

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⑥

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一九五九年七月より新條の署名に至る経緯（その三）
千一頁

米分取 米車取

在米米運送より運送の件



大屋了

冷元

1959

吉原長

手廻り長

次長

手廻り長

米分

十一月十日、大屋より冷元への電報を補足し、このことハ、手書

に米米運送を米分、九の通り。

一、大屋より在米米運送に付、米分内意を承知され、大屋領及

國形部長は、一月十九日(火)又は二十日(水)ならびに支障なし。

(十五日より二十日までの期間がくくは十九、二十の両日のみ)

二、大屋領は十一月三日旅行に出るが、一月三日迄の米分には、主要な

外務省

即ち十一月二日に條約協定に関する協定の文書が備わって

コンクリートに送られることには、なほ、なほ、(大屋領の決議を得た

上、議合関係との打合せは、なほ、なほ、なほ、なほ、なほ、なほ、なほ、

三、大屋領米分取は、米分は、米分、米分、米分、米分、米分、米分、米分、

大屋領及大屋領立合の下に、米分、米分、米分、米分、米分、米分、米分、

又は大屋領のり、即ち、大屋領、米分、米分、米分、米分、米分、米分、

但し、大屋領が、米分、米分、米分、米分、米分、米分、米分、米分、米分、

外務省

回覧番号 米保 3403

名と行く。

心向如理信楽すはんに
古後能は 善考後 外務之凡 子務甚くと
交つて合能を行ひ 又し其を昔其ととし其を其其ととす。

外務省

34.11.18 Fearey 持参

Re Article XI, paragraph 5 (c)

The following goods shall not be subject to customs duties but shall be subject to customs examination:

- (a) Goods that are not shipped on a United States Government bill of lading and which are consigned to the organizations mentioned in Article XV; and
- (b) Goods that are not shipped on a United States Government bill of lading and which are consigned to organizations or concerns [acting as authorized procurement agencies of the United States armed forces,] and 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.

行政
協定
上
条
目
の
貨
物

G. B. L. 90 12/18/41

XI - para 7

"Goods imported into Japan free from customs duties and other such charges pursuant to this Article, may be re-exported free from customs duties and other such charges and from customs inspection."

極東の範囲についての川島幹事長談話

昭和三十四年十一月十七日

藤山大臣は、本日七役会議において「極東の平和と安全の維持について左のとおり述べ、その了承を得た。

「米軍は、日本の基地を極東の平和と安全の維持のため使用できるのであるが、この場合極東というのは、フィリピン以北の地域を考えている。

そして、新安保条約の目的は、日本の安全および極東における平和および安全の維持に貢献することであり、米軍の行動はかかる目的によつて限定を受けるのである。而も、米軍は国際連合の行動又は自衛権の発動としてのみ行動することが新安保条約の基本であり、米軍が行動するのが、平和と安全がこの地

域内において侵されている場合に限られる。

即ち、米軍の行動範囲は直接地域的な面から制限せられているわけではないが、条約の基本精神および目的から限定されているのである。

以上の点からして、米軍の行動も自ら概ねこの極東の地域でとられることとなるのは当然である。

なお、極東の平和および安全の維持という観念は、現行条約と同様であるが、新条約においては、作戦行動の場合の事前協議ということで、更に限定されているわけである。

(Translation)

Statement made by the Secretary General
of the Liberal Democratic Party
on November 17, 1959

The United States armed forces may use the facilities and areas in Japan for the purpose of contributing to the maintenance of peace and security in the Far East. The term "the Far East" as used in this connection is deemed to refer to the area to the north of the Philippines inclusive.

The purpose of the new treaty is to contribute to the security of Japan and the maintenance of peace and security in the Far East, and thus military actions of the United States armed forces will be limited to those for this purpose. Furthermore, it is the premise of the new treaty that the United States armed forces may take military actions only either as a United Nations action or in the exercise of the right of self-defense, and they may engage in military actions only when peace and security is impaired within this area.

In other words, the area of activities of the United States armed forces is limited by the spirit and the purpose of the Treaty, although it is not directly defined geographically.

Accordingly, military actions of the United States armed forces will naturally be taken as a rule in the area referred to as "the Far East".

It may be added that while the idea of "the maintenance of peace and security in the Far East" is inherited from the present Treaty, further limitation is to be stipulated in the new treaty in the form of "prior consultation" to be held in the case of operational use of the facilities and areas.

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十一月下旬におき
防犯部と在日米軍司令部との取極に内寸機往來

外務省

CONFIDENTIAL

(Draft)

34-11-16

防務手続外務省文
手続も済

My dear Mr. Imai:

As you are aware, there have been made between the United States Forces in Japan and the Defense Agency the following documents concerning the air defense system:

1. Agreement of April 23, 1958 which provides the agreed operational procedures which permit the US and Japan forces to operate a single integrated air defense system while remaining under the command of the respective two countries; signed by General Genda and General Smith.
2. Memorandum of understanding of June 13, 1957 which established initial guidance for the transfer of air bases and AC&W sites to the Government of Japan, signed by Mr. Toga and General Barnes.
3. Exchange of letters of April 14 and 19, 1958, between General Smith and Director General Tsushima, on the transfer of AC&W sites to the Government of Japan.
4. A technical arrangement, dated May 23, 1958 providing guidance for actions of the Fifth Air Force and the Japanese Air Self-Defense Force in connection with the transfer of AC&W sites to the Government of Japan, signed by General Sanagi and General Smith.

I should appreciate confirmation that these documents will remain applicable after the entry into force of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today, unless altered by mutual agreement.

Sincerely yours,

My dear General Barnes:

I should like to acknowledge the receipt of your letter of today's date, concerning certain documents related to the air defense system, and to confirm that the documents enumerated in your letter will remain applicable after the entry into force of the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, unless altered by mutual agreement.

Sincerely yours,

CONFIDENTIAL

(DRAFT)

34-11-19 US

Dear Mr. Imai:

As you know, the United States Forces in Japan and the Japanese Defense Agency have reached agreement on five aspects of the air defense system in Japan. These agreements are set forth in detail in the following documents:

1. Memorandum of Understanding of June 13, 1957, signed by Muneo Toga, Acting Vice Director General of the Japan Defense Agency, and Lt. Gen. Earl W. Barnes, USAF, Chief of Staff, Far East Command. This document established initial guidance for the transfer of air bases and Aircraft Control and Warning sites to the Government of Japan.

2. Letter of April 14, 1958 from Lt. Gen. Frederick H. Smith, Jr., USAF, to His Excellency Juichi Tsushima, Director General, Japan Defense Agency, and Director General Tsushima's letter of April 19, 1958 in reply. This exchange of letters also related to the transfer of Aircraft Control and Warning sites to the Government of Japan.

3. Agreement of April 23, 1958, signed by Lt. Gen. Frederick H. Smith, Jr., USAF, and Lt. Gen. Minoru Genda, JASDF, on Measures Against Violations of the Territorial Airspace of Japan. This Agreement sets forth the operational procedures under which United States and Japanese forces are enabled to operate a single, integrated air defense system in Japan while remaining under their respective national commands.

4. Agreement of May 23, 1958, signed by Lt. Gen. Sadamu Sanagi, JASDF, and Lt. Gen. Frederick H. Smith, Jr., USAF, providing further guidance for the United States Fifth Air Force and the Japanese Air Self-Defense Force in connection with the transfer of Aircraft Control and Warning sites to the Government of Japan.

5. Agreement For the Conduct of Air Defense of Japan of September 2, 1959, signed by Lt. Gen. Misoo Matsumae, JASDF, and Lt. Gen. Robert W. Burns, USAF.

I should appreciate confirmation that these agreements will remain applicable after the entry into force of the Treaty of Mutual Cooperation

and Security between the United States of America and Japan signed today, unless altered by mutual agreement.

Sincerely yours,

D R A F T

My dear General Barnes:

I should like to acknowledge the receipt of your letter of today's date concerning certain agreements related to the air defense system in Japan, and to confirm that the agreements enumerated in your letter will remain applicable after the entry into force of the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, unless altered by mutual agreement.

Sincerely yours,

S E C R E T

1. Agreement of April 23, 1958 which provides the agreed operational procedures which permit the US and Japan forces to operate a single integrated air defense system while remaining under the command of the respective two countries; signed by General Genda and General Smith.

2. Memorandum of understanding of June 13, 1957 which established initial guidance for the transfer of air bases and AC&W sites to the Government of Japan, signed by ^{Mr.}Toga and Gen. ^{eral}Barnes.

3. Exchange of letters of April 14 and 19, 1958, between General Smith and Director General Tsushima, on the transfer of AC&W sites to the Government of Japan.

4. A technical arrangement, dated May 23, 1958 providing guidance for actions of the Fifth Air Force and the Japanese Air Self-Defense Force in connection with the transfer of AC&W sites to the Government of Japan, signed by General Sanagi and Gen. ^{eral}Smith.

S E C R E T

CONFIDENTIAL

(DRAFT)

34.11.20

Ferry 内示

23. 半信の不安を子承 clear 済

Dear Mr. Imai:

As you know, the United States Forces in Japan and the Japanese Defense Agency have reached agreement on certain aspects of the air defense [system] of Japan. These agreements are set forth in detail in the following documents:

1. Memorandum of Understanding of June 13, 1957, signed by Munso Toga, Acting Vice Director General of the Japan Defense Agency, and Lt. Gen. Earl W. Barnes, USAF, Chief of Staff, Far East Command.
2. Letter of April 14, 1958, from Lt. Gen. Frederick H. Smith, Jr., USAF, to His Excellency Juichi Tsushima, Director General, Japan Defense Agency, and Director General Tsushima's letter of April 19, 1958, in reply.
3. Agreement of April 23, 1958, signed by Lt. Gen. Frederick H. Smith, Jr., USAF, and Lt. Gen. Minoru Genda, JASDF.
4. Agreement of May 23, 1958, signed by Lt. Gen. Sadam Sanagi, JASDF, and Lt. Gen. Frederick H. Smith, Jr., USAF.
5. Agreement of September 2, 1959, signed by Lt. Gen. Misao Matsumae, JASDF, and Lt. Gen. Robert W. Burns, USAF.

CONFIDENTIAL

防衛のついでの日米間の合意の
 効力の下を動かしついで
 確認の件

十一月三日、坂部参謀官は、坂部二名官に
 決裁を乞ふ旨にハートマン司令官を訪問、種々
 につき協議し、要約の通り了解の達し下す。
 右と同司令官の許しは、大使よりも概ね同意
 の意を込めたいと由。

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CONFIDENTIAL

-2-

I should appreciate confirmation that these agreements will retain their validity after the entry into force of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today, unless altered by mutual agreement.

Sincerely yours,

CONFIDENTIAL

D R A F T

My dear General Burns:

I should like to acknowledge the receipt of your letter of today's date concerning certain agreements related to the air defense [system] of Japan, and to confirm that the agreements enumerated in your letter will retain their validity after the entry into force of the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, unless altered by mutual agreement.

Sincerely yours,

赤松長政 奉書長政

十一月二十日 赤松長政 在赤松使合能保



大臣ノ

治長

長政

赤松長政

治長

赤松長政

極秘

日付 昭和三年十一月二十日 赤松長政 在赤松使合能保

出原者 赤松長政 赤松長政 赤松長政 赤松長政 赤松長政

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回覧番号 米保 3479

外務省

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外務省

大體 行政協定は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。
士使 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

士臣 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

即ち 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

協定 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

手続 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

合 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

協定 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

士臣 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

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協定 行政協定の成立は、行政機関の共同の事務に於て、その共同の事務の遂行に必要にして、協定を要するものなり。

合のことは、そのしるは、たう、例子の、能く、ある。

古使 五事、大御代に之つ存、力し、言し、が、重要、内容、の、ある、から、す。

研究、の、御、答、へ、ま、し。 明、神、代、言、と、お、い、え、ら、る、は、十、時、と、し、其、の、際、

申、上、け、ら、れ、し。 勿、論、何、れ、の、言、も、ま、る、ま、る、と、し、中、心、に、は、^(か、ま、ま、火、事) 清、正、な、ま、り

か、す。 何、れ、と、研、究、さ、ま、り、例、の、に、於、て、三、義、は、固、執、す、ま、し。

大、臣、 署、名、の、期、日、は、十、九、 三、月、の、中、 十、九、日、の、言、が、新、命、か、よ、し。

向、本、白、勅、の、ま、事、の、ま、事、縁、成、に、於、て、の、政、府、堂、打、合、の、際、 結、成、期、日、は、

外 務 省

十、日、ま、事、と、す、ま、り、一、つ、中、心、と、す、ま、り、と、し、他、の、が、治、事、ま、り、と、ま、り、何、れ、信、信、が

と、り、同、期、が、ま、り、し、と、ま、り、一、つ、十、日、ま、事、と、し、三、月、の、中、に、一、つ、十、日、ま、事、と、し、

或、は、十、日、ま、事、に、於、て、一、つ、と、し、に、決、つ、て、三、月、の、中、に、一、つ、十、日、ま、事、と、し、

言、の、言、ら、う、外、部、に、借、付、し、 社、團、方、面、に、は、世、に、一、つ、と、し、と、見、て、三、月、の、中、に、一、つ、十、日、ま、事、と、し、

十、九、日、の、信、と、判、断、し、一、つ、朝、事、と、し、と、見、け、れ、ま、り、 右、の、各、條、に、付、御、承、知、

預、め、し、

左、使、 十、日、ま、事、と、す、ま、り、一、つ、中、心、と、す、ま、り、と、し、他、の、が、治、事、ま、り、と、ま、り、何、れ、信、信、が

外 務 省

外. 以上は何等の疑念をもたずして行なうべき

大庭 臨時委員は若くは四月十日以前にこの委員に任じらるべきか、その旨を仰せ
十月三日の九日の電報と関係する。

古渡 委員は臨時委員と併せていし、臨時委員をいし。

臨時委員は「前米」云々と云うて「前米」の事也

古庭 臨時委員は行く気持、^{可なり}、その種を話し、^{可なり}、臨時委員
には未だ何の疑念もいと言を承るべし。

古渡 臨時委員の問題に關し、日本側の御意は、今や新原委員の委員は日本の

委員会に對するに又この委員は確然である、臨時委員の御意の事

委員は、日本側の委員を計上して、その割額を拂ふ、或は日本側の委員

委員の計上するに、臨時委員の委員は、臨時委員の委員は、臨時委員の委員

委員の計上するに、臨時委員の委員は、臨時委員の委員は、臨時委員の委員

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委員の計上するに、臨時委員の委員は、臨時委員の委員は、臨時委員の委員

別紙

CONFIDENTIAL

(November 21, 1959)

(On the expression "the Far East")

The term "the Far East" as used in this Treaty refers to the general area around Japan to the north of the Philippines, inclusive. The expression "for the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East" is a statement of the purpose for which Japan grants to the United States the use by its land, air and naval forces of facilities and areas in Japan and does not define geographically the area of activities of the United States forces in Japan. However, the military actions of the United States forces in Japan will be limited to those for the purpose stated in the above. Therefore the military actions based in Japan will naturally be taken as a rule in the area referred to as "the Far East."

先刻申上りぬく事司事亭身は十月三日に帰成り了しおの意旨 此の如きこと通らぬ。此の理解を以て協力のことと見らるる事。	左原 此の如きこと通らぬ。此の理解を以て協力のことと見らるる事。	してワントンに傳知しやうと云ふ事。	事司事亭身には計上する事と見られ、此の如きことと見らるる事。
左原 此の如きこと通らぬ。此の理解を以て協力のことと見らるる事。	先刻申上りぬく事司事亭身は十月三日に帰成り了しおの意旨 此の如きこと通らぬ。此の理解を以て協力のことと見らるる事。	してワントンに傳知しやうと云ふ事。	事司事亭身には計上する事と見られ、此の如きことと見らるる事。
左原 此の如きこと通らぬ。此の理解を以て協力のことと見らるる事。	先刻申上りぬく事司事亭身は十月三日に帰成り了しおの意旨 此の如きこと通らぬ。此の理解を以て協力のことと見らるる事。	してワントンに傳知しやうと云ふ事。	事司事亭身には計上する事と見られ、此の如きことと見らるる事。

外務省

別
紙
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CONFIDENTIAL

(November 21, 1959)

(On the review of the Treaty)

With reference to Article X of the Treaty, the period after which either Party may give notice for termination has been fixed at ten years and no provisions for reviewing the Treaty have been made in the Treaty, because, in the agreed opinion of the two Governments, stability is a very important factor in the security relationship between the two countries and it is a matter of course that a treaty like the present one may be reviewed when there develop fundamental changes in the relevant factors.

別
紙
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CONFIDENTIAL

(November 21, 1959)

(On the procedure under the Consultation Formula)

Under the Exchange of Notes under Article VI of the Treaty, the two Governments will fully consult with each other on all the subject matters enumerated therein with a view to developing common agreed views thereon and actions or measures will be taken always in the light thereof.

米保
島吉使
俣野長也

治長

米保

米保

米保

米保

行政協定に同じ米保をスリヤ書に合致する件

米保

十月二十日米保長に宛てた書に於て合致する旨を述べ

一 三第一項に同じくする解

権利権力権限の書は、さういふと云ふる解に同じ前日合致

上は、合同委員会に送ることに同意したが、其後在る

米保を、と云ふは不承分、別に何事かの交渉を待たせし

同執といふ、再考、米保の交渉を待たせしと申す。

外務省

四第番号 5284 米保

The right of the United States armed forces is not affected in any

(取寄)

二 防空に因る防衛手段たる米軍機等の取扱

事件取扱の効力有様に関する解は、核方委員の議決を以

て米側案に付米例はスリヤに準じ、(尚右内意は

防衛手段に於ける取扱)

三 米保

外務省

特許に關する米控事は日本法律上の特許に準じて行はるべきなり
其に關し米控事たる書状の照合の必要なきことあるべし
よる米控事書状を更なる様式に改訂し(註)せよ

十五号條の寫字用切符の肉體は(米例は)米控事は保字牌
のみならず其の紛争に適用するものとすべし(註)せよ
之を認め(註)日本の特許法に於て司法院保護の肉體は
解決する事なきに(註)何れを採るべし(註)寫字用切符を

外務省

主権を認め(註)日本の特許法に於て(註)米控事は保字牌
折角今更に行ふべきを(註)寫字用切符の肉體は保字牌
すこと好まず(註)其の肉體の要は(註)保字牌の肉體に
他が此の肉體を認め(註)その肉體は保字牌の肉體に
と認め(註)本は(註)切符の肉體に(註)すべし(註)あり(註)
之を(註)合同書等(註)の要に(註)認め(註)米控事は保字牌
御用(註)の肉體に(註)切符の肉體に(註)すべし(註)あり(註)

外務省

場合には日本側の検査を認める。但し米側の拒否権があるや
日本側の検査すべからざるやと云ふ協定の趣意は言及し得ず
とあることはいふ。軍事情報は例外的に許すことになり。

(b) 残りの二割については検査を認める。尤も米側の金銭的
許の許すは、*military cargo* は 5(1) に依り、*general cargo* は
米もものは限らざるであらう。G/L ではない。MAX 販売も
5(1) に依りこの許すである。

2. 引換貨物

八割は G/L である。之は日本側から理法がある
検査すべしと云ふことである。日本側の検査を認めること
MAX
米側の検査と同。

3. 引換貨物の転換

引換貨物の引換貨物は G/L である。之は日本側
理法がある検査すべしと云ふことである。検査すべしと云ふ。

(二) 第七項を現行輸入品の現行輸入に検査免除規定を設けたる内閣は
同じくNATOの条約から来たものである。 協定条約は 米軍専用検査
第七項の検査免除(三項(四)の内閣)により五子を除く検査
されることがあり、又引越前には前記(一)の検査の通り必要の
検査検査されるのであるから、言外には支障をまねかすや
中七項條文修訂が白米測の法律問題となるに因り
と云ふのである。 白米測の法律問題 七項の現行規定を

外務省

検査されることになり、但し言外には検査の地がの手段を及
便にするとの目的が肝要である。(一)
(四) 第七項、備則 米測は検査の向部は二項より五項の間
に設けることは、~~検査~~ 検査の向部から二項には認められ、五項は既に合
意する修訂の如く、現行合意議事録と共にその趣意を
論じ、
論議の合意議事録として、さらに提案する(一) (別紙一)
G/Eにて
F/Eにて
F/Eにて

外務省

公認財産簿の記入は検査に際し旨と明記する。此の
 旨以前にこの旨の業則解釈がなすとすれば自業則に有利な取
 扱とならざることを旨とし、自業則の合意簿事務の解釈がなると
 反対解釈から反して不利となる。並に、現地のやり方を変更
 せずとも、運用の合意簿事務をかりて解決することあり。
 (現地の業則変更の旨と自業則の旨との異をG/Lの私用簿の
 検査は主として。又半例は現地の引越向の取扱い検査は
 七通と修訂したる)

外務省

検査に際し保済したる。双方が満意を得る
 に非ずや
 (2) 検査検査簿は私用簿に限り、私用簿は検査に際しとる建案と
 するべし。G/Lは転送手帳に準じて運用し使用目的は関係
 ない。半例はG/Lならは私用簿との適合が、とる旨の旨
 G/Lなら私用簿とはさくさくし、検査と検査多滞との境
 界線とはG/Lをさくさくし得ず、其G/L (cargo manifest)

外務省

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83

124
83

Re Article XI, paragraph 5 (c)

The following goods shall not be subject to customs duties but shall be subject to customs examination:

(a) Goods that are not shipped on a United States Government bill of lading and which are consigned to the organizations mentioned in Article XV; and

(b) Goods that are not shipped on a United States Government bill of lading and which are consigned to organizations or concerns acting as authorized procurement agencies of the United States armed forces, and 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.

CONFIDENTIAL

124
83
=

23 November 1959

- A. The United States armed forces are responsible for the control of import and export of goods shipped on a United States Government bill of lading. However, in cases of special need, the Japanese customs authorities may, (in accordance with the procedures to be agreed upon between the competent authorities of the two Governments,) examine the goods so shipped for the private use of the members of the United States armed forces, the civilian component, or their dependents, and may have the competent authorities of the United States armed forces inform them of the results of examination of the goods so shipped for the official use of the United States armed forces.
- B. Materials, supplies and equipment imported by persons other than the United States armed forces which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces shall be subject to examination by the Japanese customs authorities, whether or not they are shipped on a United States Government bill of lading.

C. Goods which are not shipped on a United States Government bill of lading and which are consigned to the organizations mentioned in Article XV shall be subject to examination.

極秘

(「極東」の表現に關し)

この条約において「極東」は、フィリピン諸島以北の日本周辺の一般地域をいう。「日本國の安全並びに極東における國際の平和及び安全の維持に寄与するため」という表現は、日本國が合衆國に対しその陸軍、空軍及び海軍による日本國における施設及び区域の使用を許与する目的を述べたものであつて、日本國における合衆國軍隊の活動区域を地理的に限定したものではない。しかしながら、日本國における合衆國軍隊の軍事行動は、前記の目的のためのもに眼られる。したがつて、日本國を基地とする軍事行動は、おおむね当然「極東」の地域において執られることになる。

CONFIDENTIAL

(November 21, 1959)

(On the expression "the Far East")

The term "the Far East" as used in this Treaty refers to the general area around Japan to the north of the Philippines inclusive. The expression "for the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East" is a statement of the purpose for which Japan grants to the United States the use by its land, air and naval forces of facilities and areas in Japan and does not define geographically the area of activities of the United States forces in Japan. However, the military actions of the United States forces in Japan will be limited to those for the purpose stated in the above. Therefore the military actions based in Japan will naturally be taken as a rule in the area referred to as "the Far East."

極秘

(条約再検討)

相互協力及び安全保障条約の有効期間は限定されていないが、いずれの当事国も終了通告を行うことができる時期を十年の後と定められた。両政府の一致した見解によれば、両国間の安全保障関係においては安定性が非常に重要な要素であるので、条約の再検討のため明文の規定は設けられなかつた。いずれかの締約国が条約の効力存続中いつでも、要請するときは、両締約国が極東における平和及び安全に影響を及ぼしている諸要素を考慮して条約又は関係取極のいずれの点をも再検討するため協議すべきことは、当然である。

Review of Treaty

November 22, 1959

While the Treaty of Mutual Cooperation and Security is of indefinite duration the period after which either party may give notice for termination has been fixed at ten years. No explicit provision was made for reviewing the Treaty because in the agreed opinion of the two Governments stability is a very important factor in the security relationship between the two countries. Obviously, if either Party should so request at any time while the Treaty is in force, the two Parties would consult together for the purpose of reviewing any aspect of the Treaty or its related arrangements having regard for the factors then affecting peace and security in the Far East.

極秘

(協議方式による手続に關し)

条約第六条に基く交換公文による両政府間の協議は、同交換公文に掲げるすべての事項に關し、それらの事項についての共通の一致した見解を得て、その見解に従つて執られるべき行動又は措置を決定するために行われるものとする。

(十一月二十四日)

CONFIDENTIAL

(November 24, 1959)

(On the procedure under the Consultation Formula)

The consultation between the two Governments under the Exchange of Notes under Article VI of the Treaty will be conducted on all matters enumerated therein with a view to developing common agreed views thereon and to determining actions or measures to be taken accordingly.

極秘

日本国全権委員

日本国との平和条約第三条にいう琉球諸島及び小笠原群島並びにその他の諸島（奄美諸島を除く。）の地位の問題は、条約交渉の過程において討議の対象とされなかつたが、本全権委員は、日本国がこれらの諸島に対する^{（移管は）}主権を有しており、かつ、島民が日本人であるので、これらの諸島民の安全に対し日本国政府及び国民の有する強い関心を強調したいと思ふ。もしこれらの諸島に対し武力攻撃が発生し、又は武力攻撃の脅威がある場合には、両国は、もちろん第四条に基づいて緊密に協議を行う。武力攻撃が発生した場合には、日本国政府は、島民の福祉のためにとることのできる措置を合衆国とともに検討する意図を有する。

極秘

November 22, 1959

Draft Agreed Minutes
(Okinawa)

Japanese Plenipotentiary:

While the question of the status of the Ryukyu and Bonin islands and other islands mentioned in Article III of the Treaty of Peace with Japan (excluding the Amami islands) has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands and the islanders are Japanese. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

In the event of an armed attack against these islands, the United States Government will consult at once with the Government of Japan and take the necessary measures for the defense of these islands, and will do its utmost to secure the welfare of the islanders.

合衆国全権委員

これらの諸島に対する武力攻撃が発生した場合には、合衆国政府は、日本政府と直ちに協議し、かつ、これらの諸島の防衛のため必要を措置を執り、また、日本政府と緊密に協力して島民の福祉を確保するため全力を尽す。

極秘

日本国全権委員

条約第五条にいう「武力攻撃」の字句は、国際連合憲章第五十条からとられている。純粋に国内的な騒ぎよう又は革命が武力攻撃とは認められないことは、当然である。しかしながら、もし革命が外部の勢力により支援され、かつ、鼓動されている場合には、このよりの援助は、武力攻撃と認められることがあるかもしれない。両国政府がそのよりに認める場合には、合衆国は、日本国政府の要請に基づきこのよりの間接侵略に対処するため日本国を援助する用意があるものと了解される。

合衆国全権委員

そのよりの場合には、合衆国政府は、実行可能と認められる措

置をとることによりそのよりに援助する用意がある。

米保長 永年

十一月二十日 山内冷元 在言事使 令議錄

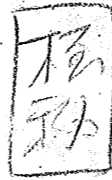


冷元

山内冷元

米保長

永年



日時 昭和二十五年十一月二十日 午前十一時三十分 於櫻六郎邸
出席者 山内冷元 森永長 海崎信太郎 米保長
三ツアヤト使 ノアキト書下

一、冷元 山内冷元 在言事使 令議錄
二、水戸藩書局の件に關し 一百日前 中野根長女の手紙を拜る 四葉(海崎)

持子(海崎)の件に關し 口付中未あふ 山内冷元 在言事使 令議錄
力なき 山内冷元 在言事使 令議錄

外務省

回覧番号 米保 3509

件 領得に付 精利の件を以て 山内冷元 在言事使 令議錄
山内冷元 在言事使 令議錄

三、海崎信太郎の件に關し 山内冷元 在言事使 令議錄

十一月二十日 山内冷元 在言事使 令議錄

山内冷元 在言事使 令議錄

山内冷元 在言事使 令議錄

外()

外務省

日 協理士後他金陸陸 廿年世勢一般の対議を以て河内長原の開設を
早くて居る所ありし事ありしを報告す。

川 協理及外務省は他日米州等へ訪問する事ありしや。其の日は
コトシカ、事件と考へて居るなり。

三 一月十九日着きは古にアキシ河内陸路性を前段とすと解しと表す
たまや、(大使より協理士後他金陸陸河内長原へ送るなり)

四 日取、協理士後他金陸陸河内長原の開設ありし事ありしを報告す。

表表は 日本河内長原の開設ありし事ありしを報告す。其の開設

二 行日考報告す。尚其開設は河内長原の開設ありし事ありしを報告す。

協理士後他金陸陸河内長原の開設ありし事ありしを報告す。其の開設

一 河内長原の開設ありし事ありしを報告す。其の開設

水は 河内長原の開設ありし事ありしを報告す。其の開設

協理士後他金陸陸河内長原の開設ありし事ありしを報告す。其の開設

二 協理及外務省に渡り同行及び進行書方面に付御報告す。

早白の承り書し

四 通商関係は 本邦の事情を不十分考慮した後の内容を懸念が
關 税の増徴は 税率を降すはならぬと云ふ原則問題に、日本側から
特に経済的な制限を課せられれば行はぬといふ運賃を はるかに下げ
たいといふ 何れも努力する。 輸送の便を以て同一様を考へ 本邦
鐵道 本邦郵政のハイパー(別添三) の値は十分低くあるが、尤も運賃を
棄ててゆくといふ事と、それを基に輸送の上 努力したい。

外務省

三 通商関係は 本邦の事情は、輸送に必要とする。同様に米軍の法律違反を
免れてゆくといふ事は、税率を降す。日本は通商関係を同一様を保証しようといふ
事もあり、之が本邦の事情を以て、多岐の人目懸念がある。其の理由
は、通商に必要とする輸送の方法によらざるを得ないと考え、 直用の物件を
特別に扱うものは、前者の理由を考慮し得ないから、それの切迫した取組は
困難である。 即ち、輸送方式採用が、直用の切迫切迫が、何れか
一より早く進むべき。

外務省

別
格
一

While the Prime Minister plans to go to Washington for the signature of the Treaty, final arrangement for such visit cannot be made until the negotiations, now well advanced, have been completed.

別
格
一

CONFIDENTIAL

(25 November 1959)

A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo for the official use of the United States armed forces shipped by the United States armed forces on a United States Government bill of lading, the term "military cargo" being used to distinguish cargo shipped to the United States armed forces from cargo shipped to other agencies of the United States Government. (Underline indicating amendment to the existing Agreed Minutes)

B. The physical examination by the Japanese customs authorities of goods shipped on a United States Government bill of lading ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents may be dispensed with except in cases where such examination is deemed necessary.

C. The procedure for customs clearance shall be as agreed upon between the competent authorities of the two Governments.

CONFIDENTIAL

27 November 1959

(A)

1. 5(c)

Materials, supplies and equipment for the official use of the United States armed forces shipped on a United States Government bill of lading.

2. Record of the first meeting of the new Joint Committee

(a) It was agreed that the definition of "military cargo" in the Rusk-Okazaki Agreed Minutes under Article XI is no longer applicable for the purpose of Article XI paragraph 5(c).

(b) Under paragraph 5(c), arms and equipment as well as all other goods for the official use of the United States armed forces imported and exported by them on a United States Government bill of lading will be exempted from customs examination by the Japanese customs authorities.

(c) Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs control by the Japanese customs authorities. However, the

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inspection of goods by the Japanese customs authorities will be dispensed with except in cases where the Japanese customs authorities have reason for suspicion.

(d) Modification in the procedures for customs clearance will be a matter of joint consultation between the competent authorities of the Japanese customs and the United States armed forces.

CONFIDENTIAL

27 November 1959

(B)

Agreed Minutes

The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all other goods for the official use of the United States armed forces shipped to or from the United States armed forces on a United States Government bill of lading.

Record of the first meeting of the new Joint Committee

(c) and (d) of (A)

CONFIDENTIAL

27 November 1959

(C)

Agreed Minutes

A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all other goods for the official use of the United States armed forces shipped to or from the United States armed forces on a United States Government bill of lading.

B. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs control of the Japanese customs authorities. However, the Japanese customs authorities may dispense with inspection whenever they find it unnecessary.

Record of the first meeting of the new Joint Committee

(c) and (d) in (A).

Confidential

27 November 1959

Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph (e) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs control of the Japanese customs authorities.
- D. Procedures concerning customs inspection, such as the mode, extent and location of customs inspection and customs documents and certificates will be established by arrangement between the competent authorities of the two Governments.

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Record of the first meeting of the
new Joint Committee.

Re paragraph C of the section concerning Article XI, of the Agreed Minutes:

The Japanese authorities do not intend to make customs inspection on all goods mentioned in the said paragraph C, but will dispense with inspection when they find it unnecessary.

Re. paragraph D of the section concerning Article XI, of the Agreed Minutes:

In establishing the procedures contemplated in the said paragraph D, the competent authorities of the two Governments shall have the following points in mind.

- (1) Customs inspection may be made, where appropriate, at the place of entry of the goods concerned.
- (2) Due consideration will, where appropriate, be given to the current procedures.

Customs

CONFIDENTIAL

(A)

25 November 1959

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- A. The United States armed forces will be responsible for the customs control of import and export of goods shipped on a United States Government bill of lading for the official use of the United States armed forces. The Japanese customs authorities will, in case of special need, examine goods so shipped for the private use of the members of the United States armed forces, the civilian component, or their dependents, but will normally be satisfied with customs control of these goods exercised by the competent authorities of the United States armed forces. The procedure for customs clearance shall be as agreed upon between the competent authorities of the two Governments.
- B. Materials, supplies and equipment imported by persons other than the United States armed forces which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces shall be subject to examination by the Japanese customs authorities.

- C. Goods which are not shipped on a United States Government bill of lading and which are consigned to the organizations mentioned in Article XV shall be subject to examination.

CONFIDENTIAL

(13)

25 November 1959

A. The United States armed forces will be responsible for the customs examination of goods imported and exported on a United States Government bill of lading for the official use of the United States armed forces.

The Japanese customs authorities will examine goods so shipped for the private use of the members of the United States armed forces, the civilian component, or their dependents, but will normally do so on the basis of the report of examination of these goods undertaken by the competent authorities of the United States armed forces. The procedure for customs clearance shall be as agreed upon between the competent authorities of the two Governments.

B. Materials, supplies and equipment imported by persons other than the United States armed forces which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces shall be subject to examination by the Japanese customs authorities.

- 2 -

C. Goods which are not shipped on a United States Government bill of lading and which are consigned to the organizations mentioned in Article XV shall be subject to examination.

CONFIDENTIAL

(c)

25 November

A. The United States armed forces will be responsible for the customs control of import and export of goods shipped on a United States Government bill of lading for the official use of the United States armed forces.

The Japanese customs authorities will have customs control of goods so shipped for the private use of the members of the United States armed forces, the civilian component, or their dependents; the competent authorities of the United States armed forces will examine these goods, and normally the examination by the Japanese customs authorities will be made on the basis of the report of the competent authorities of the United States armed forces. The procedure for customs clearance shall be as agreed upon between the competent authorities of the two Governments.

B. Materials, supplies and equipment imported by persons other than the United States armed forces which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces shall be subject to examination by the Japanese customs authorities.

- 2 -

C. Goods which are not shipped on a United States Government bill of lading and which are consigned to the organizations mentioned in Article XV shall be subject to examination.

CONFIDENTIAL

(D)

(25 November 1959)

A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo for the official use of the United States armed forces shipped by the United States armed forces on a United States Government bill of lading, the term "military cargo" being used to distinguish cargo shipped to the United States armed forces from cargo shipped to other agencies of the United States Government. (Underline indicating amendment to the existing Agreed Minutes)

B. The physical examination by the Japanese customs authorities of goods shipped on a United States Government bill of lading ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents may be dispensed with except in cases where such examination is deemed necessary.

- 2 -

C. The procedure for customs clearance shall be as agreed upon between the competent authorities of the two Governments.

CONFIDENTIAL

A

November 30, 1959

DRAFT AGREED MINUTES

(On the procedure under the Consultation Formula)

Japanese Plenipotentiary:

The Japanese Government understands that consultation between the two Governments under the Exchange of Notes under Article VI of the Treaty will be made on all matters enumerated therein with a view to developing common agreed views thereon and that any actions or measures on the part of the United States would only be taken on the basis of such consultations.

United States Plenipotentiary:

Such is also the understanding of the United States Government.

極秘

合衆国全権委員

合衆国政府も、そのように了解している。

日本国全権委員

(協議方式に基く手続に關し)

合意議事録(案)

(十一月三十日)

日本国政府は、条約第六条に基く交換公文による両政府間の協議は同交換公文に掲げるすべての事項に關し共通の一致した見解をうるために行われるものとし、合衆国の行動又は措置はこの協議を基礎としてのみ執られるものと了解する。

CONFIDENTIAL

November 30, 1959

B

DRAFT AGREED MINUTES

(On the procedure under the Consultation Formula)

Japanese Plenipotentiary:

The Japanese Government understands that consultation between the two Governments under the Exchange of Notes under Article VI of the Treaty will be made on all matters enumerated therein with a view to developing common agreed views thereon and to determining the actions or measures to be taken. Accordingly, any actions or measures on the part of the U.S. would only be taken on the basis of such consultations.

United States Plenipotentiary:

Such is also the understanding of the United States Government.

極秘

合意議事録(案)

(協議方式に基く手続に關し)

(十一月三十日)

日本国全權委員

日本国政府は、条約第六条に基く交換公文による両政府間の協議は同交換公文に掲げるすべての事項に關し、それらの事項について共通の一致した見解を得て、執られるべき行動又は措置を決定するために行われるものと了解する。したがつて、合衆国の行動又は措置は、その協議を基礎としてのみ執られることとなる。

したところ(2)を基く

合衆国全權委員

合衆国政府も、そのよりに了解してゐる。

DRAFT AGREED MINUTES
(Review of Treaty)

November 30, 1959

34.11.30 Feary 氏 電 話 通 話 情 形

Japanese Plenipotentiary:

While the Treaty of Mutual Cooperation and Security is of indefinite duration the period after which either party may give notice for termination has been fixed at ten years. No explicit provision was made for reviewing the Treaty because in the agreed opinion of the two Governments stability is a very important factor in the security relationship between the two countries. Obviously, if either Party should so request at any time while the Treaty is in force, the two Parties would consult together for the purpose of reviewing any aspect of the Treaty or its related arrangements having regard for the factors then affecting peace and security in the Far East.

United States Plenipotentiary:

The United States Government is of the same opinion.

November 30, 1959

DRAFT AGREED MINUTES

(82 理 決 裁, 為 保 留)

(On the procedure under the Consultation Formula)

Japanese Plenipotentiary:

Consultation between the two Governments under the Exchange of Notes under Article VI of the Treaty will be made on all matters enumerated therein with a view to developing common agreed views thereon. The Japanese Government understands that any actions or measures on the part of the United States would only be taken in the light of such consultations.

United States Plenipotentiary:

Such is also the understanding of the United States Government.



大臣

冷元

参事

冷元

参事

米局長

参事

防言に因り防衛予在日米軍向取極の効力存換件

三三三

喜

事件は豫て在京米軍より、外特防者及同時に防衛予在日

米軍向に取極の措置をとり、此の程別條の

通り、今米局長ハ、在日米軍司令官の向の善向を極力

付防衛予並に米軍の同言を是

上り、今防言の米軍の言及する事

米保

外務省

回覧番号 米保 3600

大臣

冷元

参事

冷元

参事

参事

米局長

参事

十月三日 防言に因り防衛予在日米軍向取極

防言に因り防衛予在日米軍向取極の効力存換件

事件は豫て在京米軍より、外特防者及同時に防衛予在日

米軍向に取極の措置をとり、此の程別條の

通り、今米局長ハ、在日米軍司令官の向の善向を極力

付防衛予並に米軍の同言を是

上り、今防言の米軍の言及する事

米保

外務省

回覧番号 米保 3600

通商開港場として之を認め、其の特権を以て、之を以て、
（新法一五号第）
取立の事（三）

之後、通商に於ては、之を以て、之を以て、之を以て、
是等の特権（第一）
亦、之を以て、之を以て、之を以て、
と云ふは、唯、今、之を以て、之を以て、
す、之を以て、之を以て、之を以て、

外務省

大臣、此種の手、以て、協議し、之を以て、
其の特権の、三、が、其の特権を以て、
「」の、後、之を以て、之を以て、
之、

之、今、期、リ、之、が、之、を、以て、
か、ら、不、必、然、の、理、と、以て、之、を、以て、
（三）
し、之、を、以て、之、を、以て、之、を、以て、

外務省

其は押込す積りてあり。其こと何の御後証なるものぞ。人々も其の事を知る所なり。
 其し前つては將事運用を以て度度ありて之を証すべし。其の事なきは。

大屋 己の事なきは。大いなり。其の事なきは。中道なきは。其の事なきは。

有す者の中に入り。此の御後証を擇上りて。其の事なきは。此の事なきは。

其の事なきは。其の事なきは。其の事なきは。其の事なきは。

其の事なきは。其の事なきは。其の事なきは。其の事なきは。

何れに其の事なきは。其の事なきは。其の事なきは。

大屋 何れに其の事なきは。其の事なきは。其の事なきは。

其の事なきは。其の事なきは。其の事なきは。其の事なきは。

其の事なきは。其の事なきは。其の事なきは。其の事なきは。

其の事なきは。其の事なきは。其の事なきは。其の事なきは。

其の事なきは。

大屋 其の事なきは。其の事なきは。其の事なきは。其の事なきは。

本國の事情は如何なるにてもあるが、此等の事情は如何なるにても、明白に述べ
相違の上(多)事なりし。

大使 此等の事情は如何なるにても、明白に述べ、此等の事情は如何なるにても、
相違の上(多)事なりし。

大使 此等の事情は如何なるにても、明白に述べ、此等の事情は如何なるにても、
相違の上(多)事なりし。

外務省

大使 此等の事情は如何なるにても、明白に述べ、此等の事情は如何なるにても、
相違の上(多)事なりし。

外務省

大段 行政協定 三第一項に因す初令接納せり。右は西條侯に
 三第一項の協定は、文に三が以修むと決す、又新定(用)運言より了解
 事項を並べんとすも、(別紙)如右控示、右に因す(因連)
 西條侯を引用を承るるに別紙五の通り接納する事、
 (よき旨なり)
 十四条は 指定は協定によるもの控事は無流す。但し、右の協定は
 三第一項の協定と同じ性質のものありと解し、米例は 指定は協定

左の如くスラスラと之を控供し、日本例は是より劣り、す種合を
 持た、日本例に反する理由は、指定は由來より、是より劣るべし、
 控事は西條侯より了解。此等は特に議事録等は公等より了る、
 右條の了解は、是より劣るべし。
 十七条及十八条の控事は、異なり、
 合意議事は、合同委員会に決すべし、
 条に異なり、合同委員会に日本例の控事は、其を運ぶ行ふこと

し、尚右件費支了後法廷に報告し、~~その~~その部から領受のあり
事務文を要するにあらざるとする事。此等は留保し置く。

最近に附きには因す、防衛庁府中室の取扱う存続に因し、今年
迄はハリス、又、その等の事、所定事務が、倉庫事務移管の整理に
米測は右に之を存なく、右件は倉庫の事。(別紙六)
以上を整理する。

(1) 三等以上の項は米測等と白米測との移管

(1) 工事は明瞭事務的整理の上移管する。

(2) 十等事は前記の解に之を要するは法廷に報告する。

七區 美まひし。

八區 十等事は清く。

(3) 十等、十等の運搬を止める。

(4) 倉庫移管後は日本側が合同委員会で協議して進め、特に

整理破産の事務本文の二点を留保す。

CONFIDENTIAL

(DRAFT)

Dear Mr. Imai:

As you know, the United States Forces in Japan and the Japanese Defense Agency have reached agreement on certain aspects of the air defense of Japan. These agreements are set forth in detail in the following documents:

1. Memorandum of Understanding of June 13, 1957, signed by Muneo Toga, Acting Vice Director General of the Japan Defense Agency, and Lt. Gen. Earl W. Barnes, USAF, Chief of Staff, Far East Command.
2. Letter of April 14, 1958, from Lt. Gen. Frederick H. Smith, Jr., USAF, to His Excellency Juichi Tsushima, Director General, Japan Defense Agency, and Director General Tsushima's letter of April 19, 1958, in reply.
3. Agreement of April 23, 1958, signed by Lt. Gen. Frederick H. Smith, Jr., USAF, and Lt. Gen. Minoru Genda, JASDF.

CONFIDENTIAL

外 務 省	執 行	3. 協定は極東はハリネズミとスズコ一帯と東上野から検討して	2. 協定は極東とリ初段の結果を回平と効く	1. 協定は極東とリ初段の結果を回平と効く	1) 協定は極東とリ初段の結果を回平と効く	1) 協定は極東とリ初段の結果を回平と効く

4. Agreement of May 23, 1958, signed by Lt. Gen. Sadamu Sanagi,
JASDF, and Lt. Gen. Frederick H. Smith, Jr., USAF.

5. Agreement of September 2, 1959, signed by Lt. Gen. Misoo Matsumae,
JASDF, and Lt. Gen. Robert W. Burns, USAF.

I should appreciate confirmation that these agreements will retain
their validity after the entry into force of the Treaty of Mutual Co-
operation and Security between the United States of America and Japan
signed today, unless altered by mutual agreement.

Sincerely yours,

D R A F T

My dear General Burns:

I should like to acknowledge the receipt of your letter of today's
date concerning certain agreements related to the air defense of Japan,
and to confirm that the agreements enumerated in your letter will retain
their validity after the entry into force of the Treaty of Mutual Co-
operation and Security between Japan and the United States of America
signed today, unless altered by mutual agreement.

Sincerely yours,

BY
SF
—

Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph 5(c) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs examination of the Japanese customs authorities.
- D. Procedures concerning customs inspection, such as the mode, extent and location of customs inspection and customs documents and certificates ^V will be established by agreement between the competent authorities of the two Governments, ^{in respect of the goods in paragraph C} provided that ^{it being understood} pending such agreement, ~~the procedures shall remain the same~~ ^{the Japanese customs authorities will} ~~it should be borne in mind not to change the procedures under the Administrative Agreement.~~ ^{with}

BY
SF
=

December 3, 1959

On the term "the Far East"

As stated in the preamble, the area in which the two countries have a common concern is the Far East. In surveying possible threats to peace and security affecting this area, Treaty discussions focussed primarily on the general area around Japan to the north of the Philippines and inclusive of them, and of the continental coast. No explicit provision was made in the Treaty for a more precise definition of the term because in the agreed opinion of the two Governments the right of either Government to request consultation under Article IV should not be restricted to any particular lines of latitude or longitude if it is considered that the security of Japan or international peace and security in the Far East were threatened. Conditions of threat existing outside the above general area may well be discussed insofar as they are deemed, in the consultations under Article IV, to affect peace and security within the area. Likewise, the scope of activities of the United States armed forces may not be confined within the above general area. However, the initiation of any combat operations by U.S. armed forces undertaken from Japan other than those conducted under Article V of the Treaty cannot be undertaken without prior consultation with the Japanese Government.

(Draft)

(December 3, 1959)

(Japanese Note)

(1)

Dear Mr. Herter

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

Under Article IV of the Treaty, the two Governments are to consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI thereof specifies certain matters as the subjects of prior consultation.

Such consultations will be carried on between the two Governments through appropriate channels. I feel at the same time that the establishment of a special channel for making these consultations will prove very useful. Accordingly, I would like to suggest that, if agreeable to your Government, a consultative committee be established for this purpose.

Yours sincerely,

(U.S. Note)

(2)

Dear Mr. Fujiyama

I acknowledge the receipt of Your Excellency's Note of today's date suggesting the establishment of a consultative committee. Your suggestion is agreeable to the Government of the United States.

I would like to suggest on my part that the composition of this committee may be made the same as that of the Security Committee established pursuant to the joint communique of the President of the United States and the Prime Minister of Japan issued on June 21, 1957.

Yours sincerely,

B4
JTC
12

PROPOSED REVISIONS TO JAPANESE PROPOSED TEXTS OF
PARAGRAPHS 1 AND 2 OF ARTICLE III

1. Within the facilities and areas, the U. S. may take all the measures necessary for their establishment, operation, safeguarding, and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures ~~within the scope of applicable laws and regulations~~ over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

2. The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. ~~The Government of Japan shall take such measures, within the scope of applicable laws and regulations, as will prevent unnecessary interference with telecommunications electronics required by the United States armed forces.~~ The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States Armed Forces.

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

PROPOSED MINUTE OF UNDERSTANDING
ON PARAGRAPH 1 OF ARTICLE III

Re Article III, paragraph 1:

Should Japanese laws and regulations affecting the implementation of Article III, paragraph 1, prove insufficient to ensure that the defense responsibilities of the United States in Japan can be satisfactorily fulfilled, the two Governments shall discuss the desirability or necessity of seeking amendments to such laws and regulations.

137
800
7

MINUTE NO. 4 OF ARTICLE 53

"4. Should German legislation implementing Article 53 prove insufficient to ensure that the defence responsibilities of a force can be satisfactorily fulfilled, the German authorities and the authorities of the force shall discuss the desirability or necessity of seeking amendment to such legislation."

PARAGRAPH 6 OF ARTICLE 53 OF GERMAN AGREEMENT

"6. In order to enable a force or a civilian component satisfactorily to fulfill its defence responsibilities, the German authorities shall take appropriate measures, at the request of the force to

- (a) establish restricted areas (Schutzbereiche)
- (b) supervise or restrict construction, cultivation and movement in the vicinity of accommodation made available to the force for its use."

PARAGRAPH 9(b) OF ARTICLE 60

"(b) The German authorities shall within the scope of German regulations take all measures which can reasonably be expected of them to avoid or eliminate interference caused to the telecommunication services of a force by German telecommunication or other electrical facilities."

137
800
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CONFIDENTIAL

(DRAFT)

Dear Mr. Imai:

As you know, the United States Forces in Japan and the Japanese Defense Agency have reached agreement on certain aspects of the air defense of Japan.

These agreements are set forth in detail in the following documents:

1. Memorandum of Understanding of June 13, 1957, signed by Muneo Toga, Acting Vice Director General of the Japan Defense Agency, and Lt. Gen. Earl W. Barnes, USAF, Chief of Staff, Far East Command.
2. Letter of April 14, 1958, from Lt. Gen. Frederick H. Smith, Jr., USAF, to His Excellency Juichi Tsushima, Director General, Japan Defense Agency, and Director General Tsushima's letter of April 19, 1958, in reply.
3. Agreement of April 23, 1958, signed by Lt. Gen. Frederick H. Smith, Jr., USAF, and Lt. Gen. Minoru Genda, JASDF.
4. Agreement of May 23, 1958, signed by Lt. Gen. Sadama Sanagi, JASDF, and Lt. Gen. Frederick H. Smith, Jr., USAF.
5. Agreement of September 2, 1959, signed by Lt. Gen. Misoo Matsumae, JASDF, and Lt. Gen. Robert W. Burns, USAF.

CONFIDENTIAL

CONFIDENTIAL

-2-

I should appreciate confirmation that these agreements will retain their validity after the entry into force of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today, unless altered by mutual agreement.

Sincerely yours,

CONFIDENTIAL

D R A F T

My dear General Burns:

I should like to acknowledge the receipt of your letter of today's date concerning certain agreements related to the air defense of Japan, and to confirm that the agreements enumerated in your letter will retain their validity after the entry into force of the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, unless altered by mutual agreement.

Sincerely yours,

Handwritten initials or scribble at the top center of the page.

Following is the transcript of President Eisenhower's press conference today, as released by the White House and authorized for direct quotation:

The President: Please sit down.
Good morning.
There is one short statement I have to make.

Dec. 2, 1959

For some time, we have been in the process of negotiating a new treaty, revised treaty with Japan; and, it is a matter to which we attach the greatest interest. Mr. Kishi, who is one of the men that the Government, as well as I personally admire very much, is coming to visit this country probably in January, and any questions remaining at that moment of course would be taken up then.

So, while there have been some questions presented to me about this matter, until the thing is completed I will not be making any statements about it.

However, Mr. Hagerty will have a little statement for you that really relates what I have just said now, but in slightly more amplified form.

Later, the White House issued the following statement by the President:

"During the past months, we have been negotiating a new treaty and other security arrangements with Japan. We attach the greatest importance to this new treaty with Japan which is being negotiated between equals for the mutual benefit and enlightened self-interest of both countries and is therefore in keeping with the new era in our relations with Japan enunciated following my talks with Prime Minister Kishi here in Washington in June, 1957. The timing of this new treaty with Japan is particularly opportune since I feel it is most essential at the present juncture in international affairs for the Free World to maintain its unity and strength.

"Since the negotiations are still in progress, I would prefer not to comment on the details of the new arrangements or the final plans for signing the treaty. However, I understand that Prime Minister Kishi is considering coming to Washington for the signing of the new treaty.

"If he decides to come, I will welcome the opportunity to talk with him again since he is one of the Free World's staunchest leaders and heads a country whose friendship we value most highly."

松林

大屋 正
始平七
傳正 81959
手好 傳正
大長
手好 傳正

米保 大長

十二月十日 松林大屋 右 米保 大長 會
 傳正 大長 傳正 十二月十日 米保 大長 會
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外務省

回覧番号

米保 3049

大屋 正
 傳正 大長 傳正 十二月十日 米保 大長 會
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外務省

本取組の旨を以て周知の爲め改訂の旨を以て行ふことには以て
 他方由本側が協議を以てしたる下として同意の文書を作成し
 致しと云ふ事には一とす爲め外案と指すべしと云ふ 左を以てすべし
 行務付預書(別紙ニを添付)
 大臣 早速御社志()

古便 本は固程に固く申言し 先般本事務所の議案が送付されし事
 外 本取組と云ふ事約すべし 本取組の旨を以て行ふことには以て

外務省

在りし 本取組を 別紙ニ添付し 修正すること 協議を以て行ふこと
 日本側からは 本取組以外は 本を以てす 本取組及び
 今般本事務所の一事行案を以てす (即ち 本日事務所に
 先方には 示すに 別紙を以てす) 之に付 意見と申すは
 先づ (5) は 現行協定を 協議員を以てすこと あり 之は
 合同委員会の 於て 本取組の一 部分は 本取組を以てす
 と云ふこと 合同委員会が 解して 本取組は 本取組

外務省

(5) 本取組は 本取組の
 本取組の旨を以てす
 本取組の旨を以てす
 本取組の旨を以てす
 本取組の旨を以てす

ある程度は、その方針の手続が完了したから、その後は、果敢として進んで、
 右は、合同委員会を立ち上げ、以て思はふ事から、特種部隊の了解を強ず
 必要はないと思ふこと。 尤も、(5)は、湯澤が、今、憲兵隊の
 来りたう、羨ましく思ふことか。 日軍側は、今、憲兵隊の係では、後
 方の成り立ちない。 日軍側は、在日米軍に対し、N.A.の進軍を拒否
 し、かつ、その人達がいる所へ進軍。 在日米軍は、特種部隊、在日米軍
 構成員、軍需品、軍需品、軍需品と一解り、右側、軍需品の進軍を拒否する。

である。 特種部隊の意向が、構成員の生活に耐え難きもの
 とする。 進軍である。 構成員の意向が、右側、軍需品の進軍を拒否する。

二(5)の進軍は、又、自らの進軍を、構成員の意向が、右側、軍需品の進軍を拒否する。

之面には、~~構成員~~、その意向が、右側、軍需品の進軍を拒否する。

尤も、(5)は、湯澤が、今、憲兵隊の係では、後

必要はないと思ふこと。 尤も、(5)は、湯澤が、今、憲兵隊の

来りたう、羨ましく思ふことか。 日軍側は、今、憲兵隊の係では、後

方の成り立ちない。 日軍側は、在日米軍に対し、N.A.の進軍を拒否

し、かつ、その人達がいる所へ進軍。 在日米軍は、特種部隊、在日米軍

構成員、軍需品、軍需品、軍需品と一解り、右側、軍需品の進軍を拒否する。

譲渡条件ありきもの。之を抽き出す。其の三は右譲渡条件他の部より
 関係あり面あり。之を抽出し、之を可とする。其三項目(即ち
 別添四の令書譲渡条件A, B, C, Dを指す)は、A, B, Cは表裏なし
 と考へ、Dに就ては令書に在る。尚、Bに關しては
 了Bの項に50)とある。其の5)とある。之を可とする。其
 四、其五項目は従ひ令書に在る。其の四項目は
 其三項目と同じく抽出し、之を可とする。

同種問題に就ては、之を可とする。其の四項目は従ひ令書に在る。其の四項目は
 其三項目と同じく抽出し、之を可とする。其
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 大層 同種問題は更に検討の上、之を可とする。其の五項目は、之を可とする。
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古便 リガニに於ては博識中より

行政協定三案の内閣に關し、事務的の打合を結果を簡易に

意見を述べたに基き意見を述べた

五段 取らぬ

古便 日不働の事務関係、並列の、協定の範圍に復法し、

二項は半導り上見なく、了解は必要だからである、

と承知す。並列の復法は太夫と息子が半導り

了解は協定の事務関係、並列の、協定の範圍に復法し、

日不働の事務関係、並列の、協定の範圍に復法し、

日不働の事務関係、並列の、協定の範圍に復法し、

日不働の事務関係、並列の、協定の範圍に復法し、

日不働の事務関係、並列の、協定の範圍に復法し、

日不働の事務関係、

古便 研究不

古便 外務省事務官に付し、海軍省事務官の職に付し、
事務官の令状ありとあり

古便 〇〇〇事務官の職に付し、事務官の令状ありとあり

古便 〇〇〇事務官の職に付し、事務官の令状ありとあり

古便 〇〇〇事務官の職に付し、事務官の令状ありとあり

外務省

古便 〇〇〇事務官の職に付し、事務官の令状ありとあり

古便 〇〇〇事務官の職に付し、事務官の令状ありとあり

古便 〇〇〇事務官の職に付し、事務官の令状ありとあり

外務省

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封

December 4, 1959

Dear Mr. Ambassador:

Enclosed herewith is the letter of the Prime Minister of Japan to the President of the United States of America. I should like to request you to be good enough to transmit the letter to the President.

Sincerely yours,

Akihiro Fujiyama

His Excellency
Douglas MacArthur II
Ambassador of the United States
of America, Tokyo

4 December 1959

Dear Mr. President;

I wish to express my sincere appreciation for your cordial statement made at the press conference of December 2, 1959.

It is indeed most encouraging for the Government and the people of Japan to know that the greatest importance is being attached by you and your Government to the new security arrangements presently under negotiation.

It is also my earnest desire that our new treaty will materially strengthen the cause of the Free World for the maintenance of world peace and justice.

I am looking forward to the opportunity of meeting you again and discussing various subjects of our mutual concern very soon.

Sincerely yours,

Nobusuke Kishi
Prime Minister of Japan

His Excellency
Dwight David Eisenhower,
The President of the United States
of America,
U. S. A.

CONFIDENTIAL

(INDIRECT AGGRESSION)

別
紙
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Japanese Plenipotentiary:

It seems obvious that any internal disorder or revolution aided and abetted by outside power might constitute a threat to the security of Japan. If such an internal disorder or revolution is considered by the two Governments to be of this character, it is understood that the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this threat by taking such measures as may be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, it is understood that the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this threat by taking such measures as may be deemed appropriate by both Governments.

CONFIDENTIAL

別
紙
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December 5, 1959

U.S. Proposed Revision of
Paragraph 5 of Article XI

5. Customs examination shall not be made in the case of official documents under official seal, in the case of official mail in U.S. military postal channels, or in the case of military cargo shipped on a U.S. government bill of lading.

CONFIDENTIAL

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12

4 December 1959

Article XI paragraph 5

Paragraph 5

- (a) Units of the United States armed forces under orders entering or leaving Japan;
- (b) Official documents under official seal, including official mail in United States military postal channels;
- (c) Military cargo shipped on a United States Government bill of lading.

Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph 5(c) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs examination of the Japanese customs authorities.

- 2 -

- D. Procedures concerning customs inspection of the goods referred to in paragraph C, such as the mode, extent and location of customs inspection and customs documents and certificates, will be established by agreement between the competent authorities of the two Governments; it is intended that pending such agreement, existing procedures under the Administrative Agreement shall remain essentially unchanged.

別
紙
五

Revision of Subparagraph 3(d) of Agreed Minutes of Japanese
Customs Proposal

(d) Procedures concerning customs inspection for entry or exit from Japan of goods referred to in subparagraph (c) above, such as method, extent and location of customs inspection and customs documents and certificates, will be established by agreement between the competent authorities of the two Governments. It is understood that pending such agreement existing procedures for customs inspection on entry or exit of such goods shall remain unchanged.
be applied.

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六

Agreed Minutes on Article XI

1. The quantity of goods imported under paragraph 2 by the organizations provided for in Article XV for the use of the members of the United States armed forces, the civilian component, and their dependents shall be limited to the extent reasonably required for such use. (Previously agreed)
2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment. (In the present Agreed Minutes)
4. The United States armed forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered. (Previously agreed)
5. The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article XI, take up the matter with the appropriate authorities of the United States armed forces. (Previously agreed)

6. The words "The United States armed forces shall render all assistance within their power etc." in paragraph 9(b) and (c) refer to reasonable and practicable measures by the United States armed forces. (In the present Agreed Minutes)

(Dec. 7, 1959)

DRAFT AGREED MINUTES

(Indirect Aggression)

Japanese Plenipotentiary:

~~It seems obvious that any~~ A large-scale internal disorder or revolution aided and abetted by outside power might possibly constitute a threat to the security of Japan. If such an internal disorder or revolution is considered by the two Governments to be of this character, it is understood that the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this threat by taking such measures as may be deemed appropriate by both Governments, for cutting off such outside aid.

United States Plenipotentiary:

Under the circumstances you have set forth, it is understood that the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this threat by taking such measures as may be deemed appropriate by both Governments for cutting off the outside aid.

(Dec. 7, 1959)

DRAFT AGREED MINUTES

(Indirect Aggression)

Japanese Plenipotentiary:

The security of a country could be jeopardized by an indirect aggression as well as by an overt attack. In the event of such an indirect aggression against Japan as may be so considered by the two Governments, the Japanese Government understands that the United States would be prepared upon the request of the Japanese Government to assist Japan to meet such aggression by taking such measures as may be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, the United States would be prepared upon the request of the Japanese Government to assist Japan to meet such aggression by taking such measures as may be deemed appropriate by both Governments.

DRAFT AGREED MINUTES

(Review of Treaty)

December 4, 1959

Japanese Plenipotentiary:

While the Treaty of Mutual Cooperation and Security is of indefinite duration the period after which either party may give notice for termination has been fixed at ten years. No explicit provision was made for reviewing the Treaty because in the agreed opinion of the two Governments stability is a very important factor in the security relationship between the two countries. Obviously, ~~if either Party should so request at any time while the Treaty is in force,~~ the two Parties would consult together for the purpose of reviewing any aspect of the Treaty ~~or its related arrangements having regard for~~ in case there have developed important changes in the factors ~~then~~ affecting peace and security in the Far East.

United States Plenipotentiary:

The United States Government is of the same opinion.

(Dec. 4, 1959)

DRAFT CONFIDENTIAL LETTER
(Concerning Review of Treaty)

My dear Minister,

I wish to refer to our discussions on the termination clause of the Treaty of Mutual Cooperation and Security. We agreed not to include any provision for reviewing the Treaty because both sides felt that stability is a very important factor in the security relationship between the two countries. But, by doing so we did not mean to rule out the possibility of the two Parties consulting together for the purpose of reviewing any aspect of the Treaty in case there have developed important changes in the factors affecting peace and security in the Far East.

Yours sincerely,

My dear Ambassador,

I acknowledge the receipt of your letter referring to our discussions on the termination clause of the Treaty of Mutual Cooperation and Security. It is a true statement of what was actually discussed and mutually understood between us on this subject of reviewing the Treaty.

Sincerely yours,

CONFIDENTIAL

34-12.8 米保長のFeary 10内示
12.9 米保長の手交
RUSK-OKAZAKI AGREED MINUTES
→ 合同委員会 (= OFF RECORD)
の提案
8 December 1959
米保長

Following are comments on various provisions of the Agreed Minutes attached to the Administrative Agreement. These comments are made on the basis of the agreed understanding that the decisions, procedures, interpretations, agreed views, arrangements and all other agreements recorded in the Minutes of the Joint Committee, including the sub-committees thereof, will remain in effect under the new Joint Committee unless altered pursuant to the new Agreement.

Article I

"The question regarding inclusion of such technicians in the civilian component" has been settled by the Joint Committee in the Japanese Memorandum of 18 November 1954 and the United States memorandum of 29 November 1954, both titled "Status of Third State Nationals." Accordingly, the Agreed Minutes have served their purposes and are deemed to have lost their validity.

- 2 -

Article III

It is proposed that the preamble should read as follows in conformity with the changes in language of Article III paragraph 1:

"The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes set forth in that paragraph, include, inter alia, the following."

The provisions a to f inclusive will be retained as they are.

Article V

The last part will be rescinded because that understanding is moved up in the provisions of Article V.

Article VII

The following rewording is suggested in the light of the fact that the National Police Reserve is no longer in existence:

"It is understood that the problem of telecommunications rates applicable to the United States armed forces in Japan will be studied by the Joint Committee."

Article VIII

"The problem of expenses in connection with this Article" has been settled by the Joint Committee in "Meteorological Agreements under Article VIII" approved at its 14th meeting on 11 August 1952 (Inclosure 2 of the Meteorological Agreements). Accordingly, the Agreed Minutes have served their purposes and are deemed to have lost their validity.

Article XI

The second part as will be agreed upon.

Article XII

The last part has served its purposes and is deemed to have lost their validity because "tax problems" have been fully discussed. (See, for instance, "Tax Exemption under Article XII" approved by the Joint Committee at its 30th meeting on 3 December 1952.)

Article XVII

The Agreed Minutes will be replaced by the "Agreed Official Minutes regarding Protocol to Amend Article XVII of the Administrative Agreement between the Government of the United States of

America and the Government of Japan."

Article XX

Necessary arrangements have been made by the Joint Committee in "Military Banking Facilities" approved at its 1st meeting on 7 May 1952 and "Financial Reports to the Japanese Government" approved at its 131st meeting on 23 February 1956. Accordingly, the Agreed Minutes have served their purposes and are deemed to have lost their validity.

Article XXV

Those paragraphs relating to XXV 2(b) will be rescinded. The last part is no longer necessary and will therefore be rescinded.

Article XXVIII

The reference to Article XVII has served its purposes. The remainder need not be retained because it is obvious in the text of the Agreement. Accordingly, the Agreed Minutes will be rescinded.

34-1218 Fanny 12/17/59
12.9 Col. S. S. S. 12/17/59

CONFIDENTIAL

SUMMARY OF AGREED MINUTES

8 December 1959

Article III

The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes set forth in that paragraph, include, inter alia, the following:

- a. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;
- b. To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;
- c. To improve and deepen the harbors, channels, entrances

- 2 -

and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;

d. To control (including the right to prohibit) in so far as may be required by military necessity for the efficient operation and safety of the facilities and areas, anchorages, moorings, landings, takeoffs and operation of ships and waterborne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the facilities and areas;

e. To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads, as may be required for military purposes; and

f. To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air

or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and rader apparatus and electronic devices.

Article V

It is understood:

- a. that "United States and foreign vessels operated by, for, or under the control of the United States for official purposes" mean United States public vessels and chartered vessels (bare boat charter, voyage charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.
- b. that the Japanese ports mentioned herein will ordinarily mean "open ports";
- c. that the exemption from making "appropriate notification" will be applicable only to exceptional cases where such is required for security of the United States armed

forces or similar reasons.

- d. that the laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

Article VII

It is understood that the problem of telecommunications rates applicable to the United States armed forces in Japan will be studied by the Joint Committee.

Article IX

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

Article XI

1. The quantity of goods imported under paragraph 2 by the organizations provided for in Article XV for the use of the members of the United States armed forces, the civilian component, and their

dependents shall be limited to the extent reasonably required for such use.

2. Paragraph 3(a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment.

3. Agreed Minutes on paragraph 5 as will be agreed upon.

4. The United States armed forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

5. The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article XI, take up the matter with the appropriate authorities of the United States armed forces.

6. The words "The United States armed forces shall render all assistance within their power etc." in paragraph 9(b) and (c) refer to reasonable and practicable measures by the United States armed forces.

Article XII

1. The United States armed forces will furnish the Japanese authorities with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in Japan.

2. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between Japanese and United States economic laws and business practices will be studied by the Joint Committee or other appropriate persons.

3. The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

(1) Upon appropriate certification by the United States armed forces the materials, supplies and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

(2) The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the United States armed forces to the Japanese authorities.

(3) Collection of commodity and gasoline taxes shall be held in abeyance until

(a) The United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or

(b) The United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by United States armed forces.

(4) Materials, supplies, and equipment certified under 3(a) or (b) shall be exempt from commodity and gasoline taxes insofar as the price thereof is paid out of United States Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States.

Article XIII

With respect to Article XIII paragraph 2 and Article XIV paragraph 6, income payable in Japan as a result of service with

or employment by the United States armed forces or by the organizations provided for in Article XV, or under contract made in the United States with the United States Government, shall not be treated or considered as income derived from Japanese sources.

Article XV

The facilities referred to in paragraph 1 may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XVII

(The Agreed Minutes attached to the Exchange of Notes on Article XVII will be put in.)

Article XIX

Payment in Japan by the United States armed forces and by those organizations provided in Article XV to persons other than members of the United States armed forces, civilian component, their dependents and those persons referred to in Article XIV shall be effected in

accordance with the Japanese Foreign Exchange Control Law and regulations. In these transaction the basic rate of exchange shall be used.

Article XXI

United States military post offices may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XXV

It is understood that nothing in this Agreement shall prevent the United States from utilizing for the defrayment of expenses which are to be borne by the United States under this Agreement, dollar or yen funds lawfully acquired by the United States.

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RECORD OF FIRST MEETING OF NEW JOINT COMMITTEE

Re paragraph C of the Agreed Minutes on Article XI:

The Japanese customs authorities will, as a matter of normal practice, confine their inspection of the goods referred to in paragraph C to instances in which they perceive particular need to make inspection.

Re paragraph D of the Agreed Minutes on Article XI:

The current procedures for inspection will in general remain applicable. The competent authorities of the two Governments will cooperate with each other in establishing, wherever necessary, procedures referred to in ~~the~~ paragraph D.

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Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph 5(c) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs examination of the Japanese customs authorities.
- D. Procedures concerning customs inspection, such as the mode, extent and location of customs inspection and customs documents and certificates will be established by agreement between the competent authorities of the two Governments.

極秘

A. Goods imported into Japan exempt from customs examination in accordance with the provisions of paragraph 5(c) may be reexported exempt from customs examination.

B. In case where the Japanese customs authorities believe that there is particular reason to make customs inspection of goods falling under paragraph 5(c) which are ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, they may do so after making notification to the competent authorities of the United States armed forces.

才二案

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一 才五項の並びに才二項及び才七項本文現行協定通り。
二 才五項の合意議事録は現行通りとし、同時に別紙の通り合意議事録に追加する。

行政部之十号村事

才一案

三三三三三

- 一 才五項の並びに才二項及び才七項本文現行協定通り。
- 二 才五項の合意議事録を別紙一の如く修正し、同時に別紙二の通り才一回合同委員会記録に付合意し置く。

極秘

大

官房長

アメリカ局長

アメリカ局長

次官 官房長 大 臣

来年度防衛庁予算に関し大臣米大使内話の件

三四一三二〇 米保長

十二月九日大臣米大使会談の際、本件に関する内話左の通り。

大使 個人的に申上度き儀あり、来年度防衛費が本年度の一五三六億を越えることに対しては強い反対があるやに聞いている。予算の問題は固より日本政府が決めるべき問題で米側は何等嘴を入れるべきではない。然し防衛予算に就ては只一つ米国に関係がある点がある。行政協定改訂交渉において、分担金条項削除に同意する際、米側は、分担金条項削除は防衛努力に対する日本政府のオライナリーの努力に代替するものでなく、日本の防衛力漸増に寄

極秘

米保 3728

与するものであるとの了解で行われたものである。若し来年度防衛費総額が本年度と同じであるというなら、それは折角の分担金廃止で浮いたものが他に流れたというの他なく、右の約束に反するもので重大な問題である。訓令では当初右の約束を書面で取れということであつたが、自分はその必要なしと認めて口頭のお話にした次才は御承知の通りである。又M日A援助は、米政府は全般的予算削減に伴つて対日援助も相当削減したが、自分は条約改訂交渉もやつているとの際削減は適当ならずとワシントンを説得し、結局漸くのことと水準を維持することが出来ている実情である。若し日本側が充分の努力をしないと、いつか風にならぬ分としてもM日A援助の水準維持をワシントンに説得する足場を失

うことになる。予算は固より日本政府の問題であるが、不可避的な結果というものも併せ御考慮度し。ワシントンでは当初要求の一六九〇億を期待していると思うが、自分はその通りに行き得ると思つていないが、以_レ此の見地よりすれば一六〇〇億位が最少限と思う。その程度の額は長期的に見れば決して不当なものとは思えない。

大臣 来年度予算は収入見積もきつく、又継続費、災害復旧費等大幅な需要があり、各省新規予算はせいぜい五、六百億と聞いている。自分の知る限り大蔵大臣も防衛費を前年度より減らす考はなく、仮令防衛費総額が増さないとしても防衛庫費は分担金廃止だけは増すことは確かである。

別添
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(Translation)

Statement made by the Secretary General
of the Liberal Democratic Party
on November 17, 1959

The United States armed forces may use the facilities and areas in Japan for the purpose of contributing to the maintenance of peace and security in the Far East. The term "the Far East" as used in this connection is deemed to refer to the area to the north of the Philippines inclusive.

The purpose of the new treaty is to contribute to the security of Japan and the maintenance of peace and security in the Far East, and thus military actions of the United States armed forces will be limited to those for this purpose. Furthermore, it is the premise of the new treaty that the United States armed forces may take military actions only either as a United Nations action or in the exercise of the right of self-defense, and they may engage in military actions only when peace and security is impaired within this area.

In other words, the area of activities of the United States armed forces is limited by the spirit and the purpose of the Treaty, although it is not directly defined geographically.

大使 分担金相当額を防衛庁費に廻しただけでは前の約束を守つた
ことにはならないと思う。災害復旧の必要はもちろんであるし、
防衛費の大幅な増加が期待出来ないことは自分も分つてゐる積り
であるが、ともかく防衛費が増すといふことは是非必要であると
信ずる。実際問題としてもそれが数千万弗のM S A援助に響くも
のであることを考えれば見す見す損失を招くことになるのではな
いか。何れにせよ分担金条項廃止の際の了解並びにM S A援助の
三点から本件はよく考えて戴きたい。

Accordingly, military actions of the United States armed forces will naturally be taken as a rule in the area referred to as "the Far East".

It may be added that while the idea of "the maintenance of peace and security in the Far East" is inherited from the present Treaty, further limitation is to be stipulated in the new treaty in the form of "prior consultation" to be held in the case of operational use of the facilities and areas.

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Tokyo, December 10, 1959

Dear Mr. Suzuki:

This will acknowledge the receipt by this Embassy of your letter of December 9, 1959, addressed to the Secretary of State and released for publication in the press the same day.

As you know, the negotiations for the revision of the Security Treaty between Japan and the United States are still in course. Under these circumstances, I am sure you will appreciate that it would be quite inappropriate to comment upon the subjects raised in your letter that refer to a Treaty and related agreements which have not as yet been signed or made public by the respective governments. I would, however, invite your attention to the following statement that President Eisenhower made on December 2nd:

"During the past months, we have been negotiating a new treaty and other security arrangements with Japan. We attach the greatest importance to this new treaty with Japan which is being negotiated between equals for the mutual benefit and enlightened self-interest of both countries and is therefore in keeping with the new era in our relations with Japan enunciated following my talks with Prime Minister Kishi here in Washington in June, 1957. The timing of this new treaty with Japan is particularly opportune since I feel it is most essential at the present juncture in international affairs for the Free World to maintain its unity and strength.

Mr. Mosaburo Suzuki,
Chairman,
Central Executive Committee,
Socialist Party of Japan,
Tokyo.

二 十一日。フタリ書に下す。米保長に付。三言白米
は米保は新米の收拾し得ず。何んか日米商人之はるる
すくそふまをまると言ひ。それ之を使もいとすくそら
ハレシクも。米保を維持の地りしと觀ふ言と述ハレ
其の運言。私米と一葉と付成るると別給二を
内示致す。

外務省

三 十一日及二日。フタリ私米を参酌して。米保に

付。今迄議事録の事は別給三(フタリ私米中の二五と書
在り)といとあるも。合同委員會に於て。米保は米保の
再あらとて。別給四の米保の維持の付協儀し。若し
そう程まの米保を維持する可成なり。此局私米保の
米保の維持の米保を維持し得ることを言ふ。米保の
と指摘も。二日。米保の維持と一。別給七の米保
ありといとある。

外務省

Confidential

別添

27 November 1959

Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph (e) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs control of the Japanese customs authorities.
- D. Procedures concerning customs inspection, such as the mode, extent and location of customs inspection and customs documents and certificates will be established by arrangement between the competent authorities of the two Governments.

六、十一月五日、山形港に於て、米穀の検査手続を	整理し、米穀の検査手続を、米穀の検査手続に	従わせ、米穀の検査手続を、米穀の検査手続に	従わせ、米穀の検査手続を、米穀の検査手続に	従わせ、米穀の検査手続を、米穀の検査手続に	従わせ、米穀の検査手続を、米穀の検査手続に	従わせ、米穀の検査手続を、米穀の検査手続に
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外務省

Record of the first meeting of the
new Joint Committee.

Re paragraph C of the section concerning Article XI, of the Agreed Minutes:

The Japanese authorities do not intend to make customs inspection on all goods mentioned in the said paragraph C, but will dispense with inspection when they find it unnecessary.

Re. paragraph D of the section concerning Article XI, of the Agreed Minutes:

In establishing the procedures contemplated in the said paragraph D, the competent authorities of the two Governments shall have the following points in mind.

- (1) Customs inspection may be made, where appropriate, at the place of entry of the goods concerned.
- (2) Due consideration will, where appropriate, be given to the current procedures.

124
11月27日 会議録附録三 参照
34.11.30 Feanby 起草

RE JAPANESE PROPOSED AGREED MINUTES ON CUSTOMS

1. Insert "or cargo manifest" after "bill of lading" in paragraphs A and C.
2. Substitute "examination" for "control" in paragraph C.
3. Substitute "agreement" for "arrangement" in paragraph D.

REVISE RECORD OF FIRST MEETING OF
NEW JOINT COMMITTEE TO READ

Re paragraph C of the Agreed Minutes on Article XI;

The Japanese authorities normally will not exercise the right to make customs inspection on all goods mentioned in the said paragraph C, and would not do so unless there is reason to believe that goods are being imported or exported in violation of Japanese law.

Re paragraph D of the Agreed Minutes on Article XI:

Customs inspection will normally be carried out at the places where it is now being carried out and the procedures for inspection shall in general be the same as those now employed.

Agreed Minutes

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- 別添
三
- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph 5(c) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs examination of the Japanese customs authorities.
- D. Procedures concerning customs inspection, such as the mode, extent and location of customs inspection and customs documents and certificates will be established by agreement between the competent authorities of the two Governments.

RECORD OF FIRST MEETING OF NEW JOINT COMMITTEE

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三

Re paragraph C of the Agreed Minutes on Article XI:

The Japanese customs authorities would not normally make customs inspection on all goods referred to in the said paragraph C. Unless they believe that there is reason to make such inspection, they will not make customs inspection on goods mentioned in the above.

Re paragraph D of the Agreed Minutes on Article XI:

a) In establishing arrangements in the said paragraph D, due regard will be paid to the current inspection procedures and the special nature of military shipment.

b) Customs inspection may be made either at the place of entry of the goods concerned or at the appropriate customs in accordance with the arrangements between the two authorities.

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RECORD OF FIRST MEETING OF NEW JOINT COMMITTEE

Re paragraph C of the Agreed Minutes on Article XI:

The Japanese customs authorities would not normally make customs inspection on all goods referred to in the said paragraph C. Unless they believe that there is reason to make such inspection, they will not make customs inspection on goods mentioned in the above.

Re paragraph D of the Agreed Minutes on Article XI:

The current procedures for inspection will in general remain applicable. The competent authorities of the two Government will cooperate with each other in establishing, wherever necessary, procedures referred to in the said paragraph D.

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RECORD OF FIRST MEETING OF NEW JOINT COMMITTEE

Re paragraph C of the Agreed Minutes on Article XI:

The Japanese customs authorities will, as a matter of normal practice, confine their inspection of the goods referred to in paragraph C to instances in which they perceive particular need to make inspection.

Re paragraph D of the Agreed Minutes on Article XI:

The current procedures for inspection will in general remain applicable. The competent authorities of the two Governments will cooperate with each other in establishing, wherever necessary, procedures referred to in the said paragraph D.

別添七

日本国政府
通関手続ニ関スル協定

Record of the first meeting of the
new Joint Committee.

Re paragraph C of the section concerning Article XI, of the

Agreed Minutes:

The Japanese authorities do not intend to make customs inspection on all goods mentioned in the said paragraph C, but will dispense with inspection when they find it unnecessary.

Re paragraph D of the section concerning Article XI, of the

Agreed Minutes:

Customs inspection may be made either at the place of entry of the goods concerned or at the appropriate customs in accordance with the arrangements between the two authorities.

別添八

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 日本国政府
 通関手続ニ関スル協定
 協定
 日本国政府
 通関手続ニ関スル協定
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 上記の協定は、
 その合意が由るものなる
 ようである。この協定
 を修正しないよう

外務省

大 蔵 省

D 上記Cの貨物についての税関の現物検査の方法、程度及び場所、税関の書類及び証明書等税関の現物検査に関する手続は、両国政府の当局の間のアグリーメントによつて定められるものとするが、そのアグリーメントが成立するまでの間差し当りは、改正前の手続を変更しないよう留意するものとする。

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3 December 1959

Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph 5(c) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs examination of the Japanese customs authorities.
- D. Procedures concerning customs inspection of the goods referred to in paragraph C, such as the mode, extent and location of customs inspection and customs documents and certificates, will be established by agreement between the competent authorities of the two Governments, it being understood that pending such agreement, it should be borne in mind not to change the procedures under the Administrative Agreement.

CONFIDENTIAL

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4 December 1959

Article XI paragraph 5

Paragraph 5

- (a) Units of the United States armed forces under orders entering or leaving Japan;
- (b) Official documents under official seal, ^{and} including official mail in United States military postal channels;
- (c) Military cargo shipped on a United States Government bill of lading.

Agreed Minutes

- A. The term "military cargo" as used in paragraph 5(c) is not confined to arms and military equipment but includes all other goods for the official use of the United States armed forces shipped to the United States armed forces on a United States Government bill of lading.
- B. Goods imported into Japan exempt from customs examination in accordance with the provisions of Paragraph 5(c) of Article XI may be re-exported exempt from customs examination.
- C. Goods ultimately for the private use of the members of the United States armed forces, the civilian component, or their dependents, shipped on a United States Government bill of lading, will be subject to customs examination of the Japanese customs authorities.

- 2 -

- D. Procedures concerning customs inspection of the goods referred to in paragraph C, such as the mode, extent and location of customs inspection and customs documents and certificates, will be established by agreement between the competent authorities of the two Governments; it is intended that pending such agreement, existing procedures under the Administrative Agreement shall remain essentially unchanged.

別添
二

Revision of Subparagraph 3(d) of Agreed Minutes of Japanese
Customs Proposal

(d) Procedures concerning customs inspection for entry or exit from Japan of goods referred to in subparagraph (c) above, such as method, extent and location of customs inspection and customs documents and certificates, ^{shall} ~~(will)~~ be established by agreement between the competent authorities of the two Governments. It is understood that pending such agreement existing procedures for customs inspection on entry or exit of such goods shall remain unchanged.

~~be applied.~~
be applied.

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抄

大屋
次長
鳥居 昭五郎
寺島 長
次長
手島 博
次長

行政検査事務関係案件 日時 昭和三十一年三月十一日 午後十一時半 出席者 大屋 次長 寺島 長 寺島 長 寺島 長 法務省 林 長 官 辻 次 長 労働省 松本 次 長 山崎 長 次 長 通産省 丸山 長 次 長 十重 芳 次 長	米局長より別添一に依りて協定書之視以て後別添二の 方針に付討議あり。	二 方針は以上を以て、労働省側より、労働協約締結拒否の所は日米
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米局長
手島 博

外務省

四 覧 番 号
米 保 3725

向の按儀と云ふものも、又あるは拒否せらるること
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行政協定の労務関係規定に関する
交渉経緯の件

三四一五一一 アメリカ局

一、 在日米軍の労務関係については、

(イ) 直接雇用労務者に対し司法的保護が与えられていない、

(ロ) 間接雇用労務者の保安解雇事案に関し、日本政府が敗訴した場合は、当該労務者の復職を実施し得ざるのみならず引続き給与相当額の支払を継続し、これに対して米軍より費用の償還を得られていない、
という問題が存する。

二、 西独の新駐留軍協定においては、保安解雇事案に関しては、法

別添
一

極秘

律上の雇用主たる独逸政府が駐留軍に代つて独逸労働法廷における当事者となり、敗訴した場合は、駐留軍が復職を認めるかあるいは最高限一年の給与相当額を支払うことにより雇用を终止することとなっている。

三、 行政協定改訂交渉において、米側は、前記一の二つの問題を解決し、在日米軍が法令違反を犯しているという非難を除去する見地より、西独方式の採用を提案して来た。

四、 右米側提案に対し、わが方は、西独方式はわが国にその裏付となる国内法を欠き、現在の労働事情よりしてはその受諾困難なる事情を説明し、

(イ) 直用労務者については保安解雇事案をも調停の対象とする

共に調停のため米軍が最高一年の給与相当額を支払うこと、

(四) 直用労務者の間接雇用切替実現を検討すること、
を提案した。

五 然るに米側は右提案を考慮するに先立ち、右提案を受諾した時
には、米軍は保安上の理由で解雇した者を復職させないでもない
こと、並びに復職を認めない場合最高一年分の給与相当額以上の
負担を負はないうこと、の二点を確認し、更に今後米軍が日
本法令の違反を犯しているとの非難は除去されるものなりとの保
証を得度しと申出ている。

一九五九・一二・一一
外務省

行政協定上の労働問題解決方針案

一 現行行政協定においては、第十二条5及び第十五条4において
「、、雇用及び労働の条件、労働者の保護のための条件並びに
労働関係に関する労働者の権利は、日本国の法令で定めるところ
によらなければならない。」と規定されている。本条項の実際の
適用上、最も困難な問題は、いわゆる保安解雇の問題である。す
なわち、米軍が保安上の理由の下に解雇をした場合、労働者がこ
れを不満として裁判所に訴えても、米側は裁判所に出廷せずまた
証拠を提出せずさらに原告側の勝訴となつた場合その判決を実施
せず、したがって、労働に関する日本法令が米軍により實際上遵

別添二

極秘

守されていないのが現状である。

二 しかるところ、今般現行安保条約が廃棄され、新安保条約が締結されるに伴い、現行行政協定は失効し、これに代つて国会の承認を求めぬ施設及び区域並びに米軍の地位に関する協定が締結されることとなつた。しかして現行行政協定第十二条及び第十五条の条項は新協定にも取り入れられることとなつてゐるが、米軍が實際上日本の労働法規に服していないという前記の現状をそのままにしておいて、このよりの条項につき合意することは、国会において何としても説明することが不可能である。

三 一方、米側は、米軍が日本法令に服しないという非難を新協定下においても引き続き被ることを避けたいとの強い気持を持ち、

いわゆるドイツ方式又はこれに準ずる方式を受諾することができるとの態度を示している。

四 右に述べたところにより、この際、左記方針により本件を解決するよう米側と交渉を行い、新協定中に所要の規定を設けることといたしたい。

方針

- (い) 直接雇上りを廃し、全部間接雇上りに切り換える。
- (ろ) 米軍及び第十五条機関は労働問題に関し日本の裁判所の判決に従う。ただし、保安解雇に関し、原職復帰の判決が下つた場合、現実の職場復帰を拒否することができる。かかる場合その労働者に対する給与は、一年間を限度として、米軍の負担とする。

行政協定労務関係規定の件

三三三三三 主保長

工場の土庫倉庫の打合に基き、十層別格の賃付労務者、相違者
たる者事務等と打合を行ふ。

主保者 佐者 条々長 主保長 中島 博之

岩島者 岩島 謙長 石川 主保長

相違者 少主保長 佐者 主保長 他

佐者 佐者 佐者

(54)

外務省

第 二 条 (新条文)

- 1 合衆国軍隊又は第十五条に定める諸機関の現地の労務に対する需要は、日本国の当局の援助を得て充足されるものとし、また、雇用契約の当事者は、日本政府と^三個々の労働者とする。
- 2 所得税及び社会保障のための納付金の源泉徴収及び納付の義務並びに、本協定に別段の定めある場合を除くほか、賃金及び附手当に関する条件のよきな雇用及び労働の条件、労働者の保護のため条件並びに労働関係に関する労働者の権利は、日本国の法令で定めるところによらなければならぬ。
- 3 軍属は、雇用の条件に関して日本国の法令に服さない。

極秘

4 日本國の裁判所が1に掲げる労働者の雇用契約が合衆國軍隊の安全上の理由による解雇通告によつて終了して^同いない旨を決定した場合又は日本國の労働委員会が発した命令が日本國の法律に従^同い最終的に確定した場合には、次の手続が適用されるものとする。

(1) 合衆國軍隊又は第十五条に定める諸機關の当局は、日本國政府の当局によりそれらの事実を通報される。

(2) もし合衆國軍隊又は前記の諸機關の当局が当該労働者を就労させることを希望しない場合には、その当局は、前記の通報の受領の後、日以内にその旨を日本國政府の当局に通報しなければならず、暫定的にその労働者を就労させないことができる。

(3) 前記の通告が行われたときは、両当局は、事件の現実的解決方法を見出すため遅滞なく協議しなければならぬ。

(4) (3)に基く協議の開始の日から、日の期間内にそのような解決に達しない場合には、当該労働者は、その期間満了の後は就労することができない。ただし、このことは、その労働者の日本國政府による雇用關係に影響を及ぼすものと解してはならず、前記の期間の満了後の雇用に要する費用は、日本國政府及び合衆國政府が相互間で合意する条件で分担するものと了解される。

(代案)

4 日本國の裁判所が1に掲げる労働者の雇用契約が合衆國軍隊の安全上の理由による解雇通告によつて終了していないと決定し、又は日本國の労働委員会が発した同趣旨の命令が日本國の法律に従い最終的に確立した場合で、かつ、合衆國軍隊又は第十五条に定める諸機關の当局が当該労働者を就労させることを希望しない場合には、その当局は、前記の決定又は命令についての日本國政府の当局による通報を受領した後 日以内にその旨を同当局に通報しなければならぬ。両当局は、事件の現実的な解決方法を見出すため遅滞なく協議しなければならぬ。当該労働者は、このよりの通告が行われた後は、両政府間で別段の合意をしない

極秘

限り、かつ、その合意の時まで就労することができぬ。ただし、このことは、その労働者の日本國政府による雇用関係に影響を及ぼすものと解してはならず、前記の通告の日の後の雇用に要する費用は、日本國政府及び合衆國政府が相互間で合意する条件で分担するものと了解される。

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(Re. Labor)

1. Local labor requirements of the United States armed forces or the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities, and the parties to the contract of employment shall be the Government of Japan and the individual worker.
2. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as otherwise provided for in this Agreement, the condition of employment and work, such as those relating to wages and supplementary payments, the condition for the protection of workers, and the rights of workers concerning labour relations shall be those laid down by the legislation of Japan.
3. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

4. In the event that the court of Japan decides that the contract of employment of a worker as mentioned in paragraph 1 above has not come to an end by notice of dismissal on grounds of security of the United States armed forces, or an order to the same effect given by the Labour Relations Commission of Japan becomes finally binding in accordance with the law of Japan, the following procedure shall apply:

- (1) The authorities of the United States armed forces or the organizations provided for in Article XV shall be informed of such fact by the authorities of the Government of Japan.
- (2) Should the former not desire to engage the worker in actual work, it shall so notify the latter within _____ days after the receipt of such information, and may temporarily withhold him from actual work.
- (3) When such notification is made, these authorities shall consult together without delay with a view to finding a practical solution of the case.
- (4) In case no such solution will be reached within a period of _____ days as from the date of commencement of the consultations under (3) above, the worker will not be entitled to actual work after the end of that period, it being understood that this shall not be construed to affect

the employment of the worker by the Government of Japan, and the cost incurred in such employment after the end of that period shall be distributed between the Government of Japan and the Government of the United States on terms to be mutually agreed.

(Alternative)

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4. In the event that the court of Japan decides that the contract of employment of a worker as mentioned in paragraph 1 above has not come to an end by notice of dismissal on grounds of security of the United States armed forces, or an order to the same effect given by the Labour Relations Commission of Japan becomes finally binding in accordance with the law of Japan, and that the authorities of the United States armed forces or the organizations provided for in Article XV do not wish to engage the worker in actual work, they shall so notify the authorities of the Government of Japan not later than _____ days after the receipt of communication by the latter of such decision or order. The two authorities shall consult together without delay with a view to finding a practical solution of the case. After such notification is made, and unless and until otherwise agreed between the two Governments, the worker will not be entitled to actual work, it being understood that this shall not be construed to affect the employment of the worker by the Government of Japan, and the cost incurred in such employment after the date of such notification shall be distributed between the Government of Japan and the Government of the United States on terms to be mutually agreed.

事務長

事務長

十二月十日 山内海軍大臣に呈すに便令送付件



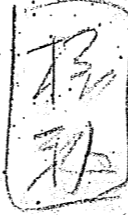
海軍

海軍大臣

海軍省

海軍省

海軍省



十二月十日 海軍大臣に呈すに便令送付件

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何の措置も 海軍省に於て 如何に又 海軍省に 最後は

外務省

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外務省

海軍省 3774

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DRAFT AGREED MINUTES
(Review of Treaty)

December 4, 1959

Japanese Plenipotentiary:

While the Treaty of Mutual Cooperation and Security is of indefinite duration the period after which either party may give notice for termination has been fixed at ten years. No explicit provision was made for reviewing the Treaty because in the agreed opinion of the two Governments stability is a very important factor in the security relationship between the two countries. Obviously, ~~if either Party should so request at any time while the Treaty is in force,~~ the two Parties would consult together for the purpose of reviewing any aspect of the Treaty ~~or its related arrangements having regard for~~ in case there have developed important changes in the factors ~~then~~ affecting peace and security in the Far East.

United States Plenipotentiary:

The United States Government is of the same opinion.

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(Dec. 9, 1959)

(INDIRECT AGGRESSION)

Japanese Plenipotentiary:

~~It seems obvious that any internal disorder or revolution aided and abetted by outside power might constitute a threat to the security of Japan. The security of a country could be jeopardized by an indirect aggression as well as by an overt attack~~

^{two governments considered as considered that some}
^{had occurred} If such an ~~internal disorder or revolution~~ indirect aggression against Japan ^{is} considered by the two Governments to be of this character, ~~it is understood~~ the Japanese Government understands that the United States would be prepared, upon the request of the Japanese Government, to assist Japan to meet this threat indirect aggression by taking such measures as ^{might} ~~may~~ be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, ~~it is understood~~ that the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this threat indirect aggression by taking such measures as may be deemed appropriate by both Governments.

CONFIDENTIAL

December 12, 1959

Proposed for Inclusion in
Notes on Interpretive Understandings
Relating to Administrative Agreement

Ferry 山 聖 館

Re Article XVIII, paragraph 5, introductory paragraph:

It is understood that the Government of the United States prefers as an administrative matter that United States personnel who have a remedy under the domestic claims laws of the United States should be limited to that remedy. This would include members and employees of the United States armed forces and the dependents of both who are not Japanese nationals.

Re Article XVIII, paragraph 7:

It is understood that the operation of the exception mentioned in this paragraph will be limited to cases of negligence.

行政協定
第十八条
第五項
及
第七項
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CONFIDENTIAL

証 34 第 15 号
2/10
(2 枚つづり)

極 秘

用済後焼却

極 秘

34.12.15

一 委員会の設置

新安保条約（仮称）の円滑な実施を図るために両国間の合意に基き、設置を予想される政府レベルの協議機関（以下「安保委員会」と仮称する。）の下に防衛専門連絡委員会を設置するものとする。本委員会は、安保委員会の補助機関とする。

二 委員会の任務

本委員会は、新安保条約の実施に当り、日米両国が相互に関心を有する防衛に関する専門的事項について、両防衛当局が緊密に連絡し、かつ、協議することを任務とする。

三 委員会の構成

本委員会の委員は次の者をもつて充てる。

- (1) 日本側
- (a) 議長 (Co-Chairman)

統合幕僚会議議長又はその指名する代理者

- (b) 委員

陸、海、空幕僚長又はその~~兼~~指名する代理者

- (2) 米国側

- (a) 議長 (Co-Chairman)

米太平洋軍司令官又はその指名する代理者

- (b) 委員

米太平洋陸海空軍各司令官又はその指名する代理者

- (3) 両議長の合意により必要があると認めるときは、関係者の出席を求めることができる。

四 委員会の付託事項

本委員会は、次の事項について連絡及び協議し、その結果を安保委員会に報告するものとする。

- (1) 新安保条約の実施上生ずる日米両国が相互に関心を有する防

衛に関する専門的事項

(2) 新安保条約の実施上生ずる両国政府間の協議を要する事項で
安保委員会が専門的審議を命じたもの

(3) 防衛に関する一般的情報の交換

五 委員会の議事

委員会は、日米両議長が交互に主宰するものとする。必要に応じて
いずれかの議長の要請により随時開かれるものとする。

備考

安保委員会の委員は、政府レベルのものとして日本側は外務大臣
及び防衛庁長官又はその代理者とし、米国側は國務長官及び国防
長官又はその代理者とする。米国側の代理者は、それぞれ駐
日米国大使及び米太平洋軍司令官を予定する。

大層

了

1959

事務局長

治長

事務局長

根柢

事務局長 参事

十月十八日山形県庁在籍者名簿

東郷

得 山形県庁在籍者名簿(一) 事務局長

事務局長 山形県庁在籍者名簿(一) 事務局長

大層 山形県庁在籍者名簿(一) 事務局長

事務局長 山形県庁在籍者名簿(一) 事務局長

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事務局長 山形県庁在籍者名簿(一) 事務局長

外務省

覽番号 3857

保

事務局長 山形県庁在籍者名簿(一) 事務局長

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事務局長 山形県庁在籍者名簿(一) 事務局長

外務省

本議事會の目的は、米國議事會の善操及以て其協助に在りて
會
其目的の達成に努力せしむる事也。

本會は、米國議事會の目的を以て研究せん。

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交渉の手続きが、 自由の原則 とは異なる積りである。
冷戦 自由の原則をお手いする。
(米領土内) 別条三、四、五、六も含まれ、本は同日午前
処理、内容、各階層は同一の旨で述べられ、以て了解され
る。
前述申し述べた如く、特に問題とするところは左の
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(一) 別条三の4項及び別条五(1)の(イ)と(ロ)とである
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点あり、例(イ) 格別休戦を要する者が、言外で、デモクラ
シーの指し示さるる解雇は、既に既述の如く

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無効の判決が在る旨を留保解除の旨を以て通知し、
格別者之係職を認められたるは、依ても、少し御所の
範圍中に係職を授けさせ、
方より、此處の係は、余の首の係たる
余より、格別者之係は、係職一、
御外は判決不承認を認める形となり、
廣く、
外務省

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廣く、
外務省

Einmalige (Einmaligkeit)

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し易く採石可能の限等を示すの修作法の上 修作し

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米保長に同書。共同の責任を負うことは如何と云ふ事。

左使 署名と 協定。全協定の全協定は引換なり可なりと云ふ事。

共同署名は一つの事か。二つに分ける事は如何と云ふ事。

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(分書は同書ト云ふ。パーは別行の事。日本は協定は如何と云ふ事。署名は如何と云ふ事。)

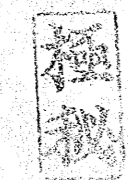
外務省

来年度防衛分担金問題に関する件

三四一三一八 米保長

十二月十八日外務次官在京米大使会談の際、本件に関し先方の提案せる所左の通り。

一、米政府は、来年度予算編成に當つて日本政府当局が直面している防衛分担金取扱いについて出来るだけ日本側の要望に沿いた



いと考へる。他方分担金廃止を規定する新行政協定の基礎となる新安保条約につき米国上院の承認を得るに先立ち、現在交換公文により分担金を廃止することは、米国会との関係において困難な問題を生ずること必至である。即ちかかる措置は新条約に対する米国議会の態度に好ましからざる影響あるべきのみ

ならず、議会在各同盟国側の防衛負担の増大を期待している折から対日軍事援助計画の継続に対する議会の態度にも悪影響を及ぼすであろう。従つて米政府としては、現在直ちに防衛分担金を放棄する立場にない。

三しかし、米側は日本側の支払うべき分担金の額が極めて少額であるならば、新安保条約発効時にその放棄について日本側の要請を好意的に考慮するであろう。実際日本の防衛予算の増加及び新条約が来会計年度早々に発効することを予想すれば分担金額は極めて少額になる筈である。ただ米政府としては新条約の発効が万一遅延したような場合も慮つて分担金に関する協定上の権利を保持することが必要であると考えらるものである。

三以上の見地より米側は、(イ)来年度防衛分担金に関する交換公文の問題を採上げること新条約発効後まで延期することにつき現在非公式且つ口頭で合意し、(ロ)新条約発効の際分担金額が極めて少額の場合は、米側は分担金放棄に好意的考慮を払ふこととし、(ハ)又若しその際放棄し得ざる場合は、来年度の補正予算又は三六年度予算において日本政府が必要措置をとるまでは支払いを延期することとする、ことを提案する。

四右の案によれば、日本政府は現在編成中の来年度予算に防衛分担金を含める必要はなくなるが、米側が放棄し得ざる場合将来における分担金支払いの可能性は存続する。本案が日本側で受諾される場合は、米側は、米国が分担金放棄又はその減額につ

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December 18, 1959

Continued Effectiveness of United Nations Resolutions on Korea

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

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

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

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

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き更めて合意しない場合には、日本側の分担金(金額)支払い義務は存在するものと解釈する。
分担金の問題は、米側にとつても重大な困難を感ずる所であつて、本案は日米双方の必要を満たす唯一の方途であると考えられる。

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

CONFIDENTIAL

CONFIDENTIAL

By
JF
Talking paper
= 12/18/59

Yen Support Costs

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

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

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

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

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

CONFIDENTIAL

By
[Signature]
三

(December 18, 1959)

(New article Re. Labor)

ARTICLE —

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

(1)

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

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

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

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

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

(Draft)

(U.S. Note)

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(2)

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

On behalf of the Government of the United States I wish to propose that "the period of time" mentioned above shall not exceed one year after the ~~end of one month period set forth in the first sentence of paragraph 4(^d).~~ ^{notification provided for in paragraph 4(^d).}

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

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(December 18, 1959)

Re. Article _____:

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

security = 保証手続

別
添
六

(December 18, 1959)

Re Article _____:

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

契約上 commit 的 支出

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

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

The Prime Minister: None, Sir.

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

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

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表

鈴木社会党委員長のヘイター米國務長官あて
公開質問状の問題点について

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一問 「極東」の中に、いかなる地域が含まれるか。

答 条約では極東の範囲は明定されていない。従つて如何なる地域がこれに含まれるかを明確にいうことはできない。藤山外相が国会で答弁した主旨も、条約上極東の範囲が明確に定められているというのではなく、常識的に極東という場合には、どろいり範囲が考えられるかとを述べたに過ぎない。そのいり意味では、一応フィリピン以北の日本周辺地域が考えられる。

二問 「極東」は中ソの領土の一部を含むか。

答 前述のとおり極東の範囲が条約上明確に定められているわけではなから、中ソの領土の一部がこれに含まれるかどうかと云ふ点にしろても、明確に云ふことはできなから。

三問 日本に駐留する米國軍隊の作戦行動の範囲は如何なる地域を含むか。

答 米國軍隊の作戦行動の範囲は、条約上地理的に限定されていない。しかし、作戦行動の目的は極東の平和及び安全の維持に寄与することにあるわけであるから、米軍が日本を基地として作戦行動をとる場合には、おおむねフィリピン以北の日本周辺地域ということにおのずからなるであらう。

四問 「協議」は日本政府の「同意」を含むものであるか。

答 事前協議を要する事項については、米國は日本政府の意思に反して一方的に行動することはない。そのいり意味で、事前協議事項については日本政府の同意を必要とするといりこともて

きる。

再問 現在駐留米軍は核兵器を保持しているか。

答 保持していない。

本問 もし、保持していませんとしても米国政府は将来もち込む意思があるか。

答 米国政府も日本の国民感情、日本政府の方針について充分承知しているから、日本に核兵器を持ち込むことは考えていないはずである。

本問 もし、日本に持ち込もうとする時は、条約上日本の同意を要すると思われるか。

答 しかり。

本問 新条約により、わが国が防衛力を増強する義務を負うと考えるか。

答 自衛のために必要な防衛力の規模等は、国際情勢の変化によつて変ることもあるうし、又日本の経済力によつて制約される面も当然あるわけである。従つて防衛力を常に数量的に増大していくかなければならないといふことはない。いずれにせよ、いかなる程度の防衛力を持つかは、日本が自主的に決定すべきところである。

本問 新条約により、日本が日本地域及び日本地域外で米國と共同の軍事行動をする義務があると考えるか。

答 日本は、日本の施政下にある領域に対して武力攻撃が起つた

場合に、これに対して自衛権を行使する義務があることとなるが、これは日本として自衛上当然なすべきことに過ぎない。日本が軍事行動をとるのはこの場合だけであるが、この軍事行動をとるにあつて米國と共同してこれを行わなければならぬといふ義務はない。

七問 新条約は、集團的自衛権に基く相互防衛条約の性格を持つものと考えるか。

答 日本が武力攻撃を受けた場合に米國が日本の防衛を援助するのは、集團的自衛権に基いて行われる。しかし、相互防衛条約といふのは、一般に一方の締約國の領域に対して武力攻撃が行われた場合に、他方の締約國が被攻撃國の防衛を援助するといふ

う關係を規定するものであるが、新条約では、条約区域が日本の施政下にある区域に限定されているので、右のような相互防衛条約とは趣を異にするものである。

事務長

事務長

行路協定事務長

三三一九

回覧番号 3858

事務長

本件は同月十月廿日、学西尾、技師長、初達平長等の
命令で採果は甚多、十月十七日、午後一時、事務長等が
打合せあり、出席者は、

- 技師長 佐々木 他、
- 事務長 佐々木 他、
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事務長

外務省

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長、學、政、部、長、主、計、官、植、規、部、長、相、違、平、官、務、部、長

等、参、集、す、上、菅、師、に、控、集、す、る、事、之、に、付、打、合、せ、ら、れ、

三 植、勲、及、之、に、同、じ、山、内、が、官、在、る、事、之、使、令、院、に

就、之、は、十、月、十、八、日、迄、下、米、之、使、令、院、符、を、發、給、す、

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CONFIDENTIAL

4. In the event that a court of Japan or a Labor Relations Commission of Japan decides that the dismissal of a worker by the United States Armed Forces is invalid, the following procedure shall apply:

(a) The authorities of the United States Armed Forces shall be informed of the court's decision by the Government of Japan;

(b) Should the United States Armed Forces consider that reinstatement of the worker would be prejudicial to the accomplishment of the Forces' security mission, and therefore not desire to return the worker to duties involving access to United States facilities and areas, it shall so notify the Government of Japan within ^{seven days} ~~one week~~ after being informed by the Government of Japan of the court's decision, and may temporarily withhold the workers from such duties;

(c) ^{When} ~~When~~ such notification ~~is made~~ by the United States Armed Forces, the authorities of the Government of Japan and the United States Armed Forces shall consult together without delay with a view toward finding a practical solution of the case.

(d) Should such a solution not be reached within a period of ^{thirty days} ~~one~~ month from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duties involving access to ^{the} United States facilities and areas. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed upon between the two Governments.

CONFIDENTIAL

外務省	留 置 中	結果の事情もあり此の取扱いに 得ずざる旨に通知し	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の	言及せし控訴の問題は原案が元々 土居の議の
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(December 19, 1959)

CONFIDENTIAL

Re. Article XII, paragraph 6:

It is understood that the United States Armed Forces and the organizations provided for in Article XV shall in all matters affecting the employment of Japanese labor other than the matters dealt with in Article XIII, paragraph 4, act in conformity with the decisions of the courts of Japan and the orders of the Labor Relations Commissions of Japan as they become finally binding in accordance with the laws of Japan.

CONFIDENTIAL

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CONFIDENTIAL

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Re: Article XIII

The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant Inter-Governmental agreements in connection with the employment of workers employed by the organizations provided for in Article XV.

such organizations.

between appropriate authorities of the Government of Japan and the organizations provided for in Article XV.

CONFIDENTIAL

134
12
(December 19, 1959)

(Re. Labor)

proposed substitution for paragraphs 4, 5 and
6 of Article XII

4. Local labor requirements of the United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities. The parties to the contract of employment shall be the Government of Japan and the individual worker.
5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as otherwise provided for in this Agreement, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.
6. Should the United States armed forces or an organization provided for in Article XV dismiss a worker for security reasons and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become finally binding, the following procedures shall apply:

(a)

(a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;

(b) Should the United States armed forces or the said organization not desire to return the worker to duties involving access to facilities and areas used by the United States armed forces, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from such duties;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case.

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duties involving access to facilities and areas used by the United States armed forces. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

7.

7. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

Note: Delete Article XV, paragraphs ~~4, 5 and 6.~~

(Draft)

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(December 19, 1959)

(U.S. Note)

I have the honor to refer to paragraph 6^a(~~4~~) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph ^{states} provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement.

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

CONFIDENTIAL

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Re Article XII, paragraph 4:

The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided with such organizations.

for

CONFIDENTIAL

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(December 19, 1959)

Re Article XII, paragraph 6:

It is understood that the United States armed forces and the organizations provided for in Article XV shall in all matters affecting the employment of Japanese labor other than the matters dealt with in Article XII, paragraph 6, act in conformity with the decisions of the courts and the Labor Relations Commissions of Japan as ^{those decisions} they become finally binding in accordance with the laws of Japan.

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事務局長

局長

事務局長

事務局長

事務局長

十月二十五日 東京出張 事務局長 合記

日付 此封書は東京十月二十五日午後八時三十分の郵便に於て付印

上層者 局長 事務局長 事務局長 局長 事務局長

事務局長

上使 此の合記は事務局長の合記である。事務局長の合記は事務局長の合記である。

九月二十五日 東京出張 事務局長 合記

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事務局長

外務省

目録番号 3878 米保

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ハカニ申上ル。

出仕 依ハ別段ノ令意申上ル。ウ直カニ (別様三) 之ハ白不例ハ格

律ハ亦申上ル。令 陸上ノ政所ニハ申上ル。庶務 加入得ニ申上ル。

運上ノ事。ナニハ 此ノ式ハ昔年一節ニ由來ハ三回ハ申上ル。名付ル

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外務省

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外務省

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CONFIDENTIAL

December 21, 1959

Tentative Idea -- Statement on Consultation

Prime Minister Kishi stated that he had discussed the problem of consultation with the President under the new Treaty arrangements. The President has assured him that the United States Government had no intention of acting with respect to the matters involving consultation in a manner contrary to the wishes of the Japanese Government.

Joint statement の表現としては不十分 (政府の単独声明の案のように見えた)

124
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CONFIDENTIAL

Agreed Minute Regarding the Islands Administered by the United States Under Article III of the Peace Treaty

December 21, 1959

Japanese Plenipotentiary:

While the question of the status of the Islands administered by the United States under Article III of the Treaty of Peace with Japan has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

In the event of an armed attack against these islands, the United States Government will consult at once with the Government of Japan and intends to take the necessary measures for the defense of these islands, and to do its utmost to secure the welfare of the islanders.

この"it"は US Government の"it"から、日本側の言っている
"it"とは思慮しな。

CONFIDENTIAL

別
添
三

(December 21, 1959)

Proposed Revision of Paragraph 5 in Japanese Proposed Substitution
for Paragraphs 4, 5 and 6 of Article XII

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as otherwise provided for in this Agreement or as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

CONFIDENTIAL

別
添
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December 21, 1959

Proposed Amendment to Second
Paragraph in Draft United States Note

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall be determined in the consultations under paragraph 6(c) of Article XII above and shall not exceed one year after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement.

CONFIDENTIAL

別添
五

(December 21, 1959)

Re Article XII, paragraph 6:

It is understood that the phrase, "for security reasons", includes reasons which affect adversely the ability of the United States to take necessary measures, as provided in Article III, for the support, safeguarding and control of facilities and areas used by United States armed forces.

It is further understood that the United States armed forces and the organizations provided for in Article XV shall in all matters affecting the employment of Japanese labor other than the matters dealt with in Article XII, paragraph 6, act in conformity with the decisions of the courts and the Labor Relations Commissions of Japan as those decisions become finally binding in accordance with the laws of Japan.

楊

兼

兼

レニハトシニ申入ル。	一、六の箇の件(連)を此等、同夜より早う	四日別添六の箇より改めて、大臣の了解を得た上、別添	兼務局長、兼務局長は、訪朝局長を、同夜を訪問、別添	兼務局長に、レニハトシニ申入ル。一五の案件は、訪朝局長、兼務局長	事件は、閣議上、一三の閣議にて、大臣を、使会館の結果、其の、同日午後	行務局長兼務局長の件
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三三三三三
兼務局長

外務省

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

十二日十日 貴方長と三ノ上使 打合資料

一 上条五項 双方打合

二 貴方長と三ノ上使

三 同右、先月毎に三ノ上使

四 六項了解事項 双方打合

五 同右、先月毎に三ノ上使

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of the Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above.

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of the Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above on the basis of criteria established by the appropriate authorities of the two Governments.

12

It is understood that the phrase "for security reasons" shall include reasons of jeopardizing the maintenance of order and security within the facilities and areas used by the United States armed forces as referred to in Article XVII, paragraph 10(a).

2

It is understood that the phrase "for security reasons" shall include reasons of adversely affecting the maintenance of order and security within the facilities and areas used by the United States armed forces.

六

It is understood that the phrase "for security reasons" shall include reasons of disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

秘

大臣
秘書長
外務省
事務

参事

安部

至ルト方結束日の件

臣等

ニニ

命に及ぶこと、至ルト方射撃は二月二日と五日との間に奉命し	(奉命目的は軍内保衛及防務) 五日外務省を往訪	一、至ルト方大使は至ルト方射撃の午後午餐と開き	右に	至ルト方大使の出席を得べく希望する。	又日本側で是
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外務省

和

島大使
修治長

次官

秋元

大正

一、	二、	三、	四、	五、	六、	七、	八、	九、	十、
...

行政協定に因る事件
...

外務省

...
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外務省

インターネットサービス 又はインターネットサービス の中にはこれに
 言及するものとして、^{概ね} 内務省は、^{概ね} マルチメディア
 については、^{別紙第一} 一方の側のみの事として、^{と認む。} 右に示す
 左の側については、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 内務省については、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 "The Ministry of Home Affairs on the basis of Community
 Agreed Views" といふ如き表現をインターネットサービス

して表明し、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 しては、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 二 内務省
 及び別紙第一の事案を以て、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 をインターネットサービスとして、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 に係るものとして、^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}
 二のサグステス ^{と認む。} 右の側については、^{と認む。} 右の側については、^{と認む。}

否や華府の支那も承知し交と述べていふ使用
華府人の思案を述べた。

その際し分使は米側のたのことき存解に際りたや
と旅法をおめたが、一際りきしとどへてありた。

(一) 沖徳、小島島内通

アグリドミニエフ
もこの形、式、非、の、保、持、未、だ
格、計、の、余、地、を、残、し、お、り、た
を、い、と、お、し、て、お、い、た、

(二) コンサレターレオン

コンソエトステートメント

(三) インディレクトポグレーション

形未定人、(内容不明) 華府に送付

(四) 期限

アグリドミニエフ取り止め

(五) 相 東の返田

アグリドミニエフ取り止め

三、労務件次

(一) 別紙第三にうごは米側 as otherwise provided

for an this Agreement or as may otherwise be

mutually agreed upon in writing

削除しなくてはならぬ

(二) 別紙第四の条令上の理由による解雇に拘する米例

条は第三條を引用し、其に根拠があることをわが方

から十七條十項を引用し別紙第五を引くとし、

(を引用)

Jeopardising or adversely affecting とし十七條

Jeopardising を止め、と Jeopardising を止め、

Security reason のみは狭きに過ぎるとの事へを

外務省

有せられる事はわかるが、わが方とは米軍の裁制

許の判決に服する必要な範囲を如何にするかの

重要点

向道(ちやうどう)に思ふ最後的には右條のゆきを向わね

はなうぬと云ふことである。後列院がご方臣に二の事

は裁判官長のそのゆきを向わね、指し直すゆきを向わね

ゆきを向わね、裁判官長以下のゆきを向わね、指し直すゆきを向わね

別紙第六の条令 military discipline 並に disturbance

外務省

場を介するとして、安堵を圖らざしとの疑いあるが、
 米仙に右の通り要請した。レニートは反象に及ぶる
 懸念の
 懸念は、右の通り要請したと云ふことである。
 (米仙) (米仙) (米仙)
 (三) 米仙費用分担の内なる、米仙費用については日本仙控
 のありたい期々の決言は、日本仙の、協力的決言に要
 ねんせざるべし。 (四) 期日を一月のうちに

短縮する。 (四) 二三月月、かかる協定も一月を
 へという形式にする。
 (二) 協定の條に適用する、其條に於て
 し右基本に照らし協定の條に於て協定を結ぶべき
 のいつかを協定するべしと云ふが、この要約は、
 協定の基本として、南の協定を協定するべしと云
 せんと云ふことである。日本仙の協定による、
 協定の基本として、南の協定を協定するべしと云
 へんことである。

Feb. 2 - (S)
M.A.A. call on Japanese Security Council
Fujiyama
lunch
Akagi

CONFIDENTIAL

13 December 1959

(INDIRECT AGGRESSION)

Japanese Plenipotentiary:

The security of a country could be jeopardized by indirect aggression as well as by an overt attack. If the two Governments considered that such indirect aggression had occurred against Japan, the Japanese Government understands that the United States would be prepared, upon the request of the Japanese Government, to assist Japan to meet this indirect aggression by taking such measures as might be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this indirect aggression by taking such measures as may be deemed appropriate by both Governments.

別紙

CONFIDENTIAL

(December 21, 1959)

Proposed Revision of Paragraph 5 in Japanese Proposed Substitution for Paragraphs 4, 5 and 6 of Article XII

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, ~~except as otherwise provided for in this Agreement or as may otherwise be mutually agreed,~~ the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

別紙

CONFIDENTIAL

(December 21, 1959)

Re Article XII, paragraph 6:

It is understood that the phrase, "for security reasons", includes reasons which affect adversely the ability of the United States to take necessary measures, as provided in Article III, for the support, safeguarding and control of facilities and areas used by United States armed forces.

It is further understood that the United States armed forces and the organizations provided for in Article XV shall in all matters affecting the employment of Japanese labor other than the matters dealt with in Article XII, paragraph 6, act in conformity with the decisions of the courts and the Labor Relations Commissions of Japan as those decisions become finally binding in accordance with the laws of Japan.

引
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ル

It is understood that the phrase "for security reasons" shall include reasons of ^{adversely affecting} ~~securing~~ the maintenance of order and security within the facilities and areas used by the United States armed forces, ~~as referred to in Article VIII, paragraph 10(a).~~

引
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ル

別紙
添付

It is understood that the phrase "for security reasons" shall include reasons of ~~adversely affecting the maintenance of order and security within the facilities and areas used by the United States armed forces.~~

disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6(b) of the Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above ~~on the basis of criteria established by the appropriate authorities of the two Governments.~~

December 4, 1959

DRAFT AGREED MINUTES

(On the procedure under the Consultation Formula)

Japanese Plenipotentiary:

It is my understanding that consultation between the two Governments under the Exchange of Notes under Article VI of the Treaty will be made on all matters enumerated therein with a view to developing common agreed views thereon and that, accordingly, the United States will not take actions or measures unilaterally concerning any of these matters.

United States Plenipotentiary:

This is also the understanding of my Government.

(Dec. 4, 1959)

(Revised Dec. 7, 1959)

DRAFT CONFIDENTIAL LETTER

(Concerning the procedure under the Consultation Formula)

My dear Minister,

I wish to refer to our discussions on the proposed Exchange of Notes concerning prior consultation under Article VI of the Treaty of Mutual Cooperation and Security. As I said in the course of such discussions, the purpose of consultation between the two Governments under the Exchange of Notes mentioned above is in developing common agreed views on all matters enumerated therein and determining how to handle them. Accordingly, it is ^{not} the intention of the United States ~~not~~ to take actions or measures concerning any of the matters enumerated in the Exchange of Notes without the agreement of the Japanese Government. *against the expressed views of the*

Sincerely yours,

My dear Ambassador,

I acknowledge the receipt of your letter referring to our discussions on the proposed Exchange of Notes concerning prior consultation under Article VI of the Treaty of Mutual Cooperation and Security. If the United States position is as stated in your letter, there will be no possibility of any misunderstanding arising between our two countries in the implementation of the Exchange of Notes.

Yours sincerely,

楊秋

冷元
李昭良
李昭良
李昭良

別接一及ニヨキニ控テ...
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外務省

李昭良
李昭良

回覧番号 3969
米係

外務省

												Other than SEATO	SEATO
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CONFIDENTIAL

December 26, 1959

(INDIRECT AGGRESSION)

Alternative "A"

Japanese Plenipotentiary:

The security of a country could be jeopardized by indirect aggression as well as by an overt attack. revolution aided and abetted by an outside power. If the two Governments considered that such indirect aggression had occurred against Japan the security of Japan was so threatened, the Japanese Government understands that the United States will be prepared, upon the request of the Japanese Government, to assist Japan to meet this indirect aggression threat by taking such measures as might be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this indirect aggression threat by taking such measures as may be deemed appropriate by both Governments.

別
添
二

CONFIDENTIAL

December 26, 1959

(INDIRECT AGGRESSION)

Alternative "B"

Japanese Plenipotentiary:

The security of a country could be jeopardized by ~~indirect aggression as well as by an overt~~ in some way other than by armed attack. If the two Governments considered that ~~such indirect aggression had occurred against Japan~~ the security of Japan was so threatened, the Japanese Government understands that the United States ~~would~~ will be prepared, upon the request of the Japanese Government, to assist Japan to meet this ~~indirect aggression threat~~ by taking such measures as might be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this ~~indirect aggression threat~~ by taking such measures as may be deemed appropriate by both Governments.

別
添
三

CONFIDENTIAL

13 December 1959

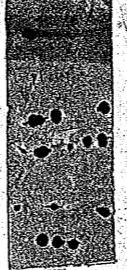
(INDIRECT AGGRESSION)

Japanese Plenipotentiary:

The security of a country could be jeopardized by indirect aggression as well as by an overt attack. If the two Governments considered that such indirect aggression had occurred against Japan, the Japanese Government understands that the United States would be prepared, upon the request of the Japanese Government, to assist Japan to meet this indirect aggression by taking such measures as might be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this indirect aggression by taking such measures as may be deemed appropriate by both Governments.



冷元

手紙

台長

手紙

三

四

五

六

米保
三三三

直接雇用者。特高穀。切替内。内閣。

米保

三三三三八

米保

米保

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米保

回覧番号
米保 3308

外務省

CONFIDENTIAL

34-12-26
Fancy 5-5 1/2 1/2 1/2

Dear Mr. Minister:

I refer to the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, soon to be concluded between our two Governments. In our own discussions of the employment of Japanese labor to assist the United States Forces, Japan, in carrying out the purposes of this Agreement, you pointed out that the problem of the transfer to Japanese private contractors of certain work previously performed by Japanese employees furnished by the Japanese Government under the United States-Japan Master Labor Contract assumed particular importance.

You will recall that following Prime Minister Kishi's visit to Washington in June 1957, and at the request of the Japanese Government, the United States Government withdrew all ground combat forces from Japan and also made substantial reductions in its other forces in Japan. As a result of reductions in US supervisory personnel with concurrent budgetary reductions, it was necessary, in order to be able to supervise and carry out certain essential work, to transfer to Japanese private contractors certain operations previously carried on under the United States-Japan Master Labor Contract. Such transfers are of course permissible

CONFIDENTIAL

CONFIDENTIAL

- 2 -

under Japanese law, under the Master Labor Contract and under the Administrative Agreement. The number of Japanese workers released as a result of the transfers has not been large, totaling slightly over 2,000 or approximately 3 percent of the present total of Master Labor Contract employees. In the course of our discussions of the new Treaty arrangements you expressed understanding of the problems with which the United States Forces, Japan were faced but expressed the strong hope that the Forces would be able to cease or limit to the maximum extent feasible such transfers, if this should upon a thorough review of all the factors in the situation, be found to be possible.

I am now pleased to advise that in response to your request I am authorized by my Government to inform you that United States Forces, Japan, will refrain from any further transfers of work performed by ^{workers} ~~workers~~ ^{now under the} Master Labor Contract ^(Jan 5, 1960) to private Japanese contractors during the calendar year 1960. In this connection, however, the United States Forces, Japan, must reserve the right in rare and exceptional cases to make such transfers if they are found to be absolutely essential for carrying out necessary functions. In such exceptional cases, transfers will take place after full consultation with the Government of Japan, and after the Commander, United States Forces, Japan, has personally, in

CONFIDENTIAL

CONFIDENTIAL

- 3 -

consultation with the Ambassador of the United States of America, determined that a shift to Japanese private contractors is the only practicable way to carry out the functions involved. In giving you this undertaking I wish to state our understanding that, inasmuch as the problem has been one of the release of Master Labor Contract employees, certain work may be transferred to Japanese private contractors if the Master Labor Contract employees who have previously performed it are transferred to other Master Labor Contract assignments and thus maintained on the Master Labor Contract payroll without any prejudice.

I would like to emphasize in conclusion that the above proposal is offered to you in the spirit of mutual helpfulness, cooperation, and equality which has formed the basis of all our discussions of the new security arrangements between Japan and the United States. In this spirit, I have been additionally authorized by my Government to inform you that any transfers of functions previously performed by Master Labor Contract workers to Japanese private contractors after 1960 will, as in the past, be carried out after full consultation with the Government of Japan.

Sincerely yours,

CONFIDENTIAL

功平
手塚
長
自衛隊

行政庁長官事務関係資料に属する件 三三三八 事務関係 功平	事件は同一 十月二十七日 事務関係 功平	此のほかに 左の如き書字に 正部一 功平	一 事務関係 裁判及び 労働委員会に 提起された 件数	注一 (昭和三十一年一月三十日 三月末迄)	注二 (上掲の如き 事件を 含む) 三三三八 功平	(1) 保正 解雇 事業 〇六件 内 三件 功平
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外務省

回覧番号
米保 3979

四 非保解雇事案

八一件

(計製下のもの)

(内訳 人員整理の取扱二〇件 懲戒解雇七一件)

(一) 解雇を命ぜられたりし者 二二件 (計製下のもの 一〇件)

(二) (一)(二)の合計 二一〇件 (計製下のもの 七件)

二 保解雇関係事案

注一 (昭和十六年七月 - 十七年九月末迄)

注二 (一) 注一の重複計算を含まざる者

外務省

(一) 保解雇による職首人員数 三〇五名 (計製下 二〇名)

(二) 被解雇者の内 提訴せざる者 一一〇名 (計製下 一〇名)

(三) 提訴件数 四三件 (計製下 三件)

五 労働契約法施行の経過 (労働指針下) 一七件 三七名

(一) 労使交渉 一三件 二九名

(二) 労使調停 四件 八名

④ 八名中三名は確定後整理済

六 職属中のもの 二六件 七三名

外務省

三 保未解雇以外の筆詰書数

A 保未解雇以外の解雇事業 (人員削減その他裁解雇)

1) 提訴件数 三二件 二一五名

2) 最終確定件数 二三件 二〇〇名

a. 政府勝訴 ^(和解及) 被解雇者以下を含む 二〇件 一九三名

b. 政府敗訴 三件 四名
④ 四名保未確定者整理情報

3) 解雇中のもの 九件 一五名

1) 提訴件数 四五件 一七七八名

2) 最終確定件数 二九件 四四〇名

a. 政府勝訴 二五件 三三八名

b. 政府敗訴 四件 一〇二名

3) 解雇中のもの 一六件 三三四名

四 筆詰関係 調査等に基づく指詰

1) 昭和三十一年六月末現在 四八、三三四、二四七名

12) 最終確定を判決したものの数 一五、七〇五 千円

a. 保ち解雇関係 七、三九三 〃

b. 非保ち解雇関係 四、四五〇 〃

c. 買収関係 四、八六〇 〃

(1) 假処分によるもの 一七、一〇九 〃

(保ち解雇関係 三、一七九)

(2) 監事命令によるもの 一、〇五五 〃

a. 保ち解雇関係七名分 四、四七一 〃

b. 七名以外一〇名分 九、九九〇 〃

13) 解雇を命令した事業主 (海運関係事業主)

(1) 提訴件数 一三件 一五、六〇〇 〃

(2) 最終確定件数 六件 二、四四九 〃

a. 政府提訴 五件 一四、二〇〇 〃

b. 政府訴訟 一件 一、〇〇〇 〃

(3) 監事届中のもの 七件 一三、一九九 〃

C. A及びBの合計をの通り。

(内) 事業之負擔分

前記(四)(三)の次に事業之負擔 〇六〇千円が

ある。

い尚前記(四)(三)を通じて保費解雇金関係の増進

手立拂済額は二八、八三〇千円となる。

五、直用関係には、以て月計手続費定率保費

解雇は二件二名で、其以前、保費解雇金は不詳。

B.4
K

CONFIDENTIAL

Article XIV paragraph 2

1. (a) "Open competitive bidding" in paragraph 2 is understood to mean competitive bidding (which may be executed in the absence of reasons mentioned in paragraph 2 and may therefore be participated by a Japanese contractor), including:

(1) cases where bidding is limited to designated contractors and the contract will be made to the lowest bidder;

(2) cases where bidding is either open to any contractors or limited to designated contractors and the contract will be made in the light of such bidding.

(b) If this interpretation is correct, "open competitive bidding" should read "competitive bidding".

2. Deletion of "to the desires of the Government of Japan", from paragraph 2.

B.4
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CONFIDENTIAL

Article XVIII

1. The term "Self-Defense Forces" in paragraph 11 is understood to mean Self-Defense Forces as defined in Article 2 of the Self-Defense Forces Law, namely, the Defense Agency including not only the three services but the Civilian Bureaus, subsidiary organs of the Defense Agency such as Central Technical Research Institute, Central Procurement Office, Central Construction Office, Defense Staff College and Defense Academy, as well as the Joint Staff Council and its secretariat.

2. The following interpretation shall apply for the purpose of Article XVIII:

(a) The term "members of the defense services" is understood to mean for Japan uniformed members of the Self-Defense Forces, including uniformed members detailed to the subsidiary organs of the Defense Agency.

(b) Employees of the defense services shall include all civilian employees of the Defense Agency.

(c) The property referred to in paragraph 1 shall be the property belonging to the three services.

米局長 参事

行政協定通商関係之に關する件

三三三九 米局長

大臣

信正使

事務局長

次長

事務課長

楊

行政協定第十一号(五)軍事貨物積荷運送に關する合意積事録に
關し、十月二十九日付、大臣官房より山本官に付し、

(1) 日本側積荷は「行方不明」を以て「行方不明」とし、積事録に

記載するに當り、又之を表に出し、積事録に

記載するに當り、(米國と異なる形に)及び積荷積重の積事

上は行方不明とす、(依りて)現行積事録

外務省

合意積事録に歸する他なし

(四) 三十日外務省米正使令後、大臣官房

1. 本件は將來通商に關する一事項として、(一) 積事録に

記載するに當り、

2. N.A.T.O.諸國は軍事貨物は全量積事録に記載するに當り、(一) 積事録に

記載するに當り、(一) 積事録に

と、治方を連絡すべし。

外務省

四三三九 米保 3980

CONFIDENTIAL

Tokyo, December 30, 1959.

1. Attached is a draft exchange of notes between Prime Minister Kishi and Secretary of State Herter regarding the establishment of "The Security Consultative Committee."
2. This exchange of notes provides for the termination of the present "Japanese-American Committee on Security" established on August 6, 1957.
3. The underlined passages in the second paragraph are taken from the original Japanese language which was included in the communique of August 6, 1957, and seem appropriate to the new Committee.
4. We would appreciate the comments of the Ministry of Foreign Affairs as we do not wish to forward anything to Washington until we have fully coordinated it together.

[Handwritten signature]

CONFIDENTIAL

秘

信工使
海軍省
外務省
知事

新古保衛委員会に關する件
 新古保衛委員会に關する件、其の趣意を、
 三十日現在、米土防衛省に送付中。
 新古保衛委員会の設置に關する、其の趣意を、
 三十日現在、米土防衛省に送付中。
 新古保衛委員会の設置に關する、其の趣意を、
 三十日現在、米土防衛省に送付中。

外務省
知事

3982

CONFIDENTIAL

(Draft)

(Japanese Note)

(December 30, 1959)

Dear Secretary Herter:

I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for consultations would prove very useful. This committee, which would meet whenever requested by either side, could consider any

CONFIDENTIAL

CONFIDENTIAL

- 2 -

matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957 would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely for the Japanese Government, the Minister for Foreign Affairs and the Director General of the Defense Agency and for the United States Government, the United States Ambassador to Japan and the Commander-in-Chief, Pacific.

I would appreciate very much your views on this matter.

Yours sincerely,

CONFIDENTIAL

CONFIDENTIAL

(Draft)

(U.S. Note)

(December 30, 1959)

Dear Mr. Prime Minister:

The receipt is acknowledged of your note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security.

I also agree to your proposal regarding the membership of this committee, namely, that the Japanese Government will be represented by the Minister for Foreign Affairs and the Director General of the Defense Agency and the United States Government by the United States Ambassador to Japan and the Commander-in-Chief, Pacific.

Yours sincerely,

CONFIDENTIAL

CONFIDENTIAL

- 2 -

matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957, would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely for the Japanese Government the Minister for Foreign Affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and for the United States Government the United States Ambassador to Japan, who will serve as Chairman of the United States representation, and the Commander-in-Chief Pacific. The Commander, United States Forces, Japan, will serve as alternate for the Commander-in-Chief Pacific.

I would appreciate very much your views on this matter.

Yours sincerely,

CONFIDENTIAL

事務長 事務主任

十月三十日 藤原正 在 事務主任 命令 謹啓



左使

冷元

留上使

事務主任

冷長

事務主任

下田三郎

標

日傳 以新事務主任十月三十日午後十一時三十分 於事務主任室
出席者 藤原正 冷元 事務主任 事務主任 事務主任 事務主任
議事内容 事務主任 事務主任 事務主任 事務主任

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外務省

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外務省

大使 早速清洲参上。

大座 (此の修の御趣に付別紙百三の旨) (別紙三を平交)

大使 自今申上る修の御趣に付、格付上付参上。

大座 御理の旨と相仰す。是れは、御趣に付、格付上付参上。

と書付申上る旨に付。

修の御趣に付、格付上付参上。

大使 早速清洲参上。

修の御趣に付、格付上付参上。

と書付申上る旨に付。

修の御趣に付、格付上付参上。

と書付申上る旨に付。

と書付申上る旨に付。

公同委員より、格付上付参上。

修の御趣に付、格付上付参上。

五等におけること

(同日後新選付不元)

(別添四)

公使館と連綿関係は、外務省の調査に因り、ワシントン
解任の報告の、ハルバート・マクドナルド、ハルバート・マクドナルド

義上、

(右の調査を以て)

(別添五)

ワシントンに於て、ワシントンに於て、ワシントンに於て、ワシントンに於て、
御事、外務省の調査に因り、ワシントンに於て、ワシントンに於て、

二月三日、田中首相の閣議、外務省の調査に因り、ワシントンに於て、

外務省

外務省の調査に因り、ワシントンに於て、ワシントンに於て、
又其の調査に因り、ワシントンに於て、ワシントンに於て、
外務省の調査に因り、ワシントンに於て、ワシントンに於て、

大凡、外務省の調査に因り、ワシントンに於て、ワシントンに於て、

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大凡、外務省の調査に因り、ワシントンに於て、ワシントンに於て、

外務省

(別添六)

外務省

しるし。

尚此の問題は後日言及する機会に再び検討すること
しなく、又五会の手儀の降伏、NATO諸国に於ては
何れの國に於てより所謂軍事軍物は公開され利用す
る別を内閣が受入國の視察検査に服せしむると云ふ
米國側の提議を引用するにあらざるに付、此の提議を

乙

行政府と十四年

十四年契約者の新條文は既に述べた通りであるが
其の中の「日本政府が又此の條文に同意するに
して其の條文の周知を要するが、最近の形を
表出せしめ、此の條文は甚だしくお上りせらるる。

丙

- 1 ○ 交換公文二件 日本側書簡は
日本文とすことを希望する
日本文は手交す
- 2 ○ 吉田・アソフ交換公文第三項
に「ドラフティング」の修正を加えたい
- 3 ○ MSA 協定に現行条件条約に
言及しているところがあるが、特に
手交す必要はないと考える、
理由は別紙のとおり

別添

December 30, 1959

(INDIRECT AGGRESSION)

Japanese Plenipotentiary:

~~The security of a country could be jeopardized in some way other than by armed attack.~~ If the two Governments considered that the security of Japan was so threatened in any way other than by an armed attack against Japan, the Japanese Government understands that the United States will be prepared, upon request of the Japanese Government, to assist Japan to meet this threat by taking such measures as might be deemed appropriate by both Governments.

United States Plenipotentiary:

Under the circumstances you have set forth, the United States would be prepared upon the request of the Japanese Government to assist Japan to meet this threat by taking such measures as may be deemed appropriate by both Governments.

CONFIDENTIAL

134
8/5
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(December 30
23, 1959)

(U.S. Note)

Excellency:

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

It is the understanding of my Government that:

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

facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

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

Accept, Excellency, the renewed assurances of my highest consideration.

30
(December 22, 1959)

(Japanese Note)

Excellency:

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

(Text of U.S. Note)

I have the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

CONFIDENTIAL

別
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三

Re. References to the Security Treaty in the
Mutual Defense Assistance Agreement

In the Mutual Defense Assistance Agreement between Japan and the United States of America, signed on March 8, 1954, there are references to the Security Treaty and the Administrative Agreement which will lose their effect as the new Treaty and Agreement come into force. It will not be necessary, however, to make any amendments in the MDA Agreement in this connection.

The reasons are as follows:

(1) Preamble

"Recalling the preamble of the Security Treaty between Japan and the United States of America, signed at the city of San Francisco on September 8, 1951, to the effect that the United States of America, in the interest of peace and security, would maintain certain of its armed forces in and about Japan as a provisional arrangement in the expectation that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the Charter of the United Nations:

This is no more than a statement of a historical fact. It cannot be replaced by a reference to the new treaty because it is impossible to recall something that comes later. Nor

will

will it be necessary to replace it by an entirely new provision because it could very well fade away without affecting the substance of the Agreement in any way.

(2) Article VI, paragraph 2

"Exemption from duties and exemption from and refund of Japanese taxes as enumerated in the attached Annex E will apply, in addition, to any other expenditures of or financed by the Government of the United States of America for materials, supplies, equipment and services for mutual defense, including expenditures made in conformity with the Security Treaty between Japan and the United States of America or any foreign aid program of the Government of the United States of America under the Mutual Security Act of 1951, as amended, or any acts supplementary amendatory or successory thereto.

It does not seem that this "including" statement was really necessary in the MDA Agreement in the first place, because exemption from duties and taxes is fully provided for in the Administrative Agreement itself. The same applies to the new Administrative Agreement. At any rate, the terms of this paragraph are broad enough, without the "including" statement, to cover expenditures to be made in conformity with the new Treaty.

(3) Article VIII

"The Government of Japan, reaffirming its determination to join in promoting international understanding and good will, and maintaining world peace, to take such action as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations which the Government of Japan has assumed under the Security Treaty between Japan and the United States of America, will make, consistent with the political

and

and economic stability of Japan, the full contribution permitted by its manpower, resources, facilities and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world, take all reasonable measures which may be needed to develop its defense capacities, and take appropriate steps to ensure the effective utilization of any assistance provided by the Government of the United States of America.

Comments on (1) above will apply here also. The term "military obligations" cited above has been understood to mean the obligation under Article I of the Security Treaty to grant the United States the right to dispose United States armed forces in and about Japan, and the obligation under Article III not to grant to any third Power, without the prior consent of the United States, bases, right of garrison or maneuver etc. The comparable obligation to the first one is to be set forth in the new Treaty and the second obligation has been agreed not to be incorporated in the Treaty.

(4) Article IX, paragraph 1

"Nothing contained in the present Agreement shall be construed to alter or otherwise modify the Security Treaty between Japan and the United States of America or any arrangements concluded thereunder.

This paragraph will become unnecessary. Obviously, nothing contained in the M.D.A. Agreement could possibly alter or modify the new Treaty and the related arrangements to be concluded latest.

(5)

(5) Annex E, paragraph 5-b

"Nothing in Article VI, or this Annex shall be construed to

a.

b. Affect exemption from duties and internal taxation provided for by the laws of Japan in accordance with existing agreements and arrangements such as the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America.

Comments on (4) above will apply here also.

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Tokyo, December 30, 1959.

CONFIDENTIAL

1. Attached is a draft exchange of notes between Prime Minister Kishi and Secretary of State Herter regarding the establishment of "The Security Consultative Committee."

2. This exchange of notes provides for the termination of the present "Japanese-American Committee on Security" established on August 6, 1957.

3. The underlined passages in the second paragraph are taken from the original Japanese language which was included in the communique of August 6, 1957, and seem appropriate to the new Committee.

4. We would appreciate the comments of the Ministry of Foreign Affairs as we do not wish to forward anything to Washington until we have fully coordinated it together.

CONFIDENTIAL

CONFIDENTIAL

(Draft)

(Japanese Note)

(December 30, 1959)

Dear Secretary Herter:

I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for consultations would prove very useful. This committee, which would meet whenever requested by either side, could consider any

CONFIDENTIAL

CONFIDENTIAL

- 2 -

matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957 would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely for the Japanese Government, the Minister for Foreign Affairs and the Director General of the Defense Agency and for the United States Government, the United States Ambassador to Japan and the Commander-in-Chief, Pacific.

I would appreciate very much your views on this matter.

Yours sincerely,

CONFIDENTIAL

CONFIDENTIAL

(Draft)

(U. S. Note)

(December 30, 1959)

Dear Mr. Prime Minister:

The receipt is acknowledged of your note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security.

I also agree to your proposal regarding the membership of this committee, namely, that the Japanese Government will be represented by the Minister for Foreign Affairs and the Director General of the Defense Agency and the United States Government by the United States Ambassador to Japan and the Commander-in-Chief, Pacific.

Yours sincerely,

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21
12
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December 30, 1959

TALKING PAPER -- PENDING CLAIMS ISSUES

As you know, there are a number of unsettled claims issues under the present Administrative Agreement, some of them pending for several years. These issues relate to the status of the Japan National Railway, the Nippon Telegraph and Telephone Public Corporation, and the Japan Monopoly Corporation as governmental or non-governmental entities; to Japanese Government claims against the United States for rent of Japanese movable property utilized by United States Forces, Japan; and to the rates charged United States Forces, Japan for the use of leased long distance telephone facilities.

As we have agreed in previous talks, it is clearly in our mutual interest that these pending claims issues be settled before the new United States-Japan security arrangements come up for public debate in the Diet. Opposition elements could be expected to exploit the failure of the Japanese and United States Governments to reach agreement on these long-standing unresolved issues, some of them involving substantial sums of money. Furthermore, carrying over of these issues into the new era of Japanese-American security relationships should be avoided if at all possible.

The United States Government has completed a detailed study of these unsettled claims issues. I will not attempt to recapitulate all of the complex factors involved, which have been exhaustively discussed between United States and Japanese representatives on the technical level. The objective of the United States study has been to develop an overall proposal which would represent a fair, "package"

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- 2 -

settlement of the three claims issues. It is my Government's earnest hope that your Government may agree that the integrated and interdependent proposals set forth below do constitute a fair basis of settlement. These proposals are not subject to being picked apart and dealt with separately.

I. Public Corporations -- United States legal authorities consider that it is not clearly evident that the JNR, the NTTPC, and the JMC should be considered private rather than governmental entities for the purposes of paragraphs 1 and 2 of Article XVIII of the present Administrative Agreement. In the interest of an overall settlement of the three pending claims issues (public corporations, movable property, and telecommunications charges), the United States Government is nevertheless prepared to accept the Japanese Government's determination that these corporations are non-governmental entities for the stated purposes.

In thus acceding to the Japanese Government's position on this question, the United States assumes two things. First, that the Japanese Government is prepared similarly to accept determinations of the United States Government respecting the legal status of its entities. Second, that the Japanese Government agrees that determinations by the Japanese Government or the United States Government that one or another of its agencies is governmental or non-governmental shall hereafter be consistent whenever the same types of claims respecting that agency are involved -- claims under Article XVIII of the Administrative Agreement, on the one hand, and contractual or other kinds of claims, on the other.

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- 3 -

As I just mentioned, United States legal authorities consider that it is not clearly evident that the three corporations in question are private rather than governmental. At the same time we are prepared to accept your Government's determination that they are private, assuming that this "package" proposal which I have been asked to present to you is acceptable. In these circumstances my Government considers that all past claims under paragraphs 1 and 2 of Article XVIII turning on the question of the public or private character of the three corporations, the balance of such claims being in favor of Japan, should be waived.

II. Movable Property -- The United States agrees that a settlement should be made compensating the Japanese Government for all public and private movable property (not including telecommunications equipment) utilized by United States Forces, Japan outside United States facilities and areas. This compensation would be made as a lump sum payment computed on the basis of a mutually agreed appraised valuation of the property as of January 1, 1960. United States Forces, Japan has estimated the present, depreciated value of the property to be approximately \$750,000. It would be understood that this lump sum payment, if accepted by the Japanese Government, would be in lieu of any past or future rental claims by the Japanese Government or by private owners for such property. It would be further understood that title to the property would not be affected by this settlement, and that when the property is no longer considered necessary by United States Forces, Japan for the performance of its security mission, it would be returned.

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- 5 -

The high rates charged United States Forces, Japan by the NTTFC for the use of leased long distance telephone facilities are the key factor in this entire claims picture. On any ground one might care to pick -- the cost of providing the service, the rates charged some Japanese users, the rates for comparable service in other countries, or the net profits realized each year by the NTTFC -- the rates charged our Forces are clearly excessive and entirely out of keeping with the relationship of equality, mutuality and fair dealing on which both Governments desire their common defense effort to be based. The rates represent a discrimination against United States Forces, a discrimination which has resulted in the Forces paying \$30 - \$40 million in overpayments for communications services necessary to the fulfillment of the Forces mission in Japan, which of course includes assisting in the defense of Japan. Washington is seriously concerned over the matter. Both United States military expenditures in Japan and Japanese defense appropriations are being drained off to the NTTFC by these excessive rates, to the detriment of our mutual defense posture and at the expense of the taxpayer.

The United States does not attempt to suggest the procedures your Government might follow to reduce telecommunications rates to the United States Forces in Japan. Our study of relevant Japanese legislation leads us to believe that the reduction could be accomplished by administrative action. On the other hand, your associates have informed us that your Government would face problems if it reduced telecommunications rates to the United States Forces in Japan below those paid by

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- 4 -

to the Japanese Government in the same manner as other movable property. Finally, it would be understood that United States Forces, Japan might transfer such property or other movable property currently within United States facilities and areas between locations within or outside United States facilities and areas in Japan as it deemed necessary. This is necessary to meet problems arising from the transfer of personnel and functions from one installation to another and also in connection with the return of facilities and areas to Japan.

III. Telecommunications -- The United States is prepared to release to Japan long distance telecommunications facilities outside United States facilities and areas which were constructed with Termination of War funds or under the Japanese Government's Relocation Construction Program. The Japanese Government would for its part agree that the United States Forces will enjoy priority in the utilization of circuits in the released facilities. The Japanese Government would apply rates for the use of such released facilities, and for the use of all leased NTTFC facilities, equal to the lowest rates paid by any ministry or agency of the Japanese Government. These rates are presently those paid by Japanese police agencies, based on 1590 calls per line per month. The United States Forces would control all telecommunications property within United States facilities and areas, and would have the right to use such property without cost, except for the cost of maintenance and operation, and to move such property from one United States facility and area to another. All past claims of indebtedness or overpayment for telecommunications services would be cancelled.

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- 6 -

the Japan Defense Agency. However, Japan Defense Agency telecommunications payments to the NTTPC are of course only an internal Japanese Government transaction, a transfer of funds from one pocket to the other. Your associates have also suggested that it would raise a problem for you to reduce telecommunications rates to the Japan Defense Agency below those to Japanese civilian ministries and agencies. The logical course in these circumstances would seem to be to reduce long distance telephone rates to all official users to the police rate. But whatever steps are necessary to accomplish this reduction I can only urge most strongly that they be undertaken, since the present situation is one which could result in most serious problems.

My Government believes that the "package" proposal I have outlined to you constitutes a fair basis of settlement of the issues involved. The proposal includes the following elements:

First, we would accept your Government's determination that the Japan National Railway, the Nippon Telegraph and Telephone Public Corporation, and the Japan Monopoly Corporation are non-governmental entities for the purposes of paragraphs 1 and 2 of Article XVIII of the present Administrative Agreement (paragraphs 1 through 4 are the corresponding paragraphs in Article XVIII of the new Agreement);

Second, the United States would make a lump sum payment in settlement of Japanese claims for rent due for our Forces' use of movable property outside United States facilities and areas;

Third, the long distance telephone facilities built for the exclusive use of the United States Forces with Termination of War yen

CONFIDENTIAL

CONFIDENTIAL

- 7 -

and under the Japanese Government's Relocation Program would be released by United States Forces, Japan, permitting Japanese use of these facilities during off-peak hours and at other times as feasible;

Fourth, United States Forces, Japan would commence payment for the use of these long distance telephone facilities, at the lowest rate paid by any ministry or agency of the Japanese Government; and

Fifth, the United States would renounce all claims for some \$30 - \$40 million overpayments which it considers that it has made for the use of Japanese long distance telephone circuits, computed on the basis of the rates charged Japanese police agencies.

My Government sincerely hopes that the Japanese Government will be able to accept the package proposal I have presented. You are as conscious as I am of the importance of ensuring that these claims issues are settled before debate on the new security arrangements begins in the Diet. If we are unable to dispose of these issues, some pending over many years, opposition elements will take full advantage of the opportunity to cite these large unsettled claims in disparagement of the cooperative security relationship existing between our two countries and of our plans under the new Treaty and Administrative Agreement to maintain and reinforce that relationship.

CONFIDENTIAL

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CONFIDENTIAL

List of Topics for Discussion by Japanese and American Leaders
on January 19

1. Morning meeting at White House with President.

This meeting would be primarily devoted to discussion of highlights of Japanese-U. S. relations and review of current international situation including particularly results of the President's trip and Western Summit Meeting, etc. In addition the President may wish to discuss briefly relations between Japan and the Republic of Korea.

2. Afternoon meeting at State Department with Secretary Herter.

It is suggested that our afternoon meeting could include any necessary elaboration with respect to the morning meeting as well as the following subjects:

- a. Communist China
- b. Security matters, GOJ plans for defense build-up, etc.
- c. Trade relations
- d. GARIOA
- e. Economic development
- f. Agreement on communique

CONFIDENTIAL

松種

冷元
手紙
冷長
手紙
手紙

<p>加達すといふ事あり。此等英米日米日米関係とすの便</p>	<p>難あり。又戦時力動とす。此等は自由経済の発展と</p>	<p>日米とす。此等は自由経済の発展と</p>	<p>申す。此等は自由経済の発展と</p>	<p>軍事 military combat operation を 日米 関係</p>	<p>日米とす。此等は自由経済の発展と</p>	<p>日米とす。此等は自由経済の発展と</p>	<p>日米とす。此等は自由経済の発展と</p>	<p>日米とす。此等は自由経済の発展と</p>
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外務省

米局長
手紙

交換文用件

三三三三三三三三三三

米係 3356

之事として着手である。

（十通の件及び関係書類の整理）
（10月20日）

二 吉岡アキノと文に周する文

十月三十日の例指書と同日に同文。

向文の文の ~~修正~~ 日本側書簡の日付はISIXの

件はWJHから同意して来たこと。

≡ MSA 協議

米側側面には「本保修協を update する等」の修訂は

外務省

必要がし知れば、何れにせよ右は同協定の効果を影響する

ものづく、又其の修訂の修訂は署名に先立ち又は同時に行ふ

必要はないと云ふことである。右に付し本協定は、米側側

若し協定を又の修訂を必要とする ~~修正~~ 修正は此

修訂と同時に修訂を行ふ必要があるから、この点には注意を要する

清洲の二書（要あり）と出、米方との承認を。

其の修訂は、米方より右清洲に周し、此の際 MSA 協定の修訂は

外務省

必要なしと認む。運送の事情は支を打つこと。此の支打は文は秘扱と

し。此の支打は文は秘扱と
取付し。この支打は文は秘扱と

未停せしむ。右に之を又なしと由受し。此の支打は文は秘扱と

四 行路は右に十四年

此の支打は文は秘扱と
切除無存なり。(内報)

五 此の支打は文は秘扱と

前又は付票を因める要あり。此の支打は文は秘扱と

外務省

考へ又は人としてしむるべき事とする。

六 合同委員会持主等の効力は後ろを扱ふに文

先方より。本支打は文は秘扱なり。此の支打は文は秘扱と
limited official use only

一は十九日午時の合議の所 考へするに之は如何との

法あり

七 此の支打は文は秘扱と
此の支打は文は秘扱と

八 此の支打は文は秘扱と
此の支打は文は秘扱と

外務省

(December 31, 1959)

38-12-31

第8条-Feeneyへ可及

Re. Article XVIII, paragraph 7.

The Japanese side is unable to accept the U.S. proposal for the understanding on the exception mentioned in Article XVIII, paragraph 7 for the reasons given below, but it is willing to have its legal experts take up the matter with those of the United States at the new Joint Committee.

1. Under the present Japanese law, the above-mentioned exception would mainly operate in cases of negligence. How it would operate in other cases would require an extensive legal study on cases of the civil law and the Motor Vehicle Damage Indemnification Law.

2. In any case it is considered improper that, irrespective of what the Japanese law would require, the operation of the exception be definitely limited to cases of negligence, since the question as to whether the U.S. armed forces are legally responsible or not is to be determined, as is clearly stated in paragraph 5, according to the Japanese law. Furthermore, in the event that a Japanese law should in future be enacted positively to make the liability of the owner of a vehicle absolute in cases of its unauthorized use, such limitation would unavoidably run counter to this Agreement in its provisions of paragraph 5, Article XVIII providing for the determination of the issue of liability according to the Japanese law.

Re. Article XVIII, paragraphs 7 and 8:

Clarification is requested on the meaning of the expression "unauthorized use" of a vehicle as mentioned in paragraphs 7 and 8 of Article XVIII. Does it refer to an individual permission given in each specific use of an official vehicle? Or does it categorically mean the use of official vehicles for purposes other than their official purposes?

Re. Article VIII, paragraph 2 (f)

It is understood that the amount of \$1,400 should be deducted from the amount of compensation awarded by the arbitrator, and not from the amount distributed to each party in accordance with the provisions of paragraph 5 (e). Confirmation of the above understanding is appreciated.

別紙

労働関係調整法に因る未払説明

一 直用労働関係調整法に因る未払説明

日本側は、労働関係調整法に因る未払説明及び、未払費用負担増と

日本側は、労働関係調整法に因る未払説明及び、未払費用負担増と

あり、

日本側は、労働関係調整法に因る未払説明及び、未払費用負担増と

日本側は、労働関係調整法に因る未払説明及び、未払費用負担増と

外務省

その程度を主として同定する。 昭和十一年の事例の平均値は、
九千七百五十円

1. 正職平均の算定は、漸次増進の傾向あり、平均値は、
一四、五、五、千円

2. 日給制の算定は、切替の傾向あり、平均値は、
九千七百五十円

3. 行給費を算定するに、昭和十一年七月七日と、
昭和十一年の平均値あり

昭和十一年 三、一、四、千円

外務省

3. ハトの平均値を、昭和十一年の平均値に、
昭和十一年の平均値あり

一七、六、五、千円

4. 十五歳未満の算定は、
昭和十一年の平均値あり

昭和十一年の平均値は、
九、七、千円

昭和十一年の平均値は、
九、〇、千円

以上合計すると、
昭和十一年、二、一、三、三、千円、
昭和十二年以降、六、七、七、千円

千円の算定は、昭和十一年の平均値に、
昭和十一年の平均値あり

外務省

城得(一)

二 協定の協定に於て

(1) 四項本文は 万が一ともいふべきことなし。不審と認む。

(2) 六項に appropriate を加ふる。其内接尾句切取は 三ヶ箇の者の規定

のあり。

(3) 協定の協定は 両政府之に依り、本条から外し 聯合委員

事務局に於て之を決定す。

外務省

(1) finally binding 及び duties は 去る final 及び duty と一義し。何れも一言のみの同

義をなす。

(2) 協定の協定は 両政府之に依り、本条 三ヶ箇の者の規定に

合致するものあり。三ヶ箇の者の規定は 協定の協定に

合致するものあり。三ヶ箇の者の規定は 協定の協定に

(3) 協定の協定は 両政府之に依り、本条 三ヶ箇の者の規定に

合致するものあり。三ヶ箇の者の規定は 協定の協定に

外務省

指令は物動の利便を旨として、これをいかに
令を執行するに努むるべきである。

(1) 前記(1)及び別添の令を執行するに当たっては
要領を合しとする。

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DRAFT COMMUNIQUE

January 3, 1959.

The President of the United States and the Prime Minister of Japan met today on the occasion of signing the Treaty of Mutual Cooperation and Security between the United States and Japan. Their discussions were mainly devoted to review of current international developments and the status of U.S.-Japanese relations.

I.

The President and the Prime Minister looked back over relations between Japan and the United States over the past two-and-a-half years since they last met. They were particularly gratified to see fruition of their desire to develop a new era in relations between the two countries firmly based on the common interests and principles of cooperation enunciated by them in June 1957. Among evidences of the new era were withdrawal from Japan of United States ground combat forces and reduction of other U.S. military forces, final release of all war criminals, steps taken toward settlement of the Bonin Islands compensation question, and continuing great increase in trade between the two countries. They agreed that the most significant evidence of the new era is the new Treaty of Mutual Cooperation and Security and the related arrangements signed today. They consider that this Treaty reflects full partnership between the two countries in all aspects of their relations, including political and economic.

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- 2 -

The President and the Prime Minister are convinced that the new Treaty will strengthen the fabric of peace and security in the Far East and advance the well-being of the people of both Japan and the United States. They are also convinced that it will foster an atmosphere of mutual confidence. In this connection, Prime Minister Kishi discussed the problem of consultation with the President under the new treaty arrangements. The President assured him that the United States Government had no intention of acting with respect to matters involving consultation in a manner contrary to the wishes of the Japanese Government.

II.

In their discussion of economic and trade relations between the United States and Japan, the President and the Prime Minister recognized that economic and trade ties between the two countries are crucial matters for both countries since the United States is Japan's largest market for exports, while Japan has become the United States' second largest market. The President complimented Japan on its ability to achieve unprecedented levels of prosperity and attributed this development to the skill and energy of the Japanese people and the excellent trade relations existing between Japan and the United States. The President and Prime Minister agreed that it was vital to both countries that world trade continue to expand and that such expansion is possible through avoidance of unnecessary and arbitrary restrictions on the flow of commerce and through active

steps to remove the existing obstacles to trade. The President and the Prime Minister exchanged views on European economic and trade communities and on the role that can be played by industrialized free world countries in the economic development of less developed areas.

III.

The President discussed his recent trip to South Asia, Near East, Africa and Europe. The President told the Prime Minister how deeply he was impressed during his trip with the overwhelming desire throughout these areas for peace, freedom, and a better way of life. The President observed that at the forthcoming summit meeting he was determined to exert every effort to make significant progress toward achievement of these universal goals. The Prime Minister expressed full agreement with the President. The President and the Prime Minister concluded that the world is entering a period which not only affords new opportunities but presents certain risks. They expressed their strong conviction that, to exploit the opportunities afforded during this period and minimize risks, it is particularly essential at this juncture for the free world to maintain its unity through such steps as strengthening of US-Japanese association by means of new treaty ties. They considered equally essential, and appealed for, renewed efforts to assist in the tremendous task of economic development facing so many nations.

IV.

The President and the Prime Minister concluded from their review of the international situation and US-Japanese relations that the firm basis had been created for a lasting partnership between the two countries. They expressed the firm conviction that Japan and the US should dedicate their partnership to the furtherance of international peace, security and well-being. They also look forward to the centennial celebration this year of Japan's first embassy to the US and the coming into effect of the US-Japan treaty of commerce and friendship as a particularly appropriate means of demonstrating the historical continuity of Japanese-US friendship and cooperation.

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21
1/3
= January 3, 1960

Proposed Amendments to Japanese
December 21 Labor Proposals

Article XII

4. Local labor requirements of United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities. ~~The parties to the contract of employment shall be the Government of Japan and the individual worker.~~

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should the United States armed forces or as appropriate an organization provided for in Article XV dismiss a worker ~~for security reasons~~ and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become ~~finally-binding~~ final, the following procedures shall apply:

- (a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;
- (b) Should the United States armed forces or the said organization not desire to return the worker to ~~duties-involving-access-to-facilities-and-areas-used-by-the-United-States-armed-forces~~ duty, they shall so

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notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from ~~such-duties~~ duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case.

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to ~~duties-involving-access-to-facilities-and-areas-used-by-the-United-States-armed-forces~~ duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

United States Note

I have the honor to refer to paragraph 6 (d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after

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CONFIDENTIAL

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the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6(c) of Article XII above on the basis of mutually agreeable criteria.

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

Agreed Minutes

Re Article XII, paragraph 4:

The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

Re Article XII, paragraph 6:

It is understood that the phrase "~~for security reasons~~" shall include reasons of provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

~~It is further understood that the United States armed forces and the organizations provided for in Article XV shall in all matters affecting the employment of Japanese labor other than the matters dealt with in Article XII, paragraph 6, act in conformity with the decisions of the courts and the Labor~~

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-4-

~~Relations Commissions of Japan as these decisions become finally binding in accordance with the laws of Japan.~~

It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.

Article XV

(Paragraph 4 to be deleted and paragraph 5 renumbered paragraph 4.)

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- 一 新しき行政協定は「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才六条に基づく施設及び区域並びに日本国における合衆国軍隊の地位に関する協定」と称する。
- 二 新協定は、新条約と同時に国会の承認を求めることとする。
- 三 合意された改訂点は概ね次のとおりである。

才二条（施設及び区域の提供）

施設及び区域の提供に関し、現状に即させるため左のごとき改正を行う。

- (1) 1項中の「この協定の効力発生の日までになお両政府が合意に達していないときは」の部分削除し、現在米軍が使用中の施設及び区域は新協定に基き提供されたものとみなすこととする。
- (2) 施設の共同使用に関する4項(a)及び(b)の「、、、射撃場及

極秘

び演習場のような施設及び区域」とあるうち「射撃場及び演習場のような」の字句を削除する。

さらに(a)の「、、、日本国の当局及び国民は、それを臨時に使用することができる」とあるを、「、、、日本国政府は、臨時にそのような施設及び区域をみずから使用し、又は日本国民に使用させることができる。」と改める。

才三条（施設区域に関する権利）

- (1) 1項中の「、、、権利、権力及び権能を有する」との表現を「、、、必要な措置をとることができる」に改める。
- (2) 1項末段の「必要に応じ」を削り、在日米軍が施設区域外で措置をとるような場合は必ず日本側と協議するものなることを明にする。
- (3) さらに施設区域外では日本側が所要の措置をとるのが原則であり又実情でもあるので、施設区域外では日本政府が法令

の範囲内で所要の措置をとるものなることを明記する。
(4) 2項末段の経過規定は削除し、日本政府は不必要な電波障害を除去するため法令の範囲内で所要の措置をとる趣旨の規定を置く。

才五条 (施設への出入及び施設間の移動)

- (1) 1項後段に出国の場合も加える。
- (2) 2項末尾に、米軍の軍用車両については、道路使用料等の課徴金を免除する旨の規定を追加する。(これは現在、合意議事録中にあるものを、制限した形で協定中に移すものである。)

才八条 (気象)

わが国は国際民間航空機関及び世界気象機関の加盟国となつたので現状に即し、所要の技術的修正を行う。

才九条 (出入国)

- (1) 1項の「合衆国は、この協定の目的のため、合衆国軍隊の構成員、、を日本国に入れる権利を有する」とあるを「本条の規定に従うことを条件として、合衆国は、合衆国軍隊の構成員、、を日本国に入れることができる」と改め、さらに、米軍が出入国者の数及び種別につき日本側に定期的に通報を行う旨の了解を行う。

- (2) 現行行政協定では本条5項に軍人、軍属がその身分を失つた場合における送還に関する規定が存するが、この規定のほか、軍人、軍属の身分を保有している者についても日本側が送送を要請した場合に合衆国がこれらの者を自国の領域内に受け入れ、その他日本国外に送送することにつき責任を負う旨の規定を追加する。

才十一条 (通関)

- (1) 5項(a)を修正し、米軍の構成員は税関検査に服することとする。

(2) 5項(c)を修正し、軍事郵便局を通ずる私用小包は税関検査に服することとする。

才十二条（調達）

- (1) 1項に両政府間の合意があるときは、日本政府を通じて需品又は工專の調達を行うことができる旨の規定を追加し、いわゆる間接調達についても言及し置くこととする。
- (2) 米軍が調達計画に関する情報を可能な限り事前に日本政府に通報する旨の了解を行う。
- (3) 労務関係については直接雇用労務を総て間接雇用に改めることとし、又いわゆる保安解雇問題をおおむね西独協定の方式に準じて解決することとする。
- (4) 間接雇用によつていた事業を特需契約に切替へる問題については、米側より、昭和三十五年一杯は行はないこととし、その後も本件については密接に協議して行くものなることを約束する。

才十四条（特殊契約者）

いわゆる特殊契約者に関する規定であるが、新たに左の趣旨の規定を追加し、なお契約者指定は日本政府と協議の上行うこととする。

- (1) 特殊契約者が用いられる場合を制限し、競争入札によることが、安全上の考慮、技術上の条件、米国の標準に合致する資材若しくは役務の欠除又は合衆国の法令上の制限のため実際的でない場合に限るものとする。
- (2) 左の場合には、特殊契約者としての資格を失うものとする。
 - (a) 契約の履行が終了したとき
 - (b) 日本において米軍関係以外の事業に従事するとき
 - (c) 違法な活動を行ったとき

才十七条（刑事裁判権）

昭和二十八年にナトなみに改正された条文を協定中に取り入れる。

才十八条（民事裁判権）

全条文をナト協定と同様に改正する。

この改正により従来の行政協定と異なる最も重要な点は、

(1) 請求権の相互放棄が、自衛隊と米軍間のものとなる。

(2) 民事上の損害を与えた行為が公務執行中の行為であつたか否かの認定が日本人たる仲裁人の決定によることとなる。

才二十二条（予備役団体）

合衆国が予備役団体へ編入しうる米国民はこのような申請を行うものに限る旨規定を改める。

才二十四条（非常事態の協議）

新安保条約中に規定すべき事項であるから削除する。

才二十五条（費用負担）

2項(b)の防衛分担金条項を削除する。

合意議事録

現行協定の合意議事録中新協定下にも適用されるべきものは引き続き適用されることとし、新しい合意議事録にまとめる。

合同委員会の合意書等

現存の合同委員会の合意書、了解、取極等は総て新協定下の合同委員会に引継がれることとする。

CONFIDENTIAL

January 4, 1960

Proposed Amendments to U.S.
January 3 Labor Provisions

Article XII

4. Local labor requirements of United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Should a worker be dismissed at the request of the United States armed forces or as-appropriate an organization provided for in Article XV dismiss-a-worker and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

(a) The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission;

行政協定と労働関係
労働関係
労働関係

大蔵

Jan

大蔵大臣は事務当局とわかつかり
話し合つて欲しい旨を述べた
同大臣自身は大体了解しているが
事務当局と話し合つて上 (例として納付
済みの) マ大使の方では Time limit
の関係が原因 昨日の原案に連絡し
差支えない

事務関係の件
一月から
秋まで
関係

外務省

(b) Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case.

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

7. The provisions of paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

United States Note

I have the honor to refer to paragraph 6(d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year but be no less than three months, as after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement, and may shall be determined ~~in the consultations under paragraph 6(c) of Article XII above~~ on the basis of mutually agreeable criteria.

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

Agreed Minutes

Re Article XII, paragraph 4:

The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

Re Article XII, paragraph 6:

~~It is understood that the provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.~~

~~It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.~~

Re Article XII, paragraphs 5, 6 and 7:

It is understood that the term "the legislation of Japan" mentioned in paragraph 5, Article XII includes decisions of

the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6 and 7, Article XII.

Article XV

(Paragraph 4 to be deleted and paragraph 5 renumbered paragraph 4)

In connection with the change in the mode of employment, from direct hire to indirect hire, of the workers working with the organizations provided for in Article XV, I wish to inform Your Excellency that the Government of Japan will see to it that such change would not entail any appreciable increase in the cost of labor for such organizations or appreciable changes in the working conditions.

極私

山田次官、マ、カ、リ、サ、リ、大、使、會、談、要、旨、

昭和二十五年一月五日午後二時半、山田次官、大、使、會、談、要、旨、

山田次官、大、使、會、談、要、旨、

山田次官、大、使、會、談、要、旨、

山田次官、大、使、會、談、要、旨、

山田次官、大、使、會、談、要、旨、

山田次官、マ、カ、リ、サ、リ、大、使、會、談、要、旨、	昭和二十五年一月五日午後二時半、山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、	山田次官、大、使、會、談、要、旨、
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外務省

町来して、自分、わがわがの、この際、裁く、うら
 ぬ、善の途は、ワレントン、子業を、うらま、操用、する
 こと、この、ある、と思、う、うら、ま、を、取、り、上、が、百、の、二、
 はず、から、日本、修、り、せ、向、途、を、再、の、オ、ー、パ、ン、する、二
 と、を、思、い、止、ま、つ、て、は、ら、い、い、と、お、い、い、
 二、よ、い、お、し、し、地、方、から、最後、の、決定、は、後、で、する、と
 一、二、と、い、わ、く、若、修、正、の、うら、ま、の、幸、運、を、幸、之、を、申、う、て
 一、と、述、べ、り、修、正、の、結果、左、右、と、あり
 (1) 町、の、修、正、の、オ、ー、パ、ン、(2) パ、ン、の、入、り、と、あり、の、修
 正、は、(1) 日本、修、正、の、イン、ス、ト、ル、を、し、る、が、技術、的、的、に
 町、の、修、正、の、イン、ス、ト、ル、と、い、う、こ、と、の、ワ、レ、ン、ト、ン、の、取、り、次、に
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。
 (2) 町、の、修、正、の、オ、ー、パ、ン、也。

(1) 町、の、修、正、の、オ、ー、パ、ン、日本、の、レ、カ、ス、シ、イ、ン、ジ、の、解、釈、的、に
 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。
 (2) 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。

二、内務省
 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。
 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。
 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。
 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。
 町、の、修、正、の、オ、ー、パ、ン、と、あり、修、正、の、ワ、レ、ン、ト、ン、と、あり、
 是、の、他、は、ノ、ー、リ、の、オ、ー、パ、ン、也。

既し、マは、アムト、アタツの解題いふ小の
 ことと、米子西海といふは、日米お前と書(る)こと
 といふや、米子西海といふは、ことあるのともいふ
 うこと、二小も昔昔いふこと
 義成のの書といふは、大徳は、さういふ
 (1) 上院外交事務の報告、米子行政
 府の報告、其の報告、行政の報告、その
 報告と、報告といふこと、いふこと、いふこと、いふこと
 (2) アタツの國務大臣の報告、全報告、いふこと、いふこと、いふこと
 大の報告と、全の報告といふこと、國務大臣と
 しては、不在高白加、上院の報告、其の干
 渉、報告といふこと、いふこと、いふこと、いふこと
 其の(1) 報告、報告といふこと、いふこと、いふこと、いふこと

外務省

(1) 米子西海の報告、いふこと、いふこと、いふこと
 一、いふこと、いふこと、いふこと、いふこと、いふこと
 かく、國務大臣の報告、いふこと、いふこと、いふこと
 と、いふこと、いふこと、いふこと、いふこと、いふこと
 いか、いふこと、いふこと、いふこと、いふこと、いふこと
 國務大臣の報告、いふこと、いふこと、いふこと
 といふこと、いふこと、いふこと、いふこと、いふこと
 大徳は、其の報告といふは、いふこと、いふこと、いふこと
 政府の報告といふこと、いふこと、いふこと、いふこと
 三、いふこと、いふこと、いふこと、いふこと、いふこと
 大徳は、いふこと、いふこと、いふこと、いふこと、いふこと
 といふこと、いふこと、いふこと、いふこと、いふこと

外務省

(b) Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;

(c) Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case.

(d) Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.

7. The provisions of paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

United States Note

I have the honor to refer to paragraph 6(d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that "in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments."

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year but be no less than three months, as after the notification provided for in paragraph 6(b) of Article XII of the above-cited Agreement, and may shall be determined ~~in the consultations under paragraph 6(e) of Article XII above~~ on the basis of mutually agreeable criteria.

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

Agreed Minutes

Re Article XII, paragraph 4:

The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for in Article XV in connection with the employment of workers to be provided for such organizations.

Re Article XIII, paragraph 6:

~~It is understood that the provisions of Article XIII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.~~

~~It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.~~

Re Article XII, paragraphs 5, ^{and} 6 and 7:

It is understood that the term "the legislation of Japan" mentioned in paragraph 5, Article XII includes decisions of

the courts and the Labor Relations Committees^{of Japan} of Japan, subject to the provisions of paragraphs 6 and 7, Article XII.

Article XV

(Paragraph 4 to be deleted and paragraph 5 renumbered paragraph 4)

Draft Agreed Minutes
(Indirect Aggression)

Japanese Plenipotentiary:

The phrase "an armed attack" in Article V of the Treaty is taken out of Article 51 of the Charter of the United Nations. Obviously, purely internal disorders or revolutions would not be considered armed attacks. However, if a revolution were aided and abetted by an outside power such assistance might possibly be considered an armed attack. It is understood that, if so considered by the two Governments, the United States will be prepared to assist Japan to meet such indirect aggression at the request of the Japanese Government.

United States Plenipotentiary:

In such a case the United States Government will be prepared to do so by taking such measures as may be deemed practicable.

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一月二十七日	日時	大屋	行政	長	島大使	下大使	長	長	長	長	長	長	長	長	長	長	長	長	長	長	長
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長
長



米保 1067

外務省

判事らが、現在、彼等の権利を著意であるに信ずる。このことは先般の
 案件は既述の通りなり、於て、其事の困難ある旨と述べ、一、直に、は、例が
 なる、*the same number of minutes as in the case of the first trial*
 するにすぎない。
 尚ほ、例の修正を、特に、法会は判事は、手と金との間は、存在なし。
 但し、留置の、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 被告軍則及び、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*

外務省

此の點は、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 左記 國裁、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 け、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 留置候場には、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 するに、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 行、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 するに、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*
 するに、*dismiss* するに、*dismiss* するに、*dismiss* するに、*dismiss*

外務省

上使 (一) 冊の上 (二) 下 (三) 付達す。

読

上使 M.A. 使との扱は用す。案と見上す。

(別紙二)

上使 (一) 下 (二) 付達す。

署長武の情を極力有効に活用す。見地より。事務協定書又の子の署名

名を打つことし。他の人は署名をしないこととす。

上使 如書す。

協理 上使の令に於ける決議とは。東區関係の現状。目録

外務省

閣僚 中使 協定の締結に必要の諸事項。付録の文を希望

す。

上使 早急に答へ。尚 協定の締結は必要事項を明記することあり。協定

を打つことあり。協定から目録の各項目を若干修正することあり。如何とす

上使 前回の上使は協定を締結することあり。

上使 (一) 下 (二) 付達す。

上使 協定の締結は必要事項を明記することあり。協定を締結することあり。

外務省

後、手と考へるし。

大使 半通致さずし。

共同の事業に就て、大府の承認に固く、又、参事の修助に固く、その
承認を。

大府 参事は何の理由より、物強の権を未だ得ざるを、内言に於ては、今も
申上事ゆゑ、参事は、大府の命令に或は干渉を爲さず、大府の言は、尚
ゆるむるべし、大府の言は、いとゆるむ。

外務省

大使 参事は、半通の用致さずし。

(参事は、何の理由より、物強の権を未だ得ざるを、内言に於ては、今も

ゆるむるべし、

大府の言は、尚ゆるむるべし、大府の言は、いとゆるむ。

大府 参事は、半通の用致さずし。

(参事は、何の理由より、物強の権を未だ得ざるを、内言に於ては、今も

大府 参事は、半通の用致さずし。内言に於ては、今もゆるむるべし、大府の言は、
いとゆるむ。

外務省

大臣 大臣は材料が揃うと内務省は始まるからと云うこと。

大臣 半額は内務省は本例に基きて資料全部を提出せしめなければならぬ。

大臣 資料は内務省は提出せしめなければならぬ。内務省は提出せしめなければならぬ。

大臣 以上資料は提出せしめなければならぬ。以上資料は提出せしめなければならぬ。

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外務省

大臣 以上資料は提出せしめなければならぬ。以上資料は提出せしめなければならぬ。

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外務省

CONFIDENTIAL

(Draft)

(Japanese Note)

別
添
←

January 6, 1959)

Dear Secretary Herter:

I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriate be used for consultations would prove very useful. This committee, which would meet whenever requested by either side, could consider any matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under

- 2 -

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957 would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely on the Japanese side, the Minister for Foreign Affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and on the United States side, the United States Ambassador to Japan, who will serve as Chairman on the United States side, and the Commander-in-Chief, Pacific, who will be the Ambassador's principal advisor on military and defense matters. The Commander, United States Forces, Japan, will serve as alternate for the Commander-in-Chief, Pacific.

I would appreciate very much your views on this matter.

Yours sincerely,

CONFIDENTIAL

(Draft)

(U.S. Note)

(December 30, 1959)

Dear Mr. Prime Minister:

The receipt is acknowledged of your note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security.

I also agree to your proposal regarding the membership of this committee, ~~namely, that the Japanese Government will be represented by the Minister for Foreign Affairs and the Director General of the Defense Agency and the United States Government by the United States Ambassador to Japan and the Commander-in-Chief, Pacific.~~

Yours sincerely,

CONFIDENTIAL

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(January 6, 1960)

Re. MDAA

(U.S. Note)

Excellency:

- I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed to-day. It is the understanding of the Government of the United States that references to the Security Treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951, appearing in the Mutual Defense Assistance Agreement between the United States of America and Japan, signed at Tokyo on March 8, 1954, should be understood to be references to the corresponding provisions, if any, of the Treaty of Mutual Cooperation and Security.

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

Accept, Excellency, the renewed assurances of my highest consideration.

(Japanese Reply)

Excellency:

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

(Text of U.S. Note)

I have further the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

CONFIDENTIAL

(January 7, 1960)

AGREED MINUTES TO THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA

Japanese Plenipotentiary:

While the question of the status of the Islands administered by the United States under Article III of the Treaty of Peace with Japan has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

In the event of an armed attack against these islands, the United States Government will consult at once with the Government of Japan and intends to take the necessary measures for the defense of these islands, and to do its utmost to secure the welfare of the islanders.

Washington, January 19, 1960

(Signature)

(Signature)

MDAA

CONFIDENTIAL

35.1.7 受

Excellency:

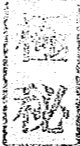
I have the honor to refer to recent conversations between representatives of our two governments concerning certain revisions in The Mutual Defense Assistance Agreement between The United States of America and Japan signed at Tokyo on March 8, 1954, in connection with the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960, and with the termination of the security treaty signed at San Francisco on September 8, 1951.

I now have the honor to propose the following amendments to the Mutual Defense Assistance Agreement:

1. Delete the present third clause of the preamble and substitute the following:

"Noting that the preamble of The Treaty of Mutual Cooperation and Security between The United States of America and Japan signed at Washington on January 19, 1960 recognizes the inherent right of individual or collective self-defense as affirmed in The Charter of The United Nations and that Article III of the treaty states that the parties, individually and in cooperation with each other, by means of continuous and effective self-help

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|---|--|--------|
| 8 | 同協定第十二条(労働)に関する交換公文 | 不
要 |
| 7 | 同協定についての合意議事録 | 不
要 |
| 6 | 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第六条に基づく施設及び区域並びに日本国における合衆国軍隊の地位に関する協定 | 要 |
| 5 | 安全保障協議委員会の設置に関する往復書簡 | 不
要 |
| 4 | 沖繩に関する合意議事録 | 不
要 |
| 3 | 吉田・アチソン交換公文の延長に関する交換公文 | 要 |
| 2 | 事前協議に関する交換公文 | 要 |
| 1 | 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 | 要 |

国信子書一政表

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国会承認の要、不要

and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack;"

2. Substitute the words "The Treaty of Mutual Cooperation And Security signed at Washington on January 19, 1960" at the following listed points for the words "the security treaty between The United States of America and Japan":

- A. In Article VI, paragraph 2;
- B. In Article VIII; and
- C. In Article IX, paragraph 1.

3. Delete the words "The Administrative Agreement under Article III of The Security Treaty between The United States of America and Japan" in Annex E, paragraph 5B, and substitute the following:

"The agreement under Article VI of The Treaty of Mutual Cooperation And Security, regarding facilities and areas and the status of United States Armed Forces in Japan".

If the foregoing proposal is acceptable to The Government of Japan, this note and Your Excellency's note in reply concurring therein shall constitute an agreement between our two governments amending The Mutual

Defense Assistance Agreement, and this Agreement shall enter into operation on the date of the entry into force of The Treaty of Mutual Cooperation And Security signed at Washington on January 19, 1960.

CONFIDENTIAL

Re. MDAA

(Japanese Note)

35-1.8

Excellency:

I have the honour to refer to the Treaty of Mutual Co-operation and Security between Japan and the United States of America signed today and the Mutual Defense Assistance Agreement between Japan and the United States of America, signed at Tokyo on March 8, 1954.

In the Mutual Defense Assistance Agreement there are references to the Security Treaty between Japan and the United States of America, signed at San Francisco on September 8, 1951. Although the Security Treaty is to expire upon the entering into force of the Treaty of Mutual Cooperation and Security, it is the understanding of the Government of Japan that the implementation of the Mutual Defense Assistance Agreement will in no way be affected thereby, because the present security relations between the two countries will be maintained under the new Treaty.

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

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(U.S. Reply)

Excellency:

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

(Text of Japanese Note)

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

Accept, Excellency, the assurances of my highest consideration.