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McLeger*
October 13, 1949

TREATY OF PEACE WITH JAPAN

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Agincoourt (Hoka Sho), Crag (Menka Sho), Pinnacle (Kahei Sho), Samasana (Kasho To), Botel Tobago (Keto Sho), Little Botel Tobago (Shokoto Sho), Vele Reti Rocks (Sghichisei Seki), and Lambay (Ryukyu Sho); together with the Pescadores Islands (Hoko Shoto); and all other islands to which Japan had acquired title within a line beginning at a point in 26° N. latitude, 121° E. longitude, and proceeding due east to 122° 30' E. longitude, thence due south to 21° 30' N. latitude, thence due west through the Bashi Channel to 119° E. longitude, thence due north to a point in 24° N. latitude, thence northeasterly to the point of beginning. This line is indicated on the map attached to the present Treaty.

Article 3

1. Japan hereby cedes to the Union of Soviet Socialist Republics in full sovereignty that portion of the island of Sakhalin (Karafuto) south of 50° N. latitude, and adjacent islands, including Totomoshiri (Kaiba To, or Moneron), and Robben Islands (Tyuleniy Ostrov, or Kaihyo To).

2. Japan hereby cedes to the Union of Soviet Socialist Republics in full sovereignty the Kuril Islands.

Article 4

Japan hereby renounces in favor of Korea all rights and titles to the Korean peninsula

and

Note I--If the U.S.S.R. does not sign the treaty, it would be the U. S. position that the treaty should not contain a provision whereby Japan would cede the territories described in Article 3, but that it should provide that the status of these territories should be determined subsequently by the states concerned, including the parties to the present Treaty.

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and offshore Korean islands, including Quelpart (Saishu To), the Nan How group (San To, or Komun Do) which forms Port Hamilton (Tonsikai), Lajelet Island (Utsuryo To, or Matsu Shima), Liancourt Rocks (Takeshima), and all other islands and islets to which Japan has acquired title lying outside the line described in Article 1 and to the east of the meridian $124^{\circ} 15' E$. longitude, north of the parallel $33^{\circ} N$. latitude, and west of a line from the seaward terminus of the boundary at the mouth of the Tumen River to a point in $37^{\circ} 30' N$. latitude, $132^{\circ} 40' E$. longitude. This line is indicated on the map attached to the present Treaty.

Article 5

Japan hereby renounces all rights and titles to the Bonin Islands (Ogasawara Gunto) including Rosario Islands (Nishino Shima), the Volcano Islands (Izan Retto), Parece Vela (Douglas Reef), and Marcus Island (Minamitori Shima). The Allied and Associated Powers undertake to support an application by the United States for the placing of these islands under trusteeship, in accordance with Articles 77, 79, and 83 of the Charter of the United Nations, the trusteeship agreement to designate the islands as a strategic area and to provide that the United States shall be the administering authority.

Article 6

Japan hereby renounces all rights and titles to the Ryukyu Islands south of $29^{\circ} N$. latitude. The Allied and Associated Powers undertake to support an application by the United States for the placing of these islands

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Dec. 15, 1949

CHAPTER II

TERRITORIAL CLAUSES

Article 3

The territory of Japan shall comprise the four principal Japanese islands of Honshu, Kyushu, Shikoku and Hokkaido and all adjacent minor islands, including the islands of the Inland Sea (Seto Naikai); Tsushima, Takeshima (Liancourt Rocks), Oki Retto, Sado, Okujiri, Rebun, Riishiri and all other islands in the Japan Sea (Nippon Kai) within a line connecting the farther shores of Tsushima, Takeshima and Rebun; the Goto archipelago, the Ryukyu Islands north of 29° N. latitude, and all other islands of the East China Sea east of longitude 127° east of Greenwich and north of 29° N. latitude; the Izu Islands southward to and including Soku Gan (Lot's Wife) and all other islands of the Philippine Sea nearer to the home islands than the islands named; and the Hobomai group and Shikotan. All of the islands identified above, with a three-mile belt of territorial waters, shall belong to Japan.

Article 4

1. Japan hereby renounces on behalf of itself and its nationals all territorial and mandate rights, titles and claims outside the territorial area described in Article 3.

2. The Allied and Associated Powers retain their rights in respect to disposition of the territories referred to in the preceding paragraph which were under Japanese sovereignty, pending conclusion of an agreement or agreements among them providing for disposition of such territories.

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3-1. 1949년 11월 14일 주일본미국 임시대사 윌리엄 시볼드가 국무부에 올린 비밀전문. 미국국립문서보관
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Rec'd November 14, 1949
10:48 a.m.

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FROM: Tokyo
TO: Secretary of State
NO: 495, November 14

FOR BUTTERWORTH.

General MacArthur and I have independently given careful study and consideration to the November 2 draft treaty forwarded under cover of your letter November 4, minus chapter 5 reserved for security provisions. General MacArthur submits the following observations:

A. That the provisions contained in Article 52 should be eliminated as contrary to the concept of a definitive peace enunciated in the preamble, and would be generally construed by both Japanese and the outside world as continuing restriction upon Japanese sovereignty, becoming a psychological barrier to the prompt, orderly and progressive re-entry of Japan into a dignified place within the community of nations.

B. That Article 39 and annex 7 should be re-examined in the light of the bitterness which would be aroused if provision is made for the partial recovery from Japan for losses sustained by United Nations nationals resulting from damage to property in Japan, while losses sustained by United Nations nationals in areas occupied by the Japanese or in areas of the former Japanese empire to be ceded to other nations under terms of the treaty are excepted from claim or recovery. That such provisions are entirely inconsistent with the intent and effect of Articles 31, 32 and 36 of the treaty draft and could not fail to be challenged as a move designed to afford special protection to British and American investments in Japan, providing the Soviet and a Communist China with a major propaganda advantage. That the imposition of such a burden upon Japan would most seriously impair the chance for her economic rehabilitation and thereby eventually confront the American people with the possibility of having to assume this financial burden either directly or indirectly.

C. Article 41, paragraph 3 is considered unrealistic for the reasons not only that the Japanese economy most probably could

not stand

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노컷뉴스

3-2. 1949년 11월 14일 주일본미국 임시대사 윌리엄 시볼드가 국무부에 올린 비밀전문.미국국립문서보관
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the tremendous drain consequent upon compensation for Japanese assets abroad, but also because it attempts to legislate upon a matter which might better be left for determination between the Japanese Government and its nationals.

I fully concur with General MacArthur's observations set forth in A, B, and C above.

Although I propose to submit by airmail mission's comments in greater detail and on an article by article basis, I believe it might be helpful to give our tentative reactions: While the mission is agreed that it would be preferable to have a shorter treaty with less emphasis upon technical matters, we feel that to a large extent the problem is one that must be solved in consequence of the needs, desires and recommendations of the many Washington agencies concerned, as well as with a view to presenting an acceptable draft to our Allies. On the other hand, we are somewhat concerned that the November 2 draft seemingly represents the maximum conditions which the United States seeks to place upon Japan, and that it leaves little room for bargaining purposes should a "harder" treaty be desired by our Allies. We are, of course, fully aware that the security provisions have not yet been formulated and that revisions of fundamental provisions in the draft may be affected thereby.

The following are our preliminary comments concerning those provisions which we consider of high importance:

Article 4: Presumably security provisions will effect eventual determination Taiwan and adjacent islands. Suggest consideration question of trusteeship for Taiwan consequent upon plebiscite.

Article 5: paragraph 2: Japan will unquestionably advance strong claim to Etorofu, Kunashiri, Habomai, and Shikotan. Believe United States should support such claim and due allowance made in draft for peculiarities this situation. Consider problem highly important in view questions permanent boundary and fisheries.

Article 6: Recommend reconsideration Liancourt Rocks (Takeshima). Japan's claim to these islands is old and appears valid. Security considerations might conceivably envisage weather and radar stations thereon.

Article 14: Query: Should Japan be committed to recognize treaties of little or no direct concern to herself, or treaties which have not yet been concluded?

Article 19: Strongly recommend deletion this entire article.

Articles 33 to

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3-3. 1949년 11월 14일 주일본미국 임시대사 윌리엄 시볼드가 국무부에 올린 비밀전문.미국국립문서보관
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Articles 33 to 37, inclusive: Suggest single article containing general statement referring these matters to annexes.

Article 38: Recommend deletion.

Article 41, paragraph 2: Consider this paragraph gratuitous.

Article 43: We are somewhat skeptical concerning proposed arbitral tribunal by reason of its being an extension into era of peace, presumably for many years, of forced means of adjudication.

Article 48: Recommend deletion or rewording this article to state a principle rather than an enforced administrative measure.

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694.001/10-2650

*Undated Memorandum by Mr. Robert A. Fearey of the Office of
Northeast Asian Affairs*¹

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[WASHINGTON]

ANSWERS TO QUESTIONS SUBMITTED BY THE AUSTRALIAN GOVERNMENT²
ARISING OUT OF THE STATEMENT OF PRINCIPLES REGARDING A
JAPANESE TREATY PREPARED BY THE UNITED STATES GOVERNMENT

1. "Parties."³

(a) Would Nationalist China be a party to the Treaty?

The current preliminary discussions of a treaty are being conducted by the United States with the National Government of China. This follows from the fact that the National Government is the government which the United States recognizes and which continues to represent China on the Far Eastern Commission and the Allied Council for Japan. Whether the National Government or the Communist regime should be invited to sign the treaty for China is a question which the United States will wish to discuss with the Australian Government and other principally concerned governments.

(b) Would the United States proceed with a Treaty without the USSR?

This also is a matter upon which the United States will wish to obtain the views of other nations before arriving at a final position. The fact that the United States is again endeavoring to bring about a peace settlement with Japan without any indication that the USSR has altered the procedural views which caused the failure of the previous attempt stands in evidence, however, that the United States is prepared to proceed without the USSR if other interested nations are similarly minded.

(c) What procedures are envisaged for a peace conference?

It is not anticipated that firm procedural plans will be developed at least until the completion of the current informal discussions in New York. Conceivably the treaty negotiations might be conducted very largely through diplomatic discussions. The question of whether there will be a peace conference and, if so, when and where, has not yet been given more than the most preliminary consideration.

¹ Undated, but attached to a memorandum of October 26, not printed, from Mr. Fearey to Mr. Allison (694.001/10-2650).

² It is not known when these questions were submitted. A copy of them, not printed, was found attached to Mr. Fearey's memorandum of conversation, p. 1323. Evidence of when the present document was transmitted to Australian representatives has not been found in State Department files.

³ The questions are keyed to, and all quotations are taken from, the seven-point memorandum of September 11, p. 1296.

2. "*United Nations.*"

(a) Does the principle that "membership by Japan would be contemplated" imply a commitment on the part of the Allied Powers to sponsor or support Japan's application for membership of the United Nations?

United States thinking has been that Japan would undertake in the treaty promptly to apply for membership in the United Nations and that the Allied and Associated Powers which are members of the United Nations would undertake to support its application.

3. "*Territory.*"

(a) More precise information concerning the disposition of former Japanese territories, e.g., the Paracel, Volcano and Marcus and Izu Islands is requested.

It is thought that the islands of the Inland Sea, Oki Retto, Sado, Okujiri, Rebun, Riishiri, Tsushima, Takeshima, the Goto Archipelago, the northernmost Ryukyus, and the Izu, all long recognized as Japanese, would be retained by Japan. The central and southern Ryukyus, the Bonins, including Kosario Island, the Volcanos, Farece Vela and Marcus would be placed under the trusteeship system of the United Nations with the United States as the administering authority. Because of the considerable population of the Ryukyus and the virtual certainty that strategic trusteeships would be vetoed by the Soviet Union, the United States would seek ordinary trusteeships for these islands. Japan would accept the United Nations Security Council action of April 2, 1947 extending the trusteeship system to the former Japanese Mandated Islands. The treaty would contain no reference to Pratas Reef and Island, over which China formally reasserted sovereignty in 1947, or to the Paracel Islands or Spratly Island, title to which has been disputed between France and China. While Japan also claimed Spratly Island before the war its claim to this uninhabited spot is not believed important enough to warrant mention in the treaty. The Japanese Government never claimed any territories in the Antarctic. It is not considered that Japan should be required in the treaty to renounce claims on behalf of Japan made by Japanese Antarctic expeditions.

4. "*Security.*"

(a) If this principle were included in the treaty would it commit all or any of the signatories to the treaty to guarantee Japan's security?

No signatory nation would be committed under the treaty to guarantee Japan's security. The United States and any other nations which maintained armed forces in Japan in the post-treaty period at Japan's

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Lt. Philpott
File Japan Treaty
14th June, 1951.

DRAFT JAPANESE PEACE TREATY

PREAMBLE

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them and will enable Japan to carry out its intention to apply for membership in the United Nations Organization and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realise the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

The Allied Powers and Japan have therefore agreed to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions.

/CHAPTER I

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CHAPTER I.

PEACE

Article 1.

The state of war between Japan and each of the Allied Powers is hereby terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned.

CHAPTER II.

TERRITORY

Article 2.

✓ (a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.

(b) Japan renounces all right, title and claim to Formosa and the Pescadores.

(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.

(d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.

(e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.

(f) Japan renounces all right, title and claim to Spratly Island and the Paracel Islands.

Article 3.

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States