

No. 3028

**UNITED STATES OF AMERICA
and
JAPAN**

Agreement (with annex, exchange of notes and agreed official minutes) concerning the Amami Islands. Signed at Tokyo, on 24 December 1953

Official texts of the Agreement, annex and exchange of notes: English and Japanese.

Official text of the agreed official minutes: English.

Registered by the United States of America on 30 November 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

Accord (avec annexe, échange de notes et procès-verbal officiel approuvé) relatif aux îles Amami. Signé à Tokyo, le 24 décembre 1953

Textes officiels de l'Accord, de l'annexe et de l'échange de notes: anglais et japonais.

Texte officiel du procès-verbal officiel approuvé: anglais.

Enregistré par les États-Unis d'Amérique le 30 novembre 1955.

No. 3028. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING THE AMAMI ISLANDS. SIGNED AT TOKYO, ON 24 DECEMBER 1953

WHEREAS the United States of America desires, with respect to the Amami 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, 1951,² as announced by the Secretary of State on August 8, 1953; 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 the Amami 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:—

Article I

1. With respect to the Amami Islands, 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 from December 25, 1953. 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 Amami Islands.

2. For the purpose of this Agreement, the term "Amami Islands" shall mean the group of islands, including their territorial waters, as defined in the attached Annex.

Article II

1. The two installations and sites presently utilized by the United States of America in the Amami Islands will be used by the United States armed forces in accordance with the procedures set forth in the Administrative Agreement,³ as amended,⁴ under Article III of the Security Treaty⁵ between the United States of America and Japan, signed at Tokyo on February 28, 1952. However, in the event that, due to unavoidable delays, it is impossible to comply with the

¹ Came into force on 25 December 1953 in accordance with article IX.

² United Nations, *Treaty Series*, Vol. 136, p. 45; Vol. 163, p. 385; Vol. 184, p. 358, and Vol. 199, p. 344.

³ United Nations, *Treaty Series*, Vol. 208, p. 306.

⁴ United Nations, *Treaty Series*, Vol. 208, p. 376.

⁵ United Nations, *Treaty Series*, Vol. 136, p. 211.

above procedures by December 25, 1953, Japan grants to the United States of America the continued use of those particular installations and sites, pending the completion of the said procedures.

2. The Government of Japan will take over the operation of the weather station at Naze, Amami Oshima, and shall furnish to the Government of the United States of America weather observations as may be agreed upon through consultations by the Joint Committee as provided for in Article XXVI of the Administrative Agreement. In the event that, due to unavoidable delays, it is impossible for the Government of Japan to take over the operation on December 25, 1953, it is agreed that the present operation will be continued until such time as the Government of Japan is prepared to assume this responsibility.

Article III

1. On December 25, 1953, the Government of Japan shall begin to withdraw from circulation in the Amami Islands all "B" yen and issue, in its stead, Japanese yen at the rate of 3 Japanese yen for 1 "B" yen. This exchange of currency shall be accomplished as speedily as possible. The "B" yen so withdrawn from circulation shall be returned to the United States Civil Administrator at Naha, Okinawa, without obligation by the Government of the United States of America to reimburse the Government of Japan in any manner for it or for the Japanese yen issued in its stead.

2. Existing budgetary and fiscal arrangements for collection of funds and payment of obligations will be maintained through December 24, 1953, after which time the Government of Japan shall assume full fiscal responsibility in the Amami Islands.

3. The Government of Japan shall assume all financial obligations of the postal system in the Amami Islands. Accounts between the postal system in the Amami Islands and the postal system in the remaining islands of the Nansei Shoto shall be settled as agreed upon at a later date between the Government of the United States of America and the Government of Japan taking into calculation other assets of the postal system in the Amami Islands and the pre-war assets and obligations of the Japanese Government postal system in the remaining islands of the Nansei Shoto.

4. Property of the Government of the Ryukyu Islands, including papers, archives and evidentiary materials, existing in the Amami Islands on December 25, 1953, shall be transferred to the Government of Japan on that date without compensation.

5. Property of the Government of Japan, including local governments, existing in the Amami Islands on December 25, 1953 which have been under the custody of the Government of the United States of America prior to that date, shall be returned to the Government of Japan on that date without compensation.

6. As of December 25, 1953, there will exist certain current accounts payable owed by various agencies and institutions in the Amami Islands to governmental and other agencies in the remaining islands of the Nansei Shoto arising from shipment of goods to the Amami Islands, and certain long-term obligations owed by individuals and institutions in the Amami Islands to the Ryukyu Reconstruction Finance Fund. The balances of these accounts and identities of debtors and creditors shall be confirmed by the two Governments as soon as possible. The Government of the United States of America shall transfer and assign, without compensation, to the Government of Japan all rights and interests in the accounts so confirmed.

7. There will be, as of December 25, 1953 obligations owed by or to individuals, including juridical persons, in the Amami Islands to or from individuals, including juridical persons, in the remaining islands of the Nansei Shoto. The two Governments agree to establish procedures that will expedite the settlement of these obligations.

Article IV

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 the Ryukyu Islands (Nansei Shoto) and its predecessors arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of the United States of America which shall have occurred in or have any effect upon the Amami Islands prior to December 25, 1953. The foregoing waiver does not, however, include any Japanese claims specifically recognized in the laws of the United States of America or the local laws of the Ryukyu Islands (Nansei Shoto) enacted since September 2, 1945.

2. Japan recognizes the validity of all acts and omissions done during the period of occupation and during the period of military government or of the United States Civil Administration of the Amami Islands under or in consequence of directives of the occupying authorities, the military government or the United States Civil Administration or authorized by existing law during that time, and will take no action subjecting United States nationals or residents of the islands of the Nansei Shoto to civil or criminal liability arising out of such acts or omissions.

Article V

1. Japan recognizes the validity of, and will continue in full force and effect:

(a) judgments in civil cases rendered by any court in the Amami Islands prior to December 25, 1953, in respect of which there was no recourse or right to review under pre-existing law, and;

(b) final judgments in civil cases rendered by the Ryukyuan Court of Appeals in Okinawa, prior to December 25, 1953, in respect to those cases which originated in any court in the Amami Islands, provided that in both instances such recognition or continuation would not be contrary to public policy.

2. Without in any way adversely affecting the substantive rights and positions of the litigants concerned Japan will assume jurisdiction over and continue to judgment and execution any civil cases pending as of December 25, 1953 in any court in the Amami Islands or any civil cases originating in any such court which are pending in the Ryukyuan Court of Appeals as of the above date.

Article VI

Japan may, in accordance with its laws and procedures, exercise criminal jurisdiction over those persons in the Amami Islands who are serving sentences imposed by any Ryukyuan court prior to December 25, 1953, or over any person in the Amami Islands whose case is pending before such court or the Ryukyuan Court of Appeals in Okinawa as of the above date, provided that where such person is in custody as of the same date, he shall continue to remain in the custody of the Japanese authorities pending appropriate disposition. The Japanese authorities will, in the exercise of criminal jurisdiction over such person, give due faith and credit to the evidentiary data and material used by the Ryukyuan court or by the Ryukyuan Court of Appeals in Okinawa in their exercise of criminal jurisdiction over the person concerned.

Article VII

Treaties, conventions and other international agreements to which Japan is a party, including the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, the Security Treaty between the United States of America and Japan signed on the same date and the Administrative Agreement thereunder as amended, the Notes exchanged on the same date between the Secretary of State of the United States of America and the Prime Minister of Japan, and the Treaty of Friendship, Commerce and Navigation between the United States of America and Japan signed at Tokyo on April 2, 1953,¹ shall be applicable to the Amami Islands as from the date of coming into force of this Agreement.

Article VIII

Any matter relating to the execution of this Agreement shall be agreed upon through consultation between the two Governments or the competent authorities thereof.

¹ United Nations, *Treaty Series*, Vol. 206, p. 143.

Article IX

This Agreement shall come into force on December 25, 1953.

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

DONE at Tokyo, this twenty-fourth day of December, 1953, in duplicate in the English and Japanese languages, both equally authentic.

For the United States of America:

John M. ALLISON

[SEAL]

For Japan:

KATSUO OKAZAKI

[SEAL]

ANNEX

The Amami Islands are defined as all of those islands, islets, atolls and rocks situated in an area bounded by 29 degrees north latitude on the north, 27 degrees north latitude on the south, 128 degrees 18 minutes east longitude on the west and 130 degrees 13 minutes east longitude on the east.

EXCHANGE OF NOTES

I

The American Ambassador to the Japanese Minister for Foreign Affairs

AMERICAN EMBASSY

No. 1025

Tokyo, December 24, 1953

Excellency:

I have the honor to refer to the Agreement between the United States of America and Japan concerning the Amami Islands, signed today and to state as follows:

The Amami Islands and their territorial waters, because of their proximity to both the mainland of Japan and to the military installations of the United States of America in the remaining islands of the Nansei Shoto, bear a unique relationship to the defense and security of the Far East. It is understood that the Government of Japan, cognizant of this unique relationship, will take into consideration those requirements which the United States of America considers necessary to preserve, strengthen and facilitate the defense of the remaining islands of the Nansei Shoto.

Accept, Excellency, the renewed assurance of my most distinguished consideration.

John M. ALLISON

His Excellency Katsuo Okazaki
Minister for Foreign Affairs
Tokyo

[TRANSLATION¹ — TRADUCTION²]

THE GAIMUSHO

Tokyo, December 24, 1953

Mr. Ambassador,

I have the honor to acknowledge the receipt of Your Excellency's note of today's date in which Your Excellency has informed me as follows:

[See note I]

I have further the honor to take note of Your Excellency's statement, and to inform Your Excellency that the understanding set forth in the above-quoted paragraph is also the understanding of the Government of Japan.

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

KATSUO OKAZAKI
Minister for Foreign Affairs

His Excellency Mr. John M. Allison
Ambassador Extraordinary and Plenipotentiary of the United States of America
Japan

AGREED OFFICIAL MINUTES FOR THE AGREEMENT BETWEEN THE
UNITED STATES OF AMERICA AND JAPAN CONCERNING THE
AMAMI ISLANDS

Tokyo, December 24, 1953

1. With the appreciation of a unique relationship of the Amami Islands to the defense and security of both the United States of America and Japan, it is the intention of the Government of Japan that the Government of the United States of America will be kept fully informed, in advance, of possible future Japanese plans for the establishment of defense facilities, including airfields, in the Amami Islands, in the spirit of the Security Treaty between the United States of America and Japan.

2. It is understood that the transfer of business between the five branches in the Amami Islands of the Bank of the Ryukyus and the Kagoshima Bank, including the transfer of the debts and credits belonging to the former, will be made on December 25, 1953 under the terms of a contract between the two Banks approved by the Governments of the United States of America and of Japan.

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

3. It is understood that upon official written request, appropriate unclassified papers, archives and other documents retained in Okinawa by the Government of the Ryukyu Islands or the United States Civil Administration, but having a material bearing upon the administration of the Amami Islands, will be supplied to appropriate officials of the Japanese Government for their examination.

4. It is understood that subject to adjustment to reflect transactions which may have occurred up to midnight of December 24, 1953, the balances of the accounts and identities of debtors and creditors under paragraph 6 of Article III are as follows:

A. OUTSTANDING DEBTS OF AMAMI ISLANDS AS OF 25 NOV. 1953 IN " B " YEN

To USCAR

Oshima Food Company ¥55,242,807.38

To Dept. of Econ-Fin, Operations Bureau (Ex. Ryukyu Board of Trade)

Oshima Federation of Fisheries Cooperative ¥21,050.50
 Oshima Industry Association 601,890.86
 Oshima Trader's Association 642.24
 Oshima Tsumugi Mfg. Association 6,719,949.45

SUB-TOTAL ¥7,343,533.05

To Ryukyu Federation of Agricultural Cooperative

Oshima Agricultural Cooperative ¥9,973,633.01

To Ryukyu Federation of Fisheries Cooperatives

Oshima Federation of Fisheries Cooperative ¥2,740,504.66

TOTAL ¥75,300,478.10

B. OUTSTANDING LONG TERM OBLIGATIONS OF AMAMI ISLANDS TO THE RYUKYU RECONSTRUCTION FINANCE FUND AS OF 31 OCTOBER 1953 IN " B " YEN

Installment Loans Outstanding ¥104,212,384.00
 Loans on Notes 2,115,800.00

TOTAL ¥106,328,184.00

Samuel D. BERGER
 Counsellor of the Embassy
 of the United States
 of America
 [SEAL]

TORU NAKAGAWA
 Director, Asian Affairs Bureau,
 Ministry of Foreign Affairs
 [SEAL]