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TREATY OF MUTUAL COOPERATION AND SECURITY Between the UNITED STATES OF AMERICA and JAPAN (Signed at Washington January 19, 1960 with Agreed Minute and Exchanges of Notes)

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Japan file

JAPANESE Reformist Positions:

LACK of agreement on defense issue -

JSP - UNARMED NEUTRALITY

JLP - RIGHT OF ARMED DEFENSE (NOT SDF) AFTER
BREAKING TIES WITH US

KOMEITO - MINIMAL DEFENSE CAPABILITIES

DSP - LIMITED SDF.

TREATY OF MUTUAL COOPERATION
AND SECURITY

Between the UNITED STATES OF
AMERICA and JAPAN

Signed at Washington January 19, 1960

with

Agreed Minute and Exchanges of Notes



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

The United States of America and Japan,

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

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

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, [1] and their desire to live in peace with all peoples and all governments,

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

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

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

Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to

¹ TS 993; 59 Stat. 1031.

eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV [1]

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI [2]

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan.

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, [3] replacing the Administrative Agreement [4] under Article III of the Security Treaty [5] between the United States of America and Japan, signed at Tokyo on February 28, 1952, [4] as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the

¹ See *post*, pp. 14, 19.

² See *post*, pp. 15, 19.

³ TIAS 4510; 11 U.S.T.

⁴ TIAS 2492; 3 U.S.T. pt. 3, p. 3341.

⁵ TIAS 2491; 3 U.S.T. pt. 3, p. 3332.

Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

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

ARTICLE IX

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

ARTICLE X

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

However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Washington in the English and Japanese languages, both 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

アメリカ合衆国のために

Christian A. Herter

Douglas MacArthur 2nd

J. Graham Parsons
日本国のために

岸 信 介
片岡 健 吉
石井 光 次郎
三 木 武 吉
朝 海 浩 一 郎

ような影響も及ぼすものではなく、また、及ぼすものと解釈してはならない。

第八条

この条約は、アメリカ合衆国及び日本国により各自の憲法上の手続に従つて批准されなければならない。この条約は、両国が東京で批准書を交換した日に効力を生ずる。

第九条

千九百五十一年九月八日にサン・フランシスコ市で署名されたアメリカ合衆国と日本国との間の安全保障条約は、この条約の効力発生の時に効力を失う。

第十条

この条約は、日本区域における国際の平和及び安全の維持のため十分な定めをする国際連合の措置が効力を生じたときアメリカ合衆国政府及び日本国政府が認める時まで効力を有する。

もつとも、この条約が十年間効力を存続した後は、いずれの締約国も、他方の締約国に対しこの条約を終了させる意思を通告することができ、その場合には、この条約は、そのような通告が行なわれた後一年で終了する。

以上の証拠として、下名の全権委員は、この条約に署名した。

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。

第五条

各締約国は、日本国の施政の下にある領域における、いずれか一方に対する武力攻撃が、自国の平和及び安全を危うくするものであることを認め、自国の憲法上の規定及び手続に従つて共通の危険に対処するように行動することを宣言する。

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

第六条

日本国の安全に寄与し、並びに極東における国際の平和及び安全の維持に寄与するため、アメリカ合衆国は、その陸軍、空軍及び海軍が日本国において施設及び区域を使用することを許される。

8 前記の施設及び区域の使用並びに日本国における合衆国軍隊の地位は、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。）に代わる別個の協定及び合意される他の取極により規律される。

第七条

この条約は、国際連合憲章に基づく締約国の権利及び義務又は国際の平和及び安全を維持する国際連合の責任に対しては、どの

国際関係において、武力による威嚇又は武力の行使を、いかなる国の領土保全又は政治的独立に対するものも、また、国際連合の目的と両立しない他のいかなる方法によるものも懐むことを約束する。

11 締約国は、他の平和愛好国と協同して、国際の平和及び安全を維持する国際連合の任務が一層効果的に遂行されるように国際連合を強化することに努力する。

第二条

締約国は、その自由な諸制度を強化することにより、これらの制度の基礎をなす原則の理解を促進することにより、並びに安定及び福祉の条件を助長することによつて、平和的かつ友好的な国

際関係の一層の発展に貢献する。締約国は、その国際経済政策におけるくい違いを除くことに努め、また、両国の間の経済的協力を促進する。

第三条

10 締約国は、個別的に及び相互に協力して、継続的かつ効果的な自助及び相互援助により、武力攻撃に抵抗するそれぞれの能力を、憲法上の規定に従うことを条件として、維持し発展させる。

第四条

締約国は、この条約の実施に関して随時協議し、また、日本国の安全又は極東における国際の平和及び安全に対する脅威が生じたときはいつでも、いずれか一方の締約国の要請により協議する。

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

アメリカ合衆国及び日本国は、

13 両国の間に伝統的に存在する平和及び友好の関係を強化し、並びに民主主義の諸原則、個人の自由及び法の支配を擁護することを希望し、

また、両国の間の一層緊密な経済的協力を促進し、並びにそれぞれの国における経済的安定及び福祉の条件を助長することを希望し、

国際連合憲章の目的及び原則に対する信念並びにすべての国民及びすべての政府とともに平和のうちに生きようとする願望を再

確認し、

両国が国際連合憲章に定める個別的又は集団的自衛の固有の権利を有していることを確認し、

両国が極東における国際の平和及び安全の維持に共通の関心を有することを考慮し、

12 相互協力及び安全保障条約を締結することを決意し、
よつて、次のとおり協定する。

第一条

締約国は、国際連合憲章に定めるところに従い、それぞれが関係することのある国際紛争を平和的手段によつて国際の平和及び安全並びに正義を危うくしないように解決し、並びにそれぞれの

WHEREAS the Senate of the United States of America by their resolution of June 22, 1960, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty;

WHEREAS the said treaty was ratified by the President of the United States of America on June 22, 1960, in pursuance of the aforesaid advice and consent of the Senate, and has been duly ratified on the part of the Government of Japan;

WHEREAS the respective instruments of ratification of the said treaty were duly exchanged at Tokyo on June 23, 1960;

AND WHEREAS it is provided in Article VIII of the said treaty that the treaty shall enter into force on the date on which the instruments of ratification thereof have been exchanged;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said treaty to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after June 23, 1960 by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of June in the year of our Lord one thousand nine hundred and [SEAL] sixty and of the Independence of the United States of America the one hundred eighty-fourth.

DWIGHT D EISENHOWER

By the President:

CHRISTIAN A. HERTER
Secretary of State

AGREED MINUTE TO THE TREATY OF
MUTUAL COOPERATION AND SECURITY

Japanese Plenipotentiary:

While the question of the status of the islands administered by the United States under Article 3 of the Treaty of Peace with Japan¹ has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of

¹ TIAS 2490; 3 UST, pt. 3, p. 3172.

these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV of the Treaty of Mutual Cooperation and Security. In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

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

C. A. H.
N. K.

WASHINGTON, *January 19, 1960.*

EXCHANGES OF NOTES

WASHINGTON, *January 19, 1960.*

EXCELLENCY:

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI [1] thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

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

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.

¹ See post. p. 19.

DEPARTMENT OF STATE
WASHINGTON
January 19, 1960

EXCELLENCY:

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

"I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan.

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

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

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

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.

DEPARTMENT OF STATE
WASHINGTON
January 19, 1960

EXCELLENCY:

I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951, [1] the exchange of notes effected on the same date [2] between Mr. Shigeru Yoshida, Prime Minister of Japan, and

¹ TIAS 2491; 3 UST, pt. 3, p. 3329.

Mr. Dean Acheson, Secretary of State of the United States of America, and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, [1] as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.

2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, [2] and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960.

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.

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 the Security Treaty between the United States of America and Japan signed at the city of San

¹ TIAS 2995; 5 UST, pt. 2, p. 1123.

² U.N. Doc. S/1588.

Francisco on September 8, 1951, the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954, as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that:

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.
2. The expression 'those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America' in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.
3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding of my Government stated in the foregoing numbered paragraphs is also the understanding of your Government and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security signed at Washington on January 19, 1960."

I have the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan. I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUSUKE KISHI

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

WASHINGTON, *January 19, 1960.*

DEAR SECRETARY HERTER:

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

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

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

I would appreciate very much your views on this matter.

Most sincerely,

NOBUSUKE KISHI

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

DEPARTMENT OF STATE
WASHINGTON
January 19, 1960

DEAR MR. PRIME MINISTER:

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

Most sincerely,

CHRISTIAN A. HERTER

His Excellency
NOBUSUKE KISHI,
Prime Minister of Japan.