

NANPO SHOTO AND OTHER ISLANDS

Relinquishment to Japan of Rights
Under Article III of Treaty of Peace

Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Signed at Tokyo April 5, 1968

with

Japanese Note



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

"... the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

JAPAN

**Nanpo Shoto and Other Islands: Relinquishment to Japan
of Rights Under Article III of Treaty of Peace**

*Agreement signed at Tokyo April 5, 1968;
Entered into force June 26, 1968.
With Japanese note.*

AGREEMENT BETWEEN THE UNITED STATES OF
AMERICA AND JAPAN CONCERNING NANPO SHOTO
AND OTHER ISLANDS

WHEREAS the President of the United States of America and the Prime Minister of Japan reviewed together on November 14 and 15, 1967 the status of Nanpo Shoto and other islands, and agreed that the Governments of the United States of America and Japan should enter immediately into consultations regarding the specific arrangements for accomplishing the early restoration of these islands to Japan without detriment to the security of the area; and

WHEREAS the United States of America desires, with respect to Nanpo Shoto and other islands, to relinquish in favor of Japan all rights and interests under Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951;^[1] and

WHEREAS Japan is willing to assume full responsibility and authority for the exercise of all powers of administration, legislation and jurisdiction over the territory and inhabitants of Nanpo Shoto and other islands;

THEREFORE, the Government of the United States of America and the Government of Japan have determined to conclude this Agreement, and have accordingly appointed their respective representatives for this purpose, who have agreed as follows:

¹ TIAS 2490; 3 UST 3172.

Article I

1. With respect to Nanpo Shoto and other islands, as defined in paragraph 2 below, the United States of America relinquishes in favor of Japan all rights and interests under Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, effective as of the date of entry into force of this Agreement. Japan, as of such date, assumes full responsibility and authority for the exercise of all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of the said islands.

2. For the purpose of this Agreement, the term "Nanpo Shoto and other islands" means Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island, including their territorial waters.

Article II

It is confirmed that treaties, conventions and other agreements concluded between the United States of America and Japan, including, but without limitation, the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960^[1] and the agreements related thereto and the Treaty of Friendship, Commerce and Navigation between the United

¹ TIAS 4509; 11 UST 1632.

States of America and Japan signed at Tokyo on April 2, 1953,^[1] become applicable to Nanpo Shoto and other islands as of the date of entry into force of this Agreement.

Article III

1. The communications sites (LORAN stations) in Iwo Jima and Marcus Island presently utilized by the United States armed forces will be used by them in accordance with the procedures set forth in 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 at Washington on January 19, 1960.^[2] However, in the event that, due to unavoidable delays, it is not possible to comply with the above procedures by the date of entry into force of this Agreement, Japan grants to the United States of America the continued use of those particular sites, pending the completion of the said procedures.

2. The installations and sites in Nanpo Shoto and other islands which are presently utilized by the United States armed forces, except for those mentioned in paragraph 1 above, will be transferred to Japan upon entry into force of this Agreement. However, in the event that, due to unavoidable delays, it is not possible to complete the said transfer by the date of entry into force of this Agreement, Japan grants to the United

States of America the continued use of those installations and sites, pending the completion of the said transfer.

3. The use of the installations and sites which may be made by the United States armed forces under paragraphs 1 and 2 above until such time as the necessary procedures or the transfers are completed shall be governed by the arrangements made pursuant to the Treaty of Mutual Cooperation and Security between the United States of America and Japan, signed at Washington on January 19, 1960.

Article IV

The weather station in Marcus Island now being operated by the United States Weather Bureau will be transferred to the Government of Japan upon entry into force of this Agreement. In the event of unavoidable delays in the said transfer, it is agreed that the present operation of the weather station will be continued until the completion of the transfer.

Article V

1. Japan waives all claims of Japan and its nationals against the United States of America and its nationals and against the local authorities of Nanpo Shoto and other islands, arising from the presence, operations or actions of forces or authorities of the United States of America in these islands, or from the presence, operations or actions of forces or

¹ TIAS 2863; 4 UST 2063.

² TIAS 4510; 11 UST 1652.

Area Where Defunct Japanese Army Men Were Annihilated Completely during World War II; Iwojima Island to Be Turned Again into Base; Anti-Submarine Planes to Be Deployed in Emergency; Full Play to Be Given to Strategic Value; JDA Solidifies Policy

Since the JDA, during deliberations on the two defense-connected law revision bills at the current Diet session, has clarified its "unified view" as to the scope of actions by the MSDF, the strengthening of maritime defense power in response to this has become a task for the present. According to a clarification made by a JDA source on July 1, the JDA is said to have solidified its policy for using Iwojima Island as a base for anti-submarine patrol planes, in an emergency. Thus, the strategic value of the same Island, an area where a fierce battle was carried out during World War II, has come again into the limelight.

Runway, Etc., to Be Reinforced

The JDA is making preparations in the direction of reinforcing the runway on Iwojima Island during the current fiscal year and of securing permission as to take-off or landing at night. It is also planning to reconstruct the barracks there in the next fiscal year. It seems that the aim of these moves is to make strategic arrangements for the purpose of deploying anti-submarine planes on Iwojima Island in an emergency and of using the same Island as a "keystone" for the defense of the "Southeast Route Zone."

The scope of actions by the MSDF had been a pending question since April, 1952, when it was established. However, at the Lower House Cabinet Committee meeting on June 19, JDA Defense Bureau Director General KUBO clarified the following policy: "The limit of the surrounding sea areas will be several hundred nautical miles or so, and that of the Route Zone will be about 1,000 nautical miles." Thus, general prospects were obtained. The KUBO statement was made as a reply, when JSP member Yanosuke NARAZAKI disclosed the secret documents of the JDA, and conducted pursuit, saying, "At the US-Japan administrative-level security consultations, held at the end of May, (the Japanese side) explained that the limit of surrounding sea areas is several hundred to about 1,000 nautical miles."

Moreover, at the same Committee meeting on June 21, Foreign Ministry American Affairs Bureau Director General OKAWARA stated that he has notified the US side, in written form, to the effect that the "replies, given at the Diet, are the Japanese Government's policy." Consequently, in regard to the scope of MSDF actions, the view that "the limit of surrounding sea areas is several hundred nautical miles or so, and that of the Route Zone is about 1,000 nautical miles," has been established as a virtually unified view, both at home and abroad.

In this connection, an MSDF Office of Staff source says, "If we are to be charged with the mission of defending that scope of area through use of the same power as the MSDF's real power (about 170 ships, or about 214,000 tons of ships, and about 200 planes) which will be seen as of 1976, when the Fourth Defense Plan is expected to be completed, then our 'defense networks' will inevitably become thinner. In a case of emergency, there may be no other way but to try to cope with the situation quickly and on the basis of the priority-first principle."

The MSDF is scheduled to regard Iwojima Island as one of the "footholds" for displaying its mobility in an emergency. The same Island lies at a point about 700 kilometers from Tokyo, and it is also situated at about the middle of the "Southeast Route Zone" extending from the direction of Australia to Japan. It had also been regarded as a strategic base, from the time of World War II.

It was in June, 1968, that Iwojima Island was returned by the US to Japan. At present, there are about 50 men belonging to the Iwojima Island Contingent, attached to the MSDF 4th Air Group (which is stationed at Shimofusa Air Base in Chiba Prefecture and which will be transferred to Atsugi Air Base in Kanagawa Prefecture by next March), on Iwojima Island. Those men are exercising management over the runway there, but there are no planes stationed there.

The runway is about 2,700 meters long. It is possible for both P2V7 and P2J anti-submarine patrol planes of the MSDF to use the runway for taking off or landing. Flights from Shimofusa Air Base and other bases to Iwojima Island for training purposes are made as occasion demands. Even if a decision is reached to use P3C-class planes of America's Lockheed, for example, as PXL planes (next-term anti-submarine patrol planes) which are scheduled to be put to practical use from around 1979, as planes following the P2J planes which are becoming worn-out, it is said that it will be OK to take off from or land on Iwojima Island.

As for its plan, the JDA intends to station anti-submarine patrol planes and anti-submarine patrol helicopters on Iwojima Island on a permanent basis, in an emergency, and to give full play to the strategic value of the same Island. If this is so, it will mean that Japanese merchant ships, which come back, with cargoes of resources on board, from the direction of Australia, will be protected by the anti-submarine patrol planes after entering into the scope of defense by the MSDF, to the north of the Mariana Islands.

It is said that from around the time of the First Defense Plan (fiscal 1958 to 1960), there had been the plan of using Iwojima Island as a base, latently within the JDA. This plan seems to have risen to the surface, touched off by the defense problem debates at the current Diet session. However, the said JDA source says, "In peace-time, we have no intention to station anti-submarine patrol planes on the same Island on a permanent basis." In peace-time, the use of the Island as a base for training, as at present, will probably be continued.

NMI

TOKYO SHIMBUN (Full)

Eve., June 19, 1973

¥200 Million Worth of Awakening Drugs Confiscated

(Yokohama)

The Yokohama Customs House arrested on the night of 18th, in co-operation with the Welfare Ministry Kanto Shinetsu Area Narcotics Control Official Yokohama Branch Office, Chief Steward LIN Chang-chieu (39 years old) of the ROK regular freighter "Pole Star" (716 tons), which was anchored at Honmoku Pier No. 2 in Yokohama Port, on a charge of violating the Awakening Drugs Control Law, and confiscated 1.2 kilograms of awakening drugs (worth ¥240 million).

LIN concealed the awakening drugs, dividing them into two light-brown paper parcels, at the back of a crane-car, which was parked in the neighborhood of the top roof of Breakwater No. 3 at the said Pier, at around 8:35 p.m. on the same day. When he came to inquire about the awakening drugs, he was arrested.

Area Where Defunct Japanese Army Men Were Annihilated Completely during World War II; Iwojima Island to Be Turned Again into Base; Anti-Submarine Planes to Be Deployed in Emergency; Full Play to Be Given to Strategic Value; JDA Solidifies Policy

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Moreover, at the same Committee meeting on June 21, Foreign Ministry American Affairs Bureau Director General OKAWARA stated that he has notified the US side, in written form, to the effect that the "replies, given at the Diet, are the Japanese Government's policy." Consequently, in regard to the scope of MSDF actions, the view that "the limit of surrounding sea areas is several hundred nautical miles or so, and that of the Route Zone is about 1,000 nautical miles," has been established as a virtually unified view, both at home and abroad.

In this connection, an MSDF Office of Staff source says, "If we are to be charged with the mission of defending that scope of area through use of the same power as the MSDF's real power (about 170 ships, or about 214,000 tons of ships, and about 200 planes) which will be seen as of 1976, when the Fourth Defense Plan is expected to be completed, then our 'defense networks' will inevitably become thinner. In a case of emergency, there may be no other way but to try to cope with the situation quickly and on the basis of the priority-first principle."

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authorities of the United States of America having had any effect upon these islands, prior to the date of entry into force of this Agreement. The foregoing waiver does not, however, include claims of Japanese nationals specifically recognized in the laws of the United States of America or the local laws of these islands applicable during the period of United States administration of these islands.

2. Japan recognizes the validity of all acts and omissions done during the period of United States administration of Nanpo Shoto and other islands under or in consequence of directives of the United States or local authorities, or authorized by existing law during that period, and will take no action subjecting United States nationals or the residents of these islands to civil or criminal liability arising out of such acts or omissions.

3. It is confirmed that during the period of United States administration of Nanpo Shoto and other islands, the United States or local authorities have not taken any official action to transfer title to the property rights and ownership interests in these islands belonging to Japan and its nationals who during that period have been unable to enjoy the use, benefit or exercise of such property rights or interests due to measures taken by the United States of America.

Article VI

This Agreement shall enter into force^[1] thirty days after the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo, this fifth day of April, 1968, in duplicate in the English and Japanese languages, both equally authentic.

For the United States of America:

U. Alexis Johnson [2]

For Japan:

Takeo Miki [3]

[SEAL]

[SEAL]

¹ June 26, 1968

² U. Alexis Johnson

³ Takeo Miki

この協定は、日本国がその国内法上の手続に従つてこの協定を承認した旨の通知をアメリカ合衆国政府が日本国政府から受領した日の後三十日目の日に効力を生ずる。

9
以上の証拠として、下名は、各自の政府から正当な委任を受け、この協定に署名した。

千九百六十八年四月五日に東京で、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。

8
アメリカ合衆国のために

A. Alex. Thomson

日本国のために

三木 武夫

1 日本国は、この協定の効力発生の日前に南方諸島及びその他の諸島におけるアメリカ合衆国の軍隊若しくは当局の存在、職務遂行若しくは行動又はこれらの諸島に影響を及ぼしたアメリカ合衆国の軍隊若しくは当局の存在、職務遂行若しくは行動から生じたアメリカ合衆国及びその国民並びにこれらの諸島の現地当局に対する日本国及びその国民のすべての請求権を放棄する。ただし、前記の放棄には、これらの諸島の合衆国による施政の期間中に適用されたアメリカ合衆国の法令又はこれらの諸島の現地法令により特に認められる日本国民の請求権の放棄を含まない。

2 日本国は、南方諸島及びその他の諸島の合衆国による施政の期間中に合衆国の当局若しくは現地当局の指令に基づいて

若しくはその結果として行なわれ、又は当時の法令によつて許可されたすべての作為又は不作為の効力を承認し、合衆国民又はこれらの諸島の居住者をこれらの作為又は不作為から生ずる民事又は刑事の責任に問ういかなる行動も執らないものとする。

3 合衆国の当局又は現地当局は、南方諸島及びその他の諸島の合衆国による施政の期間中、これらの諸島における財産権及び所有利益で、日本国及び前記の期間中にアメリカ合衆国が執つた措置により当該財産権又は利益の使用、収益又は行使を不可能にされた日本国民に属するものの権原を移転するようないかなる公的な行動も執らなかつたことが確認される。

第六条

のためこの協定の効力発生の日までに前記の手續によることができない場合には、日本国は、アメリカ合衆国に対し、その手續が完了するまでの間、これらの特定の用地を引き続き使用することを許すものとする。

2 合衆国軍隊が現に利用している南方諸島及びその他の諸島における設備及び用地は、¹に掲げるものを除くほか、この協定の効力発生の日に関日本国に引き渡される。もつとも、避けがたい遅延のためこの協定の効力発生の日までに前記の引渡しを完了することができない場合には、日本国は、アメリカ合衆国に対し、その引渡しを完了するまでの間、これらの設備及び用地を引き続き使用することを許すものとする。

3 必要な手續又は引渡しを完了するまでの間合衆国軍隊が¹及び²の規定に基づいて行なう設備及び用地の使用は、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に従つて行なわれた取極により規律されるものとする。

第四条

合衆国気象局が現に運営している南鳥島の測候所は、この協定の効力発生の日に関日本国政府に引き渡される。この引渡しについて避けがたい遅延がある場合には、引渡しを完了するまでの間、測候所の現状どおりの運営が継続されることが合意される。

第五条

ために放棄する。日本国は、前記の日に、これらの諸島の領域及び住民に対する行政、立法及び司法上のすべての権力を行使するための完全な権能及び責任を引き受ける。

2 この協定の適用上、「南方諸島及びその他の諸島」とは、婦婦岩の南の南方諸島（小笠原群島、西之島及び火山列島を含む。）並びに沖の鳥島及び南鳥島をいい、これらの諸島の領水を含む。

第二条

アメリカ合衆国と日本国との間に締結された条約及びその他の協定（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及び

（日）

これに関連する取極並びに千九百五十三年四月二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友好通商航海条約を含むが、これらに限られない。）は、この協定の効力発生の日から南方諸島及びその他の諸島に適用されることが確認される。

第三条

1 合衆国軍隊が現に利用している硫黄島及び南鳥島における通信施設用地（ロラン局）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に定める手続に従つて、合衆国軍隊が使用する。もつとも、避けがたい遅延

南方諸島及びその他の諸島に関するアメリカ合衆国と日本国との間の協定

17

アメリカ合衆国大統領と日本国総理大臣は、千九百六十七年十一月十四日及び十五日に南方諸島及びその他の諸島の地位について検討し、これらの諸島の日本国への早期復帰をこの地域の安全をそこなうことなく達成するための具体的な取極に関してアメリカ合衆国政府及び日本国政府が直ちに協議に入ること
に合意したので、

アメリカ合衆国は、南方諸島及びその他の諸島に関し、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日本国との平和条約第三条の規定に基づくすべての権利及び利益を日本国のために放棄することを希望するので、また、

(月)

日本国は、南方諸島及びその他の諸島の領域及び住民に対する行政、立法及び司法上のすべての権力を使用するための完全な権能及び責任を引き受けることを望むので、

よつて、アメリカ合衆国政府及び日本国政府は、この協定を締結することに決定し、このためそれぞれの代表者を任命した。これらの代表者は、次のとおり協定した。

16

第一条

1 アメリカ合衆国は、2に定義する南方諸島及びその他の諸島に関し、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日本国との平和条約第三条の規定に基づくすべての権利及び利益を、この協定の効力発生の日から日本国の

拝啓

日本国との平和条約第三条の規定に基づいて合衆国政府が行使してきた小笠原群島及びその他の諸島の施政権が、日本国に返還されることになつたことは、本大臣の深く満足するところであります。このたび返還される諸島のうち、硫黄島は、太平洋戦争の過程において、最も激しい戦闘の一つが行なわれた地であります。

この硫黄島の摺鉢山の頂上には、勇敢に戦つた合衆国海兵隊員のための記念碑があります。合衆国側がこの記念碑を長く残したい気持は、よく理解されるところであります。しかし、この戦場は、わが日本の兵士も同様に勇敢に戦つた戦場であります。したがつて、今回硫黄島の返還を機として、日本の兵士のための記念碑も建てられ、この二つの記念碑が両国永遠の平和

を願ひ、かつ、両国勇士の勇敢と献身を記念するものとしてこの地に長く残ることを念願するものであります。

よつて、本大臣は、合衆国に対し、合衆国海兵隊員のための記念碑が摺鉢山に存置され、合衆国の関係者がこれに立ち入ることができるようになることが日本国政府の意図であることを閣下にお伝えします。

昭和四十三年四月五日

敬具

日本国外務大臣

三太夫

日本国駐在アメリカ合衆国特命全権大使

U・アレクシス・ジョンソン閣下

Translation

Tokyo, April 5, 1968

Dear Mr. Ambassador,

The return to Japan of the administration over the Bonin and other islands which the United States Government has exercised under the terms of Article 3 of the Treaty of Peace with Japan has filled me with great satisfaction. Amongst the islands that are being returned, one of the hardest battles was fought on the island of Iwo-jima in the course of the Pacific War.

There is a memorial on top of Suribachi-yama dedicated to the United States Marines who fought with great valor. I understand well the American desire to long preserve this memorial. At the same time this battlefield is one where our Japanese soldiers fought also with great courage. Thus, it is my hope, on the occasion of the return of Iwo-jima, that there will be erected a memorial in memory of the Japanese soldiers, and that these two memorials will long remain on this spot as a prayer for eternal peace between the two nations, and as a reminder of the valor and dedication of the brave men on both sides.

Therefore I wish to inform you that it is the intention of my Government to assure the United States that the memorial dedicated to the United States Marines will be preserved on Suribachi-yama and that United States personnel may have access thereto.

Yours sincerely,

Takeo Miki
Minister for Foreign Affairs
of Japan

His Excellency
U. Alexis Johnson
Ambassador Extraordinary and
Plenipotentiary of
the United States of America
to Japan