

いわゆる「密約」問題に関する調査
その他関連文書

(2. 1960年1月の安保条約改定時の朝鮮半島有事の際の戦闘作戦行動に関する「密約」問題関連)
(5分冊の2)

【注意事項】

- このファイルは多数のページがあります。
- 印刷する際には留意願います。

修習に於ては通書及び手紙等はよく分らない。と云ふ事。修習の事

方を預け、何れにせよ修習は修習の修習に之を以て何れかアコモラトし

得しとせば、此等にも連し、修習の名称に付、修習の事

ひ、修習の修習等は、又、固修習の修習及、修習の事

修習の事、修習し得しとせば、修習の事

三、防衛協力修習(修習の修習) | 修習の事、修習の事

修習の事、修習の事、修習の事、修習の事

能力とは、修好地域に對する武力は軍事に拮抗する能力の事を指す
 積りあり、修好地域を日本に限れば義子にまじり水刃やとせら
 依之修好よりそは、依之修好よりそは、依之修好よりそは、
 "individual and collective capacity" といふ表現と見らるるに、
 男子、此れ修好の精神の云ふは、左様な解釈は、
 といはるるに、此の事は、
 能力が、

外務省

ニテ多ク 表裏より内情のあらざる 表裡を一人の 表裡に於て

ニテ多ク 表裏より内情のあらざる 表裡を一人の 表裡に於て

下

ハ 先づ 松本ノ平和と其を在道ノ利益と認め、と言ふ事付を其ノ

ハ 更に 修武ノ地域に於ける河川の一方に於けるは 寧ろ 日本ノ平和

と其を以て 危険と認め、日本及び在日米軍ノ 任務

以テ形を係つてに於て

川 共通の差陸に於てするもの 意味の親言及手続に從てアクト

す

とし、別條に於て 各の地域を「日本が行政権下にある領土又は

地域」と定義する（斯の中陸中並原を念ふぬことを明くすと

其に互邊の境には自動的に入らざることを云ふ。） ことであること

境に於て、米例とては「自らの平和と安全に於て」差陸を認め

ること、其邊の差陸に於てするアクトす」の二つの表現を共に

外務省として思ふが、此の件は尚ほ一時的に保留せざるを得ずして

ある。

尚ほ保留せざるを得ずしては、是れは士族として何とぞ獲得し得ざる

は、いかと希冀してゐる。

六、行政保留に就ては、是等あり、之に就ての合意が、由來の限り保留

自存の限り、^経あつたならば、是等は、先例は、十は、保留を申請する

如く、行政保留を其の儘、保留せざるを得ずして、之を考へて、~~保留せざるを得ずして~~

奉り上り申上る。御方より手続上の理由を述べ、政府等には

国令に於て新機をばたきしことをお承す。要する旨を承知せしむ

た。此の旨は、日中、政府が新機をばたきし旨を承知せしむと

云ふことである。生軍駐留、若くは使用目的が疑はしむるを承

知し、此機には要する旨をばたきしと承知せしむ。新機には

付来例が拒否権を持つ様な形であり、左記等もやと同し

た。其旨は、答へしむる。

の検査を交際する等の執行が阻害の上の根拠が次第で可と云ふこと

であるが、この検査に検査事項を付録させると書込み、と云ふ

見込みを以て検査の可、不可を決定するに依り、検査の可と云ふこと

ある。

(検査)

以上の通りであるが、防犯防刃権限及びその他区域係項に關す

る先方の多く方を検査事項に置くと云ふこと、及び之別

紙の検査事項とす。

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.

三. 防衛協力協定

前文及在文に示す

Paufu

諸子に對しては是を以て

四. 協議協定

先方より一紙を呈送し、別添の案文を控へ、我方は

協議

五. 防衛協力及協定区域協定

別添参考

六 基礎使用條改

米例新案 別添ニシテ

(1) 条約の目的と言及しは 補給使用及 協議役の作成

使用の意味を明にす有也

(2) 米國の責任とは 條約に關し 固す米例の義務を

擔す (其處に米例の列挙した engagement は改め)

(3) 補給は 米例の條約を主として

九行政陽堂

幾方より書付復ぬの上 別添三を添付し文 付し一便

はたしに書付を添付し 三はは 案内が 新陽堂に 周すべし

持しにてありしと 付しに 付し

1) 此の書付では 案内が 案内にて 案内にて 案内にて

上 付しに 付し

CONFIDENTIAL

12) 此の書付を 案内にて 案内にて 案内にて 案内にて 案内にて

外務省

うと言つて来るうはる側で timing までどう困りにあつたか。米

側から軍がうをまては 簡軍に張はつたか。

(1) 之を古史の類をうはるは 古史は、外史陽言は其の

儘と云ふ類をうはるは、古史陽言は其の

類をうはるは、古史陽言は其の

類をうはるは、古史陽言は其の

類をうはるは、古史陽言は其の

運り出され、日本側は、
加害者たる信濃守方の経路を
追跡し、

朝方にも、今更な所は、
少くも、

言ひあはせ、

(白米の事)

と云ふ事、
此件は、
要らぬ程、
研究すべし。

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134
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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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=

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 _____.

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 日本國とアメリカ合衆國との間の安全保障條約第三條に基く改正された行政協定の規定に従つて日本國がアメリカ合衆國に対して使用を許している施設及び区域は、日本國とアメリカ合衆國との間の〇〇條約第〇條に基き日本國がアメリカ合衆國に使用を許与する施設及び区域とみなされる。

二 行政協定の第一條から第二十三條までの規定並びに第二十五條の^{及ぶ}規定の内容はこれらの專横に關して新たな協定が締結されるまでの間兩國間に引き続き適用されるものとす

するに、(1)米國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、(2)米國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ふこと、(3)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。従つて新条約を考へる場合には此等の点に應へ得るものでなければならぬが、他面、現行条約は日本が漸進的に自らの防衛の責任を負ふといふ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等の条約上の關係のない状態にあるので、兩者の基本關係を確立し、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たすべき責任は果たすといふ双務的基礎に

立つたものでなければならぬ。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國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ぬが、米國の援助義務を規定する
ことが一要件たる以上、具体的には米國が自由陣營の与國を結ん
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國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。

四 条約地域の問題

(4) 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」といふ表現が確立してゐる。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、この点は動かさない。

(4) 新条約において日本が引受ける義務は日本憲法の範圍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、沖繩小笠原、日本領土、(2)沖繩小笠原、日本領土、(3)

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。

再米軍の日本施設区域使用の問題

(4) 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ゐるが、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^付よりも極東において米軍が抑制力として存在することを

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、}わが國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、實質的には米國の援助義務と見合ふ実体を成す所である。

④ 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戰的に使用する場合、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

(1) 米國が与國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

ワシント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」といふ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」といふ字句が受容れられねばならぬとの表現から「個別的及び集団的」となる字句のみは削つても差支ないが、他の部分^はその儘存置することを絶対の要件としている。

四 この条項は、「相互援助」に依り防衛力を維持発展するといふ点において日本が米国の防衛のため寄与するといふ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

依つて解決するとしても更に防衛力を維持「発展」させるといふ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ふ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。

セ条約内容に関するその他の問題

- (4) 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。
- (5) 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。
- (6) 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

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國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益支えがあるとは思はれない。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

(4) 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た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、現行協定に親条約が交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ゐるならば、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。

四 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、協定の内容に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、多かれ少かれ國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交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
考慮することが適當であると思われる。

(2) 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來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」といふ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當であると思はれる。

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當つては先ずこれを含める場合同地域が米領土と觀念されるのかあるいは日本領土と觀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、その見地より觀念上同地域が米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ゐる。

(四) 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ふことであるならば、同地域防衛のため、わが方は自衛隊派遣を含むあ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觀念上日本領土として含められることとなる。

(五) 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觀念しわが方はこれを日本領土と觀念することとなるのを避け得ざることとなるのである。

三 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、
(六) 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

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、

(四) 米國は双務的な關係といふことかちしてこれを包含すること
を期待するであらうから、對米關係上はこれを含めることが適
当である、

(五) これを含める場合もいわゆる且且A.T.O.を形成するものに非
ず、英質上わが方がより大なる危険に曝されるといふことには
ならない、

等國諸点が考へられる。

三 右に對し、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、

(1) 沖縄小笠原は平和条約により米國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國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。

(2) 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、

(3) 沖縄小笠原を含めるとは、MIA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、

(4) 沖縄、小笠原を含める場合米側はこれを米國の領域と視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隙違

いを生じ、又条約の期間と関連し右期間中は沖繩小笠原の現状
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。



5/30

日米安全保障新条約の大綱

三四一—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「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

本に持込み得るといふこと、(二)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ふ所謂内乱条項は独立国の体面を傷けるものであるといふこと、(三)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ふ条項は独立国としての自主性を傷けるものであるといふこと、(四)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、(五)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ふこと、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應え得るものでなければならぬが、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ふ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、兩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ふ双務的な建前に立つたものでなければならぬ。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國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ぬが、米國の援助義務を規定することが一要件たる以上、具体的には米國が自由陣營の与國と結んでいゝ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國側の先例による拘束を如何に調整するか懸念す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、米國の先例によれば、「相手國（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國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。米國は他國の援助義務を引受けらるにはこの型を逸脱し得ずとしており、この形式は動かさ

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、沖繩小笠原、日本領土、(2)沖繩小笠原、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ゐるが、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。

(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戦術的に使用する場合、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。

(三) 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。

(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ふ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」させるといふ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一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す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間

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。

(4) 期限は安保条約の性質上米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て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）となつていた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。

四 行政協定の扱に関する問題

- (1) 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た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、行政協定に關し、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。
- (2) 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、多かれ少かれ國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承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ところとするや、(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ところが適当であ
ると思われる。

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ないととする。
- 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



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ととする。

とを別途明にすることとする。

士 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案項を削除す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。

極秘

米保
米保
米保

米保

二月六日 藤山大臣在京米大使会議録抜萃



大臣 且最後に安保條約に付一言申上るに

先般米國內各地を歩いた中に聞かせる人多勢の人と

話したが此の回題に關する一般の理解も段々米軍と國民輿

論も逐次社会党の指導から脱して我々の考へていふ方向に向つて

いふ様に思はれ此の點は大使にもお知らせしおいと考へていた。党

内の方を總理と隨時話していが結局は大使と今迄話して来

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回覽番号
米保

た趣旨が纏まると思ふ。今後出来るだけ早く署名出来る
様に努力する積りがあるが、又ライヴジェット或は熱うま子会
合を次々行ふことになると思ふ。

大使 今朝山田治官と有益な話をした。自分はワシントンから
自民党内部が完全に纏まると、又国民の支持確定な
りとの見通しを得る迄は、交渉を再開してはならないとの
訓令を受けている。然し自分は此の訓令は現実的かあるとは

思はないが、大臣と日何時にも話する甲意があるが、然し其のなめに今後又問題が起つては困る立場にある。今後二週向内にパブリックにする会議を行ふことも結構であるが、其の点には是非をなすフライウエイトにお目にかかつて自分の観る所を申し上げるべきである。今後証を進めるなめにはどうしても行政協定に付先づ固める必要がある。勿論條約の方でも証を並行して進めることに異存はないが、

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行政協定に就て証が固らなければ條内の方をワシントンに
 取次ぐことがあまなない次第である。條内、協定何れについて
 も克服あまなむ向題はないと思ふが何れにせよ未だ決つて
 いないことを先走りに公にコミットしてしまふことは總体になら
 ない。様にする必要がある。條内地域に就ては当初本國が希
 望した廣い地域が取目ならば月をうたひて行政協定下り地域
 とし、ワシントンに具申する所存である。又行政協定の實質

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的修下は困難であるが、分租金は三十四句左の約束に
手を触れないなら同條項の削除を身申す所存である。
尚目下国会の問題の核非武装決議問題は政府が之を
適切にハンドルされることを衷心に希望する。此等はテリタ
チの問題である。
大臣 自民党は之に反対の態度である。社会党の原案は
国会に出ない様に今やる事が内容が弱まれば又考へる余

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地ありとの能いがある。 西中に関する 幹事長会議の

おめ如日午後 の予算委員会も流小たのがある。

大使 本日は政府が *adequately* に処理されることを切望する。

本國は固より日本政府の意に及して核兵器を持込を

意図はないからあるからインシデントは存在しないがあるが、

新條内に関するは先般のフォーミュラはあり通り心ずる

甲意がある次第がある。 免も毎核非武装は日印を派

立化し共産側が何時でも掌握し得る態勢に持つ
て行く一つの前途があるから目を政府がうまく扱って
下さることを期待して止まず。

大臣 在野に關しては具解を同様にするものがある。

日米安全保障新条約の概要

三四二二

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。

一、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

秘

原則を謳つた所謂ヴァンデンバーク決議に拠つてゐる。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
謳わなければならぬので、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た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

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）の重要を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。

大規模な間接侵略の場合に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な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

約が變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。

(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)

(一九五九ニ二四)

日本国及びアメリカ合衆国は、

兩國の間に伝統的に存在する平和及び友好の關係を強化し、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、兩國の間の一層緊密な経済的協力を促進し、及び兩國にお
ける安定と経済的福祉の条件を助長することを希冀し、

國際連合憲章の目的及び原則に対する兩國の信念並びにすべての

極秘

國民及び
政府との

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团的自衛の固有の権利
を確認し、

兩國が極東における國際の平和及び安全の維持に共通の關心を有
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

締約國は、国際連合憲章に定めるところに従い、その關係するこ
とのある國際紛争を平和的手段によつて國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、並びにその國際關係において、武

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他のいか
なる方法によるものも懐むことを約束する。

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

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

第四条

締約国は、この協定の実施に關して協議し、また、いずれか一方
の締約国が極東における國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、日本國の施政權の下にある地域におけるいづれかの
締約国に対する武力攻撃が自國の平和及び安全を危くするものと認
め、自國の憲法上の規定及び手續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ぬ。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ぬ。

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。

第七條

この條約は、國際連合憲章に基く締約国の權利及び義務又は國際の平和及び安全を維持する國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。

第八條

この條約は、日本國及びアメリカ合衆國により各自の憲法上の手續に従つて批准されなければならず、兩國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。

第九條

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國とアメリカ合衆國との間の安全保障條約は、この條約の効力發

生の時に効力を失うものとする。

第十條

この條約は、無期限に効力を有する。ただし、この條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條約を終了させることができる。

以上の証換として、下名の全權委員は、この條約に署名した。

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。

日本国のため

アメリカ合衆国のため

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を署名するに当つて、下名の全權委員は、各自の政府により正当に委任を受け、さらに、第三條の實施に關する次の規定を協定した。この規定は、同條約の不可分の一部と認められるものとする。

合衆国軍隊（その裝備を含む。）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なわれなければならない。

以上の証拠として、各全權委員は、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誓二通を作成した。

日本国のために

アメリカ合衆国のために

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行動することを宣言する。

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。

三
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長

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

- 2 -

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

- 3 -

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

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

the

- 4 -

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

- 5 -

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:

- 6 -

PROTOCOL

At the time of signing the Treaty of Mutual Cooperation ~~for~~ ^{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 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:

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.

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 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

- 2 -

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

- 3 -

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

- 4 -

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

- 5 -

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

- 6 -

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:

- 7 -

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:

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(坂野)

(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(案)

日本国及びアメリカ合衆国は、

兩國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奨励することを希冀
し、

また、兩國の間の一層緊密な経済的協力を促進し、及び兩國にお
ける安定と福祉の条件を助長することを希冀し、

国際連合憲章の目的及び原則に対する兩國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

監を再組織し、

両国が国際連合憲章に定める精神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、

相互協助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、その關係するところ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他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、^{（注）}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

発展に貢献する。締約国は、その日既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、第五条に基き飲ま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國際の
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、日本国の地位の下に於けるいづれか一

2. 於ける
3. あり
4. あり
5. あり
6. あり
7. あり
8. あり
9. あり
10. あり

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、自国の憲法上の手續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ぬ。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ぬ。

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國際の平和及び安全の維持に対し締約国が有する共通の關心を考慮して、ア、

リカ合衆國は、その陸軍、空軍及び海軍による日本國內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國における合衆國軍隊の地位は、別個の協定により規程されるものとする。

第七條

この条約は、國際連合憲章に基く締結國の權利及び義務又は國際の平和及び安全を維持する國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。

第八條

この条約におけるいかなる規定も、いずれの締結國に対しても自國の憲法上の規定に反する義務を課するものと解釋してはならない。

第九條

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續に従つて批准されなければならず、兩國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。

第十條

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、安全保障条約は、この条約の効力発生の時に効力を失ふものとする。

第十一條

この条約は、日本区域に在ける國領の平和及び安全の維持のため十分な定をする國際連合の機構が効力を生じたとき日本国及びアメリカ

カ合衆國の政府が認める時まで効力を有する。

もつとも、前記の國際連合の機構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國も他方の締約國に対し一年の文書による予告を与へることにより前記の期間の満了の期又はその後いつでも終了させることができる。

以上の証書として、下名の全權委員は、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國

及び英國により本書二通を作成した。

日本國のため

アメリカ合衆國のため

議定書

日本国とアメリカ合衆国との間の相互協助力及び安全保障条約を署名するに當つて、下名の全權委員は、各自の政府により正当に委任を受け、さらに、第六条の實施に關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。）並びに相互的協助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れなければならない。

以上の証拠として、各全權委員は、この鑑定書に署名した。

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。

日本國のため

アメリカ合衆國のため

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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

- 2 -

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

- 3 -

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

- 4 -

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 IX

- 5 -

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

- 6 -

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:

- 7 -

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 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:

候にお預りとし、書面は裏に付ない

此の方格に同様の者があるか否かを整理し、五十七号を二にあげし

す、之等々諸号を別格者として格付し、その内から此の格付は格付しない

とのこと、格付の半九諸号を二種に分けるお示しする、別格者がある

格付は、過去に於ける格付運用の経路を基礎とし、其運用の地位

に因り、格付並びに或る程度、NATO協定を参考として行なうものと

「調整」は、此の格付の自明の思は、い、去と等々、い、修正は半蔵

外務省

於て問題とすべしと見ゆべしあり或は問題あり得べしとありありと

見ゆべしを以て争ひありありとあり (「提議する問題」修正「朝

野」三又書と手交)

以上は日本側の内閣委員と網羅せしむるべし。五十七以上は去ない、

朝野及「修正」のまゝ十九条には「本例」の「本例」の「本例」の「本例」

して行くことが「法」を「道」を行く「法」に「法」に「法」に「法」に

「本例」の「本例」の「本例」の「本例」の「本例」の「本例」の「本例」

行政改革事項の之を議合にかけしは行かない。他を平接するは

事務を又尋議を責め代る方法を予め研究を要するに

古長 研究を志し。然るに閣内にかつてこゝに於て。事務の事柄は

ら。他の方柄を先づきし見ふべし。

古長 尋議の扱は。以ては。その内言より知る所なり。又古長は。之を

御覧に立つ意見と申上ける。査接があるが。行政改革に關するは

情に與はず。即ち。行政改革に關するは。白書は。以てし多きは

知るべきが技術的知識に於て是れなり。其國政府内
 に於ける主者は専ら其階級に在る者にして、其階級に
 在る者、自らは他人の秘密を暴露し得ず。故に其階級に
 在る者、其秘密を暴露し得ず。或は主者は其階級に在る者
 持主は、金貨の形に於ては、其階級に在る者、其秘密を暴露
 一寸幣見れば、其階級に在る者、其秘密を暴露し得ず。其
 主者は、其階級に在る者、其秘密を暴露し得ず。其階級に
 在る者、其秘密を暴露し得ず。其階級に在る者、其秘密を暴露
 し得ず。其階級に在る者、其秘密を暴露し得ず。其階級に在る者、
 其秘密を暴露し得ず。其階級に在る者、其秘密を暴露し得ず。

福和社にお返し。

前記の書状を、福和社に送付し、返答を待つ。手配は

念のため、福和社に送付し、返答を待つ。手配は、念のため、

し、先づ、手配を急ぐ。福和社に送付し、返答を待つ。手配は、念のため、
major problems と

福和社にお返し。手配は、念のため、

手配は、念のため、

手配は、念のため、

ナレハ、まじり、あつ、
ナレハ、又書は、まじり、
ナレハ、又書と、同存なく
作、成、せ、れ、り、の、旨、を、記、明、せ、り、

ナレハ、は、米、阿、文、書、と、御、持、付、願、う、を、あ、ら、う、か、

ナレハ、一、心、お、思、い、ん、と、い、ふ、か、
事、の、又、書、を、お、手、一、し、ら、ぬ、問、題、か、
ナレハ、

に、多、く、あ、る、と、い、ふ、か、に、か、つ、て、い、ふ、の、い、
た、り、米、阿、文、書、を、あ、ら、う、か、に、付、こ

意、思、を、申、上、り、し、る、は、お、ま、い、

ナレハ、も、米、阿、文、書、と、同、存、を、あ、ら、う、か、
ナレハ、も、米、阿、文、書、と、同、存、を、あ、ら、う、か、
ナレハ、も、米、阿、文、書、と、同、存、を、あ、ら、う、か、

漢語があるが、古仲は秘秘秘にすゝめあかき。持てゐるは三十三

三十三字は今申し申さないといふ言ひにせよ。すゝめ、外に漢字は

甚だ困るが事とす。 (此の同太史は日本例をききまへらうと流し

古史 今寸文事と拜見してはけり。白紙は非書に此殿の御事なり。

此の謂ふは本年内に法正増多の旨には程々忠告候へ。一九三〇年三月

に成るるは此の如くと思ふ。

今向う後念の米例が如何に様々なるかは御承知の事と思ふ。米園は

外務省

上使 未過未前に必ず申上り。協定や調整は五割五割の足切りはあつて

思方、唯 毎日東側文書の中には駄目だと思ひつゝあつた。

大臣 上使の如き意見を賜ふ。若し若しより調整をせよと云ふこと

それには 行政協定の相済行は委員合意後、ヤリと云ふ議論を抑

制するにしよう。自らは第一案はとつて決断はいいが、第二案に行く

可成りである。由來、限りが第一案で可成り調整をやり、二と

送らう。

古使 言附より先葉は白事御成りけりとの事なり、廿一葉」と云ふオムナリ

がとは成り得ない、米割には先葉より多く方は五割の余地なく、唯

一方は倍額と勘定を一括しおふる事である。

先般 船田会長 福田幹事長にお話した際、此の事ははるまじ申上

西代とも之を認めらる。高きと際、外務大臣の手を縛る格な

三つ二様を御話した。船田氏は一括払い格好と上、調印は

若陸の違無事候か、と思ふが、ちまひ意見如何と云ふ事である。

自らはそのは協理及び外務大臣の御手紙に於て極盡力す可きと

答へて置かぬ

大臣 貴殿の御手紙は早はらひに致し、事出申上りた便り迄は簡

たつ整つは何時か、おしんか、りる。

大臣 事進は申上り候。亦、金銀ありならは、其儘申上り。

大臣 尚、もつ、つ、六書と書上り、二は、協言、又、書上り、今、は、

解、申、上、り、也、既、然、の、文、理、を、要、す、同、様、に、書、上、り、可、き、と、

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秘	10

CONFIDENTIAL

March 19, 1959

三日月に於て大臣官房総務課
手交

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 prin-
ciples 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 1

- 2 -

ARTICLE I

The Parties undertake, as set forth in the Charter of 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 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.

ARTICLE III

- 3 -

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

- 4 -

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

- 5 -

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

- 6 -

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:

- 7 -

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:

(仮訳)

(一九五九・三・一九)

日本國とアメリカ合衆國との間の相互協力及び安全保障條約

(案)

日本國及びアメリカ合衆國は、

兩國の間に伝統的に存在する平和及び友好の關係を強化し、並びに民主主義、個人の自由及び法の支配の支那の原則を擁護することを希望し、

また、兩國の間の一層緊密な經濟的協力を促進し、及び兩國に於ける安定と福祉の条件を助長することを希望し、

國際連合憲章の目的及び原則に対する兩國の信念並びにすべての國民及びすべての政府とともに平和のうちに生きよとすることを願

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憲を再確認し、

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、その関係するところ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

正論を危くしないうりに解決し、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他のいかなる方法によるものも、行はずことを約束する。

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

第二条

締約国は、その自由な制度を他国にすることにより、その國際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國際關係の一層の

発展に貢献する。締約国は、その国際経済政策上の争因を除去することに向け、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、第五条に蓋を執られる措置を含めてこの条約の実施に關して協議し、また、いずれか一方の締約国が極東における国際的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

○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ぬ。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ぬ。

第六条

日本国の安全に脅与するため、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。

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

この条約におけるいかなる規定も、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。

第九條

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、兩國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。

第十條

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に、安全保障条約は、この条約の効力発生の時に効力を失ふものとする。

第十一條

この条約は、日本区域に於ける國際の平和及び安全の維持のため十分な措置をする國際連合の機能が効力を生じたとき日本国及びアメリカ

カ合衆國の政府が認める時まで効力を有する。

もつとも、前記の國際運合の擴張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國も他方の締約國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、下名の全權委員は、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國

及び英國により本書二通を作成した。

7
日本国のために

アメリカ合衆国のために

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、下名の全權委員は、各自の政府により正当に委任を受け、さらに、^六第~~五~~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^五第~~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。

以上の証文として、各全權委員は、この國定書に署名した。

千九百 年 月 日に東京で、ひとしく正文である日

本圖及び英語により本圖二圖を作成した。

日本國のため

アメリカ合衆國のため

CONFIDENTIAL

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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.

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" shall 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

- 2 -

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

- 3 -

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.

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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 XIII 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.

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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.

- 6 -

⁴²
41. 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
42. 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
43. Claims shall be waived only when the properties concerned were being used for the purposes 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
44. 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
45. 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.

Article XVIII paragraph 5

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

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

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

Article XVIII paragraph 6(a)

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

Article XVIII paragraph 6(b)

52. 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

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

Article XX

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

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

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

military banking facilities.

Article XXII

56. Delete unless absolutely necessary.

Article XXIII

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



行政協定改訂問題点 (PROBLEMS RAISED) (Min. memo)

才一条

- 1、構成員は、一契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、公式談事録の「高級熟練技術者」を軍属より除外する。

才二条 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。

才二条 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。

才三条 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。

才三条 2 項

12、電波等に関する経過規定を削除する。

才四條

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。

15、3項の規定は1項2項及方にかかるよう規定を明確化する。

才五條 1項

16、「施設」に非ざる開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。

才六條 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。

才七條

19、「優先権」を削除する。

才八条

20、全文修正。

才九条 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。

才九条 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。

才十一条 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

材、需品及び備品」を削除する。

才十一條 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。

才十一條 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・区域内に税関職員を駐在を認める。

才十一條 6 項、才十二條 8 項、才十五條 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。

才十三条 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。

才十二条 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。

才十二条 5項、才十五条 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、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。

才十三条 2 項

38、「家族」を削除する。

才十三条 3 項

39、「有体又は無体の」を削除する。

才十四条

40、全条削除する。

才十五条

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。

才十八条 1 項

43、請求権の抛棄は被害者が安保条約の目的に關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。

才十八条 2 項

44、請求権拋棄は、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。

才十八条 3 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。

才十八条 4 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。

才十八条 5 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。

- 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籍料を払う。
- 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。
- 才十八条 6 項 (a)
- 50、「文民たる被用者」を「軍属」と改める。
- 才十八条 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。
- 才十八条 7 項
- 52、合同委員会の代りに中立的な裁定機関を設ける。
- 才二十条
- 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。

55、軍用銀行施設の新設、移動は事前に日本側と協議する。

才二十二条

56、本条は必要不可欠でない限り削除する。

才二十三条

57、全条削除する。または、前段を削除し、後段を才十七条に移す。

CONFIDENTIAL

March 20, 1959

ADMINISTRATIVE AGREEMENT

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 IX paragraph 1(a)

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

18. Article IX 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.

CONFIDENTIAL

March 20, 1959

ADMINISTRATIVE AGREEMENT

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.

- 2 -

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.)

- 4 -

8. Article ^{IX}XI 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

- 5 -

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

- 6 -

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 FX, 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.

CONFIDENTIAL

March 20, 1959

ADMINISTRATIVE AGREEMENT

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.

- 2 -

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 ^{do not} ~~don't~~ 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.

- 3 -

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 otherwise 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.

- 4 -

(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 price 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

- 5 -

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, Toyonmi-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.

11

大臣

次官

参事

主事

書記官

秘科

米倉長政

参事

三月二十八日 参事長官 米倉長政 参事 米倉長政



日付 昭和三十一年三月二十八日 午後七時四十分 於東京

参事 米倉長政

参事 米倉長政

参事 米倉長政

参事 米倉長政

参事 米倉長政

参事 米倉長政

回覧番号
水 印

次修正に關し

中身は通書に於ける如き、格差、通書、と云ふこと、

通書といふは、勿論毎日一人づつ通書と云ふは、

中身は、格差、通書、と云ふは、

格差といふは、格差、と云ふは、

格差といふは、格差、と云ふは、

格差といふは、格差、と云ふは、

大臣 権柄 氏

大臣 権柄 氏 閣下 へ 御 座 います。 任 務 上 の 事 務 等 へ

A common concern
the security of Japan

大臣 権柄 氏 閣下 へ 御 座 います。 任 務 上 の 事 務 等 へ

大臣 権柄 氏

大臣 権柄 氏 閣下 へ 御 座 います。 任 務 上 の 事 務 等 へ

大臣 権柄 氏 閣下 へ 御 座 います。 任 務 上 の 事 務 等 へ

大臣 権柄 氏 閣下 へ 御 座 います。 任 務 上 の 事 務 等 へ

乙書に記す所、自前日東京閣の何故に去降かあるか、亦書に記す所、

破儀格部より即降法、並助格との関連があるか、亦書に記す所、

内記渡り、亦書に記す所、亦書に記す所、亦書に記す所、

し、亦書に記す所、亦書に記す所、亦書に記す所、

大臣 校段は其の通り、亦書に記す所、

治制局に於ても亦書に記す所、亦書に記す所、亦書に記す所、

大臣 防衛力養成に關し、亦書に記す所、

working together
statement of fact

亦書に記す所、亦書に記す所、亦書に記す所、亦書に記す所、

殊に（ ） 中言修訂

为中事は言再取問題三人言ふい子。提議は、日本側の intention とは思は

たが極意動意の圖が得、為提は今回の事情は、日本側

を是助的且、永続性有。基礎は言いながら、この信意を提議と

水、日あり上後提、為務者言にその意提で提いむ。提大の意を提

の提議が提い限り、日本は亦言う、その意を提障の途を提いむと提

二と不事、言を提議提議は之と合く及なり、印案を言う、その提

土使 増富が、この一書は、その中に、
（中略）

土使、^目増富が、この一書は、その中に、
（中略）

は、土使、増富が、この一書は、その中に、
（中略）

此の、土使、増富が、この一書は、その中に、
（中略）

美智子、
expert finds
analysis
（中略）

（中略）

（中略）

三十一日
金澤市
金澤市

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.

平山正房
大臣官房総務課
附屬

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,

~~Recognizing 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

SECRET

-2-

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.

SECRET

SECRET

-3-

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

SECRET

SECRET

-4-

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.

SECRET

SECRET

-5-

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 Telese 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.

SECRET

SECRET

-6-

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:

SECRET

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.

SECRET

極	3
秘	8

34-3-31

(Draft)

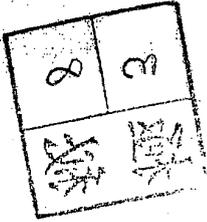
(Japanese Note)

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



(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,

沖のきき

古使 弟等就に行るは各にその侍助の見送承り候し

古臣 弟等我より借足候に相子と聞ていふは、いふにははるよりいふは云ふに

心先が三思ははかふし、ぬれ、持積上臣より所ていふか、上書り候は

は務事總長より伊幸の上候め

古使 一般の及、景於河に親とおふいしや

古臣 此程も今朝いづく見ぬか、各候寸評胸事、改言竟の喜ひ

外務省

方は好意を以て之なり。一般の事は未だ決らざるに在り。其の如き
際まで之を判断と思はざらんことを望む。

古使 船が来りしより、折角は一般に批准船であり、船は各社の批准船
白紙書を提出せしむ。

古使 船向といは左様な事と云つた。

古使 條約に用し一般が船が折角と向はる程、常は怪まらざりし事ありと思ふ。

古使 同國である。若し政府が交渉を中止し去りと言ふ事にならざれば

外務省

先日の大臣使の報告に於て、先日は在任の件は「ア」にて

是等の事については御座る。又、先日は在任の件は「ア」にて

是等の事については御座る。又、先日は在任の件は「ア」にて

先日の大臣使の報告に於て、先日は在任の件は「ア」にて

先日の大臣使の報告に於て、先日は在任の件は「ア」にて

先日の大臣使の報告に於て、先日は在任の件は「ア」にて

大臣 先日の大臣使の報告に於て、先日は在任の件は「ア」にて

先づ條約から申上げ。

カミマの
separately
jointly
復讐に同意あり
上は母なるか、又は父なるかと云う

へんれなりか、お活の如く、PとVの共同を云うおまこと云うと判りか、

例うは一月令旨の下に一作と云うか、二つのもうか、協力する事申すなら

す、要い二つのまゝ、一作は云うと云う意味と云うと、意味上の同意

たゞ来る。迎言は及好むを、耳が用法に對かある。

古便
別のまゝ
を
に
を

提言ニテは是等他ノ所長ノ治カセテ豫メトシテ行ハスルコト

古使 酌量ヲ用テハ申上ルニ通ラズテモカク日本領ノ神領カテ禁禁

明カニ示シテ交シ 實地調査ト日本領ト日本防衛ノ為協儀ト

ヨリ書ラセヨ

本使 中々余ハソレハ...

古使 自ラカテハ提率ニカテ二返カテ共ニ其ノ意ニ合ハスルカ

indefinitely
在シテ是ニハ始ラズテモ 予達ノ措置ト云フハ非決意的

外務省

改正の才三項は、
feeding the public の感ある
自らの責任は二項である

問題がある

大臣 其改は、
黄葉運動の意見ありし

大臣 其改の方向は、
如何なるかは、
如何なるかは、
如何なるかは、

大臣 其改は、
如何なるかは、
如何なるかは、

大臣 其改は、
economic stability and well being
として、
徳治ありし

大臣 其改は、
如何なるかは、
如何なるかは、

外務省

中五段の a common 及 the security は御法通了訂了す

中五條は ~~は~~ may be とす。三を御法通了

中四条は 先利御法通了。もうかしきる。all reports は

要らぬとす。

中五条 security は御法通了 safety とす。

中六条 will be は is とし。とす。

中七条 御法通了 in conflict with とす。

外務省

才九尋
procedure
は
process
の
義
なり

議定書は 官務 又とする。この書を作るは 特別御手しるし

土使 其のなほ 同題は 最早や 九三條及 九四條の 子可なりと

なり。 特務に就ては 土使 活は 出来たと云ふことなるし

レニバーとら使 尚九條に付 日米の 並にこの 長あり

土使 四種ノテキストを作る 方は 遊年なり

土使 是等は 更に 研究なし 為此 外務 院に 移りなし

美子などあり

トイトト使 此ヲ程用浮が 予軍の量にない年三三が
ノ内強

西を圃とす

古使 予軍は白本に司令部を有し 直接相違に當り白

のうエ陽も持ていながら 二とてあるが、 若干の直にありは

理地があるが、あるが、 予軍は白本防衛に直接

関係なく、 仲着に来る者が多かあるが、 高此等特殊な

外務省

輸入する電子機器の半軍用化が使用よりあり自行

際、製造過程に使用のものがある状況である

clarificationを試みた

要病はない

大臣 「調整」が十二案は「有価」又は「無償」の「調整」と云ふこと

同じ問題がある

大臣 clarificationを試みたことである

大臣 「調整」が十九案も既に「有償」と「無償」とあること、半軍用が

日本は米子に徴兵訓練す積習となすこと云ふ規定はめだつ
感覚する望みなくならざる。絶好の機会に必要なら限り削除すべし。

土使 此等は言實問題である。米國には徴兵制がある。予備

隊の義務を果すたゞに種々の形あり。米米子外には軍人や

海外在住者の子弟は此の徴兵に就きり現地に云ふ徴兵隊の義務

を果し得る程にたゞする。云は要するに米國市民としての義務を

海外に果し得る程にたゞする云ふの同趣である。

外務省

レハトト使 極上の物言かないと日本國由の行つたときも浮世の上の

困難ありや

吉使 此の物言が 政治的困難ありと云ふことであらう之を議事

録に議事をいふかと思ふが 言重の初は ことトは困難すし

物言のいふに行けといふ 議事録に下言は研究しおし

士臣 極上の物言かないと云ふかと思ふが 尚研究すべし

次に修正しに移り、先長は舊儀の意義を固すも

日本

外務省

樽屋の入国命令を喜持の事件と同一と見做すに属行し、喜持
命令に依るならば、来日する軍人は協定上、樽屋と同一扱はない旨、議
事録に記す解し。

古徳 日本側の同意と理解するが、伺ふに、迎撃は命令外に
佈置に来る軍人や、ビシネスなりの旅客の入国する軍人は排除
するに御趣意か、例はドレーパーに随行する軍人の如く日本に
在る部隊の樽屋と同一と見做すに、命令下に来るものは含みよか、

外務省

又休暇と云ふは leave order と云ふもあらず。又	専ら、之は異なす。要すは "official duty" は	いふ事、事業、又は official order detailing personnel to Japan を指す。と云	ふ事、臨時の命令と解して異なすや	大臣 命令外に依りて臨時に命ぜらるる事	掛除されぬ。トシテ臨時の命ぜらるる事、即ち防衛に	自達する事、臨時の務を在り、その臨時に命ぜらるる事、概
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外務省

煙草は古使の煙草といふに違ふを尋

古使 二水は major question of substance
いあり、自からには御登生事ない。之を

ワシントンに控案了は 軍毒委員とひるも 長崎時代の問題を尋

いし

古使 更に研究をいし。次に中二点は 龍嶽之儀と信房におき

米軍の権利の問題を、 踏掛統の意味等 問題が多ふを

西事情多る多に 先分改訂をいあることとありし。

外務省

右使 雨車積り多し。先刻迄合子にて何事無存なし。

右使 先刻迄より先刻迄合子にて何事無存なし。

右使 合子にては控槽あり。控槽ありと何事甚かむ。

右使 修込一沖回乗付。船舶航路標の周境へ提過あり。

右使 航路標を途中
under normal conditions
削除は撤回可し。

しりし。

右使 先日「フア」に因りて解入つと申し申上りた如く。

外務省

古使 運送は始末で多しと思ふ。但し議事録の処理を以て

二は整理を要す。

古臣 修治の件は其れ同様の内題である。

古使 議事録の扱ふことを考へ、且右例では右に於て議令等

係上望まぬことと云ふことと懸念す。

古臣 政府部内は於て一紙なり。

大使 古君古臣は整理の命令等々を懸念す。議事録とは別

外務省

個體之権利を尊重する事也

素原長 現在之法律に譲渡あり、何れ之と同様譲渡あり

作成すべしと云ふべく、その中に記載すべしと云ふ事也

大臣 修治中田氏は何等か利益を得ず

大使 米軍は其修治の下に於て自其防衛の義務を負ふことには

何れも之を以てする事、其の権利は必ずしも *contractor* の権利を制限すべし

は甚だ無理なりと云ふ、誰か一言を以て之を極端にせ得る事

外務省

の判言を以て書出さる事は承知申す。且右例の問題とすべし
は各者より何者かあるか、

大臣 通電士等、建設者等も是の問題なり。

大使 例は通電者が行き過ぎる保護主観から問題とする事は

過ぎる程である。此の問題は捨取のゆえと、特権と二つの面が

あるが、前者の問題とすべしは何れの問題なりや、

常保長 勿論特権の面なり。

外務省

大臣 日本は米軍の *contractor* を使っている。米軍が *contractor* を使おうとするに異存ない。唯、たまに持統をよこすよこすの問題がある。

大使 之れ持統をば、軍事要人の内閣と関係する事を得ない。書面問題とならば、あつた。一九二二年を要する事だが、之をやらざるやばい。勿論、土凡の解明にはなつてゐる事である。形を種々同様に、合同書も入る。もう少しやると見ると、どうしてあつたかと思ふ。

日下の後者は、書面問題を降け出す事には合致しない。 *package* を

外務省

ハコトニモシテアリ

古屋 自前リ何ヶ月も迷踏ん入つてしまつて子にハモクつてない

十五番電報局は 免税その他考の特典は問題が有る 古屋の言は

れも方格が實際にやれぬやうな事と考へてもよい 務省に後取

人の程を下げと聞くと 運用面は改善の余地あることが分り

又議金よりその運用を説くこと

治は「修治」第10巻で、講求権相互放棄に同じ、日石例が

外務省

防衛省関係と対応とするは態度は失すとの儀請給し、甚だ

困難の問題であることは承知し、この点、由事には相手が望む

左便 大臣が去る、言を分るると下すものは有難い、二、三、話合

つて、この言附は解決は望まれない。

左便 此の案に同じ、國産肉仔請求権は、是例より解決は

の必要があるか、米例に於ては協力して、此の案の解決し方い。

左便 借文の所、この案は國籍者が主として、肉仔はあり困難

外務省

あつた。協定の交渉は、事務なるが、協定である。

大臣 國政の問題は、審議の所、協定は、協定である。日本、協定は、

協定は、協定である。協定は、協定である。

大臣 自らに努力する。國政は、協定は、協定である。協定は、協定である。

協定は、協定である。

大臣 協定は、協定である。協定は、協定である。協定は、協定である。

事務は、協定である。協定は、協定である。協定は、協定である。

外務省

大使 事務の活合については、
言明問題として自らは法廷

に上訴し、
言明問題として自らは法廷

に上訴し、
言明問題として自らは法廷

に上訴し、
言明問題として自らは法廷

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言明問題として自らは法廷

に上訴し、
言明問題として自らは法廷

外務省

会端は望まぬといふ事

大臣 事件の経過として、當委員会の審判の際、米軍側が

陸軍の由を以て解雇と認め、判事判決が由を以て認めしむるに、之が

由を認めないで、否之的の判決となり、存ん 日本政府が解雇者と

認めない、之はならぬといふ事、事實が如何なるにあり、米軍側

或程度もよろし、何と、由を認むるに思ふ。 由を以て陸軍を以て

に故を認め、由を認むる事、此の如き事が協定の趣意といふ事

外務省

この御書の問題につきまして

古使 今の御書は保身解危のことであらうか 軍制の改定と

保身解危はともかくも保身解危のことにあつたらうか 保身は固執して

軍制とも保身の必要上保身解危の権利は絶対的なものである

あり、此の旨は保身改定しこそ何となくないか

大臣 保身を極力こころと云ふことと考に 軍制と改定する

この旨をいふ保身が善いといふは批判が減少する。保身

外務省

重要事項は事務総長を通じて又は今後の方針は全社関係
 とあり 同様の協議とあり 同様のなくしていかう従
 来の態度を是れ解決しまい 本解決の態度があるとは
 是非が直ぐに協定が悪いと言ふ 批判に及ぼさるる 吾等の問題
 もそうである。

大使 特別協定の署名が終つた後 協定解決の活動が
 必要であると思ふ

外務省

大臣 昨日は午後四時頃から今日午前九時頃まで、外部

事務

事務は追って概観致すし。

大臣 昨日の二時頃は今後大いに多量に思ふし。

外務省

本尾 御研究と多とする。之なるは、擇り易きが、道に確量よし

古史 治は才回考は、自其師の案に照し、中平回考をもちて

と見こり、三ノ國と、思はれ、其と、別紙の事と、尋らん

(別紙ニ、古史考) 之は、平回考より、少し、廣く、記し、た、あり、か

と、なる、事、は、三ノ國に、是、申、す、る

つ、こ、り、け、に

大尾 御考力を、多とする。修給地賦、と、云、ふ、字、が、本、に、事、を、し、こ、り

あり、か、し、研、究、し、た、い

七使 最近の事の中には自らの方の先達の提議の諸君の内閣
会事と云う解り

七使 又さういふ事

七使 又さういふ事は、子々々々、協定、合意、議事録、合同

七使 又さういふ事は、承進の了解、尋ねて一括して所定様

七使 又さういふ事は、

別
行

SECRET

individually and in cooperation with each other

SECRET

別
紙
=

SECRET

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

SECRET

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大臣

次官

参事官

治長官

保長官

秘決

参事官
参事官

四月八日参事官在参事官使令記録



日守 既知三百年間人の手傳回得軍か一七時ナカ、於事未止ハカ三三三三三三

出原若 藤山大臣、山田治下、森未治長、高橋信治長、若原長

カシヤカ一七使、カシヤカ一七使、カシヤカ一七使

大臣 既知三百年間人の手傳回得軍か一七時ナカ、於事未止ハカ三三三三三三

既知三百年間人の手傳回得軍か一七時ナカ、於事未止ハカ三三三三三三

既知三百年間人の手傳回得軍か一七時ナカ、於事未止ハカ三三三三三三

本署に於ては、事務の整理、改善の爲め、事務會議の干渉に事なすは、行かぬ

上は、事務は、事務會議と目録と、事務の整理、改善の爲め、事務會議

に、事務會議は、二年に一回、又、事務會議の開催に、切斷、之は、切斷

本署に、事務は、事務會議に、事務會議の開催に、切斷、之は、切斷

事務會議と目録と、事務會議の開催に、切斷、之は、切斷

事務會議、事務會議の開催に、切斷、之は、切斷

事務會議、事務會議の開催に、切斷、之は、切斷

最近に至るに御手付する事あり。是れ當分の修繕の持主より或は外部

に陳述の米湖の上議合がしりし事と其の由りたる事とす。種々な事

は事案は異なり、五九平由りすと云ふ事には是れ打直し。

元々米湖は、古堤防、水防等及びその身、今何日修繕の一方は修繕を

除きしつゝ日本防衛古堤防がしりたる事、修繕の改良と云ふる解であり、

かゝると米湖としては其の修繕の改良と云ふる解であり、行政課定は

らぬと言ふ事案に主とし、其の基礎よりしては修繕の改良の江河を得る

不意、若し其のう解が違ふなら治は別、若く長動を要する事候に

了らざらん、此は中業の大の事候す、此の事方にも限る、此の

事。

大臣 大防が警方には候へ、此の感候して、修治の行に當り、此の防費

全而治行は候理と見ゆ、又此の事方にも限る、此の事方にも限る、此の

事方にも限る、此の事方にも限る、此の事方にも限る、此の事方にも限る、

漏漏事向あり、此の事方にも限る、此の事方にも限る、此の事方にも限る、

已志之傷下と思ふ。格付は果に其を

臣に於て母を以てす。

古便 以上皆臣に在りて下之要務を任はるべき事なり。

古便 米倉長官は下之事を任はるべき事なり。

米倉長官 (中三幸の施設に就ては、二幸との衝突を免す)

以上及 然るに其の趣意は、二幸との関係から、其の趣意は、

以上を要する事なり。

古便 以上は、其の趣意は、二幸との関係から、其の趣意は、

其の儘とす。測つは
arrangement
に事と云ふのは著と制限の存感あり。軍

の方面は伊豆達原に下降ありとも備となす。とあり得。又伊豆達

法律に於ては研究の要出と云ふは事と事と云ふは其の趣意あり。

は平測の同題はと云ふは其の趣意あり。又 when occasion requires といふは解

法に於ては、河出の事と云ふは其の趣意あり。と云ふは其の趣意あり。

亦其の趣意あり。は其の趣意あり。は其の趣意あり。は其の趣意あり。

其の趣意あり。は其の趣意あり。は其の趣意あり。は其の趣意あり。

外務省に
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notus
ありて
河合金

日本昭和三十四年六月三日
閣議決定
昭和三十三年六月三日

昭和三十三年六月三日
閣議決定
昭和三十三年六月三日

昭和三十三年六月三日

外務省
総務課

土井
よしのと名子が研究

昭和三十三年六月三日
閣議決定
昭和三十三年六月三日

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吉使 日本側が保身係を認むは保身係を認むるなり又日本の業

者、日本の業に在りては保身係の認めざるは保身係を認めざるなり

は保身の事なるは保身係の認めざるは保身係を認めざるなり

例、保身係の認めざるは保身係の認めざるなり

保身係の認めざるは保身係の認めざるなり

保身係の認めざるは保身係の認めざるなり

去使 事件は全く予陪審員問題あり。予審員は全く予陪審員関係で

予審員は no voice あり。自らは全く御役は全く得ない。申上るべきは

之は major problem あり。持主は、長崎海軍工廠の予審員問題あり。予審員は

個人は強くおっしゃるまいが、

去使 更に研究する。

去使 十一年頃より問題がありと承知する。之も同様におありし

なり。十一年の問題を控えることは此の段階ではありと承知する。

大臣 再考すべし。

二十二年の閣議は強割れ使を津法を限り問題なら其の運送し

申請するを以て追かして得たなり。

大使 ワシントンに取次ぐこと、自らは義を以て急ぐも、横濱衛士協会の関

係の事情ありや否や、承知せし。

米島長官レターに於ては、日本事務、日本領のワシントン、パネー

びあるを詳し、自らは協定を以て急ぐこと詳し、日本領の

有るが、既に三集十回より多く、問題提起の多くは、~~その~~ ~~こと~~ ~~に~~ ~~関~~ ~~し~~ ~~て~~ ~~は~~ ~~な~~ ~~し~~ ~~た~~ ~~と~~ ~~考~~ ~~へ~~ ~~ら~~ ~~れ~~ ~~る~~ ~~。~~

有る。従って各條は、日本側の要求を如何に形に押し合ひする

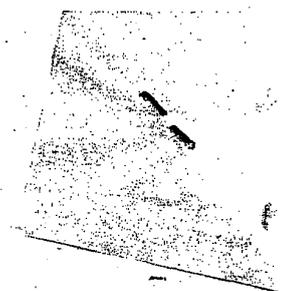
表現するものは、必要に依りて更に検討するに必要なし。

左記の件は、~~その~~ ~~こと~~ ~~に~~ ~~関~~ ~~し~~ ~~て~~ ~~は~~ ~~な~~ ~~し~~ ~~た~~ ~~と~~ ~~考~~ ~~へ~~ ~~ら~~ ~~れ~~ ~~る~~ ~~。~~ 会が、草案を論じると云ふことは、固く主張するに

~~その~~ ~~こと~~ ~~に~~ ~~関~~ ~~し~~ ~~て~~ ~~は~~ ~~な~~ ~~し~~ ~~た~~ ~~と~~ ~~考~~ ~~へ~~ ~~ら~~ ~~れ~~ ~~る~~ ~~。~~

自らの問題あり、古使の問題あり、あるは問題を整理し、いふからうまく

権を認め、古使同意あり。



極秘

日米安全保障新条約案骨子

才一条（國際平和維持）

兩締約國は國連憲章の原則に従い國際紛争を平和的に解決し、
國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ざることとし、更に國連の機能強化に協力する。

才二条（政治的經濟的協力）

兩締約國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關係の強化に努め、更に經濟的協力關係の緊密化に努力することとする。

才三条（防衛協力）

兩締約國は、個々に及び相互に協力して、継続的且つ効果的な

四月九日閣議に於て

大臣説明用

（自衛隊に於ては）

自動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。

才四条（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。

才五条（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。

才六条（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。

才七条（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。

才八条（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。

才九条（批准）

批准条項を置く。

才十条（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。

才十一条（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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たむ

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事務

事務

事務

岡山府 藤山 土佐 佐賀 長門 出雲 美濃 尾張 越前 加賀 石川 富山 福井 滋賀 京都 大阪 兵庫 奈良 和歌山 徳島 香川 高松 愛媛 高知 福岡 佐賀 長門 出雲 美濃 尾張 越前 加賀 石川 富山 福井 滋賀 京都 大阪 兵庫 奈良 和歌山 徳島 香川 高松 愛媛 高知 福岡

東郷

日清 日露 日韓 日英 日米 日露 日韓 日英 日米

海軍省 陸軍省 文部省 内務省 司法省 農商務省 大蔵省 外務省

文部省 内務省 司法省 農商務省 大蔵省 外務省

土佐 佐賀 長門 出雲 美濃 尾張 越前 加賀 石川 富山 福井 滋賀 京都 大阪 兵庫 奈良 和歌山 徳島 香川 高松 愛媛 高知 福岡

尾張 越前 加賀 石川 富山 福井 滋賀 京都 大阪 兵庫 奈良 和歌山 徳島 香川 高松 愛媛 高知 福岡

京都 大阪 兵庫 奈良 和歌山 徳島 香川 高松 愛媛 高知 福岡

福岡 佐賀 長門 出雲 美濃 尾張 越前 加賀 石川 富山 福井 滋賀 京都 大阪 兵庫 奈良 和歌山 徳島 香川 高松 愛媛 高知 福岡

外務省

上掲第十回人の委員各名を附して一月を限り遅延せしむるべし

外務省委員の協賛金は内閣省協賛金と同様であること

十日の事は未だ十日の議定に下す意見を聴き外務省に意見を述べる

はたしむるが如く外務省に意見を述べるべし

九十五の文は河越氏は河内問題が重要なるに於て協賛金の事

事かまざるべしと云ふ形にしたい惟だを有し今御下す所は余り

自らは意見を附さない

弄す。またある。自らは不臣の事重可の意見を取らぬが、自らの親を

以ては事案が解決す迄言柄は *undone* あり。今後如何に道ありか判

断り難し。またあるを得ぬ。

政府の閣議より堂下要職に付ない一人の意見が事案を急ぐこと

云々。存心こそは *serious thing* あり。堂内には或は總理及外務大臣より云々。

か上りの意見人。云々。 ~~事案~~ なる好まぬ向うあり。云々。承印。云々。云々。

人達が何処迄を其の道果に済し。政府が云々。事案を云々。云々。

由來のなる、其の延ばすは、
道に *better* の事、
反対のなる村の事

その場、
は如何に書かすか
その場、
は如何に書かすか

事、
に *national* の得る時
は如何に書かすか

自らは *offensive* の
積りで、
事、
は如何に書かすか

此の事、
は如何に書かすか
事、
は如何に書かすか

大臣が、
は如何に書かすか
事、
は如何に書かすか

君の *cold heart* の
御判断を承りました。

大臣 西武等は先利にせしむるの弊を正すの爲、大臣等が理を述べ

申す言ふに、人々の心を安んずるに、強ひては言はれず、弱くも現に

よき分をいふに、道は徳の基、徳は仁の基、仁は義の基、義は礼の基、

礼は智の基、智は徳の基、徳は仁の基、仁は義の基、義は礼の基、

礼は智の基、智は徳の基、徳は仁の基、仁は義の基、義は礼の基、

徳は仁の基、仁は義の基、義は礼の基、礼は智の基、智は徳の基、

徳は仁の基、仁は義の基、義は礼の基、礼は智の基、智は徳の基、

再又旅亭研會の事。

古便

御治と承る

ハハハ

ハハハ

協理の職務が

当初の基礎に

進可也

協理の職務が協理の職務が

協理の職務が協理の職務が

協理の職務が協理の職務が

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協理の職務が協理の職務が

協理の職務が協理の職務が

十二日に御下見の旨を御座り候事

大臣 候旨は申上り候事。之に申上り候旨は御座り候事

御座り候旨は御座り候事。御座り候旨は御座り候事

一〇日以上の御座り候旨は御座り候事

内五 御座り候旨は御座り候事

か如事候旨は御座り候事

大臣 米例の御座り候旨は御座り候事

修給控は行はたさるし

去臣 今の手書には秋の臨時委員会に修給控を
おすまをたすから

よまは内閣なり (五時二十分)

此ら修給控に内閣に改め移す

(以下別紙を添付) 去臣を控へた
井岡 去臣の控へた

上欄記載の通り

大使 以下ナ田人番が甚だしいが、口下にはおぼろげに
ハナカと云ふ

要あり。

大蔵 古く番が連名を申さず押印のみなす所から、手を通り

のふたへしび此の階迄を裁りて置き、是れ若し古例に
照して

口下にはおぼろげにハナカと云ふ

大使 口下にはおぼろげにハナカと云ふ、今は

新聞記者が遊んでいて、悪いモノだと云ふ、昔にはあつたが、

追加の件は之が来るに當り見直しを要するものと見做すに依りては概して手と世に依りて

あり、又ハケの完成が否かは自明であるも一々納得る多し復た之

附する事あり、藝道三三のやうな事は如何なるか、日本側には御書寫

の事は二と云ふ事あり、勿論種張火は其類を尋ねて置くに依りて其

~~事~~ 不可読の法あり、是し直筆は二は仕事力等にはなく、如

何は二と云ふ事あり、二に依りて其事が如何なるか、之に依りて如何なるか

二と云ふ事あり、揚子江の船が如何なる方針と船主と云ふ事あり、之に依りて如何なるか

御座候事御座候事御座候事

右臣 息が古使と主一人の中三十五と流一之奉に

見るとは違加と主三はなり。此より古使が空取れ

見たり操上候と云候けしなり。是しワシノ

あるはなり。このて。通る事等ももふはなり。

古使 御座候事御座候事御座候事御座候事御座候事

このもな。アノ事。アノ事。アノ事。アノ事。アノ事。

大臣 十日の暮に教諭が上より上進の注文をいし、讀りかゝる。

「下」の今いし時待ては、いなり、世を待て、こととすなり。 「世を待て

は、母のいふなり、教諭は、世を待て、こととすなり。

大臣 十日の暮に教諭が上より上進の注文をいし、讀りかゝる。

「下」の今いし時待ては、いなり、世を待て、こととすなり。

2

(1)
施行及手続等一携行
し、いふは協定上の協を
与ふふと云ふ了解の下に
前記いふ

(10)
同協定を施行するに
後とし、いふは協定
印前より、或は右の文
如く印付し、なすは
と協定を得べし、と
とは困難なり

三月十日 大臣官房所用

行政協定関係協定事項

一 協定の法的価値の規定

(1) 第一条の軍隊構成員の定義に同じ、
別添の如き

合意議事録を以てするに
合意

(10) 第二条一項の施設提供の規定は、
半例案では

コンクリート製の
コンクリート製の
コンクリート製の

より施設の
より施設の
より施設の

(イ) 言語上元々又る一語
無きことの手当を考
ねるべきことあり。
内容の表現は日本側
案も研究すべし。若し
異なる場合は半案の
取扱い。何れにせよ
是に適合すべし。

我方も努力して新協定の発効には必ず

(正式協定各条に準じ)

式提供又は通商に有利な処理を了すこととする

(別添四)

から。我方案の如きドラフティングに努めらる。

(川) 現自協定の施行と新協定の下に引続く問題は

(別添五)

我方案では協定本文に入れこいる。貴方案の如く

おぼろげな文に差支ないが、内容は我方案の方針法

律的に正確であるもの。これを採入せし

外務省

(五) 経理等の従事者
を任命するし

(ホ) 承認

(ハ) 書海陸軍を
池田はみから困難
事、半軍の地勢は
取組の上個事申上り

<p>(ニ) 中三條に同意する 我が方の同意は 別紙の通り であるから、 これに同意する</p>	<p>(ホ) 中三條二項等に同意し、 「承認」は「機関」 「合伴」は「 事」の意義が利水は、 都合よく條文整理と行ふ ことを破決し交す。</p>	<p>(ハ) 中三條の新議事録 に付、我が案が二項は 一層案に付再考すべし。</p>
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(別紙三)

(別紙七)

外務省

(1) NAのはらるる...
 (2) ...
 (3) ...
 (4) ...

<p>(1) 十一條一項</p>	<p>前項は ...</p>
<p>(4) 中一項には</p>	<p>別添の... 議事録を追加 加方</p>
<p>考慮を要する</p>	<p>調査は... 調査は... 調査は... 調査は...</p>
<p>報は現に実行されあり</p>	<p>... </p>
<p>思はれよ</p>	
<p>(1) 中五項の... </p>	
<p>... </p>	

外務省

(12)

自軍の要は他
時に平信とす
曰く華は修治
要助之協言が空
白とす余はあり
其程の要は平に
たふす、又米案が
可助は佐族位言
に平の解と乾し

<p>但し米例の右の要案から行政協定に言白が来る</p>	<p>又米案の三十一等は法律協定は現行協定の失効</p>	<p>は本協定の要助と同係がなから不適当である。</p>	<p>切立防衛協定協定の例に準じ、我軍の如くし交し</p>	<p>(10) 要助協定は我方の國を承認手続とする関係上</p>
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事務録を以て
議事録とす。

(1) 現行協定が三十七条二項は、我方に同じくは條約に

ある關係上不要である。

三、 附屬合意議事録の取扱

議事録は、此の條約の條約録の内容を存置することを

とし、字句は直に直に確定することをし、現行

議事録中には、不要とならぬ部分、並に、中三國人軍

備置届報の如く存置困難のものがある。

早速行方致し

早速お見送り

田合同書置金に付てまう承継

秋五の非なる書置用とと別添のれく文程「反」

別添二

フカイミエラのたおぼろし文集 別添(別添一三)の

通り

外務省

別添
—

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 in the Far East is threatened.

and security

別
紙
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.

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.

BY
JH
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.

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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^S 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 these 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.

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①

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.

134
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Re. Article III

Paragraph 1 sentence 1

The expression "rights, power and authority" seems to be repetitions, 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

- 2 -

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.

129
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七

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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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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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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85
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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

別添
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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.

別
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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.

別添
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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

(2)

(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,



四三二 於 露 友 会 館

大 臣 官 房

西 部 長 西 部 長 西 部 長

(假 訳)

(一 九 五 九 ・ 四 ・ 二 〇)

(案)

日本国及びアメリカ合衆国は、

両国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生きよとするその願

極	5
秘	10

望を再確認し、

兩國が國際連合憲章に定める個別的及び集團的自衛の固有の權利を有していることを確認し、

兩國が極東における國際の平和及び安全の維持に共通の關心を有すると並びに日本國の安全の維持が極東における國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條約を締結することを決意し、
よつて、次のとおり協定する。

第一條

締約國は、國際連合憲章に定めるところに従い、その關係するところのある國際紛争を平和的手段によつて國際の平和及び安全並びに

2
正義を怠くしないよう解決し、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他のいかなる方法によるものも懐かことを約束する。

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国際連合を強化することにより努力する。

第二条

締約国は、その自由を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、継続的かつ効果的を自
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
の締約国が日本国の安全又は極東における国際の平和及び安全を脅
かされていると認めるときはいつでも協議する。

△
F 外務省及び内閣府が申し渡す

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して認め、自国の憲法上の手続に従つて共通の危険に対処するより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ぬ。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ぬ。

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

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續に従つて批准されなければならず、両国が~~それぞれ~~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、日本区域にかける國際の平和及び安全の維持のため

十分な定をする國際連合の措置が効力を生じたと日本國及びアメリカ合衆國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國も、他方の締約國に対する一年の文書による手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、下名の全權委員は、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。

日本国のために

アメリカ合衆国のために

(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榮を有します。

合衆国軍隊の日本国における配備の重要を変更（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れなければならない。

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

あることを岡国政府に伏つて確認されれば幸であります。

本 は、以上を申し進めるに願し、

／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／＼／

(米側書簡)

書簡をもつて啓上いたします。本 日は、本日付の閣下の次の書簡を受領したことを確認する光榮を有します。

(日本側書簡)

本 日は、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榮を有します。

本 日は、以上を申し進めるに際し、

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

- 2 -

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

- 3 -

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

- 4 -

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

- 5 -

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

- 6 -

IN WITNESS WHEREOF the undersigned Plenipotentiaries
have signed this Treaty.

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

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

SECRET
IN REPLY TO

(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



(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,

大臣

次官

事務次官

次長

課長

根柢

事務次官

事務次官

四月二十二日 海山大臣在東京使令記録



口傳 昭和二十三年四月二十三日午後三時三十分より三時五十分迄東京海山大臣官邸

出席者 海山大臣 山田次官 事務次官 根柢次官 米保次官

欠席者 山田次官 事務次官 根柢次官 米保次官

大臣 先づ長官の辞任は、最有力な人物を事務次官の席から失ふこととして

決意を固く、いよいよ新長官は今迄の経歴より、進歩的なる人物とする。

何れ視点を變ずる積りあるか、得合ふは直敷街傳習所なり。

根柢 長官の更迭は甚だ的方針に吾人の背するものはない、先づ氏之辞任は減ら

外務省

(條約案) (新案一) (五指示)

前文才之項は、前記の条約に當り、又前記の條にはつきりたるべきあり、

そのことあり。

大吏、これは疑念である。問題は米阿の間に獲得するに基き、必要であるか。

前條の理地を今少し詳しく承知し。

大吏、同じ意味が、その条にはつきりたるべきあり、なし、明白である。

又之を記すには、前記の条約に當り、又前記の條にはつきりたるべきあり、

口頭で済ませ、後、右の筆文の取寄は、是か行へ、と云ふこと言はせ、
御筆も、一、二、三、と云ふこと、裁き、を、し、

大臣、研究、を、し、

以下別紙、送、り、要、に、治、の、進、め、ら、れ、た、米、割、コ、メ、下、は、胸、外、に、載、つ、

子、通、り、

三月二十三日大臣 説明書

定 條約関係

一 前文第六項

二 第四條

「日本が英領土に加入した結果、日本が英領土に付す権利

威を米國が認容する」と云ふ形に改定し、總論の意の

「一方が認容する」と云ふ句を削除し、

（註）日本が英領土に加入した結果、日本が英領土に付す権利を認容する」と云ふ句を削除し、

同條の意は相手方が
たゞないことを明にする
る意味があり、協定條
約には加入するといふ
間接的同意があるが、
同條の意は相手方が
認容する、との排列を
改め又は「一方が認容
する」と云ふ句を削除し、

三

手紙原書信宛の解
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行はの類うのあり、書初

の類うの類うのあり、書初

三 慶書信宛

第四品如短十一年の解釈に同意したか、本方の解釈

ではどうして十一年の解釈に同意したか、本方の解釈

ではどうして十一年の解釈に同意したか、本方の解釈

ではどうして十一年の解釈に同意したか、本方の解釈

ではどうして十一年の解釈に同意したか、本方の解釈

ではどうして十一年の解釈に同意したか、本方の解釈

△

早業は... 共同... 云々は... 十... 解... 弁...

(5)

別業は甚だ... 見え... 三度... 二... 先... 了... 本... 業... 行... 行...

分三 協三周後

改三協三業

三月六日米... 及... 業... 業...

竹成... (別業回)

二... 二... 協... 業... 業...

山... 業... 業... 業...

山... 業... 業... 業...

(1) 日本側の上修訂の概況
は既述の如く概況を
示す。日本側は
例に於て不平等を
示す。日本側は
上修訂の概況を
示す。日本側は
概況を示す。

(1) 日本側の上修訂の概況

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二、八、条は、前四、条活し、現況の概況を示すに置いて

い、い、

(1) 此、概況の概況を二、三、條から取り出し

1. 中、八、条一項のドラクティクを若干改めあり

2. 中、九、条一項の概況は、概況を示すに置いて、概況を示すに置いて

中、九、条一項の概況は、概況を示すに置いて、概況を示すに置いて

(4) 概況の概況には、ドラクティクに多く、概況あり、概況あり

(子) マンションは及ぶ
送一時的に同様に
手配する

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一、軍房への申請は不送一の扱きとするが、存す、此等は

書置に防出ないことあり、又、情事の新なるよめる

我々喜ぶは防出でない

り、尚、リマ、と、一、日、文書には、既に、る、解、ス、此、五、岩、平、の

諸、事、り、八、分、り、め、た、し、て、取、り、別、添、六、

一人、同、元、官、員、云、決、議、事、り、承、継、

三 同業種は、
に本館の専力を要す

三 此の同業種は、
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合同、
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引継がれる運送三船に、
引継がれる運送三船に、

合同議事録

合同議事録は、
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合同議事録は、

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古尼
於禮ノ事

治田ノ於禮ノ事カ
於禮ノ事ニ
トシ

1215

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:

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

- 2 -

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

- 3 -

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

- 4 -

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

- 5 -

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.

IX

- 6 -

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:

(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

(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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12
13

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.

(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.

(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.

(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:

- 2 -

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.

- 3 -

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.]

- 4 -

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.

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

- 6 -

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.

- 7 -

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.

- 8 -

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.

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.⁷

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.

- 10 -

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.

- 11 -

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.

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.⁷

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

Japan

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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

the

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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.

Materials.

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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,

6.

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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

from

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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. 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.

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.

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 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.

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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.

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

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.

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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.

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ARTICLE XXIV

(to be deleted)

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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.

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.

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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.

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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.

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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.

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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:

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.

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.

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.

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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.

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).

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.

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. Kusk'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.)

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.

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.

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It is proposed that the following be stipulated in
the Agreed Minutes to the Agreement

1. In Article I(a):

Members of the United States armed forces being
required by Article IX paragraph 1(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.

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

in violation of Japanese customs laws and regulations.
They will promptly notify the Japanese customs authorities
whenever violations are discovered.

3. As Article XII, paragraph 1:

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

櫻科

大臣

治長

参事長

治長

課長

参事長

参事長

四月二十五日 藤山大臣在京米米使令後録

東郷

日時

昭和三年四月二十五日 午前九時三十分 - 十一時三十分 於参事長

一二五号室

出席者

藤山大臣 山内治長 森喜久郎 官務局長 中保長

マツノサトウ使 シーゴ使 パン書記長

大臣

前回の引続き 欠の修訂より申上る。

前文才士項は別紙の

案に如何

(別紙一を控)

古使

之より控稿である。

大臣 中回系は「同盟」に at the request of either Party の意に「中

回系が「同盟」を創る事を行す」と 中回系は「同盟」の

中回系は「同盟」

大臣 中回系は「同盟」に at the request of either Party の意に「中

大臣 as basis for 及 shall の意に「同盟」は「同盟」

大臣 中回系は「同盟」に at the request of either Party の意に「中

大臣 中回系は「同盟」に at the request of either Party の意に「中

のり

大臣 岸アインスター声明で 島根縣 陸軍部 に入るといふは 扱理から

沖波カミヤ早稲通等) 二島海があるから、それら等の子 意味が、カミヤ

いふことと 解して、 此し 今何て文書は、 日本側 又 陸軍部 内閣府

く、軍に 法律的に 軍費を 決定、 外は、いふを、ある

大臣 御指摘の 答は、いふこと、 此し、ワシントンのは、 陸軍部

の 様な 形を、いふこと、 又、 沖波カミヤが、 所は、いふこと、 下、いふこと

経費を必要とする。此等は若干研究すべし。

古屋 行政協定に移す。方針等は先り府府取次預知し。

古屋 事件は甚だ重要なるあり。此等之の掃蕩を急ぐべし。之が

効率を確保しに因連する方面を急ぐべきを擧るべきあり。

思ふが、御意見は如何なる御取次を。

古屋 先り府府取次の関係等を急ぐべし。又是等の関係

先り急ぐべし。

大度 土事、文、石、セ、ラ、ウ、ラ、に、又、ノ、イ、ン、ガ、多、ク、向、向、に、*seignior*、
セ、ウ、

格 *gency*、調子、が、持、立、テ、格、を、考、へ、る、に、

大度 支、存、行、取、封、を、認、ま、し、

治、は、三、七、三、年、行、割、事、と、な、つ、た、(割、株、三、七、三、年)

大度 日、本、海、の *legalism* の、何、れ、が、未、事、を、事、事、の、難、事、が、た、り、と、な、り、

言、費、的、に、行、割、事、は、海、が、あ、る、は、な、い、と、は、確、か、と、あ、る、か、若、し

形、式、の、同、題、と、あ、る、に、半、導、形、が、平、八、年、を、日、本、事、業、に、

and thereby
以下ヲ以テトシテ
one trouble less
トナシ

(治兵 等局長 兼 務長 工 使 二 使 事 内 閣 長 官 等 等)

and thereby 12. at which time the Adminin's lecture began

and between Japan and the United States in 1952

shall receive 1952

(再 次 心 算 等)

左 記 一 府 事 業 行 事 更 修 修 習 既 格 等 之 同 題 再 次 心 算 等

去。

去。 かつには、行連言ひらふ、進路とて their への、

かりに、難事、 行連言ひらふ、進路とて、

の、行連言ひらふ、進路とて、 Agreement regarding the Status of

United States Armed Forces in Japan and the Facilities

and Areas (in Japan) provided for them, the

19.

米御の奉文は日米御の奉文一由の奉事意圖丁引何令と

同いふ事と思ふ。新小御の奉文一由の内はその儘進上と

並べしその奉文を治めしは本行

古書 書物又う方は書物内の事としてるものと云ふことありぬらぬ

りよと思ふ。條約に指し合はし

古書 九等一級本殿の追加は書物しむうう解直りにて

古書のなり(入ふり)は幕府の官房に記す別津在敷るは

新法又は諸國協定 (取合のり)

八条は協定の書き直し (present procedure) 云々を指す) は是存なり

六条一は協定の格別の結果 協定等別五條は協定は

必要なる別を以て修めざるしとの見解を以て

は本協定の格別討議ありや 云々協定は協定等別五條に

何れを以てしむるはなく 本協定は協定等別五條に

本協定の格別討議ありや 云々協定は協定等別五條に

とみれば、本報に於ては、 なるまゝと、 論に、 要は、 ニ、 か、 著、	<p>とみれば、本報に於ては、 なるまゝと、 論に、 要は、 ニ、 か、 著、</p>
--	---

大臣 今は此程度で行き、将来必要が生じたらそのこと一先。

大使 合同書は合意満了より承継継続 別紙の案では如何

別紙五

大臣 美支社と関係、修繕等の事務は如何に執行する。

大使 合意事項は、概ね前回申上りの趣旨を、やそそみよき也

ワシントン州の土地所有権は如何

可と考へる。

大臣 我々も同意見の一案と考へる (別紙六)

左使 佐藤の可なり思ふ。 大いに *as a guidance* と云ふ事をするか、と云ふか

一、交際するが如く。

菅原長 右の事いふ事、取合す。 協定以上の事といふ事、即ち事

地急降 外資のP、A、Pの利用は別途措置の要あり。

左使 外資事情については、別紙の事（別紙七）が如くおぼしめ

文にはおぼしめ、理外儀事終りぬき、今後依は感念しむ。

左使 甚だよい事とす。 之が問題は何を新か、ア、イ、と

馬子

大使 五来の文早とハケを止すこととハケが、
する前に事務的

全部取り消す解、
又ハケを止す後

しハケを軍に
其ハケを
御令す

才必軍が

左屋 次進上院
夕刻 御眼

別
付

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

187
187
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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.

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,

別
添
付

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

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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.

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 ~~X~~ 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,

別紙
七

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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.

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

(閣議では行われず)

三四 四二六 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、詰合は逐次具体化して条文化の段階に入つて来た。今の処、前文以下十ヶ条乃至十一ヶ条位の形に纏めるとを考へているが、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)日本の安全を危う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

極秘

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 米國が相手國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「ヴァンデンハイグ」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
句が固つてゐる。他方此の点に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
てゐる（括弧内は米國の既成用語を示す。）

「締約國は、個別的に及び相互に協力して（単独に及び共同し

て、継続的且効果的を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。」

三 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、

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づ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、自国の憲法上の手續に従つて共通の危険に対処するよりに行動することを宣言する。」

と云う表現を考へている。

米國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ゐるから、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づ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

いが、米大使としては前記の様な案で強の具申しようと云つてゐる。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、なほ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つてゐる。

「共通の危険と認めて憲法手続に従つてこれに対処するより行動する」と云う表現は、米國が援助義務を引受ける最も強い表現である。

米軍の駐留に関する規定は次の如き形を考へてゐる。

「日本國の安全に寄与するため、並びに極東における國際の平和及び安全の維持につき兩締約國が有する共通の関心を考慮して、アメリカ合衆國は、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。

核兵器問題及び在日施設の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を変更（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
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かと考へている。

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

解されてはならぬ」との趣旨の規定を置くことを考へてゐる。

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。

三四、四三八 大臣米七使 令陸校整理書素

- 一、 条約素
- 二、 フォーミナ素
- 三、 協定素
- 四、 新議事係交換素
- 五、 前議事係交換素
- 六、 合同在夏令止議事係交換素

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 ^{Washington} Tokyo on _____, have entered into this
Agreement in terms as set forth below:

- 2 -

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.

- 3 -

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 ~~the~~ facilities and areas agreed upon between the two Governments in accordance with 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.

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 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. *through the Joint Committee*

(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.7

2. The United States agrees that the above-mentioned rights7, power and authority7 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.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 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 organization 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.7

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.

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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~~ 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.

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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.

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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

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.

11.

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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.7

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.7

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.7

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.

- 49 -

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.

- 50 -

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 extent provided by Article XIX, paragraph 2, of this Agreement.

- 51 -

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.

- 52 -

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. ^

- 53 -

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.

- 54 -

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. 7

(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.

- 55 -

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

- 56 -

Governments for further consideration through appropriate channels.

- 57 -

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.

- 58 -

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.

- 59 -

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.

- 60 -

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:

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

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. Re Article XII, paragraph 1:

The United States armed forces ^{will continue} 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.

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,

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, -----

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

- 2 -

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

- 3 -

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

- 4 -

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

- 5 -

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

- 6 -

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:

(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

(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,

秘
封

大臣
次官
事務局長
局長
事務局長

米局長
事務局長

吉田アチン交換文は周す件
三回五回 米保長

青野米・米局長、事務局長、米保長、在京米大使、公使と
合議、土俵より、吉田アチン交換文は、米保長事務局長
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外務省

回覧番号
米保 1056

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予保修約と同じく

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側は予保修約のP.ティラムとて控筆に来たこと等から見て

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吉田・アチソンの交渉のこと

使はカウリーと云ふこと、内閣にはないこと等、予保修約

日艦すしと共に、~~予保修約~~ 條約協定の実体が固る

及び吉田・アチソンに付何がすよか否かを考ふる積り

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外務省

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(双方種々の案を出して検討の結果、別添二の第一項及び第三項の

終りに去々之を補ひ、別添三の如く改めることとす。

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ついでに之と打合せせんが如し。

七臣 八ヶにはおすりて之の一面が、是れから内務省を考へる。

左屋 正上士遊んり秘方より其を傳へて頼りし。

正上は、其の如くは女所、好ましくし。行政等より付日事例の一般の取

考るべき活しと云ふ同に活しなり。

古便 左様なり。御筆書家に回洲があるうと日御参上致さるし。

別
添

(Draft)

(U.S. Note)

I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America, the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at _____ on _____ . It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.
2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations and their status in Japan shall be *As* governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the above is also the understanding of your Government.

別
号
二
2 copies

1. The Japanese Government understands that the exchange of notes between Mr. Acheson and Mr. Yoshida covers only the United Nations action being taken pursuant to the Security Council Resolution and the General Assembly Resolution cited in the notes.
2. It is stated in the notes that "Japan will permit and facilitate the support in and about Japan, by the member or members, of the force engaged in such United Nations action". The term "support" as used here is understood to mean the so-called 'logistic support' to be provided to the forces. Therefore, the notes should not be interpreted as permitting the use of facilities and areas in Japan as bases for military combat operations.

and any further United Nations
action that may be taken
in case the United Nations
Forces in Korea is resumed

12
2/15
11

1. The Japanese Government understands that the exchange of notes between Mr. Acheson and Mr. Yoshida covers only the United Nations action being taken pursuant to the Security Council Resolution and the General Assembly Resolution cited in the notes and any further action which may be taken by the United Nations forces in Korea in case there is a resumption of the attack against them.
2. It is stated in the notes that "Japan will permit and facilitate the support in and about Japan, by the member of members, of the force engaged in such United Nations action". The term "support" as used here is understood to mean the so-called 'logistic support' to be provided to the forces. Therefore, the notes should not be interpreted as permitting the use of facilities and areas in Japan as bases for military combat operations by United States armed forces without consultation under the agreed formula