

THE SOVIET-JAPANESE TREATY AND THE ISSUE OF BESSARABIA

Radu Ștefan VERGATTI*

Abstract. The unification of Bessarabia to Romania has not been recognized by the signatory powers of the Paris Peace Treaty of 1920. The main cause has been the opposition of the Japanese Empire to ratify this act. The Soviet Union maneuvered its diplomatic actions in such a way to buy the Nipon Empire goodwill. The Japanese Empire has not signed the treaty. Moreover, it delayed its signature until 1939, when the Ribbentrop-Molotov Treaty unleashed Iosif Visarionovici Djugashvili Stalin's hands, creating him once again the opportunity to occupy Bessarabia. At the same time USSR abusively annexed the Northern Bukovina and Hertza Country which in the past belonged to the former Habsburg Empire.

Keywords: Bessarabia, Romania, unification, international, treaty, ratification

Following a long period of neutrality, on the 14th/27th of August 1916, Romania declared war, and on the same night entered into fight against the Austro-Hungarian Empire¹. Immediately after that, on the 17th/30th of August 1916, declaring solidarity with Vienna, the German Empire opened the front against Romania². Two days later, on the 19th of August/1st of September 1916, the Kingdom of Bulgaria and the Sublime Porte communicated to Bucharest that they both started the war against the country³.

Romania left behind neutrality and entered into the First World War in consequence of a secret agreement with the Entente, concluded on the 4th/17th of August 1916⁴. Through this the Entente promised to support Romania at the end of the War to unite with Transylvania⁵, inhabited by a Romanian majority⁶, with

* Full member of Academy of Romanian Scientists.

¹ Cf. Constantin Kirițescu, *Istoria războiului pentru reîntregirea României, 1916-1919 (The History of the War for the Completion of Unity of Romania, 1916-1919)*, vol. I, 3rd edition, Bucharest, 1989, p. 203 et al.

² Idem, p. 219 and following.

³ *Ibidem*.

⁴ Idem, p. 200 and following.

⁵ *Ibidem*.

⁶ In an official census of 1910 it is specified that out of the total 5,263,602 inhabitants of Transylvania 2,830,040 were Romanian, i.e. 53.8%. On the other hand, there were 1,664,296 Hungarians, i.e. 31.6%. The rest of the population of Transylvania were Saxons, Schwabs, Jews, Gypsies, Czechs, Slovaks, Serbians, etc. Under those circumstances the propaganda and oppression from Budapest were stronger (cf. Mircea Mușat, Ion Ardeleanu, *De la statul geto-dac*

Bukovina, then under the administration of Vienna¹ and with the Banat, in the same administrative situation², but insistently claimed by the Serbs, too³.

After the capitulation of the German Empire on November 11th, 1918 (signed in the *Rotonde Hall* of Compiègne Railway Station), the movements of the Romanians for the formation of Greater Romania intensified⁴. This was in line with the general context of establishing ethnic states, consequently to the breakup of the multinational empires – the Austro-Hungarian Empire, the Sublime Porte, the Tsarist Empire. In a natural way on the 15th/28th of November 1918 in the Synod Hall in Chernauts, the Romanian National Council of Bukovina declared unanimously the union of Bukovina with Romania⁵. On the 18th of November/1st of December 1918 in the Hall of the Officers' Casino in Alba-Iulia the 1,228 delegates representing the population of Transylvania voted unanimously the union of Transylvania with Romania⁶. It is noted that then, on a freezing day, 100,000 people, Romanians, came to Alba-Iulia, surrounded the hall where the works of the delegates were taking place and waited patiently for the result – the decision of the union.

Prior to these events, after the fall of the Tsarist Empire,⁷ the proclamation of the Republic in Russia (the 14th of September 1917), the Bolsheviks taking over power (24th of October/7th of November 1917) and the promulgation of the Declaration of the Rights of the Peoples of Russia⁸, in the Eastern part of Moldova, comprised between the Prut and the Dniester Rivers, known as 'Bessarabia', on the 2nd/15th of December 1917 the Council of the Country proclaimed the Moldavian Democratic Republic. This was a full member of the

la statul român unitar (From the Geto-Dacian State to the Unitary Romanian State), Bucharest, 1983, p. 621 and following).

¹ Cf. Ion Nistor, *Istoria Bucovinei (The History of Bukovina)*, 2nd edition, Bucharest, 1991, passim.

² Cf. Ray Stannard Baker, *Woodrow Wilson and World Settlement*, vol. I, New York, 1922, p. 55-56; R. W. Setton-Watson, *A History of the Roumanians from Roman Times to the Completion of Unity*, Cambridge, 1934, p. 475-554; Ioan Hațegan, *Habitat și populație în Banat (secolele XI-XX) (Habitat and Population in Banat – 11th-20th centuries)*, Timisoara, 2003, passim.

³ *Ibidem*; *Desăvârșirea unității național-statale a poporului român. Recunoașterea ei internațională. 1918. documente interne și externe. August 1918-iunie 1919 (The Completion of the National-State Unity of the Romanian People. International Recognition. 1918. Internal and External Documents. August 1918 – June 1919)*, 3rd vol, Bucharest, 1986, p. 102.

⁴ Cf. *Istoria Românilor (The History of the Romanians)*, 7th vol. VII, 2nd tome, *De la Independență la Marea Unire (1878-1918) (From Independence to the Great Union – 1878 – 1918)*, coord. Gh. Platon, Bucharest, 2003, p. 530 and following.

⁵ *Idem*, p. 531 and following.

⁶ *Ibidem*.

⁷ On the 2nd/15th of 1917 Tsar Nicholas II abdicated in favour of his brother, Grand Duke Mikhail; the Grand Duke on the 3rd/16th of March 1917 abdicated in favour of the State Duma, led by the Prince of Lvov.

⁸ Cf. *Istoria U.R.S.S. Epoca socialismului (1917-1957) (History of the USSR. The Socialist Era – 1917 – 1957)*, Bucharest, 1958, p. 79.

Russian Democratic Federative Republic¹. On January 24th, 1918 the same Council of the Country declared the Moldavian Republic *Free, Self-Standing and Not-attached*, being the only one with the right to decide its future destiny².

Actually, from then on this meant the breaking off from Russia and becoming independent.

On the 27th of March/9th of April 1918, in the Palace of Liberty in Kishinev the Council of the Country voted the return by union of the Free Republic of Moldova to Romania³. King Ferdinand I recognized the act of union with Romania through the Royal Decree no. 842/1918⁴.

The Government of Romania, headed by Alexandru Marghiloman, who participated at the union, justified its position with demographical and historical arguments. Undoubtedly the most important arguments were the demographic data: 70.25% of the population was of Romanian ethnic origin, 10.25% - Ukrainian, the rest being a mix of Russians, Jews, Germans, Bulgarians, Tartars, etc., each of them representing a minor ratio⁵.

The new borders of Romania have been recognized by the German Republic on the 29th of July 1919 through the Peace Treaty signed in Versailles by the Republic of Austria on the 10th of September 1919, through the Peace Treaty signed in Saint Germain by the Kingdom of Bulgaria on the 27th of November 1919, through the Peace Treaty signed in Neuilly by the Kingdom of Hungary on the 4th of June 1919, through the Peace Treaty signed in Trianon.

Consequently, on the 28th of October 1918 Romania could sign in Paris the Peace Treaty with Great Britain, France and Japan. The Treaty recognized internationally the new borders, i.e. including Bessarabia too within the borders of Greater Romania.

On the 14th of April 1922 Great Britain ratified the Treaty with Romania⁶, and on the 24th of April 1924 France did the same⁷. The Italian legislator decided to ratify the Treaty only on the 7th of March 1927⁸.

The actions of the legislators in London, Paris and Rome were completed with great difficulty due to the obstinate opposition of the Soviet Government. The Kremlin, through the voice of V. I. Ulyanov-Lenin, declared that they would

¹ Cf. Ștefan Ciobanu, *La Bessarabie. Sa population – son passé. Sa culture*, Bucarest, 1941, pp. 107-108.

² *Idem*, p. 109-111.

³ *Idem*, p. 122-123.

⁴ Published in the Official Journal no. 309 of the 30th of March/12th of April 1918.

⁵ Cf. Șt. Ciobanu, *op. cit.*, p. 92.

⁶ Cf. Ion Bulei, *Roma, 1924-1927. O ofensivă diplomatică întârziată și dificilă (A late and difficult diplomatic offensive)*, in "Magazin Istoric", 1998, year 32, no. 3, p. 13.

⁷ *Ibidem*.

⁸ *Idem*, p. 13-17; Ion Chiper, *Italy and the ratification of the October 28, 1920 Treaty concerning Bessarabia*, in "Revue Roumaine d'Etudes Internationales", XXVI, nr. 2 (118), 1992, p. 77-102.

not recognize the formation of Greater Romania. He broke diplomatic relations with Romania in January 1919, motivating his attitude by claiming that the “imperialist state” of Romania had annexed 17,500 km² from the Russian territories¹. In retaliation the Bolshevik government announced through the voices of Lenin and L. D. Bronstein – Trotsky that „*the Romanian funds deposited at Moscow are intangible for the Romanian oligarchy*”. Practically the two Bolshevik leaders were referring to the treasury of Romania, deposited in Moscow for protection and safekeeping during WWI, when it was threatened by the German troops². At the same time “Imperialist Romania” was accused through the network of Comintern agents of bringing to slavery a large number of Hungarians and “Bessarabians”³. Sometime later, the Communist leaders reunited in Comintern adopted a resolution through which they qualified Greater Romania as an artificial creation of imperialism⁴.

Obviously all these actions of the USSR Government aimed that the union of Bessarabia with Romania not to be recognized internationally. If the 1920 Paris Treaty had not been ratified by all four Great Powers – Great Britain, France, Italy, Japan – it would have been void of value internationally, and the borders of Greater Romania would not have become official. The League of Nations tried to correct the situation. In 1924 they called an international conference in Vienna; they wanted to put pressure on the USSR. In preparation of the conference Great Britain sent a letter to the Government of the Japanese Empire on the 24th of March 1923. In this letter they asked the imperial government to find a solution, a way to faster ratify the Treaty of Paris⁵.

The British diplomacy weren't successful. The Conference called by the League of Nations to Vienna failed. Japan kept a position of waiting, motivating that they would not interfere in solving the issues of the European continent⁶.

The position of the Tokyo diplomacy was basically due to the intervention of the USSR. On April 16th, 1924 the Soviet special envoy to China, Lev Mikhailovich Karahan, discussed for the first time the issue of Bessarabia with the Japanese minister in Beijing, Kenkichi Yoshizawa⁷. Before tackling on the

¹ Cf. Jane Degras (ed.), *The Communist International, 1919-1943, Documents*, vol. I, London, Oxford University Press, 1956, p. 291.

² *Ibidem*.

³ *Ibidem*.

⁴ Cf. Vlad Georgescu, *Istoria românilor. De la origini până în zilele noastre*, second reviewed edition, Bucharest, ARA Publications, Oakland, 1989, p. 193.

⁵ Japan Gaimusho. Archives in the Japanese Ministry of Foreign Affairs, 1868-1945, microfiche, file B760-2, apud Bruce A. Elleman, *Diplomacy and Deception: The Secret History of Sino-Soviet Diplomatic Relations, 1917-1927*, Armonk, New York, 1997, p. 253.

⁶ Japan Gaimusho. Archives in the Japanese Ministry of Foreign Affairs, 1868-1945, microfilm, file B760-2-2, in *ibidem*.

⁷ Idem, file 251-106-19, 1104-1107.

essential issues of an agreement between the two countries – the USSR and the Japanese Empire – Karahan wanted to make sure that the negotiations would be kept secret. On the 5th of May 1924, Karahan wrote to Yoshizawa: “considering the request of Japan that all negotiations between the Soviet Government and the Japanese Imperial Government be carried out with maximum discretion, we agree with the first two points of the proposal”¹.

Yoshizawa denied having had any proposal with regards to confidentiality. On the 5th of May 1924 he replied to Karahan. First of all, the series of preliminary conditions he had stated had been proposed only to make the negotiations possible. Yoshizawa also specified that the request to hold the negotiations in a secret setting did not come from the Imperial Government². On May 22nd, 1924 Yoshizawa confirmed and reinforced that all proposals for the preliminary conditions regarding the start of the Soviet – Japanese negotiations came in fact from the Soviets³.

The attitude of the Bolshevik Government was odd. On the 17th of September 1922, the USSR envoy to China, Adolph Abramovich Joffe, condemned officially and violently the secret diplomatic negotiations that “threw the world into blood”⁴. These words were in fact made void of meaning since 1924 through the negotiations between Moscow and Tokyo.

As soon as Yoshizawa stated that he agreed to the ‘discretion of the negotiations’, Karahan sought and managed to convince him to sign even a secret agreement by which the two powers should declare that they would not infringe each other’s sovereignty⁵. By that deed, reinforced by the plenipotentiaries, the two governments, the Bolshevik and the Imperial, made the solemn statement on behalf of their countries that they had not concluded any military alliance, any secret agreement with a third state that might infringe the territorial sovereignty of the USSR or of Japan⁶.

It was not by chance that they used the term ‘sovereignty’. It is directly linked to Bessarabia. Obviously the word indicates directing Japan towards signing a secret agreement that would have the direct consequence of not ratifying the 1920 Treaty of Paris. This could be the only explanation for the missive dated January 7th, 1925, sent by Karahan to Yoshizawa two weeks prior to concluding the secret Soviet-Japanese agreement. “It is my mission to let Your Excellency

¹ *Idem*, 1868-1945, file 251-106-19, 1312.

² *Ibidem*.

³ *Idem*, 251-106-5-3, doc. no. 210683,

⁴ Cf. Pravda, no. 2 of the 7th of January 1918; Istoria U.R.S.S. (*The History of the USSR*), ed. cit., p. 79; Bruce A. Elleman, *Diplomacy and Deception: The Secret History of Sino-Soviet Diplomatic Relations, 1917-1927*, Armonk, New York, 1997, p. 253.

⁵ Japan Gaimusho. The Archives of the Japanese Ministry of Foreign Affairs, 1868-1945, 251-106-19, p. 1545-1547, in B. A. Elleman, *op. cit.*, p. 254-255 and following.

⁶ *Idem*, p. 2315-2338.

know that the ratification by Japan of the Treaty (of Paris, n. n.) referred to, shall not be possible to be regarded by the Soviet Government other than an unfriendly act”¹.

The Japanese replied the same day in a classified note, “I inform Your Excellency, in compliance with the instructions received from my Government, that the former shall refrain, pursuant to the recommendation of the Throne, from the ratification of the Treaty referred to and shall refrain for as long as the Treaty shall not be ratified by all signatory European powers, this being an entirely European issue”².

Practically, at that point – early January 1925 – the Japanese diplomacy found the excuse that allowed them to elude from the pressure of Great Britain and France. They placed the burden on the shoulders of Mussolini’s Italy, where it would remain until 1927, when Italy ratified the Treaty. In that diplomatic game, on the 19th of January 1925, Mikado Taisho and Regent Hirohito signed Yoshizawa’s accreditation. Thus the latter could sign the secret Soviet – Japanese agreement³. This deed had a special importance, as it proved that though only Regent, the future *Mikado* Hirohito was up-to-date with the secret of the Soviet – Japanese negotiations. It is an essential remark, as it shows that in 1945, when *Mikado* was absolved from his many sins by motivating that they were of the government’s and therefore he had no knowledge of them, this statement was not all true. They acted as if they had taken Otto von Bismarck’s advice to historians, “write the truth, only the truth, but ... never the whole truth”.

At the same time the Japanese Minister of Foreign Affairs was warned that his country would not be able to benefit from the Soviet – Japanese economic agreement if Tokyo ratified the Treaty of Paris. The Soviet – Japanese economic agreement was extremely significant for the population and the economy of the Japanese Empire. About 20,000 Japanese fishermen and their families lived on fishing in the waters bordering Siberia. The value of the fish was about 24 million USD per year⁴. The loss of these fishing rights would have been a major blow for the Japanese, who would have had no gain, only loss, from the ratification of the

¹ *Idem*, 251-106-5, doc. no. 230942.

² *Idem*, doc. no. 230943; on the same day, the 20th of January 1925 the plenipotentiary Ambassador of Japan sent also a secret note to his Soviet counterpart, “*My Dear Ambassador, With reference to your letter of the 20th on the subject of the Bessarabian Treaty, I beg to inform Your Excellency in accordance with instructions from my Government that unless and until the said Treaty shall have been ratified by all the European signatory Powers, the Japanese Government have no intention of proceeding to the steps required for its ratification, considering that it deals with an essentially European question. Believe me, my dear Ambassador, yours sincerely K. Yoshizawa*” (cf. Bruce A. Elleman, *op. cit.*, p. 256, doc. no. 29).

³ *Idem*, 251-106-19, 6750-6751.

⁴ Cf. K. K. Kawakami, *Japan’s Treaty with Russia*, in: “The American Review of Reviews”, April, 1925, p. 407-410.

Treaty of Paris. By the same economic agreement the Japanese were also given the right and the possibility to exploit the so much needed oil from the Sakhalin Island, which they had partly held since 1905¹.

Consequently we can note, based on the study of the Soviet – Japanese economic agreement (to be attached at the end of this paper), that for the Japanese Empire it was more beneficial to let themselves be paid off by the Soviets.

On the 23rd of March 1927 a Japanese paper published in English, the “Japan Advertiser”, tried to show what might have been the options of Japan, close to the ratification of the Treaty of Paris. The paper pointed out that if the Treaty of Paris was ratified, the USSR would be offended; if it was not ratified then Great Britain and France would be offended. Hence, the Empire had to decide². Obviously, the reporter didn’t know about the secret agreement, the provisions of the economic agreement. This explains the conclusion of the article that requested to carry on the ratifying.

The situation was not easy. On February 3rd, 1931 one of the leaders of the House of Representatives stated that Japan is in a serious dilemma. He recommended the ratification of the Treaty of Paris in order that they should not harm the prestige of the Japanese Empire. The Deputy Minister for foreign affairs, Ryutaro Nagai, replied that his country “must protect her own position”³. None of the speakers were ready to openly admit that the delays of the ratification were meant not to upset the USSR and to satisfy the economic needs of the Japanese Empire.

Practically Moscow thus gained time. On the 23rd of August 1939 it was possible to sign in Moscow a pact with Berlin, known as the Ribbentrop-Molotov Pact. Thus they solved the issue of Bessarabia. The article 3 of the secret Additional Protocol specifies that Germany shall not oppose to the occupation of Bessarabia by the USSR⁴. France, defeated by Germany (May-June 1940), could not oppose to the action of the USSR, which on the 26th of June 1940 claimed in an ultimatum that Romania should ‘surrender’ Bessarabia, Northern Bukovina and the Hertza Region to the USSR⁵. Romania was forced to cede. Moscow organized also a formal plebiscite, a semblance, to ‘show’ that the population of Bessarabia supposedly agreed to the separation from Romania⁶.

¹ *Ibidem*; see the text of the economic treaty, attached in annex, in Société des Nations, Recueil des Traités, no. 866, 1925, p. 32-52.

² Cf. *Russians Answer Bessarabia Note*, in The Japan Advertiser, 19th of March, 1927; *Japan and Bessarabia*, in The Japan Advertiser, 23rd of March, 1927.

³ Japan Gaimusho. Archives in the Japanese Ministry of Foreign Affairs, 1868-1945, B760-2, 1868-1945, B100-JR/1, in B. A. Elleman, *op. cit.*, p. 257.

⁴ The facsimile of the secret protocol, with the original signatures, became public property and can be found at http://en.wikipedia.org/wiki/File:Tajny_protokol_23.08.jpg

⁵ Cf. *Istoria românilor (The History of the Romanians)*, vol. VIII, Ioan Scurtu (ed.), București, 2003, p. 566-574.

⁶ *Ibidem*.

USSR efforts in order not to allow the international recognition of the union of Bessarabia with Romania would not have been successful without the secret Soviet – Japanese protocol signed on the 20th of January 1925. The agreement allowed the occurrence of a second, this time a Soviet-German secret agreement, signed on the 23rd of August 1939 agreeing to the re-occupation of Bessarabia. On the 4th of July 1940 the USSR requested Japan to recognize its new borders¹. The Japanese Empire immediately responded affirmatively².

In conclusion, it clearly results that by the secret Soviet – Japanese protocol, doubled and determined by the economic agreement of the two countries, the ratification of the Treaty of Paris was blocked. For this reason the Eastern border of Greater Romania was not recognized internationally by all the states. The situation remained the same until 1991, when the USSR broke up and the Republic of Moldova, former Bessarabia came to being as an independent state.

¹ Cf. B. A. Elleman, *op. cit.*, p. 257 and following.

² *Ibidem*.

**Japan and Union of Soviet Socialist Republics.
Convention embodying Basic Rules. Convention embodying
Basic Rules of the Relations between Japan and the Union of Soviet
Socialist Republics, together with Protocols A and B, Declaration,
Exchange of Notes, Annexed Note and Protocol of Signature.
Peking, January 20, 1925**

N° 866.

**JAPON ET UNION DES
RÉPUBLIQUES SOVIÉTISTES
SOCIALISTES**

Convention comportant les principes fondamentaux applicables aux relations entre le Japon et l'Union des Républiques Soviétistes Socialistes, avec Protocoles A et B, Déclaration, Echange de notes, Note annexée et Protocole de signature. Pékin, le 20 janvier 1925.

**JAPAN AND UNION
OF SOVIET SOCIALIST
REPUBLICS**

Convention embodying Basic Rules of the Relations between Japan and the Union of Soviet Socialist Republics, together with Protocols A and B, Declaration, Exchange of Notes, Annexed Note and Protocol of Signature. Peking, January 20, 1925.

No. 866. — CONVENTION¹ EMBODYING BASIC RULES OF THE RELATIONS BETWEEN JAPAN AND THE UNION OF SOVIET SOCIALIST REPUBLICS, SIGNED AT PEKING, JANUARY 20, 1925.

Texte officiel anglais communiqué par le Chef du Bureau du Japon à la Société des Nations. L'enregistrement de cette Convention a eu lieu le 20 mai 1925.

JAPAN and the UNION OF SOVIET SOCIALIST REPUBLICS, desiring to promote relations of good neighbourhood and economic co-operation between them, have resolved to conclude a Convention embodying basic rules in regulation of such relations and, to that end, have appointed as their Plenipotentiaries, that is to say :

HIS MAJESTY THE EMPEROR OF JAPAN :

Kenkichi YOSHIZAWA, Envoy Extraordinary and Minister Plenipotentiary to the Republic of China, Jushii, a member of the First Class of the Imperial Order of the Sacred Treasure ;

THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS :

Lev Mikhailovitch KARAKHAN, Ambassador to the Republic of China ;

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows :

Article I.

The High Contracting Parties agree that, with the coming into force of the present Convention, diplomatic and consular relations shall be established between them.

Article II.

The Union of Soviet Socialist Republics agrees that the Treaty² of Portsmouth of September 5th, 1905, shall remain in full force.

It is agreed that the Treaties, Conventions and Agreements, other than the said Treaty of Portsmouth, which were concluded between Japan and Russia prior to November 7, 1917, shall be re-examined at a Conference to be subsequently held between the Governments of the High Contracting Parties and are liable to revision or annulment as altered circumstances may require.

¹ La communication des ratifications de cette Convention a eu lieu à Pékin, le 26 février 1925.

² De Martens, Nouveau Recueil Général de Traités, deuxième série, tome XXXIII, page 3.

Article III.

The Governments of the High Contracting Parties agree that, upon the coming into force of the present Convention, they shall proceed to the revision of the Fishery Convention of 1907, taking into consideration such changes as may have taken place in the general conditions since the conclusion of the said Fishery Convention.

Pending the conclusion of a convention so revised, the Government of the Union of Soviet Socialist Republics shall maintain the practices established in 1924 relating to the lease of fishery lots to Japanese subjects.

Article IV.

The Governments of the High Contracting Parties agree that, upon the coming into force of the present Convention, they shall proceed to the conclusion of a treaty of commerce and navigation in conformity with the principles hereunder mentioned, and that, pending the conclusion of such a treaty, the general intercourse between the two countries shall be regulated by those principles.

(1) The subjects or citizens of each of the High Contracting Parties shall, in accordance with the laws of the country : (a) have full liberty to enter, travel and reside in the territories of the other, and (b) enjoy constant and complete protection for the safety of their lives and property.

(2) Each of the High Contracting Parties shall, in accordance with the laws of the country, accord in its territories to the subjects or citizens of the other, to the widest possible extent and on condition of reciprocity, the right of private ownership and the liberty to engage in commerce, navigation, industries and other peaceful pursuits.

(3) Without prejudice to the right of each Contracting Party to regulate by its own laws the system of international trade in that country, it is understood that neither Contracting Party shall apply in discrimination against the other Party any measures of prohibition, restriction or impost which may serve to hamper the growth of the intercourse, economic or otherwise, between the two countries, it being the intention of both Parties to place the commerce, navigation and industry of each country, as far as possible, on the footing of the most-favoured nation.

The Governments of the High Contracting Parties further agree that they shall enter into negotiations, from time to time as circumstances may require, for the conclusion of special arrangements relative to commerce and navigation to adjust and to promote economic relations between the two countries.

Article V.

The High Contracting Parties solemnly affirm their desire and intention to live in peace and amity with each other, scrupulously to respect the undoubted right of a State to order its own life within its own jurisdiction in its own way, to refrain and restrain all persons in any governmental service for them, and all organisations in receipt of any financial assistance from them, from any act overt or covert liable in any way whatever to endanger the order and security in any part of the territories of Japan or the Union of Soviet Socialist Republics.

It is further agreed that neither Contracting Party shall permit the presence in the territories under its jurisdiction :

- (a) of organisations or groups pretending to be the Government for any part of the territories of the other Party, or
- (b) of alien subjects or citizens who may be found to be actually carrying on political activities for such organisations or groups.

Article VI.

In the interest of promoting economic relations between the two countries, and taking into consideration the needs of Japan with regard to natural resources, the Government of the Union of Soviet Socialist Republics is willing to grant to Japanese subjects, companies and associations concessions for the exploitation of minerals, forests and other natural resources in all the territories of the Union of Soviet Socialist Republics.

Article VII.

The present Convention shall be ratified.

Such ratification by each of the High Contracting Parties shall, with as little delay as possible, be communicated, through its diplomatic representative at Peking, to the Government of the other Party, and from the date of the later of such communications this Convention shall come into full force.

The formal exchange of the ratifications shall take place at Peking as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate in the English language, and have affixed thereto their seals.

Done at Peking, this twentieth day of January, One thousand nine hundred and twenty-five.

(L. S.) K. YOSHIZAWA.

(L. S.) L. KARAKHAN.

PROTOCOL (A).

Japan and the Union of Soviet Socialist Republics, in proceeding this day to the signature of the Convention embodying Basic Rules of the relations between them, have deemed it advisable to regulate certain questions in relation to the said Convention, and have, through their respective Plenipotentiaries, agreed upon the following stipulations :

Article I.

Each of the High Contracting Parties undertakes to place in the possession of the other Party the movable and immovable property belonging to the Embassy and Consulates of such other Party and actually existing within its own territories.

In case it is found that the land occupied by the former Russian Government at Tokio is so situated as to cause difficulties to the town planning of Tokio or to the service of the public purposes, the Government of the Union of Soviet Socialist Republics shall be willing to consider the proposals which may be made by the Japanese Government looking to the removal of such difficulties.

The Government of the Union of Soviet Socialist Republics shall accord to the Government of Japan all reasonable facilities in the selection of suitable sites and buildings for the Japanese Embassy and Consulates to be established in the territories of the Union of Soviet Socialist Republics.

Article II.

It is agreed that all questions of the debts due to the Government or subjects of Japan on account of public loans and treasury bills issued by the former Russian Governments, to wit by the Imperial Government of Russia and the Provisional Government which succeeded it, are reserved for adjustment at subsequent negotiations between the Government of Japan and the Government of the Union of Soviet Socialist Republics.

Provided that in the adjustment of such questions the Government or subjects of Japan shall not, all other conditions being equal, be placed in any position less favourable than that which the Government of the Union of Soviet Socialist Republics may accord to the Government or nationals of any other country on similar questions.

It is also agreed that all questions relating to claims of the Government of either Party to the Government of the other, or of the nationals of either Party to the Government of the other, are reserved for adjustment at subsequent negotiations between the Government of Japan and the Government of the Union of Soviet Socialist Republics.

Article III.

In view of climatic conditions in Northern Saghalien preventing the immediate homeward transportation of Japanese troops now stationed there, these troops shall be completely withdrawn from the said region by May 15, 1925.

Such withdrawal shall be commenced as soon as climatic conditions will permit it and any and all districts in Northern Saghalien so evacuated by Japanese troops shall immediately thereupon be restored in full sovereignty to the proper authorities of the Union of Soviet Socialist Republics.

The details pertaining to the transfer of administration and to the termination of the occupation shall be arranged at Alexandrovsk between the Commander of the Japanese Occupation Army and the Representatives of the Union of Soviet Socialist Republics.

Article IV.

The High Contracting Parties mutually declare that there actually exists no treaty or agreement of military alliance nor any other secret agreement which either of them has entered into with any third Party and which constitutes an infringement upon, or a menace to, the sovereignty, territorial rights or national safety of the other Contracting Party.

Article V.

The present Protocol is to be considered as ratified with the ratification of the Convention embodying Basic Rules of the Relations between Japan and the Union of Soviet Socialist Republics, signed under the same date.

In witness whereof the respective Plenipotentiaries have signed the present Protocol in duplicate in the English language, and have affixed thereto their seals.

Done at Peking, this twentieth day of January, One thousand nine hundred twenty-five.

(L. S.) K. YOSHIZAWA.

(L. S.) L. KARAKHAN.

PROTOCOL (B).

The High Contracting Parties have agreed upon the following as the basis for the Concession Contracts to be concluded within five months from the date of the complete evacuation of Northern Saghalien by Japanese troops, as provided for in Article 3 of Protocol (A), signed this day between the Plenipotentiaries of Japan and of the Union of Soviet Socialist Republics.

(1) The Government of the Union of Soviet Socialist Republics agrees to grant to Japanese concerns recommended by the Government of Japan the concession for the exploitation of 50 per cent, in area, of each of the oilfields in Northern Saghalien which are mentioned in the Memorandum submitted to the Representative of the Union by the Japanese Representative on August 29, 1924. For the purpose of determining the area to be leased to the Japanese concerns for such exploitation, each of the said oilfields shall be divided into checker-board squares of from fifteen to forty dessiatines each, and a number of these squares, representing 50 per cent of the whole area, shall be allotted to the Japanese, it being understood that the squares to be so leased to the Japanese are, as a rule, to be non-contiguous to one another, but shall include all the wells now being drilled or worked by the Japanese. With regard to the remaining unleased lots of the oilfields mentioned in the said Memorandum, it is agreed that, should the Government of the Union of Soviet Socialist Republics decide to offer such lots, wholly or in part, for foreign concession, Japanese concerns shall be afforded equal opportunity in the matter of such concession.

(2) The Government of the Union of Soviet Socialist Republics also agrees to authorise Japanese concerns recommended by the Government of Japan to prospect oilfields, for a period of from five to ten years, on the Eastern coast of Northern Saghalien over an area of one thousand square versts to be selected within one year after the conclusion of the Concession Contracts, and in case oilfields shall have been established in consequence of such prospecting by the Japanese, the concession for the exploitation of 50 per cent, in area, of the oilfields so established shall be granted to the Japanese.

(3) The Government of the Union of Soviet Socialist Republics agrees to grant to Japanese concerns recommended by the Government of Japan the concession for the exploitation of coal fields on the western coast of Northern Saghalien over a specific area which shall be determined in the Concession Contracts. The Government of the Union of Soviet Socialist Republics further agrees to grant to such Japanese concerns the concession regarding coal fields in the Doue district over a specific area to be determined in the Concession Contracts. With regard to the coal fields outside the specific area mentioned in the preceding two paragraphs, it is also agreed that, should the Government of the Union of Soviet Socialist Republics decide to offer them for foreign concession, Japanese concerns shall be afforded equal opportunity in the matter of such concession.

(4) The period of the concessions for the exploitation of oil and coal fields stipulated in the preceding paragraphs shall be from forty to fifty years.

(5) As royalty for the said concessions, the Japanese concessionnaires shall make over annually to the Government of the Union of Soviet Socialist Republics, in case of coal fields, from 5 to 8 per cent of their gross output, and, in case of oilfields, from 5 to 15 per cent of their gross output : provided that in the case of a gusher, the royalty may be raised up to 45 per cent of its gross output.

The percentage of output thus to be made over as royalty shall be definitively fixed in the Concession Contracts and it may be graduated according to the scale of annual output in a manner to be defined in such contracts.

(6) The said Japanese concerns shall be permitted to fell trees needed for purpose of the enterprises and to set up various undertakings with a view to facilitating communication and transportation of materials and products. Details connected therewith shall be arranged in the Concession Contracts.

(7) In consideration of the royalty above-mentioned, and taking also into account the disadvantages under which the enterprises are to be placed by reason of the geographical position and other general conditions of the districts affected, it is agreed that the importation and exportation of any articles, materials or products needed for or obtained from such enterprises shall be permitted free of duty, and that the enterprises shall not be subjected to any such taxation or restriction as may in fact render their remunerative working impossible.

(8) The Government of the Union of Soviet Socialist Republics shall accord all reasonable protection and facilities to the said enterprises.

(9) Details connected with the foregoing articles shall be arranged in the Concession Contracts.

The present Protocol is to be considered as ratified with the ratification of the Convention embodying Basic Rules of the Relations between Japan and the Union of Soviet Socialist Republics, signed under the same date.

In witness whereof the respective Plenipotentiaries have signed the present Protocol in duplicate in the English language, and have affixed thereto their seals.

Done at Peking, this twentieth day of January, One thousand nine hundred and twenty-five.

(L. S.) K. YOSHIKAWA.

(L. S.) L. KARAKHAN.

DECLARATION.

In proceeding this day to the signature of the Convention embodying the Basic Rules of the Relations between the Union of Soviet Socialist Republics and Japan, the undersigned Plenipotentiary of the Union of Soviet Socialist Republics has the honour to declare that the recognition by his Government of the validity of the Treaty of Portsmouth of September 5, 1905, does not in any way signify that the Government of the Union shares with the former Tsarist Government the political responsibility for the conclusion of the said Treaty.

(L. S.) L. KARAKHAN.

PERING, *January 20, 1925.*

EXCHANGE OF NOTES.

PERING, *January 20th, 1925.*

MONSIEUR LE MINISTRE,

I have the honour, on behalf of my Government, to declare that the Government of the Union of Soviet Socialist Republics agrees that the work which is now being carried on by the Japanese in Northern Saghalien both in the oil and the coal fields, as stated in the Memorandum handed

to the Plenipotentiary of the Union of Soviet Socialist Republics by the Japanese Plenipotentiary on August 29th, 1924, be continued until the conclusion of the Concession Contracts to be effected within five months from the date of the complete evacuation of Northern Saghalien by the Japanese troops, provided the following conditions be abided by by the Japanese :

- (1) The work must be continued in strict accordance with the data of the said Memorandum of August 29th, 1924, as regards the area, the number of workers and experts employed, the machinery and other conditions provided in the Memorandum.
- (2) The produce, such as oil and coal, cannot be exported or sold and may only be applied to the use of the staff and equipment connected with the said work.
- (3) The permission granted by the Government of the Union of Soviet Socialist Republics for the continuation of the work shall in no way affect the stipulations of the future concession contract.
- (4) The question of operation of the Japanese wireless stations in Northern Saghalien is reserved for future arrangement, and will be adjusted in a manner consistent with the existing laws of the Union of Soviet Socialist Republics prohibiting private and foreign establishment of the wireless stations.

I avail myself of this opportunity to convey to you, Monsieur le Ministre, the assurances of my highest consideration.

(Signed) L. KARAKHAN.

His Excellency
Mr. Kenkichi YOSHIZAWA,
Envoy Extraordinary and
Minister Plenipotentiary of Japan.

PEKING, *January 20th, 1925.*

MONSIEUR L'AMBASSADEUR,

I have the honour to acknowledge the receipt of the following Note from Your Excellency, under this date :

“ Monsieur le Ministre,

“ I have the honour, on behalf of my Government, to declare that the Government of the Union of Soviet Socialist Republics agrees that the work which is now being carried on by the Japanese in Northern Saghalien both in the oil and the coal fields, as stated in the Memorandum handed to the Plenipotentiary of the Union of Soviet Socialist Republics by the Japanese Plenipotentiary on August 29th, 1924, be continued until the conclusion of the Concession Contracts to be effected within five months from the date of the complete evacuation of Northern Saghalien by the Japanese troops, provided the following conditions be abided by by the Japanese :

- “ (1) The work must be continued in strict accordance with the data of the said Memorandum of August 29th, 1924, as regards the area, the number of workers and experts employed, the machinery and other conditions provided in the Memorandum.
- “ (2) The produce, such as oil and coal, cannot be exported or sold and may only be applied to the use of the staff and equipment connected with the said work.

“(3) The permission granted by the Government of the Union of Soviet Socialist Republics for the continuation of the work shall in no way affect the stipulations of the future Concession Contract.

“(4) The question of operation of the Japanese wireless stations in Northern Saghalien is reserved for future arrangement, and will be adjusted in a manner consistent with the existing laws of the Union of Soviet Socialist Republics prohibiting private and foreign establishment of wireless stations.”

On behalf of my Government, I have the honour to state that the Japanese Imperial Government agrees entirely with the said Note.

I avail myself of this opportunity to convey to you, Monsieur l'Ambassadeur, the assurances of my highest consideration.

(Signed) K. YOSHIKAWA.

His Excellency

Mr. Lev Mikhailovitch KARAKHAN,
Ambassador of the Union of
Soviet Socialist Republics.

ANNEXED NOTE.

In proceeding this day to the signature of the Convention embodying Basic Rules of the Relations between the Union of Soviet Socialist Republics and Japan, the undersigned Plenipotentiary of the Union of Soviet Socialist Republics has the honour to tender hereby to the Government of Japan an expression of sincere regrets for the Nikolaievsk incident of 1920.

(L. S.) L. KARAKHAN.

PEKING, *January* 20th, 1925.

PROTOCOL OF SIGNATURE.

Kenkichi YOSHIKAWA, His Imperial Japanese Majesty's Envoy Extraordinary and Minister Plenipotentiary to China, and Lev Mikhailovitch KARAKHAN, Ambassador of the Union of Soviet Socialist Republics to China, authorised under their respective full powers, found in due and good form, met this day at Peking, and closely examined the following documents :

- (1) A Convention embodying Basic Rules of the Relations between Japan and the Union of Soviet Socialist Republics.
- (2) Two Protocols.
- (3) One Declaration.
- (4) One set of Notes.
- (5) One annexed Note.

Having agreed upon every term and stipulation contained therein, the Plenipotentiaries have officially signed and sealed the respective documents.

The two Plenipotentiaries further agreed that there should be apposed to the present Protocol the Memorandum, handed by the Japanese Plenipotentiary to the Plenipotentiary of the Union of Soviet Socialist Republics on August 29th, 1924, and embodying a statement on the conditions of oil and coal fields worked by the Japanese in Northern Saghalien.

In faith whereof, the respective Plenipotentiaries of the two High Contracting Parties have signed the present Protocol in duplicate in the English language, and have affixed thereto their seals.

Done at Peking, this twentieth day of January, One thousand nine hundred and twenty-five.

(L. S.) K. YOSHIZAWA.

(L. S.) L. KARAKHAN.

MEMORANDUM SUBMITTED TO THE
REPRESENTATIVE OF THE UNION BY THE JAPANESE REPRESENTATIVE ON AUGUST 29TH, 1924.

OIL EXPLORATION OPERATIONS.

I. The exploration operations are being conducted by the Hokushinkai and Co. on behalf of the Government.

II Operations	Locations	Areas	Test boring	
			Oil	No oil
Oha	Two and a-half miles west of Urkt Bay, in the valley of the River Oha.	2500 acres	4	7
Ehabi	One mile west of Ehabi Bay.	1600 acres	None	3
Pilutun	Six miles south-west of Kyakr Bay, along the River Pilutun.	1200 acres	None	3
Nutovo	Fives miles west from the mouth of the River Nutovo.	2500 acres	1	2
Chaivo	Three miles west of Chaivo Bay along the Boatasin River.	1200 acres	1	1
Nuivo	Seven miles west of Nuivo Bay, in the valley of Nogric River (a branch of the Tuimi River).	1600 acres	1	1
Vuigrektui	Three miles south of the mouth of the River Tuimi along the valley of that River.	800 acres	None	2
Katangli	On the shore of Lake Katangli north of Nabilisky Bay.	1600 acres	1	4

III. Experts employed 20 }
Workers 400 } in summer time.

IV. Machinery :
Hydraulic Rotary system 3 }
Standard cable system 5 } for deep boring.
Diamond Boring system 2 }
Spring Boring system (worked by man-power) . . . 10 } for shallow boring.

V. Outfit.

- (a) For communication : Telephone lines connecting the several operations, wireless stations at Oha and Chaivo.
 (b) For transportation : One small steamer and several motor boats which are used in summer time for connecting the several operations, besides a dozen lighters and junks.
 (c) Establishment :

	Oha	Ehabi	Pilutun	Nutovo	Chaivo	Nuivo	Vuigrektui	Katangli
Houses for personnel and workers	30	1	2	7	8	6	1	15
Boring rigs.	11	3	3	3	1	2	2	5
Boiler houses.	6	0	0	1	0	0	0	1
Oil reservoir (earthen)	3	0	0	0	0	0	0	0
Fuel oil tank (steel).	4	0	0	0	0	0	0	0

VI. Light railway : none.

A trolley line extending for two and a-half miles between Urkt Bay and works at Oha, and another trolley line extending for about three miles between Katangli and Nabil.

VII. Exportation of oil : none.

COLLIERY WORKS.

I. Exploiters.

Doue Mine: The Mitsubishi and Co. is working it on behalf of the occupation army.

Rogatui Mine is worked by the Staheeff and Co. and Mitsubishi as a joint enterprise.

II. Location of the mines.

Doue Mine: About six miles south of the harbour of Alexandrovsk, in the valley of Postvaya, close to the sea. There are two level pits now in operation, but no shaft. The output for 1923 was about 50,000 tons.

Rogatui Mine: About ten miles south of Alexandrovsk harbour toward the sea. Two pits now in operation. No shaft. The output for 1923 was about 30,000 tons.

III. The number of experts and workers.

	Experts	Workers
Doue Mine	5	about 200
Rogatui Mine	3	about 150

(The numbers are those in summer time.)

IV. Machinery.

At Doue mine small locomotives are used for the purpose of transportation of coal. In Rogatui mine no machinery is used, both digging and transportations being carried on by man-power and on horseback.

V. Establishments.

No special establishments for colliery purpose except a little more than a mile of trolley line leading from the Doue Mine to the seashore, and another trolley line, less than a quarter-mile, at Rogatui.

VI. Exportation.

The output of the Doue mine is consumed by the occupation army and the people residing within the occupation area, no part of it being taken out of the island.

About 30,000 tons of the output of the Rogatui mine is said to have been exported in 1923 by Mitsubishi and Staheeff.

(Signed) K. YOSHIKAWA.