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COLLABORATION BETWEEN JAPAN, GERMANY
AND ITALY.

Volume I

OPENING
STATEMENT

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OF COUNSEL.

Mr. President and Members of the Tribunal: The subject of this phase of the case is collaboration between Japan, Germany and Italy. Evidence will be introduced to prove that the accused planned, prepared, initiated and waged wars of aggression and wars in violation of international law, treaties, agreements or assurances, and that they participated as leaders, organizers, instigators or accomplices in the formulation and execution of a common plan or conspiracy for this accomplishment as charged in Counts 1 to 36 inclusive of the indictment. The evidence introduced will also substantiate charges set forth in the remaining counts of the indictment.

For the purpose of proving that the accused participated in the formulation and execution of the common plan or conspiracy charged, and for the purpose of demonstrating the effective and indispensable contribution made by leaders in Germany and Italy in the attainment of the objects of the conspiracy, we shall introduce evidence, much of which has hitherto been secret, regarding clandestine negotiations for the conclusion of various treaties and collaboration between the participating powers under these treaties. This evidence will show that in spite of the distrust that each Axis power had for the others and occasional differences that arose among them by reason of immediate conflicting interests, Japan, on the one hand, sought and obtained from the alliance with her Axis partners tremendous military strength and political bargaining power, and that Germany and Italy, on the other hand, likewise profited substantially thereby. The manner in which this

military strength and political bargaining power was used in furtherance of the objects of the conspiracy will unfold as the evidence progresses. This evidence will prove both the fact of conspiracy and that the accused were parties to it.

The evidence relating to various treaties and agreements and the subdivisions thereof will disclose the facts hereinafter stated.

I.

THE ANTI-COMINTERN PACT AND SECRET AGREEMENT

As shown in earlier phases of the case, the Kwantung Army in the early part of 1936 was restrained in its westward advance from Manchuria into Mongolia by the danger of war with the Soviet Union. Japan's expansion from Manchuria into the remainder of China also was checked temporarily as the result of the refusal of Chinese war lords in North China to desert the National Chinese Government. Confronted with this situation, Japan entered into negotiations for a military alliance with Germany, a totalitarian power then engaged in a program of military preparedness for aggressive war in Europe.

Negotiations, begun in June 1935, the date of the so-called HO-UMEZU Agreement referred to in a previous phase of the case, were conducted through military channels because of the fact that the subject of negotiations was a strictly military matter and because no treaty of this

type could have been made without the approval of the Japanese Army. In April 1936, shortly after the conclusion of the Mongolian-Union of Soviet Socialist Republics Pact of Mutual Assistance, the General Staff of the Japanese Army transferred the conduct of the negotiations from the accused Colonel OSHIMA, Hiroshi, then Military Attache to Germany, to the Foreign Ministry.

The pact was concluded on 25 November 1936, and on its face was directed against the activities of the Communist Internationale. A supplemental protocol provided for the establishment of a permanent committee for the purpose of facilitating close collaboration in matters concerning the exchange of information regarding the activities of the Communist Internationale and the defensive measures to be taken against it. At the time of the conclusion of this pact, a secret agreement was entered into between Japan and Germany in which it was provided that in case one of the signatories was attacked, or was threatened with an unprovoked attack by the Soviet Union the other party to the pact was not to take any action which would provide effective relief to the Soviet Union, and the signatories would hold an immediate conference to formulate measures to be taken for the protection of their common interests.

Japan proclaimed to the world that the Japanese-German agreement simply provided for cooperation between the two countries against the Communist Internationale and was not directed toward any particular country although in truth and in fact the Anti-Comintern Pact was directed against the

Union of Soviet Socialist Republics and all democratic nations. It was designed and intended to strengthen the hand of Japan in China, to create the impression in all countries that the signatories constituted a united front, and to afford an excuse for continued military aggression.

The accused, Premier HIROTA, Koki; Navy Minister NAGANO, Osami; Director of the Foreign Europe-Asia Bureau TOGO, Shigenori; and President of the Council HIRANUMA, Kiichiro were present at the meeting of the Privy Council which approved the pact. The accused MATSUOKA, Yosuke, then an official of the South Manchurian Railway, admitted in 1940 that he was one of those responsible for the conclusion of the pact.

A few weeks after the extension of the Japanese-Chinese war at the Marco Polo Bridge on 7 July 1937, Germany strongly protested to Japan that the Anti-Comintern Pact did not include the objective of fighting communism in the territory of third states and expressed disapproval of Japan's action in carrying on radio propaganda in the German language directed toward Germany in which Japan was attempting to picture the war against China as a fight against Communism, intending thereby to force upon Germany the necessity of taking sides. Germany denied that the contractual relationship by reason of the Anti-Comintern Pact obligated her to approve or assist morally the Japanese aggression in China and refused to enter into negotiations regarding German delivery of armaments to China and the withdrawal of military advisers from that country.

When the siege of Shanghai resulted in extended major military and naval operations without bringing to an end the regime of CHIANG KAI-SHEK, as shown in a previous phase

of the case, Japan, in November 1937, made demands upon China as the price of peace. Germany served in the capacity of "letter carrier" between the two powers, but by separate negotiations endeavored to persuade Japan to alter her policy with respect to military aggression in China. The aggressive policy of the Japanese Government was dominated and directed by the Army. The accused TOGO, Shigenori, Japanese Ambassador to Germany, announced that the Japanese Government was determined to carry on the war to its bitter end.

While CHIANG KAI-SHEK was considering the Japanese proposals, the "Rape of Nanking" occurred. Japanese demands increased and further severe military action was threatened. The accused Premier HIROTA refused a Chinese request for clarification of terms with the reply that the military insisted upon an immediate and clear answer. On 16 January 1938, negotiations were terminated with the threat of continued military action. Germany expressed conviction that Japan would bear responsibility to the world for breaking off the discussions.

On 26 January 1938, the accused Ambassador TOGO declared to Reich Foreign Minister VON NEURATH that the Japanese Government could no longer recognize CHIANG KAI-SHEK as the representative of the Chinese people, and that Japan would now try to negotiate concerning peace with new Chinese governments in Peiping and Shanghai. When it was called to his attention that a big and not yet pacified area of China remained unpacified, Ambassador TOGO replied that Japan was "prepared

for everything" and "would know how to carry the burden of a prolonged state of war." Ambassador TOGO also asserted that the moment would soon come when "we would have to start talking about German cooperation with Japan in the new China which is to be constructed."

With the unsuccessful close of German efforts to bring the Sino-Japanese conflict to an end, a new chapter of the war began. Germany, believing that Japan would emerge from the conflict as the military victor, considered it necessary to re-orient her policy toward the China conflict and to re-examine German-Japanese relations. On 4 February 1938 Chancellor HITLER assumed supreme command of the military and naval forces of Germany and shortly thereafter Germany withdrew her military advisers from China, stopped delivery of war materials to China, and recognized the so-called State of Manchukuo.

In line with the provisions of the protocol to the Anti-Comintern Pact, the German Army and the Japanese Army in September or October 1938 agreed to furnish each other with intelligence about the Russian military. This resulted in the undertaking of long range projects aimed at the disintegration of Russia, the preliminary steps of which were the use of white Russians in propaganda and subversive activities in Russia, Afghanistan and Roumania, in which the accused OSHIMA, Military Attache, played an important part.

Subsequently Italy, Manchukuo, Hungary and Spain were admitted as participants to the pact and on 25 November 1941 the pact was renewed for an additional period of five years with Bulgaria, Denmark, Finland, Croatia, Roumania, Slovakia, and the puppet regime of Nanking as participants.

At a meeting of the Privy Council on 22 February 1939, at which the accused HIRANUMA, Premier, and General ITAGAKI, Seishiro, Minister of War, were present, it was declared that the signatories were not stopping at the mere exchange of information, and that a general policy had been adopted with regard to further methods of collaboration in economic and financial relations.

II.

THE TRI-PARTITE PACT

A. Negotiations for a Tri-Partite Military Alliance

Shortly after the re-orientation of Germany's policy with respect to the Sino-Japanese conflict and German-Japanese relations VON RIBBENTROP, then German Foreign Minister, proposed a German-Japanese military alliance aimed at the entire world. The accused General OSHIMA, who had by this time become Ambassador to Germany, and the accused SHIRATORI, Toshio, Ambassador to Italy, were sent to Rome for the purpose of inducing MUSSOLINI to unite in the proposed alliance and early in January 1939 MUSSOLINI indicated his approval.

Ambassadors OSHIMA and SHIRATORI desired a military alliance without reservations. To this the Army in Japan was prepared to agree but the Navy was not entirely in favor of such an alliance. After holding numerous meetings, the HIRANUMA Cabinet reached a compromise which contemplated that there should be reserved to each of the signatories the right to determine whether an emergency had occurred which required the treaty to be put into operation. For the purpose of fully acquainting the Japanese Ambassadors OSHIMA and SHIRATORI with this compromise proposal and for the purpose of advising them as to the limits beyond which they should not go, the ITO Commission was sent to Berlin and Rome.

Ambassadors OSHIMA and SHIRATORI refused to follow the directions delivered by the ITO Commission. SHIRATORI previously had secretly advised Italy not to accept the anticipated compromise proposal. The Ambassadors refused to communicate with Germany and Italy through official channels and wired the Japanese Foreign Office to accept the pact of alliance without reservation, asserting that unless this was done they would resign, which action they averred would bring about the fall of the Cabinet. As a result of this action, the Foreign Ministry by wire to Ambassador OSHIMA modified its position to a mere declaration that Japan did not want to give more than non-military aid

if the country concerned was one other than Russia. On 4 May 1939, Premier HIRANUMA, in a declaration addressed to HITLER, stated that Japan was firmly and steadfastly resolved to furnish military aid to Germany and Italy even if one of these two powers were attacked by a power other than Russia, but that such support, in view of Japan's existing situation, could not be given until a change of circumstances make it possible. While the negotiations were still being conducted Germany and the Soviet Union concluded a non-aggression pact on 23 August 1939, which Japan considered constituted a violation of the secret agreement attached to the Anti-Comintern Pact. Repercussions in Japan were so great that the HIRANUMA Cabinet immediately fell.

B. Conclusion of the Tri-Partite Pact

Both Japan and Germany continued with their respective plans for aggression. Japan's interest in the area south of China and in the Pacific was shown by the seizure and occupation of Hainan Island off the coast of Indo-China on 11 February 1939 and the Spratley Islands southeast of Indo-China on 31 March 1939, and in September 1939 Ambassador OSHIMA expressed the view to HITLER that Japan, especially the Navy, was ready for an advance in Southeast Asia, which action he had proposed.

In March 1940 there was an apparent stiffening of political attitude by the Japanese on the one hand and

England and America on the other, arising out of protests against the establishment of the WANG CHING WEI Government in China. The accused War Minister HATA, Shunroku along with the Navy Minister and Army spokesmen in the Diet indicated the attitude of the Japanese Government by strong language to the effect that Japan's progress in China could not be stopped by the Nine Power Treaty which they considered obsolete. In opposition to the YONAI-ARITA Government's effort to reach an agreement with Britain and America, Germany endeavored to excite Japan's feeling against America by influencing the press and leading political personalities and by representing that a conflict between America and Japan in the long run was inevitable. Former Ambassadors OSHIMA and SHIRATORI, who had resigned upon the failure to conclude the Tri-Partite military alliance, worked in confidential cooperation with the German Embassy in this program, and the German Ambassador was directed by RIBBENTROP to keep in close touch with these two collaborators.

After Germany's invasion of the Netherlands, Japan demonstrated concern regarding Germany's intentions with respect to the Netherlands East Indies. On 19 June 1940, two days after the fall of France, Japan expressed similar concern regarding French Indo-China and requested Germany to accord Japan a free hand in these areas. The German Ambassador to Japan recommended to his government the annexation of French Indo-China by Japan on the grounds that it would increase the chance for an early end of the China

conflict, that it would intensify the differences between Japan and the Anglo-Saxon powers to such an extent that the danger of an agreement would be eliminated for a long time, and that it would result in a severe blow to the YONAI Cabinet and probably bring about its replacement by a more pro-German cabinet if the government should fail to act in this matter.

① On the same day, 19 June 1940, negotiations for a Japanese-German alliance were renewed by KURUSU, Japanese Ambassador to Germany. He represented that by close cooperation between Japan and Germany in the development of heavy industry Japan would gain "freedom of action towards the United States" and that if economic circles in Japan could see Germany's great industrial development and realize that Germany had overtaken the United States in many fields, they would gladly switch over to Germany. He further represented that he and the accused TOGO, then Ambassador to Russia, were feverishly working for the improvement of Japanese-Russian relations and it had become more and more clear in Japan that the future of the nation lay in the south, wherefore the enemy in the north must be made a friend. This alleged attitude of friendship toward the Soviet Union was at most temporary in character, as will be demonstrated in a later phase of the case.

On 24 June 1940, the accused General MUTO, Akira of the War Ministry informed the German Military Attache that Japan was greatly interested in Indo-China in connection with the China conflict and the accused General KOISO, Kuniaki, Minister of Overseas Affairs, inquired of the German Ambassador as to what Germany's attitude would be with regard to military

activity of Japan in Indo-China and in parts of the Netherlands East Indies. The German Ambassador referred to the prior declaration that Germany was not interested in the question of Dutch East Indies and added that Germany would have no objection against Japanese action in Indo-China upon the condition that Japan obligate herself to tie up America in the Pacific area, for instance by a promise to attack the Philippines or Hawaii in case of an American participation in a way against Germany.

2 On 8 July 1940 Ambassadors SATO and KURUSU in a conference with Foreign Minister RIBBENTROP and Consul General STAHLER, renewing discussions for close cooperation between Japan and Germany, drew a parallel between the New Order being brought into existence in Europe through German action and the efforts that Japan had made over the past three years to construct a New Order in the Far East and the South Seas. Ambassador SATO pointed out that Japan had facilitated Germany's task of creating a New Order in Europe by drawing the attention of English, French and American governments to herself since the beginning of the war in China and had tied up the American fleet in the Pacific Ocean for that period. He represented that Japan was putting forth strong endeavors to finish the Chinese war "in order to have free hands," and in this connection he said that public opinion in Japan had become extraordinarily nervous in respect to Indo-China and the Dutch East Indies. Japan, he said, had been trying to orient

her policy in one direction since the outbreak of the Manchurian conflict but time and again had been forced somewhat to moderate this new orientation. In reply to Ambassador SATO's report, the Foreign Minister indicated concern that Germany had begun to foster an ambition in the South Seas to take the French and Dutch East Asiatic colonies under its influence.

So strong was the desire for the conclusion of the military alliance between Japan, Germany and Italy that a joint conference of the Japanese Army, Navy and Foreign Office officials was held on 12 July 1940 for the purpose of intensifying efforts to procure such a pact and a tentative draft thereof was presented at this conference. The conference reconvened on 16 July 1940 for the purpose of obtaining the opinions of the Army and Navy and the adoption of a unified policy with regard to the draft of the proposed pact. In the discussion which followed, grave concern was expressed over the possibility that Germany at the close of the war would take over politically Indo-China and the Netherlands East Indies, which action on the part of Germany, it was resolved, should be firmly opposed.

The Japanese conception of "political leadership" in its strictest sense in the establishment of the New Order in East Asia was considered to be "occupation." Although the view was expressed that Japan was not thinking of "occupation" at the present, it was declared that "it is necessary that

the whole country conspire and unite on the point of political leadership and make Germany recognize as strong a political leadership as possible."

With regard to the obligation to check Britain in East Asia and thereby hasten her surrender, it was asserted that this could be fulfilled by the secret instigation of independence movements in India and Burma and the adoption of a strong policy towards Hong Kong, Shanghai and Tientsin. A further step by striking England through an attack upon Singapore was also discussed.

The question was posed as to whether it would be advisable to take "joint action with Germany against America after the establishment of the New Order in East Asia a few years hence," and the possibility of taking joint action with Germany against America in South America was discussed.

It was considered that Italy should be a party to the coalition in the same manner as Germany because of the possibility of an Italian advance into Iran and India, which would bring her in conflict with Russian interests. The opinion of the conferees was unified on these matters and the necessity for immediate execution of their plans was expressed.

After several attempts to bring about the downfall of the YONAI Cabinet had proved unsuccessful, the military resorted to the device of having the War Minister resign. General HATA, War Minister, tendered his resignation to

Premier YONAI on 16 July 1940. The three chief military officers were unwilling to recommend a successor without which the cabinet was powerless to fill the vacancy. Therefore, Premier YONAI was left no other alternative than to tender to the Emperor a general resignation of his cabinet, which action he took on the same day that General HATA resigned as War Minister. The Army considered that delay in the negotiations with Germany and Italy would be fatal to Japan, that the YONAI Cabinet "was not feasible in carrying out satisfactorily the foreign policy," and that a cabinet change was necessary to face the grave international situation.

MATSUOKA was appointed Foreign Minister. The retiring War Minister, General HATA, secretly recommended to the Emperor the appointment of the accused TOJO, Hideki as War Minister prior to Prince KONOYE's acceptance of TOJO for that post. SHIRATORI declined appointment as Vice-Foreign Minister, but he let it be known that he was being considered for appointment as permanent adviser to the Foreign Ministry, in which capacity he expected to exercise a far-reaching influence in the new government. The Manchurian group in the new government was further strengthened by the appointment to the Vice-Foreign Minister post of OHASHI, a former member of the Manchurian State Council, and an adherent of the German course of Japanese foreign policy.

In a meeting on 26 July 1940 the new cabinet outlined Japan's basic national policy. The fundamental aim of the basic policy was determined to lie "in the establishment of

world peace in accordance with the lofty idea of Hakko Ichiu, on which the Empire is founded. First of all, it is directed toward the construction of a New Order of Greater East Asia built upon a firm solidarity of Japan, Manchukuo and China, with this Empire as the center. We will therefore speedily secure for herself an unshakable national structure such as conforms to the new world situations and march forward toward the realization of the national policy by mobilizing the total strength of the nation." It was further determined that armaments should be so increased as "to insure the execution of national policy on the basis of a state structure for national defense through manifestations of the nation's total strength." The educational system was recognized as having been renovated in full accord with the fundamental principle of the national policy. Establishment of an economic self-sufficiency policy making Japan, Manchukuo and China as a single unit and embracing the whole of Greater East Asia and the establishment of a land development plan aimed at the development of the co-ordinated national strength of Japan, Manchukuo and China were among the projects planned.

② On 1 August 1940 Ambassador KURUSU was still pursuing the quest for Japanese-German cooperation and sought an expression of German attitude regarding the Dutch and French colonies in the East. Ambassador KURUSU desired to know in what way RIBBENTROP wanted Japan to cooperate, and especially to know if and at what time Germany desired the Japanese weight to be thrown "on the scale of the present conflict."

He expressed the hope that Japan be made a part of the New Order and that after the war Japan would not be forgotten in the new apportionment of the world. With regard to the New Order in the so-called Greater East Asia area, KURUSU assented that Japan did not intend conquest, oppression or exploitation in these areas and expected nothing of the sort from any third power. On the same day these views were expressed by Foreign Minister MATSUOKA to the German Ambassador and both KURUSU and MATSUOKA sought to be informed of Germany's attitude on these matters.

The strengthening of Japan's foreign policy with regard to Japanese-German coalition immediately became apparent. War Minister TOJO entered upon a program by which he sought to promote anti-British feeling among the Japanese. Foreign Minister MATSUOKA, having made a demand on the Republic of France for consent to the use of certain Indo-China territory and facilities in connection with the war against China, requested the German Government to support the Japanese demands by "influencing the French Government." On 23 August 1940, Foreign Minister MATSUOKA announced the recall of numerous ambassadors, ministers, councillors and consuls and declared to the press that this action had become necessary in order to make "secure" the new foreign policy introduced by him. The new government formed a commission of twenty-four leading persons consisting mostly of followers of the policy of collaboration with the Axis powers, with the aim of planning suitable action for the adjustment of state affairs on an authoritarian basis. On this commission SHIRATORI was appointed the representative for foreign political matters.

A Four Minister Conference attended by Prime Minister KONOYE, Foreign Minister MATSUOKA, War Minister TOJO and the Navy Minister was held in early September 1940, at which time it was determined that the time was now ripe "for speedy initiation of conversations" for the strengthening of collaboration among Japan, Germany and Italy. The basic principle was declared to be the making of a fundamental agreement among the three countries in order that they shall mutually cooperate "by all possible means" in the establishment of a New Order in Europe and Asia. Inasmuch as the proposed agreement contemplated that the three countries would cooperate "by all possible means" for the construction of the respective New Orders, Japan, it was stated, should be resolved, if need be, "to take any action, including recourse to armed force." It was also asserted that in the event Germany might not immediately require Japanese armed cooperation against Britain, Japan's main objective would be the United States. It was recognized that unless Japan was resolved on the employment of armed force, it would be impossible for Japan to carry on any useful talks with Germany. It was determined that Japan should take steps, as the situation might require, in order to eliminate the political and economic interests of Britain in East Asia, including the South Seas. Concerning the possible use of armed force against Britain and the United States, Japan was to make decisions independently, and in the event the "China Incident had been settled," Japan, it

was said, would "use armed force by taking as favorable an opportunity as may be afforded by the situation prevailing at home and abroad." In the event the "China Incident" has not been settled Japan's guiding principle was to be to take action within limits short of war, although it was further asserted that if "the development of the international situation permits of no further delay Japan will resort to armed force."

In the atmosphere of these conferences and in the light of all proper inferences to be drawn from the extended negotiations, STAHRER, Special Envoy of VON RIBBENTROP, arrived in Tokyo in early September 1940 to prepare the stage for the conclusion of a pact which was described by MATSUOKA as the most important document in the history of the Japanese Empire. STAHRER, in a secret conference with MATSUOKA, asserted that Germany of that juncture did not look for Japan's military assistance with England, and hardly thought that she and the United States would come to blows in the near future, but asserted the belief that "war between Japan and the United States cannot eventually be avoided." The importance of being thoroughly prepared effectively to meet an emergency at any moment was stressed, to which end Germany promised to restrain the United States in the Atlantic and furnish Japan with as much war equipment, planes, tanks and war tools as she could reasonably spare. Germany recognized Japan's leadership in East Asia and agreed to cooperate in such areas to further Japan's aims.

In the Privy Council Meetings which followed, attended by the accused, Foreign Minister MATSUOKA; War Minister TOJO; Chief of the Planning Board HOSHINO, Naoki; and Director of Military Affairs Bureau of the War Department Major General MUTO, the discussions fully developed the spirit in which the pact was concluded and may be turned to as a pro forma statement of events that were expected to occur.

MATSUOKA asserted that Japan had such strength she could tip the balance of the world as she liked; that Japanese supremacy in "Greater East Asia" in the building of the "New Order" meant for the time being French Indo-China, Thailand, Burma, the Strait Settlements, and such Oceanic islands as the Netherlands East Indies, New Guinea, New Caledonia and others, and that it would gradually extend to include Australia, New Zealand and other territories and that Japan expected the cooperation of Germany and Italy in the "economic exploitation" of these areas. With regard to the United States, MATSUOKA declared that Japan would enter into a military alliance with Germany and Italy with America as the objective; that preparation for the eventuality of United States participation in the war should consist of strengthening the international situation by the conclusion of the pact and taking diplomatic, economic and military measures for the purpose of procuring necessary natural resources for national defense from the South Seas and other places; and that the proposed alliance with Germany would put Japan in a position to be able to manipulate to her interest

the twenty millions of German-descent Americans who were considered to hold an influential position in the United States.

War Minister TOJO asserted that "as far as our Army is concerned, only a part of its whole strength would be enough to engage in the event of war with America" and that on this ground there was no cause for concern; that it was necessary to strive in bringing the "China Incident" to an end promptly so that preparation for a worse crisis could be made; that there was a sufficient supply of war materials on hand to cover requirements for a fairly extended period, and that regardless of whether the war lasted for a short or a long period, in his opinion "there will be no alternative other than to strive for a way out of the desperate situation."

Navy Minister OIKAWA asserted that preparation of ships for field operations already had been completed; that war materials, heavy oil in particular, were sufficient in amount to cover operations for a fairly long period; that in the event of wholesale fleet to fleet clashes the present stock of oil would not be exhausted in the course of a half to one year, and that in the event the war is drawn out over a long period the frequency of battles would automatically drop; that no concern was felt in regard to the manpower problem as the Navy personnel is by its very nature limited in its size; that he was confident of winning a short war,

and that as to Japan's future plans he expected to take measures to increase war strength by improving as far as possible the inner structure of Japan's forces.

Chief of the Planning Board HOSHINO reported that a great deal had been accomplished in storing up a supply of fuel oils, gasoline for aeroplanes in particular; that in the event of a long term war steps would be taken for procuring necessary materials from the Dutch East Indies, Sakhalin and elsewhere, and that in the mobilization program as to materials the center of gravity was laid on the items for military purposes.

Councillor ARIMA made the statement that if Japanese-American hostilities were at all events unavoidable it might be best to avail of the present opportunity and Chairman of the Committee SUZUKI expressed the view that Japan must be resolved to anticipate a Japanese-American war as inevitable.

X
With unprecedented speed the pact was concluded on 27 September 1940. By its provisions Japan, Germany and Italy attempted to apportion the world by establishing areas in which the leadership of the respective powers was recognized. Each pledged full cooperation in the establishment of leadership within the sphere of the others, and political, economic and military aid was pledged in the event of an attack against any one of the signatories by a nation not then involved in the European war or in the war with China. It was provided that the terms of the pact did not in any way affect the political status which existed between each of the signatories and the Soviet Union. This pact in its essence contained the ultimate development of the plot of the aggressive powers directed

toward the division of the world and the establishment of the so-called "New Order," which had for its purpose the extinguishment of democracy throughout the world and the subjugation of all the nations by the aggressive states. Letters were secretly exchanged providing for consultation among the signatories for the purpose of determining whether action or a chain of actions would constitute an attack within the meaning of the pact. By these secret communications, Germany also agreed to turn over to Japan the Mandated Islands at the conclusion of the war, and to use its best offices in introducing the Soviet Union as a participant in the pact. The objects sought to be accomplished under the provisions of this pact and the action subsequently taken in furtherance thereof will be shown to be in violation of specific treaty obligations.

In an article entitled "The Tri-Partite Pact and the World of Tomorrow," published in December 1940, SHIRATORI stated that the character of the New Order to be created under the leadership of the Three Powers was to be considered in the light of the fact that the Three Powers had discarded the ideologies of individualism and democracy and had adopted the totalitarian point of view. In Japan, he asserted, the nation had revolted against the so-called evils of liberalistic civilization and its dissatisfaction had found expression in the form of the Manchurian incident of 1931. This incident was a challenge externally to unjust conditions long forced upon mankind by the democratic powers, and internally to all alien ideas and thoughts grafted upon the Japanese people. The characteristics of this movement in Japan, he stated, had become more accentuated in the current China affair, the ultimate object of which, in consonance with the classic

expression Hakko Ichiu adopted as a national slogan, was the establishment of a New Order in East Asia. Unless the present wars were considered in the light of these statements, it was said, the real nature of the new world order of tomorrow which is to be established through Japanese-German-Italian cooperation could not be understood.

In addition to the original signatories to the Tri-Partite Pact, the following countries joined on the dates indicated: Hungary, 20 November 1940; Roumania, 23 November 1940; Slovakia, 24 December 1940; Bulgaria, 1 March 1941; and Croatia, 15 June 1941.

C. Collaboration between Japan, Germany and Italy under the Provisions of the Tri-Partite Pact

Evidence will be introduced under this subject showing that the accused, acting through their leaders and in full collaboration with their Axis partners, unified the government and nation behind the Tri-Partite Pact, and by their declarations and conduct put into motion forces designed to accomplish the objects of the conspiracy charged in the indictment.

In the period that followed the conclusion of the Tri-Partite Pact, SHIRATORI continued to play an indispensable part in promoting pro-German relations in Japan. Under his leadership, activist circles in Japan, as early as January 1941, demanded an attack on Singapore as the key British

(4) position in the west Pacific Ocean. In November 1940, Ambassador KURUSU had declared that Sino-Japanese and Russo-Japanese agreements were required as a prerequisite for a Japanese advance through the region south of China, including Siam, without the use of which Singapore could not be successfully attacked. The evidence will show that such an attack was designed to give Japan a free hand in establishing her Greater East Asia policy in China and in the Pacific and Indian Oceans in conformity with the purposes set forth in the Tri-Partite Pact. The capture of Singapore by Japan will also be shown as the fulfillment of Japan's desire to aid Germany in bringing the war against England to a speedy close. It was considered that a sudden attack by Japan upon Singapore without a declaration of war would constitute a blow that would prevent the United States from effectively interfering.

The German Ambassador to Japan made a report on 31 January 1941 to his government of the result of a two-day research with the attaches of the armed forces, in which it was concluded that the chances of success of an attack by Japan against Singapore were favorable; that it would have to be carried out in steps by occupying Saigon and the Malayan Peninsula, and that if the American Pacific Ocean fleet should attempt to interfere from Hawaii it would easily be detected on the overly long approaches and annihilated.

Japan, with the assistance of Germany, resorted to the crafty device of using her position of so-called mediator in the French Indo-China-Thailand border dispute to improve her situation with those two countries and obtain bases therein to serve as a springboard for an attack on Singapore.

Foreign Minister MATSUOKA determined upon an official visit to Berlin and, after expressing intention to obtain wide authority from his Cabinet and particularly from War Minister TOJO, he advised the German Ambassador of the principal questions he desired to discuss, including a Japanese attack on Singapore. Ambassador OSHIMA was also advised by MATSUOKA of the important questions to be discussed.

On 22 February 1941, in a conference with the Secretary of State of the Reich Foreign Ministry, Ambassador OSHIMA expressed the view that Singapore must be seized in grand style from the sea and from the land, but that it was first necessary to take Hong Kong. On the following day an extended conference was held between Ambassador OSHIMA and Foreign Minister RIBBENTROP, in which VON RIBBENTROP voiced the opinion that the decisive blow against England should be a Japanese attack on Singapore, which would eliminate England's key position in East Asia and which would secure a position in that area which Japan could win only by war. The suggestion

was made that the occupation of Singapore must take place with lightning speed, without a declaration of war in order to contribute to a speedy termination of hostilities. Ambassador OSHIMA represented that preparations for the occupation of Singapore would be complete by the end of May; that military preparations must be made against England and America; that the moment for occupation of Singapore must be coordinated with operations in Europe; and that the occupation of Hong Kong and the Philippines had been provided for in case of need.

A few days after the OSHIMA conference, RIBBENTROP directed the German Ambassador in Japan to work with all the means at his command to the end that Japan take possession of Singapore by surprise as soon as possible. This was followed on 3 March 1941 by the High Command of the Armed Forces, Fuehrer Headquarters issuing directive number 24 concerning collaboration with Japan, in which it was stated that the aim of the cooperation based on the Three Power Pact must be to bring Japan as soon as possible to active operations in the Far East, and that the conquest of Singapore, England's key position in the Far East, would mean a decisive success for the three Axis powers. The importance of the question was again emphasized when on 18 March 1941 General JODL, in a report to HITLER, stated that Japan must take steps as soon as possible to eliminate Singapore, since the opportunity would never again be as favorable. Events were moving swiftly in Japan. On 25 March 1941, Chief of the Japanese Navy General Staff, Admiral KONDO,

reported that the Navy was vigorously preparing for an attack on Singapore, and Chief of the Japanese General Staff, General SUGIYAMA, reported that the Army was also making preparations for an attack.

Foreign Minister MATSUOKA arrived in Berlin in the latter part of March 1941, and between 27 March and 5 April 1941 conferred with HITLER, RIBBENTROP, GOERING, FUNK and others on matters relating to joint military and economic cooperation of the Tripartite Powers. Although declaring he could not accept the obligation at the moment to act for the Japanese nation, MATSUOKA stated in a conference with HITLER that Japan would act decisively when she has the feeling that she would otherwise lose a chance which might only return after a thousand years; that Japan would advance regardless of the condition of her preparations; that he had personally held the view that Japan should attack Singapore and put an end to British influence in that area; and that it was only a matter of time until Japan would attack.

Japanese concern over German intentions with regard to political domination and control of the Netherlands East Indies and French Indo-China has been referred to in a previous section of this opening statement. In his conference with HITLER, MATSUOKA took the occasion to state that although Japan expected to keep before her the motto of "No conquest, no oppression, no exploitation," Japan would proceed by force, if necessary, in establishing the New Order according to the

principle of the preamble to the Tripartite Pact, and would have to lead with a strong hand the nations affected by this New Order.

In a conference on 29 March 1941 with the Reich Foreign Minister VON RIBBENTROP, after discussing in detail general plans relating to Singapore and trade relations between Japan and Germany, MATSUOKA pointed out that he was doing everything he could to reassure the English about Singapore; that he acted as if Japan had no intention at all regarding this key position of England in the East; and that he assumed this attitude not only in order to reassure the British but also in order to fool the pro-British and pro-American elements in Japan until one day he would suddenly open the attack on Singapore. He took the position that a sudden attack against Singapore would unite the entire Japanese nation with one blow.

In a conference on 4 April 1941, MATSUOKA secured from HITLER a promise to place at the disposal of the Japanese technical information and inventions which were needed by Japan, including especially that acquired by Germany's experience in submarine warfare.

On 5 April 1941, MATSUOKA repeated in a conference with VON RIBBENTROP that he had long been of the opinion that every nation was offered an opportunity only once in a thousand years and that Japan was confronting such an opportunity and would have to assume the risk connected with it. She would have to act decisively at the right

moment, he said, in order to take advantage of this unique condition of affairs. Finally, he requested RIBBENTROP to assist the Tri-Partite Powers Commissions, and especially the Economic Commission, in the performance of their functions.

The commissions formed under the provisions of the Tri-Partite pact included in their membership the accused, MATSUOKA, Yosuke; OSHIMA, Hiroshi; TOGO, Shigenori; MUTO, Akira; OKA, Takasumi; and SATO, Kenryo.

On 24 May 1941 a report was made by the German Military Attache in Tokyo to the German Foreign Intelligence Office that Japan acknowledged her treaty obligations in event the United States entered the war, but that hostilities would not be opened immediately. He added, however, that Japanese preparations for attack on Singapore and Manila stand.

On 22 June 1941 Germany invaded Russia. RIBBENTROP reiterated the great importance from the standpoint of Japanese interests of a drive toward the south in the direction of Singapore, but advised that in view of her present unpreparedness for this action, Japan would solve her Russian question by joining Germany in the war against Russia. After the anticipated swift downfall of Soviet Russia, he said, Japan, safe in the rear, would be free to make a drive in the south.

At the important Imperial conference of 2 July 1941 a resolution was adopted which had the effect of postponing definite action on Germany's request that an attack be made on the Soviet Union from the East. At the same time a renewal of determination was voiced to establish the so-called "Greater East Asia Co-Prosperity Sphere," regardless of any

change in the international situation. For the accomplishment of this, it was determined to continue the disposition of the so-called Chinese incident and to accelerate the southward advance. A decision was reached to make preparations for a war with Britain and the United States and all measures, especially those relating to the execution of military and naval plans, were referred for definite decisions. The stabilising plan for the southern advance was to be accomplished by the execution of "schemes against French Indo-China and Thailand," which will be demonstrated in later phases of the case. It was also announced that should the conditions of the German-Soviet war progress favorably to Japan, Japan would "execute arms to solve the northern problems, thereby securing stability in the northern regions."

The events between 2 July 1941 and the attack on Pearl Harbor, although based in a large measure upon Japanese, German and Italian collaboration, appear more properly to belong in the phases of presentation of evidence relating to French Indo-China, Thailand, the Netherlands East Indies, the British Commonwealth of Nations and the United States, wherefore reference will be made in this phase of the case only to those matters within this period which affect the No Separate Peace Pact of 11 December 1941.

III.

CULTURAL AND TRADE AGREEMENTS BETWEEN JAPAN,
GERMANY AND ITALY

The evidence will show that cultural and trade agreements paralleled political and military collaboration between the Axis powers. Within the framework of the Anti-Comintern Pact, and in furtherance of its spirit, cultural treaties were concluded between Germany and Japan on 25 November 1938 and Italy and Japan on 23 March 1939. These treaties provided for systematic promotion of cultural relations in the fields of science, fine arts, music, literature, motion pictures, radio broadcasts, child and youth movements, sports, and so forth. The result sought to be obtained was alleged to be the strengthening of the ties of friendship between the nations concerned.

Commercial arrangements were made throughout the entire period of Japanese-German collaboration but these are too numerous and of too detailed a character to justify an extensive description in this opening statement. Raw materials intended for use in military operations in Europe were made available to Germany by Japan from the Netherlands East Indies, French Indo-China and China. Special trade considerations over other nations were given Germany in China. In this connection Japan insisted that "North China" as used in a commercial agreement should be changed to "China," for the reason that Japan intended to dominate and control commerce and trade in all of China.

IV.

THE NO SEPARATE PEACE PACT AND THE MILITARY
AGREEMENT BETWEEN JAPAN, GERMANY AND ITALY

When the Tri-Partite Pact was concluded on 27 September 1940, MATSUOKA in reply to a question stated that an agreement would be negotiated between the three powers for a "No Separate Peace Pact" in the event of hostilities.

In the latter part of November 1941, Germany was informed of the state of negotiations between Japan and the United States and of the fact that hostilities between Japan and the United States were imminent. On 29 November 1941, RIBBENTROP advised that it was essential that Japan effect the New Order in East Asia without losing the existing opportunity. "There never has been and probably never will be," he said, "a time when closer cooperation under the Tri-Partite Pact is so important. If Japan hesitates at this time, and Germany goes ahead and establishes her European New Order, all the military might of Britain and the United States will be concentrated against Japan." He further stated: "Should Japan become engaged in a war against the United States, Germany, of course, would join the war immediately. There is absolutely no possibility of Germany's entering into a separate peace with the United States under such circumstances. The Fuehrer is determined on that point."

Between the 1st and 3rd of December 1941, Ambassador OSHIMA received a telegram from Tokyo stating that the Japanese Government desired Germany's participation in the event of a United States-Japanese conflict and further that

the Japanese Government desired that a no separate peace pact be signed. The Japanese Ambassador to Italy, invoking the provisions of the Tri-Partite Pact, on 3 December 1941, called upon Italy to declare war upon the United States after the opening of hostilities. MUSSOLINI advised that if Japan should declare war on the United States and Great Britain, Italy would immediately do likewise. Both RIBBENTROP and MUSSOLINI agreed prior to 7 December 1941 to enter into a treaty by which Japan, Germany and Italy would not conclude a peace treaty separately. Such a treaty was formally concluded on 11 December 1941, to remain in force as long as the Tri-Partite Pact of 27 September 1940.

On 14 December 1941, at a reception given by HITLER to Ambassador OSHIMA, at which HITLER presented OSHIMA with the Grand Cross of the Order of Merit of the German Eagle in gold, HITLER declared that Japan had taken the right course in attacking without wasting time in declaring war. He commented that he had used this system and that he expected to use it in the future.

On 18 January 1942 the Japanese, German and Italian armed forces concluded a military agreement in the spirit of the Tri-Partite Pact of 27 September 1940, and provided for operational coordination among them. The world was divided into zones for military operations. Japan was assigned the waters eastward from about 70°, east longitude to the west coast of the American continent, as well as

the continent and islands situated in these waters and also the Asiatic continent east of 70°, east longitude. Germany and Italy were assigned the waters westward from about 70°, east longitude to the east coast of the American continent, as well as the continent and islands situated in these waters, and also the Near East, the Middle East and Europe westward from about 70° east longitude. General operational plans were outlined, and the main points of military cooperation were specified.

The evidence relating to collaboration among Japan, Germany, and Italy and the conduct and declarations of the accused in connection therewith will now be offered to prove the common plan of conspiracy to wage wars of aggression as charged in the indictment and the manner and method by which the conspiracy was to be executed. Mr. G. Osmond Hyde, Special Assistant to the Attorney General of the United States, and Mr. Worth McKinney, Assistant United States Attorney for the Western District of North Carolina, will assist in the presentation of this evidence.

CONCERNING THE CONCLUSION OF THE PROTOCOL
WITH RESPECT TO THE EXTENSION OF VALIDITY
OF THE ANTI-COMINTERN PACT

-Announcement by the Board Of Information
Made on November 25, 1941.

Since the conclusion on November 25, 1936 between Japan and Germany of the Agreement against the Communist International - the so-called Anti-Comintern Pact - Italy adhered to it on November 6 of the following year (1937), as original signatory. She was then followed by Manchukuo, Hungary and Spain, bringing the number of the participants to six countries, thus displaying its effectiveness. As the five-year period of the validity of the Agreement was about to expire, the Signatory Powers consulted among them selves, which resulted in an agreement of views to extend its validity for five more years. A new Protocol concerning the extension of validity of the agreement was signed today, November 25, at Berlin between the plenipotentiaries of the six Powers, namely, Japan, Germany, Italy, Manchukuo, Hungary and Spain.

It requires no reiteration that the Communist International, or the Comintern, with its world-wide organization, is carrying on disruptive machinations of communistic nature in all parts of the world. Accordingly, defence against such machinations must be of a world-wide scope. With the task of establishing a new order in East Asia as the basis of her national policy, Japan feels keenly the increasing necessity of safeguarding against the Comintern. That the Anti-Comintern Pact has accordingly been renewed, and that participation of countries, which will share similar intentions under the provisions of the new Protocol, is envisaged, is a source of profound congratulation.

The contents of the new Protocol are as follows:

PROTOCOL

The Government of the Empire of Japan, the Government of Germany, the Government of the Kingdom of Italy, the Government of the Kingdom of Hungary, the Government of the Empire of Manchoukuo, and the Government of Spain;

Recognizing that the Agreement concluded between them for safeguarding against the activities of the Communist International has been most effective;

Believing firmly that the common interests of their countries require their close cooperation against the said common enemy, have decided to extend the period of validity of the above-mentioned Agreement, and have agreed upon the following provisions for the purpose;

Article 1

The agreement against the Communist International consisting of the Agreement and the annexed Protocol of November 25, 1936, and the Protocol of November 6, 1937; and the Protocol of February 24, 1939, the Protocol of February 24, 1939, and the Protocol of March 27, 1939, by which Hungary, Manchoukuo and Spain respectively participated, shall be prolonged for five years beginning with November 25, 1941.

Article 2

The countries, which desire to participate in the said Agreement through the invitation by the Government of the Japanese Empire, Germany and the Italian Kingdom, shall communicate to the German Government by document the declaration of their participation; and the German Government shall notify the Governments of the other Signatories concerning the said communication. Such participation shall become effective from the day of the receipt by the German Government of the declaration of participation.

Article 3

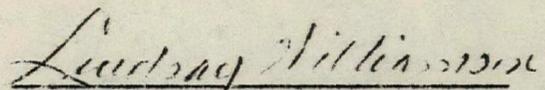
The present Protocol shall be made in the Japanese, German and Italian languages and shall be the official texts of the respective countries. The present Protocol shall come into force from the day of its signature.

The Contracting Powers shall, at a suitable time, prior to the expiry of the five-year period stipulated in Article 1, come to an understanding concerning the method of their subsequent cooperation

In faith whereof the undersigned, having been duly authorized by their respective Governments, have signed the present Protocol and have affixed their seals thereto.

C E R T I F I C A T E

I HEREBY CERTIFY that the above instrument is a true and accurate copy in English extracted from pages 366 and 367 of the January 1942 copy of the "TOKYO GAZETTE", a monthly report of current policies, official statements and statistics, published monthly by the Tokyo Gazette Publishing House.


LINDSAY WILLIAMSON
O-1845845, Capt JAGD.

Agreement Regarding Trade between Japan and Germany.

The Government of Japan and the Government of Germany, in due consideration regarding the import and export of both countries, have reached the following agreement in the hope of promoting mutual trade and to bring about its development for the benefit of both countries so as to meet present economic conditions.

Article 1.

The Government of one of the two countries shall permit, under ordinary transactions, the importation, during each fiscal year, of the products of the other country, according to the articles and prices agreed upon for each fiscal year by competent authorities of the two countries. The payment for the products mentioned above shall be made by liquidation decided upon by the agreement of competent authorities of the two countries, or by free foreign exchange.

Article 2.

The Government of one of the two countries shall permit, under "special transactions" to be added to the "ordinary Transaction" mentioned in the preceding article, the importation of the products of the other country according to the articles and prices agreed upon by competent authorities of the two countries during the term of this Agreement. The payment for the above products shall be made by liquidation or credit as decided by the agreement of competent authorities of the two countries.

The German Government shall agree that the German Banking Syndicate will supply the Yokohama Specie Bank with funds for the purpose to facilitate the payment for the German products imported through "special transactions" by Japan.

The Japanese Government shall permit the Yokohama Specie Bank to remit necessary funds to repay the loan made according to the preceding clause.

Article 3.

The Government of one of the two countries, in the enforcement of the provisions of this agreement, shall pay due consideration to the interests of the people of the other country who have been engaged in trade between the two countries.

The Governments of both countries shall not hinder the trade between the two countries by such measures as will necessitate the alienation from ordinary terms of transactions.

Article 4.

The Government of one of the two countries, in order to prevent unreasonable rise in the price of products of its own country to be exported to the other country, shall take appropriate measures by always considering the price of the same products in a third country.

Article 5.

The Governments of both countries shall strive to complete within the term of this Agreement, the delivery of goods ordered in "special transactions".

Article 6.

The method of payment and technical details necessary for the enforcement of this Agreement shall be decided upon through the understanding of competent authorities of the two countries.

Article 7.

The Governments of both countries shall continually observe the development of the trade between the two countries and adjust it so as to conform with the provisions of this Agreement. For this purpose the representatives appointed by each Government shall meet in Tokyo and Berlin every three months, or more frequently if necessary.

Article 8.

The provisions of this Agreement shall be applicable only to those goods of one of the two countries shipped or transported directly to the other country, whether through a port of a third country or not.

Article 9.

This Agreement shall not be applicable to transit goods.

In the accounts stipulated in this Agreement, goods, either imported into the leased territory of Kwantung from Germany or exported to Germany from the leased territory of Kwantung, shall be regarded as transit goods.

Article 10.

Products of one of the two countries imported by the other country according to this Agreement, and re-exported by this import country to a third country without being manufactured to cause any rational changes economically, shall be outside the application of this Agreement.

Article 11.

In this Agreement:

- (1) "Products" of Japan or Germany shall mean commodities which are either completely manufactured or goods that are finished to give them the rational and substantial changes economically in the respective countries.
- (2) The "fiscal year" will be the one year beginning from October 1.

Article 12.

Canned crab, canned fish, whale oil, fish skin, and other similar marine products manufactured or finished on Japanese ships outside of the Japanese territorial waters or by Japanese enterprises in the territories of the Union of Soviet Socialist Republics shall be regarded "products" of Japan defined in Article 11 of this Agreement.

When these products are shipped or transported directly from the above places, they shall be regarded as being shipped or transported from Japan, irrespective of the provisions in Article 8 of this Agreement.

Article 13.

The provisions of this Agreement shall be applied to all areas belonging to or under the protection of one of the two countries. The protectorates of Bohemia and Moravia, however, shall be outside the application of this Agreement.

Article 14.

This Agreement shall take effect on the first of October, 1939, and shall be valid till the thirtieth of September, 1941.

If the Government of one of the two countries should notify the other Government, after six months from the date of enforcement of this Agreement, of its desire for any alterations in this Agreement, the other Government shall agree to open negotiations for this purpose. If the negotiation is not arranged within two months from the date of notification, the government desiring the above alterations may announce a renunciation of this Agreement. In this case this Agreement shall be valid till the last day of the following month after the announcement has been made.

Article 15.

Matters regarding transactions and payments according to this Agreement which are not completed at the expiration of this Agreement, shall be disposed of according to the provisions of this Agreement and other arrangements pertaining to it.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

Two copies of this of equal validity in Japanese and German are made in Berlin on _____, the fourteenth year of Showa or 1939.

TREATY BETWEEN JAPAN AND GERMANY
PERTAINING TO CULTURAL COOPERATION

The Imperial Government of Japan and the Government of Germany, recognizing solemnly that, in view of the fact that Japan's own peculiar spirit and Germany's racial and national life constitute respectively the essence of Japan's culture and Germany's culture, the cultural relations between Japan and Germany should be based on these factors, and desiring to further strengthen the friendly and mutual trust, which fortunately binds the two countries already, by deepening the various cultural relations between the two countries and also by promoting the mutual knowledge and understanding between the peoples of the two countries, have entered into an agreement as follows:

ARTICLE I

The High Contracting Powers shall mutually cooperate most closely in order to strive to establish their cultural relations on a firm basis.

ARTICLE II

The High Contracting Powers, in order to achieve the object of the preceding article, shall systematically promote the cultural relations between the two countries in the fields of learning, arts, music, literature, cinema, radio broadcasting, youth movement, and sports.

ARTICLE III

The particulars necessary for the enforcement of the provision of the preceding article shall be decided by discussion between the competent authorities of the High Contracting Powers.

ARTICLE IV

This Agreement shall be enforced from the date of its signature. Either one of the High Contracting Powers may denounce this agreement by giving twelve months' advance notice.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed this Agreement and affixed their seals thereunto.

Drawn up in duplicate, Japanese and German, at Tokyo
on November _____, of the 13th year of Showa, or November
_____ 1938.

Foreign Minister of Japan

Envoy Extraordinary and
Ambassador Plenipotentiary
of Germany.

NATIONAL TOP SECRET

No. 6
(Japan)Military Agreement
between
Germany, Italy, and Japan

The German and Italian Armed Forces, as well as the Japanese Army and Navy, herewith conclude a military agreement in the spirit of the Tripartite Pact of 27 September 1940 and in connection with the agreement between Germany, Italy, and Japan of 11 December 1941 to secure the operational co-operation among themselves and to destroy as soon as possible the fighting power of the enemy.

I. Division of the zones for operations.

The German and Italian Armed Forces as well as the Japanese Army and Navy will carry out the required operations within the zones assigned to them as follows:

1. Japan.

- (a) The waters eastward from about 70°, East longitude, to the West Coast of the American Continent, as well as the continent and islands (Australia, Netherlands, East Indies, New Zealand, etc.) which are situated in these waters.
- (b) The Asiatic Continent East of about 70°, East longitude.

2. Germany and Italy.

- (a) The waters westward from about 70°, East longitude, to the East Coast of the American Continent as well as the continent and islands (Africa, Iceland, etc.) which are situated in these waters.
- (b) The Near East, the Middle East and Europe westwards from about 70°, East longitude.

3. In the Indian Ocean the operations may be carried out beyond the zone-borders /zone limits/ agreed upon above according to the situation.

II. General Operations Plan.

1. Japan.

will, working together with the German and Italian operations against England and the U.S.A., carry out the operations in the South Sea Area and in the Pacific.

- (a) She will destroy important English, United States, and Netherlands bases in Greater East Asia, /and/ attack or occupy their territories in that area.
- (b) She will seek the annihilation of the North American and English land, sea, and air forces in the Pacific and the Indian Ocean, in order to secure for herself the control of the seas in the Western Pacific.
- (c) If the North American and English fleets concentrate largely in the Atlantic, Japan will reinforce her commerce raiding /Handelskrieg/ in the entire area of the Pacific and the Indian Ocean and, in addition, send part of her naval forces to the Atlantic and there collaborate directly with the German and Italian Navies.

2. Germany and Italy.

will, in cooperation with the Japanese operations in the South Sea Area and the Pacific, carry out the operations against England and the United States of America.

- (a) They will destroy important English and United States bases in the Near East and Middle East, in the Mediterranean Sea and the Atlantic, attack or occupy their territories in that area.
- (b) They will seek the annihilation of the English and American land, sea, and air forces in the Atlantic and the Mediterranean Sea, and the destruction of enemy commerce.
- (c) If the English and United States fleets concentrate largely in the Pacific, Germany and Italy will send part of their naval forces to the Pacific and there collaborate directly with the Japanese Navy.

III. Main Points of Military Cooperation.

1. Maintenance of contact regarding important points of operational planning.
2. Collaboration in economic warfare, including :

- (a) Maintenance of contact regarding the planning of economic warfare.
 - (b) Maintenance of contact regarding the course of the economic warfare, important information and other necessary particulars.
 - (c) In case one partner wishes to carry out economic warfare beyond the operational zone assigned to him, he will inform the other partners beforehand of his own plan, to secure the cooperation and mutual support regarding use of the operations bases, reinforcement, supply, recreation of the crews, repair work, etc.
3. Collaboration concerning the assembling and exchanging of information important to the operations.
 4. Collaboration concerning psychological warfare /militaerische Zersetzungsarbeit/.
 5. Collaboration for securing mutual military message transmission.
 6. Collaboration for the purpose of establishing air communication between Germany, Italy, and Japan, insofar as technical requirements exist, as well as the opening of the sea lanes and sea transport across the Indian Ocean.

In witness whereof the Chief of the High Command of the German Armed Forces, the Plenipotentiary of the High Command of the Italian Armed Forces and the Plenipotentiaries of the Chief of the Imperial Japanese General Staff and of the Chief of the Imperial Japanese Naval General Staff have signed this agreement.

Drawn up in German, Italian, and Japanese original in Berlin on 18 January 1942 - in the 20th year of the Fascist Era - corresponding to the ___ day of the first month of the 17th year of the Showa Era.

Signed: Keitel
Marras
Nomoura
Banzai

"Papers Relating to the Foreign Relations of the United States," Japan: 1931-1941 (in Two Volumes) Vol. I (pp 877-881)

INTERFERENCE WITH AMERICAN RIGHTS AND TRADE

711.94/1795

Welles

Memorandum by the Under Secretary of State (Welles)

(WASHINGTON,) September 20, 1940.

The Japanese Ambassador called to see me this afternoon at my request. I handed the Ambassador the "oral statement" which the Far Eastern Division had prepared as a reply to the memorandum which the Ambassador had left with me on August 23.

The Ambassador read the memorandum very attentively, but before he had an opportunity of commenting upon it, I told him that, as he would see from the last paragraph of the statement handed to him, I had found it necessary to express regret for the tone of the language used in the document which the Ambassador had left with me and I felt that it was necessary to emphasize the fact that I did not believe that the friendly and equitable solution which the Ambassador and I both desired of the questions at issue between the two Governments could be advanced by the employment of the kind of language employed by the Japanese Government in this recent communication.

The Ambassador immediately said that if the tone or the language employed seemed to me discourteous, this was far from the intention of his Government and that it should be attributed solely to the faulty vocabulary and knowledge of the English language of those responsible for the drafting of the document. I told the Ambassador that I was very glad to accept this explanation.

The Ambassador then said that he noted with great regret that no progress was made in the solution of the July 7 incident or in the adjustment of the Sector question. He stated that in his opinion both of these questions were of relatively minor importance and that he could not but feel that a satisfactory compromise could be found should the Government of the United States desire to find it. He stated that he was informed that in 1931 and 1934 the commanding officers of the International Settlement Forces had recommended that Sectors D and B be policed by the International Police Force with the temporary assistance from time to time of the Volunteer Forces should these additional services be required. He urged that a compromise of this nature now be agreed upon.

I told the Ambassador that I was not prepared to make any comment upon this suggestion beyond saying that this suggestion had not been found acceptable by our authorities in the past because of our belief that it was not a practical suggestion, but that I would convey the Ambassador's remarks to the appropriate authorities of the Navy Department.

The Ambassador then said with regard to the July 7 incident that it seemed to him that all that was required was an agreement on the language of some expression of regret on the part of the American authorities.

I called the Ambassador's attention to the fact that in the oral statement which I had just handed him, it had been made entirely clear that the United States did not believe that any apology from its officials was called for.

I then said that to my very great regret, the Ambassador's mission in Washington was soon to terminate and that I wanted to tell him again how sorry I was to see him leave because of my recognition of the constant efforts which he had made to work towards an improvement in the relations between our two countries.

I said that as he was now leaving, it was all the more regrettable to me to note that the divergences of opinion between the two Governments, and the serious misunderstandings which had arisen between Japan and the United States were not only not diminished in scope, but appeared, unfortunately, to be increasing materially both in volume and character. I said it must be evident to him as it was to me that no matter how much men of good will in both countries might try to prevent it, if this situation continued no one could prophesy with any assurance that the result might not be of a very serious character.

56 { I said that the Ambassador was undoubtedly aware of the information which had reached this Government that the Japanese military representative in French Indo China, General Nishihara, had been instructed yesterday to present an ultimatum to the French Governor General making demands which were tantamount to a demand for complete occupation of French Indo China, with the threat that if these demands were not accepted before ten p.m. Sunday, September 22, the Japanese military forces would at once invade Indo China. I said the Ambassador was likewise in all probability further informed that the French Governor General had refused the demands in question. I said that therefore the civilized world was confronted with a spectacle which in all probability meant that in the immediate future the Government of Japan, in addition to the acts of aggression which it had committed against the Government of China during the past nine years, especially during the past three years, was now about to commit an act of aggression on a colonial possession of the Government of France.

I then read to the Ambassador from a memorandum which had been prepared by the Far Eastern Division the various official utterances of Japanese statesmen and the spokesmen during the past six months in which they had repeatedly reiterated as the official position of the Japanese Government the desire of the latter to maintain the status quo in the Far East and in the course of which statements they had upon repeated occasions indicated their entire concurrence with the United States in the expressed desire of the latter that the status quo be maintained. I said that here was once

more presented a flagrant case where the official announcements of the Japanese Government were completely counter to the policies and acts of its military authorities, and I concluded by saying that I was, of course, fully aware that the Japanese Ambassador himself could be under no misapprehension as to the very serious disquiet and very open opposition which the action threatened by the Japanese Government would create in the minds of the members of the United States Government and on the part of public opinion in general in this country.

The Japanese Ambassador at first attempted to say that all that the latest demands made by General Nishihara amounted to was compliance with the agreement reached on August 30 between the Vichy Government of France and the Japanese Government. I immediately stated that this obviously was not the case since the demands had been rejected by the French Governor General of Indo China on the specific ground that they were entirely outside of the scope of the agreement of August 30. The Ambassador then said that he had not been informed of the exact terms of the ultimatum presented and that he had not been advised of the confirmation of this information which had been given to Ambassador Grew by Foreign Minister Matsuoka the night before.

VB { The Ambassador said that I should bear in mind the fact that there was a very great likelihood that Japan was undertaking the occupation of French Indo China not only as a means of expediting a conclusion of the hostilities in China and solely as a temporary measure with no thought of a permanent occupation of the colony, but also as a means of preventing the German Government, should Germany now prove victorious in her battle with Great Britain, from occupying the French, British, and Dutch possessions in the Far East.

To this I said that it would seem to me obvious that if the Japanese Government found it necessary, for reasons of which we were not aware, to consider taking precautionary measures as a means of preserving, rather than disrupting, the status quo in the Far East, this Government would not only have been willing, but glad, to discuss these possibilities with the Japanese Government since, as I had said before, it had repeatedly been stated by this Government as its considered policy that it would support the whole structure of international treaties and agreements covering the maintenance of the stability and the status quo in the Far East, except in so far as modifications thereto might be agreed upon through negotiation and peaceful processes. I said that I could hardly accept with any sincerity the argument that Japan was now occupying French Indo China solely in order to prevent Germany from undertaking such occupation.

The Ambassador then said that this Government only recently, as a means of insuring its own security, had obtained air and naval bases on British possessions in the Western Hemisphere.

I said to the Ambassador that I was sorry to have to say that I could imagine no parallel less well chosen than that he mentioned for the action which the Japanese Government contemplated in French Indo China. On one

side--the Anglo-American side, we had an agreement freely entered into on a basis of give and take, and reached because of the belief of the two Governments that the bargain so consummated enhanced the security of the two nations involved; whereas on the other hand, we had a demand presented by Japan to French Indo China stating that if the local authorities would not immediately pave the way for complete occupation of the entire territory by Japanese troops, the Japanese troops were going to walk in and take charge by force through acts of aggression. I said I could not for the moment accept any parallel between the two questions.

In conclusion I said that I felt it necessary for me to remind the Ambassador of the policy which this Government had publicly announced as the policy which it would pursue with regard to Great Britain, namely, a policy of furnishing to the utmost measure of its ability all material supplies, munitions, et cetera, to Great Britain in order to assist the latter nation to defend herself against the aggression of Germany and her allies. I said that in the Pacific region where this Government likewise desired in its own interest to see peace maintained, the United States was confronted by a series of acts of aggression committed by Japan against her neighbor China, and now in all probability, against the adjacent colony of Indo China. I said that I would be lacking in candor if I did not make it clear to the Ambassador that, consistent with its policy with regard to Great Britain, the United States would likewise feel it necessary to furnish such means of assistance in the way of supplies, munitions, et cetera, for these victims of aggression in the Pacific area as might be required. I said that in view of the violation by Japan of the structure of international law in her dealings with her neighbors in the Far East and her infringement of the legitimate rights of the United States and of American nationals, the Government of Japan could certainly have no ground for complaint because the United States lent assistance of the character I had indicated to China, and to Indo China in the event that the latter was attacked.

S(umner) W(elles)

Excerpt from "Foreign Relations, United States and Japan,
1931-41, Vol. 2"

Advances Towards the Southern Area
Memorandum by the Ambassador in Japan (Grew)

(TOKYO,) September 20, 1940.

An appointment was made with Mr. Matsuoka on the afternoon of September 20, after the Department's telegram (357, September 19, 9 p.m.) had been received and decoded, and I precisely acted upon the instructions of the Department.

Mr. Matsuoka in reply said that apart from some minor changes, the particulars of which were not mentioned, the reports are correct that an ultimatum had been presented to the Governor General of Indochina by General Nishihara. The situation was then explained to be as follows, by the Minister:

1940 → The French Ambassador, under instructions of the French Government, and the Japanese Government on August 30 had signed an agreement in Tokyo. Provisions of the agreement were inter alia for the movement of troops of Japan through Indochina and the use temporarily of airports. The Governor General of Indochina was on September 6 ready to sign an agreement which would have implemented the agreement signed in Tokyo on August 30, but he refused for reasons not evident to the authorities of Japan and obstructed the implementation of the agreement signed in Tokyo. The Japanese Government felt obliged, although with reluctance, to ask the French Government whether the actions of the Governor General were subject to control by the French Government, since the Governor General continued to be uncooperative, and whether on the basis of the agreement signed in Tokyo the French Government was exhibiting good faith. The French Government said that it was, and as evidently the Governor General was not acting in good faith and as the Japanese authorities were aware that to foreign Consuls stationed in Indochina the Governor had boasted that he was using obstructive tactics, the Japanese ultimatum reported was necessarily presented.

The purpose of the measures taken was, said the Minister, to enable the Japanese forces to attack Chiang Kai-shek and to bring peace to China. As soon as hostilities have ceased, he said, the Japanese forces would be withdrawn at once; the integrity and sovereignty of Indochina would be accorded full respect, and as a consequence there would be no interference in East Asia with the status quo. The Minister said that he, Prince Konoye, and other

Government members were representative of a minority opinion in Japan and that it was their determination that Japan should not oppress, exploit or interfere with other countries' integrity. He said that a struggle was taking place against extreme elements within the country on this issue. My interruption at this point was to the effect that clauses pertaining to commerce and economics in Indochina were within the scope of the agreement. No denial was made to my statement but I was assured that exploitation would not ensue.

The terms of the agreement between France and Japan signed on August 30 were confidential, said the Minister, and their divulgence by either of the signatories would nullify them. He said he could confidentially tell me, however, that France had broached the subject first and a request was made for a renewal of guarantees pertaining to the integrity of Indochina based on the agreement between France and Japan which was negotiated at approximately the same time as the Anglo-Japanese Alliance was concluded. He did not recall the exact date but said that the agreement was in effect and registered with the League of Nations. (This presumably is the agreement of June 10, 1907, between France and Japan.) The Minister was interrupted with my question as to what country's encroachments France desired guarantees against. Mr. Matsuoka said that this was a moot question. He went on then to say that permission had been asked by Japan for the movement of forces across Indochina and for the use temporarily of airports as "compensation" for complying with the French request. This information was given me in confidence, he emphasized, and its accuracy would of necessity be denied in event of publicity.

The Minister talked lengthily, but in spite of this and his illogical reasoning the meaning of his remarks is reported to the Department with all possible precision. The Minister upon the conclusion of his remarks left at once to fulfill another engagement and I could say only that if Japanese troops moved into Indochina my Government would regard it emphatically as an infringement of the status quo which the Japanese Government had already pledged to preserve, and that a further statement of the attitude of my Government was reserved until consideration had been given to my report.

I presented to the Minister the substance of the Department's 355, September 13, 6 p.m., which replied to the oral statement of the Vice Minister to me of September 14, before I left.

J(oseph) C. G(rew)

German Armistice Commission, WIESBADEN

Information by telephone, 20 September 1940, 2300 hours.

The chairman of the French Delegation to the Armistice Commission, General BOYEN, sent the following note to the Chairman of the German Armistice Commission, General VON STUELPNAGEL tonight:

General!

new job seem.

On orders of my government I have the honor to inform you of the following. Since the beginning of September negotiations have been under way in HANOI between the Governor General and a Japanese military delegation, regarding alleviations to be granted the Japanese troops in Indo China for marching through. A basic agreement was reached on 5 September, determining the details of such a passage. When the technicalities of this agreement seemed thus settled, the Japanese delegation brought forth a series of completely new demands. Under the pretext of air bases to be established, the Japanese now demand, as a matter of fact, the permanent stationing of 32,000 troops in Indo China. The acceptance of this demand would actually amount to the military occupation of TONGKING, likewise bringing on the danger of serious reactions on the part of the population.

Since the Japanese military authorities have in the meantime stated that they would have their troops march into TONGKING at midnight, 22 September, whatever the state of the negotiations maybe, the French government has ordered Admiral DECCUX to inform the Japanese military authorities of the desire of the French government to speed up the termination of the pending negotiations as much as possible: that, however, extension of the time-limit was necessary for factual reasons, owing to slow communications. In case the Japanese threat is carried out, Admiral DECCUX is to resist it by force, while endeavoring to localize the incident. The French Ambassador in TOKYO has been ordered to inform the Japanese government accordingly.

Transmitted to Embassy Rome on 21 September 1940, 1.30 hours by Telegram No. 1319 for the information of the German Foreign Minister.

Tel. Control

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the german and english languages, and as a result of the comparison between the german and the english texts, I have established that this is a true and correct translation of International Prosecution Document No. 4025E(2).

/s/ Ulrich A. Straus

AFFIDAVIT

I, W. P. Cumming, being first duly sworn on oath, depose and say:

1. That I am an Attache of the United States Department of State on the Staff of the United States Political Adviser on German Affairs, and as such I am a representative of the Office of Military Government for Germany (U.S.). That in my capacity as above set forth, I have in my possession, custody, and control at the Berlin Documents Center, Berlin, Germany, the original captured German Foreign Office files and archives.

2. That said original Foreign Office files and archives were captured and obtained by military forces under the command of the Supreme Commander, Allied Expeditionary Forces, and upon their seizure and capture were first assembled by said military forces at a Military Document Center at Marburg, Germany, and were later moved by authorized personnel of said Allied forces to said central documents center, above referred to, and known as the Berlin Documents Center.

3. That I was assigned to said document center at Marburg, Germany, on August 15, 1945; and said captured German Foreign Office files and archives first came into my possession and control while I was stationed at Marburg, Germany, and that thereafter the same have continued in my possession and custody and under my control.

4. That the document to which this affidavit is attached is a true and correct photostatic copy of an original German Foreign Office document which was captured from said German Foreign Office files and archives, and which came into my possession and custody and under my control in the manner above set forth.

5. That said original document, of which the attached is a photostatic copy, is being held and retained by me in order that it may be examined and inspected by various interested agencies, and a photostatic copy of said original is hereby furnished and certified to because of the unavailability of said original for the reasons above set forth.

s/ W. P. Cumming

W. P. CUMMING

Subscribed and sworn to before me this 23rd day of April 1946.

s/ G. H. Garde

G. H. GARDE
Lt. Colonel, AGD
Acting Adjutant General

VE
JAPANESE FOREIGN POLICY

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- (4) Instructions from the Foreign Minister to the Envoy Extraordinary and Ambassador Plenipotentiary, HONDA (a draft).

VERY SECRET

Outline of Japanese Foreign Policy

(28 Sept. 1940)

A. Policy.

We must promptly strengthen the coalition between Japan and the German-Italian Axis based on the world policy, and make, furthermore, a rapid improvement in and adjustment of the Japanese-Soviet diplomatic-relations. At the same time we must make effort to realize the general peace between Japan and China by making use of the pressure of Germany and the Soviet Union, and, thereby, prompt the establishment of the Greater East Asia Co-Prosperity Sphere. Giving pressure, in this way, to the Anglo-American Axis, accompanying the intensification of Japan's diplomatic machinery, we should offer our good offices at a proper time to Britain in order that she may make peace with Germany, and, moreover, we should carry out an epoch-making adjustment of Japanese-American diplomatic relations. Thus we expect to establish a peaceful system among Japan, Germany, Italy, the Soviet Union, America and Britain for the reconstruction of world peace.

B. Outline of the Plan

I. Strengthening of coalition between Japan and the German-Italian Axis.

Should be carried out according to the decision made by the council in the Imperial presence on Sept. 18, and the Tripartite Alliance among Japan, Germany and Italy on Sept. 27.

II. Adjustment of Soviet-Japanese Diplomatic Relations.

Should be carried out according to "Draft Plan for Adjustment of Soviet-Japanese Diplomatic Relations" in the accompanying paper.

III. Establishment of general Peace between Japan and China.

Should be carried out according to "the Policy of Rapid Disposition of the China Incident" in the accompanying paper.

IV. Establishment of the Greater East Asia Co-Prosperity Sphere.

(1) In the regions including French Indo-China, Dutch East Indies, Strait Settlement, British Malaya, Thailand, the Philippine Islands, British Borneo and Burma, with Japan, Manchukuo and China as centre, we should construct a sphere in which politics, economy and culture of those countries and regions are combined.

(a) French Indo-China and Dutch East Indies. We must, in the first place, endeavor to conclude a comprehensive economic agreement (including distribution of resources, trade adjustment in and out of the Co-Prosperity Sphere, currency and exchange agreement, etc.), while planning such political coalitions as the recognition of independence, conclusion of mutual assistance pact, etc.

(b) Thailand. We should strive to strengthen the mutual assistance and coalition in political, economic, and military affairs.

(2) Towards the countries outside the Co-Prosperity Sphere, we must take every measure so that those countries will admit the establishment of our "Co-Prosperity Sphere" and co-operate with it.

V. Mediation of Peace between Britain and Germany.

(1) By making most of the pressure brought about by the coalition among Japan, Germany, Italy and Soviet Russia, we should, at an appropriate time, mediate so that Britain will make peace with Germany.

(2) If Britain recognizes the establishment of our "Greater East Asia Co-Prosperity Sphere" and co-operates with it, we should consider the adjustment of Anglo-Japanese diplomatic relations according to the following plan.

(a) We promise the preservation of the British Empire, including Australia and New Zealand.

(b) We promise to co-operate in general economic matters.

VI. Adjustment of Japanese-American Diplomatic Relations.

(1) Maintaining a firm attitude toward the United States, and taking advantage of the coalition among Japan, Germany, Italy and Soviet Russia, we should, in accordance with the attitude of America, open negotiations from our side concerning the adjustment of Japanese-American diplomatic relations.

(2) Policy for adjusting diplomatic relations is generally as follows:

(a) Assuming that both countries will recognize the division of the Pacific Ocean into the eastern and western spheres of influence, we should conclude a mutual non-aggression pact. (It includes also the non-aggression of Philippine territory and respect for Philippine independence.)

(b) We should conclude an agreement pertaining to economic coalition, development of trade, and the adjustment of the problem of entry into the countries.

VII. Establishment of World Peace.

Peace treaty which includes the following provisions should be concluded among the six countries of Japan, Germany, Italy, the Soviet Union, the United States and Britain.

- (a) Respect of each country's co-prosperity sphere.
- (b) Respect and non-aggression of territorial rights.
- (c) Development of trade and economic co-operation.
- (d) Reduction of armaments.
- (e) Racial equality.

Very Secret

Tentative Plan for Policy towards the Southern
Regions

October 4, 1940.

Although the objective of Japan's penetration into the Southern regions cover, in its first stage, the whole area to the west of Hawaii excluding for the time being the Philippines and Guam; French Indo-China, the Dutch East Indies, British Burma and the Strait Settlements are the areas where we should first control. Then, we should gradually advance into the other areas. However, depending upon the attitude of the United States Government, the Philippines and Guam will be included.

(1) French Indo-China.

- (a) We should maneuver an uprising of an independence movement, and should cause France to renounce its sovereign right. Should we manage to reach an understanding with CHIANG Kai-shek, the TONGKING area will be managed by his troops, if military power is needed. However, Japanese military advisers should be appointed to the positions which cannot be ignored by the operations section. According to circumstances, we should let the army of Thailand manage the area of CAMBODIA.
- (b) The foregoing measures must be executed immediately after a truce has been concluded with CHIANG Kai-shek. If we do not succeed in our move with CHIANG Kai-shek, these measures should be

Bit Invasion

carried out upon the accomplishment of the adjustment of the battle line in China. However, in case the German military operations to land on the British mainland, which is to be mentioned later, takes place, it may be necessary to carry out our move towards French Indo-China and Thailand regardless of our plans for CHIANG Kai-shek. (This is to be decided according to the liaison with Germany.)

(c) If military and economic alliances are concluded between Japan and China, and Japan and Thailand; the TONGKING area shall be subjected to China, the CAMBODIA area to Thailand, and the other areas shall be independent. Between Japan and these areas, a protective treaty under the title of military and economic alliance shall be concluded so that we can hold the real power. However, steps shall be devised to enable Japan to hold strategic points in every area.

*Planned
Ec. Inv.*

(d) In the new independent States, the right of enterprise for the nationals of the third countries with which we are at peace will be recognized. But, they will have to follow the Government's instructions in developing important resources, and in disposing of the products.

(2) British Burma.

(a) In case our plans in regard to CHIANG Kai-shek are achieved, we should immediately cause an independence movement to rise. And under the pretext of supporting the movement, we should make CHIANG's army march into the said area under the secret assistance of the Japanese army, and make Burma detach from British sovereignty.

Singapore

(b) In case our move in regard to CHIANG Kai-shek fails, we should make an independence movement start after we establish real Japanese power in the Singapore area, and thus make Burma detach from British sovereignty.

(c) In case we make use of CHIANG's army, we should transfer the specific areas in upper Burma to China and make the rest independent. In case we do not use CHIANG's army, we should make the whole area an independent country and conclude with it an economic and military alliance.

(3) British Malaya and the Strait Settlements.

(a) To avoid the danger that the natural resources in the Dutch East Indies may be destroyed, within the possible limits of war strategy, we should use military power in these areas prior to using it in the Dutch East Indies. (There is a necessity that we investigate the strength of Singapore, and also in case we lay our hands on one of the British territories, whether or not we are strategically forced to extend to the other British territories immediately after.)

*W
to
"Present your case if you have prepared it."*

(b) We should conclude a military alliance with Thailand, and use Thailand as a rear base. However, in order to delay her in making preparations, it is well to pretend that the diplomatic relations between Japan and Thailand are not secure until we start military action. (In case we consider that the military alliance cannot be kept in strict secrecy because of the internal affairs of Thailand, there is room for consideration that we should set up a secret committee based on the non-aggression treaty between Japan and Thailand to enable us to enter into a military alliance as soon as we start military action.)

(c) Military operations shall be started simultaneously with German military operations to land on the British mainland or after the lapse of a proper period. However, we must maintain close contact with Germany, keeping her to act in concert with us.

"Germany must send severe battle"

In case Germany gives up her intention to land on the British mainland, we, maintaining liaison with Germany, should start our military operations at the time when Germany carries out her most severe battle, or when an appropriate period

has passed after that. In case Britain should yield to Germany prior to the common cement of our military action, even though the internal situation is not favorable to Japan, we must at least by diplomatic means, on the occasion of peace between Britain and Germany, make Britain remove the defense installations on Singapore and make her conclude an economic treaty with Japan which will be advantageous to Japan.

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- (d) In case we are forced to act without relation with our plans in regard to CHIANG Kai-shek, by using the pretext that Britain is aiding CHIANG Kai-shek by the Burma route, and in case the plans have proved to be a success, by using the pretext that we cannot stand the Oriental peace being threatened by the British military force based in Singapore, we should request Britain to return Hong Kong, British Malaya, and the Strait Settlements (including British Borneo depending upon the circumstances) to the races in East Asia and upon her refusal, start war. (The above pretexts hamper in some ways our relations with the United States, but it is likely that something which we can use as a direct reason, will rise by that time.)
- (e) Following the case of French Indo-China, the former territory of Thailand shall be returned to Thailand and the other regions shall be made protectorates. But the Strait Settlements must be placed under the direct rule of Japan.
- (f) In the newly established independent countries the enterprise rights of the nationals of the third countries with which we are at peace shall follow the case in French Indo-China.

(4) Dutch East Indies.

- (a) While the attack on Singapore is going on, or immediately after it, by showing at the proper time our state for attacking the Dutch East Indies, we should present the following requests, and if they are not admitted, we should use military power.

(i) As the Dutch Government in England, which the Dutch East Indies considers to be its suzerain, does not exist according to international law, the Dutch East Indies shall at once declare its independence for the peace of Greater East Asia, and announce an appropriate name for itself.

(ii) The sovereign and the constitution shall be decided by a committee consisting of several Japanese, Dutch people born there, natives, and Chinese. (It must be so arranged that the total number of the Japanese and natives number more than half of the committee.) Until the sovereign and the constitution are decided, this committee shall carry out the administration.

(iii) The Governor-General and all other Dutch officials of the highest rank shall be forced to resign. But their official titles, honors and pay should be left as they are. The position of the Dutch people other than the aforementioned will be recognized as they are.

(iv) If any of the important natural resources should be destroyed, all the persons connected with the raw material, ten government officials concerned, shall be severely punished as being the responsible persons. (This matter should be announced widely beforehand by radio and other means.)

We should, if possible, at a proper time before presenting the aforementioned requests, cause an independence movement to stir up among the natives.

(b) If it is considered a better plan from the viewpoint of strategy that we act first with the Dutch East Indies, the time to start the activity against this area would be at the same time as the opening of Germany's military operation to land on the British mainland, or after the lapse of a proper period.

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"End note is entitled to put it
case ~~out~~ separately and clearly."*

"Threat"

In case that Germany gives up her intention to land on the British mainland, we should start action, choosing an appropriate time before Britain and Germany cease hostilities.

- (c) After the Dutch East Indies become independent, we must conclude a protective treaty under the name of military alliance, and make her appoint Japanese military and economic advisers who will be in powerful positions. We must lease the places which are important from the military point of view.
- (d) The enterprise rights of the nationals of the third countries with which we are at peace shall follow the case in French Indo-China.

(5) British Borneo and Others.

- (a) After we have grasped real power in the Dutch East Indies and Singapore, we must take proper measures to get hold of real power in other British territories.
- (b) Hongkong is to be returned to China. (However, if it is important strategically, it shall be reconsidered.)
- (c) Following what has been stated about French Indo-China, the Dutch East Indies, Malaya, etc., we shall consider locally the administrative system in each place.

(6) Australian Territories.
To be considered separately.

*Defence Weekly in intro
re "comments in intro
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Defence Weekly

Very Secret

Re: The Recognition of the New National Government and the Conclusion of the Tripartite Alliance (Oct. 25, 1940 - Asia No. 1)

Introduction.

It is the fixed policy of the Imperial Government to recognize the New National Government led by WANG Ching-Wei by

bringing it up and strengthening it and by concluding with the said Government a treaty for the adjustment of new diplomatic relations. The Imperial Government has firmly maintained a stand that it will negotiate peace with the CHUNGKING Government only when it accepts the policy of our Empire regarding the establishment of the said new Central Government, and when it advances through the WANG Ching-Wei regime to negotiate with the Imperial Government.

The above is the policy of our Empire. And at present, as long as there are no changes, it is possible to say that the development of the international situation caused by the conclusion of the Tripartite Alliance should be of practical use for splitting Chungking through the strengthening of the WANG Ching-Wei regime. "The policy towards Germany and Soviet Russia" is considered, for the time being, to be as follows:

- I (1) Giving instructions by cable to the Ambassador in Germany, we shall make the Foreign Minister RIBBENTROP propose to CHEN Chieh the following points.

As is obviously shown by the conclusion of the Tripartite Alliance, both the German and the Italian Governments will support the policy of the Japanese Government in regard to China, the policy of which is to support and strengthen WANG's regime to the last and to split the Chungking regime. The Japanese Government is now endeavoring for the recognition of the New National Government according to its fixed policy, and upon the recognition of the WANG Ching Wei regime by the Japanese Government, not only Germany and Italy, but also Spain, Rumania, Hungary, France and others will recognize it. And thus, the foundation of the new government will be made more and more solid. Under such international circumstances if the Chung King Government will not discontinue the useless war against Japan as soon as possible, and amalgamate with the WANG Ching Wei regime, it is inevitable that it will be left behind in the advance of the new world situation.

- (2) Furthermore, depending upon the circumstances, it is another idea to ask Foreign Minister Ribbentropp to add the following when he makes the above-mentioned proposal.

"However, if owing to past circumstances, it is most difficult for the Chungking side to amalgamate suddenly at this date with the WANG Ching Wei regime. depending upon the sincerity on the part of Chungking, it is likely that there is a way by which Chungking can, without going through the WANG Ching Wei regime, negotiate directly with Japan. If the Chungking side so desires, I am ready to act as an intermediary."

Summary of Comm.

II. The greatest obstacle to the rise of the influence of the advocate of peace in CHIANG Kai Shek's camp is the existence of the Chinese Communist Party. To remove the aforementioned interference by the Chinese Communist Party, using our past studies as the basis, it is of the utmost importance that we start adjusting the diplomatic relations between Japan and Soviet Russia. For this purpose, we must begin our activities immediately to act through Germany.

III. We must promptly appoint and despatch an Ambassador to France and let him act so as to make the Vichy Government keep pace with the policy of our Empire in regard to China formed after the conclusion of the above-mentioned Tripartite Alliance.

Instructions to be given to Envoy
Extraordinary and Ambassador Pleni-
potentiary, HONDA, by the Foreign
Minister (draft)

In carrying out your duty as Envoy Extraordinary and Ambassador Plenipotentiary in China, I should like to ask you to pay special attention to the following points:

I. The Imperial Government has now recognized the New National Government and has entered into formal diplomatic relations with it. However, in view of the fact that not only is the Incident still going on but also that we have decided, at last, to adopt the state for a long term warfare, I hope that in carrying out your duty, you will, noting this point, exert yourself for the attainment of the purpose of the Incident, and that you will follow the established policy of the Empire, especially the "Outline for the Management of the China Incident" which was decided at the council in the presence of the Emperor on November 13, 1940.

- II. You should, needless to say, co-operate positively with the military operations, and in regard to public peace follow the directions of the commanders-in-chief of the army and the navy in the area. As to the management of important policies, you should always negotiate with them frankly, and I hope that you will pay utmost consideration not to allow any gap whatsoever to exist in respect to the co-operation between the political and the military strategies.
- III. In order to adjust and organize the various organs dealing with China and synthetically unify the policies towards China, we have now reached such decisions as are given in the plan of the annexed paper, and I hope that you will exert for the systematic management of the departments under your control, while attaining a still closer contact with the organs concerned in accordance with these decisions.
- IV. As to instructions concerning the management of various departments of politics, economy and culture relating to the management of the Incident, you are requested to refer to "Collection of the Important Decisions" given in the separate volume. I hereby give you the above instructions.

Very Secret

Instructions to be given to Envoy Extraordinary
and Ambassador Plenipotentiary, HONDA, by the
Foreign Minister (draft)

(December 11, 1940, (Asia No. 1))

In negotiating with the National Government as Envoy Extraordinary and Ambassador Plenipotentiary in China, I should like to ask you to pay special attention to the following points:

- I. The Imperial Government has now recognized the National Government and has entered into formal diplomatic relations with it. However, in view of the situation that not only is the Incident still going on, but also that we are, at last, going to adapt the state for a long term warfare, you should try to rapidly bring up and strengthen the National Government, in accordance with the established policy of the Empire and the provisions of the New China-Japanese Treaty. At the same time, leading the third

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powers, you should exert yourself to save the current situation as a whole, in accordance with the changes of the world situation. Regarding the matters mentioned above, you should follow the decisions made in the past, especially "The Outline for the Management of the China Incident" which was decided at the council in the presence of the Emperor on November 13, 1940.

- II. In order to adjust and organize various organs dealing with China and attain the unified management of our policies towards China, we have now reached such decisions as are given in the outline of the annexed paper, and I hope that you will exert yourself for the systematic management of the departments under your control, while attaining a still closer contact with the organs concerned in accordance with these decisions.
- III. The co-operation between political and military strategies being particularly important, I hope that you will maintain close contact with the Commanders-in-Chief of the Army and the Navy in China, and frankly negotiate with them in regard to the matters concerning the management of the important policies and the public peace.
- IV. As to instructions concerning the management of the various departments of politics, economy and culture related to the conduct of the Incident, you are requested to refer to "The Collection of the Important Decisions" given in the separate volume. I hereby give you the above instructions.

Item 9.

St. - S No. 63

Berlin, 23 January 1941.

Today the Japanese Ambassador mentioned to me the conversation between Ambassador Ott and the Japanese Vice Foreign Minister re Indo-China.

(Tokyo Telegram Report No. 85).

Kurusu

Kurusu gave me the background to the Japanese desire for Germany's influencing of /Einflussnahme/ Vichy as follows:

A Japanese advance southward in the direction of Singapore was unthinkable without using the land bridge of the Malacca peninsula. For this Japan has to pass through both Indo-China and Siamese territory. Therefore, any British influencing /Einflussnahme/ in Siam must be prevented.

I fully agreed with the Japanese Ambassador up to this point.

Then Kurusu tried to make me understand that a German advice /Rat/ in Vichy would surely be sufficient to make the French Government fall into line with the Japanese proposals.

I did not deduct anything from the expected /Vorgreifen/ answer from the German Foreign Minister on this matter, but mentioned to Kurusu that the Vichy Government would probably not like to give up rather large pieces of the French colonial possessions before the general settlement at the peace conference; also, the British mediation proposal reported to us from Tokyo was more favorable for Vichy than the Japanese.

/s/ WEIZSAECKER

Foreign Minister
Under State Sec'y. Pol.
Dg. Pol.

US Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 4025E(5).

/s/ Ulrich Straus

3779-Ps

TELEGRAM RECEIVED

EH

This telegram must be closely paraphrased before being communicated to anyone. (br)

FROM (Paris)
Vichy

Dated January 28, 1941

Rec'd 6:35 p.m.

Secretary of State,
Washington.

117, January 28, 5 p.m.

✓
Admiral Platon, Minister of Colonies, told me today that the Germans have now refused the removal of any troops to Indochina. He said that this includes not only the Senegalese battalions at Djibouti for which the English had previously refused permission but also the transfer of any troops from Dakar to that area. In other words, he said, the Germans definitely do not wish to see French defenses in Indochina strengthened.

Leahy

708

TELEGRAM (Secret Cipher Process)

Tokyo, 21 February 1941
Arrived 21 February 1941

10:05 o'clock
20:45 o'clock

No. 250 of 21 February

MOST URGENT

In connection with Telegram No. 241 of 19th with Pol. VIII.

Today the press further occupied itself with the alleged Japanese proposal for peace mediation. Judgment is generally reserved, emphasizing that it was in no way definite that the press reports from London are correctly repeating Butler's declaration in the Lower House. "HOCHI" warns against the danger that Japan's peace gesture would be propagandistically misused by opposing powers to Japan's disadvantage.

Eden

The Japanese Government spokesman declared in today's press conference that he could not make more detailed statements regarding the substance of MATSUOKA's answer to EDEN, but that he had the impression that Butler's Lower House declaration had been incorrectly repeated by the press. MATSUOKA's answer to Eden had not contained a concrete proposal for mediation, but had merely, in general phrases, touched upon the fundamental attitude of Japan toward the question of world peace.

Continuing, the spokesman repeated yesterday's MATSUOKA's press-
dementi having the following content: "As Foreign Minister of the Japanese Government I have never offered to any nation of the world mediation for the reestablishment of world peace. I answered an inquiry from Eden regarding Japanese mediation activity between Thailand and Indo-China. Although I expressed my opinion regarding the reestablishment of world peace in their answer, I have never sent to any nation a message, the subject of which was Japanese mediation for world peace, as is rumored."

I also refer to the detailed statement of D.N.B., Tokyo No. 602, 603, 604. For obvious reasons I have advised the D.N.B. representative here against detailed reporting for the present.

OTT

1334

*Rubbery
Trade*

TELEGRAM (Secret Cipher Process)

Tokyo, 9 February 1941

7:50 o'clock

Arrived: 9 February 1941

18:00 o'clock

No. 192 of 9 February 1941.

MOST URGENT!

SECRET!

Ha. Pol. 538 g

In answer to telegram No. 123 of the 3rd.

The Vice Foreign Minister personally handed to me a memorandum in the following content:

1. Japan is honestly willing to support Germany in the procurement of rubber and other raw materials from the South-East Asian Sphere.
2. The Japanese Government has taken notice of the fact that Germany has concluded a contract for the purchase of over 25,000 tons of raw rubber from Indo-China and prepares the transport of this amount from Indo-China to Dairen.
3. Instruction requested as to what the total amount of raw rubber is, which Germany (aside from Indo-China rubber) still wants from South East Asia this year.
4. As it is to be expected that the export of raw rubber from the Malayan States and the Netherlands Indies to Japan will be made difficult, Japan will only be able to cover its own most necessary requirements with difficulty there. In consideration of this circumstance it will be necessary to reach a compromise between the amount of raw rubber desired by Germany and the amount actually able to be delivered. The negotiations concerning this /are to be made/ exclusively through diplomatic channels, not, however, as has happened several times until now, through military authorities.
5. The Japanese Government requests information as soon as possible as to what raw materials (kind and amount) besides rubber, Germany wishes to obtain from the South East Asian areas still in this year.

The commercial execution of the business will be taken over by Showa TSUSHU (compare Report No. 220 of 2 August 1939 and following /ones/). As representatives of the Hamburg exporters in question, NIGGEMANN, Dairen, shall for the Germans, together with SHOMA undertake the internal winding up. For this purpose I have requested NIGGEMANN by telegram to come here at once. I request that he be given the necessary instructions via the Embassy.

OPT

EXACT
*SHOMA
TSUSHU*

Berlin, 17 February 1941

to Pol. VIII 560 g

Diplogerma TOKYO
No. 179

TELEGRAM IN CIPHER

(Secret Cipher Process)

(Secret Appendix to Secret Matters b)

URGENT!

To telegram No. 175 of 6 February.

I request that you inform the Japanese Government that the German Government welcomes the Japanese intention that Thailand and France reach no political or military agreements whatsoever with a third power, whereby this obligation, as far as it concerns France, was to apply only to Indo-China. I request that you add that the armistice treaty, of course, applies to France with all her possessions, colonies, protectorates, so that we remain interested, if only for this reason, in the further development of affairs in Indo-China and therefore were awaiting current information on affairs in Indo-China.

WEIZSAECKER

TELEGRAM (Secret Cipher Process)

Tokyo, 19 February 1941
Arrived, 19 February 1941

10:30 o'clock
20:15 o'clock

No. 241 of 19 February

MOST URGENT

In addition to telegram No. 235 (with Pol. VIII) of 18.

Eden {
1. During my visit today, the Foreign Minister at once approached me on /the subject of/ his instruction to the Japanese Ambassador to London, reported yesterday by a preceding telegram, and regarding yesterday's statements by the press chief of the Japanese Government. The Foreign Minister declared that Eden, in his recent answer to the Japanese Ambassador to London, had bluntly imputed that Japan, in her mediation action between Thailand and Indo-China, merely aims at the oppression of small nations in the Great East Asia Sphere. He had refused to enter into a discussion with Eden regarding this local Japanese act of mediation, and had preferred to make clear Japan's altruism by the declaration of a general mediation /and/ the willingness to reestablish world peace. Of course, he had left no doubt at this that these applications had sprung solely from his own initiative.

2. The Foreign Minister further reported that he had declared in a secret --- session of the Upper House on the occasion of a discussion on the Tripartite Pact that he was firmly convinced of the victory of the Axis Powers, since he had absolute confidence in the Fuehrer. The effect of these words had been very strong and had even visibly impressed opponents of the Governments.

OTT

Excerpt from the Record Concerning the Discussion
of the German Foreign Minister with
Ambassador OSFIMA in Fuschl on
23 February 1941

* * * * *

The friendship of Japan, so continued the Foreign Minister of the Reich, had rendered for Germany the possibility to arm, after the conclusion of the Anti-Comintern Pact. Japan had, on her part, been able to penetrate deeply into the English sphere of interests in China. The victory of Germany on the continent now brings to Japan also great advantages after the conclusion of the Tripartite Pact. France is eliminated from the position of a power in East Asia (Indo-China), England is likewise greatly weakened already, and Japan has been able to advance closer and closer to Singapore. Germany has already tremendously contributed to the formation of the fate of the life of both nations. Also in the future we would bear the main burden of the fight to the finish by reason of our geographical position. Should it still come to an unwanted collision with Russia, we would in this case too, bear the main burden. Should Germany ever become weak, Japan would shortly find herself standing opposite a world coalition. We are sitting in the same boat. The fate of both nations would now be decided upon for the next centuries. The above mentioned was also true for Italy. The interests of the three countries would never intersect. A defeat of Germany would also mean the end of the Japanese imperial idea.

* * * * *

FUSCHL, 23 February 1941.

Certificate:

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 531.

/s/ Ulrich A. Straus

8300A

710

Exchange of Letters Between Foreign Minister
MATSUOKA and Ambassador HENRY (Re: Proposal
of Mediation Plan for the Thailand-French Indo
China Dispute)

11 March 1941

His Excellency Charles Arsene HENRY
French Ambassador Plenipotentiary

Dear Sir:

It is an honor for me to inform you that the Imperial government attaches extreme importance to the maintenance of peace in Greater East Asia. According to the agreement of 30 August 1940, special relationship between Japan and French Indo-China has been agreed upon. It is with anxiety that the Imperial government observes the development of the dispute to which French Indo-China is a party.

In view of the fact that peace must be preserved in Greater East Asia and remembering our peaceful and friendly intentions upon which we concluded the above treaty, the Imperial government proposes mediation to the governments of France and Siam in order to end the dispute between French Indo-China and Siam. The Imperial government has drafted a mediation proposal as per enclosure, to which we expect the French government to accept unconditionally. If the French government accepts this proposal, the Imperial government is prepared to guarantee the French government that the decision of the dispute in the mediation proposal will be final and unalterable.

On the other hand, the Imperial government believes that the French government will profess to maintain peace in Greater East Asia; especially to establish good neighbor friendly relationship and also to promote close economic relationship between Japan and French Indo-China. The Imperial government also believes that the French government will proclaim not to conclude any treaty or agreement between French Indo-China and a third power that will presuppose the nature of political, economic or military cooperation to oppose Japan directly or indirectly.

It is comprehended that the aforementioned guarantee of the Imperial government and declaration of the French government should be confirmed by a formal note at a later time when the treaty to settle the dispute between France and Siam is concluded.

I, Foreign Minister, avail myself of this opportunity to renew to your Excellency the assurance of my highest consideration.

Yours respectfully,
Foreign Minister Yosuke MATSUOKA.

To His Excellency
Yosuke MATSUOKA, Minister of
Foreign Affairs

Tokyo, 11 March 1941

No. 21

By a letter of even date, Your Excellency has informed me of the following:

"The Imperial Government, attaching the highest importance to the preservation of peace in Great East Asia, has witnessed, with anxiety, the development of a conflict involving French Indo-China with which it maintains particularly close relations which were further tightened by the agreement of 30 August 1940.

"Looking toward the preservation of peace in Great East Asia and taking its inspiration from the same peaceful and friendly spirit which presided over the establishment of the above-mentioned agreement, the Imperial Government offered its good offices to the Governments of France and Thailand so as to put an end to the conflict between French Indo-China and Thailand. Therefore, the Imperial Government offers, for unconditional acceptance by the French Government the plan of mediation annexed hereto. In the case of an affirmative answer, the Imperial Government will be prepared to guarantee to the French Government the final and irrevocable character of the settlement achieved by such plan.

"Besides, the Imperial Government is confident that the French Government will work towards the preservation of peace in Great East Asia, and in particular towards the establishment of friendly good-neighborly relations and towards the progress of close economic relations between Japan and French Indo-China, and that it will declare to the Imperial Government that France, in regard to French Indo-China, does not intend to enter with a third power into any agreement or entente providing for political, economic or military cooperation directly or indirectly opposed to Japan.

"It is understood that the above-mentioned guarantee of the Imperial Government and statement of the French Government will be confirmed later on in a solemn document at the time of the establishment of the Treaty on the settlement of the conflict between France and Thailand."

I have the honour to acknowledge receipt of this communication and to inform Your Excellency that the French Government, although neither the local situation, nor the fortunes of war compel it to renounce the benefit of treaties freely negotiated and included with the Government of Thailand, is prepared to yield to the instances of the Japanese Government. By its acceptance of the plan of mediation annexed hereto, the French Government, which has constantly proved mindful of the preservation of peace in East Asia and never entered upon any course of action that might disturb such peace, affords new proof of its fidelity to the spirit that inspired the agreement of 30 August 1940. In this same spirit and desirous, moreover, of avoiding all engagements of such a nature as to involve its Far Eastern possessions into a conflict between third powers, it declares that it does not intend, in regard to Indo-China, to enter with a third power upon any agreement or entente providing for political, economic or military cooperation directly or indirectly opposed to Japan. It anticipates, moreover, that the Japanese Government will be anxious to assure the strict observance of the agreement of 30 August 1940 and of the subsequent military arrangements.

Please accept, Monsieur le Ministre, the assurances of my highest esteem.

Charles Arsene Henry

Ambassador Plenipotentiary
of France

712

Telegram (Secret Cipher Process)

To be kept in locked file.

Tokyo, 21 June 1941 1030 hours
 Arrival, 21 June 1941 2015 hours

No. 1009 of 21 June

Most urgent!

For German Foreign Minister.

MATSUOKA, who had invited me, told me the following information during a long conversation:

1). Renewed negotiations between Japan and the Netherlands Indies is not to be expected. Existing tension unbearable in the long run. *Proceeding against the* For attacking Netherlands East Indies, air and naval bases must be set up in French Indo-China. Hence he had asked through Ambassador OSHIMA whether French consent to this could be obtained by Berlin, otherwise he would take up the matter with VICHY directly.

I have the impression that the activistically minded Congress of the Unity Party /Einheits partei/, and the attitude of public opinion towards the problem of the Netherlands Indies, enables the government to enforce an energetic stand against the Anglophile circles by pointing to public opinion.

2). Regarding WANG CHING WEI's visit, MATSUOKA observed that Japan would not accept any solution of the China conflict without Wang Ching Wei. Ching King had previously been approached to this effect with Wang Ching Wei's consent. These efforts must be regarded as having failed.

He intends to seek the recognition of Wang Ching Wei by Germany and Italy, should this be confirmed during another conversation with Wang Ching Wei. He is certain that the Axis powers will consent to this, since the German Foreign Minister had recently replied to a question by Ambassador OSHIMA that he was ready, as heretofore, and as recently agreed upon in Berlin, to strengthen the position of Wang Ching Wei; however, with the postscript that the Fuehrer had not yet taken up the matter.

3). The United States of America had not yet replied to the Japanese communication of 12 May. A report from Ambassador NOMURA showed that HULL wanted to make his last anti-German declaration a firm, constituent part of an American-

NOMURU → Japanese agreement. Such a nonsensical proposal will only prove that the United States of America wishes to cause the negotiations to fail while holding Japan responsible. He would try to act in such a way that this blame is unequivocally with the United States; this would be useful for inner political reasons.

Upon my question MATSUOKA confirmed that Ambassador GREW had recently forwarded a sharp note of protest concerning the shelling of an American gunboat near CHUNGKING and the damage caused to the American Embassy there. Actually the gunboat had not been hit and no personnel casualties had occurred in the American Embassy. He had drawn the attention of the American Ambassador to the exposed position of the American craft, promising, in addition, an investigation of the case. He presumed that this had settled the incident.

Press | Since the protest by the American ambassador was neither mentioned in the Japanese nor in any other press, I take it that both sides are striving for a settlement without any publicity.

4). MATSUOKA further informed me that he knew of the development of German-Russian relations through concrete news from OSHIMA. He repeated his previous declarations on this subject. He hoped that in the future handling /of this matter/ a way may be found which would ease his own position, and that of the Japanese government. Japan would under no circumstances allow shipments of war-essential materials of the United States from America to Siberia. He was certain that the measures taken by the Japanese Navy would hold back the United States of America from a utopian beginning.

MATSUOKA was pointedly positive and cordial during the conversation. He intentionally stressed that the army and navy agreed with his policy, evidently in order to counter rumors concerning the difficulty of his and the Cabinet's position.

OTT

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 4081-E.

/s/ Ulrich A. Straus

712

Indo-China Military Affairs: No 356

ACTIONS OF FRENCH INDO-CHINA OFFICIALS IN RELATION TO INJURY OF A JAPANESE MILITARY EMPLOYEE BY A FRENCH INDO-CHINESE SOLDIER, 10 MAY, SHOWA 16 (1941).

CHO Isamu, Chief of Staff of the French Indo-China Expeditionary Force.

To: Vice Minister of War, KIMURA Heitaro.

We shall inform you as follows our secret agent's report (accuracy A) on the aforementioned subject:

VG { The incident causing injury to a Japanese military employee by a French Indo-Chinese soldier in an Annamese house of prostitution, Citadel Street, Hanoi, on the night of the 24 April caused a great shock to the French Indo-China authorities. At present there exist both a pessimistic and an optimistic view among the officials concerning this matter. But the majority of them possess pessimistic views and generally look upon this affair as a regretful event that would bring about a grave crisis in the friendly relations between Japan and French Indo-China.

JG { They are possessed with the credulous thought that this affair might serve as a fuse giving possibility of opening hostilities between the two countries, or the presentation of grave demands by the Japanese to French Indo-China. They are in a state of panic and are giving sincere efforts to bring about an amicable settlement of this affair and at the same time fear the retaliatory actions of the Japanese. They strictly forbid the French in general, notably the military service men, to visit the Japanese streets and areas where the Japanese frequent, especially near the houses of prostitution and liquor serving places. In this way they are only endeavoring to avoid unforeseen accidents in the future. The state of affairs is as follows:

Actions of the French Indo-China authorities, according to the views taken by the French Indo-China authorities:

(1) Pessimistic views

{ They consider this affair as a fuse with probabilities of inciting a war between Japan and French Indo-China, judging from the example which gave cause to the outbreak of the China Incident, incurred through the kidnap and murder of a Japanese soldier by the Chinese Army near the Marco Polo Bridge in July (SHOWA 12) 1937.

On the other hand, anticipating that the Japanese Army might demand expansion of the rights of self-defense, using this affair as a pretense, and with such wording as "necessary for the self-defense of the army", or to make a demand to increase additional forces, they are racking their brains to find means of establishing counter-measures.

In order to prevent aggravation of the situation they have adopted policies in which they are ready to give sacrifice, to some extent, for an amicable peace settlement of the affair. They are trying to moderate the firm attitude of the Japanese by resorting to policies of coquetry, such as the arrest of the offender, his strict punishment, the condoling of the victim and the consolation and favours to be extended to the bereaved family. Thus, they are trying to lead the affair to a friendly settlement. Anticipating that the Japanese side will take retaliatory measures, the Bureau of Administrative Affairs of the Governor General's Headquarters gave orders to the Hanoi Detective Bureau to compile and submit a list of the houses of prostitution and bars which the Japanese frequent, directly after the said incident. At the same time they strictly forbade the French, in general, especially military men, to enter the zones where the Japanese gather and places near the houses of prostitution, and thereby avoid unforeseen occurrences.

(2) Optimistic Views:

There are some among the French who point out and refer to the changed international situation since the previous year, especially on the recent increase of crises in the Far East, emphasizing the aggravation of American-Japanese relations.

They maintain that as the Japanese Army is now in a position where it is being forced to reorganize its troops in preparation against the extreme aggravated situation prevailing in the relations between Japan and America, it is impossible for the Japanese to carry out positive military policy in French Indo-China availing itself of the said incident. They advocate the optimistic view that it would be very easily settled on friendly terms.

The views maintained by the Army regarding the above:

The views maintained by the French Indo-China authorities are as above-mentioned and they are extremely in fear of the expansion of this incident and the action of the Japanese Army on the right of self-defense.

Since the actual state of affairs is one in which they are desirous of having an amicable settlement, regardless of the cost of compensation, we think that it is only fair for us to demand the investiture of power from the French Indo-China authorities, as the following, with a firm attitude and a definite purpose:

1. The increase and strengthening of the rights of stationing troops. Despite the fact that the number in military force amounts to 6,000, according to the current Japanese-French agreement, the Japanese Army shall station the required additional number of forces and expand the area of stationing troops to the whole of Tongking if found necessary for the solution of the Sino-Japanese conflict.

2. The enlargement of the area of action of the Japanese Army. The Japanese Army will be given the right to act freely within the Province of Tongking when required from the point of military operation and educational training. Despite the fact that at present the Japanese civilian populace, excepting the military men, are permitted to travel in Chuong Binh and Lang-son areas, which are considered most important from the standpoint of military official duties, the military men are forbidden to travel. Moreover, when a small unit is to engage in manoeuvres, negotiations must be done beforehand with the French Indo-Chinese authorities. The situation is that permission by the Governor-General is required, with condition that a French military officer be allowed to study and observe the manoeuvre. In manoeuvres where many secret matters are involved we had to suffer special disadvantages.

VG < 3. Freedom in selecting housing. For Japanese Army barracks the Annamese primary schools are chiefly provided, which offers but narrow and unsanitary places. They intend to gain two advantages, - killing two birds with one stone that is, of alienating Japan from Annam and that of distressing the Japanese Army. Furthermore, they have set up a new police sub-station near the officers' billet to keep eyes on the movements of the officers. They are also secretly oppressing the Annamese, who show favours to the Japanese Army, and in this way they are trying to force out pro-Japanese tendencies. They are by no means friendly.

It is necessary that they provide appropriate buildings that could be used for headquarters and barracks of the Japanese Army.

4. Freedom of travel in French Indo-China.

At present we have to file an application to the Governor-General requiring his permission, and even if we receive permission, they would always attach a Frenchman to go with us, thus restricting our freedom of actions. It is necessary that we acquire the rights of freedom to travel, like the French-Indonese, except in zones where no trespassing is allowed because of military reasons.

5. We demand the free use of airfields. Despite the fact that the Army is installing new facilities such as runways, etc. at the Haiphon airfield, now being used by the Japanese troops, the amount in rent charges demanded by the French Indo-China authorities amounts to ¥35,000 annually. When we add the rent charges of the Gia-lam Airfield the amount rises to a considerable sum. On this occasion we demand free use of them.

Report: NAMI Group.

Reference: To the Vice-Chief of the General Staff;
Vice-Minister of War.

Item 6 .

Telegram (Secret Cipher process) - to be kept in locked file

Tokyo, 3 July 1941 3.55 hours
Arrival 3 July 1941 8.25 hours

No. 1102 of 2 July '41

For German Foreign Minister TELKO, 3 July '41. Following telegram of 2nd, No. 1101.

Note: Sent on to special train under No. 2131.

Text of declaration of Japanese Foreign Minister follows:
Oral statement. Strictly confidential. (Translation)

Please convey the following to His Excellency Herr von Ribbentrop:

I have duly noted your excellency's request made through Ambassador General Ott in Tokyo and Ambassador General OSHIMA in Berlin. I have taken particular care in studying the views set forth by your Excellency in approaching the Japanese Government with the request.

[In reply I take pleasure in stating that Japan is preparing for all possible eventualities as regards the U.S.S.R. in order to join forces with Germany in actively combating the Communist menace. Japan is keenly watching developments of conditions in Eastern Siberia in particular, determined as she is to destroy the communist system established there. It is, I believe, hardly necessary to add that the augmentation of military preparations, among other things, with an eye to realizing this object, together with the aim of restraining Soviet Russia in the Far East in her struggle with Germany is steadfastly kept in the mind of the Japanese Government.]

VVG

At the same time I beg to state that the Japanese Government have decided to secure points d'appui in French Indo-China which will enable Japan further to strengthen her pressure upon Great Britain and the United States. In this connection I would like to draw your Excellency's attention to the fact that Japan has been keeping constant vigil in the Pacific, including the southwestern ocean with a view to restraining these two powers and will continue the efforts and even intensify them, if necessary.

I trust that your Excellency is in full agreement with me that this really constitutes a vital contribution to our common cause, indeed no less vital than Japan's intervention at this junction in the German-Soviet War.

Japan cannot and will not relax her efforts in the south which after all possess a very important bearing upon the whole course of the war out of which I am most confident that Germany and Italy will soon emerge victoriously. I assure your Excellency once again that the Japanese government will not fail to act in accordance with the aims and spirits of the Tri-Partite Pact.

/s/ OTT

Certificate

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No.4062A.

/S/ ULRICH STRAUS

Proceedings of the Privy Council, 3 July, Showa 16 (1941)

The Ratification of the Franco-Japanese Protocol, /pp.31-47/
on Guarantee and Political Understanding, and of the
Thai-Japanese Protocol on Guarantee and Political Understanding.

Of the two protocols, the first states in its preamble, that the Japanese and French governments, desiring to maintain peace in East Asia, recollecting the peaceful and friendly spirit which led to the establishment of an agreement through official documents exchanged on August 30 of last year between Foreign Minister MATSUOKA and French Ambassador HENRI, and prompted by the sincere desire to uphold this spirit, desire to secure the stabilization of the friendly relations which have been restored between France and Thailand. In its body the protocol provides:

(1) That the Imperial Japanese government guarantees to the French government that the settlement of the dispute between France and Thailand resulting from Japan's mediation and as embodied in the aforementioned peace treaty and in the annexed documents is definite and unalterable;

(2) That the French government accepts the above guarantee, and will strive to maintain peace in East Asia, and especially to establish good neighborly, friendly relations and to promote intimate economic relations between Japan and French Indo-China; that furthermore, the French government declares that it has no intention to conclude with third powers any agreement or understanding concerning French Indo-China which anticipates political, economic, or military cooperation of a nature which directly or indirectly opposes Japan. In addition, the protocol fixes the ratification procedure and the date of the enforcement of the protocol.

The contents of the second protocol are the same as those of the first protocol, except that it cites in its preamble the treaty concluded on 12 June last year between Japan and Thailand concerning the continuation of friendly relations and mutual respect of each other's territorial integrity, and places no special regional restriction on the arrangements with Third Powers, in the declaration contained in the second paragraph of the body of the protocol.

It seems that these various arrangements aim to secure the fulfilment of the stipulations of the peace treaty which had been concluded as the result of the settlement of the dispute between France and Thailand through the Japanese Imperial Government's mediation and also to promote good neighborly, friendly relations between Japan and French Indo-China, and between Japan and Thailand. Inasmuch as these instruments will maintain the peace of East Asia and contribute to Japan's establishment of the New Order, their objects may be regarded as proper, and the clauses contained therein deemed to involve no special difficulties. Hence the Judging Committee has unanimously decided that each of the items of the bills under review be either approved or ratified as drafted without any amendment. We hereby report our findings.

No. 10. (MATSUOKA): I have something to say here as the responsible minister concerning this subject. The subject should have been laid before the plenary session, of the 18th of last month, but was postponed for the convenience of the session. Subsequently, however, in view of the fact that we learned through the reports of our Ambassador to France and also the representations of the Vichy Government during the course of the treaty negotiations, that the Vichy Government held many opposing views and the Treaty was signed almost solely on the responsibility of Delegate Roban /?/ I came to entertain the fear that the French Government might not ratify the subject treaty and also the Economic Agreement between Japan and French Indo-China. Accordingly, I requested a further postponement of the decision on this item. However, having received from our Ambassador to France at the end of last month that the French government had finally decided to ratify the two treaties, I decided to submit them for your deliberations here. I trust that you would appreciate the circumstances responsible for the postponement.

X No. 22. (ISHII): Once, on the occasion of the deliberation for the ratification of the Soviet-Japanese Neutrality Treaty, I asserted that the conclusion of that treaty was not only a success of Japanese diplomacy, but also a great victory. Probably the word "Success" was not sufficient to show the whole state of affairs. I called it a "victory", because at that time there was an intense secret strife between Japan on the one side and Britain and America on the side centering around the Soviet Union. And yet Foreign Minister MATSUOKA successfully overthrew Chamberlain and Roosevelt and concluded a treaty with the Soviet Union. The same applies to the various items now under consideration. It is the victory of our diplomacy that through the success of our mediation in the dispute between Thailand and France, we have caused a peace treaty to be concluded between them. That is, Britain, looking upon Thailand as if it were its own sphere of influence, had carried on secret activities in various directions under the leadership of Minister Crosby, who has been a resident of Thailand for the past twenty years, and had schemed to settle the dispute between the two countries to its own advantage when the opportunity presented itself. It is very gratifying that Japan availed herself of the opportunity and finally succeeded in placing Britain in the shade. Well, it has been advocated by our government and people in every way that our country is the stabilizing force of East Asia, but now in the opportunity that has presented itself for the first time we have been able to truly prove our position. Especially, the point which I welcome with satisfaction is the fact that our country's right to mediate, and hence our position of leadership, has been acknowledged by the provisions of Article 10 of the Franco-Thai Peace Treaty, which provisions are, moreover, permanently effective since the treaty is valid for an indefinite period of time. Probably, this advantage is more valuable than any other advantages to be derived from both of Thailand and France. If our country had obtained the cession of a district or a province, it would no doubt become the cause of enmity toward us in the future, but the disposition made by our country at this time has all the more enhanced the reputation of our country by an unselfish, fair act, seeking nothing whatever for ourselves.

Koko
It should be called the fruits of our so-called Imperial Way diplomacy. From these points of view, I wish to express my respect and congratulations to Foreign Minister MATSUOKA and the other members of the present Cabinet.

No. 26 (SHIMIZU): Recently several countries of Europe have recognized the National Government at Nanking, but what is the attitude of Thailand towards that government?

VC
No. 10. (MATSUOKA): On the one hand, from the standpoint that Thailand is farther from Nanking than from Chungking, she is in a delicate situation; and on the other hand, even though Japan's mediation has proved successful, British influence in Thailand remains unshakable. Therefore, it is very difficult to expect Thailand to recognize the Nanking Government. When our country's political and economic power has steadily penetrated into that country and when the Thailand Government authorities will not find themselves in a perplexing position should they recognize the Nanking Government, we shall grasp the opportunity then to take proper measures.

No. 26. (SHIMIZU): In spite of the existence of a treaty pact of non-aggression between Germany and the Soviet Union, war has broken out between the two powers. Whom should we regard as the breaker of the treaty? Japan has concluded an alliance treaty with Germany and a neutrality treaty with the Soviet Union. For our information, please let us know our country's future attitude in this connection.

No. 10. (MATSUOKA): Two years ago Germany, facing the imminent crisis of a war with Britain, concluded a treaty with the Soviet Union as a temporary expedient lest the latter should be won over to Britain's side. At that time Germany explicated to Japan that this was an unavoidable disposition, and explained that her real intention was to detest and suppress, when opportunity presented itself, not only the Soviet Union's aggressive principle, but also the ideology embraced by that country. It seemed that the Soviet Union also knew the circumstance very well and planned to strike Germany after waiting for a favorable time. The reasons for starting the war have been published by both governments, but, after all, the Non-Aggression Treaty between Germany and the Soviet Union was but a temporary expedient to both of them.

No. 35. (FUKAI): Since I share in general the opinion of Councillor ISHII, I am glad to offer my congratulation to the government authorities. However, I think there is one point in the subject item which deserves consideration. Perhaps third powers might take it as a symbol of our aggressive policy if we look upon ourselves as the stabilizing force of East Asia. For instance, in regard to the documents dated August 31 of last year which were exchanged between Japan and France, our Prime Minister explained that he was unable to take the formalities for the submission of the documents for the deliberation of the Privy Council, because he had to seize a moment when France was fearful of our country's actions. Although I think that such a measure is sometimes necessary and should not be reproached, yet, insofar as our purpose is to become truly the stabilizing and guiding force of East Asia and to show the world our Imperial Way, we should have the fundamentally required attitude of mind. That is, on the occasion of the deliberations on the Sino-Japanese Basic Treaty, the Privy Council made it clear that the cardinal point is to win the sentiments of the Chinese people. I think the same can be said in our relations with French Indo-China and Thailand. Unless we succeed in winning the sentiments of the people, it cannot be said to be perfect. In my opinion this deserves full consideration. It is under such a state of mind that I support this subject item.

President (HARA) As there are no further remarks, we shall immediately take a vote. All those in favor, please rise.

Page 47. (All rise).

President (HARA) It has been carried unanimously.

President (HARA) Next we shall take up for deliberation the item of the ratification of the Franco-Japanese Treaty of Residence and Navigation concerning French Indo-China, and of the Franco-Japanese Agreement concerning the customs system, trade and the modalities of settlement of accounts between Japan and French Indo-China. / pp.47-88/

Omitting the reading, we shall confine it to the outline, and omitting the oral reading, we are now ready to hear immediately the report of the Chairman of the Judging Committee.

Reporter (ISHIZUKA): Having been appointed as judging committee members on the item submitted for deliberation, we held a committee meeting on June 16 and completed our examination.

According to the explanation of the State Minister, on the occasion of the conclusion of the Franco-Japanese Agreement of June, 1907 (Meiji 40), the French and Japanese Governments declared, with reference to French Indo-China, that until a commercial treaty shall have been concluded in future, Japan and French Indo-China would accord to each other the most favored nation treatment in regard to the protection of the lives and property of each other's nationals. When the Franco-Japanese Commercial and Navigation Treaty was concluded in August, 1911 (Meiji 44), Japan wished to apply that treaty to French Indo-China also, but France refused it and merely declared that she reconfirmed the declaration of several years ago. Since then Japan took every opportunity to conclude a commercial treaty concerning French Indo-China, but failed because France opposed it, fearing extremely the penetration of Japanese and Japanese goods in that area. At last in August of Showa 2 (1927) we came to an agreement on the matter of residence and navigation, and a protocol providing for the system of residence and navigation between Japan and Indo-China was provisionally concluded. But as regards commercial matters, the negotiations proved very difficult and a compromise could not be easily reached. Meanwhile, France further strengthened the measures against the importation of Japanese goods, while Japan, on the other hand, was about to impose a retaliatory duty on coal, which was the main export of French Indo-China. Thereupon France finally reconsidered the matter and thus a commercial treaty provisionally stipulating trade regulations between Japan and French Indo-China was concluded in May of Showa 7 (1932). In the previously mentioned protocol of Showa 2 (1927), Japan and French Indo-China guaranteed to accord to each other the treatment of the most favored nations in respect to residential matters of both natural persons and juridical persons, and the treatment of domestic vessels or of the most favored nations in respect to shipping. Nevertheless, the protocol was not only a provisional agreement which could be abolished at any time after January 1, 1928, (Showa 3), by giving three months' advance notice, but also lacked concrete provisions concerning entry into the country, business, the ownership of immovables, etc., with the result that it failed to achieve the expected results.

In the Commercial Treaty of 1932 (Showa 7), Japan and French Indo-China granted to each other the advantage of customs, but this, too, was a provisional agreement, placing numerous items of our important exports beyond the scope of its application and making no provisions whatever in respect to the prohibition and restriction of exports and imports, import quotas, and the modification of the rates. And so, by the raising of the custom tariff by France, the advantages of the agreement were greatly reduced, and by the reinforcement of this quota system, the enforcement of exchange control, etc., our trade with French Indo-China fell into a slump again. But the change in the general situation due to the surrender of France to Germany caused a change in the French attitude towards Japan, giving Japan an opportunity to settle various pending questions concerning French Indo-China.

(as well as political and military problems)

Page 53. As the result of our negotiations on economic problems, the French Government acknowledged on August 30 Japan's political and economic supremacy in East Asia, and, besides pledging the grant of military facilities, acknowledged by document that she would begin negotiations with Japan to promote the trade between Japan and French Indo-China, and to give to Japan as much as possible an advantageous position in French Indo-China superior to that enjoyed by any other states under any circumstances. Thereupon it was decided to have the delegates of the two countries start negotiations on the economic problems of French Indo-China and Japan. The conversations commenced on 30 December. First of all they discussed the problem of buying Saigon rice, which Japan urgently needed at that time. As soon as the two parties reached an agreement of views, they proceeded to negotiate on the remaining problems. After a lapse of a considerable time due to the aggravation of the border dispute between French Indo-China and Thailand and the mediation by Japan, the conference at last completed the negotiations at the end of April. Accordingly they drafted the treaty, protocol, agreement and other related documents, which were signed and sealed by, or exchanged between, the delegates of the two nations on May 6.

Following is the outline of each of the arrangements:

1. Franco-Japanese Treaty of Residence and Navigation concerning French Indo-China. I will omit the explanation of the whole because this treaty has the same content as the Franco-Japanese Treaty of Commerce and Navigation, except that part in the latter concerning commerce, and because it is made up of only traditional provisions. The treaty is to be enforced from the day the ratifications are exchanged, to remain valid for five years. If neither side has notified the other one year before the expiration of the treaty its intention to abrogate it, the treaty shall continue to be valid for one year from the day the treaty was denounced by one of the parties.

This treaty supersedes the declarations of 1907 (Meiji 40) and of 1911 (Meiji 44) concerning French Indo-China, and also the protocol of 1927 (Showa 2) providing for the system of residence and navigation between Japan and French Indo-China.

2. The Protocol.

This protocol, together with the above-mentioned treaty, forms an inseparable whole, and has the same term of validity. It is composed of several clauses defining Japan's special position in French Indo-China. That is, the treaty provides as follows: (1) The fees for foreigners' identification cards shall be reduced in the case of Japanese nationals; (2) Japanese nationals shall be specially permitted to engage in certain occupations which are prohibited to foreigners now; (3) the maximum percentage of employees who may be employed in Japanese enterprises shall be raised up to a specified percentage; (4) the acquisition by Japanese of the ownership of immovables in Annam and Tonkin shall be given consideration, subject to the consent of the king of the protectorates; (5) concessions in agricultural, mining, and hydraulic power enterprises shall be granted in Indo-China to Franco-Japanese joint concerns under special terms; (6) Japanese nationals shall be permitted under fixed conditions to open and manage Japanese schools for giving Japanese education; (7) to discuss economic problems of both countries, an economic conference composed of the government and civilian representatives of the two countries; (8) the problems concerning coastal trade in Indo-China, navigation and fishing in the inland seas or territorial waters, and problems of aviation, wireless stations, and undersea cables, shall be settled through consultations between the two governments; as regards the problems of marine transportation, the governments of the two countries shall encourage their solution through the cooperation of the shipping interests. And this protocol is not to be published, lest third powers will share equally with us the above-mentioned various privileges by virtue of the most favored nation clause.

3. Franco-Japanese Agreement concerning the customs system, trade and the modalities of settling accounts between Japan and French Indo-China.

Following is the explanation of the main points of the body of the agreement according to the order given:

(A) The customs system.

- (1) Goods of Japanese or Indo-Chinese origin, on being exported or imported between the two countries, shall enjoy the most favored nation treatment in respect to taxes, fees, and other levies, and also all matters concerning rules and procedures relating to exportation and importation.
- (2) Goods of Japanese origin, on being imported into French Indo-China, shall in general be subject to import duties of the minimum tariff rate, but those which are listed in the annexed List A shall be either exempted from duties or given reductions from the minimum tariff rates. Likewise, goods of Indo-Chinese origin which are listed in the annexed List B, on being imported into Japan, shall be either exempted from duties or given reductions from the statutory tariff rates.
- (3) As regards those goods which are listed in the annexed Lists A and B, no raise in the duties on them shall be permitted during one year after the enforcement of this agreement. Provision is made for the necessary procedures to be taken for giving advance notice to the other party in case the duties must unavoidably be raised. The raising of the duties through the alteration of the table of customs tariff goods and of the classification of the customs shall not be permitted.

- (4) In order to receive the above-mentioned advantages in respect to customs, direct shipment shall be an essential condition, in addition to a certification of origin. However, certain exceptions shall be recognized. Provision is made for the issuance of certificates of origin. As a principle, invoice certified by a special organ should be attached to the customs declaration.
- (5) The products of the other party shall be exempted from all taxes and fees in respect to their transit, trans-shipment, storage in a bonded warehouse, warehousing, temporary importation free of duty; or their re-exportation. In respect to all regulations and procedures concerning such goods, the treatment of the most favored nation shall be accorded to them. In respect to the levying of domestic taxes on the goods imported by the other party, the same domestic treatment or the treatment of the most favored nation shall be accorded to them.
- (6) In respect also to the prohibition and restriction of the exportation and importation of goods between the two countries, the treatment of the most favored nation is guaranteed as a general principle, with certain exceptions which are provided for.
- (7) In respect to the grant of special privileges on all other items relating to commerce, the treatment of the most favored nation is guaranteed. However, exception is recognized in respect to Japan's interests, etc. in Manchukuo.

(B) Trade:

- (1) Every year the government authorities of the two countries shall determine by agreement:
 - (a) the articles of Indo-Chinese origin and their quantities which are to be imported into Japan in the following year;
 - (b) the import quotas to be allowed to Japan on goods which are placed on an import quota basis in French Indo-China;
 - (c) the articles of Japanese origin and their quantities which are to be imported into French Indo-China during the following year.The list which, as the agreement for the current year, was drawn up simultaneously with the signing of the subject agreement, gives a total of 22 items, including rice and crude rubber, of Indo-Chinese origin referred to in (a) above, and also their quantities. The French Government especially guarantees to Japan a supply of 700,000 metric tons of polished rice and 15,000 metric tons of crude rubber. Provision is made as to the way this is to be carried out. In respect to goods of Japanese origin referred to in (b) above, a total of 49 items, including margarine, cheese, and their quantities are listed on an annual quota basis, and a total of 17 items, including sweetened condensed milk, etc., and their quantities are listed on a quarterly basis. Provision is made for the way these are to be carried out. In respect to articles of Japanese origin referred to in (c) above, a total of 108 items, including oysters, potatoes, fruits, etc., and their quantities are listed.
- (2) Concerning the agreed articles referred to in (a) and (c) above, the governments of the two countries are bound to mutually grant to each other import and export permits up to the quantities agreed between them. Friendly consideration is to be given to the exportation and importation of the agreed articles in excess of the agreed quantities,

to the exportation and importation of goods other than those agreed upon, and to the granting of additional quotas for goods of Japanese origin in case the total quota is raised for goods referred to in (b) above, which are subject to the quota system. The quota for goods of Japanese origin in case of the expansion of the quota system is to be decided by common agreement between the government authorities of the two countries.

- (3) The protocol also provides for the duty of the government authorities of the two countries to notify each other the method of certifying the origin of goods, the list of import permits, and the statistics of exports and imports.

(C) The mode of settling trade accounts.

- (1) The payment of the proceeds of all goods, other than specially exempted goods, and of the freights, insurance premiums, and other charges on such goods, shall be made, not in foreign currencies, but in Indo-Chinese Piastres in case of goods of Indo-Chinese origin, and in yen in the case of goods of Japanese origin. These yen and piastres may be acquired only from the Yokohama Specie Bank and the Banque de l'Indo-Chine, respectively. The specially excepted goods for the current year is crude rubber, payment for which is to be made in American dollars.
- (2) The Yokohama Specie Bank and the Banque de l'Indo-Chine may raise piastres or yen necessary for making the above-mentioned payments by offering to each other an equivalent in yen or piastres. The yen acquired by the Banque de l'Indo-Chine is to be paid into two special accounts, A and B (B Account for the purchase of rice and A Account for the payment of other items) which will be established on the books of the YOKOHAMA Specie Bank in the name of the Banque de l'Indo-Chine. The piastres acquired by the Yokohama Specie Bank are to be paid into a special piastre account (to be called C Account), which will be established on the books of the Banque de l'Indo-Chine in the name of the Yokohama Specie Bank. The funds in Accounts A and C are to be appropriated for the payment of the trade between the two countries and also incidental expenses, but the funds in Account B, namely, Rice Account, is to be left intact for one year and transferred to A Account in the following year.
- (3) In case the difference between the balances of Account A and Account C at the end of each month exceeds ¥ 5,000,000 or its equivalent in piastres, upon request of the creditor bank, payment is to be made in gold or in other foreign currencies convertible into gold for the full amount of the excess amount in case it lies to the credit of the Banque de l'Indo-Chine, or for an amount which the excess amount further exceeds the balance of Account B in case the excess amount lies to the credit of the Yokohama Specie Bank.

(D) Others.

The agreement designates the area of its application, and provides that in case it becomes impossible to carry out the agreement owing to the occurrence of unforeseen incidents during the term of the agreement, the governments of the two countries shall begin negotiations to solve the difficulties. This agreement requires ratification, becomes effective from the day the ratifications are exchanged, and remains in force till Showa 18 (1943). If no denunciation is made by either one of the two countries six months before the expiration of the term, the term of validity is extended for another year, and so on, by tacit renewal. The agreement supersedes the Franco-Japanese Commercial Agreement of 1932 (Showa 7) and annexed documents, which provisionally set up regulations for the trade between Japan and French Indo-China.

There are two tables, A and B, attached to the agreement, but I will omit their explanations here because of the complexity of their contents.

4. The Exchanged Official Documents.

In order to fix the treatment to be accorded to the commercial firms in both Japan and French Indo-China, these documents, in the form of documents exchanged between the representatives of the Japanese and French Governments, provide as follows: (1) The French Government sanctions the admission into the French Indo-China Import Association of not more than ten Japanese commercial firms which, under the existing trade control law of French Indo-China, are disqualified from joining that association. These firms are to be granted permits to import a specified quantity of Japan-made goods. Moreover, one or two of them is to be granted export permit for the exportation of specified quantities of French Indo-Chinese corn to Japan. (2) The Indo-Chinese commercial firms may be admitted into associations and other trade control organs, or receive approval of them, in accordance with the control regulations of Japan, and they are not to be subjected to discriminatory treatment by these organs in comparison with Japanese commercial firms.

These documents are not to be published.

VC It seems that the subject arrangements stipulate the rules which should govern the various relations regarding residence, navigation and commerce between Japan and French Indo-China, which have been long pending questions to Japan. The enforcement of these arrangements will promote greatly our economic penetration into French Indo-China and will contribute in no small degree to the development of our commercial trade. Especially, it will bring many advantages in the acquisition of materials urgently needed by our country. Accordingly, we consider it proper to approve all of the treaty, agreement, and annexed documents. However, in view of the developments in the international situation, we hope that everything possible would be done to avoid friction with the other party and to realize actual results in carrying out the arrangements. Therefore, the Judging Committee has decided unanimously to recommend that the treaty and agreement under review be approved for ratification. We hereby report our findings as above.

No. 22. (ISHII): I am not opposed to the subject bill, but I must hear further satisfactory explanation, from the Minister concerned before I can give my hearty support to the bill. There is room for many arguments on this bill, but out of deference to His Majesty's presence, I shall only ask one question. The economic agreement included in this bill has its origin in the official documents exchanged between the Japanese and French Governments on August 30 of last year. In these exchanged official documents, France acknowledged Japan's political and economic supremacy in East Asia and also pledged to give Japan the most advantageous position possible in French Indo-China, which was superior to that of any third power under any circumstances. In this connection, I recall that years ago when I was sent on a mission to America and negotiated with Secretary of State Lansing in regard to Japanese interests in China, ~~the~~ side proposed the use of the word "superior" / "yuetsuteki" /, but the other side refused. So at last we negotiated direct with President Wilson, but it was flatly rejected. Under the circumstances we were obliged to use the word "special" / "tokushuteki" /. Since the word "superior" / "yuetsu" /, which has a very important meaning, is used in the foregoing document, I had hoped for great results, remembering that our plenipotentiaries went into the negotiations of this agreement with this as a basis. To my surprise, however, a look at the definite program here, shows that the terms are generally reciprocal and there is nothing specially favorable to Japan. Although there are some benefits, these are beneath our notice. Nevertheless, I think that somewhere in it there is probably something which embodies Japan's superior position. Hence, I ask for explanation.

No. 10. (MATSUOKA): Looking back at the circumstances surrounding the exchange of the official documents on August 30 of last year, Japan made France acknowledge our political superiority and at the same time, as the result of it, to agree to the advance of Japanese forces into French Indo-China. Later on France submitted herself to our mediation in the dispute with Thailand. These two points are the most conspicuous embodiments of our country's political superiority. Concerning the economic problem, which constitutes the substance of this draft, our people are able to enjoy in French Indo-China the same treatment as French nationals in respect to specially designated matters. That is, these are the results of the acknowledgment of our superiority. We find almost no example of it in the history of colonization. In respect to other points, I cannot say that they are always satisfactory. However, my reason for considering this draft as satisfactory is based on the fundamental diplomatic concept which demands the retrieval of our international reputation which has been completely lost since the Manchurian Incident.

Inasmuch as France, in view of the fact that she had been defeated in the war against Germany, already recognized last year our superior position and agreed to export to Japan the full quantity of polished rice as demanded by Japan, which is a matter of life and death to Japan, I thought that it would enhance our country's reputation if we were satisfied with half of our demands in respect to other matters. Through the efforts of my subordinates, we finally succeeded in getting 80% of our demands. While on the one hand I appreciated their services, I reproached them for not stopping at a point where 50% of our demands had been accepted. On reflection, I observe that the fact that France recognized our leadership in East Asia is in itself alone a very

important matter. We will do our best to expand and embody it in the future. It is impossible to realize all of the items in a short period of time. Considering from the foregoing circumstances, I think the agreement, as it is, gives us more than we should expect.

No. 22. (ISHII): I am very surprised at your explanation. I did not discuss the exchanged official documents of August last year, but I asked how the content of the said official documents, that is, the recognition by France of our country's superior position, has been utilized and how it has been embodied. Now that France has recognized our superior position, we do not by any means lose our prestige if we make her offer the real substance of this recognition. While on the one hand I do not grudge due admiration and praise for the fact that, in mediating between Thailand and France, we did not demand for ourselves any cession of a district or a state, on the other hand I cannot but regret that you consider that we obtained more than we should expect when we obtained 80% of our demands in concluding the economic agreement under review. Although we obtained the necessary quantity of polished rice, it is only a normal dealing and nothing strange for us to purchase the surplus rice left after filling the requirements of France and her colonies.

crude

As to/rubber, whereas Germany is already getting 25,000 tons from French Indo-China, we have obtained only 15,000 tons. In spite of the fact that we should be given a superior position as compared with third countries, we are placed in this inferior position. However, since the agreement, in spite of the above-mentioned points, is several times superior to the past treaties, I do not dare oppose it. Though I will vote for its approval, I am not satisfied with it, in the light of the official documents of August last year. According to recent telegraphic dispatches from French Indo-China, the attitude of the French Indo-China authorities towards Japan is more often than not at odds with us. So long as France violates what she pledged to us in the official documents, there is no reason for us to be diffident. I hope that due efforts would be made in the application of the agreement under review in the future.

No. 10. (MATSUOKA): Though I refrain from arguments in the presence of His Majesty, I would like to remove a misunderstanding. I am by no means satisfied with the agreement under review, but I only explained my state of mind toward the negotiation of the agreement under review. It was under this state of mind that I tried to utilize the official documents and obtained the results contained in the agreement under review. Though I take note of your wishes that efforts be made in the future, I regret I cannot agree with your view on the agreement under review. The unsatisfactory condition of shipping native products from French Indo-China is due to difficulties of execution. This fact is counter-evidence that we obtained many things in the agreement. In future we will do our best to carry out this agreement with certainty.

President. (HARA): As there are no further remarks, we shall immediately take a vote. All those in favor please rise.

(All rise.)

President (HARA): It is carried unanimously. The meeting is adjourned.

The Emperor retired.

(Adjourned 15.45)

Signed: President HARA, Yoshimichi
Secretary HORIE, Hideo
MOROHASHI, Jo
TAKATSUJI, Masami.

C E R T I F I C A T E

I.P.S. No. 1077

Statement of Source and Authenticity

I, T. Suzuki ----- hereby certify that I am officially connected with the Japanese Government in the following capacity: Secretary of Privy Council -----

----- and that as such official I have custody of the document hereto attached consisting of ----- pages, dated 3 July, 1941, and

described as follows: Privy Council Proceedings (1) Recognition of protocol on constitution and functions of Borderline Demarcation Commission (Siam) and regulations on demilitarized zone. (2) Protocol between Japan and France on guarantee and political understanding and same between Japan and Siam, dated 3 July 1941.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files):

Privy Council -----

Signed at Tokyo on this 23 day of Sept, 1946.

/s/ T. Suzuki

Secretary of Privy Council
Signature of Official

SEAL

Witness: /s/ J. A. Curtis
2dLt

Official Capacity

Statement of Official Procurement

I, Richard H. Larsh -----, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this 23 day of Sept, 1946

/s/ Richard H. Larsh
NAME

Investigator, IPS
Official Capacity

Witness: /s/ J. A. Curtis
2dLt

715

Doc. No. 4062B

Page 1

Item 10

To be kept in locked file

Telegram (Secret cipher process)

Tokyo: 4 July 1941 10.30 S. hours

Arrival: 5 July 1941 0.55 hours

No. 1350 of 4 July

Most urgent!

((Military attache reports following personal impression from conversation with Japanese General Staff:

Japanese Army is zealously preparing and under emphatic secrecy))

1.) The occupation of Saigon in the not too distant future. It is the preliminary condition for an eventual further southward move for which, however, there are as yet no tangible footholds discernable.

2.) ((A surprise, - though not rush - commencement of hostilities against Russia, with the seizure of the coastal province as the first goal)) For this reason General YAMASHITA was remaining with the Kwantung Army for the time being in order to impart his experiences.

OTT

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the german and english languages, and as a result of the comparison between the german and the english texts, I have established that this is a true and correct translation of International Prosecution Document No. 4062B.

/s/ Ulrich Straus

TO BE KEPT UNDER LOCK AND KEY

TELEGRAM

(Secret Cipher Process)

Bangkok, July 4, 1941 - 1:05 o'clock
Received July 4, 1941 - 20:10 o'clock
No. 169 of 7/4 Urgent

Secret Affair of the Reich

Likewise for the Attache Division of the High Command of the Army and Naval High Command.

The Japanese Secretary of Embassy, Furuuchi des Gaimusho, who is on an orientation journey, confidentially informed the Military Attache:

- 1) Japan's entry into the war against Russia with a view to gaining the coastal provinces, including North Sakhalin, is imminent. It is to be carried out by means of the Kwantung Army and the home forces without any weakening of the China front.
- 2) There is no prospect of overcoming Chiang Kai Chek within a reasonable length of time, and therefore military operations are not to be carried any further. For the future Japan will content herself with holding the key points in North China and on the China coast in her possession at the present time.
- 3) Failure of Japan's economic negotiations with the Netherlands-Indies would oblige her to take over the oil resources there by force, since her fleet would otherwise be incapable of action. Prior to this there is to be a Japanese military occupation of Indo-China in order to procure a concentration area and jumping-off ports against the Netherland-Indies. The occupation of Thailand is not envisaged. The preparation and the carrying out of the operations is to be made by the staff of General Ushiroku on the South China Front, in Canton. Conduct of the English forces in Singapore is considered to be purely defensive.

The entry of America into the war against Japan and the interruption of Japanese troop and reenforcement transportation by American naval forces is expected.

A telegram of the same tenor was sent to Tokyo.

Schol

Thomas

Note:

Through the telegraph office expedited to the Code Sender of the High Command of the Wehrmacht and the Naval High Command.

Telegram Ktr. - July 5, 1941

Certificate:-

I. Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 11A(2).

(S) Ulrich L. Straus

Telegram
(Secret Cipher Process)

To be kept in locked file

Tokyo 10 July 1941 11:50 S.
Arrival 11 July 1941 12:35 hours Most urgent!

No. 1181 of 10 July.

All symptoms are pointing to the fact that the Japanese move against Indo-China is now imminent; I reported on it already; in MATSUOKA's message to The German Foreign Minister it was described as a move for securing bases (points d'appin). According to confidential information at least three divisions are scheduled for action in order to get a firm hold on the most important towns and establishments including Saigon. According to confidential information from a reliable source the Key-day for action is to be 17 July.

Utterances by MATSUOKA (cf. telegram of 21 June, No. 109) showed that Japanese government intended at first to ask German government to obtain Vichy's consent to the move. As I was told confidentially, Ambassador OSHIMA was informed by German authorities that mediation between Tokyo and Vichy re the Indo-China problem was not advisable. Now Japanese Government intends, before the action, to propose to the French Government military co-operation for the joint defense of Indo-China, demanding immediate occupation of the said bases. The announcement of the move was made only shortly beforehand because it was intended to preclude a possible -- though not likely -- intervention of the Anglo-Saxon countries. Should these resort to military measures, contrary to expectations, Japan would fight. Preparations were made accordingly. Certain measures regarding maritime transport have also been ordered. No serious resistance is expected from the French.

The British ambassador has made inquiries at the Japanese Foreign Office about Japanese intentions, pointing to certain press reports saying that a Japanese move against Indo-China would take place in about 14 days; such intentions on the part of Japan were flatly denied. The American Embassy received a similar reply.

As reported, the Japanese government will probably for the time being content itself with the securing of Indo-China, soothing the (1 group missing in telegram) who are pressing for further action by pointing to the time necessary for preparation.

Director of the European Section, Japanese Foreign Office, stated that with regard to Indo-China Japan had to beat all others to the punch in order to get the start on action initiated by the Anglosaxons and DeGaullist. Besides, French Indo China must substitute economically after the breakdown of the economic negotiations with the Netherlands Indies.

In view of the (1 group missing in telegram) political significance of the occupation of Indo-China for the further development of the Southern question. The cohesion of the French Colonial Empire and also for direct German economic interests (raw rubber question, etc.) I would be thankful for an instruction as to what to say /sprach regelung/ as well as for the information whether the German Government was consulted.

OTT.

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 11A(3).

/S/ Ulrich A. Straus

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Telegram No. 273, addressed to Ambassador KATO in France, sent July 12, 1941.

1. In order to meet the serious international circumstances of the recent days and to make headway to establish the East Asia Co-prosperity sphere, the Japanese Government has decided in the Cabinet Council to take possession of military bases and to dispatch Japanese forces to South French Indo-China. And now we are going to make a proposal to that effect to the French Government. This decision was made by the Japanese Government with firm determination to realize it in spite of any hinderances by Britain and America and even if the French Government or the authority of French Indo-China oppose it, we are to force carrying it out.

539

2. Though the relations between Japan and French Indo-China have been improved gradually since last year, they are not yet satisfactory. And when Britain and America are going to enforce their boycott against Japan, unless we secure solid ground in South French Indo-China on this very occasion, it will be impossible, after all, to have her act entirely in concert with us. We feel that our requirement at this time to press her again to do the difficult thing in spite of her repeated conciliation, and we truly do not want this, and taking into consideration the recent attitude of France in approaching the axis powers, there might occur delicate relations. For all these facts, Japan is compelled to take this measure for her self-existence and self-defense and for pursuing her Southern policy.

540

3. I wish you, (Ambassador KATO), to open negotiation at once with the French. Once, in a general explanation covering the joint-defense to the advance of the Japanese forces, you will make the proposal of telegram No. 274 and receive her answer, yes or no, during the 20th, Japanese time. In various relations, it is most preferable for us that France give her consent to our requirement enabling us to disptach military forces in the form of peaceful occupation. However, if we do not make haste, it will give her a chance to prolong the negotiation and in the meanwhile Britain and America will make a fuss about it, which we must avoid to the utmost. We wish you to negotiate with her as fast as possible to force her to give a yes or no by the above-mentioned date at the latest. When she agrees to it you will exchange immediately with her the document shown in separate telegram No. 276. (Now, the military authority is gradually preparing to start on about the 20th, which date, in relation to strategy, is absolutely impossible

to be changed. If France agrees to it by that time, it will become a peaceful advance, and if not, a military occupation. I inform you just for your understanding only.)

541 4. This requirement of ours is done with an extraordinary firm resolution. You shall have France recognize thoroughly that if she refuses it and Japan has her troops advance from her own standpoint, it is possible that a grave change might occur to the situation of French Indo-China. It is needless to mention, if she gives consent to it, we are ready to secure solemnly the territorial integrity of French Indo-China and sovereignty of France over it. Even this proposal in itself, from another angle, is made from our inmost feeling to fulfil this responsibility. You may utilize fully this point in persuading her. When she consents to it, of course, we shall kindly afford facilities to supply goods and arms to French Indo-China as well as to axis powers.

542 5. From the conclusion of MATSUOKA - "Henri" Arrangement last year until the recent conclusion of the Franco-Japan Protocol and Economical Agreement, France has sincerely been endeavoring to approach Japan. But now, again, with such a military requirement being proposed, France will probably feel it as beyond her expectation. It is, however, the necessary measures due to the said serious circumstances of the recent days and you will have it understood fully by France that it is not because we intend to infringe boldly upon her sovereignty.

6. "Henri", the Ambassador to Tokyo, is suspected to belong to the "deGaulle" faction and it is a fact that contents of negotiation between the Japanese Government and him are secretly being informed immediately to the American and to the British Ambassadors to Japan. Therefore, this time, the negotiation is to be made at your place. As the matter is of great importance, I wish, you will negotiate directly with Marshal Petain. Of course, according to the conditions in the French Government, it cannot be helped that you may have to negotiate with Darlan. Further, if this proposal leaks out to British-American side, only involved difficulties are feared to take place uselessly, I wish you will give strict notice to the French Government to take full caution. Please telegram message to Germany, too.

C E R T I F I C A T E

I.P.S. No. 1383

Statement of Source and Authenticity

I, HAYASHI Kaoru hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office and that as such official I have custody of the document hereto attached consisting of 12 pages dated 12 July 1941 and described as follows: Telegram No. 273. No. 274 dated 12 July 1941 from Foreign Minister MATSUOKA to Ambassador KATO in France. I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files):

Foreign Ministry
Signed at Tokyo on this
27th Day of Sept. 1946

/S/ HAYASHI, K.

Signature of Official. SEAL

Witness: Nagaharu ODO

Chief of the Archives

Official Capacity SECTION

Statement of Official Procurement

I, John A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above certification was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
27th Day of Sept. 1946
Witness: T/4 I. TOGUCHI

/S/ J.A. CURTIS 2nd Lt.

NAME

INVESTIGATOR

Official Capacity.

No. 274 'separate telegram/'

To Ambassador KATO in France

July, 12th

1. The seriousness of the situation caused by sudden changes of recent international state of affairs, together with the military and political aggression of a Third Power in the South Seas, which is a part of the Great East Asia Co-prosperity Sphere, is obliging Japan to resort to all necessary and effective means of self-existence and self-defense. Furthermore the situation in French Indo-China, especially in the southern part, is such that a clique who doesn't want to cooperate with Japan together with Frenchmen of the "DE GAULLE" party is collaborating with England and America much to the anxiety of Japan. If as a result of this, French Indo-China joins the Anglo-American anti-Japanese encirclement policy and estrange herself from the mother country, France, as in the case of "SYRIA", it is not only a great loss to France, but also a matter of great concern to Japan. The prevention of such a situation, thus assuring security to French Indo-China against aggressions of a third Power, and perfecting the cooperation between Japan and French Indo-China, is not only the duty of France, but also the duty of Japan who is anxious to stabilize Great East Asia. Moreover, the situation is now so urgent that we cannot afford to allow it to take its own course even for a day. (If they deny the existence of such a situation, I want you to answer to the effect that even if the situation may not be so at present, in view of England's intention, it is clear that such a situation will inevitably arise sooner or later.)

P-544

P-544

P-545

P-545

In order to attain the aforementioned objective, the political understanding which came into existence in the past is insufficient, therefore Japan actively desires military cooperation with France for the purpose of the joint defense of French Indo-China.

P-545

2. In view of the recent situation which makes it very difficult for the French Motherland alone to effectively defend her colonies all over the world, and when the situation of French Indo-China is so urgent as mentioned above, it is impossible for Japan who is attaching importance to French Indo-China as an essential part of the Great East Asia Co-prosperity Sphere to remain an indifferent spectator. Therefore, if France truly plans the security of Indo-China, it is considered necessary to come to a complete concert and cooperation with Japan, not only in the economic field but also in the military sphere.

P-546

We believe that the only way for the French Government to really save French Indo-China from disorders is for her to have a clear picture of the state of affairs of the world, and take up this proposal candidly, placing her utmost confidence in Japan.

3. Therefore, the Japanese government requests the French government to consent to the following items for the concerted defense of French Indo-China and immediately take necessary measures. P-546

The following:

(a) Dispatch of necessary military strength, several ships, and necessary air force to the southern sector of French Indo-China. P-547

(b) As air bases, the following eight places, "SIEM-REAP" /phonetic/, "PNCM-PTNH" /phonetic/, "TOURANE" /phonetic/, "NHA-TRANG" /phonetic/, "BIEN-HOA" /phonetic/, "SAIGON", "SOCROTAN" /phonetic/, and "COMPOG-TRACH" /phonetic/ are to be used, and as sea transport bases the following two places "SAIGON" and "CAMRANG" Bay, are to be used and we are to set up the accompanying facilities.

(c) To recognize the freedom of manoeuver, residence, and movement of the stationed troops and to confer special conveniences to it. (including abolition of items concerning the restriction of residence and movement of the stationed troops mentioned in the NISHIHARA-MARTIN Pact) P-547

(d) To take suitable steps such as the temporary withdrawal of French Indo-China garrison forces and air forces from the vicinity of landing areas which will be indicated by another telegram, so that the French Indo-China army will not clash with the Japanese army.

(e) To recognize the fundamental principles concerning the actions of dispatched troops (landing points and landing troops are the same as those of the above-mentioned item d.) P-548

(However, since these matters belong to important military secrets, they must not be submitted until acceptance and recognition on all the aforementioned points are made. These matters will be clearly revealed to them together with the disposition of military strength after the troops are dispatched: and after a telegram to that effect reaches you.)

(f) Regarding the details of the movement of dispatched troops, a conference is to be held between the General Headquarters of the place (the SUMIDA organ) and French Indo-China after the French consent. However, if the agreements of the details are not completed when the troops reach the landing point, it will be held after the landing. P-548 P-548

(g) To offer the currency used by the dispatched troops. (details are in separate telegram No. 275)

Desire the transmission of wire to Germany.

SECRET

From: Canton
To: Tokyo
July 14, 1941.
Purple.

#255

To be kept secret within the Department.

Re my #253^a.

Subsequent information from military officials to the Attaches is as follows:

1. The recent general mobilization order expressed the irrevocable resolution of Japan to put an end to Anglo-American assistance in thwarting her natural expansion and her indomitable intention to carry this out, if possible, with the backing of the Axis but, if necessary, alone. Formalities, such as dining the expeditionary forces and saying farewell to them, have been dispensed with. That is because we did not wish to arouse greatly the feelings of the Japanese populace and because we wished to face this new war with a calm and cool attitude.

2. The immediate object of our occupation of French Indo-China will be to achieve our purposes there. Secondly, its purpose is, when the international situation is suitable, to launch therefrom a rapid attack. This venture we will carry out in spite of any difficulties which may arise. We will endeavor to the last to occupy French Indo-China peacefully but, if resistance is offered, we will crush it by force, occupy the country and set up martial law. After the occupation of French Indo-China, next on our schedule is the sending of an ultimatum to the Netherlands Indies. In the seizing of Singapore the Navy will play the principal part. As for the Army, in seizing Singapore it will need only one division and in seizing the Netherlands Indies, only two. In the main, through the activities of our air arm (in your city, the Spratley Islands, Parao, Thaiese Singora, Portuguese Timor and French Indo-China) and our submarine fleet (in the South Seas mandate islands, Fainan Island, and French Indo-China) we will once and for all crush Anglo-American military power and their ability to assist in any schemes against us.

3. The troops soon to occupy French Indo-China will be reorganized as the 25th Army Corps (one Army Corps consists of four divisions) and also the 30th Army Corps, consisting of the South China forces, which will be assigned

to special duty with airplanes, tanks, and howitzers. General IIDA (the IIDA Army mentioned in preceding ^{communications} telegrams has been changed to the Nishimura detachment) will be placed in command and general military headquarters will be set up in Saigon. All preparations have been made. The ship fees have been paid and the expedition will soon proceed from here.

J/US French-Indo-China, Army NE 1

a - Not available.

TELEGRAM
(Secret Cipher Process)

The German Foreign Minister (Koenigsberg) July 19, 1941;
arrived July 19, 1941, 1:05 A.M.
No. 678 of July 19.

(a) Diplogerma Tokyo
(2) Diplogerma Paris

Note: Transmitted to Tokyo under No. 1094 and to Paris under No. 3712.
Tel. Ktr. 19.7.41

Ambassador OSHIMA handed to the Foreign Minister the following memorandum with an appendix concerning the Japanese demands on France regarding Indo-China, on the 17th of this month:

"The Japanese Government has started negotiations with the French government with a firm decision in order to secure for herself, among other things, naval and air bases in Indo-China. A proposal made in this connection from Japanese side is attached in the Appendix. The realization of this plan is the first step for our push to the South. It will undoubtedly play an important part as a diversion of the English-American forces. In this sense the Japanese government believes that in pursuing this aim she is giving valuable assistance to Germany and Italy, loyal to the spirit of the Tripartite Pact. She therefore believes to be able to assume that the German government will not only refuse any entreaty of the French government to mediate a refusal or mitigation of the Japanese proposal but will also stand at the side of the Japanese government by endeavoring to convince the French government of the appropriateness of its acceptance."

End of the memorandum.

Appendix follows:
"Confidential

1. France and Japan undertake the obligation to cooperate militarily for the common defense of French Indo-China.
2. For this purpose the French Government will authorize Japan to adopt the following measures:

- (a) despatch of the necessary number of Japanese troops, fleet units and air units to South Indo-China;
- (b) use of the following eight localities as air bases: Siemreap, Phnom-Penh, Tourane, Nhatrang, Beinhua, Saigon, Scotrang and Kompongtrach.

CAMRAN

Use of Saigon and the Bay of ~~Camra~~ as naval bases; the Japanese forces will bring the necessary installations.

- (c) These forces will have all freedom regarding billeting, maneuvers and movements. Special facilities for the fulfillment of their task will be afforded to them. This also includes the rescission of the limitations provided in the Nishihara-Martin agreement.
- (d) The French Government will deliver to the Japanese forces the required amount of foreign bills of exchange; the Japanese government is willing to pay for these in accordance with modalities, mutually determined.

3. The French government will agree to a general plan of entry of these forces. The modalities of entry will be the topic of consultation between the local Japanese and Indo-Chinese authorities. In order to exclude the possibility of a conflict the French authorities will adopt appropriate measures such as the removal of Indo-Chinese forces from the neighborhood of landing points of the Japanese forces."

End of Appendix.

The Foreign Minister of the German Reich requests to use restraint in the matter.

(signed) Rintelen

Telegram (Secret Cipher Process) To be kept in locked file

Tokyo 20 July 1941 1.45 hours

Arrival 20 July 1941 3.05 hours

No. 1295 of 19 July

Most urgent!

Newly appointed Foreign Minister Admiral Toyoda has just asked me to see him and received me in the presence of the former Vice Foreign Minister Chashi.

Toyoda explained to me that he had considered it important, as one of his first official acts, to invite the German, and thereafter the Italian Ambassador in order to hand them a declaration on the change of government and the future policy of the government. Translation of the statement, couched in the Japanese language, will follow by special telegram.

I thanked the Foreign Minister for his statement, saying I would not fail to transmit the statement to my government immediately, which had been taken unawares by the sudden change and would welcome a statement by the new Foreign Minister.

I then asked whether the Indo-China action is influenced by the Cabinet change. This was denied by the Foreign Minister. Chashi added that the Japanese Government had pressed Vichy for a reply to their measures. Darlan had promised to state his views speedily so that a telegraphic report from the Japanese Ambassador was expected hourly. Should the French answer not be in the affirmative, the Japanese government would resort to force. It was, however, hoped to come to terms with Vichy on the details of the occupation.

OTT

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the german and english languages, and as a result of the comparison between the german and the english texts, I have established that this is a true and correct translation of International Prosecution Document No. 4052E.

/s/ Ulrich A. Straus

Telegram (Secret Cipher Process)

To be kept in locked file

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take a stand

modality

OTT

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/s/ Ulrich A. Straus

Doc. No. 4052 J
Item 21

Page 1

Telegram
(Secret Cipher Process)

Bangkok 18 July 1941 1415 hours
Arrival 18 July 1941 1440 hours

Urgent!

No. 190 of 18 July
Secret Reich Matter

At the same time to (one groupe garbled) the Navy General Staff attache group.

Japanese military attache group garbled reports:

To carry out the planned Siberian operation Japan, is erecting a defensive front against America, England, China and Netherlands Indies, aimed at the same time at the suppression of the de Gaulle movement, through the occupation of Indo-China. Deployment in Indo-China/Winterindienl/ shall be finished at the beginning of August. The continuation of the southward advance after the conclusion of the Siberian operation. By the obtaining of Norther Sakhalin a lightening of the oil situation is hoped for.

The strength of English forces on the southern border of Siam is estimated at thirty thousand, without Singapore garrison.

Identical to Tokyo.

SCHOLL

Note: Passed on through teletype office to secret cipher of Navy General Staff. Tel. Ktr. 18.7.41

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 4052.

/s/ Ulrich H. Straus

Doc. No. 4025E(7)
Item 13

Page 1

Telegram (Code Clerk) To be kept in locked file.

PARIS 21 July 1941 16.20 hours

Arrival 21 July 1941 17.20 hours

No. 2166 Most urgent!
(Secret matter of State)

Re: Your Telegram No. 3712 of 19 July 41, special train 678.

Today at noon Admiral DARLAN handed me a verbal note through State Secretary BENOISTMECHIN. Wording as follows:

"On 14 July 1941 the Japanese Government handed a verbal note to the French Government containing the following demands:"

The following is the text as attached to the Japanese memorandum as per your telegram 3712. The French note then continues as follows: This note was accompanied by a personal message from Prince KONCYE to Marshall PETAIN. In this message the president of the Japanese Privy Council states:

"I wish to emphatically assure you of JAPAN's firm determination to carry out the duties and to bear the responsibilities resulting from her solemnly undertaken obligation regarding the respecting of the territorial integrity of Indo-China and the sovereignty of FRANCE over that Union. JAPAN in no way intends to shun this obligation." The French Government has drawn to the attention of the Japanese Government that apart from the grave risk resulting from such action as far as the native population is concerned:

1) The acceptance of the Japanese demands, in the form of military co-operation would unavoidably be interpreted as a hostile action against ENGLAND and the UNITED STATES, which would imply a risk for the French Government of bringing on reprisals upon themselves.

2) Owing to the armistice France is not in a position to decide upon such an important decision without previously approaching the German Government.

As a result, the French Government has requested the Japanese Government in a note from 19 July to grant them the time required for an exchange of opinions on the matter with the German and Italian Governments.

Despite this argument, the Japanese Government insisted on receiving the reply of the French Government before 1800 hours, Tuesday, 22 July, noting that the Japanese troops would enter Indo-China with no respect for the contents of this reply.

In view of the gravity of the situation created thereby, the French Government has replied to the Japanese that they could not help but give in to violence. They still, however, asked the Japanese Government to consent in advance to the following points:

- 1) The sentence in Prince KONOYE's letter concerning the respect of French sovereignty will be made into a public declaration of which the French Government may make use of in dealing with Admiral DECOUX, the French administration, the native population, and, generally, with public opinion in FRANCE and Indo-China.
- 2) French troops in Indo-China will continue to guard all points where no Japanese forces are stationed, notably in the North, in order to prevent reprisal attacks from the Chinese Government.
- 3) The Japanese occupation is only temporary and strictly limited by the duration of the operations for which it is destined.
- 4) French-Japanese military cooperation is purely defensive in character.
- 5) The defensive military measures resulting from the new situation created in Indo-China by the stationing of Japanese land-, air-, and sea fighting forces will be taken by agreement between the French military authorities and the Japanese General Staff.

With the knowledge that they are defending in Indo-China, an area of the highest significance for the future of the European Commonwealth and loyal to her policy of Franco-German cooperation (Cooperation Franco-Allemande) the French Government regrets that circumstances beyond

her control have not enabled them to have the German Government participate in time in the Franco-Japanese talks. She expressly declines all responsibility as to the future political and economic consequences which the acceptance of the Japanese demands may have on the entire field of Franco-German relations.

The fact that under present circumstances/^{the} submitted note has merely the characteristic of an information, does not in any way weaken /the desire/ of the French Government, as soon as possible, to establish contact with the German Government in order to explain in detail her opinions on the question, and to jointly examine the political and other measures which appear suitable for protecting the European interests."

End of the wording of the note.

Regarding the possible economic consequences mentioned in the last passage of the note, BENOISTMECHIN pointed out that JAPAN could conceivably seize the raw rubber production of Indo-China and that FRANCE was not in a position to carryout her obligations. According to instructions, I abstained from committing myself in any way.

SCHLEIER

Certificate:-

I, Ulrich Straus, hereby certify that I am thoroughly conversant with the german and english languages, and as a result of the comparison between the german and the english texts, I have established that this is a true and correct translation of International Prosecution Document No. 4025E(7).

 /s/ Ulrich A. Straus

(Outgoing Letter)

LETTERS EXCHANGED BETWEEN AMBASSADOR KATO AND
FOREIGN MINISTER DARLAN

By order of my Government I have the honour to present for Your Excellency's consideration the following proposals:

1. France and Japan engage to cooperate for the joint defence of French Indo-China.
2. To this end the French Government shall grant to Japan the right to take the following measures:
 - (a) The dispatch to Southern Indo-China of the number of troops, naval, units, and air formations judged necessary.
 - (b) The use as air bases of the following localities: Siemreap, Phnom-penh, Tourane, Lhatrang, Bienhoa, Saigon, Soctrang and Moonpongtrach; as naval bases, Saigon and Camrand Bay. The necessary installations shall be set up in those places by the Japanese forces.
 - (c) These forces shall be granted facilities for billeting, carrying out manoeuvres and training. Their liberty of movement shall be recognized.

They shall also be accorded the special facilities necessary for the accomplishment of their task: this entails the suppression of restrictions provided in the Nishihara-Martin Agreement.

- (d) The French Government shall provide the necessary currency to the Japanese forces up to an amount of twenty-three million Indo-China piastres for the current year, or four million five hundred thousand Indo-China piastres monthly; this sum does not include the currency which have to be provided to the Japanese forces in Tonking in accordance with previous agreements. The Japanese Government is prepared to pay for the above mentioned currency at the choice of the French Government either in convertible yen, in U. S. dollars, or in gold.
3. The French Government shall agree to the general terms of the entry of these forces and take all pertinent steps to avoid the possibility of a chance clash with Indo-China Forces, such as the temporary withdrawal of these latter from the neighbourhood of the points of disembarkation of the Japanese forces.
4. The details concerning the movements of the Japanese forces shall be drawn up by agreement with the Japanese military authorities on the spot. I take the liberty of vigorously stressing to Your

Excellency that the French Government has an earnest desire to record its adherence to the above-mentioned proposals with the least possible delay, as the understanding arrived at ought, in the opinion of my Government, to be made the object of a formal agreement as soon as possible.

In presenting the above I beg once more to express my highest respect to Your Excellency.

Excerpts translated from Incoming Letter

The first part of Foreign Minister Darlan's reply acknowledges receipt of the letter from the afore-mentioned Ambassador Kato. The latter part of the letter appears the following reply on the part of the French. At the same time by another communication the aforesaid Foreign Minister expresses certain wishes under the headings A, B, C which appear below:

1. The French Government takes note of the new step taken on 20 July by the Japanese Ambassador which demands a formal reply before 6 o'clock Tuesday, 22 July, to the memorandum sent on 14 July.
2. Although it understands the necessities which bring about this step, the French Government must once more, earnestly draw the attention of the Imperial Government to the gravity of the consequences of the putting into operation of the plan announced in the memorandum of 14 July.
3. However, the circumstances are such that, taking into account the firm assurance given by His Excellency, Prince Konoye, in his letter of 13 July addressed to Marshal Petain, it has no other course than to bow before the insistence of the Japanese Government.
4. It is in this spirit, that, in cooperation with the Japanese Government, the French Government, true to the policy which it has always professed, will guarantee the defense of Indo-China against any attack and will share in defensive action having as its object such security, all offensive operations being excluded, in accordance with the agreement of French and Japanese local headquarters.
5. It must be well understood, on the other hand, that the presence of Japanese forces on the territory or in the waters of the Union shall be of only a temporary nature and that the Imperial Government will proceed to the total withdrawal of its forces as soon as the danger, in view of which they were admitted, has been removed.
6. Referring to the letter written by His Excellency Prince Konoye to the Marshall, the French Government is anxious to underline the fact that such a defensive cooperation does not imply any renunciation nor any limitation of the political rights of France once the

territories of the Union. Dominant considerations compel the French Government to demand of the Imperial Government to be good enough to demonstrate clearly in a public statement, in terms similar to those which appear in the message of His Excellency Prince Konoye the firm determination of Japan "to fulfil the duties to shoulder the responsibilities flowing from the solemn promise made by him with regard to the territorial integrity of Indo-China and of French sovereignty over this Union."

7. The French Government urges the extremely pressing necessity for such a declaration which is indispensable in the new circumstances for the maintenance of order in Indo-China and for the proper execution of the first steps rendered necessary by the arrival of Japanese armed forces.
 - A. (1) The French Government, intending, under the terms of its communication of today's date, to participate in the joint defence of Indo-China territory, relies on the Imperial Government supplying to the French Armed Forces in Indo-China supplementary means of defence of all kinds which the present urgency has not permitted France to obtain elsewhere. The French Government will be happy to know with the least delay the feeling of the Imperial Government on the preceding suggestions.
 - (2) In the same spirit the French Government will give to the Government-General of Indo-China all necessary instructions so that all military organizations actually on the spot shall remain available for defense, especially all coast defense works.
- B. (1) The French Government emphasizes the extreme importance which it attaches to the public statement relative to the respect for the integrity of Indo-China and for the sovereignty of France over this Union.
- (2) In the absence of such a statement neither French public opinion nor the troops stationed in Indo-China themselves would not understand and consequently would not admit the arrival of foreign forces into territories which are precisely those they are there to guard.
- C. As regards arrangements of a technical nature which figure in the Japanese proposals announced in the Japanese Ambassador's letter of 21 July, the Japanese Government will doubtless realize, as does the French Government, that their putting into execution must be the occasion for an examination by competent authorities, more particularly as regards the suggestion put out in Article 3 (at the end) relative to "the temporary withdrawal of Indo-China forces from the neighbourhood of the points of disembarkation of the Japanese forces."

726

Doc. No. 11A(5)

Page 1

Telegram (Secret Cipher Process)

Tokyo 22 July 1941 - 6:40 hours
Arrival 22 July 1941 - 1740 hours

No. 1317 of 22 July Most Urgent!

Secret! Re Telegram No. 1304 of 20th, pol VIII

When paying me a farewell visit former Vice Foreign Minister Ohashi told me today that Ambassador at Vichy had just wired that on the basis of unofficial information he was expecting today or tomorrow the unconditional acceptance of the main points of the Japanese demands re Indo-China by the French Government.

The Vice Foreign Minister commented that the commencement of the maritime transports was definitely to take place on 24 July, involving approximately 40,000 troops. It is estimated that it would take several weeks before the planned naval and air bases were completely set up and the troops quartered.

He had denied the intention, on the part of Japan to take military steps in Indo-China when the British ambassador asked him fourteen days ago. The United States of America has so far made no inquiries.

OTT

Certificate:-

I, Ulrich Straus _____, hereby certify that I am thoroughly conversant with the German and English languages, and as a result of the comparison between the German and the English texts, I have established that this is a true and correct translation of International Prosecution Document No. 11A(5) _____.

/S/ Ulrich A. Straus _____

728

	<u>Page</u>
Title and nature	1
Minutes of the Privy Council Meeting at the Con- clusion of the Protocol Between Japan and France for a Common Defense of French Indo-China and for an Exchange of Official Documents Regarding Military Cooperation	
Date of session	3
The meeting was held at 4:50 p.m., July 28, (Monday) 1941.	
It was honoured with His Majesty's presence.	
Members present:	
President HARA Vice-President SUZUKI	
Ministers:	(Seat No.)
Premier KONOE	No. 5
Home Minister TANABE	No. 6
War Minister TOJO	No. 7
Education Minister HASHIDA	No. 8
Communication & Railway Minister MURATA	No. 9
Navy Minister OIKAWA	No. 10
Finance Minister OGURA	No. 11
Foreign & Overseas Minister TOYODA	No. 12
Agricultural Minister INO	No. 13
Commerce & Industry Minister SAKONJI	No. 14
Welfare Minister KOIZUMI	No. 15
Justice Minister IWANURA	No. 16
Councillors:	5
KATAI	No. 19
ISHII	No. 20
ARIFA	No. 21
KUBOTA	No. 22
ISHIZUKA	No. 23
SHIMIZU	No. 24
MINAMI	No. 25
NARA	No. 26
ARAKI	No. 27
SUGAWARA	No. 29

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MATSUURA	No. 30	6
USHIO	No. 31	
HAYASHI	No. 32	
FUKAI	No. 33	
NIKAMI	No. 34	
OSHIMA	No. 36	
OBATA	No. 37	
TAKEKOSHI	No. 38	
MITSUCHI	No. 39	
IZAWA	No. 40	7
Members absent:		7
Princes:		
H.I.H. YASUHITO	No. 1	
H.I.H. NOBUHITO	No. 2	
H.I.H. TAKAHITO	No. 3	
H.I.H. KOTOHITO	No. 4	
Councillors:		
KANEKO	No. 18	
MATSUI	No. 28	
HANO	No. 35	8
Committee:		8
MURASE, Director of Bureau of Legislation		
IRIE, Councillor of Bureau of Legislation		
MIYAUCHI, Councillor of Bureau of Legislation		
SUZUKI, President of the Planning Board		
MIYAMOTO, Vice-President of the Planning Board		
SAITO, Director of South Sea Bureau of Foreign Office		
MATSUMOTO, Director of Bureau of Treaties of Foreign Office		
HARAGUCHI, Director of Exchange Bureau of Finance Office		9
ONOOKA, Director of Ship Controlling Bureau of Communication Office		
YONEDA, Controlling Officer of the Marine Transportation Bureau		
OKA, Chief of Military Bureau of Navy Office		

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SUZUKI, Chairman of Investigation Committee	
Chief-Secretary:	
HORIE, Chief-Secretary of Privy Council	
Secretaries:	
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TAKATSUCHI, Secretary	
HARA, President of Privy Council, states:	11
<p>We will open the session and discuss the conclusion of the protocol between Japan and France for a common defense of French Indo-China and the exchange of official documents regarding military cooperation. The First Reading Committee shall be organized, and the contents of the subject shall not be read.</p> <p>The report on the subject shall be delivered by the Chairman of the Investigation Committee immediately.</p>	
Reporter SUZUKI states:	11
<p>We, the attendants today, have been appointed the Investigation Committeemen by the Emperor's order to discuss the conclusion of the protocol between Japan and France for the common defense of French Indo-China and the exchange of official documents on military cooperation. We have held the committee meeting immediately to hear explanations from the ministers and other officers concerned and we have deliberated on the subject. I ask favour of your acknowledgment that I cannot find any time to deliver reports for discussion as the subjects are very urgent.</p> <p>According to the ministers' explanation, the relations between Japan and French Indo-China have become gradually better since last year,</p>	
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(1940) and the success of the economic negotiations between Japan and French Indo-China and of the border-dispute-mediation-conference between Thailand and French Indo-China in Tokyo this spring has given impetus to the better friendship between Japan and French Indo-China. However, the tendency of dependence upon Anglo-America still remains in French Indo-China.

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The so-called MATSUOKA-HENRI Agreement dated August 30, 1940 and the Economic Agreement concluded on the substance of the same have brought considerable fear for the expected success in its enforcement, and lately the Anglo-American economic encirclement against Japan in East Asia has become gradually characteristic of a military cooperation of Britain, U.S.A., Holland and China.

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Both in the interior of French Indo-China and, especially, in the southern region there are some who do not like to cooperate with Japan; and de Gaul and his party are trying to collaborate with Anglo-America.

Japan can never feel easy. If, as a result of it, French Indo-China cooperates with the policy of Anglo-American's encirclement against Japan and breaks away from France as Syria, it is not only a great loss to France, but also a serious problem to Japan. Therefore to prevent such critical situations and to keep French Indo-China secure from invasion by third nations and simultaneously to bring about cooperation between Japan and French Indo-China smoothly are very important from the points of self-existence, self-defense and of Japan's southward drive policy.

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The existing political understanding between the two nations cannot be sufficient for them. The Japanese government has realized that it is very necessary for Japan to make France closely cooperate with us in the military field.

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Therefore Japan ordered the Japanese envoy to France to negotiate with the French Government. The negotiations were concluded amicably. The protocol on the subject and the definite plan for exchange of official documents were obtained. The gist of the above-mentioned arrangements is as follows:

No. 1 The Protocol

In the preamble of this Protocol, the Japanese and the French Governments insert that in view of the present international situation, in case the security of French Indo-China is threatened, they shall recognize the reason to think that Japan's general peace and the security of the Far East also are not free from danger, and in this opportunity to renew the promises made by Japan (toward the French Government) to respect the rights and interests of France in the Far East, especially the territorial integrity of French Indo-China and the French sovereignty over the Indo-China Union, and the promises made by France (toward the Japanese Government) not to conclude any agreement or understanding which forecast political, economic and military cooperation opposing directly or indirectly against Japan, with any third nation.

And in the text the two governments (1) agree upon military cooperation for the purpose of joint defense of French Indo-China, (2) the necessary steps for the said cooperation shall be decided in a special agreement, (3) and decided that the provisions above mentioned shall be in force only during the period in which the situation which promoted the motive to adopt this agreement continues.

No. 2 The Official Document Exchanged

The object of this document is to conclude an agreement concerning the measures to be taken for the concerted defense of French Indo-China based on the provisions in the above mentioned Protocol with the form of reciprocating documents between the representatives of the two nations

and the following clauses decided in this document:

- I. Toward the Japanese Government the French Government shall admit
 - A. The dispatch of a necessary force of Japanese army troops, war vessels and air forces to the southern Indo-China.
 - B. The use of Siemreap and seven other places as air bases, Saigon and Camrang Bay as naval bases and to provide equipments for military purposes.
 - C. The right of quartering, manoeuvres and training of Japanese army, the freedom of action, and to award special conveniences for the performance of their duties.
 - D. And the French Government shall offer to the said Japanese army 23,000,000 Indo-China piastre in currency for this year namely about 4,500,000 Indo-China piastre monthly, (however the Japanese Government is prepared to repay with free yen, U.S. dollar or gold).
- II. The French Government shall approve the fundamental principles of the Japanese army's advance and in order to avoid occurrences of contingent clashes between the Indo-China army shall take all effective steps.
- III. The details concerning the activities of Japanese army shall be discussed and decided between the Japanese and French authorities at the actual place.

It seems to me, that with this matter, we aim to conclude an agreement which is necessary for the two nations in order to engage in the defense of

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French Indo-China in unanimous cooperation and for the self-defense of Japan, and furthermore it is indispensable for the stability of the Far East and the co-prosperity of Japan and France, so the conclusion of this agreement may be said to be an opportune measure, in view of the present strained international situation. Therefore, this matter was unanimously approved to be passed without amendment by the Investigation Committee. I report the result of the investigation.

Chairman (HARA):

As there is no special comment, I want to omit the reading under the second (reading) and instantly have a vote taken. I ask for a standing vote of those who support this.

(All members stand up)

Chairman (HARA):

It passed unanimously. I close the meeting today.

Emperor leaves.

(Closed at 5:10 p.m.)

Chairman:	Yoshimichi	HARA
Secretary-General	Sueo	HORIE
Clerks	Jō	MOROHASHI
	Masami	TAKATSUJI

Vichy, 29 July 1941

Your Excellency:

With regard to the protocol signed today by our two governments, I beg to request Your Excellency to confirm to me the agreement of the French Government to the following proposals:

- (1) The French Government grants to Japan the right to take the following measures:
 - (a) The despatching into South French Indo-China of Japanese troops, naval craft and air forces in a number judged necessary.
 - (b) Use of the following 8 places: SIEMREAP, PHNOMPENH, TOURANE, NHATRANG, BIENHOA, SAIGON, SOCTRANG and KOMPONGTRACH as airbases; and SAIGON and the Bay of CAMRANH as naval bases. The Japanese forces shall construct necessary facilities at the above-mentioned places.
 - (c) The above-mentioned Japanese troops shall be given the right of quartering, maneuvering and drilling and the freedom of their movement shall be recognized. Similarly, they shall be given special facilities for the accomplishment of their tasks. This includes the abolition of various restrictions stipulated in the NISHIHARA-MARTIN Agreement.
 - (d) The French Government shall furnish the necessary currency to the above-mentioned Japanese troops according to the modalities to be decided in common. For this year the amount of this currency shall reach 23,000,000 Indo-Chinese piastres, or about 4,500,000 Indo-Chinese piastres monthly. This amount shall not include the currency to be furnished to the Japanese troops in TONKIN, as stipulated in the previous agreements. The Japanese Government is ready to pay for the above-mentioned currency, at the choice of the French Government, in free Yen, American dollar, or in gold.

(2) The French Government shall give its consent to the general principles of the entry of the above-mentioned Japanese troops and take all effective measures for avoiding the occurrence of any unexpected conflict with the Indo-Chinese troops.

(3) The details concerning the movements of the Japanese troops shall be discussed and decided between the Japanese and French military authorities on the spot. I take this occasion to pay again my respects to your Excellency.

Yours sincerely.

Checked by : SADAYASU Mitoichi.

Translated by: K. SCHEA.

Protocol between France and the
Japanese Empire concerning the Joint
Defense of French Indo-China.

Signed at Vichy on 29 July, (1941), the 16th year of SHOWA
Put into effect on the same day of the same year
Promulgated (in the August 2nd issue of Gazette) on
the 1st August, (1941), the 16th year of SHOWA

The Imperial Japanese Government and the French
Government

Taking into consideration the present international
situation:

Recognizing that in consequence, in case the security
of French Indo-China is menaced, Japan will have the reason
to consider that the general tranquility in East Asia and
her own security are in danger.

Renewing on this occasion the engagements taken, on
the one hand by Japan to respect the rights and interests
of France in East Asia and especially the territorial
integrity of French Indo-China and the sovereign rights
of France in all parts of the Indo-Chinese Union, and on
the other hand by France not to conclude in respect to
Indo-China any agreement or understanding with a third
power anticipating political, economic and military coopera-
tion of a nature opposing Japan directly or indirectly:

Have concluded the following arrangements:

- (1) The two governments promise to cooperate militarily for the joint defense of French Indo-China.
- (2) The measure to be taken for the purpose of this cooperation shall be the object of special arrangements.
- (3) The above arrangements shall remain effective only as long as the circumstances which constituted the motive for their adoption exist.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed this Protocol which shall be enforced from this day, and have affixed their seals.

Drawn up in duplicate, in the Japanese and French languages, at Vichy, 29 July, 1941, corresponding to the 29th day of the Seventh month of the 16th year of Showa.

KATO Sotomatus (seal)

F. Darlan (seal)

We, after consultation with the Privy Councillors, sanction and hereby promulgate the Protocol between Japan and France concerning the Joint Defense of French Indo-China, which was signed on July 29, 1941 at Vichy by our Envoy Extraordinary and Ambassador Plenipotentiary and by the representative of France.

August 1, 1941

His Majesty the Emperor

Counter-signed by:

Premier Fumimaro KONOYE,

War Minister Hideki TOJO,

Navy Minister Koshiro OIKAWA,

Foreign Minister Teijiro TOYODA.

(Translation of incoming letter.)

VICHY, 29 July 1941

Your Excellency:

With regard to the protocol signed today between our two governments, I have the honor on confirming to Your Excellency the agreement of the French Government to the proposal included in the letter which Your Excellency addressed today and which is reproduced below.

With regard to the protocol signed today between our two governments, I beg to request Your Excellency to confirm to me the agreement of the French Government to the following proposals:

- (1) The French Government grants to Japan the right to take the following measures:
 - (a) The despatching to South French Indo-China of Japanese troops, naval craft, and air forces in a number judged necessary.
 - (b) Use of the following 8 places: SIEMREAP, PHNOMPENH, TOURANE, NHATRANG, BIENHOA, SAIGON, SOCTRANG and KOMPONG-TEACH as air bases; and SAIGON and the Bay of CAMRANH as naval bases. The Japanese forces shall construct necessary facilities at the above-mentioned places.
 - (c) The above-mentioned Japanese troops shall be given the right of quartering, maneuvering and drilling, and the freedom of their movement shall be recognized. Similarly, they shall be given special facilities for the accomplishment of their tasks. This includes the abolition of various restrictions stipulated in the NISHIHARA-MARTIN Agreement.
 - (d) The French Government shall furnish the necessary currency to the above-mentioned Japanese troops according to the modalities to be decided in common. For this year the amount of this currency shall reach 23,000,000 Indo-Chinese piastres, or about 4,500,000 Indo-China

piastres monthly. This amount shall include the currency to be furnished to the Japanese troops in TONKIN, as stipulated in the previous agreements.

The Japanese Government is ready to pay for the above-mentioned currency, at the choice of the French Government, in free Yen, American dollar, or in gold.

(2) The French Government shall give its consent to the general principles of the entry of the above-mentioned Japanese troops and take all effective measures for avoiding the occurrence of any unexpected conflict with Indo-Chinese troops.

(3) The details concerning the movements of the Japanese troops shall be discussed and decided between the Japanese and French military authorities on the spot.

I take this occasion to pay my respects to Your Excellency

Yours sincerely.