# いわゆる「密約」問題に関する調査

# その他関連文書

（１．1960 年１ 月の安保条約改定時の核持込みに関する「密約」問題関連）

（４分冊の２）

【注意事項】

〇このファイルは多数のページがあります。

〇印刷する際には留意願います。

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大臣官房総務課



大臣物

次官

書記官長

次長

一課長

極秘

書記官長

参事官

十二月一日在ラングーン日本国総領事館ノ書記官ト邂逅セシ件　書記官長

十二月一日　書記官長在ラングーン日本国総領事館ノ書記官ト邂逅セシ要旨左ノ通リ。

一、目下大使ハ一書ヲ作成スル様大臣ニ御来申上ゲヤウカ、書面ヲ以テスルトナルトドウシテモ時間ノ必要アリ、今日ハマダ其ノ段階トハ考ヘラレナイノデ、来日ハ、大使カラ、大使ノ考ヘテイル実情ヲ自ラノ口カラ述ベテ来ラレタイト言ヒ出ヅルト思ヒ

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事務的に決定次第御話することゝ、此上の運びで御決し
なし、とよいかも知れず。当方より、大使の申入れる事項なるが、大使に
一章を設けられたるは大臣自身の御意向であるから、大臣に
対しては大使から次回会談の際(適宜)御披露ありたきことゝ申し
とまつ、先方承知した。以下内容の審議には入らなかつた。
二、我方の要請事項(一)先方は此の様な修正の必要性、特に之を削る
ことの困難な事情を述べ、(又)撤回を求めた。

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修正に応ぜざる場合は通告なきものとの考えはとらない、と述べたるに、我方の考え方を説明、何れにせよ本件は我方申入れにて白紙となりたる筈なり、と述べたる処、此点に関連し、修正の名称は何かありたるやに承知せざるも、文の関係修正の後先及要すれば修正の内容を十分了解し得ざりしと述べたる。

仲介を依頼し得ざりしと述べたる。

三、防衛協力修正（いわゆる大綱修正）――我方より審査上の問題を重ねて説明せるに対し、先方は「武力攻撃に至らざる侵害（attack）」

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能力」とは、侵略地域において武力に拮抗する能力」の意味の

持ちであり、侵略地域を日本に限れば甚だなまぬるく非ずやと思ふ。

依て我方よりそれならば「協力」(cooperation)と云ふ

"individual and collective capacity"と云ふ表現も云ふに様に

思ふ。又「協力」と云ふ義務があると云つては大変な解釈は自分

とては考へられなかつた。此の点は早速日米間で研究する筈し

「能力」かも知れない意味であるから右の二つの点は御留意を乞ふ

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のであります。なお、米国は、米州諸国の行為の
すべてに責任を持つ意味ではないのであります。「武力」の意味に
ついては、前にも申しましたごとく、もう一度研究する
ことであります。

四、協議條項――三を二分せるほかに、なおいくらかの
ことを、当方より、二つの協議は性質を異にし、(ホ)は
むしろ(ヘ)の前に
置くべきであり、(ヘ)は條約の終了に際して協議する旨を、又(ホ)に
ついては例えば安保常任委員会を通じと云う様な内容を考慮し得る

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思うに、上記の2つの協議の意味の異ることは分るが、今の
儘の形では矢張り通らないだろうということである。

三、條約改訂――此の表現については、米側は「共通の危険に対処
する」(書きます)
為すこととするのか、或は「或る攻撃を
為すこととする」とするのか、或は「共通の危険を認める」と
自国の平和と安全に対する危険を認める」と
云う字句を用いるのかと質問せる上、條約改訂を
日本に限る結果極東の義務に関連事を重ねて望めし。

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二十七日午後より内話のあることに決定し、本日に於て二三の考え方を述べた。右に対し、先方より、左の如きことい形

は

(1) 先づ松岡の辞表と共に其の利益を図れ」と云う意味を述べ、

(2) 更に修正地域に於ける同胞の一方に対する事は自己の手柄と為し得る点を認め、(「日本」及「在日米軍」の務

の形を作ることになる)

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(ハ) 普通の意味に於て 意思表示及手続に従ってアクトする

とし、別條に於て 多数決を「日本の行政権下にある領土又は領域」と定義する（即ち沖縄本土をも含めることを明らかにすると共に五島の様な自動的にこれに含まることをなくする）ことである、と

述べ、米側としては「日本の手中と委任に対する責任を負う」意味を「代理する」ことと、普通の意味に於てアクトする」の二つの表現を共に

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筆とすると思うが、此の点は尚よく調査する事ということで

あった。

尚修正案を自由に限ることは大体とりはからい得ると

はないかと考えている由。

六、行政協定については、差当り、この会議が本年限り修正

程度の改訂で済ませる事は申すまでもなく、

次期協定を基礎として行くことを考えて

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また右に述べたる、我方より手続上の理由を述べ、政府としては国会において批准を得ることを希望する旨言明をなすべし。

なお、芝居は日ソ関係が批准を早める為重要なることであるとは当軍事顧問部が従来しばしば主張し来れることなり、批准に関しては平和宣伝と思うと述べたる、批准に付米側が拒否権を持つ等種々の形にて支障ありやと聞う。

九、芝居は差しなかろう。

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七、幻想会に於ては、重なり、みな幻想的理由から多修多下には
ご注意ございまして、修多羅が多いから（修多羅が移動を
なさるまでは）其の方法を無視して、芝居は
古典は書割は一般通り描くことをこまへ、其は自然的
の方法です。其の場は別に法合って把握することと
か在るやうやは二の次の問題であります。若し書割書等の

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約款金を支拂ふ為め発行所證上の私拔が少數であるとき
であるときは約款金に約款金條項を有せざる旨書込まない、とある
但し書きを見ますと、ますますもつて(削除)
とのことで
あるそ。
(書き)
ハ、並の通りであれば防衛協力條項及び急迫時條項に関す
る先方の考え方を(削除)念頭に置きつつ見直す別
紙の如き事とする。

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Article A

The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack against the treaty area.

Article B

Each Party recognizes that an armed attack against either Party in the treaty area would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Article C

As used in this Treaty, the "treaty area" consists of the areas under the administration of Japan.

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條約局長ヨリ
次長ヘ
条長ヨリ

三、一三、七 書記官

十二月廿日附米國大使館口上書ノ件

本件ニ關シ左ノ通リ回答相成リ度シ

一、前文ニ述ベタル

maintenance

to

being

maintained

トスル點ニ關シ、及我方ガ最モ固執スルハ

二、現狀ヲ

三、名稱

ノ變更ガ復活セバ 和ハ and ニ復元シ得ズ

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三、経済協力條項

第　条乃至第　条ニ於テ　締約国ハ　ニ対シ　ヲ為スヘキコトヲ約ス

四、除外條項

左ニ掲ケル場合ニハ本協定ノ規定ハ適用セラレサルモノトス

五、防衛協力及條約地域條項

（別稿参照）

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六、基地使用條項

米側案別紙二の通り。

(イ) 妥協の見込みなき場合は、補給並使用及協議等の行為

使用の意味を明かにする事。

(ロ) 米國の義務とは、條約に關する米側の義務を

指す。(其處に米側の引受けたengagementはなし)

(ハ) 神奈川は我行政權を主張す。

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七、期限

(1) 本例の条約は、廃棄をしない限り永久に存続する

(2) 本例では

(3) という点においてはっきりしない。 indefinite

(4) 本例では

(5) 雰囲気 atmosphere ということが出来るかどうか、

(6) 当初本例のごとく定めた場合は、二十年であるが、條約

(7) 我が方はもう少し長くしたいと思うが、外務当局の意向はどうか、

(8) うはもう少し短くてもいいのではないか、

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八、議定書。

(イ) 英佛は interpretive な留保のものは 批准しない。又別段署名限

(ロ) 修正をネツケるの一件」と書けば 英佛は 批准しない。

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九、行政協定

我方より書簡提出の上別途三を follow up する外、まず一般は大体に無理をまして三なら協定が改正に関する

持つことであるし、とまず、べたか、捨る

(イ) 必ず文書でなくとも口頭でも差支ないとのことなら、

よろしいとの

(ロ) 若し之を取扱ぐ、それなら今までに改正の話をやる

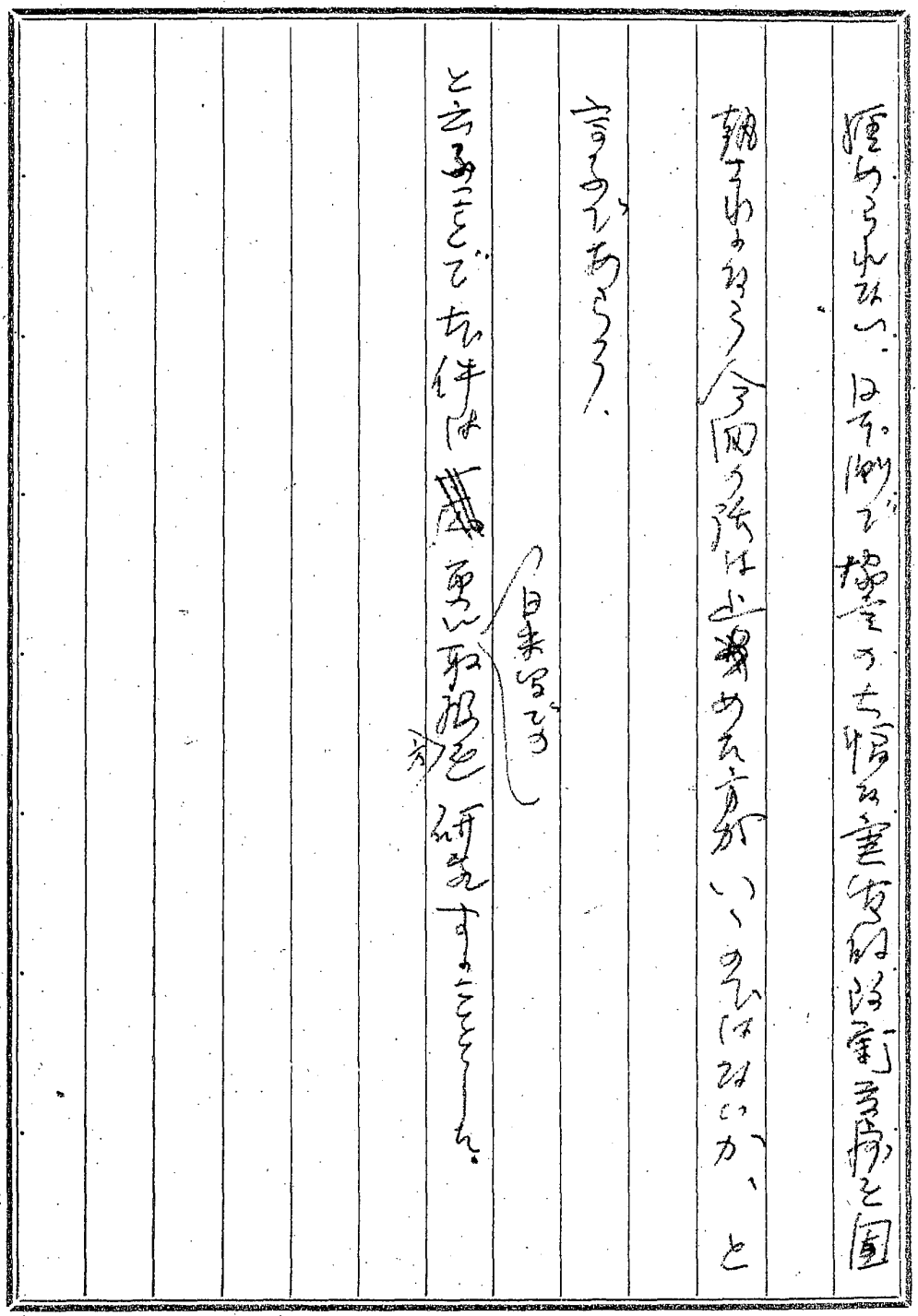
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うと言ってまいりましたが、その点については、
側つまり軍ではまだ関東軍と話はついない。

(ハ)については、大体において、右の協定は
僕と当初会った時話をしている。お互修好の為
協定又は共同防衛の為の軍事行動をとることは
出来ないから、修好を
besides 協定を締結したと言う事は出来ない。
この故に
又右の協定には完全に入る意が出ませんけれども修好の為に

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The Parties will consult together regarding the implementation of this Treaty and whenever in the opinion of either of them international peace and security in the Far East is threatened.

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第四條

二

In furtherance the objectives of this Treaty and to permit the United States to carry out its responsibilities under the Treaty, Japan grants to the United States the use of certain facilities and areas in Japan by the land air and naval forces of the United States.

The use of these facilities and areas and the status of United States Forces in Japan shall be governed by the Administrative Agreement signed at Tokyo on _____.

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別添三

SECRET

(DRAFT)

# Outline of Agreement Regarding the Status of United States Forces

1. The facilities and areas which are being used by the United States of America in accordance with the provisions of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America shall be considered as the facilities and areas mentioned in Article _____ of the Treaty of _____ between Japan and the United States of America.

2. The provisions of Article I to Article XXIII, Article XXV paragraphs 1, ~~and~~ 2 (a) and 3 and Article XXVI of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America shall, pending the conclusion of a new agreement on the subject matters of these provisions, apply mutatis mutandis between the two countries.

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一　日本国とアメリカ合衆国との間の安全保障条約第三条に基く政正された行政協定の規定に従つて日本国がアメリカ合衆国に対して使用を許している施設及び区域は、日本国とアメリカ合衆国との間の〇〇条約第〇条に基き日本国がアメリカ合衆国に使用を許与する施設及び区域とみなされる。

二　、、、行政協定の第一条から第二十三条までの規定並びに第二十五条の一、及び(a)の規定の内容はこれらの事項に関して新たな協定が締結されるまでの間両国間に引き続き適用されるものとする。

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# 日米安全保障新条約の基本問題

三三一三九　米保長

## 一、条約改訂の目的

条約改訂の目的は、(イ)自衛隊と在日米軍の協力の基礎を確立してわが国の安全保障に遺憾なきを期し、(ロ)締結当時以来の事態の変化にも鑑み条約の運営面における日本の自主性を高め条約関係を国民の要望に沿うよう調整し、(ハ)これにより過去数年にわたる日米関係阻害要因の一を除去して日米関係をより恒久的な友好的基盤の上におくことにある。

## 二、新条約の方向

現行条約がいわゆる一方的条約であるという議論は、これを要

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次官
米審局長
条約局長
参事官
アジア局長
参事官
市川参事官

極秘

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する に、(イ)米国は軍隊駐留の権利のみを有して日本防衛の義務を負っていないこと、(ロ)米国は在日米軍をその一方的決定に依り日本区域外において使用し得、従って日本が知らぬ間に戦争に捲込まれる危険があるということ、(ハ)核兵器持込に付不安があること等がその主たる論点である。従って新条約を考へる場合には此等の点に応へ得るものでなければならないが、他面、現行条約は日本が漸進的に自らの防衛の責任を負うという期待の下に作成された暫定的な取極めであり、現行条約の上では自衛隊と米軍とは並存しつつその間何等の条約上の関係のない状態にあるので、両者の基本関係を確立し、その間の協議を緊密にする基盤をおくとともに、新条約は互に自ら果すべき責任は果すという双務的基礎に

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立つたものでなければならない。もつともかかる責任は憲法の範囲内のものでなければならぬことは当然である。

三、新条約の内容

新条約は、わが国防衛の基調を米国との共同安全保障に置く国防の基本方針に則り、現行条約の一方的性格を取除いた双務的基礎に立つものでなければならないが、米国の援助義務を規定することが一要件たる以上、具体的には米国が自由陣営の与国と結んでいる相互援助諸条約の先例を無視し得ず、従つて新条約の内容は、日本側の憲法的政治的諸要請と米国側の先例に依る拘束を如何に調整するかに懸ることにならざるを得ない。かかる見地より内容上問題となる主要事項を挙げれば以下の通りである。

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四条約地域の問題

(イ) (イ)条約地域とは、相互援助条約における援助義務が発動すべき被攻撃対象地域の謂であつて、米国の先例に依れば、「相手国(領土の全部又は一部、又は軍隊艦船航空機)に対する攻撃をもつて自国の平和と安全に対する危険と認め、共通の危険に対処するため憲法の手続に従つて行動する」という表現が確立している。米国は他国の援助義務を引受けるにはこの型を逸脱し得ずとしてをり、この点は動かせない。

(ロ) 新条約において日本が引受ける義務は日本憲法の範囲内なることは当然であるが、この前提の下に条約地域を(1)西太平洋の米領土、沖縄小笠原、日本領土、(2)沖縄小笠原、日本領土、(3)

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日本領土、の何れにするやの問題ある処、(1)は相互援助の型に則したものであるが、米側は(2)を以てするも相互援助の基礎となし得べしとの見解を洩らしており、又(3)を採つた場合日本及び在日米軍をもつて米側が相互援助の基礎となし得るや否やは予断し得ない。沖縄小笠原を条約地域に含めるや否や(2)又は(3)の得失は別紙の通りである。

三、米軍の日本施設区域使用の問題

(1) 現行条約下において在日米軍は極東の平和と安全のため使用し得ることとなつているが、米側はこの点、特に米軍が日本の施設区域を補給目的のため使用し得ることを重視しており、又わが方よりも(する)極東において米軍が抑制力として存在することを

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利益とする。依つて新条約においても、米軍がわが国防衛のため、並びに極東の平和と安全のため、わが国の施設区域を使用することを認めることとする要あり、なおこの点は条約地域に関する日本側の援助義務が極めて限局されたものであるから、実質的には米国の援助義務と見合う実体を成す許である。

(ロ) なお米軍が日本地域外の戦闘行為のため日本の施設区域を作戦的に使用する場合、及び核兵器持込に関し、米側は新条約の一環として日本政府と事前協議をなすことを約束する用意あり。

六、防衛協力条項の問題

(イ) 米国が与国と結んでいる相互援助条約は、「継続的且果効的な自助及び相互援助」に基かなければならないとするいわゆる

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ヴァンデンバーグ決議に基礎を置いており、先例として「単独に及び共同して、継続的且効果的な自助及び相互援助に依て、武力攻撃に抵抗するための個別的及び集団的能力を維持し且発展させる」という表現が確立しており、米側は日本の憲法上の制約からして「集団的能力」という字句が受容れられないならば右の表現から「個別的及び集団的」なる字句のみは削つても差支ないが、他の部分をその儘存置することを絶対の要件としている。

(ロ) この条項は、「相互援助」に依り防衛力を維持発展するという点において日本が米国の防衛のため寄与するという憲法上の議論を招く惧があり、この点は憲法に関する留保を置くことに

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依つて解決するとしても、更に防衛力を維持「発展」させるという点において日本が米国に対し防衛力増強を条約上約束したという政治的攻撃を招く惧がある。他面この条項を日本側が受諾しなければ新条約の交渉が纏まる見込はないから、その存置に付政治的決断が必要である。

七、条約内容に関するその他の問題

(イ) 国連憲章との関係を明にする規定を置くことは慣例である。

(ロ) 極東の平和と安全が脅された場合に関する協議条項を置く。

(ハ) 政治経済の分野における一般的協力条項を置くや否やの問題あり、この点は、米側は安全保障関係はより広い一般的協力関係の一環としてのみ持続性と安全性があるとの観点から重視し

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ており、又これを存置することはわが方においても支障ありとは思はれない。

(二) 期限は安保条約の性質上米国側としては一応無期限としつつただ十年を経過すればこれを一年の予告で廃棄し得る形とすることを希望しているが、わが方としても別段差支えがあるとは思れない。ただあるいはより短い期限を考へる必要ありや検討を要する。

八、行政協定の扱に関する問題

(イ) 現行行政協定は現行条約の失効と共に失効するが、新条約の下においても新な行政協定が必要である。行政協定は直接軍の地位に関するものであるから米側もその扱を重視し、新条約に

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関する合意の一条件として、行政協定に関し、現行協定に親条約が変つた結果必要となる技術的調整のみを加へた新協定に付合意することを申出ており、又若し日本側において協定の大幅な実質的修正を考へられているならば、かかる交渉は軍当局を交へた長時間に亘る交渉となり、今回の条約交渉の一環として考へることは無理であるとしている。

(ロ) 行政協定は従来国内において非難の的とされた観があるが、右は外国軍隊の駐留なる事実から来る感情論が多く、協定の内容は施設区域供与の条件及び軍隊の地位に関する技術的規定であつて、多かれ少かれ国際的基準を逸脱するを得ず、協定自体に修正を要する点は比較的少く、又具体的交渉を行つて見ても

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先方が応諾して来る限度は極めて限られている。従つてこの際は、協定の修正は親条約が変つたことから必要となる技術的修正に限る建前とし、実質問題としては防衛分担金の削除のみを考慮することが適当であると思われる。

(ハ) 新協定に関する国内手続としては、(1)国会の承認を求めざる政府間協定とするやあるいは従来の経緯に鑑みてわが方においては国会の承認を求めることとするや、(2)右何れの場合においても、協定の内容を、「新協定が出来るまで旧協定の内容を適用する」という形とするか又は条文全体を整へた形とするかの問題がある。しかして事務的に研究せる結果としては、条文を整へて国会の承認を求めることが適当であると思はれる。

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極秘

（別紙）

新条約における沖縄小笠原の取扱について

一、新条約に関し、条約地域に沖縄小笠原を含めるや否やは最も重要な問題の一つであるが、この問題を考へるに当つては先ずこれを含める場合同地域が米領土と観念されるのかあるいは日本領土と観念されるのかを明にし置く必要がある。即ち、

(1) 沖縄小笠原には現に日本憲法は及んでおらず、その見地より観念上同地域が米国領土として条約地域に含められるならば、わが方は憲法上自衛隊を派遣し得ず、わが方の援助義務は、(1)日本本土防衛、(2)日本沿岸の哨戒、沿岸防衛、(3)基地供与、(4)補給協力、等となり、米側はかかる見解を採つている。

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(ロ) これに反し、沖縄小笠原には潜在主権があるが故にわが方の自衛権が及ぶということであるならば、同地域防衛のため、わが方は自衛隊派遣を含む有らゆる措置を執り得ることとなり、この場合には同地域は観念上日本領土として含められることとなる。

(ハ) かくて新条約において沖縄小笠原が条約地域に入る場合は、同地域の現状を前提し、米側はこれを米領土と観念しわが方はこれを日本領土と観念することとなるのを避け得ざることとなるであろう。

二、

(イ) 沖縄小笠原を条約地域に含めることを可とする理由を考へるに、

沖縄小笠原には潜在主権を有するのみならず住民は日本人で

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あり、これを含めるのは当然なりとするいわゆる国民感情に合致す、

(ロ) 米国は双務的な関係ということからしてこれを包含することを期待するであろうから、対米関係上はこれを含めることが適当である、

(ハ) これを含める場合もいわゆるNEATOを形成するものに非ず、実質上わが方がより大なる危険に曝されるということにはならない、

等の諸点が考へられる。

三、右に対し、条約地域を日本領土のみに限定することを可とする理由については、

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(イ) 沖縄小笠原は平和条約により米国が日本から取上げている地域であるから、現状の儘その防衛を日本が米国に対して義務として約束するのはおかしいという議論がある。

(ロ) 沖縄小笠原を含めると、その防衛に付共同責任を負うという観点から、同地域における米軍の装備、配備、使用に付協議を受けることが当然だとの議論を誘発すると共に、政府が同地域に対する派兵や再軍備促進の腹であるとの非難を招く惧がある、

(ハ) 沖縄小笠原を含めることはNATOを形成するものであり、日本を新に戦争の危険に曝すものであるとする議論がある、

(ニ) 沖縄、小笠原を含める場合米側はこれを米国の領域と観念し日本側はこれを日本の領域と観念することとなりその間に喰違

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いを生じ、又条約の期間と関連し右期間中は沖縄小笠原の現状を固定するものなりとの議論を生ずる。

等の諸点が考へられる。

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極秘
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# 日米安全保障新条約の大綱

三四、一、一二　外務省

一、新条約の目的

新条約の目的は、(イ)自衛隊と在日米軍のわが国防衛のための協力の基盤を確立してわが国の安全保障に遺憾なきを期し、(ロ)現行条約締結当時以来の事態の変化にも鑑み日本の自主性を高め条約関係を国民の要望に沿うよう調整し、(ハ)これにより過去数年にわたり日米関係を阻害してきた要因の一を除去して日米関係をより恒久的な友好的基盤の上におくことの三である。

二、新条約の方向

現行条約がいわゆる一方的条約であるという議論は、これを要するに、(イ)米国は軍隊駐留の権利のみを有して日本防衛の義務を負つていないこと、(ロ)米国は在日米軍をその一方的決定に依り「極東の平和と安全の維持」のため日本区域外において使用し得、従つて日本が知らぬ間に戦争に捲込まれる危険があるということ、(ハ)在日米軍の配備と装備については米国が自由に決定できることになつており日本の意向を無視して核兵器を日

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本に持込み得るということ、(ニ)日本に内乱が起つた場合在日米軍の力をかりてこれを鎮圧するという所謂内乱条項は独立国の体面を傷けるものであるということ、(ホ)日本は米国の同意をえずに第三国に基地を供与してはならないという条項は独立国としての自主性を傷けるものであるということ、(ヘ)条約本文の中には国連憲章第五十一条との関係が明記されていないこと、(ト)現行条約は期限の定めがないが期限に関する適当な規定をおく必要があるということ、等がその主たる論点である。

従つて新条約を考える場合には此等の点に応え得るものでなければならないが、他面、現行条約は日本が漸進的に自らの防衛の責任を負うという期待の下に作成された暫定的な取極めであり、現行条約の上では自衛隊と米軍とは並存しつつその間何等の条約上の関係のない状態にあるので、両者の基本関係を確立し、その間の協議を緊密にする基盤をおくとともに、新条約は互に自ら果すべき責任は果すという双務的な建前に立つたものでなければならない。もつともかかる責任は憲法の範囲内のものでなければならぬことは当然である。

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三、新条約の内容

新条約は、わが国防衛の基調を米国との共同安全保障に置く国防の基本方針に則り、かつ現行条約の一方的性格を取除いたものでなければならないが、米国の援助義務を規定することが一要件たる以上、具体的には米国が自由陣営の与国と結んでいる相互援助諸条約の先例を無視し得ず、従つて新条約の内容は、日本側の憲法的政治的諸要請と米国側の先例による拘束を如何に調整するかに懸ることにならざるを得ない。かかる見地より内容上問題となる主要事項を挙げれば以下の通りである。

(一)条約地域

(イ)条約地域とは相互援助条約における援助義務が発動すべき被攻撃対象地域の謂であつて、米国の先例によれば、「相手国(領土の全部又は一部、又は軍隊艦船航空機)に対する攻撃をもつて自国の平和と安全に対する危険と認め、共通の危険に対処するため憲法の手続に従つて行動する」という表現が確立している。米国は他国の援助義務を引受けるにはこの型を逸脱し得ずとしており、この形式は動かせ

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ない。

(ロ) 新条約において日本が引受ける義務は日本憲法の範囲内なることは当然であるが、この前提の下に条約地域を(1)西太平洋の米領土、沖縄小笠原、日本領土、(2)沖縄小笠原、日本領土、(3)日本領土、の何れにするやの問題あるところ、(3)を採つた場合日本及び在日米軍をもつて米側が相互援助の基礎となし得るや否やは予断し得ない。

(二) 在日米軍の配備及び使用の問題

(イ) 現行条約下において米国は在日米軍を極東の平和と安全のため使用し得ることとなつているが、米側はこの点、特に米軍が日本の施設区域を補給目的のため使用し得ることを重視しており、又わが方よりするも極東において米軍が侵略に対する抑制力として存在することを利益とする。よつて新条約においても、米軍がわが国防衛のため、並びに極東の平和と安全のため、わが国に駐留し、わが国の施設区域を使用することを認めることとする要あり、なおこの点は条約地域に関する日本側の援助義務が極めて限局されたものであるから、実質的には米国の援助義務と見合う実体を成すこととなる。

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(ロ) なお、米側は、在日米軍の配備及びその装備（核兵器を含む）に関し、並びに在日米軍が日本地域外の戦闘行為のため日本の施設区域を作戦的に使用する場合、新条約の一環として日本政府と事前協議をなすことを約束する用意あり。もつとも右の約束は、在日米軍の日本外への移動の自由を制約するものではない。

(ハ) 防衛協力条項の問題

(イ) 米国が与国と結んでいる相互援助条約は、「継続的且効果的な自助及び相互援助」に基かなければならないとするいわゆるヴァンデンバーグ決議に基礎を置いており、先例として「単独に及び共同して、継続的且つ効果的な自助及び相互援助によつて、武力攻撃を排除するための個別的及び集団的能力を維持し且発展させる」という表現が確立している。米側は、日本の憲法上の制約からして「集団的能力」という字句が容れられないならば右の表現から「個別的及び集団的」なる字句のみは削るとしても、他の部分はそのままこれを存置することを強く主張している。

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(ロ)この条項は「相互援助」により防衛力を維持発展するという点において日本が米国の防衛のため寄与するという憲法上の議論を招く惧があり、この点は憲法に関する留保を置くことによつて解決するとしても、更に防衛力を維持「発展」させるという点において日本が米国に対し防衛力増強を条約上約束したという政治的攻撃を招く惧がある。他面この条項を日本側が受諾しなければ新条約の交渉は非常に困難であるから、その存置に付政治的決断が必要である。

(四)その他の問題

(イ)国連憲章との関係を明にする規定を置くことは慣例である。

(ロ)極東の平和と安全が脅された場合に関する協議条項を置く。

(ハ)所謂内乱条項については、大規模な間接侵略の場合は「日本国に対する攻撃」と解されて援助義務発動の対象となるべきなるのみならず、条約明文上に規定がなくとも必要な場合には要請により援助を求め得べきであるから、これを規定する必要はないと思われる。

(ニ)政治経済の分野における一般的協力条項を置くや否やの問

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題あり、この点は、米側は安全保障関係はより広い一般的協力関係の一環としてのみ持続性と安定性があるとの観点から重視しており、又これを存置することはわが方においても支障ありとは思われない。

(ホ) 期限は安保条約の性質上米国側としては一応無期限としつつただ十年を経過すればこれを一年の予告で廃棄し得る形とすることを希望しているが、規定の形式の問題は別とし期限を十年とすることは適当であると思はれる。他面中ソ同盟条約の有効期限は三十年（一九五〇年締結の時より起算して）となつているので十年以上の期限を付すべきであるとの議論も一部には生ずるであろう。

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四、行政協定の扱に関する問題

(イ) 現行行政協定は現行条約の失効とともに失効するが、新条約の下においても新な行政協定が必要である。行政協定は直接軍の地位に関するものであるから米側もその扱を重視し、新条約に関する合意の一条件として、行政協定に関し、新条約の締結に伴つて必然的に行う必要のある技術的調整のみを加えた新協定に付合意することを申出ており、又若し日本側において協定の大巾な実質的修正を考えられているならば、かかる交渉は軍当局を交えた長時間にわたる交渉となり、今回の条約交渉の一環として考えることは無理であるとしている。

(ロ) 行政協定は従来国内において非難の的とされた観があるが、右は外国軍隊の駐留なる事実から来るいわば必要悪に発するものが多く、協定の内容は施設区域供与の条件及び軍隊の地位に関する技術的規定であつて、多かれ少かれ国際的基準を逸脱するを得ず、協定自体に修正を要する点は比較的少く、又具体的交渉を行つて見ても先方が応諾して来る限度は極めて限られている。従つてこの際は、協定の修正は、親条約が

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変つたことから必要となる技術的修正はもちろんであるが、実質問題としては防衛分担金の削除のみ考慮する程度に止めることも止むを得ないと思われる。もつとも新条約の署名の時期がのびれば防衛分担金条項だけを調整するのみでは不十分だとの意見もあるであろう。

(ハ) 新協定に関する国内手続としては、(1)国会の承認を求めざる政府間協定とするやあるいは従来の経緯にかんがみてわが方においては国会の承認を求めることとするや、(2)右いずれの場合においても、協定の内容を「新協定が出来るまで旧協定の内容を適用する」という形とするか又は条文全体を整えた形とするか、の問題がある。しかして事務的に研究せる結果としては、条文を整えて国会の承認を求めることが適当であると思われる。

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# 日米安全保障新条約要綱（試案）

一、両締約国は国連憲章の原則に従い国際紛争を平和的に解決し、国連の目的に違背する様な武力の行使又はその脅威を行はないこととする。

二、両締約国は民主主義の原則を尊重し、安定と福祉を増進して平和的友好関係の強化に努め、更に経済的協力関係の緊密化に努力することとする。

三、両締約国は、単独に及び共同して、継続的且つ効果的な自助及び相互援助により、武力攻撃を排除するための能力を維持し且発展させることとする。

四、両締約国は、極東の平和と安全が脅かされていると認める場合は随時協議することとする。

五、両締約国は、日本の行政権下にある地域における何れかの締約国に対する攻撃を自国の平和と安全に対する危険と認め、共通の

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危険に対処するため、憲法の規定と手続に従つて行動することとする。

六、現行条約の内乱条項は新条約ではこれを規定しないこととする。

七、日本国の安全並びに極東の平和と安全に寄与するため、合衆国軍隊は日本にある施設及区域を使用することが出来ることとする。施設及区域の使用並びに在日の米軍の地位は別にこれを定めるものとする。

八、本条約の期限は十年とし、十年を経過したる後は一年の予告をもつてこれを廃棄し得ることとする。

九、批准条項を置き、尚本条約が発効すれば現行安保条約は消滅することとする。

十、在日米軍の配備及び装備の重要な変更（但し米軍の日本外への撤退は除く）並びに日本の施設区域を日本防衛のため以外の目的で作戦的に使用する場合は、米側は日本側と事前に協議すべきこ

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とを別途明にすることとする。

十、行政協定は新条約の締結により必然的に必要となる技術的修正の外は防衛分担金条項を削除するにとどめることとし且新行政協定は国会の承認を求めることとする。

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極秘

二月六日藤山大臣在京米大使会談録抜萃

大臣　最後に安保條約に付一言申上げたい。

先般来国内各地を歩いてお伸に関し未だ大多数の人と話しているが、此の問題に関する一般の理解も段々進んで国民輿論も逐次社会党の指導から脱して我々の考えている方向に向って居る様に思われ、此の点は大使にもお知らせしおきたいと考えていた。党内の方も纏まると思うが、結局は大使と今迄話して来

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回覧番号
米保

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た趣旨で纏まると思ふ。今後もお纏まる丈早く署名お纏まる様に努力する積りであるが、又プライヴェイト或は然らざる会合を度々行ふことになると思ふ。

大使 今朝山田治官と有益なお話をした。貴方はワシントンから自民党の内部が完全に纏まる迄、又国民の支持確実なりとの見透を得る迄お仲交渉を再開してはならないとの訓令を受けている。然し貴方は此の訓令は現実的であるとは

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思はないが、大臣と日何はなお話する用意があるが、然し甚のなめに今後又問題が起つては困る立場にある。今後一、二週間内にパブリックにする会話を行うも結構であるが、甚の点には是非ともプライバシーにお目にかかつて貴方の観る所を申上げ度く存じ、今後話を進めるためにはどうしても行政協定に付先づ困める必要がある。

勿論係りの方もお話を並行して進めることに異存はないが、

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行政協定に就て話が固らなければ條約の方もワシントンに取次ぐことがおまない次第である。條約、協定何れについても克服おまな問題はないと思うが、何れにせよ未だ決っていないことを先走って公にコミットしてしまうことは絶体にない様にする必要がある。條約地域に就ては、当初米国が希望した廣い地域が駄目ならば日本の施政権下の地域としてワシントンに具申する所存である。又行政協定の実質

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的修正は困難であるが、分担金は三十四%の線に
手を触れないなら同條項の削除を具申する所存である。
尚目下国会で問題の核非武装決議問題は政府がこれを
適切にハンドルされることを衷心希望する。なおはシアリズ
ム問題である。
大臣　自民党は之に対の態勢である。社会党の原案は
国会にかけている内容が弱まれば又考える余

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地あいとの態度がある。 本件に関する斡旋長官談の

おめ如日午後の予算委員会も流れたのである。

大使 本件日政府が adequately に処理されることを切望する。

米国は国連日政府の意に反して核兵器を持込む

意図はないのであるからイシューは存在しないのであるが、

新條約に関しては全般のフォーミュラはあの通り応ずる

用意がある次第のある。 尚核非武装地帯を張

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変化し共産側が何時でも掌握し得る態勢に持って行く一つの方途があるから日本政府がうまく扱って下さることを期待して止まず。

大臣　本件に関しては見解を同じくするものがある。

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秘

日米安全保障新条約の大要

三四・二・一二

一、本条約と国連憲章との関係を明らかにする。

(イ) 両締約国は国連憲章の原則に従い国際紛争を平和的に解決し、国連の目的に違背する様な武力の行使又はその脅威を行わないこととし、

(ロ) 武力攻撃があつた場合は、その攻撃及びこれに対して採られた対抗措置は直ちに安全保障理事会に通報され、理事会が平和恢復の措置を採つた場合は右対抗措置は終止されることとする。

二、政治的経済的協力関係を規定する。

安全保障関係はより広い一般的な両国関係の基礎の上にその一環として成立つ所であるから、その趣旨より両国間の政治的経済的協力関係を謳う。即ち両締約国は民主主義の原則を尊重し、安定と福祉を増進して平和的友好関係の強化に努め、更に経済的協力関係の緊密化に努力することとする。

三、防衛力に関する協力関係を規定する。

米国が与国と結んでいるこの種条約は、自助及び相互援助の

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原則を謳つた所謂ヴァンデンバーク決議に拠つている。しかして米国の援助義務を条約に規定するためにはこの決議の精神を謳わなければならないので、本条約においても、両締約国は、単独に及び共同して、継続的かつ効果的な自助及び相互援助により、武力攻撃を排除するための能力を維持しかつ発展させることとする。

四、条約の運営上両締約国は常時協議して密接な連絡を保つことを明らかにする。

共同安全保障体制の維持運営のためには両締約国は相互にその立場を理解し、常時密接な連絡を保つ必要がある。よつて、

(イ) 両締約国は本条約の運営に付随時協議することとし、

(ロ) 極東の平和と安全が脅かされていると認める場合は何時でも協議することとする。

五、如何なる場合に防衛義務が発動するかを明らかにする。

本条約において米国の日本防衛義務を明らかにすることを目途とし、両締約国は、日本の行政権下にある地域において、何れかの締約国に対して（即ち日本国又は日本に在る米軍に対し

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て）攻撃があつた場合は、これを自国の平和と安全に対する危険と認め、共通の危険に対処するため、憲法の規定と手続に従つて行動することとする。

六、米軍の在日施設区域使用を認める。

わが方自衛力の現状を考慮せば、米軍が侵略に対する抑制力として駐留することが適当であり、米側も極東全般の安全保障の見地より米軍が在日施設を使用し得ることを重視している。よつて、

(イ) 米軍は、日本国の安全並びに極東の平和と安全に寄与するため、日本にある施設及び区域を使用することが出来ることとするが、同時に、

(ロ) 在日米軍の配備及び装備（核兵器を含む）の重要な変更は日本側と事前に協議するとともに（但し右は一定の米軍を日本に据置くことを意味しない）、日本の施設区域を日本防衛のため以外の目的で作戦的に使用する場合は同じく事前に協議することを別途文書により明らかにする。

七、内乱条項は規定しない。

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大規模な間接侵略の場合は援助義務発動の対象となるべきのみならず、明文上規定がなくとも必要の場合は要請により援助を求め得べきであるから、内乱条項は置かないこととする。

八、第三国軍隊の駐兵、通過等の制限に関する現行条約第二条の規定は置かないこととする。

九、本条約の期限は一応十年とし、十年を経過したる後は一年の予告でこれを廃棄し得ることとする。

一〇、批准条項を置き、本条約が発効すれば現行安保条約は消滅することとする。

一一、本条約によつて負うべき義務は、夫々両締約国の憲法の規定により許された範囲内であることを明らかにする。

一二、新行政協定は国会の承認を求めるが、その調整は最少限とする。

現行行政協定は現行安保条約の消滅とともに消滅するが、米側は当初より現行協定をそのまま新条約下に引継ぐことを強く主張している。わが方としては新行政協定に付国会の承認を求めることとするが、その規定の内容は、現行協定に対して親条

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約が変つたことから必要となる修正を加えるほか、防衛分担金
条項は削除する様米側に交渉することとする。

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極秘

（仮訳）

日本国とアメリカ合衆国との間の相互的協力及び安全保障条約（案）

（一九五九、二、四）

日本国及びアメリカ合衆国は、

両国の間に伝統的に存在する平和及び友好の関係を強化し、並びに民主主義、個人の自由及び法の支配の原則を擁護することを希望し、

また、両国の間の一層緊密な経済的協力を促進し、及び両国における安定と経済的福祉の条件を助長することを希望し、

国際連合憲章の目的及び原則に対する両国の信念並びにすべての

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国民及び すべての
政府とともに、平和のうちに生きようとするその願望を再確認し、

国際連合憲章に定める両国の個別的及び集団的自衛の固有の権利を確認し、

両国が極東における国際の平和及び安全の維持に共通の関心を有することを考慮し、

相互的協力及び安全保障の条約を締結することを決意し、

よつて、次のとおり協定する。

第一条

締約国は、国際連合憲章に定めるところに従い、その関係することのある国際紛争を平和的手段によつて国際の平和及び安全並びに正義を危くしないように解決し、並びにその国際関係において、武

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方による威嚇又は武力の行使を、いかなる国の領土保全又は政治的独立に対するものも、また、国際連合の目的と両立しないいかなる方法によるものも慎むことを約束する。

第二条

締約国は、その自由な制度を強固にすることにより、その制度の基礎をなす原則の理解を促進することにより、及び安定と福祉の条件を助長することによつて、平和的かつ友好的な国際関係の一層の発展に貢献する。締約国は、その国際経済政策上の衝突を除去することに努め、また、締約国の間の経済的協力を促進する。

第三条

締約国は、単独に及び共同して、継続的かつ効果的な自助及び相

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互援助により、武力攻撃に抵抗するその能力を憲法上の制約の範囲内で維持し、かつ、発展させる。

第四条

締約国は、この協定の実施に関して協議し、また、いずれか一方の締約国が極東における国際の平和と安全が脅かされていると認めるときはいつでも、協議する。

第五条

各締約国は、日本国の施政権の下にある地域におけるいずれかの（一方）締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、自国の憲法上の規定及び手続に従つて共通の危険に対処するように行動することを宣言する。

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前記の武力攻撃及びその結果として執つたすべての措置は、国際連合憲章第五十一条の規定に従つて直ちに国際連合安全保障理事会に報告しなければならない。その措置は、安全保障理事会が国際の平和及び安全を回復し及び維持するために必要な措置を執つたときは、終止しなければならない。

第六条

日本国の安全に寄与し、並びに極東における国際の平和及び安全の維持に寄与するため、アメリカ合衆国は、その陸軍、空軍及び海軍による日本国内の施設及び区域の使用を許与される。

前記の施設及び区域の使用並びに日本国における合衆国軍隊の地位は、別個の協定により規律されるものとする。

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第七条

この条約は、国際連合憲章に基く締約国の権利及び義務又は国際の平和及び安全を維持する国際連合の責任に対しては、いかなる影響も及ぼすものではなく、また、及ぼすものと解してはならない。

第八条

この条約は、日本国及びアメリカ合衆国により各自の憲法上の手続に従つて批准されなければならず、両国がワシントンでその批准書を交換した日に効力を生ずる。

第九条

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アメリカ合衆国との間の安全保障条約は、この条約の効力発

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生の時に効力を失うものとする。

第十条

この条約は、無期限に効力を有する。ただし、この条約が十年間効力を存続した後は、いずれの締約国も、他方の締約国に対し通告を行つた後一年でこの条約を終了させることができる。

以上の証拠として、下名の全権委員は、この条約に署名した。

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千九百　　年　　月　　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

日本国のために

アメリカ合衆国のために

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# 議定書

日本国とアメリカ合衆国との間の相互的協力及び安全保障条約に署名するに当つて、下名の全権委員は、各自の政府により正当に委任を受け、さらに、第三条の実施に関する次の規定を協定した。この規定は、同条約の不可分の一部と認められるものとする。

合衆国軍隊（その装備を含む。）の日本国における配備の重要な変更並びに日本国の防衛以外の目的のための作戦行動の基地としての日本国内の施設及び区域の使用は、日本国政府との事前の協議によつて行わなければならない。

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以上の証拠として、各全権委員は、この議定書に署名した。

千九百　　年　　月　　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

日本国のために

アメリカ合衆国のために

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# 代案

第三条

締約国は、単独に及び共同して、継続的かつ効果的な自助及び相互援助により、武力攻撃に抵抗するその能力を維持し、かつ、発展させる。

第五条、第一項

各締約国は、日本国の施政権の下にある地域におけるいずれかの一方の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、自国の憲法上の手続に従つて共通の危険に対処するように行動することを宣言する。

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附加条項

この条約のいかなる規定も、いずれの締約国に対しても、自国の憲法上の規定に反する義務を課するものと解釈してはならない。

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CONFIDENTIAL

24 February 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of stability and economic well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing their inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have common interest in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

## ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in

which

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which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies, and will encourage economic collaboration between them.

ARTICLE III

The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop, within the constitutional limitations, their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty and whenever in the opinion of either of them international peace and security in the Far East is threatened.

ARTICLE V

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ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and to the maintenance of international peace and security in the Far East, the United States of America will be granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas and the status of United States Forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of

the

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the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional procedures and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Washington.

ARTICLE IX

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE X

This Treaty shall remain in force indefinitely. However, after the Treaty has been in force for 10 years either Party may terminate it one year after notice has been given to the other Party.

IN

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IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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PROTOCOL

At the time of signing the Treaty of Mutual Cooperation and ~~for~~ Security between Japan and the United States of America, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions concerning the implementation of Article III, which shall be considered integral parts of the aforesaid Treaty:

Major changes in the disposition of United States forces (including their equipment) in Japan and the use of facilities and areas within Japan as the bases of military operations for purposes other than the defense of Japan shall be effected upon prior consultation with the Government of Japan.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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ALTERNATIVE

ARTICLE III

The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE V, paragraph 1

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Additional ARTICLE

Nothing in this Agreement shall be interpreted as imposing on either Party any obligation that is contrary to its constitutional provisions.
tutional provisions.

秘密指定解除
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CONFIDENTIAL

March 13, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Considering that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the Uted Nations,

Considering that they have common interest in the maintenance of international peace and security in the Far East and that the security of Japan is essential thereto,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

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大臣官房総務課



ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by endeavoring in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security be discharged more effectively, by strengthening their free institutions and bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies, and will encourage economic collaboration between them.

ARTICLE III

秘密指定解除
大臣官房総務課



ARTICLE III

The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty and whenever in the opinion of either of them international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

秘密指定解除
大臣官房総務課



ARTICLE VI

For the purpose of contributing to the security of Japan and in consideration of the common interest that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America will be granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas and the status of United States Forces in Japan shall be governed by separate agreements.

ARTICLE VII

The term "Japan" as used in this Treaty means geographically the territories of Japan exclusive of those that are not under its administration.

ARTICLE VIII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE IX

Nothing in this Treaty shall be interpreted as imposing on either Party any obligation that is contrary to its constitutional provisions.

ARTICLE X

秘密指定解除
大臣官房総務課



ARTICLE X

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional procedures and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Washington.

ARTICLE XI

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XII

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the lapse of a period of ten years with no such United Nations arrangements coming into force, this Treaty may, in spite of the provisions of the preceding paragraph, be terminated at the end of the above period or at any time thereafter by either Party by giving one year's written notice to the other Party.

IN

秘密指定解除
大臣官房総務課



IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課



PROTOCOL

At the time of signing the Treaty of Mutual Cooperation and Security between Japan and the United States of America, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions concerning the implementation of Article VI, which shall be considered integral parts of the aforesaid Treaty:

Major changes in the disposition of United States forces (including those in their equipment) in Japan and the use of facilities and areas as the bases of military operations other than those conducted under Article V of the the Treaty shall be effected upon prior consultation with the Government of Japan.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol,

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
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極秘 8 10

（仮訳）

（一九五九・三・一七）

日本国とアメリカ合衆国との間の相互協力及び安全保障条約（条）

日本国及びアメリカ合衆国は、

両国の間に伝統的に存在する平和及び友好の関係を強化し、並びに民主主義、個人の自由及び法の支配の原則を擁護することを希望し、

また、両国の間の一層緊密な経済的協力を促進し、及び両国における安定と福祉の条件を助長することを希望し、

国際連合憲章の目的及び原則に対する両国の信念並びにすべての国民及びすべての政府とともに平和のうちに生きようとするその願

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大臣官房総務課

望を再確認し、

両国が国際連合憲章に定める自衛の個別的及び集団的自衛の固有の権利を有していることを考慮し、

両国が極東における国際の平和及び安全の維持に共通の関心を有することと並びに日本国の安全が極東における国際の平和及び安全の維持に不可欠であることを考慮し、

相互協力及び安全保障の条約を締結することを決意し、

よつて、次のとおり協定する。

第一条

締約国は、国際連合憲章に定めるところに従い、その関係することのある国際紛争を平和的手段によつて国際の平和及び安全並びに

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正義を危くしないように解決し、並びにその国際関係において、武力による威嚇又は武力の行使を、いかなる国の領土保全又は政治的独立に対するものも、また、国際連合の目的と両立しないいかなる方法によるものも慎むことを約束する。

締約国は、他の平和愛好国と協同して、国際の平和及び安全を維持する国際連合の任務が一層効果的に達成されるように国際連合を強化することに努力する。

第二条

締約国は、その自由な制度を強固にすることにより、その制度の基礎をなす原則の理解を促進することにより、及び安定と福祉の条件を助長することによつて、平和的かつ友好的な国際関係の一層の

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発展に貢献する。締約国は、その国際経済政策上の衝突を除去することに努め、また、締約国の間の経済的協力を促進する。

第三条

締約国は、継続的かつ効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力を維持し、かつ、発展させる。

第四条

締約国は、第五条に述べる脅威を含めてこの条約の実施に関して協議し、また、いずれか一方の締約国が極東における国際の平和と安全が脅かされていると認めるときはいつでも協議する。

第五条

各締約国は、日本国の施政の下にある地域におけるいずれか一

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大臣官房総務課

方の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、自国の憲法上の手続に従つて共通の危険に対処するように行動することを宣言する。

前記の武力攻撃及びその結果として執つたすべての措置は、国際連合憲章第五十一条の規定に従つて直ちに国際連合安全保障理事会に報告しなければならない。その措置は、安全保障理事会が国際の平和及び安全を回復し及び維持するために必要な措置を執つたときは、終止しなければならない。

第六条

日本国の安全に寄与するため、並びに極東における国際の平和及び安全の維持に対し両締約国が有する共通の関心を考慮して、アメ

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大臣官房総務課

り力合衆国は、その陸軍、空軍及び海軍による日本国内の施設及び区域の使用を許与される。

前記の施設及び区域の使用並びに日本国における合衆国軍隊の地位は、別個の協定により規律されるものとする。

第七条

この条約は、国際連合憲章に基く締約国の権利及び義務又は国際の平和及び安全を維持する国際連合の責任に対しては、いかなる影響も及ぼすものではなく、また、及ぼすものと解してはならない。

第八条

この条約においていかなる規定も、いずれの締約国に対しても自国の憲法上の規定に反する義務を課するものと解してはならない。

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第九条

この条約は、日本国及びアメリカ合衆国により各自の憲法上の手続に従つて批准されなければならず、両国がワシントンでその批准書を交換した日に効力を生ずる。

第十条

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アメリカ合衆国との間の安全保障条約は、この条約の効力発生の時に効力を失うものとする。

第十一条

この条約は、日本区域における国際の平和及び安全の維持のため十分な定をする国際連合の措置が効力を生じたと日本国及びアメリ

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力合衆国の政府が認める時まで効力を有する。

もつとも、前記の国際連合の措置が効力を生じたときは十年の期間が経過した後は、この条約は、前項の規定にかかわらず、いずれの一方の締約国も他方の締約国に対し一年の文書による予告を与えることにより前記の期間の満了の際又はその後いつでも終了させることができる。

以上の証拠として、下名の全権委員は、この条約に署名した。

千九百　年　月　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

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日本国のために

アメリカ合衆国のために

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議定書

日本国とアメリカ合衆国との間の相互協力及び安全保障条約に署名するに当つて、下名の全権委員は、各自の政府により正当に委任を受け、さらに、第六条の実施に関する次の規定を協定した。この規定は、同条約の不可分の一部と認められるものとする。

合衆国軍隊の日本国における配備の重要な変更（同軍隊の装備の重要な変更を含む。）並びに相互的協力及び安全保障条約第五条に基き執られる作戦行動以外の作戦行動の基地としての施設及び区域の使用は、日本国政府との事前の協議によつて行わなければならない。

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以上の証拠として、各全権委員は、この議定書に署名した。

千九百　　年　　月　　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

日本国のために

アメリカ合衆国のために

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極秘 8 10

CONFIDENTIAL

March 17, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Considering that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have common interest in the maintenance of international peace and security in the Far East and that the security of Japan is essential thereto,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

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ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies, and will encourage economic collaboration between them.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security be discharged more effectively.

ARTICLE III

秘密指定解除
大臣官房総務課



ARTICLE III

The Parties, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty, including measures to be taken under Article V thereof, and whenever in the opinion of either of them international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

秘密指定解除
大臣官房総務課



ARTICLE VI

For the purpose of contributing to the security of Japan and in consideration of the common interest that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America will be granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas and the status of United States Forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

Nothing in this Treaty shall be interpreted as imposing on either Party any obligation that is contrary to its constitutional provisions.

ARTICLE X

秘密指定解除
大臣官房総務課



ARTICLE IX

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional procedures and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Washington.

ARTICLE X

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the lapse of a period of ten years with no such United Nations arrangements coming into force, this Treaty may, in spite of the provisions of the preceding paragraph, be terminated at the end of the above period or at any time thereafter by either Party by giving one year's written notice to the other Party.

IN

秘密指定解除
大臣官房総務課



IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課



PROTOCOL

At the time of signing the Treaty of Mutual Cooperation and Security between Japan and the United States of America, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions concerning the implementation of Article VI, which shall be considered integral parts of the aforesaid Treaty:

Major changes in the disposition of United States armed forces (including those in their equipment) in Japan and the use of facilities and areas as the bases of military operations other than those conducted under Article V of the Treaty shall be effected upon prior consultation with the Government of Japan.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課

外務省

| 回覧番号 |
| --- |
| 米保 672 |

大臣
次官
官房長
参事官
次長
課長

極秘

三月二十日 林山大使在京事変会談録（其二）

日時 昭和三十四年三月二十日午後三時より三時二十分まで於事務所

出席者 林山大使、森次長、米保課長

通訳官 レハート氏

大使 本日は御用中乍ら御邪魔申上げまして（御紹介状と手交）

行政協定に付ての考え方も申上げましょう

行政協定に就ては 第一条は二十日迄に三十四条以外はコンファーミングの形

とし、その他の条文に付ては今後調整を行う予定である。三に付ては

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仰にお任せいたします。書面は差し上げない。

先方に関しては、考えうる安全を整理した上で七年を一応おおし

ます。この点も外務省で検討し、その内容は検討ずみと

ころで持ち出した話を二種類ご用意しております。外務省が今

検討は、過去の外交協定の経験を基礎とし、自衛隊の施設

に関する優先並びに我が米NATO協定を参考として行うもの、

「調整」は地位協定自明を求めるよう主を等しくもの、「修正」は米側が

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於ても問題を生ずることあり得ないものであると
思はれる点を挙げたものである。（「提起された問題」「修正」「調
整」三文書を参照）

以上は日米間の協定を締結せんとするに、主たる以上これはあ
ない、

調達及「修正」の主たる十九条に付米側が要領の点を討議
して行くことが、話を進める行き方になると思ふ、尚残余の十九条に
就ては米側の考えを聞いた上で

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貴電は如何取扱ひ可
然哉
今後の進め方として、条約草案に対する米側の意見「なお、修正」調
整に関する米側意見を聴かせ置くこととしおり、
右迄 至急意見を述べさせ給ましく
条約案では、我は米政府と協議（又は承認し得るかを取り
敢ず破棄し得る旨附記することを要求し、表は飽迄草案は完き旨の
上意見を申述ぶるも、但し文書を以てしたることが発覚後

秘密指定解除
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乃至は軍側にかかはせたことになるから、ま
日の文書は不取扱トキヤ、プパーとして扱はせて戴きたい、
之度、そ扱で処理して戴、日米側の了解事項は処理と防衛当局と
しか承知していないであるから、お互いに之は秘扱である、
之度、手続上国会に提出するまで一応今申上ない、「アーミング」は
日米側草案では議定書になつているが、その形式では米側と議会に
かけなければならない、之れを国会に提出する迄は、まだ
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行政府要旨事項で、之を議会にかける訳には行かない。依て手続的には
寧ろ文書議定書化する方法を考へ御行充度き処なり、
右度、研究ありたし。我方は国会にかけることになるが、此の書類はどうか
う、此の方法を充分考へ見ありたし。
次使　多数の我方は内容より如何を問う。又右使ち之に反し、
御指示の意見を申上げる筈なるが、行政協定に関しては事
情を異にする、即ち、行政協定に関しては、内容は余り多くは

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知るに於ては技術的に微に於て完全ならざるの如し。米國政府内
に於ても主若は等しき階者であると思ふ。
然るに、彼は他人と新たな事態を惹き起すに於ては
正しき判断を下す。或は正しきと思はれる長き、三は重大問題を
決定する前に、更に多くの事実を申上げる。
持出せば全体の形のみを歪めることになると思はれるに於ては私と共に申上げる。
一寸御思召の外大なる違いと思はれるに於ては、私に思召、直し
主事は正しい判断をお手にする。勿論軍令部も同様であり、先づ

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杉秘花ん お待ーおい、

若し此等文書をその儘ワシントンに送れば、恐らく軍当局と会ふ事を

会て検討することゝなり、さうなれば全く別の手の届かぬ所に行て

しまふ、先づ大臣を望て検討すべきが合理的であるし、major problems と

思はるゝものは持て整理する迄会談を延ばすこと思ふ、

大臣 それで結構である、別にさうすることゝする。

次長 別紙はワシントンに打電し、やりとりを一元化すると共に

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さしつかえないであるが、まだ文書迄は先方より出ていなく
従来それらの点を確認せり。)

大臣には出ず文書と御承知置きをねがいたいか、

大臣 一応お見せし、さしつかえなければ閣議か事務
次官会議かにかけてもらいたい。なお出ず書簡のみにては
意見を申上げることは出来ない。

意見も申上げ閣僚を説得するに事務当局の考

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議論がある。右件は私秘扱にすべきか。提案国は三十日ま
でとするが私は今申出ないとならに言っていることもあり、それ迄に
出る筈であります。（此の国連は日本側文書をバラバラと流んでいた。）
甚だ困った事であります。
国連 今日文書を拝見したが私は非常に感銘を受けた。
此の調子では五年内に法案を見ることは考え難い。一九六〇年三月
になるとは思うが。
今回の決定で米側がわれわれに譲歩を示したかは御承知であると思う、米国は

秘密指定解除
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我が国の見合う義務なしに日本防衛の義務を引受けるものである。若し行政協定で日本が無理なことを持出すとなれば上院が此の協定を承認しないと言い出す者が必ず出て来るであろう。

右産　そもそも我が国主導権はあるべき筋合いは

以外の無理なものであると言っないと思う。従って先ず吉田の個人的見解を聴きたいのである。マシュートンは取敢えず私に来週末迄には吉田の見解を聴き度いと言うが、

秘密指定解除
大臣官房総務課

吉良　連来前に御申上げる、協定調整は五月五日迄にはあること
　　思う、但し細目事務文書の中には駄目であると思はれまする
吉良　吉良の考は意見を聴きまい、若し若干の調整出来ることで
　　あれば行政協定の調印は委員会を開て後でやると云う議論を抑
　　制することになる、私は此事はそうでない訳ではないが、此二事は行
　　可成性質のもの、出来る限り此二事で可成の調整をやりたいと
　　考える。

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古波蔵保好氏は、当時の防衛庁長官は自衛隊だけでの考えで、「核」と言えばオールタナティブとは成り得ない、米側には核の考え方は無論なく、唯一の立場は修羅を援護することである。

次に船舶会長福田幸弘氏にお話した際、此の点はいかがか申上げ、西氏とも之を強めるため、尚その際外務省の手を煩わすことのないよう御依頼した。船田氏は一応お引受けした上、洞氏は之の如き様子を御依頼した。

参院運輸委員会かいと思うが、ちなみに意見如何ということであるそう。

外務省

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私はそれは極力お断りする様尽力するのみと
答えて置いた。

芦屋　翁、陳の後任は早く決定しないと、事重大で
さつ迫つた何時ですかんかうるさい。

陳　事重大なれば尚更慎重考慮を要す。

芦屋　尚もう一つ文書を差上げる。これは陳の重要上今ま
で種々内容や経緯文書を要する内容で慎重なるものと

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CONFIDENTIAL

March 19, 1959

三月十九日大臣より参院に手交

DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY
BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Considering that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have common concern in the maintenance of international peace and security in the Far East and that the maintenance of security of Japan is essential to international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

秘密指定解除
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ARTICLE I

The Parties undertake, as set forth in the Charter of United Nations, to settle any international disputes in ch they may be involved by peaceful means in such a manner t international peace and security and justice are not ngered and to refrain in their international relations from threat or use of force against the territorial integrity political independence of any state, or in any other manner consistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-ving countries to strengthen the United Nations so that its ssion of maintaining international peace and security be charged more effectively.

ARTICLE II

The Parties will contribute toward the further development f peaceful and friendly international relations by strengthening heir free institutions, by bringing about a better under-standing of the principles upon which these institutions re founded, and by promoting conditions of stability and ell being. They will seek to eliminate conflict in their nternational economic policies, and will encourage economic ollaboration between them.

ARTICLE III

秘密指定解除
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ARTICLE III

The Parties, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty, including measures to be taken under Article V thereof, and whenever in the opinion of either of them international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and security and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

秘密指定解除
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ARTICLE VI

For the purpose of contributing to the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America will be granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

Nothing in this Treaty shall be interpreted as imposing on either Party any obligation that is conflicting with its constitutional provisions.

ARTICLE IX

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ARTICLE IX

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional procedures and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Washington.

ARTICLE X

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the lapse of a period of ten years with no such United Nations arrangements coming into force, this Treaty may, in spite of the provisions of the preceding paragraph, be terminated at the end of the above period or at any time thereafter by either Party by giving one year's written notice to the other Party.

IN

秘密指定解除
大臣官房総務課



IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課



PROTOCOL

At the time of signing the Treaty of Mutual Cooperation and Security between Japan and the United States of America, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions concerning the implementation of Article VI, which shall be considered integral parts of the aforesaid Treaty:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as the bases of military operations other than those conducted under Article IV of the Treaty shall be effected upon prior consultation with the Government of Japan.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課

（仮訳）　　（一九五九・三・一九）

日本国とアメリカ合衆国との間の相互協力及び安全保障条約

（案）

日本国及びアメリカ合衆国は、

両国の間に伝統的に存在する平和及び友好の関係を強化し、並びに民主主義、個人の自由及び法の支配の原則を擁護することを希望し、

また、両国の間の一層緊密な経済的協力を促進し、及び両国における安定と福祉の条件を助長することを希望し、

国際連合憲章の目的及び原則に対する両国の信念並びにすべての国民及びすべての政府とともに平和のうちに生きようとするその願

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盟を再確認し、

両国が国際連合憲章に定める個別的及び集団的自衛の固有の権利を有していることを考慮し、

両国が極東における国際の平和及び安全の維持に共通の関心を有することを並びに日本国の安全の維持が極東における国際の平和及び安全に不可欠であることを考慮し、

相互協力及び安全保障の条約を締結することを決意し、

よつて、次のとおり協定する。

第一条

締約国は、国際連合憲章に定めるところに従い、その関係することのある国際紛争を平和的手段によつて国際の平和及び安全並びに

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正義を危くしないように解決し、並びにその国際関係において、武力による威嚇又は武力の行使を、いかなる国の領土保全又は政治的独立に対するものも、また、国際連合の目的と両立しないいかなる方法によるものも慎むことを約束する。

締約国は、他の平和愛好国と協同して、国際の平和及び安全を維持する国際連合の任務が一層効果的に達成されるように国際連合を強化することに努力する。

第二条

締約国は、その自由な制度を強固にすることにより、その制度の基礎をなす原則の理解を促進することにより、及び安定と福祉の条件を助長することによつて、平和的かつ友好的な国際関係の一層の

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発展に貢献する。締約国は、その国際経済政策上の争因を除去することに努め、また、締約国の間の経済的協力を促進する。

第三条

締約国は、継続的かつ効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力を維持し、かつ、発展させる。

第四条

締約国は、第五条に基き執られる措置を含めてこの条約の実施に関して協議し、また、いずれか一方の締約国が極東における国際の平和と安全が脅かされていると認めるときはいつでも協議する。

第五条

各締約国は、日本国の施政の下にある地域におけるいずれか一方

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の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、自国の憲法上の手続に従つて共通の危険に対処するように行動することを宣言する。

前記の武力攻撃及びその結果として執つたすべての措置は、国際連合憲章第五十一条の規定に従つて直ちに国際連合安全保障理事会に報告しなければならない。その措置は、安全保障理事会が国際の平和及び安全を回復し及び維持するために必要な措置を執つたときは、終止しなければならない。

第六条

日本国の安全に寄与するため、並びに極東における国際の平和及び安全の維持につき両締約国が有する共通の関心を考慮して、アメ

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り合衆国は、その陸軍、空軍及び海軍による日本国内の施設及び区域の使用を許与される。

前記の施設及び区域の使用並びに日本国における合衆国軍隊の地位は、別個の協定により規律されるものとする。

第七条

この条約は、国際連合憲章に基く締約国の権利及び義務又は国際の平和及び安全を維持する国際連合の責任に対しては、いかなる影響も及ぼすものではなく、また、及ぼすものと解してはならない。

第八条

この条約においていかなる規定も、いずれの締約国に対しても自国の憲法上の規定に反する義務を課するものと解してはならない。

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第九条

この条約は、日本国及びアメリカ合衆国により各自の憲法上の手続に従つて批准されなければならず、両国がワシントンでその批准書を交換した日に効力を生ずる。

第十条

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アメリカ合衆国との間の安全保障条約は、この条約の効力発生の時に効力を失うものとする。

第十一条

この条約は、日本区域における国際の平和及び安全の維持のため十分な定をする国際連合の措置が効力を生じたと日本国及びアメリ

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力合衆国の政府が認める時まで効力を有する。

もつとも、前記の国際連合の措置が効力を生じないまま十年の期間が経過した後は、この条約は、前項の規定にかかわらず、いずれの一方の締約国も他方の締約国に対し一年の文書による予告を与えることにより前記の期間の満了の際又はその後いつでも終了させることができる。

以上の証拠として、下名の全権委員は、この条約に署名した。

千九百　　年　月　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

秘密指定解除
大臣官房総務課

日本国のために

アメリカ合衆国のために

秘密指定解除
大臣官房総務課

議定書

日本国とアメリカ合衆国との間の相互協力及び安全保障条約を署名するに当つて、下名の全権委員は、各自の政府により正当に委任を受け、さらに、第六条の実施に関する次の規定を協定した。この規定は、同条約の不可分の一部と認められるものとする。

合衆国軍隊の日本国における配備の重要な変更（同軍隊の装備の重要な変更を含む。）並びに相互協力及び安全保障条約第四条に基き執られる作戦行動以外の作戦行動の基地としての施設及び区域の使用は、日本国政府との事前の協議によつて行わなければならない。

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以上の証拠として、各全権委員は、この議定書に署名した。

千九百　　年　　月　　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

日本国のために

アメリカ合衆国のために

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CONFIDENTIAL

三月二十日 土屋さまお手交

Document title "Problems Raised" contains points which various Ministries concerned have raised in the inter-Ministerial studies of the adjustment of the Administrative Agreement.

Documents titled "Modifications" and "Adjustments" represent those points which the Ministry of Foreign Affairs would wish to discuss with the American side. Those contained in "Adjustments" are, in the opinion of the Ministry, more or less self-explanatory, while those in "Modifications" are more complicated.

Document titled "Pending Questions and Interpretation" enumerates those issues, either involving financial settlement or in the nature of interpretation, which have been pending at the Joint Committee in the implementation of the Administrative Agreement.

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CONFIDENTIAL

March 18, 1959

# ADMINISTRATIVE AGREEMENT

## PROBLEMS RAISED

Article I

1. "Members" shall be defined as "personnel on active duty belonging to the land, sea or air armed services of the United States 'disposed in Japan under the Security Treaty' when in the territory of Japan 'in connection with official duties'."

2. "Civilian component" shall be defined as "civilian persons of the United States nationality who are in the employ of and accompanying the United States armed forces in Japan . . .".

3. The inclusion of highly skilled technicians of third state nationality in the civilian component shall be abolished. (Official Minutes)

Article II paragraph 1

4. "Furnishings, equipment and fixtures" shal be defined as those existing within the facilities and areas.

5. "Furnishings, equipment or fixtures" shall not be moved from one facility to another without the consent of the Japanese Government.

6. The telecommunication installations located outside the "facilities and areas" should not be considered as "furnishings, equipment and fixtures."

Article II paragraph 4

7. The provisions relating to joint use of the facilities and

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areas shall be revised to lay down basic rules of joint use of United States facilities and areas by the Self Defense Forces and vice versa.

8. The reference to "target ranges and maneuver ground" shall be deleted.

9. "Interim use may be made by Japanese authorities and nationals" shall read "the Japanese Government may make, or permit Japanese nationals to make, interim use".

Article III paragraph 1

10. The United States shall have the right to use the facilities and areas "on terms to be agreed upon between the two Governments."

11. The Japanese Government shall take necessary measures within its power to facilitate the effective operation of facilities and areas, instead of the United States having rights outside facilities and areas.

Article III paragraph 2

12. Delete the transitional provisions relating to frequencies, power and like matters.

Article IV

13. The United States shall be obliged to restore or compensate unless changes in conditions had been agreed to in advance.

14. The United States shall not, upon returning the facilities and areas to Japan, unilaterally remove furnishings, equipment and fixtures.

15. The provisions of paragraph 3 shall be rewritten so that they work both ways.

Article V paragraph 1

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16. The toll and landing charges shall be imposed on public vessels with respect to open ports which are not "facilities".

17. The last sentence shall cover not only entering but also exit of "such cargo or passengers".

Article VI paragraph 1

18. All civil and military air traffic control and communications systems shall be coordinated for air traffic safety and security interests.

Article VII

19. Delete "priorities".

Article VIII

20. Rewrite the whole Article.

Article IX paragraphs 1 and 5

21. "The Japanese Government grants permission to enter into and depart from" instead of "the United States have the right to bring into".

22. The United States authorities shall appropriately notify the Japanese Government of the number of persons entering into and departing from Japan.

Article IX paragraphs 3 and 4

23. Members of the forces shall present their identity cards on demand.

24. Civilian component and dependents shall be in possession of passports on entry and departure, and present passports or identity cards on demand.

秘密指定解除
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Article XI paragraph 2

25. Delete "the authorized procurement agencies of the United States armed forces".

26. Delete "materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces".

Article XI paragraph 3

27. Customs exemption shall not be granted to:

a. import from other than the United States;

b. personal property through United States military postal channels.

Article XI paragraph 5

28. Exemption from customs examination shall not be granted to:

a. Mail in United States military postal channels;

b. Military cargo shipped on a United States Government bill of lading except "arms and equipment".

29. The United States shall have Japanese customs officials stationed in the facilities and areas when requested by the Japanese Government.

Article XI paragraph 6, Article XII paragraph 8, Article XV paragraph 3

30. The authorization shall be given by the Japanese authorities, instead of the Japanese and United States authorities upon mutually agreed conditions.

Article XII paragraphs 1 and 4

29. "members" (but not "units") shall be subject to customs examination.

秘密指定解除
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32
31. All procurement shall in principle be made through, or upon coordination with, the competent authorities of the Japanese Government.

Article XII paragraph 2

33
32. This paragraph should be given broader interpretation by adding "social welfare" or "local Japanese economy".

Article XII paragraph 5, Article XV paragraph 4

34
33. The United States shall produce witness and evidence to assist in the proceedings of Japanese court or Labor Commission.

35
34. The United States shall assist the Japanese Government in carrying out court or Labor Commission decisions.

36
35. A joint standing committee shall be established, as already established actually, whose objective is to contribute to amicable settlement of claims of individual workers.

37
36. Add "local inhabitant tax".

Article XIII paragraph 2

38
37. Delete "their dependents".

Article XIII paragraph 3

39
38. Delete "tangible or intangible".

Article XIV

40
39. Delete the whole Article.

Article XV

41
40. The establishment of these organizations, and the kind and amount of materials and supplies which they import for sale shall be subject to the consent of the Japanese Government.

秘密指定解除
大臣官房総務課



42. Such organizations may use military payment certificates, and may not hold deposit accounts in foreign currency with foreign exchange banks in Japan.

Article XVIII paragraph 1

43. Claims shall be waived only when the damage was suffered when the victim was engaged in official duties in connection with the purposes of the Security Treaty; or mutually between members of the United States armed forces and members of Japan Self Defense Forces.

Article XVIII paragraph 2

44. Claims shall be waived only when the properties concerned were being used for the pruposes of the Treaty; or when the damage was caused by members of the United States armed forces or members of Japan Self Defense Forces. An arrangement should be made separately in the Article to dispose of other damages.

Article XVIII paragraph 3

45. The United States shall give favourable consideration to refund a portion (75%) of the compensation which the Japanese Government has paid for damages which do not strictly fall under this paragraph but for which it is not fair to leave the parties concerned without compensation.

Article XVIII paragraph 4

46. Delete the paragraph so that Japan shall have the right to determine whether the personnel concerned were engaged in the performance of official duty; or leave the determination to an arbitrator of the Japanese nationality.

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Article XVIII paragraph 5

49. The United States shall give due consideration to the report and consult with the Japanese authorities concerned before making the decision.

50. The United States shall make ex gratia payment when its personnel concerned are no longer in Japan or are incapable of making payment.

51. Provisions shall be made to dispose of claims against the United States Forces employees of the Japanese nationality.

Article XVIII paragraph 6(a)

52. "Civilian employees" shall read "civilian component".

Article XVIII paragraph 6(b)

53. The United States authorities shall have the Japanese authorities take possession of such private movable property in case they have no such legal authority.

Article XVIII paragraph 7

54. Establish a neutral arbitration commission instead of the Joint Committee.

Article XX

55. Add "in accordance with an agreement to be made between the two Governments" after "authorized by the United States."

56. The United States shall refund with dollars for military payment certificates acquired bona fide by Japanese nationals.

57. The United States shall consult in advance with the Japanese Government on the establishment or changes in location of

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大臣官房総務課



military banking facilities.

Article XXII

55. Delete unless absolutely necessary.

Article XXIII

56. Delete the whole Article; or the first sentence shall be deleted and the second sentence transferred to Article XVII.

秘密指定解除
大臣官房総務課

極秘

行政協定改訂問題点（Problems Raised）（昭.三.一一〇）

第一条

1、構成員は、「条約に基き配備された米軍に属する人員で服役中のもので、公務に関連して日本国にあるもの」と定義する。

2、軍属の定義は、「軍隊に随伴し且つ雇用されているもの」とする。

3、公式議事録の「高級熟練技術者」を軍属より除外する。

第二条1項

4、「設備、備品、定着物」を「施設・区域」内に現存するもの、と定義する。

5、日本政府の同意なくして「設備、備品、定着物」の他の「施設・区域」への移転を禁ずる。

6、「施設・区域」外にある電気通信設備は「設備、備品、定着物」と見做さず。

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第二条4項
7、「施設・区域」及び自衛隊施設を米軍と自衛隊とが共同使用しうる様原則的規定を設ける。
8、「討撃場、演習場」の例示を削除する。
9、「日本当局及び国民が使用する」は「日本国は自ら使用し又は国民に使用させる」と改める。

第三条1項
10、「施設・区域」管理権は、「両政府の合意により定める条件で使用する権利」と改める。
11、「施設・区域」外における権利は、米側の権利とせず、「日本政府はその権限内で施設区域の運営に必要な措置をとる」と改める。

第三条2項
12、電波等に関する経過規定を削除する。

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第四条

13、あらかじめ合意された現状変更以外は米側は回復又は補償義務を負うべし。

14、「施設・区域」の返還に当り米軍は設備、備品、定着物を一方的に撤去・解体せざること。

第五条1項

15、3項の規定は1項2項双方にかかるよう規定を明確化する。

16、「施設」に非ざる閉港については入港料、着陸料を課すべし。

17、後段につき、非免除貨物、旅客の「出国」も規定すべし。

第六条1項

18、すべての民間・軍用航空交通管理及び通信の体系は航空交通の安全及び安全保障の利益のため調整される。

第七条

19、「優先権」を削除する。

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第八条

20、全文修正。

第九条1項、5項

21、「合衆国は……入れる権利を有する」の代りに「日本政府は、……入国及び出国の許可を与える」とする。

22、合衆国は出入国者数を日本当局に通知する。

第九条3項、4項

23、構成員は要求を受けた場合は身分証明書を提示する。

24、軍属、家族は出入国に際して旅券を携帯し、要求あつた場合は旅券又は身分証明書を提示する。

第十一条2項

25、「軍隊の公認調達機関」を削除する。

26、「合衆国軍隊が専用すべき資材、需品及び備品又は合衆国軍隊が使用する物品若しくは施設に最終的には合体されるべき資

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材、器品及び備品」を削除する。

第十一条3項

27、(イ)合衆国以外からの輸入品及び(ロ)軍事郵便局を通じて輸入される私用財産については関税の免除を与えず。

第十一条5項

28、(イ)軍事郵便路線上の郵便物、(ロ)武器弾薬その他の装備品を除く米政府船荷証券により船積される軍事貨物、につき税関検査の免除を与えず。

29、構成員は税関検査に服する。

30、日本政府の要求ある場合は施設・区域内に税関職員の駐在を認める。

第十一条6項、第十二条8項、第十五条3項

31、免税品の国内処分は、両国の合意する条件ではなく、日本当局の課する条件による。

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第十二条1項、4項

32、調達は原則としてすべて日本政府当局を通じて又は日本政府当局との調整の下に行われることとすべし。

第十二条2項

33、"social welfare"又は"local Japanese economy"の如き字句を加えて本項の適用範囲を拡大する。

第十二条5項、第十五条4項

34、合衆国は、日本の裁判所の裁判手続、労働委員会における調査、審問に協力して証人、証拠を提供する。

35、合衆国は日本裁判所の判決、労働委員会の決定を日本政府が実施し得る様協力する。

36、労働者の請求権の友好的解決に資するために、既に設置されている如き調停委員会を常設する。

37、「地方住民税」を追加する。

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第十三条2項

38、「家族」を削除する。

第十三条3項

39、「有体又は無体の」を削除する。

第十四条

40、全条削除する。

第十五条

41、十五条機関の設置、販売のために輸入する資材・需品の種類及び量は日本国政府の同意を要する。

42、十五条機関は軍票を使用し得、また、日本にある外国為替銀行に外貨予金勘定を設けることを得ず。

第十八条1項

43、請求権の抛棄は被害者が安保条約の目的に関連して公務に従事していた時に限り、また、米軍と自衛隊相互間とする。

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第十八条二項

44、請求権抛棄は、当該財産が安保条約の目的のために使用されていた時、並びに、損害が米軍構成員又は自衛隊員による時に限る。右以外の損害に基く請求権の処理については別途規定を設ける。

第十八条三項

45、厳密には本項に該当しないが関係当事者に対して補償を行うことが正当である如き損害につき、合衆国は日本政府が支払つた補償額の七五%償還を行うことにつき好意的考慮を払う。

第十八条四項

46、本項を削除して公務執行中か否かの決定権は日本にありとする。または、決定権を日本国籍を有する仲裁人に委ねる。

第十八条五項

47、合衆国は報告書に対して正当な考慮を払い、決定を行う前に日本当局と協議する。

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48、加害者が既に帰国しあるいは支払能力を欠く等の場合は米軍において慰藉料を払う。

49、日本国籍の米軍被用者に対する請求権処理の規定を設ける。

オ十八条6項(a)

50、「文民たる被用者」を「軍属」と改める。

オ十八条6項(b)

51、米軍が強制執行権なき場合は、日本当局をして強制執行せしめる。

オ十八条7項

52、合同委員会の代りに中立的な裁定機関を設ける。

オ二十条

53、軍票使用を許される者の範囲は両国政府の合意に従つて合衆国が定める。

54、日本人が善意で取得した軍票は米軍がドルで補償する。

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55、軍用銀行施設の新設、移動は事前に日本側と協議する。

オ二十二条

56、本条は必要不可欠でない限り削除する。

オ二十三条

57、全条削除する。または、前段を削除し、後段をオ十七条に移す。

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## ADJUSTMENTS

1. Article I

"Civilian component" shall be defined as "civilian persons of the United States nationality who are in the employ of and accompanying the United States armed forces in Japan . . .".

2. Article II paragraph 4

a. The reference to "target ranges and maneuver grounds" shall be deleted.

b. "Interim use may be made by Japanese authorities and nationals" shall read "the Japanese Government may make, or permit Japanese nationals to make, interim use".

3. Article III paragraph 2

Delete the transitional provisions relating to frequencies, power and like matters.

4. Article V paragraph 1

The last sentence shall cover not only entering but also exit of "such cargo or passengers".

5. Article VI paragraph 1

All civil and military air traffic control and communications systems shall be coordinated to ensure air traffic safety and security interests.

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6. Article VIII

The whole Article should be rewritten so that it will conform to the prevailing situation.

7. Article IX paragraphs 1 and 5

"The Japanese Government grants permission to enter into and depart from" instead of "the United States shall have the right to bring into".

8. Article IX paragraphs 3 and 4

Members of the forces shall present their identity cards on demand, and civilian component and dependents shall present passports or identity cards on demand.

9. Article XI paragraph 2

Delete "the authorized procurement agencies of the United States armed forces", and "materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces".

10. Article XI paragraph 6, Article XII paragraph 8, Article XV paragraph 3

The authorization shall be given by the Japanese authorities, instead of the Japanese and United States authorities upon mutually agreed conditions.

11. Article XII paragraph 1

The procurement shall be undertaken either directly by the United States authorities, or, upon agreement between the two Governments, by the Japanese authorities.

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12. Article XII paragraph 5, Article XV paragraph 4

Add "local inhabitant tax".

13. Article XIII paragraph 3

Delete "tangible or intangible".

14. Article XV

Add new paragraph to the effect that the organizations referred to in Article XV may use military payment certificates in their transactions with persons authorized to use such certificates, but may not hold deposit account in foreign currency with foreign exchange banks in Japan unless otherwise agreed.

15. Article XVIII paragraph 6(a)

"Civilian employees" shall read "civilian component".

16. Article XVIII paragraph 6(b)

The United States authorities shall have the Japanese authorities take possession of such private movable property in case they have no such legal authority.

17. Article XX paragraph 1(a)

Add "in accordance with an agreement to be made between the two Governments" after "authorized by the United States."

18. Article XX paragraph 3

The United States shall consult in advance with the Japanese Government on the establishment or changes in location of military banking facilities.

19. Article XXII

Delete unless absolutely necessary.

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## MODIFICATIONS

1. Article I

a. Provisions:

The "members" are defined as "personnel on active duty when in the territory of Japan".

b. Propositions:

Add "in connection with their official duties". (Article IX, 3(a) provides that the members shall, upon entry into or departure from Japan, be in possession of individual or collective travel order certifying to the travel ordered.)

2. Article III paragraph 1

a. Provisions:

Under Article III paragraph 1, the United States has such rights outside facilities and areas as are necessary to provide access to them for their support, defense and control. Article XXV paragraph 2(a) further provides that Japan will furnish rights of way without cost to the United States. However, Article III paragraph 1 further provides that the United States may exercise the rights pertaining to facilities and areas granted under that Article outside facilities and areas upon consultation, as the occasion requires, with the Japanese Government through the Joint Committee.

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b. Proposition:

Instead of stipulating the United States rights outside facilities and areas, it is proposed to stipulate obligations of the Japanese Government to assist in the effective operation of facilities and areas.

c. Problems:

(1) What is intended by the present provisions seems to be best achieved by ensuring cooperation and assistance on the part of the Japanese Government rather than by stipulating certain rights for the United States.

(2) Actually the United States does not itself exercise its rights outside facilities and areas, but the Japanese Government takes measures for the United States.

3. Article IV paragraph 3

a. Provisions:

Paragraph 1 relieves the United States from the obligation to restore or compensate, and Paragraph 2 relieves Japan from the obligation to compensate. Paragraph 3 stipulates exceptions from Paragraph 2 only.

b. Proposition:

It is proposed to stipulate that Paragraphs 1 and 2 do not preclude the two Governments from agreeing otherwise in specific cases.

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4. Article V paragraph 3

a. Provisions:

United States public vessels shall, upon entering Japanese ports, make appropriate notification to Japanese authorities under normal conditions.

b. Proposition:

Add "aircraft", and delete "under normal conditions".

5. Article VII

a. Provisions:

The United States armed forces has the right to use public utilities and services and to enjoy priorities in such use, under conditions no less favourable than those applicable to the Japanese Government agencies.

b. Proposition:

Replace "to enjoy priorities in such use, under conditions . . ." by ". . . shall be accorded treatment".

6. Article IX paragraph 1

Add "the United States authorities shall appropriately notify the Japanese Government of the number of persons entering into and departing from Japan".

7. Article IX paragraph 4

It is proposed that the civilian component and dependents shall carry passports upon entry into and departing from Japan. (They are not exempt from passport and visa laws and regulations.)

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8. Article ~~XI~~ IX paragraph 5

Add: "if Japan, for good cause, has requested the removal from its territory of a member, civilian component, or dependent, the United States authorities shall be responsible for causing the said person to leave Japan without delay".

9. Article XI paragraphs 3 and 5

a. Provisions:

Personal properties through United States military postal channels are exempt from customs duties and examination.

b. Proposition:

They shall be subject to customs examination and to customs duties in accordance with Japanese laws.

10. Article XI paragraph 5(a)

a. Provisions:

Units and members of the United States armed forces under orders entering Japan are exempt from customs examination.

b. Proposition:

Delete "members".

11. Article XII paragraph 2

a. Provisions:

When the procurement by the United States may have an adverse effect on the economy of Japan, such procurement shall be made in coordination with the competent authorities of Japan.

b. Proposition:

It is proposed to stipulate that the procurement shall be made in coordination with the competent authorities of Japan when

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it may have adverse effect on the economy or social welfare in Japan (or, on the local economy in Japan).

c. Problems:

Whereas this provision is interpreted to apply to the procurement of scarcity materials, there is a strong desire in Japan to extend the scope of application of this provision so that it may cover the case, for example, of consultation now actually conducted in connection with the transfer of MLC workers services to private contractors.

12. Article XII paragraph 5 and Article XV paragraph 4

a. Provisions:

The conditions of employment and work, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

b. Proposition:

It is proposed to establish a joint standing committee, as already established actually, whose objective is to contribute to amicable settlement of claims of individual workers.

c. Problems:

The problem of "security discharge" is a very difficult one in the labor relations. There are other labor problems such as union activities within facilities.

13. Article XIII paragraph 3

It is proposed that "dependents" be deleted, because if they

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receive income from the United States armed forces, they should be either "members" or "civilian component".

14. Article XIV

a. Provisions:

The United States companies being in Japan exclusively to engage in the contracts with the United States Forces are granted privileges concerning the entry into Japan, tax and customs exemption, access to PX, use of military payment certificates, etc.

b. Proposition:

The status of such companies should be granted only when the United States requirements cannot be met by Japanese companies, and with the consent of the Japanese Government. The extent of privileges should also be limited to a justifiable extent.

c. Problems:

It is doubtful whether Japan has to grant such privileges to these companies when the United States requirements can be met by Japanese companies, and whether such companies, when their services are actually needed, should have such privileges as they now enjoy.

15. Article XV, Article XI paragraph 2

a. Provisions:

These organizations may import duty-free materials and supplies for the use of the members of the United States armed forces, civilian components and their dependents.

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b. Proposition:

It is proposed to stipulate that the United States undertakes to ensure that the quantity of goods imported by these organizations shall be limited to the extent reasonably required for such use, and to take all necessary measures to this end in constant cooperation with the Japanese Government.

16. Article XVIII paragraphs 1 and 2

It is proposed that claims shall be mutually waived between the Japanese Self Defense Forces and the United States Forces in Japan, and provisions shall be added dealing with compensation for damage to Japanese Government-owned properties other than those used by Self Defense Forces.

17. Article XVIII paragraph 4

a. Provisions:

Each party has the primary right to determine on the official duty status involved in civil claims. Disagreement shall be brought to the Joint Committee for consultation.

b. Proposition:

The determination on the official duty status shall be made by Japan; (or by an arbitration commission.)

18. Article XVIII paragraph 6(c)

a. Provisions:

The United States authorities shall cooperate with the Japanese authorities in making available witnesses and evidence for civil proceedings in Japanese tribunals.

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b. Proposition:

Add "or investigation and hearing in Japanese Labor Commissions".

19. Article XXIII

Delete the whole Article; or delete the first sentence and shift the second sentence into Article XVII as its eleventh paragraph.

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## Pending Questions and Interpretation

1. Definition of Existing Furnishing, Equipment and Fixtures (Article II paragraph 1)

As to the term "existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas", a conflict of interpretation exists in connection with the service charges for the utilization of telecommunication installations and privately-owned former reparation machineries and equipments.

(a) Payment of service charges by USFJ for the past utilization of telecommunication installations has not been settled due to the U.S. contention that telecommunication installations, including some of those existing outside the facilities and areas, constitute the properties referred to in Article II. The Japanese side maintains that telecommunication service is within the realm of Article VII and service charges should be determined accordingly.

(b) USFJ has continued to use privately-owned former reparation machineries and equipments since the occupation period. USFJ contends that, regardless of their location, they constitute the properties referred to in Article II.

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The Japanese Government maintains that USFJ is responsible for the payment of the compensation, at least for those existing outside the facilities and areas, ~~which it has paid~~ to the owners of such machineries and equipments, since they ~~don't~~ do not fall under the category of the provisions concerned in Article II.

2. Facilities and Areas under Rusk-Okazaki Exchange of Notes

Rusk-Okazaki Exchange of Notes of 28 February 1952 grants to the United States the continued use of those facilities and areas on which agreements had not been completed by the expiration of ninety days after the effective date of the Treaty of Peace with Japan. There presently exist thirteen of these facilities and areas, and negotiations are being conducted at the Facilities Subcommittee towards completion of agreements on each case through formal designation as U.S. facility or termination of its use by USFJ.

3. Status of the Public Corporation (Article XVIII paragraphs 1, 2 and 3)

In connection with interpretation of "a civilian governmental employee" and "property owned by each party" in paragraphs 1 and 2 of this Article, a dispute has arisen as to whether or not property owned by a Japanese public corporation and an employee of such a corporation constitute respectively property owned by the Japanese Government and a civilian governmental employee.

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The Japanese Government holds that a public corporation is not a Government organ and, accordingly, an employee of such an organ is not a civilian governmental employee, but falls under the category of "third parties" in paragraph 3 of the Article. This position leads to the contention that any damage or injury suffered by a public corporation or its employee caused by a member of U.S. Forces during his performance of official duties should be dealt with according to paragraph 3, while a public corporation should be held responsible to pay compensation for any damage or injury caused by it or its employee against USFJ property or a U.S. Government employee. The contention of USFJ is contrary to the above position of Japan.

4. Problems of Labor Relations

(a) Concerning interpretation of the phrase "as may other wise be mutually agreed" in Paragraph 5 of Article XII, the Japanese Government holds that Master Labor Contract does not fall under this scope, since it was not formally agreed upon through the same procedures as the Administrative Agreement.

(b) Labor union activities inside the U.S. facilities and areas should be treated with due respect to labor practices and the spirit of labor legislation in Japan. The Japanese Government holds, in this connection, that some of the U.S. policy letters intend to restrict such activities to the extreme, and become sources of unnecessary frictions.

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(c) The Japanese Government maintains that direct hired personnel at the non-appropriated fund organizations should be entitled to have collective talk with the employers.

(d) It is required under the Japanese law that the private contractor should pay to its employee an equivalent to his 30 days' average wages as discharge allowance if discharge notice is not given 30 days in advance. Due to practical difficulties to fulfil necessary procedures, the private contractor is not usually able to inform each individual of discharge measure in time, even if USFJ gives the notice to the contractor beforehand. Furthermore, it is an established practice in Japan to afford discharge allowance to a dismissed worker regardless of when the notice is given. In view of the above, the Japanese Government contends that the amount of the allowances should be included in the cost priced in contracts between USFJ and private contractors.

(e) Maids at the U.S. barracks and bachelor officers' quarters should be hired under collective employment, thus enabling them to take benefit of the social security system.

5. Payment of Toll (Article V)

(a) USFJ has requested for reimbursement of toll charges in the amount of some $30,000 which local agencies of the Japanese Government allegedly collected from U.S. time-chartered

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vessels against the provision of Article V and its official minutes.

(b) There exists divergence of views on interpretation of the term "toll" as provided for in Paragraph 1 and "toll and other charges" as used in the official minutes.

6. Claims against Damages Caused by Gasoline Contamination of Well-Water in Tachikawa City and Showa-machi

Despite joint investigations and scientific tests, a dispute has not been solved as to whether the subject gasoline is of USFJ and whether the contamination took place prior to the effective date of the Peace Treaty.

7. Claims against Damages Caused by Firing Exercises at U.S. Maneuver Area, Toyoumi-machi, Chiba

Damages are caused to houses in the vicinity of the maneuver area by firing exercises inside the facility. A question still remains as to whether the USFJ is legally responsible for such damages under paragraph 3 of this Article.

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大臣
次官
事務次官
官房長
局長

極秘

1

事務次官

三月三十八日 在支屋在事事変会議録

日時 昭和三十四年三月二十八日午後七時四十五分ヨリ九時四十五分迄

於テ 一三五号室

出席者 岸本局長、山下室長、杜事務官長、書記官

マツアーサー大使、レンハート大使、ハリソン書記官

大使 前回條約局長ニ対シ書面ヲ以テ申入レタル通リ、本日ハ右ニ関シ正式ニ申入ルルニ非ズシテ、単ニ事務的ニ説明ヲ為スニ止メ、交渉ニ入ルコトヲ避ケタキ旨ヲ述ベ、尚ホ本日ノ会談ハ交渉ト見ラレザル様取計ヒタキ旨ヲ述ベタリ。

回覧番号
米課

外務省

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ことに決っている。また之を存続すべきか、言論による動員は七十余あり、又形式を主とするも動員こんにち、言論の統制もまた基なきに。

若し之をコントロール特に行うは兵書にあるごとく下策なり。

国防の本義かんがみ速に決定の要、宣伝省がコントロールに行うは一考に。

付、(イ)先ず三軍大々の活発な研究、(ロ)之を基礎として三軍の

共同研究を要す、(ハ)次に主務官庁担当事項の研究、

九(五の誤)次いで研究すべき事項(二)本部長官に報告す。

外務省

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(ホ) 予算委員会に御提出されて予算委員会の御審議が始まる、

(ヘ) 御審議は衆議院の予算委員会の御決定を全部と御

行はれることになつております。これが実施の御仕組であつて、北

海道は最も遠い三千キロを有しております。

行政庁は基礎になつておりまして、そこに御審議の実

施または、実施をどうするかを指導するのはここは残るか

申上げる通りであります。

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日本側の書面は未だ来らざるも、会議の上、取り計らうこととなれり。

なお、右ご参考迄に申上げますが、右は主要な又は別の御用件ございますれば、勿論御延期下さいまして結構でございます。

三十八年の件、支那側を承知させるため大変苦心いたしました。

ご参考迄に申上げました。

敬具

追って調整に関し、

第二案（領事に応じ差支えなき旨）は、"Driving Wheel"は含まれおらず候て、差支なきや。

"Accompanying Car"

私共の方にては、別に異存なき旨申上げたい。

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かくのごとくなることうたがいなきところ（）仰せまでもなく、オ三、三四兵は大
土夫ゆえ、オ六兵は現状に今七ヶ年なくたたきゆえ、オ七、八兵、大土夫と
ゆえ、オ十兵は「合点しよう」ということ申すべく（普通劇待遇）であって土土夫と
ゆえ、オ十一兵も土夫またゆえ　オ十二兵は団体協約を結ぶべきが、これは
土土夫ゆえ、オ五兵は「ほんの五百円ばかりの要事やろが
はよまうすべう」と居合わせることにし、各自面々は帰宅いたし
ました。

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次修正に関し

岸兵は重吉兵衛なる事なく、従来より「重吉さん」と云う事にて来たり

重吉兵衛なる事、知悉毎日二人きゝ重吉と言われて困却して居る。

中人兵は、従来重吉兵衛と呼ばれ来たりたる事なるべし。

お書きになっている事は事実であるが、岸兵は統合する

書き合せは記載することもあるかと思う

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手を挙げられまするようにお願いいたします。

次に参考人の方に移って申上げます。

前文に引き続きまして economic の点でございますが、この点は特に強調されや、又は手厚く

成るべく多くの援助を与えるよう希望いたします。

大臣　ありがとう御座いました。御質疑なければ、これにて散会いたします。

本日は参考人各位御苦労さまでございました。ここに謹んで厚く御礼申上げます。

散会三時、日本の重要な情勢力に不少事は注意を払う必要あり。

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我が新倉中の警告を知り事と一緒となれることは喜ぶべき
かな。

大使 左様と御座候。

オ田君は Considering とありたるが、Although は如何なる
ことを表すや。

ここに二つの意味あり。considering は理由を提出する意を持ち
Although は譲歩を表す。

名詞が使えるということであるから譲歩を表すことにする。

(日本側より文を提出)

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二国 採ること。

案 案理は適切であると思うが、但書のおかげで common concern of mankind ということ。

第一案 案二項の適用は限定されたい。 it を may とすること。

いずれも。

第二案 たとえ地域的防衛条約を認めるとするも、

第三案 「個別的または集団的」の動詞は主文と同じ事なる故不要

ことを特に留意。従ってPZVの共同声明をやるより、之迄文も討議す

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人員については、上文書の通りはさほど問題である。（よろしい）

会議の性質（うまく言葉を訳すべきも長くなった）

書記長 including

ソ連の挿入は止むを得ざるも、出来れば書記長

だけの方位で通すべく努力を要する。

なお会議の名称は未だ決まらずと言うことで止めるが、出来れば協議

かあるまいかと考えられる。そこで仮訳として、

Conference
Talks
Meeting

としては如何かと考える。特に立ち入った指定と抽出とを記憶する

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ことは再三申入れし、且先方提案ベトナムとの協力関係
にある上此方も亦九ヶ年の
土匪 bandits 以下は一つには防衛庁長官より防衛と生産の協力を望む
上はきりしおしとの事をかねてより、又一つには行政協定三十三条を望む
ほか、流血がとまりすぐ善をくれ等申ある。
大使 右等者ことは、また申入れ、又好意ある申出ずれ代表で
支那ほうきりしていると思う。半島としては、協議性継続的基礎の

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たん行なわれるよう、三十日までに次回を催すことを主張した。

これに対し、三十日までに次回を催すことを主張した。

オーストラリアは、モロッコ案の立場であり、ニュージーランドと同じ意味であると言われて異存はない。

オランダ：Hull 私はいかとされるが、日本陪席の者には基地協定（こう人語）

あることを要し、私は安全問題ではないと思う。私修正項は

投票である。急務と陸とは one thing ということを要求する。

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でき。

出発は予定通、午前8時半頃 conflicting with
は
the conflict with
ことが差支と

していいことゝ思ふ、尚今晩は高橋閣下宛書を陪謝

する事と存ず。

二月 日。

(元帥に関し)

高使 英文テキストでは 来る日曜日、日文テキストでは 旧来る順序

とせざるし、又 arrive は process にて差支へ、批准交換は定日に

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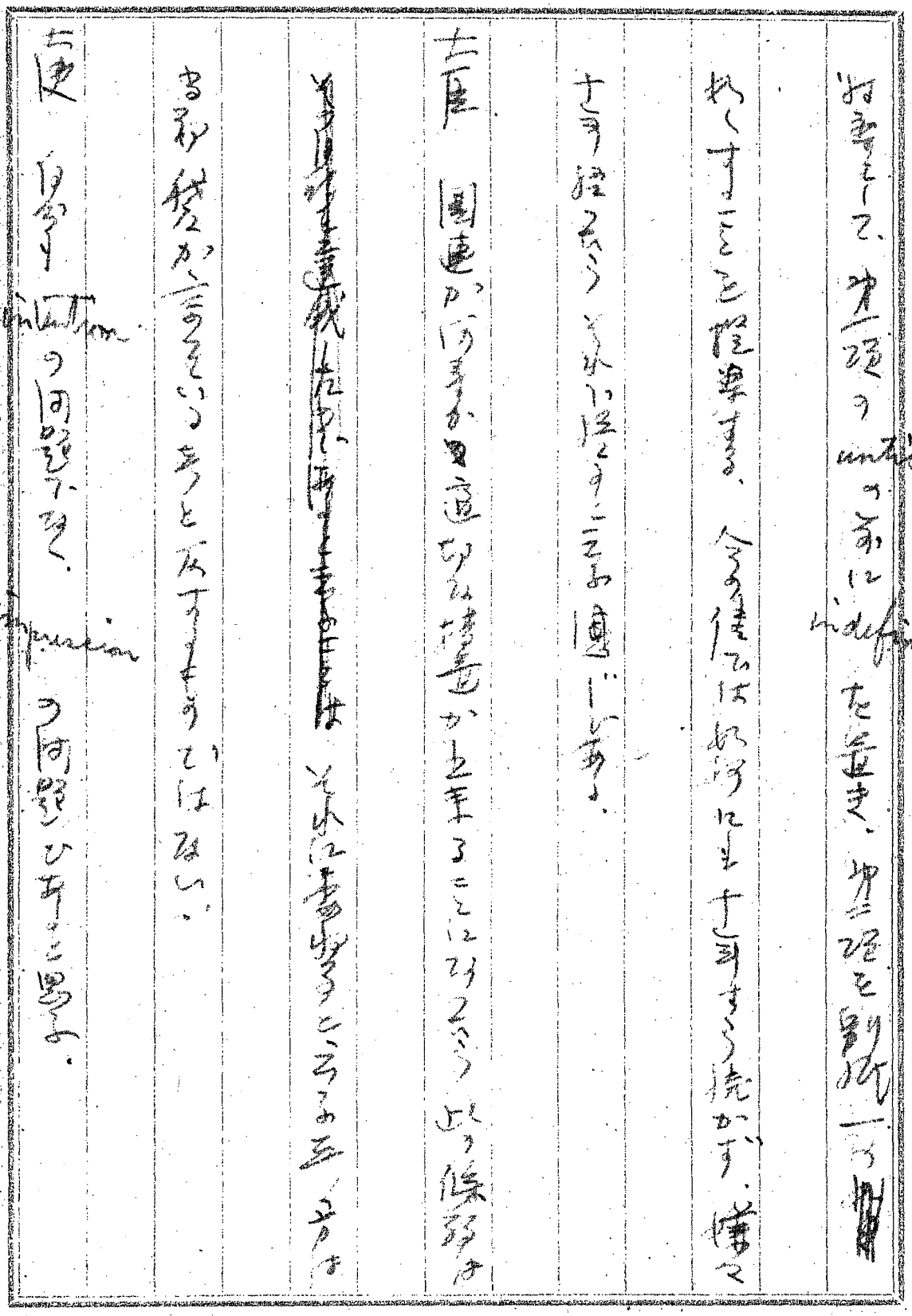
残すことゝなつた。

次官は、本件を重要な問題と考えている。提案では、日本側の intention とは思はれないが、なお検討を要する點が殘つて居り、次官は今週の金曜日、日米貿易をも議題に加へ、更に會談したいやうな氣持を漏らした。

次に、ヨリ高度、包括的な提案に代へる事に關しては、強ひて主張を貫徹する意志が無い旨、又日本側の譲歩の限界は米側の出方如何に依り決まるものである旨を強調した。

二、次官は、本提案は近く及ぶ印象をまつて、そこで

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高を件は 精密保持をお願すると共に 又つとめて 最高の 御手配を
大臣が 自ら 御ご コミット 下さいますことを 御願申上ます。
大臣 同意見、はや 御ご 手配を 願度と 防衛局長より 申出ありたり
なり。
大使 防衛上まず 主要 御ご 協力 程度 願度 御願申上ます。
大臣 善き 大使 バンカー コミットは 早速 検討 致すべく 御ご 協力に 努めて 参り度
大使が 大臣と 会見 つづき 事務 御ご 協力 レベル 会談 行うこと

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場合が、なおコミットを続行し、更に最大限の再考を求めるかもしれない。

今後とも緊密なパイプを保って行くことが国内事情に鑑み必要ではないか。

世界的経済危機の時には、協力に欠けるところがあってはならない。

新内閣は大局的見地から未曾有の国難を乗り切るよう、そのため各党各派が協力することを期待する。

電を受けて直ちに総理官邸に参上、総理を訪ねる旨を述べた。

終了したので、

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大使　時宜かなった一言申上ることもあるが、先ず、本年の漁
業
交渉は、漁獲量を適切なものとすることにおいて、非常に
大きな困難があることは承知しているが、我方としては
ぜひ妥結したい考えである旨、委員会において再三申
述べているが、やはり本年も委員会において再三申
述べるかもしれないが、やはり本年も委員会において再三申
述べるかもしれないが、やはり本年も委員会において再三申
述べるかもしれない

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However, after the Treaty has been in force for ten years, either party may terminate it at any time thereafter by giving one year's written notice to the other party.

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SECRET

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

## ~~PREAMBLE~~

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of stability and ~~economic~~ well being in their countries ~~and in the Pacific area~~,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

~~Recognising their~~ Considering that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East and that the maintenance of the security of Japan is essential to international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

SECRET

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ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them, ~~including economic cooperation with other friendly and like-minded countries in the Pacific area.~~

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ARTICLE III

~~In order more effectively to achieve the objectives of this Treaty~~, the Parties, ~~separately and jointly~~, by means of continuous and effective self-help and mutual aid will maintain and develop their ~~individual and collective capacity~~ capacities to resist armed attack ~~and to prevent and counter subversive activities directed from without against their territorial integrity and political stability~~.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty, including measures to be taken under Article V thereof, and whenever in the opinion of either of them ~~the territorial integrity, political independence, or security of either of them is threatened in the Pacific~~ international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack ~~in the Pacific directed against the territories or areas under the administrative control of the other Party~~ against either Party in the areas under the administration of Japan would be dangerous to its own peace and ~~safety~~ security and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United

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Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

~~In furtherance of the objectives of this Treaty, the United States has the use of certain bases in Japan. With respect to the use of these bases and the status of United States Forces in Japan, the Administrative Agreement signed at Tokyo on February 28, 1952 as amended, shall continue in force.~~

For the purpose of contributing to the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America will be granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

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ARTICLE VIII

Nothing in this Treaty shall be interpreted as imposing on either Party an obligation that is conflicting with its constitutional provisions.

ARTICLE IX (U.S. VIII)

This Treaty shall be ratified by ~~the United States of America and~~ Japan and the United States of America in accordance with their respective constitutional ~~processes~~ procedures and will enter into force ~~when~~ on the date on which the instruments of ratification thereof have been exchanged by them in ~~Tokyo~~ Washington.

ARTICLE X ( U.S. IX )

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI (U.S. X)

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area ~~indefinitely. However, after the Treaty has been in force for ten years either party may terminate it one year after notice has been given to the other party.~~

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However, after the lapse of a period of ten years with no such United Nations arrangements coming into force, this Treaty may, in spite of the provisions of the preceding paragraph, be terminated at the end of the above period or at any time thereafter by either Party by giving one year's written notice to the other Party.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this day of

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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SECRET

# CONSULTATION FORMULA

U.S. DRAFT:

Under arrangements made for the common defense, the United States has the use of certain bases in Japan. The deployment of United States forces and their equipment into bases in Japan and the operational use of these bases in an emergency would be a matter for joint consultation by the Japanese Government and the United States Government in the light of circumstances prevailing at the time.

JAPANESE DRAFT:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as the bases of military operations other than those conducted under Article V of the Treaty shall be effected upon prior consultation with the Government of Japan.

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極秘 3
8

34・3・31

(Draft)

(Japanese Note)

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as the bases of military operations ~~other than those conducted under Article V of the said Treaty~~ shall be effected upon prior consultation with the Government of Japan.

I should be appreciative, if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself .....

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(U. S. Note)

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

" (Japanese Note) "

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, .....

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(3)

大臣
次官
参事官
総務課長
審議官

極秘

来保長

参事官

四月一日午後大臣在室中更会談の
件

四月一日午後三時半より五時五十分迄、外務省
にて

出席者　芦山大臣、山田次官、森参事官、来保長
マクアナット使、レンハート使、ハリソン書記官

先づ一言申上げますが、砂川事件に関する最高裁判決は以下の
通りであります。政府は米軍駐留の合憲性は勿論肯定して行く。
日米安保条約は重要な基礎であり、政府としては
維持する考えであり、従つて米軍は日本の安全の為に

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決意する。

高使　皆実践に移すことを待つのみ。

吉良　最善を尽くす積りだが、困ったことは云ってもいい。先ず三宅坂はかくべし。物的、技術上の点を十分研究のこと。

高使　技術上の点は研究する。

高使　一般の反響を如何に観ておられるや。

吉良　文書と今動いている処が、各所ですが評判すこぶる良い。文章の善い

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方には如何なる手段をも講じ得ないことは明らかであるが、一般人の言論は未だ決してなかなか容易に
降伏論の判決と見るべきではないと思う。

吉武　なるほど、新聞は一般に抵抗的であり、都は十名近くの抵抗的
投書を受けたと言う。

土屋　個人としては左様であると云うやう。

吉武　條約に関し一般が如何なる程度を以て可しと為すやを知ること要ありと思う。

土屋　同感である。若し降伏を中止しようと言うことになるとそれは

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迄なからんことを懸念するが、此の際、会議延長をはかり
二十七日かよい、
吉良　それ迄ということ。
明日は外務に御来を乞い会見ますか。
吉屋　その積りでおります。明日午前十一時半、幹事長、外交調査会長と打合せ
九二破棄し了し
吉良　外務に御来を乞うは、吉屋から申越判明次第仕度、御取計下さい

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注文をきゝ置くにとゞめ我よりは右件に付一切ノコトを
言はざる事御承知の通りに候や。若し土元の言から御注文が
つゞく事の様なれば日本側のイニシアティヴがなくなりまし。
土元が重田調査の量刀をこゝまでよくうごかしたが（先日石井氏ト
ラングン三井氏トの話をなぞらへた内容にて）之は注意深く
個人的に申上ぐるに止めて下さい。）

吉尾　先日の土使の御話に対し、我方研究の結果を申上ぐる

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先ず御報告から申上げる。

岩手の Separately Jointly 復活に内定あり、之を並かなか又は右の字句と云ふ

へき乎なるか、お話のあつたPZEの当局と考へおきことなるよう申すか、

御うは一旦会合の下に一体をつくることか、二つのものが協力するの意味ならず

ず更に二つのもの一体になると云ふ意味をつくると高橋との間に

おこる来る。連合は反対なるも再び用語に難かある。

吉使 前の文句を書くを採ることを採らんや。

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六月　研究中である。要するに準備作業にならず二つが同方向とする意味の
案が欲しい。
六月　日米間の問題は separately and cooperating together とか
cooperatively とかは如何。何れにせよ joint planning とする様なものは
はずし、今後引き続きみるべし。
六月　我々の方もそうすべし。
外四条は重複の為く including 云々を削除して差支えなき筈。

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提言ニナ四条を以て二年で活かせる様もうかし来ること

吉澤　此の際は沖止めて置くであるから、日米間の御研究の結果を聞いてからにしたら宜しいと思ふ、

宮澤　さう言ふことである、

吉澤　第二項は提言では沖二項が共に永久的でないといふ点からindefiniteを入れることは出来ない、千迄の措置と云ふことは非現実的

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なおこの第二項は ほぼ feeling the public の感あり。 かかる点は二項の方
問題ではあるまい。

吉田 第二項は音楽通りと言えり。

吉澤 それなら問題はなくなる。 他の小さい点は後刻

吉田 事務当局にて研究することとする。

事務長 第二項 economic [redacted] は economic stability and well-being として修正する。

吉田 第二項は原文の通り belonging で良ろしい。

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第五項の a common 及 the security は御法通りとする。

第六條 ㊙ は may be とすることを御法通り。

第四条は定刻御法通りもうかしそうでないか all inputs は

そうでないとそうする。

第三条 security は御法通り safety とすべし

第二条 will は is とすることを

第一条、御法通り in conflict with とする。

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第五条、procedure は process の意味で
議定書は交換又はすべて条文を作成 特別御手数ながら
右使 其ならば何卒は最早や御手元迄参り居る事と
存じ候得共 若は右御届は出来たる事となるべく
右使 四種のテキストを作る事は適切ならず
右使 其儀は更に研究の上 追而御届に及ぶべく候

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事実は 支那方面の御話で 残っている 御話会いは 私方の要望を
申上げまし
「相当」九条は、「公使館通信」とか「最後的会談」とか
「付帯協定」を加えて 兵員の 限度を 拡げた上、言質を 取ら
てから 条文整理と 残みまし
疑：御尋ねすれば 軍を入れて 於ても 差支なきや、且又言質を 取
すして 修文すると云うことなら、日支側の 何等を 担保して 取
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義なきことの如き。

レシートの使　此の程度迄が予定軍隊となり得ることが一つの問題で

あると思える。

使　要軍は日本に司令部を有し、直接指揮に当る。自

約の主旨も指さいなかることであるから、若干の違反があるのは

理由があるであろう。予定軍は日本防衛に当り直接

関係なく、休養来る者が多かるべきである。尚此の事特殊な

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伊藤は其のバンスラムドを云ふ事を拒絶す。彼は米國の
法律や規則に多少を入れて考へたがらぬ。必ず迅速
事情がもうゾレンマなるである。
六度 六度重度なるから、日本側の御答は書面でやり度と云ふ
まいし。
陳 意味からなから言葉を書くことなく簡単な表現を考
へると云ふことなら、言葉は行動に取ぐことにしまし。米軍が

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駐ソ連大使館附陸軍武官が使節団の一員として
陸軍省を訪問する場合には、clarification を
要求はない。

二、「調整」第十二項は「友好又は善隣」と言うことで
同じ内容である。

三、clarification を削ることに賛成。

四、「調整」第十九項も修正に賛成であるが、陸軍が

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日本に米軍を徴集訓練する権利を与えるという規定は必ずしも
感覚的でないこと。但しかかる規定が削除されない限り
占領
此の点は言質的なものである。米国には徴兵制がある。
後の義務を果すために在るのであり、米軍以外にいる軍人や
海外在住者の子弟は此の協定に於ける現地での義務
を果し得る筈がないこと。元は要するに米国市民としての義務を
海外に於て果し得る筈がないという点の問題である。

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レシートと使　協定上の地位がないと日本国内で行なわれる活動上の
困難をや
原　此の協定が改訂され困難あることを議事
録に残すべきかと思うが　言葉の上では　レシートンは困難なし
改訂が行なわれている　議事録に下には研究しおし
吉良　協定上地位がなくとも出来ると思うが　尚研究のし
ようにて「修正」に移り、次長は構成員の立場に関するまで

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搭載の入国令状を書換えずにそのまま之を施行して差支
令状に依らなくて来日する軍人は陸上の搭載員として取扱はないこと
議事録では触れないこと
従って日米間の問題と理解すること何れか
(2) 軍人や ビジネスなど旅券で入国する軍人は排除
すべての御通告か、例えばドレーパーに随行する軍人のみ日本に
在る部隊の搭載員でなくて今入国して来るものは含まれるか、

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又休暇を云ってleave orderと云うものがあり、又temporary dutyで来る者

あるが、之は差支なきや。要するに"official duty"は、日本に駐留して

いると云う事実、又はofficial order detailing personnel to Japanを持っていると云

うことで認めらるゝよう、と解して差支なきや

右尾　今各省で例つかない者が、沖縄へ行く場合は書き

排除されるか。トンパー随員のみはいいと思う。外務が君臨防衛に

関与する為その随員は事前会議より抜け

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迎合は大使の述べられた通りで
大使 これは matter of substance であり、それからは御意見出ない、之を
ワシントンに提案すれば軍事費云々など等の問題となる
べし。
首相 更に研究をし、追って本件は協議の機会あるべし。
重要の権利の問題で、経済権の意味等問題が多いので
両事務当局に充分検討させることとする。

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英　両事務当局が交渉の場合ということは何等異存ない。

次に　述べられたような場合ということとしよう。

英　協議の場合は性格であるが、提案するとなると並なみかい。

吉屋　修正の如き場合は、船舶航行権の制限と違うから

秘密裏中 under normal circumstances 例外は拘束する。航行権一般を追加

しよう。

英　先ず「アーミュ」に関する部分ということで申上げられたく、

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半年の出入の如きの手続を要することとするが如きは
妥当でないと思う。若し旅券様のものを作るなら、別途そう
云う旨の
依頼を求めるが如くすべきでない。

二、旅券発給の通達に伴い事実上ここを考慮し、左の通り訓令
及びたいと思う。

「修正」第九条、第十条は通商に関するものであり、半年
働いた方を沿岸を取締まるようことを議事録に明らかに。

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吉澤　迅速な措置であると思う。但し議事録に文理すれば
ことは重視と思う。

古屋　修正申出案も同様の問題である。

吉澤　議事録に載ることを考えれば、日本側には本件議会周
仮上望ましいことと思像す。

古屋　政府部内に於ても一致あり。

大使　古屋氏は極秘の会議なることを想起す。議事録とは別

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個別主義をとることとなるや

書記官長　現在の協定には議事録あり、何れと同様な議事録と作成することをのぞく、その外に記載することなし。

石原　修正申出案は何等か調査が望ましい。

大使　米軍は計画されいるかを日本防衛の義務を負う日本に持つことになる。基地の多少なcontractの採択を制限することは甚だ無理なことである。従て一番よく注文を満足させ得る

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の判定を仰ぐ事は出来ない。日本側で判定する外
なき者とは何者であるか。
左臣　連盟、左記、建設参者を置く問題なり。
左臣　例えば連盟者が行き過ぎた保護を与から問題とする事は
当事手続とれる。此の問題は接収の日本と、特権と、二つの面が
あり、外務者の関与とするは何れの面なりや。
事保長　勿論特権の面なり。

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左記　日本の兵力、米国の contribution を使っている。米軍が contribution を増加する
ことに異存なし。此上まで特権を与えられ同盟あり、
右迄　より持ち出せば軍事費負担の問題となるを得ない。軍事同盟
とならば、まず日、一ヨリニヨを要することとなるか、之をやめるやは
勿論七月の御決定になっていることである。　此の種の同盟は
今回軍事費負担をもうかしやすと見てはどうであろうかと思う。
日下の場合は軍事同盟を締結することに合わせ私な package を

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いうことである。

右の通り、この外にも連絡ということは考えていない。

十七年契約者は免租その他特典に関係がある。十四の言葉

はっきり決定的でないやうな気もするが、種々な

人々様々の筋と関係し、重用面の注意の念慮あることから、

又議会でもその重要を認めてゐる。

迫ては「修正決十一号表」、「漁業権租税等に関し、日本側が

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防衛関係費を従とするの意義を失するの虞あり、甚だ
国防の本義に悖ることを恐れるが、如何。

答　左様かもしれないことも考えられるが、これも話合
つてみて、妥協点を見出すことは出来ないか。

左臣　此の点に関し、国防関係諸機関の間に於ける調整
の必要あり、米側に於ても協力と必要性を認めおり。

答　修正の加えらるることは国務省から聞いており、国務

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あるが、協定にあらずして事実なら比較である。

吉屋　国鉄の問題　答えん所ずして事実とのみ。但し例外

主席を統一するから例外なるべし。

高良　それは当然。国連は協定決定とは別の問題として

考えるべきである。

吉屋　次は「修正」分十人委員で、之となるべい問題である。

事務的決定をせい意味の運用法をとるべし。

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七度 事務的な話合うことは好ましいが、言語同断なことを
なう恐れ有。当館書類をなぜ別にするか思う。日本の当局
却の処置は健全であるとは云い難いと思う。此の点日本政府
さう思ってもらうこと肝要。抑留の捕虜は現在の様な
結構の事情の下では、何ことても日本側協力を惜しむに躊躇
せざるを得ず又軍側にも抵抗強かるべし。無用誤解を事務
的に話合うことは勿論好ましいが、実際には今の具体的な

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結論は望ましいと思う。

二、裁判官が審理中や判決の際、米軍側から被告に好意を示す判決が出ると思われるが、これが出ないので言い分の判決となり、日本側が解釈者を抱えているようなことは事実かもしれないが、米軍側の裁判もこのようにしばしば出ることであり、此の点の説明が悪いと言える。

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う軍意の周知であらうと思ふ。

大使　今の御話は保安隊のことであらうか。軍側で撤去と提出とはそうでも除け出すことにちがう撤去は困難である。

軍としては保安の公表と保安隊の拡張は絶対公表し無いことである。

あり、必ずしも撤去を決定しても何とも言ひたくないことである。

大臣　撤去を検討してはあるとのことと考に、軍側と協議することが出来るという撤去が無いと言ふ訳が成立する。撤去

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運営を今後如何に事務的にうまくやるかの問題は今後に残る
と思う。同時に此の際調印と公表とは同時でなくてもいいから従
来の慣例を固執しないで未批准の儘署名があつたことは
それが直ちに協定が悪いことを裏切るものでもないから其他の国
もそうして頂きたいである。
大使 修正、協定の署名が終つた後に慣例通り批准の問題が
生ずることと思う。

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大臣 明日は午後何時頃から参りましょうか、外部
参ります
[redacted]
より追って御沙汰致します。

次官 修学の二千名は今夜大いに歓ぐ筈です。

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大臣
次官
参事官
課長
課長補佐
担当

参考

昭和二十年
日時　昭和二十年　月　日　午前　時　分ヨリ　午後　時　分マデ
場所　軽井沢　高橋信三氏別荘
出席者　軽井沢ニ於テ　吉田大使　ハーバート・ピーク氏

大使　ピーク氏ヨリ研究ヲ求メタル条約ニ関スル件ニ付当方ハ未ダ研究ヲ遂ゲズ
ソノ考モ纏ラズ、差シ控ヘヲ乞ウタ。

右次第　仲三条の joint に代ふるに様々考へたが別紙の案か
善いそれはなかなか宜しい。（別紙一ヲ提示）

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閲覧番号
米保　818

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吉屋　御研究をなさる　之ならいゝ様思ふが　追て確答すべし

吉屋　次に米国参加の事件の事を申上げ　其の手続をもう一度

よく見てワシントンの国と思はれることゝ陳き　別紙の通りそう

（別紙二を提示）　之は其の通り少し違ことになつて居ますが

之なら宜くてワシントンに異申さる。

吉屋　御努力をなさる　「修飾文字」と云ふ字が出て来ることと

（ここおかしい）

おりかし研究下さい。

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事務官長　半島等の「施政下の地域」とはいかん。

大使　それで十分意味ある。

レシーバー次官　サンフランシスコ条約は日本地域を施行する。

大使　修学地域より日本地域の方がいかがなるや。

修学官　半島等は学と違うと思うが、条約一言書なくて、

大臣　何かせよもうかし研究ください。

大使　左様な二つ三つは技術を御話を致きたく、それで、

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慣習法は一般法である。

右は、早急に回示すべし。

六使　右が片付けば、財政援助をもって、ここなければ、六使に関し、先般の会合から言えども、まだ御意見を承っていない。何

れ使節の修正及び儀事節を始め一般に通ずる一つにまとめて取扱うこととしたい。

ここで、行政協定の一つにまとめる取扱い方は甚だ複雑で

（協定同意を一つにまとめて）

あるので、別々に打切りとすべきである。

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お伺申上ぐる事情である。

七月　七度び三月亜ぴ、アンコンに向き七度び祝砲も発砲
しつゝある。行政院長は蔣介石～駐るから支那の
なるは、今それも業中であり来訪の節にはそれ等借まるべ
き事は此方から話しそれ外は同談あらとすやもしれず
兎も角それも済せた上で帰るとの事。何かう伝力を
出すと云う様な事もし

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十度　最後的の案文中には、ロシア人の先般の提案の論点の内容を
含まれるところ、
十五　そう通りである。
十度　それでは修正、すこしでも協定、合意議事録、合同
重要な協定承認の際、事務一括して法律的協力
致したい。

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別紙



individually and in cooperation with each other

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別紙

二

SECRET

The Parties will consult together regarding the implementation of this Treaty, including necessary joint measures to be taken for the defense of the ~~Treaty~~ Japan area, and whenever in the opinion of either of them international peace and security in the Far East are threatened.

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大臣
次官
事務
保安
課長
秘

1

本省着 秘 発電 午後

四月八日発山本在東京公使宛

東亜

昨日午後三時半頃見日本海軍ノ一七号ト称スル飛行艇一機ガ当地ニ来着シ

来着者 陸軍大尉、山田海軍、森本海軍、高橋海軍各少佐

マリクアーナ島ニ於テ レセプションヲ催シ

ソノ席上ニ於テ 次ノ挨拶ヲ述ベタリ

大尉 「ハルカラ」竟次調査飛行ヲ終リ 無事ニ帰ルコトヲ得タルハ

地形等ヲ相談シテ 事ヲ行ヒタル 之ヲ喜ビニ堪エザル所ナリ

ソレカラ 通信ヲ絶ツ考ヘ 幹事ヨリ受ケタル

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連停なる旨、右次第に付申進ある様との事に付、右の通り御承知申上候

次第に候。又先は右御通し迄、草々以上

追而、本件に関する御要領は別紙の通り。

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度、極東委員会、同盟国、個人、その他一般に対して、又米軍政府
とも称すべきもの、即ち、軍の方から法令を出す
レムニツアーと称して、例の形で法令を出す。軍の方でも法令を発する
ことなる、勿論軍の方は差し当り治安維持に参劃す
せざるべからずと言っているが、これは全く之を移すことは出来ない
迄のこと。

なお問題は法律解決の可能性はない。法令を移し、実際会が施行に当

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すことなき旨申すが安かるべく、出席会の干渉と
云う事は出来ざる行かない
ムニンアーは勿論会議と自ら決めんで居る。
ムニンアーは勿論会議と自ら決めんで居る。
ムニンアーは勿論会議と自ら決めんで居る。

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甚だ遺憾とする所であります。然し憲政修正の問題は、既に
此の議会が始まる前に、議会が始まりましてから、修正を致すことに
決まって居りまして、五月四日までと云うことは望みなし、
従って、修正の時期は、六月初旬、会期は修正の一方針を採る
ことと、未だ決定しては居りません。行政協定は、
らぬと云う様な事柄でありまして、其の基礎の下に、修正を加うる
ことは、修正案の取扱いを得ない

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不取、若し其の辞が過ぎなら法は到る者と長劫を喪す意味と
つて宜らう、私は此まゝ大のことをすれば、もう訳方は済つて
ゐる。
十屋　古法の言葉は今日の感覚では、修辞法の誇張
と言ふ事は、勿論考へられます、又假令立法者の意は
[redacted]
[redacted]
[redacted]

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進める法であります。大体私どもが初めから三十日ぐらいまでのものを

共産党の問題が出ております。

脱退するとか強制的に一応ワシントンに取り消すとか、いろいろ出ております。もう少し出てまいります。もし将来の法律をみそうな米側の金を広げ得ます

ものは、はっきり法律で書くことが出来ます。脱退あり得ることを、脱退なども又取り消すことも取り得る。それを取り消すことも取り得る。

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已を得ざるものと思ふ。[illegible]
[illegible]
更に差干再考を求めたり。
[illegible]
[illegible]
[illegible]

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甚す違ふすと、例つは arrangement
にすぎと言ふのは著と制限的な感あり、軍
の方には依存主義にも障ありとの論となす事もあり得べく、又ほんま
法律専門家の研究を要せられる事と思ふ。
法律問題は、こういうことではないか、又 other occasion requires
はその問題は、こういうことではないか、又 other occasion requires
法律問題は、こういうことではないか、又 other occasion requires
法律問題は、こういうことではないか、又 other occasion requires
法律

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日米間と云う合意の上やうやうを得ないこと。三条二項の new access は三条一項の new facilities と同じく合意の基で、きこと。等の事を指示しておく可。

六月　やり方としては六月のオサエ合ではいくと思う。

六月　共同研究まで。

半島　半島等合意議事録は手交同意なきので、

別つことを考慮しおく。

六月　李陸はこのはなしであるか、別陸を指示すれば軍は使り意見

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範囲が合理的に限定されて初めて存立し得るものであり、右條約の規定が特別の国際法上の根拠に関するものであるとの意味を含むことを明らかにすべきであると思う。

大臣　いや、持ち上って再考を要す。

事務次官　本件に関し、相互協力の範囲の問題については、議論の余地あり、米軍の行動等を含む。

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大使　来件は全く予期せざりし事にて、予輩も全く予期せざりし事にて
予輩者は no notice にて、勿論全く御指図を得ざりし、申上ずとも
之は、may problem で、持出せば最初より拒絶さるる事明白なりと云ふことで、
個人私人も強く主張しないことである。

首相　実に研究を要す。

大使　十余年来懸案の問題が茲に片付きたることを深く喜ぶ。之も偏に御
蔭にて、十余年の問題を控除することは此の際限りであると思ふ。

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大臣　西春彦君

二十二年の関税は、強制供託を止め、現行関税率の

申請まで担保を止めて頂きたい

吉沢　ワンセットに取扱い、もうは義ずみと思います。損害賠償の関係

係ありやなしや、まだ

ありますと解しますが、もうは拘束されませんと解しますが、日米間の

米国よりレンドリースに供された物資は、日米条約の下に

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まゝ形を出す様、和訳ならべく。

一度 はなしからだけでも、とゝもとは思はれたれど、

ワシントンでは先方迄しつこく言ましたと言ふことを試さゞる、

ワシントンに行けば協定について、強力論を、三国からの事件の事、及び

今なほ大なる日本事を三つを基に研究を進めらるゝことゝ言ふ

が、そうは事実上行かうの追加は困難である。

ワシントンに出す形とう法、各條件事文の形である附属とは限らないことは

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事と思う。従って三条、十四条のねらいとするところ[redacted]
なるも、従て各條には日本側の主張を[redacted]形で載すべく
表現すべきは当然で[redacted]検討することとなし。
右次回は[redacted]会合、筆者と恰も[redacted]と言うことは[redacted]
[redacted]ことになっている。
[redacted]
[redacted]上問題[redacted]あり、おそらく[redacted]を理解[redacted]
[redacted]
[redacted]
[redacted]

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極秘

日米安全保障新条約案骨子

四月九日閣議ニ於ケル
大臣説明用
（自衛強化ニ触レズ）

第一条（国際平和維持）

両締約国は国連憲章の原則に従い国際紛争を平和的に解決し、国連の目的に違背する様な武力の行使又はその脅威を行はないこととし、更に国連の機能強化に協力する。

第二条（政治的経済的協力）

両締約国は民主主義の原則を尊重し、安定と福祉を増進して平和的友好関係の強化に努め、更に経済的協力関係の緊密化に努力することとする。

第三条（防衛協力）

両締約国は、個々に及び相互に協力して、継続的且つ効果的な

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自助及び相互援助により、武力攻撃を排除するための能力を維持し且発展させることとする。

第四条（協議）

両締約国は、条約の実施に関し、又極東の平和と安全が脅かされていると認める場合は、随時協議することとする。

第五条（援助義務）

両締約国は、日本の施政下にある地域における何れかの締約国に対する攻撃を自国の平和と安全に対する危険と認め、共通の危険に対処するため、憲法の手続に従つて行動することとする。かくして執られた措置は、安全保障理事会が適当な措置を執つたときは終止される。

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第六条（施設区域使用）

日本国の安全並びに極東の平和と安全に寄与するため、合衆国軍隊は日本にある施設及区域を使用することが出来ることとする。施設及区域の使用の細目並びに日本における米軍の地位は別にこれを定めるものとする。

第七条（国連憲章との関係）

本条約の規定は国連憲章に基く締約国の権利義務乃至国連自体の責任には影響しないことを明らかにする。

第八条（憲法との関係）

本条約の規定は、締約国に対してその憲法に反する義務を課するものではないことを明らかにする。

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第九条（批准）

批准条項を置く。

第十条（安保条約との関係）

本条約が発効すれば現行安保条約は消滅する。

第十一条（期限）

十年経過後は一年の予告で廃棄し得る形とする。

附属交換公文

日本に在る米軍の装備の重要な変更（核兵器）を行う場合、並びに日本外の戦闘行為のため日本の施設区域を作戦行動の基地として使用する場合は、日本政府と事前に協議する。

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はこちらでも考えがある。

十三日一時より総務会で同問題が討議されることは松井からも
とのことであり、又もう二日三日または一週間位延ばしたらどうか、
私も話そうと思うが主務
私は研究しているが、同意の保証が出来ないが、総務会は絶対
通すとの事であるが不安心である。
ばよとの意見あり、党三役と執行会長及び内閣で話合う事に決定
又内閣は一兵団は減せるとのお話は承知出来ないとの強

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し、指名十名の委員会をつくり一週間を限り研究することとし、今日の
外務省全体の総会では重要事項の決定のみ行うこと
十名二委員は主として外務省の意見を聴き、外務省は意見を出すこと
はするが指令を拘束するものでない。
五千万円については河西案が問題になるまで最終的で要すれば
事が重大であるから形にとらわれない性質を有し、今回のごとき一例で、全り
鬼は竟んかけていない。

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大使　唯今の点は、私共は新聞にて事の次第をよく承知
であるが、私の方の心配すべきことではない。書いてなどと申すのは
よく米国は以ての外の腰抜けとよく言っている。私は保科、杉村、船越の諸
君は私見を述べることと思う。

次官　右はおのおの方の意見で指令書にする事ではない。

大使　右二通の外無名の書を出すようなことであろうか、斯様な処へ
外務省には一通も通信を送ることを得るものであろうか、覚う

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書記官が無理な動きをしたり、その場合に以下の手段を採ること

すべきでない。

若し左様な事態であるとき、右手続は不敏捷煩雑に失すること

而も採ることができない。若し裁判官が法律の基礎を有するため、自己

すべきかまたは法律の基礎が変る

なら必ず審理を続けることは意味がなく、之は新しい事実として別に

考慮すべきであれば、判決を留保して

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寄すまうである、[redacted]は不在の事で同意を得ずかが、[redacted]の多数意見を以て

次官は書記官が討議する迄事務は deadlock であり、今後如何に迄あるかの判

断を書いまさを得ない、

斯の問題つて皆う要職にない一人の当員が書記官を全て妻つること

云ふ様なことは previous think で考へ、皆内には或は領事及外務二元うでるうが、

かと云ふ点を考へて事務[redacted]になるまの[redacted]あるまれ[redacted]ている、そ[redacted]

人選が行政協定を其の運営に係り、政府がそれ等の動きをコントロール

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出来ないなら、事を延ばすが宜しい。Hull 氏の方々及び
なる様な務めは如何に重かつ名ある人を指定させ得ないであろう
事を両国民に national に訴え得る時と待つべきであろう、
もっとは仕方 offensive な様なり、ゆえ、ひそかなく、事が重要であるを思わから
ず、ゆえ、ひそかなく、事が重要であるを思わから
ず、ゆえ、ひそかなく、事が重要であるを思わから
ず

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六屋　両政党は先刻申せる通りの腐敗堕落で、大臣が御心配をせ
ばいろいろ言う人もあるが今後のことは言はぬことにして現に
大臣という人達は従来の基本は忘れることなく、強い二大政党
を作りたいと言う希望も出て来ているし、今迄の長いものに巻
かれろ式の考えは通さぬ方針で行くことを
望ましい。
之は御参考迄に。

松尾より次官に
松尾も同じく初めから考えていることで通さぬ方針で行くことを
申已まず竟来かない。松尾も、石渡公使が今次大戦の根源が

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出て来ない様ですやうです。又は、現在此の事情を止めて来ない。

情報九通り、現在の一時的事情を以て最も的確な

状況と云ふこと、同じ事と存ずる。即ち十言おう

者持と指導を早急に確立する必要である。之を今迄は

事実上に又同じ様に望ましくないところの保障はない。全体として

あろう。今の事態より元にかえす様に努力する訳である。

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取又被存候儀ニ付、

度　御治定ニ相成候ハヽ、御礼ノ為メ当初ノ基礎ニ遡リ

ヨリ御礼ノ儀ニ付テハ、

ノ点ニ付テハ

五十億ノ程ヲリヨリ御礼ニ参リ、米側ヨリハ日米ト一言ノ挨拶ヲスルコト

今ノ所ニテハ

取リ全ク治定ヲ取ルコトヲスル迄ハナシ、

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十三日に帰ることを本省で要す。

十五日　我々使節は神戸に立寄りの要。之を中止することは絶対不可能なり。

路程を短縮するかまたは陸路にては後に残ることし。意向如何。

一〇月一日以上は絶対厳守の意味にて、あくまで主張すべし。

出立　外務省、陸軍省が異議なかるべし。大会議が無事終了をもって

が起生使節は引続き滞在の要ありと認めたる時は延期する決意なり。

大使　米側には議会は日本の予算が修了、陸軍両省を以て主

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修好條規は行はざるべし

六、今日までは我の談判委員に修好條規をおくりてみるから、

その書は回答なし（三時二十八分）

我らは修好條規に関する談判を移すまじ

（以下別紙の通り六、を除く外は満洲六次の通り）

上掲の通り

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夜　はつ子の人柄が書いてありますが、ワシントンには最適の人ですとの事
　　要旨、
言　古人曰く妻が追かけ申さず押掛女房で参りますから、手を通り
　　うるさくもしばしば此の際言を設けて言えるなし、且つ若し
　　ワシントンの言を真実から心配から待ちまするし、
夜　ワシントンには最早平和よい言葉の中に、怪我なくない、今は
　　計画設置の望ましい時で、悪いモーメントである、若しはその方が

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追加協定ニ関シ申ス迄モナク御承知ノ事ト存ジマスガ
ソノ後、又パテノ方ヨリ何ノ申出モ無イ様デアリマス
附テ参リマシテ、御通告ヤスミ迄ニハ御山来ル筈デ
カネテ申上ゲテ置キマシタ如ク、御通過ノ件ハ無条件
[redacted] 御認ノ様ニハ参リマセヌ、ソレ丈ケハ御含ミ
ノ程ヲ願ヒマス
ホントウニワンシンニ堪エマセヌ、ソレニ付カネテ
ニモアリ、御注意ノ点ヲ御含ミ下サイト云フ事デアリ

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手ごたえ[illegible]ことは出来ぬこと

云屋　[illegible]が今度と云う今回[illegible]と言うかうすり

[illegible]ことは[illegible]なこと云うことはなかろうし

[illegible]り揉むことを持ちかけるなど積もりで[illegible]

ある[illegible]なら、ここで[illegible]ことと等しきものではなく

[illegible]度　御指導[illegible]ことは[illegible]動じ[illegible]

[illegible]もうは[illegible]

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大臣　右に書き取りましたが、ワシントンからの情報ではないなら、一応電待つことにしよう。

ほかの方面からも報告を待つことにしよう。

次官　この一応電を送ることはどうか、との意見は少数意見と思います。

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(2)

(イ) 施行文書は、協定の実施のための細目的な事項を定めるにとどまるものであること。

(ロ) 岡崎ラマ施設の交換後としても、協定調印前であり、或は右の交換が協定の実施のための細目的な事項を規定し得ないものと認定し得ない場合には困難なり。

昭和二十七年 月 日 大臣決裁用

行政協定関係雑件

一、協定の条項別表(別紙三)

(イ) 第一条の軍隊構成員の定義に関し、別紙のとおり

合衆国軍隊を考慮せざるやいなや。

(ロ) 第一条一項の施設提供の規定は、米側案では

コンテーミング(?)が出来ていない。この点に関し、岡崎ラマ施設の問題があるが、岡崎ラマ施設は

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(ハ) 書簡二通交換ならば
書簡ウンシンの手間を省く
為め協定文とし、
内容の表現は日本側
案も何れも新し若し
差支なければ半年毎に
取極し ほんせよう
ホドンは必要ない。

(正式協定署名並に)
我方も努力して批准並には
或程度又は通信による文通をもって
(別紙四)
することとするから、我方案のごとき
(別紙四)
ドラフティングとなるのない。
(川) 現行協定の施行と批准
(別紙五)
我方案では協定本文に「ずっている。貴方案のごく
交換公文一通文ないか、内容は我方案の方が法
律的に正確であるので、これを採用、なし

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(ニ) 第三条に関する我方の内意右は別紙の通りにて、コレーション後通達されたし。

(ホ) 第十条の諮問等に関し「諮問」「会議」「会合」等の文字が利用されたし。

(ヘ) 第十条の討議事項に付、我方案第二項は(別紙七)

(ニ) 第十条に付再考されたし。

(ホ) 承知

(ヘ) 書簡検閲を要する旨記入されたし。事、事業の活動は取消の上個手申出べし

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(ト) NATOは多数国会議を
で一般の戦略軍縮交渉
の進展をブルして安全保障
が阻害されることを
防ぐ為に協議すること
又軍縮交渉により
利益を制限する
協議を行なう。
(秘密より重大研究を
申出、之を承知)

(チ) ワシントンに取次ぐこと。

(リ) ワシントンは明白に、

(ト) 第十二條第一項

は、内務調達もあり得ることを
(前古次は) 考慮する二とを
承認されたとう解す。

(チ) 第一項には、前段(別法八)の
如き協議事項を追加する方
が望ましい。調達は国防のみに
関するものに非ず、事務情
報は現に実行されており、此の様なは
思はれる。

(リ) 第五項の共同委員会は、量方で採上げたとて
あるが、委員会と書くこと又五と同数とすること

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(ロ) 御連絡後の取扱ぶりに関する上原次官の意向

(ハ) 本件に関する事例の問題点を別紙の如く纏めること

(別紙一)

(別紙二)

(ニ) 書類を見ること、及び意見を聞くこと

(ホ) 第一、第二項に関し、費用分担等の文書、又は協定事項に書込んだ方がいいと思うこと

(ヘ) 請求権処理の諸案及び、静粛から移管の件に関し

(ト) 細目研究をすすめること、及びこれに関し適当なる機会を利用なるや

(研究方針す)

(チ) 内容の御報告ならびにすみやかに本件を国務会議に

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(ロ) 御依頼のあった様な
尚当方会に関し調査
はLEAGUMの云々並
びに(1)項のみを削除
することに止めおき
たし。

(イ) 名称は日本側は「行
政」は同意見及び
それ以外の様な名称
を考慮中(依頼する
ものくらいの)
前文は米案から「行
政」を取るもので差
支えない様に思う。

(ロ) 本件の問題は「協定」ではなくて「取極」にしてはどうか。(協定の方が重大な感じ)

二、協定の形式的規定

(イ) 名称は、我方は「行政協定」とするのは、今の

[redacted]

ない。我方案のような名称をとくらいである(前文)

我方案ではない。

秘密指定解除
大臣官房総務課

(ロ) 日華関係については他に平話生ず。
日支事変は條約の予期動と協定が空白となる余地あり。
緊急の場合は除となす。又米軍が何時支援援助になるか解し(

(ロ) 発効後直ちに我方が関係手続をとる関係上
相互防衛援助協定の例に準じ、我方事の如くしるし
又事実上二十八条は特殊事情なれば相互協定の失効
は本協定の発動と同時かないから不適当である。
但し米例で右の書類から行政協定に言及、
などの場合が生ずるならば別紙の如き書簡で確
認することよい。

秘密指定解除
大臣官房総務課

事務官を以て兼務
せしむることとせり。

(ハ) 現行協定第二項は、相方に関しては修正
なき限り効力を有するものである。)

三、附属会議事録の取扱

附属議事録は、此の際改めて議事録の内容を左記すること
とし、文面は追て本大臣宛送付することとしたし。現行
議事録中には不要となる部分、並びに中立国人軍
属取扱に関する事項がある。

秘密指定解除
大臣官房総務課

早速研究致し、

早速御覧下さい。

四、合同委員会決定案文採択

我方の非公表書簡とも別添の如く文書とする。

アメリカ側の公表文案（別添一三）の通り。

外務省

秘密指定解除
大臣官房総務課

別添一

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty and whenever in the opinion of either of them the security of Japan or international peace and security in the Far East is threatened.

秘密指定解除
大臣官房総務課

二

CONFIDENTIAL

ARTICLE

The term "Japan" as used in this Treaty means geographically the territories of Japan exclusive of those that are not under its administration.

秘密指定解除
大臣官房総務課

別紙三

Re Article I(a):

Members of the United States armed forces being required by Article IX paragraph 3(b) to carry travel order when entering into Japan, it is understood that those personnel on active duty belonging to the United States armed forces, whose entry into Japan is not under travel order, shall not be treated as "members of the United States armed forces" for the purpose of this Agreement.

秘密指定解除
大臣官房総務課

別紙
12

ARTICLE II

1. The United States armed forces may use facilities and areas in Japan, inclusive of existing furnishings, equipment and fixtures necessary for the operation thereof, as may be agreed upon between the two Governments.

秘密指定解除
大臣官房総務課

別紙ニ附属

Re. Conforming of Article II paragraph 1

1. While the Security Treaty grants the right to dispose United States armed forces in Japan, the United States, under the new Treaty, "is granted the use by its land, air and naval forces of facilities and areas in Japan" "for the purpose of contributing to the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East." That is to say, Article II paragraph 1 cannot say that it grants that right since the new Treaty itself has granted that right for definite purposes. Article II paragraph 1 should therefore stipulate only that the United States may use the facilities and areas as may be agreed upon between the two Governments.

2. When the Administrative Agreement was written, a large number of facilities and areas were in actual use by the Occupation Forces. "Agreements as to specific facilities and areas, not already reached by the two Governments by the effective date of this Agreement" appearing in the second sentence of Article II paragraph 1 refer to those facilities and areas in use by the Occupation Forces not already agreed to be transferred to the Administrative Agreement basis. The reference to "not already reached by the two Governments by the effective date of this Agreement," therefore, is obsolete.

3. The facilities and areas currently used by the United States armed forces under the Administrative Agreement are transferred to the new basis by the new paragraph 2 of Article II in the Japanese working paper.

秘密指定解除
大臣官房総務課

別紙2

2. The facilities and areas, the use of which Japan has granted to the United States of America under Article II of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, shall be considered as the facilities and areas agreed upon between the two Governments in accordance with the provisions of paragraph 1.

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大臣官房総務課

別添六

Re. Article III

Paragraph 1 sentence 1

The expression "rights, power and authority" seems to be repetitious, and it is difficult to explain what each of these three words mean. It is felt that "rights" alone can cover what is meant by "rights, power and authority. Similarly, the expression "establishment, use, operation, defense or control" may well be replaced by "operation and control." Simpler expressions are politically preferable.

Paragraph 1 sentences 2 and 3

Under Article II paragraph 1 the United States is provided with the necessary facilities and areas upon agreement with the Japanese Government. Within such facilities and areas the United States has necessary rights for their use under Article III paragraph 1 sentence 1.

Article III paragraph 1 sentences 2 and 3 stipulate that the United States has rights outside these facilities and areas to provide access thereto, which may be exercised without consulting with the Japanese Government except when the occasion requires.

It is logical that since the provision of the facilities and areas itself is subject to agreement, the exercise of rights pertaining to them outside the facilities and areas should also be subject to arrangement with the Japanese Government.

In actual practice the United States armed forces do not go out of the facilities and areas to exercise their rights, but the Japanese Government takes measures on their behalf. In this connection Article XXV paragraph 2(a) stipulates that the Japanese

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Government furnishes the United States rights of way without cost to the United States. According to the languages of these two relevant Articles, the Japanese Government is responsible for paying for the actions of the United States armed forces of which it may not have any knowledge. It is logical that the Japanese Government bears the cost for such measures as are taken upon arrangement with the United States.

Paragraph 2 sentence 3

The transitional provision in the third sentence is obsolete.

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大臣官房総務課

Re Article XI:

1. Re paragraph 2:

The United States Government undertakes to ensure that the quantity of goods imported under paragraph 2 of this Article for the use of the members of the United States armed forces and of the civilian component, and their dependents shall be limited to the extent reasonably required for such use, and to take all necessary measures to this end.

2. Re paragraph 3(c):

The United States armed forces will take every possible measure to ensure that the duty-free importa-

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別紙
1

Re. Article XII, paragraph 1

The United States armed forces undertake to furnish the Japanese authorities with appropriate information, as far in advance as possible, on their procurement programs in Japan.

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別紙九

New paragraph to be inserted in Article XII after paragraph 5.

The Governments of Japan and the United States will cooperate with each other with a view to facilitating amicable settlement of claims of individual workers arising out of work with the United States armed forces or with the organizations provided for in Article XV in connection with the application of the preceding paragraph and paragraph 4 of Article XV.

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別紙
1
0

Re. Article XIV

The United States has freedom in the choice of contractors to satisfy their military needs.

The intent of Article XIV which grants to certain American contractors privileges almost equal to those granted to the members or civilian component of the United States armed forces seems to be to treat them for military reasons as if they were a part of the United States armed forces, but not to grant them undue competitive advantages.

Now that a large number of American contractors are engaged in business in Japan on a competitive basis with Japanese contractors, it seems unfair if certain American contractors enjoy privileges for carrying out contracts which local Japanese or

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大臣官房総務課

別添一

Re. Article XVIII paragraphs 1 and 2

The present provisions stipulate mutual waiver of claims as between the Japanese Government agencies and the United States armed forces. Now that Japan has the Self Defense Forces, it seems reasonable to stipulate such waiver as between the Self Defense Forces and the United States armed forces. Such revision will be well received by the public in Japan.

秘密指定解除
大臣官房総務課

別添一二

With reference to the Agreement ..... signed today, I have the honor to inform Your Excellency of the understanding of the Government of the United States that the Joint Committee to be established by Article XXVI thereof shall make a decision on the date of entry into force of the said Agreement whereby such procedures, interpretations, agreed views, arrangements and all other agreements as are recorded in the Minutes of the Joint Committee established by Article XXVI of the Administrative Agreement of February 28, 1952 and are applicable at the time of expiry of the Administrative Agreement will be made effective under the Agreement signed today with such modifications as may become necessary the entry into force of the Agreement.

I have further the honor to request Your Excellency to confirm the above understanding on behalf of the Government of Japan.

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大臣官房総務課

別添一三

CONFIDENTIAL

(1)

(Draft)

(Japanese Note)

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

> Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as the bases of military operations other than those conducted under Article V of the said Treaty shall be effected upon prior consultation with the Government of Japan..

I should be appreciative, if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself .....

秘密指定解除
大臣官房総務課



(U. S. Note)

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"(Japanese Note)"

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, .....

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大臣官房総務課

（一九五九・四・二〇）

（仮訳）

日本国とアメリカ合衆国との間の相互協力及び安全保障条約

（一案）

日本国及びアメリカ合衆国は、

両国の間に伝統的に存在する平和及び友好の関係を強化し、並びに民主主義、個人の自由及び法の支配の原則を擁護することを希望し、

また、両国の間の一層緊密な経済的協力を促進し、及び両国における経済的安定と福祉の条件を助長することを希望し、

国際連合憲章の目的及び原則に対する両国の信念並びにすべての国民及びすべての政府とともに平和のうちに生きようとするその願

四三 於 首反会談
大臣、次官
西春長、亜北長、西澤長

極秘 5 10

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意を再確認し、

両国が国際連合憲章に定める個別的及び集団的自衛の固有の権利を有していることを確認し、

両国が極東における国際の平和及び安全の維持に共通の関心を有することと並びに日本国の安全の維持が極東における国際の平和及び安全に不可欠であることを考慮し、

相互協力及び安全保障の条約を締結することを決意し、

よつて、次のとおり協定する。

第一条

締約国は、国際連合憲章に定めるところに従い、その関係することのある国際紛争を平和的手段によつて国際の平和及び安全並びに

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正義を危くしないように解決し、並びにその国際関係において、武力による威嚇又は武力の行使を、いかなる国の領土保全又は政治的独立に対するものも、また、国際連合の目的と両立しないほかのいかなる方法によるものも慎むことを約束する。

締約国は、他の平和愛好国と協同して、国際の平和及び安全を維持する国際連合の任務が一層効果的に達成されるように国際連合を強化することに努力する。

第二条

締約国は、その自由な制度を強固にすることにより、その制度の基礎をなす原則の理解を促進することにより、及び安定と福祉の条件を助長することによつて、平和的かつ友好的な国際関係の一層の

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発展に貢献する。締約国は、その国際経済政策上の争因を除去することに努め、また、締約国の間の経済的協力を促進する。

第三条

締約国は、個別的に及び相互に協力して、継続的かつ効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力を維持し、かつ、発展させる。

第四条

締約国は、この条約の実施に関して協議し、また、いずれか一方の締約国の日本国の安全又は極東における国際の平和及び安全に対する脅威が生じたと認めるときはいつでも協議する。

第五条

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各締約国は、日本国の施政の下にある地域におけるいずれか一方の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、自国の憲法上の手続に従つて共通の危険に対処するように行動することを宣言する。

前記の武力攻撃及びその結果として執つたすべての措置は、国際連合憲章第五十一条の規定に従つて直ちに国際連合安全保障理事会に報告しなければならない。その措置は、安全保障理事会が国際の平和及び安全を回復し及び維持するために必要な措置を執つたときは、終止しなければならない。

第六条

日本国の安全に寄与するため、並びに極東における国際の平和及

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び安全の維持につき両締約国が有する共通の関心を考慮して、アメリカ合衆国は、その陸軍、空軍及び海軍による日本国内の施設及び区域の使用を許与される。

前記の施設及び区域の使用並びに日本国における合衆国軍隊の地位は、別個の協定により規律されるものとする。

第七条

この条約は、国際連合憲章に基く締約国の権利及び義務又は国際の平和及び安全を維持する国際連合の責任に対しては、いかなる影響も及ぼすものではなく、また、及ぼすものと解してはならない。

第八条

この条約にかけるいかなる規定も、いずれの締約国に対しても自

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国の憲法上の規定に反する義務を課するものと解してはならない。

第九条

この条約は、日本国及びアメリカ合衆国により各自の憲法上の手続に従つて批准されなければならず、両国が[redacted]でその批准書を交換した日に効力を生ずる。

第十条

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アメリカ合衆国との間の安全保障条約は、この条約の効力発生の時に効力を失うものとする。

第十一条

この条約は、日本区域における国際の平和及び安全の維持のため

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十分な定をする国際連合の措置が効力を生じたと日本国及びアメリカ合衆国の政府が認める時まで効力を有する。

もつとも、この条約が十年間効力を存した後は、いずれの一方の締約国も、他方の締約国に対する一年の文書による予告を与えることにより前記の期間の満了の後いつでもこの条約を終了させることができる。

以上の証拠として、下名の全権委員は、この条約に署名した。

千九百　　年　月　日に東京で、ひとしく正文である日本語及び英語により本書二通を作成した。

秘密指定解除
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日本國のために

アメリカ合衆國のために

秘密指定解除
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（日本側書簡）

本　は、本日署名された日本国とアメリカ合衆国との間の相互協力及び安全保障条約に言及し、かつ、次のことが同条約第六条の実施に関する日本国政府の了解であることを閣下に通報する光栄を有します。

合衆国軍隊の日本国における配備の重要な変更（同軍隊の装備の重要な変更を含む。）並びに前記の条約第五条に基き執られる作戦行動以外の作戦行動の基地としての施設及び区域の使用は、日本国政府との事前の協議によつて行わなければならない。

本　は、閣下が、前記のことがアメリカ合衆国政府の了解でも

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あることを両国政府に代つて確認されれば幸であります。

本　は、以上を申し述べるに際し、

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（米側書簡）

書簡をもつて申上いたします。本　　は、本日付の閣下の次の書簡を受領したことを確認する光栄を有します。

（日本側書簡）

本　　は、さらに、前記のことがアメリカ合衆国政府の了解でもあることを同国政府に代つて確認する光栄を有します。

本　　は、以上を申し述べるに際し、

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CONFIDENTIAL

April 20, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East and that the maintenance of the security of Japan is essential to international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore

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Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies, and will encourage economic collaboration between them.

ARTICLE III

秘密指定解除
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ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty and whenever ~~in the opinion of either of them~~ the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

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Ministry of Foreign Affairs
Japan



ARTICLE VI

For the purpose of contributing to the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

Nothing in this Treaty shall be interpreted as imposing on either Party any obligation that is in conflict with its constitutional provisions.

ARTICLE IX

秘密指定解除
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ARTICLE IX

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional procedures and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in ~~Washington~~ ——.

ARTICLE X

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either party may terminate it at any time thereafter by giving one year's written notice to the other Party.

IN

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大臣官房総務課



IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at ~~Tokyo~~ in the Japanese and English languages, both equally authentic, this day of

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課

(Draft)

(Japanese Note)

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as the bases of military operations other than those conducted under Article V of the said Treaty shall be effected upon prior consultation with the Government of Japan.

I should be appreciative, if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself .....

秘密指定解除
大臣官房総務課

(U. S. Note)

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"(Japanese Note)"

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, .....

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大臣
次官
事務次官
課長
相談

事務長了　参事官

四月三十日　赤山大使在京米国大使会談録

日時　四月三十日午後三時三十分より一時まで、於在京大使官邸

出席者　赤山大使、山田次官、森本参事官、吉村経済局長、米保課長

マクマホン大使、ハート書記官

大使　ダニエル長官の辞任は、最も方能な人物をその席から去らせることとして誠に残念である。バター新長官は今後も従来の方針を追求することを信ずる。

何か祝意を述べたあるか。隊会あらば直ぐ行くべく。

使　長官の更迭は基本的方針に変化を来すことはない。ダニエル氏の辞任は誠に



回覧番号
米保　965

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二病床にあり、インター氏は又最近にて指定にあり、又デンマーク公使も多忙にて先
般来長崎滞在にて白下にはまだ参らず、尚パーシー不在大神はがん大
使館より白下には係かり、直ぐに参る筈、来月旬には参るべく、吉屋ヵ御
引見御了承下さる事と存じ
吉屋 是非おねがいすることとすべし、
本日は條約とう此一連の書類を御恰しすべし、其手続の後来手
ぬ方いよいよかあるから、之を御渡しつゝ進むなし、

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（條約集（前行一）を指示）

前文中ニ述ベタル事項ハ、吾人ノ未ダ曾テ知ラザリシ事ニアラズシテ、又特ニ條約ニ依リテ之ヲ認メラレタルモノニアラズ（ト）云フコトニ帰ス（）。

大使　それは残念である。同盟は米側の希望を満足するに甚だ遠いが、

御降の理由を以て了承する。

大臣　同じ意味が文章に依り表現されてゐるが、なくても明白である。

又之を記すことは何等の害悪を伴はずして、寧ろ

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よろしくお願いする。

度 個々の点については、我方は米側が日本側の更なる義務負担に
日本防衛義務を引き受けることを特に要求するが、相互援助
従来例のない相互的 mutual を保証しない
必要文の文句は右の関係において我方が特段異存ある旨通知
きたい旨を訓令せられ、又、日比協力の為の協定の
米とも比較すべきである。フィリピンとの、テイラー・ハーリング協定と

外務省

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12時に行く旨伝言方申し入れ置きたる旨申ありたり。

なお本文の通り取計ありたし。

大臣、研究せられし

（以下別紙訓令案に述べられたる米側コミットは閣外にて承認の通り）

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三月二十三日 大屋 淀川丸

五、條約局長

一、前文第六項

二、米国案

「日本の為すことを」かゝることを為す「日本の為すことに対する妨げ
「威」を米国が阻害するというような形になる虞がある。
(尚「日本の為すことを阻害することを為さざる」という点を削除しても、なお実質的には
ほとんど変わることはない。)

二、米国案

同案第一項は相手方が
左ばないことを明らかにする意味があり、協議條項
には必ずしもついているわけでない。
削除は同意難いが、
同意するも格別差支えない。
第二項は、主旨の挿列を
改め又は「二国」を「両国」
とするに止めおく。
(なおいずれにしても本件は
ほとんど実質的意義なし。)

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三、慶喜條項

前回最終十二年ノ解釈ニ関シ一応、我ノ解釈ニ
ては、どうしても最終十二年であり、他ノ部分ニ
ても其ノ様ニ解してゐる。故ニ此ノ点ニ於ては
最終十二年と云ふ解釈に統一しない。

四、仲裁ニ付ニ回答

重ネテ条約ニ基ク仲裁ニ応ズル事ニ異存ナシ。（別紙三）

三、

事実慶喜條項ノ解釈ニ付ニ点ニ於ては
前回ノ通リニ有ル、即チ
行ハルベキ事ニ於ては三年乃至三年
ヲ以テ足ルカ否カ、
十年后ニ於テ其ノ様ニ
ヲ以テ慶喜シ得ル形
ニ於テ
ナイ
ニ於テ
ナイ
ニ於テ
ナイ

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四△ 本案は寸、南日米共同声明の「核なき世界」という文言で、これも今日再び触れる必要なしと思う。

(イ) 別案は基本的には賛成だが、見出し例は同意し難し。

第二、協定関係

一、協定案

三日ごろ米国案及我方案を整えた「案を

(別案四)

成した。

(イ) 二案一、二項は、同様、ニュアンス相違程度コンテートさせることで妥協に入れてある。我方のコンテ

山案は御参考迄に差上げて置く。(別添三)

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(ロ) 三条及二十三条第三項(ロ)は内閣を拘束しているが、

拓殖に入れてある。

(ハ) 七条一項は拓殖、貿易振興及移民に関するとあるが

拓殖に入れてある。

(ニ) 十四条は内閣を拘束しているので拓殖に入れてある。

(ホ) 残る条文の内一番内閣のみは十八条の予算、

同條は行政各省が協議決定は拓務省である。

外務省

大体は最終的な手続が
変る事迄は困難ありと
困難一点、然し最
終案が拓務省案と
殆ど同一のは当然
をとることにはなるべき
程度はないとはいえ。

(ハ) 拓殖貿易振興を見ても
拓殖はそのままでよいと
思われる。(それぜよ百五
十万迄となる点が少々
だが三十八年の手続では
こんなもの。

(ニ) 本書丈ニパセティクな
プロポジションをやるべし
内容はまとまっている。

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(お)
一、二項は勢波果を保証出来ない。同盟国よりこうるさいコンセンサスカラーにフレンドシップに持ち寄ってある。
一、二項は full use を保証と思うが、四項は most thank を取れまでない。
四項を持出すことは他の同盟国の文句から引き出せない。再考を望む。
(日本側で一西年ぶりのことである)
今後使用を同意しうるよう出来ぬ外交努力をしたい。

同第一、二項の書振加五放棄は、先般申上おく
仏領印度支那と云うことに、考へられないか、フレンドシップに
加盟の書きぶり、又四項は、こうしたことに特出すること
は不得策でうう仰意見と存ずるが、一応取次ぎ
置くことリアクションを承知ありたい、
(ハ) 発効條項は、前回のお説に基き対案を述べた、
又現三十七条三項は、我方からは不要であるが、貴方の

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(ハ) 日本側の仕方は取扱者を主として向かう方が好き。日本側には不平であるが米側の手続は米側の手続上やむを得ないことと諒解されたい。

(ニ) 同感

(ホ) 了解

要望あらば存置に異存ない。尚貴官案外務
三十八条は、前回お話した秘密保護法と
ないし、
(ト) 些細なる問題点二、三あるも
1. 第八条一項のドラフティングに若干改善あり度い。
2. 第九条一項末段は要らなき様に思う。
3. 第十条二項前段は「業務」を「職務」に変更して頂くが可と考う。
(チ) 現行憲法には ドラフティングに多くの不備あり。例えば

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(ナ) ワシントンにはこの際
統一的に問題を手当
することとしおり。

ろ、
カラア・メニト・オブ・シアパン」と「シアパニーズ・カラア・メニト・ウイ・統
一」軍属への俸給の統一の如きものが存す、此等は
言質に残らないことであり、又言うまでもあるまい。
秘密表には残していない。

(リ) 尚「リマーク」とは文書には依らず解された若干の
落ち(八)ついてあること、別検討

三、合同委員会決議事項(延)

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二、写送付すること。
日本側の要望をうること。

三、此の問題を全く別の
能力外のもの等。要
は方法は二つしかない。
一は例えば二年位の中
まで、現在三ヶ月は
生きているも体生きている
とも死んだものは死んだ
ものとして合同委員会カイ
ダンスとして合同委に
持ち出すこと。他は
合同委員会の日米官
がトップで会談を行う。

本件は別紙の案三用意した。本案をもとに私案は、合
（別紙）
同委員会の決議案は合同委員会の決議として
引き続き速やかに取り上げられたい。

三、合意議事録

合意議事録には、(イ)現在の議事録中から
もうそ在庫すること。(ロ)同じく不要のものも削ること。
(ハ)新しく義手を追加すること。の三つの問題があるが、

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(イ)(ロ)は此ノ際一々採上ケテ勝日米関係ヲ
悪化スルコトヲ要セス従テ
時ヲカセグ、ソノ間ニ交渉ヲ纏メルハ我方ノ望ム所ト
ス、ソノ為ニハ(別紙ノ)如キ書面ヲ作成シ又ハ口頭ヲ以テ
(別紙ノ)如キ趣旨ヲ在ノ二ツノ文書ヲ
(別紙ノ)如キ趣旨ヲ
書カセル、

(別紙ノ)

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高屋　ついては、條約の云々條に関し、我の御意向
レヴェル降下ドラフティングをおひきうけいただくことと了解
使　テキストを見ないことには答えられないが、條約
の表現に関しては再検討に答えた、との趣旨に
時に十二、委員会等の後援助ありたい、
高尾　十二委員会は行政協定による犯罪と著しい関係、
ものを主に審議する予定、

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陛下を訪ねることになります。近等我が国の立場に於ても

就ては、同事をこちらに書き送られたく、

度　其旨御書添の事。

尚、差し支えなき範囲で、事業主体、事業内容を教えて

頂ければ、事業内容の詳細等送付頂く必要はない

旨、パキスタン側に連絡願います。

以上

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トンからつきか四千噸迄ハ、ハしけそ他ハ神戸迄かりあり。

右、取急ぎ電報。

追ハ此ハ手分お願いかまことえ。

外務省

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CONFIDENTIAL

April 23, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East and that the maintenance of the security of Japan is essential to international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

秘密指定解除
大臣官房総務課

CONFIDENTIAL

April 23, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

秘密指定解除
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ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies, and will encourage economic collaboration between them.

ARTICLE III

秘密指定解除
大臣官房総務課



ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together regarding the implementation of this Treaty and whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

秘密指定解除
大臣官房総務課



ARTICLE VI

For the purpose of contributing to the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

Nothing in this Treaty shall be interpreted as imposing on either Party any obligation that is in conflict with its constitutional provisions.

ARTICLE IX

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ARTICLE IX

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional procedures and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in .

ARTICLE X

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either party may terminate it at any time thereafter by giving one year's written notice to the other Party.

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IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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(Draft)

(Japanese Note)

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as the bases of military operations other than those conducted under Article V of the said Treaty, shall be effected upon prior consultation with the Government of Japan.

I should be appreciative, if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself .....

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(U. S. Note)

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"(Japanese Note)"

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, .....

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However, after the Treaty has been in force for ten years, either party may give notice to the other party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice had been given.

秘密指定解除
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(Draft U.S. Note)

I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today.

It is the understanding of my Government that any territories of Japan presently not under its administration shall as a matter of course come within the purview of Article V as they are restored to the administrative control of Japan.

In this connection I wish to reaffirm the United States position that Japan possesses residual sovereignty over the islands mentioned in Article 3 of the Treaty of Peace with Japan which have not yet been restored to the administrative control of Japan.

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(Draft Japanese Note)

I have the honour to acknowledge the receipt of your note of to-day's date concerning the Treaty of Mutual Cooperation and Security between Japan and the United States of America, which reads as follows:

I appreciate the reaffirmation of the United States position that Japan possesses residual sovereignty over the islands mentioned in the above and have the honour to confirm that the understanding of the United States Government concerning the territories presently not under the administration of Japan is also the understanding of my Government.

秘密指定解除
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(April 23, 1959)

(DRAFT)

# AGREEMENT REGARDING FACILITIES AND AREAS IN JAPAN FOR USE BY UNITED STATES ARMED FORCES AND THEIR STATUS IN JAPAN

Japan and the United States of America, pursuant to Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed at Tokyo on , have entered into this Agreement in terms as set forth below:

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ARTICLE I

In this Agreement the expression -

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of and accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan. For the purposes of this Agreement only, dual nationals, Japanese and United States, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

(1) Spouse, and children under 21;

(2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

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ARTICLE II

/1. (a) Japan agrees to grant to the United States the use of the facilities and areas necessary to carry out the purposes of the Treaty of Mutual Cooperation and Security. Agreements as to specific facilities and areas, not already reached by the two Governments by the effective date of this Agreement, shall be concluded by the two Governments through the Joint Committee provided for in Article XXVI of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas, the use of which Japan has granted to the United States of America under Article II of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, shall be considered as the facilities and areas agreed upon between the two Governments in accordance with the provisions of subparagraph (a) above./

/2. At the request of either Government, the Governments of Japan and the United States shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided./

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3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to the facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

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ARTICLE III

1. The United States shall have the rights, power and authority within the facilities and areas which are necessary or appropriate for their establishment, use, operation, defense or control. The United States shall also have such rights, power and authority over land, territorial waters and airspace adjacent to, or in the vicinities of such facilities and areas, as are necessary to provide access to such facilities and areas for their support, defense and control. In the exercise outside the facilities and areas of the rights, power and authority granted in this Article, there should be, as the occasion requires, consultation between the two Governments through the Joint Committee.

2. The United States agrees that the above-mentioned rights, power and authority will not be exercised in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by mutual arrangement between the two Governments. As a temporary measure the United States armed forces shall be entitled to use, without radiation interference from Japanese sources, electronic

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devices of such power, design, type of emission, and frequencies as are reserved for such forces at the time this Agreement becomes effective.7

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

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ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of United States may undertake under special arrangements with the Government of Japan.

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ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into or departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

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ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by mutual arrangement between the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

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ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

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ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the two Governments:

(a) Meteorological observations from land and ocean areas including observations from weather ships.

(b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earth quakes and areas that might be affected thereby.

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ARTICLE IX

1. The Government of Japan grants permission to members of the United States armed forces, the civilian component, and their dependents to enter into and depart from Japan. The United States authorities shall appropriately notify the Government of Japan of the number of persons entering and departing, /the date of entry and departure, the object of entry, and the expected duration of stay./

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

(a) Personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) Individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

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For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card, which must be presented on demand of the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan. If the Government of Japan, for good cause, has requested the removal from its territory of a member of the United States armed forces or the civilian component, or a dependent, the United States authorities shall be responsible for causing the said person to leave Japan without delay.

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ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license of military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

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ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such

forces,

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forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into

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Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units and members of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal;

(c) Mail in United States military postal channels and military cargo shipped on a United States Government bill of landing.

6. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with conditions agreed upon between the two Governments, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3 may be reexported free from customs duties and other such charges.

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8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of

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the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

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ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the two Governments, be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

(a) Commodity tax

(b) Travelling tax

(c) Gasoline tax

(d) Electricity and gas tax.

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Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of the United States armed forces or civilian component shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be agreed between the two Governments, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

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6. The Governments of Japan and the United States will cooperate with each other with a view to facilitating amicable settlement of claims of individual workers arising out of work with the United States armed forces or with the organizations provided for in Article XV in connection with the application of the preceding paragraph and paragraph 4 of Article XV.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with conditions agreed upon between the two Governments, goods purchased in Japan exempt from the taxes referred to in paragraph 3 shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

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ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

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3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property [tangible or intangible] the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan [or to any intangible property registered in Japan]. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

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ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

(a) Rights of accession and movement, as provided for in Article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d)

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(d) If authorized by the United States Government, the right to use the services of the organizations provided for in Article XV;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States and of the civilian component, and their dependents;

(f) If authorized by the United States Government, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

3. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

4. Upon certification by an authorized officer of the United States armed forces depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

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5. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, /tangible or intangible,/ the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan /or to any intangible property registered in Japan/. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

6. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the United States Government in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived

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from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the United States Government shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

7. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

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ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with

conditions

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conditions agreed upon between the two Governments, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be agreed between the two Governments, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

5. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

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ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

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ARTICLE XVII

1. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law

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but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

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(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

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(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or of the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

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7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and is serving, or has served, his sentance or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

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9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;

(e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have

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the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of Japan or the Government of the United States shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

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ARTICLE XVIII

1. Each Party waives all its claims against the other Party for injury or death suffered in Japan by a member of its armed forces, or a civilian governmental employee while such member or employee was engaged in the performance of his official duties in cases where such injury or death was caused by a member of the armed forces, or a civilian employee of the other Party acting in the performance of his official duties.

2. Each Party waives all its claims against the other Party for damage to any property in Japan owned by it, if such damage was caused by a member of the armed forces or a civilian governmental employee of the other Party in the performance of his official duties.

3. Claims, other than contractual, arising out of acts or omissions of members of, or employees of the United States armed forces in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces is legally responsible, arising incident to non-combat activities and causing injury, death or property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions:

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(a) Claims shall be filed within one year from the date on which they arise and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.

(d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared in the proportion of 75% chargeable to the United States and 25% chargeable to Japan.

(e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, together with the findings in each case, and a statement of the sums paid by Japan, shall be sent to the United States periodically, with a request for reimbursement of the share to be paid by the United States. Such reimbursement shall be made within the shortest possible time in yen.

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/4. Each Party shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When the other Party disagrees with the results of such determination, that Party may bring the matter before the Joint Committee for consultation under the provisions of Article XXVI of this Agreement./

5. Claims against members of or employees of the United States armed forces arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The Japanese authorities shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the United States authorities, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his

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claim, the United States authorities shall make the payment themselves and inform the Japanese authorities of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the Japanese courts to entertain an action against a member or employee of the United States armed forces, unless and until there has been payment in full satisfaction of the claim.

6. (a) Members of the United States armed forces and of the civilian component, shall not be subject to suit in Japan with respect to claims specified in paragraph 3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of cases.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The United States authorities shall cooperate with the Japanese authorities in making available witnesses and evidence for civil proceedings in Japanese tribunals.

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7. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services, and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

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ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

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ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The United States Government will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

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2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

秘密指定解除
大臣官房総務課



ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

秘密指定解除
大臣官房総務課



ARTICLE XXII

The United States may enroll and train eligible United States citizens, residing in Japan, /who apply for such enrollment,/ in the reserve organizations of the armed forces of the United States.

秘密指定解除
大臣官房総務課



ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

秘密指定解除
大臣官房総務課



ARTICLE XXIV

(to be deleted)

秘密指定解除
大臣官房総務課



ARTICLE XXV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will:

/(a) Furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities, areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III./

(b) (proposed to be deleted)

3. It is agreed that arrangements will be effected between the Government of Japan and the Government of the United States for accounting applicable to financial transactions arising out of this Agreement.

秘密指定解除
大臣官房総務課



ARTICLE XXVI

1. A Joint Committee shall be established as the means for consultation between the Government of Japan and the Government of the United States on matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.

2. The Joint Committee shall be composed of a representative of the Government of Japan and a representative of the Government of the United States, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of Japan or the Government of the United States.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

秘密指定解除
大臣官房総務課



ARTICLE XXVII

1. This Agreement shall be approved by Japan and the United States of America in accordance with their legal procedures and notes indicating such approval shall be exchanged.

After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security.

2. The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

秘密指定解除
大臣官房総務課



ARTICLE XXVIII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

秘密指定解除
大臣官房総務課



ARTICLE XXIX

This Agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

秘密指定解除
大臣官房総務課



In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

Done at , in duplicate, in the Japanese and English languages, both texts equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課

Article II

1. (a) The United States armed forces may use facilities and areas in Japan, inclusive of existing furnishings, equipment and fixtures necessary for the operation thereof, as may be agreed upon between the two Governments.

(b) The facilities and areas, the use of which Japan has granted to the United States of America under Article II of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, shall be considered as the facilities and areas agreed upon between the two Governments in accordance with the provisions of subparagraph (a) above.

2. Existing arrangements under this Article shall be reviewed by the two Governments at any time when either Government so requests.

秘密指定解除
大臣官房総務課

CONFIDENTIAL

REMARKS ON THE AGREEMENT

1. The proposed modifications to the text of the Administrative Agreement including and in addition to those contained in the United States proposal handed by Ambassador MacArthur to Foreign Minister Fujiyama on 6 March 1959 are incorporated in the Japanese draft dated 23 April 1959.

2. Following are comments relating to those parts of the Japanese draft which are in brackets.

a. Article II, 1 and 2

It is understood that these paragraphs be reviewed for necessary conforming upon the disposing one way or the other of the Okazaki-Rusk facilities and areas.

b. Article III

A Japanese paper describing the problems relating to this Article was presented to the Ambassador. It is hoped that the United States Government will consider them with a view to finding a solution that will make this article more palatable to Japan without prejudicing the position of United States armed forces under the present Agreement.

c. Article VI; Article V, 3

It is understood that the existing text of the Administrative Agreement will be reviewed for necessary conforming upon the return of the air traffic control to the Japanese Government.

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d. Article XI, 2

It is understood that the United States will give explanations to certain languages used therein and, if possible, simplify the text containing them.

e. Article XIII, 3; Article XIV 5

Same as d above.

f. Article XIV

Same as b above

g. Article XVIII, 1, 2

Same as b above.

h. Article XXII

It is understood that the United States will indicate whether the proposed insertion is acceptable.

3. There is in the Administrative Agreement considerable room for drafting improvements which, not being matters of substance and because of the limitation in time, are not presented at this time.

秘密指定解除
大臣官房総務課

With reference to the Agreement ..... signed today, I would appreciate confirmation that the decisions, procedures, interpretations, agreed views, arrangements and all other agreements recorded in the Minutes of the Joint Committee established by Article XXVI of the Administrative Agreement of February 28, 1952 shall be taken over by the Joint Committee to be established by Article XXVI of the new Agreement, so that they will remain in effect unless altered by that Committee.

秘密指定解除
大臣官房総務課

# Observations on the Official Agreed Minutes of the Administrative Agreement

1. Re Article I

The problem of highly skilled technicians of third State nationality has been solved by an agreement in the Joint Committee whereby such persons are in practice given certain of the privileges which members of the civilian component are entitled to enjoy under the Administrative Agreement, and such agreement will be taken over by the new Joint Committee. (See also the observations re Article VIII.)

Furthermore, the expression "inclusion of such technicians in the civilian component" as appearing in the Minutes is incompatible with the definition of the "civilian component" made in Article I (b).

秘密指定解除
大臣官房総務課

2. Re Article III

It is obvious that inside the facilities and areas the United States can take all the measures enumerated in the Agreed Minutes. In cases where such measures need be taken outside the facilities and areas it has been the practice that the Japanese Government should take such measures in accordance with mutual arrangements made in specific cases. It is hoped that these minutes will be studied with a view to making them more palatable to Japan without prejudicing the position of the United States armed forces under the present Agreement.

3. Re Article V

The understanding on exemption of toll and other charges goes beyond the scope of paragraph 2 of Article V and is not covered by any other provisions of the Agreement.

4. Re Article VII

Since the National Police Reserve has been absorbed into the Self Defense Forces which receive the same treatment as those applicable to the other Government ministries and agencies, the statements made on this Article have become obsolete.

秘密指定解除
大臣官房総務課

5. Re Article VIII

With regard to the statements in the Agreed Minutes that certain matters shall be for study, recommendation or agreement by the Joint Committee, necessary and appropriate agreements on such matters have already been reached at the Joint Committee. These agreements will remain effective under the new Agreement.

Accordingly, it is not only unnecessary, to provide the aforementioned statements again in the Minutes, but also misleading since such provision may be interpreted to mean that the Joint Committee had not yet reached any agreement on those matters which are already under agreement and smooth operation.

6. Re Article XII

See observations re Article VIII. (As to the last part of Mr. Rusk's statement, attention is drawn to the fact that the Mutual Defense Assistance Agreement was concluded in 1954 which contains the provisions covering the problems mentioned in that part of the statement.)

秘密指定解除
大臣官房総務課

7. Re Article XV

The understanding set forth in the Minutes goes beyond the scope of the provisions of the Agreement.

8. Re Article XVII

The provisions of the Agreed Official Minutes regarding the Protocol of 1953, except the last one under the heading "Re application of the Protocol", will be incorporated into the new Agreed Minutes.

9. Re Article XXI

The understanding set forth in the Minutes goes beyond the scope of the provisions of the Agreement.

10. Re Article XXV

The statements made on this Article need to be considered together with Article XXV itself.

秘密指定解除
大臣官房総務課

11. Re Article XXVIII

So far as Article XVII is concerned, the statement is obsolete. The rest of the statement seems unnecessary.

12. The understandings contained in the Official Agreed Minutes which are not commented upon in the above could be incorporated in the new Agreed Minutes.

13. Re Articles V, XV and XXI

The Japanese Government is prepared to explore the ways by which the treatment accorded under these Minutes will be continued.

秘密指定解除
大臣官房総務課

It is proposed that the following be stipulated in the Agreed Minutes to the Agreement .....
.....

1. Re Article I(a):

Members of the United States armed forces being required by Article IX paragraph 3(b) to carry travel order when entering into Japan, it is understood that those personnel on active duty belonging to the United States armed forces, whose entry into Japan is not under travel order, shall not be treated as "members of the United States armed forces" for the purpose of this Agreement.

秘密指定解除
大臣官房総務課

2. Re Article XI:

1. Re paragraph 2:

The United States Government undertakes to ensure that the quantity of goods imported under paragraph 2 of this Article for the use of the members of the United States armed forces and of the civilian component, and their dependents shall be limited to the extent reasonably required for such use, and to take all necessary measures to this end.

2. Re paragraph 3(c):

The United States armed forces will take every possible measure to ensure that the duty-free importation of clothing and household goods as provided for in paragraph 3(c) shall not exceed reasonable quantities.

(Note: There shall be set forth here additional provisions either (i) requiring the United States armed forces to provide the Japanese Government with adequate information on such importation, or (ii) enumerating actual measures to be taken by such forces for the above purpose.)

3. Re paragraph 5:

The United States armed forces will take every possible measure to ensure that goods will not be imported into Japan

秘密指定解除
大臣官房総務課

in violation of Japanese customs laws and regulations. They will promptly notify the Japanese customs authorities whenever violations are discovered.

3. Re Article XII, paragraph 1:

The United States armed forces undertake to furnish the Japanese authorities with appropriate information, as far in advance as possible, on their procurement programs in Japan.

秘密指定解除
大臣官房総務課

大臣
次官
参事官
課長
課長補佐
係

参事官

四月二十五日秩山大臣在京中大使会議ノ件

東郷

日時　昭和三十四年四月二十五日午前九時三十分ヨリ十時三十分マデ

一三五号室

出席者　秩山大臣、山田次官、事務当局ハ課長、官房総務課長、マッケーサー大使、シーツ書記官

大臣　前回ニ引続キ先ヅ懸案ヨリ申上ゲル、前文書二項ハ別紙ノ通リニテ可、（別紙一ヲ提示）

次官　之ニテ差支ナキ筈ニテアル、

外務省

秘密指定解除
大臣官房総務課

吉屋　米国案は同盟に non-Party と言いて（の
如き）方が良きことを判る迄行きおり。少し等は半信半
疑の感じ。

吉使　無論然と解せり。アーミテージの言の修正は言えざりや。

吉屋　as basis 私及 shall の点のコンマは何れも言えり。

吉使　沖縄土地の権益を核の問題に於ては米国申出でし通り
にて別案と云うこと（別添二と異なり）、私達は未だ聞かせる

外務省

秘密指定解除
大臣官房総務課

みて参る。

大臣　岸アイゼンハワー声明で almost 強硬な言葉が入っているから
沖縄の基地の重要性（重要）の強調があるかと思うが、そんな言葉は
いるとあると解してよいか。（重要）
（と）

く事に法律的に重要な事柄はないと存ずる。

局長　御指摘の点はよくわかる。ただしコミュニケには記さないが
様な形を言う事を妨げない。又沖縄の基地が必ずしも

秘密指定解除
大臣官房総務課

云ふ様な印象を与ふることゝはなり、成程斯る事まではオソラ
ロドも云ひかねるかも知れないが、若しかゝる点を固執する様な事
情ありとすることを得ず
(ニヤおと)
大臣　双方で今かゝることをすゝめ、同じことを繰返すのはおかしいが、
若しどうしてもとなればこゝに御招待者多数と関係ある日米間が
清しと決例が無いことを申すことゝなるかも知れぬ、
次官　何れにせよ建設的なことを考へるべし、急ぎ云ふことにて

秘密指定解除
大臣官房総務課

程そこであるから、必ずしも差手控えずとも可なりである。

二度　行動に移り、かつ一度目は必ずしも射撃せず。

三度　もしそれは甚だセンシティブであり、ペンタゴンの最も気にするところ、これが執務室権に関連ある問題であることを確認せんとの

思わず、御参考迄申添えます。

二月　必ずしもこうすることを約束せず、そうして又そうする余地

外務省

秘密指定解除
大臣官房総務課

吉良 主事ヲシテ レポートヲ作ラシムルニ、マペンダンガ学問ニ、depth ヲ欠ク
ナ query ノ調デ指出ス様ナ
言葉 支那行政ヲ批評スル
容ハ三十七年ヲ限リ事ヲ終ラント
度 日本側ノ legalism デ行ク事ガ出来ルカドウカ
言質ヲ与ヘル勿論ノ事ハ欲シカラズ、若シ
形式ノ問題デアルナラ、米案新案ヲ以テ日本案ヲ

外務省

秘密指定解除
大臣官房総務課

and thereupon

(

and thereupon at which time the Administrative Agreement between Japan and the United States signed ... 1952 shall expire

(

外務省

秘密指定解除
大臣官房総務課

すなわち

右決定は、御連絡ありたく、追信とし their が
ありたい旨申し、我修約を実施するための準備
の作業ですが、或は Agreement regarding the Status of
United States Armed Forces in Japan and the Facilities
and Areas (in Japan) provided for Their Use
の。

秘密指定解除
大臣官房総務課

亜国（亜国）
亡屋（当方の事か、後方の事でよろしきか、後述）
七度 二至一切は、之を除之至急に善処方取計ひ、且し上申
（別紙ロ）
は三日内来着まで指令文の写し後送れるい、其右書又はつぎ
のもの
の悦書御差出もまし、其方が其後引続き当事の施設の
事必要は本陸をよつなことをみよい私了亡屋のうち云云
御含に上述よろしく、
（差下応答要）

秘密指定解除
大臣官房総務課

米側の案文より日米側の左文一の案を意図すること
明らかなると思う。然し、案を左文一及同二はそう違違き、之と
等しくこれの考慮含文を含かしては如何。

右度　意味文の方は事実内容としてそうなると言うことであるなら、それ
でよいと思う。修辞的に善悪ない検討をし

右使　九等一項末段の追加は、事務的なり解釈なれど異
なきにあらず（よりは特殊地域、軍隊、交通の別、滞在期間は

秘密指定解除
大臣官房総務課

論又は答弁用）私もそうでし。

人事局の書きまし（present procedure 云々と書き）は異なり。

台湾一項は米側の提案、航空業務協定は

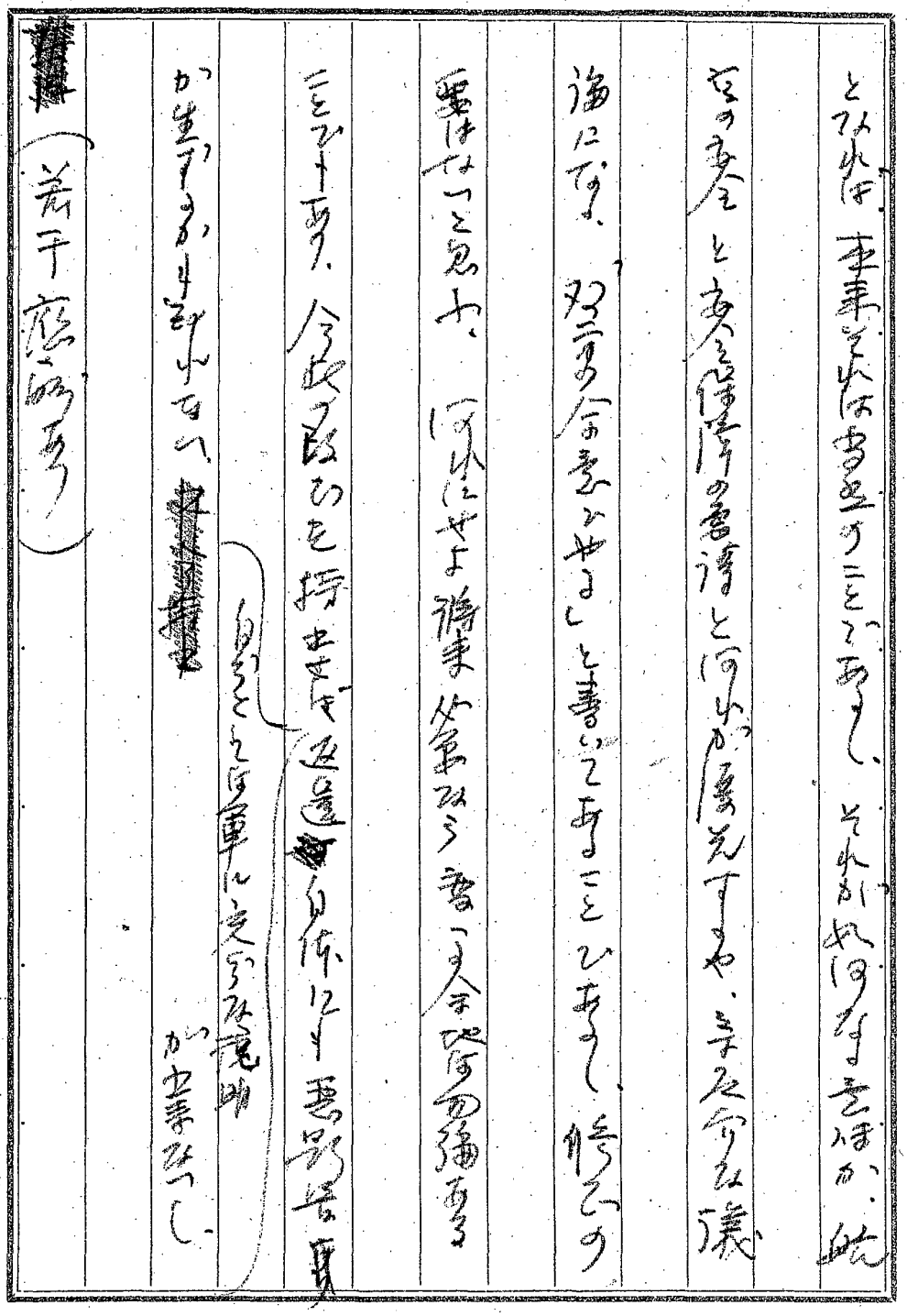
少なき点を記載まで修正することの理解を求め

従来例より格段詳細なり、元々協定は航空業務

何故空港、港湾施設を追加せざりや。

又、今の案のままでは、若し、航空の要と。と云う様な文を加え

秘密指定解除
大臣官房総務課



とみなは事実上なお事を行うことであり、それが如何なる事ほか此
なる事と云う陸下の意味とが如何に関係するや、また今次議
論になり、又二、三名より「なお」と書いてあることにより、修正の
要はなきこと及び、「何とぜよ」論まず全部削除する
ことに一致、今次の改正を将来更に修正する際の参考
(自ずとそれ迄に変る筈なり)
かも知れずとなし、
(若干意見あり)

秘密指定解除
大臣官房総務課

大臣　今は必要で行き、懸案が生じたら参ることとする。

高橋　今回委員会法案まで承認後は別紙の通りにては如何

別紙之

大臣　差支なしと思うが、修正なき場合なお

高橋　今意味重大の故、前回申上げた通りやってみたき処

（ワシントンからこう言ってきたから）

なりと考う。

大臣　然れば両意見に一本と参ることに（別紙之）

外務省

秘密指定解除
大臣官房総務課

右後、協議を要すべき点あらば、右に guidance として示されたきこと。

二、至急ご取計らい。

事務長　右の通りにて結構と存じます。協定化に当たっては、ご指示の通り、AB 判明は別途指導の要あり、以後降、お互いの文、AB 判明は別途指導の要あり、

演、対策書作成については、別紙の通り（別紙七）かねて当協会

文については、現在の協議会の打ち合わせ作成は感じとなり、

右尾　甚だよいようです。これで問題は全部かたづいたこと

外務省

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大臣官房総務課

外務省

秘密指定解除
大臣官房総務課

別件

CONFIDENTIAL

April 24, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Desiring that the security of Japan be ensured,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

## ARTICLE I

秘密指定解除
大臣官房総務課

別紙
二

I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today.

It is the understanding of my Government that any territories of Japan presently not under its administration shall as a matter of course come within the purview of Article V as they are restored to the administrative control of Japan.

In this connection, I wish to reaffirm the United States position that Japan possess residual sovereignty over the Ryukyu and Bonin Islands but that so long as the conditions of threat and tension exist in the Far East the United States will find it necessary to continue the present status.

秘密指定解除
大臣官房総務課

別添三

ARTICLE XXVII

1. This Agreement shall be approved by Japan and the United States of America in accordance with their legal procedures and notes indicating such approval shall be exchanged.

After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date on which the Treaty of Mutual Cooperation and Security comes into force, and thereby the Security Treaty and the administrative agreements concluded thereunder expire.

(at which time the A A between Japan & US signed ---- 1952 shall expire.
at Tokyo on February 28,

秘密指定解除
大臣官房総務課

別添(E)

SECRET

Japan grants to the United States of America the continued use of the facilities and areas of which it now has the use under the Administrative Agreement of February 28, 1952, subject to such modifications as may be mutually agreed between the two governments in accordance with the Administrative Agreement signed on this date.

SECRET

秘密指定解除
大臣官房総務課

Excellency:

I have the honor to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed on this date, and to the Administrative Agreement pursuant to Article VI of that Treaty likewise signed on this date.

I would also appreciate confirmation that the decisions, procedures, interpretations, agreed views, arrangements and all other agreements recorded in the Minutes of the Joint Committee established under Article XXVI of the Administrative Agreement of February 28, 1952 will remain in effect under the Joint Committee to be established by Article XXV of the new Agreement, unless altered pursuant to the new Agreement concluded this date.

Accept, Excellency, etc.

秘密指定解除
大臣官房総務課

別紙六

I have the honour to refer to the Agreement Regarding Facilities and Areas in Japan for Use by United States Armed Forces and their Status in Japan, signed today. Under Article XXVI of the Agreement a Joint Committee will be established as the means for consultation between our two Governments on all matters requiring mutual consultation regarding the implementation thereof.

It is the understanding of my Government that the Official Minutes of the Joint Meeting for the Negotiation of the Administrative Agreement under Article III of the Security Treaty between the United States and Japan, held on February 26, 1952, should be used by the said Joint Committee as guidance in the discharge of its mission regarding the implementation of the Agreement.

I should be grateful if Your Excellency would confirm the above understanding on behalf of your Government.

Accept, Excellency, .....

秘密指定解除
大臣官房総務課

Excellency:

I have the honor to refer to the Agreement... between the United States of America and Japan signed today.

With respect to Articles I, XI, and XII of that Agreement, I wish to confirm the following understanding of my Government:

1. Re Article I (a)

(Quote the paper entitled "Minutes")

I would appreciate Your Excellency's confirmation that the foregoing is also the understanding of your Government.

Accept, Excellency, etc.

秘密指定解除
大臣官房総務課

極秘

四月二十八日閣議における新条約に関する
外務大臣説明案

(閣議通れは行はれず)

二四、四、二八　米保長

一、新条約に盛るべき内容に付ては在京米大使との間に詳細意見の交換を進めて来たが、話合は逐次具体化して条文化の段階に入つて来た。今の処、前文以下十ケ条乃至十一ケ条位の形に纏めることを考へているが、その概要は以下述べる如くである。

二、前文においては、(イ)両国が政治的経済的各分野に亘り友好関係の緊密化を希望すること、(ロ)国連憲章の精神を尊重し国際平和の維持を旨とすること、(ハ)日本の安全を完うすることを希望すると共に極東の平和と安全に共通の関心を有すること、等の諸点を謳

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つて新条約締結の決意を明らかにする。

三、本文冒頭の条項には、国連憲章の尊重、国際紛争の平和的解決、国連との協力等に関する条文、並びに政治、経済の分野における協力関係を謳う条文を置く。

四、米国が相手国に対する援助義務を約束する条約には自助及び相互援助の精神を謳う所謂「ヴアンデンバーグ」決議を体した条文を置くことが堅い原則となつており、米上院が固執する既成の字句が固つている。他方此の点はわが国憲法との関係で慎重なるを要するので、米大使とも種々話合つた結果、次の如き字句を考へているが（括弧内は米国の既成用語を示す。）

「締約国は、個別的に及び相互に協力して（単独に及び共同し

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て、継続的且効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力（個別的及び集団的能力）を維持し且発展させる。」

二、協議条項として次の如き表現を考へている。

「何れか一方の締約国の要請により、両締約国は、この条約の実施に関して協議し、又日本国の安全又は極東における国際の平和と安全に対する脅威が生じたときはいつでも協議する。」

なお日本国の安全に対する脅威は、外部からの武力攻撃は勿論所謂間接侵略も当然脅威に他ならないから、間接侵略に就ても協議の対象となる。

六、米国の援助義務に関する規定は条約の最も重要な規定であり、

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又わが方からしても条約地域の決め方の問題として重視する所である。此の条項は、

「各締約国は、日本国の施政の下にある地域におけるいずれか一方の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、自国の憲法上の手続に従つて共通の危険に対処するように行動することを宣言する。」

と云う表現を考へている。

米国が援助義務を引受ける場合は相互援助の原則に立つことになつているから、条約地域を日本の施政下にある地域と局限することは極めてむつかしい問題であるが、日本の憲法問題や国民感情等に付米大使とも懇談した結果、米政府の最終的態度は分らな

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いが、米大使としては前記の様な案で強く具申しようと言っている。右の案によれば、沖縄小笠原は施政権回復と共に自動的に条約地域に組入れられることとなるが、なお同地域の潜在主権は別途書簡か何かの形で確認を取付けたいと思っている。

「共通の危険と認めて憲法手続に従ってこれに対処するよう行動する」と云う表現は、米国が援助義務を引受ける最も強い表現である。

七、米軍の駐留に関する規定は次の如き形を考えている。

「日本国の安全に寄与するため、並びに極東における国際の平和及び安全の維持につき両締約国が有する共通の関心を考慮して、アメリカ合衆国は、その陸軍、空軍及び海軍による日本

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国内の施設及び区域の使用を許与される。」

ヘ　核兵器問題及び在日施設の作戦的使用の問題に就ては、

「合衆国軍隊の日本国における配備の重要な変更（同軍隊の装備の重要な変更を含む）、並びに日本防衛のため以外の作戦行動の基地としての施設及び区域の使用は、日本国政府との事前の協議によつて行わなければならない。」

との趣旨を交換公文によりはつきりさせたいと考へている。

ト　条約の期限は十年とし、十年を経過した後は一年の予告をもつて廃棄し得る形を考へている。

一〇　以上は条約の主たる内容である。なお憲法の問題に付ては、

「条約の何れの規定も憲法上の規定に反する義務を課するものと

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解されてはならぬ」との趣旨の規定を置くことを考へている。

一、新条約に就ては概ね以上の様な考へで更に話を進め、逐次各条文を固めて行きたい所存である。

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三四、四、二八　大臣米国使命後始末整理等ノ件

一、条約ノ件
二、フォーミュラノ件
三、協定ノ件
四、対議事件処理ノ件
五、各議事件整理ノ件
六、合同委員会ト議事録後整理ノ件

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極 8
秘 20

(April 28, 1959)

(DRAFT)

# AGREEMENT REGARDING THE FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

Japan and the United States of America, pursuant to Article VI of the Treaty of Mutual Cooperation and Security ~~between Japan and the United States of America~~ signed at ~~Tokyo~~ Washington on _____, have entered into this Agreement in terms as set forth below:

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ARTICLE I

In this Agreement the expression -

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of and accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan. For the purposes of this Agreement only, dual nationals, Japanese and United States, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

(1) Spouse, and children under 21;

(2) Parents, and children over 21, if dependent for over half their support uupon a member of the United States armed forces or civilian component.

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ARTICLE II

1. (a) The United States of America is granted, under Article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in Article XXV of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States of America has the use at the time of expiration of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, shall be considered as facilities and areas agreed upon between the two Governments in accordance with sub-paragraph (a) above.

2. At the request of either Government, the Governments of Japan and the United States shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3.

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3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

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ARTICLE III

1. The United States shall have the rights, power and authority within the facilities and areas which are necessary or appropriate for their establishment, use, operation, defense or control. The United States shall also have such rights, power and authority over land, territorial waters and airspace adjacent to, or in the vicinities of such facilities and areas, as are necessary to provide access to such facilities and areas for their support, defense and control. In the exercise outside the facilities and areas of the rights, power and authority granted in this Article, there should be, as the occasion requires, consultation between the two Governments through the Joint Committee.

2. The United States agrees that the above-mentioned rights, power and authority will not be exercised in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit

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electric radiation shall be settled by mutual arrangement between the two Governments. /As a temporary measure the United States armed forces shall be entitled to use, without radiation interference from Japanese sources, electronic devices of such power, design, type of emission, and frequencies as are reserved for such forces at the time this Agreement becomes effective./

3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

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ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of United States may undertake under special arrangements with the Government of Japan.

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ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan. Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

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ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by mutual arrangement between the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

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ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

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ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the two Governments:

(a) Meteorological observations from land and ocean areas including observations from weather ships.

(b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

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ARTICLE IX

1. The Government of Japan grants permission to members of the United States armed forces, the civilian component, and their dependents to enter into and depart from Japan. The United States authorities shall appropriately notify the Government of Japan of the number of persons entering and departing, /the date of entry and departure, the object of entry, and the expected duration of stay./

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

(a)

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(a) Personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) Individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card, which must be presented on demand of the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would

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would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan. If the Government of Japan, for good cause, has requested the removal from its territory of a member of the United States armed forces or the civilian component, or a dependent, the United States authorities shall be responsible for causing the said person to leave Japan without delay.

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ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license of military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

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ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, /the authorized procurement agencies of the United States armed forces,/ or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, /and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces,/ shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such material supplies and equipment are being imported by the United States armed forces, /the authorized procurement agencies of the United States armed forces,/ or by the organizatio

provided

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provided for in Article XV, /or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above./

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for

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for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units and members of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal;

(c) Mail in United States military postal channels and military cargo shipped on a United States Government bill of lading.

6.

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6. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with conditions agreed upon between the two Governments, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3 may be reexported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b)

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(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

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ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the two Governments, be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, [or by authorized procurement agencies of the United States armed forces] upon appropriate certification shall be exempt from the following Japanese taxes:

(a) Commodity tax

(b)

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(b) Travelling tax

(c) Gasoline tax

(d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, /or for ultimate use by such forces,/ the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of the United States armed forces or civilian component shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions,

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contributions, and, except as may otherwise be agreed between the two Governments, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. The Governments of Japan and the United States will cooperate with each other with a view to facilitating amicable settlement of claims of individual workers arising out of work with the United States armed forces or with the organizations provided for in Article XV in connection with the application of the preceding paragraph and paragraph 4 of Article XV.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

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9. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with conditions agreed upon between the two Governments, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

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ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3.

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3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property [tangible or intangible] the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan [or to any intangible property registered in Japan]. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

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ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

(a) Rights of accession and movement, as provided for in Article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d)

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(d) If authorized by the United States Government, the right to use the services of the organizations provided for in Article XV;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, ~~and of~~ the civilian component, and their dependents;

(f) If authorized by the United States Government, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

3. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

4.

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4. Upon certification by an authorized officer of the United States armed forces depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

5. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, /tangible or intangible,/ the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan /or to any intangible property registered in Japan/. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

6.

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6. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the United States Government in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the United States Government shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

7. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in

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in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.7

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ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1(b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

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3. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with conditions agreed upon between the two Governments, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be agreed between the two Governments, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

5. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

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ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

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ARTICLE XVII

1. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of

the

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大臣官房総務課

the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

(i) offenses solely against the property or security of the United States, or offenses solely against the person or

property

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property of another member of the United States armed forces or the civilian component or of a dependent;

(ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5.

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5. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or of the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing

over

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over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has been convicted and

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is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;

(e)

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(e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

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11. In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of Japan or the Government of the United States shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

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ARTICLE XVIII

/1. Each Party waives all its claims against the other Party for injury or death suffered in Japan by a member of its armed forces, or a civilian governmental employee, while such member or employee was engaged in the performance of his official duties in cases where such injury or death was caused by a member of the armed forces, or a civilian employee of the other Party acting in the performance of his official duties./

/2. Each Party waives all its claims against the other Party for damage to any property in Japan owned by it, if such damage was caused by a member of the armed forces or a civilian governmental employee of the other Party in the performance of his official duties./

3. Claims, other than contractual, arising out of acts or omissions of members of, or employees of the United States armed forces in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces is legally responsible, arising incident to non-combat activities and causing injury, death or property damage in Japan

to

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to third parties shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed within one year from the date on which they arise and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.

(d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared in the proportion of 75% chargeable to the United States and 25% chargeable to Japan.

(e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, together with

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with the findings in each case, and a statement of the sums paid by Japan, shall be sent to the United States periodically, with a request for reimbursement of the share to be paid by the United States. Such reimbursement shall be made within the shortest possible time in yen.

4. Each Party shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When the other Party disagrees with the results of such determination, that Party may bring the matter before the Joint Committee for consultation under the provisions of Article XXV of this Agreement.

5. Claims against members of or employees of the United States armed forces arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The Japanese authorities shall consider the claim and assess compensation to the claimant in

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in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the United States authorities, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the Japanese authorities of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the Japanese courts to entertain an action against a member or employee of the United States armed forces, unless and until there has been payment in full satisfaction of the claim.

6. (a) Members of the United States armed forces and of the civilian component, shall not be subject to suit in Japan with respect to claims specified in paragraph 3.

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3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of cases.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The United States authorities shall cooperate with the Japanese authorities in making available witnesses and evidence for civil proceedings in Japanese tribunals.

7. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services, and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

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ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

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ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The United States Government will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents,

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dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extend provided by Article XIX, paragraph 2, of this Agreement.

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ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

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ARTICLE XXII

The United States may enroll and train eligible United States citizens, residing in Japan, [who apply for such enrollment,] in the reserve organizations of the armed forces of the United States.

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ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

秘密指定解除
大臣官房総務課



ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will:

(a) Furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities, areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

(b) (proposed to be deleted)

3. It is agreed that arrangements will be effected between the Government of Japan and the Government of the United States for accounting applicable to financial transactions arising out of this Agreement.

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大臣官房総務課



ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of Japan and the Government of the United States on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.

2. The Joint Committee shall be composed of a representative of the Government of Japan and a representative of the Government of the United States, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of Japan or the Government of the United States.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments

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Governments for further consideration through appropriate channels.

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ARTICLE XXVI

1. This Agreement shall be approved by Japan and the United States of America in accordance with their legal procedures, and notes indicating such approval shall be exchanged.

After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, shall expire.

2. The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

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ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

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ARTICLE XXVIII

This Agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

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大臣官房総務課



In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

Done at , in duplicate, in the Japanese and English languages, both texts equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課

極 8
秘 21

Excellency:

I have the honor to refer to the Agreement Regarding the Facilities and Areas and the Status of United States Armed Forces in Japan signed today.

With respect to Articles I, XI, and XII of that Agreement, I wish to confirm the following understanding of my Government:

1. Re Article I(a):

Members of the United States armed forces being required by Article IX paragraph 3(b) to carry travel orders when entering into Japan, it is understood that those personnel on active duty belonging to the United States armed forces, whose entry into Japan is not under travel order, shall not be treated as "members of the United States armed forces" for the purpose of this Agreement.

2. Re Article XI:

1. Re paragraph 2:

The United States Government undertakes to ensure that

秘密指定解除
大臣官房総務課

that the quantity of goods imported under paragraph 2 of this Article for the use of the members of the United States armed forces and of the civilian component, and their dependents shall be limited to the extent reasonably required for such use, and to take all necessary measures to this end.

2. Re paragraph 3(c):

The United States armed forces will take every possible measure to ensure that the duty-free importation of clothing and household goods as provided for in paragraph 3(c) shall not exceed reasonable quantities.

3. Re paragraph 5:

The United States armed forces will take every possible measure to ensure that goods will not be imported into Japan in violation of Japanese customs laws and regulations. They will promptly notify the Japanese customs authorities whenever violations are discovered.

3.

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3. Re Article XII, paragraph 1:

The United States armed forces will undertake to furnish the Japanese authorities with appropriate information, as far in advance as possible, on their procurement programs in Japan.

I would appreciate Your Excellency's confirmation that the foregoing is also the understanding of your Government.

Accept, Excellency, etc.

秘密指定解除
大臣官房総務課

極 8
秘 22

I have the honour to refer to the Agreement Regarding the Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. Under Article XXV of the Agreement a Joint Committee will be established as the means for consultation between our two Governments on all matters requiring mutual consultation regarding the implementation thereof.

It is the understanding of my Government that the Official Minutes of the Joint Meeting for the Negotiation of the Administrative Agreement under Article III of the Security Treaty between the United States and Japan, held on February 26, 1952, should be used by the said Joint Committee as guidance in the discharge of its mission regarding the implementation of the Agreement.

I should be grateful if Your Excellency would confirm the above understanding on behalf of your Government.

Accept, Excellency, .....

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大臣官房総務課

極 8
秘 22

CONFIDENTIAL

Excellency:

I have the honor to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed on this date, and to the Agreement Regarding the Facilities and Areas and the Status of United States Armed Forces in Japan likewise signed on this date.

I would appreciate confirmation that the decisions, procedures, interpretations, agreed views, arrangements and all other agreements recorded in the Minutes of the Joint Committee established under Article XXVI of the Administrative Agreement of February 28, 1952 will remain in effect under the Joint Committee to be established by Article XXV of the Agreement Regarding the Facilities and Areas and the Status of United States Armed Forces in Japan, unless altered pursuant to that Agreement.

Accept, Excellency, ---------

秘密指定解除
大臣官房総務課

CONFIDENTIAL

April 28, 1959

# DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Desiring that the security of Japan be ensured,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

## ARTICLE I

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大臣官房総務課



ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies, and will encourage economic collaboration between them.

ARTICLE III

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大臣官房総務課



ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid, will maintain and develop their capacities to resist armed attack.

ARTICLE IV

At the request of either Party, the Parties will consult together regarding the implementation of this Treaty and whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the areas under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

秘密指定解除
大臣官房総務課



ARTICLE VI

For the purpose of contributing to the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by separate agreements.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

Nothing in this Treaty shall be interpreted as imposing on either Party any obligation that is in conflict with its constitutional provisions.

ARTICLE IX

秘密指定解除
大臣官房総務課



ARTICLE IX

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in .

ARTICLE X

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice had been given.

IN

秘密指定解除
大臣官房総務課



IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at in the Japanese and English languages, both equally authentic, this day of .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

秘密指定解除
大臣官房総務課

(Draft)

(Japanese Note)

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as bases for military operations other than those conducted under Article V of the said Treaty, shall be effected upon prior consultation with the Government of Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself .....

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(U.S. Note)

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"(Japanese Note)"

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, .....

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大臣官房総務課

大臣
次官
参事官
総務課長
報告

米局長

参事官

本日午前十時より、於官邸、三五公使
より、別紙甲第一号の通り、
大使信任状捧呈式挙行せられ
たる旨、山田次官、安藤儀典長、
吉岡中南米一課長
宛、若崎臨時代理大使より
別紙甲第二号の通り
報告越せり。

尚、右式典に関しては、別紙甲第三号の通り
取扱いたる旨、儀典長より
報告越せり。

外務省

回覧番号
米保 1121

秘密指定解除
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異例の努力の結果、右回訓は採択されたが、なお若干の点を含んでいるが、若干の点を含んでいるが、若干の点を含んでいるが、

（別紙一の修正案及び別紙二の右修正案引用文書を提示）

前の二案は何れも質問題は出ないが、米国は新修正案で一方

的に決定を強制する義務を引受けるが、右は我が国として

例えばありうるが、事の性質は特に緊急な場合を除き

ずしも強制するよう引受けるとは言えない

外務省

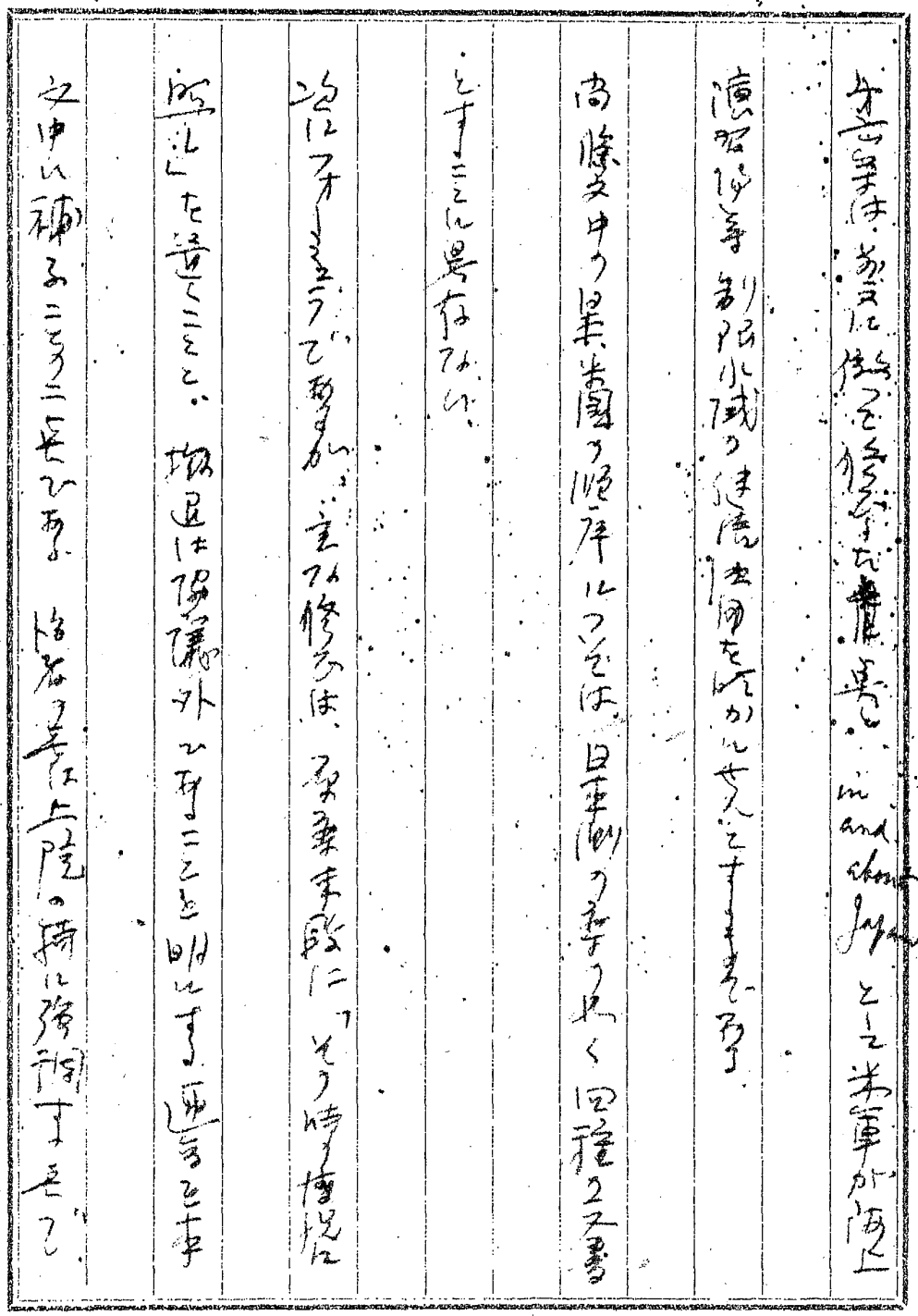
秘密指定解除
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言ふであらうが、又實際問題として此の方が有利であるからといふことも
ある。
（この左記條項とは
同じ事は日本にほう助義務を課すものでない。
concern を言及するまでもない。二年後には特別上院同意で少年である。
第三条は日本を軍事同盟をまき込むと強く主張を持つたが、前文
には個別的集団的と修正をする。
安全は（この事が主眼と思ふ。左記條項を入れ替えること
が必要である。

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国内のことを行う上 意見を申し述べるべし 特に意見開陳を求めたる場合を除くの外 閣議において発言することなきよう指導すること

おって 閣議において各大臣より指示したることを事務当局に伝え、事務当局より指示したることを閣議において発言するよう指導すること

事務当局より閣議において発言することを求めたる場合 当該閣僚より伝達すべきや 或は事務当局より伝達することとすべきや

在外については 各公使より伝達することとすべきや

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吉良　御意を同時にすることが適当かと存じます。

吉屋　なるほど其は書き上の問題と考えます。

吉良　大平君が陳の問題は重要問題と思います、[illegible]書きく
ださるか
重要問題と議会関係とは如何と重要です。

吉屋　右の点と右質問題とで、若し好感ある問題であるか、悪感
ある問題なるかに依り、非常に考慮を要すると思います。

行政協定に於ける第一次案を話し合うこととし、

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吉田　三十二日ノ閣議ニテ緊急勅令ヲ以テ「ストライキ」ヲ禁止シ、

御自身一巡セラレテ御覧ヲ願ヒタシ。

古屋　御尤ノ次第ナリ。

安保委員会ノ件アリ、吉田トモ打合ノ要アリ。

私カラ云ヒ出ス前ノ時期ニ安保委員会ヲ召集スルヤウ

ハカラヒ下サレ度シ。

吉田　御話ノ通リ先ヅ古屋トノ間デ実質的ノ話ヲ固メラレ度シ

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おるが、其の上で若し日本側で方法で再考慮するなら日本側
異存はない。大体右の線は日本のバックアップは要するが我が軍に
関することは保安委員会には全く関係がないのではないかと
思はれ、我は調印後、七月に衝に（関いて）（委員会が）当る（続）ことをもう
ことをもうさせてもいいのではないかと思う。又日本側で適当と考
へられる処置を講ぜられたい。尚上陸の方法は
なお、上陸の際はいつ中将とで事出来よう
かと思う。

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（以下オモテ記載ノ件、外務会議ヲ中心トスル施策
施設関シ次官ト懇談シタル件、行政機構ニ関スル意見
教育ノ件ニツキ次官ヨリ説明アリタル件
会議ヲ了セリ）

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CONFIDENTIAL

DRAFT TREATY OF MUTUAL COOPERATION AND SECURITY
BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

~~Desiring that the security of Japan be ensured~~, Considering that they have a common interest in the security of Japan,

Considering that they have a common concern in the maintenance of international peace and security in the Far East and in the Pacific area,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

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ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countr to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacities to resist armed attack.

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ARTICLE IV

~~At the request of either Party,~~ The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, ~~and~~ whenever the security of Japan or international peace and security in the Far East and in the Pacific area is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the ~~areas~~ territory under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes and constitutional provisions.

Any such armed attack and all measures taken as a result thereof sha be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measur shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

~~For the purpose of contributing to~~ In consideration of the common interest that the two Parties have in the security of Japan and in consid eration of the common concern that the two Parties have in the maintenanc of international peace and security in the Far East and in the Pacific ar the United States of America is granted the use by its land, air and nav forces of facilities and areas in and about Japan

The use of these facilities and areas as well as the status of Unite States armed forces in Japan shall be governed by a separat agreements

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agreement, replacing the Administrative Agreement between the United States and Japan signed on February 28, 1952, and by such other arrangements as the Governments of the United States and Japan may agree upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Chart of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

~~Nothing in this Treaty shall be interpreted as imposing on either Party any obligation in conflict with its constitutional provisions.~~

ARTICLE IX

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratificati thereof have been exchanged by them in _____

ARTICLE X

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE XI

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have

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come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice had been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at _____ in the Japanese and English languages, both equally authentic, this _____ day of _____

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I have the honor to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the disposition in Japan of United States armed forces, including those in their equipment, and the use of facilities and areas as bases for military combat operations other than those conducted under Article V of the said Treaty, ~~shall be effected upon~~ will be the subject of prior consultation with the Government of Japan in the light of circumstances prevailing at the time. Consultation will not be required concerning the withdrawal of United States armed forces and their equipment from Japan. However, the United States would expect to follow the present procedure of notifying the Government of Japan in advance of such withdrawals.

I should be appreciative if Your Excellency would confirm on behal of your Government that this is also the understanding of the Governmer of the United States of America.

I avail myself, etc.

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CONFIDENTIAL

PROPOSALS

1. Preamble, fifth paragraph.

Instead of "Desiring that the security of Japan be ensured," say: "Considering that they have a common interest in the security of Japan,"

2. Preamble, sixth paragraph.

Add "and in the Pacific area" after "security in the Far East."

3. Article III.

Insert "individual and collective" after "maintain and develop their."

4. Article IV.

Suggest modifications, so as to make this Article read:

"The Parties will consult together from time to time regarding implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East and the Pacific area is threatened."

5. Article V.

Replace "areas" with "territory."

6. Article VI.

Suggest modifications, to make this Article read:

"In consideration of the common interest that the two Parties have in the security of Japan and in consideration of the common concern that the two Parties have in the maintenance of international peace and security in the Far East and in the Pacific area, the United States of America is granted the use by its land, air and naval forces of facilities and areas in and about Japan."

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"The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement between the United States and Japan signed on February 28, 1952 and by such other arrangements as the Governments of the United States and Japan may agree upon."

7. Article VIII.

Propose deletion.

At end of first paragraph of Article V, the words "and constitutional provisions" could be added, to provide additional assurance.

8. Article IX.

(Japan would be mentioned first in both original English and Japanese signed texts which Japan retains, the United States would be mentioned in both original English and Japanese signed texts which the United States retains.)

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大臣

次官

事務次官

極秘

米局長

参事官

五月十四日 山田次官在京米大使会談に関する件

日時 昭和三十七年五月十四日午後二時半より四時三十五分まで

場所 山王ホテル

出席者 山田次官、藤崎審議官、[illegible]参事官、[illegible]書記官

マッケナ大使、レンハート氏、以上四名

一、マッケナ大使より、ケネディ大統領の訪日に関し、次の通り述べたり。

(一) 大統領は、日本国民の熱烈なる歓迎に対し、深く感謝の意を表明するとともに、日本国民に対し、大統領自身より直接感謝の意を表したき旨述べたり。

(二) 大統領は、日本国民に対し、日米友好親善の重要性を強調するとともに、日米両国民の相互理解を深めるため、青少年交流の拡大を図ることの必要性を説くものと思われる。

(三) 大統領は、日本国民に対し、日米安保条約の重要性を強調するとともに、日米両国民の相互理解を深めるため、青少年交流の拡大を図ることの必要性を説くものと思われる。

(後略)

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米保 1153

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内容に就くことが出来ないか

従って此の我方の見解を申し入れ（別紙一を以て）

並に右第三点に関しては、左の様に陳述すること

（別紙二）

尚、右第三点に関する米国の義務を引受けたかの如き印象を生ずる様な

当文書六項を除けば、米国のみが義務を負うと云う一方的な感じ

やオミットの如き様な措置は除き出来るだけはないか

尚、御含みよく御了承、若し右利益しか国と云う程度は米保地

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まつの書記官に内話かありたる旨聞いたり（日本の主張に付、日本を
米国の利益を同列に置くことの困難）。尚前記事項、了解の
利益」とある文字の外の文字で次項を含まれる御希望なら充分
つとめに取次ぐべし。
答　次項削除の件承知せり。
読　「支那北部」削除はつとに申出でたる文言得ず。
答　答えは前に申したから内話かありたるか、次の条を削る
なら

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廿三年前後の如く別かれる。

七使「リミテーション」と云ふ字ではコンストレーションは抑へ過ぎない、現には矛

盾が同じ理由で、即ち説が制限的なものと解釈すると

云ふ問題を生ずるからである。 よし、in accordance with constitutional provisions なら いゝヒントが

得る点のみとはしないと思ふ。

参考 憲法に maintain + develop すると云ふ様な規定はなく、憲法に基く

制限であるから in accordance with は適当なる字 存参の米側が

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国まと言ふ理由が之れ丈は無くなる。

二、更に 要するに limitation とは、之れを通ずるから、其の理由

従つて ここでやつて来ない。 条約は行政協定が普通である

つて、其の行政協定は 米国の直接動員上 実施を解釈する三段目は

ない。従つて本案又は limitation では此の解釈すれば と言ふ問題を

持ます。さうすると "フリッカー、アメンドメント" 問題も孤立と義務

議論を取まとめて打ち切りにする。

in accordance with 又は in conformity with

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in confirmation はれ居。又MSA協定を採択するものと予期しいる旨に
申述り得つゝ。

（書記官議論あり）

委員長　書記官をして速記を止めしむるよう取計らいなることに異議なきや。

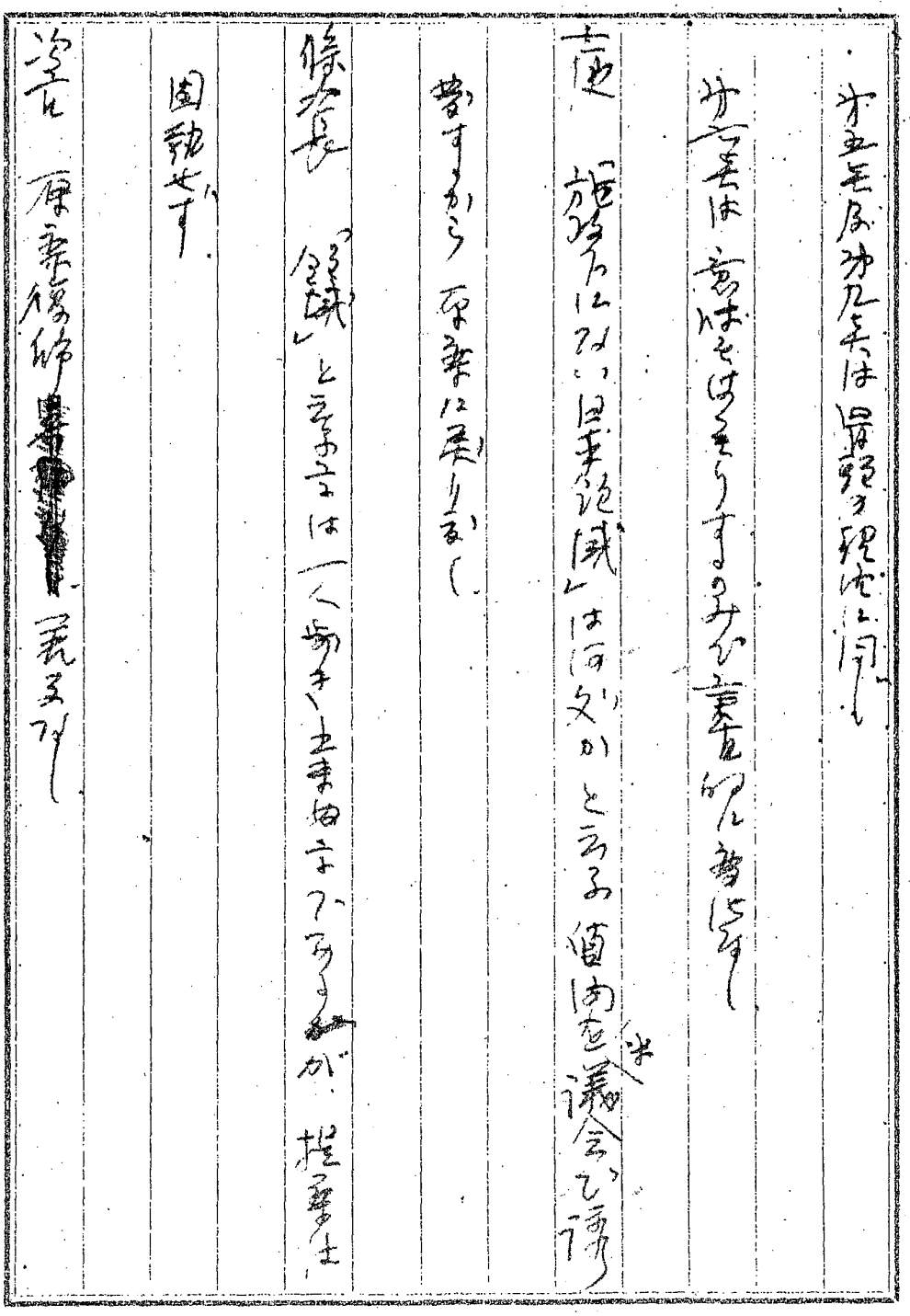
（「異議なし」と呼ぶ者あり）

次に　ここで協議会を開くことに賛成諸君の挙手を願います。（挙手多数）

よって　ここで協議会を開くことに決定いたします。

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才出来ぬ乃至は最終決定に関し
分言葉は言はぬ方がよいと言ふ意味に
違ひ旅行には日米諒解は何文かと言ふ個別審議会で論
ずるから左様に戻りまし
候補者「銓衡」と言ふ文字は一人歩き仕まぬ文字ですが、提案者
固執せず
望む 原案修正 賛成

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右使　オセアニア　そのほかいくつか

外人は日本語をうつことに反対する。

第二点　第十点は次のことを日本の学生に得させる。

右使　よく研究、つぎのから現在の状況の説明をすめて

まちうけ応酬し得るや、秘密の確認をおり得るや

第三　新聞記事一切で

右使　つぎに二には秘密確認をいかから

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独立すべきはずみ、

サナエは先方であるが as may be given upon と附かしめし。

次官 宜しかろう。

次官 重光閣下はその御心組にて御会談となりたく、全部まとまる

から清州丈けまや又は高杉閣下を残して丈を変えやうまや、よう

御座居候哉と伺い申すや

次官 外交と相談すべきやは多の御任せ申すべし。

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吉良　金子様から一応訳すことをお願いします。

次に、なお次のような点は、大臣は秘密了解なしたる旨
注意されている。そこで金子式に討議の要旨として二三カ条
たおまします。

（右で述べよう）

別紙には、表のごとくの様な意をメモにしてもそのまま
文句は除外なることを明にする為 diplomatic note とし、
right は

上申候。

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古使　秀吉ヨリ何カ、子連軍陽堂二十三年ニ開シ、ヨリ指
導加ヘカ、
等ヘ　此際ハ第ナシ、外交ヨリ出ヨリ関係ヨリ見ル
機会ヨリアルヨリノヨリ言ヨリ

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Confidential

PROPOSALS

1. Preamble, fifth paragraph.

Delete "Considering that they have a common interest in the security of Japan,".

2. Preamble, sixth paragraph.

Delete "and in the Pacific area".

3. Article III

Delete "individual and collective".

4. Article III

Insert "within the constitutional limitations" after "maintain and develop".

5. Article IV

Delete "and the Pacific area".

6. Article V

"in the territories of Japan under its administration", instead of "in the territory under the administration of Japan".

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7. Article V

"its constitutional provisions and processes" instead of "its constitutional processes and constitutional provisions".

8. Article VI

"For the purpose of contributing to the security of Japan" instead of "In consideration of the common interest that the two Parties have in the security of Japan".

9. Article VI

Delete "and in the Pacific area".

10. Article VI

Delete "and about".

11. Article VI

"replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements," instead of "replacing the Administrative Agreement between the United States and Japan signed on February 28, 1952, and by such other arrangements, as the Governments of the United States and Japan may agree upon.".

as may be agreed upon.

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別紙二

CONFIDENTIAL

"The deployment into Japan of United States armed forces other than the entry of such forces by way of routine movements, the introduction of nuclear weapons into Japan, and the use of facilities and areas in Japan as bases for military combat operations to be directly launched to areas outside Japan shall be the subjects of prior consultation with the Government of Japan."

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大臣
次官
参事官
次長
儀務課長

極秘

参事官

五月三十日山田次官在室中次官会談に関する件

一、時　第三十五号五月三十日午前十時ニテ始ル時　於官邸
出席者　山田次官、森米国局長、吉積条約局長、青伯参事官
マクアーサー次官　レンハート次官　以上参名

一、議　題　伯爵の入手前降及び三条に言及する発言に従ひ、
之に追加することは
差控えし又は割愛ありたき旨申入れ

SEATOの米加豪は参考資料として
提出ありたき旨申入れ

別紙へだまとそう

次官　SEATOの米加豪は当初より米側は「参考資料」と言ふ事を
主張しおりたる旨

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1217
米係

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主張と異り、パキスタンが多数当事国となること、
なお訴訟の開始について事前の同意が必要であることを指摘し、
（次ぎ別紙一を参照）
更に、仲裁裁判所の一方的な設立を認めることは国際の
慣行であるか、また仲裁判断は拘束力を有する旨定めることは
絶対に受け入れられない、なお仲裁は non-compliance with
constitutional provisions
を理由とする場合は同条約の趣旨に反するものと

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ないと思う。

其の場合に於て、七条は署名当事者をして政府の意志を拘束

すると云う点は困る。は事前の承認を得た上で実質

会議を開きたいとの申入れを為すことは可能である。米

例えば in accordance with constitutional provisions を三條に追加

ここが

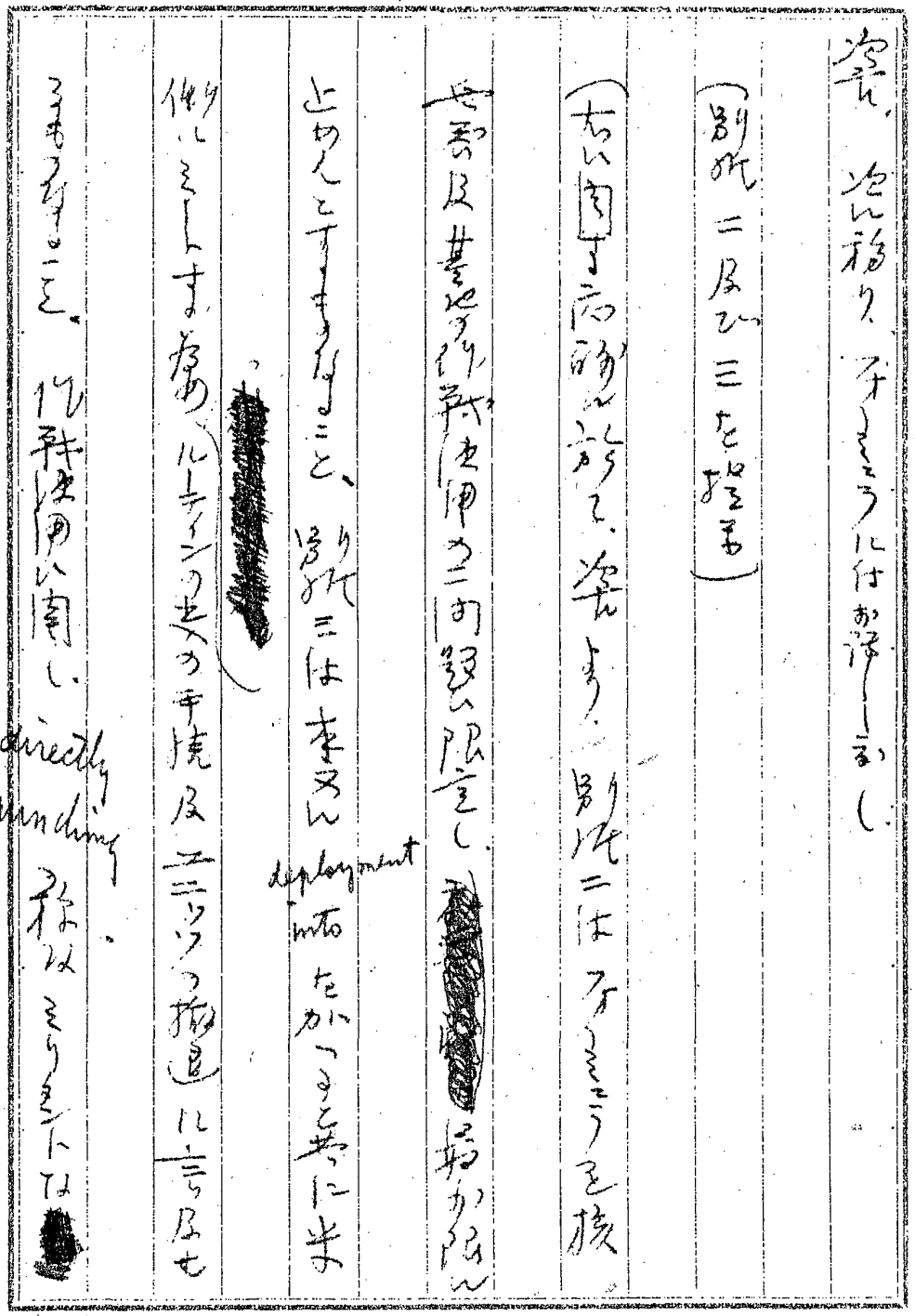
国と政治的解せ

ない。此の点は事前ということにしては如何。

尤も此の点を主張する迄はないと考えている。

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話をまとめ、基本的の点は本案A案を採り、[redacted]氏に
日本(1)(2)をかゝげ、且direct launchingに関する表現は多少左上主スル
意ここを多くすることはどうかと思うが、強いて多くすることも
ないであろう。
案、追て行政協定に付米側回訓に対し申入れるコメントにしたし。
(別紙四を指示)
(1)米側特に異存なし。
(2)本件予算をかゝることについて世間の論議を招く惧あり、立言

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かつては九条と矛盾を生ずるとの論あり。米側より

(3) 米側は「

」

この点を明白にするため、事前協議の文書

交換であること、米側より別途五つの

(4) 米側はかかる了解を要するや否やを

safeguard は取消しということである。

(5) 米側より右を正式に申し出し

(6) 我が現行手続に変更なきやの点を共に研究をする

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かく地位の手続」は協定締結すべきものと思う。

(10) 米側より前項の協定提案。

(11) 米側より前項の協定には別添七の如き事を含む旨説明。尚運営細則は協定署名後作成することになっているが、細則の中から協定に入れるべきものは入れる様にしたい。

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同意ヲ有スル旨ヲ表明スルハ勿論ノ事ニシテ
カヽル点ニ関シ特ニ之ヲ言明スル要ナシト考ヘマス

(12) 秘密ノ性質ニ関スル点

(14) 日本側ノ希望セントスル所ハ寧ロコーデイルカラノ要望ヲ
ソノマヽ認メルカ、例ヘハ、例ノ「ノート」ヲ廃棄シテ日本
ニ於テ重慶トノ和平ヲ推進スル事ヲ約束セシムル事ニ在リヤ

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核なきことをくりかえせよ日本側が不要をそくりかえすという事は

[redacted]を創えるはずもなく

(16) 日本側は駐屯地の保障をも拒絶するに関連

再び事前協議なしに核の持込が持込まれないことを

確保する要がある。一般的双務的協定

(17) 要旨(双務)

外務省

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別紙

(Draft)

Article VIII

Nothing in this Treaty shall be construed as constituting any undertaking by Japan exceeding the constitutional limitations.

or

Nothing in this Treaty shall be construed as imposing on Japan any obligations in conflict with its constitutional provisions.

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別紙二

(Draft Formula A)

(Japanese Note)

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed to-day, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the equipment of United States armed forces in Japan and the use of facilities and areas as bases for military combat operations other than those conducted under Article V of the said Treaty, that may be undertaken by United States armed forces from such bases to areas outside Japan, shall be the subjects of prior consultation with the Government of Japan.

I should be appreciative . . . . . .

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別紙三

(Draft Formula B)

(Japanese Note)

. . . . . ;

The deployment into Japan of United States armed forces other than the entry by way of routine movements of such forces, major changes in their equipment, and the use of facilities and areas as bases for military combat operations other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

I should be appreciative . . . . . .

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CONFIDENTIAL

20 May 1959

Administrative Agreement: Interim Comments

(1) Title

Suggested alternative: "Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, regarding the Facilities and Areas and the Status of United States Forces in Japan."

(2) I (a) Understanding

Delete "including leave orders".

(3) I (b)

Proposed language is similar in substance to NATO language.

(4) III 1

"Rights" preferred to "rights, power and authority"; additional understanding not deemed desirable. "Safeguard" preferred to "defense".

(5) III 1, Second and third sentences

Reconsideration requested.

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(6) III 2, last sentence

Under study.

(7) IX 1, first sentence

Under study.

(8) IX 1 Understanding

Delete "in accordance with present procedures".

~~"appropriately" preferred to "at regular intervals"~~.

(9) IX 5, last sentence

Under study.

(10) XI 2

Further explanation requested.

(11) XI Understanding

Reconsideration requested.

(12) XII 1 Understanding

"Undertake" preferred to "will continue".

Retain "as far in advance as possible".

13

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(13) XII 6

Delete "sentimus te".

(14) XIV

A few points under study.

(15) XXII

The proposal does not affect the status of the United States armed forces reserve organization in Japan.

(16) "Agreement between the appropriate authorities of the two Governments"

Under study.

(17) Existing Agreed Minutes

The "guidance" formula preferred.

14

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Explanation of "in the employ of, serving with, or accompanying" in Article I (a).

Each of the categories is necessary, distinct from the other categories, and describes persons whose presence in Japan is considered essential for the fulfillment of the mission of the U.S. armed forces.

"Employed by" includes appropriated fund employees of the United States military forces, nonappropriated fund employees, and civilian employees on United States armed forces operated vessels and aircraft.

"Serving with" includes personnel of the American Red Cross and United States contract technicians and technical representatives performing essential work for the United States armed forces. (It also includes 3 representatives of the Boy Scouts of America.)

"Accompanying" includes employees of the Military Banking Facility, the United Service Organizations, the American Field Service and the University of Maryland, all of them performing essential services for the United States armed forces.

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Explanation of need for wording "the authorized procurement agencies of the United States armed forces" and "supplies and equipment... ultimately to be incorporated into articles or facilities used by such forces" in Article XI, paragraph 2.

The following are examples of materials, supplies, or equipment which are imported duty free into Japan by a Japanese contractor or for delivery to a Japanese contractor to be ultimately incorporated into articles of facilities to be used by the U.S. forces:

1. Air Force -- Jet engine parts imported by Lockheed Aircraft Service Organization for delivery to Kawasaki Aircraft Co. These parts are used for repair of all types of jet engines. This repair is performed by Kawasaki under a U.S. Government contract. The Air Force supervises a similar contract with Mitsubishi Aircraft Co. for the repai of reciprocating aircraft engines. Many of these reciprocating engines are old, and the Air Force no longer stocks parts. Accordingly, Mitsubi must often procure the parts through a private agent in the U.S. In the latter case, the parts are imported duty free directly by Mitsubishi.

2. Army -- The Army imports the following items and turns them over a Japanese contractor as Government-furnished property: Machine tools a spare parts used in the vehicle rebuild program, rust removing compound manufactured in Okinawa and used in quantity in the vehicle rebuild program, and synthetic rubber used, for example, to manufacture neoprene gaskets (Sagami Engineering Works and Victor Auto Co.). Under another contract, spare parts for Chevrolet sedans are purchased directly from General Motors by the contractor, Taiyo Motors, on a duty free basis. Taiyo Motors keeps the parts in a bonded warehouse until they are requisitioned for use by a U.S. forces agency.

3. Navy -- The Navy has seven contracts with various Japanese contractors for the maintenance and repair of air frames and instruments. The two principal contractors are Japan Aircraft Mfg. Co., Ltd. and Shin Meiwa Industry Co., Ltd. Other contractors are Tokyo Precision Instrument Co., Tokyo Aircraft Instrument Co., and Fuji Precision Machinery Co. Under the terms of these contracts, the Navy imports aircraft parts and components duty free into Japan and turns them over to the contractor as Government-furnished property. Under another program the Navy imports steel plate duty free for use by contractors in the repair of ships (Yokohama Zosen and Asano Dock). Marine engine parts are also imported on the same basis for contractor use as Governme furnished property (Yokohama Zosen, Asano Dock and Yokohama Dock compani

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別添七

CONFIDENTIAL

(Letter of Understanding)

2. Re Article XI.

(1) Re paragraph 2:

~~The United States Government undertakes to ensure that~~ The quantity of goods imported under paragraph 2 of the United States armed forces and of the civilian component, and their dependents shall be limited to the extent reasonably required for such use. ~~and to take all necessary measures to this end~~

(2) Re paragraph 3 (c):

(unchanged)

(3) Re paragraph 5:

The United States armed forces will take every ~~possible~~ practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

CONFIDENTIAL

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極秘

新条約に関する外務大臣閣議説明（案）

三四、六、一五　米保長

一、現行安保条約に代るべき新条約に付ては、昨秋来在京米大使との間に詳細意見の交換を進めて来たが、この程、前文以下十ケ条の形に纏めることに意見の一致を見た。その概要は以下述べる如くである。

二、前文においては、(イ)両国が政治的経済的各分野に亘り友好関係の緊密化を希望すること、(ロ)国連憲章の精神を尊重し国際平和の維持を旨とすること、(ハ)日本の安全を売うすみやかなことを希望するため共に極東の平和と安全に共通の関心を有すること、等の諸点を謳つて新条約締結の決意を明らかにする。

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三、本文冒頭の条項には、国連憲章の尊重、国際紛争の平和的解決、国連との協力等に関する条文、並びに政治、経済の分野における協力関係を謳う条文を置く。

四、米国が相手国に対する援助義務を約束する条約には、自助及び相互援助の精神を謳う所謂ヴァンデンベーグ決議を体した条文を置くことが堅い原則となっており、米上院が固執する既成の字句が固っている。他方との点はわが国憲法との関係で慎重なるを要するので、米大使とも種々話合った結果、次の如き字句に付意見の一致を見ている。（括弧内は米国の既成用語を示す。）

「締約国は、個別的に及び相互に協力して（単独に及び共同して）、継続的且効果的な自助及び相互援助により、武力攻撃に抵抗する

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それぞれの能力（個別的及び集団的能力）を、憲法の規定に従い、[illegible]維持し且発展させる。」

四、協議条項として、両締約国は、この条約の実施に関して、又日本の安全又は極東における国際の平和と安全に対する脅威が生じたときは、いつでも協議するものなることを明にする。

なお日本国の安全に対する脅威は、外部からの武力攻撃は勿論、所謂間接侵略も当然脅威に他ならないから、間接侵略に就ても協議の対象となる。

六、米国の援助義務に関する規定は条約の最も重要な規定であり、又わが方からしても条約地域の決め方の問題として重視する所である。この条項は、

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「各締約国は、日本国の施政の下にある地域におけるいずれか一方の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、憲法の規定と手続に従つて、共通の危険に対処するように行動することを宣言する。」

という字句に付意見の一致を見ている。米国が援助義務を引受ける場合は相互援助の原則に立つことになつているから、条約地域を日本の施政下にある地域と局限することは極めてむつかしい問題であるが、日本の憲法問題や国民感情等に付米大使とも懇談した結果、米側も右の如き条文に合意したものである。

なお右の案によれば、沖縄小笠原は施政権回復と共に自動的に条約地域に組入れられることとなる。

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ヤ　米軍の駐留に関する規定は次の如き形とした。

「日本国の安全に寄与するため、並びに極東における国際の平和及び安全の維持につき両締約国が有する共通の関心を考慮して、アメリカ合衆国は、その陸軍、空軍及び海軍による日本国内の施設及び区域の使用を許与される。」

施設及び区域使用の細目並びに日本に在る米軍の地位は、行政協定に代る新協定で定めることとする。

ベ　核兵器問題及び在日施設の作戦的使用の問題に就ては、合衆国軍隊及びその装備の日本内への配備に関する重要な変更を行う場合、並びに米軍が日本防衛のため以外の作戦行動の基地として日本の施設及び区域を使用する場合は、日本国政府と事前に協議す

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る。との趣旨を交換公文により取つきりさせることとする。

九、条約の期限は十年とし、十年を経過した後は一年の予告をもつて廃棄し得ることとする。

一〇、以上が条約の主たる内容である。条約の名称は、「相互協力及び安全保障条約」とすることとし、条約各条の骨子は別紙要綱の通りである。

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# 相互協力及び安全保障条約案要綱（案）

（三四．六．一三　米保長）

第一条（国際平和維持）

両締約国は国連憲章の原則に従い国際紛争を平和的に解決し、国連の目的に違背するような武力の行使又はその脅威を行わないこととし、更に国連の機能強化に協力する。

第二条（政治的経済的協力）

両締約国は民主主義の原則を尊重し、安定と福祉を増進して平和的友好関係の強化に努め、更に経済的協力関係の緊密化に努力することとする。

第三条（防衛協力）

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両締約国は、個々に及び相互に協力して、継続且かつ効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力を、憲法の規定に従ことを維持しかつ発展させることとする。

第四条（協議）

両締約国は、条約の実施に関し、又日本の安全又は極東の平和と安全が脅かされていると認める場合は、随時協議することとする。

第五条（援助義務）

両締約国は、日本の施政下にある地域における何れかの締約国に対する攻撃を自国の平和と安全に対する危険と認め、共通の危険に対処するため、憲法の規定と手続に従つて行動することとす

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る。かくして執られた措置は、安全保障理事会が適当な措置を執つたときは終止される。

第六条（施設区域使用）

日本国の安全並びに極東の平和と安全に寄与するため、合衆国軍隊は日本にある施設及び区域を使用することが出来ることとする。施設及び区域の使用の細目並びに日本における合衆国軍隊の地位は別にとれを定めるものとする。

第七条（国連憲章との関係）

本条約の規定は、国連憲章に基く締約国の権利義務ないし国連自体の責務には影響しないものとする。

第八条（批准）

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本条約は批准書の交換の日に発効する。

第九条（安保条約との関係）

本条約が発効すれば現行安保条約は消滅する。

第十条（期限）

十年経過後は一年の予告で廃棄し得る形とする。

附属交換公文

合衆国軍隊及びその装備の日本内への配備に関する重要な変更を行う場合、並びに米軍が日本外の戦闘行為のため日本の施設区域を日本からする作戦行動の基地として使用する場合は、日本政府と事前に協議する。

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十一月

[illegible]

[illegible]

[illegible]

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パケ全体に対する御意見は如何。

度　右の点に関する御意見を承わり或は御作成方御願いしたい。右の点

意見を述べた上で無期限延期となることを得ない点十分

意見　同感　unless 以下の通りである。拘束には勿論その主旨うたい

形式を採ることを要す。今行われつつある通信するには受ける感じの同意として

よろこばしき事なり。此の点は国連の決定をもとし

（略）

次会合については追って通知すること了承。

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更　御説は all right ですが、なお意を加え慎重ならんことを望む次第なり

其のための問題で之を除去すれば必ずしも異存なきことと存ずる

ワシントンに於ても申入れやうと思ふ

吉屋　此の点は異存なきが、右のごときは全体を通じ慎重なる考慮が必要なり

アピールすべき性質のものなり、之を除去せば此の如き印象は薄らぐべし

更　御説は了解せり、今直ちに申入れよ

外務省

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しかし同案では行き悩に陥る虞あり
(1) 三条一項は特に留意の点か、ここでは(1)三条一項の趣旨を本には入れ
会議事項のみこととする方向で検討中
(2)の第二項を除くことは困る、(2)は他の国際法規に手を触れる
ものでない、との趣旨の申入れあり
次のとおりとする旨申入れ、仏案に応じ別段同意
なき旨申入れる。

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右屋　満洲事変勃発当時、公使館の応急手当をなす為止むを得ざる
　　かと思はるゝも、之を除きては適当なる解決なき
　　事と存ず
　　右ノ次第ニ付
　　::
二便　公使館応急手当ニ関シ陸海軍ニ於テ何カ研究シ居ルヤ
　　否ヤ御留意ヲ煩ハシタシ
右屋　右ノ如キ問題モ今日研究スベシ
二便　(一)三千万弗ノ賠償金ヲ陸海軍ハ如何ニ使フノカ又ハ米国ノ

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とする旨、附言する。

第九　米側は我が主張を求める趣旨なりや。

第十　我が方としては現在合同委員会の会合を終了せしめ
ようとは考えず、そのような示唆を求めることはいたしません。

主席全権は第一項の問題である。

(一)九月一日の降伏文書は拘束力を有する。(現在の手続)を止めて
政府と会談する手続(とする)但し米軍側は現在の手続を

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全面的改革迅速并ニ事務処理ノ手続ニ於ケル措置ヲ
スルコトニ異存ナキコト。
(ニ) 十一ヶ国ノ解釈ハ米側異存ナシ。
(ホ) 十三ヶ国ノ解ハ日本側ノ返事待ち。
(ヘ) 十三ヶ所パラグラフ中日本側ノ返事待ち。
(ト) 附箋関スル問題ハ今急ニ問題ヲ出ス必要ナシ。
(チ) 本案ハ我方ノ提出シ、修正ノ点ハ附箋ニ

外務省

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別な解を見ることとなり、七次は右に一つとなる
（承服せざるを得ない旨、意見は異なるが成立したる）

(4) 十一月は今期一ぱい事務上に来事を終了する。ご務
大臣は国連総会出席の為NATOを経由すること
思わ。ついては閣僚会議に関する出席
をぜひともさせること。ぜひ御了解ありたい。
（出席せり）
（以前にも一度御話申上げたことがあり）

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由最終的には NATO と一連帯の主義が無き者の如くみて、理
はよ実際的に米政府が指導的立場をとりてバランスし得るは
ずなるが、
二、五、六、
(1) 自衛、通商、南洋の地域が NATO と同じくなるかとの点に
ついては
NATO は一般的にて、実際には個別的なるが、或るものは秘密的に
多、而して現実の場合は其の中間で政府いやそうなること行政協定
と合同して考えと申上げ得る。
横浜の通商上の事実上の責任

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於て行はれ居り、各地上要人が会合する事が有様にて事、此の
為めには勿論軍務局の外務省に対する連絡は緊密ならざる
いと思ふ。
(2)今度軍事参議官の招へいに関する一事も迅速を要す、之また
もし不明は悟道なきと思ふ故に、いつまでも是非と言ふ程強い
事例をなし、若例かいなら基礎に於ては之れ程迄に事
御参考迄まで一応申述べ置く。(別紙一)

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十尾　主務当局は如何態度をとりおるや

雇　西春彦氏なり

タイミング問題に関し若干御懸念ある事なるも、吾は四月を望ましと考う

菊池御指示　支那側（駐兵地拡張）は熟考を要すべし

（駐兵地拡張）

但屋　其の点今日は如何と存じたるが、（駐兵地）若し（駐兵地）なりとの意

（うが）

指示により（駐兵地）の解決を当館に訓令方取計ありたしとの

ここで要するに支那側の態度を見定めたる上にて

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若合は話予固辞等と思はるゝ、又ここ事次第迄申上候、

扨、兵機等関係之事項同意とは今迄之主張迄を申述候事に

よく、之を撤去すれば二十九日之御前会議を開き得べきが、猶

程度等如何之点ここまでとの意味には事迄事項迄と定義

乍恐し、従て貴意は之を撤去し迄、又は猶此主張迄

と云ふ事か御意如何と思はれ

たし、

今夜早速報告迄

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十五日 尚楊理大公使着任後、領事裁判権ニ関スル交渉ニ
移リタキ意向ナルヤニハ候ヘドモ、ソノ点ハ必ズ
シモ一応
我方通リトナルヤ否モ予断シ得ズ、
陳 承知セル
(事務ヨリ労働関係ニ付別紙ノ研究ヲ示シ、ニ使ノ研究ヲ
求メタル、別紙ニ)

外務省

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I have the honor to refer to the Agreement Under Article VI of the Treaty of Mutual Cooperation and Security Between the United States and Japan, signed today.

It is the understanding of my Government that the Official Minutes of the Tenth Joint Meeting for the negotiation of the Administrative Agreement under Article III of the Security Treaty between the United States and Japan, held on February 26, 1952, and the Official Minutes regarding the Protocol to amend Article XVII of the Administrative Agreement, dated 29 September 1953, shall retain their validity as understandings between the two Governments, except where subsequent agreements, including the Treaty of Mutual Cooperation and Security and the Agreement Under Article VI of the Treaty of Mutual Cooperation and Security, have specifically made the Minutes inapplicable.

I would be grateful if Your Excellency would confirm the foregoing understanding on behalf of your government.

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Confidential

Re Articles XII and XV

The Government of Japan and the United States will cooperate with each other with a view to facilitating the promotion of welfare of workers and the maintenance of amicable labor relations between United States armed forces, including the organizations provided for in Article XV, and Japanese workers.

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極秘

Draft (as of June 20, 1959)

CONFIDENTIAL

JAPANESE NOTE:

Excellency:

I have the honor to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself, etc.

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U.S. Reply:

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

(Text of Note)

I have further the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, etc.

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大臣官房総務課

極秘

CONFIDENTIAL

(Draft as of June 20, 1959)

# TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having

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Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by

strengthening

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strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

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ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be

governed

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governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in _____.

ARTICLE IX

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September

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September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area.

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at [illegible] in the Japanese and English languages, both equally authentic, this _____ day of _____ .

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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新条約に関する外務大臣閣議説明（案）

（三月、六、三四、まで）

三四、六、外務省

一、現行安保条約に代るべき新条約に付ては、昨秋来在京米大使との間に詳細意見の交換を進めて来たが、この程、前文以下十ケ条の形に纒めることに意見の一致を見た。その概要は以下述べる如くである。

二、前文においては、(イ)両国が政治的経済的各分野に亘り友好関係の緊密化を希望するとともに民主主義を擁護することを希望すること、(ロ)国連憲章の精神を尊重し国際平和の維持を旨とすること、(ハ)極東の平和と安全に共通の関心を有すること、等の諸点を謳つて新条約締結の趣旨を明らかにする。

極秘

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三、本文冒頭の条項には、国連憲章の尊重、国際紛争の平和的解決、国連との協力等に関する条文、並びに政治、経済の分野における日米両国の協力関係を謳う条文をそれぞれ置くこととする。

四、米国が相手国に対する援助義務を約束する条約には、自助及び相互援助の精神を謳う所謂ヴァンデンバーグ決議を体した条文を置くことが堅い原則となつており、米上院が固執する既成の字句が固つている。他方この点はわが国憲法との関係で慎重なるを要するので、米大使とも種々話合つた結果、次の如き字句に付意見の一致を見ている。（括弧内は米国の既成用語を示し、『』内は既成用語にはない部分を示す。）

「締約国は、個別的に及び相互に協力して（単独に及び共同

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して）、継続的且効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力（個別的及び集団的能力）を、『憲法の規定に従うことを条件として』維持し発展させる。」

五、協議条項として、両締約国は、この条約の実施に関して、又日本の安全又は極東における国際の平和と安全に対する脅威が生じたときは、いつでも協議するものなることを明にする。

なお日本国の安全に対する脅威は、外部からの武力攻撃は勿論、所謂間接侵略も当然安全に対する脅威に他ならないから、間接侵略に就ても協議の対象となる。

六、米国の援助義務に関する規定は条約の最も重要な規定であり、又わが方からしても条約地域の決め方の問題として重視する所で

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ある。この条項は、

「各締約国は、日本国の施政の下にある地域におけるいずれか一方の締約国に対する武力攻撃が自国の平和及び安全を危くするものと認め、憲法の規定と手続に従つて、共通の危険に対処するように行動することを宣言する。」

という字句に付意見の一致を見ている。米国が援助義務を引受ける場合は相互援助の原則に立つことになつているから、条約地域を日本の施政下にある地域と局限することは極めてむつかしい問題であるが、日本の憲法問題や国民感情等に付米大使とも懇談した結果、米側も右の如き条文に合意したものである。

なお右の案によれば、沖縄小笠原は施政権回復と共に自動的に

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条約地域に組入れられることとなる。

七、米軍の駐留に関する規定は次の如き形とした。

「日本国の安全に寄与するため、並びに極東における国際の平和及び安全の維持のため、日本国がアメリカ合衆国に対してその陸軍、空軍及び海軍による日本国内の施設及び区域の使用を許与される。」

施設及び区域使用の細目並びに日本に在る米軍の地位は、行政協定に代る新協定で定めることとする。

八、核兵器問題及び在日施設の作戦的使用の問題に就ては、合衆国軍隊及びその装備の日本内への配備に関する重要な変更を行う場合、並びに米軍が日本防衛のため以外の作戦行動の基地として日

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本の施設及び区域を使用する場合は、日本国政府と事前に協議する、との趣旨を交換公文によりはっきりさせることとする。

九、本条約は国連が日本区域の平和と安全のため充分の定をする措置をとつたと日米双方が認めたときは失効することとする。もつとも発効後十年を経過した後は一年の予告をもつて廃棄し得ることとする。

十、以上が条約の主たる内容である。条約の名称は、「相互協力及び安全保障条約」とすることとし、条約各条の骨子は別紙要綱の通りである。

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相互協力及び安全保障条約案要綱（案）

三四、六、外務省

第一条（国際平和維持）

両締約国は国連憲章の原則に従い国際紛争を平和的に解決し、国連の目的に違背するような武力の行使又はその脅威を行わないことをとし、更に国連の機能強化に協力する。

第二条（政治的経済的協力）

両締約国は民主主義の原則を尊重し、安定と福祉を増進して平和的友好関係の強化に努め、更に経済的協力関係の緊密化に努力することとする。

第三条（防衛協力）

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両締約国は、個々に及び相互に協力して、継続的かつ効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力を、憲法の規定に従うことを条件として維持し発展させることとする。

第四条（協議）

両締約国は、条約の実施に関し、又日本の安全又は極東の平和と安全が脅かされていると認める場合は、随時協議することとする。

第五条（援助義務）

両締約国は、日本の施政下にある地域における何れかの締約国に対する攻撃を自国の平和と安全に対する危険と認め、共通の危険に対処するため、憲法の規定と手続に従つて行動することとす

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る。かくして執られた措置は、安全保障理事会が適当な措置を執つたときは終止される。

第六条（施設区域使用）

日本国の安全並びに極東の平和と安全に寄与するため、合衆国軍隊は、日本にある施設及び区域を使用することが出来ることとする。施設及び区域の使用の細目並びに日本における合衆国軍隊の地位は、別にこれを定めるものとする。

第七条（国連憲章との関係）

本条約の規定は、国連憲章に基く締約国の権利義務ないし国連自体の責務には影響しないものとする。

第八条（批准）

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本条約は批准書の交換の日に発効する。

第九条（安保条約との関係）

本条約が発効すれば現行安保条約は消滅する。

第十条（期限）

本条約は国連が日本区域の平和と安全のため充分の定をする措置をとつたと双方が認めたときは消滅する。もつとも発効後十年を経過した後は一年の予告で廃棄し得るものとする。

附属交換公文

合衆国軍隊及びその装備の日本内への配備に関する重要な変更を行う場合、並びに米軍が日本外の戦闘行為のため日本の施設区域を作戦行動の基地として使用する場合は、日本政府と事前に協議する。