

No. 5320

**JAPAN
and
UNITED STATES OF AMERICA**

Treaty of Mutual Co-operation and Security (with exchanges of notes and agreed minute). Signed at Washington, on 19 January 1960

Official texts of the Treaty: English and Japanese.

Official text of the notes and agreed minute: English.

Registered by Japan on 19 August 1960.

**JAPON
et
ÉTATS-UNIS D'AMÉRIQUE**

Traité de coopération et de sécurité mutuelles (avec échanges de notes et procès-verbal approuvé). Signé à Washington, le 19 janvier 1960

Textes officiels du Traité: anglais et japonais.

Texte officiel des notes et du procès-verbal approuvé: anglais.

Enregistré par le Japon le 19 août 1960.

No. 5320. TREATY¹ OF MUTUAL CO-OPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA. SIGNED AT WASHINGTON, ON 19 JANUARY 1960

Japan and the United States of America,

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

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

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

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

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

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

Therefore agree as follows :

Article I

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

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

¹ Came into force on 23 June 1960, the date of the exchange of the instruments of ratification at Tokyo, in accordance with article VIII.

Article II

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

Article III

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

Article IV

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

Article V

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

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

Article VI

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

The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement,¹ replacing the

¹ See p. 207 of this volume.

Administrative Agreement under Article III of the Security Treaty¹ between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended,² and by such other arrangements as may be agreed upon.

Article VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

Article VIII

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

Article IX

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951¹ shall expire upon the entering into force of this Treaty.

Article X

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

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

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

¹ United Nations, *Treaty Series*, Vol. 136, p. 211, and Vol. 247, p. 392.

² United Nations, *Treaty Series*, Vol. 208, p. 255 ; Vol. 268, p. 360 ; Vol. 273, p. 265 ; Vol. 290, p. 316 ; Vol. 336, p. 351 ; Vol. 344, p. 332, and Vol. 368.

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

For Japan :

Nobusuke KISHI
Aichiro FUJIYAMA
Mitsujiro ISHII
Tadashi ADACHI
Koichiro ASAKAI

For the United States of America :

Christian A. HERTER
Douglas MACARTHUR 2nd
J. Graham PARSONS

EXCHANGE OF NOTES

I

Washington, January 19, 1960

Excellency :

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

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

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

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

Nobusuke KISHI

His Excellency Christian A. Herter
Secretary of State of the United States of America

¹ See p. 186 of this volume.

II

January 19, 1960

Excellency :

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

[See note I]

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

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

Christian A. HERTER
Secretary of State of the United States of America

His Excellency Nobusuke Kishi
Prime Minister of Japan

III

January 19, 1960

Excellency :

I have the honor to refer to the Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951,¹ the exchange of notes effected on the same date between Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America² and the Agreement Regarding the Status of the United Nations Forces in Japan signed at Tokyo on February 19, 1954,³ as well as the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of my Government that :

1. The above-mentioned exchange of notes will continue to be in force so long as the Agreement Regarding the Status of the United Nations Forces in Japan remains in force.
2. The expression "those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America" in Article V, paragraph 2 of the above-mentioned Agreement is understood to mean the facilities and the areas the use of which is granted to the United States of America under the Treaty of Mutual Cooperation and Security.

¹ United Nations, *Treaty Series*, Vol. 136, p. 211, and Vol. 247, p. 392.

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

³ United Nations, *Treaty Series*, Vol. 214, p. 52.

3. The use of the facilities and areas by the United States armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950,¹ and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security.

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

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

Christian A. HERTER
Secretary of State of the United States of America

His Excellency Nobusuke Kishi
Prime Minister of Japan

IV .

Washington, January 19, 1960

Excellency :

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

[See note III]

I have the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

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

Nobusuke KISHI

His Excellency Christian A. Herter
Secretary of State of the United States of America

¹ United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 2* (A/1361), p. 25.

V

January 19, 1960

Excellency :

I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of the Government of the United States of America that references to the Security Treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951, and to the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan,¹ appearing in the Mutual Defense Assistance Agreement between the United States of America and Japan, signed at Tokyo on March 8, 1954,² shall be considered to be references to the corresponding provisions, if any, of the Treaty of Mutual Cooperation and Security and of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.³

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of Japan and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security.

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

Christian A. HERTER
Secretary of State of the United States of America

His Excellency Nobusuke Kishi
Prime Minister of Japan

VI

Washington, January 19, 1960

Excellency :

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

[See note V]

¹ United Nations, *Treaty Series*, Vol. 208, p. 255 ; Vol. 268, p. 360 ; Vol. 273, p. 265 ; Vol. 290, p. 316 ; Vol. 336, p. 351 ; Vol. 344, p. 332, and Vol. 368.

² United Nations, *Treaty Series*, Vol. 232, p. 169 ; Vol. 251, p. 404 ; Vol. 265, p. 406 ; Vol. 272, p. 300 ; Vol. 273, p. 288 ; Vol. 283, p. 316 ; Vol. 303, p. 348 ; Vol. 316, p. 351, and Vol. 357, p. 379.

³ See p. 207 of this volume.

I have further the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

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

Nobusuke KISHI

His Excellency Christian A. Herter
Secretary of State of the United States of America

AGREED MINUTE TO THE TREATY OF MUTUAL COOPERATION
AND SECURITY¹

Japanese Plenipotentiary:

While the question of the status of the islands administered by the United States under Article 3 of the Treaty of Peace with Japan² has not been made a subject of discussion in the course of treaty negotiations, I would like to emphasize the strong concern of the Government and people of Japan for the safety of the people of these islands since Japan possesses residual sovereignty over these islands. If an armed attack occurs or is threatened against these islands, the two countries will of course consult together closely under Article IV of the Treaty of Mutual Cooperation and Security.¹ In the event of an armed attack, it is the intention of the Government of Japan to explore with the United States measures which it might be able to take for the welfare of the islanders.

United States Plenipotentiary:

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

Washington, January 19, 1960

N. K.

C. A. H.

¹ See p. 186 of this volume.

² United Nations, *Treaty Series*, Vol. 136, p. 45 ; Vol. 163, p. 385 ; Vol. 184, p. 358 ; Vol. 199, p. 344 ; Vol. 243, p. 326, and Vol. 260, p. 450.

EXCHANGE OF NOTES

I

Washington, January 19, 1960

Dear Secretary Herter :

I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today.¹ Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

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

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

I would appreciate very much your views on this matter.

Most sincerely,

Nobusuke KISHI

His Excellency Christian A. Herter
Secretary of State of the United States of America

¹ See p. 186 of this volume.

II

January 19, 1960

Dear Mr. Prime Minister :

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

Most sincerely,

Christian A. HERTER

His Excellency Nobusuke Kishi
Prime Minister of Japan