

May 5, 1908.

*Convention between the United States and Japan for settlement of disputes by arbitration. Signed at Washington, May 5, 1908; ratification advised by the Senate, May 13, 1908; ratified by the President, August 19, 1908; ratified by Japan, July 20, 1908; ratifications exchanged at Washington, August 24, 1908; proclaimed September 1, 1908.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Arbitration with Japan.  
Preamble.

Whereas a Convention between the United States of America and the Empire of Japan, providing for the submission to arbitration of all questions of a legal nature or relating to the interpretation of treaties, which may arise between the two countries and which it may not have been possible to settle by diplomacy, was concluded and signed by their respective Plenipotentiaries at Washington on the fifth day of May one thousand nine hundred and eight, the original of which Convention, being in the English and Japanese languages, is word for word as follows:

Contracting powers.

The President of the United States of America and His Majesty the Emperor of Japan, taking into consideration the fact that the High Contracting Parties to the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899, have reserved to themselves, by Article XIX of that Convention, the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an Arbitration Convention between the two countries, and for the purpose have named as their Plenipotentiaries, that is to say:

Vol. 32, p. 1789.

Plenipotentiaries.

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Submitting certain disputes to the permanent court of arbitration at The Hague.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third parties.

Vol. 32, p. 1779.

ARTICLE II.

Special agreements defining matters in dispute, etc.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration shall conclude a

special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the two Governments by an Exchange of Notes.

ARTICLE III.

The present Convention shall remain in force for the period of five years from the date of the exchange of the ratifications. Duration.

ARTICLE IV.

The present Convention shall be ratified by the High Contracting Parties, and the ratifications thereof shall be exchanged at Washington as soon as possible. Exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have thereunto affixed their seals. Signatures.

Done at the City of Washington, in duplicate, this fifth day of May, one thousand nine hundred and eight, corresponding to the fifth day of the fifth month of the forty-first year of Meiji.

ELIHU ROOT [SEAL]  
K. TAKAHIRA [SEAL]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the twenty-fourth day of August, one thousand nine hundred and eight; Ratification.

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof. Proclamation.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this first day of September in the year of our Lord one thousand nine hundred and eight, and [SEAL] of the Independence of the United States of America the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

*Acting Secretary of State.*

[Japanese text not printed.]