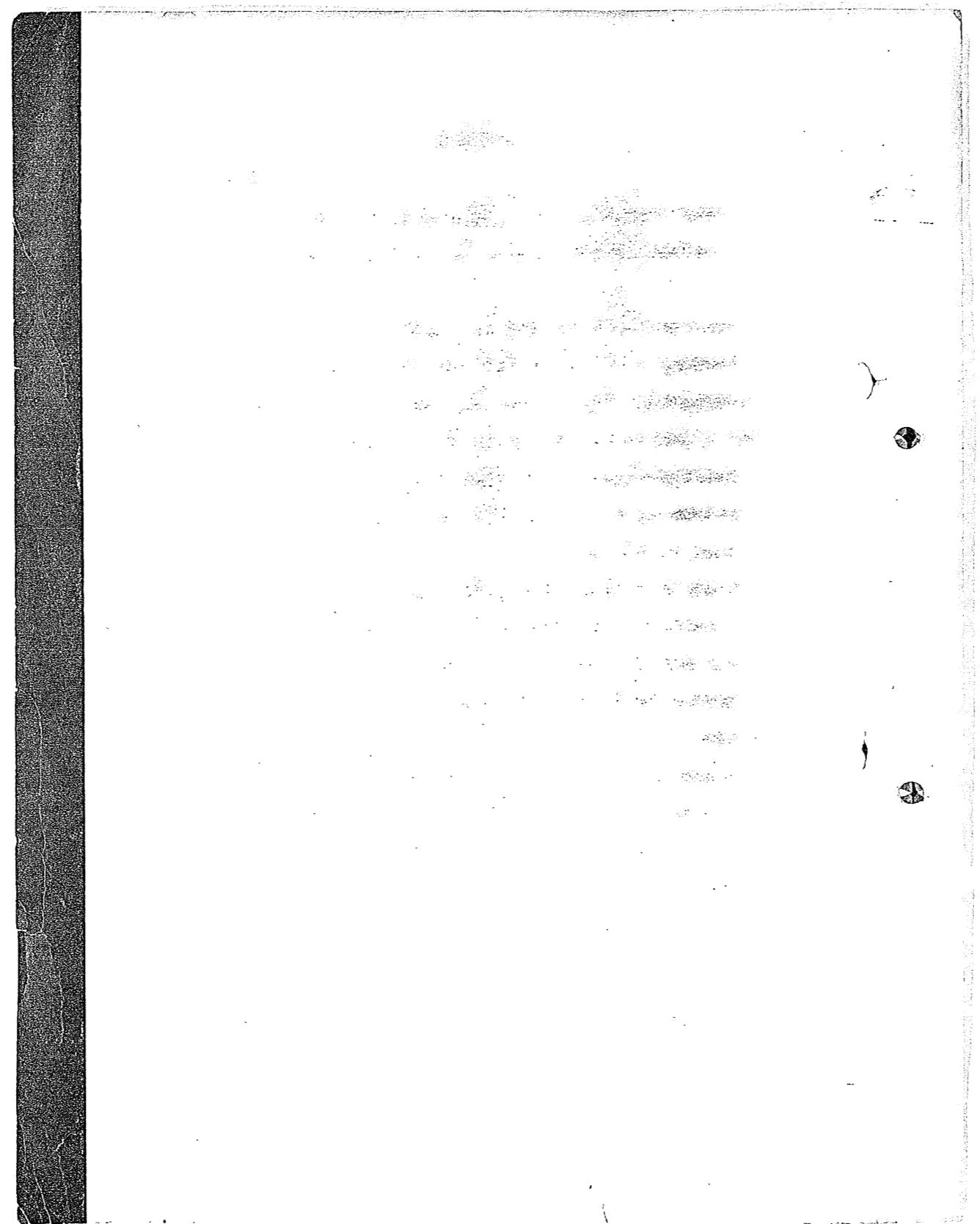


琉球大学学術リポジトリ

日米安保条約の改定に係る経緯②

| | |
|-------|-------------------------------------------------------------------------------------------------|
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| 配布表 | | | | |
|-----|----|----|------|--|
| 1 | 大臣 | 16 | 總理大臣 | |
| 2 | 太臣 | 17 | 次長 | |
| 3 | | 18 | 次長 | |
| 4 | | 19 | 次長 | |
| 5 | | 20 | 次長 | |
| 6 | | 21 | 中島 | |
| 7 | | 45 | 大臣 | |
| 8 | | | (三月) | |

日米安全保険新条約の大要

一、本条約と国連憲章との関係を明らかにする。

(1) 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、

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

二、政治的・経済的協力関係を規定する。

安全保険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關係の強化に努め、更に経済的協力関係の緊密化に努力することとする。

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三、防衛力に関する協力関係を規定する。

共同安全保険の分野における一般的協力関係を明らかにする

趣旨より、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が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。

共同安全保険体制の維持運営のために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、

(1) 両締約国は本条約の運営に付随して協議することとし、

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

五、如何なる場合に防衛義務が発動するかを明らかにする。

本条約において米國の日本援助義務を明らかにすることを目指し、両締約国は、日本の行政権下にある地域において、伺



れかの締約國に対し（即ち日本國又は日本に在る米軍に對して）攻撃があつた場合は、これを自國の平和と安全に對する危険と認め、共過の危険に對処するため、憲法の規定と手續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、米軍が侵略に對する抑制力として駐留することが適當である。よつて、
(1) 米軍は、日本國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、
(2) 在日米軍の配備及び裝備（核兵器を含む）の重要な変更は日本側と事前に協議するとともに（但し右は一定の米軍を日本に据置くことを意味しない）、日本の施設区域を日本防衛のため以外の目的で作戦的に使用する場合は同じく事前に協議することを別途文書により明らかにする。

七 内乱条項は規定しない。

大規模な間接侵略の場合は援助義務發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 第三國軍隊の駐兵、道過等の制限に関する現行條約第二条の規定は置かないととする。

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廢棄し得ることとする。

一〇 本条約によつて負うべき義務は、夫々商締約國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。

一一 行政協定については、条約改訂に伴い若干の調整を行うほか、現行協定の内容を踏襲する。

覚

三月二日

二月二十九日は外立閣僚懇親會が開かれて、其の際

(イ) 四月を含め早く常事と緊急的に済ます。

(ロ) 三月三日、衆院予算委員會で、竟日調整され、二週間以内

12 時の間を要する。

二点付意見一括提出する。

外務省

行政協定の取扱について

三四一三二五 米保長

一 安保条約に代る新条約を作るときは、米軍の在日施設区域使用及び日本に在る米軍の地位に関し、現行行政協定に代る協定を作る必要がある。新行政協定はこれを国会にかけることとなるべきも、その内容に付、(イ) 約が変つたことから必要となる技術的修正を加へると共に、(ロ) 非常事態の協議に関する第二十四条及び防衛分担金条項を削る様米側と交渉すること、の二点は別とし、兩余の点に関して現行協定をその靈踏襲するやあるには多少実質に触れてこれが改訂を試みるべきやの問題がある。

二 米側との従来の話合の経緯においては、当初米側は行政協定は現

米保長
第三
大臣
内閣



行協定をその儘引継ぐことを強く主張していたが、昨秋來話合が長引くに伴い、(1)日本側に強い要望があるなら多少の調整の話合には応すべきも、新条約に付合意するに先立ち新行政協定に関する話合が成立してはいることが絶対に必要であり、又(2)新条約発足後大幅な行政協定いぢりが行われる様では再び日米間の摩擦の種子となり、折角の条約改訂の目的を裏切ることとなるので、条約を先づ改訂して次に行政協定改訂を行うことは受諾し難い、(3)若し日本側で行政協定の大規模な実質的改訂を考へてをられるなら今回の条約改訂の話合は見送りとする他なし、との態度を示している。

三 新行政協定の取扱を事務的に検討するに、(1)現行協定をその儘踏

襲する場合は別紙

附屬の

一
及び別紙二二つの方式が考へられ得べく、

又(2)この際協定の実質に触れて調整を試みるとせば取上げるべきであると認められる諸点は別紙三の一覽表の如くである。

四 現行協定をその儘踏襲するについで、

(1) 対米交渉上最も迅速に運び得べきも、

(2) 実際には現行協定の各条を新しい条約として国会にかけることとなるのであるから、国会審議には歎らざる困難を予想せざるを得ず、

(3) 新協定は兎も角現行協定を引継いで発足せしめ、問題点は近き将来改訂するとの立場をとる場合は、前述の通り、米側の最も嫌う結果となるを避け難きことを認識し置く要あり。

(二) 右の点よりは米側は別紙^一より擧る別紙^一を採用べし。

至この際協定の実質に触れて調整を試るについては、

(4) 米側との交渉に相当の時間を要すべきものこの点は時日を限定して調整はその間に妥結する限度に止めることを考慮し得べく、

(四) 調整した限度で国会審議の困難さを減殺し得べく、

(八) 新条約が期限十年として発足するに対応し、行政協定も当分これで行くとの態勢を取り得ることとなるべし。

六なお、別紙三の改正案は、関係各省の要望も参考として作成せるものであるが、改正点は比較的少数である。蓋し行政協定は、外国軍隊の駐留を前提し、外国軍隊の基地使用及び軍隊の地位に關

する技術的取扱であつて多少とも国際的基準があり、調整の限度も自ら限られている。当面の問題については、国連軍の地位に関する協定、NATOの軍隊の地位に関する協定等が検討の対象となるべきは当然であるが、NATO協定の一部の規定は、~~わ本軍~~の場合は自衛隊が国内において名実共に軍隊としての地位を確定するまではわが国の実情に則せざるものあることも留意すべきである。これを要するに行政協定の全面改訂と称するも、仔細に検討すればその限度は極めて限られたものであり、別紙^二の程度の調整が若し実現すれば、当分は協定いぢりの必要はないものと考へられる。

行政協定改定の便法について

現行安保条約を廢棄する以上、これと並く行政協定も当然失効するので、新条約の下における在日米軍の地位等を定めるたゞにては、行政協定に代る新協定を締結する形をとるのが法律的には最も妥当なやり方である。しかし、この方式を選けたいところとすれば、なんらかの形で現行行政協定を利用するほかない。そのためには、一應二つの方法が考えられる。(一つは、現行協定を準用する(現行協定の実体的内容を適用することを含意する)やり方であり、他の一つは、読みかえる(部分的読みかえ規定をもつて現行協定の例によるとする)やり方である。いずれの場合も、その取扱の細節につ

別紙一

12-9

一
一つは、読みかえる(部分的読みかえ規定をもつて現行協定の例によるとする)やり方である。いずれの場合も、その取扱の細節につ

極秘

いて国会の承認を求める必要があるかどうかは別個の問題で、新協定の締結の形をとらないから国会の承認はいらないとしたことはならない。また、いすれの方式をとる場合も、三十四条や防衛外相金条項の削除等は、明定することはできるので、この面において両者の間に優劣があるわけではない。その他の点につき、二つの方式の得失をみれば、およそ次のとおり。

(一) 単用方式(別紙第一の案)

この方式の難点は、暫定性の問題である。暫定的の取扱であることを明示するかどうかがまず問題であるが、元來、新協定を締結するのが本筋であるところからすれば、暫定性を明示する是否とにかくわらず、理論上暫定的のものであらざるをえない。

特に、單用方式の場合は安保条約の改定にともなう読みかえがどうなるかも明らかにされないわけであるから、そのまま通用できるような明確な協定をできるだけ早く締結すべきであるといふことになる。したがつて、暫定取扱であることを明示した方がいいといふことはとなるが、どうしても明示しなければならないといふことはない。ただ、国会等で説明する場合には、暫定的のものであることを認めざるを得なくなるのではないかと思われる。

これに因應して、対米交渉において相当の時間的余裕があつたにかかわらず、なぜとのような間に合わせ的やり方をするかといふ批判も当然おどりてくるであろう。

(二) 読みかえ方式（別添第二の案）

これは、新協定で行政協定の条項をそのまま使えるところは衆文として全部~~と~~書きとなくこれを利用するといひやり方である。現行行政協定をそのまま改正しておいて、新条約の下でもそのまま適用できるようにするといふことはできない。また、新条約の下で現行行政協定をそのままじつたん生かして、その上でこれを改正するといふことも言えない。行政協定は、現在のままの形では、安保条約に基く、安保条約のための協定たるにとどまるから、かりにこれを生かすといひ合意をしてみたところで、安保条約そのものは死んでいるわけだから、全く意味をなさないことになる。

このように、行政協定を生むた國際結束として取り扱つて、これ

を改正することができなければ、新協定を作ることに当つて「行政協定」を利用する仕方としては、これを一つの印刷物として利用するところが最も適切である。

この方式は、^{は法律上は}協定性という觀点はなくなる。その結果できるものは、本質的には新協定であるからである。また、旧行政協定中ににおける旧安保条約の条文と関係する部分には、新安保条約の条文ともわせたものであるから、準用方式に比し修正点が明示されてくるところ長所を有する。

しかしながら、この方式は法律とは、

- (1) 暫定的なものでなくともかかわらず各条文を明記しなくては。
- (2) 国行政協定は、いわゆる行政取締であり国会の承認を得たら

のではなくともかかわらず、この条文を提案せざして国会の承認を求めるところ（従来国内法においては「……の例による」というものはあるが、これは旧法律を法律として、又は旧政令を政令として「継続する」ものであつて、旧政令を法律として「例による」ものはないと思われる）

等の理由により法律上不可能とはいえないであろうが、言わめて不適当な方式と考えられる。

また、特に注意すべきはこの方式を採用すると、過効後の部分改正は技術的にきわめて困難となることである。

なお、この方式においては、国会において明記しない各条文の提出を求められ各条文につき当然審議が行われると考えられるの

日本語の意味をもつて全般文機密と表記して置かれて結果となると解られる。

(前文) 「アーバンの御意見」「たゞ日本語を表現する適當な英語がないのではないか。」

別添一

「軍用方式」

施設及び区域並びに合衆国軍隊の地位に関する協定（案）

（前文）

第一集

日本国とアメリカ合衆国との間の安全保障条約第三条に基く改正された行政協定の規定に従つて日本国がアメリカ合衆国に対して使用を許している施設及び区域は、日本国とアメリカ合衆国との間の〇〇条約第〇号に基き日本国がアメリカ合衆国に使用を許する施設及び区域とみなされる。

第二集

機密

日本国とアメリカ合衆国との間の安全保障条約第三条に基く改正された行政協定の第一条から第二十三条までの規定、第二十五条の1及び2の規定並びに第二十六条の規定の内容は、これらの事項に關し新たな協定が締結されるまでの間両国間に引き続き適用されるものとする。

第三条（発効等）

別添二

「読みかえ方式」

施設及び区域並びに合衆国軍隊の地位に関する協定（續）

（前文）

第一条

（過渡的規定）「準用方式」第一条と同文。）

第二条

○○○条約第三条の規定に基く合衆国軍隊の使用に供せられる施設及び区域並びに合衆国軍隊の地位等に關しては、一九五二年二月二十八日署名され、一九五三年九月二十九日改正された日本国とアメリカ合衆国との間の安全保障条約に基く行政協定の各本条（ただ

し第二十四条及び第二十五条の規定の例である。

ただし、この場合において、

一 第一条「」とあるは「」と、

第二条「」とあるは「」と、
読みかえるものとする。

第三条（発効等）

行政協定調整上關係質的問題

三國志

| | | | | | | | | | | | | | | | | | |
|---------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------|----------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------|--------------------------------------------|---------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------|-----------------------------------|--------------------------------------------|
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| 契約が日本法令の施行を 阻害せざる様明記すべし | 契約が日本法令の施行を 阻害せざる様明記すべし | 「日本を指不利益の解釈を 拡張すべし | 契約が日本法令の施行を 阻害せざる様明記すべし | 「日本を指不利益の解釈を 拡張すべし | 認事項とすべし | 契約が日本法令の施行を 阻害せざる様明記すべし | 「日本を指不利益の解釈を 拡張すべし | 契約が日本法令の施行を 阻害せざる様明記すべし | 「日本を指不利益の解釈を 拡張すべし | 契約が日本法令の施行を 阻害せざる様明記すべし | 「日本を指不利益の解釈を 拡張すべし | 契約が日本法令の施行を 阻害せざる様明記すべし | 「日本を指不利益の解釈を 拡張すべし | | | | |
| XIV 米軍と交換的よりの為日本 此種会社は「日本」の会社とは 特權の全般的削減。 特權を負ふべし | XV 日本側を達成し得ない場合「日本 側の同意半ば」認め、但し 特權は制限する。 特權解消 | XVI 輸入量を合理的限界に止 自衛隊と米軍との相互放棄 間り請求権相互放棄 | XVII 日本政府機関と米軍との 間の請求権相互放棄 | XVIII 公務遂行中「否か」対立 した場合は合同委員会が決 定する。 | XIX 公務外の行為が「日本」の に干渉した損害に就ては日本 側報告書に基づき米側は 公務外の行為が「日本」の に干渉した損害に就ては日本 側報告書に基づき米側は | XV 税、軍票使用等の特權を 認める。 PAX等の特權を規定す | XVI 日本政府機関と米軍との 間の請求権相互放棄 | XVII 日本側を達成し得ない場合「日本 側の同意半ば」認め、但し 特權は制限する。 特權解消 | XVIII 日本政府機関と米軍との 間の請求権相互放棄 | XIX 公務遂行中「否か」対立 した場合は合同委員会が決 定する。 | XV 税、軍票使用等の特權を規定す | XVI 日本政府機関と米軍との 間の請求権相互放棄 | XVII 日本側を達成し得ない場合「日本 側の同意半ば」認め、但し 特權は制限する。 特權解消 | XVIII 日本政府機関と米軍との 間の請求権相互放棄 | XIX 公務遂行中「否か」対立 した場合は合同委員会が決 定する。 | | |
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在京米大使に対する行政協定関係大臣説明案

三四三一
米保長

新条約下の行政協定の問題に就ては既に何處かお詫びして来た所
で、米側の本件に対する見解は承知している所存である。わが方
の立場に就ても隨時お話をしてあるが、ここに重ねて説明すること
ととしたい。

現行の行政協定は、安保条約の授權に基き、行政府間の取極として締結されたものであるから、安保条約失効と同時に消滅せざるをえない。この点は、貴方も同じ見解であるわけで、だからこそ、貴方案でもこれを存続させる趣旨の規定が設けられていた次第である。

現行行政協定を新条約下において一度その體生かし得るや否やの点に就ては、行政協定は、現在の體の形では、安保条約に基く安保条約のための協定たるに止るから、仮にこれをその體生かすという合意をしてみても、安保条約そのものは死んでいふ訳であるから、斯る合意は意味を成さないことになる。それは、例えば第二条をとつて見れば、ここには、日本は安保条約第一条に掲げる目的の遂行に必要な施設及び区域の使用を許すとあるが、安保条約第一条そのものがなくなつてしまふわけであるから、そのままで一慶生かすということは意味を成さない。従つて現行協定を一度その體生かした上これにコンフォーミングその他所要の調整を加へるということは出来ない。

四

現行行政協定にあらかじめコンフォーミングその他所要の調整を加えて置いて、新条約下にもその儘適用して行くということも出来ない。蓋し現行協定が存続する限り、それは安保条約に基く安保条約のための協定であるから、これを新条約にコンフォームさせることは、現行^{條約}協定が存続する限り出来ないことである。

五

新条約の下における行政協定の扱方には、技術的に左の三つが考えられる。

(1) 現行協定の実体的内容を適用する（準用方式）

(2) 部分的読替規定を置いて現行協定の例による（読替方式）

(3) 新しい行政協定を作ることとする（新協定）

六 準用方式は、現行協定の実体的内容を適用して行くことを合意

するもので、手続的には最も簡単であると共に実質的に不都合は生じない訳であるが、読替えられるべき部分は明示されないから、その儘適用出来る様な明確な協定を出来る丈早く締結すべきであるということとなり、暫定性を免れ得ない。

七 読替方式は、現行協定の条項を、その儘使える所は条文として全部列記することなくこれを利用するやり方である。この方式は、必ずしも暫定性を有するものではなく、又読替える部分は明示されているという利点を有するが、適用されるべき条文は実際には死んでいるのであるから各条文を適用するという表現はとり得ず、実質的には新協定であり乍ら各条文が明記されてをらず、又元々各条文は国会の承認を得たものではない点からも、次に述べる新

協定方式に比し弱点を藏する。

八 新協定を作る方式は、法律的には最も妥当なやり方である。その場合、新協定の内容を、(1)現行協定を新条約にコンフォームさせると共に米側が同意される場合第二十四条及び分担金条項のみを削除したものとするや、あるいは、(2)更に若干の調整を加えたものとする様今後米側との間に話合を試るや、の問題がある。(1)の点に就ては、既に大使が繰返し述べておられる米側の態度を窺と考慮すると共に、わが方国内各方面の要望並びに行政協定発効以来署名された国連軍協定、ポン協定等各種国際協定を参照して研究の結果、(1)現行協定に修文を希望する点、及び(2)多少実質に触れた問題であるが米側と意見の交換を行いたき点に付、若干の

結論を得た。

九 現行行政協定は、わが方においても条約の授權に基く両政府間の行政的取極として取扱われたが、新行政協定は、左の如き事情により、前記何れの方法による場合も、わが方の国内手続としては国会の承認を求めなければならない。

- (1) 行政協定は本来法律事項を規定していること
- (2) 現行協定に付国会の承認を求めるかつたのは謂わば例外的位置であつて、事実その成立後国会においてとの点に関して強い非難を招いたこと
- (3) 行政協定と同様の性質の国連軍協定は国会の承認を求めていること

(二) 以上の理由で、新協定を再び政府間取扱として扱うことは、政治的に困難なるのみならず、新条約自体の国会承認に無用の

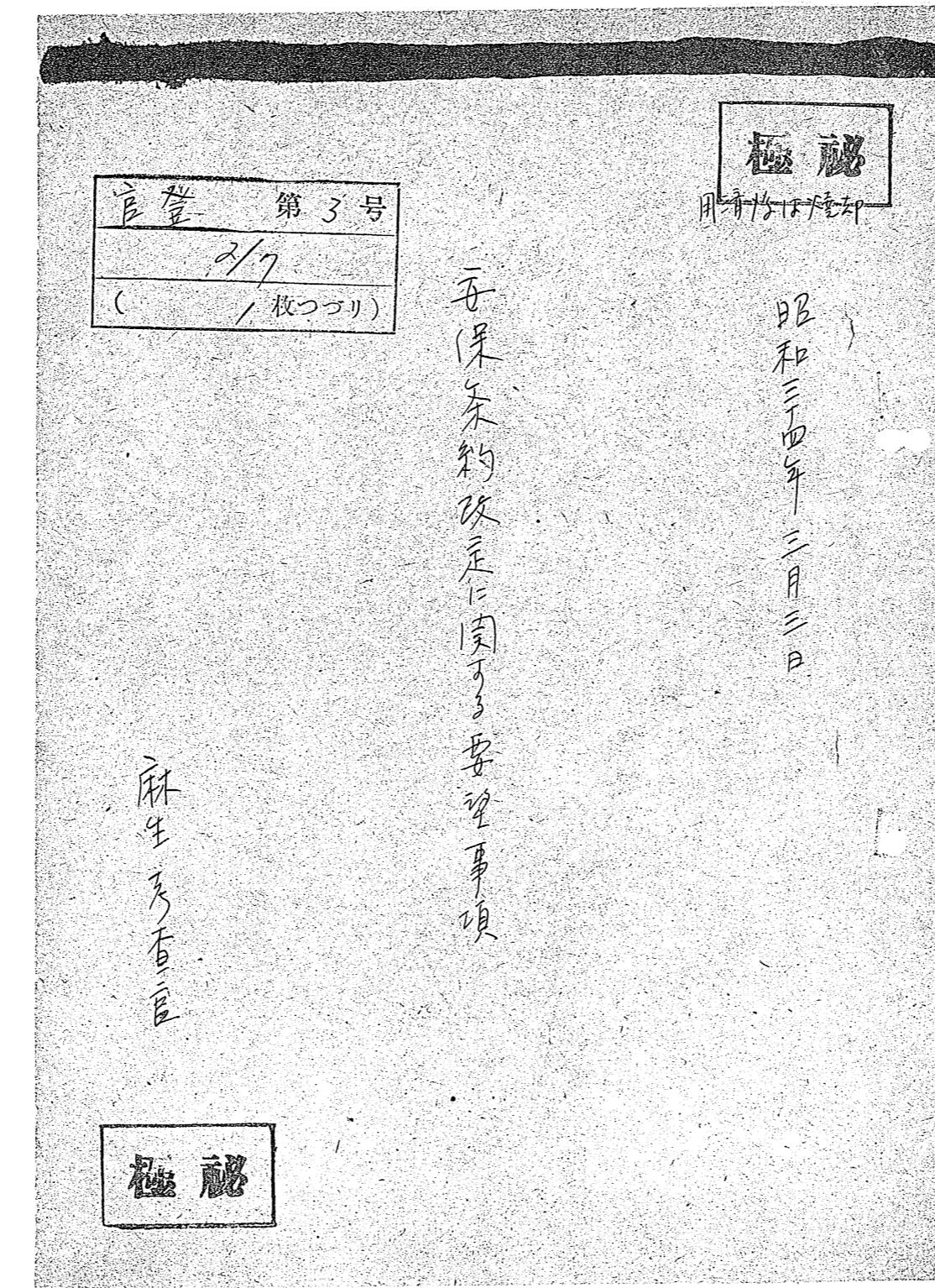
摩擦を生ずること。

一〇 行政協定は、施設及び区域の提供並びに在日米軍の地位を法律するものであるから、米側、特に米軍側においてこれを重視されることは理解に難くない。他面わが方よりすれば、行政協定は国民の日常生活における米軍との接觸点に関する規定であつて、ある意味においては国内政治的に条約自体よりもむづかしい問題を包藏しているが、わが方としても条約改訂に関する話合の成立までには行政協定に付いても満足なる合意疎遠する要ある点は同意見であり、われわれもその積りで努力している。

一 今回の条約改訂に当つては行政協定の調整は行わずとの趣旨を堅持する場合は、技術的には、前記の準用方式、読替方式、又は前記八(i)の新条約か何れか一によることとなるであろう。右何れの場合も、政府は国会に臨んでは、今回の条約改訂においては、行政協定は安保条約下の協定を取あえず承継し、これが調整は後日に譲る、との立場を探らざるを得ざるに至ると思われる。他方、若し前記八(i)の趣旨にて最少限の調整の話合を行うときは、米側において相当な難色もあるべく又若干の時日を要すべきも、わが方研究の結論に対し米側において多少とも同調し得るとせば、わが方はこれを織込んだ協定を新協定として国会に提出し、もつて行政協定に付ても安定性と信頼性を確保し得ると思われる。何れ

の方法によるかは大臣大使間において決める所であるが、先づ事務当局においてわが方研究の結論を早急に検討せしむることを希望する。

一二 最後に、今日までの行政協定運営において、解釈上の懸案として残つてゐるもののが幾つかあり、その多くはわが方担当当局と在日米軍当局の間では解決困難視されるものが少なくない。この種懸案を抱えた儘で新行政協定の国会審議に臨むことは極めて困難であるので、わが方としては新条約に移るこの機会に、規定の解釈統一や財政的措置を要する懸案の解決を是非果したいと強く希望している。何れ詳細は事務当局から説明させることとするが、この問題は大使にも理解をもつて解決に協力して戴きたいと思つてゐる。



安保条約改定に関する要望事項

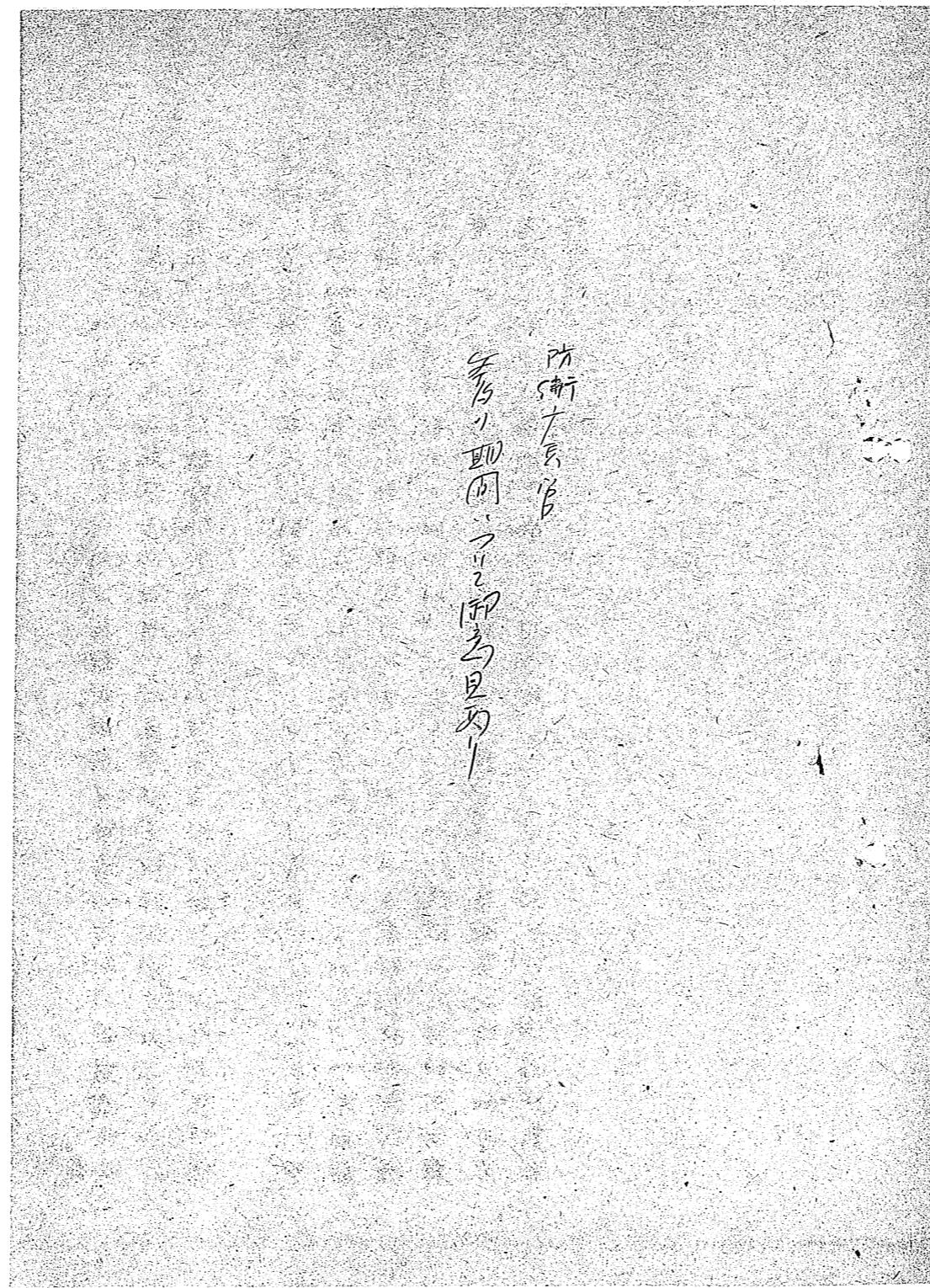
- 一 条約区域について、日本領域の外、これに近接した公海及びその上空をも含みうるようになされたい。これらの地域にある^{て日本防衛隊の}締約国の艦船及び航空機に対する武力攻撃があつた場合にも共同防衛措置が発動される必要があるからである。
- 二 領空侵犯措置に関する米軍の援助要請及びレーダーサイト等の平時協力の根拠を明確にしうるようにしてること。
- 三 協議事項として、例えば、「極東における締約国のはずれかの領土保全、政治的独立又は安全が脅かされていふと認めるとときは」というような表現を^{あらわす}べきを^{考慮する}。

理由

(一) 北大西洋条約第四条の規定について、上院の外交委員会の報告書によれば間接侵略の場合にも協議の対象として取り上げれば取り

上げられないこともない旨の解釈がなされているので武力攻撃の決定についての解釈と歩調を合せた方がよいのではないかと思われる。「政治的独立」の脅威ということは間接侵略との関係で意味を有する。

(二) 領空侵犯措置については岡崎・マーフィー往復書簡（昭和二十八年一月十三日）で米軍に依頼して今日までできている。一部航空自衛隊がその領空侵犯措置をとりつゝあるが未だ完全に単独で遂行しうる段階にきていない。従つて、この協議事項に基いて合意するか、又は依頼する必要がある。領空侵犯措置をとつてゐることは、武力攻撃を阻止する効果を有するが領空侵犯は、必ずしも武力攻撃とは限らない。



CONFIDENTIAL

March 4, 195

ADMINISTRATIVE AGREEMENT

Legal Aspect

1. The Administrative Agreement was concluded between the two Governments on the basis of the provisions of Article III of the Security Treaty which authorize them to enter into such agreement. Accordingly, if the Security Treaty expires, the Administrative Agreement expires simultaneously.

2. Because the Administrative Agreement is an agreement based on the Security Treaty to serve the purposes of that Treaty, it is not possible to have it continue in effect in its original shape under the new Treaty. (Article 2 of the Administrative Agreement, for example, stipulates that Japan agrees to grant the United States the use of facilities and areas necessary to carry out the purposes stated in Article I of the Security Treaty. It does not stand to reason, therefore, to agree on having the Administrative Agreement continue in effect under the new Treaty, because Article I of the Security Treaty itself does no longer exist.) Therefore, it is not possible first to have the Administrative Agreement in effect under the new Treaty and then to make necessary modifications to it to make it conform to the new Treaty.

3. Nor is it possible to make necessary modifications to the Administrative Agreement in advance to make it conform to the new

- 2 -

Treaty and to have such agreement continue in effect under the new Treaty, because no such modifications can be made to the Administrative Agreement as long as the Security Treaty is in effect.

4. With regard to an "administrative agreement" under the new Treaty, there are two alternatives to deal with it: one to agree on making the substance of the Administrative Agreement applicable under the new Treaty, and the other to conclude a new agreement.

5. As to the first alternative of agreement, there are again two alternatives: one to apply the Administrative Agreement mutatis mutandis (Formula A), and the other to agree that the status of facilities and areas and the United States Forces in Japan shall be governed by the terms and conditions embodied in the Administrative Agreement, indicating specifically modifications to be made to the text of the Administrative Agreement (Formula B).

6. The second alternative in paragraph 4 is to conclude a complete agreement which is entirely new at least in form.

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(Formula A)

(DRAFT)

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

(Preamble)

ARTICLE I

The facilities and areas, the use of which Japan has granted to the United States of America under the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, as amended shall be considered as the facilities and areas the use of which Japan grants to the United States of America under Article _____ of the Treaty of _____.

ARTICLE II

The provisions of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed on February 28, 1952 and amended on September 29, 1953, with the exceptions of Article XXIV and Article XXV 2(b), shall apply mutatis mutandis between the two countries.

ARTICLE III

(re: entry into forces, etc)

In the application of this Article, however, the following terms appearing in the said Administrative Agreement shall be read as stated in each paragraph,

(1) " _____ " in Article I: " _____ "

(2) " _____ " in Article II: " _____ "

(3)

ARTICLE III

(re: entry into force)

CONFIDENTIAL

(Formula B)

(DRAFT)

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

(Preamble)

ARTICLE I

The facilities and areas, the use of which Japan has granted to the United States of America under the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, as amended shall be considered as the facilities and areas the use of which Japan grants to the United States of America under Article ____ of the Treaty of ____.

ARTICLE II

The terms and conditions regulating the use of facilities and areas by United States armed forces under Article ____ of the Treaty of ____ and their status in Japan as well as matters related thereto shall be as laid down in the relevant Articles, excluding Article XXIV and Article XXV 2(b), of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed on February 28, 1952 and amended on September 29, 1953.

In

外務省

三月六日大蔵山大臣在京米大使会議録

| | |
|-----------------------|-------------------------|
| 日得 | 昭和二年三月六日午後九時半より一時、於白雲公邸 |
| 出席者 | 膳路大臣、山本次元、森半蔵、米保長 |
| 記録者 | アーヴィング・ハーパー書記官 |
| 御指付と申上申下 | 機事の準備は本事つゝが、日本一すかにまつた。 |
| 二交御詔へ申しと申す御事 | 御詔へ申す御事 |
| 条約は膳路大臣に入手もあらず。實内す意見も | |

大臣
大蔵山
吉澤
官房書記官
外務省
米保
大蔵
参事官
米大使
大蔵山大臣
三月六日
昭和二年三月六日午後九時半より一時
于白雲公邸
膳路大臣 山本次元 森半蔵 米保長
アーヴィング・ハーパー書記官
機事の準備は本事つゝが、日本一すかにまつた
御詔へ申す御事
御詔へ申す御事
条約は膳路大臣に入手もあらず。實内す意見も
回覧番号
米保 536
31.3.12
大蔵山

逐次國事のあり、率ての幅半然て半ば、もと大半が商談はなく、更
は意内に式外公使團の決定を踏み出よ、般體で、或の公使
間の決議を以て其と並び進むる。向燈は行政協定の設立
被至る事の如き。

行政協定は意内に二三の意見が多。一部は全面改
行備考者、主として人連は協定の内容を知りて
言ひ、「はい、三は人連のがたかの事は」。他は「人連は、

可能な限り急速に若干の改訂を以て、早とおそれうける事、要
と云ふ。若干の改訂には三十回程、約總金五百四十元半改
行志を以て至る。もう一つの意見は此の際三十回程及
上損金半を改めて甚く改進を特權と使用せし行が、
何事か形で將來双方で研究し合意の達成を許せし行
を行ふ事。方法と之と外更本筋にやうが、又は其筋に委
員会を作らしめたりする事の方、其の後士次と

御所ニ奉充引がる事無、ナニシ万法は太使乃ミ半財の事無

生レシ寫出モ。且下意内ヲサヘは皆ノ吉ハ假ハ

リ。

信終行度付在往記述三任日未開傳存一寒之信
す。而ニ多事の事無事と下はナニシ万法ハ社工大
使ヒテニ交セサルノ事アリト思ホ。之ノ數ノハク
ノンニテ興浦來モ事ハ主。自御子卒業御所ニ乙太使

外務省

是處之取次。ニ云ナリ。未過句ハ信終存傳主事至大
使ニ手本才少。國主方ハ信終出ナリ。ハナムニテ想像
ナムカ。アリ。此レ身ノヒテは最善の努力色徳ナムモ。之
事前ノヒテ太使事アリト。事ナラ自ノ一最善。つ
事屬は事。

方ニシ万法ハ公事會と云ふニハ存候ハフクノ事古根元
日本國事ナムナシ故と云ふニハ太使がリ聞知アリ。此レ

外務省

其の為手の書面を取扱ひた。併し本件は書面会話は流し形

條款下の儀事項と併せ之を捺し行ふ事は至ら得へ。又

協定の履行する事に於ける軍事上事務を一時的隔離を

適用して將來の事務に於ける事務の執行を一時的隔離を

ナホ事務が直ちに實現する所では無く、且つ何れか

其の事務が直ちに實現する所では無く、且つ何れか

事務の実現の間隔を上手に、當由に各該障害の範囲に

外務省

御用事の事務は、實質的の關係ある事務を備へ。並に
自ら付す抵抗を要す。此の過度の強制を以て事務の判断に資す
と雖も、方法が點はなく、或は才三方法以上ある事は、主に
何れに於ける事務を早々廻すと云ふ事は、實現は
大變、率直に御承認を蒙る。大臣がカードを捺して貰い手をと
る事。惟御承認は、國會に之なら上院生大法典と判決手をと
る事。最も上手に、之を基に日本側の行動を從事し限り調整し

外務省

ニテハ大丈と謂ひシテハハシトニ上ニ且申すニシテ。候給地國の事は
日本打合會の事體ニシテハシテ。沙鹿十日が外すニシテは白鳥はワシントン

ハ唐馬甲子シ在ス。大丈とい可と多々。形様云形の條部は今ハ白鳥
シテ合ひシテアリ。尚國の事が日本政府の義務並負ヒ。日本側は之に付
序す擇ゆ義務ルナシ。此是甚矣而以最古限の儀事至たる事無
此の尚國の一方の義務は是(瓦)補充経因子は甚也及補流と云ふ
三江等が、遂ニ此方面が確保シムとが極度重要ハ事。

外務省

行政権全は美約12先行する他絶条件ニ要。之は行政権が主と西ヨリ
皆ナ米讓今方ナラニである。蓋し其條約を審議す議會は、日本援助
義務を引取ナシ故は義務を果て得様な態勢、由來之づか否かを
確認す事等、カタニ要。總務 logistic support が保障出来ず然れ
ば市内空港を即ち丁寧氣があり、總務空港工事は即ち不適切ガ為
得タル故、行政権全は美約12持て行く事は出来ぬ、吉陰事
総理大臣佐竹和義長官にて、行政権全が云々と云ふ事態

外務省

12月13日は候終了後申出た。

相正直在り申上申於。中三事務をアドバイス府地主と仰言する如故に
か取扱いアリシヨンは折衷し善之未だ思ふ。行政協定上は初め申
上ナニモ西ノカシムは間違はず。其本件の問題を引摺るヨリモ
古事記ラニヤリ形とす様強い。アドバイスが事。日本側は少ヒ形式的には
新陳生息ナリ等ナリと謂ふ所無レアトニシミテ、アドバイス相當
終了ヤシ前ナリをやん投票ツビシキモチヤク色と云ふを除シ。古事記

外務省

基事例ハ多ニ方甚は重大な事もアリ申す。先づ大蔵省上院付
日本内閣半圓の論草をアドバイス引摺アリテ、其本件主張以次アリ
12月13日申出アリ。之ノ件は押送アリ即ち郵便局に持去る事。右書
類を義上ナリが江二三更に申出まし。

外務省

華を強化する事無く、論議を引ひて是れは兩手をdivideするに及ぶ。又
自らは日本が主張の國權と云ふ内閣は既には言及する所少なかつたが、條約締行は
日本本邦が主張する保全意欲の大きさが、又は個々の経済上
行政権は國す論議は參照義務を引ひての為めに主張するが、其の國已持らるゝを得
て、行政権は在事実其の権力上立をひきつけて是れは日本本邦が之見
て、政治的立場を徐然と改めはなじ、總て権威と権量とは、
チと云はば方があつて、之を制するには何等の得失もアリト左の如き失ふと、

萬物ねどり、私國事務駆駕の向對付事務を擇定、又各自の事務をあきらめ
余る事無く而も同様が事務、行政権は事務門があり得るもの、人は其の
在位を以て其の事務執行の之を責めむるに因るが、つゝては
條約を協定を以て實現するにあらず、勿論協定を終末個
人特立の問題に付多種の障害と云はば其事務を不得てあり大
きの申すは全面相撲と云ふ事務をして終焉其處に中止を表す
と云ふ事務に付多種の障害と云はば其事務を不得てあり大

機械の運転修整工事は不器用の者に於ける事は多く、又運転工事を
作業者や障害の種類によっては格別に人を要する。又も居其の運転者
自らが柔軟でなければ、運転全般が大變難しくなる。機械を操作する
機械工事は、本工事上での事項の修整工事 absolute minimum にすぎない。尚ほ運転
機械を出すだけ全体の 10% の能性を妨げることは無い。
云から運転手は運転技術を何時も心に於ける。自家用車の運転はつ
上進の運転者としての運転手を有する必要がある。又運転手の運

傳記の如く並隣が最も多く居たが、其の承認は
上に示す如く取扱いが出来ぬ事多し。甚だ之等の
アーバニティを併用せば良き。

自古より時々行はる事無く、其は25の者と思ふ。又何の解
釋も一語たり得ず。とは云ふ事無事、然るは今同書會合の解説也

國外より之等の事件有れば第一例也。

高麗在の施設三國の引起及の合同書會合の件手帳と引述簡

吉原の文書を用意して来て子。 (別添一、二を大正の手文)

今後は御用事から在り奉る事あるを以て、この御用事に付する事無事、御用事は大吉の

是還在得。或曰：「人言其一，則其二亦可見矣。」

故多指固難取事與之同也。蓋上之善者固可

萬物皆有裂縫，那才是生命的亮光。
Consider
him to be wise. 善者福本 perfect

おまかせでござります。おまかせでござります。

御免と承りまく。尚之は印

186
The following is a list of the names of the members of the
Society of the Sons of the American Revolution.

卷之三

卷之三

卷之三

少卿之子也。少卿之子也。少卿之子也。少卿之子也。

二十一
昌黎縣志稿卷之三
清嘉慶二十五年
昌黎縣志稿卷之三

少室山事務所

太田 御活字書は主制。其餘取扱は自ら本局専管に
又圖書の販賣も主制。行商場所は主制我の手扱は半生
神官一氏。其方書寫本も研究す。協定銀行と主と銀行と
之を行
其の後と並んで書寫本を多く有し、然方として國銀行河山等と
ある況ひ日本三井信託と同様、或は研究上之を第一と
お思ひが可なり。本日の書寫本はと研究し、主と
此處を亦手取りあり得べし。本日の書寫本はと研究し、主と
されば來の書寫本を参考とすべし。

太田 一言サジ上に於て、日本銀行書寫本は最も珍重し、其餘化する次第
太田 共同國債、我國書寫本は周囲に有る所を主とせんが
す。我が書寫本と信ずるより、之を基礎の太田と指す。是れ
書寫本は主と内閣主とはつて、主と連絡せんと行ひ
（後）

外務省

最終段階に於けるヨーロッパの反対を押さえて行く所である。
總ての善い人は皆この手の事を、抱き兼ねざる者はない。
而して御説の眞實問題は言及しない。其の點自らは總理局の
處理上と協調したが、其結果總理局は、
「近々日本や江戸御通事の手と爲る」。
庚午御内閣を経て、米政府は三月二十日、芦原正吉を
ハーバード大学に赴きやうと土官正三助に依頼する旨の書簡。

主張の問題は、直教行進す。
大臣 昨日も之を實現志し、今度はかくしての本義理上
おこなひよからず。
大臣 事件の重要性は、既に甚だしく認定され、何とか間に合
りたる所の御見舞は、向うの傳へしものゝ如くは傳へ
ゆる事なかつたといふことはないが、ウジタハテ、極めて
外務省

御相談事

大臣 指揮は、若而前未だ行つて居らる候金(江上)を支給せ
る事に當るが爲め、前後左右の三事は重事云々。同便に改拂

商事課の主張は、假想の金額等、一毫も之に屬する。此間は
條約調印の事と並んで付し、又は、眞摯に之を以て、是れは、國連に
之の如き事件の件記す。即ち左件は未だ何も決定せ
らず、何が決出する事かが、大臣の御詔す。先づ御詔せた
事、余計な事へ言はずと申す。

大臣 且つ本件の相手代表團を第一、又は、之に對する事とす向
けた事は、如何能事は、恐い事でござり、ある。然るが爲
得難い事と申すことは、あら得て、事がましく、
決して、と取扱ふ。

SECRET

PREAMBLE

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

* * *

ARTICLE II

1. Japan agrees to grant to the United States the use of the facilities and areas necessary to carry out the purposes stated in Article I of the Security Treaty 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 XXV of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas. (Rest of Article unchanged.)

* * *

ARTICLE VII

The United States armed forces shall have the right to 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.

* * *

SECRET

三月五日大正元年四月五日
日本國憲政會議事處
總務司

SECRET

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ARTICLE IX

1. The United States shall have the right to bring into Japan for purposes of this Agreement persons who are members of the United States armed forces, the civilian component, and their dependents.
 (Rest of Article unchanged.)

* * *

ARTICLE XIII

1. The United States shall have the right to 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.
 (Rest of Article unchanged.)

* * *

ARTICLE XX

1. (Unchanged)
 2. In order to exercise control of military payment certificates the United States shall have the right to 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

SECRET

SECRET

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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.

ARTICLE XXI

The United States shall have the right to ~~the~~ 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.

ARTICLE XXII

The United States shall have the right to ~~the~~ may enroll and train all eligible United States citizens, residing in Japan, in the reserve organizations of the armed forces of the United States, except that the prior consent of the Japanese Government shall be obtained in the case of persons employed by the Japanese Government.

* * *

ARTICLE XXIV

(Delete old Article XXIV and substitute old Article XXV)

SECRET

SECRET

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ARTICLE XXV

(Old XXVI)

1. A Joint Committee shall be established as the means for consultation between the United States and Japan 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 stated in Article I of the Security Treaty of the Treaty of Mutual Cooperation and Security. (Rest of Article unchanged.)

ARTICLE XXVI

(Old XVII)

1. This Agreement shall ~~have~~ enter into force on the date which the Security Treaty when the Treaty of Mutual Cooperation and Security between the United States and Japan Japan and the United States, signed on _____, enters into force. (Rest of Article unchanged.)

ARTICLE XXVII

(Old XXVIII)

ARTICLE XXVIII

The Administrative Agreement between Japan and the United States of America signed at Tokyo on February 28, 1952 shall expire upon the entry into force of this Agreement.

SECRET

SECRET

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ARTICLE XXIX

This Agreement, and agreed revisions thereof, shall remain in force while the Security-Treaty Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the parties.

SECRET

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.

In connection with these agreements, I would appreciate confirmation on behalf of your government that the United States of America will continue to have the 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 our two governments in accordance with the Administrative Agreement 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 unless altered pursuant to the new Administrative Agreement concluded this date.

Accept, Excellency, etc.

SECRET

SECRET

行政協定に関する大臣説明案

三四三四一米保長

二 行政協定は、施設及び区域の提供並びに在日米軍の地位を律するものであるから、米側、特に米軍側においてこれを重視されることは理解に難くない。本件に関し從来大使が繰返し述べられた米側の立場は充分理解している積りである。他面わが方よりすれば、行政協定は国民の日常生活における米軍との接觸点に関する規定であつて、ある意味においては国内政治的に条約自体よりももづかしい問題を包蔵しており、又最近国内各方面において漸次論議がこの方面に向けられて来たことは御承知の通りと思う。

三 わが方としては行政協定の大幅な改訂を考えているものに非る

ことは既にお話した通りである。又条約改訂に関する話合の成立までには行政協定に付いても満足なる合意に達する要ある点は同意であり、われわれもその積りで努力している。

三 今回の話合は条約改訂の話合であり、米軍駐留の実質は新条約下においても変わらないのであるから、行政協定は現行協定を踏襲するとの立場からすれば、新条約下の行政協定については現行協定の準用又は読替の方式によることとなるであろう。總理も当面この方針で臨むことが国会審議の觀点からは最も適当であるとの判断を有してをられる。ただこの立場をとるときは、行政協定は安保条約下の協定を取りあえず承継し、これが調整は後日に譲る、との結論にならざるを得ないと想われ、行政協定調整の問題が後

を引くこととなるう。

四 新協定を作る場合は、コンフォーミングと分担金条項削除のみで協定を作り、これを国会に新協定としてかけることは政治的に極めて困難であると思われ、その場合は実行可能な他の調整も加えて国会審議の困難さを最少限に止めることがわが方としては望ましい。斯様な趣旨で調整の話合を行うことは、米側において相当な難色あるべく又若干の時日を要すべきも、わが方としては既に大使が繰返し述べるおられる米側の態度を篤と考慮すると共に、わが方国内各方面の要望並びに行政協定発効以来署名された国連軍協定、ポン協定等各種国際協定を参照して研究の結果、(1)現行協定に修文を希望する点、及び(2)多少実質的に触れた問題である

が米側と意見の交換を行いたき点に付、若干の結論を得た。

五 準用又は読替方式で行くか新協定で行かは、本大臣貴大使間ににおいて決める所であるが、右何れも得失があるので、結論に達するに先立ち充分研究する見地より、この際現行協定の問題点についてのわが方研究の結果を事務当局間において早急に検討せしむることを希望する。(問題点とは例えば別紙の如きものである。)

六 最後に、今までの行政協定運営において、解釈上運用上の懸案として残つてゐるもののが幾つかあり、その多くはわが方担当当局と在日米軍当局の間では解決困難視されるものが少なくない。この種懸案を抱えた體で新行政協定の国会審議に臨むことは極めて困難であるので、わが方としては新条約に移ることの機会に、規定

別紙

Members of the United States armed forces, civilian components, and their dependents

a. It is proposed that the members shall be defined as personnel on active duty when in the territory of Japan "in connection with their official duties". (Article 9, paragraph 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.)

b. It is proposed that the United States shall appropriately inform Japan of the number of persons entering into and departing from Japan.

c. It is proposed that the civilian components and dependents of the members of the United States armed forces and civilian components shall carry passports upon entry into and departure from Japan. (They are not exempt from passport and visa laws and regulations.)

の解釈統一や財政的措置を要する懸案の解決を是非果したいと強く希望している。何れ詳細は事務当局から説明させることとするが、この問題は大便にも理解をもつて解決に協力して戴きたいと思つてゐる。

~~X~~ Rights of the United States under Article III outside facilities and areas

a. Provisions:

Under Article 3, 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 25, paragraph 2(a) further provides that Japan will furnish rights of way without cost to the United States. However, Article 3, 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.

b. Problems:

(1) The provisions seem to imply that the United States may exercise its rights pertaining to facilities and areas at any place in Japan.

(2) There is no basis for the Japanese Government to bear the cost of any measures taken for the United States outside facilities and areas other than providing the rights of way.

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

c. Proposition:

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

Air traffic control

a. Provisions:

All civil and military air traffic control and communications systems shall be integrated to the extent necessary for the fulfilment of collective security interests.

b. Problems:

All air traffic control is currently delegated to the United States, but it is now in the process of being returned to Japan.

c. Propositions:

All air traffic control and communications systems shall be coordinated to ensure airtraffic safety and security interests, and for that purpose a standing commission shall be established.

Article 14 contractors

a. Provisions:

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

b. 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.

c. Proposition:

If the privileges are not to be abolished, 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 justifiable extent.

Article 15 organizations (PX, etc.)

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.

c. Prop.

c. 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 take all necessary measures to this end in constant cooperation with the Japanese Government.

Labor relations (1)

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. Problems:

Whereas this provision is interpreted to apply to the procurement of scarcity materials, there is a strong desire in Japan to give broader interpretation so that this provision may be referred to in the case, for example, of consultation actually conducted in connection with the transfer of MLC workers services to private contractors\$.

c. Proposition:

It is proposed to stipulate that the procurement shall be made in coordination with the competent authorities of Japan when it may have adverse effect on the economy or social welfare in Japan.

Labor relations (2)

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. 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.

c. Proposition:

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

安全保障課長

吉良宣

行政協定に關する件

昭和三〇年一月三日

本件は、行政協定の取扱いに二つの方法あることは、一般的の會議に於ておなじく指摘せられた所なり。一は銀行協定と

並用し本格的行動を特有の事に専念する方式であり、二は新協定を継続する方式である。

前の方ではまだ新協定方式に対する意見は、新

外務省

回覧番号
米保 570

協定として各本條につきセシルのジヤスチネーションを

要し二十億ドル二十五億ドルの双方直ししたが、日本

相当難儀なく日本側は上も而然の如き結果を

生じたのでこれを圖る一端あるとの如へ方に基く

あります。

新協定によるゆうに前記の如き本條はこれで

窮屈すに至り方があつて、弊にナトーニ比し

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不利なる。或は不利なるものはその理由を明確に指
示する所要。二つ目はつづき米側の御得の如く説明
を聽取する所要。

レ 勘定方、或はレシートをもとめし、
後日行政協定の要向直面して之等をもとめし、
と今じ勘定方に直面して之等をもとめし、
考は終つまから今各自上に政府の立場は國難
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べし。半側は今日日本における行政協定を認る
道徳は裏う政治的目的であるものとみえる。
ナトーナーとの比較は極めて困難だ。なんどそれは
ナトーナーは軍隊の地位に関する多角的條約で
ある行政協定に関する部分は各國の双務協定に
よる。二つの双務協定の内容には同じようであつた。
日本側では萬とある所をも詳細説明せし。

庚

行政協定と軍隊撤退に関する特別の

令明に於ける行政協定とは施設下内するものと申す。

はまや (レハセウトガラ)

とほかくナターとの比較の事項と重複する部分にはそ

の理由を詳細承知しないと理解が困難である。

コレ新協定の内容日本側で問題となる点は

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ヒラミ候ぬるか

庚 肩即上明かにされおきたいとは二れから申し上る

ニと日本側の希望する事のが会期獨り進むてゐる

もつてない事ある。 各方面の意見の整理と比較的

リーダーは交渉の問題點を何處にあつた

かをより日本側の為へて是滿意につけ General idea

老子元の飯局申し上り沙汰である。 後日

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おおむねは支那の洋服の貿易につては日本と並んで
ヨーロッパと並んで上位に位置する。

これは川島常陸等が主導する新協定の効果は日本
の最も優秀な商人の間で最も多く取扱われる。

新協定では支那二十万圓二十五條の外二、三の實質

日本よりは相對的ほどし他は二十九條の修正

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傳説によると方丈がある。

本大臣は花のラジで今日まで奮闘されており

る二三十萬圓をもつて居る。國内には珍らしく

其の生産量は多くこれを華南方面に輸出する強く

著もつと specific

これも例へば joint communication する所がある

かりりかと思ふ。

外務省

レ、日本四日阪筋上陸が三の隊列と一連の行進の日

時を寫すし

夜、ハリス方々とミササギは米軍部隊に水を供給する

馬鹿、米軍と一連の敵兵は敵兵を殺す財政より

未解決とまことに敵軍の金庫を破壊する

四千億円二三千里も、又施設外1239在

高級官僚は敵軍の使用料、國領元計等

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松井大輔、伊勢の内選考、一型春と修成、身之

主の志士の解説者と被り書かれて居る

ハ、この者は生前大輔も宣明せられぬ事努力す

し今後も同妻翁會におり解説者と

とある大輔は外文山一に早く林上野の様

取扱い大輔のことを筆者著す

外、在外行政係官上野縣の事務の後、一

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也付の事務所にて、半價にて販賣す。

支那後者にて生二土條、古屋草子、

及日本東洋傳教士ハーツ書院下生堂一

又是其之本店也。

レ、此物を又大口販賣す。

支那紹興華泰と一様に販賣す。

と云々。

外務省

レ、生鮮大蔵の太使との争競にて少額の販賣

者外三處と、日本主婦と外を易時す。

支那の立場といわれて其の如く政治的上向

道を宣示べき事と非難せんものである。

レ、この被災地にては、常設、古物販賣

業者も生産者外の本業の本利、或は十日保其

が落とせるか大蔵がいかなる害を蒙るゝから

水兵の宿泊にて居た事す。

外務省

今後古屋は行財物を大体と寄附し

日本傳說也。據而考之，一也。

孝子志向，學富而也承知矣。本日授

子也子 但馬の
御所希望の事に付す太使は

卷之三

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March 5, 1959

ADMINISTRATIVE AGREEMENT

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PART A

ARTICLE II Paragraph 1

a. Provisions:

Japan agrees to grant to the United States the use of the facilities and areas necessary to carry out the purposes stated in Article I of the Security Treaty. 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. Changes:

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.

2. The facilities and areas, the use of which Japan has granted to the United States of America under 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, shall be considered as the facilities and areas agreed upon between the two Governments in accordance with the provisions of paragraph 1.

ARTICLE XXVI

a. Provisions:

Paragraph 1 provides; "A Joint Committee shall be established
-----. 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 stated in Article I of the Security Treaty.

b. Changes:

Delete the underlined portion.

PART B

ARTICLE I (c)

a. Provisions:

"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.

b. Changes:

Add "of members of the United States armed forces or of the civilian component" after "children under 21" in (1) and "parents, and children over 21" in (2), respectively.

ARTICLE IX paragraph 1

a. Provisions:

The United States shall have the right to bring into Japan for purposes of this Agreement persons who are members of the United States armed forces, the civilian component, and their dependents.

b. Changes:

Subject to the provisions of this Article, the Japanese Government grants permission to member of the United States armed forces, the civilian component, and their dependents to enter into and depart from Japan.

ARTICLE X paragraph 2

a. Provisions:

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.

b. Changes:

Delete "and the civilian component".

ARTICLE XI paragraph 9(d)

a. Provisions:

Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Japanese Government in connection with an offense against its customs or fiscal laws or regulations will be handed over to the appropriate authorities of the force concerned.

b. Changes:

Replace "Vehicles and articles" by "Any property".

ARTICLE XII paragraph 3

a. Provisions:

Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

b. Changes:

Add "in the form to be agreed upon between the two Governments" after "upon appropriate certification".

ARTICLE XVIII paragraph 3(d)

a. Provisions:

The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared on terms to be agreed by the two Governments.

b. Changes:

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.

PART C

Air traffic control

a. Provisions:

All civil and military air traffic control and communications systems shall be integrated to the extent necessary for the fulfilment of collective security interests. (Article VI paragraph 1)

b. Problems:

All air traffic control is currently delegated to the United States, but it is now in the process of being returned to Japan.

c. Propositions:

All air traffic control and communications systems shall be coordinated to ensure air traffic safety and security interests, and for that purpose a joint standing commission shall be established.

Meteorological services

a. Provisions:

Japan furnishes the United States Forces certain meteorological services under the procedures practiced at the time of coming into force of the Administrative Agreement, such procedures to be modified by agreement or by Japan's becoming member of ICAO or WMO. (Article VIII)

b. Problems:

- (1) Japan has become member of ICAO and WMO.
- (2) The Meteorological Service Law was enacted.
- (3) The reference to X and Y points has become obsolete.

c. Proposition:

- 2 -

It is proposed to rewrite the whole Article to conform to the prevailing situation.

Article XIV contractors

a. Provisions:

The United States companies being in Japan exclusively to engage in the contracts with the United States Forces are granted privileges concerning the entry into Japan, tax and customs exemption, access to PX, etc. (Article XIV)

b. 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.

c. Proposition:

If the privileges are not to be abolished, 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.

Article XV organizations (PX, etc.)

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. (Article XI paragraph 2)

c. 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.

Labor relations (1)

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.

(Article XII paragraph 2)

b. Problems:

Whereas this provision is interpreted to apply to the procurement of scarcity materials, there is a strong desire in Japan to give broader interpretation to it so that this provision may be referred to in the case, for example, of consultation now actually conducted in connection with the transfer of MLG workers services to private contractors.

c. Proposition:

It is proposed to stipulate that the procurement shall be made in coordination with the competent authorities of Japan when it may have adverse effect on the economy or social welfare in Japan.

Labor relations (2)

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. (Article XII paragraph 5; Article XV paragraph 4)

b. 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.

c. Proposition:

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

Members of the United States armed forces, civilian components, and their dependents

(1) It is proposed that the members shall be defined as personnel on active duty when in the territory of Japan "in connection with their official duties". (Article IX paragraph 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.) (Article I(a))

(2) It is proposed that the United States shall appropriately inform Japan of the number of persons entering into and departing from Japan.

(3) It is proposed that the civilian components and dependents of the members of the United States armed forces and civilian components

shall carry passports upon entry into and departure from Japan. (They are not exempt from passport and visa laws and regulations.) (Article IX paragraph 4)

Rights of the United States under Article III outside facilities and areas

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. (Article III paragraph 1)

b. Problems:

(1) The provisions seem to imply that the United States may exercise its rights pertaining to facilities and areas at any place in Japan.

(2) There is no basis under the Agreement for the Japanese Government to bear the cost of any measures taken for the benefit of the United States outside facilities and areas other than providing the rights of way.

(3) Actually the United States does not itself exercise its rights outside facilities and areas, but the Japanese Government

takes measures for the United States.

c. Proposition:

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

行政協定の取扱いについて

三・一一

一、行政協定は昭和二十八年二月東京で署名され同年四月安全保障条約とともに効力を発生し現在に至っているが此間刑事裁判管轄権に関する条項は「北大西洋条約当事国間の軍隊の地位に関する協定即所謂ナト協定」の効力発生に伴い昭和二十八年十月これと同様の内容に改正された。

此種協定の先例としては西欧には上述したナト協定の外西独とナト諸国間の所謂ボン協定等がありアジア関係では米比協定等があるがアジア地域では此種詳細な規定を設けていない事例もある。

なお、日本の関係では行政協定の外に昭和二十九年国会の承認をえて発効した国連軍協定がある。

行政協定の内容はいうまでもなく米軍の駐屯に関連する諸事項を規定するものである。その内には施設及区域、調達、裁判管轄権、非常事態における協力、経費分担等重要事項もあるが大部分は後に掲げる逐条説明に明かなように米軍の駐屯に伴う比較的技術的性格の諸事項を規律するものである。



まで

（二）行政協定と他の諸協定を比較すれば協定の形式及び建前等から若干の差異がある。例えばナト協定は行政協定の交渉の際も先例として参考とされた経緯があるが第一にナト協定は多數国間の協定でこの協定の外に幾多の二国間協定が結ばれている。例えれば施設に関してナト協定は簡単な規定をおくに止め、行政協定と趣を異にしているが北大西洋条約関係諸国間においては施設に関しては二国間協定として特に詳細な取扱があると伝えられていて、又その他の事項についても行政協定に規定される事項でナト協定には該当規定のないものがあるがこれ等の多くは別の二国間協定に譲られている。これ等二国間協定は公表されているものと機密扱いのものに分れてくる。

次にナト協定と行政協定の関係については協定の基礎となる安全保障取扱の性格が異なるという事情がある。北大西洋条約は衆知のとおり非常に強固な同盟関係を規定しており総合的軍事計画に基き、ナトの軍備が結成されている。この関係より例えば上述した施設、非常事態における協力、経費分担等については自ら取扱いを異にしており又調達等に関する事例が多い。国防部間の協力関係として規定している事例が多い。

しかしながら全般的にいつて比較的技術的性格の諸事項については共通点多く該当条文又は実際上の取扱の内容に関しては著しい差異は認められない。

三行政協定発効後約六年となるが、との間同協定に因して種々の批判があつたことは事実である。しかしながら之等批判を実質的にみれば、外國軍隊の駐屯から離し出される諸問題及びこれら軍隊のため必要とする施設、区域の問題が主たる原因となつたともいえよう。講和発効当時十数万に達した在日米軍は、地上戦斗部隊の撤収、その他部隊の縮少により現在では総計六万程度と推定され、施設区域も別表のとおり件数にして約四割、土地面積にして約三割程度に減少しており、さらに近い将来相当數の施設の返還が予定されている。

また、在日米軍に関する諸問題の解決は協定の規定それ自体よりもむしろこれが田舎な実施にかかるところ大であり、こ

れ点についても事態は改善されるに至つてゐる。

然しながら現在日米安全保障条約改正の交渉が進んでゐることこれに因連して行政協定の取扱い方を如何にするかの問題が起つてゐる。

この際どうしても必要なことは条約の替るとから生ずる形式的且つ技術的調整である。それ以外の実質的改正としては非常事態における協力及防衛分担金に関する条項削除を交渉の対象とすることが伝えられてゐるが更にそれ以上如何なる程度に調整するかについては各項の意見が述べられてゐる。

この点は今後の交渉にあらかるとしてあるが、行政協定発効後約二年半後国連軍協定が締結されてゐる。国連軍協定は行

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ADMINISTRATIVE AGREEMENT

Points to be Considered for Modification

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 telephone services from within the facilities and areas for outside public connection shall not be considered as using "furnishings, equipment and fixtures".

Article II paragraph 4

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

政協定と若干その性質が異なるところもあるが、行政協定を基礎として或る程度の修正をほどこしたものでありこれが一つの目安となることは明かである。

ナト協定等との関係も今一度検討する要がある。しかし同時にナト協定と行政協定は背景となる事情を異にしてゐることも考慮しなければならぬ。

更に又行政協定を現在まで約六年間実施してきた経験から萬能の運営を如何にしてより円滑ならしめるための考慮を特に重要視されるべきであろう。行政協定はその性格上これ等の角度を綜合し現実的体調整するべきものと考えられる。

（記入欄）

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 provisions relating to the United States rights outside facilities and areas need modification.

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

16. The toll and landing charges shall be levied.

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

Article VI paragraph 1

18. A joint standing commission shall be established to coordinate all civil and military air traffic control.

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.

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 5

27. Customs exemption shall not be granted to the import from other than the United States and to 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.

30. When the United States exports from Japan those materials and supplies which are procured in Japan for purposes other than the support of the United States Forces in Japan, the United States shall ship these materials and supplies in accordance with the Customs Law procedures.

Article XI paragraph 6 and Article XV paragraph 3

31. 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

32. All procurement shall in principle be made through, or upon coordination with, the competent authorities of the Japanese Government.

Article XII paragraph 2

33. This paragraph should be given broader interpretation by adding "social welfare".

Article XIII paragraph 3

34. No tax exemption shall be granted.

Article XIII paragraph 5, Article XV paragraph 4

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

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

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

38. Add "local inhabitant tax".

Article XIII paragraph 2

39. Delete "their dependents".

Article XIII paragraph 2

40. Delete "tangible or intangible".

Article XIV

41. Delete the whole Article.

Article XV

42. The privileges granted to these organizations shall be abolished; or, 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.

43. Delete Official Minutes regarding this Article.

44. 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

45. 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

46. 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

47. 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.

48. The United States shall pay compensation in full in case damages were caused in violation of terms to be set under the proposed modification of Article III paragraph 1.

Article XVIII paragraph 4

49. 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

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

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

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

Article XVIII paragraph 6(a)

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

Article XVIII paragraph 6(b)

54. 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

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

Article XX

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

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

CONFIDENTIAL

March 10, 1959

ADMINISTRATIVE AGREEMENT

Pending Questions and Interpretation

~~Article XXII~~

58. Add "in accordance with an agreement to be made between the two Governments" after "authorized by the United States," in 1(a).

Article XXII

59. Delete unless absolutely necessary.

Article XXIII

60. First sentence shall be deleted and the second sentence transferred to Article XVII.

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. (The positions of the Japanese Government and USFJ are summarized in Mr. Nishihara's letters to Colonel Schull dated June 6 and October 17, 1958 and Colonel Schull's reply dated October 30, 1958.)

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 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. The Japanese Government maintains that USFJ is responsible for the payment of the compensation, at least for those existing outside the facilities and areas, which it has paid to the owners of such machineries and equipments, since they don't 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. The Japanese Government holds that a public corporation is not a Government organ and, accordingly, an employee of such an organ is not a civilian governmental employee, but falls under the category of "third parties" in paragraph 3 of the Article. This position leads to the contention that any damage or injury suffered by a public corporation or its employee caused by a member of U.S. Forces during his performance of official duties should be dealt with according to paragraph 3, while a public corporation should be held responsible to pay compensation for any damage or injury caused by it or its employee against USFJ property or a U.S. Government employee. The contention of USFJ is contrary to the above position of Japan.

4. Problems of Labor Relations

a) Concerning interpretation of the phrase "as may other wise be mutually agreed" in Paragraph 5 of Article XIII, 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.

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 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 Shows-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, Toyosui-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.

行政協定の取扱に関する件 (付属意見用)

三四三一三 米保長

大臣
米軍
本筋
まこと
事実無根
博多船便
秋

一 凡そ一國の軍隊が外國に在る場合は、國際法上ある程度の治外法権を認められるが、所謂外國軍隊の地位に関する諸協定は、外國軍隊が長期的に駐留する事態に處するため、外國軍隊の受入国における地位並びにその使用する施設等に関する条件を具体的技術的に規定するものであつて、その目的は、外國軍隊を軍隊として維持し且駐留目的を達成するための必要と、受入国側の諸要請を調整する所にある。斯る協定の例としては、行政協定の他、NATOの軍隊の地位に関する協定、ポン協定、米比協定等があり、又NATOに関しては前記基本協定に加へて当該二国間に更に個別取扱を行つて補足している。

別取扱を行つて補足している。

二 行政協定の内容は、大別して(1)施設及び区域に関する部分と、(2)軍隊の地位に関する部分より成り、後者は(1)出入国、(2)免税、(3)調達、(4)裁判管轄、(5)経費分担、(6)その他軍隊の維持運営に必要な諸事項等の規定を含んでいる。

三 施設及び区域について

(1) 行政協定では、日米間の合意により、安保条約の目的達成に必要な施設区域を米軍に提供し、米軍は提供された施設区域の使用、運営、管理に必要な権利を与へられている。なお、NATOの個別取扱では、軍事基地とこれに關する米軍の権利はほとんど全部秘密扱いである。

(iv)

占領時代より米軍が使用していた施設区域で所謂岡崎・ラスク交換公文で正式提供に至る迄暫定的に米軍に提供している施設は、現在尚十三残つてゐるが、此等は返還又は正式提供の取決を為し、右交換公文は解消させることとする。

(v) 新条約において米国がわが国援助の義務を負うこととなれば日本防衛のための自衛隊と在日米軍の協力関係は緊密になつて来る訳であり、自衛隊施設と米軍施設相互間の共同使用関係が今日より密接になることが予想される。従つて現行協定は共同使用を暫定的にのみ認める建前であるのを改めることが適當と思われるが、この問題は国内法制の整備とも相俟つて将来検討することとしたい。

四

軍隊の地位に関する規定に關し、種々問題がある点は左の如きものである。

(1) 物資の調達

行政協定では米軍の調達に付契約自由の原則を認め、實際には直接調達によつてゐる。NATOでは受入國軍隊の調達機関を通ずる間接調達を原則としているが、若しわが方でも總て間接調達とするとすれば、そのため行政機關整備の必要あるのみならず、結果として調達が高価となつては米側のわが国における調達を誘引することにならないであろう。

(2) 労務關係

労務關係には問題が多いが、協定の規定としては「労務需要は

日本当局の援助を得て充足され、「労働関係は日本法令で定める所によらなければならぬ」となつていてNATOと同様であり、運用により解決するの他はない。

(iv) 関税免除

関税免除の範囲に就てはNATO協定と行政協定に若干の開きある場合がある。例へば(1)NATOでは軍隊及び構成員も関税検査に服すことになつてゐるが、行政協定では命令により出入する軍隊及び構成員の検査を免除し、(2)武器装備以外の軍用品はNATOでは検査は免除されず、(3)NATOにはPX等に関する規定を置いていない。然し乍らNATO諸国間の個別取扱やボン協定では、(1)に就ては部隊の場合は検査を行わず、

又構成員については特定国境通過地点では軍が検査を行う等の取扱あり、(2)に就ては米軍公用場に全面的に検査免除を認め、(3)PX等はこれを認めて合理的な数量の無税輸入を許してゐる場合多く、従つて実際に協定上調整する余地は極めて限られてゐる。

(v) 裁判管轄及び請求権

(1) 刑事裁判権の規定はNATOと同じである。「公務遂行中」の解釈に就ても現行協定以上の取扱を要求することは國際的に通用しない。

(2) 公務遂行中の事故に関する政府間の請求権相互放棄については、NATOでは双方の軍隊構成員間の死傷、及び条約の

目的に開港する軍用財産の損害の場合これを認めていいが、行政協定の場合は米軍及び日本政府機関相互間に認めていい。此の相違はわが国に自衛隊もなかつた特殊事情から来たものであるが、自衛隊の育成に見合つて将来施設区域共同使用の問題と併せて検討することが適当と思われる。

(8) 尚国教に関する請求権の問題は、行政協定に謂う「政府機関」の解釈の問題として解決すべきものである。

(9) 米軍人の公務外の行為に関する日本国民の請求権に関する規定はNATOの規定と同様であるが、此の場合の公務非公務の決定はNATOでは受入国人たる仲裁人が決定し、行政協定では、問題ある場合は合同委員会が決めることになつてゐる。

(4) 所謂十四条契約者

米軍との契約のみに従事するため日本にある米国業者に特權を認めていける規定であるが、この通りの規定は他の協定にも見られない。然し乍ら日本業者では契約目的が果せない場合此種業者にある程度の免除を認めることは必ずしも不当とはいえない。場合もあるべく、ポン協定、米比協定でもこれに該当する規定があり、又NATOの個別取締の中には米人技術者を軍属扱とする規定もある。何れにせよ此の規定は何等かの調整が望ましい。

(5) その他の問題

(1) 航空管制に関する規定、気象業務に関する規定等は現状に

則して調整することが適當である。

(2) 軍事郵便局についてはNATOでも個別取極でこれを認めている。軍票についても必要な場合は別に取極があると思われる。

行政協定の規定の内容

第一条

行政協定に謂う米軍の構成員、軍属、家族の定義であつて、構成員は日本に在る現に服役中の米軍人と定義している。

第二条

施設区域提供に関する規定で、両政府間の合意に従い安保条約の目的遂行に必要な施設区域を提供することになつてゐる。

本条に關しては、所謂岡崎・ラスク交換公文により、暫定的に提供している施設区域がある。

第三条

米軍の施設区域管理権に関する規定で、米軍は施設区域内において

てその設定、使用、運営、防衛又は管理の権利を有すると共に、施設区域の近傍においてその支持、防衛及び管理のためこれに出入する便を図る権利を有する。

第四条

施設区域返還の場合の原状回復及び補償の相互免除の規定である。

第五条

船舶、航空機の出入並びに船舶、航空機、車輛、米軍構成員等の施設区域出入及び施設区域間の移動の権利を規定している。

第六条

航空管制に関する規定で、民間及び軍用の航空管制を集團安全保障の利益達成のため整合（インテグレイト）することになつてゐる。

第七条

公共事業及び公共の役務の利用に関する米軍と日本政府機関との均等待遇を規定している。

第八条

気象業務提供に関する規定である。

第九条

米軍の構成員、軍属、家族の出入国に関する規定であつて、(イ)構成員は旅券査証法の適用から除外されるが出入国に当つて身分証明書及び命令書を携行し、(ロ)又軍属及び家族は適當な文書（通常は旅券）を携行することになつてゐる。

第十条

自動車運転免許証及び自動車番号標に関する規定である。

第十二条

米軍、構成員、軍属、家族の関税免除に関する規定であつて、
(1) 免税対象は(1)米軍が公用のため輸入するもの、(2)米軍が構成員等の使用のため輸入するもの、(3)構成員等の引越荷物及び私用自動車、(4)軍事郵便局を通ずる構成員等の私用品、である。
(2) 命令により出入する米軍部隊又は構成員は税關検査を受けない。

第十三条

米軍の資材、需品、役務、労務の調達に関する規定であつて、

(1) 資材、需品、工事等に関する契約自由の原則を明にし、(但し稀少物資については日本政府と調整する)
(2) 調達に当り、物品税、通行税、揮発油税、電氣瓦斯税その他新に合意される課税を免除する。
(3) 労務は日本側当局の援助を得て充足される。
(4) 履用条件、労働条件、労働関係は日本の法令の定める所による。

第十四条

米軍及び構成員等の国内課税免除の規定であつて、軍の雇用の結果たる所得、構成員間の財産移転等は課税されない。

第十四条

米軍との契約のみに従事する米国の会社に出入国、免稅、軍票使用等の特權を規定している。

第十五条

PX等を施設区域内に置くことを認め、その特権を規定している。
(付)

第十六条

米軍構成員、軍属、家族の日本の法令尊重義務を規定する。

第十七条

刑事裁判管轄権に関する規定であつて、管轄権が競合する場合は、米軍は①専ら米国の財産又は米軍構成員等に対する罪及び②公務執行中の作為不作為から生ずる罪に付第一次の権利を有し、他の罪に

付ては日本が第一次の権利を有することを骨子とする。

第十八条

民事裁判権に関する規定であつて、骨子左の通り。

(1) 公務執行中の軍構成員又は政府職員間の死傷に関する請求権の相互放棄

(2) 公務執行中の相手國の軍構成員又は政府職員が与へた軍用及び非軍用の国有財産に対する損害に関する請求権の相互放棄
(3) 公務執行中の米軍構成員又は被用者が第三者に与へた損害に対する請求は日本の法令に従い処理し、費用は米七割五分日二割五分で分担する。

(4) 公務執行外の米軍構成員又は被用者不法の作為不作為による

損害に対する請求は、日本当局が補償金を査定し、米軍は慰謝料を払うや否やを決める。

(4) 米軍構成員及び被用者は右の場合を除き日本の民事裁判権に服する。

(5) 米軍の調達契約に関する紛争は合同委員会の調停に付託し得る。

第十九条

米軍構成員、軍属、家族が外國為替管理に服する原則を規定してある。

第二十条

米軍の軍票使用に関する規定である。

第二十一条

米軍事郵便局に関する規定である。

第二十二条

米軍が適格の米市民を予備役団体に編入し訓練する権利を認めてある。

第二十三条

米軍及び構成員等並びにその財産保護のための協力を規定し、又日本政府は米軍の財産、記録情報等の保護のため所要の立法を求める措置をとる旨を規定する。

第二十四条

緊急事態の協議の規定である。

第二十五条

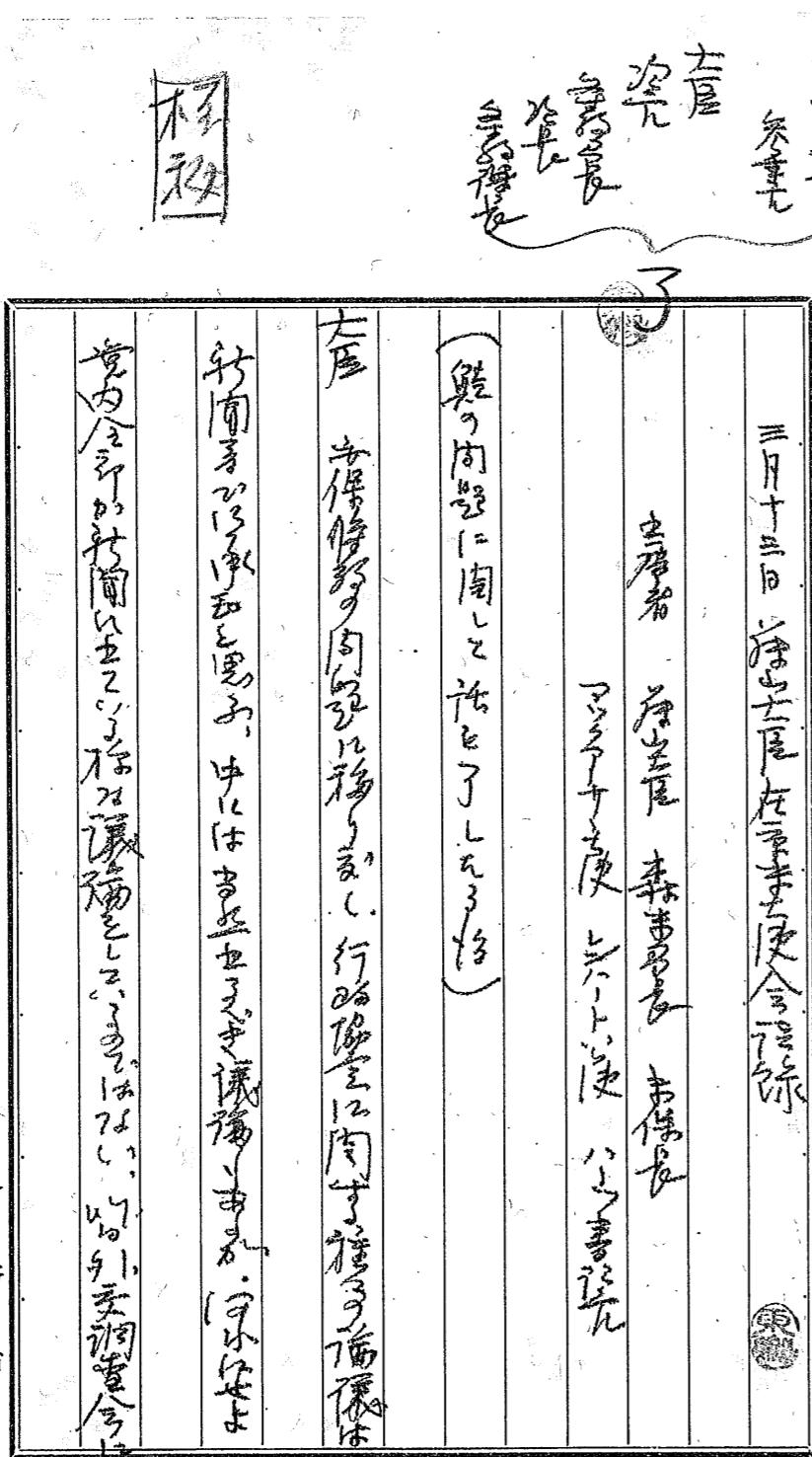
経費負担に關し、日本側は施設区域提供費及び防衛分担金を負担する旨規定している。

第二十六条

合同委員会に關する規定である。協議解決不能の場合は政府間の他の経路に移すこととしている。

第二十七条、第二十八条、第二十九条

本協定の発効、修正、失効等に關する規定である。



行乞時、金商銀行上院主席加藤は大勢であつての理解も有りが
れ。三十一年三月某日午後一時半、議論は終り、此の事は米

側半島を指し、指揮は日本政府が主導的である。

金商銀行於、調整行として將來需要量より海行を兼と、
調査を行ふ事と二つ準備を終る。近頃在総領事官に有る事

セミヨンの意見を詢ぐる所。

始終運送料金問題をめぐる條約交渉より何處でか生じたる

議論、本件は既に種々の意見を擱り、據て置け
法人の意見、陸前が地元にござること等、やく申議論せざる事から古東
三河、山口は早く提案をうながすのである。山口は即ち今より
多く手を貸す早速実現する意図である。

古東、海防は既に航行令を下りて士官候補生まゝの乗組」と
寫す勿論日本側の草案を提出して此の事は即ちくほめ加之上院が
承認せねばならぬこと、又は既に承認せられ得たが、太師は決して

「三國事變は行政院に有る。

基京の修訂と行政院との連絡は自ら取扱ひを要す。

前田御手へて文書は、米側の事一言は御判りと題す。或の文書の

日本代理會は言はざるなりが、之は士大夫と題す。或の又書之上の

調査は、少くが由留經理と御承認せし。余り問題が多

く、而して本來の事は軍を主つた事實が多し。或の又書上に

アラカニと物持在支那難に附す。前蘇聯事變等

外務省

三月十九日、白米側の行乞、今後は一千五百個を修造は制
と、消費的貿易はやうかと云ふことを示すと載つた。

ナホ開示。

道と計画の反対権限及新舊機及新舊機の改行を求める

と、前記二点を甚だ困らると思つた。先づ新舊機の事

が、立候たれど、上陸は未だ、白米側に立候たぬればは

處で、現に立候り、白米側の有利に解消した。

外務省

又才士の事件は一萬九千四百二十書は被取送機の件に於ける

所見と云ふ事も米側には甚だ不満に向詰ひて居り、自らは實は

修理及補充等事務は御恩情の厚い事に於けるが内閣御部

五泊等の事は、自分は甚懶慢也日本を競争するに之句を言ふ事

附文の如く、新潟署議院には是れ才々さうか和洋の如き

三五日で済む事無事。又貴傳内証をもつて之はたと承認

し工事、ある事は合計四十万圓が内証と付る。當面の内証は

外務省

奉達までの軍機(註)の件、貴傳内証並指揮、米軍人等は

くある事、昨日來令狀と製紙工場の事務をモレミスと云ふ事

事、不許12月25日製紙工場を免令は前度が下ると云ふ事言が

事、米政府の工作、讓令付、日本舊令12條之三、新舊相違

すと證付する事に西了然、米軍使第軍使から既に付与の如

く貴傳次がかない事。又日本側と十分の最急の警報の内証は

甚だちに問題であります。皆候價門桂が領主で、はるかに國軍

に協力が思ひます。又小野は米軍本丸生の三億七千

万両の事を傳えて、三十日から幕府支上大手門利多に付けと

馬子、勿論某側は幕府賄賂手手算の爲め上り出でました

事、西郷らは、皆物を事博一亭の武家で、駿河軍船は不無意

ひ西郷らは、眞金多也地主種家、傳説は異なつか、其事も

美別の父子が取扱う本多清之様に得た。

外務省

萬歳修止は幕の限に止む所を當て、日本國のとくに父輩のあ
る御身に對する事博一亭の御子、従事様は、ウニシロハキ
事取次が第に協力して御強まるなどといひ、
大臣修止と行政陽主を一括て取る三仕被事と同意見之事。
又櫻堂の御聲も幕の限にすれども、名前を改めつゝ様に向
利総督とは半胸の事博一亭へ、由来坐落合つて様に向
量を立て、理所を以て詫合二三一事、尙化を各君から

何様にて御座か可否の全貌を御呈せ
事無事にて御申せられ

と思ふから、先づは御見御示してさる。

左

右(左) 事半功倍の如き此種の如く各書の整理がんばり

りは

何より是れは凡て失敗した。自ら之に付いては大失敗で御屬力す

りは

りは

外務省

(以下朝鮮問題に關し大臣の御見直しを含む)

経理

| 現行規定 | | 改正 | 案 | 各省の要望 |
|-------|--------------------------------------------------------|----------------------------------|-------------------------|-------|
| I(a) | 横成員とは日本にある服の公務のために日本にある軍隊に基づき日本に配備され、軍隊に使用され、軍隊に従事する者。 | (a) 公務のために日本にある軍隊に従事する者。(今後の同連用) | 小た米軍に従事する者。 | 各県の要望 |
| I(b) | 軍隊とは軍隊に雇用され、勤務又は随伴する者。 | 軍隊に従事する者。(今後の参考) | 同上 | 同上 |
| II-1 | 施設は運営上必要と規約の備品等を含む。 | (解釈統一) | 備品等は施設内にあるものと明記すべし。 | 同上 |
| II-4 | 射撃場操練場等の施設 | 施設内に固定して提供財産の他地に移動を禁止すべし。 | 備品等うち公報電気通信設備を除外すべし。 | 同上 |
| III-1 | 合衆国が施設内に必要又はに使用されるに日本が自ら使用せらるるに於ける。前項す。 | 「射撃場操練場」の例示 | 射撃場操練場と共同使用 | 同上 |
| III-2 | 施設外に生入の便を有する权利を有する。 | 日本が自ら使用せらるるに於ける。前項す。 | 射撃場操練場は必要と適切な権利を有するとする。 | 同上 |
| III-3 | 施設外における日本は協力義務を有する。 | 施設外における日本は協力義務を有するとする。 | 施設外に於ける。 | 同上 |
| III-4 | 本段に重複する主過規定 | 主過規定削除する。 | 主過規定削除する。 | 同上 |

| | | | | | | |
|----------------------------------|--------------------------------------|------------------------------------|-------------------------------|---------------------|-------------------------------|-----------------------------|
| | | | | | | |
| 四 合衆國は施設の返還に際し回復各補償の義務を負ひ、 | 日本は返還施設の附加工作物等に補償せず。 | 3. 本項は特別取扱いに適用する場合に不拘特別取扱いをしようとする。 | 3. 項の特別取扱いを例外せしむる場合にもかかるしむべし。 | 以外は米側は回復各補償義務を負うべし。 | 返還ドネーション備品等を一方的撤去解体せざるべし。 | 専らに合意にて現状変更 |
| 五 日本は返還施設の附加工作物等に補償せず。 | 米軍公船は入港料を免除されず。 | 非免除貨物旅客は日本法に従い入港料を支拂ふ。 | 非免除貨物旅客の米國も日本に従ふ。 | 入港料を徵收すべし。 | 2. 項に従ふ。 | 2. 日本は返還施設の附加工作物等に補償せず。 |
| 六 合衆國は施設の返還に際し回復各補償の義務を負ひ、 | 米軍公船は入港料を免除されず。 | 公船が入港する場合、通常場合に通報すべき事務省に従う。 | 同上 | 同上 | 3. 項の特別取扱いを例外せしむる場合にもかかるしむべし。 | 合衆國は施設の返還に際し回復各補償の義務を負ひ、 |
| 七 合衆國は構成員、軍属、家族を日本国民への移行権を有す。 | 米軍は日本官府より不利を蒙る結果、公共服務の優先的利用权を有する規定。 | 同上 | 外務省 | 同上 | 3. 項の特別取扱いを例外せしむる場合にもかかるしむべし。 | 合衆國は構成員、軍属、家族を日本国民への移行権を有す。 |
| 八 合衆國は構成員、軍属、家族を日本国民への移行権を有す。 | 「日本は構成員、軍属、家族を日本国民への移行権を有す」とする。(同連軍) | 同上 | 同上 | 同上 | 3. 項の特別取扱いを例外せしむる場合にもかかるしむべし。 | 合衆國は構成員、軍属、家族を日本国民への移行権を有す。 |
| 九 合衆國は構成員、軍属、家族を日本国民への移行権を有す。 | 米國海軍は米軍者数を算定する。 | 同上 | 同上 | 同上 | 3. 項の特別取扱いを例外せしむる場合にもかかるしむべし。 | 合衆國は構成員、軍属、家族を日本国民への移行権を有す。 |

| | | 4-3 | |
|--------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------|
| 五二 | | 五三 | |
| 軍属家族の入國許可証 明書に差支えし | 軍属家族は入國の際旅 行するに際して、要するに旅 券又は身分證明書を携 えずして同連署 | 軍属家族は入國の際旅 行するに際して、要するに旅 券又は身分證明書を携 えずして同連署 | 同上 |
| 公認調査機関は免税輸入 毛糸輸入軍公用具、構成員 軍属、家族の使用品及公 共施設に最終的に合体 する資材等。 | 「公認調査機関は削除す る」最終於に合体され資材 等を「去削除する(開運軍) | 米国外からの輸入は開税 免除を認めず。 | 同上 |
| 開税免除申請へき不向。 開税免除申請へき不向。 | 開除する(NTATO) | 同上 | 同上 |
| 軍事部便局が開税免除申請へ き不向。開税免除申請へき不向。 | 開除する(NTATO) | 外務省 | 同上 |
| 相当量の日常私用品は 開税免除する。 | 開除する(NTATO) | 同上 | 同上 |
| 米改行船舶証券により貨 物は税關検査せざる。 軍事部便局は小包は 税關検査せず。 | 検査に服せしむべし 同上 | 日本政府の要求ある場合 は施設内に税關取扱 の駕籠を認めるべし。 米軍維持以外の目的で 調査した物品の輸出は 開税抜の手續によるべし。 | 本項が認為の場合とする。 (NATO参照) |
| 軍税局開税免除申請は日 局が合意する手續にて從う。 | 同上 | 同上 | 同上 |

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March 16, 1959

ADMINISTRATIVE AGREEMENT

Points to be Considered for Modification

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

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

16. The toll and landing charges shall be levied with respect to open ports and airports which are not "facilities."

- 3 -

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

Article VI paragraph 1

18. A joint standing commission shall be established to coordinate all civil and military air traffic control.

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.

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

- 4 -

to be incorporated into articles or facilities used by such forces".

Article XI paragraph 3

27. Customs exemption shall not be granted to the import from other than the United States and to 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 and 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

31. All procurement shall in principle be made through, or upon coordination with, the competent authorities of the Japanese Government.

Article XII paragraph 2

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

Article XII paragraph 3

33. No tax exemption shall be granted.

Article XII paragraph 5, Article XV paragraph 4

34. The United States shall produce witness and evidence to assist

in the proceedings of Japanese court or Labor Commission.

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

36. 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. Add "local inhabitant tax".

Article XIII paragraph 2

38. Delete "their dependents".

Article XIII paragraph 3

39. Delete "tangible or intangible".

Article XIV

40. Delete the whole Article.

Article XV

41. The privileges granted to these organizations shall be abolished; or, 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.

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

Article XVIII paragraph 1

43. Claims shall be waived only when the damage was suffered when the victim was engaged in official duties in connection with the purposes of the Security Treaty; or mutually between members of

the United States armed forces and members of Japan Self Defense Forces.

Article XVIII paragraph 2

44. Claims shall be waived only when the properties concerned were being used for the 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. The United States shall give favourable consideration to refund a portion (75%) of the compensation which the Japanese Government has paid for damages which do not strictly fall under this paragraph but for which it is not fair to leave the parties concerned without compensation.

Article XVIII paragraph 4

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

Article XVIII paragraph 5

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

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

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

Article XVIII paragraph 6(a)

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

Article XVIII paragraph 6(b)

51. 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

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

Article XX

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

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

55. 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. First sentence shall be deleted and the second sentence transferred to Article XVII.

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March 16, 1959

ADMINISTRATIVE AGREEMENT

EXPLANATIONS ON CERTAIN POINTS

Article I

Point 1

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.)

Point 2

a. Provisions:

The "civilian component" is defined as "civilian persons of the United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan".

b. Proposition:

"who are in the employ of or serving with, and accompanying".

Article II paragraph 4

Points 8 and 9

(self-explanatory)

Article III paragraph 1

Point 11

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. (Article III paragraph 1)

b. Proposition:

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

c. Problems:

(1) The provisions seem to imply that the United States may exercise its rights pertaining to facilities and areas at any place in Japan.

(2) There is no basis under the Agreement for the Japanese Government to bear the cost of any measures taken for the benefit of the United States outside facilities and areas other than providing the rights of way.

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

Point 12

(self-explanatory)

Article IV paragraph 3

Point 15

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.

Article V paragraph 1

Point 17

(self-explanatory)

Article VI paragraph 1

Point 18

a. Provisions:

All civil and military air traffic control and communications systems shall be integrated to the extent necessary for the fulfilment of collective security interests.

b. Propositions:

All air traffic control and communications systems shall be coordinated to ensure air traffic safety and security interests, and for that purpose a joint standing commission shall be established.

c. Problems:

All air traffic control is currently delegated to the United States, but it is now in the process of being returned to Japan.

Article VII

Point 19

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:

Delete "to enjoy priorities in such use", because the Japanese Government agencies enjoy no priorities. (Should the Self Defense Forces, for example, become entitled in future to certain priorities, such priorities will be automatically applicable to the United States armed forces because they are entitled to "no less favourable" conditions.)

Article VIII

Point 20

a. Provisions:

Japan furnishes the United States Forces certain meteorological services under the procedures practiced at the time of coming

into force of the Administrative Agreement, such procedures to be modified by agreement or by Japan's becoming member of ICAO or WMO.

(Article VIII)

b. Propositions:

It is proposed to rewrite the whole Article to make it conform to the prevailing situation.

c. Problems:

- (1) Japan has become member of ICAO and WMO.
- (2) The Meteorological Service Law was enacted.
- (3) The reference to X and Y points has become obsolete.

Article IX

Points 21-24

(self-explanatory)

Article XI paragraph 2

Points 25 and 26

(self-explanatory)

Article XI paragraphs 3 and 5

Points 27 and 28

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.

Article XI paragraph 6 and Article XV paragraph 3

Point 30

(self-explanatory)

Article XII paragraph 2

Point 32

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 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 give broader interpretation to it so that this provision may be referred to in the case, for example, of consultation now actually conducted in connection with the transfer of MLC workers services to private contractors.

Article XIII paragraph 5 and Article XV paragraph 4

Point 36

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 commission,

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.

Point 37

(self-explanatory)

Article XIII paragraph 3

Point 38

It is proposed that "dependents" be deleted because if they receive income from the United States armed forces, they should be either "members" or civilian component".

Point 39

(self-explanatory)

Article XIV

Point 40

a. Provisions:

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

b. Proposition:

If the privileges are not to be abolished, 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.

Article XV, Article XI paragraph 2

Point 41

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.

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.

Article XVIII paragraphs 1 and 2

Points 43 and 44

(self-explanatory)

It is proposed that claims shall be mutually waived between the Japanese Self Defense Forces and the United States Forces in Japan.

Article XVIII paragraph 4

Point 46

(self-explanatory)

Article XVIII paragraph 6

Points 50 and 51

(self-explanatory)

Article XX

Point 52

(self-explanatory)

Article XXII

Point 56

(self-explanatory)

Article XXIII

Point 57

(self-explanatory)

甲子年夏
王

卷之三

卷之三

三月十四日与临防修禊集于名园

他日，予亦向其處，請傳治下。防傳而止。

嘉慶丙午年九月
立

外務案

Digitized by srujanika@gmail.com

説考一 佩甲の海軍の通商と防護山河のうへ
が通商と防護とを下級とし、近海を守る
事につきは近海の主權が國體であると定め
米英米露等の連合軍の船団と相謀る事
にて他國軍用の事務にての事務にての事務
事務にての事務にての事務にての事務

卷之三

三、圖崎、マーリーの鉱室復元模型は古事記的
な構造である。又その解釈は、論議的、彷彿
して現存の傳説（但し形態は多少も異る）
高木正臣著者（註）の如きが、古事記的考
証である。古事記研究者（註）の如き
四、一タリーサトウ協力、村上米軍の模型の車輦
と、車輦を運ぶ車輦の車輜（註）

にまことに御用事と行うことを教説する折稿と

参究市長書

改進省の支那事務局長及公使館員の通文

が多めである。これと別に日本と支那との往来

との往來

外務省

二、作戦行動に至る機会は軍事行動から
（敵の直撃を免れし）
△従事の交換信使を説明するところ
△主と仰せ（防修中止）
△（及び協同相談）軍事上の共同取扱の在り
上、有致御申されば取扱を謝する旨を長老より
答えたり。

△行政側主つては外國大臣の草拂院の仰せ
事と之を承す旨を長老より答へたり。

~~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

$$f^{\ast}(\mathcal{M}^{\ast}) \otimes_{\mathcal{O}} \mathcal{O} = f^{\ast}(\mathcal{M}^{\ast})$$

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

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

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:

(板野)

(一九五九・三・一七)

日本國とアメリカ合衆國との間の相互~~及~~協力及び安全保障条約(案)

| | |
|----|----|
| 極秘 | 8 |
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日本國及びアメリカ合衆国は、
両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、両國の一層緊密な經濟的協力を促進し、及び両國にお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両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うとするその願

監査再確認し、

両国が國際連合憲章に定める~~特~~個別的及び集団的自衛の固有の権利を有していくことを考慮し、

両國が~~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並びに日本國の安全が極東における國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~~及~~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、國際連合憲章に定めるところに従い、その關係するご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りに解決し、並びにその國際關係において、武力による威嚇又は武力の行使を、いかなる國の領土保全又は政治的獨立に対するものも、また、國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實むことを約束する。

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。

卷之三

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、締約国の間の經濟的協力を促進する。
争因

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考

協約國は、繼續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、發展せらる。

開して協議し、また、いずれか一方の締約国が領東における國際の平和と安全が脅かされでんると認めるときはいつでも、協議する。

第五

各締約國は、日本國の施政の下にある地域における、それか

方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。

前記の武力攻撃及びその結果として致つたすべての措置は、國際連合憲章第五十一條の規定に従つて直ちに國際連合安全保謢理事会に報告しなければならない。その措置は、安全保障理事会が國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致つたときは、終止しなければならない。

第六条

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対し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律されるものとする。

第七条

この条約は、國際連合憲章に基く締約國の権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。

第八条

この条約におけるいかなる規定も、いざれの締約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釈してはならない。

第九条

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

第十条

一千九百五十一九年九月八日にサン・フランシスコ市で署名された日本とアメリカ合衆国との間の安全保障条約は、この条約の効力発生の時に効力を失うものとする。

第十一条

この条約は、日本区域における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国及びアメリ

カ合衆国の政府が認める時まで効力を有する。

もつとも、前記の國際連合の措置が効力を生じないまことに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警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。

以上の証明として、下名の全権委員は、この条約に署名した。

平九百 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

認定書

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

合衆国軍隊の日本国における配備の重要な変更（同軍隊の調停の重要な変更を含む。）並びに相互的協力及び安全保障条約第五条に基づ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ぬ。

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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

アメリカ合衆国のために

日本國のために

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。

以上の趣旨として、各全権委員は、との議定書に署名した。

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

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

ARTICLE VI

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

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

ARTICLE VII

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

ARTICLE VIII

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

ARTICLE X

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

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

IN WITNESS WHEREOF the respective Plenipotentiaries have
signed this Protocol.

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

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

行政協定調整に関する文書の説明（案）

(6)

三四三二〇 米保長

一 前回の会談において、わが方としても条約と行政協定は一括して扱う考え方であり、協定の調整に就ては、各省の考も徵したが、外務省としては米側の事情も考え出来る丈話合のつく様な問題を充分の理解をもつて話合うこととしたい意向を述べた。

添附文書は

右の見地より三種の文書を用意した。

(イ) 一つは「提起された問題」と題するもので、これは関係各省の提示して来た問題を掲げたもので、凡そ各省としてどんな希望があるかを判断する一つの参考として繰めきものである。(問題は大小含めて五十七点ある。)



(ロ) 次に「修正」及び「調整」と題した二つの文書があるが、これらは外務省としては非米側との間で検討することを希望する点を挙げたものである。これを「修正」と「調整」に分類したのは、わが方から見て米側により問題があると思われるものを「修正」とし、より自明であると思われるものを「調整」としたものであり、それぞれ十九点ある。

三 外務省における検討は、従来の行政協定運営の経験を基としたものであつて、なお日本における國連軍の地位に関する協定並びにある程度 N A T O 協定の ^例 ~~欄~~ を参考として慎重に行つた所である。

四 なお從来の協定運営上、解釈や財政的措置を含む問題で懸案と

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 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.

なつて いる もの が幾つか あり、此等の 問題は「懸案 及び 解釈」と
等の 懸案を 是非 解決したいと 強く 希望して いる。
題した 文書に 挙げた通りである。わが方として は 今回の 機会に 此

The Japanese Government maintains that USFJ is responsible for the payment of the compensation, at least for those existing outside the facilities and areas, which it has paid to the owners of such machineries and equipments, since they don't 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.

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

4. Problems of Labor Relations

(a) Concerning interpretation of the phrase "as may other wise be mutually agreed" in Paragraph 5 of Article XIII, 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.

(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

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, Toyomi-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.

CONFIDENTIAL

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 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.

Occasion requires
a occasion required
2/21 M.P. P.D.C.
1/2/59

1/2/59
M.P. P.D.C.
1/2/59

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.

10/10/21 9:50 AM

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4/11/21

10/10/21 9:50 AM

4/11/21

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.)

⑥ Article 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

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 XIII 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

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

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

14. Article XIV

a. Provisions:

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

b. Proposition:

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

c. Problems:

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

15. Article XV, Article XI paragraph 2

a. Provisions:

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

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

X 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.

b. Proposition:

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

19. Article XVIII

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

(D.G.A.P.P. 120th EK)
Tun

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.

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.

12. Article XIII paragraph 5, Article XV paragraph 4

Add "local inhabitant tax".

13. Article XIII paragraph 3

Delete "tangible or intangible".

14. Article XV

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

15. Article XVIII paragraph 6(a)

"Civilian employees" shall read "civilian component".

16. Article XVIII paragraph 6(b)

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

17. Article XX paragraph 1(a)

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

18. Article XX paragraph 32

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

19. Article XXII

Delete unless absolutely necessary.

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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."

- 2 -

Article II paragraph 4

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

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.

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 intimately 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. "Members" (but not "units") shall be subject to customs examination.

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

Article XII paragraph 6, Article XIII paragraph 2, Article XV paragraph 3

31. 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

32. All procurement shall in principle be made through, or upon coordination with, the competent authorities of the Japanese Government.

Article XIII paragraph 2

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

Article XII paragraph 5, Article XV paragraph 4

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

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

36. 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. Add "local inhabitant tax".

Article XIII paragraph 2

38. Delete "their dependents".

Article XIII paragraph 3

39. Delete "tangible or intangible".

Article XIV

40. Delete the whole Article.

Article XV

41. 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.

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

Article XVIII paragraph 1

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

Article XVIII paragraph 2

44. Claims shall be waived only when the properties concerned were being used for the 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 claims arising from other damages.

Article XVIII paragraph 3

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

Article XVIII paragraph 4

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

Article XVIII paragraph 5

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

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

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

Article XVIII paragraph 6(a)

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

Article XVIII paragraph 6(b)

51. 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

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

Article XX

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

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

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

Article XXI

56. Delete unless absolutely necessary.

Article XXII

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

東京電報

參事五

支那事

三月三十日 楠山大臣在軍事委員會談錄(其一)

(續)

大臣

日暮 駐華公使川口三千四百零二年三月三十日於華北

署名 楠山大臣 市井三郎 佐保長

官房長官 河野一成 二六一ト後ノノ事

大臣 在日は第四種半元通 日本國の參政章璽を呈上する同件

行政協定に付る事へ方も連上する(傳給章璽占手交)

行政協定に付る事へ方も連上する(傳給章璽占手交)

と、その代り參政章璽三枚ノハハ調整を行ふ方桂ひ事。三日付保

精神

四月三日
米保 072

假にあづ一式。書面は裏表二枚

亦三万円に周くは、参考が、うなぎ堂を整頓した十七年を二つおぼし

十萬、三事ヲ旅費官料、旅費、その内が、此の旅費は旅費、まことに

三事ノハハ持ひ半七九、旅費を二種に分けてお手こす、外旅費が、ある

旅費は、過去に於ては、學業の経験を基礎とし、五年生の地位

開業生、並びに、或は從事ノハハ博士を参考として行ふ事。

「開業」は、此の幹部の自明と察かれて、上と等しいもので、修業は、半期

於向題事項を一並申上する所とて、或は簡便にて了り得る事の一あらむと

寫付申候事項を筆附にて申す。(指該款項、修正、調

整三文事項手文)

以上は日本側の内銀券を綱通せよとの、立たせられは古びい、

調整及修正の上に十九萬口付米側が正儀の銀券を付し、

之行に付、該之進行に方法あると想す。尚残余十九萬口

該二十萬口、施行之方法は未だ未詳の事と存す。

外務省

英ハハシテアリモ

今後の方とて、本款事項はすま間の意圖、及び、修正、調

整に因ずる御意見を聽取せざる事と一まい、

大便、幸甚に御見と御いたせご爲めま。

年終在は、仰は米政府は議會より又は承認し得か否か、
的確に判断得る立場に至思ひ、其の結果は竟に於ける
上意見を申上申さざる所、但し文書を正附へて之が華國交

外務省

乃公は軍側に今れば古事記般の如きをもつておら。本

日本文書は不取扱トキハ、バーと云ふ者にて貯まリ。

大臣と接する機会多々、日本側より紫電車事件は總理と防衛省

しか承知しない事か、おまへ一矢を揮ねがれ。

大使、手帳の開封するまで、五年以上云々アミコリは

日本側草稿では機密文書に付したが、その形式云々は米側に譲り合

かけたり、付うな、此手の力等極めて此種協議は、米子では

外務省

行政院要員事項之を属合に付した件は行かない。併し手帳印紙

事務官文書の漏洩事項を付した件は行ない。併し手帳印紙

大臣、可見云々然方の國會に付する事は、米側の事務官事

ウ、此方の手帳を充分見えて

古便、各部云々は必ず内閣より監視又古便から監視し、

御役員立つ意見と申上げて詮諭が要るが、行政院要員の事

摺り難い事、即ち、行政院要員の事、内閣は如何ぞ多くは

外務省

知りが技術的知識が豊富なうちは、米國政府内

ハテナ主張は東洋学者である学者にはない。

たゞ、自己は他に、如何に事態を慎重に検討する。施行法上

正直は判断を棄す。或は出来ること思はずかずには、三は書大問題、

持主者は会合の所で、~~議論~~一は思はずかずには、三は書大問題、

一は審思一はけひと大問題と書くべきである。然し

立場は大問題をあ手へず。勿論軍方の問題であつ

外務省

機械種類の種類

若し此等之事を考慮するに足れば、必ず其の事項を
合意検討する。さうして、全く自分の手の問題に行き
しまう。先づ大臣と會う。施設の問題が大問題と
思われる時は、検討する。合意行いと書く。

大臣、先づ検討する。自ら一意をもつて、

大使、自分は二点とおもひ、やうやく上へと引協定と

外務省

形式をもつたセカンド形式を採るが、その他の全般の形

式は、主として上半部が、他の部分とちりて二書とす場合

何を承知しない。もう草書の修正はあらう文書なんらか

ある事か。

(米保方式) 来る文書は、施行権を基礎にしてはせよ果て

あり、コンドミニアム及地界のドアノブの

旨は、合意手続など、先ほどの米保方式の諸点は將来ノコトハシテ

外務省

ナシハ、キモアシ、アガ、キモニス書の件は、先ほどの米保方式と同様に
仰承いたまひの可と見なされ

た。大臣には、米保方式と御准付記入があるが、

大臣一応お思ふが、少しも、一書のヨリ不書であることは認められぬ

事無くあることか、かつて、たる米保方式の手記付

意見と申上するには至まぬ。

康生書局同僚をいたが、一書は、自らノイヒノ書

外務省

通商ある事、在伊は税務取扱い事務がある。特此申はニテ

ニテ申シテはハマリ申立等といふに申立トニテ申立トあり。トシニ申立

甚だ困了及第ニ至。）此の間太史は日本側文書をハラと焼く。

古皮 今一寸文書と見見し申ケルト白は水書也此處所申立ト

些謂申は本年内に法正換申題には拘る恐れ申。一九〇〇年

12月3日付記と申す。

今向う詔令之半間が如何に譲る事かは御承認乞申と申す、米國は

外務省

特使申於日本側の更合了義務申しに日本防衛の義務を引取下

ミテ申す。若く行路保護して日本が無理ヨニと持出すとナシば上院フ

シテ申す。申て行路保護して日本が無理ヨニと持出すとナシば上院フ

申す。申て行路保護して日本が無理ヨニと持出すとナシば上院フ

申す。申て行路保護して日本が無理ヨニと持出すとナシば上院フ

申す。申て行路保護して日本が無理ヨニと持出すとナシば上院フ

申す。申て行路保護して日本が無理ヨニと持出すとナシば上院フ

外務省

大使 来週末前に必ず申と申す。協定調査團は五日間の間の(は)あつた

事実、唯無事例文書等には點をとて受け付けてある。

大臣 おほうな事は無いと聽きまじ、若し若干ござり相談出来るとおもひて
おれは行政機関の商議行は専門会議より後でやうて云ふ議論を抑
制する事は、何はか一票はどうぞい限はなか、第一票は行く
可なり。由來、四つ三事で一票を間違をやうると

考へ

外務省

大臣 喜海乃先生は白井側だけの事で、第一票」と云ふ才に及ばず

が、とは成り得ない、米側には第一票の方は正規の手續なく、唯

方持は停頓と協定を一括して取ることを、

先生 船舶令官長福田幹事長はおぼしき際此の書はちまうほん

西代とも云々御承へた。船舶令一括ねい船底上、調印は

三つの様子御承へた。船舶令一括ねい船底上、調印は

参院議事はかくと思ふが、ちゆう意見如何とおもひます。

外務省

御内閣は御内閣が諸大臣の御意見に沿ふ様盡力する所と

答二五章

六度 航政監査の施行は年月日より事由中止一ヶ月の間

士官整つば人等、ノリするか、アリま。

庚 事追跡中止木八月既あり、ノリは撤換す。

大臣 同もノラニ事と義上、ニ少は協定を運営を上合る。

詳報向該也財政的又税を要す向該、監査を立ちます。

外務省

第4六九、税方とノル事務合ひ又理す、ミテス、大

庚元月十一日光詔示(

大臣 答印

(以下 航政監査及也詳報送向該 12月 25)

外務省

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, do not since they 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.

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.

(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

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, Toyomi-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.

極秘

行政協定改訂問題点 (PROBLEMS PRESSED). (三月三日)

オ一条

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

2、軍属の定義は、「軍隊に随伴し且つ雇用されているもの」とする。

3、公式議事録の「高級熟練技術者」を軍属より除外する。

オ二条 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。

オ二条 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。

オ三条 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。

オ三条 2項

12、電波等に関する経過規定を削除する。

オ四条

13、あらかじめ合意された現状変更以外は米側は回復又は補償義務を負うべし。

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

15、3項の規定は1項2項双方にかかるよう規定を明確化する。

オ五条1項

16、「施設」に非ざる開港については入港料、着陸料を課すべき。

17、後段につき、非免除貨物、旅客の「出国」も規定すべし。

オ六条1項

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

オ七条

19、「優先権」を削除する。

オ八条

20、全文修正。

オ九条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。

オ十条3項、4項

22、合衆国は出入国者数を日本当局に通知する。

オ十一条2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

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

材、需品及び備品」を削除する。

オ十一条3項

27、(1)合衆国以外からの輸入品及び(2)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。

オ十二条5項

28、(1)軍事郵便路線上の郵便物、(2)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まれる軍事貨物、につき税關検査の免除を与えず。

29、海軍は税關検査に服する。

30、日本政府の要求ある場合は施設・区域内に税關職員の駐在を認めれる。

オ十二条6項、オ十二条8項、オ十五条3項

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

オ十二条1項、4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。

オ十二条5項、オ十五条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な解決に資するために、既に設置されている如き調停委員会を常設する。

37、「地方住民税」を追加する。

オ十三条 2 項

38、「家族」を削除する。

オ十三条 3 項

39、「有体又は無体の」を削除する。

オ十四条 40、全条削除する。

オ十五条 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、日本にある外國為替銀行にて外貨予金勘定を設けるを得ず。

オ十八条 1 項

43、請求権の拠棄は被害者が安保条約の目的に關連して公務に從事していた時に限り、また、米軍と自衛隊相互間とする。

オ十八条 2 項

44、請求権拠棄は、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。

オ十八条 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。

オ十八条 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。

オ十八条 5 項

47、合衆国は報告書に對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藉料を払う。

49、日本国籍の米軍被用者に対する請求権処理の規定を設ける。

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。

才二十二条

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

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

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

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

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CONFIDENTIAL

March 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.

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.

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.)

8. Article ~~X~~ 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 XIII 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

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 XIII 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

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

14. Article XIV

a. Provisions:

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

b. Proposition:

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

c. Problems:

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

15. Article XV, Article XI paragraph 2

a. Provisions:

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

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.

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

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.

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.

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 XVII paragraph 6(b)

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

17. Article XX paragraph 1(a)

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

18. Article XX paragraph 3

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

19. Article XXII

Delete unless absolutely necessary.

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

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.

Article XI paragraph 2

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

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

Article XI paragraph 3

27. Customs exemption shall not be granted to:

- a. import from other than the United States;
- b. personal property through United States military postal channels.

Article XI paragraph 5

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

- a. Mail in United States military postal channels;
- b. Military cargo shipped on a United States Government bill of lading except "arms and equipment".

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

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

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

Article XII paragraphs 1 and 4

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

³¹. All procurement shall in principle be made through, or upon coordination with, the competent authorities of the Japanese Government.

Article XII paragraph 2

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

Article XII paragraph 5, Article XV paragraph 4

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

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

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.

³⁶. Add "local inhabitant tax".

Article XIII paragraph 2

³⁷. Delete "their dependents".

Article XIII paragraph 3

³⁸. Delete "tangible or intangible".

Article XIV

³⁹. Delete the whole Article.

Article XV

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.

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

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

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

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

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

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

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

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

Article XVIII paragraph 6(a)

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

Article XVIII paragraph 6(b)

62. 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

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

Article XX

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

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

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

(仮訳)

(一九五九・三・一九)

日本国とアメリカ合衆国との間の相互協力及び安全保障条約

(案)

日本国及びアメリカ合衆国は、

両国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、両国の一層緊密な經濟的協力を促進し、及び両国における安寧と福祉の条件を助長することを希望し、

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監査再確認し、

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くことを考慮し、

両国が極東における國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、その關係するこ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

正義を怠くしないように解決し、並びにその國際關係において、武力による威嚇又は武力の行使を、いかなる國の領土保全又は政治的独立に対するものも、また、國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憲むことを約束する。

締約國は、他の平和愛好國と協同して、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、國際連合を強化することに努力する。

第二条

締約國は、その自由な制度を強國にすることにより、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りつて、平和的かつ友好的な國際關係の一層の

発展に貢献する。締約國は、その國際經濟政策上の争因を除去することに努め、また、締約國の間の經濟的協力を促進する。

第三条

締約國は、繼續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

締約國は、第五条に基き執られる措置を含めてこの条約の実施に関する協議し、また、いすれか一方の締約國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

各締約國は、日本國の施政の下にある地域におけるいすれか一方

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。

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

第六条

日本国は、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、いすれの締約国に対しても自國の憲法上の規定に反する義務を課すものと解してはならない。

第九条

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

第十条

一千九百五十一年九月八日にサン・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謢条約は、この条約の効力を発生の時に効力を失うものとする。

第十一条

この条約は、日本区域における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国及びアメリ

カ合衆国の政府が認める時まで効力を有する。

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

以上の証拠として、下名の全権委員は、この条約に署名した。

一千九百 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

議定書

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

合衆国軍隊の日本国における配備の重要な変更（同軍隊の装備の重要な変更を含む。）並びに相互協力及び安全保障条約第四条に基づく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ぬ。

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CONFIDENTIAL

March 19, 1959

三月十九日大日本日本之文

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

Japan and the United States of America,

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

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

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

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

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

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

Therefore agree as follows:

ARTICLE I

以上の趣意として、各全権委員は、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
日本國のために
アメリカ合衆國のために
本語及び英語により本書二通を作成した。

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.

ARTICLE III

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

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ARTICLE VI

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

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

ARTICLE VII

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

ARTICLE VIII

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

ARTICLE IX

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ARTICLE IX

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

ARTICLE X

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

ARTICLE XI

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

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

IN

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IN WITNESS WHEREOF the undersigned Plenipotentiaries
have signed this Treaty.

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

FOR JAPAN:

FOR THE UNITED STATES OF AMERICA:

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PROTOCOL

At the time of signing the Treaty of Mutual Cooperation
and 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: