

82D CONGRESS }
2d Session }

SENATE

{ EXECUTIVES
{ A, B, C, AND D

JAPANESE PEACE TREATY AND OTHER
TREATIES RELATING TO SECURITY
IN THE PACIFIC

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

JAPANESE PEACE TREATY AND OTHER TREATIES
RELATING TO SECURITY IN THE PACIFIC



JANUARY 10, 1952.—Referred to the Committee on Foreign Relations
and ordered to be printed for the use of the Senate

FEBRUARY 14, 1952.—Reported favorably. (See Ex. Rept. No. 2, 82d
Congress, 2d session)

MARCH 20, 1952.—Advice and consent of the Senate given to the rati-
fication of Exs. A, B, C, and D. Text of resolution of ratification
of each treaty appears on page 53 of this document

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JAPANESE PEACE TREATY AND OTHER TREATIES
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M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

JAPANESE PEACE TREATY AND OTHER TREATIES RELATING TO
SECURITY IN THE PACIFIC

JANUARY 10, 1952.—The injunction of secrecy was removed from the said treaties and, together with the message of transmittal, the report by the Secretary of State and all accompanying papers, was referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

THE WHITE HOUSE, *January 10, 1952.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the following treaties:

- (1) Treaty of peace with Japan, signed at San Francisco on September 8, 1951;
- (2) Mutual defense treaty between the United States of America and the Republic of the Philippines, signed at Washington on August 30, 1951;
- (3) Security treaty between Australia, New Zealand, and the United States of America, signed at San Francisco on September 1, 1951;
- (4) Security treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951.

I transmit also for the information of the Senate a document containing the texts of two declarations made by the Government of Japan and signed on its behalf at San Francisco on September 8, 1951,

regarding multilateral instruments and the maintenance of war graves, cemeteries, and memorials, and the texts of notes exchanged at San Francisco on September 8, 1951, between the United States and Japan in which the Japanese Government confirms that after the entry into force of the treaty of peace it will permit and facilitate the support in and about Japan of the forces of a member or members of the United Nations engaged in any United Nations action in the Far East.

There is further submitted the report made to me by the Secretary of State regarding the aforesaid treaties and an accompanying letter of January 7, 1951, with background statements, to the Secretary of State from my special representative, Mr. John Foster Dulles.

I recommend that the Senate give early favorable consideration to the treaties submitted herewith and advise and consent to their ratification.

HARRY S. TRUMAN.

(Enclosures: (1) Report of the Secretary of State, with accompanying letter and statements; (2) treaty of peace with Japan; (3) mutual defense treaty with the Philippines; (4) security treaty with Australia and New Zealand; (5) security treaty with Japan; (6) document with two declarations by Japan; (7) texts of notes exchanged at San Francisco, September 8, 1951.)

THE PRESIDENT,
The White House:

DEPARTMENT OF STATE,
Washington, January 9, 1952.

I have the honor to submit to you, with a view to the transmission thereof to the Senate for its advice and consent to ratification, the following treaties:

- (1) Treaty of peace with Japan, signed at San Francisco on September 8, 1951;
- (2) Mutual defense treaty between the United States of America and the Republic of the Philippines, signed at Washington on August 30, 1951;
- (3) Security treaty between Australia, New Zealand, and the United States of America, signed at San Francisco on September 1, 1951; and
- (4) Security treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951.

There is transmitted also a document containing the texts of two declarations made by the Government of Japan and signed on its behalf at San Francisco on September 8, 1951. It is recommended that this document be submitted to the Senate for its information. One of the declarations expresses the recognition by Japan of the full force of presently effective multilateral international instruments to which Japan was a party on September 1, 1939, and the intention of Japan to take the necessary steps to become a party to certain specified multilateral instruments. The other declaration relates to the maintenance of war graves, cemeteries, and memorials.

There is further transmitted for the information of the Senate the texts of notes exchanged at San Francisco on September 8, 1951, between the United States and Japan, in which the Japanese Govern-

ment confirms that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the treaty of peace comes into force, Japan will permit and facilitate the support in and about Japan of the forces engaged in such United Nations action.

The background and important substantive and interrelating features of the afore-mentioned treaties are summarized in statements which accompany a letter dated January 7, 1952, from Mr. John Foster Dulles. A copy of that letter with its accompanying statements is enclosed herewith for the information of the Senate in its consideration of the treaties.

In view of the great importance of these treaties to the maintenance of peace and security in the Pacific area, it is hoped that they will be given early and favorable consideration by the Senate.

Respectfully yours,

DEAN ACHESON.

(Enclosures: (1) Treaty of peace with Japan; (2) mutual defense treaty with the Philippines; (3) security treaty with Australia and New Zealand; (4) security treaty with Japan; (5) document with two declarations by Japan; (6) texts of notes exchanged at San Francisco, September 8, 1951; (7) letter of January 7, 1952, from Mr. Dulles, with accompanying statements.)

OFFICE OF THE SECRETARY OF STATE,
Washington, January 7, 1952.

The Honorable DEAN ACHESON,
Secretary of State.

MY DEAR MR. SECRETARY: On October 3, 1951, I reported to the President that, as his special representative, I had concluded the negotiations which he had asked me to conduct with reference to peace and security in the Pacific and that these negotiations had resulted in the following acts:

1. A treaty of peace between Japan and 48 Allied Nations, including the United States, signed at San Francisco on September 8, 1951;
2. A mutual-defense treaty between the Philippine Republic and the United States, signed at Washington on August 30, 1951;
3. A security treaty between Australia, New Zealand, and the United States, signed at San Francisco on September 1, 1951;
4. A security treaty between the United States and Japan, signed at San Francisco on September 8, 1951;
5. An exchange of notes between the Secretary of State of the United States and the Prime Minister of Japan, dated September 8, 1951, pledging Japan to permit and facilitate the support, in and about Japan, of forces engaged in United Nations action in the Far East.

I further advised the President that I understood that you would, in due course, transmit to the President the text of the foregoing documents.

I understand that it is your intention now to make such transmittal to the President with a view to his seeking the advice and consent of the Senate to the ratification of the treaties above-mentioned (items 1 to 4, above).

In this connection you may find it useful to have the following statements which I enclose herewith:

1. Statement made by me at the San Francisco Conference on September 5, 1951, on behalf of the United States delegation, summarizing the origins, the development, and the principal substantive terms of the treaty of peace with Japan which was subsequently signed by 48 Allied Nations (annex 1).
2. Statement summarizing the origins, development, and principal terms of the United States-Japan security treaty signed on September 8, 1951, in San Francisco (annex 2).
3. Statement summarizing the origins, development, and principal terms of the security treaty between Australia, New Zealand, and the United States, signed at San Francisco on September 1, 1951 (annex 3).
4. Statement summarizing the origins, development, and principal terms of the mutual defense treaty between the Philippine Republic and the United States signed at Washington on August 30, 1951 (annex 4).

The four treaties mentioned are interdependent as more fully explained in the annexed statements. Together they create a hopeful basis for future peace and security in the Pacific. They represent the taking, by the United States, of a major initiative, so far highly successful as shown by the fact that it is now joined in by the 47 other Allied Powers and by Japan, and opposed only by the Soviet bloc. This initiative, if maintained, can turn back the tide of Soviet communism which in recent years has been relentlessly rising in Asia and the Pacific. To that end I trust that the Senate will take prompt action to consent to the ratification of the treaties.

Favorable Senate action should be facilitated by the fact that that body, particularly through its Foreign Relations Committee and the Far Eastern Subcommittee thereof, has been kept fully informed regarding the negotiation of these treaties and, to an unusual degree, has given advice throughout the negotiating period. Members of the Far Eastern Subcommittee have participated actively, constructively, and on a nonpartisan basis in the formulation and conclusion of the treaties. Eight Senators (four Democrats and four Republicans) were members of the delegations named by the President to conclude the treaties, and four Senators (two Democrats and two Republicans) were plenipotentiary signers of one or another of the treaties on behalf of the United States.

I am

Respectfully yours,

JOHN FOSTER DULLES.

(Enclosures: Annexes 1-4.)

ANNEX 1

STATEMENT MADE AT THE SAN FRANCISCO CONFERENCE ON SEPTEMBER 5, 1951, BY MR. JOHN FOSTER DULLES ON BEHALF OF THE UNITED STATES DELEGATION, CONSISTING OF THE SECRETARY OF STATE, MR. DULLES, SENATORS TOM CONNALLY, ALEXANDER WILEY, JOHN J. SPARKMAN, H. ALEXANDER SMITH, WALTER F. GEORGE, AND BOURKE B. HICKENLOOPER OF THE SENATE FOREIGN RELATIONS COMMITTEE AND REPRESENTATIVES JAMES P. RICHARDS AND ROBERT B. CHIPPERFIELD OF THE HOUSE FOREIGN AFFAIRS COMMITTEE

THE PURPOSE IS PEACE

We have met here for a consecrated purpose. We shall here make peace. "Blessed are the peacemakers." But the most blessed of this peace are not those of us who assemble here. The foundation for this peace was laid by the many who gave up their lives in faith that the very magnitude of their sacrifice would compel those who survived to find and take the way of peace.

We are here to redeem, in some small measure, the vast debt we owe. That task is not a simple one. Victory usually gives power greater than should be possessed by those who are moved by the passions that war engenders. That is a principal reason why war has become a self-perpetuating institution.

The treaty before us is a step toward breaking the vicious cycle of war—victory—peace—war. The nations will here make a peace of justice, not a peace of vengeance.

THE OCCUPATION PREPARED THE WAY

True peace is possible because of what has been accomplished by 6 years of Allied occupation. That occupation was calm and purposeful. Japan's war-making power was destroyed. The authority and influence of those who committed Japan to armed conquest was eliminated. Stern justice was meted out to the war criminals, while mercy was shown the innocent. There has come freedom of speech, of religion, of thought; and respect for fundamental human rights. There has been established, by the will of the people, a peacefully inclined and responsible government, which we are happy to welcome here.

The Allied occupation goals set forth in the Potsdam surrender terms have been met, with the loyal cooperation of the Japanese people. It is now time to end that occupation, and make a peace which will restore Japan as a sovereign equal.

It is possible now to make that kind of a peace, to make this a peace of reconciliation, because the Japan of today is transformed from the Japan of yesterday.

The past is not forgotten or excused. Bitterness and distrust remain the sentiment of many. That is human. Those who have suffered less have no warrant to set themselves up as moral judges of those who have suffered more. But the time and the good use to which it has been put in Japan have somewhat healed the scars of war. New hopes have gradually displayed old fears. Now, by an effort of self-control which is perhaps unprecedented in history, the Allies present to Japan a treaty which shows no trace of angry passion.

That is not merely an act of generosity toward a vanquished foe, it is an act of enlightened self-interest. For a treaty warped by passion often becomes a boomerang which, thrown against an enemy, returns to strike its authors.

For this treaty we are deeply indebted to the man who led the Allied Powers to victory in the Pacific. After that victory he devoted 5½ years to service in Japan as supreme commander for the Allied Powers. As such he showed not only magnanimity, but strength without which magnanimity is counted weakness. He provided the occupation with moral leadership which has been the impulsion for the kind of peace we make. The present generation and generations to come owe much to General MacArthur.

ELEVEN MONTHS OF CONFERENCE

In framing the peace, the United States has taken an initiative. That was plainly our duty.

Some now find it expedient to disparage the role played by the United States in the Pacific War. None did so in the hour of victory. Then, by a unanimous Allied act, the United States was given the exclusive power to name the supreme commander for all the Allied Powers and to direct the occupation which would prepare Japan for the peace to come. That Allied act put us in a position uniquely to judge when the Japanese were prepared for peace. It surely entitled us, indeed it obligated us, to take timely steps to bring our occupation responsibilities to their normal predestined end.

We first moved in this matter 4 years ago. In 1947 the United States proposed a preliminary conference of the governments represented on the Far Eastern Commission to consider plans for a Japanese Peace Treaty. That proposal was blocked by the insistence of the Soviet Union that the treaty could only be considered by the Council of Foreign Ministers where the Soviet Union would have veto power. The Soviet Union continued stubbornly to adhere to that position.

Last year the United States decided to abandon the conference method, which afforded excessive possibilities of obstruction, and to seek peace through diplomatic processes which no single nation could thwart. That has been done with the hearty cooperation of most of the Allies and has resulted in a finished text.

The negotiations began about a year ago when the Allies principally concerned were gathering to attend the United Nations General Assembly in New York. The various delegations principally concerned had frequent consultations at that time. Then came conferences at many capitals and many written exchanges of views. A United States Presidential mission toured the globe, visiting 10 capitals of countries especially concerned. Meanwhile, the United Kingdom was exploring the problem within the Commonwealth, and its representative will tell you more of that.

The first round of discussions dealt with the question of whether it was time for peace and, if so, what basic principles should be applied. In this connection the United States outlined seven principles which it felt ought to govern the framing of the treaty.

We found complete agreement to the urgency of prompt peace and general agreement as to the basic principles. So, in January of

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this year; the United States undertook to make the first draft of a text which would translate the agreed principles into treaty words. That draft was circulated last March, and was subjected to intensive study by over 20 countries. These included not only the Far Eastern Commission countries, but others which had expressed interest. The American states were kept informed, as was their due. Mexico had actively participated in the Pacific War, as had Brazil in the European War. All had made important political, economic, and moral contributions.

Meanwhile, the United Kingdom produced a text of its own, drafted in the light of the Commonwealth conferences. Then in June, the United States and the United Kingdom combined their parallel efforts and jointly drafted a text to reconcile and reflect still more fully the different views that had been developed. This text was circulated to Allied Powers during the first half of July and was kept open for further changes until mid-August.

Throughout this period, the Soviet Union took an active, though reluctant, part. We had several conferences with Yakov Malik and our Governments have exchanged 10 memoranda and drafts.

Every nation which has constructively interested itself in the treaty can claim authorship of important parts of the present text. Also each of these nations can claim the equally honorable distinction of voluntarily subordinating some special interest so that a broad base of unity might be found. The Allied Powers have been conducting what, in effect, is an 11 months' peace conference participated in by so many nations as to make this treaty the most broadly based peace treaty in all history.

Any who are interested in studying the evolutionary processes which have been at work can compare our March draft with the present text. To make that comparison easy, a parallel-column document has been prepared for distribution here. It shows how our conference methods have worked.

The treaty remains, as first agreed, a nonpunitive, nondiscriminatory treaty, which will restore Japan to dignity, equality, and opportunity in the family of nations. But it has been found increasingly possible to do justice to particular situations without violating these basic concepts.

I now turn to a consideration of the principal provisions of the text.

THE TREATY TERMS

The preamble

The preamble is an important part of the treaty. It affords the Japanese nation the opportunity to record intentions and aspirations which the whole world welcomes.

Japan declares its intention to apply for membership in the United Nations; to conform to the principles of the Charter; to adhere to the new ideals of human rights and freedoms which have become implanted in the Constitution and Legislation of Japan; and, in public and private trade and commerce, to conform to internationally accepted fair practices.

If Japan's intentions in these respects are sincere, which we believe, and if they are pursued with resolution, they will go far to restore good will between the Japanese and Allied people.

It may be asked why, if that is so, the treaty does not attempt to

put the Japanese under legal compulsion in these respects. There are good reasons for not doing so. Japan, when it applies for membership in the United Nations, should do so because it wants to be a member, not because the Allies compelled it. Eighty million people cannot be compelled from without to respect the human rights and fundamental freedoms of their fellows. Fair-trade practices cannot be made a formal obligation when they have not yet been spelled out in international conventions. In general, treaty obligations should only be such as can be precisely formulated, so that the parties will clearly know just what are their rights and what are their duties. Where applicable conventions exist, Japan will voluntarily adhere to them, as set out in the declaration appended to the treaty.

Sovereignty restored

Chapter I ends the state of war, with consequent recognition of the full sovereignty of the Japanese people. Let us note that the sovereignty recognized is the "sovereignty of the Japanese people."

Territory

What is the territory of Japanese sovereignty? Chapter II deals with that. Japan formally ratifies the territorial provisions of the Potsdam surrender terms, provisions which, so far as Japan is concerned, were actually carried into effect 6 years ago.

The Potsdam surrender terms constitute the only definition of peace terms to which, and by which, Japan and the Allied Powers as a whole are bound. There have been some private understandings between some Allied Governments; but by these Japan was not bound, nor were other Allies bound. Therefore, the treaty embodies article 8 of the surrender terms which provided that Japanese sovereignty should be limited to Honshu, Hokkaido, Kyushu, Shikoku, and some minor islands. The renunciations contained in article 2 of chapter II strictly and scrupulously conform to that surrender term.

Some question has been raised as to whether the geographical name "Kurile Islands" mentioned in article 2 (c) includes the Habomai Islands. It is the view of the United States that it does not. If, however, there were a dispute about this, it could be referred to the International Court of Justice under article 22.

Some Allied Powers suggested that article 2 should not merely delimit Japanese sovereignty according to Potsdam, but specify precisely the ultimate disposition of each of the ex-Japanese territories. This, admittedly, would have been neater. But it would have raised questions as to which there are now no agreed answers. We had either to give Japan peace on the Potsdam surrender terms or deny peace to Japan while the Allies quarrel about what shall be done with what Japan is prepared, and required, to give up. Clearly, the wise course was to proceed now, so far as Japan is concerned, leaving the future to resolve doubts by invoking international solvents other than this treaty.

Article 3 deals with the Ryukyus and other islands to the south and southeast of Japan. These, since the surrender, have been under the sole administration of the United States.

Several of the Allied Powers urged that the treaty should require Japan to renounce its sovereignty over these islands in favor of United States sovereignty. Others suggested that these islands should be restored completely to Japan.

In the face of this division of Allied opinion, the United States felt that the best formula would be to permit Japan to retain residual sovereignty, while making it possible for these islands to be brought into the United Nations trusteeship system, with the United States as administering authority.

You will recall that the Charter of the United Nations contemplates extension of the trusteeship system to "territories which may be detached from enemy states as a result of the Second World War" (art. 77). The future trusteeship agreement will, no doubt, determine the future civil status of the inhabitants in relation to Japan while affording the administering authority the possibility of carrying out article 84 of the Charter, which provides that—

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security.

A peace which limits Japanese territory according to the Potsdam surrender terms, naturally leads one to ask, Can a growing population, now numbering over 80,000,000, survive on the Japanese home islands? A clue to the correct answer is the fact that, when Japan had a vast colonial empire into which the Japanese people could freely emigrate, few did so. Formosa, a rich, uncrowded land with temperate climate, attracted, in 55 years, a total Japanese population of about 350,000. Korea, under Japanese control since 1905, attracted a total Japanese population of about 650,000. In South Sakhalin there were 350,000 Japanese and in the Kurile Islands about 11,000. Japan's colonies helped assure Japan access to food and raw materials, but they were no population outlet. Japanese, like other people, prefer to live at home. So far as emigration is concerned, the territorial clauses of the treaty do not establish restraints greater than those which 98 per cent of the Japanese people voluntarily put upon themselves.

Of course growing populations create problems in Japan and elsewhere. The Japanese will need to develop the capacity to perform services which others want, so that in exchange they can buy the food and raw materials they need. This calls for willingness on the part of the Japanese people to work hard, to work efficiently, and to work with creative imagination so that they can anticipate the economic wants of others. Each of the Allied Powers also has a responsibility. The surrender terms promised the Japanese "access to raw materials" and "participation in world trade relations." Peoples who are ready and willing to work and to create what others want, should have the means to do so. Under such conditions the present territorial status of Japan is no cause for alarm.

Security

Chapter III deals with security, a problem which has not been, and never is, automatically solved by victory. By article 5, Japan undertakes to live peacefully, in accordance with the principles set forth in the Charter of the United Nations. We hope that Japan will promptly become a member of the United Nations. If this were certain, article 5 would be unnecessary. But, in the past, veto power has been used to block the admission of nations qualified for membership. So it is prudent to write into the treaty that, as provided by article 2 (6) of the Charter Japan will settle its international disputes by peaceful means; will refrain in its international relations from

the threat or use of force; and will give the United Nations every assistance in any action it takes in accordance with the Charter.

These provisions completely meet the desire which some nations have expressed that the treaty should bind Japan to peaceful processes and explicitly prohibit Japan from acting forcibly, alone or in coalition, against any other nation. There can be nothing more sweeping than the renunciation of offensive force expressed in article 5 (a) (ii) of the treaty.

In order, however, that this treaty, like the United Nations Charter, should make it perfectly clear that the prohibition against the use of force does not deprive Japan of the right of self-defense, subdivision (c) of article 5 contains a recognition that Japan as a sovereign nation possesses what article 51 of the Charter of the United Nations refers to as "the inherent right of individual or collective self-defense."

Article 6 of the treaty calls for ending the occupation not later than 90 days after the treaty comes into force. However, Japan, as contemplated by article 51 of the United Nations Charter, may enter into collective security arrangements, and these might, in part, be implemented by Allied elements which were in Japan when the treaty came into force. Accordingly, it seemed useful to make it clear that, under such circumstances, these elements would not have to be physically removed from Japan before they could serve as collective security forces. This would be a burdensome requirement, and a risky one for it would for a time leave Japan wholly defenseless, in close proximity to proved aggressors possessed of great military strength. To avoid that danger, article 6 provides that occupation elements now in Japanese territory may stay on for Japan's defense, if this is wanted by Japan.

These remaining military elements would, of course, have characteristics and powers very different from what they had as occupation forces. They would have only such status in Japan as Japan would voluntarily have given them.

The security provisions which we have reviewed are necessary if the treaty of peace is honestly to restore sovereignty to Japan. It has been suggested that the treaty ought to deny to Japan "the inherent right of collective self-defense" and permit only a token right of "individual self-defense."

That kind of a peace, in this present kind of a world, would be a fraud. To give a sovereignty which cannot be defended, is to give an empty husk. Indefensible sovereignty is not sovereignty at all. An undefended and indefensible Japan would be so subject to the menace of surrounding power that Japan would not in fact be able to lead an independent existence.

It has been suggested that a collective security arrangement with the United States, such as Japan is considering, would not be a free act or what the Japanese people really want.

That is not a suggestion which will command credence here. Nearly two-thirds of the delegations here are from countries which either have, or are about to have, voluntary association in collective security arrangements which include the United States. These delegations will assume, and rightly assume, that the Japanese people are like their own people, and like most free peoples, in wanting the collective security which may deter aggression.

When I was in Japan last February this topic was discussed with the Japanese for the first time. I then said publicly that Japan, if it wished, could share collective protection against direct aggression. In order, however, to make perfectly clear our Government's position in the matter I had this to say:

That, however, is not a choice which the United States is going to impose upon Japan. It is an invitation. The United States is not interested in slavish conduct. * * * We are concerned only with the brave and the free. The choice must be Japan's own choice.

No person in this room, and I mean that literally, honestly believes that Japan seeks collective security with the United States because it is coerced. That is palpably absurd.

As the President of the United States pointed out in his opening address to us, security in the Pacific area is being developed on a collective basis which, through combination, enables each nation to get security without making itself into what could be an offensive threat. That is one way to approach the problem. The other way is to prohibit collective security and to follow the policy of "let each country defend itself from aggressors as it likes or as best it can." That latter way, Generalissimo Stalin said, addressing his party on March 10, 1939, means "conniving at aggression."

Any nation which seeks to deny to Japan the right to collective security and which insists that Japan must stand alone is, at heart, a conniver at aggression. Those who sign this treaty will not lend themselves to that design.

I have expounded the philosophy of the treaty with reference to security because it is a philosophy which has been challenged. I hope, however, that the time I have given to this subject will not lead any delegations to feel that military matters are our principal preoccupation.

Security from armed aggression is a negative asset. Our dedication is to the positive side of national life and of individual life. Throughout the Occupation the effort has been to create a climate conducive to human development. To that end, the United States has made a tremendous moral investment. President Truman, in his opening address to us, emphasized the social revolution which has been taking place in Japan, the sweeping away of militarism, the establishment of universal suffrage, the extensive land reforms, and the rapid growth of labor unions. Also, we are not ashamed of the fact that it was under the Occupation that the Japanese people adopted a Constitution forever barring war as an instrument of their national policy. If, today, we are compelled to think in terms of a Treaty which will enable Japan to protect its sovereignty and independence, it is not because we seek a remilitarized Japan—that we have done everything in our power to prevent—but because social and economic progress cannot be achieved in the cold climate of fear.

Japanese prisoners

An outstanding humanitarian feature of the Japanese surrender was the Allied promise to return Japanese prisoners to their homes. However, evidence produced before the United Nations General Assembly last September indicated that large numbers of Japanese soldiers, who had surrendered to the Soviet Union 5 years before,

had not yet been repatriated. The United Nations expressed its concern and set up a commission to study this matter. In order to make clear that the Allied undertaking to Japan survives until it has been performed, article 9 of the Potsdam surrender terms has been incorporated into the treaty of peace (art. 6 (b)). We earnestly hope that it will be fulfilled and tragic anguish be allayed.

Economic matters

Chapter IV deals with trade and commerce. The text is somewhat technical but the words add up to this: Japan is not subjected to any permanent discriminations and disabilities; her economy is unrestricted and no limitations whatever are placed upon her right to trade with each and every country.

The permanent relations between Japan and the Allied Powers, as regards trading, maritime, and other commercial relations (art. 12); as regards high-seas fishing (art. 9); as regards international air transport (art. 13), are to be negotiated between Japan and Allied Powers so desiring. Pending the conclusion of such treaties, and for a 4-year interim period, each Allied Power will be entitled to most-favored-nation treatment as regards customs duties, but only on a basis of reciprocity.

These are liberal treaty clauses. The fulfillment of the hopes placed in them will, however, depend on whether Japan lives up to its intention, proclaimed in the preamble, "to conform to internationally accepted fair practices," and on whether the Allied Powers, by their domestic legislation, extend to Japan trading possibilities which are reasonable, having regard to their own domestic requirements. On these matters a peace treaty can do no more than point the way to a healthy trade relationship and create the opportunity to go in that way. That this treaty does.

Reparations

Reparations is usually the most controversial aspect of peacemaking. The present peace is no exception.

On the one hand, there are claims both vast and just. Japan's aggression caused tremendous cost, losses and suffering. Governments represented here have claims which total many billions of dollars and China could plausibly claim as much again. One hundred thousand million dollars would be a modest estimate of the whole.

On the other hand, to meet these claims, there stands a Japan presently reduced to four home islands which are unable to produce the food its people need to live, or the raw materials they need to work. Since the surrender, Japan has been 2 billion dollars short of the money required to pay for the food and raw materials she had to import for survival on a minimum basis. The United States had made good that 2-billion-dollar deficit. We accepted that as one of our occupation responsibilities. But the United States is entitled to look forward to Japan's becoming economically self-sustaining, so as to end dependence on us; and it is not disposed, directly or indirectly, to pay Japan's future reparations.

Under these circumstances, if the treaty validated, or kept contingently alive, monetary reparation claims against Japan, her ordinary commercial credit would vanish, the incentive of her people would be destroyed and they would sink into a misery of body and spirit

which would make them an easy prey to exploitation. Totalitarian demagogues would surely rise up to promise relief through renewed aggression with the help of those nearby who, as we have seen in Korea, are already disposed to be aggressors. The old menace would appear in aggravated form.

Such a treaty, while promoting unity among aggressors, would promote disunity among many Allied Powers. There would be bitter competition for the largest possible percentage of an illusory pot of gold. Already, several countries have approached the United States with suggestions that their particular claims for reparation should be favored at the expense of others.

A treaty which on the one hand encouraged division among the non-aggression states and on the other hand brought recruits to the side of the aggressive states, would be a treaty which would recklessly squander the opportunity of victory. The parties to such a treaty would expose themselves to new perils greater than those which they have barely survived.

These conflicting considerations were fully discussed, until there emerged a solution which gives moral satisfaction to the claims of justice and which gives material satisfaction to the maximum extent compatible with political and economic health in the Pacific area.

The treaty recognizes, clearly and unambiguously, that Japan should pay reparation to the Allied Powers for the damage and suffering caused by it during the war.

It then goes on to dedicate to the implementation of that principle, certain assets which Japan does have in surplus and which could be put to work to help to compensate those nations which suffered the most from Japan's wartime acts.

Japan has a population not now fully employed, and it has industrial capacity not now fully employed. Both of these aspects of unemployment are caused by lack of raw materials. These, however, are possessed in goodly measure by the countries which were overrun by Japan's armed aggression. If these war-devastated countries send to Japan the raw materials which many of them have in abundance, the Japanese could process them for the creditor countries and by these services, freely given, provide appreciable reparations. The arrangements could cover not merely consumers goods but machinery and capital goods which would enable underdeveloped countries to speed up developing their own industry, so as hereafter to lessen their dependence on outside industrial power.

This is, in essence, the formula expressed in article 14 (a) 1. It results from prolonged exchanges of views, particularly with such countries as the Philippines and Indonesia, which were occupied by Japanese forces and injured in a way which places on the Allied Powers as a whole, and on Japan, a very clear duty to seek all means of reparation which are realistic.

I am frank to say that the treaty is a better, fairer treaty than first drafted. That results from the proper insistence of some governments that all possibilities of reparation should be exhaustively explored. That has been done, and the result is a fresh demonstration of the worth of the free processes of free and equal people. Those processes have here produced a treaty formula which serves the ideal

of justice within an economic framework which can benefit all concerned.

In addition to this source of future reparation, the treaty validates the taking, by Allied Powers, of Japanese property within their jurisdictions.

By article 16, Japanese property in neutral and ex-enemy countries is to be transferred to the International Red Cross for the benefit of former prisoners of war and their families, on the basis of equity, to make some compensation for undue hardship suffered, often in violation of the Geneva conventions. The United States, in response to some Allied inquiries, has indicated that, since its own prisoners of war have received some indemnification out of proceeds of Japanese property we seized, we would assume that equity would require first distribution to those who have had no comparable indemnification.

Allied property within Japan is to be returned. Where this cannot be done, because of war damage, there will be compensation in blocked yen in accordance with pending Japanese domestic legislation.

Korea

Article 21 makes special provision for Korea. The Republic of Korea will not sign the treaty of peace only because Korea was never at war with Japan. It tragically lost its independence long before this war began, and did not regain independence of Japan until after Japan surrendered. Many individual Koreans steadfastly fought Japan. But they were individuals, not recognized governments.

Nevertheless, Korea has a special claim on Allied consideration, the more so as it has not yet proved possible for the Allies to achieve their goal of a Korea which is free and independent. Korea is, unhappily, only half free and only half independent; and even that fractional freedom and independence has been cruelly mangled and menaced by armed aggression from the North.

Most of the Allied Powers have been seeking to make good their promise of freedom and independence and, as members of the United Nations, to suppress the aggression of which Korea is the victim. By this treaty, the Allies will obtain for Korea Japan's formal recognition of Korea's independence, and Japan's consent to the vesting in the Republic of Korea, of the very considerable Japanese property in Korea. Korea will also be placed on a parity with the Allied Powers as regards postwar trading, maritime, fishing, and other commercial arrangements. Thus the treaty, in many ways, treats Korea like an Allied Power.

China

The absence of China from this Conference is a matter of deep regret. Hostilities between Japan and China first began in 1931 and open warfare began in 1937. China suffered the longest and the deepest from Japanese aggression. It is greatly to be deplored that the Sino-Japanese war cannot be formally terminated at this occasion. Unhappily, civil war within China and the attitudes of the Allied Governments have created a situation such that there is not general international agreement upon a single Chinese voice with both the right and the power to bind the Chinese nation to terms of peace. Some think that one government meets these tests. Some think another meets them. Some doubt that either meets them. No majority

can be found for any present action regarding China. Thus, the Allies were faced with hard choices.

They could defer any peace with Japan until they could agree that there was in China a government possessed of both legitimacy and authority. It would, however, be wrong, cruel, and stupid to penalize Japan because there is civil war in China and international disagreement regarding China.

As another approach, each Allied Power could refuse to sign a treaty of peace with Japan unless a Chinese government of its choice was cosigner with it. That, we ascertained, would leave Japan at war with so many Allied Powers that Japan would get only a small measure of the peace she has earned. Indeed, there is no reason to believe that Japan, an essential party, would willingly cooperate in a program leading to that end. To exert compulsion, in this matter, would create resentment in Japan, and it would activate and aggravate Allied division in the face of a grave world-wide menace which requires maximum unity.

The remaining choice was for the Allied Powers generally to proceed to conclude peace without any present Chinese cosignature, leaving China and Japan to make their own peace, on terms, however, which would guarantee full protection of the rights and interests of China.

That is the choice reflected by the present treaty. By article 26, China is given the right to a treaty of peace with Japan, on the same terms as the present treaty. The victorious Allies, which sign the treaty, take nothing for themselves that they do not assure equally to China. Also, by article 21, China, without need of signature, gets the sweeping renunciation by Japan (art. 10) of all Japan's special rights and interests in China, in accordance with a formula suggested by the Republic of China. Also, China receives automatically, and without need of signature, the benefit of article 14 (a) 2 which validates the seizure of Japanese property subject to its jurisdiction. The treaty preserves, in full, the rights of China as one of the Allied victors in this war.

Final clauses

Chapter VII contains clauses which are largely matters of protocol. Of these, article 23, dealing with ratification, gives those signatories to the treaty which have been actively concerned with the occupation a special position, for 9 months, regarding the bringing of the treaty into force. But after 9 months all of the Allied Powers stand on an equal footing as regards bringing the treaty into force as between themselves and Japan.

GOOD PEACE NOW OR BETTER PEACE NEVER

Such, in broad outline, are the main aspects of the treaty that awaits our signature.

It contains, no doubt, imperfections. No one is completely satisfied. But it is a good treaty. It does not contain the seeds of another war. It is truly a treaty of peace.

We may hear a suggestion that we should not now complete, by signature, this product of a year's negotiation, but resort to new procedures, with new parties. It may be pretended that thereby we can gain

greater unity and more perfection. At first that may sound plausible and tempting. It may seem to offer the partially dissatisfied a chance for great satisfaction.

In some Allied countries there are organized groups which urge that the treaty could be changed merely to benefit them, leaving everything else intact. If all of these proposals were to be brought together, it would be apparent that the cumulative effect would be destructive of any agreed peace.

Fortunately, there are also in most of the Allied countries those who see with truer vision. They know that this treaty is good to the point where it cannot be made better without its becoming worse. Better words might theoretically be found, but to seek these is to let escape what is now within our grasp. There come times when to seek the perfect is to lose the good. This is such a time.

There is greater unity now than we are apt to find if there is renegotiation. The treaty has been painstakingly built by the delicate processes of diplomacy, helped by an unusual display of self-restraint and good will. But it is not wise to assume that those qualities will be ever present and that differences can always be composed.

There is a larger measure of satisfaction now than we can ever get again. Delay will inevitably set in motion corroding forces and contradictory efforts which will block each other and frustrate the possibilities inherent in a common effort of good will.

In terms of Japan's future, delay would cost a price which makes petty all the sacrifices incident to present action. The great goals of victory will have been made unattainable.

It was our common hope that, out of the fiery purge of war there would rise a new Japan. That was no foolish hope. Japan has a great culture and tradition which are capable of producing distinctively, but no less authentically, those virtues which all nations and peoples must possess if there is to be a world-wide commonwealth of peace.

In order, however, that that potentiality shall become actuality, Japan needs free political institutions in a climate conducive to their vigorous growth; social progress; an equal administration of justice; an awareness of human dignity; a sense of self-respect; of respect for others.

Above all, Japan needs the will to live at peace with others as good neighbors.

All of this is possible if we make peace now. It becomes impossible, or at best improbable, if Japan's long-deferred hopes are now blasted.

There are in Japan new-born institutions of freedom. But they will not flourish if military rule continues indefinitely to be supreme.

Dignity cannot be developed by those who are subject to alien control, however benign.

Self-respect is not felt by those who have no rights of their own in the world, who live on charity and who trade on sufferance.

Regard for justice rarely animates those who are subject to such grave injustice as would be the denial of present peace.

Fellowship is not the mood of peoples who are denied fellowship.

The United States which, since the surrender, has directed the occupation on behalf of all the Allies, says solemnly to each of the Allies:

Unless you now give Japan peace and freedom on such honorable terms as have been negotiated, the situation will rapidly deteriorate.

The surrender terms have served their every legitimate purpose. Under them "the authority of the Emperor and the Japanese Government to rule the State shall be subject to the Supreme Commander of the Allied Powers." To perpetuate that subjection which has existed for 6 years, into more years, would be to pervert the occupation into an instrument of imperialism and colonialism. The United States wants none of that, and we know that most of you want none of that.

It is time to end the subjection of the Japanese Government to Allied command. It is time to end the occupation and to recognize that, henceforth, it is the Japanese people who exercise complete sovereignty in Japan. It is time to welcome Japan as an equal and honorable member of the family of nations.

That is what the pending treaty will do.

No nation is bound to sign the treaty. This is no conference that wields legal compulsion. The only compulsion is the moral compulsion of grave circumstances. They unite to cry aloud: Let us make peace.

ANNEX 2

In June 1950 the United States was faced by a dual problem, namely (1) bringing to Japan a peace which would end the 9-year-old war and the resultant occupation, then approaching its fifth year, and (2) doing so on terms which would avoid Japan's becoming a vacuum of power into which the nearby aggressive power of Soviet communism would move.

This dual problem was thoroughly discussed at Tokyo in June 1950 by Secretary of Defense Johnson, General MacArthur, General Bradley, Chairman of the Joint Chiefs of Staff, and Mr. John Foster Dulles.

At these conferences General MacArthur emphasized the following basic points:

1. Historically, military occupations have a maximum utility of from 3 to 5 years. Thereafter the occupation assumes the character of "colonialism," the occupation forces assume the complexion of entrenched power, and the people under occupation become restive. In the case of Japan, there would be danger that bitterness and resentment would dominate the Japanese mind.

2. The Japanese people had faithfully fulfilled the obligations they assumed under the instrument of surrender and had every moral and legal right to the restoration of peace.

3. The Japanese people, in the exercise of their sovereignty, would presumably welcome the maintenance by the United States of security forces in Japan, since Japan was itself unarmed and since irresponsible militarism existed in close proximity to Japan.

4. The consummation of a peace and security program as suggested would meet the most impelling need of the moment in the Japan area, namely, the regaining of initiative, without which there would be a progressive deterioration in our position which, if long enough extended, would inevitably confront us with a sit-

uation of general hostility. The Soviet Union, General MacArthur pointed out, might seize the initiative for peace in which event the position of the United States would become virtually irretrievable.

While the conversations between General MacArthur and Mr. Dulles were still continuing there occurred the armed attack of Communist forces on the Republic of Korea. This attack seemed to have, as its ultimate objective, the encirclement of Japan by Soviet power and an increased Soviet opportunity to subject Japan to its domination and eventual exploitation for aggression.

Following the return to Washington of the Secretary of Defense, General Bradley, and Mr. Dulles, the problem was further discussed between the Department of State and the Department of Defense with the result that on September 8, 1950, the President instructed that the United States should proceed to explore the possibility of a Japanese peace settlement which would include security provisions of the general character suggested by General MacArthur. The primary responsibility of negotiation in this matter was placed in the hands of Mr. Dulles.

In consultation with the Departments of State and Defense, Mr. Dulles prepared a seven-point statement of general principles, a copy of which is appended hereto, which contemplated, among other things, that—

pending satisfactory alternative security arrangements, such as United Nations assumption of effective responsibility, there would be continuing cooperative responsibility between Japanese facilities and United States and perhaps other forces for the maintenance of international peace and security in the Japan area.

At the time of the United Nations General Assembly in New York, these 7 principles were discussed with representatives of the 12 other nations which were members of the Far Eastern Commission (including the Nationalist Government of China) and also with Indonesia and Ceylon, nations which were not members of the Far Eastern Commission because they did not have independent status at the time of the formation of the Far Eastern Commission, but which were applicants for membership and regarded as qualified for membership. The principles were also discussed with representatives of the Republic of Korea, a former Japanese colony which, in independence, was deeply concerned.

The Soviet Union registered strong objection, particularly to the security principle above referred to and some reservation was indicated by the Government of India. There was, however, a large measure of acceptance of the seven principles and, in the light of that, Mr. Dulles was formally designated by the President on January 10, 1951, as his special representative for the purpose of conducting the negotiations necessary to conclude a peace settlement with Japan and related security arrangements with Japan and other Pacific countries. The purpose was not merely to end the war by a prompt and just peace but, to use General MacArthur's phrase, "to gain an indispensable initiative." We sought that Japan should become a vigorous and contributory member of the free world. Further, we sought to strengthen the fabric of peace in the Pacific by security arrangements with Japan and other Pacific countries, such as the Philippines, Australia, and

New Zealand, which were part of the Asian offshore island position in the West Pacific.

In January 1951, Mr. Dulles, representing the President, accompanied by Mr. John M. Allison and Mr. Robert Fearey of the Department of State, Mr. Earl D. Johnson, Assistant Secretary of the Army, Maj. Gen. Carter B. Magruder, and Col. C. Stanton Babcock, representing the Department of Defense, and John D. Rockefeller III, as an educational and cultural adviser, went to Japan as a peace mission.

On February 2, 1951, with the approval of the President, Mr. Dulles made a public address in Tokyo, in which he pointed out to the Japanese the dangers of remaining unprotected under the disturbed conditions now existing in the world, emphasized Japanese responsibility for their own protection—particularly against indirect aggression of the subversive type—and pointed out the advantages of collective security. At the same time he stated that if the Japanese wished it the United States would “sympathetically consider” stationing certain of its armed forces in and about Japan to assist in Japan’s defense. He emphasized that the arrangement must be entirely voluntary, saying:

That [stationing of United States forces] is not a choice which the United States is going to impose upon Japan. It is an invitation. The United States is not interested in slavish conduct * * * We are concerned only with the brave and the free. The choice must be Japan’s own choice.

Reaction in Japan was highly favorable to this suggestion. Prime Minister Yoshida, in a public statement on February 11, 1951, said:

The Japanese Government and a preponderant majority of the Japanese people warmly welcome the Ambassador’s invitation to a security arrangement with the United States for the protection of unarmed Japan by the stationing of United States armed forces in and about the country. We realize fully our responsibility to protect ourselves and defend our own land, and do what we can in this respect. When we recover our independence and join the councils of free nations as an equal member, the substance and scope of the Japanese contribution will be determined according to the extent of our economic and industrial recovery.

Early in the discussions with the Japanese it became evident that the Japanese Government recognized fully the necessity for the maintenance in and about Japan of United States armed forces. A tentative draft of agreement was quickly reached. During the following months this Tokyo draft was given intensive study both at Tokyo and at Washington, and it was finally perfected at San Francisco just prior to the signing of the Treaty of Peace. This enabled the security treaty itself to be signed shortly following the signature of the peace treaty.

The Department of Defense and the Joint Chiefs of Staff were in continuous touch with the negotiations and the final result fully met their specifications as to what was necessary to enable the United States and Japan to cooperate to maintain international peace and security in the Japan area.

The Senate Foreign Relations and Armed Service Committees and the House Foreign Affairs and Armed Services Committees were consulted and were represented on the United States Delegation which dealt with this treaty.

The treaty itself is a simple document consisting of a preamble and four substantive articles. The preamble recites the circumstances

which have led to the making of the treaty. The basic substantive article (art. I) grants the United States the right to dispose land, air, and sea forces in and about Japan.

The treaty imposes upon the United States no obligations. The reason for this was pointed out by Mr. Dulles in a statement issued in Japan on February 12, 1951. He then said that security treaties which involved commitments by the United States should embody the principle established by Senate Resolution 239, Eightieth Congress, the so-called Vandenberg resolution, which calls for "continuous self-help and mutual aid" by all the parties to security arrangements joined in by the United States. Japan did not feel able at the present time to assume adequate commitments in that respect. However, as set out in the preamble of the treaty, it is expected "that Japan will itself increasingly assume responsibility for its own defense."

Article I further provides that United States forces in and about Japan may be used not only for the security of Japan but "to contribute to the maintenance of international peace and security in the Far East." This is an important provision which assures that any United States forces in and about Japan are not required to be set apart for a limited purpose only, but may be broadly used for the maintenance of peace and security in the entire Far East.

Article I further provides that United States forces in and about Japan may be used "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."

This provision established, it is believed, a precedent in recognizing the danger of indirect aggression, and in authorizing international measures against it. To a large extent, and particularly in the Far East, Soviet communism has used the method of indirect aggression and civil war. China was conquered by so-called civil war. The North Korean attack was alleged to be civil war. There are "civil wars" and "civil disturbances" in Indochina, Malaya, and elsewhere in the Far East. In all of these countries the insurrectionary forces have the moral and material backing of Soviet communism and could not be formidable without it. If the security of Japan should thus be assailed, United States forces could be utilized for the security of Japan. But this would only be at the express request of the Japanese Government, and the independent concurrence of the United States that the circumstances warrant this unusual action.

The provision has great potential value and it is believed will constitute a deterrent which will make its actual invocation unnecessary. This is what the United States hopes.

Article II provides that Japan will not grant any military facilities to any third power without the consent of the United States.

Article III provides for administrative agreements to cover the disposition of the armed forces of the United States in and about Japan. Such administrative agreements are now in the process of preparation. It is expected they will be completed before the security treaty comes into force.

Article IV provides for termination "whenever in the opinion of the Governments of the United States and Japan" there are satisfac-

JAPANESE PEACE TREATY AND SECURITY PROBLEMS 21

tory alternative provisions for the maintenance of international peace and security in the Japanese area. Thus, on the one hand, there cannot be termination without the concurrence of the United States, which concurrence, it can be assumed, will not be unreasonably withheld. On the other hand, it is in the mind of the parties that the present bilateral arrangement is only an initial step in an evolutionary process of collective security. It is to be presumed that the United States would welcome developments which would reduce Japan's initial, almost total, dependence on the United States for security.

The security treaty is a grant by Japan of rights of a very broad character. It involves a significant commitment of Japan to the cause of the free world and it testifies to Japan's trust in the United States to be an honorable representative of the free world in its quest for collective security.

* * *

The security treaty between the United States and Japan presupposes the prior coming-into-force of the treaty of peace with Japan and the consequent restoration of Japan's complete independence. Article 5 of the peace treaty between the 48 Allied Powers and Japan contains the enabling clause, referred to in the preamble of the security treaty, whereby the Allied Powers recognize that Japan, as a sovereign nation, possesses the inherent right of individual and collective defense and that Japan may voluntarily enter into collective-security arrangements.

Article 6 of the peace treaty is a further enabling article, which provides that the ending of the occupation shall not—

prevent the stationing or retention of foreign armed forces in Japanese territory under and in consequence of any bilateral or multilateral agreements between one or more of the Allied Powers and Japan.

* * *

The United States delegation to conclude the United States-Japan Security Treaty consisted of the Secretary of State, Mr. John Foster Dulles, Senators Tom Connally, Alexander Wiley, John J. Sparkman, and H. Alexander Smith of the Senate Foreign Relations Committee, Senators Richard B. Russell and Styles Bridges of the Senate Armed Services Committee, and Representatives Overton Brooks and Dewey Short of the House Armed Services Committee.

(Attachment: Statement of principles.)

PRINCIPLES FOR JAPANESE PEACE TREATY

There is given below a brief general statement of the type of treaty envisioned by the United States Government as proper to end the state of war with Japan. It is stressed that this statement is only suggestive and tentative and does not commit the United States Government to the detailed content or wording of any future draft. It is expected that after there has been an opportunity to study this outline there will be a series of informal discussions designed to elaborate on it and make clear any points which may be obscure at first glance.

The United States proposes a treaty with Japan which would end the state of war, restore Japanese sovereignty, and bring back Japan

as an equal in the society of free peoples. As regards specific matters, the treaty would reflect the principles indicated below:

1. *Parties.*—Any or all nations at war with Japan which are willing to make peace on the basis proposed and as may be agreed.

2. *United Nations.*—Membership by Japan would be contemplated.

3. *Territory.*—Japan would (a) recognize the independence of Korea; (b) agree to United Nations trusteeship, with the United States as administering authority, of the Ryukyu and Bonin Islands; and (c) accept the future decision of the United Kingdom, Union of Soviet Socialist Republics, China, and the United States with reference to the status of Formosa, Pescadores, South Sakhalin, and the Kuriles. In the event of no decision within a year after the treaty came into effect, the United Nations General Assembly would decide. Special rights and interests in China would be renounced.

4. *Security.*—The treaty would contemplate that, pending satisfactory alternative security arrangements, such as United Nations assumption of effective responsibility, there would be continuing cooperative responsibility between Japanese facilities and the United States and perhaps other forces for the maintenance of international peace and security in the Japan area.

5. *Political and commercial arrangements.*—Japan would agree to adhere to multilateral treaties dealing with narcotics and fishing. Prewar bilateral treaties could be revived by mutual agreement. Pending the conclusion of new commercial treaties, Japan would extend most-favored-nation treatment, subject to normal exceptions.

6. *Claims.*—All parties would waive claims arising out of war acts prior to September 2, 1945, except that (a) the Allied Powers would, in general, hold Japanese property within their territory, and (b) Japan would restore allied property or, if not restorable intact, provide yen to compensate for an agreed percentage of lost value.

7. *Disputes.*—Claims disputes would be settled by a special neutral tribunal to be set up by the President of the International Court of Justice. Other disputes would be referred either to diplomatic settlement, or to the International Court of Justice.

ANNEX 3

As indicated in annex 2, the United States conceived that the establishment of peace in the Pacific meant not only liquidating the old war but strengthening the fabric of peace as against the threat of new war. Of immediate concern were the Pacific nations whose people had been fellows in arms in World War II, namely, the Philippines, Australia, and New Zealand. These nations, with Japan and the Ryukyus, were links in what is often called the Asian "offshore island chain" which marks the western rim of the Pacific.

In the case of the Philippines there already existed a security arrangement with the United States in the form of a base agreement. There existed, however, no formal understanding as between the United States and Australia and New Zealand. The lack of this was felt the more acutely in Australia and New Zealand because these countries have military obligations outside as well as within the Pacific area. Also, these nations felt that a security arrangement with the

United States was the normal counterpart of a Japanese Peace Treaty, which imposed no restrictions upon Japanese rearmament. It seemed eminently appropriate formally to register a sense of common destiny with these two nations of similar political traditions, which relationship had been demonstrated in common sacrifice and effort in two world wars.

Mr. Dulles and the State Department members of his mission, which for this purpose now included Mr. Livingston Satterthwaite and Col. C. Stanton Babcock of the Department of Defense, visited Australia and New Zealand the latter part of February 1951, and they conducted at Canberra, Australia, 4 days of intensive discussion with the Australian Minister for External Affairs, Mr. P. C. Spender, and the New Zealand Minister for External Affairs, Mr. F. W. Doidge. The result was the drafting at Canberra in February of a proposed security treaty substantially in the form of that which was later signed on September 1, 1951, after detailed consideration by the governments concerned, including, in the case of the United States, the Department of State, the Department of Defense, the Foreign Relations and Armed Services Committees of the Senate, and the Foreign Affairs and Armed Services Committees of the House.

The treaty consists of a preamble which sets forth the reasons for the making of the treaty and eight substantive articles.

Article 4 constitutes the essence of the treaty. Thereby each party—recognizes that an armed attack in the Pacific area on any of the Parties would be dangerous to its own peace and safety and each declares that it would act to meet the common danger in accordance with its constitutional processes.

The first-quoted language is drawn from the declaration of President Monroe, which established the Monroe Doctrine and the existing United States constitutional limitations are fully maintained and respected in relation to any action which might be taken.

Article 5 stipulates that an armed attack on any of the parties includes an armed attack not only on the metropolitan territory of the parties but also on island territories under its jurisdiction in the Pacific or on its armed forces, public vessels, or aircraft in the Pacific. That would mean that there would be an "armed attack" on the United States, for the purposes of the treaty, if there were an armed attack on the trust territories—the former Japanese mandated islands—which the United States is administering; or if there were an armed attack on the Ryukyu or Bonin Islands over which the United States was exercising jurisdiction under the Japanese Peace Treaty; or if there were an armed attack upon armed forces which, under the United States-Japan Security Treaty, the United States might maintain in and about Japan.

Article 2 of the treaty embodies the language of Senate Resolution 239, Eightieth Congress, the so-called Vandenberg resolution, to the effect that the parties will "by means of continuous and effective self-help and mutual aid" develop their capacity to resist armed attack.

The treaty provides for a consultative relationship through a council. Any party may withdraw from this council on 1 year's notice.

The treaty, as such, like the Monroe Doctrine, has no fixed duration because the essence of the treaty is recognition of a fact of presumable indefinite duration, namely, the fact that an armed attack upon one of the parties would be dangerous to the others. If ever this ceased

to be the fact, then the basis for the treaty would disappear and the treaty itself could be terminated.

It should be noted that the preamble to the treaty provides that it is designed to coordinate the efforts of the parties "pending the development of a more comprehensive system of regional security in the Pacific area." Thus, like the United States-Japan Security Treaty, evolutionary developments are contemplated.

It is understood by the parties that this treaty is designed as part and parcel of the Japanese peace settlement and the related program for creating peace and security in the Western Pacific area and presupposed the ratification of the Japanese Peace Treaty by the United States, Australia, and New Zealand.

* * *

The members of the United States delegation to conclude the treaty were the Secretary of State, Mr. John Foster Dulles, Senators Tom Connally, Alexander Wiley, John J. Sparkman, H. Alexander Smith, Walter F. George, and Bourke B. Hickenlooper of the Senate Foreign Relations Committee, and Representatives Abraham A. Ribicoff and Walter H. Judd of the House Foreign Affairs Committee.

ANNEX 4

The mutual defense treaty between the United States and the Republic of the Philippines translates into dignified and mutual form a relationship of interdependence which already exists. As such, it marks a new milestone in the relation of the free West and the free East.

The historical relationship between the United States and the Philippines, and their common struggle in the Second World War, are themselves sufficient to assure that, as President Truman said in his public declaration of April 18, 1951—

the whole world knows that the United States recognizes that an armed attack on the Philippines would be looked upon by the United States as dangerous to its own peace and safety and that it would act accordingly.

Furthermore, there already existed an agreement, March 14, 1947, with the Philippines, granting the United States certain military rights and facilities in the Philippines, so that an armed attack upon the Philippines would almost automatically involve an attack upon the armed forces of the United States.

However, the geographical position of the Philippines in the Western Pacific and its fully sovereign status made it desirable that the Philippines should be a full and equal partner in any postwar arrangement for peace and security in this area.

This possibility was discussed in a general way by Mr. Dulles and other members of his mission with the President of the Republic of the Philippines and other leading personalities of the Republic during mid-February 1951; and, after plans were further developed in the light of subsequent discussions in Australia and New Zealand, the United States formally proposed to the Republic of the Philippines, in August 1951, the conclusion of a mutual security treaty along the same lines as were being considered in relation to Australia and New

Zealand. This proposal was promptly accepted by the Republic of the Philippines. The negotiations were brief because of the understanding and community of interest which already existed and the treaty itself was formally signed the same month in the presence of the President of the United States and the President of the Republic of the Philippines.

The putting of our relations with the Philippines on a treaty basis of sovereign equality was strongly urged by members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee, who were particularly active and helpful in this connection.

Since the substance of the mutual defense treaty follows closely that of the Australia-New Zealand-United States treaty, its terms require no comment here beyond that contained in annex 3 in relation to the comparable articles of the other treaty.

It was understood that this treaty was part and parcel of the Japanese peace settlement and the related treaty program for creating peace and security in the Western Pacific area and presupposed the ratification of the Japanese Peace Treaty by the United States and the Republic of the Philippines.

* * *

The members of the United States delegation to conclude the Philippine Mutual Defense Treaty were the Secretary of State, Mr. John Foster Dulles, Senators Tom Connally, Alexander Wiley, John J. Sparkman, H. Alexander Smith, Walter F. George, and Bourke B. Hickenlooper of the Senate Foreign Relations Committee, and Representatives Abraham A. Ribicoff and Walter H. Judd of the House Foreign Affairs Committee.

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:

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.