

AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE UNITED KINGDOM AND POLAND.

Signed at London, August 25, 1939.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Polish Government:

Desiring to place on a permanent basis the collaboration between their respective countries resulting from the assurances of mutual assistance of a defensive character which they have already exchanged;

Have resolved to conclude an Agreement for that purpose and have appointed as their Plenipotentiaries:

The Government of the United Kingdom of Great Britain and Northern Ireland:

The Rt. Hon. Viscount Halifax, K.G., G.C.S.I., G.C.I.E., Principal Secretary of State for Foreign Affairs;

The Polish Government:

His Excellency Count Edward Raczyński, Ambassador Extraordinary and Plenipotentiary of the Polish Republic in London;

Who, having exchanged their Full Powers, found in good and due form, have agreed on the following provisions:—

Article 1.

Should one of the Contracting Parties become engaged in

(参考)

佛蘭西國、英國及「トルコ」國間相互援助條約

條約

佛蘭西共和國大統領、「グレート、ブリタン」、「アイルランド」及「グレート、ブリタン」海外領土皇帝印度皇帝陛下(「グレート、ブリタン」及北部「アイルランド」聯合王國ニ關シ)並ニ「トルコ」共和國大統領ハ

自國ノ安全ノ爲ニ相互的性質ヲ有スル條約ヲ締結シ且侵略ニ對シ抵抗スル爲相互援助ヲ確保センコトヲ欲シ

左ノ如ク其ノ全權委員ヲ任命セリ

佛蘭西共和國大統領

特命全權大使、「コンマンドール、ド、ラ、レジョン、ドノール」勳章「ルネ、マッシグリ」

「グレート、ブリタン」、「アイルランド」及「グレート、ブリタン」海外領土皇帝印度皇帝陛下(「グレート、ブリタン」及北部「アイルランド」聯合王國ニ關シ)

千九百三十九年十月十九日「アンカラ」ニ於テ署名
(本條約ノ歐文ハ英國政府發行ノ白書 Cmd. 6188 ヨリ之ヲ採リタリ)

特命全權大使、「ナイト、コンマンダー、オブ、セント、マイクル、エンド、セント、ジョージ」
「サー、ヒュー、マントガマリー、ナッチブル・ヒュージソン」
「トルコ」共和國大統領

「イスタンブール」州選出下院議員、臨時外務大臣、内閣議長「ドクトル、レフィック、サイダム」

右各全權委員ハ其ノ全權委任狀ヲ交換シ之ガ良好妥當ナルヲ認メタル後左ノ諸規定ヲ協定セリ

第一條

「トルコ」國ニ對スル「ヨーロッパ」ノ一國ノ侵略ノ結果トシテ「トルコ」國ガ右一國トノ戰闘行爲ニ從事スル場合ニ於テハ聯合王國政府及佛蘭西國政府ハ「トルコ」國政府ト有效ニ協力シ且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

第二條

(一) 「ヨーロッパ」ノ一國ニ依リ爲サレ且聯合王國及佛蘭西國ガ捲込マルベキ戰爭ヲ地中海區域ニ於テ誘發スル侵略行爲ノ場合ニ於テハ「トルコ」國ハ聯合王國及佛蘭西國ト有效ニ協力スベク且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

(二) 「ヨーロッパ」ノ一國ニ依リ爲サレ且「トルコ」國ガ捲込マルベキ戰爭ヲ地中海區域ニ於テ誘發ス

ル侵略行爲ノ場合ニ於テハ聯合王國及佛蘭西國ハ「トルコ」國ト有效ニ協力スベク且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

第三條

聯合王國及佛蘭西國ガ各自ノ千九百三十九年四月十三日ノ宣言ニ依リ希臘國及「ルーマニア」國ニ與ヘタル保障ガ引續キ效力ヲ有スル限リ「トルコ」國ハ聯合王國及佛蘭西國ガ前記保障ノ何レカノ一方ニ基キ戰闘行爲ニ從事スベキ場合ニ於テハ聯合王國及佛蘭西國ト有效ニ協力スベク且之ニ其ノ爲シ得ル一切ノ助力及援助ヲ與フベシ

第四條

第二條及第三條ガ適用セララルコトナクシテ聯合王國及佛蘭西國ガ其ノ何レカノ一方ニ對シ「ヨーロッパ」ノ一國ノ爲シタル侵略ノ結果トシテ右一國トノ戰闘行爲ニ從事スル場合ニ於テハ締約國ハ即時協議スベシ

尤モ右ノ如キ不測ノ事件ニ於テハ「トルコ」國ハ佛蘭西國及聯合王國ニ對シ少クトモ好意的中立ヲ遵守スベキコトヲ約ス

第五條

前記第三條ノ規定ヲ害スルコトナクシテ

(一) 締約國中ノ一國ノ政府ガ「ヨーロッパ」ノ一國ニ對シ「ヨーロッパ」ノ他ノ一國ニ依リ爲サル侵略ニ對シ其ノ獨立若ハ中立ヲ維持スルコトニ付援助スルコトヲ其ノ同意ヲ得テ約シタル場合ニ於ケル右侵略又ハ

(二) 「ヨーロッパ」ノ一國ニ依リ爲サレタル侵略ニシテ「ヨーロッパ」ノ他ノ一國ニ對シ仕向ケラレタルモノナルモ締約國中ノ一國ノ政府ニ於テ自國ノ安全ニ對スル脅威ト爲ルベシト認メタルモノノ場合ニ於テハ締約國ハ有效ト認メラルルコトアルベキ何等カノ共同行動ヲ計畫スル爲即時協議スベシ

第六條

本條約ハ何レノ國ニ對シテ仕向ケラレタルモノニモ非ズ本條約ハ必要ノ生ズル場合ニ於テ侵略ニ對シ抵抗スル爲相互ノ助力及援助ヲ佛蘭西國、聯合王國及「トルコ」國ニ對シ確保センコトヲ目的トスルモノナリ

第七條

本條約ノ規定ハ「トルコ」國ト他ノ二締約國ノ各トノ間ニ雙務的義務トシテ均シク拘束力ヲ有ス

第八條

締約國ガ本條約ノ適用ノ結果トシテ戰國行爲ニ從事スル場合ニ於テハ締約國ハ合意ニ依ルノ外休戰條

約又ハ平和條約ヲ締結スルコトナカルベシ

第九條

本條約ハ批准セラレベク且批准書ハ成ルベク速ニ「アンカラ」ニ於テ同時ニ寄託セラレベシ本條約ハ右寄託ノ日ヨリ實施セラレベシ

本條約ハ十五年ノ期間ニ付締結セラレ締約國ノ何レモ本條約ヲ終了セシムルノ意思ヲ右期間ノ滿了ノ六月前ニ他ノ二國ニ通告セザリシトキハ本條約ハ暗黙ノ更新ニ依リ五年ノ新期間ニ付延長セラレベク爾後亦同ジ

右證據トシテ下名ハ本條約ニ署名調印セリ

千九百三十九年十月十九日「アンカラ」ニ於テ本書三通ヲ作成ス

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第一議定書

下名ノ全權委員ハ各自ノ政府ガ本日附ノ相互援助條約ヲ其ノ署名ノ時ヨリ實施スルコトニ意見一致セ
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第二議定書

聯合王國、佛蘭西國及「トルコ」國間ノ條約ニ署名スルニ當リ下名ノ全權委員ハ特ニ正當ノ委任ヲ受
ケ左ノ如ク協定セリ

前記條約ニ基キ「トルコ」國ガ負ヒタル義務ハ「ソヴィエト」社會主義共和國聯邦トノ武装紛争ヘノ
引入ヲ目的ト爲シ又ハ結果トシテ齎ス行動ヲ「トルコ」國ニ對シ強制スルコトヲ得ズ
本署名議定書ハ聯合王國、佛蘭西國及「トルコ」國ノ間ニ本日附ヲ以テ締結セラレタル相互援助條
約ノ不可分ノ一部ト看做サルベシ

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PROTOCOLE No. I.

Les plénipotentiaires soussignés constatent que leurs Gouvernements respectifs sont d'accord pour mettre en vigueur dès sa signature le traité d'assistance mutuelle en date de ce jour.

Fait à Ankara, en triple exemplaire, le 19 octobre 1939.

R. MASSIGLI.
H. M. KNATCHBULL-HUGESSEN.
DR. R. SAYDAM.

PROTOCOLE No. 2.

Au moment de procéder à la signature du Traité entre le Royaume-Uni, la France et la Turquie, les Plénipotentiaires soussignés, dûment autorisés à cet effet, sont convenus de ce qui suit :

Les engagements assumés par la Turquie en vertu du Traité susmentionné ne pourront contraindre ce pays à une action ayant pour effet ou pour conséquence de l'entraîner dans un conflit armé avec l'U.R.S.S.

Le présent Protocole de signature sera considéré comme partie intégrante du Traité d'Assistance mutuelle conclu en date de ce jour entre le Royaume-Uni, la France et la Turquie.

Fait à Ankara, en triple exemplaire, le 19 octobre 1939.

R. MASSIGLI.
H. M. KNATCHBULL-HUGESSEN.
DR. R. SAYDAM.

PROTOCOL No. I.

The undersigned Plenipotentiaries state that their respective Governments agree that the Treaty of mutual assistance dated this day shall be put into force from the moment of its signature.

Done at Angora, in triplicate, the 19th October, 1939.

R. MASSIGLI.
H. M. KNATCHBULL-HUGESSEN.
DR. R. SAYDAM.

PROTOCOL No. 2.

At the moment of signature of the Treaty between the United Kingdom, France and Turkey, the undersigned Plenipotentiaries, duly authorised to this effect, have agreed as follows:—

The obligations undertaken by Turkey in virtue of the above-mentioned Treaty cannot compel that country to take action having as its effect, or involving as its consequence, entry into armed conflict with the U. S. S. R.

The present Protocol of Signature shall be considered as an integral part of the Treaty of Mutual Assistance concluded to-day between the United Kingdom, France and Turkey.

Done at Angora, in triplicate, the 19th October, 1939.

R. MASSIGLI.
H. M. KNATCHBULL-HUGESSEN.
DR. R. SAYDAM.

se pourra. Il entrera en vigueur à la date de ce dépôt.

Le présent Traité est conclu pour une durée de quinze ans. Si aucune des Hautes Parties Contractantes n'a notifié aux deux autres son intention d'y mettre fin six mois avant l'expiration de ladite période, le Traité se trouvera renouvelé par tacite réconduction pour une nouvelle période de cinq ans et ainsi de suite.

En foi de quoi les soussignés ont signé le présent Traité et y ont apposé leurs cachets.

Fait à Ankara, en triple exemplaire, le 19 octobre 1939.

(L. S.) R. MASSIGLI.

(L. S.) H. M. KNATCHBULL-HUGESSEN.

(L. S.) DR. R. SAYDAM.

as possible. It shall enter into force on the date of this deposit.

The present Treaty is concluded for a period of fifteen years. If none of the High Contracting Parties has notified the two others of its intention to terminate it six months before the expiration of the said period, the Treaty will be renewed by tacit consent for a further period of five years, and so on.

In witness whereof the undersigned have signed the present Treaty and have thereto affixed their seals.

Done at Angora, in triplicate, the 19th October, 1939.

(L. S.) R. MASSIGLI.

(L. S.) H. M. KNATCHBULL-HUGESSEN.

(L. S.) DR. R. SAYDAM.

(2) soit d'une agression commise par une Puissance européenne, et qui, bien que dirigée contre un autre État européen, constituerait dans l'opinion du Gouvernement d'une des Hautes Parties Contractantes une menace à sa sécurité propre,

les Hautes Parties Contractantes se consulteront immédiatement en vue d'entreprendre toute action commune qui serait reconnue efficace.

ARTICLE 6.

Le présent Traité n'est dirigé contre aucun pays. Il a pour but d'assurer à la France, au Royaume-Uni et à la Turquie une aide et une assistance mutuelles pour résister à l'agression si la nécessité s'en présentait.

ARTICLE 7.

Les dispositions du présent Traité sont également valables comme engagements bilatéraux entre la Turquie et chacune des deux autres Hautes Parties Contractantes.

ARTICLE 8.

Si les Hautes Parties Contractantes se trouvent engagées dans des hostilités à la suite de l'application du présent Traité, elles ne concluront d'armistice ou de paix que d'un commun accord.

ARTICLE 9.

Le présent Traité sera ratifié et les instruments de ratification seront déposés simultanément à Ankara aussitôt que faire

(2) aggression by a European Power which, while directed against another European State, constituted, in the opinion of the Government of one of the High Contracting Parties, a menace to its own security,

the High Contracting Parties will immediately consult together with a view to such common action as might be considered effective.

ARTICLE 6.

The present Treaty is not directed against any country, but is designed to assure France, the United Kingdom and Turkey of mutual aid and assistance in resistance to aggression should the necessity arise.

ARTICLE 7.

The provisions of the present Treaty are equally binding as bilateral obligations between Turkey and each of the two other High Contracting Parties.

ARTICLE 8.

If the High Contracting Parties are engaged in hostilities in consequence of the operation of the present Treaty, they will not conclude an armistice or a peace except by common agreement.

ARTICLE 9.

The present Treaty shall be ratified and the instruments of ratification shall be deposited simultaneously at Angora as soon

données par le Royaume-Uni et la France à la Grèce et à la Roumanie par leurs déclarations respectives du 13 avril 1939, la Turquie coopérera effectivement avec le Royaume-Uni et la France et leur prêtera toute l'aide et toute l'assistance en son pouvoir, dans le cas où le Royaume-Uni et la France seraient engagés dans des hostilités du fait de l'une ou de l'autre des garanties susmentionnées.

ARTICLE 4.

Dans le cas où le Royaume-Uni et la France seraient engagés dans des hostilités avec une Puissance européenne à la suite d'une agression commise par cette Puissance contre l'un ou l'autre de ces États sans que les dispositions des articles 2 et 3 trouvent leur application, les Hautes Parties Contractantes se consulteront immédiatement.

Il est toutefois convenu que dans une telle éventualité, la Turquie observera au moins une neutralité bienveillante à l'égard du Royaume-Uni et de la France.

ARTICLE 5.

Sans préjudice des dispositions de l'article 3 ci-dessus, dans le cas :

- (I) soit d'une agression commise par une Puissance européenne contre un autre État européen dont le Gouvernement d'une des Hautes Parties Contractantes se serait, avec l'approbation dudit État, engagé à aider à maintenir l'indépendance ou la neutralité contre une telle agression,

Kingdom to Greece and Roumania by their respective Declarations of the 13th April, 1939, remain in force, Turkey will cooperate effectively with France and the United Kingdom and will lend them all aid and assistance in its power, in the event of France and the United Kingdom being engaged in hostilities in virtue of either of the said guarantees.

ARTICLE 4.

In the event of France and the United Kingdom being involved in hostilities with a European Power in consequence of aggression committed by that Power against either of those States without the provisions of Articles 2 or 3 being applicable, the High Contracting Parties will immediately consult together.

It is nevertheless agreed that in such an eventuality Turkey will observe at least a benevolent neutrality towards France and the United Kingdom.

ARTICLE 5.

Without prejudice to the provisions of Article 3 above, in the event of either :

- (I) aggression by a European Power against another European State which the Government of one of the High Contracting Parties had, with the approval of that State, undertaken to assist in maintaining its independence or neutrality against such aggression, or

Le Président de la République turque :

M. le Docteur Refik Saydam, Président du Conseil, Ministre des Affaires Etrangères *ad. int.* Député d'Istanbul.

Lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes :

ARTICLE 1^{er}.

Dans le cas où la Turquie serait engagée dans des hostilités avec une Puissance européenne à la suite d'une agression commise par cette Puissance contre la Turquie, le Gouvernement du Royaume-Uni et le Gouvernement français coopéreront effectivement avec le Gouvernement turc et lui prêteront toute l'aide et toute l'assistance en leur pouvoir.

ARTICLE 2.

(1) Dans le cas d'un acte d'agression commis par une Puissance européenne et conduisant dans la zone méditerranéenne à une guerre où le Royaume-Uni et la France seraient impliqués, la Turquie collaborera effectivement avec le Royaume-Uni et la France et leur prètera toute l'aide et toute l'assistance en son pouvoir.

(2) Dans le cas d'un acte d'agression commis par une Puissance européenne et conduisant dans la méditerranéenne à une guerre où la Turquie serait impliquée, le Royaume-Uni et la France collaboreront effectivement avec la Turquie et lui prêteront toute l'aide et toute l'assistance en leur pouvoir.

ARTICLE 3.

Aussi longtemps que demeureront en vigueur les garanties

The President of the Turkish Republic :

Dr. Refik Saydam, President of the Council, Minister for Foreign Affairs *ad. int.*, Deputy for Istanbul.

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

ARTICLE I.

In the event of Turkey being involved in hostilities with a European Power in consequence of aggression by that Power against Turkey, France and the United Kingdom will co-operate effectively with Turkey and will lend her all aid and assistance in their power.

ARTICLE 2.

(1) In the event of an act of aggression by a European Power leading to war in the Mediterranean area in which France and the United Kingdom are involved, Turkey will collaborate effectively with France and the United Kingdom and will lend them all aid and assistance in its power.

(2) In the event of an act of aggression by a European Power leading to war in the Mediterranean area in which Turkey is involved, the Government of the United Kingdom and the French Government will collaborate effectively with the Turkish Government and will lend it all aid and assistance in their power.

ARTICLE 3.

So long as the guarantees given by France and the United

TRAITÉ D'ASSISTANCE MUTUELLE ENTRE LA FRANCE,
LE ROYAUME-UNI ET LA TURQUIE.

Signé à Ankara, le 19 octobre 1939.

TRAITÉ.

LE Président de la République française, Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au-delà des mers, Empereur des Indes (pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord), et le Président de la République turque,

Désirant conclure un traité de caractère réciproque dans l'intérêt de leur sécurité nationale et s'assurer une assistance mutuelle pour résister à l'agression,

Ont désigné pour leur Plénipotentiaires, savoir :

Le Président de la République française :

M. René Massigli,* Ambassadeur Extraordinaire et Plénipotentiaire, Commandeur de la Légion d'Honneur ;

Sa Majesté le Roi de Grande-Bretagne, d'Irlande et de Territoires britanniques au-delà des mers, Empereur des Indes (en ce qui concerne le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord) :

Sir Hughe Montgomery Knatchbull-Hugessen, K. C. M. G., Ambassadeur Extraordinaire et Plénipotentiaire ;

TREATY OF MUTUAL ASSISTANCE BETWEEN FRANCE,
THE UNITED KINGDOM AND TURKEY.

Signed at Angora, October 19, 1939.

TREATY.

THE President of the French Republic, His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (in respect of the United Kingdom of Great Britain and Northern Ireland), and the President of the Turkish Republic :

Desiring to conclude a treaty of a reciprocal character in the interests of their national security, and to provide for mutual assistance in resistance to aggression,

Have appointed as their Plenipotentiaries, namely :

The President of the French Republic :

M. René Massigli, Ambassador Extraordinary and Plenipotentiary, Commander of the Legion of Honour ;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (in respect of the United Kingdom of Great Britain and Northern Ireland) :

Sir Hughe Montgomery Knatchbull-Hugessen, K. C. M. G., Ambassador Extraordinary and Plenipotentiary ;

II.

POLISH EMBASSY, LONDON.

No 49/WB/tj/593.

YOUR EXCELLENCY,

November 25th 1939.

I have the honour to acknowledge receipt of the note of Your Excellency of the 12th October, 1939, No. C 15779/201/55, worded as follows:

(Here follows the text of Note No. 1.)

I have the honour to state that the proposals contained in the above-mentioned note are acceptable to the Polish Government and that they agree to Your Excellency's note and the present reply being regarded as placing on formal record the understanding between the two Governments in this matter.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant.

E. RACZYŃSKI,

Ambassador Extraordinary and
Plenipotentiary.

His Excellency the Right Honourable

Viscount Halifax, K.G., G.C.S.I., etc., etc.,

H. M. Principal Secretary of State for Foreign Affairs,
Foreign Office, S.W. 1.

(二) 「ポーランド」國商船ノ使用ヲ原則的ニ規律スル英國
「ポーランド」國間交換公文 (邦譯省略)

千九百三十九年十月十二日及十一月二十五日「ロンドン」ニ於テ署名
同、年十一月二十五日ヨリ實施
(本交換公文ノ歐文ハ國際聯盟發行ノ TREATY SERIES, Vol. CXCI X ヨリ
之ヲ採リタリ)

EXCHANGE OF NOTES BETWEEN THE UNITED KINGDOM
AND POLAND REGULATING IN PRINCIPLE THE
UTILISATION OF UNITS OF THE POLISH
MERCANTILE MARINE.

*Signed at London, October 12 and November 25, 1939.
In force from November 25, 1939.*

I.

FOREIGN OFFICE, S.W. 1.
No. C 15779/201/55.

YOUR EXCELLENCY,

October 12th, 1939.

I have the honour to propose that the following arrangements should be accepted regulating in principle the co-operation between His Majesty's Government in the United Kingdom and the Polish Government in respect of the utilisation of units of the Polish Mercantile Marine in the common effort for the successful prosecution of the war against Germany and the transport of essential commodities to and from allied countries.

(1) In furtherance of this object merchant ships of both countries and other allied or neutral ships which may be at the disposal of the two Governments shall be employed on terms and conditions to be agreed upon between the two Governments.

(2) His Majesty's Government in the United Kingdom agree that Poland is entitled to have a representative on any inter-allied sea transport organisation which may be appointed to deal with the appropriation of available

merchant shipping to meet overlapping allied requirements. The mode of operation of this inter-allied sea transport organisation shall be subsequently determined by agreement between the Governments concerned.

(3) Passenger ships under the Polish flag will be allocated by the inter-allied sea transport organisation for use as troop transports on terms and conditions to be agreed upon between the interested Governments.

(4) Polish fishing vessels are entitled to utilise British ports as bases.

(5) The competent authorities of the two Governments shall exchange information as to the reliability of the trading and transport agencies which are or may be employed.

(6) His Majesty's naval forces shall afford to units of the Polish Mercantile Marine carrying essential commodities to or from allied countries the same convoy protection as is afforded to United Kingdom ships.

2. I have the honour to suggest that, if the foregoing proposals are acceptable to the Polish Government, the present note and Your Excellency's reply to that effect be regarded as placing on formal record the understanding between the two Governments in this matter.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

HALIFAX.

His Excellency Count Edward Raczyński,
etc., etc., etc.

(三)「アメリカ合衆國」デンマーク國間「グリーンランド」ノ防衛ニ關スル協定

千九百四十一年四月九日「ワシントン」ニ於テ署名
(本協定ノ原文ハ米國政府發行ノ The Department of State BULLETIN,
Vol. IV, No. 94 ヨリ之ヲ採リタリ)

一 千九百四十年四月九日ノ外國軍隊ニ依ル「デンマーク」國ヘノ侵入及其ノ占領ノ後「グリーンランド」聯合議會ハ其ノ千九百四十年五月三日ノ「ゴッドハウン」ニ於ケル會議ニ於テ、「デンマーク」國ノ「クリスチヤン」十世陛下ニ對スル其ノ忠順ノ誓ヲ反復シ且「グリーンランド」ガ本國ヨリ引續キ分離セラレ居ル限リ「アメリカ」合衆國政府ガ「グリーンランド」ニ於ケル「デンマーク」國國旗、「グリーンランド」及「デンマーク」國ノ土著民竝ニ確立セル公ノ秩序ノ無保護状態ヲ絶エズ心ニ留ムルコトノ希望ヲ表明セル決議ヲ「グリーンランド」人民ノ名ニ於テ採擇シタルニ因リ

二 「アメリカ」諸共和國全部ノ政府ハ「ヨーロッパ」諸國ニ屬スル西半球内ノ地方ノ地位ガ「アメリカ」諸國ニトリ深甚ナル關心ノ問題タリ且「ヨーロッパ」ニ於ケル軍事的事件ノ經過及右事件ヨリ生

ズル變化ガ「アメリカ」ニ在ル「ヨーロッパ」ノ領土タル屬地ガ「アメリカ」大陸ノ諸國ニ對スル侵略ノ戰略的中心ニ變更セララルコトアルベキノ重大ナル危險ヲ發生スルコトアルベキコトニ付意見一致シタルニ因リ

三 「アメリカ」洲以外ノ國ニ依ル攻撃ニ對シ「グリーンランド」ヲ防衛スルコトハ「アメリカ」大陸ノ平和及安全ノ維持ニ缺クベカラザルモノタリ且「アメリカ」合衆國ニトリ及「デンマーク」王國ニトリテモ死活的關心ノ問題タルニ因リ

四 「グリーンランド」ニ對スル「デンマーク」國ノ主權ハ完全ニ承認セラレ居レリト雖モ現在ノ狀勢ハ「デンマーク」國ニ在ル政府ガ「グリーンランド」ニ關シ自己ノ權能ヲ行使スルコトヲ當分妨グルニ因リ

下名即チ「アメリカ」合衆國政府ノ爲ニ行動スル「アメリカ」合衆國國務長官「コーデル、ハル」及「グリーンランド」ノ君主トシテノ資格ニ於ケル「デンマーク」國皇帝陛下(其ノ「グリーンランド」ニ於ケル權限ハ本協定ニ於テハ合體シ居レリ)ノ爲ニ行動スル「アメリカ」合衆國駐劄「デンマーク」國特命全權公使「ヘンリック、デ、カウフマン」ハ左ノ如ク協定セリ

第一條

「アメリカ」合衆國政府ハ「グリーンランド」ニ對スル「デンマーク」王國ノ主權ヲ承認スルコト及

之ヲ尊重スルコトヲ再言ス今次ノ「ヨーロッパ」戦争ノ結果トシテ「グリーンランド」ガ「アメリカ」大陸ノ諸國ニ對スル侵略地點ニ變更セラルルコトアルベキノ危険存在スルコトヲ認ムルニ因リ「アメリカ」合衆國政府ハ千九百四十年七月三十日ニ署名セラレタル「ハバナ」議定書ニ基ク自國ノ義務ヲ顧念シ「グリーンランド」ノ現在ノ地位ノ維持ニ付「グリーンランド」ヲ援助スルノ責任ヲ受諾ス

第二條

「アメリカ」合衆國政府ハ第一條ニ掲ゲラレタル目的ノ完成ニ必要ナルコトアルベキ著陸場、水上飛行機用施設並ニ無線及氣象設備ヲ建設シ、維持シ及運営スルノ權利ヲ有スベキモノナルコトヲ約ス

第三條

第二條ニ明記セラルル權利ノ許與ハ港、碇泊場及之ヘノ通路ヲ改善シ及深クシ、空路及水路ニ依ル航行ニ對スル援助物ヲ設備シ並ニ道路、通信業務署、城砦、修繕用及貯藏用施設並ニ職員用家屋ヲ建設スルノ權利並ニ一般ニハ設置セラルルコトアルベキ防衛施設ノ有效ナル運営、維持及保護ヲ確保スルニ必要ナル一切ノ事ヲ爲スノ權利ヲモ包含スベシ

第四條

第二條及第三條ニ依リ「アメリカ」合衆國政府ニ依リ建設セラレ且運営セラルルコトアルベキ著陸場、水上飛行機、港及其ノ他ノ防衛施設ハ西半球ノ共同防衛ニ關聯セル目的ノ爲之ヲ「アメリカ」ノ一切

ノ國ノ航空機及船舶ニ利用シ得シムベシ

第五條

「アメリカ」合衆國政府ハ第二條及第三條ニ明記セラルル防衛施設ノ建設、運営及保護ニ必要ナルコトアルベキ陸上及水上區域ヲ本協定ノ效力ヲ有スルコトアルベキ期間中租借スルノ權利ヲ有スベキモノナルコトヲ約ス前記防衛區域ノ位置ヲ定ムルニ當リテハ軍事の必要ト矛盾セザル最モ充分ナル考慮ガ「グリーンランド」ノ土著民ノ福祉、健康及經濟的必要ニ對シ加ヘラルベシ但シ求ムル第一ノ目的ハ「グリーンランド」ニ於テ充分ナル防衛用管造物ヲ早期ニ完成スルニ在ルガ故ニ「アメリカ」合衆國政府ガ右目的ニ必要ナリト認ムル如何ナル區域ノ利用モ正式租借ニ關スル正確ナル條件ニ付テノ合意ニ到達スルニ至ル迄遲延セラルルコトナカルベキコトヲ約ス境界ニ依ル右區域ノ描出及右區域ガ必要トセラルル用途ノ記述ハ實行シ得ル限り「グリーンランド」ニ在ル「デンマーク」國官憲ニ其ノ都度通報セラルベク又正式租借ニ關スル商議ハ爾後適當ノ期間内ニ行ハルベシ

第六條

「デンマーク」王國ハ前諸條ニ掲ゲラルル防衛區域ニ對スル主權ヲ保有ス本協定ガ引續キ效力ヲ有スル限り「アメリカ」合衆國政府ハ「グリーンランド」ニ於ケル右防衛區域ニ對シ、合衆國ノ軍事及文官職員並ニ其ノ家族ニ對シ並ニ「デンマーク」國人民及土著ノ「グリーンランド」人ヲ除キタル右區域

内ニ在ル他ノ一切ノ者ニ對シ排他的管轄權ヲ有スベシ但シ合衆國政府ハ防衛區域内ニ於テ犯罪行為ヲ爲シタル者ノ審理及處罰ヲ爲ス場合ニ於テ合衆國政府ガ管轄權ヲ行使セザルコトニ決定シタルトキハ右審理及處罰ノ爲「グリーンランド」ニ在ル「デンマーク」國官憲ニ右ノ者ヲ引渡スモノトス「グリーンランド」ニ在ル「デンマーク」國官憲ハ一切ノ「デンマーク」國人民、土著ノ「グリーンランド」人及右防衛區域内ニ於テ爲サレタル犯罪行為ノ爲合衆國官憲ニ依リ「デンマーク」國官憲ニ引渡サレタル右以外ノ者ノ有罪ノ場合ニ於ケル訴追及處罰ヲ確保スル爲充分ナル措置ヲ執ルベシ

第七條

「アメリカ」合衆國政府ハ專ラ合衆國ノ軍事及文官職員並ニ「グリーンランド」防衛營造物ニ關聯シテ「グリーンランド」ニ於テ維持セラルル右職員ノ家族ニ依リ使用セラルベキ郵便施設及兵站貯藏所ヲ設置シ且之ヲ維持スルノ權利ヲ有スベキコトヲ約ス「グリーンランド」ニ在ル「デンマーク」國官憲ノ請求アルトキハ設置セラルルコトアルベキ兵站貯藏所ニ於テ前記以外ノ者ヲシテ必要ナル需品ヲ購入スルコトヲ得シムル爲取極ヲ爲スベシ

第八條

防衛營造物ノ建設、使用及運營ニ供シ並ニ合衆國ノ軍事及文官職員並ニ其ノ家族ノ個人的必要ニ供スル一切ノ材料、需品及設備ハ關稅、消費稅又ハ他ノ課金ヲ免除シテ「グリーンランド」ヘノ輸入ヲ許

可セラルベク又右職員及其ノ家族モ亦「グリーンランド」ニ在ル「デンマーク」國官憲ニ依リ課セラ

第九條

「アメリカ」合衆國政府ハ「グリーンランド」ニ在ル一切ノ合法的利益並ニ「グリーンランド」ノ土著民及内政ニ關スル一切ノ法令、規則及慣習ヲ尊重スベシ本協定ヨリ生ズル權利ヲ行使スルニ當リテハ合衆國政府ハ「グリーンランド」ニ在ル「デンマーク」國官憲ガ「グリーンランド」ノ住民ノ福祉ニ關シテ爲ス一切ノ申入ニ對シ同情的考慮ヲ加フベシ

第十條

本協定ハ「アメリカ」大陸ノ平和及安全ニ對スル現在ノ危險ガ去レルモノト意見一致スル時ニ至ル迄引續キ效力ヲ有スベシ右ノ時期ニ於テ協定ノ變更又ハ終了ハ「アメリカ」合衆國政府及「デンマーク」國政府ノ間ノ協議ノ題目タルベシ適當ノ協議ガ行ハレタル後ハ一方ハ本協定ヲ終了セシムルノ意思ヲ他方ニ通告スルノ權利ヲ有スベク且右通告ガ何レカノ一方ニ依リ他方ヨリ受領セラレタル後十二月ガ滿了シタルトキ本協定ハ效力ヲ有セザルニ至ルベキコトヲ茲ニ約ス

千九百四十一年四月九日「ワシントン」ニ於テ「イギリス」語及「デンマーク」語ヲ以テセル本書ニ

acting on behalf of His Majesty, the King of Denmark, in His capacity of Sovereign over Greenland, whose authorities in Greenland have concurred herein.

I avail [etc.]

HENRIK KAUFFMANN

通ニ署名セリ兩本文ハ同一ノ効力ヲ有ス

「アメリカ」合衆國國務長官

コーデル、ハル (印)

「アメリカ」合衆國駐劄「デンマーク」國特命全權公使

ヘンリック、カウフマン (印)

國務長官ト「デンマーク」國公使トノ間ノ交換公文 (邦譯省略)

of Danish sovereign rights, and has repeatedly expressed its friendly concern and its most earnest hope for the complete and speedy liberation of Denmark. Although the Government of the United States fully recognizes the sovereignty of the Kingdom of Denmark over Greenland, it is unhappily clear that the Government in Denmark is not in a position to exercise sovereign power over Greenland so long as the present military occupation continues.

Greenland is within the area embraced by the Monroe Doctrine and by the Act of Havana, with which you are familiar, and its defense against attack by a non-American power is plainly essential to the preservation of the peace and security of the American continent, and of the traditional policies of this Government respecting the Western Hemisphere.

My Government has consequently proposed measures for the adequate defense of Greenland consistent with the obligations of the United States under the Act of Havana signed on July 30, 1940. In doing so it is animated by sentiments of the completest friendliness for Denmark, and believes that by taking these steps it is safeguarding the eventual re-establishment of the normal relationship between Greenland and the Kingdom of Denmark.

I have the honor to enclose a draft of the proposed agreement relating to the defense of Greenland, which I believe embodies the ideas agreed upon in the course of our various conversations.

Accept [etc.]

CORDELL HULL

The Minister of Denmark to the Secretary of State

ROYAL DANISH LEGATION,
Washington D.C., April 9, 1941.

SIR:

I have received your note of the seventh instant concerning the defense of Greenland together with a draft of a proposed agreement regarding the same subject.

It is with appreciation that I note your renewed assurance that, although the present circumstances prevent the Government in Denmark for the time being from exercising its powers in respect of Greenland, your Government fully recognizes the Sovereignty of the Kingdom of Denmark over the island. At the same time I wish to convey to you my feelings of gratitude for the expression of friendly concern of your Government and its earnest hope for the complete and speedy liberation of Denmark.

I share your view that the proposed agreement, arrived at after an open and friendly exchange of views, is, under the singularly unusual circumstances, the best measure to assure both Greenland's present safety and the future of the island under Danish Sovereignty.

Furthermore, I am of the opinion that the terms of the agreement protect, as far as possible, the interests of the native population of Greenland whose welfare traditionally has been the paramount aim of Denmark's policy in Greenland.

I, therefore, shall accept and sign the agreement as proposed,

such notice shall have been received by either party from the other this Agreement shall cease to be in force.

Signed at Washington in duplicate, in the English and Danish languages, both texts having equal force, this 9th day of April, nineteen hundred and forty-one.

[SEAL] CORDELL HULL
*Secretary of State of the United
States of America*

[SEAL] HENRIK KAUFFMANN
*Envoy Extraordinary and Minister
Plenipotentiary of His Majesty the
King of Denmark at Washington*

EXCHANGE OF NOTES.

The Secretary of State to the Minister of Denmark

DEPARTMENT OF STATE,
Washington, April 7, 1941.

SIR:

I have the honor to refer to the informal conversations which you have had with officers of the Department of State during which the concern of the Government of the United States was expressed over the effect of recent military developments, particularly affecting Greenland, upon the maintenance of the peace and security of the United States and the rest of the American Continent.

You are also aware of the interest of the Government of the United States in maintaining unimpaired the safety of Greenland and the sovereignty of Denmark over that island. My Government has continuously had in mind the desire expressed by the United Greenland Councils at their meeting at Godhavn on May 3, 1940 that the Government of the United States of America would continue to hold in mind the exposed position of the Danish flag in Greenland and of the native Greenland and Danish population of the island.

My Government has taken note of the unusual situation in which Greenland now finds itself. The Kingdom of Denmark is at present under occupation by a foreign army. The Government of the United States has condemned that invasion as a violation

sonnel of the United States, and their families, as well as over all other persons within such areas except Danish citizens and native Greenlanders, it being understood, however, that the Government of the United States may turn over to the Danish authorities in Greenland for trial and punishment any person committing an offense within a defense area, if the Government of the United States shall decide not to exercise jurisdiction in such case. The Danish authorities in Greenland will take adequate measures to insure the prosecution and punishment in case of conviction of all Danish citizens, native Greenlanders, and other persons who may be turned over to them by the authorities of the United States, for offenses committed within the said defense areas.

ARTICLE VII.

It is agreed that the Government of the United States of America shall have the right to establish and maintain postal facilities and commissary stores to be used solely by military and civilian personnel of the United States, and their families, maintained in Greenland in connection with the Greenland defense establishment. If requested by the Danish authorities in Greenland, arrangements will be made to enable persons other than those mentioned to purchase necessary supplies at such commissary stores as may be established.

ARTICLE VIII.

All materials, supplies and equipment for the construction, use and operation of the defense establishment and for the

personal needs of military and civilian personnel of the United States, and their families, shall be permitted entry into Greenland free of customs duties, excise taxes, or other charges, and the said personnel, and their families, shall also be exempt from all forms of taxation, assessments or other levies by the Danish authorities in Greenland.

ARTICLE IX.

The Government of the United States of America will respect all legitimate interests in Greenland as well as all the laws, regulations and customs pertaining to the native population and the internal administration of Greenland. In exercising the rights derived from this Agreement the Government of the United States will give sympathetic consideration to all representations made by the Danish authorities in Greenland with respect to the welfare of the inhabitants of Greenland.

ARTICLE X.

This Agreement shall remain in force until it is agreed that the present dangers to the peace and security of the American Continent have passed. At that time the modification or termination of the Agreement will be the subject of consultation between the Government of the United States of America and the Government of Denmark. After due consultation has taken place, each party shall have the right to give the other party notice of its intention to terminate the Agreement, and it is hereby agreed, that at the expiration of twelve months after

Havana signed on July 30, 1940, accepts the responsibility of assisting Greenland in the maintenance of its present status.

ARTICLE II.

It is agreed that the Government of the United States of America shall have the right to construct, maintain and operate such landing fields, seaplane facilities and radio and meteorological installations as may be necessary for the accomplishment of the purposes set forth in Article I.

ARTICLE III.

The grants of the rights specified in Article II shall also include the right to improve and deepen harbors and anchorages and the approaches thereto, to install aids to navigation by air and by water, and to construct roads, communication services, fortifications, repair and storage facilities, and housing for personnel, and generally, the right to do any and all things necessary to insure the efficient operation, maintenance and protection of such defense facilities as may be established.

ARTICLE IV.

The landing fields, seaplane, harbor and other defense facilities that may be constructed and operated by the Government of the United States of America under Articles II and III will be made available to the airplanes and vessels of all the American Nations for purposes connected with the common defense of the Western Hemisphere.

ARTICLE V.

It is agreed that the Government of the United States of America shall have the right to lease for such period of time as this Agreement may be in force such areas of land and water as may be necessary for the construction, operation and protection of the defense facilities specified in Articles II and III. In locating the aforesaid defense areas, the fullest consideration consistent with military necessity shall be given to the welfare, health and economic needs of the native population of Greenland. It is agreed, however, that since the paramount objective sought is the early attainment of an adequate defense establishment in Greenland, the utilization of any area deemed by the Government of the United States of America to be needed for this purpose shall not be delayed pending the reaching of an agreement upon the precise terms of a formal lease. A description of such areas, by metes and bounds, and a statement of the purpose for which they are needed shall in each case be communicated to the Danish authorities in Greenland as soon as practicable, and the negotiation of a formal lease shall be undertaken within a reasonable period of time thereafter.

ARTICLE VI.

The Kingdom of Denmark retains sovereignty over the defense areas mentioned in the preceding articles. So long as this Agreement shall remain in force, the Government of the United States of America shall have exclusive jurisdiction over any such defense area in Greenland and over military and civilian per-

AGREEMENT RELATING TO THE DEFENSE OF
GREENLAND BETWEEN THE UNITED STATES
OF AMERICA AND DENMARK.

Signed at Washington, April 9, 1941.

Whereas:

ONE. After the invasion and occupation of Denmark on April 9, 1940 by foreign military forces, the United Greenland Councils at their meeting at Godhavn on May 3, 1940 adopted in the name of the people of Greenland a resolution reiterating their oath of allegiance to King Christian X of Denmark and expressing the hope that, for as long as Greenland remains cut off from the mother country, the Government of the United States of America will continue to hold in mind the exposed position of the Danish flag in Greenland, of the native Greenland and Danish population, and of established public order; and

TWO. The Governments of all of the American Republics have agreed that the status of regions in the Western Hemisphere belonging to European powers is a subject of deep concern to the American Nations, and that the course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent; and

THREE. Defense of Greenland against attack by a non-American power is essential to the preservation of the peace and security of the American Continent and is a subject of vital concern to the United States of America and also to the Kingdom of Denmark; and

FOUR. Although the sovereignty of Denmark over Greenland is fully recognized, the present circumstances for the time being prevent the Government in Denmark from exercising its powers in respect of Greenland.

Therefore,

The undersigned, to wit: CORDELL HULL, Secretary of State of the United States of America, acting on behalf of the Government of the United States of America, and HENRIK DE KAUFFMANN, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark at Washington, acting on behalf of His Majesty the King of Denmark in His capacity as sovereign of Greenland, whose authorities in Greenland have concurred herein, have agreed as follows:

ARTICLE I.

The Government of the United States of America reiterates its recognition of and respect for the sovereignty of the Kingdom of Denmark over Greenland. Recognizing that as a result of the present European war there is danger that Greenland may be converted into a point of aggression against nations of the American Continent, the Government of the United States of America, having in mind its obligations under the Act of

(四) 「ニュー、カレドニア」ニ關スル「アメリカ」合衆國ノ宣言

千九百四十二年三月二日「ワシントン」ニ於テ發表
(本宣言ノ歐文ハ在外帝國公館ノ報告ヨリ之ヲ採リタリ)

「フランス」國及「フランス」國ノ領域ニ關スル合衆國政府ノ政策ハ「フランス」國ニ對スル傳統的友誼ニ留意シ「フランス」國及「フランス」帝國ノ保全並ニ「フランス」國ノ一切ノ領域ノ完全ナル獨立ノ結局ノ回復ヲ基礎トシ來レリ本政府ハ「フランス」國人民ノ自國ノ領域ヲ害セラルルコトナク保持セントノ希望ノミナラズ引續キ侵略軍隊ヲ阻止セントスルノ「フランス」國人民ノ努力ニ深く同情スルモノナリ合衆國ハ自國ト「フランス」國ノ領域ニ於ケル地方的「フランス」國官憲トノ關係ニ於テハ右官憲ガ用キテ以テ共通ノ敵ニ依ル統治及管理ニ對シ右領域ヲ保護シ「フランス」國官憲ヲシテ引續キ太平洋ニ於ケル「フランス」國ノ領域ヲ有效ニ管理セシメント努力スル明白ナル實力ニ依リ指導セラレ來リ又引續キ指導セラレベシ本政府ハ關係領域ノ現實ノ政府ヲ同一ノ基礎ニ於テ取扱ヒ來リ且引續キ取扱フベシ本政府ハ右區域ニ於ケル「フランス」國ノ島嶼タル屬地ガ「ロンドン」ニ於テ樹立セラレタル「フランス」國國民委員會ノ有效ナル管理ノ下ニ在ルコトヲ特ニ承認シ又合衆國官憲ハ右島嶼ノ防衛ノ爲「フランス」國

國民委員會ニ依リ設置セラレタル官憲ト共ニ努力シツツアリ他ノ如何ナル「フランス」國官憲トモ協力シ居ラザルナリ本政府ハ太平洋ノ防衛上ニ於ケル「ニュー、カレドニア」ノ重要性ヲ了解スルモノナリ

DECLARATION OF THE UNITED STATES OF AMERICA
REGARDING NEW CALEDONIA.

Announced at Washington, March 2, 1942.

The policy of the United States Government as regards France and French territory has been based upon the maintenance of the integrity of France and of the French Empire and the eventual restoration of complete independence of all French territories, mindful of the traditional friendship for France. This Government deeply sympathises not only with the desire of the French people to maintain their territories intact but in the efforts of the French people to continue to resist the forces of aggression. In her relations with the local French authorities in the French territories, the United States has been and will continue to be governed by the manifest effectiveness with which those authorities endeavour to protect the territories from domination and control by the common enemy with the French authorities in effective control of the French territories in the Pacific. This Government has treated and will continue to treat on the same basis the actual administration of the territories involved; the Government recognises in particular that the French island possessions in that area are under the effective control of the French National Committee established in London and the United States authorities are cooperating for the defence of these islands with

the authorities established by the French National Committee and with no other French authority. This Government appreciates the importance of New Caledonia in the defence of the Pacific.

第三 汎米條約關係

(一)「アメリカ」ノ連帶性ニ關スル原則ニ付テノ宣言

〔リマ〕宣言(註一)

千九百三十八年十二月二十四日可決

第八回「アメリカ」諸國國際會議ハ

「アメリカ」ノ諸國民ガ其ノ共和主義ノ制度、平和ヲ求ムル其ノ不動ノ意志、人道及寛容ニ關スル其ノ高遠ナル觀念ノ類似ニ依リ竝ニ國際法、各國ノ平等ノ主權及宗教又ハ人種の偏見ナキ個人的自由ニ關スル原則ノ其ノ絶對的遵守ニ依リ精神的結合ヲ完成シタルコト

右原則及意志ニ基キ右諸國民ガ本大陸ノ平和ヲ求メ且之ヲ擁護シ及世界的和合ノ爲相共ニ勞作シ居ルコト

「アメリカ」ノ各國ノ個性、主權及獨立ノ尊重ガ實施中ノ宣言及條約ニ依リ歴史的ニ表明セラレ且支持セラレ來レル大陸連帶性ニ依リ支持セラルル國際的秩序ノ精髓ヲ構成シ居ルコト

「ブレノス、アイレス」ニ於テ開催セラレタル汎米平和維持會議ガ千九百三十六年十二月二十一日汎米連帶性及協力ニ關スル原則ニ付テノ宣言(註二)ヲ可決シ及千九百三十六年十二月二十三日

不干渉ニ關スル議定書(註三)ヲ可決シタルコト
ニ鑑ミ

「アメリカ」ノ右諸國ノ政府ハ左記ヲ宣言ス

第一 右諸國ハ其ノ大陸連帶性及右連帶性ノ基礎タル原則ノ維持ニ付協力スルノ右諸國ノ意圖ヲ再確認スルコト

第二 前記原則及右諸國ノ絶對的主權ニ對シ忠實ナルヲ以テ右諸國ハ之ヲ維持シ且之ヲ脅威スルコトアルベキ外國ノ一切ノ干渉又ハ行動ニ對シ之ヲ擁護スルノ右諸國ノ決定ヲ再確認スルコト
第三 又「アメリカ」ノ何レカノ共和國ノ平和、安全又ハ領土保全ガ之ヲ害スルコトアルベキ性質ノ行爲ニ依リ右ノ如ク脅威セラルル場合ニハ右諸國ハ各場合ニ於テ事情ガ可ナリト爲スコトアルベキ措置ヲ用キテ其ノ共通ノ關心ト實施中ノ條約及汎米會議ノ諸宣言ニ依リ確立セラレタル協議手續ニ依リ各自ノ主權者ノ意志ヲ統一シテ右諸國ノ連帶性ヲ有效ナラシムルノ右諸國ノ決意トヲ聲明スルコト、「アメリカ」諸共和國ノ政府ハ主權國トシテノ右諸共和國ノ法律上ノ平等ヲ充分承認シテ右諸共和國ノ個個ノ資格ニ於テ獨立シテ行動スベキモノトス

第四 本「アメリカ」平和文書及他ノ「アメリカ」平和文書ニ於テ確立セラレタル協議ヲ容易ナ

ラシムル爲「アメリカ」諸共和國ノ外務大臣ハ望マシト認メラレタルトキ且右諸共和國ノ何レカノ一ノ發意ニ依リ順番ニ且議定書の性質ナクシテ右諸國ノ夫々ノ首都ニ於テ會合スベシ各政府ハ特別ノ事情ノ下ニ於テ又ハ特別ノ理由ニ依リテハ自國ノ外務大臣ノ代トシテ一名ノ代表者ヲ指名スルコトヲ得(註四)

第五 本宣言ハ「リマ」宣言ト稱セラレベシ

註一 昭和十七年三月外務省條約局編纂ノ汎米條約集第四百十二頁掲載ノ大陸連帶性ニ關スル共同宣言參照
註二 原書下卷第六十頁掲載ノ決議第二十七參照
註三 昭和十七年三月外務省條約局編纂ノ汎米條約集第三百五十七頁參照
註四 原書下卷第三百十三頁及第三百四十一頁掲載ノ「パナマ」及「ハバナ」外務大臣協議會參照
(註二及註四ノ「原書下卷」トハ千九百四十年米國「カーネギー」平和財團刊行ニ係ル The International Conferences of American States, First Supplement 1933—1940 (歐文ニテ O. W. B. ト略記ス) ナリ)

of Peace, held at Buenos Aires, approved on December 21, 1936, the Declaration of the Principles of Inter-American Solidarity and Cooperation,² and approved, on December 23, 1936, the Protocol of Non-intervention,³

THE GOVERNMENTS OF THE AMERICAN STATES DECLARE:

First. That they reaffirm their continental solidarity and their purpose to collaborate in the maintenance of the principles upon which the said solidarity is based.

Second. That faithful to the above-mentioned principles and to their absolute sovereignty, they reaffirm their decision to maintain them and to defend them against all foreign intervention or activity that may threaten them.

Third. And in case the peace, security or territorial integrity of any American Republic is thus threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, established by conventions in force and by declarations of the Inter-American Conferences, using the measures which in each case the circumstances may make advisable. It is understood that the Governments of the American Republics will act independently in their individual capacity, recognizing fully their juridical equality as sovereign states.

Fourth. That in order to facilitate the consultations established in this and other American peace instruments, the Ministers for Foreign Affairs of the American Republics,

when deemed desirable and at the initiative of any one of them, will meet in their several capitals by rotation and without protocolary character. Each Government may, under special circumstances or for special reasons, designate a representative as a substitute for its Minister for Foreign Affairs.⁴

Fifth. This Declaration shall be known as the "Declaration of Lima".

(Approved December 24, 1938).

Note 1. See Joint Declaration of Continental Solidarity, p. 412. of the "Collection of Pan American Treaties and Conventions" compiled by the Ministry of Foreign Affairs, Tokio (1942).

Note 2. Resolution XXVII, O. W. B., p. 160.

Note 3. See p. 357 of the "Collection of Pan American Treaties and Conventions" compiled by the Ministry of Foreign Affairs, Tokio (1942).

Note 4. See Panama and Habana Consultative Meetings of Ministers, O. W. B., pp. 313, 341.

I.
DECLARATION OF THE PRINCIPLES OF THE
SOLIDARITY OF AMERICA.¹

[Declaration of Lima.]

Approved December 24, 1938.

The Eighth International Conference of American States.

CONSIDERING:

That the peoples of America have achieved spiritual unity through the similarity of their republican institutions, their unshakable will for peace, their profound sentiment of humanity and tolerance, and through their absolute adherence to the principles of international law, of the equal sovereignty of States and of individual liberty without religious or racial prejudices;

That on the basis of such principles and will, they seek and defend the peace of the continent and work together in the cause of universal concord;

That respect for the personality, sovereignty, and independence of each American State constitutes the essence of international order sustained by continental solidarity which historically has been expressed and sustained by declarations and treaties in force;

That the Inter-American Conference for the Maintenance

(二)「アメリカ」ノ原則ニ關スル宣言

千九百三十八年十二月二十四日可決

國ノ間ノ關係ニ關スル基本的原則ヲ引續キ活動セシムルノ必要ガ今日ニ於ケルヨリ大ナリシコト
ナク又

各國ガ法律ノ下ニ於ケル世界秩序ノ保持、正義ヲ具備セル平和並ニ人類ノ社會的及經濟的福祉ニ
付利害關係ヲ有スル

ニ因リ

「アメリカ」諸共和國ノ政府ハ左記ヲ決議ス

- 前記ノ目的ノ達成ニ缺クベカラザルモノトシテ左ノ原則ヲ再ビ聲明シ、支持シ且勸告スルコト
- 一 他國ノ内政又ハ外政ニ付テノ何レノ國ノ干渉モ容認シ難キモノトス
- 二 國際的性質ヲ有スル一切ノ紛争ハ平和的手段ニ依リ解決セララルベシ
- 三 國內的又ハ國際的政策ノ具トシテノ武力ノ使用ハ禁止セララル
- 四 國ノ間ノ關係ハ國際法ノ戒律ニ依リ規律セララルベシ

constitute the indispensable rule for the development of peaceful relations between States, and treaties can only be revised by agreement of the contracting parties.

6. Peaceful collaboration between representatives of the various States and the development of intellectual interchange among their peoples is conducive to an understanding by each of the problems of the other as well as of problems common to all, and makes more readily possible the peaceful adjustment of international controversies.

7. Economic reconstruction contributes to national and international well-being, as well as to peace among nations.

8. International cooperation is a necessary condition to the maintenance of the afore-mentioned principles.

(Approved December 24, 1938).

- 五 條約ノ尊重及其ノ忠實ナル遵守ハ國ノ間ノ平和的關係ノ増進ノ爲ノ缺クベカラザル規則ヲ構成スルモノニシテ又條約ハ締約國ノ合意ニ依リテノミ改正セラルルコトヲ得
- 六 諸國ノ代表者間ノ平和的協力及右諸國ノ國民間ノ智的交換ノ増進ハ各國ニ依ル他國ノ問題及一切ノ國ニ共通ナル問題ノ了解ニ導キ且國際的紛争ノ平和的調整ヲ一層容易ニ可能ナラシム
- 七 經濟的再建ハ國內的及國際的福利竝ニ國ノ間ノ平和ニ貢獻ス
- 八 國際的協力ハ前記原則ノ維持ニ必要ナル條件ナリ

DECLARATION OF AMERICAN PRINCIPLES.

Approved December 24, 1938.

WHEREAS:

The need for keeping alive the fundamental principles of relations among nations was never greater than today; and Each State is interested in the preservation of world order under law, in peace with justice, and in the social and economic welfare of mankind,

THE GOVERNMENTS OF THE AMERICAN REPUBLICS RESOLVE:

To proclaim, support and recommend, once again, the following principles, as essential to the achievement of the aforesaid objectives:

1. The intervention of any State in the internal or external affairs of another is inadmissible.
2. All differences of an international character should be settled by peaceful means.
3. The use of force as an instrument of national or international policy is proscribed.
4. Relations between States should be governed by the precepts of international law.
5. Respect for and the faithful observance of treaties

(三) 千九百三十九年十月三日ノ「パナマ」宣言

千九百三十九年十月三日「アメリカ」諸共和國外相協議會ニ依リ「パナマ」市ニ於テ可決
(本宣言ノ歐文ハ「The Department of State BULLETIN, Vol. I, No. 15」ヨリ之ヲ採リタリ)

「パナマ」ニ於テ會合シタル「アメリカ」諸共和國ノ政府ハ「ヨーロッパ」ノ平和ヲ破裂セシメツツアル紛争ニ於ケル其ノ中立的地位ヲ嚴肅ニ確認セリ然レドモ本戦争ハ「アメリカ」ノ根本的利益ニ影響ヲ及ボスコトアルベキ不測ノ結果ヲ招來スルコトアルベク且交戦國ノ利益ガ中立國ノ權利ニ優先シ以テ右紛争ニ於ケル中立ト戦争ノ現場ヨリノ距離トニ依リ右紛争ノ重大且困難ナル結果ヲ負擔セシメラルベキニ非ザル諸國ニ對シ騒亂及苦痛ヲ與フルハ正當ノ理由ノ存シ得ザル所ナリ

千九百十四年乃至千九百十八年ノ世界戦争中「アルゼンティン」國、「ブラジル」國、「チリ」國、「コロンビア」國、「エクアドル」國及「ペルー」國ノ政府ハ交戦國ハ右諸國ノ海岸ヨリ相當ノ距離内ニ於テ敵對行爲ヲ行フベカラズト「アメリカ」諸共和國ニ依ル宣言ヲ原則トシテ規定セル個別的提議ヲ提出シ又ハ支持セリ

今次ノ大戦ノ性質ハ其ノ現在迄ノ遺憾ナル部分ニモ拘ラズ「アメリカ」諸國間ノ交通ニ對スル如何ナ

ル障害ニモ正當ノ理由ヲ與ヘザルベク右交通ハ重要ナル利益ニ依リテ生ゼシメラルモノナルヲ以テ充分ナル保護ヲ要求ス此ノ事實ハ「アメリカ」諸國間ニ於ケル交通及通商ノ一切ノ通常ノ海上通路ヲ包含スル安全帶域ノ劃定ヲ必要トセリ

右目的ニ對シテハ千九百十四年乃至千九百十八年ノ戰爭ニ於テ「アメリカ」諸國及其ノ國民ノ蒙リタル損害及苦痛ノ反覆ヲ避ケンガ爲右利益擁護ノ爲ノ規定ニシテ前記先例ヲ基礎トスルモノヲ直ニ採用スルコトガ必要ナル措置トシテ缺クベカラザルモノナリ

「アメリカ」諸共和國ノ政府ガ右ノ危險ヲ豫見セザルベカラズ且其ノ海岸ヨリ相當ノ距離ニ至ル迄ノ水域ハ右政府ノ介入セザル戰爭ニ從事スル國ニ依ル敵對行爲ノ遂行又ハ交戰活動ノ企圖ノ外ニ在ルベキコトヲ自己保護ノ措置トシテ主張セザルベカラザルコトハ疑ヲ存セザル所ナリ

右ノ諸理由ニ依リ「アメリカ」諸共和國ノ政府ハ左ノ如ク決議シ且宣言ス

一 大陸ノ自己保護ノ措置トシテ「アメリカ」諸共和國ハ其ノ中立ヲ維持スル限リ其ノ關係ニ於テ基本的關心ト直接の效用トヲ有スト認ムル「アメリカ」大陸ノ隣接水域ヲ陸、海又ハ空ノ何レヨリ企テラレ又ハ爲サルヲ問ハズ何レノ非「アメリカ」交戰國ニ依ル如何ナル敵對行爲ノ遂行ノ外ニモ在ラシムルノ權利ヲ固有ノ權利トシテ有スルモノナリ

右ノ水域ハ左ノ如ク明定セラルベシ左ニ示サルル限界内ニ包含セララルル全水域但シ右限界内ニ在ル

「カナダ」ノ領水竝ニ「ヨーロッパ」諸國ノ明白ナル殖民地及屬地ノ領水ヲ除ク

「バッサマクォーディ」灣ニ於ケル北緯四十四度四十六分三十六秒及西經六十六度五十四分十一秒ノ合衆國「カナダ」間國境ノ終點ニ始マリ

次デ眞東ニ向ヒ右四十四度四十六分三十六秒ノ緯線ニ沿ヒ西經六十度ノ地點ニ至ル

次デ眞南ニ向ヒ北緯二十度ノ地點ニ至ル

次デ羅針方位線ニ依リ北緯五度西經二十四度ノ地點ニ至ル

次デ眞南ニ向ヒ南緯二十度ノ地點ニ至ル

次デ羅針方位線ニ依リ南緯五十八度西經五十七度ノ地點ニ至ル

次デ眞西ニ向ヒ西經八十度ノ地點ニ至ル

次デ羅針方位線ニ依リ西經九十七度ノ赤道上ノ地點ニ至ル

次デ羅針方位線ニ依リ北緯十五度西經百二十度ノ地點ニ至ル

次デ羅針方位線ニ依リ北緯四十八度二十九分三十八秒西經百三十六度ノ地點ニ至ル

次デ眞東ニ向ヒ「フアン、デ、フーカ」海峽ニ於ケル合衆國「カナダ」間國境ノ太平洋側終點ニ至ル

二 「アメリカ」諸共和國ノ政府ハ其ノ主權ニ固有ナル各國ノ個別的權利ノ行使ヲ害スルコトナクシ

テ、現在又ハ將來戰鬪ニ從事スルコトアルベキ交戰國ニ對スル共同申入ニ依リ本宣言ノ規定ノ右交戰國ニ依ル遵守ヲ確保スルコトニ努ムルコトヲ約ス

三 更ニ「アメリカ」諸共和國ノ政府ハ必要ト認ムルトキハ何時ニテモ本宣言ノ規定ノ遵守ヲ確保スル爲個別的ニ又ハ共同シテ執ルコトアルベキ措置ヲ決定スル爲協議スベキコトヲ宣言ス

四 「アメリカ」諸共和國ハ其ノ介入セザル戰爭狀態ノ存在スル間ニ於テハ必要ノ存在スルコトヲ決定スルトキハ何時ニテモ右ニ明定セラレタル區域内ニ於ケル其ノ海岸ノ隣接水域ヲ合意ニ依リ協定セラルベキ所ニ從ヒ個別的ニ又ハ共同シテ且各國ノ手段及資源ノ許ス限ニ於テ哨戒スルコトアルベシ
(千九百三十九年十月三日可決)

大陸ノ水域ニ關スル「ブラジル」國政府ノ宣言

「アメリカ」大陸ノ主權ハ協議、不干涉、調停、仲裁裁判ノ不可侵ナル基礎ノ上就中戰爭ノ敵ニシテ平和ノ友タル「アメリカ」諸國ノ平和的感情ノ上ニ根底ヲ有ス

吾人ハ「アメリカ」ニ於テハ相互ニ脅威ヲ感ズベキモノヲモ有セズ且有スルコトナカルベシ反對ニ吾人ハ相互ニ陸、海及空ニ於テ「アメリカ」諸國ノ各及一切ニ對スル安全ノ保障ヲ有ス
海外ヨリノ侵略ニ對スル大陸ノ安全ハ一層確實ナル基礎ノ上ニ得ラレザルベカラズ

吾人ノ主權ノ將來ノ運命ハ吾人ヲ圍繞スル海洋ノ上ニ存在ス何トナレバ「アメリカ」國土ノ保護ハ四周ノ海洋ノ安全ナクシテハ過去ニ於ケルガ如クニハ可能ナラザルベキヲ以テナリ

吾人ノ沿岸、吾人ノ都市更ニ吾人ノ首都ヨリスルモ僅ニ三「マイル」ニ過ギザル領水以外ノ海ハ吾人ノモノニ非ザルノミナラズ吾人ハ其處ニ於テハ吾人ノ主權、吾人ノ大陸ニ於ケル關係更ニ同一國ノ諸港間ノ海上交通ノ自由且平和的ナル發展ニ反對スル如何ナル行動ノ司配ノ下ニモ在ルモノナリ

故ニ吾人ハ「アメリカ」ノ政治的全體ノ不可分ノ一部トシテ大陸ノ領土保全ノ防衛ニ加フルニ大陸ノ水域ノ安全ヲ以テセザルベカラズ

「パナマ」會議ハ交戰國ハ「アメリカ」諸共和國ニトリ有用ノモノ又ハ直接且基本的ナル利害ヲ有スルモノト認メラルル「アメリカ」大陸隣接水域ノ限界内ニ在ル海上ニ於テハ如何ナル交戰的行爲又ハ活

動ヲモ爲サザルベシトノ保障ヲ何レノ「アメリカ」共和國モ介入セザル戰爭ニ從事スル一切ノ交戰國ニ對シ要求シ且之ヲ右交戰國ヨリ受領セザルベカラズ

吾人ハ交戰國及將來ニ於テ今次ノ戰爭ニ參加スルコトアルベキ諸國ガ「パナマ」ニ於テ「モンロー」主義竝ニ「ブエノス、アイレス」宣言及「リマ」宣言ノ補足トシテ爲サルベキ本宣言ヲ遵守シ且尊重スルコトヲ期待ス

吾人ハ大陸ノ水域ノ原則ガ他ノ諸國ノ主權ニ影響ヲ及ボスコトナカルベキコト寧ロ右原則ガ「アメリカ」諸國ノ主權ヲ保護シ且一切ノ國ノ平和的關係ニ資スベキコトヲ信ズ

更ニ吾人ノ大陸ハ戰爭ノ衝突ガ吾人ノ海岸附近ニ及ボサレ其ノ結果吾人ノ靜謐ヲ攪亂シ吾人ノ中立的地位ヲ危殆ナラシメ又ハ複雑ナラシムルコトヲ防止スルコトニ依リ戰爭ノ影響ヲ輕減スルノ權利ヲ有ス

「ブラジル」國ハ方式及語句ヲ問題トセズ且問題トシタルコトナシ然レドモ「ブラジル」國ガ大陸ノ水域ニ關シ提議シタル觀念ハ之ヲ擁護セントス何トナレバ「ブラジル」國ハ右原則ヲ以テ其ノ生存及他ノ「アメリカ」諸共和國ノ生存ニトリ有用ナルモノト認ムルヲ以テナリ
右ハ「ブラジル」國ノ表決及「パナマ」會議ニ於ケル其ノ代表ノ態度ノ基礎ナリ

「アルゼンティン」國代表ノ宣言

「アルゼンティン」國代表ハ南「アメリカ」大陸隣接水域ニ於テハ即チ如何ナル敵對行爲モ行ハレザルモノトシテ明定セラレタル帶域中「アルゼンティン」共和國ニ該當スル領域タル海岸ノ範圍ニ於テハ「ヨーロッパ」諸國ノ殖民地又ハ屬地ノ存在ヲ認メザルコトヲ宣言シ且「マルヴィナス」ノ如キ島嶼及右帶域ノ内又ハ外ニ在ル他ノ何レカノ「アルゼンティン」國領域ニ對スル「アルゼンティン」共和國ノ正當ナル權原及權利ヲ其ノ儘特ニ留保シ且維持スルコトヲ附言ス

「グアテマラ」國外務大臣ノ宣言

「アルゼンティン」國ノ「ドクトル、メーロ」閣下ノ宣言及留保ハ余ヲ促シテ「グアテマラ」國ノ爲ニ同様ノ宣言及留保ヲ提出セシムルモノナリ何トナレバ「グアテマラ」國ノ英帝國トノ紛議ハ同様ナルモノニシテ余ノ沈黙ハ現在論議中ノ正當ナル權利ノ拋棄ナリト解釋セラルルコトアルベキヲ以テナリ

the belligerents engaged in the war, in which no American Republic is involved, the assurance that the countries in conflict will abstain from any belligerent act or activity on the sea, within the limit of the waters adjacent to the American Continent considered as being useful or of direct and primary interest to the American Republics.

We expect the belligerent nations, and those which in the future may take part in the present war, to observe and respect this Declaration which will be made in Panama as a complement of the Monroe Doctrine and of the Declarations of Buenos Aires and Lima.

We believe that the principle of continental waters will not affect the sovereignty of other nations, but rather that it will protect the sovereignty of the American countries and will favor the peaceful relations of all nations.

Our Continent, furthermore, has a right to reduce the effects of the war, by preventing its conflicts from being brought near our shores to perturb our tranquility, threatening to compromise or complicate our neutral status.

Brazil does not make and never has made an issue of formulas and words, but the idea that it suggested with regard to continental waters will be defended by Brazil, because it considers the principle useful for its existence and that of the other Republics of America.

These are the bases of the Brazilian vote and of the attitude of its delegates to the meeting of Panama.

DECLARATION OF THE ARGENTINE DELEGATION

The Argentine Delegation declares that in waters adjacent to the South American Continent, in that territorial extent of coasts which, in the zone defined as free from any hostile act, corresponds to the Argentine Republic, it does not recognize the existence of colonies or possessions of European countries, and adds that it specifically reserves and maintains intact the legitimate titles and rights of the Argentine Republic to islands such as the Malvinas, as well as to any other Argentine territory located within or beyond the said zone.

DECLARATION OF THE MINISTER OF FOREIGN AFFAIRS OF GUATEMALA

The declaration and reservation of His Excellency, Dr. Melo, of Argentina, impels me to present, on behalf of Guatemala, a like declaration and reservation, because the controversy of Guatemala with the British Empire is similar and my silence might be interpreted as an abandonment of the legitimate rights now under discussion.

declare that whenever they consider it necessary they will consult together to determine upon the measures which they may individually or collectively undertake in order to secure the observance of the provisions of this Declaration.

4. The American Republics, during the existence of a state of war in which they themselves are not involved, may undertake, whenever they may determine that the need therefore exists, to patrol, either individually or collectively, as may be agreed upon by common consent, and in so far as the means and resources of each may permit, the waters adjacent to their coasts within the area above defined. (Approved October 3, 1939.)

DECLARATION OF THE BRAZILIAN GOVERNMENT
ON CONTINENTAL WATERS

The sovereignty of the American Continent is founded on the inviolate bases on consultation, non-intervention, conciliation, arbitration, and above all, on the pacific sentiment of the American nations, who are enemies of war and friends of peace.

We do not have and we will not have anything to fear from each other in America; on the contrary, we have in each other, on land, sea and air, the assurance of security for each and all of the nations of America.

Continental security against overseas aggression must be obtained on sounder bases.

It is on the seas that surround us that lies the future fate of our sovereignties, because the protection of American soil will not be possible, as in the past, without the security of the surrounding seas.

The sea outside territorial waters, only three miles from our coast, from our cities and even from our capitals, not only is not ours, but in it we are at the mercy of any action contrary to the free and peaceful expansion of our sovereignty, of our continental relations and even of the maritime communications between ports of the same country.

To the defense of the continental territorial integrity, we must add, therefore, as an inseparable part of an American political whole, the security of continental waters.

The Meeting at Panamá must request and receive from all

demarcation of a zone of security including all the normal maritime routes of communication and trade between the countries of America.

To this end it is essential as a measure of necessity to adopt immediately provisions based on the above-mentioned precedents for the safeguarding of such interests, in order to avoid a repetition of the damages and sufferings sustained by the American nations and by their citizens in the war of 1914-1918.

There is no doubt that the Governments of the American Republics must foresee those dangers and as a measure of self-protection insist that the waters to a reasonable distance from their coasts shall remain free from the commission of hostile acts or from the undertaking of belligerent activities by nations engaged in a war in which the said governments are not involved.

For these reasons the Governments of the American Republics
RESOLVE AND HEREBY DECLARE:

1. As a measure of continental self-protection, the American Republics, so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent nation, whether such hostile act be attempted or made from land, sea or air.

Such waters shall be defined as follows. All waters comprised within the limits set forth hereafter except the territorial waters of Canada and of the undisputed colonies and possessions

of European countries within these limits:

Beginning at the terminus of the United States—Canada boundary in Passamaquoddy Bay, in $44^{\circ} 46' 36''$ north latitude and $66^{\circ} 54' 11''$ west longitude;

Thence due east along the parallel $44^{\circ} 46' 36''$ to a point 60° west of Greenwich;

Thence due south to a point in 20° north latitude;

Thence by a rhumb line to a point in 5° north latitude, 24° west longitude;

Thence due south to a point in 20° south latitude;

Thence by a rhumb line to a point in 58° south latitude, 57° west longitude;

Thence due west to a point in 80° west longitude;

Thence by a rhumb line to a point on the equator in 97° west longitude;

Thence by a rhumb line to a point in 15° north latitude, 120° west longitude;

Thence by a rhumb line to a point in $48^{\circ} 29' 38''$ north latitude, 136° west longitude;

Thence due east to the Pacific terminus of the United States—Canada boundary in the Strait of Juan de Fuca.

2. The Governments of the American Republics agree that they will endeavor, through joint representation to such belligerents as may now or in the future be engaged in hostilities, to secure the compliance by them with the provisions of this Declaration, without prejudice to the exercise of the individual rights of each State inherent in their sovereignty.

3. The Governments of the American Republics further

DECLARATION OF PANAMA OF OCTOBER 3, 1939.

Approved at the City of Panama, October 3, 1939, by the Consultative Meeting of Foreign Ministers of the American Republics.

The Governments of the American Republics meeting at Panamá, have solemnly ratified their neutral status in the conflict which is disrupting the peace of Europe, but the present war may lead to unexpected results which may affect the fundamental interests of America and there can be no justification for the interests of the belligerents to prevail over the rights of neutrals causing disturbances and suffering to nations which by their neutrality in the conflict and their distance from the scene of events, should not be burdened with its fatal and painful consequences.

During the World War of 1914-1918 the Governments of Argentina, Brazil, Chile, Colombia, Ecuador and Peru advanced, or supported, individual proposals providing in principle a declaration by the American Republics that the belligerent nations must refrain from committing hostile acts within a reasonable distance from their shores.

The nature of the present conflagration, in spite of its already lamentable proportions, would not justify any obstruction to inter-American communications which, engendered by important interests, call for adequate protection. This fact requires the

(四)

「アメリカ」諸國ノ防衛ノ爲メ相互援助及協力ニ關スル
第二回「アメリカ」諸共和國外務大臣會議ノ宣言

千九百四十年七月二十一日乃至三十日「ハバナ」ニ於ケル第二回「アメリカ」諸共和國外務大臣會議ニ於テ採擇
(本宣言ノ歐文ハ The Department of State BULLETIN, Vol. III, No. 61 ヨリ之ヲ採リタリ)

第二回「アメリカ」諸共和國外務大臣會議ハ
左記ヲ宣言ス

「アメリカ」ノ國ノ領土ノ保全若ハ不可侵、主權又ハ政治的獨立ニ對スル「アメリカ」以外ノ國ニ依
ル如何ナル企圖モ本宣言ニ署名スル國ニ對スル侵略行爲ト看做サルベシ

「アメリカ」ノ國ノ領土ノ保全若ハ不可侵、主權又ハ政治的獨立ニ對シ「アメリカ」以外ノ國ニ依リ
侵略行爲ガ行ハレタル場合又ハ侵略行爲ガ準備セラレツツアリト信ズベキ理由アルトキハ本宣言ノ
署名國ハ執ルコトヲ可ナリトスルコトアルベキ措置ヲ協定スル爲相互ニ協議スベシ
一切ノ署名國又ハ署名國中ノ二以上ノ國ハ事情ニ應ジ本宣言ニ掲ゲラルル侵略ノ場合ニ於テ防衛ノ
爲ノ協力ヲ組織スル爲必要ナル補足協定及右ノ場合ニ於テ相互ニ與フベキ援助ヲ商定スベシ

DECLARATION OF THE SECOND MEETING OF THE MINISTERS OF FOREIGN AFFAIRS OF THE AMERICAN REPUBLICS REGARDING THE RECIPROCAL ASSISTANCE AND COOPERATION FOR THE DEFENSE OF THE NATIONS OF THE AMERICAS.

Adopted July 30, at the Second Meeting of the Ministers of Foreign Affairs of the American Republics, held at Habana July 21 to 30, 1940.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics.

Declares:

That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against the States which sign this declaration.

In case acts of aggression are committed or should there be reason to believe that an act of aggression is being prepared by a non-American nation against the integrity or inviolability of the territory, the sovereign or the political independence of an American nation, the nations signatory to the present declaration will consult among themselves in order to agree upon the measure it may be advisable to take.

All the signatory nations, or two or more of them, according to circumstances, shall proceed to negotiate the necessary complementary agreements so as to organize cooperation for defense and the assistance that they shall lend each other in the event of aggressions such as those referred to in this declaration.

(五)「アメリカ」諸共和國間ニ於ケル平和ノ維持及結合

ニ關スル宣言

千九百四十年七月三十日「ハバナ」市ニ於テ署名

第二回「アメリカ」諸共和國外務大臣會議ハ
左記ヲ宣言ス

- 一 「アメリカ」諸共和國ノ政府ハ「アメリカ」ガ文明ノ爲ニ其ノ高尚ナル使命ヲ果ス爲其ノ結合ヲ維持シ且之ヲ強化スルノ不退轉ノ決意ヲ爲シ居ルコト
- 二 從ツテ右政府ハ其ノ連帶性ヲ害スルコトアルベキ如何ナル紛争ヲモ防止スル爲如何ナル努力ヲモ惜マザルベキコト
- 三 右政府ハ又其ノ相互の信賴及外國ノ侵略ニ對スル大陸防衛ノ爲ノ其ノ協力が更ニ強化セララル爲其ノ間ニ存在スル紛争ヲ友好的方法ニ依リ且成ルベク速ニ解決スルコトニ一切ノ努力ヲ爲スベキコト
- 四 右政府ハ國ノ間ノ紛争ノ解決方法トシテノ本大陸ニ於ケル武力使用ヲ回避シ竝ニ從ツ

司法的及平和的方法ニ依ルノ其ノ強固ナル希望ヲ再確言スルコト

- 五 右政府ハ右方法ガ一切ノ場合ニ於テ平和維持ノ爲ニ決定的ニ有效タリ得ル爲右方法ノ行動範圍ヲ擴大スルコトヲ缺クベカラザルモノナリト認ムルコト
- 六 右政府ハ又右ノ原則及切望ガ「アメリカ」ノ諸國ト他ノ大陸ノ諸國トノ間ノ關係ニ於テ採用セララル爲一切ノ努力ヲ爲スベキコト
- 七 現在ノ戰鬪期間中ニ於テハ右政府ハ「バナマ」宣言ニ從ヒ法律及正義ノ維持ニ努力スベキコト
- 八 右政府ハ永續的タリ且一切ノ國民ノ共通ノ福祉ニ依リ鼓吹セララルベキ基礎ノ上ニ平和ガ確立セラレンコトヲ熱望スルコト
- 九 右政府ハ人類社會ノ關係ヲ決定的ニ再確立スル爲國際關係ヲ道德力ノ堅固ナル基礎ノ上ニ立ツ法律の基礎ノ上ニ維持スルコトヲ欲シ居ルコト竝ニ
- 十 右政府ハ其ノ理想ニ忠ナルニ依リ自己ノ利益ト世界の協力ノ義務トヲ調整スベキコト

V.

DECLARATION CONCERNING MAINTENANCE OF
PEACE AND UNION AMONG THE
AMERICAN REPUBLICS.

Signed at the City of Habana, July 30, 1940.

The Second Meeting of the Ministers of Foreign Affairs
of the American Republics

DECLARES:

One: That the Governments of the American Republics
are irrevocably determined to maintain and strengthen their
union; in order that America may fulfill its high mission on
behalf of civilization;

Two: That they will, therefore, omit no effort to
prevent any controversy which might impair their solidarity;

Three: That they will also make every effort to settle
in a friendly manner and as soon as possible the differences
which exist between them, in order that their reciprocal
confidence and their cooperation for continental defense
against any foreign aggression may be further strengthened;

Four: That they reaffirm their strong desire to avoid
the use of force in this continent as a means of solving dif-
ferences between nations and, therefore, to resort exclusively

to juridical and pacific methods;

Five: That they consider it essential to extend the
sphere of action of these methods, so that in all cases they
may be decisively effective for the preservation of peace;

Six: That they will, likewise, make every effort to the
end that these principles and aspirations may be adopted in
the relations between the nations of America and those of
other continents;

Seven: That during the present period of hostilities
they will strive for the maintenance of law and justice, in
accordance with the declaration of Panama;

Eight: That they vehemently desire that peace be
established on bases which will be lasting and inspired by
the common welfare of all peoples;

Nine: That they are disposed to maintain international
relations on juridical bases resting on the solid foundation of
moral forces, in order to reestablish definitely the bonds of
human community; and

Ten: That, faithful to their ideals, they will coordinate
their own interests with the duties of universal cooperation.

(六) 「アメリカ」ニ於ケル「ヨーロッパ」ノ殖民地及屬地ノ暫定的管治ニ關スル「ハバナ」議定書

千九百四十年七月二十一日乃至三十日ノ第二回「アメリカ」諸共和國外相會議ニ於テ採擇
(本議定書ノ歐文ハ The Department of State BULLETIN, Vol. III, No. 61 ヨリ之ヲ採リタリ)

- 一 「ヨーロッパ」諸國ニ屬スル本大陸内ノ地域ノ地位ハ「アメリカ」諸共和國ノ一切ノ政府ニ對スル深甚ナル關心ノ目的ナルニ因リ
- 二 今次ノ「ヨーロッパ」戦争ノ結果トシテ「アメリカ」諸共和國ノ國際關係ニ於テ排斥セラレ來レル征服ノ企圖ノ爲サルコトアルベクステ「アメリカ」ノ制度ノ精髓ト模範トヲ危殆ナラシムルコトアルベキニ因リ
- 三 「リマ」及「パナマ」ニ於ケル會談ニ於テ協定セラレタル汎米連帶性ノ原則ハ「アメリカ」諸共和國ノ制度ト矛盾スル制度又ハ政權ガ右諸共和國ノ平和ナル生活、右諸共和國ノ制度ノ正常ナル機能又ハ法律及秩序ノ原則ヲ顛覆セシムルコトナカランガ爲警戒及防衛ノ政策ノ採用ヲ必要トスルニ因リ
- 四 「ヨーロッパ」ニ於ケル軍事上ノ事件ノ經過及右事件ヨリ生ズル變化ハ「アメリカ」ニ於ケル「ヨーロッパ」ノ領土的屬地ガ「アメリカ」大陸ノ諸國ニ對スル侵略的中心ニ變更セラルベキノ重大ナル危険

ヲ惹起スルコトアルベキニ因リ

第二回「アメリカ」諸共和國外務大臣會議ハ左ノ如ク宣言ス

現ニ非「アメリカ」諸國ノ領有ノ下ニ在ル「アメリカ」内ノ島嶼又ハ地域ガ領土ノ交換又ハ主權ノ變更ノ目的ト爲ルノ危険アルトキハ「アメリカ」諸國ハ大陸ノ安全ノ絶對的必要及右ノ島嶼又ハ地域ノ住民ノ希望ヲ考慮シ左ノ條件ノ下ニ暫定的管治ノ制度ヲ設クルコトアルベシ

(イ) 右ノ措置ヲ必要トスル理由ガ存在セザルニ至ルト同時ニ且「アメリカ」諸共和國ノ安全ニ有害ナラザルベキトキハ本宣言ニ依リ再確認セラレタル本大陸ノ人民ハ自己ノ運命ヲ自由ニ決定スルノ權利ヲ有ストノ原則ニ從ヒ右ノ領土ハ自治國ノ状態ニ於テ自己ヲ構成シ且維持シ得ト認メラルル場合ニ於テ自治國トシテ組織セラルルカ又ハ從前ノ地位ニ回復セラルベク右雙方ノ中何レカ一層實際的且正當ナリト認メラルルモノガ選バルベキコト

(ロ) 本宣言ノ掲グル地域ハ一時的ニ「アメリカ」諸共和國ノ暫定的管治ノ下ニ置カルベク且右管治ハ本大陸ノ安全及防衛ニ貢獻シ竝ニ右地域ノ經濟的、政治的及社會的進歩ニ貢獻スルノ二重ノ目的ヲ以テ行ハルベキコト

更ニ左ノ如ク決議ス

「アメリカ」諸共和國ノ各ノ一名ノ代表者ヲ以テ構成セララル非常委員會ヲ創設スベク右委員會ハ其

ノ委員ノ三分ノ二ガ任命セラルルト同時ニ成立シタルモノト看做サルベシ右任命ハ成ルベク速ニ「アメリカ」諸共和國ニ依リ爲サルベシ

委員會ハ本決議ノ何レカノ署名國ノ要請ニ依リ會合スベシ

本協議會ニ依リ可決セラレタル條約ノ實施ニ先チ本大陸ノ平和ヲ擁護スル爲及前記ノ何レカノ地域ノ住民ノ希望ヲモ考慮シ右條約ノ規定ヲ適用スルコト緊急措置トシテ必要ナルニ至リタルトキハ委員會ハ右條約ノ規定ニ依リ行動シ攻撃セラレ又ハ脅威セラレタル地域ノ管治ヲ行フベシ右條約ガ實施セララルト同時ニ委員會ニ依リ行使セラレタル權力及機能ハ汎米領土管治委員會ニ移轉セラルベシ

非常行動ノ必要ガ緊急ナルガ爲右委員會ニ依ル行動ヲ待ツコト能ハザルトキハ「アメリカ」諸共和國ノ何レモ個別的ニ又ハ他ト共同シテ自國ノ防衛又ハ本大陸ノ防衛ガ必要トスル方法ニ於テ行動スルノ權利ヲ有スベシ右ノ事態ガ生ジタルトキハ行動ヲ執ル一又ハ二以上ノ「アメリカ」共和國ハ委員會ガ右執ラレタル行動ヲ考究シ適當ナル措置ヲ採用スルヲ得ル爲問題ヲ直ニ委員會ニ付託スベシ本議定書ニ包含セラルル規定ハ「ヨーロッパ」諸國ト「アメリカ」諸共和國ノ一又ハ二以上トノ間ノ紛争又ハ主張ノ目的タル領土又ハ屬地ニ關セザルモノトス

shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.

If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its provisions in order to safeguard the peace of the Continent, taking into account also the desires of the inhabitants of any of the above mentioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the Continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

ACT OF HABANA CONCERNING THE PROVISIONAL
ADMINISTRATION OF EUROPEAN COLONIES
AND POSSESSIONS IN THE AMERICAS.

*Adopted July 30, 1940, at the Second Meeting of the Ministers of Foreign
Affairs of the American Republics, held at Habana July 21 to 30,
1940.*

WHEREAS :

1. The status of regions in this Continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics ;

2. As a result of the present European war there may be attempts at conquest, which has been repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America ;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order ;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent ;

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Declares :

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account the imperative need of continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions :

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudicial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this Continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just ;

(b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

Resolves :

To create an emergency committee, composed of one representative of each of the American Republics, which committee

(七) 「アメリカ」ニ於ケル「ヨーロッパ」ノ殖民地及屬地ノ暫定的管治ニ關スル條約

千九百四十年七月二十一日乃至三十日ノ第二回「アメリカ」諸共和國外相會議ニ於テ採擇
(本條約ノ歐文ハ The Department of State BULLETIN, Vol. III, No. 61 ヲリ之ヲ採リタリ)

第二回「アメリカ」諸共和國外務大臣會議ニ代表者ヲ出セル政府ハ

- 一 「アメリカ」諸共和國ガ第二回協議會ニ於テ本半球ニ在ル非「アメリカ」諸國ノ殖民地ノ運命ニ關シ右殖民地ノ暫定的管治ニ關シ「ハバナ」議定書ヲ作成シタルコトヲ思ヒ
- 二 「ヨーロッパ」大陸ニ生ジツアル事件ノ結果トシテ交戰國中ノ或國ガ「アメリカ」ニ於テ有スル屬地ノ地域ニ於テ右或國ガ右屬地上ニ行使スル主權ヲ消滅セシメ若ハ實質的ニ毀損シ又ハ右屬地ノ統治ヲ指導者ナク放置スルコトアルベキ事態ガ發生シ斯クテ本大陸ノ平和ニ對スル危險ノ狀態ト法律、秩序竝ニ生命、自由及住民ノ財産ノ尊重ノ原則ガ消滅スルコトアルベキ事態トヲ惹起スルコトアルベキコトヲ思ヒ
- 三 「アメリカ」諸共和國ガ武力ハ權利ノ基礎ヲ構成スルコト能ハザルモノト思考シ且征服ノ形式ニ於テセラルルト、條約ノ條項中ニ於テ交戰國ニ依リ課セラルルコトアルベキ規定ノ形式ニ於テセラル

ルト又他ノ如何ナル手續ニ依リテセラルルトヲ問ハズ一切ノ暴力ヲ非トスルコトヲ思ヒ

- 四 右何レカノ地域ニ於ケル主權、法權、占有權若ハ何等カノ利益又ハ右何レカノ地域ノ管理ノ他ノ非「アメリカ」國ヘノ如何ナル移轉又ハ移轉ノ企圖モ「アメリカ」諸共和國ニ依リ「アメリカ」ノ感情及主義竝ニ「アメリカ」諸國ガ其ノ安全及政治的獨立ヲ維持スルノ權利ニ反スルモノト認メラルベキコトヲ思ヒ
- 五 右移轉又ハ右何レカノ地域ニ於ケル何等カノ利益若ハ權利ヲ直接タルト間接タルトヲ問ハズ移轉シ若ハ獲得セントスルノ企圖ガ右ノ目的ヲ達スル爲如何ナル形式ノ用キラレタルヲ問ハズ「アメリカ」諸共和國ニ依リ承認セラレ又ハ受諾セララルルコトナカルベキコトヲ思ヒ
- 六 數多ノ會議ニ依リ承認セラレタル「アメリカ」國際法ノ原則ニ依リ武力ニ依ル領土ノ獲得ガ許容セラルルコト能ハザルコトヲ思ヒ
- 七 「アメリカ」諸共和國ガ千九百三十九年九月一日ニ至ル迄「ヨーロッパ」諸國ニ依リ領有セラレタル「アメリカ」内ノ地理的地域ノ主權若ハ法權ノ何等カノ移轉若ハ移轉ノ企圖又ハ右地域ノ何等カノ割讓若ハ編入ガ一又ハ二以上ノ右地域ノ正式ノ移轉又ハ地位ノ變化ノ生ゼザルベキ場合ト雖モ其ノ政治的獨立ヲ毀損スルノ效果ヲ有スルカ否カヲ判斷スルノ權利ヲ各自ノ政府ノ機關ヲ通ジ留保スルコトヲ思ヒ

八 從テ豫見セララルル場合及右地域ノ統治ヲ指導者ナク放置スルコトアルベキ他ノ何レカノ場合ニ於テハ右地域ノ確定的制度ガ其ノ人民ノ自由ノ決定ニ依リ樹立セラルル時ニ至ル迄右地域ノ爲暫定的管治制度ヲ設定スルコト必要ナルコトヲ思ヒ

九 「アメリカ」諸共和國ガ該諸共和國ノ一世紀ヲ超ユル間適用シ來リタル政治的及法律的原則ヲ基礎トシテ行使シテ強力且一體的ニ行動スル國際團體トシテ、該諸共和國ノ結合及安全ヲ維持スル爲右地域ノ政治的及經濟的發達ノ夫々ノ程度ニ依リ右地域ヲ該諸共和國ノ管治ノ下ニ置キ且其ノ運命ニ付討議スルノ明白ナル權利ヲ有スルコトヲ思ヒ

十 協定セラレタル措置ノ暫定的且一時的ナル性質ハ「アメリカ」協會ニ依リ聲明セラレ、「リオ、デ、ジアーネイロ」ニ於テ開催セラレタル法律家會議ニ依リ承認セラレ且「モンテヴィデオ」ニ於テ開催セラレタル第七回「アメリカ」國際會議ニ於テ充分ニ再確認セラレタル原則タル汎米生活ヲ規律スル不干涉ノ原則ノ看過又ハ破棄ヲ意味セザルコトヲ思ヒ

十一 從テ右團體ガ右ノ方法ニ於テ行動スルノ國際法律能力ヲ有スルコトヲ思ヒ

十二 右ノ場合ニ於テハ最モ適當ナル制度ハ暫定的管治ノ制度ナルコト及右制度ハ「アメリカ」諸共和國ガ何等領土の擴張ノ目的ヲ抱懷セザルヲ以テ如何ナル危險ヲモ伴ハザルコトヲ思ヒ

十三 本條約竝ニ「アメリカ」ニ於ケル「ヨーロッパ」ノ殖民地及屬地ノ暫定的管治ニ關スル「ハバナ」議

定書ニ於ケル特殊ノ暫定的制度ノ設定ガ「ブエノス、アイレス」ニ於テ協定セラレ、「リマ」ニ於テ確認セラレ且「バナマ」及「ハバナ」ニ於テ實行セラレタル協議制度ヲ除去シ又ハ修正スルモノニ非ザルコトヲ思ヒ

十四 其ノ平和及安全ヲ保護スルコト竝ニ茲ニ掲ゲラレ前記ノ規定ノ範圍内ニ入ルコトアルベキ地域ノ何レモノ利益ヲ促進スルコトヲ希望シ左ノ條約ヲ締結スルコトニ決セリ

第一條

非「アメリカ」國ガ「アメリカ」ニ在ル何レカノ領域上ニ於テ他ノ非「アメリカ」國ガ行使シタル主權又ハ管理ニ付右他ノ非「アメリカ」國ニ代ルコトヲ直接又ハ間接ニ企圖シ斯クテ本大陸ノ平和ヲ脅威スルトキハ右領域ハ自動的ニ本條約ノ規定ノ適用ヲ受クベク且暫定的管治制度ノ下ニ置カルベシ

第二條

管治ハ各場合ニ於テ適當ト認めラルベキ所ニ從ヒ事前ノ同意ヲ得テ一又ハ二以上ノ「アメリカ」國ニ依リ行ハルベシ

第三條

管治ガ何レカノ地域ニ付設定セラレタルトキハ右管治ハ「アメリカ」ノ安全ノ爲且管治下ニ在ル地域ノ福祉及進歩ヲ目的トシツ該地域ノ利益ノ爲該地域ガ自治ヲ行フコトヲ得ルカ又ハ從前ノ地位ニ回復

セラルル時ニ至ル迄行ハルベシ後者ハ「アメリカ」諸共和國ノ安全ト兩立スルトキハ何時ニテモ實行セラルベキモノトス

第四條

右地域ノ管治ハ公ノ秩序及善良ノ風俗ガ要求スル規則ヲ留保シテ信仰及禮拜ノ自由ヲ保障スル條件ノ下ニ行ハルベシ

第五條

管治ハ本條約ノ目的ト調和セシメタル後地方的法令ヲ施行スベシ但シ管治ハ右法令ノ存在セザルノ事態ニ應ズル爲必要ナルコトアルベキ措置ヲ更ニ採用スルコトヲ得

第六條

商業及工業ニ關スル一切ノ事項ニ付テハ「アメリカ」諸國ハ同一地位及利益ヲ享有スベク管治國ハ自國若ハ自國ノ國民ノ爲又ハ或國ノ爲ニ特權的地位ヲ設定スルコトヲ禁ゼラル開放的經濟關係ハ相互主義ノ基礎ニ於テ一切ノ國トノ間ニ維持セラルベシ

第七條

右地域ノ土民ハ市民トシテ公ノ政治及裁判所ニ干與スベク右干與ノ能力以外ノ資格ヲ要セザルモノトス

第八條

實行可能ナル程度迄一切ノ種類ノ權利ハ地方的法令及慣習ニ依リ司配セラルベク又既得權ハ右法令ニ從ヒ保護セラルベシ

第九條

強制労働ハ其ノ存在スル地域ニ於テハ廢止セラルベシ

第十條

管治ハ右地域ノ富ヲ増進シ且住民ノ生活狀態特ニ公共及個人ノ衛生竝ニ成ルベク速ナル政治的自治ノ實施ノ爲ノ準備ニ關スルモノヲ改善スルノ二重ノ目的ヲ以テ一切ノ種類ノ教育ノ爲ノ便益ヲ供與スベシ

第十一條

管治下ニ在ル地域ノ土民ハ該管治ガ可能ナル何等カノ方法ニ於テ人民ト協議シテ設定スベキ自己ノ構成法ヲ有スベシ

第十二條

管治ハ管治下ニ在ル地域ノ管理ヲ委任セラレタル汎米機關ニ對シ右管治ガ其ノ機能ヲ遂行シタル方法ニ付年報ヲ提出スベク該年報ニハ其ノ説明及當該年度中ニ右地域ニ於テ採用セラレタル措置ノ謄本ヲ

添附スベシ

第十三條

前條ニ掲ゲラルル機關ハ暫定的管治ノ施行ニ關シ右地域ノ住民ニ依リ管治ヲ經由シテ提出セラルル請願ヲ審案スルノ權限ヲ有スベシ管治ハ其ノ適當ト認ムルコトアルベキ意見ヲ右請願ト共ニ送付スベシ

第十四條

第一回ノ管治ハ三年ノ期間ニ付承認セラルベシ右期間ハ必要アルトキハ其ノ終ニ於テ引續キ十年ヲ超エザル期間ニ付更新セラルベシ

第十五條

管治ノ施行ニ付生ズル經費ハ管治下ニ在ル地域ノ收入ヲ以テ支辨セラルベシ但シ右經費ガ不充分ナルトキハ不足額ハ管治國トシテ行動スル一又ハ二以上ノ國ニ依リ支拂ハルベシ

第十六條

「汎米領土管治委員會」ト稱セラルベキ委員會ハ茲ニ設立セラレ本條約ヲ批准スル國ノ各ノ代表者ヲ以テ構成セラルベシ

右委員會ハ本條約ノ掲グル國際機關タルベキモノトス本條約ガ一度實施セラルルニ至リタルトキハ之ヲ批准スル何レノ國モ開催セラルベキ都市ヲ提議シテ第一回會議ヲ招集スルコトヲ得委員會ハ其ノ議

長ヲ選舉シ、其ノ組織ヲ完成シ且其ノ確定的所在地ヲ定ムベシ委員會ノ委員ノ三分ノ二ハ定足數ヲ構成スベク又出席委員ノ三分ノ二ハ決議ヲ採擇スルコトヲ得

第十七條

委員會ハ本條約ノ掲グル地域ニ暫定的管治ヲ設定シ、各場合ニ於テ委員會ガ決定スルコトアルベキ數ノ國ヲシテ右管治ヲ行ハシメ且前諸條ノ條項ニ依リ右管治ノ施行ヲ監督スルノ權限ヲ付與セラルルモノトス

第十八條

本條約ニ包含セラルル規定ハ「ヨーロッパ」諸國ト「アメリカ」諸共和國ノ一又ハ二以上トノ間ノ紛爭又ハ主張ノ目的タル領土又ハ屬地ニ關セザルモノトス

第十九條

本條約ハ「ハバナ」市ニ於テ「アメリカ」諸共和國ノ署名ノ爲開キ置カレ且締約國ニ依リ其ノ憲法上ノ手續ニ從ヒ批准セラルベシ「キューバ」共和國國務長官ハ前記批准ノ目的ノ爲認證謄本ヲ能フ限リ早期ニ諸政府ニ送付スベシ批准書ハ「ワシントン」ニ在ル汎米聯合ノ記録ニ寄託セラルベク汎米聯合ハ右寄託ヲ署名國政府ニ通告スベシ右通告ハ批准書交換ト看做サルベシ

第二十條

本條約ハ「アメリカ」諸共和國ノ三分ノ二ガ各自ノ批准書ヲ寄託シタルトキ實施セラルベシ
右證據トシテ下名全權委員ハ良好妥當ナルヲ認メラレタル全權委任狀ヲ寄託シタル後各自ノ政府ノ爲
ニ本條約ニ署名シ且其ノ署名ト相對シテ記サレ居ル日附ノ日ニ於テ之ニ調印ス

留保

「チリ」國代表ノ留保

一 「チリ」國代表ハ大陸ノ連帶性ヲ實際的ニ完成スルノ必要ヲ確信シ本決議ガ其ノ憲法上ノ機關ニ
依リ批准セラレタルトキニ「チリ」國ガ約束及責任ヲ取得スベキモノナルコトヲ明白ナラシメ
テ本決議ヲ承認スルモノナリ

「アルゼンティン」國代表ノ留保

二 「アルゼンティン」國代表ハ本議定書ニ署名スルニ當リ、全部茲ニ反覆セラレ居レリト思考スル「バ
ナマ」會議ニ於ケル聲明ノ如ク「マルヴィナス」島ハ「アルゼンティン」國ノ領域ノ一部分タリ且其ノ版
圖及主權内ニ包含セラルルヲ以テ「ヨーロッパ」ノ何レノ國ノ殖民地又ハ屬地ヲモ構成セザルガ故ニ
本議定書ハ右島嶼ニ關セズ又之ヲ包含セザルコト竝ニ本代表ガ本委員會ノ討議ニ於テ聲明シタル如

ク他ノ「アルゼンティン」國南方地域ニ關シテモ同様ナルコトヲ記録ニ留ムルモノナリ本代表ハ又本
議定書及決議ノ署名ハ本議定書及決議ガ效力ヲ取得センガ爲ニ適用セラルベキ手續ニ關シ「アルゼ
ンティン」國ニ實施セラレ居ル憲法上ノ規範ニ於テ定メラレタル本代表ノ政府ノ權能ニ影響ヲ及ボス
コトナク且之ヲ其ノ儘存續セシムルモノナルコトヲ聲明ス

「コロンビア」國代表ノ留保

三 予ハ予ニ於テハ本國政府ノ承認及本國ノ憲法上ノ規範ヲ留保シテ本條約ニ署名スベシトノ提言ヲ
附シテ贊成投票ヲ爲スモノナリ

「ヴェネズエラ」國代表ノ留保

四 「ヴェネズエラ」國代表ハ殖民地タル屬地ニ關スル本條約ハ「ヴェネズエラ」國ノ憲法上ノ規定ニ從ヒ
引續キ同國ノ公ノ權能ヲ留保スルモノナリトノ了解ヲ以テ署名スルモノナリ

「チリ」國代表ノ追加留保

五 「チリ」國代表ハ本條約ニ署名スルニ當リ昨日ノ會議ニ於テ述べラレタル留保ニ加ヘテ「アンター
クティカ」ニ於ケル「チリ」國ノ權利ヲ留保スルモノナリ

(署名此ノ處ニ入ル)

of the American Republics have deposited their respective instruments of ratification.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this convention on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

RESERVATIONS

RESERVATION OF THE CHILEAN DELEGATION

1.—The Chilean Delegation, convinced of the necessity of effecting practically the continental solidarity, approves the resolution, making clear that Chile shall only acquire commitments and responsibilities when the said resolutions shall have been ratified by its constitutional organisms.

RESERVATION OF THE ARGENTINE DELEGATION

2.—The Delegate of the Argentine Republic in signing this Act places on record that it does not refer to or include the Malvinas Islands, because the latter do not constitute a colony or possession of any European nation, since they are a part of the Argentine territory and are included within its dominion and sovereignty, as was stated at the Panama meeting, which statement he considers reiterated hereby in its entirety, and also with reference to other southern Argentine regions as he has stated in the deliberations of this Commission. He likewise states that the signing of this Act and Resolution does not affect and leaves intact his Government's powers established in the

constitutional norms which obtain in Argentina, with respect to the procedure applicable in order that this Act and Resolution may acquire validity, force, and effectiveness.

RESERVATION OF THE COLOMBIAN DELEGATION

3.—I vote in the affirmative with the suggestion that I shall sign the Convention, subject to the approval by my Government and the constitutional standards of my country.

RESERVATION OF THE VENEZUELAN DELEGATION

4.—The Venezuelan Delegation signs with the understanding that the Convention concerning the colonial possessions remains subject to the public powers of the nation, in accordance with its constitutional provisions.

ADDITIONAL RERERVATION OF THE CHILEAN DELEGATION

5.—The Chilean Delegation, at the time of signing this Convention, in addition to the reservation set forth at yesterday's Meeting, makes reservation of Chile's rights in Antarctica.

[Here follow signatures.]

tion, with reference to the exercise of the provisional administration. The administration shall transmit, with this petition, such observations as it may deem proper.

XIV

The first administration shall be granted for a period of three years. At the end of this period, if necessary, it shall be renewed for successive periods not longer than ten years.

XV

The expenses incurred in the exercise of the administration shall be defrayed with the revenues of the region under administration but in case they are insufficient the deficit shall be met by the State or States which act as administrators.

XVI

A commission to be known as the "Inter-American Commission for Territorial Administration" is hereby established, to be composed of a representative from each one of the States which ratifies this convention; it shall be the international organization to which this convention refers. Once this convention has become effective, any country which ratifies it may convoke the first meeting proposing the city in which it is to be held. The Commission shall elect its chairman, complete its organization and fix its definitive seat. Two-thirds of the members of the Commission shall constitute a quorum and two-thirds of the members present may adopt decisions.

XVII

The Commission is authorized to establish a provisional administration in the regions to which the present convention refers; allow such administration to be exercised by the number of States which it may determine in each case, and supervise its exercise under the terms of the preceding articles.

XVIII

None of the provisions contained in the present convention refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

XIX

The present convention is open for signature by the American Republics at the city of Habana and shall be ratified by the High Contracting Parties in conformity with their constitutional procedures. The Secretary of State of the Republic of Cuba shall transmit at the earliest possible date authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

XX

The present convention shall enter into force when two-thirds

IV

The administration of the region shall be exercised under conditions which shall guarantee freedom of conscience and of worship, subject to the regulations which public order and good habits may demand.

V

The administration shall enforce the local laws coordinating them with the purposes of this convention, but it may furthermore adopt such measures as may be necessary to meet situations in which such laws do not exist.

VI

In all that concerns commerce and industry, the American nations shall enjoy the same situation and benefits, and the administrator is forbidden to establish a privileged position for itself or its nationals or for certain states. Open economic relations shall be maintained with all countries on a reciprocity bases.

VII

Natives of the region shall participate, as citizens, in public administration and in the courts of justice without further qualification than their capacity so to do.

VIII

To the extent that it may be practicable, rights of every sort shall be governed by local law and custom, and vested rights shall be protected in accordance with such law.

IX

Forced labor shall be abolished in the regions where it exists.

X

The administration shall provide facilities for education of all kinds with the two-fold purpose of developing the wealth of the region and improving the living conditions of the population, especially as regards public and individual hygiene and preparation for the exercise of political autonomy as soon as possible.

XI

The natives of a region under administration shall have their own Organic Act which the administration shall establish, consulting the people in whatever manner is possible.

XII

The administration shall submit an annual report to the inter-American organization entrusted with the control of the regions under administration, of the manner in which it has fulfilled its functions, attaching thereto copies of its accounts and of the measures adopted in the region during the year.

XIII

The organization referred to in the preceding article shall be competent to take cognizance of the petitions submitted by inhabitants of the region through the medium of the administra-

definitive regime is established by the free determination of their people ;

Nine. That the American Republics, as an international community which acts strongly and integrally, using as a basis political and juridical principles which they have applied for more than a century, have the unquestionable right, in order to preserve their unity and security, to take such regions under their administration and to deliberate as to their destinies, in accordance with their respective degrees of political and economic development ;

Ten. That the provisional and transitory character of the measures agreed to does not imply an oversight or abrogation of the principle of non-intervention which regulates inter-American life, a principle proclaimed by the American Institute, recognized by the meeting of jurists held at Rio de Janeiro and fully reaffirmed at the Seventh International American Conference held at Montevideo ;

Eleven. That this community has therefore international juridical capacity to act in this manner ;

Twelve. That in this case, the most appropriate regime is that of a provisional administration ; and that this system entails no danger because the American Republics do not entertain any purpose whatsoever of territorial aggrandizement ;

Thirteen. That the establishment of a special provisional regime in the present convention and in the Act of Habana concerning the provisional administration of European colonies and possessions in the Americas does not eliminate or modify the

system of consultation agreed upon at Buenos Aires, confirmed at Lima, and practiced at Panama and Habana.

Fourteen. Being desirous of protecting their peace and safety and of promoting the interests of any of the regions herein referred to which may fall within the purview of the foregoing recitations, have resolved to conclude the following convention :

I

If a non-American State shall directly or indirectly attempt to replace another non-American State in the sovereignty or control which it exercised over any territory located in the Americas, thus threatening the peace of the continent, such territory shall automatically come under the provisions of this convention and shall be submitted to a provisional administrative regime.

II

The administration shall be exercised, as may be considered advisable in each case, by one or more American States, with their previous approval.

III

When the administration shall have been established for any region it shall be exercised in the interest of the security of the Americas, and for the benefit of the region under administration, with a view to its welfare and progress, until such time as the region is in a position to govern itself or is restored to its former status, whenever the latter is compatible with the security of the American Republics.

CONVENTION ON THE PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS.

Signed at Habana, July 30, 1940.

The Governments represented at the Second Meeting of Ministers of Foreign Affairs of the American Republics,

Considering:

One. That the American Republics have formulated at the Second Consultative Meeting the Act of Habana with regard to the destiny of colonies of non-American countries located in this hemisphere as well as with respect to the provisional administration of such colonies;

Two. That as a result of the events which are taking place in the European continent situations may develop in the territories of the possessions which some of the belligerent nations have in the Americas which may extinguish or materially impair the sovereignty which they exercise over them, or leave their government without a leader, thus creating a state of danger to the peace of the continent and a state of affairs in which the rule of law, order, and respect for life, liberty and the property of inhabitants may disappear;

Three. That the American Republics consider that force cannot constitute the basis of rights, and they condemn all violence whether under the form of conquest, of stipulations which may

have been imposed by the belligerents in the clauses of a treaty, or by any other process;

Four. That any transfer, or attempted transfer, of the sovereignty, jurisdiction, possession or any interest in or control over any such region to another non-American State, would be regarded by the American Republics as against American sentiments and principles and the rights of American States to maintain their security and political independence;

Five. That no such transfer or attempt to transfer or acquire any interest or right in any such region, directly or indirectly, would be recognized or accepted by the American Republics no matter what form was employed to attain such purposes;

Six. That by virtue of a principle of American international law, recognized by various conferences, the acquisition of territories by force cannot be permitted;

Seven. That the American Republics, through their respective government agencies, reserve the right to judge whether any transfer or attempted transfer of sovereignty, jurisdiction, cession or incorporation of geographic regions in the Americas, possessed by European countries up to September 1, 1939, has the effect of impairing their political independence even though no formal transfer or change in the status of such region or regions shall have taken place;

Eight. That in the cases foreseen, as well as any others which might leave the government of such regions without a leader, it is, therefore, necessary to establish a provisional administrative regime for such regions until such time as their

primero de esos Estados agredido y los otros dos declarado la guerra a un país americano.

4. Las Repúblicas Americanas DECLARAN, por último, que, antes de restablecer las relaciones a que se refiere el párrafo anterior, se consultarán entre sí, a fin de que su resolución tenga carácter solidario.

(八) 外交關係ノ斷絶

第三回米洲外務大臣會議ハ

- 一 米洲諸共和國ハ其ノ内ノ一國ニ對スル米洲外ノ國家ノ一切ノ侵略行爲ハ米洲ノ自由及獨立ニ對スル直接ノ脅威ヲ構成スルヲ以テ米洲諸共和國全部ニ對スル侵略行爲ト認ムトノ宣言ヲ再確認ス
- 二 米洲諸共和國ハ本大陸ニ對スル現侵略ノ效果ガ消滅スル迄其ノ完全ナル連帶並ニ相互保護ノ爲ニ總テ合同シテ協力スルノ決意ヲ再確認ス
- 三 米洲諸共和國ハ各自國ノ法律ニ依リ定メラレタル手續ヲ履ミ且現在ノ大陸紛争ニ於ケル各國ノ地位及情勢ニ應ジテ日本國、「ドイツ」國及「イタリヤ」國ト外交關係ヲ斷絶スルコトヲ勸告ス蓋シ日本國ハ米洲ノ一國ヲ侵略シ他ノ二國ハ之ニ宣戰セルヲ以テナリ
- 四 米洲諸共和國ハ前號ニ記載スル關係ヲ復活スルニ先チ其ノ決定ニ連帶性ヲ有セシムル爲相互ニ協議スルコトヲ宣言ス

千九百四十二年一月二十七日

VIII.

ACTA-FINAL

DE LA TERCERA REUNION DE CONSULTA ENTRE LOS
MINISTROS DE RELACIONES EXTERIORES DE LAS
REPUBLICAS AMERICANAS, SUSCRITA EN RIO DE
JANEIRO, EL DIA VEINTE Y OCHO DE ENERO DE
MIL NOVECIENTOS CUARENTA Y DOS:

I. RUPTURA DE RELACIONES DIPLOMATICAS.

La Tercera Reunión de Consulta de los Ministros de
Relaciones Exteriores de la Repúblicas Americanas:

1. Las Repúblicas Americanas SE REAFIRMAN en su
declaración de considerar todo acto de agresión de un Estado
Extra-Continental contra una de ellas como acto de agresión
contra todas, por constituir una amenaza inmediata a la
libertad e independencia de América.

2. Las Repúblicas Americanas REAFIRMAN su com-
pleta solidaridad y su determinación de cooperar todas juntas
para su protección recíproca hasta que los efectos de la
presente agresión al Continente hayan desaparecido.

3. Las Repúblicas Americanas, siguiendo los proce-
dimientos establecidos por sus propias leyes y dentro de la
posición y circunstancias de cada país en el actual conflicto
continental, RECOMIENDAN la ruptura de sus relaciones
diplomáticas con el Japón, Alemania e Italia, por haber el

(九) 通商金融關係ノ斷絶

千九百四十二年一月二十七日勸告

第三回米洲外務大臣會議ハ左ノ通勸告ス

一 米洲諸共和國政府ハ各國ノ通例的慣行及法令ニ從ヒ即時左ノ措置ヲ採用スルコト

(一) 現在ノ大陸非常時中西半球ト三國條約調印國及其ノ支配下ニ在ル領土トノ直接若ハ間接
ノ一切ノ通商及金融關係ヲ斷絶スル爲必要ナル附帶的措置

(二) 米洲諸共和國ノ福祉及安全ニ有害ナル其ノ他ノ通商及金融上ノ活動ヲ中止スル措置 此
等ノ措置ハ就中左記ノ目的ヲ有スルモノトス

(イ) 三國條約調印國、其ノ支配下ニ在ル領土、若ハ自然人タルト法人タルトヲ問ハズ其ノ
國人ニ依リ直接取極メラレタル西半球ノ安全ニ反スル通商及金融取引ヲ米洲諸共和國内ニ
於テ禁遏シ且前記諸國若ハ領土及其ノ國人ニ依リ間接ニ取極メラレタル取引竝ニ前記諸國
若ハ領土及其ノ國民ノ利益ト爲ルベキ取引ヲ防止スルコト但シ自然人ニシテ米洲共和國内
居住者タルトキ而モ之等ガ次項ニ定ムル所ニ從ヒ取締ヲ受クルニ於テハ前記措置ヨリ除外

tivas economías, al ponerse en práctica esta Recomendación, especialmente deberán considerarse las medidas que tiendan a prevenir los problemas de desocupación parcial o total que puedan sobrevenir en los países de América como resultado de la aplicación de medidas de control y restricción de las actividades de los extranjeros.

セラールモノトス

(ロ) 米洲共和國内ニ居住スル三國條約調印國又ハ其ノ支配下ニ在ル領土ノ國民ガ米洲諸共和國内ニ於テ取極ムベキ一切ノ通商及金融取引ヲ監視シ取締リ且西半球ノ安全ニ反スル有ラユル性質ノ一切ノ取引ヲ禁止スルコト但シ米洲共和國ガ自國ノ利益及法令ニ從ヒ必要ト認メタル場合ニ限ル而シテ特ニ米洲共和國ノ一國ガ前記措置ノ何レカヲ具體的事件ニ適用スルニ當リ其ノ國家經濟ニ損害ヲ齎ストキハ其ノ支配地域ニ在ル前記諸國及國民ノ財産及企業ヲ取締ノ爲ニ司法的委託若ハ繼續的行政管理ニ付シ若ハ當該米洲國ノ國民ニ之ガ賣却ヲ行フコトヲ得ベシ但シ右賣却ノ所得ハ前記外國人ノ資産ニ對シ適用セラールト同一ノ取締及類似ノ規則ニ從フモノトス

二 米洲諸共和國政府ハ本勸告ヲ實施スルニ當リ自國ノ經濟ニ及ボスコトアルベキ逆效果ヲ防止スル爲ニ二國間又ハ多數國間ノ措置ヲ採用スルコト外國人ノ活動ノ取締及制限措置適用ノ結果米洲諸國ニ於テ生ズルコトアルベキ部分的若ハ全般的失業問題ノ豫防ヲ目的トスル措置ヲ特ニ考慮スベキコト

IX.

REPTURA DE RELACIONES COMERCIALES
Y FINANCIERAS.

La Tercera Reunión de Consulta de los Ministros de Relaciones Exteriores de las Repúblicas Americanas,

RECOMIENDA:

1. Que los Gobiernos de las Repúblicas Americanas adopten inmediatamente, conforme a las prácticas usuales y a la legislación de cada país:

A) Las medidas adicionales que sean necesarias para interrumpir, durante la actual emergencia continental, todo intercambio comercial y financiero, directo o indirecto, entre el Hemisferio Occidental y las naciones signatarias del Pacto Tripartito y los territorios dominados por ellas;

B) Las medidas para suspender las demás actividades comerciales y financieras perjudiciales al bienestar y a la seguridad de las Repúblicas Americanas, medidas que tendrán, entre otros objetos, los siguientes:

I) Impedir, dentro de las Repúblicas Americanas, las operaciones comerciales y financieras contrarias a la seguridad del Hemisferio Occidental, celebradas directamente por los Estados miembros del Pacto Tripartito, por los territorios dominados por ellos, o por sus nacionales, sean personas naturales o jurídicas; y evitar también las celebradas indirectamente por dichos estados o por los nacionales de ellos

y las que redunden en beneficio de dichos Estados o territorios y de sus nacionales, quedando entendido que las personas naturales podrán ser exceptuadas de tales medidas, si son residentes en una República Americana, y a condición de que queden controladas conforme lo preve el inciso siguiente;

II) Vigilar y controlar todas las operaciones comerciales y financieras que celebren dentro de las Repúblicas Americanas. Los nacionales de los Estados signatarios del Pacto Tripartito o de los territorios dominados por ellos, que residan en dichas Repúblicas, y prohibir todas las operaciones de cualquier naturaleza contrarias a la seguridad del Hemisferio Occidental, siempre que una República Americana lo estime conveniente y de acuerdo con sus intereses y su propia legislación, y especialmente si alguna de las medidas antes mencionadas, al aplicarse a casos concretos, resultaren en perjuicio de su economía nacional, los bienes y las empresas de esos Estados y nacionales que se encuentren dentro de su jurisdicción podrán llegar a ser dados en encargo judicial o sometidos a intervención administrativa permanente para efectos de control, o bien podrá procederse a su venta a nacionales del respectivo país americano, siempre que el producto de tal venta quede sujeto al mismo control y a reglamentos similares a los que se apliquen a los fondos de los extranjeros arriba mencionados.

2. Que los Gobiernos de las Repúblicas Americanas adopten medidas, bilaterales o multilaterales, para contrarrestar los efectos adversos que pueden causarse a sus respec-

X.

TRATAMIENTO DE NO BELIGERANCIA.

La Tercera Reunión de Consulta de los Ministros de Relaciones Exteriores de las Repúblicas Americanas,

RESUELVE:

1. Que, como consecuencia de los principios de solidaridad americana, las Repúblicas de este Continente no considerarán como beligerante a ningún Estado Americano que se encuentre o llegue a hallarse en estado de guerra con otro Estado de América.
2. Recomendar que puedan ser concedidas facilidades especiales a aquellos países que en esta emergencia contribuyan, a juicio de cada Gobierno, a la defensa de los intereses de este Hemisferio.

(十) 非交戰國待遇

第三回米洲外務大臣會議ハ左ノ通決議ス

- 一 本大陸ノ諸共和國ハ米洲連帶ノ原則ニ鑑ミ米洲外國家ト戰爭狀態ニ在ルカ若ハ今後該狀態ニ入ルコトアルベキ何レノ米洲國家ヲモ交戰國ト認メザルコト
- 二 前記非交戰國ニシテ各國政府ノ判斷ニ依リ現非常時ニ於テ本半球ノ利益防衛ニ寄與スルモノト認メラルモノニ對シ特別ノ便宜ヲ供與スルコト

千九百四十二年一月二十七日決議

第四 重慶政權關係

(一) 「アメリカ」合衆國重慶政權間借款協定

千九百四十二年三月二十一日「ワシントン」ニ於テ署名
(本協定ノ歐文ハ同盟通信社電報ヨリ之ヲ採リタリ)

「アメリカ」合衆國及中華民國ノ政府ハ兩國ノ爲及一切ノ國ノ爲ニ法律ノ下ニ於ケル秩序ヲ確保スル公
正且永續的ナル世界平和ノ基礎ヲ定ムルノ目的ヲ以テ共同ノ敵ニ對スル協同的事業ニ精神ヲ同ジクス
ル諸國民ト共ニ從事シ居ルニ因リ

合衆國及中華民國ハ「各政府ハ三國協定ノ當事國及其ノ加入國ニシテ右政府ガ之ト戰爭狀態ニ在ルモ
ノニ對シ其ノ軍事上又ハ經濟上ノ全資源ヲ使用スルコトヲ約ス」ト宣言セル千九百四十二年一月一日
ノ同盟諸國ノ宣言ノ署名國タルニ因リ

合衆國議會ハ千九百四十二年二月七日裁可セラレタル法律第四百二號ヲ全會一致ヲ以テ可決スルニ當
リ中華民國ニ對スル財政的及經濟的援助ハ中華民國ノ侵略軍隊ニ對抗スル能力ヲ増大シ又中華民國ノ
防衛ハ最大ノ重要性ヲ有スルモノナリト宣言シ合衆國財務長官ニ對シ大統領ノ裁可ヲ經テ中華民國ニ
對シ財政的援助ヲ供與スルノ權限ヲ付與シタルニ因リ

右財政的援助ハ第一ニハ中華民國ノ通貨、金融、銀行及經濟ニ關スル制度ヲ強化シ、第二ニハ必要ナル貨物ノ生産、獲得及分配ノ増大ニ對シ融資シテ之ヲ促進セシメ、第三ニハ物價ノ騰貴ヲ阻止シ、經濟的關係ノ安定ヲ増進シ及其ノ他通貨膨脹ヲ防止シ、第四ニハ食料其ノ他ノ物資ノ蓄藏ヲ防止シ、第五ニハ輸送及交通ノ手段ヲ改善シ、第六ニハ中華民國人民ノ福祉ヲ増進セシムル他ノ社會的及經濟的措置ヲ實施シ竝ニ第七ニハ武器貸與法ニ基キ供給セララルル必需品以外ノ軍事の必需品ヲ充足シ及中華民國ノ戰爭上ノ努力ニ於テ他ノ適當ナル措置ヲ執ル様中華民國ヲ援助スルコトニ依リ中華民國ヲシテ共同ノ敵國ニ對スル其ノ戰爭上ノ努力ヲ大ニ強化スルコトヲ得シムベキニ因リ

右目的ヲ達成スル爲下名ハ特ニ各自ノ政府ノ正當ノ委任ヲ受ケ左ノ如ク協定セリ

第一條

合衆國財務長官ハ合衆國財務省ニ米貨五億「ドル」ノ勘定ヲ設定スルコトニ同意ス財務長官ハ中華民國政府ガ財政部長ヲ通ジテ請求スル金額ヲ右政府ノ請求スル時期ニ於テ右信用額ヨリ「ニュー、ヨーク」聯邦準備銀行ニ於ケル中華民國政府名義又ハ財政部長指名ノ代理機關名義ノ勘定ニ振替フベシ中華民國政府ハ直接ニ又ハ財政部長ガ權限ヲ付與スベキ者若ハ代理機關ヲ通ジテ右振替ヲ請求スルコト又ハ「ニュー、ヨーク」聯邦準備銀行ニ在ル右勘定ヨリ引出サシムルコトヲ得

第二條

本財政的援助ガ與ヘラルルニ付テノ條件ノ最終的決定ハ代償トシテ合衆國ニ與ヘラルベキ利益ヲ包含スルヲ以テ兩締約國ニ依リ戰後ノ事態ノ經過ガ合衆國及中華民國ノ相互ノ利益ト爲リ且永續的ナル世界ノ平和及安全ノ確立ヲ促進スベキ最終的條件及利益ヲ一層明瞭ナラシムルニ至ル迄延期セララルベシ右最終的條件及利益ヲ決定スルニ當リテハ戰後及戰爭中中華民國ニ於テ健全ニシテ安定セル經濟的及財政的事態ヲ維持スルノ望マシキコト竝ニ合衆國及中華民國間ニ相互ニ利益ナル經濟的及財政的關係ヲ増進シ且世界的ナル經濟的及財政的關係ヲ改善スルコトノ望マシキコトガ充分認メララルベシ

第三條

本協定ハ本日ヨリ實施セララルベシ

千九百四十二年三月二十一日「ワシントン」ニ於テ本書ニ通ニ署名調印ス

「アメリカ」合衆國ノ爲ニ

財務長官　ヘンリ、モーゲンソ

中華民國ノ爲ニ

外交部長　宋　子　文

economic system; secondly, finance and promote increased production, acquisition and distribution of the necessary goods; thirdly, retard the rise of prices, promote the stability of the economic relationship and otherwise check inflation; fourthly, prevent the hoarding of foods and other materials; fifthly, improve the means of transportation and communications; sixthly, effect further social and economic measures which promote the welfare of the Chinese people; and seventhly, meet the military needs other than those supplied under the Lend-Lease Act and take other appropriate measures in its war effort;

In order to achieve these purposes the undersigned, being duly authorized by their respective Governments for that purpose, have agreed as follows;

Article 1.

The Secretary of the Treasury of the United States agrees to the establishment forthwith on the books of the United States Treasury of \$ 500,000,000. The Secretary of the Treasury shall make transfers from this credit in such amounts and at such times as the Government of the Republic of China shall request through the Minister of Finance to an account or accounts in the Federal Reserve Bank of New York in the name of the Government of the Republic of China or any agencies designated by the Minister of Finance. Such transfers may be requested by and such accounts at the Federal Reserve Bank of New York may be drawn upon by the Government of the Republic of China, either directly or through such persons or agencies as the Minister of Finance shall authorize.

Article 2.

Final determination of the terms upon which this financial aids are given, including the benefits to be rendered the United States in return, will be deferred by the two Contracting Parties until the progress of events after the war makes clearer the final terms and benefits which will be in the mutual interest of the United States and China and will promote the establishment of lasting world peace and security. In determining the final terms and benefits, full cognizance shall be given to the desirability of maintaining a healthy and stable economic and financial situation in China in the post-war period, as well as during the war, and to the desirability of promoting mutually advantageous economic and financial relations between the United States and China, and the betterment of the world-wide economic and financial relations.

Article 3.

This Agreement shall take effect as from this day's date.

Signed and sealed at Washington, District of Columbia, in duplicate this twenty-first day of March, 1942.

On behalf of the United States of America
Henry Morgenthau.
Secretary of Treasury.

On behalf of the Republic of China
T. V. Soong.
Minister for Foreign Affairs.

中華民國竝ニ「アメリカ」合衆國ハ
 兩國國民間ニ於ケル從來ノ友好關係ヲ重視シ且平等ナル資格ト主權國家タルノ資格トヲ以テ其ノ
 共同ノ願望ヲ表示シ相互ニ承認規定セル人類關係ノ高尚ナル原則ヲシテ大イニ其ノ光輝ヲ發揚セ
 シメント欲スルニ因リ茲ニ條約ヲ締結シ以テ兩國間ニ關係アル諸事項ノ調整ヲ計ルコトニ決シ左
 ノ如ク其ノ全權委員ヲ任命セリ

中華民國國民政府主席
 「アメリカ」合衆國駐節特命全權大使魏道明
 「アメリカ」合衆國大統領
 國務長官「コーデル、ハル」

(參考)

重慶政權米國間新關係條約

(註) 本條約及附屬交換公文中華民國トハ重慶政權ガ呼ブ中華民國ヲ謂フ

千九百四十三年一月十一日「ワシントン」ニ於テ署名
 同 年五月二十日「ワシントン」ニ於テ批准書交換
 同 年同月同日ヨリ 實 施

LOAN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA.

Signed at Washington, March 21, 1942.

Whereas the Governments of the United States of America and the Republic of China are engaged, together with peoples of like mind, in a cooperative undertaking against the common enemies to the end of laying the base of a just and enduring world peace, securing order under law to themselves and all other nations; and

Whereas the United States and China are signatories to the declaration of the united nations of January 1, 1942, which declares "each Government pledges itself to employ its full resources, military or economic, against those members of the tripartite pact and its adherents with which such government is at war"; and

Whereas the Congress of the United States, in unanimously passing the public law, No. 402, approved February 7, 1942, has declared that the financial and economic aid to China will increase China's ability to oppose the forces of aggression and that the defense of China is of the greatest possible importance, and has authorized the Secretary of the Treasury of the United States, with the approval of the President, to give financial aid to China; and

Whereas such financial aid will enable China to strengthen greatly its war efforts against the common enemies by helping China to: firstly, strengthen its currency, monetary, banking and

右各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ如ク協定セリ

第一條 (治外法權ノ撤廢)

中華民國ト「アメリカ」合衆國トノ間ニ現ニ有效ナル條約及取極ノ條項ニシテ中華民國領域ニ於ケル「アメリカ」合衆國ノ國民ニ對シ「アメリカ」合衆國政府又ハ其ノ代表者ガ之ニ行使スル管轄權ニ關スルモノハ總テ茲ニ之ヲ特ニ廢棄ス

「アメリカ」合衆國ノ國民ハ國際法ノ原則及國際慣例ニ基キ中華民國領域内ニ在リテハ中華民國政府ノ管轄權ニ服スルモノトス

第二條 (北清事變最終議定書ノ廢棄)

「アメリカ」合衆國政府ハ西曆千九百一一年九月七日附北京ニ於テ清國政府ト「アメリカ」合衆國ヲ含ム他國政府トノ間ニ締結セラレタル最終議定書ヲ失効セシムベキモノト認メ且該議定書及其ノ附屬書ニ基キ「アメリカ」合衆國政府ニ供與セラレタル權利ヲ終止セシムベキコトニ同意ス

「アメリカ」合衆國政府ハ中華民國政府ガ北平外國公館區域ニ於ケル行政及管理權ヲ接收スルニ當リ該外國公館區域ノ公的義務及債務ヲ負擔履行スル爲竝ニ該外國公館區域内一切ノ合法的權利ヲ承認保護スル爲措置ヲ講ズベキコトニ付相互ニ了解シタルニ因リ北平外國公館區域ニ於ケル行

政及管理權ヲ其ノ官有資産及公的義務ト共ニ中華民國政府ニ委讓スル目的ヲ以テ關係他國政府ト所要ノ協定ヲ遂グル爲中華民國政府ト協力スルモノトス

中華民國政府ハ北平外國公館区域内ニ於テ「アメリカ」合衆國政府ニ屬スル建物ノ存在スル既ニ「アメリカ」合衆國政府ニ割與セラレアル土地ヲ公務上ノ目的ニ引續キ使用スルノ權利ヲ「アメリカ」合衆國政府ニ供與スルモノトス

第三條 (共同租界ノ還付)

「アメリカ」合衆國政府ハ上海及厦門ニ於ケル共同租界ヲ中華民國政府ノ行政及管轄權ノ下ニ復歸セシムベキモノト認メ且該兩共同租界ニ關シ「アメリカ」合衆國政府ニ供與セラレタル權利ヲ終止セシムベキコトニ同意ス

「アメリカ」合衆國政府ハ中華民國政府ガ上海及厦門兩共同租界ニ於ケル行政及管理權ヲ接收スルニ當リ該兩共同租界ノ公的義務ヲ負擔履行スル爲竝ニ該兩共同租界内一切ノ合法的權利ヲ承認保護スル爲措置ヲ講ズベキコトニ付相互ニ了解シタルニ因リ上海及厦門兩共同租界ニ於ケル行政及管理權ヲ其ノ官有資産及公的義務ト共ニ中華民國政府ニ委讓スル目的ヲ以テ關係他國政府ト所要ノ協定ヲ遂グル爲中華民國政府ト協力スルモノトス

第四條 (土地ニ關スル權利)

「アメリカ」合衆國ノ國民(會社及法人ヲ含ム)又ハ政府ノ所有スル中華民國領域内ニ於ケル現存ノ不動産ニ關聯スル權利又ハ不動産權利ニ關スル問題竝ニ特ニ本條約第二條ニ規定セラレタル條約及取極條項ノ廢棄ニ依リ生ズルコトアルベキ問題ヲ除去センガ爲締約國ハ現存ノ不動産ニ關聯スル權利又ハ不動産權利ニ付テハ此ノ種權利ハ其ノ取得ノ原手續ニ爾後如何ナル變更アルモ之ガ爲無效トスベキニ非ザルコトヲ了解スルニ因リ當該權利ノ取得ガ詐欺又ハ不正不信ノ行爲ニ因ルコト法律手續ヲ通ジテ立證セラレタル場合ヲ除クノ外如何ナル理由ニ依ルモ之ヲ無效トセザルベク且之ヲ追究セザルベキコトヲ約定ス尙又此等權利ハ課税、公用徵收權及國防ニ關スル中華民國ノ法規ニ從フベキコト竝ニ該權利ハ中華民國ノ明示ノ承認ヲ經ズシテハ如何ナル第三國ノ政府又ハ國民(會社及法人ヲ含ム)ニ對シテモ之ヲ讓渡セザルベキコトヲ約定ス

又締約國ハ中華民國政府ニ於テ「アメリカ」合衆國ノ國民又ハ政府ノ保有スル現存ノ永租權證又ハ不動産ニ關スル其ノ他書證ヲ新式所有權證書ニ轉換セント希望スル場合右轉換ハ何等ノ經費ヲモ再徵セズシテ中華民國官憲ニ依リ行ハルベク且新式所有權證書ハ讓渡權ヲ含ム從前ノ權利利益ヲ減損スルコトナク該永租權證又ハ其ノ他書證ノ所持人竝ニ其ノ合法上ノ相續人及讓受人ヲ十分

保護スベキモノタルコトヲ約定ス

更ニ締約國ハ「アメリカ」合衆國ノ國民又ハ政府ガ本條約ノ實施日以前ノ期間内ニ於ケル又ハ該期間ノ關スル土地ノ讓渡ニ付中華民國官憲ヨリ如何ナル費用ノ支拂ヲモ要求又ハ請求セラレザルベキコトヲ約定ス

第五條 (内地開放及内國民待遇)

「アメリカ」合衆國政府ハ從來其ノ全領域内ニ於テ中華民國ノ國民ニ對シ該全領域内ニ於ケル旅行、居住及商業ニ從事スルノ權利ヲ許容シ來レルニ鑑ミ中華民國政府ハ中華民國領域内ニ於テ「アメリカ」合衆國ノ國民ニ對シ同様ノ權利ヲ許容スルコトニ同意ス兩國政府ハ各自ノ管轄權ノ及ブ領域内ニ於テ他方ニ對シテハ衡平ナル待遇ヲ供與シ又他方ノ國ノ國民ニ對シテハ一切ノ法律手續及司法ノ運用ニ關スル事項竝ニ諸税ノ賦課及之ニ關係アル要件ニ付自國ノ國民ニ適用セラルル所ニ比シ不利ナラザル待遇ヲ供與スルコトニ努ムルモノトス

第六條 (領事官ノ權限)

中華民國政府及「アメリカ」合衆國政府ハ領事認可狀ヲ成規ニ所持スル各自ノ領事官ガ他方ノ締約國ニ在ル合意セラレタル港、場所及都市ニ居住スルコトヲ相互ニ同意ス兩國ノ領事官ハ其ノ管

轄區域内ニ於テ自國ノ國民ヲ接見シ之ト通信シ及之ニ指示ヲ與フルノ權利ヲ有スベク尙一方締約國ノ國民ニシテ其ノ領事官管轄區域内ニ於テ拘留、逮捕、監禁セラレタルモノ又ハ未決ノ囚人タルモノアルトキハ直ニ之ヲ該領事官ニ通知スベシ右領事官ハ主管官憲ニ通知シタル後此等國民ヲ訪問スルコトヲ得ルモノトス兩國ノ領事官ハ總テ現代國際慣例ノ供與スル權利、特權及安全ヲ享有スルモノトス

更ニ兩締約國ハ一方ノ領域内ニ在ル他方ノ國民ガ隨時其ノ領事官ト通信スルノ權利ヲ有スルコト竝ニ一方ノ領域内ニ在ル他方ノ國民ニシテ拘留、逮捕、監禁セラレタルモノ又ハ未決ノ囚人タルモノヨリ其ノ領事官ニ宛テタル通信ハ地方官憲ニ於テ之ヲ轉達スベキコトヲ約定ス

第七條 (新條約ノ締結及暫定的措置)

中華民國政府及「アメリカ」合衆國政府ハ其ノ一方ヨリノ要求アリタル場合ニ又ハ兩國ガ現ニ從事セル共同ノ敵國ニ抵抗スル戰事ノ停止後六月以内ニ友好、通商、航海及領事官ノ權利ニ關スル包括的ナル現代的條約ノ締結ノ爲商議ヲ開始スベキコトヲ約定ス右商議セラレベキ條約ハ現代ノ國際秩序竝ニ中華民國政府及「アメリカ」合衆國政府ガ近年他國ト締結シタル現代的條約中ニ表現セラレタル國際法ノ原則及國際慣例ニ據ルベキモノトス

前項ニ掲ゲタル包括的條約ノ締結ヲ見ルニ至ル迄ノ期間ニ於テ「アメリカ」合衆國國民(其ノ會社及法人ヲ含ム)又ハ政府ノ中華民國領域内ニ於ケル權利ニ關シ問題發生シ而モ本條約ノ範圍内ニ在ラザルカ又ハ本條約ニ依リ廢止セラレザル若ハ之ト牴觸セザル中華民國政府「アメリカ」合衆國政府間既存ノ條約、協定及取極ノ規定ノ範圍内ニモ在ラザル場合ニハ當該問題ハ之ヲ兩國政府代表者ノ議ニ付シ一般ニ承認セララル國際法ノ原則及現代國際慣例ニ據リテ解決スベシ

第八條 (批准條項)

本條約ハ批准書交換ノ日ヨリ實施セラレベク且批准書ハ「ワシントン」ニ於テ速ニ交換セラレベシ本條約ハ中華民國三十二年一月十一日即チ西曆千九百四十三年一月十一日「ワシントン」ニ於テ均シク同等ノ效力ヲ有スル漢文及「イギリス」文各二通ヲ作成シ之ニ署名調印ス

「アリメカ」合衆國駐節中華民國大使 魏 道 明 (印)
「アメリカ」合衆國國務長官 コーデル、ハル (印)

交 換 公 文

千九百四十三年一月十一日「ワシントン」ニ於テ交換
(一) 中華民國大使ヨリ「アメリカ」合衆國國務長官ニ宛テタル書翰

以書翰啓上致候陳者本日中華民國政府ト「アメリカ」合衆國政府トノ間ニ「アメリカ」合衆國政府ノ中華民國ニ於ケル治外法權及之ニ關係アル特權ノ拋棄ニ關スル條約ヲ締結セルニ付本代表ハ茲ニ本國政府ノ命ヲ奉ジテ特ニ左ノ如ク聲明致候

(イ) 中華民國政府ハ通商港及上海厦門兩共同租界特別法院ノ制度竝ニ中華民國領域内各港ニ於ケル外國籍水先案内人ノ雇用ニ關スル「アメリカ」合衆國政府及國民ノ享有スル各種ノ權利ガ一律ニ拋棄セラレタルモノト認メ此ノ種通商港制度ノ廢止ニ鑑ミ中華民國領域内ニ於テ平時米國ノ海外商運ニ對シテ既ニ開放セラレアル沿海港ハ本條約及附屬交換公文ノ效力發生ノ後右商運ニ對シテ引續キ開放セラルルコトヲ相互ニ了解ス

(ロ) 兩締約國ハ一方ノ商船ヲ他方ガ海外商運ニ對シテ既ニ開放シ又ハ將來開放スルコトアルベキ港、地方及領水ニ自由ニ進入セシムルコトニ同意シ且右港、地方及領水内ニ於テ此等船舶ニ對シテ供與セラルベキ待遇ハ之ヲ各自ノ船舶ニ供與スル待遇ヨリモ低カラシメズ又何レカノ第三國船舶ニ供與セラルル待遇ト同様ニ優厚ナルベキコトニ同意ス

(ハ) 「アメリカ」合衆國政府ハ中華民國領水内ニ於テ沿海貿易及内水航行ニ關シ「アメリカ」合衆國ノ船舶ニ供與セラレタル特權ヲ拋棄シ中華民國政府ハ「アメリカ」側ガ現ニ本項事業

ノ經營ニ用ヒ居レル一切ノ財産ヲ公平ナル價格ヲ以テ買收スルノ用意ヲ有シ又何レカ一方ニ於テ内水航行及沿海貿易權ヲ第三國船舶ニ供與シタルトキハ他方ノ船舶ニ對シテモ同様ノ權利ヲ供與スベク且何レカ一方ノ他方ニ於ケル沿海貿易及内水航行ハ他方ノ關係法律ノ規定ニ依リテ處理セラルルモノトシ他方ノ國內ニ於テ内國民待遇ヲ要求スルヲ得ザルコトニ付相互ニ了解ス但シ他方ノ領域内ニ在ル一方ノ船舶ガ沿海貿易及内水航行ニ關シテ享受スル待遇ハ何レカノ第三國ノ船舶ニ對シテ供與セラルベキ待遇ト同様ニ優厚ナルコトヲ相互ニ同意ス

(ニ) 「アメリカ」合衆國政府ガ中華民國領水内ニ於テ其ノ軍艦ニ供與セラレタル特權ヲ拋棄スルコトニ付相互ニ了解シ且中華民國政府及「アメリカ」合衆國政府ハ雙方間ニ於ケル軍艦ノ訪問ニ對シ國際慣例及儀式ニ基キ相互ニ優禮ヲ供與スルコトニ相互ニ了解ス

(ホ) 凡ソ本條約及交換公文ノ未ダ言及セザル問題ニシテ中華民國ノ主權ニ影響スルモノアルトキハ兩國政府ノ代表者ノ議ニ付シ通常承認セララル國際法ノ原則及現代國際慣例ニ據リテ之ヲ解決スベキコトニ付相互ニ了解ス

(ヘ) 本條約第四條ニ關シ中華民國政府ハ茲ニ下記ノ如ク聲明ス 該條ニ謂フ現存ノ不動產ニ關スル權利ノ讓渡權ニ關スル制限ハ中華民國官憲ニ依リ衡平ニ處理セラルベク且中華民國政

府ニ於テ讓渡ノ申請ニ對シ同意ヲ拒絕シ而モ「アメリカ」側利益關係人ニ於テ中華民國政府ニ依ル此ノ種權利ノ買收方ヲ希望スル場合ニハ中華民國政府ハ公平ノ精神ニ基キ且該利益關係人ノ損失ヲ免レシムル爲適當ノ價格ヲ以テ之ヲ買收スルモノトス

(ト) 在中華民國「アメリカ」合衆國ノ法廷竝ニ在中華民國「アメリカ」合衆國ノ領事法廷ノ命令、宣告、判決、決定及其ノ他ノ處分ハ既決事件ト看做サルベク且必要アル場合ニハ中華民國官憲ニ依リ執行セラルベキコトヲ相互ニ了解シ尙又兩國ハ本條約ノ效力發生ノ時在中華民國「アメリカ」合衆國ノ法廷及在中華民國「アメリカ」合衆國ノ領事法廷ニ於テ未ダ結審ニ至ラザル一切ノ事件ヲ原告又ハ告訴人ニ於テ中華民國政府ノ主管法院ニ移管スルコトヲ希望スル場合該法院ハ速ニ其ノ處理ヲ進行セシムベク且可能ナル範圍ニ於テ「アメリカ」合衆國ノ法律ヲ適用スベキコトヲ了解ス

(チ) 前記ノ同意及了解ニシテ貴國政府ノ確認ヲ得ルニ於テハ之ヲ本日締結セル條約ノ内容ノ一部分ト爲シ且該條約發效ノ日ヨリ效力ヲ發生セシムルコトト了解ス

就テハ貴代表ニ於テ前記ノ了解ヲ確認相成度ク本代表ハ茲ニ重テ貴代表ニ向テ敬意ヲ表シ候

敬具

千九百四十三年一月十一日「ワシントン」ニ於テ

「アメリカ」合衆國駐劄中華民國特命全權大使

魏 道 明

「アメリカ」合衆國國務長官

「コーデル、ハル」閣下

(一) 「アメリカ」合衆國國務長官ヨリ中華民國大使ニ宛テタル書翰

以書翰啓上致候陳者本日「アメリカ」合衆國ト中華民國政府トノ間ニ「アメリカ」合衆國政府ノ中華民國ニ於ケル治外法權及之ニ關係アル特權ノ拋棄ニ關スル條約ヲ締結セルニ付本代表ハ貴代表ノ本日附ノ左記照會ヲ接受致候

(イ) 中華民國政府ハ通商港及上海廈門兩共同租界特別法院ノ制度竝ニ中華民國領域内各港ニ於ケル外國籍水先案内人ノ雇用ニ關スル「アメリカ」合衆國政府及國民ノ享有スル各種ノ權利ガ一律ニ拋棄セラレタルモノト認メ此ノ種通商港制度ノ廢止ニ鑑ミ中華民國領域内ニ於テ平時米國ノ海外商運ニ對シテ既ニ開放セラレアル沿海港ハ本條約及附屬交換公文ノ效力發生

ノ後右商運ニ對シテ引續キ開放セラルルコトヲ相互ニ了解ス

(ロ) 兩締約國ハ一方ノ商船ヲ他方ガ海外商運ニ對シテ既ニ開放シ又ハ將來開放スルコトアルベキ港、地方及領水ニ自由ニ進入セシムルコトニ同意シ且右港、地方及領水内ニ於テ此等船舶ニ對シテ供與セラルベキ待遇ハ之ヲ各自ノ船舶ニ供與スル待遇ヨリモ低カラシメズ又何レカ第三國船舶ニ供與セラルル待遇ト同様ニ優厚ナルベキコトニ同意ス

(ハ) 「アメリカ」合衆國政府ハ中華民國領水内ニ於テ沿海貿易及内水航行ニ關シ「アメリカ」合衆國ノ船舶ニ供與セラレタル特權ヲ拋棄シ中華民國政府ハ「アメリカ」側ガ現ニ本項事業ノ經營ニ用ヒ居レル一切ノ財産ヲ公平ナル價格ヲ以テ買收スルノ用意ヲ有シ又何レカノ一方ニ於テ内水航行及沿海貿易權ヲ第三國船舶ニ供與シタルトキハ他方ノ船舶ニ對シテモ同様ノ權利ヲ供與スベク且何レカノ一方ノ他方ニ於ケル沿海貿易及内水航行ハ他方ノ關係法律ノ規定ニ依リテ處理セラルルモノトシ他方ノ國內ニ於テ内國民待遇ヲ要求スルヲ得ザルコトニ付相互ニ了解ス但シ他方ノ領域内ニ在ル一方ノ船舶ガ沿海貿易及内水航行ニ關シテ享受スル待遇ハ何レカノ第三國ノ船舶ニ對シテ供與セラルベキ待遇ト同様ニ優厚ナルコトヲ相互ニ同意ス

(ニ) 「アメリカ」合衆國政府ガ中華民國領水内ニ於テ其ノ軍艦ニ供與セラレタル特權ヲ拋棄スルコトニ付相互ニ了解シ且中華民國政府及「アメリカ」合衆國政府ハ雙方間ニ於ケル軍艦ノ訪問ニ對シ國際慣例及儀式ニ基キ相互ニ優禮ヲ供與スルコトニ相互ニ了解ス

(ホ) 凡ソ本條約及交換公文ノ未ダ言及セザル問題ニシテ中華民國ノ主權ニ影響スルモノアルトキハ兩國政府ノ代表者ノ議ニ付シ通常承認セラルル國際法ノ原則及現代國際慣例ニ據リテ之ヲ解決スベキコトニ付相互ニ了解ス

(ヘ) 本條約第四條ニ關シ中華民國政府ハ茲ニ次ノ如ク聲明ス 該條ニ謂フ現存ノ不動産ニ關スル權利ノ讓渡權ニ關スル制限ハ中華民國官憲ニ依リ衡平ニ處理セラルベク且中華民國政府ニ於テ讓渡ノ申請ニ對シ同意ヲ拒否シ而モ「アメリカ」側利益關係人ニ於テ中華民國政府ニ依ル此ノ種權利ノ買收方ヲ希望スル場合ニハ中華民國政府ハ公平ノ精神ニ基キ且該利益關係人ノ損失ヲ免レシムル爲適當ノ價格ヲ以テ之ヲ買收スルモノトス

(ト) 在中華民國「アメリカ」合衆國ノ法廷並ニ在中華民國「アメリカ」合衆國ノ領事法廷ノ命令、宣告、判決、決定及其ノ他ノ處分ハ既決事件ト看做サルベク且必要アル場合ニハ中華民國官憲ニ依リ執行セラルベキコトヲ相互ニ了解シ尙又兩國ハ本條約ノ效力發生ノ時在中華民國「アメリカ」合衆國ノ法廷及在中華民國「アメリカ」合衆國ノ領事法廷ニ於テ未ダ結審

ニ至ラザル一切ノ事件ヲ原告又ハ告訴人ニ於テ中華民國政府ノ主管法院ニ移管スルコトヲ希望スル場合該法院ハ速ニ其ノ處理ヲ進行セシムベク且可能ナル範圍ニ於テ「アメリカ」合衆國ノ法律ヲ適用スベキコトヲ了解ス

(チ) 前記ノ同意及了解ニシテ貴國政府ノ確認ヲ得ルニ於テハ之ヲ本日締結セル條約ノ内容ノ一部分ト爲シ且該條約發効ノ日ヨリ効力ヲ發生セシムルコトト了解ス

茲ニ本代表ハ前記ノ了解ガ誤リ無キコトヲ確認シ、「アメリカ」合衆國政府及中華民國政府間ニ署名ヲ了セル條約ガ既ニ成立ヲ告ゲタルコトヲ確認シ且貴代表ヨリ致サレタル前記ノ照會事項ガ全ク相違ナキコトニ同意シ之ヲ了解致候

本代表ハ茲ニ重テ貴代表ニ向テ敬意ヲ表シ候 敬具

千九百四十三年一月十一日「ワシントン」ニ於テ

「アメリカ」合衆國國務長官

コーデル、ハル

「アメリカ」合衆國駐節中華民國特命全權大使

魏道明閣下

(參考)

重慶政權英國間新關係條約

(註) 本條約及附屬交換公文中華民国トハ重慶政權ガ呼ブ中華民國ヲ謂フ

千九百四十三年一月十一日重慶ニ於テ署	名
同 年五月二十日重慶ニ於テ批准書交換	
同 年同月同日ヨリ	實 施

中華民國國民政府主席竝ニ「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝「インド」皇帝陛下ハ

友好的精神ヲ以テ兩國間ノ一般關係ヲ一層明確ニシ且之ガ爲中華民國ニ於ケル管轄權ニ關スル特定事項ヲ解決セント欲スルニ因リ茲ニ條約ヲ締結スルコトニ決シ左ノ如ク其ノ全權委員ヲ任命セリ

中華民國國民政府主席

中華民國外交部長「ドクトル」宋子文

「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝「インド」皇帝陛下(以下英國皇帝陛下ト略稱ス)

「グレート、ブリテン」及北部「アイルランド」聯合王國代表トシテ
 中華民國駐英特命全權大使「サー、ホレリス、ジュームズ、セイモア」
 「インド」代表トシテ

「インド」政務官「ヒュー、エドワード、リチャードソン」

右各全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後左ノ如ク協定セリ

第一條 (用語解釋)

一 本條約ノ適用アル締約國ノ領域トハ中華民國國民政府主席側ニ於テハ中華民國ノ全領域又英國皇帝陛下側ニ於テハ「グレート、ブリテン」及北部「アイルランド」聯合王國、「インド」英國各植民地、海外領土及保護領、同陛下ノ保護權又ハ宗主權下ニ在ル各領域並ニ英國政府ガ委任統治權ヲ有スル委任統治領トス本條約ノ以下各條ニ於テ一方又ハ他方ノ領域トハ本條約ノ適用アル締約國ノ右各領域ヲ指スモノトス

二 本條約ニ於テ「一方(又ハ他方)」ノ國民「ナル語ハ中華民國側ニ在リテハ中華民國ノ全國民ヲ英國皇帝陛下側ニ在リテハ本條約ノ適用セラルル領域ニ歸屬スル全英國臣民及全英國保護民ヲ意味スルモノトス

三 「一方(又ハ他方)」ノ會社「トハ本條約ニ於テハ本條約ノ適用アル締約國領域ノ法律ニ準據シテ設立セラレタル有限責任其ノ他ノ會社、共同出資社及組合ヲ意味スルモノト解釋スベシ

第二條 (治外法權ノ撤廢)

中華民國國民政府主席ト英國皇帝陛下トノ間ニ現ニ有效ナル條約又ハ取極ノ條項ニシテ中華民國領域ニ於ケル英國皇帝陛下ノ臣民又ハ會社ニ對シ管轄權ヲ行使スルノ權限ヲ英國皇帝陛下又ハ其ノ代表者ニ付與シ居ルモノハ總テ茲ニ之ヲ廢棄ス英國皇帝陛下ノ臣民及會社ハ國際法ノ原則及國際慣例ニ基キ中華民國領域内ニ在リテハ中華民國政府ノ管轄權ニ服スルモノトス

第三條 (北清事變最終議定書ノ廢棄)

一 英國皇帝陛下ハ西曆千九百一一年九月七日附北京ニ於テ清國政府ト英國皇帝陛下ノ聯合王國政府ヲ含ム他國政府トノ間ニ締結セラレタル最終議定書ヲ失效セシムベキモノト認メ且該議定書及其ノ附屬書ニ基キ英國皇帝陛下ノ聯合王國政府ニ供與セラレタル權利ヲ終止セシムベキコトニ同意ス

二 英國皇帝陛下ノ聯合王國政府ハ中華民國政府ガ北平外國公館區域ニ於ケル行政及管理權ヲ接收スルニ當リ該外國公館區域ノ公的義務及債務ヲ負擔履行スル爲並ニ該外國公館區域内一切ノ

合法的權利ヲ承認保護スル爲措置ヲ講ズベキコトニ付相互ニ了解シタルニ因リ北平外國公館區域ニ於ケル行政及管理權ヲ其ノ官有資産及公的義務ト共ニ中華民國政府ニ委讓スル目的ヲ以テ關係他國政府ト所要ノ協定ヲ遂グル爲中華民國政府ト協力スルモノトス

三 中華民國政府ハ北平外國公館區域内ニ於テ英國皇帝陛下ノ聯合王國政府ニ屬スル建物ノ存在スル既ニ英國皇帝陛下ノ聯合王國政府ニ劃與セラレアル土地ヲ公務上ノ目的ニ引續キ使用スルノ權利ヲ英國皇帝陛下ノ聯合王國政府ニ供與スルモノトス

第四條 (租界ノ還付)

一 英國皇帝陛下ハ上海及厦門ニ於ケル共同租界ヲ中華民國政府ノ行政及管理權ノ下ニ復歸セシムベキモノト認メ且該兩共同租界ニ關シ英國皇帝陛下ニ供與セラレタル權利ヲ終止セシムベキコトニ同意ス

二 英國皇帝陛下ノ聯合王國政府ハ中華民國政府ガ上海及厦門共同租界ニ於ケル行政及管理權ヲ接收スルニ當リ該兩共同租界ノ公的義務及債務ヲ負擔履行スル爲竝ニ該兩共同租界内一切ノ合法的權利ヲ承認保護スル爲措置ヲ講ズベキコトニ付相互ニ了解シタルニ因リ上海及厦門兩共同租界ニ於ケル行政及管理權ヲ其ノ官有資産及公的義務ト共ニ中華民國政府ニ委讓スル目的ヲ以

テ關係他國政府ト所要ノ協定ヲ遂グル爲中華民國政府ト協力スルモノトス

三 英國皇帝陛下ハ天津英國專管租界(英國工部局所管ノ全地域ヲ含ム)及廣東英國專管租界ヲ中華民國ノ行政及管理權ノ下ニ復歸セシムベキコトニ同意シ且該兩專管租界ニ關シ英國皇帝陛下ニ供與セラレタル權利ヲ終止セシムベキコトニ同意ス

四 中華民國政府ガ天津及廣東兩英國專管租界ニ於ケル行政及管理權ヲ接收スルニ當リ該兩專管租界ノ公的義務及債務ヲ負擔履行スル爲竝ニ該兩專管租界内一切ノ合法的權利ヲ承認保護スル爲措置ヲ講ズベキコトニ付相互ニ了解シタルニ因リ天津英國專管租界(英國工部局所管ノ全地域ヲ含ム)及廣東英國專管租界ニ於ケル行政及管理權ハ其ノ官有資産及公的義務ト共ニ中華民國政府ニ委讓セラレベシ

第五條 (土地ニ關スル權利)

一 英國皇帝陛下ノ臣民及會社又ハ英國皇帝陛下ノ聯合王國政府ノ所有スル中華民國領域内ニ於ケル現存ノ不動産ニ關聯スル權利又ハ不動産權利ニ關スル問題竝ニ特ニ本條約第二條ニ規定セラレタル條約及取極條項ノ廢棄ニヨリ生ズルコトアルベキ問題ヲ除去センガ爲締約國ハ現存ノ不動産ニ關聯スル權利又ハ不動産權利ニ付テハ此ノ種權利ハ其ノ取得ノ原手續ニ爾後如何ナル

變更アルモ之ガ爲無効トスベキニ非ザルコトヲ了解スルニ因リ當該權利ノ取得ガ詐欺又ハ不正不信ノ行爲ニ因ルコト法律手續ヲ通ジテ立證セラレタル場合ヲ除クノ外如何ナル理由ニ依ルモ之ヲ無効トセザルベク且之ヲ追究セザルベキコトヲ約定ス尙又此等權利ノ行使ハ課税、國防及公用徵收權ニ關スル中華民國ノ法規ニ從フベキコト並ニ該權利ハ中華民國ノ明示ノ承認ヲ經ズシテハ如何ナル第三國ノ政府又ハ國民(會社ヲ含ム)ニ對シテモ之ヲ讓渡セザルベキコトヲ約定ス

二 又締約國ハ中華民國政府ニ於テ英國皇帝陛下ノ臣民若ハ會社又ハ英國皇帝陛下ノ聯合王國政府ノ保有スル現存ノ永租權證又ハ不動産ニ關スル其ノ他書證ヲ新式所有權證書ニ轉換セント希望スル場合右轉換ハ何等ノ經費ヲモ徵セズシテ中華民國官憲ニ依リ行ハルベク且新式所有權證書ハ讓渡權ヲ含ム從前ノ權利利益ヲ減損スルコトナク該永租權證又ハ其ノ他書證ノ所持人並ニ其ノ合法上ノ相續人及讓受人ヲ十分保護スベキモノタルコトヲ約定ス

三 更ニ締約國ハ英國皇帝陛下ノ臣民若ハ會社又ハ英國皇帝陛下ノ聯合王國政府ガ本條約ノ實施日以前ノ期間内ニ於ケル又ハ該期間ノ關スル土地ノ讓渡ニ付中華民國官憲ヨリ如何ナル費用ノ支拂ヲモ要求又ハ請求セラレザルベキコトヲ約定ス

第六條 (内地開放及内國民待遇)

英國皇帝陛下ハ從來其ノ各領域内ニ於テ中華民國ノ國民ニ對シ該全領域内ニ於ケル旅行、居住及商業ニ從事スルノ權利ヲ許容シ來レルニ鑑ミ中華民國政府ハ中華民國領域内ニ於テ英國皇帝陛下ノ臣民ニ對シ同様ノ權利ヲ許容スルコトニ同意ス各締約國ハ各自ノ領域内ニ於テ他方ノ國民及會社ニ對シテハ一切ノ法律手續及司法ノ運用ニ關スル事項並ニ諸税ノ賦課及之ニ關係アル要件ニ付自國ノ國民及會社ニ適用セララルル所ニ比シ不利ナラザル待遇ヲ供與スルコトニ努ムルモノトス

第七條 (領事官ノ權限)

領事認可狀ヲ成規ニ所持スル一方ノ締約國ノ領事官ハ他方ノ領域内ニ在ル合意セラレタル港、場所及都市ニ居住スルコトヲ許サルベシ一方ノ領事官ハ他方ノ締約國領域ニ於ケル其ノ管轄區域内ニ於テ自國ノ國民及會社ヲ接見シ、之ト通信シ及之ニ指示ヲ與フルノ權利ヲ有スベク且一方ノ國民及會社ニシテ他方ノ領域ニ在ルモノハ隨時自國ノ領事官ト通信スルノ權利ヲ有スベシ一方ノ領事官ニシテ他方ノ領域ニ在ルモノハ其ノ領事官管轄區域ニ於テ其ノ所管下國民ガ地方官憲ニヨリ逮捕又ハ抑留セラレタルトキ當該地方官憲ヨリ直ニ其ノ旨通報ヲ受クベシ右領事官ハ其ノ所管下國民ニシテ逮捕セラレタルモノ又ハ未決ノ囚人タルモノヲ其ノ管轄區域内ニ於テ訪問スルノ權利

ヲ有スベシ一方ノ國民ニシテ他方ノ領域内ノ刑務所ニ在ルモノヨリ其所管領事官ニ宛テタル通信ハ地方官憲ヨリ之ヲ該所管領事官ニ轉達スベシ一方ノ領事官ハ他方ノ領域内ニ於テ現代國際慣例ニ基キ領事官ノ享有スル權利、特權及免除ヲ許與セラルルモノトス

第八條 (新條約ノ締結及暫定的措置)

一 締約國ハ其ノ一方ヨリノ要求アリタル場合ニ又ハ兩國ガ現ニ從事セル共同ノ敵國ニ抵抗スル戰事ノ停止後六月以内ニ友好、通商、航海及領事官ノ權利ニ關スル包括的ナル一又ハ二以上ノ現代的條約ノ締結ノ爲商議ヲ開始スルモノトス右商議セラルベキ條約ハ現代ノ國際秩序竝ニ締約國ノ各ガ近年他國ト締結シタル現代的條約中ニ表現セラレタル國際法ノ原則及國際慣例ニ據ルベキモノトス

二 前項ニ掲ゲタル一又ハ二以上ノ條約ノ締結ヲ見ルニ至ルマデノ期間ニ於テ英國皇帝陛下ノ臣民若ハ會社又ハ英國皇帝陛下ノ聯合王國政府若ハ「インド」政府ノ中華民國領域内ニ於ケル權利ニ關シ問題發生シ而モ本條約及附屬交換公文ノ範圍内ニ在ラザルカ又ハ本條約及附屬交換公文ニ依リ廢止セラレザル若ハ之ト牴觸セザル兩締約國間既存ノ條約、協定及取極ノ規定ノ範圍内ニモ在ラザル場合ニハ當該問題ハ之ヲ兩締約國代表者ノ議ニ付シ一般ニ承認セラルル國際法

ノ原則及現代國際慣例ニ據リテ解決スベシ

第九條 (批准條項)

本條約ハ批准セラルベク且批准書ハ成ルベク速ニ重慶ニ於テ交換セラルベシ本條約ハ批准書交換ノ日ヨリ實施セラルベシ

右證據トシテ前記全權委員ハ本條約ニ署名調印ス

中華民國三十二年一月十一日即チ西曆千九百四十三年一月十一日重慶ニ於テ均シク同等ノ效力ヲ有スル漢文「イギリス」文各二通ヲ作成ス

中華民國外交部長 宋

子

文(印)

中華民國駐英大使 ホレース、ジェームズ、セイモア(印)

「インド」政務官 ヒュー、エドワード、リチャードソン(印)

交換公文

千九百四十三年一月十一日重慶ニ於テ交換

(一) 中華民國外交部長「ドクトル」宋子文ヨリ英國大使「サー、ホレース、ジェームズ、

セイモア」ニ宛テタル書翰

以書翰啓上致候陳者本日中華民國國民政府主席ト「グレート、ブリテン」及北部「アイルランド」聯合王國並ニ「インド」ヲ代表スル「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝「インド」皇帝陛下トノ間ニ署名セラレタル條約ノ商議中種種ノ問題討議セラレ意見ノ一致ヲ見タル次第ニ有之候右諸點ニ關スル了解事項ハ本公文附屬書ニ記錄セララル處該附屬書ハ本日署名セラレタル條約ト一體ヲ成スモノト看做サルベク且本條約實施ノ日ヨリ共ニ有效ト爲ルモノト存セラレ候就テハ閣下ニ於テ英國皇帝陛下ノ聯合王國政府ヲ代表シ前記了解ヲ確認セララルヲ得バ本部長ノ欣快トスル所ニ有之候
本部長ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具
千九百四十三年一月十一日重慶ニ於テ

中華民國國民政府外交部長

宋 子 文

中華民國駐英英國特命全權大使

サー、ホレース、ジェームズ、セイモア」閣下

附 屬 書

一 本條約第二條及第八條ニ關シ左ノ如ク了解ス

(イ) 英國皇帝陛下ハ中華民國ニ於ケル條約港ノ制度ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス 中華民國國民政府主席及英國皇帝陛下ハ一方ノ商船ガ海外ノ商船ニ現ニ開放セラレ又ハ今後開放セララルコトアルベキ他方ノ領域内ノ港、場所及水域ニ自由ニ入ルコトヲ許容セララルベク且右港、場所及水域ニ於テ右船舶ニ許與セララル待遇ガ自國船舶ニ許與セララル所ニ比シ不利ナラザルベク又第三國ノ船舶ニ許與セララル所ト同様ニ有利ナルモノタルベキコトヲ相互ニ約定ス

締約國ノ「船舶」ナル語ハ本日署名セラレタル條約ノ適用アル締約國各領域ノ法律ニ據リ登記セラレタル一切ノ船舶ヲ指稱ス

(ロ) 英國皇帝陛下ハ上海及廈門兩共同租界ニ於ケル特別法院ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス

(ハ) 英國皇帝陛下ハ中華民國領域ノ諸港ニ於ケル外國人水先案内人ノ雇用ニ關スル現行條約

上ノ一切ノ權利ヲ拋棄ス

(ニ) 英國皇帝陛下ハ英國軍艦ノ中華民國水域ヘノ進入ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス又中華民國政府及英國皇帝陛下ノ聯合王國政府ハ相互ニ一方ノ軍艦ノ他方ノ諸港訪問ニ關シ通常ノ國際慣習ニ基ク相互的禮讓ヲ盡スベシ

(ホ) 英國皇帝陛下ハ中華民國海關總稅務司ヘノ英國臣民ノ任命ヲ要求スル一切ノ權利ヲ拋棄ス

(ハ) 從來中華民國領域内ニ設置セラレ來リシ英國皇帝陛下ノ全法廷ハ本日署名ヲ了セル條約第二條ニ依リ閉鎖セラレタルヲ以テ在中華民國英國皇帝陛下ノ各法廷ノ命令、決定、判決及其ノ他ノ行爲ハ既決事件ト看做サルベク且必要アル場合ニハ中華民國關係官憲ニ依リ執行セラルベシ尙又本條約實施ノ時在中華民國英國皇帝陛下ノ各法廷ニ於テ繫争中ナル一切ノ事件ハ原告又ハ告訴人ニ於テ希望スル場合中華民國政府ノ相當法院ニ移管セラルベク該中華民國法院ハ成ルベク速ニ事件ヲ處理シ且其ノ處理ニ當リテハ現實適用シ得ル限り英國皇帝陛下ノ法廷ノ適用スベキ法律ヲ適用スベシ

(ト) 英國皇帝陛下ハ中華民國水域ニ於ケル沿岸貿易及内水航行ニ關シ英國船舶ニ供與セラレ

タル特殊權利ヲ拋棄ス中華民國政府ハ此等貿易上ノ目的ニ使用セラレタル英國皇帝陛下ノ臣民又ハ會社ノ財産ニシテ其ノ所有者ニ於テ處分方ヲ希望スルモノニ付之ヲ接收シ且之ニ對シ適當ナル補償ヲ與フルノ用意ヲ有ス中華民國政府ハ西曆千八百九十四年三月一日附「ロンドン」ニ於テ署名セラレタル協定ノ第十二條ニ基ク「イラワディ」河ノ航行ニ關シ中華民國船舶ニ供與セラレタル特殊權利ヲ拋棄ス一方ガ其ノ領域内ニ於テ第三國ノ船舶ニ對シ沿岸貿易又ハ内水航行權ヲ供與シタルトキハ該權利ハ他方ノ船舶ニ對シテモ同様ニ供與セララルベキモノトス但シ右他方ガ其ノ領域内ニ於テ右一方ノ船舶ニ對シ沿岸貿易又ハ内水航行ニ從事スルコトヲ許容スル場合ニ限ルモノトス沿岸貿易及内水航行ハ之ヲ内國民待遇ノ要求外ニ置キ且各締約國ノ之ニ關スル法規ニ從ヒテ律セラルベキモノトス但シ何レノ一方ノ船舶モ沿岸貿易及内水航行ニ付他方ノ領域内ニ於テ前記條件ニ從ヒ第三國ノ船舶ニ對シテ供與セララル所ト同様ニ有利ナル待遇ヲ享受スベキコトヲ約定ス

二 本條約第五條一ノ末段ニ關シ中華民國政府ハ該條ニ謂フ現存ノ不動産ニ關聯スル權利又ハ不動産權利ノ讓渡權ニ關スル制限ハ中華民國官憲ニ依リ平衡ナル方法ヲ以テ適用セラルベキコトヲ宣言シ且又中華民國政府ニ於テ讓渡ノ申請ニ對シ同意ヲ與ヘザル場合ニハ中華民國政府ハ公

正ノ精神ヲ以テ利害關係ヲ有スル英國皇帝陛下ノ臣民又ハ會社側ノ蒙ル損失ヲ防止センガ爲讓渡許可ヲ拒絶セラレタル英國皇帝陛下ノ臣民又ハ會社ヨリ要求アリタルトキハ之ニ適當ナル補償ヲ與ヘテ當該權利ヲ接收スベキコトヲ宣言ス

三 條約港制度ノ廢止ハ現存ノ財產權ニ影響ヲ及ボサザルベク且各締約國ノ國民ハ他方ノ締約國ノ法規ニ定メラルル條件及要件ニ從ヒ右締約國ノ全領域内ニ於テ不動産ヲ取得シ且之ヲ保有スルノ權利ヲ享有スベキコトヲ了解ス

四 更ニ中華民國ノ主權ニ影響アル問題ニシテ而モ本條約又ハ本公文ノ前記上掲各項ノ範圍内ニ在ラザルモノニ付テハ中華民國政府及英國皇帝陛下ノ聯合王國政府ノ代表者ノ議ニ付シ一般ニ承認セララルル國際法ノ原則及現代國際慣例ニ據リテ解決セラルベキコトヲ約定ス

(二) 英國大使「サー、ホレース、ジエームズ、セイモア」ヨリ中華民國外交部長「ドクトル」宋子文ニ宛テタル書翰

以書翰啓上致候陳者本日附貴翰ヲ以テ左ノ通御申越相成敬承致候

「陳者本日中華民國國民政府主席ト「グレート、ブリテン」及北部「アイルランド」聯合王國

竝ニ「インド」ヲ代表スル「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝「インド」皇帝陛下トノ間ニ署名セラレタル條約ノ商議中種種ノ問題討議セラレ意見ノ一致ヲ見タル次第ニ有之候右諸點ニ關スル了解事項ハ本公文附屬書ニ記録セララルル處該附屬書ハ本日署名セラレタル條約ト一體ヲ成スモノト看做サルベク且本條約實施ノ日ヨリ共ニ有效ト爲ルモノト存セラレ候就テハ閣下ニ於テ英國皇帝陛下ノ聯合王國政府ヲ代表シ前記了解ヲ確認セララルルヲ得バ本部長ノ欣快トスル所ニ有之候

本使ハ英國皇帝陛下ノ聯合王國政府ヲ代表シ本日署名セラレタル條約ト一體ヲ成スモノト看做サレ且本條約實施ノ日ヨリ共ニ有效ト爲ルモノト認メララルル貴翰ノ附屬書ニ記録セラレタル貴我兩者間ニ到達シタル了解事項ヲ茲ニ確認スルノ光榮ヲ有シ候

本使ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具

中華民國駐英特命全權大使

サー、ホレース、ジエームズ、セイモア

中華民國國民政府外交部長

千九百四十三年一月十一日重慶ニ於テ

「ドクトル」宋子文閣下

(三) 中華民國外交部長「ドクトル」宋子文ヨリ「インド」政務官「ヒュー、エドワード、リチャードソン」ニ宛テタル書翰

以書翰啓上致候陳者本日中華民國國民政府主席ト「グレート、ブリテン」及北部「アイルランド」聯合王國竝ニ「インド」ヲ代表スル「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝「インド」皇帝陛下トノ間ニ署名セラレタル條約ノ商議中種種ノ問題討議セラレ意見ノ一致ヲ見タル次第ニ有之候右諸點ニ關スル了解事項ハ本公文附屬書ニ記録セララル處該附屬書ハ本日署名セラレタル條約ト一體ヲ成スモノト看做サルベク且本條約實施ノ日ヨリ共ニ有效トナルモノト存セラレ候就テハ貴下ニ於テ「インド」政府ヲ代表シ前記了解ヲ確認セララルルヲ得バ本部長ノ欣快トスル所ニ有之候

本部長ハ茲ニ貴下ニ向テ敬意ヲ表シ候 敬具

千九百四十三年一月十一日重慶ニ於テ

中華民國國民政府外交部長

宋子文

「インド」政府代表

「ヒュー、エドワード、リチャードソン」貴下

附 屬 書

一 本條約第二條及第八條ニ關シ左ノ如ク了解ス

(イ) 英國皇帝「インド」皇帝陛下ハ中華民國ニ於ケル條約港ノ制度ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス中華民國國民政府主席及英國皇帝「インド」皇帝陛下ハ一方ノ商船ガ海外ノ商船ニ現ニ開放セラレ又ハ今後開放セララルコトアルベキ他方ノ領域内ノ港、場所及水域ニ自由ニ入ルコトヲ許容セララルベク且右港、場所及水域ニ於テ右船舶ニ許與セララル待遇ガ自國船舶ニ許與セララル所ニ比シ不利ナラザルベク又第三國ノ船舶ニ許與セララル所ト同様ニ有利ナルモノタルベキコトヲ相互ニ約定ス

締約國ノ「船舶」ナル語ハ本日署名セラレタル條約ノ適用アル締約國各領域ノ法律ニ據リ登記セラレタル一切ノ船舶ヲ指稱ス

(ロ) 英國皇帝「インド」皇帝陛下ハ上海及厦門兩共同租界ニ於ケル特別法院ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス

(ハ) 英國皇帝「インド」皇帝陛下ハ中華民國領域ノ諸港ニ於ケル外國人水先案内人ノ雇用ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス

(ニ) 英國皇帝「インド」皇帝陛下ハ英國軍艦ノ中華民國水域ヘノ進入ニ關スル現行條約上ノ一切ノ權利ヲ拋棄ス又中華民國政府及「インド」政府ハ相互ニ一方ノ軍艦ノ他方ノ諸港訪問ニ關シ通常ノ國際慣習ニ基ク相互的禮讓ヲ盡スベシ

(ホ) 英國皇帝「インド」皇帝陛下ハ中華民國海關總稅務司ヘノ英國臣民ノ任命ヲ要求スル一切ノ權利ヲ拋棄ス

(ヘ) 從來中華民國領域内ニ設置セラレ來リタル英國皇帝「インド」皇帝陛下ノ全法廷ハ本日署名ヲ了セル條約第二條ニ依リ閉鎖セラレタルヲ以テ在中華民國英國皇帝「インド」皇帝陛下ノ各法廷ノ命令、決定、判決及其ノ他ノ行爲ハ既決事件ト看做サルベク且必要アル場合ニハ中華民國關係官憲ニ依リ執行セラルベシ尙又本條約實施ノ時在中華民國英國皇帝「インド」皇帝陛下ノ各法廷ニ於テ繫争中ナル一切ノ事件ハ原告又ハ告訴人ニ於テ希望スル場合中華民國

國政府ノ相當法院ニ移管セラルベク該中華民國法院ハ成ルベク速ニ事件ヲ處理シ且其ノ處理ニ當リテハ現實適用シ得ル限リ英國皇帝「インド」皇帝陛下ノ法廷ノ適用スベキ法律ヲ適用スベシ

(ト) 英國皇帝「インド」皇帝陛下ハ中華民國水域ニ於ケル沿岸貿易及内水航行ニ關シ英國船舶ニ供與セラレタル特殊權利ヲ拋棄ス中華民國政府ハ此等貿易上ノ目的ニ使用セラレタル英國皇帝「インド」皇帝陛下ノ臣民又ハ會社ノ財産ニシテ其ノ所有者ニ於テ處分方ヲ希望スルモノニ付之ヲ接收シ且之ニ對シ適當ナル補償ヲ與フルノ用意ヲ有ス中華民國政府ハ西曆千八百九十四年三月一日附「ロンドン」ニ於テ署名セラレタル協定ノ第十二條ニ基ク「イラワデ」河ノ航行ニ關シ中華民國船舶ニ供與セラレタル特殊權利ヲ拋棄ス一方ガ其ノ領域内ニ於テ第三國ノ船舶ニ對シ沿岸貿易乃至内水航行權ヲ供與シタルトキハ該權利ハ他方ノ船舶ニ對シテモ同様ニ供與セラルベキモノトス但シ右他方ガ其ノ領域内ニ於テ右一方ノ船舶ニ對シ沿岸貿易又ハ内水航行ニ從事スルコトヲ許容スル場合ニ限ルモノトス沿岸貿易及内水航行ハ之ヲ内國民待遇ノ要求外ニ置キ且各締約國ノ之ニ關スル法規ニ從ヒテ律セラルベキモノトス但シ何レノ一方ノ船舶モ沿岸貿易及内水航行ニ付他方ノ領域内ニ於テ前記條件ニ從ヒ第三國ノ船

船ニ對シテ供與セララルル所ト同様ニ有利ナル待遇ヲ享受スベキコトヲ約定ス

二 本條約第五條一ノ末段ニ關シ中華民國政府ハ該條ニ謂フ現存ノ不動産ニ關聯スル權利又ハ不動産權利ノ讓渡權ニ關スル制限ハ中華民國官憲ニ依リ衡平ナル方法ヲ以テ適用セララルベキコトヲ宣言シ且又中華民國政府ニ於テ讓渡ノ申請ニ對シ同意ヲ與ヘザル場合ニハ中華民國政府ハ公正ノ精神ヲ以テ利害關係ヲ有スル英國皇帝「インド」皇帝陛下ノ臣民又ハ會社側ノ蒙ル損失ヲ防止センガ爲讓渡許可ヲ拒絕セラレタル英國皇帝「インド」皇帝陛下ノ臣民又ハ會社ヨリ要求アリタルトキハ之ニ適當ナル補償ヲ與ヘテ當該權利ヲ接收スベキコトヲ宣言ス

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(四) 「インド」政務官「ヒュー、エドワード、リチャードソン」ヨリ中華民國外交部長「ド

クトル」宋子文ニ宛テタル書翰

以書翰啓上致候陳者本日附貴翰ヲ以テ左ノ通御申越相成敬承致候

「陳者本日中華民國國民政府主席ト「グレート、ブリテン」及北部「アイルランド」聯合王國並ニ「インド」ヲ代表スル「グレート、ブリテン」、「アイルランド」及「グレート、ブリテン」海外領土皇帝「インド」皇帝陛下トノ間ニ署名セラレタル條約ノ商議中種種ノ問題討議セラレ意見ノ一致ヲ見タル次第ニ有之候右諸點ニ關スル了解事項ハ本公文附屬書ニ記録セララルル處該附屬書ハ本日署名セラレタル條約ト一體ヲ成スモノト看做サルベク且本條約實施ノ日ヨリ共ニ有效ト爲ルモノト存セラレ候就テハ貴下ニ於テ「インド」政府ヲ代表シテ前記了解ヲ確認セララル得バ本部長ノ欣快トスル所ニ有之候」

本使ハ「インド」政府ヲ代表シ本日署名セラレタル條約ト一體ヲ成スモノト看做サレ且本條約實施ノ日ヨリ共ニ有效ト爲ルモノト認メラルル貴翰ノ附屬書ニ記録セラレタル貴我兩者間ニ到達シタル了解事項ヲ茲ニ確認スルノ光榮ヲ有シ候
本使ハ茲ニ重テ閣下ニ向テ敬意ヲ表シ候 敬具

千九百四十三年一月十一日重慶ニ於テ

「インド」政府代表

ヒュー、エドワード、リチャードソン

中華民國國民政府外交部長

「ドクトル」宋子文閣下

共同議事録

本日署名セラレタル條約ニ關シ中華民國外交部長ヨリ英國大使ニ宛テタル書翰附屬書一（イ）ニ付兩締約國ハ國防上ノ理由ニ基キ海外商船ノ總テニ對シ如何ナル港ヲモ閉鎖シ得ルノ權利ヲ留保スルモノト了解セリ

本日署名セラレタル條約ニ關シ中華民國外交部長ヨリ英國大使ニ宛テタル書翰附屬書一（ト）ニ付英國大使ハ中華民國政府ニ對シ「インド」ヲ一方トシ「ビルマ」又ハ「セイロン」ヲ他方トスル相互間ノ貿易ハ常ニ沿岸貿易ト看做サレ來レルコトヲ通報セリ

千九百四十三年一月十一日重慶ニ於テ

追補

英米蘇三國會談ノ「コミュニケ」竝ニ四宣言

一九四三年一〇月三〇日「モスコ」ニ於テ

- 一 英米蘇共同「コミュニケ」
- 二 一般安全保障問題ニ對スル四國宣言
- 三 「イタリア」ニ關スル宣言
- 四 「オーストリア」ニ關スル宣言
- 五 「ヒットラー」一派ノ蠻行ニ對スル責任ニ關スル宣言

一 英米蘇共同「コンミュニケ」

十月十九日ヨリ三十日迄「モスコ」ニ於テ英米蘇三國外相會議舉行セラレ十二回ノ會合行ハレタルガ會議ニハ三國外務大臣ノ外、米側ヨリ「ハリマン」、「ジン」少將、「バックウオース」、「ダン」及専門家、英側ヨリ「カー」、「ストラング」、「イスメイ」中將及専門家、蘇側ヨリ「ヴォロシロフ」、「ヴィンスキ」、「リトヴィノフ」、「セルゲーエフ」、「クルイゾロフ」少將、「サクシン」及専門家夫々參加セリ（以上要約）

會議ノ日程ハ三國政府ノ提出セル問題全部ヲ網羅シタリ右ノ内或モノハ最終的決定ヲ要シタルガ右ハ決定ヲ見他ノモノニ關シテハ審議ノ後根本原則ヲ決定シ詳細ノ検討ハ外交的手續ニ依リ又ハ其ノ爲特ニ組織セラルル委員會ニ於テ行フコトニ定メラレ第三種ノ諸問題ニ關シテハ意見ノ交換ニ止ムル豫定ナリ

三國政府ハ共同ノ軍事的努力ニ關スル諸問題ニ於テ相互ニ密接ニ協調シ來レルガ夫ニ拘ラズ三國外相ガ會議ニ列シタルハ今回ヲ以テ最初トス

先ヅ第一ニ「ドイツ」及其ノ歐洲ニ於ケル與國ニ對スル戰爭期間短縮ノ爲取ルベキ手段ニ關シ周到且眞摯ナル討議行ハレタリ一定ノ作戰審議ノ爲及今後ニ於ケル三國ノ密接ナル軍事的協力ノ基礎ヲ作ル爲

夫々ノ參謀本部長ヲ代表スル軍事顧問出席シ貢獻スル所アリタルガ作戰ニ關シテハ決定ヲ見既ニ準備行ハレツツアリ戰爭ノ終結促進ヲ以テ最モ重要ナル問題ト認ムルト共ニ三國政府ハ又各自國ノ國家的利益ノ爲及全平和愛好國民ノ利益ノ爲ノ戰爭遂行ノ爲設定セラレタル今日ノ密接ナル協力ヲ軍事行動終了後ニ於テモ猶繼續スルヲ以テ緊要ナリトシ且又右ノ如キ方法ニ依リテノミ平和ヲ維持シ各國民ノ政治、經濟及社會的福祉ノ完全ナル發達ヲ達シ得ルモノナリト言フニ一致セリ

右確信ハ會議ノ繼續中支那政府之ニ參加而シテ三國外務大臣及在「モスコ」支那大使ノ署名スル所ト爲レル宣言中ニ具現セラレ居レリ本日發表セラルベキ右宣言ハ戰爭遂行上及四國ガ夫々戰爭狀態ニ在ル敵ノ降伏及武裝解除ニ關スル總ベテノ問題ニ對シ更ニ一層密接ナル協力ヲ豫見スルト同時ニ四國政府ノ協定ニ依リ國際協力及安全保障ノ廣汎ナル組織ガ基礎ヲ置クベキ諸原則ヲ定メタルモノニシテ且右組織ニ對スル他ノ大小平和愛好諸國ノ參加ヲ豫期シ居レリ

會議ハ戰局ノ發展ニ伴ヒ發生スベキ歐洲問題ノ検討ニ當リ三國政府ノ密接ナル協力ヲ保障スル機構ヲ設クルノ必要ニ關シ意見一致シ此等諸問題ノ検討及三國政府ニ對スル共同勸告作成ノ爲「ロンドン」ニ歐洲諮問委員會ヲ設置スルニ決セリ又必要ニ應ジ三國ノ代表者ハ三國ノ各首都ニ於テ外交手段ヲ通ジ諮問ヲ繼續スルコトニ決定セラレタリ

三外相ハ更ニ三國及「フランス」國民解放委員會代表ヨリ成ル「イタリア」問題ニ關スル諮問會議ノ

組織ヲ決定シタルガ本會議ニ於テハ本戰時中「フアシスト、イタリア」ガ「ギリシア」及「ユーゴ」領域ニ對シ爲シタル侵略ヨリ發生スル特殊利害關係ニ鑑ミ右兩國代表モ參加セシメラルベシ
本會議ハ作戰問題ヲ除キ總ベテノ問題ヲ處理シ且聯合國ノ「イタリア」ニ對スル政策ノ一致ヲ期スル爲ノ勸告ヲ作成スベシ

三外相ハ右ニ關シ本日發表セラルベキ宣言ニ依リ「イタリア」ニ於ケル民主主義恢復ニ賛意ヲ表スル三國政府ノ態度ヲ確認スルヲ適當ト認メタリ

三國外相ハ又三國政府ガ「オーストリー」ノ獨立恢復ヲ目的トスル旨宣言シ同時ニ「オーストリー」ニ對シ最終的調整ニ際シテハ同國ニ依リ自國ノ解放ノ爲爲サルベキ努力ガ考慮ニ加ヘラルベキ旨掲記シタリ「オーストリー」ニ關スル宣言ハ發表セラルベシ

更ニ三國外相ハ會議中「ルーズベルト」、「チャーチル」及「スターリン」ノ宣言ヲ發表シタルガ右ハ何レカノ「ドイツ」政府ニ對シ休戰ガ提議セラルル場合獨軍ノ占領セル諸國ニ於テ行ハレタル暴行、殺掠及體刑ニ何等關係セル「ドイツ」將校、兵士及「ヒットラー」黨員等ハ嫌厭スベキ行爲ノ行ハレタル國ニ送致セラレ其ノ國ノ法律ニ依リ起訴處罰セラルベキ旨ヲ歐洲ニ宣告セルモノナリ

會議ノ現事業ヲ通ジ見ラレタル相互の依頼ト理解ノ雰圍氣裡ニ於テ「ヒットラー、ドイツ」及其ノ與國ニ關係アル現在及將來ノ諸重要問題及經濟的協力並ニ全般的平和保障ニ關スル他ノ重要問題モ亦審議

セラレタリ

一一 一般安全保障問題ニ對スル四國宣言

英米蘇支各國政府ハ千九百四十二年一月一日附聯合諸國民ノ宣言及其ノ後ノ諸宣言ニ順應シ各國ガ夫々戰爭狀態ニ在ル樞軸諸國ニ對スル軍事行動ヲ右樞軸諸國ガ無條件降伏スル迄繼續スル決意ヲ共ニシテ自國民及聯合諸國民ガ侵略ノ脅威ヨリ解放セラルルヲ保障スルヲ以テ其ノ責務ト認ム

戰爭ヨリ平和ヘノ急速且組織的ナル機構ヲ保障シ又世界ノ人的及經濟的資源ガ軍備ニ轉用セラルルヲ防止シ以テ國際平和及安全ヲ設定シ且之ヲ維持スルノ必要ヲ認メ左ノ通共同宣言ス

(一) 各國ノ夫々ノ敵國ニ對スル戰爭遂行ヲ目的トスル協同行爲ハ平和及安全ノ組織及維持ノ爲繼續セラルベシ

(二) 共通ノ敵國ト戰爭狀態ニ在ル各國ハ右敵國ノ降伏及武裝解除ニ關スル總ベテノ問題ニ付協同シテ行動スベシ

(三) 各國ハ其ノ敵國ニ對シ賦課シタル條件ノ如何ナル違反ニ對シテモ必要ト認ムル總ベテノ手段ヲ取ルベシ

(四) 右各國ハ可及的短期間ニ國際平和及安全ノ維持ノ爲總ベテノ平和愛好國ノ平等主權ノ原則ノ上ニ

基礎ヲ置ク世界的國際機關ノ設立ヲ必要ト認ム右ノ諸國家ハ其ノ大小ヲ問ハズ右機關ノ委員タルコトヲ得

(四) 右各國ハ法律及秩序ガ恢復セラレ且一般安全保障ノ組織ガ樹立セララル迄ハ聯合諸國民ノ共同行爲ガ國際平和及安全維持ノ爲國家團體ノ利益ナルヲ考慮シ各國相互ニ若ハ情勢ノ要求ニ從ヒ右諸國民トモ協議スベシ

(六) 右各國ハ戰後ニ於テ各國ノ協議ニ依ルカ又ハ本宣言ノ定ムル目的ノ爲以外他國ノ領域ニ對シ武力ヲ使用スルコトナカルベシ

(七) 右各國ハ戰後ニ於ケル軍備調整ニ關スル一般的協定ノ達成ヲ圖ランガ爲相互ニ又ハ他ノ聯合國ト協議シ且協力スベシ

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十月三十日「モスコ」ニ於テ

三 「イタリア」ニ關スル宣言

英米蘇三國政府ニ於テ聯合國ノ對「イタリア」政策ガ左ノ根本的原則ニ基礎ヲ置クヲ要ストスル點ニ付完全ナル意見ノ一致ヲ見タル旨ヲ確認セリ即チ「ファッシズム」及其ノ有ラユル破滅的影響及結果ハ徹底的ニ之ヲ破壞スルヲ要シ且「デモクラシー」ニ基ク自己ノ中央政府及其ノ他ノ機關ヲ設立スル完全ナル能力ヲ「イタリア」國民ニ付與スルヲ要ス英米二國外相ハ各自國政府ノ活動ガ聯合軍ノ「イタリア」進入ノ當初ヨリ軍事上ノ必要ノ許ス範圍内ニ於テ既ニ右政策ニ基調ヲ置キタルモノナルコトヲ聲明ス

三國外相ハ將來ニ對スル右ノ政策實施ニ當リ次ノ諸方策ヲ以テ重要ナル意義ヲ有シ且之ガ實現ヲ期スベキモノナリトスル點ニ於テ意見ノ一致ヲ見タリ

(一) 從來常ニ「ファッシズム」ニ反對シテ行動シ來レル「イタリア」國民ノ階級ヲ包含セシメ以テ一層民主主義的色彩濃厚ナル「イタリア」政府ヲ組成セシムベシ

(二) 言論、信教、政治的信條、印刷物及集會ノ自由ハ完全ニ「イタリア」國民ニ復活セシメラルベク又同國民ハ反「ファッシヨ」的政治團體ヲ組織スル權利ヲ付與セラルベシ

(三) 「ファッシヨ」政權ニ依リ設立セラレタル有ラユル機關及組織ハ解消セラルベシ

- (四) 「ファッショ」及「プロ・ファッショ」分子ハ官廳又ハ公共的性質ヲ有スル機關ヨリ排除セラルベシ
 - (五) 「ファッショ」政權ニ依リ監禁セラレタル總ベテノ政治犯人ハ釋放セラルベク又彼等ハ完全ナル特赦ニ浴セシメラルベシ
 - (六) 地方行政上ノ民主主義的機關設置セラルベシ
 - (七) 「ファッショ」ノ首領若ハ其ノ他ノ者ニシテ軍事的犯罪ヲ犯シタルコト明ナルモノ又ハ其ノ疑アルモノハ之ヲ逮捕シ且司直ノ手ニ引渡サルベシ
- 右宣言ヲ發スルニ當リ三國外相ハ「イタリア」國內ニ積極的戰鬪行爲ノ繼續セラルル間前述ノ主義ガ完全ニ實施セラルベキ時期ニ關シテハ聯合軍最高指揮官ニ於テ聯合軍參謀部ヲ經テ與フベキ指示ニ基キ之ヲ決定スベキモノナルコトヲ認ム本宣言ニ署名セル三國政府ハ其ノ一國ノ要請ニ依リ本問題ニ關シ相互ニ協議スベキモノトス
- 本宣言ハ又其ノ如何ナル條項ト雖モ「イタリア」國民ガ將來自己ノ政治的様式ヲ選擇スルニ當リ何等其ノ權利ニ拘束ヲ加ヘントスルモノニ非ズ

四 「オーストリー」ニ關スル宣言

英米蘇三國政府ハ「ヒットラー」侵略ノ犠牲ト爲レル最初ノ自由國タル「オーストリー」ハ「ドイツ」

ノ治下ヨリ解放セラルベキモノナルコトニ意見一致シ千九百三十八年五月十五日「ドイツ」國ニ依リテ行ハレタル獨逸併合ハ實在セズ又無効ナリト判定ス三國政府ハ右期日以後「オーストリー」國ニ加ヘラレタル如何ナル變革ニモ全然關係ヲ有スルモノニ非ズ此等ノ政府ハ自由獨立國家タル「オーストリー」ノ復活ヲ見ルヲ希望シ且之ニ依リテ「オーストリー」國民ハ勿論同國ト同様ノ問題ニ直面シ居ル他ノ隣國ニ對シテモ強固ナル平和ノ唯一ノ根據タル政治的經濟的安全ヲ享有セシメンコトヲ欲スルモノナルコトヲ聲明ス

尤モ「オーストリー」ガ「ヒットラー、ドイツ」ノ側ニ立チテ參戰シタル責任ハ同國ニ於テ回避スルヲ得ズ又最後の調整ノ場合ニ於テ同國ノ解放ニ對シ自ラ爲スベキ寄與ノ程度ガ考慮ニ加ヘラルベキコトニ關シ同國ノ注意ヲ喚起スルモノナリ

五 「ヒットラー」一派ノ蠻行ニ對スル責任ニ關スル宣言

英米蘇三國ハ各般ノ情報ニ依リ目下獨軍ガ退却ヲ餘儀ナクサレツアル舊獨軍占領諸國ニ於テ「ヒットラー」一派ガ武力ヲ以テ遂行セル野蠻行爲、殺人、冷酷ナル集團處刑ニ關スル確證ヲ入手シ居レリ元來「ヒットラー」ノ統御ノ過酷ナルハ新シキ事實ニ非ズ彼等ノ權力下ニ在ル總ベテノ國民又ハ地域ハ脅威主義ノ惡政下ニ呻吟シ居リタリ然ルニ最近ノ新事實ハ救援軍ノ進撃ニ依リ此等地域ノ多數ガ解

放セラレツアルコト及「ヒットラー」一派ハ絶望的退却ニ際シ其ノ冷酷ナル蠻行ヲ倍加シ居ルコトナリ右ノ事實ハ「ヒットラー」ノ脅威政治ヨリ解放セラレタル蘇聯及佛、伊ノ領土内ニ於テ行ハレタル慘酷ナル犯罪行為ニ依リ瞭然タルモノアリ

以上ノ事實ニ基キ三聯合國ハ三十二箇國ノ聯合國民ノ利益ヲ擁護シツツ左ノ如ク嚴肅ナル聲明ヲ發シ警告ヲ與ヘントス

「ドイツ」國內ニ成立シ得ベキ政府ノ如何ヲ問ハズ之ニ對シ何等カノ休戦ガ許與セラルル場合ニ於テハ前述ノ蠻行、殺人及處刑ニ付責任ヲ有スルカ又ハ任意ニ之ニ參加セル「ドイツ」將校、兵士若ハ「ナチス」黨員ハ彼等ニ依リ斯ル蠻行ノ行ハレタル國へ送致セラルベク此等解放セラレタル國家及同國內ニ建設セラルベキ政府ノ法律ニ依リ裁判セラレ且處罰セラルベシ

右ノ人名表ハ各國特ニ蘇聯、「ポーランド」、「チェッコスロヴァキア」、「ユーゴ」、「ギリシア」、「クリート」島其ノ他ノ島ヲ含ム、「ノールウエー」、「デンマーク」、「オランダ」、「ベルギー」、「ルクセンブルグ」、「フランス」、「イタリア」ニ於ケル被占領地ヨリ入手セラレタル出來得ル限り詳細ナル資料ニ基キ作成セラルベシ斯クシテ「イタリア」將校ノ集團的銃殺、「フランス」、「オランダ」、「ベルギー」及「ノールウエー」人ノ人質或ハ「クリート」島農夫ノ處刑、「ポーランド」國民ノ絶滅若ハ現在敵國ヨリ清掃セラレツアル蘇聯邦地方ノ民衆殲滅ニ參加セル「ドイツ」人ハ今ヤ彼等ガ犯

罪ヲ犯セル場所ニ送還セラレ現場ニ於テ嘗テ彼等ガ暴行ヲ加ヘタル國民ノ手ニ依リテ裁カルベキコトヲ知ルベキナリ

三聯合國ハ世界ノ如何ナル僻遠ノ地タリト雖モ罪人ヲ發見スベク且正義ノ裁ニ服セシムル爲告發者ノ手ニ引渡スベキニ依リ未ダ無辜ノ血ヲ以テ手ヲ染メザル者ハ罪人ノ列ニ伍セザル様戒心スベシ本聲明ハ一定ノ地理的地方ニ關聯ヲ有セザル犯罪ヲ犯シタル首魁ノ問題ニ觸ルルコトナク彼等ハ聯合國政府ノ共同決定ニ依リテ處罰セラルベキモノトス

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印刷所 中 川 二 郎

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