

琉球大学学術リポジトリ

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」に係る調査関連文書 No.3

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奉書長
癸卯年九月

十月十八日 出雲守 佐々木 隆行



得 以 彩 筆 寫 十 月 十 八 日 出 雲 守 隆 行 奉 書 長

書 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

五 年 十 月 後 上 六 日 傳 助 長 兼 傳 長

大 慶 加 以 奉 書 長 隆 行 佐 々 木 隆 行 奉 書 長 兼 傳 長

轉 奉 仰 承 書 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

之 傳 助 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

最 後 傳 助 長 兼 傳 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

外 務 省

極 秘

大 慶

奉 書 長

書 長

書 長

書 長

奉 書 長

四 號 番 号
保 3857

朝 拜 仰 承 書 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

五 年 十 月 後 上 六 日 傳 助 長 兼 傳 長 (別 添 一)

事 司 書 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長 (別 添 二)

大 慶 加 以 奉 書 長 隆 行

奉 書 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

五 年 十 月 後 上 六 日 傳 助 長 兼 傳 長

最 後 傳 助 長 兼 傳 長 山 田 清 次 森 本 長 持 崎 傳 助 長 兼 傳 長

外 務 省

大塚博士の方針であるが、米國議院の書翰及びその抄本に在りて
上記の通り延期せしむるの運用である。

治部 米國向來の通商手続を研究せしむ。

左記 理應的ではあるが唯一の解決方法であると思ふ。以て研究せしむ。

治部 日本合同委員会、合意議事録は固く、何事と違ふべきか。

外務 米國の行つた合意議事録を仔細に手取りして見よ。

米國の之を抄本に附する所を、手取りして見よ。之は異存なき。唯

外務省

若し何事か米國合意の欠点は、今迄通商に於て一月九日の署名

協に *codify* せしむるを得ない。

治部 抄本を研究せしむ。

左記 抄本を研究せしむるの報告は、日本側には米國の報告に於て

固く、何事かは合意の協定に於て、(1) 保商協定が主要な

事項に、(2) 其の欠点の米國の報告に於て、(3) 協定の欠点の米國の

報告に於て、(4) 協定の欠点の米國の報告に於て、(5) 協定の欠点の米國の

外務省

Benjamin Franklin (1706-1790)

1) 別荘を建てる。日暮の静けさを楽しむ。朝早く起きる。読書の習慣を

身につける。12月1日の朝早く起きる。読書の習慣を身につける。

williamson

此の言葉は、即ち、その人の心の中にある、その人の心の中にある。

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外務省

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williamson

外務省

CONFIDENTIAL

December 18, 1959

Continued Effectiveness of United Nations Resolutions on Korea

In the United States Government's view there is no question that the United Nations Resolutions on Korea cited in the Acheson-Yoshida notes and in the United Nations Status of Forces Agreement (the Security Council Resolutions of June 25, June 27, July 7, 1950 and the General Assembly Resolution of February 1, 1951) remain in effect. This position is supported by the following legal considerations:

1. It is an established rule within the United Nations that United Nations Security Council and General Assembly resolutions remain in effect unless a resolution (a) includes an express terminal date; (b) indicates by its terms that the resolution is to expire on the occurrence of a particular contingency; or (c) is repealed or expressly superseded by another resolution adopted by the same United Nations body.

2. The above-cited resolutions on Korea contain no express dates of termination.

3. Armistice agreements such as the Korean Armistice provide only for a cessation of hostilities. They are of a provisional character and do not establish definitive peace. The above-cited resolutions are therefore not superseded by the Armistice. Pursuant to these resolutions, the United Nations forces remain in Korea and the United Nations Command structure remains operative, with the United States serving as the Unified Command. The Unified Command has since 1953 submitted reports as appropriate to the United Nations Security Council on the discharge of its responsibilities in Korea and on developments in Korea relating to the Armistice. The Unified Command's 1957 Report on the Suspension of Paragraph 13(d) of the Armistice was one such report.

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4. Neither the United Nations General Assembly nor the Security Council has adopted any subsequent resolution impairing the effectiveness of the above-cited Resolutions. The General Assembly has on the contrary continued to take up the Korean question as unfinished business each year since adopting the 1953 Resolution which took note of the Armistice Agreement. On December 12, 1959, for example, the General Assembly inter alia reaffirmed its Resolution 3767V of October 7, 1950, which specifically mentioned the Security Council Resolutions of June 25 and 27, 1950. These actions clearly demonstrate that the United Nations remains aware of the Korean problem and has taken no step to terminate the prior Resolutions of the Security Council and the General Assembly on the defense of the Republic of Korea.

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Talbot, paper
12/12/59

Yen Support Costs

Washington is most sympathetic to the political problems posed for Mr. Kishi and you by the yen support costs problem in finalizing your 1960 budget. They wish to be helpful but believe there would be serious trouble with Congress if the U.S. were to waive the yen contribution by an exchange of notes now, in advance of Senate advice and consent to the new Security Treaty on which the new Administrative Agreement (which omits any further yen contributions) is based. They believe that premature action would adversely affect Congressional sentiment regarding the new Treaty. They also believe it would adversely affect the attitude of Congress toward continuation of the Military Assistance Program for Japan. As you know, Congress is expected this year to be looking for greater defense contributions by our allies.

Washington is accordingly not able to give an outright waiver of the yen contribution at this time. They are, however, willing favorably to consider a request for a waiver at the time the new Security Treaty takes effect, provided that the amount of the contribution due us at that time is minimal. They assume that it would be minimal, in view of the increase anticipated in the Japanese defense budget, and in view of present plans for the new Treaty to come into effect in the early months of the ^{next} Japanese Fiscal Year. At the same time, Washington considers that it must preserve its present legal position respecting the yen contribution, in the unlikely event that the date that the new Treaty takes effect is unduly delayed. To meet your problem and at the same time preserve the United States position, Washington proposes the following solution:

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You and I would informally and orally agree now to postpone taking up until after the new Treaty takes effect the exchange of notes on the yen contribution for the Japanese Fiscal Year 1960 envisaged in the Agreement of April 25, 1956. If at the time the Treaty takes effect the amount of the yen contribution is minimal, the United States would give favorable consideration to a waiver of the contribution. If a waiver is not feasible, the United States would then be prepared to postpone payment until the necessary supplemental 1960 appropriations or 1961 appropriations were enacted by the Japanese Government.

Under ~~the~~ this solution the Japanese Government would not be obliged to provide for a yen contribution in its 1960 budget now in preparation, but the possibility of payment of the yen contribution later, if a waiver should not prove feasible, would be provided for. The U.S. interpretation of the solution, if it should be accepted by the Japanese Government, is that the Government's commitment to pay the full yen contribution is preserved, in the absence of United States agreement to waive the full amount of the contribution or to accept some reduction of the amount due.

For the reasons I have mentioned, this problem presents serious difficulties and dangers for us. The solution which Washington has proposed seems to me well designed to meet your requirements and at the same time to minimize risks of adversely affecting Congressional attitudes on our side. I accordingly urge most strongly that you accept it.

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(December 18, 1959)

(New article Re. Labor)

ARTICLE —

1. Local labor requirements of the United States armed forces or the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities, and the parties to the contract of employment shall be the Government of Japan and the individual worker.
2. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as otherwise provided for in this Agreement, the condition of employment and work, such as those relating to wages and supplementary payments, the condition for the protection of workers, and the rights of workers concerning labour relations shall be those laid down by the legislation of Japan.
3. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.
4. In the event that the court of Japan decides that the contract of employment of a worker as mentioned in paragraph 1 above has not come to an end by notice of dismissal on grounds of security of the United States armed forces, or an order to the same effect given by the Labour Relations Commission of Japan becomes finally binding in accordance with the law of Japan, the following procedure shall apply:

(1)

^a
(1) The authorities of the United States armed forces or the organizations provided for in Article XV shall be informed of such fact by the authorities of the Government of Japan.

^b
(2) Should the former not desire to engage the worker in actual work, it shall so notify the latter within one week after the date of receipt of such information, and may temporarily withhold him from actual work.

^c
(3) When such notification is made, these authorities shall consult together without delay with a view to finding a practical solution of the case.

^d
(4) In case no such solution is reached within a period of one month from the date of commencement of the consultations under (3) above, the worker will not be entitled to actual work after the end of that period. In such a case the Government of the United States shall pay to the Government of Japan the amount corresponding to the cost of employment of the worker for the period of time to be agreed upon between the two Governments.

(Note) Delete Article XII, paragraphs 4, 5 and 6.
Article XV, paragraph 4

(Draft)

(U.S. Note)

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I have the honour to refer to paragraph 4^d of Article _____ of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the States of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such a case the Government of the United States shall pay to the Government of Japan the amount corresponding to the cost of employment of the worker for the period of time to be agreed upon between the two Governments."

On behalf of the Government of the United States

I wish to propose that "the period of time" mentioned above shall not exceed one year after the end of one month period set forth in the first sentence of paragraph 4^d.
Notification provided for in paragraph 4^d.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments under Article _____ of the Agreement.

(December 18, 1959)

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Re. Article _____:

It is understood that in the cases of disputes arising out of labor with the United States armed forces or the organizations provided for in Article XV, other than that to which Article _____, paragraph 4 applies, the United States armed forces or the said organizations shall act in conformity with the decision of the court of Japan or the order of the Labour Relations Commission of Japan, as it becomes finally binding in accordance with the law of Japan.

Security = 安全保証

別
信
六

(December 18, 1959)

Re Article _____:

The Government of the United States undertakes to ensure that the organizations provided for in Article XV shall pay to the Government of Japan cost incurred in connection with the employment of workers working for these organizations.

契約上 commit 的 本 支出

別
信
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WEEKLY HANSARD: No. 405
22nd Nov. - 28th Nov. 1957
pp. 1284 - 1289

48. Mr. Ziliacus asked the Prime Minister what agreement he made with President Eisenhower on the subject of the right of commanders of United States ballistic weapon and bomber bases in this country to act in conformity with the United States Government's policy of leaving it to their commanders to take the immediate decision for instant retaliation in case of attack on North Atlantic Treaty Organization forces anywhere in the world.

The Prime Minister: None, Sir.

As regards the American bomber bases in Britain, as the hon. Gentleman is aware, the United States Government have given a firm undertaking that these bases will not be used for military operations except in agreement with the British Government.

The Prime Minister: I was about to observe that I have no report of the speech which has been mentioned and of which, I understand, no report was issued. I can only restate the facts as they are. There is no misunderstanding about American bombers based in this country. I am sure that the right hon. Gentleman the Leader of the Opposition will confirm that. We had an agreement in 1948, the terms of that agreement being restated and reconfirmed in 1952. They remain. No operational use can be made without the agreement of the two Governments. The forces which may be allocated to the Supreme Commander in Europe for N.A.T.O. are the responsibility of the Governments who are signatories of the North Atlantic Treaty Organization.