

Notary Public	Prohibited	Law No. 53, 1908 (Notaries Public Law), Article 12. No persons except Japanese nationals of majority can become notaries public.
Coastal Trade	Restricted	Law No. 46,1899 (Shipping Law), Article 3. No ships except those of Japanese nationality can (enter a closed port in Japan or) transport goods or passengers between Japanese ports. But this is not applicable where law or treaty provides otherwise (in case of an accident at sea or of an attempt to avoid being captured), or where the special permission of the competent Minister has been obtained.
Air Transportation	Restricted	Law No. 54, 1921 (Aviation Law), Article 35. No aircraft except those of Japanese nationality can with compensation transport passengers or goods between places in Japan or between any foreign country and Japan. But this does not apply to cases where the permission of the administrative authorities concerned has been obtained. The "administrative authorities concerned" mentioned above are yet to be designated. At present, therefore, the permission referred to is granted by the Foreign Investment Commission under Paragraph 2, Article 3, Cabinet Order No. 3, 1950 (Cabinet Order relating to the Business Activities of Foreign Nationals).
Mining and Placer Mining	Restricted	Cabinet Order No. 51, 1949 (Cabinet Order relating to the Acquisition of Properties and/or Rights by Foreign Nationals), Article 3. Any foreign national who desires to acquire such property or right from a Japanese national or from the Government or a local public entity in Japan must obtain authorization from the Foreign Investment Commission.
Manufacture of Dyestuffs	Restricted	Law No. 29, 1925 (Law relating to the Encouragement of Dyestuffs Manufacture), Article 2. None except "kabushiki kaisha" (limited companies) which have been established according to Japanese law, and of which one-half or over of the capital and a ma-

Banking	Restricted	Law No. 21, 1927 (Banking Law), Article 32; Imperial Ordinance No. 328, 1927 (Matters relating to Exceptions under the Banking Law), Articles 2 and 4; and Cabinet Order No. 3, 1950 (Cabinet Order relating to the Business Activities of Foreign Nationals), Article 3. A foreign bank, in establishing a branch in Japan, must place a specified amount of deposit money, and cannot concurrently engage in trust business. Further, whether or not a foreign bank shall be permitted to engage in banking in Japan is subject to the opinion of the Foreign Investment Commission.
Insurance	Restricted	Law No. 814, 1949 (Law relating to Foreign Insurers), Articles 3 and 8; and Cabinet Order No. 3, 1950 (Cabinet Order relating to the Business Activities of Foreign Nationals), Article 3. For opening the insurance business in Japan, a foreign insurer must obtain the permission of the Finance Minister, and also place a specified amount of deposit money. Whether or not the permission shall be given must be referred to the Foreign Investment Commission for its opinion.
Lawyer	Restricted	Law No. 205, 1950 (Lawyers Law), Article 7; Supreme Court Regulations No. 28, 1949, Articles 2 and 3; Cabinet Order relating to the Business Activities of Foreign Nationals, Article 3; and Foreign Investment Commission Notification No.1, 1950. Foreign nationals who are qualified to be lawyers in their own country and who have adequate knowledge of Japanese law can, if they pass examination by the Supreme Court, perform the functions of lawyers in Japan. Further, foreign nationals who are qualified to be lawyers in their own country can, after authorization by the Supreme Court, perform the functions of lawyers in Japan with respect to foreign nationals or foreign laws. For foreign nationals to open business in any of the above cases, the permission of the Foreign

Registered Accountant Restricted Investment Commission is necessary.
 Law No. 103, 1948 (Registered Accountants Law), Article 16-(2), (supplemented by Law No. 94, 1950, "Law for the Partial Revision of the Registered Accountants Law"); Cabinet Order relating to the Business Activities of Foreign Nationals, Article 3; and Foreign Investment Commission Notification No. 1, 1950.

Foreign nationals who in their own country have qualifications corresponding to those of registered accountants in Japan, and who have adequate knowledge of Japanese laws and ordinances relating to accounting, can, after their qualifications have been recognized by the Registered Accountants Control Commission, and after their names have been registered on the List of Foreign Registered Accountants kept by that Commission, carry on the profession of registered accountants. The permission of the Foreign Investment Commission is required for foreign nationals to open business in such cases.

Patent Agent Registered Law No. 100, 1921 (Patent Agents Law), Article 2; Cabinet Order relating to the Business Activities of Foreign Nationals, Article 3; and Foreign Investment Commission Notification No. 1, 1950.

In the case of foreign nationals, permission to become patent agents in Japan is granted only to those of a nationality designated by the Minister of International Trade and Industry, who have their place of residence in Japan and who have passed the Registered Accountants' Examination of Japan. The commencement of business requires the permission of the Foreign Investment Commission.

(2) Rights relating to Property

Kind	Remarks	Legal Basis
Ownership of Japanese Ships	Prohibited	Law No. 46, 1899 (Shipping Law), Article 1.
Ownership of Japanese Aircraft	Prohibited	Law No. 54, 1921 (Aviation Law), Article 2.
Rights on Land	Restricted	Law No. 42, 1925 (Foreign Nationals Landownership Law), Articles 1 to 3;

Industrial Property Restricted Law No. 96, 1921 (Patents Law), Article 32; Law No. 97, 1921 (Utility Models Law), Article 26; Law No. 98, 1921 (Designs Law), Article 25; Law No. 99, 1921 (Trade-Marks Law), Article 24; and Cabinet Order No. 51, 1949 (Cabinet Order relating to the Acquisition of Properties and/or Rights by Foreign Nationals), Article 3.

and Cabinet Order No. 51, 1949 (Cabinet Order relating to the Acquisition of Properties and/or Rights by Foreign Nationals), Article 3.

The acquisition by foreign nationals of rights pertaining to land can be prohibited or restricted under the principle of reciprocity, but this provision has not in practice been carried into effect. At present, the permission of the Foreign Investment Commission is required for the acquisition of such rights by foreign nationals.

Foreign nationals who have neither their place of residence nor their place of business in Japan, and who have not obtained the permission of the Foreign Investment Commission, cannot enjoy patents, utility model rights, design rights, or trade-mark rights, except in cases where treaties or analogous instruments provide otherwise.

(3) Prohibition of the Holding of the Stocks of Special Companies

Name of Company	Remarks	Legal Basis
Tohoku Kogyo Kabushiki Kaisha (Tohoku Industrial Development Co., Ltd.)	Prohibited	Law No. 15, 1936 (Tohoku Kogyo Kabushiki Kaisha Law), Article 4. Stocks can be owned only by the Government, public entities, Japanese nationals, or Japanese juristic persons in which foreign nationals or foreign juristic persons do not comprise one-half or over of the members, shareholders, or officials who execute the business, or do not possess one-half or over of the capital or a majority of the votes.
Nippon Hassoden Kabushiki Kaisha (Japan)	Prohibited	Law No. 77, 1938 (Nippon Hassoden Kabushiki Kaisha Law), Article 3.

Electric Generation and
Transmission Co., Ltd.)
Nippon Seitetsu Kabu-
shiki Kaisha (Japan
Iron-Manufacturing
Co., Ltd.)

Prohibited

Ditto.
Law No. 47, 1933 (Nippon Seitetsu
Kabushiki Kaisha Law), Article 3.

Stocks can be owned only by Japanese
nationals, or juristic persons which have
been established in accordance with
Japanese laws and a majority of whose
votes do not belong to foreign nationals
or foreign juristic persons. However,
this does not apply to such juristic
persons as are specified by Imperial
Ordinance and granted special permission
by the competent Minister.

Teikoku Kogyo Kaihatsu
Kabushiki Kaisha (Im-
perial Mining Industry
Development Co., Ltd.)

Prohibited

Law No. 82, 1939 (Teikoku Kogyo
Kaihatsu Kabushiki Kaisha Law), Article 4.
Stocks can be owned only by the
Government, public entities, Japanese
nationals, or Japanese juristic persons.

(4) Rights relating to Personal Status

There are restrictive provisions in the Law for Adopting Foreign Nationals or
Marrying them to Heiresses (Law No. 21, 1898) in respect of cases where Japanese
nationals adopt foreign nationals or take them as husbands of the heiresses of
Japanese families.

ANNEX 3

List of Restrictions on the Enjoyment of Private Rights by Foreign Nationals
(which existed until the end of the war but have since been lifted)

(1) Rights relating to Various Enterprises and Occupations

Kind	Remarks	Legal Basis	Date of Abrogation
Exchanges	Prohibited	Law No. 5, 1893 (Exchanges Law), Article 11. Permitted only to Japanese na- tionals or companies established in accordance with Japanese laws.	March 27, 1947 (Law No. 22: Securities Transaction Law; Supplementary Provi- sions, Article 3).
Automobile Manufacture	Prohibited	Law No. 33, 1936 (Automobile Manufacturing Industry Law), Article 4.	December 20, 1945 (Law No. 49).
Shipbuilding	Prohibited	Law No. 70, 1939 (Shipbuilding Law), Article 3.	December 13, 1947 (Law No. 177).
Aircraft Manufacture	Prohibited	Law No. 41, 1938 (Aircraft Manufacturing Industry Law), Article 3.	November 20, 1945 (Law No. 49).
Light Metal Manufacture	Prohibited	Law No. 88, 1939 (Light Metal Manufacturing Industry Law), Article 4.	November 20, 1945 (Law No. 49).
Organic Syn- thetic Manuf- acture	Prohibited	Law No. 96, 1940 (Organic Synthetic Manufacturing Industry Law), Article 4.	November 20, 1945 (Law No. 49).
Synthetic Oil Manufacture	Prohibited	Law No. 52, 1937 (Synthetic Oil Manufacturing Industry Law), Article 3.	November 20, 1945 (Law No. 49).
Establishment of Salterns in Formosa	Prohibited	Government General of Formosa, Decree No. 14, 1899, Article 2.	
Government or Public Official	Prohibited	Law No. 66, 1899 (Nationality Law), Article 24, Par. 2; and law No. 48, 1923 (Pensions Law), Article 9. These laws contained no express provisions for the prohibition, but were predicated on confining Gov- ernment and public officials to Japanese nationals.	Law No. 146, 1950 (Na- tionality Law); Law No. 120, 1947 (National Public Serv- ice Law); and other cur- rent laws and ordinances relating to public service contain no provisions signifi- cantly modifying the prohibi- tion. But foreign nationals are not entitled to pensions (Pen- sions Law, Article 9).
Lawyer	Prohibited	Law No. 53, 1933 (Lawyers Law), Article 2. However, foreign nationals who are qualified to be lawyers in their own country can perform the	September 1, 1949 (Law No. 205: Lawyers Law).

Mining and Placer Mining	Prohibited	functions of lawyers in Japan in respect of foreign nationals or foreign laws, with the permission of the Minister of Justice, insofar as there are reciprocal guarantees (Article 6). Law No. 45, 1905 (Mining Law), Article 5; and Law No. 22, 1908 (Placer Mining Law), Article 23.	March 15, 1949 (Cabinet Order No. 51: Cabinet Order relating to the Acquisition of Properties and/or Rights by Foreign Nationals, Article 3).
Physician	Restricted	Imperial Ordinance No. 695, 1942 (Regulations for the Enforcement of the People's Medical Treatment Law), Article 1. Reciprocal treatment: License is granted to those nationals of any of the countries designated by the Minister of Welfare (such countries being those which grant licenses for medical practice to Japanese physicians without examination) who have obtained the physician's license in the respective countries and who have been deemed qualified by the Minister of Welfare.	July 30, 1948 (Cabinet Order No. 326: Matters relating to Exceptions under the Medical Treatment Law, (Article 11).
Dentist	Restricted	Imperial Ordinance No. 695, 1942 (Regulations for the Enforcement of the People's Medical Treatment Law), Article 2. Reciprocal treatment: Similar to Article 1 immediately above.	Ditto.
Veterinarian	Restricted	Imperial Ordinance No. 73, 1927 (Matters relating to Qualifications under Paragraph 3 of Article 1 of the Veterinarians Law), Articles 1 and 2. Reciprocal treatment: Similar to above.	October 1, 1949 (Law No. 186: Veterinarians Law).
Registered Accountant	Restricted	Law No. 31, 1927 (Registered Accountants Law), Article 2. This profession is permitted to those nationals of any of the foreign countries designated by the competent Minister who have their place of residence in Japan and who have passed the Registered Accountants Examination in Japan.	June 1, 1949 (Law No. 103, 1948).
Fisheries	Restricted	Law No. 40, 1905 (Pelagic Fishery Encouragement Law), Article 2. Not entitled to receive subsidies for pelagic fisheries. Subsidies can be received only	March 31, 1947.

Overseas Navigation	Restricted	by Japanese nationals or such juristic persons as have been established in accordance with Japanese laws with only Japanese nationals as members or shareholders. Law No. 15, 1909 (Ocean Overseas Navigation Subsidies Law), Articles 1, 3, 9, and 12. Not entitled to receive subsidies.	May 6, 1946 (Imperial Ordinance No. 262).
Machine-tool Manufacture	Restricted	Law No. 40 of 1938 (Machine-tool Manufacturing Industry Law), Article 4. Prohibited to exceed a specified scale.	November 20, 1945 (Law No. 49).
(2) Rights relating to Property			
Land Ownership	Restricted	Kind Remarks Legal Basis Law No. 42, 1925 (Foreign Nationals Land Law), Articles 4 to 6; Imperial Ordinance No. 334, 1926 (Ordinance for the Enforcement of the Foreign Nationals Land Law). Landownership of foreign nationals is prohibited in areas vital to national defense.	Date of Abrogation October 24, 1945 (Imperial Ordinance No. 598).
Transfer, Loan (including Charter for a period), Hypothecating, and Delivery of Japanese Ships	Restricted	Kind Remarks Legal Basis Law No. 92 of 1937 (Provisional Ship Control Law), Article 3; Applied "mutatis mutandis" to ships under construction. Permission of the Government is required.	May 6, 1946 (Imperial Ordinance No. 262).

(3) Prohibition of the Holding of the Stocks of Special Companies

Bank of Japan	Prohibited	Kind Remarks Legal Basis Law No. 67, 1942 (Bank of Japan Law), Article 6; and Imperial Ordinance No. 175, 1942 (Ordinance for the Enforcement of the Bank of Japan Law), Article 3. Foreign nationals, foreign juristic persons, or Japanese juristic persons in which foreign nationals or foreign juristic persons comprise one-half or over of the members, shareholders, investors, or officials who execute the business, or possess one-half or over of the capital or a majority of the votes, are not entitled to invest in the Bank of Japan.	Date of Abrogation November 25, 1945 (Ministry of Finance Ordinance No. 101).
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Yokohama Specie Bank	Prohibited	Imperial Ordinance No. 29, 1887 (Yokohama Specie Bank Law), Article 5.	Ditto. Designated as "closed" company (June 30, 1947: Ministry of Finance Notification No. 130).		
Bank of Chosen	Prohibited	Law No. 48, 1911 (Bank of Chosen Law), Article 5.	Ditto. Designated as "closed" company (October 26, 1945: Finance, Foreign Affairs, Home Affairs and Justice Ministries Ordinance No. 1).		
Chosen Shokusan Bank (Colonial Development Bank of Korea)	Prohibited	Decree No. 7, 1918 of the Government General of Chosen (Chosen Shokusan Bank Decree), Article 4.	Description under "Bank of Chosen" above applies.		
Kokusai Denki Tsushin Kabushiki Kaisha (International Telecommunications Co., Ltd.)	Prohibited	Law No. 30, 1925 (International Telecommunications, Co., Ltd., Law), Article 5. Stocks can be owned only by the Government, public entities, Japanese nationals or Japanese juristic persons in which foreign nationals or foreign juristic persons do not comprise one-half or over of the members, shareholders, or officials who execute the business, or do not possess one-half or over of the capital or a majority of the votes. However, this does not apply to persons who have received special permission from the Government.	May 19, 1947 (Cabinet Order No. 53).		
Nippon Tsuun Kabushiki Kaisha (Japan Express Co., Ltd.)	Prohibited	Law No. 46, 1937 (Nippon Tsuun Kabushiki Kaisha Law), Article 3. Stocks can be owned only by the Government, public entities, Japanese nationals, or Japanese juristic persons in which foreign nationals or foreign juristic persons do not comprise one-half or over of the members, shareholders, or officials who execute the business, or do not possess more than one-half or over of the capital or a majority of the votes.	May 6, 1946 (Imperial Ordinance No. 262).		
Dai Nippon Koku Kabushiki Kaisha (Japan Airways Co., Ltd.)	Prohibited	Law No. 84, 1939 (Dai Nippon Koku Kabushiki Kaisha Law), Article 6. Similar to Law No. 46, 1937, Article 3, mentioned above.	December 18, 1945 (Law No. 62). Dissolved on October 30, 1945.		
Teito Kosokudo Kotsu Eidan (Metropolitan Express Transportation Corporation)	Prohibited	Law No. 51, 1941 (Teito Kosokudo Kotsu Eidan Law), Article 3.	Ditto.	May 6, 1946 (Imperial Ordinance No. 262).	
Toa Kaiun Kabushiki Kaisha (East Asia Marine Transportation Co., Ltd.)	Prohibited	Law No. 68, 1941 (Toa Kaiun Kabushiki Kaisha Law), Article 6. Same as above, except for persons who have received special permission from the Government.		May 6, 1946 (Imperial Ordinance No. 262). Designated as "closed" company (May 8, 1947, Finance and Transportation Ministries Notification No. 1).	
South Manchuria Railway Co., Ltd.	Prohibited	Imperial Ordinance No. 142, 1906 (Matters concerning the South Manchuria Railway Company, Limited), Article 2. Exceptions are made of the Government and citizens of the Republic of China.		Designated as "closed" company (October 26, 1945; Finance, Foreign Affairs, Home Affairs and Justice Ministries Ordinance No. 1).	
Toyo Takushoku Kabushiki Kaisha (Oriental Colonial Development Co., Ltd.)	Prohibited	Law No. 63, 1908 (Toyo Takushoku Kabushiki Kaisha Law), Article 3. Stocks can be owned only by Japanese nationals.		Designated as "closed" company (October 26, 1945; Finance, Foreign Affairs, Home Affairs and Justice Ministries Notification No. 1).	
Taiwan Takushoku Kabushiki Kaisha (Formosa Colonial Development Co., Ltd.)	Prohibited	Law No. 43, 1936 (Taiwan Takushoku Kabushiki Kaisha Law), Article 3. Stocks can be owned only by the Government, public entities, Japanese nationals or Japanese juristic persons in which foreign nationals or foreign juristic persons do not comprise one-half or over of the members, shareholders, or officials who execute the business, or do not possess one-half or over of the capital or a majority of the votes.		Designated as "closed" company (October 26, 1945; Finance, Foreign Affairs, Home Affairs and Justice Ministries Notification No. 1).	
Karafuto Kaihatsu Kabushiki Kaisha (Saghalien Development Co., Ltd.)	Prohibited	Law No. 50, 1941 (Karafuto Kaihatsu Kabushiki Kaisha Law), Article 6. Similar to Law No. 43, 1936, Article 3, mentioned above.		Designated as "closed" company (October 26, 1945; Finance, Foreign Affairs, Home Affairs and Justice Ministries Notification No. 1).	
Kita-Karafuto Sekiyu Kabushiki Kaisha (North Saghalien Petroleum Co., Ltd.) and Kita-Karafuto	Prohibited	Imperial Ordinance No. 9, 1926, Article 3. Stocks can be owned only by Japanese nationals, or juristic persons which have been established in accordance with Japanese laws and in which foreign nationals or			

Kogyo Kabushiki Kaisha (North Saghalien Mining Co., Ltd.)		foreign juristic persons do not possess a majority of votes.	
Taiwan Denryoku Kabushiki Kaisha (Formosa Electric Power Co., Ltd.)	Prohibited	Decree No. 1 of 1919 of the Government General of Formosa (Taiwan Denryoku Kaisha Decree), Article 6. Only the Government, public entities, Japanese nationals, juristic persons established in accordance with Japanese laws, or persons who have received permission from the Governor General of Formosa are entitled to become shareholders.	
Nippon Hiryo Kabushiki Kaisha (Japan Fertilizers Co., Ltd.)	Prohibited	Law No. 101, 1940 (Nippon Hiryo Kabushiki Kaisha Law), Article 3. Similar to Nippon Seitetsu Kabushiki Kaisha Law, Article 3.	Designated as "closed" company (July 15, 1947: Finance, and Agriculture and Forestry Ministries Notification No. 2).
Nippon Yushutsu Nosanbutsu Kabushiki Kaisha (Japan Export Agricultural Products Co., Ltd.)	Prohibited	Law No. 100, 1940 (Nippon Yushutsu Nosanbutsu Kabushiki Kaisha Law), Article 3. Stocks can be owned only by the Government, public entities, Japanese nationals, or Japanese juristic persons in which foreign nationals or foreign juristic persons do not comprise one-half or over of the members, shareholders, or officials who execute the business, or possess one-half or over of the capital or a majority of the votes.	November 19, 1947 (Law No. 134).
Nippon Sanshi Tosei Kabushiki Kaisha (Japan Silk Yarn Control Co., Ltd.)	Prohibited	Law No. 67, 1941 (Sanshigyo Tosei Law), Article 24. Similar to Law No. 100, 1940, Article 3, above.	Designated as "closed" company (November 30, 1946: Ministry of Finance Notification No. 741). Dissolved on November 30, 1946.
Nochi Kaihatsu Eidan (Agricultural Land Development Co., Ltd.)	Prohibited	Law No. 65, 1941 (Nochi Kaihatsu Law), Article 7. Ditto.	Designated as "closed" company (September 2, 1947: Finance, and Agriculture and Forestry Ministries Notification No. 5).
Nippon Mokuzai Kabushiki Kaisha (Japan Timber Co., Ltd.)	Prohibited	Law No. 66, 1941 (Mokuzai Tosei Law), Article 11. Ditto.	Designated as "closed" company (July 18, 1947: Finance, Agriculture and Forestry Ministries Notification No. 3). Dissolved on November 10, 1946.

Teikoku Nenryo Kogyo Kabushiki Kaisha (Imperial Fuel Industry Development Co., Ltd.)	Prohibited	Law No. 53, 1937 (Teikoku Nenryo Kogyo Kabushiki Kaisha Law), Article 5. Ditto.	December 1, 1949 (Law No. 243).
Teikoku Sekiyu Kabushiki Kaisha (Imperial Petroleum Co., Ltd.)	Prohibited	Law No. 73, 1941 (Teikoku Sekiyu Kabushiki Kaisha Law), Article 5. Ditto.	Due July 1, 1950 (Law No. 91).

(4) Rights relating to Personal Status

Kind	Remarks	Legal Basis	Date of Abrogation
Right of succession to a House	Prohibited	Civil Code, Article 964	April 18, 1947 (Law No. 74).

ANNEX 4

Memorandum of the Japanese Government to the General Headquarters of the Supreme Commander for the Allied Powers on "Removal of Discrimination between Japanese and Foreigners in Application of Domestic Laws".

TO: GENERAL HEADQUARTERS OF THE SUPREME COMMANDER
FOR THE ALLIED POWERS

FROM: Central Liaison Office, Tokyo

SUBJECT: Removal of discrimination between Japanese and foreigners in application of domestic laws.

C.L.O. No. 1007 (1.1)

10 December, 1945

1. The General Headquarters for the Allied Powers issued a directive under the date of October 4, 1945, instructing that the Japanese Government would "in order to remove.....discrimination on grounds of race, nationality, creed or political opinion, abrogate and immediately suspend the operation of all provisions of all laws, decrees, orders, ordinances and regulations which, by their terms or their application, operate unequally in favor of or against any person by reason of race, nationality, creed or political opinion."

2. The said directive is interpreted by the Japanese Government in the sense that any Japanese laws or regulations relating to foreigners which, excepting the cases based upon reciprocity provided for by treaties, operated to the advantage of persons of one nationality as compared with those of another nationality, and any laws or regulations which afforded discriminatory treatment to minority groups among Japanese subjects should be abrogated. But the Government has never thought that the directive was intended to equalize the status of Japanese and that of foreigners in Japanese domestic laws.

In legislation of many a country differentiation is made between their own nationals and foreigners in their status in respect of private laws as well as public laws. For example, with regard to land ownership, mining right, ship ownership, coastal trade, shares in the central bank, membership in exchanges or certain

other categories of occupation, foreigners are subject more or less to restrictions from which nationals of the country are free. Such being the case the Japanese Government has interpreted the directive as not being intended to abolish differences between Japanese and foreigners such as are universally recognized by various countries as the legal practices of today. The correctness of this interpretation seems to be confirmed by the fact that the said directive was chiefly concerned with the question of freedom of speech, assembly and faith.

3. The Japanese Government believes that to maintain certain differences in legal status between Japanese nationals and foreigners for the protection of the legitimate interests of the country and nationals of Japan is a proper step approved by world legal opinion of today; nor does it consider that such a step constitutes a violation of the Potsdam Declaration. In fact, such differentiation does not run counter in any way to the terms of the Potsdam Declaration or the Instrument of Surrender but is recognized by the laws of all democratic countries, for it is not born of militarism or anti-democratic ideology but arises from the innate differences between the people who constitute a nation on the one hand and foreigners on the other.

It goes without saying that the contents and scope of legislation are not necessarily the same for all countries owing to the differences in historical, geographical and other circumstances. As is well known the Japanese laws are not particularly restrictive as compared with other countries, but Japan, who once suffered from extraterritoriality, has not followed the pattern of the freest kind such as of England, while a country like China has adopted a most restrictive type of legislation in view of the existence of extraterritoriality.

4. However, with regard to certain stipulations of Japan's Alien Land Law, Mining Law, Iron Sand Law, Shipping Law (coastal trade), Exchange Law, etc., which provides for a discriminatory treatment of foreigners, certain authorities of the Allied General Headquarters have recently expressed an opinion to Japanese Government officials concerned to the effect that such provisions are contrary to the above-mentioned Allied directive of October 4.

Vis-à-vis this opinion of the Allied authorities, the views of the Japanese Government are as have been already stated. It being considered a question of vital importance affecting the fundamental rights of Japan as an independent nation, the Japanese Government desires to request afresh for a statement of views from the General Headquarters for the Allied Powers.

5. Although the basic position of the Japanese Government on the matter is as stated above, it is admitted on the other hand that there are laws and regulations which may contain certain stipulations, which have to do with military defense and other matters, and which are no longer adaptable to the new situation of today. As a matter of fact, the Government has voluntarily taken up investigations of all laws with a view to revising the same so as to suit them to the new

situation. It may be added that the Japanese Government expects to see that the views of the Allied Headquarters are reflected in the proposed revisions of the laws.

For the President,

(S. Iguchi)
Director of General Affairs
Central Liaison Office.

ANNEX 5

Outline of the Existing Domestic Legislation concerning International Trade and Commerce

- I. Customs Duties
- II. Excise Taxes
- III. Monopolies
- IV. Foreign Trade and Exchange Control
- V. Ships

I. Customs Duties

1. Exports

Exports are duty-free. Furthermore, when goods manufactured from imported materials are exported, the import duty on the materials imported is waived in whole, or is refunded in part, under Article 9 of the Customs Tariff Law.

2. Imports

(1) Conventional tariff

When there is a special conventional tariff by treaty, this tariff takes precedence over the general tariff under the Customs Law, in accordance with the proviso in Article 1 of the Customs Law (Proviso, Article 1, Customs Law).

(2) National tariffs

When no conventional tariff is in force, duties are imposed according to national tariffs. In regard to both the general tariff and a special tariff, equality between Japanese and foreign nationals is the rule.

(A) General tariff

Duties are imposed on imports, as a rule, according to the Import Tariff attached to the Customs Tariff Law (Article 1, Customs Tariff Law).

(B) Special tariff

(a) With regard to the products of a foreign area which do not enjoy the benefits of a special convention by treaty, such benefits as do not exceed them can, in cases of special necessity, be accorded to those products through designating the area and the goods by Imperial Ordinance (Article 3, Customs Tariff Law).

- (b) On the other hand, with regard to the products, exports or goods in transit of a country which accords to the ships, products, exports or goods in transit of Japan a less favorable treatment than to those of a third country, an Imperial Ordinance can designate particular objects and impose on them duties not exceeding their value, in addition to those prescribed in the Import Tariff attached to the Customs Tariff Law (Article 4, Customs Tariff Law).
- (c) Under the Law relating to Specific Duties in Import Tariff (Law No. 4, 1932), which was enacted to meet the depreciation of the yen exchange, specific duties are, for the time being, to be 135 per cent of those prescribed in the Import Tariff attached to the Customs Tariff Law. But exceptions are made of the various items listed in the Table attached to the first mentioned law (viz., the scores of goods which are subject to specific duties and the tariff rates on which has already been fixed in anticipation of the effects of depreciated exchange). This law was enacted in 1932 to rectify the disparity between specific and ad valorem duties which had resulted from a sharp decline in the exchange rate of the yen.
- (d) According to the Law relating to Import Duties on Luxuries and Similar Articles (Law No. 24, 1924), which was enacted to prevent an excessive influx of luxuries, a 100 per cent ad valorem duty is, for the time being, to be imposed on the goods listed in the Table attached to that law, even when they are included in those enumerated in the Import Tariff attached to the Customs Tariff Law. However, such uncut or unpolished semi-precious stones or unworked amber as are for use in the manufacture of articles used in machinery or in manufacturing industries can, as may be provided for by Ordinance, be exempted in part from the import duties prescribed in the first-mentioned law, upon a security of equivalent value being deposited. This law was enacted in 1924 to counter the threat to the stability of Japanese economy, which had stemmed from the measures taken for Customs duties exemption or reduction following the Great Earthquake of 1923 in the Kanto District. These measures had been designed to promote the importation of materials and supplies needed to meet the requirements of post-earthquake rehabilitation, but had turned out to have another effect of bringing about an excessive influx of luxurious goods.
- (e) The Law relating to Salted Fish, Smoked Fish, and Fish Waste Imported from Foreign Countries (Law No. 86, 1900) provides that, on salted fish and smoked fish imported from foreign countries, import duties not exceeding 50 per cent of their cost prices can be imposed in addition to those prescribed in the Customs Tariff Law; and, on fish

waste, an import duty not exceeding 50 per cent of its cost price. However, the rates of these duties and the period of their enforcement are to be determined by Imperial Ordinance. This law has not been invoked in recent years.

- (f) When goods, for which an export bounty is granted in a foreign country at the time of their exportation, are imported into Japan, a Customs duty equivalent in amount to that export bounty can by Imperial Ordinance be imposed in addition to the duty prescribed in the Import Tariff attached to the Customs Tariff Law (Article 5, Customs Tariff Law).
- (g) When any key industry of Japan is likely to be prejudiced by the importation of dumped goods or by the dumping of imported goods, Customs duties not exceeding the fair prices of such goods can, by designating the particular goods and the period of enforcement of this measure in accordance with the provisions of an Imperial Ordinance, be imposed on such goods in addition to the duties prescribed in the Import Tariff attached to the Customs Tariff Law. In cases, where the designated goods have already been imported, the additional Customs duties can be collected from the dumpers or from their agents (Article 5-2, Customs Tariff Law).

3. Import duties reduction and exemption

(1) Special items

Article 7 of the Customs Tariff Law enumerates 22 items which are exempted from import duties. They include articles for the use of the Imperial Household; official-use articles of diplomatic officers; personal effects and household articles of private individuals in transportation due to the change of their places of residence; relief supplies; ritual articles donated to such shrines, temples or churches as are incorporated as juristic persons; samples of merchandise; etc.

(2) Items of special domestic needs

- (A) When the following articles are re-exported within one year from the date of their importation, they are exempted from import duties:
- (a) Articles which are designated by Ordinance and which are imported for processing;
 - (b) Receptacles of import goods;
 - (c) Articles to be used as receptacles of export goods;
 - (d) Articles imported for repair, for the purpose of scientific research, for trial, for the purpose of procuring orders, or as samples of workmanship; and
 - (e) Articles imported for display at exhibitions, etc. (Article

8, Customs Tariff Law).

- (B) The import duty on rice, hulled or unhulled, can, in case of a bad crop, be reduced by Imperial Ordinance for such period of time as may be designated thereunder (Article 6, Customs Tariff Law).
- (C) The Law relating to the Exemption of Foodstuffs from Import Duties (Law No. 188, 1947) provides that, of the articles enumerated in the Import Tariff attached to the Customs Tariff Law, those which are listed in the Table attached to the first-mentioned law shall be exempted from import duties for the period from January 1, 1948, to December 31, 1950. The items coming under this exemption number 118, including rice; barley and wheat; beans and peas; coffee; meat, poultry and game; butter; and eggs.
- (D) Article 12 of the Foodstuffs Control Law (Law No. 40, 1942) provides that, whenever deemed necessary by the Japanese Government, the import duties on staple foodstuffs can be increased, decreased or waived by Cabinet Order (by Imperial Ordinance until this system of enactment was reformed in 1947) for such period of time as may be designated thereunder. Of the Imperial Ordinances of this nature, there are three: Imperial Ordinances No. 354, 1946; No. 618, December 27, 1946; and No. 445, 1947. They enumerate the staple foodstuffs, the import duties on which are reduced or waived. All these foodstuffs, however, are included in the 118 items mentioned in (C) immediately above.
- (3) Materials for key industries, including those manufacturing exports
- (A) Materials imported for use in the manufacture of the export articles designated by Ordinance can, as may be provided for thereunder, be exempted from import duties or such duties can be refunded, in whole or in part.
Even in the case of imported materials which are not used in the manufacture of export articles, those used in the manufacture of hatter's fur, of cellulose pulp, of precious stones to be used for mechanical or industrial purposes, of lead foil for packing tea, of zinc sheet (not exceeding 0.17 millimeter in thickness), or of the alcohol, oil or oil-cake designated by Ordinance, can, as may be provided for by Ordinance, be exempted from import duties or such duties can be refunded, in whole or in part (Article 9, Customs Tariff Law).
- (B) Iron or steel materials, equipments or parts thereof, and engines or parts thereof, which are used in the construction or repair of ships and which are designated by Ordinance, can be exempted from import duties (Article 10, Customs Tariff Law).
- (C) Iron goods (excluding special steel, otherwise provided for) enumerated in Import Tariff No. 462 can for the time being be exempted from import

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duties, under the Law relating to the Exemption of Iron from Import Duties (Law No. 87, 1941).

- (D) When machinery, tools and other materials necessary for the operation of key industries (such as those for the manufacture of iron, automotive vehicles, synthetic oil, aircraft, ammonium sulphate, organic syntheses, essential machinery, etc.) are imported with the permission of the Government, they can be exempted from import duties for a specified period. This exemption was a special measure adopted during the war. At present, ammonium sulphate, which is used in peace industries, is the only item which still remains entitled to this privilege (Article 4, Law for the Increased Production of Ammonium Sulphate and for the Control of its Distribution).

II. Excise Taxes

- (1) Sugar excise tax
(Sugar Excise Tax Law: Law No. 13, 1901.)
- (2) Playing cards tax
(Playing Cards Tax Law: Law No. 44, 1902.)
- (3) Textile excise tax
(Textile Excise Tax Law: Law No. 7, 1910.)
- (4) Commodity tax
(Commodity Tax Law: Law No. 40, 1940.)
- (5) Soft drinks tax
(Soft Drinks Tax Law: Law No. 16, 1926.)
- (6) Naphtha tax
(Naphtha Tax Law: Law No. 44, 1949.)
- (7) Wine tax
(Wine Tax Law: Law No. 35, 1940.)

When the above articles, imported from foreign countries, are taken out of the Customs, the above-mentioned excise taxes or delivery taxes are imposed upon them in addition to Customs duties.

III. Monopolies

- (1) Crude camphor and camphor oil
(Crude Camphor and Camphor Oil Monopoly Law: Law No. 5, 1903.)
- (2) Tobacco
(Tobacco Monopoly Law: Law No. 14, 1904.)
- (3) Salt
(Salt Monopoly Law: Law No. 11, 1905.)
- (4) Alcohol

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(Alcohol Monopoly Law: Law No. 32, 1937.)

These monopoly goods can be imported only by the Government or with Government permission.

IV. Foreign Trade and Exchange Control

1. Foreign Exchange and Foreign Trade Control Law (Law No. 228, 1949)

- (1) The above law was promulgated on December 1, 1949, to take the place of the Foreign Exchange Control Law (Law No. 83, 1941), the Ordinance relating to Temporary Measures for Foreign Trade and Others (Imperial Ordinance No. 328, 1946), etc. According to Paragraph 1 of this law, the date of its coming into effect is to be prescribed by Cabinet Order in regard to each of its provisions. And all these provisions have become effective as from June 30, 1950. This law provides only for general outlines, and the details of each provision are delegated to Cabinet Orders or Ministerial Ordinances.
- (2) As used in this law, the term "residents" means natural persons who have their permanent or customary place of residence in Japan, and juristic persons who have their principal office in Japan. The branches, sub-branches and other offices in Japan of "non-residents" are also regarded as "residents" (Article 6).
- (3) When the Finance Minister or the Foreign Exchange Control Board has fixed the unitary basic rate of exchange of Japanese currency, cross rates of exchange with foreign currencies, selling and buying rates, etc., no person can perform transactions except in accordance with the rates so fixed (Article 7). Further, the Finance Minister can, if necessary in case of a sudden change in the international economic situation, suspend the transactions coming under the provisions of this law (Article 9).
- (4) Any bank which intends to engage in foreign exchange business, and any person who intends to engage in money-changing business, must designate their place of business and its scope, and obtain the authorization of the Finance Minister (Articles 10 and 14).
- (5) Concentration, etc. of foreign exchange
 - (a) Any person, whether a "resident" or a "non-resident", who is in Japan, may be required to deposit or register, at a specified place or in a specified formula, his foreign means of payment and precious metals existing in Japan; or to sell them for Japanese currency to the Foreign Exchange Special Account, the Bank of Japan, a foreign exchange bank or others at a price to be fixed by the Finance Minister by taking into consideration the official price or the market price (Article 21).

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- (b) With regard to foreign means of payment, precious metals, foreign claimable assets and foreign securities, any "resident" may also be placed under the same obligation as under Article 21 (Article 22). In the case of a "resident" other than a Japanese national, however, this provision applies only to the property acquired by the transactions which are governed by this law or by the orders and ordinances based thereon (Article 25).
- (6) Restriction and prohibition of payment
 - (a) Except as otherwise provided for in this law or in a Cabinet Order, no person can make any payment to a foreign country, make any payment to a "non-resident" or receive any payment from a "non-resident", or make any payment to a "resident" on behalf of a "non-resident" or receive any such payment. But this provision does not apply to payment made in Japanese currency for the expenditure incurred by the sojourn of a "non-resident" in Japan, covering the cost of living or the purchase of normal commodities and services; or for the conduct of the domestic business in Japan which a "non-resident" has been authorized to carry on (Article 27).
 - (b) Except as otherwise provided for in this law or in a Cabinet Order, no person can make in Japan any payment to, or for the credit of, a "resident" in compensation for, or in connection with, a payment or a benefit due to any person abroad, or the acquisition of property abroad. This also applies to any of such acts abroad on the part of any "resident" (Article 28).
 - (c) Except as otherwise provided for in this law or in a Cabinet Order, no person can receive in Japan any payment from, or on behalf of, a "resident" in compensation for, or in connection with, the transfer of property abroad. This also applies to any such acts abroad on the part of any "resident" (Article 29).
- (7) Except as otherwise provided for in a Cabinet Order, no person can be a party to the creation, the modification, the liquidation, the settlement, the direct or indirect transfer, or any other act of disposition of claimable assets expressed in Japanese currency between "non-residents", foreign claimable assets between "residents", and claimable assets between "residents," and claimable assets between a "resident" and a "non-resident" (Article 30).
- (8) Acquisition and alienation of securities
 - (a) Except in cases where authorization has been obtained under the provisions of a Ministry of Finance Ordinance, no person can sell, buy, donate, exchange, lend, borrow, deposit, pledge, or transfer the securities located in Japan, or transfer any rights pertaining to such securities, with the exception of transactions in Japanese securities between "residents" (Article 31).

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- (b) With regard also to the securities located abroad, "residents" are subject to the same prohibition as under Article 31. In the case of "residents" other than Japanese nationals, however, the prohibition applies only to the securities acquired by the transactions which are governed by this law or by the orders and ordinances based thereon (Article 32).
- (c) Unless with the permission obtained under the provisions of a Ministry of Finance Ordinance, no person can be a party to any arrangement concerning the safekeeping of securities, except in cases where Japanese securities are to be for safekeeping in Japan on behalf of "residents," or where, under an arrangement between "non-residents", foreign securities are to be for safekeeping abroad on behalf of "non-residents" (Article 33).
- (d) Except as otherwise provided for in a Ministry of Finance Ordinance or in a Cabinet Order, certain acts relating to securities insurance, flotation and subscription are prohibited, as follows:
- (i) No person, whether a "resident" or a "non-resident," can issue or float abroad any securities payable in Japanese currency.
 - (ii) No "resident" can issue or float any securities abroad.
 - (iii) No "non-resident" can issue or float any foreign securities in Japan.
 - (iv) No "resident" can subscribe to foreign securities.
 - (v) No "non-resident" can subscribe to Japanese securities (Articles 34 and 35).
- (9) Acquisition and alienation of immovable property
- (a) Except as otherwise provided for in a Ministry of Finance Ordinance, no "resident" can acquire any immovable property located abroad or any right thereto, or dispose of his immovable property located abroad or relinquish or surrender any part of his right thereto (Articles 36 and 37).
- In the case of "residents" other than Japanese nationals, however, this prohibition applies only to the immovable property acquired by the transactions which are governed by this law or by the orders and ordinances based thereon (Article 41).
- (b) Except as otherwise provided for in a Cabinet Order, no "resident" can dispose of any immovable property located in Japan or any right thereto on behalf of a "non-resident" (Article 38).
- (c) Except as otherwise provided for in a Cabinet Order, no "non-resident" can acquire any immovable property located in Japan, or any right thereto, from another "non-resident" (Article 39).
- (d) Except as otherwise provided for in a Cabinet Order, no "non-resident" can dispose of any immovable property located in Japan, or relinquish or surrender any part of his right thereto (Article 40).
- (10) Foreign trade
- (a) The exportation of goods from Japan, insofar as is consistent with the

purpose of this law, is permitted under a minimum of restrictions (Article 47).

- (b) Any person who desires to export a specified line of goods, or to export goods by a specified transaction or a specified method of payment, may be required to obtain the approval of the Minister of International Trade and Industry, as provided for by Cabinet Order within the limits necessary for the maintenance of the international balance of payments and for the sound development of foreign trade and national economy (Article 48).
- (c) The method of payment for the goods to be exported is provided for by Cabinet Order (Article 49).
- (d) Any person who exports goods must fully respect the laws and regulations prohibiting unfair competition in the country of their final destination (Article 50).
- (e) The Minister of International Trade and Industry can, in case of special necessity, suspend the shipment of export goods, designating the articles or the place of destination, for a period not exceeding one month (Article 51).
- (f) Any person who desires to import goods may be required to obtain approval for such importation, as provided for by Cabinet Order, in order that the most economical and beneficial importation of goods can be ensured within the scope of the Foreign Exchange Budget (Article 52).
2. Export Trade Control Order (Cabinet Order No. 378, 1949)
- (1) The above law was promulgated on December 1, 1949, and made effective on that day, principally for the purpose of putting into execution the provisions regarding exportation contained in the Foreign Exchange and Foreign Trade Control Law.
- (2) Any person who desires to export the goods mentioned below must obtain the approval by license of the Minister of International Trade and Industry (Article 1).
- (a) Sixty-one items, including staple foodstuffs, mineral products of various kinds, machinery, vehicles, chemical products, important objects of art, and weapons; and the four categories of articles the importation of which is prohibited under Article 11 of the Customs Tariff Law.
 - (b) Goods to be exported under contracts for processing them, or under contracts for compensating exports by imports corresponding thereto.
 - (c) Goods to be exported by payment terms other than those provided for in the Foreign Exchange Control Board Regulations.
- (3) Any person who desires to export goods must, through the procedure prescribed by a Ministry of International Trade and Industry Ordinance, present to a foreign exchange bank an export declaration in the form

prescribed by a joint Prime Minister's Office, Ministry of Finance and Ministry of International Trade and Industry Ordinance, and other required documents. When a foreign exchange bank is satisfied of the validity of the documents presented, it can certify them (Article 3).

- (4) The provisions relating to the approval of exportation and to the certification of means of payment do not apply to the exportation of unpaid for samples of merchandise, of small packets forwarded by mail and similar other parcels for the personal use of the recipient, of the personal effects of travelers, of household articles in transportation due to a change of the place of residence, and of any properties of diplomatic officers or of such other personnel as may be designated by the Supreme Commander for the Allied Powers (Article 4).
 - (5) Any person who has exported goods with the certification of a foreign exchange bank must, in accordance with the payment terms certified for them, take steps promptly for the collection of payment in foreign exchange for their full value (Article 6).
 - (6) The Minister of International Trade and Industry can give a warning to any person who is deemed by him to have acted against the purport of the provisions of Article 50 of the Foreign Exchange and Foreign Trade Control Law. If such person has again done a similar act within one year after the warning, the Minister can order that, except with his approval by license, the said person shall not export goods for a period not exceeding one year.
3. Import Trade and Foreign Payment Control Order (Cabinet Order No. 414, 1949)
- (1) This law was promulgated on December 1949 and made effective on January 1, 1950, for the principal purpose of executing the provisions concerning importation and foreign payment which are contained in the Foreign Exchange and Foreign Trade Control Law.
 - (2) Foreign payment can be made in cases such as the following: In payment for the price of the goods the importation of which has been approved; and the freight, insurance premium, inspection charge, survey fee, stevedoring charges, and other expenses incidental to the importation or exportation of goods (Article 2).
 - (3) The Minister of International Trade and Industry is to announce the goods for the importation of which approval can be obtained, their source, their import limit, and other necessary matters (Article 3). Any person who desires to import goods must obtain an approval license for such importation by presenting an application to a foreign exchange bank in accordance with the procedure prescribed by a Ministry of International Trade and

Industry Ordinance (Article 4). Simultaneously with the presentation of the application, the applicant must deposit a specified amount of guarantee money (Article 13). The approval for importation is valid, as a rule, for six months from the date of issuance of the approval-license (Article 7).

- (4) Any person who desires to import goods in excess of the import limit, or from other than the source, which has been announced must apply to the Minister of International Trade and Industry for permission before approval for importation can be obtained (Article 10).
- (5) The above-mentioned provisions relating to approval for importation, etc. do not apply to goods without compensation sent for relief purposes; samples of merchandise without compensation; small packets forwarded by mail and other similar parcels for the personal use of recipients; and the personal effects, professional instruments, etc. carried and imported by visiting entrants, commercial entrants, and crew members of ships or aircraft (Article 14).

4. Foreign Exchange Control Order (Cabinet Order No. 203, 1950)

- (1) This order was promulgated on June 27, 1950, and made effective on the 30th of that month, for the purpose of giving effect to the provisions relating to the concentration of foreign exchange and to permission for foreign payment, etc., which are contained in the Foreign Exchange and Foreign Trade Control Law.
- (2) When any "resident" has acquired foreign means of payment of foreign claimable assets, he must sell them to foreign exchange banks, money changers, or Government postal administration agencies. When foreign means of payment or foreign claimable assets other than those just mentioned, precious metals, or foreign securities have come into his possession, he must register, or deposit them for custody, with the Bank of Japan or the Customs (Article 3).

Any "non-resident" must register in the Foreign Exchange Record Book his foreign means of payment located in Japan; and must also deposit for custody or register his precious metals located in Japan with the Customs or the Bank of Japan (Article 4).

The above-mentioned provisions concerning concentration do not apply in cases where holding is authorized by the provisions of other laws and ordinances, or where holding has been authorized by the Finance Minister or by the Foreign Exchange Control Board (Article 7).

- (3) Even a payment prohibited or restricted under the Foreign Exchange and Foreign Trade Control Law can be made if the license of the competent Minister or the authorization of the Bank of Japan or a foreign exchange bank is obtained for that purpose. Further, such payment does not require

the license of the competent Minister, etc., if it is to be made as authorized by the Cabinet Order relating to the Acquisition of Properties and/or Rights by Foreign Nationals, the Export Trade Control Order, the Import Trade and Foreign Payment Control Order, the Law relating to Foreign Investment, etc. (Article 11).

- (4) The license of the Foreign Exchange Control Board or of the competent Minister is necessary for loans, deposits, trusts or guarantees expressed in foreign currency, except as otherwise authorized by the laws and orders referred to in (3) immediately above. This also applies to claimable assets, expressed in Japanese currency, if these are in compensation for payments or other transactions abroad (Article 13).
- (5) The license of the Finance Minister is required for any "resident" to subscribe to foreign securities, and for any "non-resident" to deal in immovable property located in Japan (Articles 14 and 15).
- (6) Any contract relating to a transaction of which the period of settlement exceeds three months, or to a transaction which gives rise to foreign claimable assets, requires, as a general rule, the license of the competent Minister (Article 17).
- (7) The importation or exportation of means of payment, precious metals or document embodying claimable assets requires the license of the Finance Minister, except in cases such as: where the necessary license has already been obtained with respect to transactions or settlements concerning such property, where no license is required, and where personal ornaments and precious metals for private use are imported or exported (Article 19).

5. Law relating to Foreign Investment (Law No. 163, 1950)

- (1) This law was promulgated on May 10, 1950, and put into effect on June 8 of the same year, for the purpose of facilitating the induction of Foreign investment.
- (2) Foreign investment required the filing of reports and validation under this law, but the general principle is to permit foreign investment as freely as possible. The system of reports filing and validation is to be relaxed and eliminated gradually as it becomes less necessary (Article 2).

In granting validation or license, the Foreign Investment Commission, which is the principal agency for such matters, or the Finance Minister applies any of the following standards: (a) Directly or indirectly contributing to the improvement of the international balance of payments; (b) directly or indirectly contributing to the development of essential industries or public enterprises; and (c) necessary for the renewal or continuation of existing technological assistance contracts concerning essential industries or public enterprises. Of these standards, (a) takes precedence over the rest (Article 8).

- (3) Foreign investment, as provided for in this law, takes the form of a technological assistance contract (Article 10), of acquisition of stock or proprietary interest in a Japanese juristic person (Articles 11 and 12), or of acquisition of debentures of a Japanese juristic person or of claimable assets arising from loans (Article 13). (As to the acquisition of immovable property, etc. and business activities, they are provided for in the other laws and ordinances which have already been mentioned in the foregoing). Of these forms of foreign investment, a foreign investor needs only to file a prior report with the Foreign Investment Commission with respect to the new stock or proprietary interest allotted to him on the strength of the stock or proprietary interest in a Japanese juristic person which is legally owned by him, or to the stock or proprietary interest in a Japanese juristic person transferred to him from another foreign investor, if the dividends accruing from such stock or proprietary interest are not to be received by payment to a foreign country (Article 11, Par. 2). With regard to the other forms of investment, validation must be obtained from the Foreign Investment Commission at the time of investment. An application for validation made to the Foreign Investment Commission with respect to the acquisition of debentures or of claimable assets arising from loans is to be regarded as an application for permission made to the Finance Minister under the provisions of the Foreign Exchange and Foreign Trade Control Law (Article 13, Par. 2). The kinds of technological assistance desired from foreign investors are to be made public by the Foreign Investment Commission (Article 7).

- (4) When a foreign investor applies for an investment which entails payment to a foreign country and desires to obtain a guarantee for such remittance, the fact of foreign remittance must be expressly stated in the contract (in the case of a contract concerning technological assistance, subscription to debentures, or a loan), or in the application for validation (as regards acquisition of stock, proprietary interest, or debentures) (Article 9). When such contract or application has been approved, it will be deemed that payment to a foreign country has been authorized under the provisions of Article 27 of the Foreign Exchange and Foreign Trade Control Law. But this guarantee for foreign remittance is confined to cases where an investment is made either in the yen converted from foreign currency (dollar or pound) or in the goods equivalent in value to foreign currency, and does not apply to the remittance abroad of profits, etc. accruing from business activities in Japan (Article 15). The last-mentioned remittance is subject to the authorization of the Finance Minister under the Foreign Exchange and Foreign Trade Control Law.

- (5) When the Government, local public entities, etc. have expropriated or

compulsorily purchased, under a law other than the Foreign Exchange and Foreign Trade Control Law (of which the relevant Articles concern the concentration of foreign exchange), the whole or a part of the property legally owned in Japan by a foreign investor, the necessary funds to assure the remittance abroad of an amount equivalent to the value (compensation, etc.) receivable by the foreign investor because of the expropriation or compulsory purchase must be provided in the Foreign Exchange Budget for not more than one year from the date of his receipt of the value. With respect to the use of the funds thus provided in the Foreign Exchange Budget, it will be deemed that the authorization of the Finance Minister under Article 27 of the Foreign Exchange and Foreign Trade Control Law has been obtained (Article 17).

- (6) The principal organ for regulating administration concerning the investments and business activities of foreign investors is the Foreign Investment Commission. When Government agencies propose to grant license, validation or approval or to take other administrative actions with respect to such investments or business activities, they must refer such matters to the Foreign Investment Commission for its recommendations (Articles 18 and 19).

Simultaneously with this law, the Foreign Investment Commission Establishment Law (Law No. 164) has come into effect.

6. Other laws and ordinances

- (1) Article 11 of the Customs Tariff Law prohibits the importation of the following articles:
- Opium and utensils for smoking opium (excepting those imported by the Government).
 - Counterfeit, altered or imitation coins, paper money, bank notes and negotiable papers.
 - Books, pictures, carvings and other articles, liable to injure public security or morals.
 - Articles which infringe rights in patents, utility-models, designs and trade-marks, and copyrights.
- (2) The other laws and ordinances which are concerned with the control of importation and exportation follow:
- Law for the Control of Firearms, Gunpowder, etc. (Law No. 53, 1910).
 - Narcotics Control Law (Law No. 123, 1948).
 - Tea Manufacture Control Regulations (Ministry of Agriculture and Forestry Ordinance No. 6, 1936).
 - Regulations for the Enforcement of the Law for the Prevention of the Contiguous Diseases of Domestic Animals (Ministry of Agriculture and

Forestry Ordinance No. 80, 1948).

- Fertilizer Control Law (Law No. 51, 1908).
- Regulations for the Enforcement of the Fertilizer Control Law (Ministry of Agriculture and Forestry Ordinance No. 17, 1908).
- Feed Distribution Regulations (Ministry of Agriculture and Forestry Ordinance No. 15, 1948).
- Export Goods Control Law (Law No. 153, 1948).
- Import and Export Plants Quarantine Law (Law No. 86, 1948).
- National Treasures Preservation Law (Law No. 17, 1929).
- Law relating to the Preservation of Important Objects of Art, Etc. (Law No. 43, 1933).

V. Ships

- In accordance with the provisions of the Customs Law (Law No. 61, 1899), foreign-trade ships
 - must submit an entry or departure report to the Customs and obtain clearance when they leave a port (Article 10);
 - must submit a freight list, passenger list, etc.;
 - must report in advance to the Superintendent of Customs when the cargo is to be loaded or unloaded between sunset and sunrise or on Customs holidays (Article 17);
 - cannot enter a closed port without special permission of the Superintendent of Customs, except in case of ship-wreck or other unavoidable accidents, in which case a report thereof must be submitted (Article 18);
 - must submit a report when ship-chandlery is loaded; and
 - must obtain license from the Customs to transport domestic cargo by sea (Article 40).

Article 28 of the above-mentioned law provides that communication between foreign-trade ships and coastal ships shall require permission of the Superintendent of Customs, and Articles 77 to 81 provide for penalties against the violation of the above-mentioned provisions.

2. Shipping Law (Law No. 46, 1889)

Article 3 provides that only Japanese ships may call at a closed port or transport freight or passengers between ports in Japan, but that this shall not apply when otherwise provided for by laws or treaties, when shipwreck or seizure is to be avoided, or when special permission of the competent Minister has been obtained. Article 23 provides for penalties against the violation of Article 3.

3. Tonnage Dues Law (Law No. 88, 1899)

Article 1 provides that when ships going to and coming from foreign countries for the purpose of foreign trade have entered an open port, specified tonnage dues shall be imposed on them on each occasion of their entry; and that the registered tonnage of ships of countries which use a method of measurement different from that of Japan shall be computed in terms of the Japanese method of measurement. No tonnage dues shall be imposed on those ships which enter a port on account of shipwreck, or other unavoidable circumstances.

4. Law on the Measurement of the Loading Capacity of Ships (Law No. 34, 1914)

The law is applicable to foreign ships upon their entry into a port, when their tonnage or loading capacity is measured for the imposition of tonnage dues. However, it was rarely applied to foreign ships before the war, since Japan had concluded arrangements with many countries for reciprocal recognition of ships capacity.

5. Quarantine Law (Law No. 19, 1899)

, Ships coming from an overseas port must undergo quarantine for the prevention of contagious diseases, and there are a series of regulations and orders related to this law.

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**JAPAN AND GENERAL
INTERNATIONAL
CONVENTIONS**

**MINISTRY OF FOREIGN AFFAIRS
JAPANESE GOVERNMENT**

MARCH 1949

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PREFACE

The present report deals with general international conventions, protocols and agreements as they relate to Japan. In Chapter I, general international conventions to which Japan was a party prior to the outbreak of the Pacific War are listed; in Chapter II changes that have taken place since the outbreak of the war are described; in Chapter III post-war developments with reference to Japan are recorded; and in Chapter IV, as a conclusion, views of Japanese Government are presented of the problems which confront the country.

CHAPTER I. GENERAL INTERNATIONAL CONVENTIONS
TO WHICH JAPAN WAS A PARTY BEFORE
THE PACIFIC WAR

The general international conventions which were effective the day before the outbreak of the Pacific War are as follows:

1. Conventions on Civil and Commercial Laws

- (1) Protocol on Arbitration Clauses, signed at Geneva, September 24, 1923.
- (2) (a) Convention Providing a Uniform Law for Bills of Exchange and Promissory Notes, with Annexes and Protocol, signed at Geneva, June 7, 1930.
- (b) Convention for the Settlement of Certain Conflicts of Laws in Connection with Bills of Exchange and Promissory Notes, and Protocol, signed at Geneva, June 7, 1930.
- (c) Convention on the Stamp Laws in Connection with Bills of Exchange and Promissory Notes, and Protocol, signed at Geneva, June 7, 1930.
- (3) (a) Convention Providing a Uniform Law for Cheques with Annexes and Protocol, signed at Geneva, March 19, 1931.
- (b) Convention for the Settlement of Certain Conflicts of Laws in Connection with Cheques, and Protocol, signed at Geneva, March 19, 1931.
- (c) Convention on the Stamp Laws in Connection with Cheques, and Protocol, signed at Geneva, March 19, 1931.

2. Conventions on Maritime Laws

- (1) International Convention for the Unification of Certain Rules of Law Respecting Assistance and Salvage at Sea, signed at Brussels, September 23, 1910.

- (2) International Convention for the Unification of Certain Rules of Law Respecting Collisions between Vessels, signed at Brussels, September 23, 1910.
- (3) Declaration Recognizing the Right to a Flag of States Having no Sea-Coast, signed at Barcelona, April 20, 1921.
- (4) International Load Line Convention with Final Protocol and Annexes, signed at London, July 5, 1930.
- (5) International Convention for the Safety of Life at Sea, with Annex, signed at London, May 31, 1929.

3. Conventions on Criminal Laws

- (1) Agreement for the Repression of Obscene Publications, signed at Paris, May 4, 1910.
- (2) International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, open for signature at Geneva from September 12, 1923, to March 31, 1924.

4. Conventions for the Protection of Industrial Property

- (1) Union Convention of Paris, March 20, 1883, for the Protection of Industrial Property, revised at Brussels, December 14, 1900, and at Washington, June 2, 1911.
- (2) Union Convention of Paris, March 20, 1883, for the Protection of Industrial Property, revised at Brussels, December 14, 1900, at Washington, June 2, 1911, and at The Hague, November 6, 1925.
- (3) Union Convention of Paris, March 20, 1883, for the Protection of Industrial Property, revised at Brussels, December 14, 1900, at Washington, June 2, 1911, at The Hague, November 6, 1925, and at London, June 2, 1934.

5. Conventions for the Protection of Literary and Artistic Works

- (1) Convention for the Creation of an International Union for the Protection of Literary and Artistic Works with Final Protocol and Procès-Verbal of Signature, signed at Berne, September 9, 1886.
- (2) (a) Additional Act Modifying the International Copyright Convention of September 9, 1886, signed at Paris, May 4, 1896.

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- (b) Declaration for the Interpretation of Certain Clauses in the Convention Signed at Berne, September 9, 1886 and in the Additional Act Signed at Paris, May 4, 1896 (May 4, 1896).

- (3) International Convention Relative to the Protection of Literary and Artistic Works Revising That Signed at Berne, September 9, 1886, etc., signed at Berlin, November 13, 1908.
- (4) Additional Protocol to the International Copyright Convention on November 13, 1908, signed at Berne, March 20, 1914.
- (5) Convention of Berne for the Protection of Literary and Artistic Works, signed on September 9, 1886, revised at Berlin, November 13, 1908 and at Rome, June 2, 1928.

6. Conventions on Commerce

- (1) International Convention for the Creation of an International Union for the Publication of Customs Tariffs, signed at Brussels, July 5, 1890.
- (2) Convention Concerning the Establishment of International Commercial Statistics, signed at Brussels, December 31, 1913.

7. Conventions on Industry

- (1) Convention Respecting the Creation of an International Office of Weights and Measures, signed at Paris, May 20, 1875.
- (2) International Convention Modifying the Convention Signed at Paris, May 20, 1875, Respecting the Creation of an International Office of Weights and Measures and the Regulations Annexed Thereto, signed at Sèvres, October 6, 1921.
- (3) International Convention for the Creation of an International Agricultural Institute, signed at Rome, June 7, 1905.
- (4) Protocol Amending the International Convention of June 7, 1905 Respecting the International Agricultural Institute, signed at Rome, April 21, 1926.
- (5) International Convention Prohibiting the Use of White (Yellow) Phosphorus in the Manufacture of Matches, signed at Berne, September 26, 1906.
- (6) International Convention for the Creation at Paris of an International Institute of Refrigeration, signed at Paris, June 21, 1920.

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8. Conventions on Traffic in Women and Children

- (1) International Agreement for the Suppression of the White Slave Traffic, signed at Paris, May 18, 1904.
- (2) Convention for the Suppression of the White Slave Traffic, signed at Paris, May 4, 1910.
- (3) International Convention for the Suppression of the Traffic in Women and Children, open for signature at Geneva from September 30, 1921 to March 31, 1922.

9. Conventions on Communications

- (1) Convention for the Protection of Submarine Cables, signed at Paris, March 14, 1884.
- (2) (a) International Telegraph Convention, signed at Saint Petersburg, July 10/22, 1875.
(b) International Service Regulations Annexed to the International Telegraph Convention of Saint Petersburg, revised at Paris, October 29, 1925.
- (3) International Radiotelegraph Convention, signed at Berlin, November 3, 1906.
- (4) (a) International Radiotelegraph Convention, signed at London, July 5, 1912.
(b) Detailed Service Regulations Appended to the International Radiotelegraph Convention, signed at London, July 5, 1912.
- (5) International Radiotelegraph Convention, with General Regulations and Additional Regulations, signed at Washington, November 25, 1925.
- (6) (a) International Telecommunication Convention with Annex, signed at Madrid, December 9, 1932.
(b) Telegraph Regulations Annexed to the International Telecommunication Convention, with Annexes and Final Protocol, signed at Madrid, December 10, 1932.
(c) Telephone Regulations Annexed to the International Telecommunication Convention, with Annex, signed at Madrid, December 10, 1932.
- (d) Radiocommunication Regulations, signed at Cairo, April 8, 1938.

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- (e) Additional Radiocommunication Regulations, signed at Cairo, April 8, 1938.
- (7) (a) Universal Postal Convention, with Other Relevant Instrument, signed at Stockholm, August 28, 1924.
(b) Agreement Concerning Insured Letters and Boxes, with Final Protocol and Detailed Regulations, signed at Stockholm, August 28, 1924.
(c) Parcel Post Agreement, with Final Protocol and Detailed Regulations, signed at Stockholm, August 28, 1924.
(d) Money Order Agreement and Detailed Regulations, signed at Stockholm, August 28, 1924.
(e) Agreement Concerning Transfer to and from Postal Cheque Accounts, with Final Protocol and Detailed Regulations, signed at Stockholm, August 28, 1924.
- (8) (a) Universal Postal Convention, with Final Protocol, Detailed Regulations with Final Protocol, and Provisions Relating to the Conveyance of Letter Post by Air, with Final Protocol, signed at London, June 28, 1929.
(b) Agreement Concerning Insured Letters and Boxes, with Final Protocol and Detailed Regulations, signed at London, June 28, 1929.
(c) Parcel Post Agreement, with Final Protocol, Detailed Regulations and Provisions Relating to the Conveyance of Parcel Post by Air, signed at London, June 28, 1929.
(d) Money Order Agreement, with Detailed Regulations, signed at London, June 28, 1929.
(e) Agreement Concerning Transfer to and from Postal Cheque Accounts, with Detailed Regulations, signed at London, June 28, 1929.
- (9) (a) Universal Postal Convention, with Final Protocol, Detailed Regulations and Provisions Relating to the Conveyance of Letter Post by Air, with Final Protocol, signed at Cairo, March 20, 1934.
(b) Agreement Concerning Insured Letters and Boxes, with Final Protocol and Detailed Regulations, signed at Cairo, March 20, 1934.

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- (c) Parcel Post Agreement, with Final Protocol, Detailed Regulations and Provisions Relating to the Conveyance of Parcel Post by Air, with Final Protocol, signed at Cairo, March 20, 1934.
 - (d) Money Order Agreement, with Detailed Regulations and Supplement Concerning the Service of Travellers' Postal Vouchers, signed at Cairo, March 20, 1934.
 - (e) Agreement Concerning Transfer to and from Postal Cheque Accounts, with Detailed Regulations, signed at London, June 28, 1929.
10. (a) Universal Postal Convention, with Final Protocol, Detailed Regulations and Provisions Relating to the Conveyance of Letter Post by Air, with Final Protocol, signed at Buenos Aires, May 23, 1939.
- (b) Agreement Concerning Insured Letters and Boxes, with Final Protocol and Detailed Regulations, signed at Buenos Aires, May 23, 1939.
 - (c) Parcel Post Agreement, with Final Protocol, Detailed Regulations and Provisions Relating to the Conveyance of Parcel Post by Air, with Final Protocol, signed at Buenos Aires, May 23, 1939.
 - (d) Money Order Agreement, with Detailed Regulations and Supplement Concerning the Service of Travellers' Postal Vouchers, signed at Buenos Aires, May 23, 1939.
 - (e) Agreement Concerning Transfer to and from Postal Cheque Accounts, with Detailed Regulations, signed at Buenos Aires, May 23, 1939.
10. Convention on Traffic
- (1) Convention Relating to the Regulation of Aerial Navigation, signed at Paris, October 13, 1919, with Additional Protocol, signed at Paris, May 1, 1920.
 - (2) (a) Protocol Relative to an Amendment of Article 5 of the Convention for the Regulation of Aerial Navigation of October 13, 1919, signed at London, October 27, 1922.
 - (b) Protocol Relative to an Amendment of Article 34 of the Convention for the Regulation of Aerial Navigation of October 13, 1919, signed at London, June 30, 1923.

- (3) (a) Protocol Relative to an Amendment of Article 3, 5, 7, 15, 34, 37, 41, 42 and of Final Clauses of the Convention for the Regulation of Aerial Navigation of October 13, 1919, signed at Paris, June 15, 1929.
 - (b) Protocol Relative to an Amendment of Article 34 and 40 of the Convention for the Regulation of Aerial Navigation of October 13, 1919, signed at Paris, December 11, 1929.
- (4) Convention and Statute on Freedom of Transit, signed at Barcelona, April 20, 1921.
 - (5) Convention and Statute on the International Regime of Railways and Protocol of Signature, signed at Geneva, December 9, 1923.
 - (6) Convention and Statute on the International Regime of Maritime Ports and Protocol of Signature, signed at Geneva, December 9, 1923.
11. Conventions on Hygiene
- (1) Agreement Respecting the Creation of an International Office of Public Health, signed at Rome, December 9, 1907.
 - (2) Convention Relating to the Liquor Traffic in Africa, signed at Saint-Germain-en-Laye, September 10, 1919.
 - (3) International Agreement for the Creation at Paris of an International Office for Dealing with Contagious Diseases of Animals, signed at Paris, January 25, 1924.
 - (4) International Opium Convention, signed at The Hague, January 23, 1912.
 - (5) International Agreement Concerning the Manufacture of the Internal Trade in and the Use of Prepared Opium, with Protocol and Final Act, signed at Geneva, February 11, 1925.
 - (6) International Convention, Adopted by the Second Opium Conference (League of Nations), and Protocol Relating Thereto, signed at Geneva, February 19, 1925.
 - (7) Agreement Concerning the Suppression of Opium-Smoking, signed at Bangkok, November 27, 1931.
 - (8) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, and Protocol of Signature, signed at Geneva, July 13, 1931.
 - (9) International Sanitary Convention, with Protocol of Signature, signed at Paris, June 21, 1926.

12. Conventions on Labour

- (1) Convention Concerning Unemployment, adopted on November 28 1919.
- (2) Convention Fixing the Minimum Age for Admission of Children to Industrial Employment, adopted on November 28, 1919.
- (3) Convention Fixing the Minimum Age for Admission of Children to Employment at Sea, adopted on July 9, 1920.
- (4) Convention for Establishing Facilities for Finding Employment for Seamen, adopted on July 10, 1920.
- (5) Convention Concerning the Age for Admission of Children to Employment in Agriculture, adopted on November 16, 1921.
- (6) Convention Fixing the Minimum Age for Admission of Young Persons to Employment as Trimmers or Stokers, adopted on November 11, 1921.
- (7) Convention Concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea, adopted on November 11, 1921.
- (8) Convention Concerning Workmen's Compensation for Occupational Diseases, adopted on June 10, 1925.
- (9) Convention Concerning Equality of Treatment for National and Foreign Workers as Regards Workmen's Compensation for Accidents, adopted on June 5, 1925.
- (10) Convention Concerning the Simplification of the Inspection of Emigrants on Board Ship, adopted on June 5, 1926.
- (11) Convention Concerning the Marking of the Weight on Heavy Packages Transported by Vessels, adopted on June 21, 1929.
- (12) Convention Concerning Forced or Compulsory Labour, adopted on June 28, 1930.
- (13) Convention Concerning Workmen's Compensation for Occupational Diseases (Revised 1934), adopted on June 21, 1934.
- (14) Convention Concerning the Regulation of Certain Special Systems of Recruiting Workers, adopted on July 20, 1936.

13. Conventions for the Pacific Settlement of International Disputes

- (1) Protocol of Signature Relating to the Statute of the Permanent Court of International Justice Provided for by Article 14 of the

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Covenant of the League of Nations, signed at Geneva, December 16, 1920.

- (2) Protocol Concerning the Revision of the Statute of the Permanent Court of International Justice with Annex, signed at Geneva, September 14, 1929.
- (3) International Convention for the Pacific Settlement of International Disputes, signed at The Hague, July 29, 1899.
- (4) Convention for the Pacific Settlement of International Disputes, signed at The Hague, October 18, 1907.

14. Conventions on War

- (1) Declaration Respecting Maritime Law, signed at Paris, April 16, 1856.
- (2) Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, signed at Geneva, August 22, 1864.
- (3) Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, signed at Geneva, July 6, 1906.
- (4) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, signed at Geneva, July 27, 1929.
- (5) Convention for the Adaptation of Principles of the Geneva Convention of August 22, 1864, to Maritime Warfare, signed at The Hague, July 29, 1899.
- (6) Convention for the Adaptation of Principles of the Geneva Convention to Naval Warfare, signed at The Hague, October 18, 1907.
- (7) Declaration Concerning the Interdiction of the Use of Bullets Which Expand or Flatten Easily in the Human Body, such as Bullets with a Hard Envelope Which Does Not Entirely Cover the Core, or Is Pierced with Incisions, signed at The Hague, July 29, 1899.
- (8) Declaration Concerning the Interdiction of the Use of Projectiles the Object of Which Is the Diffusion of Asphyxiating or Deleterious Gases, signed at The Hague, July 29, 1899.
- (9) Convention Concerning Hospital Ships, signed at The Hague, December 21, 1904.
- (10) Convention Concerning Limitation of Employment of Force for the Recovery of Contract Debts, signed at The Hague, October 18, 1907.

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- (11) Convention Concerning Opening of Hostilities, signed at The Hague, October 18, 1907.
- (12) Convention Concerning Laws and Customs of War on Land, signed at The Hague, July 29, 1864.
- (13) Convention Concerning Laws and Customs of War on Land, signed at The Hague, October 18, 1907.
- (14) Convention Relating to the Status of Enemy Merchant Ships on Outbreak of War, signed at The Hague, October 18, 1907.
- (15) Convention Concerning the Conversion of Merchant Ships into War Ships, signed at The Hague, October 18, 1907.
- (16) Convention Concerning the Laying of Automatic Submarine Contact Mines, signed at The Hague, October 18, 1907.
- (17) Convention Concerning Bombardments by Naval Forces in Time of War, signed at The Hague, October 18, 1907.
- (18) Convention Concerning Rights and Duties of Neutrals in War on Land, signed at The Hague, October 18, 1907.
- (19) Convention Concerning Rights and Duties of Neutral Powers in Naval Warfare, signed at The Hague, October 18, 1907.
- (20) Convention Relating to Certain Restrictions with Regard to the Exercise of Rights of Capture in Naval Warfare, signed at The Hague, October 18, 1907.
- (21) Part IV of Treaty for the Limitation and Reduction of Naval Armament, signed at London, April 22, 1930.

CHAPTER II. CHANGES THAT HAVE TAKEN PLACE SINCE THE
OUTBREAK OF THE PACIFIC WAR IN GENERAL INTER-
NATIONAL CONVENTIONS TO WHICH JAPAN
WAS A PARTY

1. International Convention for the Suppression of the Circulation of and
Traffic in Obscene Publications

"Protocol to Amend the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications Concluded at Geneva on September 12, 1923" was drawn in New York on November 12, 1947 and opened for signature.

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A certified copy of the said Protocol was sent to the Japanese Government from the Secretary General of the United Nations (Note 1) through the State Department of the United States and SCAP. A SCAP memorandum, dated 18 June, 1948, forwarding the copy to the Japanese Government, states that "signature or acceptance of the protocol on behalf of Japan is not a matter for consideration at the present time".

2. Convention Concerning the International Institute of Agriculture and the Protocol Relating to the International Convention of June 7, 1905, for the Creation of the International Institute of Agriculture in Rome

The United Nations Food and Agriculture Organization adopted, in the first session of the Conference in 1945, a recommendation regarding the winding up of the affairs of the International Institute of Agriculture, its Annex, the *Centre International de Sylviculture*, and the *Comité International du Bois* and the continuation of these affairs by the FAO. The IIA and its auxiliary organs, the CIS, have subsequently been absorbed by the FAO following the decision of the sixteenth General Assembly of the IIA.

3. International Conventions for the Suppression of the Traffic in Women and Children

"Protocol to Amend the Convention for the Suppression of the Traffic in Women and Children, Concluded at Geneva on September 30, 1921 and the Convention for the Suppression of the Traffic in Women of Full Age (Note 2), Concluded at Geneva on October 11, 1933" was concluded in New York on November 12, 1947 and opened for signature.

A certified copy of the protocol was sent to the Japanese Government from the Secretary General of the United Nations through the United States State Department and SCAP. The SCAP Memorandum of 18 June, 1948, forwarding the certified copy to the Japanese Government, stated again

(Note 1) Under this Convention, organs of the League of Nations were invested with certain functions and powers with respect to signature, ratification, registration, abolition and settlement of disputes. In consequence of the dissolution of the League of Nations, however, connected provisions have become no longer applicable. The Amendment Protocol is intended to ensure necessary application of the Convention by conferring the above functions and powers on the organs of the United Nations.

(Note 2) Japan has not been a member state of the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933.

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that "signature or acceptance of the protocol on behalf of Japan is not a matter for consideration at the present time" (Note 3).

4. International Telecommunication Convention Signed at Madrid in 1932 and Radiocommunication Regulations and Additional Radiocommunication Regulation Signed at Cairo in 1938

These conventions have been substituted by the new Telecommunication Convention, which was signed at Atlantic City on October 2, 1947, effective from January 1, 1949.

5. Universal Postal Convention and Regulations Signed at Buenos Aires, May 23, 1939

These conventions have been replaced by the new Universal Postal Convention and Regulations which were signed at Paris on July 5, 1947, coming into force from July 1, 1948.

6. Convention Relating to the Regulation of Aerial Navigation, Signed at Paris, October 13, 1919, and Protocols Related Thereto

The Convention Relating to the Regulation of Aerial Navigation has been superseded by the Convention on International Civil Aviation signed at Chicago on December 7, 1945 and coming into force on April 4, 1947.

7. Agreement Respecting the Creation of an International Office of Public Health, Signed at Rome in 1907

- (1) The Constitution of the World Health Organization was signed at New York on July 22, 1946 and came into force on April 7, 1947.

The organization assumes wide and extensive functions inclusive of those exercised by the Office of Public Health, which was replaced by this organization.

- (2) In the World Health Assembly of July 1, 1946, the Protocol concerning the International Office of Public Health was signed and became effective on October 20, 1947.

This protocol prescribes as follows:

(Note 3) The case is the same as in Note 1 with the exception that there are no provisions concerning the settlement of disputes in this Convention.

- a. As between the Governments signatory to this Protocol, the duties and functions of the Office shall be performed by the World Health Organization or its Interim Commission;
- b. The Agreement of 1907 shall be terminated and the Office dissolved when all parties to the Agreement have agreed to its termination (it is understood that any Government party to the Agreement of 1907 has agreed, by becoming party to this protocol, to the termination of the Agreement); and
- c. If all the parties to the Agreement have not agreed to its termination by November 15, 1949, they will then, in accordance with Article 8 thereof, denounce the Agreement.

- (3) An information supplied from the Director of the Legal Department of the United Nations, as regards the coming into force of the above Constitution and Protocol, was transmitted to the Japanese Government on June 23, 1948 through the United States State Department and SCAP.

8. Conventions Concerning Opium and Narcotic Drugs

- (1) "Protocol Amending the Agreements, Conventions and Protocols on Narcotic Drugs Concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925, 19 February 1925, and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936" (Note 4) was signed on December 11, 1946 at Lake Success, New York, and opened for signature or acceptance by the member States of the Agreements, Conventions and Protocols (Note 5). The Protocol was forwarded to the Japanese Government from the PHW Section, GHQ, SCAP.

- (2) The United Nations Economic and Social Council adopted on August 3, 1948 the "Draft Protocol to Bring under Control Drugs outside the Scope of the 1931 Convention".

(Note 4) The case is the same as in Note 1, except that a wider scope of duties and functions is vested.

(Note 5) Japan is not a party to the Convention concluded at Geneva on June 26, 1936.

9. Conventions Concerning Labour

The General Conference of the International Labour Organization at its 29th session adopted the "Instrument for the Amendment of the Constitution of the International Labour Organization, 1946" (Note 6).

10. Protocol of Signature Relating to the Statute of the Permanent Court of International Justice Signed at Geneva, December 16, 1920, and Protocol Concerning the Revision of the Statute of the Permanent Court of International Justice, Signed at Geneva, September 14, 1929

The Permanent Court of International Justice was dissolved on April 18, 1948 by a resolution made the previous day in the final session of the Assembly of the League of Nations.

On the other hand, the International Court of Justice had been set up as the principal judicial organ of the United Nations in accordance with the Charter of the United Nations and the Statute of the International Court of Justice, an integral part of the Charter, which came into force on October 24, 1945.

11. Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, Signed at Geneva, July 27, 1929, and Convention for the Adaptation of Principles of the Geneva Convention to Maritime Warfare, Signed at The Hague, October 18, 1907

The 17th International Red Cross Conference adopted in 1948 four draft conventions concerning the protection of war victims, i.e. (a) Geneva Convention for the Relief of Wounded and Sick in Armies in the Field, (b) Convention for the Relief of Wounded, Sick and Ship-Wrecked of Armed Forces on Sea, (c) Convention Relative to the Treatment of the Prisoners of War, and (d) Convention for the Protection of Civilian Persons in Time of War. The Swiss Government has convened, for the conclusion of these new conventions, a diplomatic conference to meet from April 21, 1949.

(Note 6) It is the same as in Note 1, with the exception that in these Conventions there are no provisions concerning the settlement of disputes.

CHAPTER III. POST-WAR DEVELOPMENTS WITH REFERENCE TO JAPAN IN GENERAL INTERNATIONAL CONVENTIONS

1. Conventions for the Protection of Industrial Property

- (1) The Secretary General of the Union for the Protection of Industrial Property informed, by a letter dated August 2, 1948, the Director of the Board of Technics of Japan (which has since been supplanted by the Patent Office so far as the matters of patents are concerned) to the following effect:

- (a) The Japanese contributions to the expense of the Secretariat from 1944 to 1947 years had not been paid;
 (b) They totaled 24,063.70 Swiss francs which was advanced by the Government of Swiss to the Secretariat on behalf of the Japanese Government; and
 (c) Japan could, if she so desired, change her present classification (2nd grade) of contribution in accordance with the provisions of the Convention.

- (2) SCAP issued a memorandum dated 1 February, 1949 concerning the letter above-mentioned, which reads as follows:

- a) In regard to Japan's obligation to the Bureau to pay the contributions, the Japanese Government is recommended to reply in the following tenor:

"While appreciating the cogency of the reasons for liquidations of sums due to the Bureau, it is regretted that Japan at present has no foreign exchange assets available for making the payment requested, nor can external assets be utilized to satisfy claims pending general decision as to their disposition. In the circumstances, the settlement of Japan's obligation to the Union must necessarily be held in abeyance until such time as payment becomes possible."

- b) In regard to the possible change of classification of Japan concerning contributions, the General Headquarters considers: "Exercise of the power to change classification to be a matter within the discretion of the Japanese Government."

- c) The Japanese Government is requested to "prepare a reply in accordance with the above recommendations" and to "submit its reply to the Diplomatic Section, General Headquarters, for transmittal to the Bureau of the International Union for the Protection of Industrial Property."

2. Conventions for the Protection of Literary and Artistic Works

- (1) The Secretary General of the Union for the Protection of Literary and Artistic Works informed by a letter dated August 2, 1948, the Ministry of Home Affairs (abolished since) of the following:
- Japan's contributions to the expense of the Secretariat from 1944 to 1947 had not yet been paid;
 - They totaled 43,058.65 Swiss francs, which was advanced by the Government of Swiss to the Secretariat on behalf of the Japanese Government; and
 - Japan could, if she so desired, change her present classification of contributions (1st grade) in accordance with the provision of the Convention.
- (2) SCAP notified the Japanese Government by the 28-Dec.-1948 Memorandum to the same purport as of the 1-Feb.-1949 Memorandum mentioned above under 1 (2).

With respect to these communications the Japanese Government drafted, in the light of the SCAP Memoranda, its replies (dated Jan. 1, 1949) addressed respectively to the Government of Swiss and the Secretariat of the Union, expressing in one Japan's desire to have her classification lowered to the sixth grade, and setting forth in the other the circumstance which made it necessary to postpone the payment of her contributions; these replies were forwarded to SCAP.

3. Convention Concerning the Formation of an International Union for the Publication of Customs Tariffs (of July 5, 1890)

- (1) The Chief of Belgian Mission in Tokyo informed, by a memorandum dated Jan. 26, 1948, SCAP of the following:
- Japan owes dues to the Bureau referring to eight yearly periods, the total amount of them being 13,120.8 gold francs;

- The Belgian Mission would appreciate being informed of the steps taken to settle this amount; and
- Copies of publications issued by the Bureau have been retained in Brussels until instructions from the Mission are received by the Bureau.

- (2) SCAP replied to the Belgian Mission in the same tenor as of its recommendation to the government concerning the reply to the Bureau of the Union for the Protection of Industrial Properties (mentioned under 1(2)a) with respect to the payment of dues to that Bureau, but added;
- It was desired that copies of the Bureau publications held for Japan in Brussels be forwarded to SCAP on behalf of the Japanese Government (but SCAP made it clear that it was not in position to defray the shipping costs); and
 - The number of copies of such publication to be forwarded was of course, for decision by the Bureau.

4. General Agreement on Tariffs and Trade

On June 16, 1948 SCAP transmitted at the request of the Secretary General of the United Nations to the Japanese Government certified copies of the following instruments:

- Final Act of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment;
 General Agreement on Tariffs and Trade;
 Schedules of Tariffs Concession;
 Protocol of Provisional Application;
 Protocol of Rectification to the General Agreement on Tariffs and Trade;
 Declaration;
 Protocol Modifying Certain Provisions of the General Agreement on Tariffs and Trade;
 Special Protocol Modifying Article XIV of the General Agreement on Tariffs and Trade;
 Special Protocol Relating to Article XXIV of the General Agreement on Tariffs and Trade.

5. Havana Charter for an International Trade Organization

On July 31, 1948 SCAP transmitted, at the request of the Secretary General of the United Nations, to the Japanese Government certified copies of the Havana Charter and the Resolutions adopted by the Havana Conference. Once again the Memorandum stated:

"With respect to Article 103 of the Havana Charter, to which the Secretary General refers, acceptance of the Charter by Japan is obviously not a matter for consideration at the present time".

6. Articles of Agreement of the International Monetary Fund and Articles of Agreement of the International Bank for Reconstruction and Development

The Japanese Government requested SCAP on February 18, 1949 to procure the following documents:

- (1) Final Act of the United Nations Monetary and Financial Conference, signed at Bretton Woods on July 22, 1944 and its Annexes consisting of:
 - (a) The Articles of Agreement of the International Monetary Fund, and
 - (b) The Articles of Agreement of the International Bank for Reconstruction and Development;
- (2) Other official documents relating to the Fund and the Bank.

7. Convention Respecting the Creation of an International Office of Weights and Measures, Signed at Paris, May 20, 1875

- (1) At the request of the French Mission in Japan, SCAP forwarded by the Memorandum of December 19, 1946 to the Japanese Government a letter dated Dec. 13, 1946 sent by the International Bureau of Weights and Measures, which notified the Government of Japan's unpaid dues of 122,646 gold francs for 1941-1946, but at the same time he took note of the Memorandum of 22 Sept., 1945 of "Control of Financial Transactions", which prohibits all transaction in foreign exchanges by Japan without the prior approval of the Supreme Commander.
- (2) SCAP informed by the 5-June-1948 Memorandum the Japanese Government of the following:

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- a) The French Mission in Japan requested SCAP to transmit the French Government's invitation to the Japanese Government to send representatives to the 9th General Convention of Weights and Measures that was due in October of the same year; but
- b) SCAP, after careful consideration on attendance at the conference, believed that the use of Japan's limited foreign credits for this purpose was not sufficiently urgent at this particular time, and this information had been conveyed to the French Mission.

(8) SCAP transmitted by the Memorandum of 25 March 1948 to the Japanese Government the annual reports of 1947 and 1948 and a letter dated Dec. 30, 1947 from International Bureau of Weights and Measures to the Director of the Electrotechnical Laboratory, Ministry of Communications. At the same time, SCAP requested the French Mission to inform the International Bureau that there had been no change in the policy which prohibited transactions in foreign exchange and that payment of dues and arrears thereof could not, therefore, be authorized at the time.

The said letter addressed to the Electrotechnical Laboratory by the International Bureau of Weights and Measures states as follows:

- a) The Bureau intends to inspect the Japan's standards of electricity and light;
- b) The Bureau does not necessarily believe that the Article 8 of the annexed Regulation providing the suspension of the advantages and prerogative conferred by the adhesion to the Convention of Metre with regard to the member which owed dues for three years should be applied literally; however the Bureau is quite at a loss, because Japan's dues must be shouldered by other members according to the stipulation of the Convention.

8. International Convention for the Creation of an International Institute of Agriculture, Signed at Rome, June 7, 1905

- (1) The Vice-President of the Liquidation Commission of the International Institute of Agriculture in his letter dated July 4, 1947

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informed SCAP of Japan's unpaid dues of 370,816 Swiss francs for 1943-1946 years and inquired if it would be possible to have this sum paid into the account of this Institute at the Credit Swiss in Zurich. The letter stated that the Liquidation Commission was sitting for practically a year to collect dues in arrears in order primarily to assure a pension to a many retired members of the Institute.

- (2) SCAP replied in the letter of 20 August 1947 to the same effect as in the case under 1(2)a and informed the Japanese Government of the above exchanged letters.

9. Conventions for Suppression of Traffic in Women and Children

SCAP informed the Government by the Memorandum of 18 October 1948 of the following:

- (1) He has received a communication from the United States Department of State transmitting a note dated June 16, 1948 from the Secretary General of the United Nations concerning the possible establishment of a Far Eastern Bureau for the suppression of traffic in women and children.
- (2) The Department of State has been informed by SCAP that, although the problem of international traffic in women and children does not at present arise in Japan, SCAP considers that the establishment of a bureau in the Far East for the suppression of traffic in women and children would be beneficial to the Far East and to Japan after the Occupation has terminated and that such a bureau could utilize information concerning criminals and their identification available to the Japanese Government.

10. International Telecommunication Convention, Signed at Madrid, December 9, 1932

- (1) Major Holliman, a GHQ observer, who attended the International Telecommunication Conference held at Atlantic City in 1947, sent to the Secretary General a letter dated September 10, 1947 which reads as follows:

"With reference to your query concerning payment of debts owed the International Telecommunication Union by Japan, and

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the status of certain territories, I have been instructed to advise you as follows.

Japan has no foreign exchange assets available for paying past or present dues owed to the International Telecommunication Union. Until such time as Japan can accumulate foreign exchange assets, and an overall policy is formulated regarding disposition of Japan's external assets and for settlement of this and similar obligations of the Japanese Government, action on such matter must be deferred. The assumption is that many such obligations are outstanding and preferential treatment can not be given any particular obligation.

It is suggested that this claim be held in abeyance pending announcement of the policy for dealing with such claims. The International Telecommunication Union may, if deemed desirable, file claim against the Japanese Government with the Civil Property Custodian Section of GHQ, SCAP, Tokyo. Forms are enroute by air mail in event it is desired to file such claim.

Regarding the status of Japan's former possessions, and whether Japan is liable for the debts of such possessions incurred subsequent to surrender date, you are advised that this cannot be resolved pending final determination of this problem."

- (2) According to the claim dated July 26, 1948 by the Secretariat of the Union, Japan's dues to the Union and other expenses yet to be paid are as follows:

Year	(Unit: Swiss franc)			
	Telegraph and Telephone Division		Radiocommunication Division	
	Japan	Colony	Japan	Colony
1944	7,950.00	6,996.00	7,615.00	6,754.00
1945	9,348.75	8,226.90	9,077.50	7,956.75
1946	10,135.70	8,919.50	10,273.70	8,964.00
1947	45,297.40	39,861.79	71,168.25	62,521.98
Total	71,731.85	64,104.19	98,194.45	86,196.73

Grand Total: 321,127.22

Besides those above-mentioned, 1,694.25 Swiss francs for purchase of business documents and 249.31 Swiss francs in dues up to 1943 are yet to be paid.

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The dues, expense for business, price of documents and other unpaid items up to 1943 year, add up altogether 323,070.78 Swiss francs.

- (3) The Japanese Government was authorized, by the 1-Sept.-1948 SCAP Memorandum, to adhere to the Convention and transmitted through the General Headquarters to the Swiss Government its instrument of accession dated November 24 of the same year, which was received on January 24, 1949 by the Secretariat of the Telecommunication Union.
- (4) Japan's Ministry of Communications received a telegraph dated February 25, 1949, from General Secretariat of the Telecommunication Union. It runs as follows:

"Further to information published under heading Japan in notifications 567, 568 and 569, General Secretariat has received from Minister Postal and Electrical Communications USSR Moscow communication of which translation is as follows.

Acknowledge the receipt of your letter No 11/50, 1 February this year, together with the instrument of accession of Japan to International Telecommunication Convention (Atlantic City 1947) enclosed therein. In Reply Ministry Postal and Electrical Communications USSR considers necessary to state that Japan should not be accepted as member of International Telecommunication Union before conclusion of peace treaty with Japan, if it has obtained the consent of Commander-in-Chief. Accession of Japan to International Telecommunication Convention (Atlantic City 1947) would be contrary to decision of Far East Commission of June 19, 1947 entitled: the basis of policy regarding Japan after the capitulation. As is known, that decision stipulated that Commander-in-Chief has the right to give directives to the Japanese Government on matters of domestic policy, but not matters concerning external relations of Japan. Therefore the accession of Japan to International Telecommunication Convention has no legal force."

- (5) Following the Russian protest against Japan's accession to the Convention, the Japanese Government was informed of similar objections raised by the Bulgarian and Czechoslovakian Governments.
11. Universal Postal Convention, Signed at Buenos Aires, May 23, 1939

- (1) According to a letter dated May 13, 1948 of the Bureau of the Universal Postal Union, the Japan's dues in arrears to the Union are as follows:

Year	Japan	Korea	All of other Japan's territories	Total
1944	12,250 (Swiss francs)	4,900	490	17,640
1945	13,375	5,350	535	19,260
1946	15,775	6,310	631	22,716
1947	19,200	7,680	768	27,648
Total	60,600	24,240	2,424	87,264
Others				
Unpaid sums for 1943				14.75
Money to be paid in advance for <i>Union Postale</i>				130.00
Grand total				87,428.75

- (2) With regard to the above matter, the Japanese Ministry of Communications replied to the International Bureau on May 29, 1948 by air mail, requesting that the payment of dues deferred pending the receipt of SCAP's direction.
- (3) The Japanese Government was authorized by a memorandum dated 12 June, 1948 to take part in the Convention and associated Agreements and transmitted under the date of June 30 the instrument of adherence to the Universal Postal Convention and the Parcel Post Agreement through SCAP to the French Government. Japan is now preparing for her adherence to other Agreements of the Convention.
- (4) The International Bureau of the Universal Postal Union informed the Ministry of Communications, by a letter dated Jan. 26, 1949, of the following:
- Adding on one hand the costs for publications to be supplied by the Bureau to the Japanese authority during 1948 and subtracting on the other the dues for 1944-1947 paid on the part of Korean authority, Japan's balance of indebtedness stood at 87,188.75 Swiss francs, not including overdue interests of 5% per annum.
 - They wished the debt be paid immediately after decision by SCAP.

12. International Arrangement for the Creation at Paris of an International Office for Dealing with Contagious Diseases of Animals, Signed at Paris, January 25, 1924

- (1) The International Office invited Japan, by a letter dated February 11, 1948, addressed to the Ministry of Agriculture, to the 16th General Assembly of the same year. Japan did not attend.
- (2) Secretary General of the Office stated in his letter dated December 30, 1948 that he wished the Japanese dues which were in arrears (2,500 gold francs per annum) from 1940 to be paid as soon as possible.

13. International Conventions Concerning Opium and Narcotic Drugs

- (1) The Permanent Central Opium Board of the United Nations requested, by a telegram dated June 3, 1946, the Japanese Ministry of Foreign Affairs to send reports to Geneva instead of to Washington as previously. The Ministry of Public Welfare to which the telegram was addressed, informed GHQ of it. At present Japanese Government, according to the SCAP directive, is forwarding its reports required by the Opium and Narcotic Drugs Conventions to the Permanent Central Opium Board of the United Nations.
- (2) The Japanese Government, however, has been supplied since 1946 through SCAP various documents distributed by the Central Board to the signatories of the Conventions.
- (3) The Japanese Government submitted to SCAP a memorandum on September 16, 1948, reading as follows:

"The Japanese Government, considering that under the international Agreements, Conventions and Protocols, relating to Narcotic Drugs which were concluded on 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931, and 26 June 1936, the League of Nations was invested with certain duties and functions for whose continued performance it is necessary to make provision in consequence of the dissolution of the League, considering that it is expedient that these duties and functions should be performed by the United Nations and the World Health Organization, and considering that the Government has no authority

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to deposit an instrument of acceptance with the Secretary General of the United Nations, wishes to express its agreement in principle with the provisions of the protocol on Narcotic Drugs opened for signature December 11, 1946 at Lake Success, New York to the General Headquarters of the Supreme Commander for the Allied Powers."

14. International Labour Organization

- (1) The Japanese Government requested SCAP on May 26, 1948 by a memorandum to use his good offices for readmission of Japan to the International Labour Organization and for allowing Japanese observers to attend the General Conference of the International Labour Organization which was to be held at San Francisco from June 17, 1948.
- (2) CIE, GHQ, SCAP published on July 9, a press release to the following purport:

The Director General of International Labour Organization has requested the Chief of the United States Delegation to the International Labour Conference to submit to SCAP the following message:

"Thirty-first session, International Labour Conference, San Francisco, unanimously adopted following resolution July 7:

The Conference having taken note of the resolution concerning Labour standards in Japan adopted by the preparatory Asian Regional Conference, held in New Delhi in 1947 in the spirit of that resolution and as an immediate practical step extends an invitation to SCAP to send an observer delegation to this session of the International Labour Conference. Suggests that the observer delegation should reflect the tripartite character of this organization and requests the governing body to consider the desirability of inviting SCAP to send similar observer delegations to future sessions of the conference and industrial committees which are particularly concerned with Japanese labour standards."

The Chief of DS, GHQ sent a reply to Head United States Delegation, to the purport that SCAP appreciates the invitation, and though shortage of time makes it impracticable the attendance

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of a delegation, future opportunity of participating in the work of the International Labour Organization is warmly anticipated.

15. Signature, Ratification and Acceptance of International Conventions and Adherence Thereto or Withdrawal Therefrom

(1) Ratification, Acceptance or Adherence

The Japanese Government was informed by SCAP of the following:

- A. Protocol on Narcotic Drugs Signed Dec. 11, 1946
- a) Date of signature of the states parties to Protocol including 27 countries (Afghanistan and others) (11-Dec.-1947 Memorandum).
 - b) Date of French signature (12-Jan.-1948 Memorandum).
 - c) Date of Soviet acceptance (5-Feb.-1948 Memorandum).
 - d) Date of Ukrainian acceptance (19-Mar.-1948 Memorandum).
 - e) Date of Finnish acceptance (8-Apr.-1948 Memorandum).
 - f) Date of Irish acceptance (20-Apr.-1948 Memorandum).
 - g) Date of Netherlands' acceptance (10-Mar.-1948 Memorandum).
 - h) Date of South African acceptance (11-May-1948 Memorandum).
 - i) Date of Yugo's ratification (11-Aug.-1948 Memorandum).
 - j) Date of Egyptian ratification (26-Oct.-1948 Memorandum).
- B. Protocol of November 12, 1947 Amending the Convention for the Suppression of Obscene Publications Concluded at Geneva on September 12, 1923
- a) Date of Guatemala's signature (24-Aug.-1948 Memorandum).
 - b) Date of New Zealand's ratification (15-Nov.-1948 Memorandum).
- C. Protocol Amending the Convention for the Suppression of Traffic in Women and Children
- a) Date of Norwegian acceptance (20-May-1948 Memorandum).
 - b) Date of Swedish signature (9-Sept.-1948 Memorandum).

- D. International Convention for the Suppression of the Traffic in Women and Children, Signed at Geneva on 30 September 1921, and International Convention for the Suppression of the Traffic in Women of Full Age, Signed at Geneva on 11 October 1933
- a) Date of French adhesion to the latter (19-Apr.-1947 Memorandum).
 - b) Date of Soviet adhesion (12-May-1948 Memorandum).
 - c) Date of Byelorussian adhesion (29-July-1948 Memorandum).

(2) Withdrawal

SCAP transmitted to the Japanese Government by its 10-Feb.-1949 Memorandum information from the Italian Diplomatic Mission that as of November 8, 1948 the Government of India had notified its intention to see the effects of the International Arrangement signed in Rome on December 9, 1907, and concerning the establishment in Paris of an *Office International d'Hygiène Publique*, terminated under the same date (November 8, 1948) as far as India was concerned.

CHAPTER IV. CONCLUSION

1. Effect of War upon General International Conventions

It is generally accepted that in the event of war the operation of general international conventions are suspended between belligerent states.

The Versailles and other peace treaties concluded at the end of the World War I specifically enumerated such general international conventions to be revived after the coming into effect of the peace treaties. On the other hand the Peace Treaties of Italy, Bulgaria, Roumania, Hungary and Finland following the World War II contain no stipulations on the subject, presumably on the assumption that general international conventions recover their validity as a matter of course upon the conclusion of peace.

2. Application of General International Conventions before Conclusion of the Peace Treaty

Japan stopped fighting by signing the Instrument of Surrender on Sept. 2, 1945. Now, after three and half years, the Japanese Peace Treaty is

yet to be concluded, of which the prospect is far from bright. In these circumstances, it is considered expedient and desirable not only for the benefit of Japan but also for the world as a whole to restore wholly or partially the normal application of general international conventions without awaiting the conclusion of peace. In fact, Japan has already been permitted to join the new postal and the new telecommunication conventions of 1947 and 1948. However there are many more general international conventions which are not only technical and administrative character but also for humanity or social justice and of which reapplication is most desirable for Japan.

Such conventions are listed below :

- (1) Agreement for the Repression of Obscene Publications (May 4, 1910).
- (2) International Convention for the Suppression of the Circulation and Traffic in Obscene Publications (September 12, 1923).
- (3) Union Convention of Paris, March 20, 1883, for the Protection of Industrial Property, revised at Brussels, December 14, 1900, and at Washington, June 2, 1911.
- (4) Union Convention of Paris, March 20, 1883, for the Protection of Industrial Property, revised at Brussels, December 14, 1900 at Washington, June 2, 1911 and at The Hague, November 6, 1925.
- (5) Union Convention of Paris, March 20, 1883, for the Protection of Industrial Property, revised at Brussels, December 14, 1900, at Washington, June 2, 1911, at The Hague, November 6, 1925, and at London, June 2, 1934.
- (6) Convention for the Creation of an International Union for the Protection of Literary and Artistic Works with Final Protocol and Procès-Verbal of Signature (September 9, 1886).
- (7) (a) Additional Act Modifying the International Copyright Convention of September 9, 1886, signed at Paris, May 4, 1896.
(b) Declaration for the Interpretation of Certain Clauses in the Convention Signed at Berne, September 9, 1886 and in the Additional Act Signed at Paris, May 4, 1896, (May 4, 1896).
- (8) International Convention Relative to the Protection of Literary and Artistic Works Revising That Signed at Berne, September 9, 1886, etc., signed at Berlin, November 13, 1908.
- (9) Additional Protocol to the International Copyright Convention on November 13, 1908, signed at Berne, March 20, 1914.

- (10) Convention of Berne for the Protection of Literary and Artistic Works, signed on September 9, 1886, revised at Berlin, November 13, 1908 and at Rome, June 2, 1928.
- (11) International Convention Concerning the Formation of an International Union for the Publication of Customs Tariffs, signed at Brussels, July 5, 1890.
- (12) Convention Respecting the Creation of an International Office of Weights and Measures, signed at Paris, May 20, 1875.
- (13) International Convention Modifying the Convention Signed at Paris, May 20, 1875, Respecting the Creation of an International Office of Weights and Measures and the Regulations Annexed Thereto, signed at Sèvres, October 6, 1921.
- (14) International Arrangement for the Suppression of the White Slave Traffic, signed at Paris, May 18, 1904.
- (15) Convention for the Suppression of the White Slave Traffic, signed at Paris, May 4, 1910.
- (16) International Convention for the Suppression of the Traffic in Women and Children, September 30, 1921.
- (17) International Opium Convention, signed at The Hague, January 23, 1912.
- (18) International Convention, adopted by the Second Opium Conference (League of Nations), and Protocol Relating Thereto, signed at Geneva, February 19, 1925.
- (19) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva, July 13, 1931.
- (20) International Sanitary Convention, with Protocol of Signature, signed at Paris, June 21, 1926.

In this connection the following points are advanced for the Allied consideration.

- (1) The same provisions of any convention should apply-reciprocally to Japan and other parties.

On the conventions for the protection of industrial property; for example, it is submitted that, in parallel with the solution of the problems on the foreigners' patents in Japan by the application of the convention, consideration should be given also to the protection of Japanese patents abroad.

The same thoughts may be said with regard to the conventions for the protection of literary and artistic works.

- (2) It will be necessary for Japan to ask for partial revision of some conventions in accordance with their respective provisions. For instance, under Article 37 of International Convention for the Safety of Life at Sea (signed on May 31, 1929), Japan undertakes to contribute to the expense of maintaining and operating these services in the North Atlantic which are maintained by the Government of the United States. Inasmuch as Japan does not, nor is likely to receive any benefit from those services, it would be well for Japan to have paragraph 1 of the above-mentioned article amended in accordance with paragraphs 3 and 4 of the same article so as to be exempted from the payment of annual contribution.
- (3) In view of the fact that Japan has any longer either no or little reason for participating in certain conventions, she should be permitted to withdraw from them or to terminate the application to Japan (Note 7).

3. Participation in General International Conventions before the Conclusion of Peace

There are new general international conventions to which Japan is not, but very desirous to be, a party. They are listed under the following four categories:

- (1) Convention which is to be acceded by Japan:
International Convention for the Suppression of the Traffic in Women of Full Age, signed at Geneva, October 11, 1933.
- (2) Convention which was signed by Japan but which is yet to be ratified by Japan:

(Note 7) The Agreement of the First Opium Conference, Feb. 11, 1925, provided for the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium in the Far-Eastern possessions and territories in which the opium smoking is permitted; and the Agreement Concerning the Suppression of Opium-Smoking, 1931, provided for the review of the situation in regard to the application in the Far-Eastern possessions and territories of the above-mentioned agreement and to consider what further measures can be taken to bring about the suppression of the opium smoking. Since Japan has lost her Far-Eastern possessions and territories, namely Formosa and Kwantung Provinces, the objects of these agreements have ceased to exist, as far as she is concerned.

Convention of 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs, signed at Geneva, June 26, 1936.

- (3) Protocols amending the general international conventions to which Japan is a party.
- (a) Protocol Amending International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications (November 11, 1947).
- (b) Protocol Amending International Convention for the Suppression of the Traffic in Women and Children Concluded at Geneva, September 30, 1921 and International Convention for the Suppression of the Traffic in Women of Full Age Concluded at Geneva, October 11, 1933 (November 12, 1947).
- (c) Protocol Amending the Agreements, Conventions and Protocols on Narcotic Drugs Concluded at The Hague on January 23, 1912, at Geneva on February 11, 1925 and February 19, 1925, and July 13, 1931, at Bangkok on November 27, 1931 and at Geneva on June 26, 1936 (December 11, 1946).
- (4) Conventions concluded after the war's end.
- (a) Havana Charter of an International Trade Organization (March 24, 1948).
- (b) Articles of Agreement of the International Monetary Fund (put into force on December 27, 1945).
- (c) Articles of Agreement of the International Bank for Reconstruction and Development (put into force on December 27, 1945).
- (d) Constitution of the Food and Agriculture Organization of the United Nations (October 16, 1945).
- (e) The International Convention for the Regulation of Whaling, signed at Washington (December 2, 1946).
- (f) Constitution of the World Health Organization (June 22, 1946).
- (g) Constitution of the International Labour Organization (adopted in the Conference of the International Labour Organization on October 9, 1946).
- (h) Protocol to Bring under Control Drugs Outside the Scope of the 1931 Convention (adopted in the General Assembly of the United Nations on October 8, 1948).