

No. 9724

**JAPAN
and
UNITED STATES OF AMERICA**

**Agreement concerning Nanpo Shoto and other islands.
Signed at Tokyo on 5 April 1968**

Authentic texts: Japanese and English.

Registered by Japan on 16 July, 1969

**JAPON
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif à l'île de Nanpo Shoto et à certaines autres
îles. Signé à Tokyo le 5 avril 1968**

Textes authentiques: japonais et anglais.

Enregistré par le Japon le 16 juillet 1969.

AGREEMENT¹ BETWEEN JAPAN AND THE UNITED STATES OF AMERICA CONCERNING NANPO SHOTO AND OTHER ISLANDS

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

Whereas the United States of America desires, with respect to Nanpo Shoto and other islands, to relinquish in favor of Japan all rights and interests under Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951;² and

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

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

2. For the purpose of this Agreement, the term "Nanpo Shoto and other islands" means Nanpo Shoto south of Sofu Gan (including the Bonin

¹ Came into force on 26 June 1968, thirty days after the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan had approved the Agreement as required by its legal procedures, in accordance with article VI.

² United Nations, *Treaty Series*, vol. 136, p. 45.

Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island, including their territorial waters.

Article II

It is confirmed that treaties, conventions and other agreements concluded between Japan and the United States of America, including, but without limitation, the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed at Washington on January 19, 1960¹ and the agreements related thereto and the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953,² become applicable to Nanpo Shoto and other islands as of the date of entry into force of this Agreement.

Article III

1. The communications sites (LORAN stations) in Iwo Jima and Marcus Island presently utilized by the United States armed forces will be used by them in accordance with the procedures set forth in the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Washington on January 19, 1960³. However, in the event that, due to unavoidable delays, it is not possible to comply with the above procedures by the date of entry into force of this Agreement, Japan grants to the United States of America the continued use of those particular sites, pending the completion of the said procedures.

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

3. The use of the installations and sites which may be made by the United States armed forces under paragraphs 1 and 2 above until such time as the necessary procedures or the transfers are completed shall be governed by the arrangements made pursuant to the Treaty of Mutual

¹ United Nations, *Treaty Series*, Vol. 373, p. 179.

² United Nations, *Treaty Series*, Vol. 206, p. 143.

³ *Ibid.*, Vol. 373, p. 207.

Cooperation and Security between Japan and the United States of America, signed at Washington on January 19, 1960.

Article IV

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

Article V

1. Japan waives all claims of Japan and its nationals against the United States of America and its nationals and against the local authorities of Nanpo Shoto and other islands, arising from the presence, operations or actions of forces or authorities of the United States of America in these islands, or from the presence, operations or actions of forces or authorities of the United States of America having had any effect upon these islands, prior to the date of entry into force of this Agreement. The foregoing waiver does not, however, include claims of Japanese nationals specifically recognized in the laws of the United States of America or the local laws of these islands applicable during the period of United States administration of these islands.

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

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

Article VI

This Agreement shall enter into force thirty days after the date of receipt by the Government of the United States of America of a note from the

Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

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

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

For Japan:

Takeo MIKI

For the United States
of America:

U. Alexis JOHNSON