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Treaty Series No. 22 (1927)

SUPPLEMENTARY CONVENTION

to the Treaty of Commerce and Navigation between the United Kingdom and Japan

Signed at London, July 30, 1925

TOGETHER WITH MINUTES OF A MEETING
BETWEEN THE BRITISH AND JAPANESE
REPRESENTATIVES AT THE FOREIGN
OFFICE ON JULY 30, 1925

[*Ratifications exchanged at London, July 29, 1927*]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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**Supplementary Convention to the Treaty of Commerce
and Navigation between the United Kingdom and
Japan.**

Signed at London, July 30, 1925.

[Ratifications exchanged at London, July 29, 1927.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, being desirous of confirming the good understanding which happily subsists between them, have resolved to supplement the provisions of the Treaty of Commerce and Navigation, signed at London on the 3rd April, 1911, and for that purpose have appointed their plenipotentiaries, that is to say :

His Britannic Majesty :

The Right Honourable Joseph Austen, Chamberlain, M.P., His Majesty's Principal Secretary of State for Foreign Affairs ;
and

His Majesty the Emperor of Japan :

His Excellency Baron Gonsuke Hayashi, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of St. James ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE 1.

The stipulations of the Treaty of Commerce and Navigation signed at London on the 3rd April, 1911, will not be held to preclude either of the High Contracting Parties from making any special reduction of customs duty for goods imported over the land frontier of the territory of that Party which may be shown to be justified by the considerations referred to in Article 7 of the Statute on the International Régime of Maritime Ports adopted by the Second General Conference on Communications and Transit which met at Geneva on the 15th November, 1923. Should any question arise as to whether any such reduction of customs duty is in accordance with the terms of the said Article 7, it shall, in the event of a dispute, be dealt with in the manner prescribed in Articles 21 and 22 of the Statute. In the event of a dispute, moreover, both Parties agree to abide by any preliminary opinion given by the Technical Organisation referred to in Article 21 of the Statute pending a final settlement.

ARTICLE 2.

For Article 21 of the Treaty of Commerce and Navigation, signed at London on the 3rd April, 1911, there shall be substituted the following article:—

The coasting trade of the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to their respective laws. It is, however, understood that the subjects and vessels of either High Contracting Party shall enjoy in this respect most-favoured-nation treatment in the territories of the other, but this benefit will be claimed only under the condition of reciprocity in the event of such condition being required by the laws of either Party or by the terms of an arrangement with a third Party by which special concessions in that respect may be granted to that third Party.

British and Japanese vessels may, nevertheless, proceed from one port to another, either for the purpose of landing the whole or part of their passengers or cargoes brought from abroad, or of taking on board the whole or part of their passengers or cargoes for a foreign destination.

It is also understood that, in the event of the coasting trade of either Party being exclusively reserved to national vessels, the vessels of the other Party, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the territories of the former Party of passengers holding through tickets, or merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their cargoes shall enjoy the full privileges of this Treaty.

ARTICLE 3.

The stipulations of the Treaty signed at London on the 3rd April, 1911, as modified by the provisions of the present Convention, shall be applicable to all Japanese possessions, to Japanese leased territories and to territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty the Emperor of Japan, and the right of either High Contracting Party under the second paragraph of Article 27 of the said Treaty to terminate it separately at any time, on giving twelve months' notice, shall be understood to extend to termination of the Treaty as modified in respect of any Japanese possession, Japanese leased territory or territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty the Emperor of Japan.

ARTICLE 4.

The modifications of the Treaty signed at London on the 3rd April, 1911, contained in the present Convention, shall not be applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates on behalf of which notice of accession has been given under Article 26 of the said Treaty unless notice shall

have been given by His Britannic Majesty's Representative at Tokyo of the desire of His Britannic Majesty that the said modifications shall apply to any such territory, in which event the said Treaty shall apply as modified. If no such notice shall have been given in respect of any such self-governing Dominion, Colony, Possession or Protectorate, the stipulations of the said Treaty shall continue to apply to such self-governing Dominion, Colony, Possession or Protectorate without the modifications contained in the present Convention, unless notice of termination shall have been given by either Party in accordance with the second paragraph of Article 27 of the Treaty in respect of such self-governing Dominion, Colony, Possession or Protectorate, in which event the Treaty shall cease to have effect as regards such self-governing Dominion, Colony, Possession or Protectorate twelve months after notice of termination has been given.

ARTICLE 5.

The stipulations of article 4 shall be understood to extend to the Irish Free State and in addition the right of either Party under the second paragraph of Article 27 of the Treaty to terminate it separately shall be understood to extend to separate termination in respect of the Irish Free State.

ARTICLE 6.

The stipulations of the Treaty signed at London on the 3rd April, 1911, as modified by the present Convention, may be made applicable to any of His Britannic Majesty's self-governing Dominions, Colonies, Possessions or Protectorates on behalf of which notice of accession has not been given under Article 26 of the said Treaty, and to any British leased territory or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty if notice is given by His Britannic Majesty's Representative at Tokyo of the desire of His Britannic Majesty that the said stipulations shall so apply to any such territory, and the right of either Party under the second paragraph of Article 27 of the Treaty to terminate it separately at any time on giving twelve months' notice shall be understood to extend to separate termination of the Treaty as modified in respect of such self-governing Dominion, Colony, Possession, Protectorate or Territory.

ARTICLE 7.

Notwithstanding the provisions of the first paragraph of Article 27 of the Treaty of Commerce and Navigation, signed at London on the 3rd April, 1911, the remaining provisions of that Treaty shall, except so far as modified by the present Convention, continue in force until the expiration of the present Convention.

ARTICLE 8.

The present Convention shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall enter

into operation from the date of the exchange of ratifications and shall remain in force for five years from that date. In case neither Party shall have given notice to the other twelve months before the expiration of the said period of his intention to terminate the present Convention, it shall continue in force until the expiration of twelve months from the date on which either of the High Contracting Parties shall have denounced it.

In witness whereof the undersigned have signed the present Convention and have affixed thereto their seals.

Done at London in duplicate this 30th day of July, 1925.

(L.S.) AUSTEN CHAMBERLAIN.

(L.S.) HAYASHI.

Minutes of a Meeting between the British and Japanese Representatives, held at 4 P.M. on July 30, 1925, at the Foreign Office, London, for the purpose of signing a Convention supplementing the provisions of the Treaty of Commerce and Navigation, signed at London on April 3, 1911.

Plenipotentiaries present:

United Kingdom.

Japan.

The Right Honourable Joseph Austen Chamberlain, M.P., His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

His Excellency Baron Gonsuke Hayashi, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of St. James.

THE Secretary of State for Foreign Affairs announced that the negotiation of the Supplementary Convention between the United Kingdom and Japan was now concluded and that the Convention was ready for signature.

Coasting Trade.

The Japanese Ambassador stated, in reference to the condition of reciprocity provided for in Article 2 of the Supplementary Convention, that his Government had no intention of refusing the benefits of any concession to ships registered in one part of the British Empire on the ground that another part of the Empire failed to give reciprocity to Japanese ships. He suggested that the detailed examination of the questions involved might be left over for negotiation between representatives of the two Powers until a decision to admit foreign ships to the Japanese coasting trade had actually been taken by the Japanese Government.

The Secretary of State for Foreign Affairs concurred.

Mandated Territories.

The Japanese Ambassador stated that he assumed that the clauses of the Supplementary Convention relating to the application to the mandated territories of the High Contracting Parties of the provisions of the Treaty under reference as amended by the Supplementary Convention did not prejudice the provisions of the Covenant of the League of Nations and the terms of the mandates in respect of these territories.

The Secretary of State for Foreign Affairs replied that such was also the assumption of the British Government.

Effect of Abrogation of Article 8 of the Treaty of 1911.

The Japanese Ambassador enquired whether he was correct in assuming that it was agreed between the Parties that, as the abrogation of Article 8 and the annexed schedule of the Treaty takes effect apart from the provisions of the present Supplementary Convention, the stipulations of Article 5 of the Supplementary Convention are not to be applicable in respect of the said abrogation.

The Secretary of State for Foreign Affairs replied that it was so agreed.

The plenipotentiaries, the Right Honourable Joseph Austen Chamberlain for the United Kingdom and His Excellency Baron Gonsuke Hayashi for Japan, then proceeded to the signature of the Supplementary Convention, and the proceedings terminated.

AUSTEN CHAMBERLAIN.

HAYASHI.
