

The Treaty of Portsmouth

The Emperor of Japan, on the one part, and the Emperor of all the Russias, on the other part, animated by a desire to restore the blessings of peace to their countries, have resolved to conclude a treaty of peace, and have for this purpose named their plenipotentiaries, that is to say, for his Majesty the Emperor of Japan, Baron Komura Jutaro, Jusami, Grand Cordon of the Imperial Order of the Rising Sun, his Minister for Foreign Affairs, and his Excellency, Takahira Kogoro, Imperial Order of the Sacred Treasure, his Minister to the United States, and his Majesty the Emperor of all the Russias his Excellency Sergius Witte, his Secretary of State and President of the Committee of Ministers of the Empire of Russia, and his Excellency Baron Roman Rosen, Master of the Imperial Court of Russia, his Majesty's Ambassador to the United States, who, after having exchanged their full powers, which were found to be in good and due form, have concluded the following articles:

ARTICLE I.

There shall henceforth be peace and amity between their Majesties the Emperor of Japan and the Emperor of all the Russias, and between their respective States and subjects.

ARTICLE II.

The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military and economical interests, engages neither to obstruct nor interfere with measures for guidance, protection and control which the Imperial Government of Japan may find necessary to take in Korea. It is understood that Russian

subjects in Korea shall be treated in exactly the same manner as the subjects and citizens of other foreign Powers; that is to say, they shall be placed on the same footing as the subjects and citizens of the most favored nation. It is also agreed that, in order to avoid causes of misunderstanding, the two high contracting parties will abstain on the Russian-Korean frontier from taking any military measure which may menace the security of Russian or Korean territory.

ARTICLE III.

Japan and Russia mutually engage:

First. — To evacuate completely and simultaneously Manchuria, except the territory affected by the lease of the Liaotung Peninsula, in conformity with the provisions of the additional article I annexed to this treaty, and,

Second. — To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in occupation, or under the control of the Japanese or Russian troops, with the exception of the territory above mentioned.

The Imperial Government of Russia declares that it has not in Manchuria any territorial advantages or preferential or exclusive concessions in the impairment of Chinese sovereignty, or inconsistent with the principle of equal opportunity.

ARTICLE IV.

Japan and Russia reciprocally engage not to obstruct any general measures common to all countries which China may take for the development of the commerce or industry of Manchuria.

ARTICLE V.

The Imperial Russian Government transfers and assigns to the Imperial Government of Japan, with the consent of the Government of China, the lease of Port Arthur, Talien and the adjacent territory and territorial waters, and all rights, privileges and concessions connected with or forming part of such lease, and it also transfers and assigns to the Imperial Government of Japan all public works and properties in the territory affected by the above-mentioned lease.

The two contracting parties mutually engage to obtain the consent of the Chinese Government mentioned in the foregoing stipulation.

The Imperial Government of Japan, on its part, undertakes that the proprietary rights of Russian subjects in the territory above referred to shall be perfectly respected.

ARTICLE VI.

The Imperial Russian Government engages to transfer and assign to the Imperial Government of Japan, without compensation and with the consent of the Chinese Government, the railway between Changchunfu and Kuanchangtsu and Port Arthur, and all the branches, together with all the rights, privileges and properties appertaining thereto in that region, as well as all the coal mines in said region belonging to or worked for the benefit of the railway. The two high contracting parties mutually engage to obtain the consent of the Government of China mentioned in the foregoing stipulation.

ARTICLE VII.

Japan and Russia engage to exploit their respective railways in Manchuria exclusively for commercial and industrial purposes and nowise for strategic purposes.

It is understood that this restriction does not apply to the railway in the territory affected by the lease of the Liaotung Peninsula.

ARTICLE VIII.

The Imperial Governments of Japan and Russia with the view to promote and facilitate intercourse and traffic will as soon as possible conclude a separate convention for the regulation of their connecting railway services in Manchuria.

ARTICLE IX.

The Imperial Russian Government cedes to the Imperial Government of Japan in perpetuity and full sovereignty the southern portion of the Island of Saghalin and all the islands adjacent thereto and the public works and properties thereon. The fiftieth degree of north latitude is adopted as the northern boundary of the ceded territory. The exact alignment of such territory shall be determined in accordance with the provisions of the additional article II annexed to this treaty.

Japan and Russia mutually agree not to construct in their respective possessions on the Island of Saghalin or the adjacent islands any fortification or other similar military works. They also respectively engage not to take any military measures which may impede the free navigation of the Strait of La Perouse and the Strait of Tartary.

ARTICLE X.

It is reserved to Russian subjects, inhabitants of the territory ceded to Japan, to sell their real property and retire to their country, but if they prefer to remain in the ceded territory they will be maintained protected in the full exercise of their industries

and rights of property on condition of submitting to the Japanese laws and jurisdiction. Japan shall have full liberty to withdraw the right of residence in or to deport from such territory of any inhabitants who labor under political or administrative disability. She engages, however, that the proprietary rights of such inhabitants shall be fully respected.

ARTICLE XI.

Russia engages to arrange with Japan for granting to Japanese subjects rights of fishery along the coasts of the Russian possession in the Japan, Okhotsk and Bering Seas.

It is agreed that the foregoing engagement shall not affect rights already belonging to Russian or foreign subjects in those regions.

ARTICLE XII.

The treaty of commerce and navigation between Japan and Russia having been annulled by the war the Imperial Governments of Japan and Russia engage to adopt as a basis for their commercial relations pending the conclusion of a new treaty of commerce and navigation the basis of the treaty which was in force previous to the present war, the system of reciprocal treatment on the footing of the most favored nation, in which are included import and export duties, customs formalities, transit and tonnage dues and the admission and treatment of agents, subjects and vessels of one country in the territories of the other.

ARTICLE XIII.

As soon as possible after the present treaty comes in force all prisoners of war shall be reciprocally restored. The Imperial Governments of Japan and Russia shall each appoint a special commissioner to take charge of the prisoners. All prisoners in the hands of one Government shall be delivered to and be received by the commissioner of the other Government or by his duly authorized representative in such convenient numbers and at such convenient ports of the delivering State as such delivering State shall notify in advance to the commissioner of the receiving State.

The Governments of Japan and Russia shall present each other as soon as possible after the delivery of the prisoners is completed with a statement of the direct expenditures respectively incurred by them for the care and maintenance of the prisoner from the date of capture or surrender and up to the time of death or delivery. Russia engages to repay to Japan as soon as possible after the exchange of statement as above provided the difference between the actual amount so expended by Japan and the actual amount similarly disbursed by Russia.

ARTICLE XIV.

The present treaty shall be ratified by their Majesties the Emperor of Japan and the Emperor of all the Russias. Such ratification shall be with as little delay as possible, and in any case no later than fifty days from the date of the signature of the treaty, to be announced to the Imperial Governments of Japan and Russia respectively through the French Minister at Tokio and the Ambassador of the United States at St. Petersburg, and from the date of the latter of such announcements this treaty shall in all its parts come into full force. The formal exchange of ratifications shall take place at Washington as soon as possible.

ARTICLE XV.

The present treaty shall be signed in duplicate in both the English and French languages. The texts are in absolute conformity, but in case of a discrepancy in the interpretation the French text shall prevail.

SUB-ARTICLES

In conformity with the provisions of articles 3 and 9 of the treaty of the peace between Japan and Russia of this date the undersigned plenipotentiaries have concluded the following additional articles:

SUB-ARTICLE TO ARTICLE III.

The Imperial Governments of Japan and Russia mutually engage to commence the withdrawal of their military forces from the territory of Manchuria simultaneously and immediately after the treaty of peace comes into operation, and within a period of eighteen months after that date the armies of the two countries shall be completely withdrawn from Manchuria, except from the leased territory of the Liaotung Peninsula. The forces of the two countries occupying the front positions shall first be withdrawn.

The high contracting parties reserve to themselves the right to maintain guards to protect their respective railway lines in Manchuria. The number of such guards shall not exceed fifteen per kilometre and within that maximum number the commanders of the Japanese and Russian armies shall by common accord fix the number of such guards to be employed as small as possible while having in view the actual requirements.

The commanders of the Japanese and Russian forces in Manchuria shall agree upon the details of the evacuation in conformity with the above principles and shall

take by common accord the measures necessary to carry out the evacuation as soon as possible, and in any case not later than the period of eighteen months.

SUB-ARTICLE TO ARTICLE IX.

As soon as possible after the present treaty comes into force a committee of delimitation composed of an equal number of members is to be appointed by the two high contracting parties which shall on the spot mark in a permanent manner the exact boundary between the Japanese and Russian possessions on the Island of Saghalin. The commission shall be bound so far as topographical considerations permit to follow the fiftieth parallel of north latitude as the boundary line, and in case any deflections from that line at any points are found to be necessary compensation will be made by correlative deflections at other points. It shall also be the duty of the said commission to prepare a list and a description of the adjacent islands included in the cession, and finally the commission shall prepare and sign maps showing the boundaries of the ceded territory. The work of the commission shall be subject to the approval of the high contracting parties.

The foregoing additional articles are to be considered ratified with the ratification of the treaty of peace to which they are annexed.

In witness whereof the respective plenipotentiaries have signed and affixed seals to the present treaty of peace.

Done at Portsmouth, New Hampshire, this fifth day of the ninth month of the thirty-eighth year of the Meiji, corresponding to the twenty-third day of August, one thousand nine hundred and five. (September 5, 1905.)

Treaty text taken from Sydney Tyler, *The Japan-Russia War*, (Harrisburg: The Minter Company, 1905) 564-568.