

SETTLEMENT OF AWA MARU CLAIM

*Agreement and agreed terms of understanding signed at Tokyo April 14,
1949*

Entered into force April 14, 1949

63 Stat. 2397; Treaties and Other
International Acts Series 1911

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE JAPANESE GOVERNMENT FOR SETTLEMENT OF THE AWA MARU CLAIM

WHEREAS the Government of the United States of America and the Japanese Government reached an agreement during the recent hostilities that the Japanese Government would provide vessels which would transport supplies for the relief of Allied nationals in various areas of the Pacific then under Japanese control and the Government of the United States of America would guarantee the immunity of vessels on such missions from attack by Allied forces on both the outward and homeward voyages; and

WHEREAS the Japanese passenger-cargo vessel *Awa Maru* was sunk on April 1, 1945 while homeward bound from such a mission; and

WHEREAS the Government of the United States of America acknowledged responsibility for the sinking of the vessel and assured the Japanese Government that it would be prepared after the termination of hostilities to consider the question of indemnity; and

WHEREAS the Government of the United States of America and the Japanese Government sought to reach an equitable and mutually satisfactory solution of this claim; and

WHEREAS General of the Army Douglas MacArthur has extended his good offices as intermediary between the Government of the United States of America and the Japanese Government in an effort to facilitate agreement:

The undersigned, being duly authorized by their respective governments for that purpose, have reached the following agreement through the good offices of the Supreme Commander for the Allied Powers.

ARTICLE I

The Japanese Government, mindful of the equities of the situation as they have developed since the inception of the Occupation of Japan under General of the Army Douglas MacArthur and in appreciation of the assist-

ance—direct and indirect, in goods and services—received during the post-surrender period from the Government of the United States of America, waives on behalf of itself and all Japanese nationals concerned all claims of any description against the United States Government or any United States national arising out of the sinking of the *Awa Maru*.

ARTICLE II

The provisions of Article I shall bar, completely and finally, all claims of the nature referred to therein, which will be henceforward extinguished, whoever may be the parties in interest.

ARTICLE III

The Japanese Government will, in consideration of the special nature of this case, endeavor to provide adequate treatment in way of solatium for the families of those who perished in this disaster as well as for the owner of the vessel.

ARTICLE IV

The Government of the United States of America expresses its deep regret for the sinking of the *Awa Maru* and its sympathy with the families of those who perished in the disaster.

ARTICLE V

This Agreement shall take effect as from this day's date.

Executed in duplicate, in the English and Japanese languages, at Tokyo, this fourteenth day of April, 1949 (24 Showa).

For the Government of the United States of America:

WILLIAM J. SEBALD [SEAL]

Acting United States Political Adviser for Japan

For the Japanese Government:

SHIGERU YOSHIDA

Minister for Foreign Affairs

Attest:

DOUGLAS MACARTHUR

General of the Army

United States Army

Supreme Commander for the Allied Powers

AGREED TERMS OF UNDERSTANDING

The signatories to the Agreement signed this date for settlement of the *Awa Maru* claim have confirmed on behalf of their respective Governments the following:

It is understood that Occupation costs and loans and credits extended to Japan by the Government of the United States of America since the time of the former's surrender are valid debts owed by Japan to the Government of the United States, reducible only by the decision of the Government of the United States.

Executed in duplicate, in the English and Japanese languages, at Tokyo, this fourteenth day of April, 1949 (24 Showa).

For the Government of the United States of America:

WILLIAM J. SEBALD [SEAL]

Acting United States Political Adviser for Japan

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SHIGERU YOSHIDA

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General of the Army

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