

Appendix 14 -- Treaty of Peace between the Republic of China and Japan (1952)

Source: United Nations Treaty Series, Vol. 138, pp. 38, 40, 42, 44, 46, 48, 50, 52.
The treaty came into force on August 5, 1952.

April 28, 1952

Article I

The state of war between the Republic of China and Japan is terminated as from the date on which the present Treaty enters into force.

Article II

It is recognized 'that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on September 8, 1951 (hereinafter referred to as the San Francisco Treaty), Japan has re-nounced all right, title and claim to Taiwan and the Paracel Islands.

Article III

The disposition of property of Japan and of its nationals in Taiwan (Formosa) and Penghu (the Pescadores), and their claims, including debts, against the authorities of the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores) and the residents thereof, and the disposition in Japan of property of such authorities and residents and their claims, including debts, against Japan and its nationals, shall be the subject of special arrangements between the Government of the Republic of China and the Government of Japan. The terms nationals and residents whenever used in the present Treaty include juridical persons.

Article IV

It is recognized that all treaties, conventions and agreements concluded before December 9, 1941, between China and Japan have become null and void as a consequence of the war.

Article X

For the purposes of the present Treaty, nationals of the Republic of China shall be deemed to include all the inhabitants and former inhabitants of Taiwan (Formosa) and Penghu (the Pescadores) and their descendants who are of the Chinese nationality in accordance with the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores); and juridical persons of the Republic of China shall be deemed to include all those registered under the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores).
Protocol

At the moment of signing this day the Treaty of Peace between the Republic of China and Japan (hereinafter referred to as the present Treaty), the undersigned

Plenipotentiaries have agreed upon the following terms which shall constitute an integral part of the present Treaty:

2. The commerce and navigation between the Republic of China and Japan shall be governed by the following Arrangements:

...

(a) In the application of the present Arrangements, it is understood:
(i) that vessels of the Republic of China shall be deemed to include all those registered under the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores); and products of the Republic of China shall be deemed to include all those originating in Taiwan - (Formosa) and Penghu (the Pescadores); and

...

The Arrangements set forth in this paragraph shall remain in force for a period of one year as from the date on which the present Treaty enters into force.

Exchange of Notes

(i) Note from the Japanese Plenipotentiary to the Chinese Plenipotentiary No. 1. Taipei, April 28, 1952

Excellency,

In regard to the Treaty of Peace between Japan and the Republic of China signed this day, I have the honor to refer, on behalf of my Government, to the understanding reached between us that the terms of the present Treaty shall, in respect of the Republic of China, be applicable to all the territories which are now, or which may hereafter be, under the control of its Government.

I shall be appreciative, if you will confirm the understanding set forth above.

I avail myself of this opportunity to convey to Your Excellency the assurance of my highest consideration. (signed) Isao Kawada

His Excellency

Monsieur Yeh Kung Chao,
Plenipotentiary of the Republic of China

(ii) Note from the Chinese Plenipotentiary to the Japanese Plenipotentiary No. 1. Taipei, April 28, 1952

Excellency,

In connection with the Treaty of Peace between the Republic of China and Japan signed this day, I have the honor to acknowledge receipt of Your Excellency's Note of to-day's date reading as follows:

[Text of Japanese note]

I have the honor to confirm, on behalf of my Government, the understanding set forth in Your Excellency's Note under reply.

I avail myself of this opportunity to convey to Your Excellency the assurance of my

highest consideration. (signed) Yeh Kung Chao

His Excellency

Mr. Isao Kawada, Plenipotentiary of Japan

...

Agreed Minutes

Chinese Delegate:

It is my understanding that the expression "or which may hereafter be" in the Notes No. 1 exchanged to-day can be taken to mean "and which may hereafter be." Is it so?

Japanese Delegate:

Yes, it is so. I assure you that the Treaty is applicable to all the territories under the control of the Government of the Republic of China.

(signed) Yeh Kung Chao (signed) Isao Kawada