリキ

故ニ該報告書ハ完全且公平ナルモノニ非ス「リットン」報告書ニ基キ起草セラレタル總會ノ報告書中ニ誤謬尠カラサルハ極メテ自然ナリ若シ十九人委員會ニシテ一九三二年十一月十八日理事會ニ提出セラレタル日本政府意見書ヲ十分考慮ニ入レシニ於テハ此等誤謬ハ避ケ得ラレシナルヘシ何レニセヨ「リットン」報告書ハ假令賞讃スヘキモノトスルモ最後ノ判定ノ唯一ノ基礎タルヘキ一切ノ事實及歴史的背景ヲ總テ包含スル文書ニ非ス總會ノ報告書中ノ誤謬ハ多アル處最モ顯著ナル點ハ左ノ如シ

一、報告書ハ第三部ニ於テ支那カ現在尙歐米諸國ト同等ニ取扱ハルヘキ單一組織の國家ナリトノ擬制ヲ固執セントシ居ルヤニ認メラル然ルニ右擬制ハ秩序アル統一國家トシテノ支那ノ復活ニ對スル列國ノ要望ヲ簡單ニ表現スル便宜のノ一形式ナリシナリ日本ハ多年ニ互リ右擬制ニ從ヒテ行動セント努メ來リ今後モ單ニ通常ノ事項ノミニ關係アル場合ニ於テハ從來同様ノ行動方針ヲ繼續スルノ用意アルモノナリ然レトモ滿洲ニ於ケル如ク日本ノ死活的必要カ問題トナル場合ニ於テハ日本ハ右ノ擬制ニ付再考シ現實ノ事態ノ何タルカ及現實ノ支配者ノ何人タルカヲ自問



セサルヲ得ス支那ニ利害關係渺キ國際聯盟諸國ハ左シタル困難ナクシテ右便宜上ノ擬制ヲ其ノ儘維持スルヲ得ヘケンモ經濟上及軍事上全然別個ノ地位ニ在ル日本ハ敢テ欲スル所ニ非サルモ右擬制ヲ檢討シ之カ限界ヲ設ケ且現實ニ即シテ其ノ進路ヲ定ムルヲ餘儀ナクセシメラル

日本ハ「袁世凱ノ死後ニ於ケル統一共和國ノ沒落カ支那ニ於ケル總テノ政治的統一ノ崩壊ヲ顯示」(日本政府意見書第一五頁)セル時期ニ於テ舊支那國ハ滿洲ヲ支配セサルニ至レリトノ見解ヲ有スルモノナリ實際ニ於テ南京政府ヲ含ム支那ノ如何ナル政府ト雖モ現實其ノ支配下ニ在ル局小地域以外ニ權力ヲ維持スルモノナシ是帝國政府カ其ノ意見書中ニ滿洲ヲ以テ自然且必然ニ支那ノ一部ニ非スト主張セル所以ナリ

然ラハ何故ニ日本ハ滿洲事件發生當初南京政府ヲ相手トセルヤ何故ニ一九一五年北京政府ト商議セルヤ又何故ニ一九二二年ニ滿洲ヲ以テ支那ノ一部ナリト聲明シタルヤ等ノ質問發セラレ得ヘク且現ニ發セラレタリ之カ回答ハ即チ日本トシテハ最後ノ瞬間迄滿洲ハ支那ノ一部ナリトノ擬制ヲ保持セント努メ來レリト謂フニ在リ日本ハ支那ノ混沌狀態ノ結果從來若シ欲スルニ於テハ右擬制ヨリ離脱スヘキ幾多ノ好機會ヲ有シタルモ常ニ之ヲ利用スルヲ避ケタリ然ルニ滿洲ニ於ケル日本ノ全地位ニ對シ脅威ヲ與フル混沌狀態發生スルニ至リ日本ハ其ノ各種ノ利益及重要

ナル權利ヲ保護スヘキ手段ヲ執ルノ已ムヲ得サルニ至レリ

茲ニ日本ハ其ノ一隣邦カ單ニ弱勢ナルカ又ハ内部の分裂ニ惱マサルルコトヲ理由トシテ該隣邦ノ存在ヲ糾問スルノ先例ヲ作ラントシツアルニ非サルコトニ注意シ置クノ要アリ凡ソ國家ハ其ノ全領域ヲ現實ニ支配シ來レル政府カ其ノ領域ノ如何ナル地方タルヲ問ハス一部ニ於テ其ノ權力ヲ維持スル限リ國家トシテ存續シ且不可侵ナルコトハ謂フヲ俟タス支那ノ特殊狀態ハ其ノ共通ナル政府カ弱勢ナリトカ又ハ内部の分裂ニ惱マサルルトカノ事實ニ存スルニ非スシテ現存スル如何ナル政權ト雖モ嘗テ支那全般ニ對スル政府タリシコトナク從テ全國ヲ支配スルノ權利ヲ有セサルノ類例ナキ事實ニ存スルモノナリ

國際聯盟ハ事實ハ形式ヨリモ權威アリ又國家ハ單一且繼續的ノ政府ヲ有セサルヘカラサルコトヲ忘ルヘカラス

二、報告書ハ九月十八日事件以後ニ於ケル支那ノ對日「ボイコット」ハ復仇手段ノ範圍ニ屬スルコトニ同意シ居レル處右ハ支那ニ利害關係ヲ有スル各國ニ對シ將來不測ノ紛糾ノ種子ヲ蒔クモノナリ主要列國ノ總テハ或種ノ狀況ノ下ニ支那ニ於テ軍事行動ニ出テ且該特殊目的ノ爲支那領域内ニ武裝セル兵力ヲ維持ス若シ右列國カ其ノ權益保護ノ爲強力手段ヲ執ルノ都度復仇的「ボ



イコット」ヲ以テ對抗セラルルモノトセハ強力手段ノ適用ハ無制限ニ擴大セラルルニ至ルヘキコト必然ナリ

日支兩國ハ一九三一年九月三十日及十二月十日ノ決議受諾ニ依リ何レモ事態ノ擴大ヲ防止スル爲必要ナル措置ニ出ツヘキコトヲ約セリ日本政府ハ支那側ニ於テ右ノ如キ適當ナル措置ニ出テサリシ結果遂ニ不幸ナル上海事件ノ發生ヲ見ルニ至レル事實ニ付聯盟ノ注意ヲ喚起セント欲ス尙「ボイコット」ヲ論スルニ當リテハ之ト不可分ノ關係ニ在ル諸學校ニ於ケル排外教育及南京政府ノ容認セル「革命外交政策」ヲモ併セ右三者ヲ一括考慮スルヲ要スルコトヲ附言スルノ要アリ

三、報告書ハ日支紛争カ仲裁裁判ニ依リ解決シ得ヘカリシコトニ關スル「リットン」報告書ノ認定ヲ引用シ且之ヲ採用シ居レリ然レトモ仲裁裁判ハ其ノ全領土ヲ通シテ至上ノ權力ヲ有シ且判決ヲ履行スル能力アル政府ヲ有スル正常ノ組織の國家ヲ前提トス既述ノ如ク支那ハ多年ニ亙リ斯ル國家ノ態ヲ成サス少クトモ滿洲ニ關スル樞要ナル問題ニ付仲裁裁判ノ相手ト爲シ得ルカ如キ國家ニ非サリキ何人ヲ相手トシテ仲裁裁判手續ヲ遂行セシメ得タルヘキヤ聯盟ノ承認セル張學良ヲ相手トシ得ヘキヤ又ハ張學良ニ於テ其ノ權力ニ服從セサリシ(調査委員會報告書モ之ヲ

認メタリ)南京政府ヲ相手トシ得ヘキヤ其ノ樞要ナル權益ヲ賭シ居ル日本トシテハ支那ノ如キ國ヲ相手トシテ右ノ如キ問題ヲ仲裁裁判ニ附託スルコト殆ト不可能ナリ

四、報告書ハ復タ九月十八日ノ夜現地ニ在リタル日本ノ將校カ自衛ノ爲行動シツツアリト思惟シタルナルヘシトノ可能性ハ之ヲ排除セサルモ同夜ノ日本軍隊ノ軍事行動ハ之ヲ正當ナル自衛手段ト認ムルヲ得ストノ調査委員會ノ認定ヲ引用シ且之ヲ採用セリ右ハ帝國政府ノ意見書ニ於テ強調セル反對主張ヲ全ク無視シ調査委員會ノ見解ヲ何等ノ檢討ヲ加フルコトナク容易ニ受ケ容レタル他ノ一例ニ外ナラス如何ナル理由ニ依リ聯盟又ハ第三者カ本件ニ關シ現地ニ於ケル日本將校ノ判斷ニ反スル判定ヲ下シ得ヘキヤ蓋シ自衛權ハ若干特定ノ場合ニ當然ニ行使セラレ得ヘキ國家ノ奪フヘカラサル一權利ナリ而シテ自衛權カ如何ナル場合且如何ナル範圍ニ於テ行使セラルヘキヤノ問題ハ當該國ノミカ決定スヘキ事項ナリ右ニ關シ帝國政府ハ其ノ意見書中ニ米佛兩國カ巴里條約締結ノ際爲シタル留保ニ言及セリ然ルニ總會ハ之ヲ暗黙裡ニ葬リ去リ得ルモノトセリ

報告書ハ紛争ノ全期間ヲ通シ進展セル日本ノ軍事行動モ全體トシテハ之ヲ自衛ノ行動ト認ムルヲ得スト述ヘ當時存在セル緊張日本側ノ直面セル壓倒的兵力及此等兵力ノ執ル虞アル行動ヲ全



然豫測シ得サリシコトニ對スル認識ヲ缺キ居レリ報告書ハ殊ニ滿洲ニ於ケル日本ノ重大ナル權益ヲ考慮ニ入レ居ラサル處右日本ノ權益ハ租借地及諸鐵道ノミナラス滿洲全地域ニ互ル鑛山、森林、領事館警察及領事裁判權、居住營業ノ權利ヲモ含ムモノナリ此等權益カ脅威セララルトキハ其ノ保護手段ハ滿洲全地域ニ互リ之ヲ執リ得ヘシ然レトモ日本ノ軍事行動ハ未タ曾テ自衛ノ爲必要ナル限度ヲ超エタルコトナシ

一九三一年九月十八日以降ノ諸事件ノ發展ニ關シ支那側ノ責任問題ハ起リ得ス且同日以後ニ於ケル支那側ノ「ボイコット」使用ハ復仇ノ部類ニ入ルモノナリトノ報告書ノ明白ナル結論ヲ日本政府カ默過シタリト推定セラレサル様日本政府ハ此ノ機會ヲ捉ヘ該結論ヲ明カニ否認スルモノナリ假ニ日本ノ軍事行動カ合法的自衛行爲ヲ構成セサリシトノ假説カ受諾セララルトスルモ明カニ右ハ支那側ニ對シ其ノ欲スルカ儘ニ行動シ且恣ナル暴行不正ヲ始ムルコトヲ無制限ニ許容スルモノニ非サルヘシ若シ日本カ主張スル如ク日本軍ノ行動カ自衛ノ必要ニ依リ緊切ニ要求セララルモノナリトセハ尙更然リ又如何ニシテ合法的ナル行爲ニ對シテ復仇ヲ行フコトヲ得ヘキヤ自衛手段ニ對スル正當ナル應報ハ交渉及説明ニ在リテ戰爭ヲ誘致スヘキ復仇ニ在ラス米國カ「カロライン」號事件ニ於テ復仇ヲ行ヒタランニハ英米戰爭起リタルナルヘシ一九三一年九

月ノ決議モ亦當事國ノ雙方ニ對シ事態ヲ擴大スルコトヲ禁止シ居ルハ注意スルヲ要ス右決議カ事態ヲ擴大スルコト確實ナル措置ニ出ツルコトヲ支那ニ對シ認ムル一方ニ於テ日本ノミカ如何ナル不祥事件ノ發展ニ對シテモ責任ヲ負フヘキコトヲ意味セルモノト爲スカ如キハ奇異ナル主張ト言フヘシ

極メテ奇怪ナル記述ト認ムヘキモノ報告書第三部中ニ在リ即チ「素ヨリ一國ハ自衛手段ニ訴フルニ當リ規約第十二條ノ規定ヲ遵守スルノ義務ヲ免除セララルモノニ非ス」トナセル點之ナリ

日本政府ニ於テ既ニ其ノ意見書中ニ記述セル通凡ソ自衛權ハ「ウエブスター」ノ定義セル如ク「手段ノ選擇及熟考ノ時間ナキ緊急且壓倒的ナル必要」アル場合ニ付行使セララルヘキモノナリ斯ル場合ニ於テモ自衛權ハ仲裁裁判ノ判決又ハ司法裁判ノ判決又ハ理事會ノ報告發表後三ヶ月ヲ經過シテ初メテ行使スルヲ得ヘシト規定セル規約第十二條ヲ遵守スル要アリト爲スハ自衛權其ノモノヲ否認スルモノナリ

五、報告書ハ滿洲國ノ獨立宣言カ自發的ノモノニ非スト爲セルモ右記述ハ何等新ナル調査ニ基キ居ラサルヲ以テ報告書ハ再ヒ調査委員會報告書第六章中ノ誤レル結論ヲ採用セルモノナルコト



容易ニ推定セラル右結論カ根據ヲ缺ケルハ日本政府意見書中ニ於テ十分ニ明カニセラレタリ總會カ日本ノ強キ否定ニモ拘ラス調査委員會ノ右斷定ヲ踏襲セルハ公平ナル觀察者ヲシテ奇異ノ念ヲ抱カシムルコト必然ナリ右ニ對スル理由ノ一部タルヘキニ要因アリ即チ第一ニ張家ノ稅政下ニ於テハ滿洲ヲシテ支那本部ノ事項ニ關與セシメサル爲ノ運動ハ潛在的ニシテ外界ニ反響ナカリシニ依リ報告書作成者ハ右運動ノ存在ニ對シ疑惑ヲ存シタルヤモ知レス第二ニ報告書作成者ハ日本ノ所謂「大陸政策」ナル空説及右政策實行ノ一手段トシテ滿洲問題ノ政治的解決ヲ計ラントスル日本ノ計劃ナルモノヲ盲信シタル爲惑ハサレタルモノノ如シ

然ルニ「日本ノ大陸政策」ナルモノカ單ナル支那側ノ捏造ニ係リ日本カ世界ノ如何ナル部分ニ對シテモ何等領土の野心ヲ包藏セサルハ茲ニ再説スルノ要ナシ右ハ日本ノ斷乎タル否認ヲ總會カ拒否シタル理由トナルヤモ知レサルモ右拒否ノ責任ヲ免レシムルモノニ非ス

事實ハ簡單ニシテ屢々説明セラレタル如ク張家ノ下ニ在リタル全行政機關解消後自發的地方團體カ自然ニ成立シ治安維持ニ任セル日本軍ハ必然的ニ之ト協力セルモノナリ右ハ妥當且必要ニシテ當時ノ情勢ニ於テハ避ケ難キ措置ナリキ日本軍ノ存在ノ全意義及日本文武官憲ノ活動ノ唯一ノ目的ハ斯クノ如キモノナリキ不幸ニシテ調査委員會從テ總會ハ滿洲ニハ獨立運動全然存在

セサリシトノ假定ヲ盲信セルニ依リ現實ノ獨立宣言ヲ日本文武官憲ノ活動ニ歸スルノ外ナカリキ而シテ何等ノ確證ナクシテ斯ル斷定ヲ爲セリ

滿洲ノ住民カ新國家ニ對シ敵意ヲ有ストノ斷定ニ關シテハ調査委員會カ接受セル出所曖昧ナル千五百通ノ書狀以外ニハ何等有效ナル證據ナシ日本政府ハ滿洲國カ建國後一年ナラスシテ秩序安寧ノ回復ニ關シ顯著ニシテ健全ナル進歩ヲ遂ケ且内外何レヨリモ其ノ施政ニ關シ譴議又ハ苦情ヲ聞カサルノ事實ヲ茲ニ指摘セントス

新國家滿洲國ハ同國ニ對スル總會ノ態度ニ關係ナク着々トシテ發達ノ道程ヲ辿レリ張家ノ稅政ノ桎梏ヨリ解放セラレタル滿洲ノ滿、蒙、漢三千萬住民ハ從來搾取セラレ來リシ其ノ勞苦ノ收益ヲ既ニ均シク享有シ得ルニ至レリ滿洲ノ大部分ニ於テ匪賊ハ平定セラレタルカ此等敵對分子ハ主トシテ張學良軍ノ殘黨ヨリ成リ且舊首領タル軍閥ヨリ尠カラサル援助ヲ受ケ居ルモノニシテ全滿洲ノ平和確立ノ障礙ヲ成シ來レリ

然レトモ日本及滿洲國軍ノ協力ニ依リ幸ニモ彼等ハ奉天、吉林、黑龍江省ヨリ殆ト全部驅逐セラレ此等各省ニ於ケル生命財産ノ保障ハ再ヒ確立セラレタリ目下尙組織的反抗繼續セラレツアルハ熱河省ノミナリ



財政方面ニ付テハ滿洲國內ニ於テ支那歷史上全ク未曾有ノ事態實現セラレタリ同國ハ尙建國草創ノ時期ニ在ルモ健全ナル豫算制度創設セラレ且極メテ満足ニ實施セラレツツアリ世界ノ先進國ニ於ケルト同様ノ方針ニ依リ任務ヲ遂行シツツアル中央銀行ノ設立ハ同國財政ノ安定竝ニ經濟及企業ノ開發ニ寄與セルコト大ナルモノアリ同様ノ發達ハ鐵道、商業及工業方面ニ於テモ認メラレ且同國ノ豐富ナル天與ノ資源ヲ以テセハ將來此等各方面ニ於テ更ニ大ナル發達ヲ遂ケ其ノ住民及外國人ニ利益ヲ齎シ得ヘキ見込十分ナリ

右ニ述ヘタル所ハ若シ滿洲ノ住民力敵意ヲ有シ又ハ不平ヲ抑ヘツツ之ニ服從セシニ於テハ實現セサリシナルヘシ故ニ總會カ日本ノ提出セル意見書ヲ參考トスルコトナク何等事實ニ根據ヲ有セサル調査委員會ノ推定ヲ受ケ容レタルハ遺憾ナリ

六、報告書ハ支那ノ再建ノ爲國際協力ノ必要アルコトヲ述ヘ且右國際協力ノ一形式トシテ技術上ノ援助ノ供與ニ言及シ居レリ支那再建ハ斯ノ如キ表面的且十分ナル手段ニ依リ成就シ得ヘカラサルコトハ明白ナリ右ハ強力ナル國際干涉ノ方途ニ依リ初メテ可能ナルヘキ處斯ノ如キ方法ハ支那ノ行政の保全及政治の獨立ニ關スル九國條約ノ規定ニ直ニ抵觸スルニ至ルカ如キ性質ノモノナルヘシ是即チ九國條約ノ適用竝ニ支那ニ關スル限リ聯盟規約ノ適用ニ當リ狀況ノ變化ヲ

當然考慮ニ入レ十分伸縮性ヲ與フヘキ必要アルコトノ一證據ニ過キス

### 第三部 實行不可能ナル勸告

一、日本ハ一般國際關係ニ關スル限リ國際聯盟規約及巴里條約カ國際紛爭處理ノ基準タルヘキコトヲ認ムルモノナリ然レトモ支那ノ如キ特異ニシテ且全ク變則ナル事態ニ此等諸原則ヲ適用スルニ當リテハ或ル程度ノ伸縮性ヲ與フルコト必要ナリ

二、報告書第四部第二節(一)ノ(甲)ニ述フル所ノ日本軍隊ノ撤收ニ付テハ滿鐵附屬地外ニ於ケル日本軍隊ノ駐在ハ何等法の原則ト矛盾スルモノニ非スシテ當初ヨリ全ク合法的の自衛ノ絶對的必要ニ基ケルコト及一般ニ是認セラレタル國際紛爭ノ處理ニ關スル諸原則ヲ決シテ毀損スルモノニ非サルコトニ注意セララルヘキナリ更ニ此等日本軍隊ハ今ヤ日滿議定書ニ基キ滿洲國內ニ於ケル治安維持ノ任ニ當ルヘキ責務ヲ有スルコトモ亦注意スルヲ要ス日本ハ一九三一年九月三十日及十二月十日ノ決議ニ依リ其ノ臣民ノ生命財産ノ安全ヲ確保セラルルニ從ヒ其ノ軍隊ヲ附屬地内ニ撤收スヘキ旨約束シタルハ事實ナルモ右約定ニ附帶セル條件即チ生命財産ノ安全ノ保障ナル條件ハ曾テ滿タサレタルコトナシ加之右約束自體ハ滿洲國ノ獨立及去ル九月十五日署名セラレタル前記議定書ノ内容タル協定ノ締結ニ依リ實行不可能トナレリ若シ報告書中ノ勸告ニ從ヒ



日本軍隊カ附屬地内ニ撤收スルコトアランカ右撤收地域ニ於テ不安ト混亂ヲ誘致スヘキコト必然ナリ極東問題ニ直接ノ利害關係ヲ殆ト有セサル聯盟諸國トシテハ世界ノ此ノ部分ニ於ケル平和維持ヨリハ寧ロ抽象的法則ノ擁護ヲ以テ一層重要ナリト引續キ主張シ得ヘシ

然レトモ日本ハ滿洲ノ治安ニ重大ナル關心ヲ有スルヲ以テ該地域カ再ヒ混亂ニ陷ルカ如キハ到底忍フ能ハス「リットン」報告書ノ提案セルカ如キ憲兵隊制度カ此ノ點ニ關スル危惧ヲ除クモノトハ思考スルヲ得ス滿洲ノ如キ廣大ナル領域ノ安寧カ憲兵隊ニ依リ保タレタル前例ハ世界歴史中ニ之ヲ見ス斯ノ如キ荒唐無稽ナル提案ハ之ヲ實行スルコト不可能ナリ若シ日本軍隊撤收セハ滿洲ハ直ニ匪賊及張學良軍ノ蹂躪スル所トナリ無政府且混沌狀態ヲ招來スヘシ

三、滿洲ノ主權カ支那ニ屬スル旨ヲ述ヘタル報告書第四部第二節(一)ノ(乙)ニ付テハ滿洲カ兎ニ角一九一六年以後ハ嘗テ支那ノ權力ニ服セサリシコト及現在ノ紛糾ハ畢竟支那ノ權力カ過去ニ於テモ又現在ニ於テモ實際ニ該地域ニ及ヘリトノ假說ニ依リ釀成セラレタルモノナルコトニ注意スルヲ要ス右ノ如キ擬制ノ強要ニ依リ日本ノ權益ノ擁護及極東ノ平和ノ維持ヲ確保シ得ラレサルヘキハ何等贅言ヲ俟タサル所ナリ既ニ報告書カ舊政權ヘノ復歸ヲ以テ混亂ト軋轢ヲ繰返スニ至ルモノトシテ之ヲ拋棄セル以上斯ル擬制ニ復歸スルコトモ亦均シク排斥セラルヘキナリ尙

又日本ハ滿洲國カ現存セル明瞭ナル事實及日滿議定書ノ規定ト兩立セサルカ如キ方針ハ如何ナルモノト雖モ之ヲ容認スルコト不可能ナリ

四、調査委員會報告書ニ記載セラレ且報告書第四部第一節ニ引用セラレタル十原則ニ關シテハ帝國政府ハ以上述ヘタル意見ノ外ハ去ル十一月聯盟ニ提出セル意見書中ノ一節即チ『此等原則中日本政府ニ於テ格別ノ反對ナキモノハ既ニ日滿議定書ニ於テ二三之カ適用ヲ見タリ支那問題ニ對シ如何ナル見地ニ立ツモ同國ニ於テ無政府狀態ノ存續スル限り第一乃至第九ノ原則殊ニ第四乃至第九ニ基キ問題ノ滿足ナル解決ニ到達スルコトノ不可能ナルハ明カナルヘシ蓋シ右九原則ハ原則第十ノ示スカ如ク「支那ニ於テ鞏固ナル中央政府ナクシテハ」實際ニ適用スルコト能ハサルモノナリ」ヲ引用スルヲ以テ足レリト思考スルモノナリ

五、報告書第四部第二節(三)ニ於テ總會ハ一委員會ヲ設置シ右委員會ヲシテ報告ノ定ムル方式ニ依リ兩當事國間ニ開カルヘキ交渉ヲ援助セシメント企圖シ居レリ然レトモ右ハ滿洲問題ニ對シ如何ナル第三者ノ介入モ之ヲ許サスト爲ス日本ノ主張ニ直接相反スルモノニシテ日本ハ斯ノ如キ提案ヲ受諾スルコト絶對ニ不可能ナリ加之報告書第四部第二節ノ勸告(一)ノ(甲)及(一)ノ(乙)ハ實際ニ適合セサルモノトシテ拒否セラルヘク且右第二節ノ勸告(二)モ亦支那ノ現狀ニ於テハ



同様適用不可能ナルモノナルヲ以テ右提案ニ係ル委員會ノ活動ノ爲殘サレタル餘地ハ全然之ナキモノノ如シ

六、報告書ハ第四部第三節ニ於テ滿洲ニ於ケル現政府ノ維持及承認ハ解決ニ非ス且聯盟國ハ報告書ノ採擇後法律上ニ於テモ又事實上ニ於テモ現政權ヲ承認スルコトヲ差控フヘシトノ趣旨ヲ記述セリ更ニ又報告書ハ非聯盟國ニシテ巴里條約及九國條約ノ署名國タルモノハ右ニ關シ報告書中ニ於テ表示セラレタル見解ニ同意センコトヲ希望シ居レリ日本政府ハ總會カ一國家ノ承認又ハ非承認ノ問題ニ關シ聯盟國及非聯盟國ヲ動カシ又ハ假令道義的ニモセヨ之ヲ拘束スルカ如キ様式ノ提案ヲ爲スハ規約第十五條ニ依リ聯盟ニ付與セラレタル權能ヲ逸脱スルモノナリト思惟セサルヲ得ス何レニモセヨ全世界ノ平和維持ヲ第一任務ト爲ス國際聯盟ハ斯ノ如キ提案ヲ爲スコトニ依リ滿洲國ノミナラス極東ニ於ケル平和及安全ノ維持ニ何等寄與スルヲ得サリシモノナリ聯盟ノ斯ル行動ハ必スヤ平和ノ依倚スヘキ基礎タル國家間ノ良好ナル了解及友好關係ニ對スル障害トナルヘシ

#### 第四部 結 論

日本政府ハ一九三一年九月十八日夜及其ノ後ニ於ケル日本軍隊ノ行動ハ何レモ自衛手段トシテ妥

當ナルヘキ範圍ヲ何等逸脱セサリシコト及滿洲國ハ滿洲住民ノ自發的意志ニ基キ成立セシコトヲ確信スルモノナリ從テ日本政府ハ滿洲ニ於ケル其ノ軍隊ノ行動モ將又日滿議定書ノ締結モ國際聯盟規約、九國條約、巴里條約又ハ其ノ他ノ如何ナル國際條約ヲモ侵害セサルモノト思考ス

日本政府ハ現政權ノ何レモ其ノ全領域ヲ支配シタルコトナキ支那ノ極メテ異常ナル事態ニ鑑ミ又特ニ滿洲問題ノ類例ナキ複雜性及特異性ニ顧ミ且又南京政府ノ政策ノ排外性ヲ考慮ニ入レ現紛争ニ對シ普通國際問題ニ適用シ得ヘキ一般的方式ヲ適用セントスルハ不可能ナルト共ニ斯ル變則的事件ニ對シ執ララルコトアルヘキ手續モ又其ノ結果到達セララルヘキ解決モ通常ノ國際紛争ニ對スル先例トナラサルコトヲ主張セントスルモノナリ

假ニ普通ノ方式ヲ適用スルコト可能ナリトスルモ總會ノ採擇セル不鮮明ナル案ハ夫レ自體總會ノ所謂支那主權ニ對スル干渉トシテ排除セララルヘキナリ

不幸ニシテ各聯盟國カ現實ニ直面スルコトヲ拒否シ且調査委員會ノ報告書ヲ無批判ニ承認シタル結果總會ハ空理的且不適當ナル原則ヲ徒ニ弄ヒタルノミナリキ總會ハ謂ハハ空虛ナル方式ヲ尊ヒ日本ハ確乎タル現實ヲ盾トセリ日本ハ既定ノ公理ニ基キ總會ハ先入的假説ヲ基礎トセリ其ノ由來スル所ハ總會カ「リットン」報告書以上ニ出ツルヲ拒否セルニ在リ本陳述書中ニ既ニ述ヘタルカ



如ク滿洲國ハ迅速ナル發達ヲ遂ケタリ治安ハ匪賊ニ取テ代リ又商工業ハ改善セル事態ニ呼應シテ興隆シ外國人及滿洲國住民ニ對シ一樣ニ利益ヲ齎セリ右ハ滿洲國ノ承認及激勵ヲ以テ滿洲問題ノ満足ナル解決竝ニ東洋ニ於ケル恒久平和維持ノ唯一ノ方途ナリトスル日本ノ主張カ何等誤リ居ラサルコトヲ示スヘキ具體的證據ナリ

一方支那ノ狀態ハ近キ將來ニ於テ改善ノ見込ナキカ如ク支那ハ世界各國ニトリ痼疾的憂懼ノ對象トシテ存續スルモノノ如シ共產主義ハ既ニ支那ニ侵入セルカ其ノ驚異スヘキ侵入ノ程度及成果ニ付テハ殆ト理解セラレ居ラス共產化セル支那ハ歐米諸國ニ對スル重大問題ニシテ之ニ比スレハ他ノ諸問題ハ殆ト其ノ意義ヲ滅失スヘシ然ルニ支那トノ關係ヲ全然脱セル滿洲ハ極東ニ於ケル共產主義ノ危險ニ對スル障壁ヲ爲スモノニシテ其ノ眞價ハ各爲政者ニトリ正ニ明瞭ナルヘキモノナリ國際聯盟力速カニ其ノ態度ヲ變改シ空理的且適用不可能ナル主義ニ依倚スルコトヲ止メ世界ノ各部分ニ於テ平和維持ヲ現實ニ可能ナラシメツツアル勢力ヲ尊重且承認スルニ至ルコト希望ニ堪エサル所ナリ聯盟規約自體モ第二十一條ニ於テ地方的了解ヲ十分承認スヘキ旨ヲ規定シ居レルカ滿洲ニ於ケル日本ノ特殊權益ハ屢次承認セラレタルモノナルヲ以テ一九三二年九月十五日ノ日滿議定書カ斯ノ如キ了解ノ範圍ニ屬スルコトハ疑ノ餘地ナシ同時ニ日本ハ此ノ機會ニ於テ領土獲得又

ハ商業的特權ニ關シ何等異圖ナキコトヲ再言セントセルモノナリ

一九三三年二月二十五日



STATEMENT OF THE JAPANESE GOVERNMENT IN VIRTUE OF  
PARAGRAPH 5 OF ARTICLE 15 OF THE COVENANT  
OF THE LEAGUE.

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PART I

*Japan's co-operation with the League of Nations.*

Japan has taken the greatest interest in the development and success of the League from the days of its inception. Her successive governments have extended to it for nearly fourteen years their hearty co-operation, and her statesmen have devoted their best efforts to the extension of its influence and the enhancement of its prestige. Japan takes pride in recalling the active participation of her representatives in the work of the League. As an original and permanent Member of the Council, she has had many opportunities of co-operation in its beneficent activities, and of these opportunities she has fully availed herself. She regards the



League as a most powerful instrument for the good of humanity; and she is only anxious, in the interest of this great experiment in the establishment of universal peace, that the Members of the League shall fully appreciate the situation in the Far East and deal with it in a practical way rather than by formulae and principles.

The present dispute was first brought by China to the consideration of the Council of the League of Nations under Article 11 of the Covenant in September, 1931. In spite of the fact that Japan in this case was obliged to act solely in self-defence against aggression on the part of China, Japan, from the very beginning, has spared no effort in explaining to the League the facts and background of this unfortunate incident, and at the same time, she has constantly, and without waiting for the Resolution passed by the Council on September 30, endeavoured as far as possible not to aggravate the situation. Japan has also from time to time communicated to the League all information relative to the development of the situation, so that the League might be enabled to understand the actual conditions prevailing in the Far East.

Unfortunately, however, the condition of Manchuria showed no immediate improvement in the matter of peace and order, owing to the continued activities of Chang Hsueh-liang, while the feelings of the Chinese and the Japanese peoples became further strained, with the result that there was no possibility of withdrawing the Japanese troops within the Railway Zone under the then existing circumstances. When the Council met again in October,

Japan realized the importance of allaying the excited national feelings of the two peoples as the first essential condition of securing the safety of the lives and property of Japanese subjects and of making possible the withdrawal of the Japanese troops. She was convinced that for this purpose, it was necessary for the two parties concerned to pave the way for direct negotiations, with the object of restoring normal relations between the two countries. Japan took pains to explain this view to the President and certain Members of the Council, but the proposal to initiate direct negotiations was not accepted.

Moreover, the Council formed a plan to invite a representative of the United States, a non-Member State of the League, to participate in its deliberations as an observer. To this proposition Japan raised an objection, contending that participation in the proceedings of the Council by a state not a Member of the League is contrary to its constitution, but the other Members of the Council insisted on regarding the step as a mere matter of procedure, and they invited a United States observer to the Council. Japan remained convinced that this was a matter which concerned the constitution of the League and that the action of the majority constituted a clear case of the violation of the Covenant. It became apparent that if the opinion of her fellow-members was that such an important matter of substance could be decided by a majority as a mere matter of procedure, she had ratified the Covenant under an error. However, owing to her strong desire to uphold the cause of the League, she continued



to participate in the activities of the Council.

The discrepancy between the views of the other Members of the League and those entertained by Japan arose from a lack of understanding of the Far Eastern situation on the part of the League. In her desire to assist the League and to maintain its legitimate influence and usefulness, Japan proposed at the Council meeting held in November, 1931, that the League should dispatch a Commission of Enquiry to China so that its Members might be able to understand fully the actual conditions prevailing in that country. This proposal was adopted by the Council in its Resolution of December 10.

The Commission of Enquiry headed by Lord Lytton reached China in March, 1932, by way of Japan and entered Manchoukuo in April. Japan rendered every facility to the Commission in order to assist its investigations. Through the establishment of the new State of Manchoukuo, especial difficulty was encountered in the matter of the entrance of the Chinese Assessor into the territory of that State. Japan therefore exerted her good offices with Manchoukuo in order to smooth over this difficulty, and enabled the Commission to carry out its investigations.

The Report of the Commission of Enquiry was made public on October 1, 1932. On account of the brief period allowed for the investigation of the Commission, much remained to be desired for the Report to claim to present a true picture of the actual condition of China.

Accordingly, Japan, on November 18 last, handed to the League her Observations on the Lytton Report in order to provide it with accurate materials for coming to a fair conclusion on the questions involved.

The Lytton Report was the subject of deliberation by the Council from November 21, and by the Assembly from December 6, 1932. The Committee of Nineteen appointed by the Assembly without the concurrence of Japan drafted on December 15 a Resolution and a Statement of Reasons concerning the procedure to be followed in performing the duty of conciliation which devolved upon that body in accordance with Paragraph 3, Article 15 of the Covenant. Japan proposed the deletion from the Draft Resolution of passages regarding the participation of states which were not members of the League, and also the modification of certain points relating to the competence of the proposed Committee of Conciliation as well as the entire deletion of the last paragraph of the Statement of Reasons, which declared in particular that the maintenance and recognition of the present régime in Manchuria could not be considered as solution.

At the same time, considering that Paragraph 3 of Article 15 represents the final resort provided for in the Covenant for conciliatory solution of a dispute, Japan endeavoured to discover some compromise which would enable her to continue her co-operation with the League.

As stated in Part II, M of the Report, the President of the Committee and the Secretary



General were authorized to enter into conversations with both the Japanese and Chinese Delegations. The conversations between the Japanese Delegation and the Secretary General were carried on from the first part of January, 1933. As a result of these conversations, a draft was drawn up, and it was referred with the knowledge of the President of the Committee to the Japanese Government for their approval. Subsequently, when amendments of the Japanese Government to this draft were communicated to the Committee of Nineteen, it was made known to the Japanese Delegation that the said draft could not be taken up as a basis of further negotiation. This caused a great surprise to the Japanese Government as they had every reason to believe that the President of the Committee, who together with the Secretary General was authorized to conduct negotiations with the both Delegations, was also fully aware of the conversations and raised no objection to the preparation of the draft.

Though the Committee finally agreed to the deletion from the Draft Resolution of passages relating to the participation of non-Member States in the work of the proposed Committee of Conciliation, it proposed that the Japanese Government accept the rest of the text of the Resolution and the Statement of Reasons of December 15 and make a reservation in regard to the last Paragraph of the Statement of Reasons to which Japan had taken objection. The declaration contained in this Paragraph would, as is stated elsewhere in the present statement, not only constitute an action *ultra vires* on the part of the League but prejudice the whole question and

imply a direct attack on the policy followed by the Japanese Government with respect to the existence of Manchoukuo. Furthermore, such an attitude on the part of the League was in no way in accord with the idea of conciliation advocated by the Committee of Nineteen as well as by the Japanese Government. For these reasons, Japan found it impossible to accept the proposal of the Committee.

Upon the refusal of the Japanese Delegation to agree to the Committee's proposal in this regard, the latter set to the procedure of drafting a Report under Paragraph 4 of Article 15.

However, the Japanese Government refused to give up the hope for conciliation, and in their final efforts to achieve this end, they agreed to withdraw the various amendments which they had presented when the text of December 15 was communicated to them and consented to accept as the basis of conciliation the principles and conclusions of Chapter 9 of the Lytton Report, in so far as they were applied in a way to "harmonize with the events which have taken place", which phrase is an almost literal quotation from that Report itself. Further they agreed to the maintenance of the last Paragraph of the President's Declaration (formerly called the Statement of Reasons) on the condition that its wording be modified in such a way that it would not appear to constitute a prejudice and an attack directed against the policy of the Japanese Government vis-à-vis Manchoukuo.



The Committee of Nineteen found this final proposal likewise unacceptible. Thus the Committee rejected all the Japanese proposals and came to the conclusion that conciliation under Paragraph 3 was impossible. The Committee forthwith proceeded with the drafting of a Report under Paragraph 4 of Article 15 of the Covenant. The Draft Report thus prepared was submitted to the Assembly on February 21, and in spite of the negative vote on the part of Japan, it was adopted by the Assembly on February 24.

## PART II

### Errors in the Report concerning the chief characteristics of the dispute.

The Report sets forth in Part III what are termed the "chief characteristics of the dispute". It is most regrettable that this part of the Report is substantially based upon the Report of the Commission of Enquiry. As stated in that Report, "the issues involved in this conflict are not as simple as they are often represented to be. They are, on the contrary, exceedingly complicated and only an intimate knowledge of all the facts as well as of their historical background should entitle anyone to express a definite opinion upon them". It must be remembered that the Commission of Enquiry spent only six weeks in Manchuria and fifteen

in China, most of which was passed in Peiping, and their trip covered only a very limited area of China—a few open ports where the real condition of China could not have thoroughly been studied. In these circumstances, it was impossible for them to acquire "an intimate knowledge of all the facts as well as their historical background".

Hence the document is not as complete and impartial as it should be. It is quite natural that there should be not a few errors in the Report of the Assembly which was drafted upon the basis of the Lytton Report. These errors might have been avoided if the Committee of Nineteen had taken into due consideration the Observations of the Japanese Government presented to the Council on November 18, 1932. At any rate, it must be said that the Lytton Report, admirable and praiseworthy as it is, is not a document which one can look upon as containing all the facts as well as all the historical background upon which alone final judgment should be based. The errors in the Report of the Assembly are numerous. Let only the most salient be cited:—

(1) The Report appears to cling in Part III to the fiction that China exists today as a single organized state to be dealt with on the same footing as any country in Europe or America. The fiction happens to be merely a convenient formula which embodies in a concise form the generous aspirations of the Powers for the recovery of China as a unified and orderly state. Japan has worked hard to act upon that formula during these many years, and she



is prepared to continue on the same lines in cases where ordinary matters alone are concerned. But where her vital necessities come into play as in Manchuria, she is forced to reconsider that fiction, and to ask herself what are the actual facts, and who are the actual rulers. States which are Members of the League of Nations and have little interest in China can afford to preserve the convenient fiction intact without serious difficulty. But Japan, in a totally different position, economically and strategically, is compelled, however reluctantly, to examine and set a limit to the fiction and to direct her course according to realities.

It is the view of the Japanese Government that the erstwhile Chinese State ceased to rule in Manchuria when "the fall of the United Republic after the death of Yuan Shi-kai in 1915 signalized the break-up of all unity of government in China". (Observations of the Japanese Government, page 15).

As a matter of fact, none of the governments including the Nanking Government maintains authority over China save over the limited areas which it actually controls. That is why the Japanese Government in their Observations insist that Manchuria is not naturally and necessarily an integral part of China. It will then be asked, as it has been asked,— "why did Japan invoke the Nanking Government at the outset of the Manchurian Incident? Why did Japan negotiate with Peking in 1915? Why did she declare Manchuria to be a part of China in 1922?" The answer is that Japan clung until the last moment to the fiction

of Manchuria being an integral part of China. She had many excellent opportunities of departing from it, if she had wished, afforded by the chaotic state of the country. She steadily refrained from availing herself of the opportunities. But when chaos came to threaten her whole position in Manchuria, it became necessary for her to take measures to protect her various interests and important rights.

It should be observed at this point that Japan is not setting a precedent for denying the existence of a neighbour state merely because it is weak or disturbed by internal disruption. It is needless to say that so long as the government of a state which has actually ruled the whole area maintains its authority in any part of its territory, so long does the state continue to subsist and to remain inviolable. The peculiar circumstances of China do not reside in the fact that its common government is weak or distracted by disruption. They reside in the unique fact that no authority which now exists has ever been a common government of China at all, and none therefore has title to rule the entire country.

The League of Nations should not forget that fact overrides form, and that a state must possess a single and continuous government.

(2) The Report, in agreeing that the Chinese boycott against Japan imposed after the September 18 Incident falls within the province of retaliatory measures, sows the seeds of incalculable future trouble for each and every Power interested in China. All the major Pow-



ers conduct military operations in China under certain circumstances, and maintain armed forces in Chinese territory for that specific purpose. If the adoption by the Powers of any forcible measure for the protection of their rights and interests is on each occasion to be the subject of a retaliatory boycott, the application of force will of necessity be extended without limit.

By their acceptance of the Resolutions of September 30 and of December 10, 1931, China and Japan agreed that they should take the necessary measures to prevent any aggravation of the situation. The Japanese Government desire to call the attention of the League to the fact that it was the conspicuous failure on the part of China to take such proper measures that led to the regrettable Shanghai Incident. It should also be added that in any discussion of the boycott the fact of anti-foreign education in schools and the "revolutionary foreign policy" (admitted by the Nanking Government) should not be left out of consideration, as these three subjects are inseparably bound together.

(3) The Report quotes and adopts from the Lytton Report the reference to the possibility of an arbitral settlement of the Sino-Japanese dispute. But arbitration presupposes a normal organized state with a government supreme throughout its territory and capable of enforcing an award. China, as has been stated above, has not for years been in such a state, at any rate so far as to render it possible to arbitrate with her in vital matters concerning Manchuria.

With whom would the arbitration have proceeded? With Chang Hsueh-liang whom the League does not recognize? Or with the Nanking Government whose authority (as the Report of the Commission of Enquiry showed) he did not obey? Japan, with her vital interests at stake, could not and cannot possibly resort to arbitration in such a matter with such a country as China.

(4) The Report again quotes and adopts the refusal of the Commission of Enquiry to recognize as measures of self-defence the military operations of the Japanese army on the night of September 18, although it does not exclude the possibility that the Japanese officers on the spot might have thought they were acting in self-defence. This is simply another case of a facile and uncritical acceptance of the opinions of the Commission of Enquiry, utterly ignoring the emphatic contradiction contained in the Observations of the Japanese Government. On what grounds can the League or any other third party pronounce a verdict on the case contrary to the judgment of the Japanese officers on the spot? The right of self-defence is one of those inalienable rights of a state which may be duly exercised in certain specific circumstances, and the question of on what occasion and to what extent that right should be exercised is a matter which can be determined only by the state concerned. In this connection the Japanese Government in their Observations have referred to the reservations made by



both France and the United States in concluding the Pact of Paris; a reference which the Assembly found it possible to pass over in silence.

The Report in stating that the operations of the Japanese army, viewed as a whole as they developed through the entire period of the conflict, cannot be regarded as an act of self-defence, fails to take into cognizance the tension which existed, the overwhelming forces by which the Japanese were faced and the utter uncertainty which prevailed as to the probable action of those forces. Above all, it fails to take into account the vital rights and interests of Japan in Manchuria, which are not confined to the leased territory and the railways, but involve mining and forestry, consular police and consular jurisdiction, residence and trade throughout the entire region. When these rights and interests are threatened, the measures for their protection may have to be extended throughout Manchuria. But never have Japanese military operations exceeded the bounds of necessity for self-protection.

In order that it may not be supposed to have been passed over *sub silentio*, the Japanese Government take this opportunity of explicitly denying the specific conclusion reached in the Report that no question can arise of Chinese responsibility for the development of events since September 18, 1931, and that the use of boycotts by China subsequent to that date falls under the category of reprisals. Even if the theory that the Japanese military action did not constitute lawful self-defence should be accepted, that clearly would not invest the Chinese with

an unlimited license to behave as they chose to, and to enter upon a career of unrestricted violence and wrong. Much more is this the case if, as Japan contends, the actions of her troops were urgently called for by the necessities of self-defence. How can reprisals possibly be exercised against a lawful act? The proper reply to acts of self-defence is negotiation and explanation and not reprisals, which generally lead to war. Had the United States exercised reprisals in the Carolina case, war with England must have ensued. Again it must be noted that the Resolution of September 30 precludes either party from aggravating the situation; and it would seem strange to hold that this meant that China might take steps which would certainly aggravate it, leaving Japan alone responsible for any untoward development.

What appears to be a most curious statement is found in Part III of the Report which reads: "adoption of measures of self-defence does not exempt a state from complying with the provisions of Article 12 of the Covenant".

As has already been observed by the Japanese Government, the right of self-defence is exercised upon the occasion "of an urgent"—to quote Webster's definition—"and overwhelming necessity allowing no choice of means and no instant for deliberation". To enquire the observance upon such an occasion of Article 12 of the Covenant, which stipulates that the right of self-defence may be exercised three months after the award by the arbitrators or the ju-



dicial decision or the Report of the Council of the League has been made public, is to deny the right of self-defence itself.

(5) The Report says that the declaration of independence by Manchoukuo was not spontaneous. Since the statement is based upon no fresh investigation conducted at a later date, it may be readily gathered that the Report has here again adopted the erroneous conclusions of the Commission of Enquiry contained in Chapter VI of the latter's Report, the baselessness of which has been fully exposed in the Observations of the Japanese Government.

It must strike an impartial observer as extraordinary that the Assembly repeats this finding of the Commission of Enquiry in face of the emphatic denials of Japan. There are two factors which may partly account for this. First, the movement during the tyrannous régime of the Changs for the keeping of Manchuria aloof from all participation in the affairs of China Proper was subterranean, and had no repercussion in the outside world; and the authors of the Report may therefore have been sceptical of its existence. Secondly, they appear to be misled by giving implicit credence to the legend of the so-called "continental policy" of Japan, and her supposed plan to seek a political solution of the Manchurian issue as a step towards the execution of that policy. It is unnecessary to repeat that the Japanese "continental policy" is a mere Chinese fabrication, and that Japan harbours no territorial designs in any

part of the world. But all this, though it may explain the rejection by the Assembly of the uncompromising denial made by Japan, can hardly be thought to excuse it.

The simple fact is that, as has so often been explained, on the disappearance of all the administrative organisations, such as they were, which had existed under the Changs, spontaneous local organisations naturally sprung up, and the Japanese troops which were responsible for the maintenance of order necessarily co-operated with them. It was a proper and necessary step, and in the circumstances an unavoidable one. Such was the whole significance of the presence of Japanese troops, and such was the sole aim of the activities of Japanese civil and military officers. Unfortunately the Commission of Enquiry, and consequently the Assembly, in their implicit reliance on the assumption that there had never existed any independence movement in Manchuria, have been obliged to attribute to the activities of Japanese civil and military officers the independence which was actually proclaimed,—and to do so upon no solid grounds whatever.

As to the assertion that the people of Manchuria are hostile to the new state, again there is no valid evidence beyond fifteen hundred letters of dubious origin received by the Commission of Enquiry. The Japanese Government desire to point out the fact that within less than a year since its foundation, Manchoukuo has achieved a marked and healthy progress



in the restoration of law and order, and that no criticism or complaint has been heard of regarding its conduct of affairs, whether domestic or foreign.

Regardless of the attitude of the Assembly to the new State of Manchoukuo, she has gone forward steadily on the road of progress. Freed from the yoke of misgovernment under the tyrannous rule of the Changs, thirty million inhabitants of Manchuria, Manchus, Mongols and Chinese all alike, have, already begun to reap the benefits of their labours which were denied them in former days. Throughout most of the country banditry has been suppressed. Those hostile elements, largely composed of the remnants of Chang Hsueh-liang's troops and receiving not inconsiderable assistance from their former war lord, had constituted an obstacle to the establishment of peace throughout the territory. Thanks however to the combined efforts of the Japanese and Manchoukuo forces, they have been practically cleared out of the Provinces of Fengtien, Kirin, and Heilungkiang, and the security of life and property has been reestablished in these Provinces. It is only in the Province of Jehol that the organized opposition still continues.

In the domain of finance, something entirely unknown in the history of China has been realized in Manchoukuo. Though the State is still in its infancy, a sound budgetary system has been initiated, and is being carried out with utmost satisfaction. The establishment of the central bank, which is functioning on the same lines as those of the advanced countries of the

world, has contributed much to the stabilization of state finances and to the economic and industrial development of the country. A similar progress has also been noted in the domain of railway administration, commerce and industry, and with abundant resources with which she is endowed, there is every prospect of this country achieving, in days to come, a still greater progress along these lines to the benefit of her inhabitants and foreigners.

All this could not have been the case had the population of the country been hostile or even sullenly submissive. It is to be regretted therefore that the Assembly should have, without referring to the Observations submitted by Japan, accepted the assumption of the Commission of Enquiry, which, here again, has no foundation in fact.

(6) The Report dwells upon the need of international co-operation in the reconstruction of China, and mentions the provision of technical assistance as one form of that international co-operation. Obviously, the reconstruction of China cannot be accomplished by any such superficial and inadequate means. It could only be rendered possible by some foreful international intervention of such a nature as would at once prove incompatible with the stipulations of the Nine Power Treaty regarding the administrative integrity and political independence of China. That is another proof that it is necessary to allow ample elasticity by taking due account of changing conditions in the application of the Nine Power Treaty and the Covenant of the League as far as China is concerned.



## PART III

*Impracticabilities of the Recommendations.*

(1) Japan recognizes that the Covenant of the League of Nations and the Pact of Paris constitute the basic principles of the settlement of international disputes in so far as international relations in general are concerned. But a certain degree of elasticity must be allowed in the application of these principles to such special and entirely abnormal conditions as prevail in China.

(2) As to the proposal for the withdrawal of troops contained in Section 2, (1), (A) of Part IV of the Report, it is to be noted that the presence of Japanese troops outside the Railway Zone, so far from being incompatible with legal principles, has from the very beginning been due entirely to the sheer necessities of lawful self-defence, and is in no way derogatory to the accepted principles regarding the settlement of international disputes. It is further to be noted that these Japanese troops are now responsible, in accordance with the Japan-Manchoukuo Protocol, for the maintenance of peace and order in Manchoukuo. It is true that by the Resolutions of September 30 and of December 10, 1931, Japan undertook to withdraw her troops within the Railway Zone in so far as the safety of the lives and property of her

subjects was assured, but the condition attaching to that undertaking, namely the assurance of safety of life and property, has never been satisfied; and the undertaking itself has now become inapplicable on account of the independence of Manchoukuo and the conclusion of the agreements embodied in the Protocol signed on September 15 last. Should the Japanese troops be withdrawn within the Railway Zone in accordance with the recommendation contained in the Report, it would be inevitable that unrest and disturbances would ensue in the evacuated territory. Those Members of the League that have but little direct interest in the affairs of the Far East can afford to maintain that the upholding of abstract formulae is more important than the maintenance of the peace in this part of the world. But Japan, vitally concerned in the maintenance of peace and order in Manchuria, cannot tolerate that that region should again be plunged into disorder. It cannot be supposed that a gendarmerie system as proposed by the Lytton Report would remove all apprehensions on this score. There is no precedent in the history of the world in which the security of such a vast territory was secured by gendarmerie. The proposition is absurd and cannot be put into practice. If the Japanese troops were withdrawn, the country would be quickly overrun by bandits and by Chang Hsueh-liang's troops resulting in anarchy and disorder.

(3) As to Section 2, (1) of Part IV of the Report, where it is stated that the sovereignty over Manchuria belongs to China, it has to be noted that at any rate since the year 1916,



Manchuria has never been subject to the authority of China, and that in the final analysis, the present difficulty has been caused by the supposition that the sovereignty of China actually extended and extends to that region. It is entirely superfluous to say that the enforcement of this fiction will never ensure the protection of Japan's rights and interests and the maintenance of peace in the Far East. Inasmuch as the Report repudiates the restoration of the old régime as leading merely to a repetition of disorder and friction, so any return to the fiction in question must equally be repudiated. Nor is it possible for Japan to admit any policy which is incompatible with the simple fact of the existence of the State of Manchoukuo and the provisions of the Japan-Manchoukuo Protocol.

(4) With regard to the ten principles set out in the Lytton Report and cited in Section I of Part IV of the Report, apart from the observations made above, the Japanese Government deem it sufficient to quote the following passages from their Observations presented to the League in November last :—

“Certain of these principles to which the Japanese Government have no fundamental objection, have already found concrete application in the Protocol signed by Japan and Manchoukuo. But, in any view of the matter, it must evidently be impossible, so long as the anarchical state of things in China persists, to arrive at a satisfactory solution of the questions at issue on the basis of the first nine of these principles, especially Principles 4-9 inclusive.

As is sustained in Principle 10, these nine principles cannot be practically applied ‘without a strong central government in China.’”

(5) In Section 2, (3) of Part IV of the Report, the Assembly contemplates the establishment of a Committee to assist in the negotiations which are to be opened between the two parties in accordance with the method specified in the Report. This, however, is directly contrary to the insistence of Japan not to allow any third party to intervene in the Manchurian problem, and Japan finds it absolutely impossible to accept such a proposal. As, moreover, the Recommendations referred to as (1), (A) and (1), (B) of Section 2, Part IV of the Report, must be dismissed as unpractical, and those made under (2) of the said Section 2 are equally inapplicable in the present state of China, there would seem to be no scope left for the activities of the proposed Committee.

(6) The Report states in effect in Section 3 of Part IV that the maintenance and recognition of the existing régime in Manchuria is no solution and that the Members of the League should, after having adopted the Report, abstain from recognizing the present régime either *de jure* or *de facto*. Further it expresses the hope that the States non-Members of the League who are signatories of the Pact of Paris and the Nine Power Treaty will associate themselves with the view set forth in the Report in this regard. The Japanese Government cannot but consider that the Assembly, in proposing in such a manner to influence or to



bind, if only morally, both Member and non-Member states in the matter of recognizing or not recognizing another state, is exceeding its powers conferred upon it, by Article 15 of the Covenant. In any case, in making a proposition of this nature the League of Nations whose primary duty is the preservation of peace throughout the world could not surely contribute to the maintenance of peace and security not only in Manchoukuo, but also in the Far East. Such an action on the part of the League would prove to be an obstacle to the good understanding and friendly relations between nations upon which peace depends.

#### PART IV

##### Conclusion.

The Japanese Government are fully convinced that the action of the Japanese army on the night of September 18, 1931, and thereafter has never exceeded the limits appropriate to measures of self-defence, and that Manchoukuo has been founded by the spontaneous will of the people of Manchuria. Accordingly, they consider that neither the action of the Japanese army in Manchuria, nor the conclusion of the Japan-Manchoukuo Protocol is in violation of the Covenant of the League of Nations, the Nine Power Treaty, the Pact of Paris, or any other international treaty. The Japanese Government maintain that in view of the quite abnormal

condition of China, where no existing authority has ever ruled the entire country, and particularly in view of the unparalleled complexity and peculiarity of the Manchurian problem, and also having regard to the anti-foreign character of the policy of the National Government, it is impossible to think of applying to the present dispute the general formulae applicable to an ordinary international question; and they maintain moreover that neither any procedure which may be adopted for such an exceptional case, nor any solution thereby attained, can ever establish a precedent for ordinary cases of international dispute. Were it possible to apply ordinary formulae, the plans adumbrated by the Assembly would themselves be ruled out of consideration as interferences with what the Assembly regards as Chinese sovereign rights.

Unfortunately, the Assembly, through the refusal of its Members to face facts, and their uncritical acceptance of the Report of the Commission of Enquiry, has only indulged in academic and inadequate principles. The Assembly stands, if it may so be said, for mere formulae; Japan for solid realities. Japan takes her stand on established principles; the Assembly on preconceived hypotheses. It results from the refusal of the Assembly to go beyond the Lytton Report. As pointed out in the preceding part of the present statement, the new State of Manchoukuo has made rapid progress. Peace and order are superseding banditry. Commerce and industry have responded to the improved situation, to the benefit of foreigners and the people of Manchoukuo alike. This is a concrete proof of the truth of the Japanese contention



that the recognition and encouragement of the Manchurian State is the only road to a satisfactory solution of the Manchurian question and to the maintenance of a lasting peace in the Orient.

On the other hand, it appears impossible to look for any improvement in the Chinese situation in the near future, and China is likely to remain a chronic anxiety to the rest of the world. Communism has already invaded China, and the alarming extent and success of the invasion is far too seldom realized. A communized China would constitute a problem for Europe and America beside which other questions would pale into insignificance. But a Manchuria free from Chinese connection constitutes a barrier to the communistic danger in the Far East. Its value ought surely to be apparent to every statesman. It is earnestly hoped that the League of Nations will soon be led to change its attitude, to discard reliance on academic and inapplicable doctrine and to respect and recognize the forces that are actually rendering possible the maintenance of peace in the various regions of the world. The Covenant of the League of Nations itself provides in Article 21 for the due recognition of regional understandings, and the Japan-Manchoukuo Protocol of September 15, 1932, falls incontestably within the category of understandings such as these, as the special interests of Japan in Manchuria have again and again been recognized. At the same time, Japan takes this opportunity of repeating her disclaimer of all desire for territorial gains or commercial advantages.

February 25, 1933.

### 三 國際聯盟脫退通告文

(三月二十七日發表)

帝國ハ國際聯盟規約第二條第三項ニ基キ國際聯盟ヲ脱退スル旨ノ左記通告ヲ昭和八年三月二十七日外務大臣ヨリ國際聯盟事務總長ニ對シ電報セリ

The Japanese Government believe that the national policy of Japan, which has for its aim to insure the peace of the Orient and thereby to contribute to the cause of peace throughout the world, is identical in spirit with the mission of the League of Nations, which is to achieve international peace and security. It has always been with pleasure, therefore, that this country has for thirteen years past, as an original Member of the League, and a permanent Member of its Council, extended a full measure of co-operation with her fellow-Members towards the attainment of its high purpose. It is indeed a matter of historical fact that Japan has continuously participated in the various activities of the League with a zeal not inferior to that exhibited by any other nation. At the same time, it is and has always been the conviction of the Japanese Government that in order to render possible the maintenance of peace in various regions of the world, it is necessary in existing circumstances to allow the operation of the Covenant of the League to vary in accordance with the actual conditions prevailing in each of those regions. Only by acting on this just and equitable principle can the League fulfil its mission and increase its influence.



Acting on this conviction, the Japanese Government, ever since the Sino-Japanese dispute was, in September, 1931, submitted to the League, have, at meetings of the League and on other occasions, continually set forward a consistent view. This was, that if the League was to settle the issue fairly and equitably, and to make a real contribution to the promotion of peace in the Orient, and thus enhance its prestige, it should acquire a complete grasp of the actual conditions in this quarter of the globe and apply the Covenant of the League in accordance with these conditions. They have repeatedly emphasized and insisted upon the absolute necessity of taking into consideration the fact that China is not an organized State,—that its internal conditions and external relations are characterized by extreme confusion and complexity, and by many abnormal and exceptional features,—and that, accordingly, the general principles and usages of International Law which govern the ordinary relations between nations are found to be considerably modified in their operation so far as China is concerned, resulting in the quite abnormal and unique international practices which actually prevail in that country.

However, the majority of the Members of the League evinced in the course of its deliberations during the past seventeen months a failure either to grasp these realities or else to face them and take them into proper account. Moreover, it has frequently been made manifest in these deliberations that there exist serious differences of opinion between Japan and these Powers concerning the application and even the interpretation of various international engagements and obligations including the Covenant of the League and the principles of International

Law. As a result, the Report adopted by the Assembly at the special session of 24 February last, entirely misapprehending the spirit of Japan, pervaded as it is by no other desire than the maintenance of peace in the Orient, contains gross errors both in the ascertainment of facts and in the conclusions deduced. In asserting that the action of the Japanese Army at the time of the Incident of 18 September and subsequently did not fall within the just limits of self-defence, the Report assigned no reasons and came to an arbitrary conclusion, and in ignoring alike the state of tension which preceded, and the various aggravations which succeeded, the Incident—for all of which the full responsibility is incumbent upon China—the Report creates a source of fresh conflict in the political arena of the Orient. By refusing to acknowledge the actual circumstances that led to the foundation of Manchukuo, and by attempting to challenge the position taken up by Japan in recognizing the new State, it cuts away the ground for the stabilization of the Far Eastern situation. Nor can the terms laid down in its recommendations—as was fully explained in the Statement issued by this Government on 25 February last—ever be of any possible service in securing enduring peace in these regions.

The conclusion must be that in seeking a solution of the question the majority of the League have attached greater importance to upholding inapplicable formulae than to the real task of assuring peace, and higher value to the vindication of academic theses than to the eradication of the sources of future conflict. For these reasons, and because of the profound



differences of opinion existing between Japan and the majority of the League in their interpretation of the Covenant and of other treaties, the Japanese Government have been led to realize the existence of an irreconcilable divergence of views, dividing Japan and the League on policies of peace, and especially as regards the fundamental principles to be followed in the establishment of a durable peace in the Far East. The Japanese Government, believing that in these circumstances there remains no room for further co-operation, hereby give notice, in accordance with the provisions of Article 1, Paragraph 3, of the Covenant, of the intention of Japan to withdraw from the League of Nations.

右通告文ノ譯文左ノ如シ

「帝國政府ハ東洋平和ヲ確保シ延イテ世界ノ平和ニ貢獻セントスル帝國ノ國是カ各國間ノ平和安寧ヲ企圖スル國際聯盟ノ使命ト其ノ精神ヲ同シウスルコトヲ認メ過去十有三年ニ亘リ原聯盟國トシテ又常任理事國トシテ此ノ崇高ナル目的ノ達成ニ協力シ來リタルヲ欣快トスルモノナリ而シテ其ノ間帝國カ常ニ他ノ如何ナル國ニモ劣ラサル熱誠ヲ以テ聯盟ノ事業ニ參畫セルハ嚴トシテ動カスヘカラサル事跡ナルト同時ニ帝國政府ハ現下國際社會ノ情勢ニ鑑ミ世界諸地方ニ於ケル平和ノ維持ヲ計ランカ爲ニハ此等各地方ノ現實ノ事態ニ即シテ聯盟規約ノ運用ヲ行フヲ要

シ且斯ノ如キ公正ナル方針ニ則リ初テ聯盟カ其ノ使命ヲ全ウシ其ノ權威ノ増進ヲ期シ得ヘキヲ確信セリ

昭和六年九月日支事件ノ聯盟付託ヲ見ルヤ帝國政府ハ終始右確信ニ基キ聯盟ノ諸會議其ノ他ノ機會ニ於テ聯盟カ本事件ヲ處理スルニ公正妥當ナル方法ヲ以テシ眞ニ東洋平和ノ増進ニ寄與スルト共ニ其ノ威信ヲ顯揚センカ爲ニハ同方面ニ於ケル現實ノ事態ヲ的確ニ把握シ該事態ニ適應シテ規約ノ運用ヲ爲スノ肝要ナルヲ提唱シ就中支那カ完全ナル統一國家ニ非スシテ其ノ國內事情及國際關係ハ複雜難澁ヲ極メ變則、例外ノ特異性ニ富メルコト從テ一般國際關係ノ規準タル國際法ノ諸原則及慣例ハ支那ニ付テハ之カ適用ニ關シ著シキ變更ヲ加ヘラレ其ノ結果現ニ特殊且異常ナル國際慣行成立シ居レルコトヲ考慮ニ入ルルノ絕對ニ必要ナル旨力説強調シ來レリ然ルニ過去十七箇月間聯盟ニ於ケル審議ノ經過ニ徴スルニ多數聯盟國ハ東洋ニ於ケル現實ノ事態ヲ把握セサルカ又ハ之ニ直面シテ正當ナル考慮ヲ拂ハサルノミナラス聯盟規約其ノ他ノ諸條約及國際法ノ諸原則ノ適用殊ニ其ノ解釋ニ付帝國ト此等聯盟國トノ間ニ屢重大ナル意見ノ相違アルコト明カトナレリ其ノ結果本年二月二十四日臨時總會ノ採擇セル報告書ハ帝國カ東洋ノ平和ヲ確保セントスル外何等異圖ナキノ精神ヲ顧ミサルト同時ニ事實ノ認定及之ニ基ク論斷ニ於



テ甚シキ誤謬ニ陥リ就中九月十八日事件當時及其ノ後ニ於ケル日本軍ノ行動ヲ以テ自衛權ノ發動ニ非ズト憶斷シ又同事件前ノ緊張狀態及事件後ニ於ケル事態ノ惡化カ支那側ノ全責任ニ屬スルヲ看過シ爲ニ東洋ノ政局ニ新ナル紛糾ノ因ヲ作レル一方滿洲國成立ノ真相ヲ無視シ且同國ヲ承認セル帝國ノ立場ヲ否認シ東洋ニ於ケル事態安定ノ基礎ヲ破壞セントスルモノナリ殊ニ其ノ勸告中ニ掲ケラレタル條件カ東洋ノ康寧確保ニ何等貢獻シ得サルハ本年二月二十五日帝國政府陳述書ニ詳述セル所ナリ

之ヲ要スルニ多數聯盟國ハ日支事件ノ處理ニ當リ現實ニ平和ヲ確保スルヨリハ適用不能ナル方式ノ尊重ヲ以テ一層重要ナリトシ又將來ニ於ケル紛爭ノ禍根ヲ芟除スルヨリハ架空のナル理論ノ擁護ヲ以テ一段貴重ナリトセルモノト見ルノ外ナク他面此等聯盟國ト帝國トノ間ノ規約其ノ他ノ條約ノ解釋ニ付重大ナル意見ノ相違アルコト前記ノ如クナルヲ以テ茲ニ帝國政府ハ平和維持ノ方策殊ニ東洋平和確立ノ根本方針ニ付聯盟ト全然其ノ所信ヲ異ニスルコトヲ確認セリ仍テ帝國政府ハ此ノ上聯盟ト協力スルノ餘地ナキヲ信シ聯盟規約第一條第三項ニ基キ帝國カ國際聯盟ヨリ脫退スルコトヲ通告スルモノナリ」

## 參 考



(一) 詔書

詔書

朕惟フニ曩ニ世界ノ平和克復シテ國際聯盟ノ成立スルヤ皇考之ヲ憐ヒテ帝國ノ參加ヲ命シタマヒ

朕亦遺緒ヲ繼承シテ苟モ懈ラス前後十有三年其ノ協力ニ終始セリ

今次滿洲國ノ新興ニ當リ帝國ハ其ノ獨立ヲ尊重シ健全ナル發達ヲ促スヲ以テ東亞ノ禍根ヲ除キ世界ノ平和ヲ保ツノ基ナリト爲ス然ルニ不幸ニシテ聯盟ノ所見之ト背馳スルモノアリ朕乃チ政府ヲシテ慎重審議遂ニ聯盟ヲ離脫スルノ措置ヲ採ラシムルニ至レリ

然リト雖國際平和ノ確立ハ朕常ニ之ヲ冀求シテ止マス是ヲ以テ平和各般ノ企圖ハ向後亦協力シテ渝ルナシ今ヤ聯盟ト手ヲ分チ帝國ノ所信ニ是レ從フト雖固ヨリ東亞ニ偏シテ友邦ノ誼ヲ疎カニスルモノニアラス愈信ヲ國際ニ篤クシ大義ヲ宇內ニ顯揚スルハ夙夜朕力念トスル所ナリ

方今列國ハ稀有ノ世變ニ際會シ帝國亦非常ノ時艱ニ遭遇ス是レ正ニ舉國振張ノ秋ナリ爾臣民克ク朕力意ヲ體シ文武互ニ其ノ職分ニ恪循シ衆庶各其ノ業務ニ淬勵シ嚮フ所正ヲ履ミ行フ所中ヲ執リ協贊邁往以テ此ノ世局ニ處シ進ミテ皇祖考ノ聖猷ヲ翼成シ普ク人類ノ福祉ニ貢獻セムコトヲ期セ

ヨ



## 御名 御璽

昭和八年三月二十七日

内閣總理大臣	子爵	齋藤實
大藏大臣	高橋是清	
内務大臣	男爵	山本達雄
外務大臣	伯爵	内田康哉
鐵道大臣	三土忠造	
陸軍大臣	荒木貞夫	
文部大臣	鳩山一郎	
司法大臣	小松吉弘	
逓信大臣	南	
商工大臣	男爵	中島久萬吉
農林大臣	後藤文夫	
拓務大臣	永井柳太郎	
海軍大臣	大角岑生	

左記英文ハ外務省部内用トシテ右詔書ヲ假ニ謹譯セルモノナリ

## IMPERIAL RESCRIPT.

When the League of Nations came into being upon the restoration of a general peace, Our Imperial Father was pleased to order the entry of Our Empire therewith; and We, in Our turn, have laboured assiduously to fulfil the high purpose of the late Emperor. It is thus that Our Empire has for these thirteen years past extended consistently its co-operation to the League.

Now Manchoukuo having of late been founded, Our Empire deems it essential to respect the independence of the new state and to encourage its healthy development, in order that the sources of evil in the Far East may be eradicated and an enduring peace thereby established. Unhappily, there exists between Our Empire and the League of Nations a wide divergence of view in this regard and it has devolved upon Us to cause Our government to take, upon nature deliberation, the necessary steps for the withdrawal of Our Empire from the League.

However, the advancement of international peace is what, as evermore, We desire, and Our attitude toward enterprises of peace shall sustain no change. By quitting the League and embarking on a course of its own, Our Empire does not mean that it will stand aloof in the Extreme Orient nor that it will isolate itself thereby from the fraternity of nations. It is



Our desire to promote mutual confidence between Our Empire and all the other Powers and to make known the justice of its cause throughout the world.

Every country is overtaken today by emergencies of an unprecedented magnitude. Our Empire itself is confronted by a situation fraught with momentous possibilities. It is indeed an hour that calls for an intensification of effort on the part of Our entire nation. We command that all public servants, whether civil or military, shall faithfully perform each his appointed duty, and that all private citizens shall pursue their wonted tasks with diligence. Stray not, in advancing, from the path of rectitude; and in action, embrace always the golden mean. Strive to meet the present situation with a united will and with courage and resolution. So may ye carry forward the glorious work bequeathed by Our Grandsire and contribute to the prosperity and well-being of Mankind.

## (二) 內閣總理大臣告諭

### 告 諭

#### ◎內閣告諭第一號

茲ニ帝國政府カ國際聯盟離脫ノ通告ヲ爲スニ方リ畏クモ 大詔ヲ渙發セラレ帝國ノ嚮フ所ヲ明カニシ今後國民ノ進ムヘキ道ヲ示サセ給ヘリ聖慮宏遠洵ニ恐懼感激ニ任フルナシ  
顧フニ國際聯盟ノ使命ハ世界ノ平和安寧ヲ企圖スルニ在リ是ヲ以テ帝國ハ其ノ旨趣ニ贊同シ創設以來十有三年終始誠意ヲ以テ其ノ事業ニ協力シ來レリ然ルニ日支案件ノ一タヒ聯盟ニ附託セラレテヨリ十七箇月ニ亘リシ本件審議ノ經過ニ徴シ又其ノ結末トシテ本年二月二十四日臨時總會ノ採擇セル報告書ニ據ルニ聯盟カ帝國ノ正義公道ニ基キ現實ノ事態ニ即シテ東洋ノ平和ヲ確保スルノ外他意ナキ態度ヲ正視セサルコト判明シ且帝國ト多數聯盟國トノ間ニ於ケル國際聯盟規約等ノ解釋ニ就キ重大ナル意見ノ相違アルコト亦明白トナリ茲ニ帝國ト聯盟トハ平和維持ノ方策殊ニ東洋ノ平和確立ノ根本方針ニ關シテ全ク其ノ所信ヲ異ニスルコト瞭然タルモノアルニ至レリ是ニ於テ政府ハ東洋平和ノ確立ニ關スル帝國ノ使命ト滿洲國ノ獨立ヲ尊重シテ其ノ健全ナル發達ヲ促進ス



へキ帝國ノ責任トニ稽へ更ニ我カ國運ノ將來ニ就テ慎重熟慮ヲ重ネタル後遂ニ斷乎トシテ聯盟ヲ離脱スルノ已ムナキヲ確信スルニ至レリ

然リト雖モ國際平和ノ増進ト世界文化ノ發達トニ貢獻スルハ帝國ノ傳統ニシテ且不動ノ國策ナリ  
向後モ尙依然トシテ人類ノ安寧福祉ヲ目的トスル國際事業ニ參與協力スルノ方針ヲ一貫シテ何等  
淪ハル所ナシ又敢テ東洋ニ跼蹐シテ偏安ヲ事トスルモノニアラス益友邦ノ誼ヲ敦クシ正義公道ヲ  
世界ニ宣布セムコトヲ期スルヤ固ヨリ言ヲ俟タス列國モ亦必スヤ帝國ノ探レル既定ノ根本方針カ  
世界ノ平和ヲ増進スヘキ唯一ノ方途タルコトヲ自覺スルニ至ルヘキヲ確信シテ疑ハサルナリ

但現下世界ノ各國ハ何レモ不安ノ深刻ナルモノアリ帝國亦其ノ例外ニ超然タル能ハス加之東亞ノ  
複雜ナル政局ニ直面シテ滿洲國ノ建設事業完成ニ協力シ更ニ進ミテ日滿支三國和協ノ基ヲ開キ極  
東ノ康寧ヲ確立スルノ重責ヲ荷フ其ノ任太タ重ク正ニ是レ朝野奮起スヘキノ秋ナリ

古來我カ國民ハ艱難ニ遭遇スルヤ必ス之ヲ克服シ轉禍爲福ノ成果ヲ收メサルナシ是レ國史ノ示ス  
所ニシテ國運ノ興隆窮リナキ所以實ニ此ニ存ス今此ノ難局ニ逢著シ我カ官民深ク詔書ノ聖旨ヲ  
肝銘シテ舉國一心皆其ノ本務ニ勵精シ大ニ綱紀ヲ張り嚴ニ荒怠ヲ戒メ固陋ノ偏見ニ囚ハレス矯激  
ノ思想ニ惑ハス質實剛健自力更生ノ意氣ヲ以テ帝國使命ノ遂行ニ勇往邁進セハ 明治天皇ノ偉業

ハ昭和ノ聖代ニ於テ更ニ一段ノ恢弘ヲ加フル所アルヘク由テ以テ人類ノ幸福ニ寄與シ 聖旨ニ副  
ヒ奉ル所アルハ本大臣ノ深ク全國民ニ期待スル所ナリ

昭和八年三月二十七日

内閣總理大臣 子爵 齋 藤 實

(Translation)

# Message of the Prime Minister

Upon the notification by this government of Japan's intention to withdraw from the League of Nations, His Imperial Majesty has pleased to issue a Rescript, elucidating the fundamental policy of the Empire, and pointing out the course which this nation should henceforward follow. I know no words with which to express the profound emotion that the solemn occasion evokes.

The mission of the League of Nations is to achieve international peace and security. The Japanese Government, being in full accord with the spirit of the League, have for the thirteen years that have elapsed since the creation of that body, extended their sincere cooperation to its activities. However, since the Sino Japanese question was submitted to the League, its deliberations on the matter during these seventeen months past, and also the Report as finally adopted



on the 24th of February last at the extraordinary session of the Assembly, have brought to light the fact that there exist serious differences of opinion between Japan and the majority of the League Members regarding the interpretation of international instruments such as the League Covenant, as well as evincing a failure on the part of the League to appreciate correctly and without prejudice the position of Japan, which nation entertains no other desire than to establish peace in the Orient on a basis of reality as well as of equity and justice. It has now become obvious that Japan and the majority of the League are diametrically opposed in their views regarding policies of peace,—especially as to how the peace of the Far East should be secured. Consequently, after a careful consideration of Japan's mission to secure peace in the Far East, her responsibilities under her undertaking to respect the independence of Manchoukuo and encourage its healthy development, and the future of her own national fortunes, the Japanese Government have come to the conclusion that Japan can do no otherwise than withdraw from the League of Nations.

It is however the traditional policy of our nation to contribute to the promotion of international peace and to the advancement of civilization throughout the world, and Japan will therefore continue to participate in such international enterprises as will be inaugurated for the purpose of furthering the welfare of mankind. Nor is necessary to say that this country does not propose to shut itself up in the Far East but on the contrary will endeavor to strengthen

the ties of friendship with other Powers and to uphold the cause of equity and justice. And the Powers will, I am convinced, be certain to come to appreciate the established policy of our country toward Manchurian questions as the only right policy for the preservation of the peace of the Orient and of the world.

It happens that this is a time when a profound and universal sense of unsettlement pervades all the countries of the world, and Japan cannot alone remain outside that atmosphere. In addition, this country is confronted by an extremely complicated international situation in the Far East, and has undertaken the responsibility of bringing permanent peace to the Far East by co-operating with Manchoukuo for the completion of its constructive works and by opening the way for collaboration between Japan, Manchoukuo and China. The task before the Japanese people is indeed a momentous one.

Happily it has been demonstrated in history that this nation has never failed to overcome difficulties and turn evils into blessings—a reserve of strength on which the boundless fortunes of the Empire have their firm foundation. Today, faced by a grave situation, all Japanese, whether in public service or in private life, should be obedient to the Imperial command, and work as one, to discharge their appropriate duties. They should strictly observe order and discipline; exercise moderation; avoid frivolity and indolence; guard against the lure of subversive doctrines; and finally, press courageously forward with untiring energy and industry in



order to fulfill the mission of the Empire. The glory of the grand work of the Emperor Meiji will then be still more enhanced in this illustrious era of Showa, and a great contribution will be made to the progress of mankind. I have every confidence that we shall thus conform to the august wishes of our Sovereign.

# 附 錄



## 附 錄

### 第六十四回帝國議會ニ於ケル内田外務大臣演說

(昭和八年一月二十一日)

私ハ茲ニ昨年八月臨時議會以後ニ於ケル帝國ノ重要外交案件ニ付テ御報告致シマスルト共ニ、帝國政府ノ所見並ニ方針ヲ申述ベマシテ、諸君ノ御清聽ヲ煩シ度イト存ジマス。

帝國政府ハ既定ノ方針ニ基キマシテ、昨年九月十五日滿洲國政府トノ間ニ議定書ヲ調印致シ、之ニ依テ帝國ハ滿洲國ノ獨立國タルコトヲ確認スルト共ニ、滿洲國ハ同國內ニ於テ帝國及帝國臣民ガ、從來條約其ノ他ノ約定ニ依テ有スル一切ノ權益ヲ確認尊重スベキコトヲ約シ、且日滿兩國ハ滿洲國ニ對スル一切ノ脅威ガ同時ニ帝國ノ康寧ニ關スルニ顧ミ、共同シテ國家ノ防衛ニ當ルベク、之ガ爲所要ノ帝國軍ハ滿洲國內ニ駐屯スルモノナルコトヲ規定シテ居ルノデアリマス。即チ右議定書調印ノ結果、帝國ノ在滿權益ヲ擁護スルト共ニ、内外ノ脅威ニ對シ滿洲國ノ安全ヲ確保スルノ基礎ガ確立セラレ、東洋ノ平和維持ニ對スル有力ナル保障ガ新ニ設ケラレタ次第デアリマス。



滿洲國が其ノ後益々健全ナル發達ヲ遂ゲ、就中其ノ治安ノ狀況ハ集團の兵匪ノ逐次壞滅スルト共ニ著シク改善セラレテ居リマスコトハ寔ニ御同慶ノ至リデアリマス。而シテ此ノ狀態ガ同國ノ通商貿易上ニハ勿論、財政上ニモ極メテ好イ影響ヲ與ヘテ居リマスコトハ、申ス迄モナク其ノ慶福ハ滿洲國人ハ固ヨリ、在留邦人其ノ他諸外國人ノ上ニモ一樣ニ及ンデ居ル次第デアリマス。此ノ事實ハ即チ新國家ヲ承認シ其ノ發展ヲ助成スルコトガ、滿洲問題ヲ堅實ナル基礎ノ上ニ解決シ、東洋ノ平和ヲ保全スル唯一ノ方途デアルト確信スル帝國政府ノ見解ノ誤ラザルコトヲ如實ニ示シテ居ルノデアリマス。私ハ右ノ如ク滿洲國ガ良好ナル狀態ニ在リ、其ノ慶福ガ内外人一樣ニ及ンデ居ル事實ニモ顧ミマシテ、同國ニ對シテ帝國ノ採ツテ來タ態度ガ極メテ公正妥當ノモノデアルコトヲ、聯盟及列國ニ於テ必ズヤ認識スルニ至ルベキコトヲ確信スルモノデアリマス。又窮極ニ於テハ、支那國民モ日滿支三國ガ各々獨立國トシテ相倚リ相助ケテ行クコトガ、東洋ノ平和ヲ確保スル最善ノ方法ナルコトヲ了解スルニ至ルベキヲ信ジテ疑ハナイノデアリマス。尙序ヲ以テ熱河ニ付テ一言附加ヘ度イト存ジマス。滿蒙ト支那トノ境界ガ長城デアルコトハ歴史的二見テ議論ノ餘地ナキ所デアリ、殊ニ熱河省ガ滿洲國ノ一部タルコトハ、同國建國ノ經緯ニ徴シマシテモ明瞭デアリマス。然ルニ最近同省内ニ於ケル治安擾亂ノ策動顯著ナルモノアルノミナラズ、學良麾下ノ

正規軍ニシテ國境ヲ越エ、熱河省ニ侵入シ來ルモノガアル有様デアリマスガ、滿洲國ノ領域ニ屬スル地方ノ治安ノ維持ハ日滿議定書ニ基キ、兩國共同シテ其ノ責ニ任ズルモノナルコト申ス迄モナク、從テ所謂熱河問題ハ純然タル滿洲國內部ノ問題タルト同時ニ我方トシテモ右條約上ノ義務ニ顧ミ多大ノ關心ヲ有スル次第デアリマス。

支那ニ於ケル政局ハ引續キ渾沌タルモノアル一方、排日運動ハ依然緩和ノ兆候ヲ示サナイノデアリマス。殊ニ昨年十二月南京ニ開催セラレマシタ國民黨中央委員全體會議ニ於テハ、北支邊境ニ於ケル軍事行動、東北義勇軍ニ對スル援助及日貨排斥ノ三點ヨリ成ル積極抗日案ナルモノガ提出セラレタル旨ノ報道ガアリマシタガ、其ノ後政府ノ入手致シマシタ各種ノ情報ニ依レバ、右積極的抗日案ナルモノガ同會議ヲ通過セルコトハ確實ト認メラルモノデアリマス。而シテ近來支那軍隊ガ、支那ト滿洲國トノ境界附近ニ集中セラレ居ルノミナラズ、既ニ其ノ一部分ガ熱河省内ニ侵入セルコトニ付キマシテハ前ニ一言致シマシタ通デアリマス。帝國政府ニ於テハ、斯ノ如キ支那ノ狀態ヲ衷心重大視シテ居ルモノデアリマシテ、此ノ事態ヨリ招來スルコトアルベキ不幸ナル結果ニ付、豫メ支那政府及國民ノ深甚ナル注意ヲ喚起シ、其ノ反省ヲ促サザルヲ得ナイノデアリマス。



日支問題ニ關スル所謂「リットン」委員會ノ調査報告書ハ、昨年十月理事會ニ提出セラレ、又之ニ對スル帝國政府ノ意見書ハ同年十一月同ジク理事會ニ提出セラレ、且兩者トモ一般ニ公表セラレテ居ルノデアリマシテ諸君ニ於テ既ニ御承知ノ通デアリマスガ、要スルニ我方ノ意見書ハ滿洲國ヲ承認シ、之ガ健全ナル發達ヲ助成スルコトガ、東洋ノ平和ヲ確保スベキ唯一ノ方途デアルト云フ帝國政府ノ基本的見解ヲ、各方面カラ敷衍シテ居ルモノデアリマス。政府ハ其ノ後聯盟理事會、總會其ノ他諸列國トノ交渉ノ機會ヲ捉ヘテ、此ノ意見書ノ趣旨トスル所ヲ懇切丁寧ニ説明シ來ツタノデアリマシテ、昨年十二月一旦休會シタル聯盟十九國委員會ハ本月十六日再開討議ヲ繼續シテ居リマスガ、我方トシテハ右委員會ニ對シテハ素ヨリ、今後聯盟ノ諸會議其ノ他凡有ル機會ニ於テ、右意見書ノ趣旨ノ徹底ニ努力スル覺悟デアリマス。

由來帝國政府ハ聯盟ノ事業ニ對シ誠實ニ協力シ、其ノ權威ヲ増進スルニ努メ來ツタ次第デアリマシテ、聯盟ノ東洋ノ平和及福祉ニ貢獻セムガ爲ニスル努力ニ對シテハ、十分ニ好意アル協力ヲ爲スノ用意ヲ有シテ居ルコト多言ヲ要シナイノデアリマス。然シ乍ラ同時ニ帝國政府ニ於テハ、聯盟ガ支那ニ關スル問題ニ關與スルニ當リマシテハ、前述ノ意見書ニ詳述致シマシタル如ク、同國ニ於ケル事態ノ複雜難澁ニ變則的特色ノ甚ダ濃厚ナルモノアルニ顧ミマシテ、聯盟規約ノ運用ニ

十分ノ伸縮性ヲ有セシムルコトハ必然ナリト考ヘルノデアリマス。現ニ通常ノ諸國家間ニ一般ニ行ハレテ居ル國際法上ノ諸原則乃至慣行ハ、支那ニ付テハ著シク變更ヲ加ヘテ行ハレテ居ルノデアリマシテ、聯盟規約ノミガ之ニ對スル例外タルコトハ出來スノデアリマス。即チ歐洲ニ於ケル先例若ハ事情ニ基キ、規約ヲ其ノ儘右ノ如キ事態ニ適用セムト焦慮スル結果ハ實際ニ當嵌マラザルコトナリ、却テ事態ノ紛糾惡化ヲ來スノミナラズ、聯盟ノ權威ヲ無用ニ傷クルコトナリ、世界ノ平和ノ爲ニモ極メテ危險デアルト考ヘラルルノデアリマス。

東洋永遠ノ平和ヲ期スル爲ニハ、一方ニ於テ日滿支三國間ノ協力提携ガ必要デアルコトハ前述ノ通デアリマスガ、又他方ニ於テ日滿蘇三國間ノ圓滿ナル協調ガ甚ダ望マシイノデアリマス。

蘇聯邦政府ニ於キマシテハ、滿洲事變ニ關シ當初ヨリ極メテ慎重ナル態度ヲ執リ來リマシタノデ、幸ニシテ今日迄帝國トノ間ニ何等不愉快ナル經緯ヲ見ナカツタ次第デアリマシテ、日滿蘇三國關係ノ爲慶賀致ス次第デアリマス。

最近蘇支兩國間ニ國交ノ恢復ヲ見ルニ至リマシタ爲東洋全般ニ於ケル赤化運動ガ、今後一層活潑ニナル様ナコトハナカラウカト懸念スル向モアリマスガ、私ハ茲ニハ右見方ノ當否ニ付テハ暫ク論及致シマセヌ。唯既ニ共產黨ノ活動ト、共產軍ノ跳梁トノ爲ニ苦ンデ居リマスル揚子江沿岸並



南支一帶ノ情勢ニ、更ニ赤化ノ氣勢ヲ添ヘルガ如キ事態ガ蘇支復交問題ニ伴フ一現象トシテ、萬一ニモ發生スル様ナコトガアレバ、之ハ東洋平和ノ爲由々シキ事柄デアリマス。此ノ點ニ付帝國トシテ深甚ナル注意ヲ怠ラヌノハ勿論デアリマス。

尙此ノ機會ニ日蘇不可侵條約ノ問題ニ付テ一言致シマスレバ、元來兩國相侵サザルコトハ、先年北京ニ於テ調印セラレタル日蘇基本條約ノ精神デアリ、又兩國共ニ調印シ居レル不戰條約ノ規定スル所ナルノミナラズ、其ノ後兩國間ニ於ケル實際ノ關係、殊ニ只今述べマシタル最近ノ事態ニ徴シテモ何等疑ハナイノデアリマス。唯此ノ精神、此ノ規定、此ノ實際關係ニ對シ、更ニ兩國間ノ不可侵條約ト云フガ如キ形式ヲ與ヘルト云フ問題トナリマスルト、其ノ時期方法等ニ付キマシテハ自ラ種々ノ見解ガ有リ得ルノデアリマシテ、現ニ昨春蘇聯邦政府ヨリノ提議以來、各方面ニ各種ノ議論ヲ生ズルニ至リマシタノハ御承知ノ通デアリマス。

帝國政府ニ於キマシテハ、本問題ニ關シ、斯ク如ク幾多議論ノ岐レテ居ル事實ニ顧ミマシテ、結局現存條約以外改メテ不可侵條約ノ商議締結ヲ行フニハ、時期未ダ熟シナイモノト認メマシテ、昨年末其ノ趣旨ヲ以テ一應蘇聯邦政府ニ回答至シタノデアリス。尤モ右様回答ヲ致シマシタレバトテ、我方ガ蘇聯邦ニ對シ聊カモ侵略ノ意圖ヲ有スルモノデナイコトハ勿論デアリマシテ、蘇聯

邦政府ニ於テモ、此ノ點ニ付何等誤解ナキコトヲ確信スルモノデアリマス。

一般軍縮會議ハ昨年二月壽府ニ開會以來、陸海空ノ三軍ニ互リ、各種重要案件ニ付討議ヲ進メツツアルノデアリマスガ、同會議ハ世界各國ヲ網羅セル未曾有ノ大會議デアリマシテ、各參加國ハ各自ノ國防ノ安全ヲ庶幾シ、自然其ノ間ノ利害關係モ亦極メテ複雑ナルモノガアリマスカラ、今尙容易ニ一致ヲ見ルノ至リマセヌ。然シ乍ラ、元來軍縮事業ハ平和事業トシテ、國際聯盟ノ重要ナル任務ノ一デアアルノミナラズ、現下世界各國ノ最大關心ヲ有スル問題ノ一デアリマシテ、該事業ニ對スル帝國政府ノ熱誠ナル寄與協力ニ至リマシテハ、終始一貫動カナイノデアリマス。從テ今次ノ會議ニ於キマシテモ、我全權ハ各國代表者ト協力シテ專ラ會議ノ成功ニ努力ヲ傾ケツツアルノデアリマス。舊臘帝國政府ガ世界海軍軍備ニ對シ、重大ナル縮減ヲ齎ラスベキ提案ヲ進ンデ會議ニ提出致シマシタノハ、此ノ目的ニ外ナナイノデアリマス。

右提案ハ各種艦船ノ艦型縮小、航空母艦ノ全廢、主力艦及甲級巡洋艦ノ隻數縮減、乙級巡洋艦及驅逐艦ノ總噸數縮減等ヲ主張スルモノデアリマシテ、之ニ據リマスレバ航空母艦ノ全廢並主力艦及甲級巡洋艦ノ縮減ノミニテモ、日英米佛伊ノ五箇國ヲ通ジマシテ、總計約百三十萬噸ノ縮減ヲ見ルニ至ル計算デアリマス。我提案ハ今次ノ會議ニ於テ一般ニ承認セラレタル軍縮ノ各原則、就



中攻撃の勢力ヲ弱メ、防禦の勢力ヲ強ムベシトノ原則ヲ基礎トスルモノデアリマシテ、此ノ原則ニ據リマスレバ、優勢海軍國ハ劣勢海軍國ニ比シ一層大ナル犠牲ヲ拂フベキハ當然デアリマシテ、若シ右兩者ニ對シ、同一率ノ縮減ヲ行フトシマスレバ、劣勢海軍國ノ安全感ハ著シク害セラルルニ至ルノデアリマス。又一方ニ於テ我提案ハ、關係各國ノ主張ヲ能フ限り考量ニ入レテ居ルノデアリマスカラ、各國ニ於テ我提案ヲ十分攻究シマスルニ於テハ、我提案ノ極メテ公正合理的ニシテ且實際的ノモノデアアルコトヲ、克ク了解スルニ至ルベキコトヲ確信スルモノデアリマス。

世界經濟界ノ趨向ヲ觀マスルニ、四十餘ヶ國ニ亘ル金本位制度ノ停止、銀價ノ暴落、爲替相場ノ混亂等ニ依ル貿易上ノ障礙以外ニ、各國競ツテ高率關稅、輸出入ノ制限禁止等種々通商上ノ障礙ヲ設ケマシテ、所謂產業貿易上ノ鎖國主義ヲ行フニ至リマシタ結果、從來折角健全ナル發達ヲ續ケツツアリマシタ通商自由ノ大原則ガ、茲ニ一大逆轉ヲ見ルニ至リマシタコトハ誠ニ遺憾ニ堪ヘザル所デアリマス。蓋シ各國間物資交易ノ自由ハ、移住往來ノ自由ト相俟チマシテ、世界各國民ガ有無相通ジ、共存共榮ノ理想ヲ達成スル所以デアリマシテ、此ノ大原則ノ圓滑ナル運用ガ妨ゲラルルニ於キマシテハ、國際間ノ共存共榮ハ之ヲ實現スルコト難ク、眞ノ世界ノ繁榮ト平和トハ之ヲ期待シ得ザルニ至ルノデアリマス。

幸ヒ最近ニ至リ、此ノ世界の經濟不安ヲ排除スル方策ニ就テ熱心ナル檢討ヲ行ハントスルノ氣運ガ顯著トナルニ至リマシタコトハ、誠ニ喜ブベキ現象デアリマシテ、我國ト致シマシテモ此ノ種ノ國際的努力ニ對シマシテハ進ンデ協力シタイ方針デアリマス。現ニ近ク開カルベキ世界經濟財政會議ノ如キモ亦上述ノ趣旨ニ基クモノト考ヘマスルカラ、帝國政府ニ於キマシテモ既ニ同會議ノ準備委員會ニモ參加シ、各國ト共ニ各種ノ豫備的研究ヲ進メツツアルノデアリマシテ、今後トモ同會議ノ成功ニ對シテハ衷心ノ援助ヲ致シタイ意向デアリマス。

以上當面ノ外交問題ニ付御清聴ヲ煩シタ次第デアリマスガ、最後ニ私ハ、右ニ述ベマシタル所ノ根底ヲナス帝國政府ノ見解ニ關シ、一言致シ度イト存ジマス。

帝國外交ノ根本義ガ東洋ノ平和、延イテ世界平和ノ確保ニ存スルコトハ多言ヲ要シナイ所デアリマス。而シテ帝國政府ノ所見ニ依リマスレバ、現下國際社會ノ實情ニ顧ミ、眞實ノ平和ヲ招來セムガ爲ニハ平和ノ維持ヲ目的トスル諸原則ノ普偏性ヲ認メツツ、而モ之ガ運用ニ當ツテハ實際ニ適應シテ適宜伸縮性ヲ有セシムルト同時ニ、世界各方面ニ於テ平和ノ維持ヲ現實ニ可能ナラシメツツアル勢力ヲ尊重スルコトガ極メテ肝要ナノデアリマス。私ハ此ノ意味ニ於テ聯盟規約中ニ地方の了解ノ尊重ヲ規定シテ居ルコトノ賢明ナルヲ認ムルト共ニ、東洋ニ於テハ帝國ノ建設の勢力



ガ、其ノ方面ノ平和ヲ現實ニ維持スルノ爲ノ支柱ナルコトヲ認識シ、同方面ノ平和維持ヲ圖ルベキモノト考フルノデアリマス。帝國ハ世界ノ何處ニ對シテモ領土の野心ヲ有シマセヌ。又世界ノ何國トモ事ヲ構ヘントスルモノデアリマセヌ。帝國ノ企圖スル所ハ國際正義ニ基キ、帝國ノ生命線ヲ確保スルト共ニ、其ノ隣接諸邦ト協力提携シテ東洋ノ康寧ヲ確保シ、依テ以テ世界平和ノ維持ニ貢獻セムトスル外ナイノデアリマス。而シテ東洋ニ於ケル其ノ權威ト其ノ實力トヲ以テ、右目的達成ノ爲貢獻セムトスルハ、日本國民ノ信念デアリ又覺悟デアルノデアリマス。明治以來ノ帝國外交ノ根本精神ハ、實ニ茲ニ存スルノデアリマス。前ニ述ベマシタ滿洲問題乃至日蘇關係、又ハ聯盟ニ對スル帝國政府ノ態度モ、右精神ニ基キタルモノデアリマス。將又軍縮會議ニ對スル帝國ノ提案ノ如キモ、均シク同一ノ精神ニ出デテ居ルノデアリマス。帝國政府ハ敍上根本精神ノ下ニ、何レノ國家トノ間ニモ最モ親善ナル關係ヲ保持シ、以テ通商ノ圓滑ト文化ノ融合トヲ圖リツツ、世界人類ノ一層崇高ナル理想ヲ實現スベキ階程ヲ辿ラムコトヲ期スルモノデアリマス。

(Translation.)

THE ADDRESS OF COUNT UCHIDA, MINISTER FOR FOREIGN AFFAIRS,  
AT THE 64TH SESSION OF THE IMPERIAL DIET,  
JANUARY 21ST, 1933.

I have the privilege now to report on the latest developments which have occurred in major foreign questions affecting this country since the Extraordinary Session of the Diet in August last and to state the views and policies of the Japanese Government concerning them.

In pursuance of their settled policy the Japanese Government signed a protocol concurrently with the Government of Manchoukuo on September 15 last year. By this instrument Japan has definitely recognized Manchoukuo as an independent state, while Manchoukuo is pledged to respect all the rights and interests of Japan and her subjects in that country secured either by treaty or through other agreements. Moreover, in view of the fact that any menace to Manchoukuo has at once a direct bearing upon the welfare of Japan, provisions are also introduced for the joint defense of that state and for the stationing in its territory of the Japanese troops necessary for that purpose. The protocol thus affords full protection to the rights and interests of Japan in Manchoukuo and insures the safety of that country alike from internal and external dangers. It means that a new and effective guarantee has been established for the maintenance of peace in the Far East.



It is extremely gratifying that Manchoukuo has made rapid and healthy progress and especially that a marked improvement has been achieved in its internal peace and order consequent upon the successive annihilation or dispersal of the major hordes of bandits. This situation has naturally reacted favorably upon the commerce and finances of Manchoukuo and the resultant benefits have been shared by Japanese and other foreign residents equally with the Manchurians themselves. Here we have a concrete proof that the Japanese Government have not erred in their belief that to recognize the new state and to assist its development is the only way for the solution of the Manchurian issue on a sound basis, and for the establishment of peace in the Far East. I am convinced that in view of the auspicious growth of Manchoukuo and the universal advantage thereby accruing to all the peoples of the world, the League of Nations and the governments of the Powers will eventually recognize the fairness and justice of the position we have taken up with regard to Manchoukuo. Nor have I any doubt that in the end the Chinese themselves will be brought to regard mutual aid and co-operation between Japan, China and Manchoukuo, each as an independent state, to be the best means of insuring peace in the Orient.

I may add at this point a few words with reference to Jehol. Viewed historically, there is no room for doubt as to the fact that the Great Wall marks the boundary separating China from Manchuria and Mongolia. Particularly in the light of the circumstances leading to

the establishment of Manchoukuo, it is evident that the Province of Jehol constitutes an integral part of the new state. However, manoeuvres for creating disturbances in that Province have of late been notoriously rife, and some contingents of the regular troops under Chang Hsueh-liang have crossed the border into the Province. While the so-called Jehol question is purely a domestic affair for Manchoukuo, Japan is of course bound by the recent protocol to join forces with that country in the task of maintaining peace and order throughout its territory. The question, therefore, in view of this treaty obligation, is a matter of serious concern to the Government of Japan.

As for China, the political confusion in that country continues as ever, while the anti-Japanese movement shows no sign of abatement. It was reported that during the plenary session of the Central Executive Committee of the Kuomintang, convened at Nanking in December last, a proposal for a positive campaign against Japan was submitted, which called for military operations along the North China frontier, support for the "Volunteer Armies" of the North East, and an anti-Japanese boycott. Information obtained from various sources since leads us to believe that this proposal for a positive anti-Japanese movement was actually adopted by the Kuomintang Congress. As a matter of fact, Chinese troops are of late in process of concentration near the borders of Manchoukuo, and some of them have, as I have already stated, invaded the Province of Jehol. The Japanese Government cannot look upon



a state of affairs in China without the gravest apprehension. We are compelled to warn the Government and people of China against the unfortunate eventualities that may arise from the situation, and to invite them to think seriously before proceeding further in that direction.

The report of what has come to be called the Lytton Commission on the Sino-Japanese question was submitted to the Council of the League of Nations in October last, and the "Observations" of the Japanese Government on the same report were submitted in November to the same body. Since these documents were both made public their contents are already known to you all.

Our Observations are simply an elaboration from different angles of the fundamental view of the Japanese Government that the peace of the East can be secured only by recognizing Manchoukuo and assisting it to achieve a healthy growth. Our Government have seized every occasion at the Council and the Assembly of the League and in the course of negotiations with other governments to expound this thesis of the Observations with the utmost care and thoroughness. We will persist in our endeavors not only as regards the special Committee of Nineteen which resumed the discussion of the Sino-Japanese dispute on January 16 but at the various meetings of the League and at every possible opportunity until the above thesis is thoroughly elucidated and understood.

It is hardly necessary to say that the Japanese Government who have always extended

their hearty co-operation to the League and devoted their best efforts to the enhancement of its prestige, are ready now as ever to collaborate fully and in the friendliest manner with that body in its efforts to contribute to the peace and prosperity of the Far East. However, the Japanese Government believe that as long as the League is concerned with questions relating to China, a certain elasticity should be allowed in the operation of the Covenant in view of the exceptional and abnormal conditions of that country. In point of fact, various principles of international law and usage, governing the ordinary relationships between different states, are in practice considerably modified when applied to China. The Covenant of the League cannot alone remain an exception to that rule. Any attempt to apply the Covenant to the abnormal situation in China on the analogy of an apparently similar case or situation in European affairs, is bound to fail. Such an attempt is vain and unrealistic. It will only complicate and aggravate the situation, and injure needlessly the prestige of the League, inflicting thereby a severe blow to the cause of universal peace.

For securing permanent peace in the Orient the co-operation, and united efforts, as I have said before, of Japan, China and Manchoukuo are essential. At the same time, harmony and collaboration between Japan, Manchoukuo and the Union of Soviet Socialist Republics are equally important.

Fortunately, the Soviet Union Government ever since the beginning of the Manchurian Incident have maintained an attitude so cautious that nothing unpleasant has occurred to mar



their relations with Japan. This is a matter for congratulation for the mutual relationship between Japan, Manchoukuo, and the Soviet Union.

There are those who fear whether the recent restoration of diplomatic relations between the Union of Soviet Socialist Republics and China might not add vigor to communist propaganda throughout the Orient. This is not an occasion for me to pass judgement upon this sort of opinion. However, should the red movement in the Yangtze Valley and South China, which have long suffered from the activities of communists and the depredations of communist armies, gain in strength as a result of the Sino-Russian rapprochement, that would be a serious menace to peace in the Orient, against which Japan must certainly be on guard.

I may take this opportunity to say something on the question of a non-aggression pact between Japan and the Soviet Union. The principle of non-aggression between the two countries is not only embodied in the Russo-Japanese Basic Treaty signed some years ago at Peking and provided for in the anti-War Pact to which they are both signatories, but has shown itself to be a living force, as has been fully demonstrated by the actual relations between the two countries during past years and especially during the trying period of recent date. Only when it comes to the matter of clothing this principle and this actual relationship in a formal treaty of non-aggression, views vary as to time and form. You know how varied opinion has been on the matter since last spring when the proposal was first advanced by the Soviet Union

# Government.

In view of the divergent opinions stoutly maintained in different quarters the Japanese Government have concluded that time has not yet arrived for negotiating a non-aggression pact superimposed upon the treaties now in force. Our reply to that effect was sent to the Soviet Union Government toward the end of last year. That does not mean, of course, that we entertain the remotest intention of aggression in the Soviet Union, but quite the contrary, and I am sure that our position is fully understood and appreciated by the Soviet Union Government.

The General Disarmament Conference, since it first met at Geneva in February last, has continued its deliberations on various important questions covering the land, sea and air forces. This is a conference of unprecedented magnitude, attended as it is by the representatives of practically all the nations of the world. Because of the natural solicitude of each and every participating Power for its own national defense, and the consequent complications and conflicts of varied interests which this entails, the Conference has as yet reached no general agreement Disarmament, as an enterprise for peace, is not only one of the principal missions of the League of Nations, but it is matter which is at present engaging the greatest attention on the part of the Powers. It has always been the policy of the Japanese Government to accord sincere co-operation and full contributions to the enterprise. It is in accordance with this policy that our delegates now at Geneva are exerting their best efforts in collaboration with their



colleagues of other nationalities in order to bring the Conference to a successful conclusion, and that our Government have spontaneously submitted a proposal calculated to effect a drastic reduction in the naval armaments of the world.

This proposal of ours covers among other items a reduction in size of vessels of various classes, the abolition of aircraft-carriers, a reduction in the number of capital ships and A-class cruisers, and a reduction of the total tonnage allotments of B-class cruisers and destroyers, according to which, through the abolition of aircraft-carriers and the reduction in the number of capital ships and A-class cruisers alone, it is calculated that a reduction amounting altogether to 1,300,000 tons will be realized in the navies of Japan, Great Britain, the United States, France and Italy. Our proposal is based upon the principles of disarmament generally accepted at the present Conference, particularly the principle that power for attack should be reduced and power for defence increased. From the same principle it logically follows that greater sacrifices should be made by a superior naval Power than by an inferior one. If the two were both to reduce their navies in an equal ratio, the sense of security on the part of the latter would be unduly and unjustly diminished. I am confident that since our proposal takes into account as far as possible all the points insisted upon by the various Powers concerned, a thorough examination will finally convince them of its practicability as well as of its equity and reasonableness.

To turn to the economic field throughout the world, in addition to the obstructions to trade created by the suspension of the gold standard system by more than forty nations, the collapse of the price of silver, and the confusion existing in the exchange markets, we see that all countries are busily engaged in erecting artificial trade barriers by raising customs tariffs or by putting limitations or prohibitions on exports and imports. It is to be greatly regretted that as a result of this policy of the closed door which is now practised everywhere in trade and industry, the universally cherished principle of the freedom of trade has been entirely reversed. The principle of free exchange of goods between nations constitutes along with that of freedom of travel and residence the very foundation of general progress and prosperity. Whenever this cardinal principle ceases to operate smoothly, there will be no means of realizing the common well-being and prosperity of all nations and no hope for the true progress and peace of mankind.

However, it is encouraging that the desire to conduct earnest investigations as to the best means of ridding the world of its economic ills is becoming more apparent everywhere. The Japanese Government are prepared to lend a willing hand in this kind of international undertaking. For instance, the World Economic and Financial Conference, to be convened in the near future, is an expression of this universal aspiration, and our Government, participating in the conference of the Preparatory Committee, are proceeding in conjunction with other governments with various kinds of preliminary studies. We will do all in our power to make that conference a success.



Thus far, I have spoken on various aspects of the foreign questions confronting Japan. I desire to conclude my address with a few words on the basic ideas of the Japanese Government which underlie all that I have stated above.

It is needless to say that the fundamental principle of Japan's foreign policy is to secure the peace of the Orient, and as a corollary, that of the world. Now it is the view of the Japanese Government, that in the light of the realities of the international situation, it is essential in order to obtain true peace that while accepting the universality of the various principles subserving the cause of peace, a due and proper elasticity corresponding to the exigencies of actual conditions should be allowed in their practical application. It is also imperative to respect those real forces which are actually rendering peace possible in various parts of the world. The League of Nations Covenant very wisely provides that regional understandings shall be respected. In this sense, our Government believe that any plan for erecting an edifice of peace in the Far East should be based upon the recognition that the constructive force of Japan is the mainstay of tranquillity in this part of the world. Japan entertains no territorial designs anywhere in the globe; she has no intention to pick a quarrel with any country. She only desires to ensure her national existence by such means as will accord with international justice, and to work hand in hand with the neighbor nations for the peace of the Orient and of the world. It is our resolve, and our duty as a nation, to see that she contri-

butes her resources, her power, and her prestige to that end. Such has been the underlying spirit of Japan's foreign policy ever since the first days of Meiji. Such is the spirit behind the action we have taken in regard to the Manchurian question, to Russo-Japanese relations, and to the activities of the League of Nations in the Far East. Our recent proposal for naval disarmament has been inspired by the same idea. It is the ardent hope of the Japanese Government that Japan, guided by this all-pervading spirit, may maintain the friendliest relations with all nations, promote both commercial and cultural intercourse, and pursue the path leading to the realization of the higher ideals of humanity.











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