

Japan Friendship Commerce And Navigation Treaty (1953)

FRIENDSHIP COMMERCE AND NAVIGATION

TIAS, 2863 April 2, 1953

Treaty and Protocol between the

UNITED STATES OF AMERICA

and

JAPAN

Signed at Tokyo April 9, 1953

Ratification advised by the Senate of the United States of America, with a reservation. July 21, 1953

Ratified by the President of the United States of America, subject to said reservation September 15, 1953

Ratified by Japan, with a reservation, September 2, 1953

Ratifications exchanged at Washington September 30, 1953

Proclaimed by the President of the United States of America November 4, 1953

Entered into force October 30, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a treaty of friendship, commerce and navigation between the United States of America and Japan, together with a protocol relating thereto, was signed at Tokyo on April 4, 1953, the originals of which treaty and protocol, in the English and Japanese languages, are word for word as follows:

TREATY

OF

FRIENDSHIP, COMMERCE AND NAVIGATION

BETWEEN

THE UNITED STATES OF AMERICA

AND JAPAN

The United States of America and, Japan, desirous of strengthening the bonds of peace and friendship traditionally existing between them and of encouraging closer economic and cultural relations between their peoples, and being cognizant of the contributions which may be made toward these ends by arrangements promoting mutually advantageous commercial intercourse, encouraging mutually beneficial investments and establishing mutual rights and privileges, have resolved to conclude a Treaty of Friendship, Commerce and Navigation, based in general upon the principles of national and of most-favored-nation treatment unconditionally accorded, and for that purpose have appointed as their Plenipotentiaries the United States of America: Robert Murphy, Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan, and Japan: c

Katsuo Okazaki Minister for Foreign Affairs of Japan Who having communicated to each other their full powers found to be in due form, have agreed upon the following Articles

Article I

1. Nationals of either Party shall be permitted to enter the territories of the other Party and to remain therein (a) for the purpose of carrying on trade between the territories of the two Parties and engaging in related commercial activities (b) for the purpose of developing and directing the operations of an enterprise in which they have invested or in which they are actively in the process of investing a substantial amount of capital and (c) for other purposes subject to the laws relating to the entry and sojourn of aliens.
2. Nationals of either Party shall be permitted to enter the territories of the other party and to remain therein (a) to travel therein freely and to reside at places of their choice (b) to enjoy liberty of conscience (c) to hold both private and public religious services (d) to gather and to transmit material for dissemination to the public abroad and (e) to communicate with other persons residing outside such territories by mail telegraph and other means open to general public use.
3. The provisions of the present Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and protect the public health morals and safety.

Article II

1. The nationals of either Party within the territories of the other Party shall be free from unlawful molestations of every kind and shall receive the most constant protection and security in no case less than that required by international law.
2. If within the territories of either Party a national of the other Party is taken into custody the nearest consular representative of his country shall on the demand of such national be immediately notified. Such national shall (a) receive reasonable and humane treatment (b) be formally and immediately informed of the accusations against him (c) be brought to trial as promptly as is consistent with the proper preparation of his defense and (d) enjoy all means reasonably necessary to his defense including the services of competent counsel of his choice.

Article III

1. Nationals of either Party should be accorded national treatment in the application of laws and regulations within the territories of the other Party that establish a pecuniary compensation or other benefit or service on account of disease injury or death arising out of and in the course of employment or due to the nature of employment.
2. In addition to the rights and privileges provided in paragraph 1 of the present Article nationals of either Party shall within the territories of the other Party be accorded national treatment in the application of laws and regulations establishing compulsory systems of social security under which benefits are paid without an individual test of financial need (a) against loss of wages or earnings due to old age unemployment sickness or disability or (b) against loss of financial support due to the death of father husband or other person on whom such support had depended.

Article IV

1. Nationals and companies of either Party shall be accorded national treatment and most-favored-nation treatment with respect to access to the courts of justice and to administrative tribunals and agencies within the territories of the other Party in all degrees of jurisdiction on both in pursuit and in defense of their rights. It is understood that companies of either Party not engaged in activities within the territories of the other Party shall enjoy such access therein without registration or similar requirements.
2. Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party that provide for the settlement by arbitration of controversies shall not be deemed unenforceable within the territories of such other Party merely on the grounds that the place designated for the arbitration :

proceeding of either party shall be deemed conclusive in enforcement proceedings brought before the court of competent jurisdiction of either party, and shall be entitled to be declared enforceable by such court, except where found contrary to public policy. When so declared, such award shall be entitled to privilege and measure of enforcement appropriate to award rendered locally. In addition, however, an award rendered outside the United States shall be entitled in any court in any State hereof only to the same measure of recognition as an award rendered in another State hereof.

Article V

1. Neither party shall take unreasonable or discriminatory measures which would impair the legally acquired rights or interests within the territory of national and companies of the other party in the enterprise which they have established, in their capital, or in the land, or technology which they have applied; nor shall either party unreasonably impede national and companies of the other party on equitable terms the capital, land, and technology need for its economic development.
2. The parties undertake to cooperate in furthering the interchange and development of scientific and technical knowledge, particularly in the interests of increasing productivity and improving standards of living within their respective territories.

Article VI

1. Property of national and companies of either party shall receive the most constant protection and security within the territory of the other party.
2. The dwelling, office, warehouse, factory and other premises of national and companies of either party located within the territory of the other party shall not be subject to lawless entry or molestation. Official searches and examination of such premises and their contents, when necessary, shall be made only according to law and with careful regard for the convenience of the occupant and the conduct of business.
3. Property of national and companies of either party shall not be taken within the territory of the other party except for a public purpose, nor shall it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken; and adequate provision shall have been made a priori of the time of taking for the determination and payment hereof.
4. National and companies of either party shall in no case be accorded, within the territory of the other party, less than national treatment and most-favored-nation treatment with respect to the matters referred to in paragraphs 2 and 3 of the present Article. Moreover, enterprises in which national and companies of either party have a substantial interest shall be accorded, within the territory of the other party, no less than national treatment and most-favored-nation treatment in all matters relating to the activities of privately owned enterprises in a public ownership and to the activities of such enterprises under public control.

Article VII

1. National and companies of either party shall be accorded national treatment with respect to enterprises in all types of commercial, industrial, financial and other business activities within the territory of the other party, whether directly or by a person through the medium of any form of lawful juridical entity. Accordingly, such national and companies shall be permitted within their territories: (a) to establish and maintain branches, agencies, offices, factories and other establishments appropriate to the conduct of their business; (b) to organize companies under the general company laws of such other party, and to acquire majority interest in companies of such other party, and (c) to control and manage enterprises which they have established or acquired. Moreover, enterprises which they control, whether in the form of individual proprietorship, companies or otherwise, shall, in all matters relating to the conduct of their activities hereof, be accorded treatment no less favorable than that accorded like enterprises controlled by national and companies of such other party. S

2. Each Pa v h igh o limi h x Mh o which ali n ma wi hin i M i o i abli h, acqui in M in, o ca on public utili i n pi o n pi ngag d in hipbuilding, ai o wa an po , banking involving d po i o o fiducia func ion , o h xploi a ion of land o o h na u al ou c . Howev , n w limi a ion impo db ih Pa upon h x n o which ali n a acco d d na ional a men , wi h p c o ca ing on uch ac ivi i wi hin i i o i , hall no b appli da again n pi which a ngag d in uch ac ivi i h in a h ime uch n w limi a ion a adop d and which a own d o con oll db na ional and compani of h o h Pa . ov , ni h Pa hall d n o an po a ion, communica ion and banking compani of h o h Pa h igh o main ain b anch and ag nci o p fo m func ion n c a fo n ial in na ional op o a ion in which h a p mi d o ngag .

3. Th p ovi ion of pa ag aph 1 of h p M n A icl hall no p v n i h Pa f om p c ibing p cial fo M mali i in conn c ion wi h h abli h men of ali n-con oll d n pi wi hin i i o i : bu uch fo mali i ma no impai h ub anc of h igh fo h in aid pa ag aph.

4. Na ional and compani of i h Pa , a well a n pi con oll db uch na ional and compani , hall in an v n b acco d d mo -favo d-na ion a men wi h f nc o h ma a d in h p n A icl .

A icl VIII

1. Na ional and compani of i h Pa hall b p mi d o ngag , wi hin h i o i of h o h Pa , accoun an and o h chnical xp , x cu iv p onn l, a o n , ag n and o h p ciali of h i choic . ov , uch na ional and compani hall b p mi d o ngag accoun an and o h chnical xp ga dl of h x n o which h ma hav qualifi d fo h p ac ic of a p of ion wi hin h i o i o uch o h Pa , fo h pa icula pu po of making xamina ion , audi and chnical inv iga ion xclu iv l fo , and nd ing po o , uch na ional and compani in conn c ion wi h h planning and op a ion of h i n pi . and n pi in which h hav a financial in , wi hin uch i o i .

2. Na ional of i h Pa hall no b ba d f om p ac icing h p of ion wi hin h i o i of h o h Pa me l b a on of h i ali nag ; bu h hall b p mi d o ngag in p of ional ac ivi i h in upon complianc wi h h qui men ga ding qualifica ion , id nc and comp nc ha a applicabl o na ional of uch o h Pa .

3. Na ional and compani of i h Pa hall b acco d d na ional a men and mo -favo d-na ion a men wi h p c o ngaging in ci n ific, duca ional, ligiou and philan h opic ac ivi i wi hin h i o i of h o h Pa , and hall b acco d d h igh o fo ma ocia ion fo ha pu po und h laws of uch o h Pa .

A icl IX

1. Na ional and compani of i h Pa hall b acco d d wi hin h i o i of h o h Pa : (a) na ional a men wi h p c o l a ing land, building and o h immovabl p op app op ia o h conduc of ac ivi i in which h a p mi d o ngag pu uan o A icl VII and VIII and fo id n ial pu po , and wi h p c o occup ing and u ing uch p op : and (b) o h igh in immovabl p op p mi d b h applicabl laws of h o h Pa .

2. Na ional and compani of i h Pa hall b acco d d wi hin h i o i of h o h Pa na ional a men and mo -favo d na ion a men wi h p c o acqui ing, b pu cha , l a . o o h wi , and wi h p c o owning and po ing, movabl p op of all kind , bo h angibl and in angibl . Howev . i h Pa ma impo ic ion on ali n own hip of ma ial dang ou f om h and poin of public af and ali n own hip of in n pi ca ing on h ac ivi i li d in h fi n nc of pa ag aph of A icl VII, bu onl o h x n ha hi can b don wi hou impai ing h igh and p vil g M cu db A icl VII o b o h p ovi ion of h p n T a .

3. Natio a a ompa ie of either Party ha be permitte free y to i po e of property withi the territorie of the other Party with re pe t to the a qui itio of whi h through te tate or i te tate u e io their a ie ate ha preve te them from re eivi g atio a treatme t. a they ha be permitte a term of at ea t five year i whi h to effe t u h i po itio .

4. Natio a a ompa ie of either Party ha be a or e withi the territorie of the other Party atio a treatme t a mo t-favore - atio treatme t with re pe t to i po i g of property of a ki .

Arti e

1. Natio a a ompa ie of either party ha be a or e , withi the territorie of the other Party, atio a treatme t a mo t-favore - atio treatme t with re pe t to obtai i g a mai tai i g pate t of i ve tio , a with re pe t to right i tra e mark , tra e ame , tra e abe a i u tria property of every ki .

Arti e I

1. Natio a of either Party re i i g withi the territorie of the other Party, a atio a a ompa ie of either Party e gage i tra e or other gai fu pur uit or i ie tifi , e u atio a re igiou or phi a thropi a tivitie withi the territorie of the other Party, ha ot be ubje t to the payme t of taxe , fee or harge impo e or appie to i ome, apita tra a tio , a tivitie or a y other obje t, or to requireme t with re pe t to the evy a o e tio thereof, withi the territorie of u h other Party, more bur e ome tha tho e bor e by atio a a ompa ie of u h other Party.

2. With re pe t to atio a of either Party who are either re i e t or e gage i tra e or other gai fu pur uit withi the territorie of the other Party, a with re pe t to ompa ie of either Party whi h are ot e gage i tra e or other gai fu pur uit withi the territorie of the other Party, it ha be the aim of u h other Party to appy i ge era the pri ipe et forth i paragraph 1 of the pre e t Arti e.

3. Natio a a ompa ie of either Party ha i o a e be ubje t withi the territorie of the other Party, to the payme t of taxe , fee or harge impo e upo or appie to i ome, apita , tra a tio , a tivitie or a y other obje t, or to requireme t with re pe t to the evy a o e tio thereof, more bur e ome tha tho e bor e by atio a , re i e t a ompa ie of a y thir ou try.

4. I the a e of ompa ie of either Party e gage i tra e or other gai fu pur uit withi the territorie of the other Party. a i the a e of atio a of either Party e gage i tra e or other gai fu pur uit withi the territorie of the other Party but ot re i e t thei , u h other Party ha ot impo e or appy a y tax, fee or harge upo a y i ome, apita or other ba i i ex e of that rea o ab y a o abe or apportio abe to it territorie , or gra t e u tio a exemptio e tha tho e rea o ab y a o abe or apportio abe to it territorie a omparabe ru e ha appy a o i the a e of ompa ie orga ize a operate ex u ive y for ie tifi , e u atio a . re igiou or phi a thropi purpo e .

5. Ea h Party re erve the right to: (a) exte pe ifi taxa va tage o the ba i of re ipro ity; (b) a or pe ia taxa va tage by virtue of agreeme t for the avoi a e of oub e taxatio or the mutua prote tio of reve ue: a () a or to it own atio a a to re i e t of o tiguou ou trie more favorab e exemptio of a per o a ature with re pe t to i ome taxe a i herita e taxe tha are a or e to other o -re i e t per o .

Arti e II

1. Natio a a ompa ie of either Party ha be a or e by the other Party atio a treatme t a mo t-favore - atio treatme t with re pe t to payme t , remitta e a tra fer of fu or fi a ia i trume t betwee the territorie of the two Partie a we a betwee the territorie of u h other Party a of a y thir ou try.

2. Neither Party ha impo e ex ha ge re tri tio a efi e i paragraph 5 of the pre e t Arti e ex ept to the exte t e e ary to preve t it mo etary re erve from fa i g to a very ow eve or to effe t a mo erate i rea e i very ow mo etary re erve . It i u er too that the provi io of the pre e t Arti e o ot a ter the X

obligation of the Party may be to the International Monetary Fund or to the inclusion of the Party in the Fund or to the inclusion of the Party in the Fund or to the inclusion of the Party in the Fund.

3. If the Party imposes any restriction in accordance with paragraph above, it shall, after making what provision may be necessary to the availability of foreign exchange for good and vital to the health and welfare of the people, make available provision for the withdrawal, in foreign exchange in the currency of the Party of: (a) the compensation fixed to in Article VI, paragraph 3, of the present Treaty; (b) a dividend, interest, and commission, royalty, payment for technical services, interest, and (c) amount for amortization of loan, depreciation of direct investment, and capital transfer, giving consideration to the national foreign trade action. If more than one of the above is in force, the most applicable to the withdrawal shall be the one which is specifically approved by the International Monetary Fund for the action, in the absence of an approved arrangement which includes any tax or exchange control, interest and dividend.

. Exchange restriction shall not be imposed by the Party in a manner which is discriminatory to the claims, investment, trade, and other interests of the national and companies of the Party, notwithstanding of.

5. The term "exchange restriction" as used in the present Article includes all restriction, regulation, charge, tax, or other requirement imposed by the Party which burdens international trade, payment, remittance, or transfer of funds of financial instrument between the territory of the two Parties.

Article XIII

Commercial travel permitting national and companies of the Party engaged in business within the territory of all, upon the entry into and departure from the territory of the Party and during the journey in, be accorded most-favored national treatment in respect of the customs and other matters, including, subject to the exception in paragraph 5 of Article XI, tax and charge applicable to the merchandise and the taking of orders, and regulation governing the exercise of the functions.

Article XIV

1. Each Party shall accord most-favored national treatment to products of the other Party, from whatever place and by whatever type of carriage, and to products destined for exportation to the territory of the other Party, by whatever route and by whatever type of carriage, with respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or international transfer of payment for imported or exported, 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.

2. Neither Party shall impose any restriction on the importation of any product of the other Party, or on the exportation of any product to the territory of the other Party, unless the importation of the like product of, or the exportation of the like product to, all the territories similarly treated is prohibited.

3. If the Party imposes quantitative restriction on the importation or exportation of any product in which the other Party has an important interest: a) It shall allow a general advance public notice of the total amount of the product, by quantity or value, that may be imported or exported during a specified period, and of any charge in such amount or period; and b) If it makes allotment to any territory, it shall afford the other Party a proportional share to the amount of the product, by quantity or value, applied by or to it during a previous proportional period, due consideration being given to any special factors affecting the trade in such product.

. Either Party may impose prohibition or restriction on the entry of or the removal of a noncommercial nature, or in the interest of preventing deceptive or unfair practices, provided such prohibition or restriction does not discriminate against the commerce of the other Party.

5. National and companies of the Party shall be accorded national treatment and most-favored national treatment by the other Party with respect to all matters relating to importation and exportation. 4

6. The provisions of the present article shall apply to a stage accorded by either Party: (a) to products of that Party; (b) to adjacent territories bordering the territory of the Party; (c) by virtue of customs union or free-trade area of which it may become a member. In general, from the other Party, it shall accord such other Party adequate opportunity for consultation.

7. Notwithstanding the provisions of paragraph 2 and 3 (b) of the present Article, a Party may apply restrictive controls to imports and exports of goods that have effect equivalent to those which are necessary to make effect the exchange rate controls applied pursuant to Article XII. However, such restrictive controls shall depart more than necessary from the aforesaid paragraph and shall be conformable with a policy designed to promote the maximum development of domestic industry free trade and to expedite the attainment of a balance-of-payments position and of monetary reserves which will be adequate for such restrictive controls.

Article XV

1. Each Party shall promptly publish regulations and administrative rulings of general application pertaining to rates of duty, taxes, other charges, the classification of articles for customs purposes and requirements for restrictive imports and exports, the transfer of payments therefrom, affecting the sale of dutiable goods; and shall administer such laws, regulations and rulings as uniformly and impartially as practicable. A general practice or administrative requirement restrictive affecting imports with the exception of those imposed for reasons of public safety shall take effect before the expiration of 30 days after publication or alteration of such regulations shall apply to products of the other Party.

2. Each Party shall provide an appeal procedure under which at least a domestic appeal of the other Party and importers of products of such other Party shall be able to obtain prompt and impartial review of decisions rendered by administrative authorities relating to customs matters, including the matter of classification of goods, and rulings on questions of customs classification and valuation by the administrative authorities. Petitions for reconsideration of the customs and shipping laws and regulations concerning duties shall cause re-evaluation of clerical errors which do not affect the demonstrated value of goods.

3. Neither Party shall impose any measure of domestic industry nature that hinder or prevent the importers of exports of products of either country from obtaining maximum benefit from such products of the other Party. The provisions of paragraph 1 of the present Article shall apply to the provisions of Article XII.

Article XVI

1. Products of either Party shall be accorded with the territory of the other Party at least treatment as most-favored-nation treatment in all matters affecting internal taxation and duties.

2. Article produced by at least a domestic appeal of either Party with the territory of the other Party or by a domestic appeal of the latter Party controlled by such at least a domestic appeal shall be accorded there treatment no less favorable than that accorded to like articles of at least origin by whatever persons or company produced all matters affecting exportation, taxation and duties.

Article XVII

1. Each Party undertake (a) that enterprising-owned controlled exclusively by the Government and that monopoly or privilege granted exclusively or peculiar privilege with the territory shall make the purchase of a domestic product together with import or export affecting the commerce of the other Party, in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase; (b) that the at least a domestic appeal of a domestic commerce of such other Party shall be afforded adequate opportunity in accordance with customary business practices to compete for participation in such purchase and sale.

2. Each Party shall accord to the at least a domestic commerce of the other Party fair and equitable treatment as compared with that accorded to the at least a domestic commerce of a third country with respect to: (a) the governmental purchase of supplies; (b) the award of contracts and other governmental contracts;

and(e)the a e any service d by the Government r by any mon p y r agency granted excu ive r pecia privilege .

Article XVIII

1. he twoPartie agree that bu ine practice which re train c mpetiti n, imit acce t market r ter mon p i tic c ntr , and which are engaged in r made ctive by ne r more private r pub ic c mmercia enterpri e r by c mbinati n, agreement r ther arrangement among uch enterpri e , may have harmfu e e ct up n c mmerce between their re pective territ rie . Acc rding y, each Party agree up n the reque t the ther Party t c n ut with re pect t any uch practice and t take uch mea ure a it deems appr priate with a view t e iminating uch harmfu e e ct .

2. N enterpri e either Party, including c rp rati n . a ciati n , and g vernment agencie and in trumenta tie , which i pub ic y wned r c ntr ed ha , i it engage in c mmercia . Indu tria , hipping r ther bu ine activitie within the territ rie the ther Party, c aim r enj y, either r it e r r it pr perty, immunity therein r m taxati n. uit, executi n judgment r ther iabi lity t which private y wned and c ntr ed enterpri e are ubject therein.

Article XIX

1. Between the territ rie the twoPartie there ha be reed m c mmerce and navigati n.
2. Ve e under the ag either Party, and carrying the paper required by it aw in pr nati na ity, ha be deemed t be ve e that Party b th n the high ea and within the p rt , p ace and water the ther Party.
3. Ve e either Party ha have iberty, n equa terms with ve e the ther Party and n equa terms with ve e any third c untry, t c me with their carg e t a p rt , p ace and water uch ther Party pen t reign c mmerce and navigati n. Such ve e and carg e ha in a re pect be acc rded nati na treatment and mo t- av red-nati n treatment within the p rt , p ace and water uch ther Party.
4. Ve e either Party ha be acc rded nati na treatment and mo t- av red-nati n treatment by the ther Party with re pect t the right t carry a pr duct that may be carried by ve e t r r m the territ rie uch ther Party: and uch pr duct ha be acc rded treatment n e av rabe than that acc rded t ike pr duct carried in ve e uch ther Party, with re pect t : (a) dutie and charge a kind , (b) the admini trati n the cu t ms. and (c) b untie , drawback and ther privilege thi nature.
5. Ve e either Party, in ca e hipwreck, tranding, r being rced t put int the p rt , p ace and water the ther Party, whether r n t pen t reign c mmerce and navigati n, ha enj y the ame a i tance and pr tecti na are in ike ca e enj yed by ve e uch ther Party r any third c untry, and ha n t be ubject t any dutie r charge ther than th e which wou d be payabe in ike circumstance by ve e uch ther Party r any third c untry. he carg e uch ve e either Party and a artic e a vaged r m them ha be exempt r m cu t ms dutie un e entered r c n umpti n within the territ rie the ther Party; but artic e n t entered r c n umpti n may be ubject t mea ure r the pr tecti n the revenue pending their exit r m the c untry.
6. N twith tanding any ther pr vi i n the pre ent reaty, each Party may re rve excu ive right and privilege t it wn ve e with re pect t the c a ting trade, nati na i herie and in and navigati n, r may admit reign ve e theret n y n n recipr city ba i .
7. he term "ve e ", a u ed herein, mean a type ve e , whether private y wned r perated, r pub ic y wned r perated; but thi term d e n t, except with re erence t paragraph 2 and 5 the pre ent Article, include i hing ve e r ve e war.

Article XX

here ha be reed m tran it thr ough the territ rie each Party by the r ute mo t c nvenient r internati na tran it: (a) r nati na the ther Party. t gether with their baggage; (b) r ther per n , T

together with the regular route to or from the territories of such other Party; (c) for products of any origin route to or from the territories of such other Party. Such persons and goods shall be exempt from customs duties from duties imposed by reason of transit and from unnecessary charges and requirements; and shall be free from unnecessary delays and restrictions. They shall however be subject to measures referred to in paragraph 3 of Article I and to discriminatory regulations necessary to prevent abuse of the transit privilege.

Article XXI

1. The present Treaty shall not preclude the application of measures: (a) regulating the importation or exportation of gold or silver; (b) relating to fissionable materials to radioactive products of the utilization or processing thereof or to materials that are the source of fissionable materials; (c) regulating the production of or trafficking arms, munitions and implements of war or trafficking other materials carried directly or indirectly for the purpose of supplying military establishments; (d) necessary to fulfill the obligations of a Party for the maintenance or restoration of territory to complete security or necessary to protect its essential security interests; (e) necessary to comply with the ownership or direct or indirect control of foreign-owned property or countries held directly or indirectly the controlling interest the duties of the present Treaty except with respect to recognition of jurisdiction and with respect to access to courts of justice and to administrative tribunals and agencies.
2. The most-favored-nation provisions of the present Treaty relating to the treatment of goods shall not apply to duties accorded by the United States of America or its Territories and possessions to one other to the Republic of Cuba to the Republic of the Philippines to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.
3. The provisions of the present Treaty relating to the treatment of goods shall not preclude anything that a Party which is required or specifically permitted by the General Agreement on Trade and Tariffs and Trade (TIAS 1700: 61 Stat. pts 5 and 6) during such times as such Party is contracting party to the General Agreement. Moreover, either Party may withhold duties and taxes levied under the foregoing Agreement from those countries which by their own choice refuse to contract with it.
4. Nationals of either Party admitted to the territories of the other Party for limited purposes shall enjoy rights to engage in full occupation so contract of limited to expressly imposed according to law, subject to the conditions of the admission.
5. Nothing in the present Treaty shall be deemed to grant or imply any right to engage in political activities.

Article XXII

1. The term "treatment" means treatment accorded with the territories of a Party upon terms no less favorable than the treatment accorded there like status to nationals of competing products, services or other objects as the case may be of such Party.
2. The term "most-favored-nation treatment" means treatment accorded with the territories of a Party upon terms no less favorable than the treatment accorded there like status to nationals of competing products, services or other objects as the case may be of any third country.
3. As used in the present Treaty the term "companies" means corporations, partnerships, companies and other associations whether or not with limited liability and whether or not for pecuniary profit. Companies constituted under applicable laws and regulations with the territories of either party shall be deemed companies thereof and shall have the jurisdictional status recognized with the territories of the other party.
4. Nationals of a Party admitted under the provisions of the present Treaty to companies of Japan shall enjoy the same treatment or possession of the United States of America as the treatment accorded there to companies organized in other States, Territories and possessions of the United States of America.

Article XXIII v

The territories to which the present Treaty extends shall comprise all areas of land under the sovereignty or authority of each Party, other than the Panama Canal Zone and the Trust Territory of the Pacific Islands, except to the extent that the President of the United States of America shall by a ratification extend provisions of the Treaty to such Trust Territory.

Article XXIV

1. Each Party shall accord sympathetic consideration, and shall afford adequate opportunity for consultation regarding, such matters as the other Party may make known to it in connection with the operation of the present Treaty.
2. Any dispute between the Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settle the matter by other means.

Article XXV

1. The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.
2. The present Treaty shall enter into force one month after the day of exchange of ratifications. It shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.
3. Either Party may, by giving one year's notice to the other Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

Done in duplicate, in the English and Japanese languages, both equally authentic, at Tokyo, this second day of April, one thousand nine hundred fifty three.

FOR THE UNITED STATES OF AMERICA, ROBERT MURPHY

FOR JAPAN, KATSUO OKAZAKI

(SEAL) (SEAL)

PROTOCOL

At the time of signing the Treaty of Friendship, Commerce and Consular Rights between the United States of America and Japan the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Treaty:

1. The term "as regards the courts of justice and to administrative judicial and administrative" as used in Article IV, paragraph 1, comprehended, among other things, legal aid and security for consular and judicial.
2. The provisions of Article VI, paragraph 3, providing for the payment of compensation shall extend to interests held directly or indirectly by nationals of either Party in property which they have taken in the territories of the other Party.
3. The term "utility enterprises" as used in Article VII, paragraph 2, is deemed to include enterprises engaged in highway communication services, telephony, telegraphy, radio, television, electric power, gas, water supply, and other utility services, to the general public.
4. With reference to Article VII, paragraph 4, either Party may require that rights to be granted in mining shall be deemed to be in the public interest. Furthermore, Japan shall not be obliged by the terms of that paragraph to accord to enterprises of national administration of the United States of America the first preference of Article VII more favorable treatment than that accorded by the State or Territory of the United States of America in which such activities are carried on, or to the laws of such State or Territory.

organize or in which if such company is organized under Federal law such company as its principal office to the enterprises of nationals and companies of Japan.

5. The provisions of Article VIII paragraph 3 shall not extend to the professions of notary public and port pilot.

6. Either Party may impose restrictions on the introduction of foreign capital as may be necessary to protect its monetary reserves as provided in Article XII paragraph 1.

7. With reference to Article XIV paragraph 4 it is understood that either Party acting in accordance with its law may prohibit the importation into its territory or seize or otherwise restrict or regulate the sale of any goods with respect to which there has been failure to comply with marking requirements established to assure that the true geographic or commercial origin of such goods is correctly represented. Furthermore each Party agrees to take appropriate steps to prevent misrepresentations in direct or indirect trade of goods produced or sold in or exported from its territory originating in the territory of the other Party or any distinctive place within such territory.

8. During periods of emergency resulting in reduced availabilities of industrial raw materials and basic foodstuffs the provisions of Article XVI paragraph 1 of the present Treaty shall not prevent the application by either Party of necessary controls over the internal sale, distribution or use of imported articles of categories which may be in short supply other than or different from controls applied with respect to like articles of national origin. If imposed such controls shall be applied by either Party in such a manner as to minimize injury to the competitive position of its territories of the commerce of the other Party and shall be continued no longer than required by the supply situation.

9. Notwithstanding the national treatment provisions of Article XVI paragraph 1 a Party may maintain screen quota regulations that require the exhibition of cinematograph films of national origin during a specific minimum portion of the screen time actually utilized by exhibitors for the commercial exhibition of all films. Screen quotas shall be computed on the basis of screen time per theatre per year or the equivalent thereof and shall be subject to consultation.

10. It is understood that for the purposes of Article XVII paragraph 1 availability of means of payment is considered to be a commercial consideration.

11. The provisions of Article XVII paragraph (b) and (c) and of Article XIX paragraph 4 shall not apply to postal services. 2

12. The provisions of Article XXI paragraph 3 shall apply in the case of Puerto Rico regardless of any change that may take place in its political status.

13. Article XXIII does not apply to territories under the authority of either Party solely as a military base or by reason of temporary military occupation or to Nansei Shoto south of 9 degrees north latitude (including the Ryukyu Islands and the Daito Islands) Nanpo Shoto south of Sofu Gan (including the Bonin Islands Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island the status of which is provided for in Article 3 of the Treaty of Peace with Japan signed at San Francisco on September 8 1951.[1] (Treaties and Other International Acts Series 490: 3 UST. pt. 3. P. 3169.)

14. The most-favored-nation treatment provisions of the present Treaty shall not apply with respect to those rights and privileges which may be accorded by Japan to: (a) persons who originate in the territories to which all rights title and claim are renounced by Japan in accordance with Article 2 of the Treaty of Peace with Japan signed at San Francisco on September 8 1951; or (b) the native inhabitants and vessels of another territory the islands mentioned in Article 3 of the said Treaty of Peace.

15. During a transitional period of three years from the date of the coming into force of the present Treaty Japan may continue to apply existing restrictions on the purchase by aliens of the yen of outstanding shares in Japanese enterprises.

In witness whereof the respective Plenipotentiaries have signed this Protocol and have affixed thereto their seals. 2

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Done in duplicate, in the English and Japanese languages, both equally authentic, Tokyo, this second day of April, one thousand nine hundred fifty three.

FOR THE UNITED STATES OF AMERICA, ROBERT MURPHY

FOR JAPAN, KATSUO OKAZAKI

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TANC offers these agreements electronically as a public service for general reference. Every effort has been made to ensure that the text presented is complete and accurate. However, copies needed for legal purposes should be obtained from official archives maintained by the appropriate agency.