

INTERNATIONAL PROSECUTION SECTION

Doc. No. 1600

13 May 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

Title and Nature: Treaty between Japan and Manchukuo for the Abolition of Extraterritoriality in Manchukuo and Transfer of South Manchuria Railway Administrative Rights.

Date: 5 Nov 1937 Original Copy Language: Jap. and Chinese.

Has it been translated? Yes No

Has it been photostated? Yes No

LOCATION OF ORIGINAL (also WITNESS if applicable) as of:
Document Division

SOURCE OF ORIGINAL: Foreign Ministry (Archives Bldg.)

PERSONS IMPLICATED: UEDA, Kenkichi

CRIMES TO WHICH DOCUMENT APPLICABLE: Aggressive warfare (China); Violation of Nine Power Treaty.

SUMMARY OF RELEVANT POINTS (with page references):

Contains:

(1) Treaty signed by UEDA, Kenkichi for Japan and CHIANG CHING HUI for Manchukuo at CHANGCHUN on 5 Nov 38. The preamble refers to the Japan-Manchukuo Treaty re: residence and taxation of Japanese nationals in Manchukuo (10 June 1936) and the fact that the Manchukuo Government is in "a position to offer all available guarantees to secure and further the living and development of Japanese nationals in Manchukuo in accordance with the resolution of Japanese Government as above and in line with the principles of the national founding."

(2) Appendix A dealing with judicial administration, administration of the SMR Zone, police, military and educational administration, etc.

(3) Protocol re: interpretation of the Treaty.

Doc. No. 1600

Page 1

Doc. No. 1600 - Page 2 - SUMMARY Cont'd.

(4) Appendix B re: communication in the SMR Zone.

(5) Protocol re: interpretation of Appendix B, providing for the use of Japanese currency.

Also (in Chinese) letter from CHIANG CHING HUI (PM of Manchukuo) to UEDA reiterating some provisions of the Treaty.

Analyst: 2d Lt. Steiner

Doc. No. 1600
Page 2

INTERNATIONAL PROSECUTION SECTION

Doc. No. *1600*

Date *11/30/46*

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT.

Title and Nature: *Treaty Between Japan and MANCHUKUO for the Abolition of Extraterritoriality in MANCHUKUO and Transfer of South Manchuria Railway Administrative rights.*
Date: *5 Nov. 1937* Original Copy Language: *Japanese and Chinese*

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

LOCATION OF ORIGINAL (also WITNESS if applicable) as of _____:

Document Division

SOURCE OF ORIGINAL: *Foreign Ministry (Archives Bldg.)*

PERSONS IMPLICATED: *UEDA, ITENKICHI*

CRIMES TO WHICH DOCUMENT APPLICABLE:

*Aggravated Warfare (China)
Violation of Nine Power Treaty*

SUMMARY OF RELEVANT POINTS (with page references):

contains

- 1) Treaty signed by UEDA, ITENKICHI for Japan and CHIANG CHING-HUI for MANCHUKUO at CHANGCHUN on 5 November, 1938. The preamble refers to the Japan-Manchukuo Treaty re: residence ^{and taxation} of Japanese nationals ~~in~~ in Manchukuo (June 10, 1936) and the fact that the Manchukuo government is in "a position *(insert A as indicated)*"*
- 2) Appendix A dealing with judicial administration, Administration of the SMR-Zone, Police, Military, and Educational administration etc. Art 16 of the ~~Appendix~~ states that *(insert B)**

Analyst *[Signature]*

Doc. No. *1600*

Proj. No. 198
S. A. No. 15030
Pack No. 1
Item No. 15

Translated by J. Funatsu

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11.36

Treaty between Japan and Manchoukuo for the abolition of the extritoriality in Manchoukuo and the transfer of the administrative right on the dependency of the South Manchurian Railway.

1. Countries involved

Between Japan and Manchoukuo

2. Type of treaty

"Japanese Government resolves to abolish the extritoriality completely, which Japan has possessed in Manchoukuo, and to transfer the administrative right on the dependency of the South Manchurian Railway comprehensively, by virtue of the effect of the ^{preamble} (preface) of the Treaty between Japan and Manchoukuo for the Residence of Japanese Nationals in Manchoukuo and the Taxation of Manchoukuo signed under the date of June 10, 1906. and also in view of the consequence of the effect of the treaty and the arrangement of laws and institutions in Manchoukuo, therefore,

(A)

Manchoukuo Government is in a position to offer all available guarantees to secure and further ~~still more~~ the ~~very~~ living and development of Japanese nationals in Manchoukuo in ^{accordance with} response to the resolution of Japanese Government as above and in line with the principles of the national founding, therefore, both Governments, in order to stipulate the relation between the two countries concerning the abolition of the extraterritoriality which Japan has possessed in Manchoukuo and the transfer of the administrative right on the dependency of the South Manchurian Railway, agree as follows - "

3. Signers of pact and their position

One is Japanese Ambassador Extraordinary and Plenipotentiary to Manchoukuo, Kenkichi Ueda.

The other is Prime Minister of Manchoukuo, Chiang Ching-hui

4. Date signed

On November 5, 1933

1600

5. When it was signed

At Changchun, the capital of Manchoukuo.

6. In what language

It was drawn up in duplicate. One is made in Japanese, and the other in Manchu.

P1.

Project No. 198
S.A. No. 15030
each
Item 15

K. Sasaki

Appendix Agreement "A"

On this day / Nov. 5, 1937 / when the plenipotentiaries of Japan and Manchukuo sign a Treaty for cancelling extraterritoriality in Manchukuo, and transferring administrative rights in the Southern Manchurian Railway Company zone, they agreed to decide as follows:-

Chapter I Judicial Administration

Art 1.

The Consular Jurisprudence system for Japanese nationals in Manchukuo shall be cancelled at the same time as the above mentioned Treaty is signed, and after that Japanese nationals in Manchukuo shall be subject to the judicial administration in Manchukuo.

Art 2.

The Manchurian Govt. shall guarantee judicial protection for Japanese nationals' persons and property in accordance with International Law and general legal principles.

Art 3 The civil, criminal lawsuits pend-

P.2

ing in the Japanese Consular Court at the time when this Treaty is put into effect, shall be continued and treated as heretofore according to precedents and the Japanese judicial administrative rights will continue in full effect in this respect.

Regarding the lawsuits that shall be treated according to the above regulation, Manchurian competent authority shall give assistance when requested in all matters concerned.

/ Art. 4 to Art. 8 handle cases started before the Treaty was put into effect. /

Art. 4 Criminal cases for which Manchurian Court is entitled to treat Japanese.

Art 5 Criminals of Japanese nationals whom Japanese nationals whom Manchurian Govt. has to deliver to Japanese authority

Art. 6 Japanese criminals to be delivered to Manchurian authority.

Art. 7 Title of debt of which Manchurian Govt. shall acknowledge its validity.

Art. 8 Official registration of which Manchurian Govt. shall acknowledge validity.

Chapter 2 Administration of Southern Manchurian Railway Zone.

Art. 9 Japanese Govt. shall transfer administrative rights regarding taxation, police, communication etc. in the Southern Manchurian Railway zone to Manchurian Govt. as soon as the Treaty be put into effect.

Art. 10 After administrative rights are transferred as mentioned above Manchurian Govt. shall try to take necessary steps to improve general culture and industry.

Art. 11 Re taxing.

Chapter 3 Police etc. Administration

Art. 12

" 13

Chapter 4 Administration concerning Shrine, Education and Military

Art. 14 After the Treaty becomes effective, Manchurian Government shall admit Japanese Govt. or her nationals to build shrines and also the Govt. to administer them.

Art. 15 With regard to important educational matters for Japanese nationals, the Manchurian Govt. promise

to follow decision arrived at between the Ambassador extraordinary and plenipotentiary stationed in Manchuria and the Manchurian Prime Minister. ---

~~Art. 16~~ ^{The} Manchurian Govt. will permit the ^{and} Jap. Govt. to enlist etc. Japanese nationals, residing in Manchukuo. >

Art 17 Application of Japanese laws which shall be done through judicial procedures shall be taken care of by Japanese judicial authority

Art 18. Manchurian Govt. shall help to have Japanese laws and orders carried out.

Chap. 5 Taking Over Establishment & Officials

Art. 19

23

Signed by UEDA, Kentachi, Ambassador extraordinary and plenipotentiary stationed in Manchukuo

Signed by Chiang Ching-lui

Date Nov. 5, 1937 at Changchun

Understood Items of this Treaty

No. 1 Concerning Art. 3 of the Treaty and Art 1 of the Appendix Agreement

1. Matters pertaining to identity of Japanese nationals Manchurian judicial Court shall follow the Japanese law.
2. Regarding protection for rights or profits which Japanese nationals should enjoy at the time when this Treaty is put into effect, Manchurian Govt. shall take necessary procedure

No. 2 Concerning Art. 4 of the Treaty

1. No commission shall be collected by the Manchurian Govt. when a legal person is established according to this Agreement.
2. Manchurian Govt. shall protect profits which legal persons should enjoy.

No. 3

No. 4

- No. 5 With regard to district administration of the people resident in the Southern Manchurian Railway zone which has direct bearing on the benefit of the residents there, so that the Manchurian Govt. authority can ascertain

P6.

the opinion of those residents, a Consulting organ shall be established, ^{as a rule} where District Committee existed before.

No. 6

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9

signed by UEDA, Kenkichirō

" " Chiang Ching-hui

Date Nov. 5, 1937,

Appendix Agreement "B"

Art 1. Concerning Communication business in the Southern Manchurian Railway zone items related to a third country, shall be a business carried on by the Japanese Govt. until the time when it is decided by conference between the Ambassador extraordinary plenipotentiary and the Prime Minister of Manchukuo

Art 2

Art 6

/ signed as above,
Date as above

New plenipotentiaries of the 2 countries
concerned commencing business and pertaining
matters in Manchuria

Art 1 provides for use of Japanese coins until
further decision by both countries

2 Manchuria and Japanese authorities shall keep
close contact in carrying out the program

Letter from ^{Manchuria} CHANG-CHING-HUI & UEDA - - -

~~Copy~~ No: _____

~~Oct~~ No 2957

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