



INTERNATIONAL PROSECUTION SECTION

Doc. No. 2404

8 July 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: "Establishment of a New Order in East Asia and Special Commercial Treaties between Japan, Manchuria and China." Booklet by KAWASHIMA, Shintaro, former Envoy Extraordinary and Minister Plenipotentiary and advisor to Trade Association Headquarters.

Date: 1940 Original  Copy  Language: Japanese

Has it been translated? Yes  No   
Has it been photostated? Yes  No

LOCATION OF ORIGINAL

Document Division

SOURCE OF ORIGINAL: East Asia Research Institute, Tokyo

PERSONS IMPLICATED: KAWASHIMA, Shintaro; ARITA, Hachiro

CRIMES TO WHICH DOCUMENT APPLICABLE: Violation of Economic Agreements; Economic Aggression

SUMMARY OF RELEVANT POINTS

Advocates abolition of extraterritoriality and concession system in China. States that Japan must be cautious in the enforcement of tariff autonomy in China and must conclude a ten-year reciprocal trade treaty and in practice tighten Sino-Japanese economic relations.

Advocates establishment of special trade agreements between Japan, MANCHUKUO and China, and the reinterpretation of certain clauses in the Nine Power Treaty and "Equal Opportunity" doctrine in order to conform to International Law. Substance of the tripartite special trade agreements are:

1. Conclusion of a customs union between Japan and China.

Doc. No. 2404  
Page 1

2. Conclusion of a long term reciprocal trade treaty between Japan and China.

3. Conclusion of a special reciprocal agreement, which would not permit outside nations participation, between MANCHUKUO and China, especially North China and MONGOLIA-SINKING.

Author states that since Japan and MANCHUKUO are practically a single unit, outside nations would not object if a preferential tariff is imposed on goods sent between the two nations and a special customs treaty is concluded.

As the adjustment of trade relations between China and Japan is an important link in the construction of the Far Eastern New Order, Foreign Minister ARITA answered American protest against Japan as follows in a letter dated 18 Nov 1938:

"In view of the existence of a world wide strong economic unit, Japan, China and MANCHUKUO are obliged to construct an independent unit in order to survive, and we are obliged to assert that economic activities of outside nations will be checked."

Against this statement the American Government lodged a protest again on 30 Dec 1938, but the Japanese Government ignored it. As a result, the American Government denounced the Japanese-American Trade Agreement in 1939.

INTERNATIONAL PROSECUTION SECTION

Doc. No. 2404

Date 5/28/46

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: "Establishment of a New Order in East Asia and Special Commercial Treaties between Japan, Manchuria and China"  
Date: 1940 Original (x) Copy ( ) Language: Jap

Has it been translated? Yes ( ) No (x)  
Has it been photostated? Yes ( ) No (x)

LOCATION OF ORIGINAL (also WITNESS if applicable)

Document Division

SOURCE OF ORIGINAL: East Asia Research Institute, TOKYO

PERSONS IMPLICATED: KAWASHIMA, SHINTARO ARITA, Hachiro

CRIMES TO WHICH DOCUMENT APPLICABLE:

Violation of Economic Agreements; ~~on the part of Japan~~  
Economic aggression

SUMMARY OF RELEVANT POINTS (with page references):

(include this in #10)

Booklet by KAWASHIMA, SHINTARO, former Envoy Extraordinary and Minister Plenipotentiary and advisor to Trade Association HQ headquarters.

Advocates abolition of extra-territoriality<sup>and concession system</sup> in China. States that Japan must be cautious in the enforcement of tariff autonomy in China and must conclude a 10 year reciprocal trade treaty and in practice tighten Sino-Japanese economic relations.

Analyst: H. B. Goldstein  
MAW  
(over)

Doc. No.

Advocates establishment of special trade ~~relations~~ agreements between Japan, MANCHUKUO and China, and the ~~re-interpretation~~ re-interpretation of certain clauses in the Nine Powers Treaty and "Equal Opportunity" doctrine in order to conform to International Law. Substance of the tripartite special trade agreements are:

1. Conclusion of a Customs union between Japan and MANCHUKUO.
2. Conclusion of a long term reciprocal trade treaty between Japan and China.
3. Conclusion of a special reciprocal agreement, which would not permit outside nations' participation, between MANCHUKUO and China, especially North China and MONGOLIA - SINKING.

Author states that since Japan and MANCHUKUO are practically a single unit, outside nations would not object if a preferential tariff is imposed on goods & sent between the two nations and a special customs treaty is concluded.

As the adjustment of trade relations between China and Japan is an important link in the construction of the Far Eastern New Order, Foreign Minister ARITA answered American protest against Japan as follows in a letter dated 18 Nov, 1938:

"In view of the existence of a world wide strong economic unit, Japan, ~~and~~ China and MANCHUKUO are obliged to construct an independent unit in order to survive, and we are obliged to assert that economic activities of outside nations will be checked."

Against this statement the American Government lodged a protest again on 30 December, 1938, but the Japanese Government ignored it. As a result, the American Government denounced the Japanese-American Trade Agreement

# 2/04  
SA 10044D  
Sack 15  
Item 12

NAOJI HARA

The construction of the New Order in the Far East and the establishment of relationship in special trade agreement between Japan, Manchuko and China.

By former Envoy extraordinary and Minister Plenipotentiary and the Adviser to the Headquarters of trade association  
Shintaro KAWASHIMA

1) The meaning of the construction of the New Order in the Far East as the basis of settling the Sino-Japanese Conflict is, according to my opinion, to enhance the political, economic and racial states of China and Manchuko to the level of the civilized nations.

Only China and Manchuko are remained now at the states of 17 century.

2) The fundamental factors of settling <sup>the</sup> Sino-Japanese incident for the purpose of constructing the New Order in the Far East are the abolishment of extraterritoriality and concession system in China and the recognition of the basic principle as to the tariff autonomy on the part of China on condition that China will open

economically her all land, and the Japanese as well as other nations must be permitted, as same as the Chinese, the freedom of journey and dwelling and the right of exploiting economic welfare in China.

Although before execution of this, the following measures must be taken;—

- A) dispatchment of judges to China from Japan and other civilized nations for a certain period.
- B) Completing equipments of penitentiaries in China.

Japan must always be cautious for the enforcing right of tariff autonomy on the part of China and must conclude about 10 years terms reciprocal treaty and in practice tighten the Sino-Japanese economic relations.

- 3) Another fundamental condition constructing the New Order in the Far East is the establishment of special relations of trade agreements between Japan, Manchukuo and China, at the same time to the interpretation of the clauses of the Nine Powers Treaty, the doctrine of Open the Door and the doctrine of Equal Opportunities must be added reasonable

modifications considering the International Laws  
The substance of tripartite special trade agreement is as follows:-

- 1) Conclusion of custom union between Japan and Manchukuo.
  - 2) Conclusion of long-termed and vast reciprocal Treaty between Japan and China.
  - 3) Conclusion of special reciprocal agreement which does not <sup>permit</sup> participation of third nations between Manchukuo, China, especially North China and Mongolia-Sinching.
- 4) In view of the present situation of Japan and Manchukuo that forms one body (flesh) in politics, national defence and industries, I believe that if a special customs Treaty is concluded between Japan and Manchukuo and a preferential tariff is imposed on the necessary commodities there will be no objection from other nations. But in consideration of the attitude of U.S.A. which opposed to Japan's policy in the past necessary cautions must be paid so as not contrary to the principle of Equal Opportunity and the Unconditional Most Favoured Clauses prevailing



in the world.

- 5) The adjustment of trading relations between Japan and China paralleling the construction of the Far Eastern New Order is the most <sup>with</sup> important affairs of late.

In the letters, dated 18th Nov. 1938, answering the protest from the U.S.A Government against Japan, the Foreign Minister Mr. Arita stated as follows:

"In view of the existence of powerful economic unit in the world Japan, <sup>China</sup> and Manchukuo are obliged to construct an autarky unit for the sake of living and in so far as this we are obliged to say that the economic activities of the third nations will be checked."

Against this letter the U.S.A Government has lodged protest with Japan again on 30th December 1938, but the Japanese Government ignored it. as the result the U.S.A Government announced the denunciation of the Japan American Trade Agreement on 26th July last year. In consideration of the history above noted the commodities to be laid out of the principle of the Equal Opportunities must be limited to the goods which are necessary for the national defence and peace and order of public.

b) In view of the international agreements or treaties concluded after the first Great War, it is generally admitted that one area which had formed one nation before the War and after the armistice annexed to other nation, for example the relation between Russia and Finland, has special economic relation with her former mother land.

So I believe that between Manchukuo and her former motherland China, especially between Manchukuo and North China or Mongolia Sinkiang, the establishment of special economic relation concerning inland trade will be justified. But before executing this, the following steps must be done promptly:-

- A) Complete equipment of legal system (or organization) in China, especially in North China and Mongolia-Sinkiang.
- B) Enforcement of opening of inland China.
- C) The abolishment of the extraterritoriality in China.

Proj. No. 253  
S. A. No. 10044D — 71  
Sack No. 15  
Item No. 12

Doc # 24711



東亞新秩序建設  
下日滿支間特殊通商條約關係ノ設定  
一  
書究東  
之所  
印藏

東亞新秩序建設  
下日滿支間特殊通商條約關係ノ設定

前特命全權公使  
貿易組合中央會顧問  
川島信太郎

今次日支事變處理ノ根幹タル所謂東亞新秩序ノ建設ナルモノノ意義如何ニ就テハ種々ノ說アルモ、吾人ノ意見ニ依レバ其ノ最モ簡單ナル表現方法ハ今日國際生活上世界文明國ノ列後ニ睦若トシテ未ダ十七、八世紀ノ狀態ノ下ニアル滿支兩國ヲシテ日本ガ今日成功シ居ルガ如ク政治的ニ經濟的ニ又民族的ニ世界一般文明國ノ地位迄引上グルコトニアリト思フ。

近代文明發祥ノ地タル歐洲ニ於テ其ノ國家組織ノ新舊、領域ノ大小ヲ問ハズ相互間ノ交通關係ニ於テ全然對等ノ原則ヲ以テ律セラレ、歐洲以外ニ於テハ北米諸國ハ言フモ更ナリ中南米諸國モ亦其ノ歐洲

民族ノ植民地タル理由ヨリシテ、夙ニ歐洲諸國ト對等ノ地位ヲ認メ  
ラレ、殊ニ一八二三年モンロー・ドクトリンノ宣言以來北米合衆國  
ノ力ニ依リ各國ノ獨立、領土保全ハ確保セラレ、歐洲諸大國ノ政治  
的權力又ハ經濟的搾取ヨリ全然脱却スルコトヲ得、又今日亞細亞、  
阿弗利加大陸ニ於テ獨立國タル體面ヲ保チ居ルトルコ、ペルシヤ、  
シヤム、イラク、サウド・アラビア等ノ諸國ハ曾テ日本ノ爲シタル  
トコロニ倣ヒ、前回ノ歐洲大戰後治外法權ヲ撤廢シ又ハ關稅自主權  
ヲ回復シ茲ニ歐米諸國ト對等ノ地位ヲ獲得シ得タ。之ニ反シ埃及、  
パレスタイン、シリヤ、乃至ハモロッコ、エチオピヤ、安南、緬甸  
等ノ如キハ歐洲大國ノ保護國、委任統治地域又ハ其ノ植民地トナル  
ト共ニ之等諸國領域内ニ於テモ歐米其ノ他一般文明國民ハ當該國ノ  
領土主權ノ下ニ服從セザルヲ得ナイコト、ナツタ。然ルニ東亞大陸  
ニ於テ其ノ大部分ヲ占ムル滿支ニ對シ歐米諸國ハ依然十七、八世紀  
涉外人民主權旺盛ナリシ時代ニ於ケル如ク自國民及自國產貨物ガ其  
ノ國領土主權ノ下ニ服從スルコトヲ認メズ。而シテ之ガ反射作用ト

シテ滿支ノ領土ハ恰モ我安政條約實施時代ニ於ケルガ如ク一定開港場ノ外全部外國人ノ居住、旅行及通商ニ對シ閉鎖セラレ、産業開發其ノ他外國人ノ一般企業モ亦狹隘ナル開港場内ニ於テノミ經營シ得ルガ如キ現状ハ經濟上ノ發展ニ大害アリテ東亞ノ新秩序ト相容レザルモノナルヲ以テ一日モ速ニ之ヲ終止セシメネバナライ。換言スレバ滿支ヲ中心トスル東亞ハ其ノ文化、經濟組織ノ低級ナル點ニ於テ恰モ世界ノスラムナルガ如キ現状ハ一日モ早ク之ヲ改善セネバナライ。尤モ滿洲國ニ於テハ昭和六年九月十八日ノ滿洲事變ノ結果翌七年三月一日獨立國トシテ帝政實施セラレ、其ノ後法典ノ編纂及裁判所ノ構成ハ日本法官ノ下ニ着々トシテ完備セラレ、其ノ結果昭和十一年七月一日日滿兩國間ニ治外法權撤廢協約效力發生シ、同時ニ日本人及滿洲國ノ法權ニ服従スル外國人ハ滿洲國全土ニ於テ旅行、居住、産業開發ノ機會ヲ受クルコト、ナツタノデアアル。

以上世界各國ノ實例ガ示ストコロヨリ推スモ、所謂東亞新秩序建設ノ根本要件トシテハ先ヅ支那ニ於ケル治外法權ガ一日モ速ク撤廢セラレ、之ニ伴ヒ日本人其ノ他外國人ハ支那國民ト等シク支那内地何レノ場所ニ於テモ旅行、居住ノ自由ヲ認メラレ且ツ農、工、商、漁、鑛業等一切ノ産業ニ從事スルノ權利ヲ認メラレナケレバナラヌ。只注意スベキコトハ法典及裁判所制度ノ整備、殊ニ其ノ前提條件タル警察制度ノ完備ハ治外法權ノ撤廢即チ支那國法權服從ノ不可分條件ナルニ付支那政府ニ於テモ從來ノ如ク單ナル法典ノ公布ヲ以テ治外法權撤廢ノ準備成レリトスベキデナイ。之ヲ急施センガ爲ニハ宜シク日本其ノ他先進國ヨリ一定期間外國人裁判官ヲ高級裁判所ニ任置スルヲ許スベキデアアル。殊ニ刑務所ノ設備ノ如キハ外國人ノ爲特別ノ施設ヲナスベキデアアル。斯カル準備ナクシテ外國人ニ對シ支那國法權ヲ及ボシ、殊ニ現行ノ居留地制度ヲ廢棄スルガ如キコトアル場合ニ於テハ外國人ハ支那内地開放ノ利益ヲ得ルベカラザルノミナラ

ズ、之ガ爲支那ト列國トノ通商、交通上多大ノ支障ヲ來タシ支那ノ文  
化的發展ヲ退步セシムベキコトガアツテハナラヌ。彼ノ大正十五年北  
京關稅會議ニ於テ支那ニ關稅自主權ヲ許シ、其ノ結果昭和六年一月一  
日ヨリ支那ハ自主關稅法實施シタルガ爲昭和六年以後支那ノ輸出入貿  
易ハ漸減シ且ツ極度ニ引上ゲラレタル支那ノ關稅ヲ免ル、爲密輸入ハ  
益々増加シ、關稅收入モ亦却テ漸減スルコト、ナリ、殊ニ日本ノ如キ  
支那ノ內國產品ト其ノ種類ヲ同ジウスル生産品ヲ支那ニ輸入スル國ハ  
支那ノ極端ナル關稅保護ノ爲最大ノ打擊ヲ受ケ、右打擊ハ昭和八年九  
月日支互惠關稅條約滿期後ニ益々熾烈トナリ、結局其他種々ノ方法ニ  
依ル排日的經濟制度ト相俟チ其ノ赴クトコロ昭和十二年七月七日今次  
事變ノ勃發ヲ見ルニ至ツタガ此ノ如キ事態ヲ繰返シテハナラヌ。  
之ヲ以テ東亞新秩序建設ヲ目的トスル事變處理ノ條件トシテハ支那ニ  
對シ支那全土ノ經濟的開放ヲ條件トシテ治外法權及居留地制度ノ撤廢  
並ニ關稅ノ自主權ニ關スル根本原則ヲ承認スルヲ要スベシト雖モ之ヲ  
實行セシムルガ爲ニハ過去ニ於ケル日本及滿洲ニ於テ爲セルトコロニ



倣ヒ諸外國人が安ンジテ内地ニ居住シ、支那富源開發ニ從事シ得セシムベキ制度ヲ設ケナケレバナラナイ。從來ニ於ケル如ク本邦其ノ他ノ外國ニ於テ治外法權ノ撤廢ヲ主義ニ於テ認ムルノミニテ之ガ實施ヲ支那政府任意ノ手段ニ放任スベキデハナイ。斯クテハ東亞ニ於ケル新秩序建設ノ最要條件タル治外法權撤廢ノ機ヲ見ルハ今後何時ノ日タルヲ知ルベカラザルコトデアラウ。事變處理ノ一條件トシテ右ニ關シ支那政府トノ間ニ具體的案ヲ定ムベキデアル。即チ直チニ各開港場ノ周圍及其ノ背後地ヲ廣範圍ニ亘リ支那法權ニ服從ノ條件ノ下ニ外國人ニ對シ完全ニ開放スベク、漸ヲ逐フテ之ヲ支那内地重要都市殊ニ鐵道沿線地帯ニ擴及シ最後ニ現開港場ニ及ブベキデアル。蓋シ支那ニ於ケル過去ノ經驗ニ就テ見ルニ支那及列國共支那ノ治外法權撤廢ニ付テハ餘リ臆病ニ失スル嫌ヒガアル。トルコ、イラン、イラツク、シヤム、埃及等ニ於テ歐洲大戰後容易ニ其ノ治外法權ノ全部又ハ一部ガ撤廢セラレタル事實ニ徴シ文化ノ程度寧ロ之等地域ヨリ高キ支那ニ對シテハ斷乎トシテ之ニ望ムベキデアル。居留地居

住外國人ヲシテ支那國ノ課税ニ服セシムルコトハ甚ダ大膽ニ見ユル如キモ、埃及ニ於ケル如キ例ヲ参照シ、其ノ市政ノ要部ニ外國人ヲ參加セシムル趣旨ノ特殊自治體ヲ以テ之ニ當ラシムルコト、セバ右支那ニ於ケル傳統的特殊制度ヲ撤廢スルコト必ズシモ困難ナラザルベシト思考セラル。只注意スベキハ今日支那開放地内ニ於テ外國人殊ニ日本人ガ多數ノ工場ヲ有スルトコロ、右工場ノ製品ハ支那ニ於ケル單一生産税ニ服スルノミニテ、支那ノ一般課税及勞働法規ヨリ免レ得ル現狀ノ下ニ發展セルモノナルニ鑑ミ、右居留地ノ撤廢ハ之等産業ニ對シ重大ナル損害ヲ與フルノ虞ガアルニ付右撤廢ノ際既存工場ノ既得利益擁護ニ付適當ノ便法ヲ設クベキデアル。之ト同時ニ關稅自主權ノ行使ニ就テモ前記昭和六年以後日本ニ於テ支那國定稅率實施ニヨリ受ケタル苦キ經驗ニ鑑ミ彼ノ日本、トルコ、シヤム其ノ他過去ニ於ケル治外法權撤廢國ガ、其ノ撤廢ノ際例外ナク同意シタルガ如ク關稅自主權ノ運用ニ付テハ細心ナル注意ヲナシ日本其ノ他ノ重要貿易國トノ間ニ互惠ノ主義ノ下ニ廣汎ナル關稅協定ヲ爲ス

コト自然ノ理デアル。就中日本トノ間ニハ大體昭和五年三月十二日  
調印ノ日支關稅條約ノ形式ニヨリ互惠條約ヲ締結スベク、只今回ノ  
モノハ過去ノ經驗ニ鑑ミ期限ヲ少クトモ十年位トナシ、又協定物品  
ノ範圍ヲ一層擴大シ殊ニ支那側生産品協定ノ數ヲ増加シ事實日支經  
濟不可分ノ實ヲ舉グルモノタラネバナラヌ。

## 三

以上ハ東亞新秩序建設ノ見地ヨリシテ、支那ヲ文明國ノ地位迄引上グルニ付其ノ前提タルベキ支那ト列國トノ條約關係ノ基礎ヲ説明シタモノナルガ、右東亞新秩序建設ノ他ノ一條件トシテハ、日滿支相互間ニ他ノ列國ノ均霽ヲ許サ、ル特殊通商條約關係ヲ設定スルノ一事デアル。之レト共ニ吾人ハ彼ノ徒ニ日滿支經濟ゾロツタノ名ノ下ニ日滿支三國間ニ完全ナル幣制ノ統一ヲ企テ又ハ英帝國内諸國間ニ於ケル如ク相互間ニ廣汎ナル特惠關稅ヲ設定セント主張スルモノデモナイ。之レト同時ニワシントン九ヶ國條約ノ規定ハ、事態變更ノ原則ノ下ニ解釋上適當ナル修正ガ行ハレ、門戶開放、機會均等主義モ新事態ニ適合スル様其ノ解釋上適當ナル修正ヲ加ヘラルベキモノト信ズル。併シ右修正ノ程度ハ國際條規ニ照ラシ、到底他ノ同意シ得ベカラザル程度ノモノデアツテハナラナイ。前記極端ナル日滿支經濟ゾロツタハ列國ノ反對ヲ賭シテ迄強イテ主張スル程ノ價值ナキモノト思考セラル。

吾人が滿洲乃至支那ト日本トノ關係ニ關シ列國ニ求ムルコロハ、東亞新秩序建設上、一般文明列國ガ他ノ特殊ノ關係ヲ有スル國トノ間ニ關シ設定スルト同一程度ノ特殊關係ヲ日滿支相互間ニ設定センコトノ承認ヲ求ムルノミデアル。詳言スレバ日滿支三國間ノ特殊通商條約關係ハ概ネ左ノ如キ方法ニ依リ處理セラルベキモノデアル。

一、日本ト滿洲國トノ間ニ關稅同盟ヲ締結スルコト。

二、日本ト支那トノ間ニ廣汎ナル長期ノ互惠的關係協定ヲ結ブコト。尤モ右互惠協定ニ依ル減稅、輸出入制限撤廢其ノ他ノ利益ハ、無條件最惠國條款ニ依リ支那ニ於テモ日本ニ於ケルト等シク相互條件ノ下ニ他ノ條約國ニ均霑セシムルヲ以テ原則トスルモ、國防又ハ公安上ノ必要ニヨル特惠ハ之レヲ均霑ノ除外例トスルコト。

三、滿洲國ト支那國間殊ニ滿洲國ト北支及蒙疆トノ間ニ於テハ、第三國ヲシテ（日本ヲ含ム）均霑セシメザル特殊互惠協定ヲ締結スルコト。

## 四

日滿間ニ特殊互惠關稅協定ヲ結ビ、滿洲國ヨリ日本ヘノ輸入ノ木材、豆類、高粱、小麥、銑鐵、鋼材等ニ對シ低廉又ハ無稅ナル特惠關稅ヲ設ケ之ト交換的ニ滿洲國側ニ於テモ日本ヨリ輸入ノ諸機械、建設材料等ニ特惠關稅ヲ設クルノ緊要ナルコト、並ニ日滿間ニ右ノ如キ特惠關係ヲ設定スルコトハ日本ト滿洲國トノ間ノ政治、國防、産業上ノ關係ガ一體ヲ爲シ得ル現狀ニ鑑ミ何レノ外國モ異存ナキトコロナルベキハ吾人ノ常ニ主張シ來リタルトコロデアル。(昭和十三年一月外交時報所載「對大陸經濟關係強化ノ沿革及其解決策」參照)此ノ種問題ニ付最モ反對ノ態度ヲ採ルト思ハル、米國ハ玖瑪互惠條約ヲ以テ全然ハル互惠條約ノ範圍以外ト主張シ又英國ハ大正十四年七月三十日締結日英補足條約ニ於テ日滿間ニ於ケル接境經由貨物ニ對スル待遇ヲ認メ更ニ昭和八年日印第一回關稅條約締結交渉ノ際日本ガ印度ニ對シ英本國及其ノ屬領地生産物ニ對シ特惠關稅ヲ附與スルヲ承認スルノ代償トシテ印度側ヨリ滿洲其他接境國生産物ニ對シ特惠ヲ附與スルノ原則ヲ同意セシメ

タルコトアリ、其ノ後ニ於テ日滿間特殊關係ハ一層不可分トナリタルコト明白ナルヲ以テ今日日滿間ニ特殊互惠協定ヲ締結スルコトハ列國ニ於テ何等異議ヲ生ズルコト思ハレナイ。尤モ滿洲國側ガ日本ニ對シ特惠的利益ヲ附與スルコトハ列國ニ於テ未ダ滿洲國ヲ承認セザル今日デアリ又米國ガ滿洲ニ於ケル機會均等主義ノ維持ニ熱心ナルコトハ會テ大正二年ノ頃三線連絡運賃ノ實施ニ關シ猛然反對シ來タルヲ始トシ常ニ神經過敏ニシテ終ニ大正十一年華府關稅條約ニヨリ鮮滿等陸境通過貨物ニ對スル三分ノ一ノ關稅輕減スラ之ヲ廢止シタルノ沿革ガアル。依テ此ノ際日滿經濟一如ノ目的ヲ達スルガ爲ニハ多少ノ不便ヲ忍ビテモ更ニ一步ヲ進メ國際慣例上機會均等主義乃至無條件最惠國待遇ト扞格スト議論ノ餘地ナキ關稅同盟ヲ相互間ニ設定スルコトハ最良ノ解決策デアル。即チ原則トシテ日本ノ關稅定率法ヲ滿洲國ニ實施スルト同時ニ右ヨリ生ズル兩國財政經濟上ノ不便ハ現存日滿經濟委員會ヲ活用シテ之ガ調整ヲ計ルベキデアル。蓋シ右關稅同盟實施ノ爲生ズベキ最大ノ不便ハ滿洲國側ニ於ケル關稅收入ノ激減及關稅撤廢ノ結果

相手國ヨリ特殊ノ輸入品（例ヘバ滿洲國ヨリ日本ヘノ輸入ノ農產物）ノ増加ナルガ右ハ日本政府ノ滿洲國政府ニ對スル一定率ニヨル關稅收入額ノ分與及現ニ朝鮮米ノ内地ヘノ移出ニ對シテ實行スル移出統一ヲ滿洲國ヨリ日本ヘノ輸出ノ或種農產物ニ對シテ實行スルニヨリ容易ニ救濟セラレ得ル。今日日滿兩國ニ於テ日滿兩國間ノ輸出入ニ對シ圓ツツクヘ輸出入ナル名ノ下ニ全面的統制ヲナシ居ル現狀ニ於テハ、右日滿關稅同盟ノ實施ハ最モ容易ナルモノト認ム。



東亞新秩序建設下ニ於テ日支間通商關係ヲ如何ニ調節スルヤハ最モ重要ナル事項ナルガ昭和十三年十一月十八日附有田外相ヨリ米國政府ニ宛テタル抗議回答書中ニ於テ同外相ハ「今ヤ東亞ノ天地ニ於テ新ナル狀勢ノ展開シツ、アルノ秋ニ當リ事變前ノ事態ニ適合アリタル觀念乃至原則ヲ以テ其儘現在及今後ノ事態ヲ律セントスルコトハ何等當面ノ問題ノ解決ヲ齎ス所以ニアラザルノミナラズ又東亞恒久平和ノ確立ニ資スルモノニアラザルコトヲ信ズル次第」ヲ極言シ以テ華府關稅條約及九ヶ國條約ノ規定ヲ無視セントスルノ態度ヲ示シ、更ニ十二月十九日外人記者トノ會見談中ニ於テ「新體制ノ經濟的方面ハ世界ニ自給自足ノ強大ナル經濟單位ノ存スルニ對應シテ日滿支ノ三國ガ經濟的方面ニ於ケル相互連環關係ヲ結成シ密接ナル經濟的協力ニ依リ經濟單位ヲ強化セントスルニ外ナラズ」ト所謂東亞新秩序ノ下ニ日滿支ガ一經濟單位トシテプロツクヲ形成スベキヲ豫言シ、次デ「元來商業上ノ機會均等ハ從來日本ノ世界ニ向ツテ強ク主張シ

來リタルトコロナルガ事實ハ必ズシモ日本ノ主張通りニハ行カズ、  
良質廉賣ノ日本品ハ到ルトコロ差別的待遇ヲ與ヘラレタリ、日本ハ  
今日ニ於テモ商業上ノ機會均等ガ各國ノ繁榮ト世界ノ繁榮トヲ來ス  
モノナリト信ジ居レリト雖モ世界ノ制限的現状勢ノ下ニ於テ日滿  
支ガ相倚リ相扶ケテ必要物資ノ自給自足政策ニ必要ナル生産ノ確保  
ヲ計リ萬一ノ場合ニ於ケルマーケットノ確保ヲ期スルコトハ其ノ存  
立上不可缺ト認ムルモノニシテ其ノ範圍ニ於テ東亞以外ノ各國ノ經  
濟活動ノ制限サル、コトハ之ヲ認メザルテ得ズ。換言スレバ將來支  
那ニ於ケル第三國ノ經濟活動ハ新體制ニ依テ結合サル、三國ノ國防  
及經濟的自主達成ニ必要ナル制限ヲ受クベキモノナリト大膽ニ言  
明シ東亞新秩序ノ下ニ於テ日滿支三國ハ一經濟單位ノ下ニ國防及必  
要物資ニ付自給自足ノ政策ヲ採ルベキ趣旨ヲ明カニセリ。右ノ如キ  
主張ハ取り様ニ依リテハ日滿支三國間ニ排他的自足自給ノ一經濟同  
盟ヲ組織セントスル大膽ナル計畫ナリト見ラルベキモノデアル。依  
テ米國政府ニ於テハ右日本ノ主張ヲ看過スルヲ得ザリシモノト見エ、

同年十二月三十日附テ以テ第二回抗議書ヲ提出シ日本ノ主張ハ九ヶ國條約ノ規定ニ照シ之ヲ承認スルヲ得ザルコトヲ強硬ニ陳述スルト同時ニ本交渉ノ繼續ヲ計ランガ爲華府條約ノ規定中現狀ニ適應セザルニ至リタルモノニ對シテハ米國政府ニ於テモ他ノ關係國ト共ニ之ガ修正ノ協議ニ應ズルノ準備アリト申出デタガ、右申出ニ對シ日本ハ何等ノ回答ヲ爲サバリシニ付米國政府ハ之ガ對抗策トシテ昨年七月二十六日日米條約ノ廢棄ヲ通告スルニ至ツタノデアアル。斯ル經緯アルガ故ニ日支間ニ特殊關稅互惠協約ヲ締結シ、兩國國防上必要ナル軍需品等ハ兎モ角更ニ兩國國民經濟生活上ノ必要品タル棉花、鐵、石炭、小麥其ノ他ノ原料品、食料品一切ヲ包含スル廣範圍ノ物品ヲ機會均等主義ノ外ニ置クコトハ到底米國其ノ他列國ヲシテ承服シ得ザルトコロナルベシ。然ルニ日支間ニ斯ル廣範圍ノ特殊互惠協定ヲ締結セントノ主張ハ勢ヒ他ノ方面ニ閉鎖經濟ノ組織ヲ容認セザルベカラザルコト、ナルヲ以テ日本ノ傳統的積極自由ノ通商政策トモ相容レズ。依テ機會均等ノ原則ノ例外タルベキモノハ之ヲ前記國防上

又ハ公安上必要ナル資材ニ限定スベク、右ニ限定スルトキハ日支事  
變處理ノ一要項タル防共ヲ目的トスル日支間ノ國防協定ノ反射作用  
トシテ又ハ一般文明國間ニ行ハル、慣行ニ外ナラズト之ヲ主張スル  
ヲ得ベク列國モ強イテ異議ヲ唱フルコト困難ナルモノト認メラル。  
蓋シ機會均等主義ナルモノハ其ノ適用地域ガ未ダ半開國程度ニアル  
ガ爲適用國ニ於テ列國ニ對シ最惠國條款ノ制限以上ニ其ノ經濟、行  
政ノ運用ニ付拘束ヲ受ケルコトニシテ日本、トルコ、シヤム等ノ實  
例ニ付テ見ルモ明カナルガ如ク治外法權撤廢サル、ト共ニ機會均等  
ノ義務ハ消滅シ右義務ニ代ヘ最惠國條款ノ義務ヲ有スルニ至ルモノ  
ト認メザルヲ得ナイ。殊ニ最近ノ顯著ナル實例ハイラクガ英國ノ委  
任統治地域タリシ當時ニ於テハ列國ノ通商、産業ニ對シ機會均等ノ  
原則適用ヲ承認シタリシモ、其ノ後獨立國トナリ、國際聯盟ノ一員  
タルコトヲ許サレルニ至リ、イラツクハ右機會均等ノ制縛ヨリ脫退  
シ國際聯盟國一體ニ對シテ相互條件ノ下ニ最惠國待遇ヲ許スニ至ツ  
タ。即チ機會均等ノ制縛ト文明國タル地位トハ兩立セザルモノデア

ル。換言スレバ半開國ニ於テハ其ノ國勢弱キガ爲稍モスレバ列國ノ  
或者ガ右半開國トノ單獨條約ニ依リ獨占的利益ヲ獲得スル場合ヲ生  
ズル惧アルヲ以テ關係列國ハ協同シテ是等半開國ニ對シ機會均等ノ  
原則ノ適用ヲ約シ或一國ガ獨占的利益ヲ有スルニ至ラザルコトヲ約  
束スルノデアアル。之ニ反シ一般文明國ニ於テハ鐵道ノ敷設、港灣、  
水道等ノ修築、鹽、煙草等ノ專賣ノ如キ國防又ハ公安ニ關スル事項  
ハ最惠國條款ノ例外トシテ或一國民ヲ指定シ之ヲ特許シ又工事ヲ請  
負ハシムルモ差支ナイノデアアル。

ベルサイユ講和條約締結以後ニ於ケル一般國際條約ノ實例ヲ見ルニ  
 第一次歐洲大戰開始以前ニ於テ或一國ノ領土トシテ一体ヲ爲シ居ル  
 地域ガ右大戰後他國ノ領土トシテ分屬スルニ至リタル場合ニハ、右  
 新國境ヲ形成スルニ至リタル二國又ハ數國ノ間ニ一般最惠國待遇ノ  
 除外例タル特殊經濟關係ヲ設定スルモ差支ナキコトガ一般ニ認メラ  
 ル、ニ至ツタノデアアル。例ヘバソ聯トフィンランド、エストニア、  
 ラトビヤ、リトワニヤ、ポーランドノ相互關係、又ハ舊トルコ帝國  
 ノ領土ノ一部ヲ爲シタルイラク、シリヤ、パレスティン、埃及等ト  
 現トルコ國トノ相互關係乃至ハ舊オーストリア・ハンガリー國ヲ形  
 成セシ現在ノオーストリア、ハンガリー、ユーゴ・スラビヤ相互  
 間ノ關係ノ如キハ通商經濟上一般最惠國條款ノ除外例トシテ認メラ  
 レテ居ル。更ニ歐洲大戰前ヨリロシア國ト接境關係ニ在ル滿洲、蒙  
 古、新疆、アフガニスタン、ペルシヤ、トルコ等ノ間ニハ陸境關稅  
 ニ關シ特殊待遇ガ認メラレテ居ル。從テ之等諸般ノ實例ヨリ見テ支

那ノ舊領土タリシ滿洲國ト支那トノ間、殊ニ滿洲國ト蒙疆、北支トノ陸境貿易ニ付テハ特殊關係ヲ設定シ差支ナキコトハ自明ノ理デアアル。之等ハ地理的、政治的の特殊ノ關係ヨリ出ヅルモノナルニ付機會均等ノ原則ノ適用ヲ以テ論ズベキデナイ。尙一九二三年十一月十五日國際聯盟主催ノ國際海港條約第七條ニハ右ノ如キ場合ニ對シ特例ヲ認メテ居ル。尤モ前記ノ如ク支那ニ於テ未ダ治外法權ヲ維持シ、機會均等ノ制限ノ下ニアル今日ニ於テハ種々ノ議論ヲ生ズベキ餘地モアルニ付、支那殊ニ蒙疆及北支ニ於テハ日本ノ助力ニヨリ速ニ法制ヲ完備シ、内地開放ト治外法權撤廢トヲ即行スベキデアアル。

(昭和一五・一・九)

S.A. 10044 (1)

Sack 15

~~Doct # 2/10/04~~

12

08