

琉球大学学術リポジトリ

AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY Between the UNITED STATES OF AMERICA and JAPAN (Signed at Washington January 19, 1960)

メタデータ	言語: English 出版者: - 公開日: 2024-11-29 キーワード (Ja): 条約・協定集, 日米相互協力及び安全保障条約(現行の安保条約) キーワード (En): Treaties and Agreements, Text of the Mutual Cooperation and Security Treaty between U.S. and Japan (current) 作成者: メールアドレス: 所属:
URL	https://doi.org/10.24564/0002020862

**AGREEMENT UNDER ARTICLE VI
OF THE TREATY OF MUTUAL
COOPERATION AND SECURITY**

**Between the UNITED STATES
OF AMERICA and JAPAN**

Signed at Washington January 19, 1960



AGREEMENT UNDER ARTICLE VI
OF THE TREATY OF MUTUAL
COOPERATION AND SECURITY

Facilities and Areas and the Status
of United States Armed Forces in Japan

Between the UNITED STATES OF
AMERICA and JAPAN

Signed at Washington January 19, 1960

with

Agreed Minutes and Exchange of Notes



DEPARTMENT OF STATE

[Literal print]

*For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington 25, D.C. : Price 35 cents*

JAPAN

Agreement Under Article VI of the Treaty of Mutual Cooperation and Security: Facilities and Areas and the Status of United States Armed Forces in Japan

*Signed at Washington January 19, 1960;
Entered into force June 23, 1960.
With agreed minutes and exchange of notes.*

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

The United States of America and Japan, pursuant to Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, [1] have entered into this Agreement in terms as set forth below:

ARTICLE I

In this Agreement the expression—

(a) “members of the United States armed forces” means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) “civilian component” means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) “dependents” means

- (1) Spouse, and children under 21;
- (2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

¹ TIAS 4509; 11 UST.

ARTICLE II

1. (a) The United States is granted, under Article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in Article XXV of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the use at the time of expiration of the Administrative Agreement [¹] under Article III of the Security Treaty [²] between the United States of America and Japan, shall be considered as facilities and areas agreed upon between the two Governments in accordance with subparagraph (a) above.

2. At the request of either Government, the Governments of the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

4. (a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

ARTICLE III

1. Within the facilities and areas, the United States 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,

¹ TIAS 2492; 3 UST, pt. 3, p. 3341.

² TIAS 2491; 3 UST, pt. 3, p. 3332.

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, 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.

ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

3. The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan. Such access

to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

- (a) Meteorological observations from land and ocean areas including observations from weather ships.
- (b) Climatological information including periodic summaries and the historical data of the Meteorological Agency.
- (c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.
- (d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

ARTICLE IX

1. The United States may bring into Japan persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this Article.

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

- (a) personal identity card showing name, date of birth, rank and number, service, and photograph; and
- (b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate Japanese authorities.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

6. If the Government of Japan has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan and have entered Japan as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.
2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.
3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.
2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.
3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:
 - (a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

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

6. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

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

ARTICLE XII

1. The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

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

- (a) Commodity tax
- (b) Travelling tax
- (c) Gasoline tax
- (d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

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 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;

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

8. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

9. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese

taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

- (a) upon completion of contracts with the United States for the United States armed forces;
- (b) upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or
- (c) when such persons are engaged in practices illegal in Japan.

3. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

- (a) Rights of accession and movement, as provided for in Article V, paragraph 2;
- (b) Entry into Japan in accordance with the provisions of Article IX;
- (c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;
- (d) If authorized by the Government of the United States, the right to use the services of the organizations provided for in Article XV;
- (e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;
- (f) If authorized by the Government of the United States, the right to use military payment certificates, as provided for in Article XX;
- (g) The use of postal facilities provided for in Article XXI;
- (h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

4. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

5. Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

6. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Govern-

ment of the United States in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

8. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1 (b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

1. Subject to the provisions of this Article,

(a) the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;

(b) the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to

- (i) offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent;
- (ii) offenses arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

5. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent.

(c) The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

6. (a) The military authorities of the United States and the authorities of Japan shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The military authorities of the United States and the authorities of Japan shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the military authorities of the United States or the authorities of Japan and has been acquitted, or has

been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State. However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

9. Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Japan;
- (e) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

(b) Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

11. In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of the United States or the Government of Japan shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of the United States and Japan shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

12. The provisions of this Article shall not apply to any offenses committed before the entry into force of this Agreement. Such

cases shall be governed by the provisions of Article XVII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, as it existed at the relevant time.

ARTICLE XVIII

1. Each Party waives all its claims against the other Party for damage to any property owned by it and used by its land, sea or air defense services, if such damage—

(a) was caused by a member or an employee of the defense services of the other Party in the performance of his official duties; or

(b) arose from the use of any vehicle, vessel or aircraft owned by the other Party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official purposes, or that the damage was caused to property being so used.

Claims for maritime salvage by one Party against the other Party shall be waived, provided that the vessel or cargo salvaged was owned by a Party and being used by its defense services for official purposes.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Party and located in Japan, the issue of the liability of the other Party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e) (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Party waives its claim in any such case up to the amount of 1,400 United States dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Party" in the case of a vessel includes a vessel

on bare boat charter to that Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Party).

4. Each Party waives all its claims against the other Party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in Japan to third parties, other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its Self-Defense Forces.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties.

(d) Every claim paid by Japan shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this Article shall be distributed between the Parties as follows:

(i) Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

(ii) Where the United States and Japan are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of the United States or Japan and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between the United States and Japan.

(iii) Every half-year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate United States

authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

(f) Members or employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

(g) Except in so far as subparagraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the United States armed forces are legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. (a) The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5(f) of this Article.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The authorities of the United States and Japan shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

10. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

11. The term "defense services" used in this Article is understood to mean for Japan its Self-Defense Forces and for the United States its armed forces.

12. Paragraphs 2 and 5 of this Article shall apply only to claims arising incident to non-combat activities.

13. The provisions of this Article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be dealt with by the provisions of Article XVIII of the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan.

ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

ARTICLE XXII

The United States may enroll and train eligible United States citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the armed forces of the United States.

ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

ARTICLE XXIV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this Agreement.

ARTICLE XXV

1. A Joint Committee shall be established as the means for consultation between the Government of the United States and the Government of Japan on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes of the Treaty of Mutual Cooperation and Security.^[1]

2. The Joint Committee shall be composed of a representative of the Government of the United States and a representative of the Government of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of the United States or the Government of Japan.

¹ TIAS 4509; 11 UST.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVI

1. This Agreement shall be approved by the United States and Japan in accordance with their legal procedures, and notes indicating such approval shall be exchanged. ^[1]

2. After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force ^[2] on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement ^[3] under Article III of the Security Treaty ^[4] between the United States of America and Japan, signed at Tokyo on February 28, 1952, ^[3] as amended, shall expire.

3. The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXVIII

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

¹ Notes signed and exchanged at Tokyo June 23, 1960; not printed.

² June 23, 1960.

³ TIAS 2492; 3 UST, pt. 3, p. 3341.

⁴ TIAS 2491; 3 UST, pt. 3, p. 3332.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

DONE at Washington, in duplicate, in the English and Japanese languages, both texts equally authentic, this 19th day of January, 1960.

FOR THE UNITED STATES OF AMERICA:

CHRISTIAN A. HERTER

DOUGLAS MACARTHUR 2nd

J GRAHAM PARSONS

FOR JAPAN:

NOBUSUKE KISHI

AIICHIRO FUJIYAMA

MITSUJIRO ISHII

TADASHI ADACHI

KOICHIRO ASAKAI

第二十八条

この協定及びその合意された改正は、相互協力及び安全保障条約が有効である間、有効とする。ただし、それ以前に両政府間の合意によつて終了させたときは、この限りでない。

以上の証拠として、下名の全権委員は、この協定に署名した。

千九百六十年一月十九日にワシントンで、ひとしく正文である英語及び日本語により本書二通を作成した。

アメリカ合衆国のために

Christian A. Hester

Rayon MacArthur Sr.

日本国のために
F. Takamizawa

岸 信介

湯山 正良

石井 光治郎

足立 三 三

朝海 浩一郎

は、合衆国政府又は日本国政府のいずれか一方の代表者の要請があるときはいつでも直ちに会合することができるよう組織する。

- 3 合同委員会は、問題を解決することができないときは、適当な経路を通じて、その問題をそれぞれの政府にさらに考慮されるように移すものとする。

第二十六条

- 1 この協定は、合衆国及び日本国によりそれぞれの国内法上の手続に従つて承認されなければならず、その承認を通知する公文が交換されるものとする。

- 2 この協定は、1に定める手続が完了した後、相互協力及び安

全保障条約の効力発生の日に効力を生じ、千九百五十二年二月二十八日に東京で署名されたアメリカ合衆国と日本国との間の安全保障条約第三条に基く行政協定（改正を含む。）は、その時に終了する。

- 3 この協定の各当事国の政府は、この協定の規定中その実施のため予算上及び立法上の措置を必要とするものについて、必要なその措置を立法機関に求めることを約束する。

第二十七条

いずれの政府も、この協定のいずれの条についてもその改正をいつでも要請することができる。その場合には、両政府は、適当な経路を通じて交渉するものとする。

この協定の存続期間中日本国に負担をかけないで合衆国が負担することが合意される。

2 日本国は、第二条及び第三条に定めるすべての施設及び区域並びに路線権（飛行場及び港における施設及び区域のようによく共に使用される施設及び区域を含む。）をこの協定の存続期間中合衆国に負担をかけないで提供し、かつ、相当の場合には、施設及び区域並びに路線権の所有者及び提供者に補償を行なうことが合意される。

3 この協定に基づいて生ずる資金上の取引に適用すべき經理のため、合衆国政府と日本国政府との間に取極を行なうことが合意される。

第二十五条

1 この協定の実施に関して相互間の協議を必要とするすべての事項に関する合衆国政府と日本国政府との間の協議機関として、合同委員会を設置する。合同委員会は、特に、合衆国が相互協力及び安全保障条約の目的の遂行に当たつて使用するため必要とされる日本国内の施設及び区域を決定する協議機関として、任務を行なう。

2 合同委員会は、合衆国政府の代表者一人及び日本国政府の代表者一人で組織し、各代表者は、一人又は二人以上の代理及び職員団を有するものとする。合同委員会は、その手続規則を定め、並びに必要な補助機関及び事務機関を設ける。合同委員会

合衆国は、合衆国軍隊の構成員及び軍属並びにそれらの家族が利用する合衆国軍事郵便局を、日本国にある合衆国軍事郵便局間及びこれらの軍事郵便局と他の合衆国郵便局との間における郵便物の送達のため、合衆国軍隊が使用している施設及び区域内に設置し、及び運営することができる。

第二十二條

合衆国は、日本国に在留する適格の合衆国市民で合衆国軍隊の予備役団体への編入の申請を行なうものを同団体に編入し、及び訓練することができる。

第二十三條

合衆国及び日本国は、合衆国軍隊、合衆国軍隊の構成員及び軍属並びにそれらの家族並びにこれらのものの財産の安全を確保するため随時に必要となるべき措置を執ることについて協力するものとする。日本国政府は、その領域において合衆国の設備、備品、財産、記録及び公務上の情報の十分な安全及び保護を確保するため、並びに適用されるべき日本国の法令に基づいて犯人を罰するため、必要な立法を求め、及び必要なその他の措置を執ることに同意する。

第二十四條

1 日本国に合衆国軍隊を維持することに伴うすべての経費は、
2 に規定するところにより日本国が負担すべきものを除くほか、

軍票を用いる取引に従事することを禁止するよう適当な措置を執るものとする。日本国政府は、認可されない者が軍票を用いる取引に従事することを禁止するため必要な措置を執るものとし、また、合衆国の当局の援助を得て、軍票の偽造又は偽造軍票の使用に関与する者で日本国の当局の裁判権に服すべきものを逮捕し、及び処罰するものとする。

(b) 合衆国の当局が、認可されない者に対し軍票を行使する合衆国軍隊の構成員及び軍属並びにそれらの家族を逮捕し、及び処罰すること並びに、日本国における軍票の許されない使用の結果として、合衆国又はその機関が、その認可されない者又は日本国政府若しくはその機関に対していかなる義務を

も負うことはないことが合意される。

2 軍票の管理を行なうため、合衆国は、その監督の下に、合衆国が軍票の使用を認可した者の用に供する施設を維持し、及び運営する一定のアメリカの金融機関を指定することができる。軍用銀行施設を維持することを認められた金融機関は、その施設を当該機関の日本国における商業金融業務から場所的に分離して設置し、及び維持するものとし、これに、この施設を維持し、かつ、運営することを唯一の任務とする職員を置く。この施設は、合衆国通貨による銀行勘定を維持し、かつ、この勘定に関するすべての金融取引（第十九条2に定める範囲内における資金の受領及び送付を含む。）を行なうことを許される。

12 2及び5の規定は、非戦闘行為に伴つて生じた請求権についてのみ適用する。

13 この条の規定は、この協定の効力発生前に生じた請求権には適用しない。それらの請求権は、アメリカ合衆国と日本国との間の安全保障条約第三条に基く行政協定第十八条の規定によつて処理する。

第十九条

1 合衆国軍隊の構成員及び軍属並びにそれらの家族は、日本国政府の外国為替管理に服さなければならぬ。

2 1の規定は、合衆国ドル若しくはドル証券で、合衆国の公金であるもの、合衆国軍隊の構成員及び軍属がこの協定に関連し

て勤務し、若しくは雇用された結果取得したもの又はこれらの者及びそれらの家族が日本国外の源泉から取得したものの日本国内又は日本国外への移転を妨げるものと解してはならない。

3 合衆国の当局は、2に定める特権の濫用又は日本国の外国為替管理の回避を防止するため適当な措置を執らなければならぬ。

し。

第二十条

1 (a) ドルをもつて表示される合衆国軍票は、合衆国によつて認可された者が、合衆国軍隊の使用している施設及び区域内における相互間の取引のため使用することができる。合衆国政府は、合衆国の規則が許す場合を除くほか、認可された者が

裁人に付託するものとし、この点に関する仲裁人の裁定は、最終的のものとする。

9 (a) 合衆国は、日本国の裁判所の民事裁判権に関しては、5 (f) に定める範囲を除くほか、合衆国軍隊の構成員又は被用者に対する日本国の裁判所の裁判権からの免除を請求してはならない。

(b) 合衆国軍隊が使用している施設及び区域内に日本国の法律に基づき強制執行を行なうべき私有の動産（合衆国軍隊が使用している動産を除く。）があるときは、合衆国の当局は、日本国の裁判所の要請に基づき、その財産を差し押えて日本国の当局に引き渡さなければならぬ。

(c) 合衆国及び日本国の当局は、この条の規定に基づく請求の公平な審理及び処理のための証拠の入手について協力するものとする。

10 合衆国軍隊による又は合衆国軍隊のための資材、需品、備品、役務及び労務の調達に関する契約から生ずる紛争でその契約の当事者によつて解決されないものは、調停のため合同委員会に付託することができ。ただし、この項の規定は、契約の当事者が有することのある民事の訴えを提起する権利を害するものではない。

11 この条にいう「防衛隊」とは、日本国についてはその自衛隊をいい、合衆国についてはその軍隊をいうものと了解される。

- (a) 日本国の当局は、当該事件に関するすべての事情（損害を受けた者の行動を含む。）を考慮して、公平かつ公正に請求を審査し、及び請求人に対する補償金を査定し、並びにその事件に関する報告書を作成する。
- (b) その報告書は、合衆国の当局に交付するものとし、合衆国の当局は、遅滞なく、慰謝料の支払を申し出るかどうかを決定し、かつ、申し出る場合には、その額を決定する。
- (c) 慰謝料の支払の申出があつた場合において、請求人がその請求を完全に満たすものとしてこれを受諾したときは、合衆国の当局は、みずから支払をしなければならず、かつ、その決定及び支払つた額を日本国の当局に通知する。

- (a) この項の規定は、支払が請求を完全に満たすものとして行なわれたものでない限り、合衆国軍隊の構成員又は被用者に対する訴えを受理する日本国の裁判所の裁判権に影響を及ぼすものではない。
- 7 合衆国軍隊の車両の許容されていない使用から生ずる請求権は、合衆国軍隊が法律上責任を有する場合を除くほか、6の規定に従つて処理する。
- 8 合衆国軍隊の構成員又は被用者の不法の作為又は不作為が公務執行中にされたものであるかどうか、また、合衆国軍隊の車両の使用が許容されていたものであるかどうかについて紛争が生じたときは、その問題は、2(b)の規定に従つて選任された仲

れか一方又は双方の責任として特定することができない場合には、裁定され、合意され、又は裁判により決定された額は、合衆国及び日本国が均等に分担する。

(iii)

比率に基づく分担案が受諾された各事件について日本国が六箇月の期間内に支払った額の明細書は、支払要請書とともに、六箇月ごとに合衆国の当局に送付する。その支払は、できる限りすみやかに日本円で行なわなければならない。

5。

(f) 合衆国軍隊の構成員又は被用者（日本の国籍のみを有する被用者を除く。）は、その公務の執行から生ずる事項については、日本国においてその者に対して与えられた判決の執行

手続に服さない。

(g) この項の規定は、(e)の規定が2に定める請求権に適用される範囲を除くほか、船舶の航行若しくは運用又は貨物の船積み、運送若しくは陸揚げから生じ、又はそれらに関連して生ずる請求権には適用しない。ただし、4の規定の適用を受けない死亡又は負傷に対する請求権については、この限りでない。

6 日本国内における不法の作為又は不作為で公務執行中に行なわれたものでないものから生ずる合衆国軍隊の構成員又は被用者（日本国民である被用者又は通常日本国に居住する被用者を除く。）に対する請求権は、次の方法で処理する。

は裁判する。

(b) 日本国は、前記のいかなる請求をも解決することができないものとし、合意され、又は裁判により決定された額の支払を日本円で行なう。

(c) 前記の支払（合意による解決に従つてされたものであると日本国の権限のある裁判所による裁判に従つてされたものであるとを問わない。）又は支払を認めない旨の日本国の権限のある裁判所による確定した裁判は、両当事国に対し拘束力を有する最終的のものとする。

(d) 日本国が支払をした各請求は、その明細並びに (e) (i) 及び (ii) の規定による分担案とともに、合衆国の当局に通知しなければ

ならない。二箇月以内に回答がなかつたときは、その分担案は、受諾されたものとみなす。

(e) (a) から (d) まで及び 2 の規定に従い請求を満たすために要した費用は、両当事国が次のとおり分担する。

(i) 合衆国のみが責任を有する場合には、裁定され、合意され、又は裁判により決定された額は、その二十五パーセントを日本国が、その七十五パーセントを合衆国が分担する。

(ii) 合衆国及び日本国が損害について責任を有する場合には、裁定され、合意され、又は裁判により決定された額は、両当事国が均等に分担する。損害が合衆国又は日本国の防衛隊によつて生じ、かつ、その損害をこれらの防衛隊のいず

で支払う。

(f) もつとも、各当事国は、いかなる場合においても千四百合衆国ドル又は五十万四千円までの額については、その請求権を放棄する。これらの通貨の間の為替相場に著しい変動があった場合には、両政府は、前記の額の適当な調整について合意するものとする。

3 1及び2の規定の適用上、船舶について「当事国が所有する」というときは、その当事国が裸用船した船舶、裸の条件で徴発した船舶又は拿捕した船舶を含む。ただし、損失の危険又は責任が当該当事国以外の者によつて負担される範囲については、この限りでない。

4 各当事国は、自国の防衛隊の構成員がその公務の執行に従事している間に被つた負傷又は死亡については、他方の当事国に対するすべての請求権を放棄する。

5 公務執行中の合衆国軍隊の構成員若しくは被用者の作為若しくは不作為又は合衆国軍隊が法律上責任を有するその他の作為、不作為若しくは事故で、日本国において日本国政府以外の第三者に損害を与えたものから生ずる請求権（契約による請求権及び6又は7の規定の適用を受ける請求権を除く。）は、日本国が次の規定に従つて処理する。

(a) 請求は、日本国の自衛隊の行動から生ずる請求権に関する日本国の法令に従つて、提起し、審査し、かつ、解決し、又

害を与えた車両、船舶若しくは航空機が公用のため使用されていたとき、又は損害が公用のため使用されている財産に生じたときに限る。

海難救助についての一方の当事国の他方の当事国に対する請求権は、放棄する。ただし、救助された船舶又は積荷が、一方の当事国が所有し、かつ、その防衛隊が公用のため使用しているものであつた場合に限る。

2 (a) いずれか一方の当事国が所有するその他の財産で日本国内にあるものに対して1に掲げるようにして損害が生じた場合には、両政府が別段の合意をしない限り、(b)の規定に従つて選定される一人の仲裁人が、他方の当事国の責任の問題を決

定し、及び損害の額を査定する。仲裁人は、また、同一の事件から生ずる反対の請求を裁定する。

(b) (a)に掲げる仲裁人は、両政府間の合意によつて、司法関係の上級の地位を現に有し、又は有したことがある日本国民の中から選定する。

(c) 仲裁人が行なつた裁定は、両当事国に対して拘束力を有する最終的のものとする。

(d) 仲裁人が裁定した賠償の額は、5 (e) (i)、(ii) 及び (iii) の規定に従つて分担される。

(e) 仲裁人の報酬は、両政府間の合意によつて定め、両政府が、仲裁人の任務の遂行に伴う必要な費用とともに、均等の割合

本国の当局と連絡して使用されるものとし、その使用は、合衆国軍隊の構成員の間の規律及び秩序の維持のため必要な範囲内に限るものとする。

- 11 相互協力及び安全保障条約第五条の規定が適用される敵対行為が生じた場合には、合衆国政府及び日本国政府のいずれの一方も、他方の政府に対し六十日前に予告を与えることによつて、この条のいずれの規定の適用も停止させる権利を有する。この権利が行使されたときは、合衆国政府及び日本国政府は、適用を停止される規定に代わるべき適当な規定を合意する目的をもつて直ちに協議しなければならない。

- 12 この条の規定は、この協定の効力発生前に犯したいかなる罪にも適用しない。それらの事件に対しては、アメリカ合衆国と日本国との間の安全保障条約第三条に基く行政協定第十七条の当該時に存在した規定を適用する。

第十八条

- 1 各当事国は、自国が所有し、かつ、自国の陸上、海上又は航空の防衛隊が使用する財産に対する損害については、次の場合には、他方の当事国に対するすべての請求権を放棄する。

- (a) 損害が他方の当事国の防衛隊の構成員又は被用者によりその者の公務の執行中に生じた場合
- (b) 損害が他方の当事国が所有する車両、船舶又は航空機でその防衛隊が使用するものの使用から生じた場合。ただし、損

いて、裁判することを妨げるものではない。

9 合衆国軍隊の構成員若しくは軍属又はそれらの家族は、日本の裁判権に基づいて公訴を提起された場合には、いつでも、次の権利を有する。

- (a) 遅滞なく迅速な裁判を受ける権利
- (b) 公判前に自己に対する具体的な訴因の通知を受ける権利
- (c) 自己に不利な証人と対決する権利
- (d) 証人が日本国の管轄内にあるときは、自己のために強制的
手続により証人を求める権利
- (e) 自己の弁護のため自己の選択する弁護人をもつ権利又は日本国でその当時通常行なわれている条件に基づき費用を要し

ないで若しくは費用の補助を受けて弁護人をもつ権利

(f) 必要と認めたときは、有能な通訳を用いる権利

(g) 合衆国の政府の代表者と連絡する権利及び自己の裁判にその代表者を立ち会わせる権利

10 (a) 合衆国軍隊の正規に編成された部隊又は編成隊は、第二条の規定に基づき使用する施設及び区域において警察権を行なう権利を有する。合衆国軍隊の軍事警察は、それらの施設及び区域において、秩序及び安全の維持を確保するためすべての適当な措置を執ることができる。

(b) 前記の施設及び区域の外部においては、前記の軍事警察は、必ず日本国の当局との取極に従うことを条件とし、かつ、日

連する物件の押収及び相当な場合にはその引渡しを含む。一
 について、相互に援助しなければならぬ。ただし、それら
 の物件の引渡しは、引渡しを行なう当局が定める期間内に還
 付されることを条件として行なうことができる。

(b) 合衆国の軍当局及び日本国の当局は、裁判権を行使する権
 利が競合するすべての事件の処理について、相互に通告しな
 ければならぬ。

7 (a) 死刑の判決は、日本国の法制が同様の場合に死刑を規定し
 ていない場合には、合衆国の軍当局が日本国内で執行しては
 ならない。

(b) 日本国の当局は、合衆国の軍当局がこの条の規定に基づい
 て日本国の領域内で言い渡した自由刑の執行について合衆国
 の軍当局から援助の要請があつたときは、その要請に好意的
 考慮を払わなければならぬ。

8 被告人がこの条の規定に従つて合衆国の軍当局又は日本国の
 当局のいずれかにより裁判を受けた場合において、無罪の判決
 を受けたとき、又は有罪の判決を受けて服役しているとき、服
 役したとき、若しくは赦免されたときは、他方の国の当局は、
 日本国の領域内において同一の犯罪について重ねてその者を裁
 判してはならない。ただし、この項の規定は、合衆国の軍当局
 が合衆国軍隊の構成員を、その者が日本国の当局により裁判を
 受けた犯罪を構成した作為又は不作為から生ずる軍紀違反につ

定したときは、できる限りすみやかに他方の国の当局にその旨を通告しなければならない。第一次の権利を有する国の当局は、他方の国がその権利の放棄を特に重要であると認めた場合において、その他方の国の当局から要請があつたときは、その要請に好意的考慮を払わなければならない。

4 前諸項の規定は、合衆国の軍当局が日本国民又は日本国に通常居住する者に対し裁判権を行使する権利を有することを意味するものではない。ただし、それらの者が合衆国軍隊の構成員であるときは、この限りでない。

5 (a) 合衆国の軍当局及び日本国の当局は、日本国の領域内における合衆国軍隊の構成員若しくは軍属又はそれらの家族の逮

捕及び前諸項の規定に従つて裁判権を行使すべき当局へのそれらの者の引渡しについて、相互に援助しなければならない。

(b) 日本国の当局は、合衆国の軍当局に対し、合衆国軍隊の構成員若しくは軍属又はそれらの家族の逮捕についてすみやかに通告しなければならない。

(c) 日本国が裁判権を行使すべき合衆国軍隊の構成員又は軍属たる被疑者の拘禁は、その者の身柄が合衆国の手中にあるときは、日本国により公訴が提起されるまでの間、合衆国が引き続き行なうものとする。

6 (a) 合衆国の軍当局及び日本国の当局は、犯罪についてのすべての必要な捜査の実施並びに証拠の収集及び提出（犯罪に関

(b) 日本国の当局は、合衆国軍隊の構成員及び軍属並びにそれらの家族に対し、日本国の法令によつて罰することができ、罪で合衆国の法令によつては罰することができないもの（日本国の安全に関する罪を含む。）について、専属的裁判権を行使する権利を有する。

(c) 2 及び 3 の規定の適用上、国の安全に関する罪は、次のものを含む。

(i) 当該国に対する反逆

(ii) 妨害行為（サボタージュー）、^{ちよう}諜報行為又は当該国の公務上若しくは国防上の秘密に関する法令の違反

3 裁判権を行使する権利が競合する場合には、次の規定が適用

される。

(a) 合衆国の軍当局は、次の罪については、合衆国軍隊の構成員又は軍属に対して裁判権を行使する第一次の権利を有する。

(i) もつばら合衆国の財産若しくは安全のみに対する罪又はもつばら合衆国軍隊の他の構成員若しくは軍属若しくは合衆国軍隊の構成員若しくは軍属の家族の身体若しくは財産のみに対する罪

(ii) 公務執行中の作為又は不作為から生ずる罪

(b) その他の罪については、日本国の当局が、裁判権を行使する第一次の権利を有する。

(c) 第一次の権利を有する国は、裁判権を行使しないことに決

3 これらの諸機関が販売する物品は、合衆国及び日本国の当局が相互間で合意する条件に従つて処分を認める場合を除くほか、これらの諸機関から購入することを認められない者に対して日本国内で処分してはならない。

4 この条に掲げる諸機関は、日本国の当局に対し、日本国の税法が要求するところにより資料を提供するものとする。

第十六条

日本国において、日本国の法令を尊重し、及びこの協定の精神に反する活動、特に政治的活動を慎むことは、合衆国軍隊の構成員及び軍属並びにそれらの家族の義務である。

第十七条

1 この条の規定に従うことを条件として、

(a) 合衆国の軍当局は、合衆国の軍法に服するすべての者に対し、合衆国の法令により与えられたすべての刑事及び懲戒の裁判権を日本国において行使する権利を有する。

(b) 日本国の当局は、合衆国軍隊の構成員及び軍属並びにそれらの家族に対し、日本国の領域内で犯す罪で日本国の法令によつて罰することができるものについて、裁判権を有する。

2 (a) 合衆国の軍当局は、合衆国の軍法に服する者に対し、合衆国の法令によつて罰することができる罪で日本国の法令によつては罰することができないもの（合衆国の安全に関する罪を含む。）について、専属的裁判権を行使する権利を有する。

国において犯す罪で日本国の法令によつて罰することができ
ものについて裁判権を行使する第一次の権利を有する。日本国
の当局が前記の裁判権を行使しないことに決定した場合には、
日本国の当局は、できる限りすみやかに合衆国の軍当局にその
旨を通告しなければならぬ。この通告があつたときは、合衆
国の軍当局は、これらの者に対し、合衆国の法令により与えら
れた裁判権を行使する権利を有する。

第十五条

1 (a) 合衆国の軍当局が公認し、かつ、規制する海軍販売所、ピ
ー・エックス、食堂、社交クラブ、劇場、新聞その他の歳出
外資金による諸機関は、合衆国軍隊の構成員及び軍属並びに

それらの家族の利用に供するため、合衆国軍隊が使用してい
る施設及び区域内に設置することができる。これらの諸機関
は、この協定に別段の定めがある場合を除くほか、日本の規
制、免許、手数料、租税又は類似の管理に服さない。

(b) 合衆国の軍当局が公認し、かつ、規制する新聞が一般の公
衆に販売されるときは、当該新聞は、その頒布に関する限り、
日本の規制、免許、手数料、租税又は類似の管理に服する。

2 これらの諸機関による商品及び役務の販売には、1 (b) に定め
る場合を除くほか、日本の租税を課さず、これらの諸機関によ
る商品及び需品の日本国内における購入には、日本の租税を課
する。

証明があるときは、これらの者が一時的に日本国にあることのみに基づいて日本国に所在する有体又は無体の動産の保有、使用、死亡による移転又はこの協定に基づいて租税の免除を受ける権利を有する人若しくは機関への移転についての日本国における租税を免除される。ただし、この免除は、投資のため若しくは他の事業を行なうため日本国において保有される財産又は日本国において登録された無体財産権には適用しない。この条の規定は、私有車両による道路の使用について納付すべき租税の免除を与える義務を定めるものではない。

7 1に掲げる人及びその被用者は、この協定に定めるいずれかの施設又は区域の建設、維持又は運営に関して合衆国政府と合

衆国において結んだ契約に基づいて発生する所得について、日本国政府又は日本国にあるその他の課税権者に所得税又は法人税を納付する義務を負わない。この項の規定は、これらの者に対し、日本国の源泉から生ずる所得についての所得税又は法人税の納付を免除するものではなく、また、合衆国の所得税のため日本国に居所を有することを申し立てる前記の人及びその被用者に対し、所得についての日本の租税の納付を免除するものではない。これらの者が合衆国政府との契約の履行に関してのみ日本国にある期間は、前記の租税の賦課上、日本国に居所又は住所を有する期間とは認めない。

8 日本国の当局は、1に掲げる人及びその被用者に対し、日本

の証明があるときは、この協定による次の利益を与えられる。

- (a) 第五条²に定める出入及び移動の権利
- (b) 第九条の規定による日本国への入国
- (c) 合衆国軍隊の構成員及び軍属並びにそれらの家族について
第十一条³に定める関税その他の課徴金の免除
- (d) 合衆国政府により認められたときは、第十五条に定める諸
機関の役務を利用する権利
- (e) 合衆国軍隊の構成員及び軍属並びにそれらの家族について
第十九条²に定めるもの
- (f) 合衆国政府により認められたときは、第二十条に定めると
ころにより軍票を使用する権利

(g) 第二十一条に定める郵便施設の利用

(h) 雇用の条件に関する日本国の法令の適用からの除外

4 前記の人及びその被用者は、その身分の者であることが旅券に記載されていなければならず、その到着、出発及び日本国にある間の居所は、合衆国軍隊が日本国の当局に随時に通告しなければならぬ。

5 前記の人及びその被用者が¹に掲げる契約の履行のためにのみ保有し、使用し、又は移転する減価償却資産（家屋を除く。）については、合衆国軍隊の権限のある官憲の証明があるときは、日本の租税又は類似の公課を課されない。

6 前記の人及びその被用者は、合衆国軍隊の権限のある官憲の

体財産権には適用しない。この条の規定は、私有車両による道路の使用について納付すべき租税の免除を与える義務を定めるものではない。

第十四条

1 通常合衆国に居住する人（合衆国の法律に基づいて組織された法人を含む。）及びその被用者で、合衆国軍隊のための合衆国との契約の履行のみを目的として日本国にあり、かつ、合衆国政府が²の規定に従い指定するものは、この条に規定がある場合を除くほか、日本国の法令に服さなければならぬ。

² 1にいう指定は、日本国政府との協議の上で行なわれるものとし、かつ、安全上の考慮、関係業者の技術上の適格要件、合衆国の標準に合致する資材若しくは役務の欠如又は合衆国の法令上の制限のため競争入札を実施することができない場合に限り行なわれるものとする。

前記の指定は、次のいずれかの場合には、合衆国政府が取り消すものとする。

(a) 合衆国軍隊のための合衆国との契約の履行が終わつたとき。
(b) それらの者が日本国において合衆国軍隊関係の事業活動以外の事業活動に従事していることが立証されたとき。

(c) それらの者が日本国で違法とされる活動を行なつていないとき。

3 前記の人及びその被用者は、その身分に関する合衆国の当局

る権利を有しない者に対して日本国内で処分してはならない。

第十三条

1 合衆国軍隊は、合衆国軍隊が日本国において保有し、使用し、又は移転する財産について租税又は類似の公課を課されない。

2 合衆国軍隊の構成員及び軍属並びにそれらの家族は、これらが合衆国軍隊に勤務し、又は合衆国軍隊若しくは第十五条に定める諸機関に雇用された結果受ける所得について、日本国政府又は日本国にあるその他の課税権者に日本の租税を納付する義務を負わない。この条の規定は、これらの者に対し、日本の源泉から生ずる所得についての日本の租税の納付を免除するものではなく、また、合衆国の所得税のために日本国に居所

を有することを申し立てる合衆国市民に対し、所得についての日本の租税の納付を免除するものではない。これらの者が合衆国軍隊の構成員若しくは軍属又はそれらの家族であるという理由のみによつて日本国にある期間は、日本の租税の賦課上、日本国に居所又は住所を有する期間とは認めない。

3 合衆国軍隊の構成員及び軍属並びにそれらの家族は、これらの者が一時的に日本国にあることのみに基づいて日本国に所在する有体又は無体の動産の保有、使用、これらの者相互間の移転又は死亡による移転についての日本国における租税を免除される。ただし、この免除は、投資若しくは事業を行なうため日本国において保有される財産又は日本国において登録された無

又は労働委員会の決定を通報する。

(b) 合衆国軍隊又は前記の機関が当該労働者を就労させることを希望しないときは、合衆国軍隊又は前記の機関は、日本国政府から裁判所又は労働委員会の決定について通報を受けた後七日以内に、その旨を日本国政府に通告しなければならず、暫定的にその労働者を就労させないことができる。

(c) 前記の通告が行なわれたときは、日本国政府及び合衆国軍隊又は前記の機関は、事件の実際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。

(d) (c)の規定に基づく協議の開始の日から三十日の期間内にそのような解決に到達しなかつたときは、当該労働者は、就労

することができない。このような場合には、合衆国政府は、日本国政府に対し、両政府間で合意される期間の当該労働者の雇用の費用に等しい額を支払わなければならない。

7 軍属は、雇用の条件に関して日本国の法令に服さない。

8 合衆国軍隊の構成員及び軍属並びにそれらの家族は、日本国における物品及び役務の個人的購入について日本国の法令に基づいて課される租税又は類似の公課の免除をこの条の規定を理由として享有することはない。

9 3に掲げる租税の免除を受けて日本国で購入した物は、合衆国及び日本国の当局が相互間で合意する条件に従つて処分を認める場合を除くほか、当該租税の免除を受けて当該物を購入す

最終的には合衆国軍隊が使用するため調達される資材、需品、備品及び役務は、合衆国軍隊の適当な証明書があれば、物品税及び揮発油税を免除される。両政府は、この条に明示していない日本の現在の又は将来の租税で、合衆国軍隊によつて調達され、又は最終的には合衆国軍隊が使用するため調達される資材、需品、備品及び役務の購入価格の重要なかつ容易に判別することができる部分をなすと認められるものに関しては、この条の目的に合致する免税又は税の軽減を認めるための手続について合意するものとする。

4 現地の労務に対する合衆国軍隊及び第十五条に定める諸機関の需要は、日本国の当局の援助を得て充足される。

5 所得税、地方住民税及び社会保障のための納付金を源泉徴収して納付するための義務並びに、相互間で別段の合意をする場合を除くほか、賃金及び諸手当に関する条件その他の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。

6 合衆国軍隊又は、適当な場合には、第十五条に定める機関により労働者が解職され、かつ、雇用契約が終了していない旨の日本国の裁判所又は労働委員会の決定が最終的のものとなつた場合には、次の手続が適用される。

(a) 日本国政府は、合衆国軍隊又は前記の機関に対し、裁判所

は財務に関する法令に違反する行為に関連して日本国政府の税関当局が差し押えたものは、関係部隊の当局に引き渡さなければならぬ。

第十二条

75

1 合衆国は、この協定の目的のため又はこの協定で認められるところにより日本国で供給されるべき需品又は行なわれるべき工事のため、供給者又は工事を行なう者の選択に関して制限を受けないで契約することができる。そのような需品又は工事は、また、両政府の当局間で合意されるときは、日本国政府を通じて調達することができる。

2 現地で供給される合衆国軍隊の維持のため必要な資材、需品、備品及び役務でその調達が日本国の経済に不利な影響を及ぼすおそれがあるものは、日本国の権限のある当局との調整の下に、また、望ましいときは日本国の権限のある当局を通じて又はその援助を得て、調達しなければならない。

74

3 合衆国軍隊又は合衆国軍隊の公認調達機関が適当な証明書を附して日本国で公用のため調達する資材、需品、備品及び役務は、日本の次の租税を免除される。

- (a) 物品税
- (b) 通行税
- (c) 揮発油税
- (a) 電気ガス税

6 関税の免除を受けて日本国に輸入された物は、合衆国及び日本国の当局が相互間で合意する条件に従つて処分を認める場合を除くほか、関税の免除を受けて当該物を輸入する権利を有しない者に対して日本国内で処分してはならない。

7 2及び3の規定に基づき関税その他の課徴金の免除を受けて日本国に輸入された物は、関税その他の課徴金の免除を受けて再輸出することができる。

8 合衆国軍隊は、日本国の当局と協力して、この条の規定に従つて合衆国軍隊、合衆国軍隊の構成員及び軍属並びにそれらの家族に与えられる特権の濫用を防止するため必要な措置を執らなければならぬ。

9 (a) 日本国の当局及び合衆国軍隊は、日本国政府の税関当局が執行する法令に違反する行為を防止するため、調査の実施及び証拠の収集について相互に援助しなければならぬ。

(b) 合衆国軍隊は、日本国政府の税関当局によつて又はこれに代わつて行なわれる差押えを受けるべき物件がその税関当局に引き渡されることを確保するため、可能なすべての援助を与えなければならぬ。

(c) 合衆国軍隊は、合衆国軍隊の構成員若しくは軍属又はそれらの家族が納付すべき関税、租税及び罰金の納付を確保するため、可能なすべての援助を与えなければならぬ。

(d) 合衆国軍隊に属する車両及び物件で、日本国政府の関税又

の課徴金を課さない。

(a) 合衆国軍隊の構成員若しくは軍属が日本国で勤務するため最初に到着した時に輸入し、又はそれらの家族が当該合衆国軍隊の構成員若しくは軍属と同居するため最初に到着した時に輸入するこれらの者の私用のための家具及び家庭用品並びにこれらの者が入国の際持ち込む私用のための身回品

(b) 合衆国軍隊の構成員又は軍属が自己又はその家族の私用のため輸入する車両及び部品

(c) 合衆国軍隊の構成員及び軍属並びにそれらの家族の私用のため合衆国において通常日常用として購入される種類の合理的な数量の衣類及び家庭用品で、合衆国軍事郵便局を通じて

日本国に郵送されるもの

4 2及び3で与える免除は、物の輸入の場合のみに適用するものとし、関税及び内国消費税がすでに徴収された物を購入する場合に、当該物の輸入の際税関当局が徴収したその関税及び内国消費税を払いもどすものと解してはならない。

5 税関検査は、次のもの場合には行なわないものとする。

(a) 命令により日本国に入国し、又は日本国から出国する合衆国軍隊の部隊

(b) 公用の封印がある公文書及び合衆国軍事郵便路線上にある公用郵便物

(c) 合衆国政府の船荷証券により船積みされる軍事貨物

は、日本国民に適用される条件と同一の条件で取得する日本国の登録番号標を付けていなければならない。

第十一条

81

1 合衆国軍隊の構成員及び軍属並びにそれらの家族は、この協定中に規定がある場合を除くほか、日本国の税関当局が執行する法令に服さなければならない。

2 合衆国軍隊、合衆国軍隊の公認調達機関又は第十五条に定める諸機関が合衆国軍隊の公用のため又は合衆国軍隊の構成員及び軍属並びにそれらの家族の使用のため輸入するすべての資材、需品及び備品並びに合衆国軍隊が専用すべき資材、需品及び備品又は合衆国軍隊が使用する物品若しくは施設に最終的には合

80

体されるべき資材、需品及び備品は、日本国に入れることを許される。この輸入には、関税その他の課徴金を課さない。前記の資材、需品及び備品は、合衆国軍隊、合衆国軍隊の公認調達機関又は第十五条に定める諸機関が輸入するものである旨の適当な証明書（合衆国軍隊が専用すべき資材、需品及び備品又は合衆国軍隊が使用する物品若しくは施設に最終的には合体されるべき資材、需品及び備品にあつては、合衆国軍隊が前記の目的のために受領すべき旨の適当な証明書）を必要とする。

3 合衆国軍隊の構成員及び軍属並びにそれらの家族に仕向けられ、かつ、これらの者の私用に供される財産には、関税その他の課徴金を課する。ただし、次のものについては、関税その他

てその者がそのような入国の資格を有しなくなつた場合には、合衆国の当局は、日本国の当局にその旨を通告するものとし、また、その者が日本国から退去することを日本国の当局によつて要求されたときは、日本国政府の負担によらないで相当の期間内に日本国から輸送することを確保しなければならぬ。

6 日本国政府が合衆国軍隊の構成員若しくは軍属の日本国の領域からの送出国を要請し、又は合衆国軍隊の旧構成員若しくは旧軍属に対し若しくは合衆国軍隊の構成員、軍属、旧構成員若しくは旧軍属の家族に対し退去命令を出したときは、合衆国の当局は、そ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出することにつき責任を負う。この項の規定は、日本国民でない者で合衆国軍隊の構成員若しくは軍属として又は合衆国軍隊の構成員若しくは軍属となるために日本国に入国したものと及びそれらの者の家族に対してのみ適用する。

第十条

1 日本国は、合衆国が合衆国軍隊の構成員及び軍属並びにそれらの家族に対して発給した運転許可証若しくは運転免許証又は軍の運転許可証を、運転者試験又は手数料を課さないで、有効なものとして承認する。

2 合衆国軍隊及び軍属用の公用車両は、それを容易に識別させる明確な番号標又は個別の記号を付けていなければならぬ。

3 合衆国軍隊の構成員及び軍属並びにそれらの家族の私有車両

隊の構成員及び軍属並びにそれらの家族である者を日本国に入
れることができる。

2 合衆国軍隊の構成員は、旅券及び査証に関する日本国の法令
の適用から除外される。合衆国軍隊の構成員及び軍属並びにそ
れらの家族は、外国人の登録及び管理に関する日本国の法令の
適用から除外される。ただし、日本国の領域における永久的な
居所又は住所を要求する権利を取得するものとみなされない。

3 合衆国軍隊の構成員は、日本国への入国又は日本国からの出
国に当たつて、次の文書を携帯しなければならない。

(a) 氏名、生年月日、階級及び番号、軍の区分並びに写真を掲
げる身分証明書

(b) その個人又は集団が合衆国軍隊の構成員として有する地位
及び命令された旅行の証明となる個別的又は集団的旅行の命

令書

84

合衆国軍隊の構成員は、日本国にある間の身分証明のため、
前記の身分証明書を携帯していなければならない。身分証明書
は、要請があるときは日本国の当局に提示しなければならない。

4 軍属、その家族及び合衆国軍隊の構成員の家族は、合衆国の
当局が発給した適当な文書を携帯し、日本国への入国若しくは
日本国からの出国に当たつて又は日本国にある間その身分を日
本国の当局が確認することができるようにしなければならない。

5 1の規定に基づいて日本国に入国した者の身分に変更があつ

85

他の航行補助施設及び航空保安施設は、日本国で使用されている様式に合致しなければならぬ。これらの施設を設置した合衆国及び日本国の当局は、その位置及び特徴を相互に通告しなければならず、かつ、それらの施設を変更し、又は新たに設置する前に予告をしなければならぬ。

第七条

合衆国軍隊は、日本国政府の各省その他の機関に当該時に適用されている条件よりも不利でない条件で、日本国政府が有し、管理し、又は規制するすべての公益事業及び公共の役務を利用することができ、並びにその利用における優先権を享有するものとする。

第八条

日本国政府は、両政府の当局間の取極に従い、次の気象業務を合衆国軍隊に提供することを約束する。

- (a) 地上及び海上からの気象観測（気象観測船からの観測を含む。）
- (b) 気象資料（気象庁の定期的概報及び過去の資料を含む。）
- (c) 航空機の安全かつ正確な運航のため必要な気象情報を報ずる

電気通信業務

- (d) 地震観測の資料（地震から生ずる津波の予想される程度及びその津波の影響を受ける区域の予報を含む。）

第九条

- 1 この条の規定に従うことを条件として、合衆国は、合衆国軍

ときは、日本国の当局にその旨の通告を与えなければならず、その貨物又は旅客の日本国への入国及び同国からの出国は、日本国の法令による。

- 2 1に掲げる船舶及び航空機、合衆国政府所有の車両（機甲車両を含む。）並びに合衆国軍隊の構成員及び軍属並びにそれらの家族は、合衆国軍隊が使用している施設及び区域に出入し、これらのもの間の移動し、及びこれらのものと日本国の港又は飛行場との間を移動することができ、合衆国の軍用車両の施設及び区域への出入並びにこれらのもの間の移動には、道路使用料その他の課徴金を課さない。

- 3 1に掲げる船舶が日本国の港に入る場合には、通常の状態に
 おいては、日本国の当局に適當な通告をしなければならぬ。
 その船舶は、強制水先を免除される。もつとも、水先人を使用したときは、尙当する料率で水先料を支払わなければならない。

第六条

- 1 すべての非軍用及び軍用の航空交通管理及び通信の体系は、緊密に協調して発達を図るものとし、かつ、集団安全保障の利益を達成するため必要な程度に整合するものとする。この協調及び整合を図るため必要な手続及びそれに対するその後の変更は、両政府の当局間の取極によつて定める。

- 2 合衆国軍隊が使用している施設及び区域並びにそれらに隣接し又はそれらの近傍の領水に置かれ、又は設置される燈火その

する電気通信用電子装置に対する妨害を防止し又は除去するためのすべての合理的な措置を関係法令の範囲内で執るものとする。

3 合衆国軍隊が使用している施設及び区域における作業は、公共の安全に妥当な考慮を払って行なわなければならない。

第四条

1 合衆国は、この協定の終了の際又はその前に日本国に施設及び区域を返還するに当たつて、当該施設及び区域をそれらが合衆国軍隊に提供された時の状態に回復し、又はその回復の代りに日本国に補償する義務を負わない。

2 日本国は、この協定の終了の際又はその前における施設及び区域の返還の際、当該施設及び区域に加えられている改良又はそこに残される建物若しくはその他の工作物について、合衆国にいかなる補償をする義務も負わない。

3 前記の規定は、合衆国政府が日本国政府との特別取極に基づいて行なう建設には適用しない。

第五条

1 合衆国及び合衆国以外の国の船舶及び航空機で、合衆国によつて、合衆国のために又は合衆国の管理の下に公の目的で運航されるものは、入港料又は着陸料を課されないうで日本国の港又は飛行場に入出することができる。この協定による免除を与えられない貨物又は旅客がそれらの船舶又は航空機で運送される

用の目的にとつて有害でないことが合同委員会を通じて両政府間に合意された場合に限る。

(b) 合衆国軍隊が一定の期間を限つて使用すべき施設及び区域に関しては、合同委員会は、当該施設及び区域に関する協定中に、適用があるこの協定の規定の範囲を明記しなければならない。

第三条

1 合衆国は、施設及び区域内において、それらの設定、運営、警護及び管理のため必要なすべての措置を執ることができる。日本国政府は、施設及び区域の支持、警護及び管理のための合衆国軍隊の施設及び区域への出入の便を図るため、合衆国軍隊

の要請があつたときは、合同委員会を通ずる両政府間の協議の上で、それらの施設及び区域に隣接し又はそれらの近傍の土地、領水及び空間において、関係法令の範囲内で必要な措置を執るものとする。合衆国も、また、合同委員会を通ずる両政府間の協議の上で前記の目的のため必要な措置を執ることができる。

2 合衆国は、1に定める措置を、日本国の領域への、領域からの又は領域内の航海、航空、通信又は陸上交通を不必要に妨げるような方法によつては執らないことに同意する。合衆国が使用する電波放射の装置が用いる周波数、電力及びこれらに類する事項に関するすべての問題は、両政府の当局間の取極により解決しなければならぬ。日本国政府は、合衆国軍隊が必要と

1 (a) 合衆国は、相互協力及び安全保障条約第六条の規定に基づき、日本国内の施設及び区域の使用を許される。個々の施設及び区域に関する協定は、第二十五条に定める合同委員会を通じて両政府が締結しなければならない。「施設及び区域」には、当該施設及び区域の運営に必要な現存の設備、備品及び定着物を含む。

(b) 合衆国がアメリカ合衆国と日本国との間の安全保障条約第三条に基づく行政協定の終了の時に使用している施設及び区域は、両政府が(a)の規定に従つて合意した施設及び区域とみなす。

2 合衆国政府及び日本国政府は、いずれか一方の要請があるときは、前記の取極を再検討しなければならない。また、前記の施設及び区域を日本国に返還すべきこと又は新たに施設及び区域を提供することを合意することができる。

3 合衆国軍隊が使用する施設及び区域は、この協定の目的のため必要でなくなつたときは、いつでも、日本国に返還しなければならない。合衆国は、施設及び区域の必要性を前記の返還を目的としてたえず検討することに同意する。

4 (a) 合衆国軍隊が施設及び区域を一時的に使用していないときは、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。ただし、この使用が、合衆国軍隊による当該施設及び区域の正規の使

アメリカ合衆国と日本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

アメリカ合衆国及び日本国は、千九百六十年一月十九日にワシントンで署名されたアメリカ合衆国と日本国との間の相互協力及び安全保障条約第六条の規定に従い、次に掲げる条項によりこの協定を締結した。

第一条

この協定において、

(a) 「合衆国軍隊の構成員」とは、日本国の領域にある間におけるアメリカ合衆国の陸軍、海軍又は空軍に属する人員で現に服

役中のものをいう。

96

(b) 「軍属」とは、合衆国の国籍を有する文民で日本国にある合衆国軍隊に雇用され、これに勤務し、又はこれに随伴するもの（通常日本国に居住する者及び第十四条に掲げる者を除く。）をいう。この協定のみ適用上、合衆国及び日本国の二重国籍者で合衆国が日本国に入れたものは、合衆国国民とみなす。

(c) 「家族」とは、次のものをいう。

- (1) 配偶者及び二十一才未満の子
- (2) 父、母及び二十一才以上の子で、その生計費の半額以上を合衆国軍隊の構成員又は軍属に依存するもの

第二条

AGREED MINUTES TO 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

The Plenipotentiaries of the United States of America and Japan 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 the United States of America and Japan, 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;
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 in the light of, *inter alia*, the statements concerning Article VII recorded in the official minutes [1] of the Tenth Joint Meeting for the Negotiation of the Administrative Agreement signed on February 28, 1952, which are hereby incorporated by reference.

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

¹ Not printed.

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 United States and Japanese 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 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.

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 in so far 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 Commissions of Japan, subject to the provisions of paragraph 6, 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 sub-

ject 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.

C. A. H.

N. K.

WASHINGTON, *January 19, 1960.*

The Secretary of State to the Japanese Prime Minister

DEPARTMENT OF STATE
WASHINGTON
January 19, 1960

EXCELLENCY:

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 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.

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

CHRISTIAN A. HERTER
*Secretary of State of the
United States of America*

His Excellency
NOBUSUKE KISHI,
Prime Minister of Japan.

The Japanese Prime Minister to the Secretary of State

WASHINGTON, January 19, 1960.

EXCELLENCY:

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

"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 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."

I have the honour to inform Your Excellency that the Government of Japan accepts the above proposal of the Government of the United States, and to confirm that your Note and this reply are considered as constituting an agreement between the two Governments.

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

NOBUSUKE KISHI

His Excellency

CHRISTIAN A. HERTER,
*Secretary of State
of the United States of America.*