

「ヤップ」島及他ノ赤道以北ノ太平洋委任統治諸島ニ
關スル日米條約御批准ノ件

一 御諮詢

大正十一年四月十二日

一 委員指定

同 年四月十三日

審査委員長

伊東 顧問官

審査委員

金子 顧問官

穂積 顧問官

安廣 顧問官

一木 顧問官

富井	顧問官
平山	顧問官
有松	顧問官
倉富	顧問官

一 委員會

(山東懸案解決ニ關スル條約御批准ノ件ニ詳出)

一 會議及上奏

大正十一年六月二十日會議
即日決議上奏

御批准案

天佑ヲ保有シ萬世一系ノ帝祚ヲ踐メル日本國
 皇帝(御名)此ノ書ヲ見ル有衆ニ宣示ス
 朕帝國及亞米利加合衆國ノ全權委員カ亞米利
 加合衆國華盛頓ニ於テ大正十一年二月十一日
 署名調印シタル「ヤツ」島及他ノ赤道以北ノ太
 平洋委任統治諸島ニ關スル日米條約ヲ閱覽點
 檢シ之ヲ嘉納批准ス
 神武天皇即位紀元二千五百八十年大正
 年月日
 ニ於テ親ヲ名ヲ署シ璽

ヲ鈐セシム

御名

國璽

攝政名

外務大臣

「ヤップ」島及他ノ赤道以北ノ太平洋委任統治諸島ニ關スル日米條約

日本國及亞米利加合衆國ハ
千九百十九年六月二十八日署名セラレタル、ヴェルサイユ條約第百十九條ニ依リ
獨逸國カ同條約ニ謂フ主タル同盟及聯合國タル諸國即チ亞米利加合衆國、英帝
國、佛蘭西國、伊太利國及日本國ノ爲ニ其ノ海外屬地ニ關スル一切ノ權利及權原
ヲ拋棄シタルコトヲ思ヒ

前記「ヴェルサイユ條約第百十九條ニ依リ合衆國ニ歸屬スル利益ハ合衆國及獨逸
國間ノ友好關係ヲ恢復セムカ爲千九百二十一年八月二十五日署名セラレタル
兩國間ノ條約ニ依リ確認セラレタルコトヲ思ヒ

前記四國即チ英帝國、佛蘭西國、伊太利國及日本國ハ「ヴェルサイユ條約ニ依リ太平
洋中赤道以北ニ位スル舊獨逸領諸島群ニ付左記ノ條項ニ準據シテ其ノ施政ヲ
行フノ委任ヲ日本國皇帝陛下ニ付與スルコトニ一致シタルコトヲ思ヒ

第一條 日本國皇帝陛下以下受任國ト稱スニ委任ヲ付與シタル諸島ハ太平

洋中赤道以北ニ位スル舊獨逸領諸島ノ全部ヲ含ム

第二條 受任國ハ本委任統治條項ニ依ル地域ニ對シ日本帝國ノ構成部分トシテ施政及立法ノ全權ヲ有スヘク且情況ニ應シ必要ナル地方的變更ヲ加ヘテ本地域ニ日本帝國ノ法規ヲ適用スルコトヲ得

受任國ハ本委任統治條項ニ依ル地域ノ住民ノ物質的及精神的幸福並社會的進歩ヲ極力増進スヘシ

第三條 受任國ハ奴隸賣買ヲ禁止スルコト並須要ナル公共的工事及役務ノ爲ニスル場合ヲ除クノ外強制勞働ヲ許容セサルコトヲ督視スヘシ右例外

ノ場合ニ於テモ相當ノ報償ヲ支拂フコトヲ要ス
受任國ハ又千九百十九年九月十日署名ノ武器取引ノ取締ニ關スル條約又ハ之ヲ修正スル條約ニ規定スル所ト同様ナル原則ニ準據シ武器彈藥ノ取引ヲ取締ルコトヲ督視スヘシ

土著民ニ火酒及酒精飲料ヲ供給スルコトヲ禁止スヘシ

第四條 土著民ノ軍事教育ハ地域内警察及本地域ノ地方的防衛ノ爲ニスル場合ヲ除クノ外之ヲ禁止スヘシ又本地域内ニ陸海軍根據地又ハ築城ヲ建設スルコトヲ得ス

第五條 公ノ秩序又ハ善良ノ風俗ノ維持ニ關スル地方的法規ニ反セサル限

リ受任國ハ本地域内ニ於テ良心ノ自由並各種禮拜ノ自由執行ヲ確保シ又聯盟國ノ國民タル一切ノ宣教師カ其ノ職務ヲ行フ爲本地域内ニ到リ旅行シ又ハ居住スルコトヲ許スヘシ

第六條 受任國ハ國際聯盟理事會ヲ満足セシムヘキ年報ヲ同理事會ニ提出スヘシ該年報中ニハ本地域ニ關スル詳細ナル情報ヲ記載シ且第二條乃至第五條ニ依リ負擔シタル義務ヲ實行スル爲ニ執リタル諸般ノ措置ヲ表示スヘシ

第七條 本委任統治條項ノ規定ヲ變更スルニハ國際聯盟理事會ノ同意ヲ要ス

受任國ハ本委任統治條項ノ規定ノ解釋又ハ適用ニ關シ受任國ト他ノ聯盟國トノ間ニ紛争ヲ生シタル場合ニ於テ其ノ紛争カ交渉ニ依リ解決スルコト能ハサルトキハ之ヲ國際聯盟規約第十四條ニ規定スル常設國際司法裁判所ニ付託スヘキコトニ同意ス

合衆國ハ「ヴェルサイユ條約」ヲ批准セス且前記委任ニ關スル協定ニ參加セザリシコトヲ思ヒ

前記諸島殊ニ「ヤップ」島ニ於ケル兩國政府及其ノ各自ノ國民ノ權利ニ關シ確定的了解ニ到達セムコトヲ希望シ此ノ目的ノ爲條約ヲ締結スルコトニ決シ之カ爲左ノ如ク其ノ全權委員ヲ任命セリ

日本國皇帝陛下

亞米利加合衆國駐劄特命全權大使男爵幣原喜重郎

亞米利加合衆國大統領

合衆國國務卿「ケアールス、エヴァンス、ヒューズ」

前記各委員ハ互ニ其ノ全權委任狀ヲ示シ之カ良好妥當ナルヲ認メタル後左ノ如ク協定セリ

第一條

本條約ノ規定ヲ留保シテ合衆國ハ日本國カ前記委任ニ依リ太平洋中赤道以北ニ位スル一切ノ舊獨逸領諸島ノ施政ヲ行フコトニ同意ス

第二條

合衆國ハ國際聯盟ノ聯盟國ニ非サルモ同國及其ノ國民ハ前記委任統治條項第三條、第四條及第五條ニ規定スル日本國ノ約束ノ一切ノ利益ヲ享クヘシ
締約國ハ尙左ノ如ク約定ス

- (一) 日本國ハ公ノ秩序及善良ノ風俗ニ反セサル限り良心ノ完全ナル自由及各種禮拜ノ自由執行ヲ右諸島ニ於テ確保スヘシ斯ル一切ノ宗教ノ米國人宣教師ハ右諸島ニ入り且右諸島内ニ旅行シ及居住シ竝右諸島内ニ於テ財產ヲ取得シ及占有シ、宗教的建物ヲ建設シ及學校ヲ開設スルノ自由ヲ有スヘシ尤モ日本國ハ公ノ秩序及善政ヲ維持スルニ必要ナルヘキ監理ヲ行ヒ且右監理上必要ナル一切ノ措置ヲ執ルノ權利ヲ有スルモノトス
- (二) 委任統治諸島ニ於ケル米國人ノ既得財產權ハ尊重セラレヘク且如何ナル手段ニ依ルモ侵害セラレサルヘシ
- (三) 日本國及合衆國間ノ現存諸條約ハ委任統治諸島ニ之ヲ適用スヘシ
- (四) 日本國ハ其ノ國際聯盟理事會ニ提出スヘキ委任ノ統治ニ關スル年報ノ複本ヲ合衆國ニ送付スヘシ
- (五) 本條約ニ記載シタル事項ハ本條約ニ引用シタル委任統治條項ニ加ヘラ
ルルコトアルヘキ變更ニ依リ影響ヲ受クルコトナカルヘシ但シ右變更ニ

對シ合衆國カ明ニ同意シタル場合ハ此ノ限ニ在ラス

第三條

合衆國及其ノ國民ハ現存「ヤップ」「グアム」海底電信線又ハ將來合衆國若ハ其ノ國民ノ敷設シ若ハ運用スルコトアルヘキ「ヤップ」島ニ接續スル海底電信線ノ陸揚及運用ニ關スル一切ノ事項ニ付日本國又ハ他ノ各國及其ノ各自ノ國民ト全然均等ノ地步ニ於テ「ヤップ」島ニ自由ニ出入スルコトヲ得ヘシ
前項ニ定ムル權利及特權ハ又無線電信ニ依ル通信ニ關シ合衆國政府及其ノ國民ニ許與セラルヘシ但シ日本國政府カ「ヤップ」島ニ適當ナル無線電信局ヲ設立維持シ差別的料金ヲ課スルコトヲク又順位ヲ附スルコトヲク海底電信線及船舶又ハ海岸ニ在ル他ノ無線電信局トノ間ニ有效ニ通信ヲ接續スル限リハ合衆國又ハ其ノ國民カ同島ニ於テ無線電信局ヲ設置スルノ權利ノ行使ハ之ヲ停止スヘシ

第四條

第三條ニ定ムル權利ニ關聯シテ左記諸項ノ特殊權利、特權及免除ハ電氣通信ニ關スル限リ合衆國及其ノ國民ハ「ヤップ」島ニ於テ之ヲ享有スヘシ

(一) 合衆國國民ハ同島ニ於テ無制限ノ居住權ヲ有スヘク且合衆國及其ノ國民ハ日本國若ハ他ノ各國又ハ其ノ各自ノ國民ト全然均等ノ地步ニ於テ一

切ノ動産、不動産及之ニ關スル利益、土地、建物、住居、事務所、工場及附屬物ヲ含ムヲ取得シ及保持スルノ權利ヲ有スヘシ

(二) 合衆國國民ハ第三條ノ規定ニ從ヒ同島ニ於テ海底電信線ヲ陸揚及運用シ若ハ無線電信局ヲ設置スルカ爲メ又ハ本條及第三條ニ定ムル權利及特權ヲ享有スルカ爲メ許可又ハ免許ヲ受クルノ義務ヲ有セス

(三) 海底電信線又ハ無線電信ニ依ル通信又ハ運用ニ關シ檢閲又ハ監督ヲ行フヘカラス

(四) 合衆國國民ハ其ノ身體及財産ニ付同島ニ出入ノ完全ナル自由ヲ有スヘシ

(五) 海底電信線若ハ無線電信局ノ運用ニ關シ又ハ財産、人若ハ船舶ニ關シ租稅、港灣若ハ陸揚ニ關スル課金又ハ如何ナル性質ノ取立金モ一切之ヲ徵收スヘカラス

(六)(七) 差別的警察規則ハ之ヲ實施スヘカラス
日本國政府ハ合衆國又ハ其ノ國民カ他ノ方法ヲ以テシテハ同島ニ於テ電氣通信ノ目的ノ爲メ必要ナル財産又ハ便宜ヲ得ルコト能ハサル場合ニハ之ヲ同國又ハ其ノ國民ニ確保スル爲メ公用徵收權ヲ行使スヘシ
右徵收セララルヘキ土地ノ位置及面積ハ各場合ノ需要ニ從ヒ兩國政府間ニ

協定スヘキモノトス同島ニ於テ電氣通信ノ目的ニ供セララルル合衆國又ハ
其ノ國民ノ財産及便宜ハ公用徴收ヲ受クルコトナカルヘシ

第五條

本條約ハ締約國ニ於テ其ノ各自ノ憲法ニ從ヒ批准セララルヘシ本條約ノ批准書
ハ出來得ル限り速ニ華盛頓ニ於テ交換スヘク且本條約ハ其ノ批准書交換ノ日
ヨリ實施セララルヘシ

右證據トシテ各全權委員ハ本條約ニ署名調印ス

千九百二十二年二月十一日華盛頓市ニ於テ本書二通ヲ作成ス

幣原喜重郎

チャールズ、エヴァンス、ヒューズ

(印)

附屬交換公文

幣原大使往翰

以書翰致啓上候陳者本日日本國ノ委任統治ニ屬スル太平洋中赤道以北ニ位ス
ル諸島ニ關スル日米條約ニ署名セハトスルニ當リ本官ハ本國政府ノ委任ヲ受
ケ茲ニ右諸島ノ港及水面ニ到來スル合衆國ノ國民及船舶ヲ遇スルニ常例ノ國
際禮讓ヲ以テスルコトヲ閣下ニ保證スルノ光榮ヲ有シ候
本官ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候敬具

千九百二十二年二月十一日

華盛頓日本帝國大使館ニ於テ

幣原喜重郎

國務卿チャールズ、イー、ヒューズ閣下

國務卿復翰

以書翰致啓上候陳者日本國政府ニ於テ日本國ノ委任統治諸島ノ港及水面ニ到
來スル米國人及船舶ヲ遇スルニ常例ノ國際禮讓ヲ以テスルノ意思ヲ有スル趣
千九百二十二年二月十一日附貴翰ヲ以テ御中越相成致敬承候
本官ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候敬具

千九百二十二年二月十一日

華盛頓國務省ニ於テ

ナァールス、イー、ヒューズ

日本國大使男爵幣原喜重郎閣下

國務卿來翰

以書翰致啓上候陳者本日日本國ノ委任統治ノ下ニ在ル舊獨逸國屬地ニ關スル
 日米條約ニ署名セムトスルニ當リ本官ハ若シ將來合衆國政府カ濠洲及新西蘭
 ニ適用セラルヘキ通商條約ヲ締結スルノ機會アル場合ニハ目下右屬領ノ施政
 ノ下ニ在ル赤道以南ノ委任統治諸島ニ右條約ヲ及ホサシムルコトニ努ムヘキ
 旨ヲ陳述スルノ光榮ヲ有シ候尤モ合衆國ハ未タ此等諸島ニ關スル委任統治ニ
 同意ヲ與フルノ條約ヲ締結スルニ至ラサルコトヲ附言致候
 尙本官ハ委任統治ノ下ニ在ル舊獨逸國領土ニ關スル條約ヲ締結スルニ當リ合
 衆國政府ハ委任統治權ヲ有スル政府ニ於テ其ノ委任統治ノ施政ニ關スル年報
 ノ複本ヲ主タル同盟及聯合國ノ一國トシテノ合衆國ニ送付スヘキコトヲ要求
 スルノ意思ヲ有スル旨ヲ陳述スルノ光榮ヲ有シ候
 本官ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候敬具

千九百二十二年二月十一日

華盛頓國務省ニ於テ

ナァールス、イー、ヒューズ

日本國大使男爵幣原喜重郎閣下

幣原大使復翰

以書翰致啓上候陳者若シ將來合衆國政府カ濠洲及新西蘭ニ適用セラルヘキ通
 商條約ヲ締結スルノ機會アル場合ニハ濠洲及新西蘭ノ委任統治ノ下ニ在ル赤
 道以南ノ諸島ニ右條約ヲ及ホサシムルコトニ努ムヘキ趣竝今後委任統治ノ下
 ニ在ル舊獨逸國領土ニ關スル條約ヲ締結スルニ當リ合衆國政府ハ委任統治國
 ニ於テ右委任統治地域ノ施政ニ關スル年報ノ複本ヲ主タル同盟及聯合國ノ一
 國タル合衆國ニ送付スヘキコトヲ要求スルノ意思ヲ有スル趣本日附貴翰ヲ以
 テ御申越相成致敬承候

千九百二十二年二月十一日

華盛頓日本帝國大使館ニ於テ

幣原喜重郎

國務卿ナァールス、イー、ヒューズ閣下

From Baron Shidehara to the Secretary of State.

JAPANESE EMBASSY

WASHINGTON

February 11, 1922.

Sir:—

I have the honor to acknowledge the receipt of your note of this date, stating that if in the future the Government of the United States should have occasion to make any commercial treaties applicable to Australia and New Zealand, it will seek to obtain an extension of such treaties to the islands south of the Equator, under the mandate of Australia and New Zealand, and further that it is the intention of the Government of the United States, in making hereafter conventions relating to former German territories under mandate, to request that the Mandatories should address to the United States, as one of the Principal Allied and Associated Powers, duplicates of the annual reports on the administration of such mandated territories.

In taking note of your communication under acknowledgment, I beg you, Sir, to accept the renewed assurances of my highest consideration.

(Signed) K. Shidehara.

Honorable Charles E. Hughes,
Secretary of State.

From the Secretary of State to Baron Shidehara.

DEPARTMENT OF STATE
WASHINGTON
February 11, 1922.

Excellency:—

I have the honor to acknowledge the receipt of Your Excellency's Note under date of February 11, 1922, stating that the Japanese Government are quite willing to extend to American nationals and vessels the usual comity in visiting the harbors and waters of the Japanese mandated islands.

Accept, Excellency, the renewed assurance of my highest consideration.

(Signed) Charles E. Hughes

His Excellency
Baron Kijuro Shidehara,
Ambassador of Japan.

From the Secretary of State to Baron Shidehara.

DEPARTMENT OF STATE
WASHINGTON
February 11, 1922.

Excellency:—

In proceeding this day to the signature of the Convention between the United States and Japan with respect to former German Possessions under a Mandate to Japan, I have the honor to state that if in the future the Government of the United States should have occasion to make any commercial treaties applicable to Australia and New Zealand, it will seek to obtain an extension of such treaties to the mandated islands south of the Equator, now under the Administration of those Dominions. I should add that the Government of the United States has not yet entered into a convention for the giving of its consent to the Mandate with respect to these islands.

I have the honor further to state that it is the intention of the Government of the United States, in making conventions, relating to former German territories under mandate, to request that the governments holding mandates should address to the United States, as one of the Principal Allied and Associated Powers, duplicates of the annual reports of the administration of their mandates.

Accept, Excellency, the renewed assurance of my highest consideration.

(Signed) Charles E. Hughes

His Excellency
Baron Kijuro Shidehara,
Ambassador of Japan.

EXCHANGE OF NOTES RELATING TO THE ABOVE TREATY.

From Baron Shidehara to the Secretary of State.

JAPANESE EMBASSY

WASHINGTON

February 11, 1922.

Sir:

In proceeding this day to the signature of the Convention between Japan and the United States with respect to the islands, under Japan's Mandate, situated in the Pacific Ocean and lying north of the Equator, I have the honor to assure you, under authorization of my Government, that the usual comity will be extended to nationals and vessels of the United States in visiting the harbors and waters of those islands.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) K. Shidehara.

The Honorable Charles E. Hughes,
Secretary of State.

shall be enjoyed in the Island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the Island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the Island, or to establish radio-telegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this Article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the Island for their persons and property.

(5) No taxes, port, harbour, or landing charges or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the Island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities cannot otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the Island shall not be subject to expropriation.

ARTICLE V.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective constitutions. The ratifications of this Convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Convention and have hereunto affixed their seals.

DONE in duplicate at the City of Washington, this eleventh day of February, one thousand nine hundred and twenty-two.

K. Shidehara [L. S.]

Charles Evans Hughes [L. S.]

and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

"Article 6. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

"Article 7. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate. The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations";

Considering that the United States did not ratify the Treaty of Versailles and did not participate in the agreement respecting the aforesaid Mandate;

Desiring to reach a definite understanding with regard to the rights of the two governments and their respective nationals in the aforesaid islands, and in particular the Island of Yap, have resolved to conclude a Convention for that purpose and to that end have named as their Plenipotentiaries:

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Subject to the provisions of the present Convention, the United States consents to the administration by Japan, pursuant to the aforesaid Mandate, of all the former German Islands in the Pacific Ocean, lying north of the Equator.

ARTICLE II.

The United States and its nationals shall receive all the benefits of the engagements of Japan, defined in Articles 3, 4 and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a Member of the League of Nations.

It is further agreed between the High Contracting Parties as follows:

- (1) Japan shall insure in the islands complete freedom of conscience and

the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands; it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the Mandate to be made by Japan to the Council of the League of Nations;

(5) Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the Mandate as recited in the Convention, unless such modification shall have been expressly assented to by the United States.

ARTICLE III.

The United States and its nationals shall have free access to the Island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the Island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radio-telegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the Island of Yap an adequate radio-telegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish the radio-telegraphic stations on the Island by the United States or its nationals shall be suspended.

ARTICLE IV.

In connection with the rights embraced by Article III, specific rights, privileges and exemptions, in so far as they relate to electrical communications,

Japan and the United States of America;

Considering that by Article 119 of the Treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the Powers described in that Treaty as the Principal Allied and Associated Powers, to wit, the United States of America, the British Empire, France, Italy and Japan all her rights and titles over her oversea possessions;

Considering that the benefits accruing to the United States under the aforesaid Article 119 of the Treaty of Versailles were confirmed by the Treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four Powers, to wit, the British Empire, France, Italy and Japan, have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the Treaty of Versailles, to administer the groups of the former German Islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

"Article 1. The islands over which a Mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"Article 2. The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

"Article 3. The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"Article 4. The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"Article 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship,

外務省

ヤップ島問題ニ關スル交渉經過

大正十一年四月

TREATY

BETWEEN

JAPAN AND THE UNITED STATES OF AMERICA

CONCERNING

THE ISLAND OF YAP AND OTHER MANDATED ISLANDS

SITUATED IN

THE PACIFIC OCEAN AND LYING NORTH OF THE EQUATOR

SIGNED AT WASHINGTON,

FEBRUARY 11, 1922

「ヤップ」島問題ニ關スル交渉經過

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「ヤップ」島問題ニ關スル交渉經過

一 本問題ノ由來

千九百十九年五月七日ノ聯合國最高會議ハ赤道以北ノ舊獨領諸島全部ヲ以テ帝國ノ委任統治下ニ歸スヘキモノト決定セリ右ノ決定ニハ何等ノ留保又ハ除外ノ附帶スルモノナキヲ以テ「ヤップ」島カ帝國ノ委任統治地域ニ包含セラルヘキコトハ固ヨリ當然ノコトト謂ハサルヘカラス然ルニ翌大正九年十月華盛頓ニ開會ノ國際通信豫備會議ニ於テ「ヤップ」島ヲ通過スルニ海底電信線ノ歸屬ヲ問題ト爲スニ及ヒ米國側ヨリ「ヤップ」島ノ「ステータス」ニ付異議ヲ挾ミ同島カ帝國ノ委任統治ヨリ除外サルヘキコトヲ主張シタル以來本問題ハ日米間ノ交渉案件ト爲ルニ至レリ

二 日米兩國ノ主張點

米國側主張ノ理由トスル所ハ委任統治地域決定ニ關スル前顯最高會議ノ前後ニ於テ米國カ「ヤップ」島ノ國際管理ヲ主張シタルコト一再ニ止マラス而シテ最高會議カ米國ノ此ノ提議ニ對シ何等積極的ニ意思ヲ表示スルコトナク委任統治地域ノ歸屬ヲ決定シタルモノナルヲ以テ米國ハ「ヤップ」島ノ關スル限り問題ハ未解決ノ儘ニ存シ帝國ノ委任

統治ニ歸スヘキ地域中ニハ同島ヲ包含セサルモノト解セサルヲ得スト云フニアリ然レ
トモ元來「ヤップ」島ハ赤道以北ノ太平洋上ニ位シテ前記五月七日ノ最高會議ノ決
定ニ於テハ明ニ赤道以北ノ太平洋舊獨領諸島ハ全部帝國ノ委任統治ニ歸スヘキコトヲ
定メ右ニ付何等ノ留保ナキヲ以テ「ヤップ」島カ其ノ歸屬ニ付問題ト爲ルノ餘地ナキモ
ノトス固ヨリ右決定ニ至ル前米國側ニ於テ同島ノ國際化ヲ提議シタルコトアルハ事實
ナルモ最終的決定ニ於テ明ニ留保ヲ爲ササル限り米國側提議ハ單ニ決定ニ至ル迄ノ豫
備的議論タルニ止マリ何等公ノ效力ヲ有スルモノニ非ス而モ最終的決定カ前顯ノ如ク
ナル以上米國側ノ主張ハ何等正當ナル根據ヲ有セサルモノト謂ハサルヘカラス右ノ解
釋ハ獨リ帝國政府ニ於テ其ノ正當ヲ確信スル所ナルノミナラス當時英佛兩國ニ於テモ
全然同意見ニシテ又同年十二月「ジュネーヴ」ニ開會ノ聯盟理事會ニ於テC式委任統治
條項ノ成立ニ當リ右ノ點ハ規定上一層明確ノ度ヲ加ヘ帝國ノ主張ハ更ニ裏書セラレタ
リ

二

三 日米兩國公文交換

然ルニ是ヨリ先米國政府ハ同年十一月十二日附ヲ以テ在本邦同國大使館ヲシテ本件ニ
關スル覺書ヲ帝國政府ニ提出セシメタルヲ初トシ同年十二月十日及客年四月五日ノ兩

度同國臨時代理大使ヲ通シテ「ヤップ」島ノ「ステータス」ニ關シ帝國政府ト見解ヲ異ニ
スル理由ヲ詳述シタル公文ヲ送付シ強硬ニ其ノ主張ヲ陳述スル所アリタリ殊ニ四月五
日附公文ハ米國現政府ノ「ヴェルサイユ」條約ニ對スル態度ヲ表明スルモノト見ルヘク
從來「ウィルソン」政府カ「ヴェルサイユ」條約ハ之ヲ認メ唯「ヤップ」島ニ關シテハ其ノ處分
ニ付米國側ノ留保アルコトヲ理由トシタルトハ全ク其ノ根據ヲ異ニシ「ヴェルサイユ」
條約其ノモノヲ否認シ同條約ニ依リ生スヘキ一切ノ義務ヲ回避シ同時ニ米國參戰ノ功
績ヲ高唱シテ至ル所ニ米國ノ利權ヲ伸張スルノ態度ニ出テ本件「ヤップ」島問題ニ關シ
テモ所謂戰捷ノ權利ナル觀念ヲ基礎トシテ米國ハ當然他ノ主タル同盟及聯合國ノ何レ
トモ均等ノ權利ヲ保有スヘク而モ他方米國ハ「ヴェルサイユ」條約ヲ批准セサル結果國
際聯盟ノ外ニ在ルヲ以テ何等理事會ノ決定ニ拘束サレサルヲ主張スルニ至レリ右米國
政府公文前二者ニ對シテハ帝國政府ニ於テ英、佛、伊三國政府ノ意嚮ヲ確メタル上
前記ノ理由ニ基キ九年十一月十九日附及客年二月二十六日附ヲ以テ夫々反駁ノ回答ヲ發
シタル顛末ハ客年四月下旬各新聞ニ公表シタル通ナリ唯最後ノ四月五日附米國政府ノ
公文ハ上記ノ如ク其ノ内容ニ於テ單ニ「ヤップ」島ノ「ステータス」ニ關スル論議タルニ
止マラス汎ク「ヴェルサイユ」條約ニ基ク全般ノ基礎ニ關係シ及ホスモノナルニ鑑ミ帝

三

國政府ニ於テハ右ニ對シ重テ法律論ヲ圖ハスコトヲ避ケ先ツ本件ニ關シ從來帝國政府ノ主張ヲ支持シタル英、佛、伊諸國ノ意嚮其ノ他聯盟理事會ノ大勢等ヲ探リタル上之カ解決方ニ付考慮スルノ方針ヲ採レリ

四

四 英、佛、伊諸國ノ態度

然ルニ英、佛、伊諸國ニ於テハ前記日米兩國政府ノ公表シタル交換公文ニ依リ本件ノ經過ヲ知ルニ及ヒ却テ米國政府要求ノ如ク本問題ヲ最高會議ノ再議ニ付セムコトニ同意スルニ至レリ而シテ右諸國ノ新聞論調亦多ク之ニ贊シ結局最高會議ノ上程ハ免レサルヘキ形勢ヲ馴致シタルヲ以テ帝國政府ニ於テモ之カ對策ニ付準備スル所アリレカ遂ニ其ノ事ナクシテ止ミ英佛諸國ハ寧ロ日米兩國間ノ圓滿ナル直接交渉ニ依リ本件ノ解決ヲ見ムコトヲ希望スルノ意ヲ表明スルニ至レリ

五 日米兩國間ノ直接交渉

惟フニ本問題ニ關スル帝國ノ見解ハ「ヴェルサイユ」條約及國際聯盟ニ立脚スルモノニシテ條約ノ解釋上極メテ正當ナリト雖米國ノ論據トスル所ハ「ヴェルサイユ」條約及國際聯盟ヲ度外シ一面ニハ戰勝聯合國ノ一員トシテノ權利ヲ基礎トシ他面ニハ獨逸トノ單獨講和ニ依リ獨逸ヲシテ「ヴェルサイユ」條約ニ依リ其ノ同盟及聯合國ノ爲ニ拋棄シ

タル權利利益ニ均霑スヘキコトヲ定メタルコトヲ根據トシ自國ノ利益ヲ主張スルモノニシテ兩者ノ見解ハ到底理論上調和スルコト困難ナルト同時ニ舊獨逸海底電信線ノ處分問題ハ「ヴェルサイユ」條約自身カ未決ニ付シ將來ニ於ケル日、英、米、佛、伊ノ協定ニ一任シタル關係上「ヤップ」島ヲ通過スル海底電信線ノ處分問題ニ關シテハ妥協ノ餘地ナキニ非ス且本問題ハ日ヲ經ルニ從ヒ日米兩國ノ民心ヲ刺戟シ延テ兩國ノ國交ニ影響スルコトアルヘキヲ慮リ政府ハ慎重ニ考量ヲ加ヘタル上前記最高會議ニ於ケル英佛等ノ態度ニ鑑ミ此ノ際從來ノ法律論ヲ離レ專ラ實質的基礎ノ上ニ日米兩國間ノ直接交渉ニ依リ本件ノ解決ヲ圖ルノ決意ヲ定メタリ茲ニ於テ政府ハ在米幣原大使ヲシテ本件折衝ノ任ニ當ラシメ專ラ實際的立場ニ立脚シ兩國政府ノ交讓ニ依ル妥協點ヲ發見セシムルニ努メシメシカ米國側ニ於テハ飽ク迄所謂戰勝ノ權利ヲ基礎トシテ獨逸カ戰勝者ノ爲ニ拋棄セル領土ニ於テ同盟國ト均等ノ權利及利益ヲ享有セサルヘカラストノ主張ヲ固執セルニ鑑ミ帝國政府ニ於テハ其ノ實際的解決策トシテ米國ニ對シ「ヤップ」島ニ於ケル海底電信線ノ陸揚及運用ノ自由ヲ承認スルノ事態已ムヲ得サルヲ認メ客年六月十八日ヲ以テ米國側ニ對シ現存「ヤップ」「グアム」線又ハ將來米國若ハ其ノ國民ノ敷設スルコトアルヘキ海底電信線ノ陸揚及運用ニ關シ米國カ日本又ハ其ノ他一切ノ國ト全然

五

同一ノ地歩ニ於テ「ヤップ」島ニ自由ニ出入レ得ヘキコトニ同意スヘキ旨提案シタリ
 右ノ提案ニ對シテハ米國側ニ於テ右ハ同島ニ於ケル居住權、動產不動産等一切ノ財產
 ノ取得享有及占有ノ權利、右權利及特權ノ享有ニ付許可又ハ認可ヲ要セサルコト、電
 信線ノ兩端運用ノ自由、電信線ノ運用又ハ通信ニ關スル檢閲又ハ監督ノ免除、人及財產
 ノ自由出入、租稅課金又ハ取立金ノ免除及警察法規ノ無差別ノ諸點ヲ當然包含セルモ
 ノト解スル旨竝無線電信ニ關シテ「ヤップ」島ニ於テ米國及其ノ國民モ平等ノ權利ヲ承
 認セラレヘキモ日本政府ニ於テ同島ニ適當ナル無線電信設備ヲ有スル限り之ヲ架設ス
 ル權利ノ實行ヲ停止スヘク且主タル同盟及聯合國間ニ於テ海底電信線歸屬ニ關スル條
 約中ニ委任統治條項第三條乃至第五條ノ如キ適切ナル規定竝犯罪人引渡及公用徵收ニ
 關スル規定ヲ設クヘキ趣旨ノ對案ヲ提出シタリ

帝國政府ハ右米國側對策ニ付慎重考究スル所アリシカ同案ノ内容ハ實際問題トシテハ
 何レモ特ニ重要ナル事項ニ非サルノミナラス右ハ米國側ニ於テ速ニ本問題ヲ解決セム
 トスル誠意ニ出テタルモノト認メラルル節アリタルヲ以テ帝國政府ニ於テモ日米親善
 ノ大義ニ鑑ミ此ノ際速ニ本件ノ解決ヲ圖ルヲ得策ト認メ「ヤップ」島ニ於ケル居住權其
 ノ他ノ特權免除ハ電氣通信ノ運用ニ關スルモノニ限り之ヲ許容スルコトトシ大體ニ於

テ右對案ノ趣旨ヲ容ルルト共ニ我南洋諸島委任統治ニ對スル米國側ノ異議ヲ棄テシム
 ルノ方法ヲ講スルコトニ決シタリ唯右對案中海底電信線ノ處分問題ノ外ハ五大國間ノ
 條約ノ代リニ日米兩國間ノ協定ヲ以テスルコト穩當ト認メタルヲ以テ右決定ノ趣旨ヲ
 通スルト共ニ此ノ點ニ付米國側ノ意嚮ヲ訊シタル處米國側ニ於テハ大體ニ於テ前記帝
 國ノ決意ニ満足シタルカ同時ニ委任統治地域ニ於ケル宣教師ノ地位及職務ノ範圍其ノ
 他ニ付若干ノ希望ヲ提出シ併セテ同地域ニ現行日米諸條約ヲ適用シ竝米國人及米國船
 舶ノ自由出入ノ權ヲ認メ及行政年報ヲ米國ニ提示スヘキコトヲ要求シ來レリ

是ニ於テ帝國政府ハ右米國側ノ希望ニ付考量ヲ加ヘタル處宣教師ノ地位及職務ノ範圍
 其ノ他二三條項ニ關スル希望ニ付テハ之ヲ承認スルニ敢テ支障ナシト雖委任統治地域
 ニ對スル現行日米諸條約ノ適用米國人及米國船舶ノ自由出入ノ權利承認竝行政年報提
 示ノ三點ニ至リテハ事何レモC式委任統治國全體ニ關係ヲ有スル問題ナルヲ以テ帝國
 獨リ先シテ無條件ニ之ニ同意シ得サル立場ニ在リ依テ米國政府ニ對シ本件ノ解決ハ
 之ヲ後日關係國間ノ協議ニ讓ラムコトヲ要請シタルカ頑トシテ應セス爾來右三點ニ付
 彼我ノ間ニ數次ノ交渉ヲ重ネタルカ今回米國側ヨリ前記米國人及米國船舶ノ自由出入
 ノ權利ニ關スル主張換言スレハ機會均等ノ適用ニ關スル主張ヲ撤回スヘキコト竝將來

濠洲及新西蘭ニ適用スヘキ條約ヲ結フ場合ニハ同條約カ赤道以南ノ委任統治諸島ヲモ包含スル様其ノ適用ヲ擴張セシムルニ努ムヘク且他ノ一般受任國ニ對シテモ其ノ委任統治ニ關スル條約ヲ締結スルニ當リテハ均シク年報ノ送付ヲ要求スヘキ旨ノ公文ヲ帝國政府ニ與フルヲ辭セサル旨申出テタルヲ以テ帝國政府ニ於テモ世界平和ノ大義ト列國協調ノ精神ニ基キ此ノ際右ヲ以テ本問題ノ解決ト爲スコトニ同意シ茲ニ從來日米兩國民ノ感情ヲ刺戟シタル本問題モ愈々落著ヲ告クルニ至レル次第ナリ因ニ本件條約ハ本年二月十一日華盛頓ニ於テ彼我全權ノ署名調印ヲ了シタリ

大正十一年四月

「ヤップ」島及他ノ赤道以北ノ太平洋委任統治諸島ニ關スル日米條約解説概要

外務省

「ヤップ」島及他ノ赤道以北ノ太平洋委任統治諸島ニ關スル日米條約解説概要

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「ヤップ」島及他ノ赤道以北ノ太平洋委任 統治諸島ニ關スル日米條約解說概要

緒言

對獨平和條約ハ其ノ第一百十九條ニ於テ獨逸國カ其ノ海外屬地ニ關スル一切ノ權利及權原ヲ主タル同盟及聯合國ノ爲ニ拋棄スルコトヲ定メ其ノ第二十二條ニ於テ右地域ハ適當ナル先進國ニ於テ聯盟ニ代リ受任國トシテ之カ後見ノ任務ニ當ルヘキコトヲ規定シタリ一方聯合國最高會議ハ大正八年五月七日右規定ノ趣旨ニ從ヒ所謂受任國及受任地域ノ割當ヲ決定シタルカ前記獨逸國海外屬地中赤道以北ニ位スル太平洋舊獨領諸島ヲ以テ帝國ノ委任統治ニ屬セシムルコトニ一致シタリ而シテ右ノ決定ニハ何等ノ留保又ハ除外ノ附帶スルモノナキヲ以テ「ヤップ」島カ帝國ノ委任統治地域中ニ包含サルヘキハ固ヨリ當然ノコトト謂ハサルヘカラス右ノ解釋ニ對シテハ前記決定ニ參加シ且本件ニ付最利害關係深キ英佛兩國政府ニ於テモ同一ノ見解ヲ有シタルノミナラス翌九年十二月「ジュネーヴ」ニ開催ノ聯盟理事會カ規約第二十二條第八項ノ規定ニ從ヒ委任統治條項ヲ決定スルニ當リ

二
テモ亦此ノ見解ヲ採リ帝國ノ受任地域ニハ赤道以北ノ舊獨領諸島ノ全部ヲ包含スル旨明
記シタリ仍テ帝國政府ハ右統治條項ノ認證謄本ノ接到ヲ俟テ客年四月二十九日之ヲ公
示シ右條項ニ據ル統治ヲ開始シタリ

然ルニ米國ハ或ハ最高會議ニ於テ「ヤップ」島委任統治ニ關シ留保セルコトヲ理由トシ或
ハ戰勝聯合國ノ一員トシテノ權利ヲ基礎トシテ「ヤップ」島ニ對スル帝國ノ委任統治ヲ否
認セムトスルト共ニ「ヤップ」海底線ニ關シテハ大正九年十月華盛頓ニ開催ノ國際通信豫
備會議ニ於テ帝國ヨリ各三線ノ所有ヲ主張シタルニ對シ米國側ヨリモ種種ノ要求ヲ提出
シタル結果議容易ニ纏マルニ至ラザリキ然ルニ其ノ後大西洋ニ於ケル舊獨線歸屬問題ハ
英佛ノ多大ノ讓歩ニ依リ既ニ關係國ノ間ニ了解殆ト成立スルニ至リタルヲ以テ帝國ニ於
テモ大局ノ利害ト協調ノ精神トヨリ何等カ妥協ヲ圖ルノ必要ヲ認メ彼我ノ間ニ數次交渉
ヲ重ネタル結果今回上記三海底電信線ノ分配ニ付兩國間ニ一ノ了解ヲ遂クルト共ニ「ヤッ
プ」島ニ於ケル電信線ノ陸揚及運用ノ自由之ニ關聯セル特權ノ許與其ノ他二三ノ條項ニ
付米國側ノ要求ヲ容ルルコトニ依リ米國側ニ於テ「ヤップ」島ヲ含ム赤道以北ノ舊獨領諸
島ニ對スル帝國ノ委任統治ヲ承認スルコトニ決定シ右ニ關スル條約ハ本年二月十一日彼
我全權ノ間ニ署名ヲ了セリ

本條約ハ前文ノ外五條ヨリ成リ且之ニ關聯シテ日米間ニ到達シタル二箇ノ了解ヲ表明ス
ル爲別ニ公文ノ交換ヲ爲シタリ

前 文

本條約ノ前文ハ先ツ第一段ニ於テ「ヴェルサイユ」條約第百十九條ヲ引用シテ獨逸海外屬
地ニ關スル一切ノ權利及權原ハ日米兩國ヲ含ム主タル同盟及聯合國ノ爲ニ拋棄サレタル
モノナルコトヲ指摘シ第二段ニ於テ米獨間單獨講和條約締結ニ依リ前記第百十九條ヨリ
生スル米國ノ利益ノ確認セラレタルコトヲ記述シ第三段ニ於テ米國ヲ除ク他ノ主タル同
盟及聯合國ハ太平洋赤道以北舊獨領諸島ノ施政ヲ日本ニ委任シタルコトヲ掲ケ同時ニ其
ノ施政ノ準則トシテ決定サレタル委任統治條項ヲ引用シ第四段ニ於テ米國カ「ヴェルサ
イユ」條約ヲ批准セス且右委任ニ關スル協定ニ參加セザリシ事實ヲ明ニシ最後ニ本條約
締結ノ本旨ヲ説明セリ要スルニ獨逸海外屬地ノ處分ハ主タル同盟及聯合國ノ決定スヘキ
モノナル處米國カ「ヴェルサイユ」條約ヲ批准セザリシ結果日、英、佛、伊四國ニ於テ之ヲ決
定シ赤道以北ノ太平洋舊獨領諸島ヲ日本ノ委任統治ニ屬セシムルコトニ一致シタルモノ

四
ニシテ右四國ノ關スル限リニ於テハ該委任ハ確定ノモノナリト雖米國ノ立場ヨリ論スレ
ハ米國ハ其ノ獨逸トノ單獨講和條約ニ依リ其ノ主タル同盟及聯合國ノ一員トシテ右地域
ノ處分ニ干與スルノ權利ヲ確認セラレタル關係上上記諸島ノ委任統治ニ付テハ更ニ米國
ノ同意ヲ得置クコト將來ニ疑義ヲ胎ササル所以ナルノミナラス就中「ヤップ」島ニ付テハ
同島カ國際通信ノ中樞點ヲ爲セル特殊ノ地位ニ鑑ミ電氣通信ノ關スル限リ特ニ同島ニ於
ケル米國及其ノ國民ノ權利特權及免除ニ付了解ヲ遂クルノ理由アルコトヲ認メタルモノ
ニシテ前文末段ハ一ニ此ノ趣旨ヲ表明スルモノナリ

第一條

本條ハ合衆國ニ於テ日本國カ太平洋中赤道以北ニ位スル舊獨領諸島ノ施政ヲ行フコトニ
同意スルコトヲ定ムルモノニシテ右諸島ト謂フ中ニハ勿論「ヤップ」島ヲ包含シ米國側ニ
於テ從來同島ノ我受任地域ニ屬セサルコトヲ主張シ又ハ之ヲ國際管理ニ付スヘシト論シ
タル行懸リヲ棄テ曩ニ米國ヲ除ク主タル同盟及聯合國ノ一致シテ帝國ニ付與シタル右諸
島ノ施政ノ委任ニ異議ナキコトヲ表示シタルモノナリ而シテ右ハ帝國ニ於テ「ヤップ」島

ノ國際通信上ニ占ムル特殊ナル地位ニ鑑ミ米國及米國人ニ對シ一定ノ權利及利益ヲ保障
スルコトヲ條件トシタルモノニシテ其ノ條件ハ第二條以下ニ規定スル所是ナリ

第二條

第二條ハ其ノ第一項ニ於テ米國ノ委任統治條項ニ對スル關係ヲ規定セルモノニシテ本條
約ノ前文ニ引用シタル委任統治條項第三條乃至第五條ノ規定即チ受任地域ニ於ケル奴隸
賣買及強制勞働ノ禁止、武器彈藥ノ取引ノ取締及火酒類ノ供給禁止、軍事教育ノ制限及軍
事施設ノ抑制並宗教ノ自由及宣教師ノ職務執行保障ニ關シ米國モ亦此等條項ニ定ムル日
本國ノ約束ノ利益ヲ享クヘキコトヲ規定ス蓋シ委任統治條項ニ依ル受任國ノ義務ハ國際
聯盟ニ加入セル國ニ對シテノミ負フ所ニシテ聯盟國ニ非サルモノハ右義務ノ違反ニ對シ
容喙ノ權利ヲ有セサルヲ以テ特ニ本項ヲ設ケ米國ハ聯盟國ニ非サルモノモ右諸條項ニ付テハ
聯盟國ト對等ノ地位ニ立ツヘキコトヲ定メタルモノナリ

第二項ハ五箇ノ項目ニ付日米間ノ約定ヲ掲ゲタリ其ノ一ハ宗教ノ自由及米國人宣教師ノ
職務ニ關スルモノニシテ米國人宣教師ニ對シ受任地域ニ於ケル旅行、居住、教會學校等ノ
經營ノ爲ニスル財産ノ取得占有ノ自由ヲ認ムルト同時ニ日本ニ於テ之ニ對シ必要ナル監
督ヲ行フノ權利アルコトヲ定ム右ハ英國ノ統治ニ委任セラレタル東阿弗利加ノ委任統治

條項第八條ヲ模範トシタルモノナリ其ノ二ハ受任地域ニ於ケル米國人ノ既得財産權ニ關スルモノニシテ實際ニ於テハ些細ノ問題ナリ其ノ三ハ日米間ノ現行諸條約ノ適用ニ關スルモノニシテ帝國ノ受任地域カ所謂(一)委任統治地域ニ屬シ帝國領土ノ構成部分トシテ施政サルヘキ地域ナルニ鑑ミ從來帝國カ朝鮮、臺灣、關東州ニ付諸國ニ對シ通商條約ノ適用範圍ト認メ來レル關係モアリ旁本地域ハ之ヲ帝國ノ版圖ニ準シ之ニ現行諸條約ヲ適用スルコトトシタルモノナリ其ノ四ハ行政年報ニ關スルモノニシテ帝國カ受任國トシテ聯盟理事會ニ提出スヘキ受任地域ノ施政ニ關スル年報ノ複本ヲ米國ニ送付スヘキコトヲ定メタルモノナリ其ノ五ハ本條約ト委任統治條項トノ關係ニ關スルモノニシテ本條約ノ前文ニ引用シタル委任統治條項ハ必シモ確定不動ノモノニ非ス將來聯盟理事會ノ同意ヲ以テ變更サルルコトナキヲ保セス此ノ場合ニ於テ本條約ハ直ニ之ニ依リ影響ヲ受クヘキヤノ疑アルヲ以テ特ニ規定ヲ設ケ米國ノ同意アルニ非サル限り本條約ノ條項ハ何等ノ影響ナキヲ定メタルモノナリ

第三條

本條ハ「ヤップ」島ニ於テ海底電信線及無線電信ニ關シ米國及米國人ニ付與セララルヘキ權利及特權ヲ規定セルモノニシテ其ノ第一項ハ「ヤップ」島ニ接續スル海底電信線ノ陸揚及

運用ニ付日本其ノ他何レノ國トモ劣ラサル地步ニ於テ同島ニ自由ニ出入スルヲ得ヘキコトヲ定メ其ノ第二項ハ無線電信ニ關シ亦同一ノ權利及特權ヲ享有スヘキコトヲ定ム唯此ノ權利ハ帝國ニ於テ「ヤップ」島ニ於テ適當ナル無線電信局ヲ有シ公平ニ各所ノ電信局トノ間ニ通信ヲ聯絡スル限り之カ行使ヲ停止スヘキモノトス

第四條

本條ハ前條ノ權利ニ關聯シ更ニ米國及其ノ國民ニ付與セララルヘキ權利特權及免除ノ細目ヲ規定スルモノニシテ其ノ内容ハ(一)米國人ノ居住權及米國及其ノ國民ノ財産權ノ取得保持權(二)海底電信線ノ陸揚及運用並無線電信局設置ノ自由(三)通信檢閲又ハ監督ノ免除(四)人及財産ノ自由出入(五)各種租稅、課金又ハ取立金ノ免除(六)警察法規無差別(七)米國又ハ其ノ國民ノ爲ニスル公用徵收權ノ行使及米國又ハ其ノ國民ノ財産ノ公用徵收免除トス但シ右ノ權利特權及免除ノ範圍ハ總テ「ヤップ」島ニ於テ電氣通信ニ關スルモノニ限ル

第五條

本條ハ批准ノ手續及本條約ノ效力發生ノ時期ヲ規定セルモノニシテ別段ノ説明ヲ要セス

附屬交換公文

一 幣原大使往翰

幣原大使往翰ノ趣旨ハ米國人及米國船舶ニシテ我受任地域ノ港及水面ニ到來スルモノニ對シテハ之カ出入ヲ拒否スルコトナク一般ニ認メラルル國際禮讓ヲ以テ之ヲ遇スヘキコトヲ保障シタルモノニシテ右ハ米國側ニ於テ本件條約中ニ我受任地域ニ對スル米國人及米國船舶ノ自由出入ノ權利ニ關シ規定ヲ設クヘシトノ當初ノ主張ヲ撤回スルニ際シテ遂ケタル了解ヲ表明スルモノナリ蓋シ右米國側ノ當初ノ主張ハ本條約第二條第二項(三)日米間通商條約ノ受任地域ニ對スル適川ト相俟テテ結局我受任地域ニ於ケル通商上ノ機會均等主義ニ導クヘキ處一般ニC式受任國ハ其ノ受任地域ニ對シ右主義ヲ認ムルノ義務ナキコトニ決定サレタル關係モアリ帝國獨リ他ニ先ンシテ之ヲ承認スルハ公平ナラサルヲ以テ其ノ解決ヲ後日關係國ノ協議ニ委セムコトヲ主張シテ下ラサリシ結果遂ニ米國側ニ於テ之ヲ讓歩シ前記ノ了解ノ下ニ其ノ主張ヲ撤回シタルニ由來スルモノナリ

二 國務卿來翰

國務卿來翰ノ趣旨ハ第一ニ本條約第二條第二項(三)ヲ以テ現行日米通商條約ヲ受任地域ニ適川スヘキコトヲ規定セルニ對シ右ハ他ノC式受任國ニ於テモ均シク其ノ受任地域ニ對シ通商條約ヲ適川スヘキモノナリトノ主義ニ基キ赤道以南ノ受任地域ニ對シテモ之カ主張ヲ貫徹スヘキ意思ヲ有スルコトヲ聲明セルモノナリ唯現在ニ於テハ濠洲及新西蘭ニ適川アル通商條約ナキヲ以テ將來之ヲ締結スル機會アル場合ニ於テハ其ノ適川ヲ右地域ニ擴張セシムルニ努ムヘキ旨ヲ保障セルモノナリ

第二ハ委任統治ノ施政ニ關スル年報ニ關シ帝國ニ於テ其ノ複本ヲ米國ニ送付スルハ受任國全般ニ關係ヲ有スル問題ニ付獨リ先ニシテ條約上ノ義務ヲ負フコトト爲リ帝國ノ立場ヲシテ困難ナラシムルモノナルヲ以テ後日米國ヲ加ヘタル關係國間ニ於テ本問題ヲ處理セムコトヲ主張シタルニ對シ米國政府ニ於テ他ノ受任地域ニ對スル委任統治ニ付テモ將來其ノ各受任國トノ間ニ條約ヲ締結スルノ意思ヲ有シ且其ノ場合ニ於テハ各受任國ヨリ均シク行政年報ノ送付ヲ要求スヘキコトヲ聲明セルモノニシテ依テ以テ帝國獨リ不公平ニ他ノ受任國ヨリモ加重サレタル義務ヲ負フコトナカラシムルノ趣旨ニ出デタルモノナリ

ヤツプ島及他ノ赤道以北ノ太平洋委任
統治諸島ニ關スル日米條約御批准ノ件
審査報告

今回本院ノ詢議ニ付セラレ本官等審査委員
ルノ命ヲ受ケタル條約御批准ノ諸件ノ中ヤツプ
島及他ノ赤道以北ノ太平洋委任統治諸島ニ關
スル日米條約御批准ノ件ハ急速處理ヲ希望ス
ル旨政府當局ノ辯明アリタルニ由リ審査委員
會ニ於テハ其ノ意ヲ諒トシ山東懸案解決ニ關
スル條約御批准ノ件ト併セテ先ツ之カ研數ニ

後事シ爰ニ其ノ審査ノ結果ヲ報告スルノ時期ニ達シタリ

抑對獨平和條約第百十九條ノ規定ヲ以テ獨逸國ハ其ノ海外屬地ニ關スル一切ノ權利及權原ヲ主タル同盟及聯合國即チ日英米佛伊ノ五大國ノ為ニ拋棄シタルカ同條約第二十二條ノ所謂委任統治ニ關スル規定ニ依レハ該舊獨逸領地域ノ施政ニ付テハ適當ナル先進國ニ於テ國際聯盟ニ代リ委任國トシテ後見ノ任務ヲ分擔スヘキモノトセルニ由リ大正八年五月聯合國

最高會議ハ委任國及委任地域ノ割當ヲ決定シヤツプ島其ノ他赤道以北ノ舊獨逸領諸島全部ヲ以テ帝國ノ委任統治ニ屬セシムルコトトシ踰テ大正九年十二月聯盟理事會ハ右最高會議ノ決定ニ基キ前記條約第二十二條ノ規定ニ據リテ該地域ノ施政ニ關スル委任統治條項ヲ決定シ帝國ハ右委任ヲ受諾シ委任統治條項ニ同意シタリ然ルニ大正九年十月華盛頓ニ開催セラレタル國際通信豫備會議ニ於テヤツプ島ヲ通過スル舊獨逸海底電信線三線ノ歸屬ヲ協議スルニ

當り亞米利加合衆國ハ右「ヤツプ」島ノ地位ニ關シ
異議ヲ述ヘ同國ハ前掲大正八年五月ノ聯合國
最高會議決定以前ニ「ヤツプ」島カ太平洋ニ於ケル
國際電信ノ中樞タル地位ヲ占ムルノ故ヲ以テ
之ヲ國際管理ニ付セムコトヲ提唱シタルニ該
會議ハ此ノ米國ノ提案ニ對シ何等積極的表意
ヲ為ササルニ由リ「ヤツプ」島ノ地位ハ未解決ノ狀
態ニ在ルモノニシテ之ヲ日本國ノ委任統治地
域ニ包含セシムルコトハ米國ノ承認スルコト
能ハサル所ナル旨ヲ主張シタルカ大正十年四

月ニ至リ米國新政府ハ更ニ其ノ主張ヲ擴充シ
同國カ對獨平和條約ヲ批准セサルノ故ヲ以テ
同條約及之ニ基ク決定ニ拘束セラレルコトナ
シト論シ且戰勝ノ權利トシテ各聯合與國ト同
様ノ利益ヲ得ルコトヲ爲シ又米獨間講和條
約ヲ締結シタル結果獨逸國カ五大國ノ爲ニ拋
棄シタル諸般ノ利益ニハ米國モ亦均霑シタル
モノト爲シ即チ根本的ニ帝國ノ委任統治ヲ非
議スルノ見地ヲ採リ本件ヲ以テ再ヒ聯合國最
高會議ノ審議ニ付セムコトヲ要望シ列國モ亦

一時之ヲ承諾セムトスルノ形勢アリシモ結局
日米兩國間ノ直接交渉ニ依リテ本件ノ圓滿ナ
ル解決ヲ見ムコトヲ希望スル旨ノ意思ヲ表明
セリ茲ニ於テ帝國ハ中外諸般ノ情勢ヲ顧念シ
此ノ際逆來ノ法律的論議ヲ離レ主トシテ實際
的考察ニ基キテ兩國間ニ直接交渉ヲ遂ケ以テ
本件ノ解決ニ達セムコトヲ得策トシ彼我ノ間
照復ヲ重ネタル結果稍ク兩者意見ノ一致スル
所アリ終ニ本條約締結ノ協議調ヒ本年二月十
一日華盛頓ニ於テ兩國全權委員ノ調印ヲ了ス

ルニ至レリ而シテ米國カ當初「ヤツプ」島ノ地位ニ
關シテ異議ヲ挾ミタル直接ノ動機タル同島ヲ
通過スル三海底電信線ノ處分ノ問題ニ付テハ
當局ノ説明ニ依レハ最近華盛頓ニ於ケル五大
國商議ノ結果既ニ「ヤツプ」上海線ヲ帝國ニ「ヤツプ」
「カム」線ヲ米國ニ「ヤツプ」「メナド」線ヲ和蘭國ニ歸
屬セシムルコトニ協定成リ追テ大西洋其ノ他
ノ舊獨逸海底電信線ノ處分ト一併シテ公然之
ヲ決定スルノ運ニ到ルヘシト言フ
本條約ハ米國ヲシテ帝國ノ「ヤツプ」島其ノ他諸島

ニ對スル委任統治ヲ確認セシムルコト及該地
域ノ施政ニ關シ米國ニ特殊ノ便宜ヲ與ヘ且「ヤ
」島ニ於ケル電氣通信ニ關シ同國ニ特殊ノ地
位ヲ認ムルコトヲ主眼トスルモノニシテ其ノ
條項ノ要旨ヲ開陳スレハ大凡左ノ如シ

(一)米國ハ帝國カ日、英、佛、伊ノ四國間ノ協定ニ基
キ聯盟理事會所定ノ委任統治條項ニ據リテ
「ヤ」島其ノ他太平洋中赤道以北ニ位スル一
切ノ舊獨逸領諸島ノ施政ヲ行フコトニ同意
ス第一條(是レ米國カ前來ノ異議ヲ拋棄シ四

大國間ノ確定議ニ同意シテ古地域ニ於テハ
帝國ノ委任統治ヲ承認シタルモノナリ但シ
同國ハ以下ニ列記スル諸項ヲ以テ其ノ同意
ノ條件ト為ス

(一)米國ハ前記地域ニ於ケル帝國ノ施政ニ關シ
其ノ獨アル利益ヲ享有ス

(二)委任統治條項第三條乃至第五條ニ規定ス
ル所屬ノ帝國ノ該地域ニ在リ奴隸買賣ヲ禁
止スルコトノ公共事業ノ為ニスルニ米國レハ
強制義務ヲ負ヒルコトヲ認メ得ル事ナリ

取締ルコト、土著民ニ對スル火酒類ノ供給
 ノ禁止スルコト、原則トシテ土著民ニ軍事
 教育ヲ施カサルコト、陸海軍根據地及築城
 ノ建設セサルコト、支障ナキ限り良心ノ自
 由及各種禮拜ノ自由執行ノ確保シ宣教師
 ノシテ其ノ職務ノ為在任旅行スルヲ得ニ
 マルコトニ付米國ハ國際聯盟國ト同一ノ
 利益ヲ受ク(第二條)
 (四)一切ノ宗教ノ米國人宣教師ハ該地域ニ於
 テ在任旅行シ財産ヲ取得占有シ宗教的建物

ヲ建設シ學校ヲ開設スルノ自由ヲ有ス尤モ
 帝國ハ之ニ對シテ監理ヲ行ヒ之カ為必要ナ
 ル措置ヲ執ルコトヲ得(同條第一條)茲ニ掲ケル
 米國人宣教師ノ財産ノ取得占有ハ當局ノ説
 明ニ依リテ其ノ職務執行ノ為ニスルモ
 (ハ)該地域ニ於ケル米國人ノ既得財産權ハ如
 何ナル手段ニ依ルモ侵害セララルコトナシ
(同條同項)
(第二條)當局ノ説明ニ依レハ茲ニ所謂既得
 財産權ハ本條約成立ノ際現存スルモノニ限

ヲ將來取得セラルルモノヲ含マス又之ニ對シテハ公用徵收ヲモ行フコトヲ許ササルノ意ヲリト言フ

(二) 日米通商航海條約其ノ他兩國間現存諸條約之ヲ該地域ニ適用ス(同條項)是レ帝國關係國際條約ハ當然委任統治地域ニ適用セラルルモノニ非サルカ故ニ日米兩國間ニ特之ヲ約定スルノ趣意ナル旨當局ニ於テ言明シタリ

(ホ) 米國ハ帝國カ國際聯盟理事會ニ提出スヘ

キ委任統治年報ノ複本ノ送付ヲ受ク(同條項 第四號)

(ハ) 今後聯盟理事會所定ノ委任統治條項カ變更セララルルコトアルモ米國カ之ニ同意セサル限り本條約ノ規定ハ該變更ニ依リテ影響セララルルコトナシ(同條項 第五號)然レトモ帝國施政ノ準則ハ國際聯盟ニ對シテ約スル所ト米國ニ對シテ約スル所ト抵觸スルヲ許ササルコト論ヲ俟タサルカ故ニ結局帝國ハ米國ノ同意アルニ非サレハ委任統治條項ノ變更ニ承諾スヘカラサル立場ニ在ルモノナリトス

(三)米國及其ノ國民ハ「ヤップ」島ニ於ケル海底電信線ノ陸揚及運用並無線電信ニ依ル通信ニ關スル一切ノ事項ニ付日本國又ハ他ノ各國及其ノ國民ト全然均等ノ地步ニ於テ同島ニ出入スルコトヲ得ルモノトス尤モ日本國カ同島ニ無線電信局ヲ設立維持シ内外ノ通信ニ對シ無差別且有效ノ取扱ヲ為ス限リ米國又ハ其ノ國民ハ同島ニ無線電信局ヲ設立スルノ權利ヲ行使セス(第三條)

(四)米國及其ノ國民ハ「ヤップ」島ニ於テ電氣通信ニ

關シ左ニ掲グル利益ヲ享有ス(第四條)

(一)米國國民ハ無制限ノ居住權ヲ有シ米國及其ノ國民ハ日本國又ハ他ノ各國及其ノ國民ト同等ニ一切ノ動産不動産及之ニ關スル利益ヲ取得保持スルノ權利ヲ有ス

(二)米國國民ハ電氣通信ニ關スル權利ニ付許可又ハ免許ヲ受クルノ義務ナシ

(三)電氣通信ノ運用又ハ通信ニ關シ檢閲又ハ監督ヲ受クルコトナシ

(四)米國國民ハ其ノ身體財産ニ付同島出入ノ

完全ナル自由ヲ有ス

(水)電氣通信ノ運用又ハ財産人船舶ニ關シ一

切ノ租稅課金及取立金ヲ徵收セララルコトナシ

(ハ)差別的警察規則ヲ適用セララルコトナシ

(イ)日本國ハ米國又ハ其ノ國民ノ為電氣通信

事業上必要已ムヲ得サルトキハ公用徵收

權ヲ行フヘキモノトス

(フ)電氣通信ニ供用セララル米國又ハ其ノ國

民ノ財産ハ公用徵收ヲ受クルコトナシ

(五)本條約ハ批准ヲ要シ批准書ハ成ルヘク速ニ

九

華盛頓ニ於テ之ヲ交換スヘク批准書交換ノ

日ヨリ實施ノ效力ヲ生スヘキモノトス(第五條)

本條約ノ附屬タル日米兩國間交換公文二件ア

リ其ノ一ハ帝國カ委任統治諸島ノ港及水面ニ

到來スル米國ノ國民及船舶ヲ遇スルニ常例ノ

國際禮讓ヲ以テスヘキコトヲ定メタルモノナ

ルカ是レ始メ米國カ該諸島ノ各地ニ自由ニ出

入スルノ權利ヲ得ムコトヲ主張シ帝國之ニ反

對シタルノ結果成立シタル了解ニシテ日米通

商航海條約ヲ該諸島ニ適用スルニ於テハ實ハ

別段ノ效益ナキモノナル旨當局ニ於テ言明セ
リ其ノニハ米國カ他日赤道以南ノ舊獨逸領諸
島ノ受任國タル濠洲及新西蘭ト通商條約ヲ締
結スルニ當リテハ同條約ヲ該諸島ニ及ホサム
コトヲ要求スヘキ旨並米國カ他日日本國以外
ノ受任國ニ對シ其ノ委任統治ニ同意スルノ條
約ヲ締結スルニ當リテハ其ノ施政年報ノ複本
ノ送付ヲ要求スヘキ旨ヲ定メタルモノニシテ
是レ帝國カ他ノ受任國ニ先ンシテ右二件ヲ米
國ニ許諾スルコトヲ難シトシタルニ對シ米國

カ他國ニ向テモ同様ノ要求ヲ為スヘキコトヲ
保障シタルモノナリ

本條約成立ニ到ル迄ノ日米兩國間交渉ノ經過
及本條約ノ解說ニ付テハ別冊外務省ノ作成ニ
係ルヲツブ島問題ニ關スル交渉經過及本條約
ノ解說概要ヲ參照ニ供セラレムコトヲ望ム
本條約ハ米國ニ於テ既ニ上院ノ無留保承認ヲ
經本月二日

按スルニ帝國ノ委任統治ニ關スル米國ノ異議

ハ始メハ同國カ「ヤップ」島ヲ帝國ノ委任統治地
域ニ包含セシムル旨ノ聯合國最高會議ノ決定
ニ留保ヲ付シタリト主張スルニ過キサリシカ
後ニハ同國カ對獨平和條約ヲ批准セサルヲ其
ノ證據トスルコトト為リ其ノ向事態頓ニ重大
ヲ加ヘタリ惟フニ當初聯合國最高會議ニ於テ
ル米國ノ異議發言以來周密ナル用意ヲ以テ事
ヲ執リ彼ヲシテ非議ヲ肆ニスル餘地ナカラシ
ムルコト及彼ノ措置ニ對抗シテ之ニ處スヘキ
機宜ノ施為ヲ講スルコトニ於テ我カ政府當局

ノ舉措果シテ克ク遺算ナキヲ得タルカ蓋シ幾
分ノ疑惑ナキニアラサルナリ然レトモ此クノ
如キハ今ニ於テ事全ク既往ニ屬シ復々如何ト
モスヘキ所ナシ若シ本條約ノ成立ニ因リテ兩
國向前來ノ爭議ヲ解決シ兩國ノ交誼ニ一段ノ
親善ノ致シ帝國大局ノ地位ニ利スル所アルコ
トヲ得ハ固ヨリ國家ノ慶幸ト為ササルヘカラ
ム即チ本條約ハ此クノ如キ希望ヲ以テ帝國ニ
於テ之ヲ採納スルノ最終ノ決定ヲ與ヘテルル
コト巴ムヲ得サル所ナリト思料ス但シ本官等

此ノ議ヲ定ムルニ莅ニ更ニ所懐ヲ述ヘテ當局ノ省慮ヲ促スヘシト認ムルモノアリ其ノ事項左ノ如シ

(一) 本條約ノ條項及附屬公文ヲ通看スルニ當路諸官ニ於テ或ハ嚴正ナル觀念ト周到ナル注意トニ缺クル所アリシニ非サルカヲ疑ハシムルモノナシトセス試ニ其ノ一二ヲ指摘セムカ第二條第二項第一號ニ掲クル米國人宣教師ノ財産ノ取得占有ハ委任統治條項第五條ノ如キ制限ノ文字ナキニ拘ラズ果シテ當

局説明ノ如ク其ノ職務執行ノ爲ニスルモノニ限ルノ趣旨ニ解セラルヘキカ同條同項第二號ニ所謂米國人ノ既得財産權ハ本條約成立ノ際現存スルモノニ限ラルヘキカ之ニ對シテハ何人ノ爲ニモ又如何ナル事業ノ爲ニモ公用徵收ヲ許ササルノ意明瞭ナルハ附屬公文第一ニ定メタル常例ノ國際禮讓ヲ以テ米國ノ國民及船舶ヲ遇スヘシトハ果シテ何ヲ意味スルカ此等ノ諸點カ他日實地ニ臨ミテ兩國間紛争ノ種因タラサルナキカヲ惧ル

ルハ必スシモ一片ノ杞憂ノミニ非サルナリ
當局諸官カ本條約訂結ノ際其ノ條項ノ編成
ニ一段ノ用意ヲ加ヘテ此クノ如キ疑義ヲ除
キサルノ途ニ出テサリシコト本官等ノ深ク
遺憾トスル所ニシテ今後本條約ノ實施スル
ニ當リ當路諸官ニ於テ周到ナル注意ヲ施シ
以テ其ノ適正ナル解釋ニ依リ帝國ノ利益ヲ
保有スルニ遺策ナカラムコト本官等ノ希望
ニ堪ヘサル所ナリ

(二) 本件交渉ノ際帝國カ日米間協定ニ依リ他ノ

受任國ニ先ンシテ對米諸條約ヲ委任統治地
域ニ適用シ且施政年報ノ複本ヲ米國ニ送付
スル旨ヲ約諾スルコトヲ難シトシタルハ素
ヨリ當然ノ主張ナリ然ルニ商議ノ結果米國
ヲシテ纔ニ附屬公文第二ニ依リ他ノ受任國
ニ對シテモ亦同様ノ要求ヲ為スヘキ旨ヲ聲
明セシムルコトヲ以テ我方ノ主張ヲ撤回シ
タルハ果シテ克ク失當ノ譏ヲ免ルヘキカ若
シ米國ノ該要求ニ對スル他ノ受任國ノ應諾
ヲ以テ帝國カ前記二件ノ義務ヲ履行スルノ

必要條件ト為シ且此ノ趣旨ヲ本條約ノ本文ニ昭明スルコトヲ得タラムニハ帝國ノ利益ヲ確保スルニ於テ略意ヲ安ニスヘキモノアリ事此ニ出テサリシハ本官等ノ切ニ遺憾トスル所ナリトス又附屬公文第二ニ於テ太平洋上赤道以南ノ舊獨逸領諸島ノ受任國トシテ濠洲及新西蘭ヲ舉クルニ止マリ右諸島中「カウル」島ノ受任國タル英本國ニ及ハサリシハ亦漏漏ノ一タルヲ免レサルヘク特ニ附記シテ當局ノ省察ヲ待タムト欲ス探本項ノ事

タルマ實ニ各受任國ニ共通セル問題ナルヲ以テ萬一帝國ノミ獨リ此ノ義務ヲ負擔スルニ終ラムカ國家ノ不面目言ヲ俟タサルカ故ニ政府當局ニ於テ其ノ間ニ處スル機宜ノ措置ヲ誤ラサラムコト本官等ノ切ニ希望スル所ナリトス

本條約ノ條項ニ付テハ敘上ノ如ク特ニ意見ヲ附スヘキモノナキニアラスト雖其ノ成立ニ至ル迄ノ經過ニ照シ大局ノ利害ニ考ヘ又米國ニ於テモ既ニ之ヲ批准シタリトノコトナルヲ以

テ帝國ニ於テモ之ヲ承認スルノ外ナシト思料
セラルルニ依リ審査委員會ニ於テハ本案ノ條
約御批准ノ件ハ之ヲ可決セラレ然ルヘキ旨前
記二點ノ事項ト共ニ全會一致ヲ以テ議決シタ
リ

右審査ノ結果ヲ報告ス

大正十一年六月十四日

審査委員長

樞密顧問官子爵伊東巳代治

審査委員

十五

樞密顧問官子爵金子堅太郎

樞密顧問官男爵穂積陳重

樞密顧問官 安廣伴一郎

樞密顧問官 一木喜徳郎

樞密顧問官 富井政章

樞密顧問官 平山成信

樞密顧問官 有松英義

樞密顧問官 倉富勇三郎

樞密院議長子爵清浦奎吾殿

委員會參考書類

一

二

三

秘 會 報 告 集

秘

「ヤップ」島及他ノ赤道以北ノ太平洋委任
統治諸島ニ關スル日米條約御批准ノ件
審査報告集

今回本院ノ詢議ニ付セラレ本官等審査委員タ
ルノ命ヲ受ケタル條約御批准ノ諸件ノ中「ヤップ」
島及他ノ赤道以北ノ太平洋委任統治諸島ニ關
スル日米條約御批准ノ件ハ急速處理ヲ希望ス
ル旨政府當局ノ辯明アリタルニ由リ審査委員
會ニ於テハ其ノ意ヲ諒トシ山東懸案解決ニ關
スル條約御批准ノ件ト併セテ先ツ之カ研覈ニ

從事シ爰ニ其ノ審査ノ結果ヲ報告スルノ時期ニ達シタリ

抑對獨平和條約第百十九條ノ規定ヲ以テ獨逸國ハ其ノ海外屬地ニ關スル一切ノ權利及權原ヲ主タル同盟及聯合國即チ日英米佛伊ノ五大國ノ為ニ拋棄シタルカ同條約第二十二條ノ所謂委任統治ニ關スル規定ニ依レハ該舊獨逸領地域ノ施政ニ付テハ適當ナル先進國ニ於テ實際聯盟ニ代リ受任國トシテ後見ノ任務ヲ分擔スヘキモノトセルニ由リ大正八年五月聯合國

最高會議ハ受任國及委任地域ノ割當ヲ決定シヤップ島其ノ他赤道以北ノ舊獨逸領諸島全部ヲ以テ帝國ノ委任統治ニ屬セシムルコトトシ踰テ大正九年十二月聯盟理事會ハ右最高會議ノ決定ニ基キ前記條約第二十二條ノ規定ニ據リテ該地域ノ施政ニ關スル委任統治條項ヲ決定シ帝國ハ右委任ヲ受諾シ委任統治條項ニ同意シタリ然ルニ大正九年十月華盛頓ニ開催セラレタル國際通信豫備會議ニ於テヤップ島ヲ通過スル舊獨逸海底電信線三線ノ歸屬ヲ協議スルニ

當リ亞米利加合衆國ハ右「ヤップ」島ノ地位ニ關シ
異議ヲ述ヘ同國ハ前掲大正八年五月ノ聯合國
最高會議決定以前ニ「ヤップ」島カ太平洋ニ於ケル
國際電信ノ中樞タル地位ヲ占ムルノ故ヲ以テ
之ヲ國際管理ニ付セムコトヲ提唱シタルニ該
會議ハ此ノ米國ノ提案ニ對シ何等積極的表意
ヲ為ササルニ由リ「ヤップ」島ノ地位ハ未解決ノ状
態ニ在ルモノニシテ之ヲ日本國ノ委任統治地
域ニ包含セシムルコトハ米國ノ承認スルコト
能ハサル所ナル旨ヲ主張シタルカ大正十年四

月ニ至リ米國新政府ハ更ニ其ノ主張ヲ擴充シ
同國カ對獨平和條約ヲ批准セサルノ故ヲ以テ
同條約及之ニ基ク決定ニ拘束セラレルコトナ
シト論シ且戰勝ノ權利トシテ各聯合與國ト同
様ノ利益ヲ取得^{享有スヘキモノ}ト爲シ又米獨間講和條
約ヲ締結シタル結果獨逸國カ五大國ノ爲ニ拋
棄シタル諸般ノ利益ニハ米國モ亦均霑シタル
モノト爲シ即チ根本的ニ帝國ノ委任統治ヲ非
議スルノ見地ヲ採リ本件ヲ以テ再ヒ聯合國最
高會議ノ審議ニ付セムコトヲ要望シ列國モ亦

一時之ヲ承諾セムトスルノ形勢アリシモ結局日米兩國間ノ直接交渉ニ依リテ本件ノ圓滿ナル解決ヲ見ムコトヲ希望スル旨ノ意思ヲ表明セリ茲ニ於テ帝國ハ中外諸般ノ情勢ヲ顧念シ此ノ際從來ノ法律的論議ヲ離レ主トシテ實際的考察ニ基キテ兩國間ニ直接交渉ヲ遂ケ以テ本件ノ解決ニ達セムコトヲ得策トシ彼我ノ間照復ヲ重ネタル結果稍ク兩者意見ノ一致スル所アリ終ニ本條約締結ノ協議調ヒ本年二月十一日華盛頓ニ於テ兩國全權委員ノ調印ヲ了ス

ルニ至レリ而シテ米國カ當初「ヤッポ」島ノ地位ニ關シテ異議ヲ挾ミタル直接ノ動機タル同島ヲ通過スル三海底電信線ノ處分ノ問題ニ付テハ當局ノ説明ニ依レハ最近華盛頓ニ於ケル五大國商議ノ結果既ニ「ヤッポ」上海線ヲ帝國ニ「ヤッポ」カラム線ヲ米國ニ「ヤッポ」メナド線ヲ和蘭國ニ歸屬セシムルコトニ協定成リ追テ大西洋其ノ他ノ舊獨逸海底電信線ノ處分ト一併シテ公然之ヲ決定スルノ運ニ到ルヘシト言フ

本條約ハ米國ヲシテ帝國ノ「ヤッポ」島其ノ他諸島

ニ對スル委任統治ヲ確認セシムルコト及該地
域ノ施政ニ關シ米國ニ特殊ノ便宜ヲ與ヘ且「ヤッ
」島ニ於ケル電氣通信ニ關シ同國ニ特殊ノ地
位ヲ認ムルコトヲ主眼トスルモノニシテ其ノ
條項ノ要旨ヲ開陳スレハ大凡左ノ如シ

(一)米國ハ帝國カ日英佛伊ノ四國間ノ協定ニ基
キ聯盟理事會所定ノ委任統治條項ニ據リテ
「ヤッ」島其ノ他太平洋中赤道以北ニ位スル一
切ノ舊獨逸領諸島ノ施政ヲ行フコトニ同意
ス(第一條)是レ米國カ前來ノ異議ヲ拋棄シ四

五

大國間ノ確定議ニ同意シテ右地域ニ於ケル
帝國ノ委任統治ヲ承認シタルモノナリ但シ
同國ハ以下ニ列記スル諸項ヲ以テ其ノ同意
ノ條件ト為ス

(二)米國ハ前記地域ニ於ケル帝國ノ施政ニ關シ
左ニ掲ケル利益ヲ享有ス

(1)委任統治條項第三條乃至第五條ニ規定ス
ル所即チ帝國ハ該地域ニ於テ奴隸賣買ヲ禁
止スルコト、公共事業ノ為ニスルニ非サレハ
強制労働ヲ課セサルコト、武器彈藥ノ取引ヲ

取締^ルコト、土著民ニ對スル火酒類ノ供給ヲ
禁止スルコト、原則トシテ土著民ニ軍事教育ヲ
施ササルコト、陸海軍根據地及築城ヲ建設セ
サルコト、支障ナキ限り良心ノ自由及各種禮
拜ノ自由執行ヲ確保シ宣教師ヲシテ其ノ職
務ノ為在住旅行スルヲ得シムルコトニ付米
國ニ國際聯盟ノ聯盟國ト同一ノ利益ヲ受ク

(第三條)
第一項

(四) 一切ノ宗教ノ米國人宣教師ハ該地域ニ於
テ在住旅行シ財産ヲ取得占有シ宗教的建物

ヲ建設シ學校ヲ開設スルノ自由ヲ有ス尤モ
帝國ハ之ニ對シテ監理ヲ行ヒ之カ為必要ナ
ル措置ヲ執ルコトヲ得(同條第二項第一號)茲ニ掲ケル
米國人宣教師ノ財産ノ取得占有ハ當局ノ說
明ニ依レハ^{大體ニ於テ}其ノ職務執行ノ為ニスルモ
ノニ限ルノ義ナリト言フ

(ハ) 該地域ニ於ケル米國人ノ既得財産權ハ如
何ナル手段ニ依ルモ侵害セラルルコトナシ
(同條同項)當局ノ説明ニ依レハ茲ニ所謂既得
財産權ハ本條約成立ノ際現存スルモノニ限

リ將來取得セラルルモノヲ含マス又之ニ對シテハ公用徵收ヲモ行フコトヲ許ササルノ意ナリト言フ

(二) 日米通商航海條約其ノ他兩國間現存諸條約之ヲ該地域ニ適用ス(同條綱項)是レ帝國關係ノ國際條約ハ當然委任統治地域ニ適用セラルルモノニ非サルカ故ニ日米兩國間ニ特之ヲ約定スルノ趣意ナル旨當局ニ於テ言明シタリ

(ホ) 米國ハ帝國カ國際聯盟理事會ニ提出スヘ

キ委任統治年報ノ複本ノ送付ヲ受ク(同條同項 第四節)

(ハ) 今後聯盟理事會所定ノ委任統治條項カ變更セララルルコトアルモ米國カ之ニ同意セサル限り本條約ノ規定ハ該變更ニ依リテ影響セラルルコトナシ(同條同項 第五節)然レトモ帝國施政ノ方針ハ國際聯盟ニ對シテ約スル所ト米國ニ對シテ約スル所ト抵觸スルヲ許ササルコト論ヲ俟タサルカ故ニ結局帝國ハ米國ノ同意アルニ非サレハ委任統治條項ノ變更ニ承諾スヘカテサル立場ニ在ルモノナリトス

(三) 米國及其ノ國民ハ「ヤツ」島ニ於ケル海底電信線ノ陸揚及運用並無線電信ニ依ル通信ニ關スル一切ノ事項ニ付日本國又ハ他ノ各國及其ノ國民ト全然均等ノ地歩ニ於テ同島ニ出入スルコトヲ得ルモノトス尤モ日本國カ同島ニ無線電信局ヲ設立維持シ内外ノ通信ニ對シ無差別且有效ノ取扱ヲ為ス限リ米國又ハ其ノ國民ハ同島ニ無線電信局ヲ設立スルノ權利ヲ行使セス(第三條)

(四) 米國及其ノ國民ハ「ヤツ」島ニ於テ電氣通信ニ

關シ左ニ掲クル利益ヲ享有ス(第四條)

- (イ) 米國國民ハ無制限ノ居住權ヲ有シ米國及其ノ國民ハ日本國又ハ他ノ各國及其ノ國民ト同等ニ一切ノ動産不動産及之ニ關スル利益ヲ取得保持スルノ權利ヲ有ス
- (ロ) 米國國民ハ電氣通信ニ關スル權利ニ付許可又ハ免許ヲ受クルノ義務ナシ
- (ハ) 電氣通信ノ運用又ハ通信ニ關シ檢閲又ハ監督ヲ受クルコトナシ
- (ニ) 米國國民ハ其ノ身體財産ニ付同島出入ノ

完全ナル自由ヲ有ス

(ホ)電氣通信ノ運用又ハ財産人船舶ニ關シ一切ノ租稅課金及取立金ヲ徵收セラルルコトナシ

(ハ)差別的警察規則ヲ適用セラルルコトナシ
電氣通信事業上

(ト)日本國ハ米國又ハ其ノ國民ノ為必要キ應^{生業已ハ得ル下キハ}公用徵收權ヲ行フヘキモノトス

(キ)電氣通信ニ供用セラルル米國又ハ其ノ國民ノ財産ハ公用徵收ヲ受クルコトナシ

(五)本條約ハ批准ヲ要シ批准書ハ成ルヘク速ニ

華盛頓ニ於テ之ヲ交換スヘク批准書交換ノ

日ヨリ實施ノ效力ヲ生スヘキモノトス(第五條)

本條約ノ附属タル日米兩國間交換公文二件アリ

其ノ一ハ帝國カ委任統治諸島ノ港及水面ニ

到來スル米國ノ國民及船舶ヲ遇スルニ常例ノ

國際禮讓ヲ以テスヘキコトヲ定メタルモノナ

ルカ是レ始メ米國カ該諸島ノ各地ニ自由ニ出

入スルノ權利ヲ得ムコトヲ主張シ帝國之ニ反

對シタルノ結果成立シタル了解ニシテ日米通

商航海條約ヲ該諸島ニ適用スルニ於テハ實ハ

別段ノ效益ナキモノナル旨當局ニ於テ言明セ
リ其ノ二ハ米國カ他日赤道以南ノ舊獨逸領諸
島ノ受任國タル濠洲及新西蘭ト通商條約ヲ締
結スルニ當リテハ同條約ヲ該諸島ニ及ホサム
コトヲ要求スヘキ旨並米國カ他日日本國以外
ノ受任國ニ對シ其ノ委任統治ニ同意スルノ條
約ヲ締結スルニ當リテハ其ノ施政年報ノ複本
ノ送付ヲ要求スヘキ旨ヲ定メタルモノニシテ
是レ帝國カ他ノ受任國ニ先ンシテ右二件ヲ米
國ニ許諾スルコトヲ難シトシタルニ對シ米國

カ他國ニ向テモ同様ノ要求ヲ為スヘキコトヲ
保障シタルモノナリ

本條約成立ニ到ル迄ノ日米兩國間交渉ノ經過
及本條約ノ解說ニ付テハ別冊外務省ノ作成ニ
係ルヤツカ島問題ニ關スル交渉經過及本條約ノ解
說概要ヲ参照ニ供セラレムコトヲ望ム
按スルニ帝國ノ委任統治ニ關スル米國ノ異議
ハ始メハ同國カヤツカ島ヲ帝國ノ委任統治地域
ニ包含セシムル旨ノ聯合國最高會議ノ決定ニ
留保ヲ付シタリト主張スルニ過キサリシカ後

本條約ハ米國ニ
於テ既ニ上院ニ每
留保承認ヲ經テ
月二日大統領之ヲ
批准シタル等ナリト
言フ

ニハ同國カ對獨平和條約ヲ批准セサル^{ヲ其ノ論據ト}キ^{其ノ論據ト}紫源
スルコトト為リ其ノ間事態頓ニ重大ヲ加ヘタ
リ惟フニ當初聯合國最高會議ニ於ケル米國ノ
異議發言以來周密ナル用意ヲ以テ事ヲ執リ彼
ヲシテ非議ヲ肆ニスル餘地ナカラシムルコト
及彼ノ措置ニ對抗シテ之ニ處スヘキ機宜ノ施
為ヲ講スルコトニ於テ我カ政府當局ノ舉措果
シテ克ク遺算ナキヲ得タルカ蓋シ幾分ノ疑惑
ナキニアラサルナリ然レトモ此クノ如キハ今
ニ於テ事全ク既往ニ屬シ復タ如何トモスヘキ

所ナシ若シ本條約ノ成立ニ因リテ兩國間前未
ノ爭議ヲ解決シ兩國ノ交誼ニ一段ノ親善ヲ致
シ帝國大局ノ地位ニ利スル所アルコトヲ得ハ
固ヨリ國家ノ慶幸ト為ササルヘカラス即チ本
條約ハ此クノ如キ希望ヲ以テ帝國ニ於テ之ヲ
採納スルノ最終ノ決定ヲ與ヘラルルコト已ム
ヲ得サル所ナリト思料ス但シ本官等此ノ議ヲ
定ムルニ莅ミ更ニ所懷ヲ述ヘテ當局ノ省慮ヲ
促スヘシト認ムルモノアリ其ノ事項左ノ如シ
(一)本條約ノ條項及附屬公文ヲ通看スルニ當路

諸官ニ於テ或ハ嚴正ナル觀念ト周到ナル注
意トニ缺クル所アリシニ非サルカヲ疑ハシ
ムルモノナシトセヌ試ニ其ノ一二ヲ指摘セ
ムカ第二條第二項第一號ニ掲クル米國人宣
教師ノ財産ノ取得占有^{委任統治條項第五條、如テ制限文字ナキハ}果シテ當局説明ノ
如ク其ノ職務執行ノ為ニスルモノニ限ルノ
義ニ解セラルヘキカ、同條同項第二號ニ所謂
米國人ノ既得財産權ハ本條約成立ノ際現存
スルモノニ限ラルヘキカ、之ニ對シテハ公用
徵收ヲ許ササルノ意明瞭ナルカ、未附属公文

第一ニ定メタル常例ノ國際禮讓ヲ以テ米國
ノ國民及船舶ヲ遇スヘシトハ果シテ何ヲ意
味スルカ此等ノ諸點カ他日實地ニ臨ミテ兩
國間紛争ノ種因タラサルナキカヲ惧ルルハ
必スシテ一片ノ杞憂ノミニ非サルナリ當局
諸官カ本條約訂結ノ際其ノ條項ノ編成一
段ノ用意ヲ加ヘテ此クノ如キ疑義ヲ胎サ
ルノ途ニ出テサリシコト本官等ノ深ク遺憾
トスル所ニシテ今後本條約ヲ實施スルニ當
リ當路諸官ニ於テ周到ナル注意ヲ施シ以テ

其ノ適正ナル解釋ニ依リ帝國ノ利益ヲ保有
スルニ遺策ナカラムコト本官等ノ希望ニ堪
ヘサル所ナリ

(一) 本件交渉ノ際帝國カ日米間協定ニ依リ他ノ
受任國ニ先ニシテ對米諸條約ヲ委任統治地
域ニ適用シ且施政年報ノ複本ヲ米國ニ送付
スル旨ヲ約諾スルコトヲ難シトシタルハ素
ヨリ當然ノ主張ナリ然ルニ商議ノ結果米國
ヲシテ纔ニ附屬公文第二ニ依リ他ノ受任國
ニ對シテモ亦同様ノ要求ヲ為スヘキ旨ヲ聲

明セシムルコトヲ以テ我方ノ主張ヲ撤回シ
タルハ果シテ克ク失當ノ譏ヲ免ルヘキカ共
シ米國ノ該要求ニ對スル他ノ受任國ノ應諾
ヲ以テ帝國カ前記二件ノ義務ヲ履行スルノ
必要條件ト為シ且此ノ趣旨ヲ本條約ノ本文
ニ昭明スルコトヲ得タラムニハ帝國ノ利益
ヲ確保スルニ於テ略意ヲ安ンスヘキモノア
リ事此ニ出テサリシハ本官等ノ切ニ遺憾ト
スル所ナリトス又附屬公文第二ニ於テ太平
洋上赤道以南ノ舊獨逸領諸島ノ受任國トシ

テ濠洲及新西蘭ヲ擧クルニ止マリ右諸島中
チウル島ノ受任國タル英本國ニ及ハサリシ
ハ亦關漏ノ一タルヲ免レサルヘク特ニ附記
シテ當局ノ省察ヲ待タムト欲ス抑本項ノ事
タルヤ實ニ各受任國ニ共通セル問題ナルヲ
以テ萬一帝國ノミ獨リ此ノ義務ヲ負擔スル
ニ終ラムカ國家ノ不面目言ヲ俟タサルカ故
ニ政府當局ニ於テ其ノ間ニ處スル機宜ノ措
置ヲ誤ラサラムコト本官等ノ切ニ希望スル
所ヤリトス

本條約ノ條項ニ付テハ敘上ノ如ク特ニ意見ヲ
附スヘキモノヤキニアラスト雖其ノ成立ニ至
ル迄ノ經過ニ照シ大局ノ利害ニ考ス帝國ニ於
テ之ヲ承認スルノ外ナキモト思料セラルル
ニ依リ審査委員會ニ於テハ本條約御批准
ノ件ハ之ヲ可決セラレ然ルヘキ旨前記ニ點ノ
事項ト共ニ全會一致ヲ以テ議決シタリ

右審査ノ結果ヲ報告ス

大正十一年六月九日

審査委員長

審査委員(連名)

議長宛

秘

「ヤップ」島及他ノ赤道以北ノ太平洋委任
統治諸島ニ關スル日米條約御批准ノ件
審査報告案

今回本院ノ詢議ニ付セラレ本官等審査委員タ
ルノ命ヲ受ケタル條約御批准ノ諸件ノ中「ヤップ」
島及他ノ赤道以北ノ太平洋委任統治諸島ニ關
スル日米條約御批准ノ件ハ急速處理ヲ希望ス
ル旨政府當局ノ辯明アリタルニ由リ審査委員
會ニ於テハ其ノ意ヲ諒トシ山東懸案解決ニ關
スル條約御批准ノ件ト併セテ先ツ之カ研敷ニ

從事シ爰ニ其ノ審査ノ結果ヲ報告スルノ時期ニ達シタリ

抑對獨平和條約第百十九條ノ規定ヲ以テ獨逸國ハ其ノ海外屬地ニ關スル一切ノ權利及權原ヲ主タル同盟及聯合國即チ日、英、米、佛、伊ノ五大國ノ為ニ拋棄シタルカ同條約第二十二條ノ所謂委任統治ニ關スル規定ニ依レハ該舊獨逸領地域ノ施政ニ付テハ適當ナル先進國ニ於テ實際聯盟ニ代リ受任國トシテ後見ノ任務ヲ分擔スヘキモノトセルニ由リ大正八年五月聯合國

最高會議ハ受任國及委任地域ノ割當ヲ決定シ「ヤツ」島其ノ他赤道以北ノ舊獨逸領諸島全部ヲ以テ帝國ノ委任統治ニ屬セシムルコトトシ踰テ大正九年十二月聯盟理事會ハ右最高會議ノ決定ニ基キ前記條約第二十二條ノ規定ニ據リテ該地域ノ施政ニ關スル委任統治條項ヲ決定シ帝國ハ右委任ヲ受諾シ委任統治條項ニ同意シタリ然ルニ大正九年十月華盛頓ニ開催セラレタル國際通信豫備會議ニ於テ「ヤツ」島ヲ通過スル舊獨逸海底電信線三線ノ歸屬ヲ協議スルニ

當リ亞米利加合衆國ハ右「ヤップ」島ノ地位ニ關シ
異議ヲ述ヘ同國ハ前掲大正八年五月ノ聯合國
最高會議決定以前ニ「ヤップ」島カ太平洋ニ於ケル
國際電信ノ中樞タル地位ヲ占ムルノ故ヲ以テ
之ヲ國際管理ニ付セムコトヲ提唱シタルニ該
會議ハ此ノ米國ノ提案ニ對シ何等積極的表意
ヲ為ササルニ由リ「ヤップ」島ノ地位ハ未解決ノ狀
態ニ在ルモノニシテ之ヲ日本國ノ委任統治地
域ニ包含セシムルコトハ米國ノ承認スルコト
能ハサル所ナル旨ヲ主張シタルカ大正十年四

月ニ至リ米國新政府ハ更ニ其ノ主張ヲ擴充シ
同國カ對獨平和條約ヲ批准セサルノ故ヲ以テ
同條約及之ニ基ク決定ニ拘束セララルルコトナ
シト論シ且戰勝ノ權利トシテ各聯合與國ト同
様ノ利益ヲ取得シタリト爲シ又米獨間講和條
約ヲ締結シタル結果獨逸國カ五大國ノ爲ニ拋
棄シタル諸般ノ利益ニハ米國モ亦均霑シタル
モノト爲シ即チ根本的ニ帝國ノ委任統治ヲ非
議スルノ見地ヲ採リ本件ヲ以テ再ヒ聯合國最
高會議ノ審議ニ付セムコトヲ要望シ列國モ亦

一時之ヲ承諾セムトスルノ形勢アリシモ結局
日米兩國間ノ直接交渉ニ依リテ本件ノ圓滿ナ
ル解決ヲ見ムコトヲ希望スル旨ノ意思ヲ表明
セリ茲ニ於テ帝國ハ中外諸般ノ情勢ヲ顧念シ
此ノ際送來ノ法律的論議ヲ離レ主トシテ實際
的考察ニ基キテ兩國間ニ直接交渉ヲ遂ケ以テ
本件ノ解決ニ達セムコトヲ得策トシ彼我ノ間
照復ヲ重ネタル結果稍ク兩者意見ノ一致スル
所アリ終ニ本條約締結ノ協議調ヒ本年二月十
一日華盛頓ニ於テ兩國全權委員ノ調印ヲ了ス

ルニ至レリ而シテ米國カ當初「ヤツポ」島ノ地位ニ
關シテ異議ヲ挾ミタル直接ノ動機タル同島ヲ
通過スル三海底電信線ノ處分ノ問題ニ付テハ
當局ノ説明ニ依レハ最近華盛頓ニ於ケル五大
國商議ノ結果既ニ「ヤツポ」上海線ヲ帝國ニ「ヤツポ」
「カム」線ヲ米國ニ「ヤツポ」メナド線ヲ和蘭國ニ歸
屬セシムルコトニ協定成リ追テ大西洋其ノ他
ノ舊獨逸海底電信線ノ處分ト一併シテ公然之
ヲ決定スルノ運ニ到ルヘシト言フ
本條約ハ米國ヲシテ帝國ノ「ヤツポ」島其ノ他諸島

ニ對スル委任統治ヲ確認セシムルコト及該地
域ノ施政ニ關シ米國ニ特殊ノ便宜ヲ與ヘ且「ヤ
」島ニ於ケル電氣通信ニ關シ同國ニ特殊ノ地
位ヲ認ムルコトヲ主眼トスルモノニシテ其ノ
條項ノ要旨ヲ開陳スレハ大凡左ノ如シ

(一)米國ハ帝國カ日、英、佛、伊ノ四國間ノ協定ニ基
キ聯盟理事會所定ノ委任統治條項ニ據リテ
「ヤ」島其ノ他太平洋中赤道以北ニ位スル一
切ノ舊獨逸領諸島ノ施政ヲ行フコトニ同意
ス(第一條)是レ米國カ前來ノ異議ヲ拋棄シ四

五

大國間ノ確定議ニ同意シテ右地域ニ於ケル
帝國ノ委任統治ヲ承認シタルモノナリ但シ
同國ハ以下ニ列記スル諸項ヲ以テ其ノ同意
ノ條件ト爲ス

(一)米國ハ前記地域ニ於ケル帝國ノ施政ニ關シ
左ニ掲ケル利益ノ享有ス

委任統治條項第三條乃至第五條ニ規定ス
ル所ニ於テ帝國ハ該地域ニ於テ奴隸賣買ヲ禁
止スルコト、公共事業ノ爲ニスルニ非サレハ
武器彈藥ノ取引ヲ

取締等ト、土著民ニ對スル火酒類ノ供給ヲ
禁止スルコト、原則トシテ土著民ニ軍事教育ヲ
施ササルコト、陸海軍根據地及築城ヲ建設セ
サルコト、支障ナキ限り良心ノ自由及各種禮
拜自由執行ヲ確保シ宣教師ヲシテ其ノ職
務ヲ為在住旅行スルヲ得シムルコトニ付米
國ハ國際聯盟ノ聯盟國ト同一ノ利益ヲ受ク

(第三條
第一項)

一切ノ宗教ノ米國人宣教師ハ該地域ニ於
テ在住旅行シ財産ヲ取得占有シ宗教的建物

六

ヲ建設シ學校ヲ開設スルノ自由ヲ有ス尤モ
帝國ハ之ニ對シテ監理ヲ行ヒ之カ為必要ナ
ル措置ヲ執ルコトヲ得(同條第一項)茲ニ掲ケル
米國人宣教師ノ財産ノ取得占有ハ當局ノ説
明ニ依レハ專ラ其ノ職務執行ノ為ニスルモ
ノニ限ルノ義ナリト言フ

(ハ)該地域ニ於ケル米國人ノ既得財産權ハ如
何ナル手段ニ依ルモ侵害セララルコトナシ
(同條同項
第二項)當局ノ説明ニ依レハ茲ニ所謂既得
財産權ハ本條約成立ノ際現存スルモノニ限

リ將來取得セラルルモノヲ含マス又之ニ對シテハ公用徵收ヲモ行フコトヲ許ササルノ意ヲリト言フ

(二) 日米通商航海條約其ノ他兩國間現存諸條約之ヲ該地域ニ適用ス(第五條)是レ帝國關係ノ國際條約ハ當然委任統治地域ニ適用セラルルモノニ非サルカ故ニ日米兩國間ニ特ニ之ヲ約定スルノ趣意ナル旨當局ニ於テ言明シタリ

(ホ) 米國ハ帝國カ國際聯盟理事會ニ提出スヘ

キ委任統治年報ノ複本ノ送付ヲ受ク(同條同項第四號)

(ハ) 今後聯盟理事會所定ノ委任統治條項カ變

更セララルルコトアルモ米國カ之ニ同意セ

サル限り本條約ノ規定ハ該變更ニ依リテ

影響セラルルコトナシ(同條同項第五號)然レトモ

帝國施政ノ方針ハ國際聯盟ニ對シテ約ス

ル所ト米國ニ對シテ約スル所ト抵觸スルヲ許ササルコト論ヲ俟

タサルカ故ニ結局帝國ハ米國ノ同意アルニ

非サレハ委任統治條項ノ變更ニ承諾スヘ

カラサル立場ニ在ルモノナリトス

(三)米國及其ノ國民ハ「ヤツプ」島ニ於ケル海底電信線ノ陸揚及運用並無線電信ニ依ル通信ニ關スル一切ノ事項ニ付日本國又ハ他ノ各國及其ノ國民ト全然均等ノ地歩ニ於テ同島ニ出入スルコトヲ得ルモノトス尤モ日本國カ同島ニ無線電信局ヲ設立維持シ内外ノ通信ニ對シ無差別且有效ノ取扱ヲ為ス限リ米國又ハ其ノ國民ハ同島ニ無線電信局ヲ設立スルノ權利ヲ行使セス(第三條)

(四)米國及其ノ國民ハ「ヤツプ」島ニ於テ電氣通信ニ

關シ左ニ掲クル利益ヲ享有ス(第四條)

- (イ)米國國民ハ無制限ノ居住權ヲ有シ米國及其ノ國民ハ日本國又ハ他ノ各國及其ノ國民ト同等ニ一切ノ動産不動産及之ニ關スル利益ヲ取得保持スルノ權利ヲ有ス
- (ロ)米國國民ハ電氣通信ニ關スル權利ニ付許可スハ免許ヲ受クルノ義務ナシ
- (ハ)電氣通信ノ運用又ハ通信ニ關シ檢閲又ハ監督ヲ受クルコトナシ
- (ニ)米國國民ハ其ノ身體財産ニ付同島出入ノ

完全ナル自由ヲ有ス

(ホ)電氣通信ノ運用又ハ財産人船舶ニ關シ一切ノ租稅課金及取立金ヲ徵收セラルルコトナシ

(ハ)差別的警察規則ヲ適用セラルルコトナシ

(ト)日本國ハ米國又ハ其ノ國民ノ為必要ニ應ジテ公用徵收權ヲ行フヘキモノトス

(チ)電氣通信ニ供用セラルル米國又ハ其ノ國民ノ財産ハ公用徵收ヲ受クルコトナシ

(五)本條約ハ批准ヲ要シ批准書ハ成ルヘク速ニ

華盛頓ニ於テ之ヲ交換スヘク批准書交換ノ

日ヨリ實施ノ效力ヲ生スヘキモノトス(第五條)

本條約ノ附屬タル日米兩國間交換公文二件

アリ其ノ一ハ帝國カ委任統治諸島ノ港及水面ニ

到來スル米國ノ國民及船舶ヲ遇スルニ常例ノ

國際禮讓ヲ以テスヘキコトヲ定メタルモノナ

ルカ是レ始メ米國カ該諸島ノ各地ニ自由ニ出

入スルノ權利ヲ得ムコトヲ主張シ帝國之ニ反

對シタルノ結果成立シタル了解ニシテ日米通

商航海條約ヲ該諸島ニ適用スルニ於テハ實ハ

別段ノ效益ナキモノナル旨當局ニ於テ言明セ
リ其ノニハ米國カ他日赤道以南ノ舊獨逸領諸
島ノ受任國タル濠洲及新西蘭ト通商條約ヲ締
結スルニ當リテハ同條約ヲ該諸島ニ及ホサム
コトヲ要求スヘキ旨並米國カ他日日本國以外
ノ受任國ニ對シ其ノ委任統治ニ同意スルノ條
約ヲ締結スルニ當リテハ其ノ施政年報ノ複本
ノ送付ヲ要求スヘキ旨ヲ定メタルモノニシテ
是レ帝國カ他ノ受任國ニ先ンシテ右二件ヲ米
國ニ許諾スルコトヲ難シトシタルニ對シ米國

カ他國ニ向テモ同様ノ要求ヲ為スヘキコトヲ
保障シタルモノナリ

本條約成立ニ到ル迄ノ日米兩國間交渉ノ經過
及本條約ノ解説ニ付テハ別冊外務省ノ作成ニ
係ル「ヤツ」島問題ニ關スル交渉經過及本條約ノ解
說概要ヲ参照ニ供セラレムコトヲ望ム
按スルニ帝國ノ委任統治ニ關スル米國ノ異議
ハ始メハ同國カ「ヤツ」島ヲ帝國ノ委任統治地域
ニ包含セシムル旨ノ聯合國最高會議ノ決定ニ
留保ヲ付シタリト主張スルニ過キサリシカ後

ニハ同國カ對獨平和條約ヲ批准セサルニ發源
スルコトト為リ其ノ間事態頓ニ重大ヲ加ヘタ
リ惟フニ當初聯合國最高會議ニ於ケル米國ノ
異議發言以來周密ナル用意ヲ以テ事ヲ執リ彼
ヲシテ非議ヲ肆ニスル餘地ナカラシムルコト
及彼ノ措置ニ對抗シテ之ニ處スヘキ機宜ノ施
為ヲ講スルコトニ於テ我カ政府當局ノ舉措果
シテ克ク遺算ナキヲ得タルカ蓋シ幾分ノ疑惑
ナキニアラサルナリ然レトモ此クノ如キハ今
ニ於テ事全ク既往ニ屬シ復タ如何トモスヘキ

所ナシ若シ本條約ノ成立ニ因リテ兩國間前采
ノ爭議ヲ解決シ兩國ノ交誼ニ一段ノ親善ヲ致
シ帝國大局ノ地位ニ利スル所アルコトヲ得ハ
固ヨリ國家ノ慶幸ト為ササルヘカラス即チ本
條約ハ此クノ如キ希望ヲ以テ帝國ニ於テ之ヲ
採納スルノ最終ノ決定ヲ與ヘラルルコト已ム
ヲ得サル所ナリト思料ス但シ本官等此ノ議ヲ
定ムルニ從ミ更ニ所懷ヲ述ヘテ當局ノ省慮ヲ
促スヘシト認ムルモノアリ其ノ事項左ノ如シ
(一)本條約ノ條項及附屬公文ヲ通看スルニ當路

諸官ニ於テ或ハ嚴正ナル觀念ト周到ナル注
意トニ缺クル所アリシニ非サルカヲ疑ハシ
ムルモノナシトセヌ試ニ其ノ一二ヲ指摘セ
ムカ第二條第二項第一號ニ掲クル米國人宣
教師ノ財産ノ取得占有ハ果シテ當局説明ノ
如ク其ノ職務執行ノ為ニスルモノニ限ルノ
義ニ解セラレハキカ、同條同項第二號ニ所謂
米國人ノ既得財産權ハ本條約成立ノ際現存
スルモノニ限ラレハキカ、之ニ對シテハ公用
徴收ヲ許ササルノ意明瞭ナルカ又附屬公文

第一ニ定メタル常例ノ國際禮讓ヲ以テ米國
ノ國民及船舶ヲ遇スヘシトハ果シテ何ヲ意
味スルカ此等ノ諸點カ他日實地ニ臨ミテ兩
國間紛争ノ種因タラサルナキカヲ惧ルルハ
必スシモ一片ノ杞憂ノミニ非サルナリ當局
諸官カ本條約訂結ノ際其ノ條項ノ編成一
段ノ用意ヲ加ヘテ此クノ如キ疑義ヲ貽サ
ルノ途ニ出テサリシコト本官等ノ深ク遺憾
トスル所ニシテ今後本條約ヲ實施スルニ當
リ當路諸官ニ於テ周到ナル注意ヲ施シ以テ

其ノ適正ナル解釋ニ依リ帝國ノ利益ヲ保有
スルニ遺策ナカラムコト本官等ノ希望ニ堪
ヘサル所ナリ

(二) 本件交渉ノ際帝國カ日米間協定ニ依リ他ノ
受任國ニ先ンシテ對米諸條約ヲ委任統治地
域ニ適用シ且施政年報ノ複本ヲ米國ニ送付
スル旨ヲ約諾スルコトヲ難シトシタルハ素
ヨリ當然ノ主張ナリ然ルニ商議ノ結果米國
ヲシテ纔ニ附屬公文第二ニ依リ他ノ受任國
ニ對シテモ亦同様ノ要求ヲ為スヘキ旨ヲ聲

明セシムルコトヲ以テ我方ノ主張ヲ撤回シ
タルハ果シテ克ク失當ノ譏ヲ免ルヘキカ若
シ米國ノ該要求ニ對スル他ノ受任國ノ應諾
ヲ以テ帝國カ前記二件ノ義務ヲ履行スルノ
必要條件ト為シ且此ノ趣旨ヲ本條約ノ本文
ニ昭明スルコトヲ得タラムニハ帝國ノ利益
ヲ確保スルニ於テ略意ヲ安ンスヘキモノア
リ事此ニ出テサリシハ本官等ノ切ニ遺憾ト
スル所ナリトス又附屬公文第二ニ於テ太平
洋上赤道以南ノ舊獨逸領諸島ノ受任國トシ

テ濠洲及新西蘭ヲ舉クルニ止マリ右諸島中
チウル島ノ受任國タル英本國ニ及ハサリシ
ハ亦關漏ノ一タルヲ免レサルヘク特ニ附記
シテ當局ノ省察ヲ待タムト欲ス抑々本項ノ事
タルヤ實ニ各受任國ニ共通セル問題ナルヲ
以テ萬一帝國ノミ獨リ此ノ義務ヲ負擔スル
ニ終ラムカ國家ノ不面目言ヲ俟タカルカ故
ニ政府當局ニ於テ其ノ間ニ處スル機宜ノ措
置ヲ誤ラサラムコト本官等ノ切ニ希望スル
所ナリトス

本條約ノ條項ニ付テハ敘上ノ如ク特ニ意見ヲ
附スヘキモノナキニアラスト雖其ノ成立ニ至
ル迄ノ經過ニ照レ大局ノ利害ニ考ヘ帝國ニ於
テ之ヲ承認スルノ外ナキモノト思料セラルル
ニ依リ審査委員會ニ於テハ本案ノ條約御批准
ノ件ハ之ヲ可決セラレ然ルヘキ旨前記ニ點ノ
事項ト共ニ全會一致ヲ以テ議決シタリ
右審査ノ結果ヲ報告ス

大正十一年 月 日

審査委員長

審査委員(連名)

議長宛



外務大臣ヨリ在米使分利代理大使ニ對シ「ヤッブル」條約ハ豫定ノ通
リ六月二日大統領ノ批准アリタルヤ又米國政府ニ於テハ他ノ華府會
議關係條約ノ批准及其ノ寄託ハ何日頃爲ス意向ナリヤ確メ方電開
ナシ置キタル處本月十四日同代理大使ヨリ左記回電アリタリ

左記

「ヤッブル」條約ハ六月二日大統領ノ批准アリタリ右批准ノ次第及何
時ニテモ批准交換ヲ爲シ得ヘキ旨八日附ヲ以テ國務長官ヨリ通知ア
リタリ又國務省ニ於テハ條約ハ上院ノ通過ヲ以テ實質的ニ批准アリ
タルモノトシ大統領ノ署名ヲ殆ト問題トセス現ニ「ヤッブル」島ニ關
スル條約ニ付テ問合セタルトキモ國務省ハ何時ニテモ大統領ノ批准
ヲ取り得ヘシトテ直ニ之ヲ得タル有様ニテ會議關係條約ニ付テモ國務

外務省

務省ハ大統領ノ署名ヲ問題ト爲シ居ラス尙批准寄託ハ關係諸國ニ於
テ批准ヲ了シタル後時日ヲ一定シテ之ヲ行ヒタキ意圖ナリト言ヘリ

外
務
省

米獨講和條約

合衆國（其ノ協同交戦國ト協力スル）ハ講和條約ヲ締結セムカ爲キ
九百十八年十一月十一日獨逸國ト休戰條約ヲ締結シタルコトヲ思ヒ
「ヴェルサイユ」條約ハ千九百十九年六月二十八日ヲ以テ署名セラ
レ且該條約第四百四十條ノ規定ニ依リ實施セラレタルモ合衆國ハ未
タ之ヲ批准セサルコトヲ思ヒ

合衆國議會ヲ通過シ千九百二十一年七月二日大統領ノ裁可ヲ經タル
合同決議ノ一部ハ

「亞米利加合衆國上下兩院ハ左ノ種決議ス

第一 千九百十七年四月六日裁可ヲ經タル議會ノ合同決議ニ依

リ獨逸帝國政府及亞米利加合衆國間ニ存在スルモノト官許セ

ラレタル戦争状態ハ終止シタルコトヲ茲ニ宣言ス

第四 右宣言ヲ爲スト共ニ其ノ一部トシテ次ノ事由ニ基ク一切

ノ權利、特權、償金、賠償又ハ利益及之ヲ強制スルノ權利ハ

亞米利加合衆國及其ノ國民ニ總テ之ヲ明確ニ留保ス

亞米利加合衆國又ハ其ノ國民カ千九百十八年十一月十一日署

名セラレタル休戰條約ノ規定又ハ其ノ延長若ハ修正ニ依リ權

利ヲ有スルモノ

亞米利加合衆國カ歐洲戦争ニ參加シタルノ理由ニ依リ其ノ既

ニ取得シ若ハ現ニ占有スルモノ又ハ之カ爲其ノ人民ノ權利ニ

正當ニ歸シタルモノ

「ツエールサイユ」條約ニ於テ亞米利加合衆國又ハ其ノ國民ノ

並奧地利帝國及洪牙利王國政府又ハ其ノ繼承者及一切ノ奧地
利洪牙利國民ニ屬スル一切ノ財產ニシテ千九百十七年十二月
七日ノ當日亞米利加合衆國又ハ其ノ官吏ノ吏員若ハ職員ノ占
有若ハ管理ニ歸シ又ハ請求ノ目的物ト爲リアリ又ハ同日以後
爲リタルモノハ其ノ占有等ノ起原又ハ仲介ノ如何ヲ問ハス
亞米利加合衆國之ヲ保有スヘク且法律ニ依リ既ニ規定セラレ
又ハ將來特ニ規定ヲ設クル場合ノ外ハ左記行爲ノ完了ニ至ル
迄之ニ對シ何等ノ措置ヲ執ラサルヘシ

獨逸帝國政府及奧地利帝國洪牙利王國政府又ハ其ノ繼承者カ
亞米利加合衆國ニ對シ永久的忠誠義務ヲ有スル者（住所ノ如
何ヲ問ハス）ニシテ千九百十四年七月三十一日以後獨逸帝國

政府若ハ其ノ代理者又ハ奥地利帝國洪牙利王國政府若ハ其ノ代理者ノ行爲ニ依リ或ハ獨逸國、奥地利洪牙利國、亞米利加合衆國其ノ他ノ國ノ會社ノ株式所有ニ依ルト或ハ敵對行爲、戰鬪行爲其ノ他ニ基クトラ問ハス直接又ハ間接ニ其ノ身體又ハ財産ニ付損失、損害又ハ傷害ヲ蒙リタルモノノ前記各政府ニ對シテ有スル一切ノ請求ヲ賠償スル爲各適當ナル準備ヲ爲スコト

並亞米利加合衆國ノ國民タルト否トニ拘ラズ亞米利加合衆國ニ對シ永久の忠誠義務ヲ有スル者ニ居住、商業、職業、營業、航海、通商及工業所有權ニ關スル一切ノ事項ニ付最惠國民待遇ヲ許容スルコト

茲獨逸帝國政府及奧地利洪牙利國政府又ハ其ノ各繼承者ニ於
テ亞米利加合衆國編纂帝國政府若ハ其ノ國民又ハ奧地利帝國
及洪牙利王國政府若ハ其ノ國民ニ屬スル財產ニ關シ戰時中
シ又ハ行セタル一切ノ料料、沒收、罰金及差押ノ處分ヲ亞米
利加合衆國ニ對シ確認シ茲亞米利加合衆國ニ對スル一切ノ金
錢上ノ請求ヲ放棄スルコト

ト規定セルコトヲ思ヒ

尙戰爭開始以前兩國間ニ存在シタル親善關係ヲ恢復セムコトヲ希望
シ
之カ爲亞米利加合衆國大統領ハ

獨逸國駐節合衆國代表者「エリス、ローリング、フレツセル」

獨逸帝國大統領ハ

外務大臣「ドクトル、フリードリヒ、ローゼン」

ヲ各其ノ全權委員ニ任命セリ

右各委員ハ其ノ全權委任狀ヲ示シ之カ良好妥當ナルヲ認メタル後左ノ如ク協定セリ

第一條

獨逸國ハ前記千九百二十一年七月二日ノ合衆國議會ノ合同決議ニ拘クル一切ノ權利、特權、償金、賠償及利益（「ヴェルサイユ」條約ニ於テ合衆國ノ利益ノ爲ニ規定セラレタル一切ノ權利及利益ニシテ合衆國力該條約ヲ批准セサルニ拘ラス完全ニ享受スルモノヲ含ム）ヲ合衆國ニ許與スルコトヲ約シ合衆國ハ之ヲ取得享受ス

第二條

「ヴェルサイユ」條約中ノ或條項ニ關シテ前條ニ定ムル獨逸國ノ義務ヲ一層詳細ニスル爲ニ兩締約國ハ左ノ通協定ス

一 該條約ニ於テ合衆國ノ利益ノ爲ニ規定セラレタル權利及利益ニシテ合衆國ノ取得享受セムト欲スルモノハ第四編第一款、第五編、第六編、第八編乃至第十二編、第十四編及第十五編ニ規定スルモノトス

合衆國ハ本條ニ列舉スル該條約ノ條項ニ規定スル權利及利益ヲ該條項ニ基キ獨逸國ニ許與セラルル權利ニ抵調セサル方法ニ於テ享有ス

二 合衆國ハ該條約第一編ノ條項又ハ國際聯盟規約ニ關スル該條約

ノ條項（本條第一號ニ列舉スル條項ヲ含ム）ニ依リ拘束セラレサルヘク又國際聯盟、聯盟理事會若ハ聯盟總會ノ行爲ニ依リ拘束セラレサルヘシ但シ合衆國カ該行爲ニ固ニ同意ヲ與ヘタルトキハ此ノ限ニ在ラス

三合衆國ハ該條約第二編、第三編、第四編第二款乃至第八款及第十三編ノ條項ニ基キ又ハ之ニ關シ何等義務ヲ負擔セス

四合衆國ハ該條約第八編ノ規定ニ依ル賠償委員會及該條約又ハ之ヲ補足スル取極ニ依リ設置セラルル其ノ他ノ委員會ニ參加スルノ特權ヲ有スルモ自國ノ欲スル場合ノ外ハ右委員會ノ何レニモ參加スルノ義務ヲ負擔セス

五「エ」ルサイエ」條約第四百四十條ニ揭クル該期間ハ合衆國ノ

行爲及選擇ニ關シテハ本條約實施ノ日ヨリ之ヲ起算スルモノト
ス

第三條

本條約ハ締約國ノ憲法ニ定ムル形式ニ從ヒ之ヲ批准スヘク且伯林ニ
於テ成ルヘク遵ニ行ハルヘキ批准書交換後直ニ之ヲ實施スヘシ

右證據トシテ各全權委員ハ本條約ニ署名ス

千九百二十一年八月二十五日伯林ニ於テ本書ニ通テ作ル

エリス、ローリング、ドレッセル (印)

ローゼン (印)

Done in duplicate in Berlin this twenty-fifth day
of August, 1921.

ROSEN. (SEAL)

ELLIS JORING DRESEL. (SEAL)

to such action.

(5) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Sections 2 to 6 inclusive of Part IV, and Part XIII of that Treaty.

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that Treaty, and in any other Commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time of which reference is made in Article 440 of the Treaty of Versailles shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

ARTICLE III.

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Berlin.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

notwithstanding the fact that such Treaty has not been ratified by the United States.

ARTICLE II.

With a view to defining more particularly the obligation of Germany under the foregoing Article with respect to certain provisions in the Treaty of Versailles, it is understood and agreed between the High Contracting Parties:

(1) That the rights and advantages stipulated in that Treaty for the benefit of the United States, which it is intended the United States shall have and enjoy, are those defined in Section 1, of Part IV, and Parts V, VI, VIII, IX, X, XI, XII, XIV, and XV.

The United States in availing itself of the rights and advantages stipulated in the provisions of that Treaty mentioned in this paragraph will do so in manner consistent with the rights accorded to Germany under such provisions.

(2) That the United States shall not be bound by the provisions of Part I of that Treaty, nor by any provisions of that Treaty including those mentioned in Paragraph (1) of this Article, which relate to the Covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations, or by the Council or by the Assembly thereof, unless the United States shall expressly give its assent

German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America."

Being desirous of restoring the friendly relations existing between the two Nations prior to the outbreak of war :

Have for that purpose appointed their plenipotentiaries:

THE PRESIDENT OF THE GERMAN EMPIRE

Dr. FRIEDRICH ROSEN, Minister for Foreign Affairs, and

THE PRESIDENT OF THE UNITED STATES OF AMERICA

ELLIS LORING DRESEL., Commissioner of the United States of America to Germany,

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Versailles which the United States shall fully enjoy

law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favoured-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial

possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled by one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

* * * * *

"Sec. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by

TREATY OF PEACE WITH GERMANY.

Considering that the United States, acting in conjunction with its co-belligerents, entered into an Armistice with Germany on November 11, 1918, in order that a Treaty of Peace might be concluded;

Considering that the Treaty of Versailles was signed on June 28, 1919, and came into force according to the terms of its Article 440, but has not been ratified by the United States;

Considering that the Congress of the United States passed a Joint Resolution, approved by the President July 2, 1921, which reads in part as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

"Sec. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the

The present copy shall be deposited in the Archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent possessions under his sovereignty or control.

ARTICLE 10.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandate.

ARTICLE 11.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

ARTICLE 12.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of this mandate which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory shall apply to the territory and general international conventions applicable to his contiguous territory.

ARTICLE 9.

The Mandatory shall have full powers of administration and legislation in the area subject to the Mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the following provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by

and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory will ensure to all nationals of states, Members of the League of Nations, on the same footing as to his own national, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States, Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

(IV) will protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(V) will exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5.

In the framing of laws relating to the holding or transference of land the Mandatory will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory will promulgate strict regulations against usury.

ARTICLE 6.

The Mandatory will secure to all nationals of States, Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property,

This Report with its annexes shall be drawn up in triplicate, one of these shall be deposited in the Archives of the League of Nations, one shall be kept by His Britannic Majesty's Government and one by the Government of the French Republic.

ARTICLE 2.

The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3.

The Mandatory shall not establish in the territory and military or naval bases, not erect any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

ARTICLE 4.

The Mandatory: -

- (1) will provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;
- (11) will suppress all forms of slave trade;
- (111) will prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

Whereas by the terms of the said joint recommendation the Governments of France and Great Britain have proposed that the Mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the Mandate in respect of the said Territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Hereby approves the terms of the said Mandate as follows: -

ARTICLE 1.

The territory over which a mandate is conferred upon His Britannic Majesty comprises that part of the former colony of the Cameroons which lies to the west of the line laid down in the Declaration, signed on July 10, 1919 of which a copy is annexed hereto.

The delimitation on the spot of this line shall be carried out in accordance with the provision of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot; map signed by the Commissioners shall be annexed to the Report.

DRAFT OF BRITISH MANDATE FOR PART OF THE
CAMEROONS SUBMITTED FOR APPROVAL.

The Council of the League of Nations

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the Cameroons; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with Article 22 of the Covenant of the League of Nations that part of the Cameroons lying to the west of the line agreed upon in the Declaration of July 10, 1919, annexed hereto, should be conferred upon His Britannic Majesty; and

submitted to the Permanent Court of International
justice provided for by Article 14 of the Covenant
of the League of Nations;

The present copy shall be deposited in the
Archives of the League of Nations. Certified
copies shall be forwarded by the Secretary-General
of the League of Nations to all Members of the
League.

visions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent possessions under his sovereignty or control.

ARTICLE 10.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandatory.

ARTICLE 11.

The consent of the Council of the League of Nations is required for any modifications of the terms of the present mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

ARTICLE 12.

If any dispute whatever should arise between the Members the League of Nations relating to the interpretation or application of this mandate which cannot be settled by negotiations, this dispute shall be

but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9.

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the following pro-

thorities, and no real rights over native land in favour or non-natives may be created except with the assent.

The Mandatory will promulgate strict regulations against usury.

ARTICLE 6.

The Mandatory will secure to all nationals of States, Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory will ensure to all nationals of States, Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States, Members of the League of Nations,

ARTICLE 3.

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organise any native military force except for local police purposes and for the defense of the territory.

ARTICLE 4.

The Mandatory:-

- (I) will provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow.
- (II) will suppress all forms of slave trade;
- (III) will prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
- (IV) will protect the natives from abuse and measures of fraud and force by the careful supervisions of labour contract and the recruiting of labour;
- (V) will exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5.

In the framing of laws relating to the holding or transference of land the Mandatory will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public au-

undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Hereby approves the terms of the said Mandate as follows:-

ARTICLE 1.

The territory over which a mandate is conferred upon His Britannic Majesty comprises that part of the former colony of Togoland which lies to the west of the line laid down in the Declaration, signed on July 10, 1919, of which a copy is annexed hereto.

The delimitation on the spot of this line shall be carried out in accordance with the provision of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot; maps signed by the Commissioners shall be annexed to the Report.

This Report with its annexes shall be drawn up in triplicate, one of these shall be deposited in the Archives of the League of Nations, one shall be kept by His Britannic Majesty's Government and one by the Government of the French Republic.

ARTICLE 2.

The Mandatory shall be responsible for the peace, order and good Government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

DRAFT OF THE BRITISH MANDATE FOR PART OF TOGOLAND
SUBMITTED FOR APPROVAL.

The Council of the League of Nations.

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein Togoland; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with Article 22 of the Covenant of the League of Nations that part of Togoland lying to the west of the line agreed upon in the Declaration of July 10, 1919, referred to in Article 1 should be conferred upon His Britannic Majesty; and

Whereas by the terms of the said joint recommendation the Governments of France and Great Britain have proposed that the Mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the Mandate in respect of the said territory and has

of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 12.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority.

ARTICLE 13.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said Court for decision.

The present copy shall be deposited in the Archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Made at the day of

ARTICLE 9.

The Mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic, and wireless communication, and industrial literary and artistic property.

The Mandatory shall co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 10.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 11.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course

navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order and on condition of compliance with the local law.

ARTICLE 8.

The Mandatory shall ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

of spirituous liquors.

ARTICLE 6.

The Mandatory shall in the framing of laws relating to the holding or transference of land shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-native may be created except with the same consent.

The Mandatory will promulgate strict regulations against usury.

ARTICLE 7.

The Mandatory shall secure to all nations of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession of trade subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and

undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 4.

The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 5.

The Mandatory:

- (I) Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as soviat conditions will allow;
- (II) Shall suppress all forms of slave trade;
- (III) Shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
- (IV) Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
- (V) Shall exercise a strict control over the traffic in arms and ammunition and the sale

boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1:1,000,000 map, G.S.G.S. 2932, Sheet Ruanda and Urundi.

ARTICLE 2.

Boundary Commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definite description of this boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the Archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians, and one by the Government of His Britannic Majesty,

ARTICLE 3.

The Mandatory shall be responsible for the peace, order and good government of the territory, and shall

Protectorate and German East Africa cuts the River Mavumba a straight line in a south-easterly direction to point 1640, about 19 kilometres south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi where it terminates at the confluence of a river situated about $2\frac{1}{2}$ kilometres west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the West, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (point 2100), situated on the Uganda-German East Africa frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watersaid between the Faruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southerwards across Lake Sake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern

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MANDATE FOR EAST AFRICA.

(Submitted for approval)

The Council of the League of Nations.

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German East Africa; and

Whereas the Principal Allied and Associated Powers agreed that in accordance with Article 22, Part 1 (Covenant of the League of Nations) of the said Treaty a mandate should be conferred upon His Britannic Majesty to administer part of the former colony of German East Africa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Hereby approves the terms of the Mandate as follows:-

ARTICLE I.

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line:-

From the point where the frontier between the Uganda

measure taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

ARTICLE 7.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Made at Geneva, the 17th day of December, 1920

Certified true copy.

Elio Drummond

Secretary-General.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the

the Members of the League, shall be explicitly defined by the Council of the League of Nations:

Confirming the said Mandate, defines its terms as follows:

ARTICLE 1.

The territory over which a Mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory), is the former German island of Nauru (Pleasant Island, situated in about 167° longitude East and 9° 25' latitude South).

ARTICLE 2.

The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of his territory.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

ARTICLE 3.

The Mandatory shall see that the slave trade is prohibited, and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

LEAGUE OF NATIONS

MANDATE FOR NAURU.

THE COUNCIL OF THE LEAGUE OF NATIONS:

Whereas, by Article 190 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein Nauru; and

Whereas, the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said Treaty a mandate should be conferred upon His Britannic Majesty to administer Nauru, and have proposed that the Mandate should be formulated in the following terms; and

Whereas, His Britannic Majesty has agreed to accept a Mandate in respect of Nauru and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph B, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by

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League of Nations

MANDATE FOR NAURU

ARTICLE 7.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate.

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Made at Geneva the 17th day of December, 1920.

Certified true copy.

Elio Drummond

Secretary-General.

ARTICLE 4.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4, and 5.

ARTICLE 2.

The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Commonwealth of Australia, and may apply the laws of the Commonwealth of Australia to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 3.

The Mandatory shall see that the slave trade is prohibited, and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

Whereas His Britannic Majesty, for and on behalf of the Government of the Commonwealth of Australia, has agreed to accept the Mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the afore-mentioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said Mandate, defines its terms as follows: --

ARTICLE I.

The territory over which a Mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Commonwealth of Australia (hereinafter called the Mandatory) comprises the former German Colony of New Guinea and the former German islands situated in the Pacific Ocean and lying south of the Equator, other than the islands of the Samoan group and the island of Nauru.

LEAGUE OF NATIONS

MANDATE FOR THE GERMAN POSSESSIONS IN THE PACIFIC
OCEAN SITUATED SOUTH OF THE EQUATOR OTHER THAN
GERMAN SAMOA AND NAURU.

THE COUNCIL OF THE LEAGUE OF NATIONS: -

Whereas, by Article 119 of the Treaty of Peace
with Germany signed at Versailles on June 28th, 1919,
Germany renounced in favour of the Principal Allied
and Associated Powers all her rights over her overseas
possessions, including therein German New Guinea and
the groups of islands in the Pacific Ocean lying south
of the Equator other than German Samoa and Nauru; and

Whereas the Principal Allied and Associated
Powers agreed that in accordance with Article 22,
Part I (Covenant of the League of Nations) of the
said Treaty, a Mandate should be conferred upon His
Britannic Majesty to be exercised on his behalf by
the Government of the Commonwealth of Australia to
administer New Guinea and the said islands, and have
proposed that the Mandate should be formulated in the
following terms; and

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League of Nations

Mandate for German possessions
in the Pacific Ocean situated south of the
Equator other than German Samoa and
Nauru

and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Made at Geneva, the 17th day of December, 1920.

Certified true copy.

(Signed) ERIC DRUMMOND

Secretary-General.

ARTICLE 5.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Article 2, 3, 4 and 5.

ARTICLE 7.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory

Whereas, by the afore-mentioned Article 22, paragraph 3, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations:

Confirming the said Mandate, defines its terms as follows:--

ARTICLE 1.

The territory over which a Mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Dominion of New Zealand (hereinafter called the Mandatory) is the former German Colony of Samoa.

ARTICLE 2.

The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Dominion of New Zealand, and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require.

LEAGUE OF NATIONS

MANDATE FOR GERMAN SAMOA .

THE COUNCIL OF THE LEAGUE OF NATIONS:

Whereas, by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German Samoa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part 1 (Covenant of the League of Nations) of the said Treaty, a Mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand to administer German Samoa and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Dominion of New Zealand, has agreed to accept the Mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

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League of Nations

MANDATE FOR GERMAN CAMEROON

Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Made at Geneva the 17th day of December, 1920.

Certified true copy.

Elio Drummond

Secretary-General.

ARTICLE 5.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4 and 5.

ARTICLE 7.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

ARTICLE 3.

The Mandatory shall see that the slave trade is prohibited, and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

~~Whereas~~, by the afore-mentioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations:

Confirming the said Mandate, defines its terms as follows:—

ARTICLE 1.

The territory over which a Mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa (hereinafter called the Mandatory) comprises the territory which formerly constituted the German Protectorate of South-West Africa.

ARTICLE 2.

The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require.

LEAGUE OF NATIONS.

MANDATE FOR GERMAN SOUTH-WEST AFRICA.

THE COUNCIL OF THE LEAGUE OF NATIONS:

Whereas, by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German South-West Africa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said Treaty, a Mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa to administer the territory aforementioned, and have proposed that the Mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Union of South Africa, has agreed to accept the Mandate in respect of the

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League of Nations

Mandate for German South-West Africa