

notice of its desire to end the Treaty and on expiry of the period of such notice the Treaty shall cease to be in force. In witness whereof, the said plenipotentiaries have signed the present Treaty in English, Arabic and Hindi, all three texts being equally authentic except in the case of doubt when the English text shall prevail.*

TREATY OF PEACE BETWEEN INDIA AND JAPAN

Signed at Tokyo on June 9, 1952

Whereas the Government of India have by public notification issued on the 28th day of April 1952 terminated the state of war between India and Japan ;

And whereas the Government of India and the Government of Japan are desirous of co-operating in friendly association for the promotion of the common welfare of their peoples and the maintenance of international peace and security, in conformity with the principles of the Charter of the United Nations ;

The Government of India and the Government of Japan have therefore determined to conclude this Treaty of Peace, and to this end have appointed as their plenipotentiaries . . . who . . . have agreed on the following articles :—

ARTICLE 1

There shall be firm and perpetual peace and amity between India and Japan and their respective peoples.

ARTICLE 2

(a) The Contracting Parties agree to enter into negotiations for the conclusion of treaties or agreements to place their trading, maritime, aviation and other commercial relations on a stable and friendly basis.

(b) Pending the conclusion of the relevant treaty or agreement, during a period of four years from the date of the issue of the notification by the Government of India terminating the state of war between India and Japan—

(1) the Contracting Parties shall accord to each other most-favoured-nation treatment with respect to air traffic rights and privileges ;

* In the original text Schedules A and B follow here.

- (2) the Contracting Parties shall accord to each other most-favoured-nation treatment also with respect to customs duties and charges of any kind and restrictions and other regulations in connection with the importation and exportation of goods or imposed on the international transfer of payments for imports or exports and with respect to the method of levying such duties and charges and with respect to all rules and formalities in connection with importation and exportation and charges to which customs clearing operations may be subject ; and any advantage, favour, privilege or immunity granted by either of the parties to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like products originating in or destined for the territory of the other Party ;
- (3) Japan will accord to India national treatment, to the extent that India accords Japan the same, with respect to shipping, navigation and imported goods, and with respect to natural and juridical persons and their interests—such treatment to include all matters pertaining to the levying and collection of taxes, access to the courts, the making and performance of contracts, rights to property (tangible and intangible), participation in juridical entities constituted under Japanese law, and generally the conduct of all kinds of business and professional activities :

Provided that in the application of this Article, a discriminatory measure shall not be considered to derogate from the grant of national or most-favoured-nation treatment, if such measure is based on an exception customarily provided for in the commercial treaties of the party applying it, or on the necessity of safeguarding that party's external financial position or balance of payments, or on the need to maintain her essential security interests and provided such measure is proportionate to the circumstances and is not applied in an arbitrary or unreasonable manner.

Provided further that nothing contained in sub-paragraph (2) above shall apply to the preferences or advantages which

have existed since before the 15th August, 1947 or which are accorded by India to contiguous countries.

(c) No provision of this Article shall be deemed to limit the undertakings assumed by Japan under Article 5 of this Treaty.

ARTICLE 3

Japan agrees to enter into negotiations with India, when India so desires, for the conclusion of an agreement providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

ARTICLE 4

India will return or restore in their present form all property, tangible and intangible, and rights or interests of Japan or her nationals which were within India at the time of the commencement of the war and are under the control of the Government of India at the time of the coming into force of this Treaty; provided that the expenses which may have been incurred for the preservation and administration of such property shall be paid by Japan or her nationals concerned. If any such property has been liquidated, the proceeds thereof shall be returned, deducting the above-mentioned expenses.

ARTICLE 5

Upon application made within 9 months of the coming into force of this Treaty Japan will, within 6 months of the date of such application, return the property tangible and intangible, and all rights or interests of any kind in Japan of India and her nationals which was within Japan at any time between the 7th December 1941 and the 2nd September 1945, unless the owner has freely disposed thereof without duress or fraud.

Such property will be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return.

Property the return of which is not applied for by or on behalf of its owner or by the Government of India within the prescribed period may be disposed of by the Japanese Government in its discretion.

If any such property was within Japan on the 7th December 1941 and cannot be returned or has suffered injury or damage

as a result of the war, compensation will be made on terms not less favourable than the terms provided in the Allied Powers Property Compensation Law of Japan (Law number 264, 1951).

ARTICLE 6

(a) India waives all reparations claims against Japan.

(b) Except as otherwise provided in this Treaty, India waives all claims of India and Indian nationals arising out of action taken by Japan and her nationals in the course of the prosecution of the war as also claims of India arising from the fact that she participated in the occupation of Japan.

ARTICLE 7

Japan agrees to take the necessary measures to enable nationals of India to apply within one year of the coming into force of this Treaty to the appropriate Japanese authorities for review of any judgment given by a Japanese Court between December 7, 1941, and such coming into force, if in the proceedings in which the judgment was given any Indian national was not able to present his case adequately either as plaintiff or as defendant. Japan further agrees that where an Indian national has suffered injury by reason of any such judgment, he shall be restored to the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances of the case.

ARTICLE 8

(a) The Contracting Parties recognise that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of the state of war, and which are due by the Government or nationals of Japan to the Government or nationals of India, or are due by the Government or nationals of India to the Government or nationals of Japan; nor has the intervention of the state of war affected the obligation 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 may be presented or re-presented by the Government of India to the Government of Japan or by the Government of Japan to the Government of India.

(b) Japan affirms her liability for the pre-war external debt of the Japanese State and for debts of corporate bodies subsequently declared to be liabilities of the Japanese State, and expresses her intention to enter into negotiations at an early date with her creditors with respect to the resumption of payments on those debts.

(c) The Contracting Parties will encourage negotiations in respect to other pre-war claims and obligations and facilitate the transfer of sums accordingly.

ARTICLE 9

(a) Japan waives all claims of Japan and her nationals against India and her nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of India in Japanese territory prior to the coming into force of this Treaty.

(b) The foregoing waiver includes any claims arising out of actions taken by India with respect to Japanese ships between September 1, 1939, and the coming into force of this Treaty, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of India, but does not include Japanese claims specifically recognised in the laws of India enacted since September 2, 1945.

(c) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Indian nationals to civil or criminal liability arising out of such acts or omissions.

ARTICLE 10

Any dispute arising out of the interpretation or application of this Treaty or one or more of its Articles shall be settled in the first instance by negotiation, and, if no settlement is reached within a period of six months from the commencement of negotiations by arbitration in such manner as may hereafter be determined by a general or special agreement between the Contracting Parties.

ARTICLE 11

This Treaty shall be ratified and shall come into force on the date of exchange of ratifications which shall take place as soon as possible at New Delhi.

Letter of the Ambassador of India to the Minister for Foreign Affairs of Japan dated Tokyo, the 9th June, 1952.

. . . With reference to the second proviso attached to Article 2 (b) of the Treaty of Peace between India and Japan signed today, I have the honour to inform you that notwithstanding the grant of the 'most favoured nation' treatment to Japan in the said Treaty, the Government of India reserve the right to give any preferences or advantages in future to Commonwealth countries and contiguous countries, it being understood that if, by the grant of such preferences or advantages in the future to Commonwealth countries and contiguous countries, the Government of India is required to give similar preferences or advantages to countries other than Commonwealth countries and contiguous countries, the Government of India will also extend the same preferences or advantages to Japan.

2. I have the honour to propose that this letter and Your Excellency's reply confirming the reservation shall constitute, with reference to the said Treaty, an agreement between the Government of Japan and the Government of India . . .

Letter of the Minister for Foreign Affairs of Japan to the Ambassador of India dated Tokyo, the 9th June, 1952.

.. I have the honour to acknowledge the receipt of your letter of today's date which states as follows :

' With reference to the second proviso attached to Article 2 (b) of the Treaty of Peace between India and Japan signed today, I have the honour to inform you that notwithstanding the grant of the 'most favoured nation' treatment to Japan in the said Treaty, the Government of India reserve the right to give any preferences or advantages in future to Commonwealth countries and contiguous countries, it being understood that if, by the grant of such preferences or advantages in the future to the Commonwealth countries and contiguous countries, the Government of India is required to give similar preferences or advantages to countries other than Commonwealth countries and contiguous countries, the Government

of India will also extend the same preferences or advantages to Japan.'

2. I have the honour to confirm that the Japanese Government concur with the reservation made by the Government of India and also that Your Excellency's letter and this letter shall constitute, with reference to the said Treaty, an agreement between the Government of Japan and the Government of India. . .

TREATY OF FRIENDSHIP BETWEEN THE REPUBLIC OF
INDIA AND THE REPUBLIC OF THE PHILIPPINES

Signed at Manila on July 11, 1952

The Republic of India and the Republic of the Philippines animated by the desire to strengthen and perpetuate the friendly relations so happily existing between them, by means of formal provisions designed to fortify their spiritual, cultural and economic ties, have resolved to conclude a Treaty of Friendship and, to that end, have appointed as their respective plenipotentiaries . . . who . . . have agreed upon the following articles :—

ARTICLE I

There shall be perpetual peace and everlasting amity between the Republic of India and the Republic of the Philippines and their peoples.

ARTICLE II

Should any dispute arise between the two High Contracting Parties which cannot satisfactorily be adjusted by diplomacy, or through mediation or arbitration, the Parties shall not use force for settlement, but shall refer the dispute to the International Court of Justice for final adjudication. This undertaking shall not however apply to disputes relating to matters which are essentially within the domestic jurisdiction of one of the High Contracting Parties. If the Parties cannot agree as to whether the dispute is international in character or is exclusively within the domestic jurisdiction of one of the High Contracting Parties, the question of jurisdiction shall be submitted for decision to the International Court of Justice, unless the parties agree to have the question decided by other means.