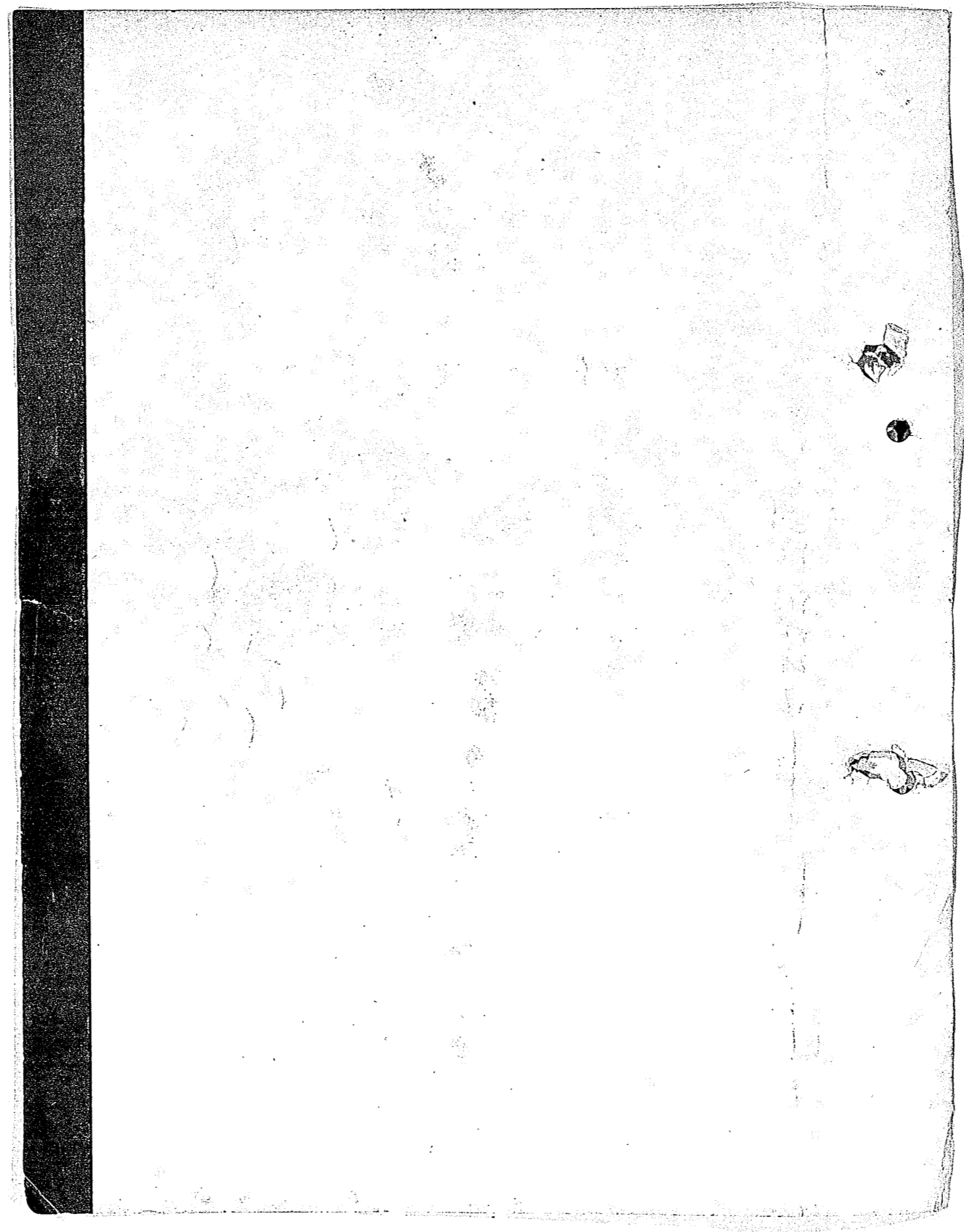


琉球大学学術リポジトリ

日米安保条約の改定に係る経緯⑥

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理事長 理事

行政課 全委議事録に附す件
 (一三九一三四) 三二二九
 三三三八

一 池田博之助委員議事録中、池田博之助以下、直用委員の報告は、

臨時は共同委員会を利用し、行ふに合意の見。その結果

理事長 池長 理事

十二月九日の共同委員会の決議、報告する件を附す、別添一。

通す。報告の見解を申し、其趣、三十九日、地方自治報告を

去る事、早んできられん。

二 右委員会の報告、理事、三十九日、池田博之助、地方自治報告に

福助

米保 3967

前記に於て、池田博之助委員の報告は、地方自治報告に、

十三日、池田博之助委員の報告は、地方自治報告に、

十三日、池田博之助委員の報告は、

十三日、池田博之助委員の報告は、

四 廿六日は、地方自治報告の内、委員会報告の二点は、同初し、

別添の表を添へ

ハ、二十五条議事録本段は存在と断じた(別添四)

その三本を降す。我方面は是存のみ旨を述べ、或言二十日

本別添の整理して別添五を添へて置く。

四、十一月二十日、本議事録の「エ」の字は「シ」を誤りて

ハ、二十五条議事は、此の部には此の件歴史的に「エ」の字を挿すのは

形として好まらざる。本別添の字方を本議事録の「エ」の字を挿すのは

④
本議事録の「エ」の字は「シ」を誤りて
「ハ」の字を挿すのは本議事録
の形として好まらざる。

外務省

九、本議事録の別添五を添へ

四、二十五条本議事は、上段中の「エ」は「ハ」を誤りて「シ」の字を挿すのは

従って本議事録の「エ」は「ハ」を誤りて「シ」の字を挿すのは

幾分本議事録の「ハ」は本議事録の「ハ」の字を挿すのは

降す旨を添へ

五、本議事録の「ハ」は「シ」を誤りて「ハ」の字を挿すのは

五、本議事録の「ハ」は「シ」を誤りて「ハ」の字を挿すのは
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本属に which are hereby incorporated by reference to the
その同意を得て同業組合に 同業組合の
同意を得る

其協定の七条(四)に關し、^(議決の)同業組合の
手取議決の議決の上には上げられるから、^{the Joint Committee}
by the two members と一まます 其協定が有り、^{of} 右の二名と
付して一月七日別添七に附記して送付せらる

外務省

七、右条項と別添ハ 其の英文及び七条の二と
協定の合意の事、^{協定の合意の事} 協定の合意の事、
一月七日 其協定は、⁽¹⁾ 前又は合同書の合附記
事項の範囲外の故 別添ハ 附記事項の合意の事、⁽²⁾
分七条と合同書の事、⁽³⁾ 両方の事、⁽⁴⁾ 其は、⁽⁵⁾ 協定の事
者上るに附する事、⁽⁶⁾ 両名の協定は、⁽⁷⁾ 協定の事
を附記し、⁽⁸⁾ 其方之に同意せん。

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RUSK-OKAZAKI AGREED MINUTES

8 December 1959

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

OK

"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.

便法より準備がある。	12月14日早曉 米側は	協賛的に同意する旨を米大	使館に付合意した。	by the	Joint	Committee	を附録するに	て	(1) 前文は 我方等に	よすこと	ハ	12月14日 米側長	に付合意を附録
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外務省

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 ^{purpose of this Agreement} paragraph 1 shall, to the extent necessary to accomplish the ~~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 OK

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: W: JS

"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 OK

"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 pending

The second part as will be agreed upon.

Article XII OK

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 OK

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 OK

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 OK

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.

CONFIDENTIAL

COMBINED
SUMMARY OF AGREED MINUTES

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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

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 III

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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ARTICLE VII

Whereas telecommunication rates are presently being studied in the Joint Committee, and whereas the statements made in the Minutes under Article VII of the Tenth Meeting of the Negotiation of the Administrative Agreement held on 26 February 1952, may apply to such study, the contents of this Minute; to wit -

"Article VII: Mr. Okazaki made the following statement: 'With regard to Article VII, I wish to state that the telecommunications rate applicable to the police agencies of the Japanese Government is a special low rate, which was established at the time the communications facilities of the police agencies were joined with those of other agencies of the Japanese Government. Because of the contribution of these facilities, it was thought desirable to give the police agencies a preferential rate. This low rate is also presently applicable to the National Police Reserve.'

"Mr. Rusk expressed appreciation for this information, and made the following statement: 'In this regard I should like to state that the United States attaches great importance to the principle of non-discrimination in the treatment accorded its security forces by Japan, and I should like to suggest that the problem of telecommunications rates applicable to the United States Forces in Japan might be studied by the Joint Committee. For the time being, we are prepared to pay the lowest rate paid by any ministry or agency of the Japanese Government other than the police. However, we do not consider that the United States should for any significant period pay rates higher than those paid by the National Police Reserve and we shall ask the Joint Committee to give this problem careful study and make an appropriate recommendation.'

"Mr. Okazaki said: 'I agree that the Joint Committee should study the problem on this basis and that it should make an appropriate recommendation.'"
remain valid.

Art. XXV

nonconcur. Recommend retaining next to last part as to and changing last part to eliminate the words "the date this treaty comes into force" and substitute therefore "28 April 1952"; and change "are" to "were". As thus amended, recommend retention of this last part. Reason: There may be obligation thus incurred which Japan has not fulfilled. Retention of this part of the Minute might prevent Japan from pressing a claim against the United States.

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AGREED MINUTES

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THE FOLLOWING "AGREED MINUTES" REACHED IN THE COURSE OF THE NEGOTIATIONS OF THE NEW AGREEMENT SIGNED AT WASHINGTON ON JANUARY 19, 1960, AND INCLUDING THE CONTENTS OF THE RUSK-OKAZAKI AGREED MINUTES OF THE 10TH MEETING OF FEBRUARY 26, 1952, OF THE NEGOTIATIONS OF THE ADMINISTRATIVE AGREEMENT SIGNED IN TOKYO, JAPAN, ON FEBRUARY 28, 1952, AS MODIFIED IN ACCORDANCE WITH THE NEW AGREEMENT SIGNED AT WASHINGTON JANUARY 19, 1960, ARE HEREBY UNDERSTOOD AND AGREED:

ARTICLE III

THE MEASURES MENTIONED IN PARAGRAPH I, ARTICLE III, INCLUDE, INTER ALIA, TO THE EXTENT NECESSARY FOR THE PURPOSE OF THIS AGREEMENT, THE FOLLOWING:

1. TO CONSTRUCT (INCLUDING DREDGING AND FILLING), OPERATE, MAINTAIN, UTILIZE, OCCUPY, GARRISON AND CONTROL THE FACILITIES AND AREAS:
2. TO REMOVE BUILDINGS OR STRUCTURE, MAKE ALTERATIONS, ATTACH FIXTURES, OR ERECT ADDITIONS THERETO AND TO CONSTRUCT ANY ADDITIONAL BUILDINGS OR STRUCTURES TOGETHER WITH AUXILIARY FACILITIES;
3. TO IMPROVE AND DEEPEN THE HARBORS, CHANNELS, ENTRANCES AND ANCHORAGES, AND TO CONSTRUCT OR MAINTAIN NECESSARY ROADS AND BRIDGES AFFORDING ACCESS TO SUCH FACILITIES AND AREAS:

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4. To CONTROL (INCLUDING THE RIGHT TO PROHIBIT) INSOFAR 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:

5. 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

6. To CONSTRUCT, INSTALL, MAINTAIN, AND EMPLOY IN AN 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 RADAR APPARATUS AND ELECTRONIC DEVICES.

ARTICLE V

I. "UNITED STATES AND FOREIGN VESSELS OPERATED BY, FOR, OR UNDER THE CONTROL OF THE UNITED STATES FOR OFFICIAL PURPOSES" MEANS UNITED STATES PUBLIC

It is understood.

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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.

2. THE JAPANESE PORTS MENTIONED HEREIN WILL ORDINARILY MEAN "OPEN PORTS";

3. 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.

4. THE LAWS AND REGULATIONS OF JAPAN WILL BE APPLICABLE EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE IN THIS ARTICLE.

ARTICLE VII

WHEREAS TELECOMMUNICATION RATES ARE PRESENTLY BEING STUDIED IN THE JOINT COMMITTEE, AND WHEREAS THE STATEMENTS MADE IN THE MINUTES UNDER ARTICLE VII OF THE TENTH MEETING OF THE NEGOTIATION OF THE ADMINISTRATIVE AGREEMENT HELD ON 26 FEBRUARY 1952, MAY APPLY TO SUCH STUDY, THE CONTENTS OF THIS MINUTE; TO WIT -

"ARTICLE VII: MR. OKAZAKI MADE THE FOLLOWING STATEMENT: 'WITH REGARD TO ARTICLE VII, I WISH TO STATE THAT THE TELECOMMUNICATIONS RATE APPLICABLE TO THE POLICE AGENCIES OF THE JAPANESE GOVERNMENT IS A

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SPECIAL LOW RATE, WHICH WAS ESTABLISHED AT THE TIME THE COMMUNICATIONS FACILITIES OF THE POLICE AGENCIES WERE JOINED WITH THOSE OF OTHER AGENCIES OF THE JAPANESE GOVERNMENT. BECAUSE OF THE CONTRIBUTION OF THESE FACILITIES, IT WAS THOUGHT DESIRABLE TO GIVE THE POLICE AGENCIES A PREFERENTIAL RATE. THIS LOW RATE IS ALSO PRESENTLY APPLICABLE TO THE NATIONAL POLICE RESERVE.'

"MR. RUSK EXPRESSED APPRECIATION FOR THIS INFORMATION, AND MADE THE FOLLOWING STATEMENT: 'IN THIS REGARD I SHOULD LIKE TO STATE THAT THE UNITED STATES ATTACHES GREAT IMPORTANCE TO THE PRINCIPLE OF NON-DISCRIMINATION IN THE TREATMENT ACCORDED ITS SECURITY FORCES BY JAPAN, AND I SHOULD LIKE TO SUGGEST THAT THE PROBLEM OF TELECOMMUNICATIONS RATES APPLICABLE TO THE UNITED STATES FORCES IN JAPAN MIGHT BE STUDIED BY THE JOINT COMMITTEE. FOR THE TIME BEING, WE ARE PREPARED TO PAY THE LOWEST RATE PAID BY ANY MINISTRY OR AGENCY OF THE JAPANESE GOVERNMENT OTHER THAN THE POLICE. HOWEVER, WE DO NOT CONSIDER THAT THE UNITED STATES SHOULD FOR ANY SIGNIFICANT PERIOD PAY RATES HIGHER THAN THOSE PAID BY THE NATIONAL POLICE RESERVE AND WE SHALL ASK THE JOINT COMMITTEE TO GIVE THIS PROBLEM CAREFUL STUDY AND MAKE AN APPROPRIATE RECOMMENDATION.'

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"MR. OKAZAKI SAID: 'I AGREE THAT THE JOINT COMMITTEE SHOULD STUDY THE PROBLEM ON THIS BASIS AND THAT IT SHOULD MAKE AN APPROPRIATE RECOMMENDATION.'" REMAIN VALID.

ARTICLE IX

THE GOVERNMENT OF JAPAN WILL BE NOTIFIED AT REGULAR INTERVALS, IN ACCORDANCE WITH PROCEDURES TO BE AGREED UPON BETWEEN THE TWO GOVERNMENTS, OF NUMBERS AND CATEGORIES OF PERSONS ENTERING AND DEPARTING.

ARTICLE XI

(OMITTED UNTIL AGREED UPON FINALLY.)

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:

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A. 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.

B. 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.

C. COLLECTION OF COMMODITY AND GASOLINE TAXES SHALL BE HELD IN ABEYANCE UNTIL

(I) THE UNITED STATES ARMED FORCES CONFIRM AND CERTIFY THE QUANTITY OR DEGREE OF CONSUMPTION OF THE ABOVE REFERRED TO MATERIALS, SUPPLIES AND EQUIPMENT, OR

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(2) 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.

D. 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 (7), 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 I MAY BE USED BY OTHER OFFICERS AND PERSONNEL OF THE UNITED STATES GOVERNMENT ORDINARILY ACCORDED SUCH PRIVILEGES ABROAD.

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ARTICLE XVII

(OFFICIAL MINUTES OF PROTOCOL TO BE INCORPORATED.)

ARTICLE XVIII

(OMITTED UNTIL AGREED UPON FINALLY.)

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 TRANSACTIONS 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

I. 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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2. ANY OBLIGATIONS INCURRED BY JAPAN IN SUPPORT OF THE UNITED STATES ARMED FORCES PRIOR TO THE COMING INTO FORCE OF THE TREATY OF PEACE WITH JAPAN ON 28 APRIL 1952 WHICH ARE OUTSTANDING ON THE DATE THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN SIGNED AT WASHINGTON JANUARY 19, 1960 COMES INTO FORCE, SHALL BE THE RESPONSIBILITY OF JAPAN.

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The problem of telecommunications rate applicable to the United States armed forces will continue to be studied by the Joint Committee in the light of the statements concerning Article VII recorded in the official minutes of the tenth meeting of the Joint Meeting for the Negotiation of the Administrative Agreement held on February 26, 1952.

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Mr. Togo

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Official Minutes Concerning Certain Articles of 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, Signed at Washington on 19 January 1960.

The following minutes of understanding concerning certain Articles of 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, Signed at Washington on 19 January 1960, are hereby agreed upon. These minutes include:

1. Those elements of the Rusk-Okazaki minutes of the Tenth Joint Meeting for the negotiation of the Administrative Agreement between the United States of America and Japan signed on 28 February 1952 which retain validity.
2. The agreed official minutes regarding the Protocol to amend Article XVIII of the Administrative Agreement between the United States of America and Japan signed on 29 September 1953, and
3. Other understandings also reached in the course of the negotiations of 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 signed at Washington on 19 January 1960.

ARTICLE III

The measures mentioned in paragraph I, Article III, include, inter alia, to the extent necessary for the purpose of the agreement, the following:

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1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas:

2. 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:

3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas:

4. To control (including ^{measures} ~~the right~~ to prohibit) insofar 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:

5. 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

6. To construct, install, maintain, and employ in a facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.

ARTICLE V

1. "United States and foreign vessels¹ operated by, for, or under the control of the United States for official purposes" means 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.

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2. The Japanese ports mentioned herein will ordinarily mean "open ports";

3. 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.

4. The laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

ARTICLE VII

The problem of telecommunications rates applicable to the United States Armed Forces will continue to be studied by the Joint Committee in the light of, inter alia, the statements concerning Article VII recorded in the official minutes of the Tenth Joint Meeting for the Negotiation of the Administrative Agreement between the United States of America and Japan signed on 28 February 1952, which statements are hereby incorporated by reference.

ARTICLE IX

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed upon 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. The term "military cargo" as used in paragraph 5(C) is not confined to arms and equipment but refers to all cargo shipped to 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.

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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 or purchases of goods for ultimate use by the United States armed forces will be as follows:

A. Upon appropriate certification by the United States armed forces that 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.

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B. 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.

C. Collection of commodity and gasoline taxes shall be held in abeyance until

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

(2) 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.

D. Materials, supplies, and equipment certified under 3C(1) or (2) 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.

[Reserved for additional minutes]

ARTICLE XIII

With respect to Article XIII paragraph 2 and Article XIV paragraph 7, 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

A. Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military law of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

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B. Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

C. Re paragraph 3(a) (ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

D. Re paragraph 3(c):

1. Mutual Procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a) (ii) committed against the state or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

E. Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

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F. Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

G. Re paragraph 9:

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution.

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open

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court in his presence and the presence of his counsel;

(b) He shall enjoy the right to a public trial by an impartial tribunal;

(c) He shall not be compelled to testify against himself;

(d) He shall be permitted full opportunity to examine all witnesses;

(e) No cruel punishments shall be imposed upon him.

2. The United States authorities shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained upon Japanese authority.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed, as to prejudice the provisions of the Japanese Constitution with respect to public trials.

H. Re paragraph 10(a) and 10(b):

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested

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by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

I. Re application of the Protocol:

The provisions of the Protocol shall not apply to any offenses committed before the coming into effect of the Protocol. Such cases shall be governed by the provisions of Article XVII of the Administrative Agreement as it existed prior to the coming into effect of the Protocol.

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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 transactions 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

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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6 January 1960

AGREED MINUTES 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

The Plenipotentiaries of Japan and the United States of America wish to record the following understanding which they have reached during the negotiations for 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, signed today:

Article III

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

1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;
2. 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;
3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;

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4. To control (including measures 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;

5. 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

6. 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 radar apparatus and electronic devices.

Article V

1. "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.

2. The Japanese ports mentioned herein will ordinarily mean "open ports";

3. 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.

4. The laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

Article VII

The problem of telecommunications rates applicable to the United States armed forces will continue to be studied by the Joint Committee in the light of, inter alia, the statements concerning Article VII recorded in the official minutes of the ~~Tenth meeting of the~~ Joint Meeting for the Negotiation of the Administrative Agreement ^{signed} ²⁸ held on February 26, 1952, and which are hereby incorporated by reference to ~~it~~.

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. The term "military cargo" as used in paragraph 5(c) is not confined to arms and equipment but refers to all cargo shipped to 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.

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:

a. 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.

b. 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.

c. Collection of commodity and gasoline taxes shall be held in abeyance until

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

(2) 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.

d. Materials, supplies, and equipment certified under c(1) or (2) 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.

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.

5. 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, subject to the provisions of paragraph 6, ~~and 7~~, Article XII.

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.

7. 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 XIII

With respect to Article XIII paragraph 2 and Article XIV paragraph 7, 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

Re paragraph 1(a) and paragraph 2(a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a) (ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that

the alleged offense, if committed by him, arose out of an act or omission done in the performance of official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is proved.

The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

1. Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

2. Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a) (ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offenses are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4:

Dual nationals, United States and Japanese, who are subject to the military law of the United States and are

brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

Re paragraph 5:

1. In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject to the military law of the United States with respect to a case over which Japan has the primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

2. The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

Re paragraph 9:

1. The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese

courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

- (a) He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- (b) He shall enjoy the right to a public trial by an impartial tribunal;
- (c) He shall not be compelled to testify against himself;
- (d) He shall be permitted full opportunity to examine all witnesses;
- (e) No cruel punishments shall be imposed upon him.

2. The United States authorities shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained under Japanese authority.

3. Nothing in the provisions of paragraph 9(g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

Re paragraphs 10(a) and 10(b):

1. The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of the United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities, who are not

subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities.

The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

2. The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment

concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

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 transactions 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 XXIV

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.

Washington, January 19, 1960

(Signature)

(Signature)