

琉球大学学術リポジトリ

1960年1月の安保条約改定時の核持ち込みに関する 「密約」に係る調査の関連文書No.2

メタデータ	言語: 出版者: 公開日: 2019-02-14 キーワード (Ja): 核持ち込み問題, 東郷次官, ホドソン米国大使 キーワード (En): 作成者: - メールアドレス: 所属:
URL	http://hdl.handle.net/20.500.12000/43861



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

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ARTICLE I

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

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by 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

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

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

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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

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IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

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

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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: