

EXHIBIT No. 3244

(13)

SENT: April 26, 1934
TO: Embassies in U.S., Great Britain, China, Manchukuo, Peiping; Consulates (-General) at Tsingtao, Nanking, Foochow, Amoy, Canton, Tientsin, Tsinan, Hongkong, Hankow.

FROM: FOREIGN MINISTER HIROTA

SUBJECT: Hirota-Lindley Conversation on April 25 concerning Problem of Informal Statement

Circular No. 460 (Simplified Code)

1. Ambassador Lindley called on the 25th and read telegraphic instructions from his home Government, the substance of which follows:

(a) It is presumed that the source of the recent statement is authoritative, and its nature is such that Great Britain is unable to ignore it.

(b) The Nine-Power Treaty stipulates the equality of rights of the various signatory Powers. Great Britain must insist on these common rights being respected, although it recognizes exceptions where the rights of the signatory Powers are restricted by special agreements such as, for instance, a consortium agreement, or as regards those recognized by the signatory Powers as being special rights of Japan.

(c) Insofar as the statement in question is motivated by the concern over China's integrity and peace, it concurs with the aim of Britain's policies. However, if it is assumed that Japan alone is entitled to decide what measures are

prejudicial, Great Britain must take exception. Under Articles I and VII of the Nine-Power Treaty, Japan has the right to invite attention to the measures of the other signatory Powers which she considers injurious to her security. In view of the fact that this right guarantees Japan's security, it is presumed that the statement in question does not purport to repudiate the common rights of the Powers with respect to China or that Japan herself seeks to violate her treaty obligations.

(d) Replying to questions in Parliament, Foreign Secretary Simon stated that "it appears that the statement in question was made due to the apprehension that certain activities of the Powers in China are injurious to peace in the Orient or to Sino-Japanese relations or to China's security, but there is no reason for such apprehension to arise as far as Britain's policies are concerned. Britain is, as a matter of fact, avoiding injurious measures such as mentioned." Since it is expected that similar questions will be made during the week, the British Government wishes to make inquiries of the Japanese Government concerning the statement in question in the most friendly spirit.

2. The Ambassador summarized the main points of the above instructions as being: (1) notwithstanding the fact that Japan, under the Nine-Power Treaty (Articles I and VII), possesses the right to invite the attention to measures taken

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by other signatory Powers which she considers injurious to peace in the Orient and to China's integrity, why should she find it necessary to issue a statement of this nature? (2) if Japan seeks to be the sole judge as to what constitute injurious measures, it would be tantamount to be claiming something over and above the equal rights of the Nine-Power Treaty. He added that the British Government are not by any means blaming Japan for violations of the said Treaty.

3. Accordingly, after stating that I shall reply to his overtures if I find it necessary to do so after due study and explaining to him that the statement in question was not in any way an official statement in the same way as I had done to Grew as per my circular telegram No. 459, I requested clarification on two or three points in his inquiries in the following manner:

(a) Firstly I stated that: I deeply appreciate Foreign Secretary Simon's statement in Parliament that your Government will not take any measures which are injurious to peace in the Orient and to China's integrity; however, Japan has hitherto strictly adhered to the Nine-Power Treaty and has never violated it; she has repeatedly given assurances since the League of Nations conference that she does not intend to violate it, and it is strange that at this time other nations should entertain doubts; in this sense, I find it difficult to understand why your Government has referred to the Nine-Power

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Treaty and what points of that treaty have come into question.

To this, Ambassador Lindley answered that, in short, the statement of the 17th has created the impression as if Japan was claiming rights in China over and above the rights which she possesses in common with the Powers under the Nine-Power Treaty and that especially her claim for the judgeship as to whether or not the policies of the Powers are injurious to peace in the Orient and to China's integrity is a problem.

To my remarks that, after all, the conscience of the conspirators is the most accurate judge and that as to claiming rights under the Nine-Power Treaty over the common rights of the signatory Powers, it cannot be thought of so long as that treaty is not denounced, Ambassador Lindley nodded agreement.

(b) Next, I stated that: Japan respects the principles of the Open Door and Equal Opportunity and has no objections whatever to the bona-fide commercial activities of the Powers with China, but rather, since the situation is such that she does not enjoy equal opportunity with the Powers due to the still continuing boycott by China, Japan has even more reason than the Powers to insist on the observance of the principles of the Open Door and Equal Opportunity; with respect to investments in China, while China is neglecting the loan consortium, which still exists, in view of the present political situation in China, investments in China will not only mean money

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thrown away, as Foreign Secretary Grey once said, but will give rise to harmful results for China (the Ambassador added that Britain will on no account invest in China); furthermore, while it appears that of late persons claiming to represent the League (of Nations) or under the pretext of doing business are pouring into China and are busily engaged in activities from various ulterior motives, Japan naturally cannot view such activities with indifference, and moreover in view of the geographical relations between China and Japan, is it not logical for Japan, a neighbor, to feel freater concern if a fire breaks out in China than those farther away?

(c) Ambassador Lindley stated that he understood from my explanations the general situation and said he would telegraph accordingly to his Government immediately.

I told him informally that although I felt that I had in general answered fully the various points of his overtures, I shall reply further if, after careful consideration, there should be points on which such is considered necessary.

TO BE RELAYED: By the Embassy at London to all Embassies and Legations in Europe and to Geneva;

By the Embassy at Washington to New York, Chicago, San Francisco, Canada, Cuba, Mexico and Brazil;

By the Embassy at Brazil to all Ministers in South America.

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section,
Japanese Foreign Office, hereby certify that the document
hereto attached in Japanese consisting of 8 pages and
entitled "Telegram No. Go-460 from Hirota, Foreign Minister,
to Ambassadors to U.S., Britain and Manchukuo, Minister to
China, Secretary of Legation at Peking, Consul-Generals at
Tsintao, Nanking, Fuchow, Kuangtung, Tientsin, Tsinan,
Hongkong and Hankow, and Consul at Amoy, Despatched on April
26, 1934, concerning the interview between the Foreign Minister
and the British Ambassador" is an exact and true copy of an
official document of the Japanese Foreign Office.

Certified at Tokyo,

on this 16th day of January, 1947.

/s/ K. HAYASHI
Signature of Official

Witness: /s/ Nagaharu ODO

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