

◎日本国と大韓民国との間の基本関係に関する条約

(略称) 韓国との基本関係条約

昭和四十年六月二十二日 東京で署名
 昭和四十年十二月十一日 国会承認
 昭和四十年十二月十四日 批准の閣議決定
 昭和四十年十二月十四日 批准書認証
 昭和四十年十二月十八日 ソウルで批准書交換
 昭和四十年十二月十八日 公布及び効力発生の告示
 昭和四十年十二月十八日 (昭和四十年条約第二五号)
 効力発生

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日本国と大韓民国との間の基本関係に関する条約

日本国及び大韓民国は、

両国民間の関係の歴史的背景と、善隣関係及び主権の相互尊重の原則に基づき、両国民間の関係の正常化に対する相互の希望とを考慮し、

両国の相互の福祉及び共通の利益の増進のため並びに国際の平和及び安全の維持のために、両国が国際連合憲章の原則に適合して緊密に協力することが重要であることを認め、

千九百五十一年九月八日にサン・フランシスコ市で署名された日本国との平和条約の規定及び千九百四十八年十二月十二日に国際連合総会で採択された決議第九十五号(Ⅲ)を想起し、

この基本関係に関する条約を締結することに決定し、よつて、その全権委員として次のとおり任命した。

日本国

日本国外務大臣

椎名悦三郎

高杉晋一

大韓民国

大韓民国外務部長官

李東元

大韓民国特命全權大使

金東祚

TREATY ON BASIC RELATIONS
BETWEEN JAPAN AND THE REPUBLIC OF KOREA

Japan and the Republic of Korea,

Considering the historical background of relationship between their peoples and their mutual desire for good neighborliness and for the normalization of their relations on the basis of the principle of mutual respect for sovereignty;

Recognizing the importance of their close cooperation in conformity with the principles of the Charter of the United Nations to the promotion of their mutual welfare and common interests and to the maintenance of international peace and security; and

Recalling the relevant provisions of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951 and the Resolution 195 (III) adopted by the United Nations General Assembly on December 12, 1948;

Have resolved to conclude the present Treaty on Basic Relations and have accordingly appointed as their Plenipotentiaries,

Japan:

Etsusaburo Shiina, Minister for Foreign

Affairs of Japan

Shinichi Takasugi

The Republic of Korea:

Tong Won Lee, Minister of Foreign Affairs of

the Republic of Korea

Dong Jo Kim, Ambassador Extraordinary and

Plenipotentiary of the Republic of Korea

これらの全権委員は、互いにその全権委任状を示し、それが良好妥当であると認められた後、次の諸条を協定した。

第一条

両締約国間に外交及び領事関係が開設される。両締約国は、大使の資格を有する外交使節を遅滞なく交換するものとする。また、両締約国は、両国政府により合意される場所に領事館を設置する。

第二条

千九百十年八月二十二日以前に大日本帝國と大韓帝國との間で締結されたすべての条約及び協定は、もはや無効であることが確認される。

第三条

大韓民国政府は、国際連合総会決議第九十五号(III)に明らかに示されているとありの朝鮮にある唯一の合法的な政府であることが確認される。

第四条

(a) 両締約国は、相互の関係において、国際連合憲章の原則を指針とするものとする。
(b) 両締約国は、その相互の福祉及び共通の利益を増進するに当たつて、国際連合憲章の原則に適合して

Who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

Article I

Diplomatic and consular relations shall be established between the High Contracting Parties. The High Contracting Parties shall exchange diplomatic envoys with the Ambassadorial rank without delay. The High Contracting Parties will also establish consulates at locations to be agreed upon by the two Governments.

Article II

It is confirmed that all treaties or agreements concluded between the Empire of Japan and the Empire of Korea on or before August 22, 1910 are already null and void.

Article III

It is confirmed that the Government of the Republic of Korea is the only lawful Government in Korea as specified in the Resolution 195 (III) of the United Nations General Assembly.

Article IV

(a) The High Contracting Parties will be guided by the principles of the Charter of the United Nations in their mutual relations.
(b) The High Contracting Parties will cooperate in conformity with the principles of the Charter of the United Nations in promoting their mutual welfare and

外交及び領事関係の開設

旧条約及び協定の効力

韓国政府の地位

国連憲章の原則の尊重

貿易、海
運、通商
等に關す
る協定の
締結

協力するものとする。

第五條

兩締約國は、その貿易、海運その他の通商の關係を安定した、かつ、友好的な基礎の上に置くために、條約又は協定を締結するための交渉を限りすみやかに開始するものとする。

第六條

兩締約國は、民間航空運送に關する協定を締結するための交渉を限りすみやかに開始するものとする。

第七條

この條約は、批准されなければならない。批准書は、できる限りすみやかにソウルで交換されるものとする。この條約は、批准書の交換の日に効力を生ずる。

以上の証拠として、それぞれの全權委員は、この條約に署名調印した。

千九百六十五年六月二十二日に東京で、ひとしく正文である日本語、韓国語及び英語により本書二通を作成した。解釈に相違がある場合には、英語の本文による。

日本国のために

権名悦三郎

高杉晋一

韓國との基本關係條約

common interests.

Article V

The High Contracting Parties will enter into negotiations at the earliest practicable date for the conclusion of treaties or agreements to place their trading, maritime and other commercial relations on a stable and friendly basis.

Article VI

The High Contracting Parties will enter into negotiations at the earliest practicable date for the conclusion of an agreement relating to civil air transport.

Article VII

The present Treaty shall be ratified. The instruments of ratification shall be exchanged at Seoul as soon as possible. The present Treaty shall enter into force as from the date on which the instruments of ratification are exchanged.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

DONE in duplicate at Tokyo, this twenty-second day of June of the year one thousand nine hundred and sixty-five in the Japanese, Korean, and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR JAPAN:

Etsusaburo Shina

Shinichi Takasugi

大韓民国のため

李 東 元
金 東 祚

FOR THE REPUBLIC OF KOREA:

Tong Won Lee

Dong Jo Kim

일본국과 대한 민국 간의 기본 관계에

관한 조약

일본국과 대한 민국은,

양국 국민 관계의 역사적 배경과, 신민 관계와 주권 상호 존중의 원칙에 입각한 양국 관계의 정상화에 대한 상호 희망을 표하며,

양국의 상호 부지와 공동 이익을 증진하고 국제 평화와 안전을 유지하는 데 있어서 양국이 국제 연합 헌장의 원칙에 입각하게 긴밀히 협력함이 중요하다는 것을 인정하며, 또한

1951년 9월 8일 샌프란시스코우에서 서명된 일본국과의 평화 조약의 관계 규정과 1948년 12월 12일 국제 연합 총회에서 채택된 결의 제 195(11)호를 상기하며,

본 기본 관계에 관한 조약을 체결하기로 결정하여, 이에 다음과 같이 양국의 헌법 위원회를 임명하였다.

일본국

일본국 외무대신

시이나 에노사부로요

대한 민국

다카스기 시이저

대한 민국 외무부 장관

이 등 원

대한 민국 육군 전권대사

김 등 로

이들 헌법 위원은, 그들의 헌법 위임권을 상호 제사하고, 그것이 상호 하대하리라고 인정한 후, 다음의 제 조항에 합의하였다.

제 1 조

양 제국 당사국 간에 외교 및 영사 관계를 수립한다.

양 제국 당사국은 대사급 외교 사절을 지체없이 교환한다.

양 제국 당사국은 또한 양국 정부에 의하여 합의되는 장소에 영사관을 설치한다.

제 2 조

1910년 8월 22일 뫼그 이권에 대 일본 제국과 대한 제국 간에 체결된 모든 조약 및 법령이 이미 부효임을 확인한다.

제 3 조

대한 민국 정부가, 국제 연합 총회의 결의 제 195(11)호에 명시된 바와 같이, 한반도에 있어서의 유일한 합법 정부임을 확인한다.

제 4 조

(가) 양 제국 당사국은 양국 상호 간의 관계에 있어서 국제 연합 헌장의 원칙을 지침으로 한다.

(나) 양 제국 당사국은 양국의 상호의 부지와 공동의 이익을 증진함에 있어서 국제 연합 헌장의 원칙에 합당하게 협력

한다.

제 5 조

양 제왕 당사국은 양국의 무역, 해운 및 기타 통상의 관계를 인정되고 우호적인 기조 위에 두기 위하여 조약 또는 협정을 체결하기 위한 교섭을 실행 가능한 한 조속히 시작한다.

제 6 조

양 제왕 당사국은 민간 항공 운수에 관한 협정을 체결하기 위하여 실행 가능한 한 조속히 교섭을 시작한다.

제 7 조

본 조약은 비준되어야 한다. 비준서는 가능한 한 조속히 서울에서 교환한다. 본 조약은 비준서가 교환된 날로부터 효력을 발생한다.

이상의 증거로서, 각 건명 위원은 본 조약에 서명 날인 하였다.

1955년 6월 26일 토요일에 서울에서 동등히 정본인 일본어, 한국어 및 영어로 본서 2종을 작성하였다. 이식에 상외가 있을 경우에는 영어 본에 따른다.

일본국을 위하여

椎名悦三郎

高杉 晋一

대한민국을 위하여

李 東 元

金 東 祚

(参考)

(仮訳)

一九四八年十二月十二日国際連合総会がその第三回会期において採択した決議 一九五(Ⅲ)

朝鮮の独立問題

総会は、

朝鮮の独立問題に関する一九四七年十一月十四日の決議一一二(Ⅱ)を尊重し、

国際連合朝鮮臨時委員会(以下「臨時委員会」とす)の報告及び臨時委員会との協議に関する総会の中間委員会の報告を考慮し、

臨時委員会の報告に述べられた困難のため一九四七年十一月十四日の決議に定める目的がまだ完全に達成されていないという事実、特に朝鮮の統一がまだ成就されていないという事実に留意し、

1 臨時委員会の報告の結論を承認し、

2 臨時委員会が観察し、及び協議することができたところの、全朝鮮の人民の大多数が居住している朝鮮の部分に対して有効な支配及び管轄権を及ぼしている合法的な政府(大韓民国政府)が樹立されたこと、この政府が、朝鮮のその部分の選挙民の自由意思の有効な表明であり、かつ、臨時委員会が観察した選挙に基づくものであること並びにこの政府が朝鮮における唯一のこの種の政府であることを宣言し、

Resolution 195 (III) adopted by the United Nations General Assembly at its Third Session on 12 December 1948.

The problem of the independence of Korea

The General Assembly,

Having regard to its resolution 112 (II) of 14 November 1947 concerning the problem of the independence of Korea,

Having considered the report of the United Nations Temporary Commission on Korea (hereinafter referred to as the "Temporary Commission") and the report of the Interim Committee of the General Assembly regarding its consultation with the Temporary Commission,

Mindful of the fact that, due to difficulties referred to in the report of the Temporary Commission, the objectives set forth in the resolution of 14 November 1947 have not been fully accomplished, and in particular that unification of Korea has not yet been achieved,

1. Approves the conclusions of the reports of the Temporary Commission;

2. Declares that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the Temporary Commission was able to observe and consult and in which the great majority of the people of all Korea reside; that this Government is based on election which were a valid expression of the free will of the electorate of the part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea;

- 3 占領国に対し、その占領軍を実行可能な限り早期に朝鮮から撤退させるべきことを勧告し、
- 4 一九四七年十一月十四日の決議に定める目的を完全に達成する手段として、オーストラリア、中国、エル・サルヴァドル、フランス、インド、フィリピン及びシリアからなる朝鮮委員会が、この決議に定める韓国政府の地位に留意しつつ臨時委員会の任務を継続し、かつ、この決議の規定を実施するため、特に
- (a) 一九四七年十一月十四日の決議において総会が定めた原則に従い朝鮮の統一及びすべての朝鮮の保安隊の統合を実現するようあつ旋すること。
- (b) 朝鮮の分割により生じた経済的、社会的その他の友好的関係に対する障害の除去を容易にするよう努力すること。
- (c) 人民の自由に表明された意思に基づく代議政体の一層の発展について、観察及び協議を行なうこと。
- (d) 占領軍の実際の撤退を観察し、かつ、撤退が行なわれたときはその撤退の事実を確認し、また、このため、希望するときは、二占領国の軍事専門家の援助を要請すること。
- を実施するため、設置されることを決議し、

3. Recommends that the occupying Powers should withdraw their occupation forces from Korea as early as practicable;

4. Resolves that, as a means to the full accomplishment of the objectives set forth in the resolution of 14 November 1947, a Commission on Korea consisting of Australia, China, El Salvador, France, India, the Philippines and Syria, shall be established to continue the work of the Temporary Commission and carry out the provisions of the present resolution, having in mind the status of the Government of Korea as herein defined, and in particular to:

(a) Lend its good offices to bring about the unification of Korea and the integration of all Korean security forces in accordance with the principles laid down by the General Assembly in the resolution of 14 November 1947;

(b) Seek to facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea;

(c) Be available for observation and consultation in the further development of representative government based on the freely-expressed will of the people;

(d) Observe the actual withdrawal of the occupying forces and verify the fact of withdrawal when such has occurred; and for this purpose, if it so desires, request the assistance of military experts of the two occupying Powers;

5 朝鮮委員会が、

- (a) この決議の採択の後三十日以内に朝鮮におもむき、同地において本部を維持すること。
- (b) 一九四七年十一月十四日の決議により設置された臨時委員会に代わつたものとみなされること。
- (c) 朝鮮全土にわたつて、旅行し、協議し、かつ、觀察する権限を与えられること。
- (d) その議事手続を決定すること。
- (e) 事態の發展に照らし、かつ、この決議の条項の範囲内で、朝鮮委員会の任務の遂行について中間委員会と協議することができること、及び
- (f) 総会の次の通常会期及びこの決議の主題たる事項を審議するためそれよりも先に招集されることがある特別会期に報告を提出し、また、適当と認める中間報告を加盟国に配布するため事務総長に提出すること。

を決定し、

- 6 事務総長に対し、十分な職員及び便宜（必要とされる技術顧問を含む。）を朝鮮委員会に提供するよう要請し、また、事務総長に対し、朝鮮委員会の各構成国の代表一名及び代表代理一名の費用及び日当を支給する権限を与え、

7 関係加盟国、大韓民国政府及びすべての朝鮮人に

5. Decides that the Commission:

- (a) Shall, within thirty days of the adoption of the present resolution, proceed to Korea, where it shall maintain its seat;
- (b) Shall be regarded as having superseded the Temporary Commission established by the resolution of 14 November 1947;
- (c) Is authorized to travel, consult and observe throughout Korea;
- (d) Shall determine its own procedures;
- (e) May consult with the Interim Committee with respect to the discharge of its duties in the light of developments, and within the terms of the present resolution;
- (f) Shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for distribution to Members;

- 6. Requests that the Secretary-General shall provide the Commission with adequate staff and facilities, including technical advisers as required; and authorizes the Secretary-General to pay the expenses and per diem of a representative and an alternate from each of the States members of the Commission;

7. Calls upon the Member States concerned, the

対し、朝鮮委員会がその責務を遂行するに当たつて同委員会にあらゆる援助及び便宜を提供するよう要請し、

8 加盟国に対し、朝鮮の完全な独立及び統一の実現について国際連合がこれまでに達成し及び将来達成することがある成果を害するようないかなる行為をも慎むよう要請し、

9 加盟国その他の国に対し、それらの国が大韓民国政府と関係を設定するに当たつては、この決議の2に掲げる事実を考慮に入れることを勧告する。

Government of the Republic of Korea, and all Koreans to afford every assistance and facility to the Commission in the fulfilment of its responsibilities;

8. Calls upon Member States to refrain from any acts derogatory to the results achieved and to be achieved by the United Nations in bringing about the complete independence and unity of Korea;

9. Recommends that Member States and other nations, in establishing their relations with the Government of the Republic of Korea, take into consideration the facts set out in paragraph 2 of the present resolution.

(参考)

本条約は、両国間の外交及び領事関係の開設、韓国政府の地位確認その他両国間の国交正常化に当たつての基本的な事項について定めるものである。