

No 2619

Def. Doc. 1314

Ex 2619

COPY
Berlin, 15 May 1939
Diplogerma

Tel. in cipher
(Secret cipher
process)

Tokyo
No. 159

Personally for the Ambassador!

Enclosed herewith you receive the papers announced in the telegram No. 158 for your personal information. They are:

1) The draft of a pact of consultation and assistance, agreed between the German, Japanese and Italian Governments, consisting of

- (a) the pact proper
- (b) the signing protocol, and
- (c) the secret accessory protocol;

2) The draft of a new article, to be inserted in the pact before the last article, concerning the relation of the tripartite pact to the pact between Germany and Italy;

3) Draft of a note, to be presented by the Japanese Ambassador before signing, concerning eventual explanation of the Japanese Government on diplomatic inquiries;

4) Draft of a formulated declaration to be made verbally by the Japanese Ambassador likewise before signing.

The concurrence of the Japanese Government to the papers 3, and 4 has not yet been obtained.

The texts of the above-mentioned papers are as follows: (specifically, the whole enclosure in blue-cross, then the enclosed papers No. 2, 3, and 4).

Weizsacker

AM agreed to
dispatch of the telegram
St.
at: 15.5.23 hours

Pact of Consultation and Assistance between Japan,
Italy, and Germany

The Imperial Japanese Government,
The Italian Government
and the Government of the German Reich,

in appreciation of the fact, that the friendly relations between Japan, Italy, and Germany since the conclusion of the Agreement against the Communist International of the 25th November 1936 have grown in cordiality,

in the conviction, that the international activities of the Communist International threaten the peace in Europe and Asia,

determined in the spirit of the above-mentioned Agreement to strengthen the defense against the communistic disintegration in Europe and Asia, and to preserve the common interests of the three contracting powers,

have agreed upon the following provisions:

Article I.

In case one of the contracting powers should be drawn into difficulties by the attitude of a power or powers not party to this pact, the contracting powers shall enter forthwith into a consultation concerning measures to be taken jointly.

Article II.

In case one of the contracting powers should be threatened without provocation by a power or powers not party to this pact, the other contracting powers engage to render to the threatened power political and economic support for the removal of this threat.

Article III.

In case one of the contracting powers should become object of an unprovoked attack on the part of a power or powers not party to this pact, the other contracting powers engage to render their help and assistance.

The three contracting powers shall in this case forthwith consult and decide the necessary measures for carrying out the obligation provided in the foregoing paragraph.

Article IV

The official text of this pact is prepared in the Japanese, Italian and German languages.

The pact comes into force on the day of signing and remains in effect for the period of five years. The contracting powers shall at a proper date prior to the expiration of this term come to an understanding as to the future form of their cooperation.

As in evidence thereof the plenipotentiaries, duly entrusted to their governments, signed and sealed this pact.

Three official copies were prepared in etc.

SIGNING PROTOCOL

On the occasion of the signing of the pact which was concluded today, the plenipotentiaries have agreed upon the following:

(A) Concerning Article II and III of the pact, the threat or the attack against Manchukuo shall be considered, in view of the provision of the second paragraph of the Protocol concluded between Japan and Manchukuo on the 15th September 1932, as the threat or the attack against Japan.

(B) Concerning the second paragraph of Article IV of the pact, in case at the time of the expiration of its term support or help and assistance based on Article II or III is still being rendered, the pact remains in force until the end of the situation, which necessitates the support or help and assistance.

Berlin

SECRET ACCESSORY PROTOCOL

On the occasion of the signing of the pact which was concluded today, the named plenipotentiaries have agreed upon the following:

(A) Concerning Article II and III of the pact the competent authorities of the three contracting powers shall examine in advance, as soon as possible after the pact becomes effective, what individual possibilities of conflict exist and in what manner and to what extent the contracting powers shall render each other support or help and assistance according to the geographical circumstances.

(B) In case of a war commonly fought by them the contracting powers engage not to make separate armistice or peace.

(C) In case obligations exist based on the existing treaties with third powers, which are in contradiction to the provisions of this pact, the contracting powers shall not be bound by such obligations.

(D) This secret accessory protocol shall neither be published nor communicated to third powers without consent of the contracting powers.

(E) This secret accessory protocol has the same term of validity as the pact and the signing protocol. It forms with these both an integral unit.

PAPER NO. 2

In the draft of a pact of consultation and assistance between Japan, Italy and Germany which is now in negotiation a new article in the following form would be inserted before the concluding Article IV:

"The German Government and the Italian Government declare in agreement with the Japanese Government that the pact of friendship and alliance between Germany and Italy, signed on the 22nd May 1939, which resulted from the neighbourhood of these both countries and from their special position in Europe, will not be affected by the present pact, and that therefore the present pact shall be applied to the relation between Germany and Italy only insofar as the pact of the 22nd May 1939 contains no broader obligations.

PAPER NO. 3

NOTE

The Japanese Government will explain after the conclusion of the pact between Germany, Italy and Japan now under negotiation of eventual diplomatic inquiries about the pact from a third side verbally in the following sense:

1. The pact is a purely defensive pact. It pursues no aggressive purpose, but has the aim of securing the maintenance of peace. The pact is therefore not directed against any country.
2. Historically the pact originated from the fact that the three contracting powers in the recent years have come together for the common defense against the disintegrating activities of the Comintern. In the present international situation Japan feels on her part threatened above all by the efforts of the Communist International. The Japanese Government has, therefore, viewed this effort of Communism which originated from Soviet Russia as the acutest danger to peace.
3. Should one of the participating powers in this pact be attacked unprovokedly, the consequences resulting therefrom for this power are evident from the text of the pact. So long as the third powers do not threaten or attack the contracting powers, the obligations provided in the pact for support and for rendering help and assistance will not become effective.

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PAPER NO. 4

On instruction by my Government I ask your Excellency to take note that Japan can carry out the obligations, accepted in Article III of the pact, to render help and assistance in a military respect at the present and in the immediate future only to a restricted extent. The details as to the military assistance to be rendered from time to time in the future, shall be reserved to the discussions provided in the secret accessory protocol.

C E R T I F I C A T E
O F O R I G I N

I, Yale Maxon, Chief of the Document Division, IPS,
hereby certify:

1. That I am Chief of the Document Division of the International Prosecution Section, GHQ, SCAP, and as such have possession, custody, and control of originals or copies of all documents obtained by the said Section.

2. That frames 135936 - 135943 being 8 sheets of a photostatic copy of a telegram from Weizsacker to Ctt dated 15 May 1939 and contained in IPS Document 4031 were received by the IPS from the Office of the Chief of Counsel of the Nurenburg War Crimes Trials.

Yale Maxon (Signed)