

No. 5513

JAPAN
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

**Arrangement (with exchange of notes) regarding settlement
of certain British claims. Signed at Tokyo, on 7 October
1960**

Official texts: English and Japanese.

Registered by Japan on 3 January 1961.

JAPON
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

**Arrangement (avec échange de notes) relatif au règlement
de certaines créances britanniques. Signé à Tokyo,
le 7 octobre 1960**

Textes officiels anglais et japonais.

Enregistré par le Japon le 3 janvier 1961.

No. 5513. ARRANGEMENT¹ BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND REGARDING SETTLEMENT OF CERTAIN BRITISH CLAIMS. SIGNED AT TOKYO, ON 7 OCTOBER 1960

The Government of Japan and the Government of the United Kingdom of Great Britain and Northern Ireland, desiring to reach a settlement of certain British claims in connection with the Treaty of Peace, have agreed as follows :

Article 1

The Government of Japan, in discharge of their obligations under Article 18 (a) of the Treaty of Peace of the 8th of September, 1951,² to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war and which have been presented or re-presented by the Government of the United Kingdom, shall pay to the Government of the United Kingdom the sum of 500,000 pounds sterling in settlement of all such claims by the Government of the United Kingdom and British physical and juridical persons for which the Government of Japan are responsible according to international law.

For the purpose of the present Arrangement, British physical and juridical persons shall mean those persons who at the date of the relevant Japanese actions were, and at the date of the signature of the present Arrangement are, of British nationality, including citizens of overseas territories as well as juridical persons incorporated or constituted under British law or wholly owned by British nationals, and whose interests the Government of the United Kingdom are under international law entitled to protect.

Article 2

The amount mentioned in Article 1 shall be remitted in pounds sterling to the Government of the United Kingdom within the shortest practicable time not to exceed three months from the coming into force of the present Arrangement.

Article 3

The Government of the United Kingdom accept the payment by the Government of Japan of the amount mentioned in Article 1 in full and final

¹ Came into force on 7 October 1960, the date of signature, in accordance with article 5.

² United Nations, *Treaty Series*, Vol. 136, p. 45; Vol. 163, p. 385; Vol. 184, p. 358; Vol. 199, p. 344; Vol. 243, p. 326, and Vol. 260, p. 450.

settlement of all claims referred to in the said Article and waive further claims under international law of the Government of the United Kingdom and British physical and juridical persons against the Government of Japan arising out of the China Incident from the 7th of July, 1937. They undertake not to present any further claims under Article 18 (a) of the Treaty of Peace.

Article 4

The responsibility for distributing the amount mentioned in Article 1 among the claimants shall be undertaken exclusively by the Government of the United Kingdom.

Article 5

The present Arrangement shall enter into force on the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Arrangement.

DONE in duplicate at Tokyo the seventh day of October, 1960, in the Japanese and English languages, both texts being equally authentic.

For the Government
of Japan :

Zentaro KOSAKA

For the Government
of the United Kingdom of Great
Britain and Northern Ireland :

Oscar MORLAND

EXCHANGE OF NOTES

I

BRITISH EMBASSY
TOKYO

October 7, 1960

Monsieur le Ministre,

With reference to the Arrangement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Japan regarding settlement of certain British claims, signed today,¹ I have the honour to confirm on behalf of my Government the following understanding between the two Governments.

2. Notwithstanding the provisions of the Arrangement under reference, the Government of the United Kingdom may give diplomatic support to any

¹ See p. 94 of this volume.

proposals for negotiations, or to any actual negotiations, which may be put forward or undertaken by persons within the definition in the second paragraph of Article 1 of the said Arrangement about claims :

- (a) in respect of the servicing of the sterling bonds issued by the Chinese Government for the period of the China Incident when the Japanese forces were in control of the Chinese State Railways in certain areas and other sources of Chinese Government revenue on which the loans were secured;
- (b) in respect of the infringement of rights in connection with mines in China for the period of the China Incident when Japanese forces were in control of areas in which British mining rights existed.

The above mentioned claims, however, will not be presented by the Government of the United Kingdom to the Government of Japan and the Government of the United Kingdom will not be a party to the negotiations mentioned above.

3. The understanding stated in paragraph 2 of the present note shall in no way be construed to imply that the Government of Japan admit any liability in respect of the claims mentioned in that paragraph.

I have the honour to request Your Excellency to be good enough to confirm the above understanding between the two Governments.

I avail myself, Monsieur le Ministre, of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Oscar MORLAND

His Excellency Mr. Zentaro Kosaka
Minister for Foreign Affairs of Japan

[TRANSLATION¹ — TRADUCTION²]

Tokyo, October 7, 1960

Monsieur l'Ambassadeur,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows :

[*See note I*]

I have further the honour to confirm the foregoing understanding on behalf of the Government of Japan.

I avail myself, Monsieur l'Ambassadeur, of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Zentaro KOSAKA

¹ Translation by the Government of Japan.

² Traduction du Gouvernement japonais.