

AGREEMENT CONCERNING THE TRUCE BETWEEN FRENCH
INDO-CHINA AND THAILAND SIGNED AT SAIGON -
31ST JANUARY, 1941

1. Agreement in Japanese
2. Protocol in Japanese

The Agreement of Truce between French Indo-China and Thailand with a view to bringing the dispute between French Indo-China and Thailand to an end as soon as possible, the Japanese Government had proposed a mediation which was accepted by the French and Thailand Governments. The three governments mentioned above had appointed their respective plenipotentiaries who agreed upon the following terms:

Article I

The armed forces of both French Indo-China and Thailand will as a principle retreat ten kilometres respectively from their actual position as at 10 p.m. (local meridian time) 28th January, 1941. The troops of both nations will retreat to the following lines or points:

French Indo-China

1. Pailin
2. Sre Anteak
3. Ph. Dong
4. Kh. Damnak Preas Ang
5. The principal positions occupied between Kh. Samrong and Kh. Svay Chek as at 10 p.m. (local meridian time) 28th January 1941, shall be maintained, but the advance forces shall retreat.
6. Kandol
7. Arpail
8. Chong Kal
9. Anlong Veng
10. Cheom Kech
11. S. Trap Klol
12. Regions directly east of S. Trap Klol to Pakse State. Hereafter, the border of this state will become the boundary to the River Mekong.
13. Left bank of westernmost stream of the River Mekong.
14. And the left bank of the River Mekong in the north of Moulapamok.

Thailand

1. Bar Tang Su
2. Komrieng Krom
3. To a point 30 km. west of Ph. Dong
4. Ph. Vang Smak
5. The principal positions occupied between Kh. Samrong and Kh. Svay Chek as at 10 p.m. (local meridian time) 28th January 1941, shall be maintained, but the advance forces shall retreat.

Thailand

6. Boundary in the vicinity of Rolon Dong
7. Boundary north of Luang
8. Samrong (north of Chong Kai)
9. Boundary north of Anlong Veng
10. Boundary north of Cheon Ksen
11. Col de Preach Chamboek
12. Line 10 km. north of the line extending from Col de Preach Chamboek to Moulapanak
13. Right bank of the westernmost stream of the River Mekong
14. And the right bank of the River Mekong to the point where it joins the Nam Poui River in the north of Moulapanak.

Boundary

The territories of both countries not occupied permanently by either forces, and those areas not invaded by the other nation as at 10 p.m. (local meridian time) 28th, January, 1941, shall, of course, not be occupied militarily by either nation.

The third line drawn in the centre between a line joining the points to which the French troops will have retreated and a line joining the points to which the Thailand troops will have retreated, will be the limits for the execution of police powers of both nations at Camboe.

In the South Laos regions on the right bank of the River Mekong, the police power shall be exercised by Thailand officials in the areas north of the line joining Col de Preach Chamboek and Moulapanak, and it will be executed by the French Indo-China officials in the areas south of the same line.

In the North Laos regions on the right bank of the River Mekong, the police power shall be executed by the Thailand officials in the areas south of the River Nam Poui, and it will be executed by the French Indo-China officials in the areas north of the same river.

It is to be understood that the governments of both nations shall station policemen, armed with only pistols, and who are not members of the armed forces, within the areas of police jurisdiction mentioned above.

Article II

Navy vessels of both countries shall not cross the following lines:

The line that joins the boundary mark of both countries on the coast of Siam with a point long. 102° 40' E, Lat. 11° N., and in the south of this point, the line corresponding to the longitude that passes this point.

Article III

Military planes of both nations shall not fly over each others' territories and cross a line designated 10 km. behind the line decided in the above Articles I and II.

Article IV

The evacuation of the forces specified by the foregoing provisions shall be completed within seventy-two hours of the signing of the agreement.

Article V

In addition to the foregoing, the troops of both countries shall stop all military actions as might cause a recurrence of dispute.

Article VI

The term of truce shall be for two weeks commencing on the 28th January, 1941, and the final agreement of settlement of the dispute shall be agreed upon before the expiration of the foregoing term and in case the period should expire without reaching the final conclusion of the agreement, the condition of truce may be prolonged with the consent of the three governments concerned.

Article VII

The plenipotentiary of the Japanese Government shall sign and seal the truce and supervise the execution of the provisions therein.

Article VIII

The governments of both nations shall afford every facility to the Japanese delegates in executing their duties of supervising the truce.

Article IX

The Prisoners of War of the respective countries shall be sent back immediately after the agreement for the final settlement of disputes shall have been signed and sealed.

Article X

The languages to be used in the framing of this agreement shall be Japanese, French and Thailand; and in case of difference in the interpretation of the text it shall be settled by the Japanese text.

DATED: 31st January 1941.

(Signatures follow).

DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

14
Enclosure no. 1 to
Despatch no. 10 of
Sept. 26, 1940 from the
Embassy at Vichy.

[TRANSLATION]

TC No.

Copy

EXCHANGE OF LETTERS DATED AUGUST 30, 1940
BETWEEN THE AMBASSADOR OF FRANCE AT TOKYO
AND THE MINISTER OF FOREIGN AFFAIRS OF JAPAN

I have the honor to inform Your Excellency that the French Government recognizes the dominant interests of Japan in the Far East in the economic as well as in the political domain.

My Government accordingly relies on the Imperial Government's being good enough to give it assurance that Japan intends to respect the rights and interests of France in the Far East and, in particular, the territorial integrity of Indochina and the sovereign rights of France in all parts of the Indochinese Union.

With respect to the economic domain, France is ready promptly to negotiate means of developing exchanges between Indochina and Japan and to guarantee to Japan and its nationals, in Indochina, the most advantageous possible situation and, in any case, a predominating situation as compared with that of other third powers.

With respect to the exceptional military facilities which Japan has requested, France takes note of the fact that they are only meant, in the intent of the Japanese Government, to make possible the settlement of its dispute with General Chang-Kai-Shek, which facilities are temporary and will disappear when the dispute shall have been settled; finally, that they are applicable only to the Indochinese province bordering on China.

In these circumstances, the French Government is ready to instruct the commander of French troops in Indochina to discuss military questions with the Japanese Government. None of the demands which the Japanese Government has presented is excluded a priori; instructions sent to the French military authorities will not limit their power in this regard.

These conversations will be held under the following conditions:

Military chiefs will, under the protection of their word of honor as soldiers, exchange information to make possible accurate knowledge of the needs of the Japanese army and the manner in which the said needs might be met. These needs have to do only with the conduct of operations in Chinese provinces bordering on Indochina.

Following this exchange of information, trustworthy contacts will be made between the Japanese and French military authorities for the granting to the Japanese army of the military facilities in question.

The French Government will have no financial burden to bear on account of the various facilities which will be granted to Japanese troops; these facilities will not have the character of a military occupation, but will be strictly limited to the needs of the operations and will be provided through the French military authorities and under their supervision.

Finally, the Japanese Government undertakes to assume the cost of reparations for damages which might be caused Indochina both by the acts of war themselves and by acts of opposing troops whom the mere presence of Japanese forces might have brought to Indochina.

I have the honor to acknowledge receipt of Your Excellency's letter dated _____, the text of which is as follows:

(Integral text of the French Ambassador's letter)

In reply to Your Excellency's letter, I have the honor to inform you that the Government of Japan gives assurance to the French Government that Japan intends to respect the rights and interests of France in the Far East and, in particular, the territorial integrity of Indochina and the sovereign rights of France in all parts of the Indochinese Union.

The Government of Japan, furthermore, agrees to the proposals presented to it by the French Government and expects the negotiations intended to satisfy the Japanese demands to be opened without delay and promptly brought to a successful conclusion. It expresses the hope that the French Government will give the Indochinese authorities the necessary instructions to that end.

DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

Enclosure no. 2 to
Despatch no. 10 of
September 26, 1940
from the Embassy at
Vichy.

[TRANSLATION]

TC No.

CONF

Vichy, September 23, 1940

MEMORANDUM

"Preliminary Agreement"
of September 5.

1. Landing of Japanese troops: Japanese troops may use the port of Haiphong for landing.

But they must conform to the following conditions:

a) landing shall be effected solely by merchant ships; warships are not to approach within 6 miles of a specified line;

b) no quartering will be authorized at Haiphong, which must be cleared within the shortest possible time.

2. Quartering authorized in the quadrilateral: Yen-Bay, Vinh, Yen-Binh-Xa, Laokay.

A base of operations may be established at Yen-Bay.

3. Aviation - Use of three air fields at Phu-Tho, Vinh-Tien and Laokay.

4. Effectives and location of elements:

Haiphong: 400 men

Hanoi: General Nishihara and his general staff.

Airfields: Small guard

Railroads, highways: None, guard being provided by us alone.

DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

Enclosure no. 3 to
Despatch no. 10 of Sept. 26,
1940 from the Embassy at
Vichy.

[TRANSLATION]

TC No.

Copy

Vichy, September 23, 1940

MEMORANDUM

Draft Franco-Japanese
Agreement of September 20,
1940.

1. Landing of Japanese troops:

at Haiphong, the night of September 22-23.

2. Aviation:

use of 4, and possibly 5 airfields.

3. Effectives:

Giving up the idea of attacking China for the present, the
Japanese command does not insist on sending 25,000 men into Indochina.

It agrees to limit the troops stationed in Indochina to 6,000 men.

But it requests authorization to have part of the troops now in
difficulty in Kouang-si pass through Tonkin.

All other points of the agreement of September 5 are maintained.

Enclosure no. 4 to
Despatch no. 10 of Sept.
26, 1940 from the Embassy
at Vichy.

DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

[TRANSLATION]

TC No.

Vichy, September 23, 1940

MEMORANDUM

Japanese demands of
September 20.

Scarcely had the agreement of September 20 been concluded when General Nishihara presented new demands, which are:

1. Entry via Langson, at the same time as the landing at Haiphong, of a division 20,000 men strong stationed at Longtcheou;
2. Establishment of the Japanese general headquarters with all its services and a hospital at Hanoi.

These requests, supported by an ultimatum from Hanoi, were rejected.

DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

Enclosure no. 5 to
Despatch no. 10 of
Sept. 26, 1940 from
the Embassy at Vichy

[TRANSLATION]

TC No.

Copy

September 23, 1940

MEMORANDUM

Agreement of September 22.

1. Three airdromes, those at Phu-tho, Gia-Lam and Lackay (or Phu-lang (thuong) may be used by the Japanese command.
2. The numerical importance of the flying force and force guarding the airdromes, to be specified later, may not exceed the total number of 6,000 men.
3. Provision for a right of transit in case of operations against China, with the total number of Japanese effectives simultaneously present in Indochinese territory not to exceed 25,000 men.
4. Provision for the evacuation via Haiphong of a Japanese division which might be in difficulty in Kouang-si. The conditions under which this transfer would be effected will be determined by the French command.
5. The first vessels bringing troops will anchor off Haiphong in the morning of September 23.

DOC. 1258

Franco-Japanese Treaty of Residence and Navigation
Relative to French-Indo-China.

(Correction):

On page one read instead of JUN. Matsumiya, Envoy Extraordinary and
Ambassador Plenipotentiary, read HAJIME Matsumiya.

Franco-Japanese Treaty of Residence and Navigation
Relative to French Indo-China.

His Majesty, the Emperor of Japan, and the Chief of State of France, desiring equally to further the good neighborly relations and to develop the economic relations between Japan and Indo-China, and believing that a clear, precise determination of the regulations applicable to the residence and navigation between Japan and Indo-China would contribute to the actualization of the most desirable results, have decided to conclude for this purpose a treaty of residence and navigation and have appointed as their plenipotentiaries the following:

His Majesty the Emperor of Japan:

Yosuke MATSUOKA, Foreign Minister,
Jun MATSUMIYA, Envoy Extraordinary and Ambassador Plenipotentiary

The Chief of State of France:

Arsene-Henry, Envoy Extraordinary and Ambassador
Plenipotentiary of France to Japan,
Rene Robin, Honorary Governor-General of the Colonies,

who, after showing to each other their respective commissions of full powers and finding these to be in good and proper form, have agreed on the following articles:

Article I.

The nationals and native subjects, /"ressortissants"/ of each of the two countries shall have full liberty, with their families, to enter and reside in all the expanse of the territories of the other. Under the condition that they will conform to the laws of the country, they shall enjoy the following rights:

1. They shall, in all matters concerning travel and residence, be treated in the same manner as the nationals of the country;
2. They shall, like the nationals, have the right to carry on business and manufacturing industry and to deal in all articles which are the objects of lawful commerce, whether it be operated in person or by agents, whether alone or in partnership with foreigners or with nationals;
3. They shall be, in matters concerning the engagement in industry, trade, or profession, and the pursuit of studies or scientific investigations, treated, in all respects, the same as the nationals and native subjects of the most favored nation.
4. They shall be able to own or lease and occupy homes, factories, warehouses, stores and places which are necessary to them, and to lease land for the purpose of residing or utilizing them for the object of lawful commerce, industry, agriculture, or other business.

5. They shall be able, under reciprocal conditions, to obtain or to possess freely all kinds of movable or immovable property, which the laws of the country permit, or may permit this acquisition or possession to the nationals and native subjects /"ressortissants"/ of the most favored nation; they shall be able to dispose of the said movable or immovable property by sale, exchange, donation, marriage, will or in any other manner, under the same conditions which are prescribed or may be prescribed in respect to the nationals themselves. They shall also be able to export freely the proceeds of the sale of their properties, and all accessories, without being subjected, on the ground that they are foreigners, to other taxes or heavier taxes than those to which the nationals are subjected under the same circumstances;
6. They shall enjoy constant and complete protection and security of their bodies and properties; they shall have free and easy access close to the courts and tribunals for the prosecution and defense of their rights, and they shall be, like the nationals themselves, free to choose and employ lawyers, solicitors and other law-office agents to represent them at the courts and tribunals, and in general they shall have the same rights and privileges as the nationals in all matters concerning the administration of justice;
7. They shall be exempted from all compulsory military service, whether it be in the army, navy, or air forces, whether in the national guard or militia, and also from all contributions imposed in lieu and place of personal service. They shall be also exempted, regardless of peace or war time, from all compulsory subscription of public bonds and all military requisitions or contributions, with the exception of those which are levied on them similarly as on the nationals themselves, in their capacity as the possessors, tenants or occupants of the immovable properties. In respect to the foregoing matters, the nationals and native subjects /"ressortissants"/ of each of the two countries shall not be treated, in the territories of the other, less favorably than the nationals and native subjects /"ressortissants"/ of the most favored nation;
8. They shall not be subjected to assessments, taxes, fees or contributions, of whatever they may be, different or higher than those which are imposed or may be imposed on the nationals. These provisions shall not preclude, in case of necessity, the collection of fees concerning the execution of police procedures or of so called sojourn taxes. However, the nationals and native subjects /"ressortissants"/ of the two countries shall possess the most favored treatment concerning the tariff;
9. They shall possess an absolute freedom concerning religion; they may erect and possess a place of worship, worship publicly or privately, and build, possess and maintain cemeteries according to their religious custom and they may establish educational, religious, charitable or philanthropic institutes;
10. The premises, warehouses, manufactories, and shops or all other accessory places possessed by nationals and native subjects of either country and in the domains of the other, shall not be trespassed if legally used.

Neither can they be inspected or searched nor can the account-books, documents or statistics be examined and inspected unless under the conditions and method prescribed in the ordinance for the nationals themselves.

Article 2.

The existence of Japanese commercial, industrial and financial joint stock companies and other companies or associations shall be acknowledged by Indo-China if the organization or purpose does not violate the public peace in the territories of Indo-China. The existence of commercial, industrial or financial joint stock companies and other companies or commercial associations established legally in accordance with French laws and existing and carrying on business in Indo-China shall be acknowledged by Japan if the organization or purpose does not violate the public peace in the territories of Japan.

The above-mentioned companies or commercial associations shall enjoy the treatment allowed to the most favored nation when carrying on the business in the territories of either country in accordance with the laws.

The above-mentioned companies and commercial associations and their branch offices or agencies shall not be levied customs duties, commissions, taxes or contributes, regardless of their nomenclature, different or higher than those charged on the companies or commercial associations of the most favored nation. Concerning the taxes calculated on the capital, profits and interests, these companies or commercial associations or their branch offices and agencies shall be levied in that country taxes, according to their nature, in proportion to that part of the capital invested in that country, the property possessed, the negotiable instrument, the profits acquired and the business done in the said country.

Article 3.

In case of the death of a national or native subject /"ressortissant"/ of either one of the two countries in the territories of the other, if the deceased does not leave in the country where he died an evident heir or an executor of his will, the competent local officials shall immediately give notice of his death to the consular official of the country of which the deceased is a national or native subject, in the district where the death occurred.

On demand of the consular official, the competent local officials shall complete the notification by delivering a copy of the certificate of death in due form and free of charge.

In the case of the absence or incompetence of a successor or one of the successors, or in case of the absence of the executors, the consular official may request the competent authorities to take necessary measures for recognizing and preserving the rights of the successor.

In case a national or native subject of one of the two countries who possesses some property in the territories of the other dies outside the above mentioned territories, the preceding provisions shall be applied correspondingly.

Article 4.

Merchants or manufacturers who are the nationals or native subjects of one of the two countries may, in the territories of the other country, whether personally or by commercial travellers, make purchases or take orders, with or without samples and models. These merchants, manufacturers and their commercial travellers, in making purchases or in taking orders, shall enjoy, in all matters, the treatment of the most favored nation.

Articles imported as samples and models for the above-mentioned purposes shall, in each of the two countries, be admitted temporarily duty-free in conformity with the customs regulations and formalities established in order to secure their re-exportation or the payment of the prescribed customs duties in case of non-re-exportation within the period fixed by law. However, this privilege shall not be extended to the articles which, because of their quantity or value, cannot be considered as samples or models, or which, because of their nature, cannot be identified at the time of re-exportation. The right of deciding whether the sample or model may be admitted duty-free shall belong exclusively, in all cases, to the competent customs authorities of the place where the importation has been made.

The two Governments shall notify each other the organs charged with the right to issue the credentials which may be required of the merchants, manufacturers and commercial travellers, and also of the model of the above credentials.

Article 5.

The nationals and native subjects of each of the two countries shall enjoy, in the territories of the other country, the same rights as those enjoyed by the nationals themselves in all matters concerning the protection of patent-rights, manufacturing and commercial labels, all kinds of industrial designs and models, trade styles, and the indication of the place of origin, and in all matters concerning the repression of illegal competition, provided that they fulfill the formalities and conditions prescribed by law.

Article 6.

The Japanese and French merchant ships entering or leaving Indo-Chinese or Japanese territorial waters or ports, whatever be the place of their departure or destination, shall not be subjected, in entering or leaving port, to any taxes or fees, whatever their denominations be collected in the name and account of the country, state, city, town, village, competent public or private organizations, different from or higher than those which are imposed on the merchant ships of the home country.

It is the intention of both contracting parties to agree to grant to the other countries' vessels all rights and privileges equal to those which are granted or may be granted to home vessels. In all matters concerning the mooring, loading, unloading and replenishing of vessels in ports, anchorages and docks, and generally all formalities and regulations to which the merchant ships, their crews or cargoes are subject, or all operations which merchant ships may perform, it is agreed that the privileges and favors which are or may be accorded to the home vessels shall be equally accorded to those of the other country, the intention of the two Contracting Parties being that, under this relation also, their vessels shall be treated on the footing of perfect equality.

Article 7.

The passengers and their luggages on ships prescribed in the preceding article shall receive the same treatment as when travelling on ships of their own country.

The cargoes of the said ships, regardless of the place of origin or dispatch, shall not be levied custom duties or assessments different from or higher than that levied on cargoes transported by ships of the home country. Especially, all merchandise imported or may be imported, lawfully, to the port of one of the two countries on ships of the home country, shall equally be imported to the same port on ships of the other country, and in this case, the said merchandise, regardless of names, shall not be levied duties or taxes different from or higher than that levied on merchandise imported by ships of the home country. The above mutual treatment of equality shall be applicable whether the said merchandise comes directly from the place of origin or from any other country. Likewise, both countries shall receive the treatment of absolute equality pertaining to export; and accordingly, on all products, exported or may be exported lawfully from the respective domains of both countries, whether transported by Japanese or by French vessels, and regardless of the place of destination, shall be paid the same amount of export duties and receive the same amount of subsidies or drawbacks.

Article 8.

The Japanese or French vessels charged with regular mail transport, whether they are government vessels or owned by companies receiving subsidies from the government for the same purpose, shall have the same advantages, privileges and exemptions, in the territorial waters of the other country, as similar vessels of the most favored nation.

Article 9.

When vessels of either country call at a port of the other, because of wreckage, running aground, damage at sea, or on force majeure, assistance, protection or exemption equal to that permitted to the home vessels under the similar conditions shall be permitted, whether the said vessel belongs to the

government or to a private firm. Everything rescued from the said vessel or from its cargo when not disposed of in that country, shall be exempted from customs duties. When disposed of within that country, regular customs duties shall be paid.

Article 10.

The consular officers of each of the two countries shall exclusively take charge of maintaining order on board the merchant ships of their country. They shall settle all disputes which may arise among the captain, officers and crews, and especially disputes pertaining to the fulfillment of employment contracts. The local authorities shall be able to intervene only when the disorders arising on board the ships are of such a nature as to disturb the public peace and tranquility on land or in the port, or when some nationals of the country or some persons not belonging to the crew are participating in the disorder.

Article 11.

The consular officers of each of the two countries shall receive, from local authorities of the other country, and in conformity with the laws of the country, aid and assistance for the arrest and transfer of deserting members of the crew of the merchant ships of their country, except when the deserting members are nationals of the country.

Article 12.

The High Contracting Parties agree that, in all matters concerning residence and navigation, all privileges, favors or immunities which one of the two countries accords or may accord to another state, shall be extended, immediately and without condition, to the other country, their intention being to assure the other country the treatment of the most favored nation in all relations.

Article 13.

The stipulations of the present Convention concerning the treatment of the most favored nation shall not be applied:

1. To special advantages which are accorded or will be accorded to an adjoining state to facilitate frontier trade;
2. To special advantages resulting from a customs union;
3. To advantages based on contracts which are accorded or which may be accorded to a third state in order to avoid double taxation.

Article 14.

In the application of the present Convention, it is understood that:

1. The expressions "the two countries", "each of the two countries", mean Japan and Indo-China; the expressions "one of the two countries", and "the other country" mean Japan or Indo-China;
2. The term "state", when it concerns France, means the French Government or the Government-General of French Indo-China;
3. The term "nationals and native subjects" /"ressortissants"/, when it concerns Indo-China, means French citizens who have their domiciles or their principal establishments in Indo-China, the French subjects or proteges who are natives of Indo-China or who have their domiciles or their principal establishments in Indo-China;
4. The term "nationals", when it concerns Indo-China, means French citizens who have their domiciles or their principal establishments in Indo-China;
5. The expression "Japanese merchant ships" means the merchant ships which navigate under Japanese flag and which have on board the documents required by Japanese laws for establishing Japanese nationality.
6. The expression "French merchant ships" means merchant ships which navigate under French flag, registered in Indo-China and which have on board the documents required by the French laws for establishing French nationality.

Article 15.

The stipulations of the present treaty is applicable to all the territories and possessions belonging to or under the jurisdiction of Japan, and to all the territories constituting the Government-General of French Indo-China.

Article 16.

The present treaty shall be ratified, and the instrument of ratification shall be exchanged in Tokyo as soon as possible. However, the French Government may, in case of necessity, substitute for the instrument of ratification a written notification of ratification, in which case the French Government shall dispatch the instrument of ratification as soon as possible to the Japanese Government.

The present treaty shall come into effect from the day of the exchange of the instrument of ratifications.

The present treaty shall be effective for five years.

If neither of the two contracting parties notifies the other a year before the expiration of the five-year period, its intention of ending the present treaty, the treaty shall remain effective until the expiration of one year from the day when one of the Contracting Parties made this notification.

The present treaty replaces the declaration of June 10, 1907, concerning French Indo-China, the declaration of August 19, 1911, concerning French Indo-China, and the protocol of August 30, 1927, prescribing the system of residence and navigations between Japan and Indo-China.

In witness whereof, the respective plenipotentiaries have signed the present treaty and affixed their seals thereto.

Drawn up in duplicate, in Japanese and in French, in Tokyo, on the 6th of May in the 16th year of Showa, that is on May 6, 1941.

Yosuke MATSUOKA
Jun MATSUMIYA
Charles Arsene HENRI
Lene ROBIN.