

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.

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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.