

International Law Studies—Volume 45

International Law Documents

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,
the U.S. Department of the Navy or the Naval War College.

II. THE PACIFIC AREA

THE JAPANESE SURRENDER

NOTE.—In a declaration issued at Potsdam on 26 July 1945, the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain called upon Japan to surrender unconditionally, and set forth the terms to be prescribed. Naval War College, International Law Documents 1944-45, p. 204. In a communication transmitted through the Swiss Legation on 10 August 1945, the Japanese Government intimated a willingness to accept the terms laid down; a reply was sent by the Secretary of State of the United States on the following day (*Ibid.*, pp. 247, 248). On 14 August 1945, the Japanese Emperor accepted the Potsdam declaration by an Imperial rescript (*Ibid.*, p. 262). Under the authorization conferred by an Imperial Proclamation, the formal instrument was signed at Tokyo Bay, 2 September 1945; Japanese representatives signed on behalf of the Emperor, the Japanese Government, and the Japanese Imperial General Headquarters.

(6) Instrument of Surrender, Tokyo Bay, 2 September 1945

(Executive Agreement Series, No. 493)

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be im-

posed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, maintenance and immediate transportation to places as directed.

The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at Tokyo Bay, Japan at 0904 I on the second day of September, 1945.

[Signatures omitted.]

Accepted at Tokyo Bay, Japan at 0908 I on the second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

DOUGLAS MACARTHUR

Supreme Commander for the Allied Powers.

[Other signatures omitted.]

(7) Proclamation by the Emperor of Japan*

(Executive Agreement Series, No. 493)

Accepting the terms set forth in Declaration issued by the heads of the Governments of the United States, Great Britain and China on July 26th, 1945, at Potsdam and subsequently adhered to by the Union of Soviet Socialist Republics, We have commanded the Japanese Imperial Government and the Japanese Imperial General Headquarters to sign on Our behalf the Instrument of Surrender presented by the Supreme Commander for the Allied Powers and to issue General Orders to the Military and Naval Forces in accordance with the direction of the Supreme Commander for the Allied Powers. We command all Our people forthwith to cease hostilities, to lay down their arms and faithfully to carry out all the provisions of Instrument of Surrender and the General Order's issued by the Japanese Imperial Government and the Japanese Imperial General Headquarters hereunder.

This second day of the ninth month of the twentieth year of Syōwa.

[Seal of the Emperor]

Signed: HIROHITO

[Counter-signatures of fifteen Ministers omitted.]

*Translation.