

琉球大学学術リポジトリ

沖縄関係 沖縄返還交渉Ⅱ-1（対内）

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コンテナプレート
内題

対米防衛問題

(東郷局長)

SECRET

On Paragraph 6 of the Draft Communique

Sept 24, 1969

1. Foreign Minister Aichi has proposed in June that upon reversion, the Security Treaty and its related arrangements should be applied to Okinawa without any modifications which would require Japanese legislative action. That the Treaty and its related arrangements would be applied to Okinawa upon reversion is made clear elsewhere in the draft communique, namely the first sentence of paragraph 4 and the last sentence of paragraph 5, and, therefore, the purpose of the first sentence of paragraph 6 is to state that the Treaty and its related arrangements would be applied to Okinawa without modification.

2. Paragraph 6 deals with ~~the~~ military operations of the United States forces to be conducted in and from Okinawa after reversion. The subject matter to be dealt with in this paragraph is the application of the prior consultation formula, one of the related arrangements, because the United States military operations other than those subject to prior consultation, such as logistic support operations, communication, etc., could be conducted without restrictions even after the reversion, consistent with the purpose of the Treaty. In the second and third sentences of this paragraph, the Prime Minister, assuming that there exists certain concern that a Japan's negative response to United States prior consultation would prevent the United States from carrying out military operations for the defense of the countries in the Far East,

states that the United States' obligation for prior consultation, even though it is in itself a restraining factor, does not hinder United States military operations for the defense of the countries in the Far East because Japan's response would be made out of the recognition that the security of the countries in the Far East is ^A a serious concern for Japan. The return of Okinawa "in the manner agreed above", therefore, is "compatible with" the effective discharge of the United States' obligations.

3. Because under the prior consultation formula, Japan reserves its position one way or the other, and because Japan proposes to have Okinawa returned without modification to that formula, Japan cannot give the United States prior consent on those matters subject to prior consultation. The Prime Minister, therefore, states the basic position of Japan in respect of prior consultation in paragraph 6 of the draft communique, and with a view to further dispelling any doubt on the part of the United States, supplements his statement in the draft communique by his unilateral statement.

4. Since the subject matter of the third sentence of paragraph 6 is the application to Okinawa after reversion of the prior consultation formula, which in itself is a restraining factor, the use of the language "contemplates" the effective discharge of United States obligations" does not properly represent what the Prime Minister intends to say

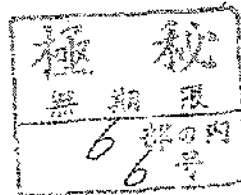
in that sentence, namely, that the application of the prior consultation formula does not hinder the effective discharge of United States defense obligations.

5. That the reversion of Okinawa without simultaneously modifying the Security Treaty and its related arrangements contemplates the effective discharge of United States defense obligations is abundantly clear elsewhere in the draft communique, namely: second sentence of paragraph 2, paragraph 3, first sentence of paragraph 4, third and fourth and last sentences of paragraph 5, and also paragraph 6. The third sentence of paragraph 6, supplemented by the Prime Minister's unilateral statement, merely sets forth the Japanese view that the application of the prior consultation formula itself does not contradict with the effective discharge of United States defense obligations.

6. On the other hand, if the language "contemplate the effective discharge", read together with the relevant parts of the draft communique, is intended to cover the contents of the Prime Ministers' unilateral statement, that language may be adopted in the communique and the idea of agreeing on the unilateral statement by the Prime Minister be dropped, without prejudice to what had already been agreed in substance.

2... 某局長
4... 某局長 → 某局長
6... 某局長

SECRET



Sep. 29, 1969

(7/16)

On Paragraph 6 of the Draft Communiqué

1. Foreign Minister Aichi proposed in June that upon reversion, the Japan-U.S. Security Treaty and its related arrangements^{1/} apply to Okinawa without any modification requiring Japanese legislative action. The purport of the first sentence of paragraph 6 is to state that the U.S. side agrees to this specific proposal while the mere application of the Treaty and related arrangements to Okinawa upon reversion is already made clear, though in an indirect way, by the first sentence of paragraph 4 and the last sentence of paragraph 5.

2. The subject matter of paragraph 6 is the application of the prior consultation system, one of the related arrangements of the Security Treaty, to the use of facilities and areas in post-reversion Okinawa by U.S. forces as bases for military combat operations.^{2/} In order

1/ Three sets of exchange of notes and the Status of Forces Agreement respectively signed on January 19, 1960.

2/ "Major changes in the deployment into Japan" of U.S. forces are not at issue in the present negotiations; "major changes in their equipment" are to be dealt with in paragraph 7; and U.S. military operations other than those which are subject to prior consultation, e.g. logistic operations, may be conducted freely from Okinawa even after reversion insofar as they are consistent with the purposes of the Security Treaty.

to avoid any misunderstanding on the part of the U.S. or other countries concerned that the prior consultation system would prevent the U.S. from undertaking military combat operations necessary for the defense of countries in the Far East, the Prime Minister, in the second and third sentences of this paragraph, states that the U.S. obligations regarding prior consultation, though a limitation on U.S. action in form, should not necessarily constitute a restriction on the use of military bases in Okinawa for such military combat operations since Japan's response to prior consultation will be based on the recognition that "the security of countries in the Far East [is] a matter of serious concern for Japan." Thus, the reversion of Okinawa "in the manner agreed above," that is to say, with the application of the existing prior consultation system to post-reversion Okinawa, "should be compatible with" the effective discharge of the U.S. obligations for the defense of countries in the Far East including Japan. In other words, there should be nothing inherent in the application of the prior consultation system to Okinawa that will be in basic conflict with the U.S. capacity to discharge its international obligations.

3. The U.S. side may understandably wish to have in the communique a more explicit statement in this regard. Nevertheless,

the basic position taken by the Japanese Government that the prior consultation system should apply in toto to Okinawa does not allow it to make any advance commitment to the U.S. on matters subject to prior consultation. The formula which has been devised to solve this question is to supplement the non-committal language of paragraph 6 of the communique with the Prime Minister's unilateral statement, in which he may express the position of his Government in less ambiguous terms.

4. As to the specific wording to be used in the third sentence of paragraph 6, the word "contemplates," proposed by the U.S. side, does not properly represent what the Prime Minister intends to state, namely, that, given the recognition of the Japanese Government, the application of the prior consultation system to Okinawa should not itself constitute an obstacle to effective U.S. action. The prior consultation, which places a certain legal requirement on the use of military bases in Japan, cannot by its very nature "contemplate" the effective discharge of the U.S. obligations referred to in the sentence under discussion. In our view, the proper word to describe the absence of any element of basic contradiction between two concepts, even though one of them has a negative implication in relation to the other,

should be "compatible." That the reversion of Okinawa without modifying the Security Treaty and its related arrangements "contemplates"^{3/} the effective discharge of the U.S. obligations is abundantly clear elsewhere in the draft communique, namely, in paragraphs 2, 3, 4 and 5.

^{3/} In the sense that the reversion will take fully into account the effective discharge of the U.S. obligations.

對華億明 友對

SECRET

(身約局享)



Re Proposed U.S. amendment to the third sentence of paragraph 6 of the draft Joint Communiqué

1. "The Prime Minister was of the view that, in the light of such recognition on the part of the Japanese Government, the return of the administrative rights over Okinawa in the manner agreed above should be compatible with effective discharge of the international obligations assumed by the United States for the defense of countries in the Far East including Japan."

With respect to the sentence under reference, which is quoted above, the U.S. side has proposed to delete the phrase "should be compatible with" and replace it with "contemplates the ". The Japanese side wishes to maintain the present wording for the reasons given in 2. and 3. below.

2. The purport of the sentence as it presently stands is to express in the clearest possible terms the view of the Japanese Government that since its response to prior consultation will be based on the recognition referred to in the preceding sentence,^{1/} the application to Okinawa of the Japan-U.S. Security Treaty and its existing related arrangements, in particular, the prior consultation system as embodied in the Exchange of Notes

^{1/} ... the Prime Minister affirmed the recognition of his Government that the security of Japan could not be adequately maintained without international peace and security in the Far East and, therefore, the security of countries in the Far East was a matter of serious concern for Japan.

concerning the implementation of Article VI of the Treaty, should not in itself constitute restriction on the use of facilities and areas in Okinawa by U.S. forces for military combat operations essential to the defense of countries in the Far East.^{2/} In other words, it is our view that, as far as the use of military bases in Okinawa after reversion by U.S. forces is concerned, there should be no element of incompatibility between the existence of the prior consultation system itself and the effective discharge by U.S. of its international obligations.^{3/} This, however, does not necessarily imply that the actual Japanese reply to prior consultation on the use of military bases in post-reversion Okinawa for military combat operations required for the discharge of U.S. obligations will be in the affirmative in all cases.

3. It has been repeatedly made clear that, given the legal nature of the prior consultation system, the Japanese Government is not in a position vis-à-vis the U.S. Government in whatever form to commit itself in advance to an affirmative reply to prior consultation no matter how reasonable it may seem for a particular hypothetical case to obtain such reply.^{4/} Hence,

^{2/} See also p. 7, paragraph V (1) of the Japanese paper dated July 16, 1969.

^{3/} Compatible ... implies a capacity for existing or coming together without disagreement, discord, disharmony, or the like: the term does not necessarily suggest positive agreement or harmony, but it does imply the absence of such conflict between two (or more) things as would make their association or combination impossible (Webster's Dictionary of Synonyms)

^{4/} This position is explained in detail in paragraph I (2) of the Japanese paper dated July 16, 1969.

if the Joint Communique were to adopt a language which, in one way or another, would imply that U.S. defense obligations to countries in the Far East must in all circumstances prevail over the wishes of the Japanese Government, it would be contrary to the very legal principle of the prior consultation system and, as such, could not be accepted by the Japanese side. The difficulty with the proposed U.S. wording lies precisely in the foregoing point. The word "contemplate" in the present context probably means "to take into account as a contingency to be provided for," in which case no legal complication should arise except for the difficulty in translation, but it may also mean "to intend" or "to permit."^{5/} The U.S. wording with the latter meaning can easily lend itself to the interpretation that the Japanese Government has agreed to the application of the prior consultation system to Okinawa in such a manner as will preclude the final judgement of the Japanese Government, which may or may not conform to the wishes of the U.S. Government in each specific case of prior consultation, so long as the U.S. action involved is to fulfill the defense obligations of the U.S. to the country concerned. Should such an interpretation gain ground (which would be highly likely on the basis of the translated text), the Government would be faced with a great deal of difficulties in obtaining

^{5/} In any case, the corresponding word in Japanese will mean "to anticipate", "to presuppose", "intend", etc.

to

the support of the Diet and the public in general for its policy for the reversion of Okinawa.