

でない。この財産は、戦争があつたために課せられたすべての負担及び課金を免除して、その返還のための課金を課さず返還しなければならぬ。所有者により若しくは所有者のために又は所有者の政府により所定の期間内に返還が申請されない財産は、日本政府がその定めるところに従つて処分することができる。この財産が千九百四十一年十二月七日に日本国に所在し、且つ、返還することができず、又は戦争の結果として損傷若しくは損害を受けている場合には、日本国内閣が千九百五十一年七月十三日に決定した連合國財産補償法案の定める条件よりも不利でない条件で補償される。

- (b) 戦争中に侵害された工業所有権については、日本国は、千九百四十九年九月一日施行の政令第三百九号、千九百五十年一月二十八日施行の政令第十二号及び千九百五十年二月一日施行の政令第九号（いずれも改正された現行のものとする。）によりこれまで與えられたところよりも不利でない利益を引き続いて連合國及びその国民に與えるものとする。但し、前記の国民がこれらの政令に定められた期限までにその利益の許與を申請した場合に限る。
- (c) i) 日本国は、公にされ及び公にされなかつた連合國及びその国民の著作物に關して千九百四十一年十二月六日に日本国に存在した文学的及び美術的著作権がその日以後引き続き効力を有することを認め、且つ、その日に日本國が當事國であつた條約又は協定が戦争の發生の時又はその時以後日本國又は当該連合國の国内法によつて廢棄され又は停止されたかどうかを問はず、これらの條約及び協定の実施によりその日以後日本國において生じ、又は戦争がなかつたならば生ずるはずであつた權利を承認する。
- ii) 權利者による申請を必要とすることなく、且つ、いかなる手数料の支拂又は他のいかなる手続もすることなく、千九百四十一年十二月七日から日本國と当該連合國との間にこの條約が効力を生ずるまでの期間は、これらの權

利の通常期間から除算し、また、日本國において翻譯權を取得するために文學的著作物が日本語に翻譯されるべき期間からは、六箇月の期間を追加して除算しなければならない。

第十六條

(d) 日本國の捕虜であつた間に不当な苦難を被つた連合國軍隊の構成員に償いをする願望の表現として、日本國は、戰爭中中立であつた國にある又は連合國のいずれかと戰爭していた國にある日本國及びその國民の資産又は、日本國が選択するときは、これらの資産と等価のものを赤十字國際委員會に引き渡すものとし、同委員會は、これらの資産を清算し、且つ、その結果生ずる資金を、同委員會が衡平であると決定する基礎において、捕虜であつた者及びその家族のために、適當な國內機關に対して分配しなければならぬ。この條約の第十四條(a2)の(ii)から(v)までに掲げる種類の資産は、條約の最初の効力發生の時に日本國に居住しない日本の自然人の資産とともに、引渡しから除外する。またこの條の引渡規定は、日本國の金融機關が現に所有する一万九千七百七十株の國際決済銀行の株式には適用がな

第十七條

- (a) いずれかの連合國の要請があつたときは、日本國政府は、当該連合國の國民の所有權に關係のある事件に關する日本國の捕獲審檢所の決定又は命令を國際法に従い再審査して修正し、且つ、行われた決定及び發せられた命令を含めて、これらの事件の記録を構成するすべての文書の写を提供しなければならぬ。この再審査又は修正の結果、返還すべきことが明らかになつた場合には、第十五條の規定を当該財産に適用する。
- (b) 日本國政府は、いずれかの連合國の國民が原告又は被告として事件について充分な陳述ができなかつた訴訟手続

した又は決定する日本国にあるドイツ財産の処分を確実にするために、すべての必要な措置をとり、これらの財産の最終的処分が行われるまで、その保存及び管理について責任を負うものとする。

第二十一条

この条約の第二十五条の規定にかかわらず、中国は、第十条及び第十四条(a)2の利益を受ける権利を有し、朝鮮は、この条約の第二条、第四条、第九条及び第十二条の利益を受ける権利を有する。

第六章 紛争の解決

第二十二条

この条約のいずれかの当事国が特別請求権裁判所への付託又は他の合意された方法で解決されない条約の解釈又は実施に関する紛争が生じたとき、紛争は、いずれかの紛争当事国の要請により、国際司法裁判所に決定のため付託しなければならない。日本国及びまだ国際司法裁判所規程の当事国でない連合国は、それぞれがこの条約を批准する時に、且つ、千九百四十六年十月十五日の国際連合安全保障理事会の決議に従つて、この条に掲げた性質をもつすべての紛争に関して一般的に同裁判所の管轄権を特別の合意なしに受諾する一般の宣言書を同裁判所書記に寄託するものとする。

第七章 最終条項

第二十三条

(a) この条約は、日本国を含めて、これに署名する国によつて批准されなければならない。この条約は、批准書が日本国により、且つ、主たる占領国としてのアメリカ合衆国を含めて、次の諸国、すなわちオーストラリア、カナダ、

セイロン、フランス、インドネシア、オランダ、ニュー・ジラランド、バキスタン、フィリピン、グレート・ブリテン及び北部アイルランド連合王国及びアメリカ合衆国の過半数により寄託された時に、その時に批准しているすべての国に関して効力を生ずる。この条約は、その後これを批准する各国に関しては、その批准書の寄託の日に効力を生ずる。

(b) この条約が日本国の批准書の寄託の日の後九箇月以内に効力を生じなかつたときは、これを批准した国は、日本国の批准書の寄託の日の後三年以内に日本政府及びアメリカ合衆国政府にその旨を通告して、自国と日本国との間にこの条約の効力を生じさせることができる。

第二十四条

すべての批准書は、アメリカ合衆国政府に寄託しなければならない。同政府は、この寄託、第二十三條(a)に基づくこの条約の効力発生の日及びこの条約の第二十三條(b)に基いて行われる通告をすべての署名国に通告する。

第二十五条

この条約の適用上、連合国とは、日本国と戦争していた国又は以前に第二十三条に列記する国の領域の一部をなしていたものをいう。但し、各場合に当該国がこの条約に署名し且つこれを批准したことを条件とする。第二十一条の規定を留保して、この条約は、ここに定義された連合国の一国でないいずれの国に対しても、いかなる権利、権原又は利益も與えるものではない。また、日本国のいかなる権利、権原又は利益も、この条約のいかなる規定によつても前記のとおり定義された連合国の一国でない国のために減損され、又は害されるものとみなしてはならない。

第二十六条

日本国は、千九百四十二年一月一日の連合国宣言に署名し若しくは加入しており且つ日本国に対して戦争状態にある国又は以前に第二十三条に列記する国の領域の一部をなしていた国で、この条約の署名国でないものと、この条約に定めるところと同一の又は実質的に同一の条件で二国間の平和条約を締結する用意を有すべきものとする。但し、この日本国の義務は、この条約の最初の効力発生の後三年で満了する。日本国が、いずれかの国との間で、この条約で定めるところよりも大きな利益をその国に與える平和処理又は戦争請求権処理を行ったときは、これと同一の利益は、この条約の当事国にも及ぼされなければならない。

第二十七条

この条約は、アメリカ合衆国政府の記録に寄託する。同政府は、その認証謄本を各署名国に交付する。以上の証拠として、下名の全権委員は、この条約に署名した。

千九百五十一年九月八日にサン・フランシスコ市で、ひとしく正文である英語、フランス語及びスペイン語により、並びに日本語により作成した。

一、この条約は日本国の領土及び領海に及ぼす効力及び日本国が、この条約に署名した国との間で締結する平和条約に及ぼす効力及び日本国が、この条約に署名した国との間で締結する戦争請求権処理に及ぼす効力については、この条約の第二十三条に列記する国の領域の一部をなしていた国で、この条約の署名国でないものと、この条約に定めるところと同一の又は実質的に同一の条件で二国間の平和条約を締結する用意を有すべきものとする。但し、この日本国の義務は、この条約の最初の効力発生の後三年で満了する。日本国が、いずれかの国との間で、この条約で定めるところよりも大きな利益をその国に與える平和処理又は戦争請求権処理を行ったときは、これと同一の利益は、この条約の当事国にも及ぼされなければならない。

- アルゼンティンのために
- イポリト・J・パス
- オーストラリアのために
- パーシー・C・スペンダー
- ベルギー王国のために
- ポール・ヴァン・ゼラン
- シルヴェルクリユイ
- ボリヴィアのために
- ルイス・ガチャリヤ
- ブラジルのために
- カルロス・マルティネス
- A・デ・メルロフランコ
- カンボディアのために
- フレン
- カナダのために
- レスター・B・ピアソン
- R・W・メイヒュー

セイロンのために

J・R・ジャイエワルデネ

G・C・S・コレア

R・G・セナナヤケ

チリのために

F・ニエト・デル・リオ

コロンビアのために

シプリアノ・レストレポ||ハラミリヨ

セバステイアン・オスピナ

コスタ・リカのために

J・ラファエル・オレアムノ

V・バルガス

ルイス・ドブレス・サンチエス

キューバのために

O・ガンス

L・マチヤド

ホアキン・メイエル

ドミニカ共和国のために

V・オールドネス

ルイス・F・トメン

エクアドルのために

A・ケベド

R・G・バレンスエラ

エジプトのために

カミル・A・ラヒム

サルヴァドルのために

エクトル・ダビド・カストロ

ルイス・リバス・バラシオス

エテイオピアのために

メン・ヤイエヒラド

フランスのために

シューマン

H・ボネ

ポール||エミール・ナギアール

ギリシャのために

A・G・ポリティス

グアテマラのために

E・カステイリヨ・A

A・M・オレリヤナ

J・メンドサ

ハイチのために

ジャック・N・レジェ

G・ララク

ホンデュラスのために

J・E・バレンスエラ

ロベルト・ガルベス・B

ラウル・アルバラド・T

インドネシアのために

アーマッド・スバルヂョ

イランのために

A・G・アルダラン

イラークのために

A・I・バクル

ラオスのために

サヴァン

レバノンのために

シャルル・マリク

リベリアのために

ガブリエル・L・デニス

ジェームズ・アンダーソン

レーモンド・ホラス

J・ルドルフ・グライムズ

ルクセンブルグ大公国のために

ユーグ・ル・ガレ

メキシコのために

ラファエル・デ・ラ・コリナ

ガスダボ・ディアス・オルダス

A・P・ガスガ

オランダ王国のために

D・U・ステイッケル

J・H・ヴァン・ロイエン

ニュー・ジールランドのために

C・ベレンドセン

ニカラグアのために

G・セビリヤ・サカサ

グスタボ・マンサナレス

ノールウェー王国のために

ヴィルヘルム・ムンテ・モルゲンステールネ

パキスタンのために

ザフルラ・カーン

パナマのために

イグナシオ・モリノ

ホセ・A・レモン

アルフレド・アレマン

J・コルドベス

パラグアイのために

ルイス・オスカル・ベットネル

ペルーのために

F・ベルクマイエル

フィリピン共和国のために

カルロス・P・ロムロ

J・M・エリサルデ

ビセンテ・フランシスコ

ディオスダド・マカバガル

エミリアノ・T・ティロナ

V・G・シンコ

サウディ・アラビアのために

アサッド・アルファアキー

シリアのために

F・エルクローリ

トルコ共和国のために

フェリドゥン・C・エルキン

南アフリカ連邦のために

G・P・ジュースト

グレート・ブリテン及び北部アイルランド連合王国のために

ハーバート・モリソン

ケネス・ヤンガー

オリヴァー・フランクス

アメリカ合衆国のために

デイーン・アチソン

ジョン・フォスター・ダレス

アレキサンダー・ワイリー

ジョン・J・スパークマン

ウルグアイのために

ホセ・A・モラ

ヴェネズエラのために

アントニオ・M・アラウホ

R・ガリエゴス・M

ワイエトナムのために

T・V・フウ
T・ヴィン
D・タン
ブウ・キン

日本国のために

吉田茂

池田勇人

苫米地義三

星島二郎

徳川宗敬

一萬田尙登

議定書
下名は、このために正当に権限を與えられて、日本国との平和が回復した時に契約、時効期間及び流通証券の問題並びに保険契約の問題を律するために、次の規定を協定した。

契約、時効及び流通証券

A 契約

1 Fに定める敵人となつたいずれかの当事者の間でその履行のため交渉を必要とした契約は、いずれかの契約当事者が敵人となつた時に解除されたものとみなす。但し、次の第二項及び第三項に掲げる例外については、この限りでない。もつとも、この解除は、本日署名された平和条約の第十五条及び第十八条の規定を害するものではなく、また、契約の当事者に対しては、前渡金又は内金として受領され、且つ、その当事者が反対給付を行わなかつた金額を拂いもどす義務を免除するものではない。

2 分割することができ、且つ、Fに定める敵人となつたいずれかの当事者の間で履行のため交渉を必要としなかつた契約の一部は、前項の規定にかかわらず、解除されないものとし、且つ、本日署名された平和条約の第十四条に含まれる権利を害することなく、引き続き有効とする。契約の規定がこのように分割することができない場合には、その契約は、全体として解除されたものとみなす。前記は、この議定書の署名国で、平和条約にいう連合国であり且つ当該契約又はいずれかの契約当事者に対し管轄権を有するものによつて制定された国内の法律、命令又は規則の適用を受け、且つ、当該契約の条項に従うものとする。

- 3 Aの規定は、敵人間の契約に従つて適法に行われた取引がこの議定書の署名国で平和条約にいう連合国であるものの政府たる関係政府の許可を得て行われたときは、当該取引を無効にするものとみなしてはならない。
- 4 前記の規定にかかわらず、保険契約及び再保険契約は、この議定書のD及びEの規定に従つて取り扱う。

B 時効期間

- 1 人又は財産に影響する関係で、戦争状態のために自己の権利を保全するのに必要な訴訟行為又は必要な手続をすることができなかつたこの議定書の署名国の国民に係るものについて訴の提起又は保存措置をする権利に関するすべての時効期間又は制限期間は、この期間が戦争の発生の前に進行し始めたか又は後に進行し始めたかを問わず、一方日本国の領域において、他方この項の規定の利益を相互主義によつて日本国に與える署名国の領域において、戦争の継続中その進行を停止されたものとみなす。これらの期間は、本日署名された平和条約の効力発生の日から再び進行し始める。この項の規定は、利札若しくは配当金受領証の呈示について、又は償還のための抽せん、に当せんした有価証券若しくは他の何らかの理由で償還される有価証券の支拂を受けるための呈示について定められた期間に適用する。但し、これらの利札又は有価証券に関しては、期間は、利札又は有価証券の保有者に対して金額を支拂うことができるようになった日から再び進行し始めるものとする。

- 2 戦争中に何らかの行為をせず、又は何らかの手続をしなかつたために処分が日本国の領域において行われた場合において、この議定書の署名国で平和条約にいう連合国であるものの一国の国民に損害を與えるに至つたときは、日本国政府は、損害を生じた権利を回復しなればならない。この回復が不可能又は不衡平である場合には、日本国政府は、関係署名国の国民にそれぞれの事情の下において公正且つ衡平な救済が與えられるようにしなれば

ばならない。

C 流通証券

- 1 敵人間においては、戦前に作成された流通証券は、戦争中に、引受若しくは支拂のための証券の呈示、振出人若しくは裏書人への引受拒絶若しくは支拂拒絶の通知又は拒絶証券の作成を所要の期間内にしなかつたことを理由として、あるいは戦争中に何らかの手続を完了しなかつたことを理由として無効となつたものとみなしてはならない。

- 2 流通証券が引受若しくは支拂のために呈示され、引受拒絶若しくは支拂拒絶の通知が振出人若しくは裏書人に與えられ、又は拒絶証券が作成されなければならぬ期間が戦争中に経過し、且つ、証券を呈示し、拒絶証券を作成し、又は引受拒絶若しくは支拂拒絶の通知を與えなければならぬ当事者が戦争中にそれを行わなかつた場合には、呈示し、引受拒絶若しくは支拂拒絶の通知を與え、又は拒絶証券を作成することができるように、本日署名された平和条約の効力発生の日から三箇月以上の期間が與えられなければならない。

- 3 何人かが、戦争前又は戦争中に、後に敵人となつた者から與えられた約束の結果として、流通証券に基く債務を負つたときは、後者は、戦争の発生にかかわらず、この債務に関して前者に補償する責任を引き続いて負わなければならない。

D 当事者が敵人となつた日の前に終了していなかつた保険契約及び再保険契約(生命保険を除く。)

- 1 保険契約は、当事者が敵人となつたという事実によつては解除されなかつたものとみなす。但し、当事者が敵人となつた日の前に保険責任が開始しており、且つ、保険契約者がその日の前に契約に従つて保険を成立させ又はそ

- の効力を維持するための保険料として支拂うべきすべての金額を支拂つたことを条件とする。
- 2 前項に基いて引き続き効力を有しているもの以外の保険契約は、存在しなかつたものとみなし、これに基いて支拂われた金額は、返済しなければならない。
- 3 以下に明文の規定がある場合を除き、特約再保険その他の再保険契約は、当事者が敵人となつた日に終了したものとみなし、且つ、これに基くすべての出再保険契約は、その日に取り消されたものとする。但し、特約海上再保険に基いて開始された航海保険に関する出再保険契約は、再保険された条件に従つて自然に終了するまで引き続き完全に効力を有したものとみなす。
- 4 任意再保険契約は、保険責任が開始してあり、且つ、再保険を成立させ又はその効力を維持するための保険料として支拂うべきすべての金額が通例の方法で支拂われ、又は相殺された場合には、再保険契約に別段の定がない限り、当事者が敵人となつた日まで引き続き完全に効力を有し、且つ、その日に終了したものとみなす。
- もつとも、航海保険については、この任意再保険は、再保険された条件に従つて自然に終了するまで引き続き完全に効力を有したものとみなす。更に、前記の1に基いて引き続き効力を有している保険契約に関する任意再保険は、元受保険の期間満了まで引き続き完全に効力を有したものとみなす。
- 5 前項で取り扱つたもの以外の任意再保険並びに「超過損害率」に基く超過損害再保険及び電害再保険（任意契約であるかどうかを問わない）のすべての契約は、存在しなかつたものとみなし、これらに基いて支拂われた金額は、返済しなければならない。
- 6 特約再保険その他の再保険契約に別段の定がない場合には、保険料は、経過期間に比例して清算しなければならない。

ない。

- 7 保険契約又は再保険契約（特約再保険を含む。）は、いずれかの当事者が国民であつたいずれかの国又はその国の連合国若しくは同盟国による交戦行為に基く損害又は請求権を担保しないものとみなす。
- 8 保険が戦争中に原保険者から他の保険者に移転された場合又は全額再保険された場合には、その移転又は再保険は、自発的に行われたか又は行政若しくは立法の措置によつて行われたかを問わず、有効と認め、原保険者の責任は、移転又は再保険の日に消滅したものとみなす。
- 9 同一の両当事者間に二以上の特約再保険その他の再保険契約があつた場合には、両当事者間の勘定を清算するものとし、その結果生ずる残高を確定するために、その勘定には、すべての残高（未拂の損害に対する合意した準備金を含む。）及びこのようなすべての契約に基いて一当事者から他の当事者に支拂うべきすべての金額又は前記の諸規定のいずれかによつて返済されるべきすべての金額を算入しなければならない。
- 10 当事者が敵人となつたために保険料、請求権又は勘定残高の決済に當つて生じた又は生ずる延滞については、いずれの当事者も、利息の支拂を要しないものとする。
- 11 この議定書のDの規定は、本日署名された平和条約の第十四条によつて與えられる権利を害し又はこれに影響を及ぼすものではない。

E 生命保険契約

保険が戦争中に原保険者から他の保険者に移転された場合又は全額再保険された場合には、その移転又は再保険は、日本国の行政機関又は立法機関の要求によつて行われたものであるときは、有効と認め、原保険者の責任は、移

転又は再保険の日に消滅したものとみなす。

F 特別規定

この議定書の適用上、自然人又は法人は、これらの者の間で取引をすることがこれらの者又は当該契約が従つていた法律、命令又は規則に基いて違法となつた日から敵人とみなす。

最終条項

この議定書は、日本国及び本日署名された日本国との平和条約の署名国による署名のために開放され、且つ、この議定書が取り扱う事項について、日本国とこの議定書の署名国である他の各国との間の関係を、日本国及び当該署名国の双方が平和条約によつて拘束される日から律するものとする。

この議定書は、アメリカ合衆国政府の記録に寄託する。同政府は、その認証謄本を各署名国に交付する。

以上の証拠として、下名の全権委員は、この議定書に署名した。

千九百五十一年九月八日にサン・フランシスコ市で、ひとしく正文である英語、フランス語及びスペイン語により、並びに日本語により作成した。

オーストラリアのために

バーシー・C・スペインダー

ベルギー王国のために

ポール・ヴァン・ゼラン

シルヴェルクリューイ

カンボディアのために

フレン

カナダのために

レスター・B・ピアソン

R・W・メイヒュー

セイロンのために

J・R・ジャイエワルデネ

G・C・S・コレア

R・G・セナヤケ

ドミニカ共和国のために

V・オールドネス

ルイス・F・トメン

エジプトのために

カミル・A・ラヒム

エチオピアのために

メン・ヤイエヒラド

フランスのために

シユーマン

H・ボネ

ポール・エミール・ナギアール

ギリシャのために

A・G・ポリテイス

ハイチのために

ジャック・N・レジェ

G・ララク

インドネシアのために

アーマッド・スバルヂョ

イランのために

A・G・アルダラン

イラクのために

A・I・バクル

ラオスのために

サヴァン

レバノンのために

シャルル・マリク

リベリアのために

ガブリエル・L・デニス

ジェームズ・アンダーソン

レーモンド・ホラス

J・ルドルフ・グライムズ

ルクセンブルグ大公国のために

ユーグ・ル・ガレ

オランダ王国のために

D・U・ステイッケル

J・H・ヴァン・ロイエン

パキスタンのために

ザフルラ・カーン

サウディ・アラビアのために

アサッド・アルハフアキー

シリアのために

F・エルクローリ

トルコ共和国のために

フェリドゥン・C・エルキン

グレート・ブリテン及び北部アイルランド連合王国のために

ハーバート・モリソン

ケネス・ヤンガー

オリヴァー・フランクス

ウルグアイのために

ホセ・A・モラ

ヴェトナムのために

T・V・フウ

T・ヴァイン

D・タン

ブウ・キン
日本国のために

吉田茂

池田勇人

苦米地義三

星島二郎

徳川宗敬

一萬田尙登

宣言

本日署名された平和条約に関して、日本国政府は、次の宣言を行う。

- 1 この平和条約に別段の定がある場合を除き、日本国は、現に有効なすべての多数国間の国際文書で千九百三十九年九月一日に日本国が当事国であつたものが完全に効力を有することを承認し、且つ、平和条約の最初の効力発生の時にこれらの文書に基づくすべての権利及び義務を回復することを宣言する。但し、いずれかの文書の当事国であるために日本国が千九百三十九年九月一日以後加盟国でなくなつた国際機関の加盟国であることを必要とする場合には、この項の規定は、日本国の当該機関への再加盟をまつて効力を生ずるものとする。
- 2 日本国政府は、実行可能な最短期間内に、且つ、平和条約の最初の効力発生の後一年以内に、次の国際文書に正式に加入する意思を有する。
 - (1) 千九百二十二年一月二十三日、千九百二十五年二月十一日、千九百二十五年二月十九日、千九百三十一年七月十三日、千九百三十一年十一月二十七日及び千九百三十六年六月二十六日の麻薬に関する協定、条約及び議定書を改正する千九百四十六年十二月十一日にレーク・サクセスで署名のために開放された議定書
 - (2) 千九百四十六年十二月十一日にレーク・サクセスで署名された議定書によつて改正された麻薬の製造制限及び分配取締に関する千九百三十一年七月十三日の条約の範囲外の薬品を国際統制の下にあく千九百四十八年十一月十九日にバリで署名のために開放された議定書
 - (3) 千九百二十七年九月二十六日にジュネーブで署名された外国の仲裁判決の執行に関する国際条約

- (4) 千九百二十八年十二月十四日にジュネーヴで署名された経済統計に関する国際条約及び議定書並びに千九百二十八年の経済統計に関する国際条約を改正する千九百四十八年十二月九日にパリで署名された議定書
 - (5) 千九百二十三年十一月三日にジュネーヴで署名された税関手続の簡易化に関する国際条約及び署名議定書
 - (6) 千九百十一年六月二日にワシントンで、千九百二十五年十一月六日にヘーグで、及び千九百三十四年六月二日にロンドンで修正された貨物の原産地虚偽表示の防止に関する千八百九十一年四月十四日のマドリッド協定
 - (7) 千九百二十九年十月十二日にワルソーで署名された国際航空運送についてのある規則の統一に関する条約及び追加議定書
 - (8) 千九百四十八年六月十日にロンドンで署名のために開放された海上における人命の安全に関する条約
 - (9) 千九百四十九年八月十二日の戦争犠牲者の保護に関するジュネーヴ諸条約
- 3 日本国政府は、また、平和条約の最初の効力発生の後六箇月以内に、(a)千九百四十四年十二月七日にシカゴで署名のために開放された国際民間航空条約への参加の承認を申請し、且つ、日本国がその条約の当事国となつた後なるべくすみやかに、同じく千九百四十四年十二月七日にシカゴで署名のために開放された国際航空業務通過協定を受諾し、及び(b)千九百四十七年十月十一日にワシントンで署名のために開放された世界気象機関条約への参加の承認を申請する意思を有する。

千九百五十一年九月八日にサン・フランシスコ市で作成した。

吉田 茂

他 田 島 人

若 井 地 義 三

星 島 二 郎

徳川 宗 敬

一 柳 田 芳 次

宣言

本日署名された平和条約に関して、日本国政府は、次の宣言を行う。

日本国は、いずれかの連合国によつて日本国の領域にある当該国の戦死者の墓、墓地及び記念碑を識別し、一覽表にし、維持し、又は整理する権限を與えられた委員会、代表団その他の機関を承認し、このような機関の事業を容易にし、且つ、前記の戦死者の墓、墓地及び記念碑に関して、当該連合国又は当該連合国によつて権限を與えられた委員会、代表団その他の機関と、必要とされる協定を締結するために交渉を開始する。

日本国は、連合国が、連合国の領域にあり且つ保存を希望される日本人の戦死者の墓又は墓地を維持するために取極をする目的をもつて、日本国政府との協議を開始すべきことを信ずる。

千九百五十一年九月八日にサン・フランシスコ市で作成した。

二

吉田 義

池田 勇人

若井 地 義三

星 野 二 郎

徳川 宗 敬

一 島 田 為 心 乙

日本国とアメリカ合衆国との間の安全保障条約

日本国は、本日連合国との平和条約に署名した。日本国は、武装を解除されているので、平和条約の効力発生の時において固有の自衛権を行使する有効な手段をもたない。

無責任な軍国主義がまだ世界から駆逐されていないので、前記の状態にある日本国には危険がある。よつて、日本国は、平和条約が日本国とアメリカ合衆国の間に効力を生ずると同時に効力を生ずべきアメリカ合衆国との安全保障条約を希望する。

平和条約は、日本国が主権国として集団的安全保障取極を締結する権利を有することを承認し、さらに、国際連合憲章は、すべての国が個別的及び集団的自衛の固有の権利を有することを承認している。

これらの権利の行使として、日本国は、その防衛のための暫定措置として、日本国に対する武力攻撃を阻止するため日本国内及びその附近にアメリカ合衆国がその軍隊を維持することを希望する。

アメリカ合衆国は、平和と安全のために、現在、若干の自国軍隊を日本国内及びその附近に維持する意思がある。但し、アメリカ合衆国は、日本国が、攻撃的な脅威となり又は国際連合憲章の目的及び原則に従つて平和と安全を増

進すること以外に用いられべき軍備をもつことを常に避けつつ、直接及び間接の侵略に対する自国の防衛のため漸増的に自ら責任を負うことを期待する。

よつて、両国は、次のとおり協定した。

第一条

平和条約及びこの条約の効力発生と同時に、アメリカ合衆国の陸軍、空軍及び海軍を日本国内及びその附近に配備する権利を、日本国は、許與し、アメリカ合衆国は、これを受諾する。この軍隊は、極東における国際の平和と安全の維持に寄與し、並びに、一又は二以上の外部の国による教唆又は干渉によつて引き起された日本国における大規模の内乱及び騒じようを鎮圧するため日本政府の明示の要請に応じて與えられる援助を含めて、外部からの武力攻撃に対する日本国の安全に寄與するために使用することができる。

第二条

第一条に掲げる権利が行使される間は、日本国は、アメリカ合衆国の事前の同意なくして、基地、基地における若しくは基地に關する権利、権力若しくは権能、駐兵若しくは演習の権利又は陸軍、空軍若しくは海軍の通過の権利を第三国に許與しない。

第三条

アメリカ合衆国の軍隊の日本国内及びその附近における配備を規律する条件は、両政府間の行政協定で決定する。

第四条

この条約は、国際連合又はその他による日本区域における国際の平和と安全の維持のため充分な定をする国際連合

の措置又はこれに代る個別的若しくは集团的の安全保障措置が効力を生じたとき日本国及びアメリカ合衆国の政府が認めたる時はいつでも効力を失うものとする。

第五条

この条約は、日本国及びアメリカ合衆国によつて批准されなければならない。この条約は、批准書が両国によつてワシントンで交換された時に効力を生ずる。

以上の証拠として、下名の全権委員は、この条約に署名した。

千九百五十一年九月八日にサン・フランシスコ市で、日本語及び英語により、本書二通を作成した。

日本国のために

アメリカ合衆国のために

吉田

茂

デイーン・アチソン

ジョン・フォスター・ダレス

アレキサンダー・ワイリー

スタイルス・ブリッジス

日本国とアメリカ合衆国との間の安全保障条約の署名に際し
吉田内閣総理大臣とアチソン國務長官との間に交換された公文

宣明内閣事務大司長より、閣下が有るの間に、宣明内閣事務大司長より、
日本国と、合衆国との間の安全保障の取組むべきこと

(訳文)

書簡をもつて啓上いたします。本日署名された平和条約の効力発生と同時に、日本国は、「国際連合がこの憲章に従つてとるいかなる行動についてもあらゆる援助」を国際連合に與えることを要求する国際連合憲章第二条に掲げる義務を引き受けることとなります。

われわれの知るとおり、武力侵略が朝鮮に起りました。これに対して、国際連合及びその加盟国は、行動をとつています。千九百五十年七月七日の安全保障理事会決議に従つて、合衆国の下に国際連合統一司令部が設置され、総会は、千九百五十一年二月一日の決議によつて、すべての国及び当局に対して、国際連合の行動にあらゆる援助を與えるよう、且つ、侵略者にいかなる援助を與えることも慎むように要請しました。連合国最高司令官の承認を得て、日本国は、施設及び役務を国際連合加盟国でその軍隊が国際連合の行動に参加しているものの用に供することによつて、国際連合の行動に重要な援助を従来與えてきましたし、また、現に與えています。

将来は定まつておらず。不幸にして、国際連合の行動を支持するための日本国における施設及び役務の必要が継続し、又は再び生ずるかもしれませんので、本長官は、平和条約の効力発生後に一又は二以上の国際連合加盟国の軍隊が極東における国際連合の行動に従事する場合には、当該一又は二以上の加盟国がこのような国際連合の行動に従事する軍隊を日本国内及びその附近において支持することを日本国が許し且つ容易にすること、また、日本の施設及び役務の使用に伴う費用が現在どおりに又は日本国と当該国際連合加盟国との間で別に合意されるとおりに負担されることを、貴国政府に代つて確認されれば幸であります。合衆国に関する限りは、合衆国と日本国との間の安全保障条約の実施細目を定める行政協定に従つて合衆国に供與されるところをこえる施設及び役務の使用は、現在どおり

に、合衆国の負担においてなされるものであります。

本長官は、貴大臣に敬意を表します。

千九百五十一年九月八日

日本国内閣総理大臣吉田茂殿

Dear Mr. Acheson
I have the honor to acknowledge the receipt of your letter of the 7th inst. regarding the Japanese position on the question of the United States' participation in the Korean conflict. I am glad to hear that you are satisfied with the Japanese position. I am sure that the Japanese Government will continue to cooperate with the United States in the maintenance of peace and stability in the Far East.

(訳文)

書簡をもつて啓上いたします。本大臣は、貴長官が次のように通報された本日付の貴簡を受領したことを確認する
光栄を有します。

本日署名された平和条約の効力発生と同時に、日本国は、「国際連合がこの憲章に従つてとるいかなる行動についてもあらゆる援助」を国際連合に與えることを要求する国際連合憲章第二条に掲げる義務を引き受けることに
なります。

われわれの知るとおり、武力侵略が朝鮮に起りました。これに対して、国際連合及びその加盟国は、行動をとつ
ています。千九百五十年七月七日の安全保障理事会決議に従つて、合衆国の下に国際連合統一司令部が設置され、
総会は、千九百五十一年二月一日の決議によつて、すべての国及び当局に対して、国際連合の行動にあらゆる援助
を與えるよう、且つ、侵略者にいかなる援助を與えることも慎むように要請しました。連合国最高司令官の承認を
得て、日本国は、施設及び役務を国際連合加盟国でその軍隊が国際連合の行動に参加しているものの用に供するこ
とによつて、国際連合の行動に重要な援助を従来與えてきましたし、また、現に與えています。

将来は定まつておらず、不幸にして、国際連合の行動を支持するための日本国における施設及び役務の必要が繼
続し、又は再び生ずるかもしれませんので、本長官は、平和条約の効力発生後に一又は二以上の国際連合加盟国
の軍隊が極東における国際連合の行動に従事する場合には、当該一又は二以上の加盟国がこのような国際連合の行
動に従事する軍隊を日本国内及びその附近において支持することを日本国が許し且つ容易にすること、また、日本
の施設及び役務の使用に伴う費用が現在どおり又は日本国と当該国際連合加盟国との間で別に合意されるとおり

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at the city of San Francisco, in the Japanese and English languages, this eighth day of September, 1951.

FOR JAPAN:

Shigeru Yoshida

FOR THE UNITED STATES OF AMERICA:

Dean Acheson

John Foster Dulles

Alexander Wiley

Styles Bridges

に負担されることを、貴国政府に代つて確認されれば幸であります。合衆国に関する限りは、合衆国と日本国との間の安全保障条約の実施細目を定める行政協定に従つて合衆国に供與されるところをこえる施設及び役務の使用は、現在どおりに、合衆国の負担においてなされるものであります。

本大臣は、貴簡の内容を充分に了承した上で、政府に代つて、平和条約の効力発生の後一又は二以上の国際連合加盟国の軍隊が極東における国際連合の行動に従事する場合には、当該一又は二以上の加盟国がこのような国際連合の行動に従事する軍隊を日本国内及びその附近において支持することを日本国が許し且つ容易にすること、また、日本の施設及び役務の使用に伴う費用が現在どおりに又は日本国と当該国際連合加盟国との間で別に合意されるところに負担されることを、確認する光榮を有します。合衆国に関する限りは、日本国と合衆国との間の安全保障条約の実施細目を定める行政協定に従つて合衆国に供與されるところをこえる施設及び役務の使用は、現在どおりに、合衆国の負担においてなされるものであります。

本大臣は、貴長官に敬意を表します。

千九百五十一年九月八日

アメリカ合衆国國務長官デューン・アチソン殿

日本国内閣総理大臣 吉田 茂
外務大臣

in the expectation, however, that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the United Nations Charter.

Accordingly, the two countries have agreed as follows:

ARTICLE I

Japan grants, and the United States of America accepts, the right, upon the coming into force of the Treaty of Peace and of this Treaty, to dispose United States land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and security in the Far East and to the security of Japan against armed attack from without, including assistance given at the express request of the Japanese Government to put down large-scale internal riots and disturbances in Japan, caused through instigation or intervention by an outside power or powers.

ARTICLE II

During the exercise of the right referred to in Article I, Japan will not grant, without the prior consent of the United States of America, any bases or any rights, powers or authority whatsoever, in or relating to bases or the right of garrison or of maneuver, or transit of ground, air or naval forces to any third power.

ARTICLE III

The conditions which shall govern the disposition of armed forces of the United States of America in and about Japan shall be determined by administrative agreements between the two Governments.

ARTICLE IV

This Treaty shall expire whenever in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements or such alternative individual or collective

security dispositions as will satisfactorily provide for the maintenance by the United Nations or otherwise of international peace and security in the Japan Area.

ARTICLE V

This Treaty shall be ratified by Japan and the United States of America and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

SECURITY TREATY
BETWEEN
JAPAN AND THE UNITED STATES OF
AMERICA

in the agreement however that Japan will itself progressively reduce its
armaments for its own defense against direct and indirect aggression, always
avoiding any armaments which could be an offensive threat or serve other
than to promote peace and security in accordance with the purposes and
principles of the United Nations Charter.

Accordingly, the two countries have agreed as follows:

Japan grants and the United States of America accepts, the right upon
the coming into force of the Treaty of Peace and of this Treaty, to dispose
United States land, air and sea forces in and about Japan. Such forces may
be utilized to contribute to the maintenance of international peace and security
in the Far East and to the security of Japan against armed attack from
without including assistance given at the express request of the Japanese
Government to put down large-scale internal riots and disturbances in Japan,
caused through instigation or intervention by an outside power or powers.

ARTICLE II

Japan has this day signed a Treaty of Peace with the Allied Powers.
On the coming into force of that Treaty, Japan will not have the effective
means to exercise its inherent right of self-defense because it has been
disarmed.

There is danger to Japan in this situation because irresponsible militarism
has not yet been driven from the world. Therefore Japan desires a Security
Treaty with the United States of America to come into force simultaneously
with the Treaty of Peace between Japan and the United States of America.

The Treaty of Peace recognizes that Japan as a sovereign nation has
the right to enter into collective security arrangements, and further, the
Charter of the United Nations recognizes that all nations possess an inherent
right of individual and collective self-defense.

In exercise of these rights, Japan desires, as a provisional arrangement
for its defense, that the United States of America should maintain armed
forces of its own in and about Japan so as to deter armed attack upon
Japan.

The United States of America, in the interest of peace and security, is
presently willing to maintain certain of its armed forces in and about Japan,

DECLARATION

With respect to the Treaty of Peace signed this day, the Government of Japan makes the following Declaration: Japan will recognize any Commission, Delegation or other Organization authorized by any of the Allied Powers to identify, maintain or regulate its war graves, cemeteries and memorials in Japanese territory; will facilitate the work of such Organizations; and will, in respect of the above mentioned war graves, cemeteries and memorials, enter into negotiations for the conclusion of such agreements as may prove necessary with the Allied Power concerned, or with any Commission, Delegation or other Organization authorized by it. Japan trusts that the Allied Powers will enter into discussions with the Japanese Government with a view to arrangements being made for the maintenance of any Japanese war graves or cemeteries which may exist in the territories of the Allied Powers and which it is desired to preserve.

DONE at the city of San Francisco, this eighth day of September 1951.

Shigeru Yoshida
Hayato Ikeda
Giso Tomabechi
Niro Hoshijima
Mitsuyoshi Tokuzawa
Hisato Ichimada

SECURITY TREATY

BETWEEN

JAPAN AND THE UNITED STATES OF AMERICA

Japan has this day signed a Treaty of Peace with the Allied Powers. On the coming into force of that Treaty, Japan will not have the effect of a withdrawal from the Treaty of Commerce, Consular Rights and Privileges between the United States of America and Japan, signed at Washington, D. C., on August 11, 1911, and the right of the United States to continue to exercise the rights and privileges provided for in that Treaty.

The Treaty of Peace between the United States of America and Japan, signed at San Francisco, California, on September 8, 1951, and the right of the United States to continue to exercise the rights and privileges provided for in that Treaty.

The Treaty of Peace between the United States of America and Japan, signed at San Francisco, California, on September 8, 1951, and the right of the United States to continue to exercise the rights and privileges provided for in that Treaty.

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The Treaty of Peace between the United States of America and Japan, signed at San Francisco, California, on September 8, 1951, and the right of the United States to continue to exercise the rights and privileges provided for in that Treaty.

...for the
...of August 12, 1949, for the
...protection of war victims.
...It is equally the intention of the Japanese Government
...within six months of the first coming into force of the Treaty
...of Peace, to apply for Japan's admission to participation in (a)
...the Convention on International Civil Aviation opened for
...signature at Chicago on December 7, 1944, and as soon as
...Japan is ready to accept the Convention, to accept the Inter-
...national Air Services Transit Agreement also opened for
...signature at Chicago on December 7, 1944; and (b) the Con-
...vention of the World Meteorological Organization opened for
...signature at Washington on October 11, 1947.
...DONE at the city of San Francisco this eighth day of
...September, 1951.
...Shigeru Yoshida
...Hayato Ikeda
...Gizo Tomabechi
...Niro Hoshijima
...Muneyoshi Tokugawa
...Hisato Ichimada

DECLARATION

With respect to the Treaty of Peace signed this day, the Government of Japan makes the following Declaration:

Japan will recognize any Commission, Delegation or other Organization authorized by any of the Allied Powers to identify, list, maintain or regulate its war graves, cemeteries and memorials in Japanese territory; will facilitate the work of such Organizations; and will, in respect of the above mentioned war graves, cemeteries and memorials, enter into negotiations for the conclusion of such agreements as may prove necessary with the Allied Power concerned, or with any Commission, Delegation or other Organization authorized by it.

Japan trusts that the Allied Powers will enter into discussions with the Japanese Government with a view to arrangements being made for the maintenance of any Japanese war graves or cemeteries which may exist in the territories of the Allied Powers and which it is desired to preserve.

DONE at the city of San Francisco this eighth day of September, 1951.

Shigeru Yoshida
Hayato Ikeda
Gizo Tomabechi
Niro Hoshijima
Muneyoshi Tokugawa
Hisato Ichimada

ber 19, 1948, bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the protocol signed at Lake Success on December 11, 1946;

(3) International Convention on the Execution of Foreign Arbitral Awards signed at Geneva on September 26, 1927;

(4) International Convention relating to Economic Statistics with Protocol signed at Geneva on December 14, 1928, and Protocol amending the International Convention of 1928 relating to Economic Statistics signed at Paris on December 9, 1948.

(5) International Convention relating to the simplification of Customs Formalities, with protocol of signature, signed at Geneva on November 3, 1923.

(6) Agreement of Madrid of April 14, 1891, for the Prevention of False Indication of Origin of Goods, as revised at Washington on June 2, 1911, at The Hague on November 6, 1925, and at London on June 2, 1934;

(7) Convention for the unification of certain rules relating to international transportation by air, and additional protocol, signed at Warsaw on October 12, 1929;

(8) Convention on safety of life at sea opened for signature at London on June 10, 1948;

(9) Geneva conventions of August 12, 1949, for the protection of war victims.

3. It is equally the intention of the Japanese Government, within six months of the first coming into force of the Treaty of Peace, to apply for Japan's admission to participation in (a) the Convention on International Civil Aviation opened for signature at Chicago on December 7, 1944, and, as soon as Japan is itself a party to that Convention, to accept the International Air Services Transit Agreement also opened for signature at Chicago on December 7, 1944; and (b) the Convention of the World Meteorological Organization opened for signature at Washington on October 11, 1947.

DONE at the city of San Francisco, this eighth day of September, 1951.

Shigeru Yoshida

Hayato Ikeda

Gizo Tomabechi

Niro Hoshijima

Muneyoshi Tokugawa

Hisato Ichimada

FOR IRAN:
A. G. Ardabil

FOR IRAQ:
A. I. Bay

FOR LAOS:
Savay

FOR LEBANON:
Charles Malik

FOR LIBERIA:
Gabriel J. Dennis
James Anderson
Raymond H. Foster
J. Voltaire Griffin

FOR THE GRAND DUCHY OF LUXEMBOURG:
Joseph La Garenne

FOR THE KINGDOM OF THE NETHERLANDS:
O. U. Smit

FOR PAKISTAN:
Zafarullah Khan

FOR SAUDI ARABIA:
Asad Al-Fatih

FOR SYRIA:
F. El-Khatib

FOR THE REPUBLIC OF TURKEY:
Fazil C. Ersoy

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND:
Herbert Morrison
Kenneth Younger
Oliver Franks

FOR URUGUAY:
Jose A. Siles

FOR VIET NAM:
T. V. Huu
T. Vinh
D. Thanh
Bao Kinh

FOR JAPAN:
Shigeru Yoshida
Hayato Ikeda
Giso Tomoda
Niro Hoshijima
Muneyoshi Toriyama
Hiata Ichimada

DECLARATION

With respect to the Treaty of Peace signed this day, the Government of Japan makes the following Declaration:

1. Except as otherwise provided in the said Treaty of Peace, Japan recognizes the full force of all presently effective multilateral international instruments to which Japan was a party on September 1, 1939, and declares that it will, on the first coming into force of the said Treaty, resume all its rights and obligations under those instruments. Where, however, participation in any instrument involves membership in an international organization of which Japan ceased to be a member on or after September 1, 1939, the provisions of the present paragraph shall be dependent on Japan's readmission to membership in the organization concerned.

2. It is the intention of the Japanese Government formally to accede to the following international instruments within the shortest practicable time, not to exceed one year from the first coming into force of the Treaty of Peace:

- (1) Protocol opened for signature at Lake Success on December 11, 1946, amending the agreements, conventions and protocols on narcotic drugs of January 23, 1912, February 11, 1925, February 19, 1925, July 13, 1931, November 27, 1931, and June 26, 1936;
- (2) Protocol opened for signature at Paris on Novem-

FOR IRAN:

A G Ardalan

FOR IRAQ:

A. I. Bakr

FOR LAOS:

Savang

FOR LEBANON:

Charles Malik

FOR LIBERIA:

Gabriel L Dennis

James Anderson

Raymond Horace

J. Rudolph Grimes

FOR THE GRAND DUCHY OF LUXEMBOURG:

Hugues Le Gallais

FOR THE KINGDOM OF THE NETHERLANDS:

D U Stikker

J H van Roijen.

FOR PAKISTAN:

Zafrulla Khan

FOR SAUDI ARABIA:

Asad Al-Faqih

FOR SYRIA:

F. El-Khourl

FOR THE REPUBLIC OF TURKEY:

Feridun C Erkin

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND

NORTHERN IRELAND:

Herbert Morrison.

Kenneth Younger

Oliver Franks

FOR URUGUAY:

José A. Mora

FOR VIET NAM:

T. V. Huu

T. Vinh

D. Thanh

Buu Kinh

FOR JAPAN:

Shigeru Yoshida

Hayato Ikeda

Gizo Tomabechi

Niro Hoshijima

Muneyoshi Tokugawa.

Hisato Ichimada

FINAL ARTICLE

The present Protocol is open for signature by Japan and any State signatory to the Treaty of Peace with Japan signed this day, and shall, in respect of the matters with which it deals, govern the relations between Japan and each of the other States signatory to the present Protocol as from the date when Japan and that State are both bound by the said Treaty of Peace.

The present Protocol shall be deposited in the archives of the Government of the United States of America which shall furnish each signatory State with a certified copy thereof.

IN FAITH WHEREOF the undersigned plenipotentiaries have signed the present Protocol.

DONE at the city of San Francisco this eighth day of September 1951, in the English, French and Spanish languages, all being equally authentic, and in the Japanese language.

FOR AUSTRALIA :

Percy C Spender

FOR THE KINGDOM OF BELGIUM :

Paul van Zeeland

Silvercruys.

FOR CAMBODIA :

Phleng

FOR CANADA :

Lester B Pearson

R W Mayhew

FOR CEYLON :

J. R. Jayewardene

G. C. S. Corea

R. G. Senanayake

FOR THE DOMINICAN REPUBLIC :

V. Ordóñez

Luis F. Thomen

FOR EGYPT :

Kamil A. Rahim

FOR ETHIOPIA :

Men Yayahirad

FOR FRANCE :

Schuman

H Bonnet

Paul-Emile Naggiar

FOR GREECE :

A. G. Politis

FOR HAITI :

Jacques N. Legér

Gust Laraque

FOR INDONESIA :

Ahmad Subardjo.

conditions on which the risk had been ceded. Provided further that Facultative Reinsurances in respect of a Contract of Insurance remaining in force under clause 1 above shall be deemed to have remained in full effect until the expiry of the original Insurance.

5. Contracts of Facultative Reinsurance other than those dealt with in the preceding clause, and all Contracts of Excess of Loss Reinsurance on an "Excess of Loss Ratio" basis and of Hail Reinsurance (whether facultative or not), shall be deemed not to have come into existence, and any moneys paid thereunder shall be returnable.

6. Unless the Treaty or other Contract of Reinsurance otherwise provides, premiums shall be adjusted on a *pro rata temporis* basis.

7. Contracts of Insurance or Reinsurance (including cessions under Treaties of Reinsurance) shall be deemed not to cover losses or claims caused by belligerent action by either Power of which any of the parties was a national or by the Allies or Associates of such Power.

8. Where an insurance has been transferred during the war from the original to another Insurer, or has been wholly reinsured, the transfer or reinsurance shall, whether effected voluntarily or by administrative or legislative action, be recognised and the liability of the original Insurer shall be deemed to have ceased as from the date of the transfer or reinsurance.

9. Where there was more than one Treaty or other Contract of Reinsurance between the same two parties, there shall be an adjustment of accounts between them, and in order to establish a resulting balance there shall be brought into the

accounts all balances (which shall include an agreed reserve for losses still outstanding) and all moneys which may be due from one party to the other under all such contracts or which may be returnable by virtue of any of the foregoing provisions.

10. No interest shall be payable by any of the parties for any delay which, owing to the parties having become enemies, has occurred or may occur in the settlement of premiums or claims or balances of account.

11. Nothing in this part of the present Protocol shall in any way prejudice or affect the rights given by Article 14 of the Treaty of Peace signed this day.

E. LIFE INSURANCE CONTRACTS

Where an insurance has been transferred during the war from the original to another insurer or has been wholly reinsured, the transfer or reinsurance shall, if effected at the instance of the Japanese administrative or legislative authorities, be recognized, and the liability of the original insurer shall be deemed to have ceased as from the date of the transfer or reinsurance.

F. SPECIAL PROVISION

For the purposes of the present Protocol, natural or juridical persons shall be regarded as enemies from the date when trading between them shall have become unlawful under laws, orders, or regulations to which such persons or the contracts were subject.

reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

2. Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or endorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the Treaty of Peace signed this day shall be allowed within which presentation, notice of non-acceptance or non-payment, or protest may be made.

3. If a person has, either before or during the war, incurred obligations under a negotiable instrument in consequence of an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of these obligations, notwithstanding the outbreak of war.

D. INSURANCE AND REINSURANCE CONTRACTS (OTHER THAN LIFE) WHICH HAD NOT TERMINATED BEFORE THE DATE AT WHICH THE PARTIES BECAME ENEMIES.

1. Contracts of Insurance shall be deemed not to have

been dissolved by the fact of the parties becoming enemies, provided that the risk had attached before the date at which the parties became enemies, and the Insured had paid, before that date, all moneys owed by way of premium or consideration for effecting or keeping effective the Insurance in accordance with the Contract.

2. Contracts of Insurance other than those remaining in force under the preceding clause shall be deemed not to have come into existence, and any moneys paid thereunder shall be returnable.

3. Treaties and other Contracts of Reinsurance, save as hereinafter expressly provided, shall be deemed to have been determined as at the date the parties became enemies, and all cessions thereunder shall be cancelled with effect from that date. Provided that cessions in respect of voyage policies which had attached under a Treaty of Marine Reinsurance shall be deemed to have remained in full effect until their natural expiry in accordance with the terms and conditions on which the risk had been ceded.

4. Contracts of Facultative Reinsurance, where the risk had attached and all moneys owed by way of premium or consideration for effecting or keeping effective the Reinsurance had been paid or set off in the customary manner, shall, unless the reinsurance Contract otherwise provides, be deemed to have remained in full effect until the date at which the parties became enemies and to have been determined on that date.

Provided that such Facultative Reinsurances in respect of voyage policies shall be deemed to have remained in full effect until their natural expiry in accordance with the terms and

signed this day, there shall remain in force such parts of any contract as are severable and did not require for their execution intercourse between any of the parties thereto, having become enemies as defined in part F. Where the provisions of any contract are not so severable, the contract shall be deemed to have been dissolved in its entirety. The foregoing shall be subject to the application of domestic laws, orders or regulations made by a signatory hereto which is an Allied Power under the said Treaty of Peace and having jurisdiction over the contract or over any of the parties thereto and shall be subject to the terms of the contract.

3. Nothing in part A shall be deemed to invalidate transactions lawfully carried out in accordance with a contract between enemies if they have been carried out with the authorisation of the Government concerned being the Government of a signatory hereto which is an Allied Power under the said Treaty of Peace.

4. Notwithstanding the foregoing provisions, contracts of insurance and reinsurance shall be dealt with in accordance with the provisions of parts D and E of the present Protocol.

B. PERIODS OF PRESCRIPTION

1. All periods of prescription or limitation of right of action or of the right to take conservatory measures in respect of relations affecting persons or property, involving nationals of the signatories hereto who, by reason of the state of war, were unable to take judicial action or to comply with the formalities necessary to safeguard their rights, irrespective of whether

these periods commenced before or after the outbreak of war, shall be regarded as having been suspended, for the duration of the war in Japanese territory on the one hand, and on the other hand in the territory of those signatories which grant to Japan, on a reciprocal basis, the benefit of the provisions of this paragraph. These periods shall begin to run again on the coming into force of the Treaty of Peace signed this day. The provisions of this paragraph shall be applicable in regard to the periods fixed for the presentation of interest or dividend coupons or for the presentation for payment of securities drawn for repayment or repayable on any other ground, provided that in respect of such coupons or securities the period shall begin to run again on the date when money becomes available for payments to the holder of the coupon or security.

2. Where, on account of failure to perform any act or to comply with any formality during the war, measures of execution have been taken in Japanese territory to the prejudice of a national of one of the signatories being an Allied Power under the said Treaty of Peace, the Japanese Government shall restore the rights which have been detrimentally affected. If such restoration is impossible or would be inequitable the Japanese Government shall provide that the national of the signatory concerned shall be afforded such relief as may be just and equitable in the circumstances.

C. NEGOTIABLE INSTRUMENTS

1. As between enemies, no negotiable instrument made before the war shall be deemed to have become invalid by

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND:
Herbert Morrison
Ramsph Younger
Oliver Stanley

FOR THE KINGDOM OF NORWAY:
Oliver Stanley

FOR THE UNITED STATES OF AMERICA:
Dean Acheson
John Foster Dulles
Alexander Wiley
John J. Spahrman

FOR URUGUAY:
José A. Mora

FOR VENEZUELA:
Antonio M. Arango
R. Gallardo M.

FOR VIETNAM:
T. V. Hoa
T. Vinh
D. Thanh
Ban Kien

FOR JAPAN:
Shigen Yoshida
Hayato Ikeda
Giso Tomosaburo
Niro Hoshijima
Muneyoshi Tomogawa
Hisato Ichimada

FOR SAUDI ARABIA:
Abdullah bin Abdul Aziz

FOR SYRIA:
F. al-Khouri

FOR THE REPUBLIC OF TURKEY:
Feridun C. Erkin

FOR THE UNION OF SOUTH AFRICA:
G. F. Joubert

PROTOCOL

The Undersigned, duly authorized to that effect, have agreed on the following provisions for regulating the question of Contracts, Periods of Prescription and Negotiable Instruments, and the question of Contracts of Insurance, upon the restoration of peace with Japan:—

CONTRACTS, PRESCRIPTION AND NEGOTIABLE INSTRUMENTS

A. CONTRACTS

1. Any contract which required for its execution intercourse between any of the parties thereto having become enemies as defined in part F shall, subject to the exceptions set out in paragraphs 2 and 3 below, be deemed to have been dissolved as from the time when any of the parties thereto became enemies. Such dissolution, however, is without prejudice to the provisions of Articles 15 and 18 of the Treaty of Peace signed this day, nor shall it relieve any party to the contract from the obligation to repay amounts received as advances or as payments on account and in respect of which such party has not rendered performance in return.
2. Notwithstanding the provisions of paragraph 1 above, there shall be excepted from dissolution and, without prejudice to the rights contained in Article 14 of the Treaty of Peace

FOR NICARAGUA :

G Sevilla Sacasa
Gustavo Manzanares

FOR THE KINGDOM OF NORWAY :

Wilhelm Munthe Morgenstierne

FOR PAKISTAN :

Zafrulla Khan

FOR PANAMA :

Ignacio Molino
José A Remón
Alfredo Aleman
J. Cordovez

FOR PARAGUAY :

Luis Oscar Boettner

FOR PERU :

F Berckmeyer.

FOR THE REPUBLIC OF THE PHILIPPINES :

Carlos P. Romulo
J M Elizalde
Vicente Francisco
Diosdado Macapagal
Emiliano T. Tirona
V. G. Sinco

FOR SAUDI ARABIA :

Asad Al-Faqih

FOR SYRIA :

F. El-Khoury

FOR THE REPUBLIC OF TURKEY :

Feridun C Erkin

FOR THE UNION OF SOUTH AFRICA :

G. P Jooste

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND :

Herbert Morrison.
Kenneth Younger
Oliver Franks

FOR THE UNITED STATES OF AMERICA :

Dean Acheson
John Foster Dulles
Alexander Wiley
John J. Sparkman

FOR URUGUAY :

José A. Mora

FOR VENEZUELA :

Antonio M. Araujo
R. Gallegos M.

FOR VIET NAM :

T. V. Huu
T. Vinh
D. Thanh
Buu Kinh

FOR JAPAN :

Shigeru Yoshida
Hayato Ikeda
Gizo Tomabechi
Niro Hoshijima
Muneyoshi Tokugawa.
Hisato Ichimada

FOR CUBA :

O Gans
L. Machado
Joaquín Meyer

FOR THE DOMINICAN REPUBLIC :

V. Ordóñez
Luis F. Thomen

FOR ECUADOR :

A Quevedo
R G Valenzuela

FOR EGYPT :

Kamni A. Rahim

FOR EL SALVADOR :

Héctor David Castro
Luis Rivas Palacios

FOR ETHIOPIA :

Men Yayehirad

FOR FRANCE :

Schuman
H Bonnet
Paul-Emile Naggiar

FOR GREECE :

A. G. Politis

FOR GUATEMALA :

E Castillo A
A M Orellana
J Mendoza

FOR HAITI :

Jacques N. Legér
Gust Laraque

FOR HONDURAS :

J. E. Valenzuela
Roberto Gálvez B.
Raul Alvarado T

FOR INDONESIA :

Ahmad Subardjo.

FOR IRAN :

A G Ardalan

FOR IRAQ :

A. I. Bakr

FOR LAOS :

Savang

FOR LEBANON :

Charles Malik

FOR LIBERIA :

Gabriel L Dennis
James Anderson
Raymond Horace
J. Rudolph Grimes

FOR THE GRAND DUCHY OF LUXEMBOURG :

Hugues Le Gallais

FOR MEXICO :

Rafael de la Colina
Gustavo Diaz Ordaz
A. P. Gasga

FOR THE KINGDOM OF THE NETHERLANDS :

D U Stikker
J H van Roijen.

FOR NEW ZEALAND :

C Berendsen

ages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

Article 27

The present Treaty shall be deposited in the archives of the Government of the United States of America which shall furnish each signatory State with a certified copy thereof.

IN FAITH WHEREOF the undersigned Plenipotentiaries have signed the present Treaty.

DONE at the city of San Francisco this eighth day of September, 1951, in the English, French and Spanish languages, all being equally authentic, and in the Japanese language.

FOR ARGENTINA :

Hipólito J. Paz

FOR AUSTRALIA :

Percy C Spender

FOR THE KINGDOM OF BELGIUM:

Paul van Zeeland

Silvercruijs.

FOR BOLIVIA :

Luis Guachalla

FOR BRAZIL :

Carlos Martins

A. de Mello-Franco

FOR CAMBODIA :

Phleng

FOR CANADA :

Lester B Pearson

R W Mayhew

FOR CEYLON :

J. R. Jayewardene

G. C. S. Corea

R. G. Senanayake

FOR CHILE :

F. Nieto del Río

FOR COLOMBIA :

Cipriano Restrepo Jaramillo

Sebastian Ospina

FOR COSTA RICA :

J Rafael Oreamuno

V. Vargas

Luis Dobles Sanchez

CHAPTER VII
FINAL CLAUSES

Article 23

(a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America as the principal occupying Power, of the following States, namely Australia, Canada, Ceylon, France, Indonesia, the Netherlands, New Zealand, Pakistan, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The present Treaty shall come into force for each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.

(b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Governments of Japan and the United States of America not later than three years after the date of deposit of Japan's ratification.

Article 24

All instruments of ratification shall be deposited with the Government of the United States of America which will notify all the signatory States of each such deposit, of the date of

the coming into force of the Treaty under paragraph (a) of Article 23, and of any notifications made under paragraph (b) of Article 23.

Article 25

For the purposes of the present Treaty the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty. Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favor of a State which is not an Allied Power as so defined.

Article 26

Japan will be prepared to conclude with any State which signed or adhered to the United Nations Declaration of January 1, 1942, and which is at war with Japan, or with any State which previously formed a part of the territory of a State named in Article 23, which is not a signatory of the present Treaty, a bilateral Treaty of Peace on the same or substantially the same terms as are provided for in the present Treaty, but this obligation on the part of Japan will expire three years after the first coming into force of the present Treaty. Should Japan make a peace settlement or war claims settlement with any State granting that State greater advant-

into force of the present Treaty, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers, but does not include Japanese claims specifically recognized in the laws of any Allied Power enacted since September 2, 1945.

(c) Subject to reciprocal renunciation, the Japanese Government also renounces all claims (including debts) against Germany and German nationals on behalf of the Japanese Government and Japanese nationals, including intergovernmental claims and claims for loss or damage sustained during the war, but excepting (a) claims in respect of contracts entered into and rights acquired before September 1, 1939, and (b) claims arising out of trade and financial relations between Japan and Germany after September 2, 1945. Such renunciation shall not prejudice actions taken in accordance with Articles 16 and 20 of the present Treaty.

(d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.

Article 20

Japan will take all necessary measures to ensure such disposition of German assets in Japan as has been or may be determined by those Powers entitled under the Protocol of the proceedings of the Berlin Conference of 1945 to dispose of those assets, and pending the final disposition of such assets

will be responsible for the conservation and administration thereof.

Article 21

Notwithstanding the provisions of Article 25 of the present Treaty, China shall be entitled to the benefits of Articles 10 and 14 (a) 2; and Korea to the benefits of Articles 2, 4, 9 and 12 of the present Treaty.

CHAPTER VI

SETTLEMENT OF DISPUTES

Article 22

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Japan and those Allied Powers which are not already parties to the Statute of the International Court of Justice will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated October 15, 1946, a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to in this Article.

taken and orders issued. In any case in which such review or revision shows that restoration is due, the provisions of Article 15 shall apply to the property concerned.

(b) The Japanese Government shall take the necessary measures to enable nationals of any of the Allied Powers at any time within one year from the coming into force of the present Treaty between Japan and the Allied Power concerned to submit to the appropriate Japanese authorities for review any judgment given by a Japanese court between December 7, 1941, and such coming into force, in any proceedings in which any such national was unable to make adequate presentation of his case either as plaintiff or defendant. The Japanese Government shall provide that, where the national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances.

Article 18

(a) It is recognized that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of a state of war, and which are due by the Government or nationals of Japan to the Government or nationals of one of the Allied Powers, or are due by the Government or nationals of one of the Allied Powers to the Government or nationals of Japan. The intervention of a state of war shall equally not be regarded as affecting the obligation

to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war, and which may be presented or re-presented by the Government of one of the Allied Powers to the Government of Japan, or by the Government of Japan to any of the Governments of the Allied Powers. The provisions of this paragraph are without prejudice to the rights conferred by Article 14.

(b) Japan affirms its liability for the prewar external debt of the Japanese State and for debts of corporate bodies subsequently declared to be liabilities of the Japanese State, and expresses its intention to enter into negotiations at an early date with its creditors with respect to the resumption of payments on those debts; to encourage negotiations in respect to other prewar claims and obligations; and to facilitate the transfer of sums accordingly.

Article 19

(a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.

(b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied Powers with respect to Japanese ships between September 1, 1939, and the coming

draft Allied Powers Property Compensation Law approved by the Japanese Cabinet on July 13, 1951.

(b) With respect to industrial property rights impaired during the war, Japan will continue to accord to the Allied Powers and their nationals benefits no less than those heretofore accorded by Cabinet Orders No. 309 effective September 1, 1949, No. 12 effective January 28, 1950, and No. 9 effective February 1, 1950, all as now amended, provided such nationals have applied for such benefits within the time limits prescribed therein.

(c) (i) Japan acknowledges that the literary and artistic property rights which existed in Japan on December 6, 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.

(ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from December 7, 1941, until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

Article 16

As an expression of its desire to indemnify those members of the armed forces of the Allied Powers who suffered undue hardships while prisoners of war of Japan, Japan will transfer its assets and those of its nationals in countries which were neutral during the war, or which were at war with any of the Allied Powers, or, at its option, the equivalent of such assets, to the International Committee of the Red Cross which shall liquidate such assets and distribute the resultant fund to appropriate national agencies, for the benefit of former prisoners of war and their families on such basis as it may determine to be equitable. The categories of assets described in Article 14 (a) 2 (II) (ii) through (v) of the present Treaty shall be excepted from transfer, as well as assets of Japanese natural persons not residents of Japan on the first coming into force of the Treaty. It is equally understood that the transfer provision of this Article has no application to the 19,770 shares in the Bank for International Settlements presently owned by Japanese financial institutions.

Article 17

(a) Upon the request of any of the Allied Powers, the Japanese Government shall review and revise in conformity with international law any decision or order of the Japanese Prize Courts in cases involving ownership rights of nationals of that Allied Power and shall supply copies of all documents comprising the records of these cases, including the decisions

- by Japanese diplomatic and consular personnel;
- (iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;
 - (iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;
 - (v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a

basis as favorable to Japan as circumstances ruling in each country will permit.

(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.

Article 15

(a) Upon application made within nine months of the coming into force of the present Treaty between Japan and the Allied Power concerned, Japan will, within six months of the date of such application, return the property, tangible and intangible, and all rights or interests of any kind in Japan of each Allied Power and its nationals which was within Japan at any time between December 7, 1941, and September 2, 1945, unless the owner has freely disposed thereof without duress or fraud. Such property shall be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return. Property whose return is not applied for by or on behalf of the owner or by his Government within the prescribed period may be disposed of by the Japanese Government as it may determine. In cases where such property was within Japan on December 7, 1941, and cannot be returned or has suffered injury or damage as a result of the war, compensation will be made on terms not less favorable than the terms provided in the

CHAPTER V
CLAIMS AND PROPERTY

Article 14

(a) It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.

Therefore,

1. Japan will promptly enter into negotiations with Allied Powers so desiring, whose present territories were occupied by Japanese forces and damaged by Japan, with a view to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question. Such arrangements shall avoid the imposition of additional liabilities on other Allied Powers, and, where the manufacturing of raw materials is called for, they shall be supplied by the Allied Powers in question, so as not to throw any foreign exchange burden upon Japan.

2. (I) Subject to the provisions of sub-paragraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of

(a) Japan and Japanese nationals,

(b) persons acting for or on behalf of Japan or Japanese nationals, and

(c) entities owned or controlled by Japan or Japanese nationals,

which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this sub-paragraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in sub-paragraph (I) above:

(i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and not released from such restrictions as of the date of the first coming into force of the present Treaty;

(ii) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned

and generally the conduct of all kinds of business and professional activities;

(2) ensure that external purchases and sales of Japanese state trading enterprises shall be based solely on commercial considerations.

(c) In respect to any matter, however, Japan shall be obliged to accord to an Allied Power national treatment, or most-favored-nation treatment, only to the extent that the Allied Power concerned accords Japan national treatment or most-favored-nation treatment, as the case may be, in respect of the same matter. The reciprocity envisaged in the foregoing sentence shall be determined, in the case of products, vessels and juridical entities of, and persons domiciled in, any non-metropolitan territory of an Allied Power, and in the case of juridical entities of, and persons domiciled in, any state or province of an Allied Power having a federal government, by reference to the treatment accorded to Japan in such territory, state or province.

(d) In the application of this Article, a discriminatory measure shall not be considered to derogate from the grant of national or most-favored-nation treatment, as the case may be, if such measure is based on an exception customarily provided for in the commercial treaties of the party applying it, or on the need to safeguard that party's external financial position or balance of payments (except in respect to shipping and navigation), or on the need to maintain its essential security interests, and provided such measure is proportionate to the circumstances and not applied in an arbitrary or unreasonable manner.

(e) Japan's obligations under this Article shall not be affected by the exercise of any Allied rights under Article 14 of the present Treaty; nor shall the provisions of this Article be understood as limiting the undertakings assumed by Japan by virtue of Article 15 of the Treaty.

Article 13

(a) Japan will enter into negotiations with any of the Allied Powers, promptly upon the request of such Power or Powers, for the conclusion of bilateral or multilateral agreements relating to international civil air transport.

(b) Pending the conclusion of such agreement or agreements, Japan will, during a period of four years from the first coming into force of the present Treaty, extend to such Power treatment not less favorable with respect to air-traffic rights and privileges than those exercised by any such Powers at the date of such coming into force, and will accord complete equality of opportunity in respect to the operation and development of air services.

(c) Pending its becoming a party to the Convention on International Civil Aviation in accordance with Article 93 thereof, Japan will give effect to the provisions of that Convention applicable to the international navigation of aircraft, and will give effect to the standards, practices and procedures adopted as annexes to the Convention in accordance with the terms of the Convention.

renunciation of the rights, title and interests referred to in this paragraph.

Article 9

Japan will enter promptly into negotiations with the Allied Powers so desiring for the conclusion of bilateral and multilateral agreements providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

Article 10

Japan renounces all special rights and interests in China, including all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and all annexes, notes and documents supplementary thereto, and agrees to the abrogation in respect to Japan of the said protocol, annexes, notes and documents.

Article 11

Japan accepts the judgments of the International Military Tribunal for the Far East and of other Allied War Crimes Courts both within and outside Japan, and will carry out the sentences imposed thereby upon Japanese nationals imprisoned in Japan. The power to grant clemency, to reduce sentences and to parole with respect to such prisoners may not be exercised except on the decision of the Government or Governments which imposed the sentence in each instance, and on the recommendation of Japan. In the case of persons sentenced

by the International Military Tribunal for the Far East, such power may not be exercised except on the decision of a majority of the Governments represented on the Tribunal, and on the recommendation of Japan.

Article 12

(a) Japan declares its readiness promptly to enter into negotiations for the conclusion with each of the Allied Powers of treaties or agreements to place their trading, maritime and other commercial relations on a stable and friendly basis.

(b) Pending the conclusion of the relevant treaty or agreement, Japan will, during a period of four years from the first coming into force of the present Treaty

(1) accord to each of the Allied Powers, its nationals, products and vessels

(i) most-favored-nation treatment with respect to customs duties, charges, restrictions and other regulations on or in connection with the importation and exportation of goods;

(ii) national treatment with respect to shipping, navigation and imported goods, and with respect to natural and juridical persons and their interests—such treatment to include all matters pertaining to the levying and collection of taxes, access to the courts, the making and performance of contracts, rights to property (tangible and intangible), participation in juridical entities constituted under Japanese law,

military forces to their homes, to the extent not already completed, will be carried out.

(c) All Japanese property for which compensation has not already been paid, which was supplied for the use of the occupation forces and which remains in the possession of those forces at the time of the coming into force of the present Treaty, shall be returned to the Japanese Government within the same 90 days unless other arrangements are made by mutual agreement.

CHAPTER IV

POLITICAL AND ECONOMIC CLAUSES

Article 7

(a) Each of the Allied Powers, within one year after the present Treaty has come into force between it and Japan, will notify Japan which of its prewar bilateral treaties or conventions with Japan it wishes to continue in force or revive, and any treaties or conventions so notified shall continue in force or be revived subject only to such amendments as may be necessary to ensure conformity with the present Treaty. The treaties and conventions so notified shall be considered as having been continued in force or revived three months after the date of notification and shall be registered with the Secretariat of the United Nations. All such treaties and conventions as to which Japan is not so notified shall be regarded as abrogated.

(b) Any notification made under paragraph (a) of this Article may except from the operation or revival of a treaty

or convention any territory for the international relations of which the notifying Power is responsible, until three months after the date on which notice is given to Japan that such exception shall cease to apply.

Article 8

(a) Japan will recognize the full force of all treaties now or hereafter concluded by the Allied Powers for terminating the state of war initiated on September 1, 1939, as well as any other arrangements by the Allied Powers for or in connection with the restoration of peace. Japan also accepts the arrangements made for terminating the former League of Nations and Permanent Court of International Justice.

(b) Japan renounces all such rights and interests as it may derive from being a signatory power of the Conventions of St. Germain-en-Laye of September 10, 1919, and the Straits Agreement of Montreux of July 20, 1936, and from Article 16 of the Treaty of Peace with Turkey signed at Lausanne on July 24, 1923.

(c) Japan renounces all rights, title and interests acquired under, and is discharged from all obligations resulting from, the Agreement between Germany and the Creditor Powers of January 20, 1930, and its Annexes, including the Trust Agreement, dated May 17, 1930; the Convention of January 20, 1930, respecting the Bank for International Settlements; and the Statutes of the Bank for International Settlements. Japan will notify to the Ministry of Foreign Affairs in Paris within six months of the first coming into force of the present Treaty its

authorities and residents, and of claims, including debts, of such authorities and residents against Japan and its nationals, shall be the subject of special arrangements between Japan and such authorities. The property of any of the Allied Powers or its nationals in the areas referred to in Article 2 shall, in so far as this has not already been done, be returned by the administering authority in the condition in which it now exists. (The term nationals whenever used in the present Treaty includes juridical persons.)

(b) Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3.

(c) Japanese owned submarine cables connecting Japan with territory removed from Japanese control pursuant to the present Treaty shall be equally divided, Japan retaining the Japanese terminal and adjoining half of the cable, and the detached territory the remainder of the cable and connecting terminal facilities.

CHAPTER III

SECURITY

Article 5

(a) Japan accepts the obligations set forth in Article 2 of the Charter of the United Nations, and in particular the obligations

(i) to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(ii) to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations;

(iii) to give the United Nations every assistance in any action it takes in accordance with the Charter and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.

(b) The Allied Powers confirm that they will be guided by the principles of Article 2 of the Charter of the United Nations in their relations with Japan.

(c) The Allied Powers for their part recognize that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations and that Japan may voluntarily enter into collective security arrangements.

Article 6

(a) All occupation forces of the Allied Powers shall be withdrawn from Japan as soon as possible after the coming into force of the present Treaty, and in any case not later than 90 days thereafter. Nothing in this provision shall, however, prevent the stationing or retention of foreign armed forces in Japanese territory under or in consequence of any bilateral or multilateral agreements which have been or may be made between one or more of the Allied Powers, on the one hand, and Japan on the other.

(b) The provisions of Article 9 of the Potsdam Proclamation of July 26, 1945, dealing with the return of Japanese

CHAPTER I

PEACE

Article 1

(a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned as provided for in Article 23.

(b) The Allied Powers recognize the full sovereignty of the Japanese people over Japan and its territorial waters.

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 the Spratly Islands and to 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 as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryuku Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Article 4

(a) Subject to the provisions of paragraph (b) of this Article, the disposition of property of Japan and of its nationals in the areas referred to in Article 2, and their claims, including debts, against the authorities presently administering such areas and the residents (including juridical persons) thereof, and the disposition in Japan of property of such

TREATY OF PEACE

WITH

JAPAN

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;

Whereas Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize 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 determined 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:

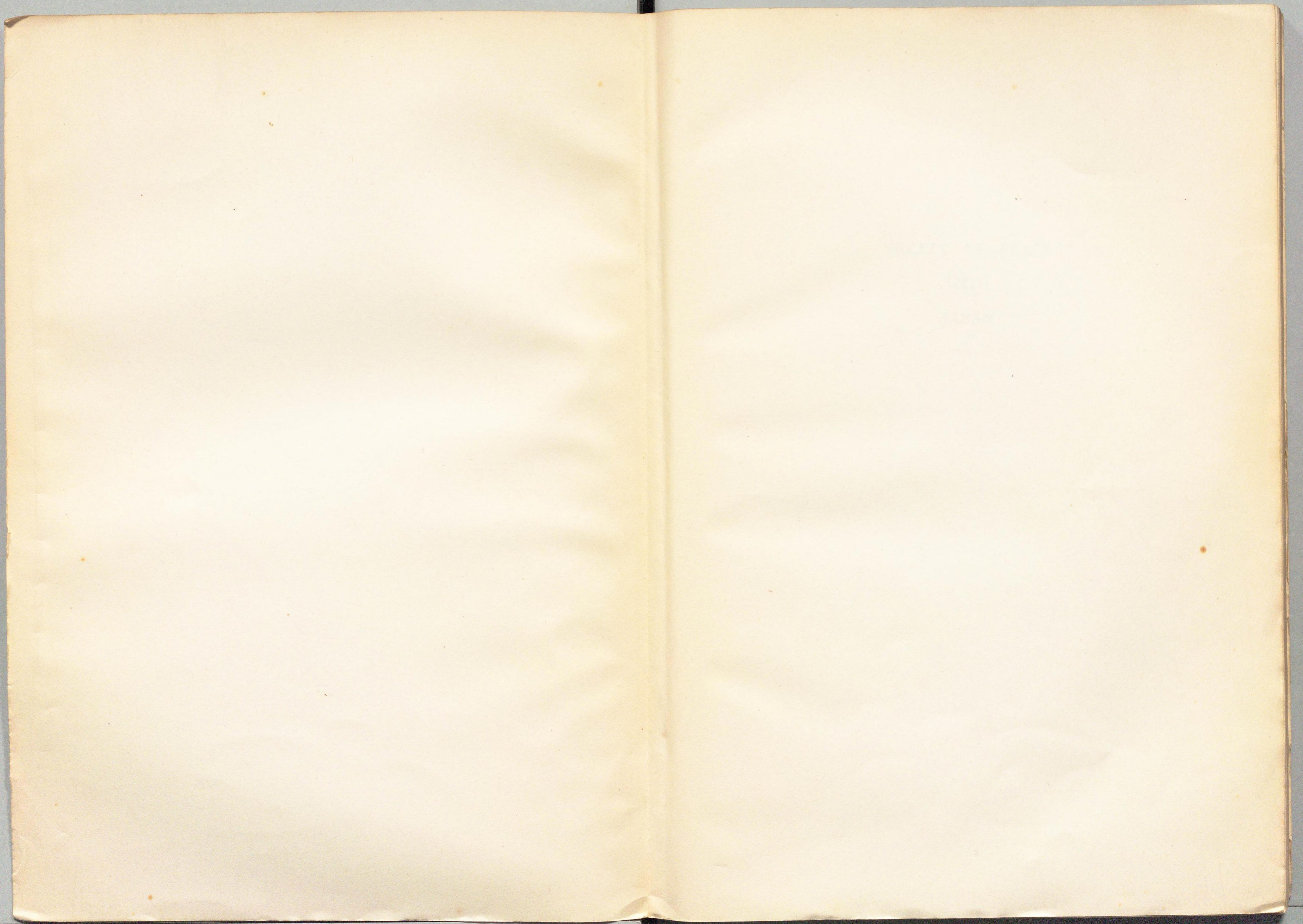
TREATY OF PEACE
WITH
JAPAN

Whereas the Allied Powers and Japan are resolved to
hereafter their relations and to their mutual interests
their common interests and to the maintenance of peace and
security and to the maintenance of a Treaty of
Peace which will bring about the cessation of hostilities
at the earliest possible date between them.

Whereas Japan for its part desires to continue its efforts
for membership in the United Nations and to do so in con-
sistence with the purposes of the Charter of the
United Nations to restore and realize the objectives of the
United Nations Declaration of Human Rights, to work to create
Japan conditions of stability and well-being as defined in
Articles 23 and 24 of the Charter of the United Nations and
already initiated by the Emperor Japanese Government and its
people and to work to the maintenance of peace and
international cooperation for mankind.

Whereas the Allied Powers welcome the intentions of Japan
set out in the foregoing paragraphs.

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



(印刷製造)