

**AUSTRALIA, CANADA, FRANCE,
ITALY, NEW ZEALAND, PHILIPPINES,
THAILAND, UNION OF SOUTH AFRICA,
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,
UNITED STATES OF AMERICA AND JAPAN**

Agreement (with Agreed Official Minutes) regarding the status of the United Nations forces in Japan. Done at Tokyo, on 19 February 1954

Protocol for the provisional implementation of the above-mentioned Agreement. Done at Tokyo, on 19 February 1954

Official texts: English and Japanese.

Registered by Japan on 1 September 1955.

**AUSTRALIE, CANADA, FRANCE,
ITALIE, NOUVELLE-ZÉLANDE,
PHILIPPINES, THAÏLANDE,
UNION SUD-AFRICAINE,
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD,
ÉTATS-UNIS D'AMÉRIQUE ET JAPON**

Accord (avec procès-verbal officiel approuvé) relatif au statut des forces des Nations Unies au Japon. Fait à Tokyo, le 19 février 1954

Protocole concernant l'application provisoire de l'Accord susmentionné. Fait à Tokyo, le 19 février 1954

Textes officiels anglais et japonais.

Enregistrés par le Japon le 1^{er} septembre 1955.

No. 2899. AGREEMENT¹ REGARDING THE STATUS OF
THE UNITED NATIONS FORCES IN JAPAN. DONE
AT TOKYO, ON 19 FEBRUARY 1954

WHEREAS it is stated in the notes exchanged by Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America, on September 8, 1951,² that upon the coming into force of the Treaty of Peace with Japan³ signed at the city of San Francisco on the same day Japan will assume obligations expressed in Article 2 of the Charter of the United Nations which requires the giving to the United Nations of every assistance in any action it takes in accordance with the Charter ;

WHEREAS in the above-mentioned notes the Government of Japan confirmed that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action ;

WHEREAS the United Nations forces still continue to be engaged in action pursuant to the Security Council Resolutions of June 25, June 27 and July 7, 1950⁴ and the General Assembly Resolution of February 1, 1951,⁵ which called upon all States and authorities to lend every assistance to the United Nations action ; and

WHEREAS Japan has been and is rendering important assistance in the form of facilities and services to the forces which are participating in the United Nations action in Korea ;

¹ In accordance with article XXI, the Agreement came into force on 11 June 1954, ten days after the date of its acceptance by the Government of Japan, in respect of the following States :

Australia	New Zealand
Canada	Philippines
France	United Kingdom
Italy	United States of
Japan	America

It came into force subsequently for the Union of South Africa on 6 November 1954, ten days after the deposit of the instrument of acceptance and, in accordance with article XXII, for Thailand on 22 August 1954, ten days after the deposit of the instrument of accession.

² United Nations, *Treaty Series*, Vol. 136, p. 203.

³ United Nations, *Treaty Series*, Vol. 136, p. 45 ; Vol. 163, p. 385 ; Vol. 184, p. 358, and Vol. 199, p. 344.

⁴ United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 2* (A/1361), pp. 21, 23 and 25.

⁵ United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 20.1* (A/1775/Add.1), p. 1.

NOW, THEREFORE, in order to define the status of, and treatment to be accorded to, such forces in Japan pending their withdrawal from its territory, the Parties to this Agreement have agreed as follows :

Article I

Except as otherwise provided in this Agreement, the following definitions of terms shall be adopted for the purpose of this Agreement :

(a) "United Nations Resolutions" means the United Nations Security Council Resolutions of June 25, June 27 and July 7, 1950 and the United Nations General Assembly Resolution of February 1, 1951.

(b) "Parties to this Agreement" means the Government of Japan, the Government of the United States of America acting as the Unified Command, and each Government which signs, or signs "subject to acceptance" and accepts, or accedes to, this Agreement, as the Government of a State sending forces to Korea pursuant to the United Nations Resolutions.

(c) "Sending State" means any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions and whose Government is a Party to this Agreement as the Government of a State sending forces to Korea pursuant to the United Nations Resolutions.

(d) "United Nations forces" means those forces of the land, sea or air armed services of the sending States which are sent to engage in action pursuant to the United Nations Resolutions.

(e) "Members of the United Nations forces" means personnel on active duty belonging to the United Nations forces when such persons are in Japan.

(f) "Civilian component" means the civilian persons of the nationality of any sending State who are in the employ of, serving with, or accompanying the United Nations forces when such persons are in Japan, but excludes persons who are ordinarily resident in Japan.

(g) "Dependents" means the following persons, when such persons are in Japan :

- (i) Spouse, and children under 21, of members of the United Nations forces or of the civilian components ;
- (ii) Parents, and children over 21, of members of the United Nations forces or of the civilian components, if dependent for over half their support upon such members.

Article II

It is the duty of the United Nations forces as well as members of such forces and of the civilian components, 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. The authorities of the sending States and the Commander-in-Chief, United Nations Command, shall take appropriate measures to this end.

Article III

1. Subject to the provisions of this Article, the Government of Japan grants permission to members of the United Nations forces and of the civilian components, and their dependents to enter into and depart from Japan for the purpose of this Agreement. The United Nations Command shall appropriately notify the Government of Japan of the number of persons entering and departing, the date of entry and departure, the object of entry, and the expected duration of stay.

2. Members of the United Nations forces shall be exempt from Japanese laws and regulations on passports and visas. Members of the United Nations forces and of the civilian components, and their dependents shall be exempt from Japanese laws and regulations on registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of Japan.

3. Upon entry into and departure from Japan members of the United Nations 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 Nations forces and to the travel ordered.

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

5. Members of the civilian components shall have their status and the organization to which they belong described in their passports. Dependents shall have their status described in their passports.

6. For purposes of their identification while in Japan, members of the civilian components and dependents shall, on demand of the appropriate Japanese authorities, present their passports within a reasonable time.

7. If the status of any person brought into Japan under this Article is altered so that he would no longer be entitled to such admission, the authorities of the sending State shall notify the Japanese authorities, and shall cause such person to leave Japan without cost to the Government of Japan as promptly as possible, unless such person be permitted to remain in Japan in accordance with the Japanese laws and regulations concerned.

8. If Japan, for good cause, has requested the removal from its territory of a member of the United Nations forces or of the civilian components, or a dependent, the authorities of the sending State concerned shall be responsible for causing the said person to leave Japan without delay.

Article IV

1. Vessels and aircraft operated by, for or under the control of the United Nations forces for the purpose of this Agreement shall be accorded access to such ports or airports as may be agreed upon by the Joint Board provided for in Article XX, 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 such cargo or passengers shall be entered according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in the preceding paragraph, official vehicles of the United Nations forces and of the civilian components, and members of such forces and of the civilian components, and their dependents, and vehicles of such persons shall be accorded access to and movement between facilities and areas in use by such forces in accordance with Article V and between such facilities and areas, and the ports or airports mentioned in the preceding paragraph.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall 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 V

1. The United Nations forces may use such facilities in Japan, inclusive of existing furnishings, equipment and fixtures necessary for the operation of such facilities, as may be agreed upon through the Joint Board.

2. The United Nations forces may, with the agreement of the Government of Japan through the Joint Board, use 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.¹

3. Within the facilities the United Nations forces shall have the rights which are necessary and appropriate for the purpose of this Agreement. All questions relating to frequencies, power and similar matters used by electric radiation apparatus employed by the United Nations forces shall be settled by mutual agreement through the Joint Board.

¹ United Nations, *Treaty Series*, Vol. 136, p. 211.

4. The facilities used by the United Nations forces under the terms of paragraph 1 shall be promptly returned to Japan whenever they are no longer needed, without any obligation to restore such facilities to their original condition and without compensation to or by either Party. The Parties to this Agreement may agree, through the Joint Board, on other arrangements with respect to construction or major alteration.

Article VI

The United Nations forces, members of such forces and of the civilian components, and their dependents may use public utilities and services belonging to, or controlled or regulated by the Government of Japan. In the use of such utilities and services the United Nations forces shall be accorded treatment no less favourable than that given from time to time to the ministries and agencies of the Government of Japan.

Article VII

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the sending State to a member of the United Nations forces or of the civilian components, or a dependent.

2. Official vehicles of the United Nations forces and of the civilian components shall carry a distinctive nationality mark and number.

3. Privately-owned vehicles of members of the United Nations forces and of the civilian components, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

Article VIII

The United Nations forces shall have the right to establish and operate, within the facilities in use by them, military post offices for the use of members of the United Nations forces and of the civilian components, and their dependents for the transmission of mail between such military post offices in Japan and between such military post offices and other post offices established and operated outside Japan by the sending States.

Article IX

1. Non-appropriated fund organizations authorized and regulated by the United Nations forces, may be established in the facilities in use by the United Nations forces for the use of members of such forces and of the civilian components, 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.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, 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 Japanese authorities and the United Nations forces 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 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 labour relations shall be those laid down by the legislation of Japan.

5. The organizations provided for in paragraph 1 shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

6. Such organizations may use military payment scrip in their transactions with persons who are authorized to use military payment scrip as provided for in Article XI. Such organizations may not hold deposit accounts in foreign currency with foreign exchange banks in Japan unless otherwise agreed through the Joint Board.

Article X

1. Members of the United Nations forces and of the civilian components, 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 foreign exchange instruments representing the official funds of the Governments of the sending States or realized as a result of service or employment in connection with this Agreement by members of the United Nations forces and of the civilian components, or realized by such persons and their dependents from sources outside Japan.

3. The authorities of the United Nations forces and the Governments of the sending States 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 XI

1. Military payment scrip may be used by persons authorized by the sending States for internal transactions within facilities in use by the sending States in accordance with the regulations of the States which issued the scrip and in whose currency it is denominated. The United Nations forces shall take appropriate action to ensure that authorized persons are prohibited from engaging in transactions involving military payment scrip except as authorized by appropriate regulations of the State which issued the military payment scrip. The Government of Japan shall take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment scrip and, with the aid of the United Nations forces if necessary, shall apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment scrip.

2. The United Nations forces shall apprehend and punish by due process of law members of the United Nations forces or of the civilian components, or their dependents who tender military payment scrip to unauthorized persons and no obligation shall be due to such unauthorized persons or to the Government of Japan or its agencies from the United Nations forces as a result of any unauthorized use of military payment scrip within Japan.

Article XII

1. The United Nations 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 Nations forces and of the civilian components, 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 such forces or by the organizations provided for in Article IX. 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 citizens of the sending State who for purposes of income tax of that State claim Japanese residence from payment of Japanese taxes on income.

3. Periods during which the persons referred to in the preceding paragraph are in Japan solely by reason of being members of the United Nations forces or of the civilian components, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

4. Members of the United Nations forces and of the civilian components, 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 XIII

1. Except as otherwise provided in this Agreement, the United Nations forces, members of such forces and of the civilian components, and their dependents, as well as the organizations provided for in Article IX, 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 Nations forces or by the organizations provided for in Article IX exclusively for the official use of the United Nations forces or those organizations or for the use of members of the United Nations forces and of the civilian components, and their dependents shall be permitted entry into Japan free from customs duties and other such charges.

3. When the goods mentioned in the preceding paragraph are imported, a certificate signed by a person authorized for the purpose, in the form to be determined by the Joint Board, and certifying that they are being imported for the purposes stated in the preceding paragraph, shall be submitted by the United Nations forces to the customs authorities of Japan.

4. Property consigned to and for the personal use of members of the United Nations forces and of the civilian components, and their dependents shall be subject to customs duties and other such charges except that no such duties or charges shall be paid with respect to :

(a) Furniture and household goods for their private use imported by members of the United Nations forces or of the civilian components when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or of the civilian components, and personal effects for private use brought by the said persons upon entrance.

(b) Motor vehicles and spare parts imported by a member of the United Nations forces or of the civilian components for the private use of himself or his dependents.

(c) Reasonable quantities of clothing and household goods which are mailed into Japan through military post offices for the private use of members of the United Nations forces and of the civilian components, and their dependents, provided that such clothing and household goods are those of a type which would ordinarily be purchased in the sending State to which such persons belong for everyday use.

5. The exemptions granted in paragraphs 2 and 4 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.

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

(a) Units and members of the United Nations forces under orders entering or leaving Japan ;

(b) Official documents under official seal ;

(c) Military cargo shipped on a government bill of lading, and mail in military postal channels.

7. Except as authorized by the authorities of Japan and of the United Nations forces in accordance with mutually agreed conditions, goods imported into Japan free from customs duties and other such charges under this Agreement shall not be disposed of in Japan to persons not entitled to import such goods free from customs duties and other such charges under this Agreement.

8. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 4, may be re-exported free from customs duties and other such charges.

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

10. (a) In order to prevent offences against laws and regulations administered by the Japanese customs authorities, the Japanese authorities and the United Nations forces shall assist each other in the conduct of inquiries and the collection of evidence.

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

(c) The United Nations 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 components, or their dependents.

(d) Any property belonging to the United Nations forces seized by the Japanese customs authorities in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the forces to which such property belongs.

Article XIV

1. Materials, supplies, equipment and services which are required from local sources for the support of the United Nations 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.

2. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labour by or for the United Nations forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Board 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 suit.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United Nations forces, or by authorized procurement agencies of the United Nations forces upon appropriate certification by the authorities of such forces 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 Nations forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United Nations 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 Nations forces, Japan and the United Nations forces will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

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

5. Neither members of the United Nations forces or of the civilian components 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.

6. Local labour requirements of the United Nations forces shall be satisfied with the assistance of the Japanese authorities.

7. 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 labour relations shall be those laid down by the legislation of Japan.

Article XV

The United Nations forces shall bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of such forces in Japan except that facilities, owned by the Government of Japan, the use of which is made available to such forces by the Government of Japan, shall be furnished by Japan free from rentals and other such charges.

Article XVI

1. Subject to the provisions of this Article,

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

(b) the authorities of Japan shall have jurisdiction over members of the United Nations forces or of the civilian components, and their dependents with respect to offences committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of that sending State, 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 Nations forces or of the civilian components, and their dependents with respect to offences, including offences relating to the security of Japan, punishable by its law but not by the law of the sending State concerned.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence 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 defence 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 sending State shall have the primary right to exercise jurisdiction over a member of the United Nations forces or of the civilian component in relation to :

- (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force of that State or of the civilian component, or a dependent ;

- (ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence 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 sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the force of that sending State.

5. (a) The authorities of Japan and the military authorities of the sending States shall assist each other in the arrest of members of the United Nations forces or of the civilian components, 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 sending State of the arrest of any member of the force of that sending State or of the civilian component, or a dependent.

(c) The custody of an accused member of the force of a sending State or of the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of that sending State, remain with that State until he is charged by Japan.

6. (a) The authorities of Japan and the military authorities of the sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the

seizure and, in proper cases, the handing over of objects connected with an offence. 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 authorities of Japan and the military authorities of the sending State 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 sending State 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 sending State for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the sending State 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 authorities of Japan or by the military authorities of a sending State 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 offence within the territory of Japan by the authorities of another State the Government of which is a Party to this Agreement. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Japan.

9. Whenever a member of the United Nations forces or of the civilian components, 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 favour, if they are within the jurisdiction of Japan ;

(e) to have legal representation of his own choice for his defence 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 sending State and to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of the United Nations forces shall have the right to police any United Nations forces facilities.

The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities.

(b) Outside these facilities, 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 Nations forces.

11. If the provisions of Article XVII of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952,¹ as amended by the Protocol signed at Tokyo on September 29, 1953¹ are further amended, Parties to this Agreement shall, after consultation, make similar amendments to the corresponding provisions of this Article, provided the forces of the sending State concerned are under circumstances similar to those giving rise to such further amendment.

12. The Protocol on the Exercise of Criminal Jurisdiction over United Nations Forces in Japan, signed at Tokyo on October 26, 1953,² and the Annex thereto shall cease to be in force between the Government of Japan and any other Party to this Agreement which has signed the said Protocol as of the date of the entry into force of this Agreement with respect to such Party.

Article XVII

The Parties to this Agreement will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United Nations forces, members of such forces and of the civilian components, their dependents, and their property. The Government of Japan shall seek such legislation and take such other action as it deems necessary to ensure the adequate security and protection within the territory of Japan of installations, equipment, property, records and official information of the United Nations forces, and for the punishment of offenders under the applicable laws of Japan.

Article XVIII

1. Each Party to this Agreement waives all its claims against any other Party to this Agreement for injury or death suffered in Japan by a member of the forces of, or a civilian governmental employee of the former Party, while such member or employee was engaged in the performance of his official duties, in cases where such injury or death was caused by a member of the forces of, or a civilian governmental employee of the other Party in the performance of his official duties.

¹ United Nations, *Treaty Series*, Vol. 208, registration number 2817.

² United Nations, *Treaty Series*, Vol. 207, and p. 378 of this volume.

2. Each Party to this Agreement waives all its claims against any other Party to this Agreement for damage to any property in Japan owned by it, if such damage was caused by a member of the forces of, or a civilian governmental employee of the other Party in the performance of his official duties.

3. Claims, other than contractual, arising out of acts or omissions of members or employees of the United Nations forces done in the performance of their official duties, or out of any other act, omission or occurrence for which the United Nations forces are legally responsible, arising incident to non-combat activities and causing injury, death or property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions :

(a) Claims shall be filed within one year from the date on which they arise, and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.

(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.

(d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared by the Parties to this Agreement as follows :

(i) Where one sending State alone is responsible, the amount agreed upon or adjudged shall be shared in the proportion of 75 % chargeable to the sending State and 25 % chargeable to Japan.

(ii) Where more than one sending State is jointly responsible, the amount agreed upon or adjudged shall be shared in such proportion that the shares of the sending States concerned shall be equal among themselves and the share of Japan shall be one half of that of one of such sending States.

(iii) Where the injury, death or property damage was caused by the United Nations forces of more than one sending State and it is not possible to attribute it specifically to any of the United Nations forces, all of the sending States concerned shall be regarded as responsible for the cause of such injury, death or property damage and the provisions of item (ii) above shall apply thereto.

(e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, the findings in each case, and a statement of the sums paid by Japan, shall be sent periodically to the sending State concerned, together with a request for reimbursement of the

share to be paid by such sending State. Such reimbursement shall be made in yen within the shortest possible period of time.

4. Each Party to this Agreement shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When any other Party concerned disagrees with the results of such determination, that Party may bring the matter before the Joint Board for consultation.

5. Claims against members or employees of the United Nations forces arising out of tortious acts or omissions in Japan not done in the performance of their official duties shall be dealt with in the following manner :

(a) The Japanese authorities 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 authorities of the sending State concerned, 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 authorities of the sending State shall make the payment themselves and inform the Japanese authorities 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 employee of the United Nations forces unless and until there has been payment in full satisfaction of the claim.

6. (a) Members and employees of the United Nations forces, excluding those employees who have only Japanese nationality, shall not be subject to suit in Japan with respect to claims specified in paragraph 3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of cases.

(b) In case any private movable property, excluding that in use by the United Nations forces, which is subject to compulsory execution under Japanese law, is within the facilities in use by the United Nations forces, the authorities of the sending State concerned shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities. In the case of a sending State the forces of which have no legal authority to take such action, the authorities of that State shall allow the appropriate Japanese authorities to take possession of such property in accordance with Japanese law.

(c) The authorities of every sending State shall cooperate with the Japanese authorities in making available witnesses and evidence for a fair hearing and disposal of claims under the provisions of this Article.

Article XIX

The Parties to this Agreement shall as promptly as possible take legislative, budgetary and other measures necessary for the implementation of this Agreement.

Article XX

1. A Joint Board shall be established in Tokyo as the means for consultation and agreement between the Government of Japan and the other Parties to this Agreement on matters relating to the interpretation and implementation of this Agreement.

2. The Joint Board shall be composed of two representatives, one representing the Government of Japan and the other representing the other Parties to this Agreement, each of whom shall have one or more deputies and a staff. The Joint Board shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Board shall be so organized that it may meet at any time at the request of either representative.

3. If the Joint Board is unable to reach agreement on any matter, it shall be settled through inter-governmental negotiations.

Article XXI

1. This Agreement shall be signed by the Government of Japan and the Government of the United States of America acting as the Unified Command, and may be signed by the Government of any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions. After its first signature and until its first entry into force this Agreement shall be open, subject to the consent of the Government of Japan, for signature by the Government of any other such State.

2. Ten days after the date on which the Government of Japan accepts this Agreement, it shall enter into force for the Government of Japan and for each other Government which, on or before the date of acceptance by the Government of Japan, signs, or signs "subject to acceptance" and accepts, this Agreement. For each Government which signs, or accepts, or signs "subject to acceptance" and accepts, this Agreement after the date of acceptance by the Government of Japan, it shall enter into force ten days after the date on which that Government signs, or having signed "subject to acceptance" accepts, this Agreement.

3. The acceptance of this Agreement shall be made by depositing an instrument of acceptance with the Government of Japan. The Government of Japan shall notify each Government which is a Party to this Agreement, of the date of each signature and of deposit of each instrument of acceptance, if any.

4. The provisions of this Agreement, except those of Article XVI and those which are *per se* incapable of retroaction, shall be operative retroactively to April 28, 1952 for the Government of Japan and for each other Government which, on or within six months after the date of first signature of this Agreement, signs, or signs "subject to acceptance" and accepts, this Agreement.

Article XXII

1. After the first entry into force of this Agreement in accordance with paragraph 2 of Article XXI, the Government of any State not signatory to this Agreement which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions, may, subject to the consent of the Government of Japan, accede to this Agreement by depositing its instrument of accession with the Government of Japan.

2. The Government of Japan shall notify each Government which is a Party to this Agreement, of the date of deposit of each instrument of accession.

3. This Agreement shall enter into force for each acceding Government ten days after the date of deposit of its instrument of accession.

4. The provisions of this Agreement, except those of Article XVI and those which are *per se* incapable of retroaction, shall be operative retroactively to April 28, 1952 for each acceding Government which deposits its instrument of accession within six months after the date of first signature of this Agreement.

Article XXIII

1. Any Party to this Agreement may at any time request a revision of any Article. Upon such request the Government of Japan and the Government of the United States of America acting as the Unified Command, in consultation with and on behalf of the sending States concerned, shall enter into negotiations.

2. If any provisions of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952, as amended by the Protocol signed at Tokyo on September 29, 1953 are revised, the Government of Japan and the Government of the United States of America acting as the Unified Command, in consultation with and on behalf of the sending States, shall, except as provided in paragraph 11

of Article XVI, enter into negotiations with a view to agreeing on similar revision of the corresponding provisions of this Agreement.

Article XXIV

All the United Nations forces shall be withdrawn from Japan within ninety days after the date by which all the United Nations forces shall have been withdrawn from Korea. The Parties to this Agreement may agree upon an earlier date by which all the United Nations forces shall be withdrawn from Japan.

Article XXV

This Agreement and agreed revisions thereof shall terminate on the date by which all the United Nations forces shall be withdrawn from Japan in accordance with the provisions of Article XXIV. In case all the United Nations forces have been withdrawn from Japan earlier than such date, this Agreement and agreed revisions thereof shall terminate on the date when the withdrawal has been completed.

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

DONE at Tokyo this nineteenth day of February, 1954 in the Japanese and English languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of Japan. The Government of Japan shall transmit certified copies thereof to all the signatory and acceding Governments.

For the Government of Japan :

Katsuo OKAZAKI

Subject to acceptance

For the Government of the United States of America acting as the
Unified Command :

J. Graham PARSONS

GOVERNMENTS OF STATES SENDING FORCES TO KOREA
PURSUANT TO THE UNITED NATIONS RESOLUTIONS

For the Government of Canada :

R. W. MAYHEW

Subject to acceptance

For the Government of New Zealand :

R. M. MILLER

Subject to acceptance

For the Government of the United Kingdom of Great Britain and Northern Ireland :

Esler DENING

For the Government of the Union of South Africa :

Esler DENING

Subject to acceptance

For the Government of the Commonwealth of Australia :

E. Ronald WALKER

For the Government of the Republic of the Philippines :

José F. IMPERIAL

For the Government of the Republic of France :

Daniel LÉVI

12 avril 1954

For the Government of Italy :

B. L. D'AJETA

May 19th 54

AGREED OFFICIAL MINUTES RELATING TO THE AGREEMENT REGARDING
THE STATUS OF THE UNITED NATIONS FORCES IN JAPAN

Re *Article I* :

1. For the purpose of this Agreement the Government of the United States of America acts only in the capacity of "the Government of the United States of America acting as the Unified Command". The status of the United States armed forces in Japan is defined by arrangements made pursuant to the Security Treaty between Japan and the United States of America, signed at the city of San Francisco on September 8, 1951.

2. Regarding the treatment of members of civilian component having dual nationality, the precedents established by practices under the Administrative Agreement between the Government of Japan and the Government of the United States of America shall be followed in the application of this Agreement.

3. The scope of persons who are to come under the definition of "civilian component" shall be determined by the Joint Board in the light of the precedents established under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

4. If the number of dependents brought to Japan shows a substantial increase over the number of such dependents at the time this Agreement enters into force, the Parties to this Agreement shall consult on the question of dependents.

Re *Article III* :

1. Details of contents and procedures of appropriate notification as provided for in paragraph 1 shall be determined by the Joint Board.

2. If the identity card held on arrival does not contain a photograph, this omission shall not bar entry. In such case, however, an identity card with photograph shall be issued within a period to be determined by the Joint Board, except in cases of short stay. The definition of short stay shall be determined by the Joint Board. In addition to the identity card used upon entry an identity card for use in Japan shall be issued with such contents and in such form as shall be determined by the Joint Board.

3. The status of a dependent, which shall be described in the passport as provided in paragraph 5, means the relation to and the name and status of the member of the United Nations forces or of the civilian components on whom such dependent is dependent.

4. With regard to paragraph 8, if there should be any disagreement as to whether or not "good cause" exists, the Joint Board shall decide.

5. Press representatives of non-Japanese nationality accredited to the United Nations Command will be granted Multiple Re-entry Permits in the case of their outgoing and incoming trips between Japan and Korea during the period subsequent to their first entry into and prior to their final exit from Japan, provided that they are in possession of passports duly issued by the Governments of their respective countries and certificates of their status issued by the competent authorities of the United Nations forces. A list of such press representatives who stay in Japan for a period exceeding sixty days shall be furnished monthly to the Government of Japan. The details of the list shall be determined by the Joint Board.

Re *Article IV* :

1. Vessels operated by, for, or under control of the United Nations forces for the purpose of this Agreement mean public vessels and chartered vessels (bare boat charter, voyage charter and time charter) of the United Nations forces. Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases. The term "toll" includes tonnage dues.

2. With regard to paragraph 2, the vessels and aircraft mentioned in paragraph 1, official vehicles of the United Nations forces and of the civilian components, and members of such forces and of the civilian components and their dependents, and vehicles of such persons may also have access to all the other facilities and areas provided to the United States of America under the Security Treaty between Japan and the United States of America, subject to such conditions as may be determined by mutual agreement through the Joint Board.

3. "Appropriate notification" in paragraph 3 means, under normal conditions, notification prior to entry. In cases of emergency or where security is involved, notification may be given subsequently to entry.

Re *Article V* :

1. Facilities to be made available by the Government of Japan for the use of the United Nations forces in Japan will be limited to the minimum required to provide adequate logistic support to the United Nations forces in Korea. In the designation of such facilities due regard will be paid to the economic and social life of Japan.

2. The term "facilities" shall include training areas when the United Nations forces require such areas.

3. The scope of "existing furnishings, equipment and fixtures" referred to in paragraph 1 shall be similar to that to be determined under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

4. Paragraph 3, which provides "within the facilities the United Nations forces shall have the rights which are necessary and appropriate for the purpose of this Agreement.", means that the United Nations forces shall have the rights to use, operate, safeguard and control the facilities in use by them.

5. The United Nations forces may place or establish lights and other aids to navigation of vessels and aircraft in the facilities in their use and, in case of urgent need, in territorial waters in the vicinity thereof in conformity with the system in use in Japan. The Japanese and the United Nations forces 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.

6. In connection with the use of electric radiation apparatus employed by the United Nations forces, the United Nations forces shall as a temporary measure be entitled to use, without radiation interference from Japanese sources, electronic devices of such power, design, type of emission, and frequencies as are reserved for such forces at the time this Agreement enters into force.

7. The provisions of paragraph 4 concerning the obligation of restoration and compensation shall not prejudice in any way the terms of arrangements or contracts relating to privately-owned property.

Re *Article IX* :

1. The provisions of paragraph 4 shall not apply to employees who are members of the civilian components.

2. With regard to paragraph 6, in the case of such United Nations forces as are permitted to use United States Military Payment Certificates in accordance with paragraph 3 of the Agreed Official Minutes regarding Article XI and are permitted to use the facilities and areas of the United States armed forces under Article V, members of such forces and of the civilian components, and their dependents are allowed to make use of the United States armed forces organizations provided for in Article XV of the Administrative Agreement between the Government of Japan and the Government of the United States of America.

Re *Article X* :

1. Payment in Japan by the United Nations forces, members of such forces and of the civilian components, and their dependents to persons other than members of the United Nations forces and of the civilian components, and their dependents shall be effected in yen and in accordance with Japanese foreign exchange control laws and regulations.

2. Procurement to be made in yen converted from foreign currency shall be effected in coordination with the Japanese regulations applicable to exports to the respective foreign currency areas, the implementation of which will be as agreed upon by the Joint Board.

3. Except as otherwise provided, the yen funds necessary for the payment mentioned in paragraph 1 above shall be acquired in accordance with the following conditions :

(a) The acquisition of the yen funds shall be made in coordination with payments agreements from time to time in force between Japan and the sending State concerned unless otherwise agreed by the Joint Board. In this case the exchange rates of United States dollar and pound sterling for yen shall be the official basic rates.

(b) In case the Government of Japan has agreed to the re-purchase of the yen funds acquired by the United Nations forces by the sale of foreign currency to the Foreign Exchange Fund Special Account of the Government of Japan, the official basic rate of the foreign currency for yen shall be used.

4. The disposal in Japan of materials, supplies or equipment imported into Japan free from customs duties or other such charges, or procured in Japan free from commodity tax or other such charges, other than transfers between sending States, shall be settled in yen unless otherwise agreed by the Joint Board.

5. The yen funds acquired by the disposal referred to in paragraph 4 above shall not be converted into foreign currency, unless otherwise agreed at the time of disposal between the authorities of the Government of Japan and of the United Nations forces concerned.

6. The transactions in Japan of members of the United Nations forces and of the civilian components, and their dependents with persons other than members of the United Nations forces and of the civilian components, and their dependents, shall be settled in yen.

7. The remittance by members of the United Nations forces and of the civilian components, and their dependents from foreign countries to Japan or vice versa shall be made under procedures as agreed upon through the Joint Board.

8. Nothing in this Agreement shall be construed to prevent the United Nations forces from utilizing yen lawfully acquired by them for the defrayment of expenses which are to be borne by them under this Agreement.

9. The term "the official funds of the Governments of the sending States" used in paragraph 2 shall be interpreted to include the official funds of the organizations provided for in Article IX.

Re *Article XI* :

1. In paragraph 1 the term "facilities" shall include facilities and areas made available for use by the United Nations forces in accordance with the provisions of paragraph 2 of Article V.

2. Military payment scrip as referred to in this Article means United States Military Payment Certificates and British Armed Forces Special Vouchers.

3. In principle the forces of the British Commonwealth (except Canadian forces), as well as members of the said forces and of the civilian components thereof, and their dependents, are authorized to use British Armed Forces Special Vouchers and all other United Nations forces including Canadian forces as well as members of the said forces and of the civilian components thereof, and their dependents are authorized to use United States Military Payment Certificates within the facilities and areas in use respectively by them. Exception to this principle will be authorized only to the extent necessary to the effective accomplishment of their mission. Regulations pertaining to the use of United States Military Payment Certificates and British Armed Forces Special Vouchers shall be reported to the Government of Japan through the Joint Board.

4. The monthly reports rendered by the military authorities of the United States of America to the Ministry of Finance of Japan concerning the conversion of United States Military Payment Certificates into yen shall include those conversions by the United Nations forces as well as members of such forces and of the civilian components, and their dependents.

Re *Article XII* :

With regard to paragraph 2, income payable in Japan as a result of service with or employment by the United Nations forces or by the organizations provided for in Article IX shall not be treated or considered as income derived from Japanese sources.

Re *Article XIII* :

1. The United Nations forces, members of such forces and of the civilian components, and their dependents, as well as the organizations provided for in Article IX, shall be subject to quarantine laws and regulations of Japan on persons, animals, plants, and animal and plant products. Details of implementation thereof shall be determined by the Joint Board.

2. With regard to the import of motor vehicles and spare parts under paragraph 4 (b), the precedents established by practices under the Administrative Agreement between the Government of Japan and the Government of the United States of America shall be followed.

3. The disposal of goods referred to in paragraph 7 shall be governed by the same rules as those in practice under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

Re *Article XIV* :

1. With regard to the procurement of materials, supplies, equipment and services, the United Nations forces authorities shall have the right to contract with any person

or organization for any supplies or construction work to be furnished or undertaken in Japan for the purpose of this Agreement. Upon request and after consultation through the Joint Board, appropriate information on procurement in Japan by the United Nations forces including names of contractors and contents of contracts shall be furnished to the Government of Japan. Procurement contracts shall be made with due consideration to the prevention of difficulties which may arise out of differences in economic laws and business practices between Japan and the sending States. The Joint Board shall study this matter.

2. (a) With regard to labour procurement, it has been decided that as a matter of local practice there should, to the maximum possible extent, be substantial equality of treatment on wages, allowances and conditions of service for Japanese workers of the United States armed forces and the United Nations forces in Japan. It has also been decided that the systems of local labour procurement should be similar to those in practice with regard to Japanese workers of the United States armed forces.

(b) The details of the application of these decisions shall be determined by the Joint Board. If any change is made in the treatment of Japanese workers of either the United States armed forces or the United Nations forces after signature of, signature "subject to acceptance" and acceptance of, or accession to, this Agreement, a corresponding change in the treatment of Japanese workers of the other forces will be made only when the Government or Governments of the other State or States concerned agree to such corresponding change.

3. Members of the civilian components shall not be subject to Japanese laws and regulations with respect to the terms and conditions of employment.

Re *Article XVI* :

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

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

2. *Re* paragraph 2 (c) :

The Governments of the sending States shall inform the Government of Japan and the Government of Japan shall inform the Governments of the sending States of the details of all the security offences mentioned in this subparagraph and the provisions governing such offences in the existing laws of their respective countries.

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

Where a member of the United Nations forces or of the civilian components is charged with an offence, a certificate issued by or on behalf of his commanding officer stating that the alleged offence, 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.

4. *Re* paragraph 3 (c) :

(a) Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Board. These procedures shall be similar to those adopted by the Joint Committee under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

(b) Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offences 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 offences are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

5. *Re* paragraph 4 :

Persons with the dual nationality of Japan and a sending State who are subject to the military law of the sending State and who have been brought to Japan by the sending State shall not be considered as nationals of Japan, but shall be considered as nationals of the sending State for the purpose of this paragraph.

6. *Re* paragraph 5 :

(a) In case the Japanese authorities have arrested an offender who is a member of the United Nations forces or of the civilian components, or a dependent subject to the military law of the sending State 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 military authorities of the sending State provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The authorities of the sending State shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

(b) The military authorities of the sending State shall promptly notify the Japanese authorities of the arrest of any member of the United Nations forces, or of the civilian components or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

7. *Re* paragraph 9 :

(a) 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 Constitution of Japan. In addition to these rights, a member of the United Nations forces or of the civilian components, 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 Constitution of Japan :

(i) 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 ;

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

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

- (iv) He shall be permitted full opportunity to examine all witnesses ;
- (v) No cruel punishments shall be imposed upon him.

(b) The authorities of the sending State shall have the right upon request to have access at any time to members of the force of that State or of the civilian component, or their dependents who are confined or detained under Japanese authority.

(c) Nothing in the provisions of paragraph 9 (g) concerning the presence of a representative of the Government of the sending State at the trial of a member of the force of that State or of the civilian component, or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Constitution of Japan with respect to public trials.

8. *Re* paragraphs 10 (a) and 10 (b) :

(a) The military authorities of the United Nations forces will normally make all arrests within facilities in use by and guarded under the authority of the United Nations forces. This shall not preclude the Japanese authorities from making arrests within facilities in cases where the competent authorities of the United Nations 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 Nations forces are within facilities in use by the United Nations forces, the military authorities of the United Nations forces will undertake, upon request, to arrest such persons. All persons arrested by the military authorities of the United Nations forces, who are not subject to the jurisdiction of the United Nations forces, shall immediately be turned over to the Japanese authorities.

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

(b) The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities in use by and guarded under the authority of the United Nations forces or with respect to property of the United Nations forces wherever situated, except in cases where the competent authorities of the United Nations 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 in use by the United Nations forces or with respect to property of the United Nations forces in Japan is desired by the Japanese authorities, the military authorities of the United Nations forces 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 Government of a sending State or its instrumentalities, the authorities of the sending State concerned will turn over such property to the Japanese authorities for disposition in accordance with the judgment. In either of the cases mentioned in the two foregoing sentences, if the forces of the sending State have no legal

authority to take such action, the authorities of that State shall allow the appropriate Japanese authorities to take such action in accordance with Japanese law.

9. *Re* application of this Article :

The provisions of this Article shall not apply to any offences committed by members of the United Nations forces or of the civilian components, or their dependents, whose Government is a Party to this Agreement, before the entry into force of this Agreement for that Party. With respect to those Parties to this Agreement which have also signed the Protocol on the Exercise of Criminal Jurisdiction over United Nations Forces in Japan, signed at Tokyo on October 26, 1953, such offences shall be dealt with in accordance with the provisions of the said Protocol and the Annex thereto as these were in force prior to the entry into force of this Agreement.

10. *Re* implementation of this Article :

The implementation of this Article and these Minutes shall be similar to the implementation of the Protocol and the Agreed Official Minutes of September 29, 1953 between the Government of Japan and the Government of the United States of America.

Re Article XVIII :

1. In cases where the provisions of paragraph 3 apply, by virtue of paragraph 4 of Article XXI or paragraph 4 of Article XXII, to claims which may have arisen before the entry into force of this Agreement with respect to Japan and the sending State or States concerned, such claims shall be filed within one year from the date of the entry into force of this Agreement between Japan and the said sending State or States, irrespective of the provisions of paragraph 3 (a).

2. The Joint Board shall determine the scope of the term "third parties" so as to correspond to the scope of the same term under the Administrative Agreement between the Government of Japan and the Government of the United States of America.

Re Article XXIII :

The Government of the United States of America acting as the Unified Command shall act on behalf of a sending State only with the prior consent of such State.

Re Article XXIV :

1. If the removal of materials, supplies and equipment of the United Nations forces should not, because of unavoidable circumstances, be completed within the ninety days specified in this Article, the minimum number of such forces required for the completion thereof may stay in Japan, after consultation with the Government of Japan through the Joint Board, for a further period of time not exceeding ninety days.

2. In addition to the extension of stay referred to in paragraph 1 above, the Government of Japan would give sympathetic consideration to a request for such further extension of the period of their stay as may be necessitated by unavoidable circumstances. Such further extension shall not, in any event, exceed ninety days.

Tokyo, February 19, 1954

Minister for Foreign Affairs of Japan :

Katsuo OKAZAKI

Chargé d'Affaires ad interim of the United States of America in Japan :

J. Graham PARSONS

Ambassador Extraordinary and Plenipotentiary of Canada to Japan :

R. W. MAYHEW

Chargé d'Affaires ad interim of New Zealand in Japan :

R. M. MILLER

Ambassador Extraordinary and Plenipotentiary of the United Kingdom of Great Britain and Northern Ireland to Japan :

Esler DENING

Representative in Japan of the Interests of the Government of the Union of South Africa :

Esler DENING

Ambassador Extraordinary and Plenipotentiary of the Commonwealth of Australia to Japan :

E. Ronald WALKER

Minister, Chief of the Philippine Mission in Japan :

José F. IMPERIAL

Ambassador Extraordinary and Plenipotentiary of the French Republic to Japan :

Daniel LÉVI

12 avril 1954

Ambassador Extraordinary and Plenipotentiary of Italy to Japan :

B. L. D'AJETA

May 19th 54

PROTOCOL¹ FOR THE PROVISIONAL IMPLEMENTATION
OF THE AGREEMENT REGARDING THE STATUS OF
THE UNITED NATIONS FORCES IN JAPAN. DONE
AT TOKYO, ON 19 FEBRUARY 1954

The Signatory Governments to the Agreement regarding the Status of the United Nations Forces in Japan, signed at Tokyo on February 19, 1954,²

Have agreed as follows :

Each Signatory Government to the Agreement regarding the Status of the United Nations Forces in Japan, signed at Tokyo on February 19, 1954, shall, pending the entry into force of the Agreement for that Government, take provisional measures within its power under existing laws to implement the purposes of the Agreement as much as practicable.

This Protocol shall enter into force for each Signatory Government on the date of its signature.

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

DONE at Tokyo this nineteenth day of February, 1954 in the Japanese and English languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of Japan. The Government of Japan shall transmit certified copies thereof to all the Signatory Governments.

For the Government of Japan :

Katsuo OKAZAKI

For the Government of the United States of America acting as the
Unified Command :

J. Graham PARSONS

¹ In accordance with its provisions, the Protocol came into force by signature in respect of the following States on the dates indicated :

Australia	19 February 1954	New Zealand	19 February 1954
Canada	19 February 1954	Philippines	19 February 1954
France	12 April 1954	Union of South Africa	19 February 1954
Italy	19 May 1954	United Kingdom	19 February 1954
Japan	19 February 1954	United States of America	19 February 1954

² See p. 51 of this volume.

GOVERNMENTS OF STATES SENDING FORCES TO KOREA PURSUANT TO THE
UNITED NATIONS RESOLUTIONS

For the Government of Canada :

R. W. MAYHEW

For the Government of New Zealand :

R. M. MILLER

For the Government of the United Kingdom of Great Britain and
Northern Ireland :

Esler DENING

For the Government of the Union of South Africa :

Esler DENING

For the Government of the Commonwealth of Australia :

E. Ronald WALKER

For the Government of the Republic of the Philippines :

José F. IMPERIAL

For the Government of the Republic of France :

Daniel LÉVI

12 avril 1954

For the Government of Italy :

B. L. D'AJETA

May 19th 54