

No. 12037

**JAPAN
and
UNITED STATES OF AMERICA**

**Agreement concerning the Ryukyu Islands and the Daito Islands
(with agreed minutes and exchanges of notes). Signed at Tokyo
and Washington on 17 June 1971**

Authentic texts : Japanese and English.

Registered by Japan on 1 October 1972.

**JAPON
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif aux îles Ryukyu et Daito (avec procès-verbal ap-
prouvé et échanges de notes). Signé à Tokyo et à Washington
le 17 juin 1971**

Textes authentiques : japonais et anglais.

Enregistré par le Japon le 1^{er} octobre 1972.

AGREEMENT¹ BETWEEN JAPAN AND THE UNITED STATES OF AMERICA CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS

Japan and the United States of America,

Noting that the Prime Minister of Japan and the President of the United States of America reviewed together on November 19, 20 and 21, 1969 the status of the Ryukyu Islands and the Daito Islands, referred to as "Okinawa" in the Joint Communiqué between the Prime Minister and the President issued on November 21, 1969, and agreed that the Government of Japan and the Government of the United States of America should enter immediately into consultations regarding the specific arrangements for accomplishing the early reversion of these islands to Japan;

Noting that the two Governments have conducted such consultations and have reaffirmed that the reversion of these islands to Japan be carried out on the basis of the said Joint Communiqué;

Considering that the United States of America desires, with respect to the Ryukyu Islands and the Daito 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 thereby to have relinquished all its rights and interests in all territories under the said article; and

Considering further that 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 Ryukyu Islands and the Daito Islands;

Therefore, have agreed as follows :

Article I

1. With respect to the Ryukyu Islands and the Daito 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.

¹ Came into force on 15 May 1972, i.e. two months after the date of the exchange of the instruments of ratification, which took place at Tokyo on 15 March 1972, in accordance with article IX.

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

2. For the purpose of this Agreement, the term “ the Ryukyu Islands and the Daito Islands ” means all the territories and their territorial waters with respect to which the right to exercise all and any powers of administration, legislation and jurisdiction was accorded to the United States of America under article 3 of the Treaty of Peace with Japan other than those with respect to which such right has already been returned to Japan in accordance with the Agreement concerning the Amami Islands and the Agreement concerning Nanpo Shoto and other islands signed between Japan and the United States of America, respectively on December 24, 1953¹ and April 5, 1968.²

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, 1960³ and its related arrangements and the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953,⁴ become applicable to the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement.

Article III

1. Japan will grant the United States of America on the date of entry into force of this Agreement the use of facilities and areas in the Ryukyu Islands and the Daito Islands in accordance with the Treaty of Mutual Co-operation and Security between Japan and the United States of America signed at Washington on January 19, 1960 and its related arrangements.

2. In the application of article IV of 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 on January 19, 1960,⁵ to the facilities and areas the use of which will be granted in accordance with paragraph 1 above to the United States of America on the date of entry into force of this Agreement, it is understood that the phrase “ the condition in which they were at the time they became available to the United States armed forces ” in paragraph 1 of the said article IV refers to the condition in which the facilities and areas first came into the use of the United States armed forces, and that the term “ improve-

¹ United Nations, *Treaty Series*, vol. 222, p. 193.

² *Ibid.*, vol. 683, p. 285.

³ *Ibid.*, vol. 373, p. 179.

⁴ *Ibid.*, vol. 206, p. 143.

⁵ *Ibid.*, vol. 373 p. 207.

ments” in paragraph 2 of the said article includes those made prior to the date of entry into force of this Agreement.

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 and the Daito 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.

2. The waiver in paragraph 1 above 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. The Government of the United States of America is authorized to maintain its duly empowered officials in the Ryukyu Islands and the Daito Islands in order to deal with and settle such claims on and after the date of entry into force of this Agreement in accordance with the procedures to be established in consultation with the Government of Japan.

3. The Government of the United States of America will make *ex gratia* contributions for restoration of lands to the nationals of Japan whose lands in the Ryukyu Islands and the Daito Islands were damaged prior to July 1, 1950, while placed under the use of United States authorities, and were released from their use after June 30, 1961 and before the date of entry into force of this Agreement. Such contributions will be made in an equitable manner in relation to the payments made under High Commissioner Ordinance Number 60 of 1967 to claims for damages done prior to July 1, 1950 to the lands released prior to July 1, 1961.

4. Japan recognizes the validity of all acts and omissions done during the period of United States administration of the Ryukyu Islands and the Daito 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.

Article V

1. Japan recognizes the validity of, and will continue in full force and effect, final judgments in civil cases rendered by any court in the Ryukyu Islands and the Daito Islands prior to the date of entry into force of this Agreement,

provided that 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 the date of entry into force of this Agreement in any court in the Ryukyu Islands and the Daito Islands.

3. Without in any way adversely affecting the substantive rights of the accused or suspect concerned, Japan will assume jurisdiction over, and may continue or institute proceedings with respect to, any criminal cases with which any court in the Ryukyu Islands and the Daito Islands is seized as of the date of entry into force of this Agreement or would have been seized had the proceedings been instituted prior to such date.

4. Japan may continue the execution of any final judgments rendered in criminal cases by any court in the Ryukyu Islands and the Daito Islands.

Article VI

1. The properties of the Ryukyu Electric Power Corporation, the Ryukyu Domestic Water Corporation, and the Ryukyu Development Loan Corporation shall be transferred to the Government of Japan on the date of entry into force of this Agreement, and the rights and obligations of the said Corporations shall be assumed by the Government of Japan on that date in conformity with the laws and regulations of Japan.

2. All other properties of the Government of the United States of America, existing in the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement and located outside the facilities and areas provided on that date in accordance with article III of this Agreement, shall be transferred to the Government of Japan on that date, except for those that are located on the lands returned to the landowners concerned before the date of entry into force of this Agreement and for those the title to which will be retained by the Government of the United States of America after that date with the consent of the Government of Japan.

3. Such lands in the Ryukyu Islands and the Daito Islands reclaimed by the Government of the United States of America and such other reclaimed lands acquired by it in these islands as are held by the Government of the United States of America as of the date of entry into force of this Agreement become the property of the Government of Japan on that date.

4. The United States of America is not obliged to compensate Japan or its nationals for any alteration made prior to the date of entry into force of this Agreement to the lands upon which the properties transferred to the Government of Japan under paragraphs 1 and 2 above are located.

Article VII

Considering, *inter alia*, that United States assets are being transferred to the Government of Japan under article VI of this Agreement, that the Government of the United States of America is carrying out the return of the Ryukyu Islands and the Daito Islands to Japan in a manner consistent with the policy of the Government of Japan as specified in paragraph 8 of the Joint Communiqué of November 21, 1969, and that the Government of the United States of America will bear extra costs, particularly in the area of employment after reversion, the Government of Japan will pay to the Government of the United States of America in United States dollars a total amount of three hundred and twenty million United States dollars (U.S. \$320,000,000) over a period of five years from the date of entry into force of this Agreement. Of the said amount, the Government of Japan will pay one hundred million United States dollars (U.S. \$100,000,000) within one week after the date of entry into force of this Agreement and the remainder in four equal annual installments in June of each calendar year subsequent to the year in which this Agreement enters into force.

Article VIII

The Government of Japan consents to the continued operation by the Government of the United States of America of the Voice of America relay station on Okinawa Islands for a period of five years from the date of entry into force of this Agreement in accordance with the arrangements to be concluded between the two Governments. The two Governments shall enter into consultation two years after the date of entry into force of this Agreement on future operation of the Voice of America on Okinawa Island.

Article IX

This Agreement shall be ratified and the instruments of ratification shall be exchanged at Tokyo. This Agreement shall enter into force two months after the date of exchange of the instruments of ratification.

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

DONE at Tokyo and Washington, this seventeenth day of June, 1971, in duplicate in the Japanese and English languages, both equally authentic.

For Japan :
KIICHI AICHI

For the United States of America :
WILLIAM P. ROGERS

AGREED MINUTES

The representatives of the Government of Japan and of the Government of the United States of America wish to record the following understanding reached during the negotiations for the Agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands, signed today :

Regarding article I :

The territories defined in paragraph 2 of article I are the territories under the administration of the United States of America under article 3 of the Treaty of Peace with Japan, and are, as designated under Civil Administration Proclamation Number 27 of December 25, 1953, all of those islands, islets, atolls and rocks situated in an area bounded by the straight lines connecting the following coordinates in the listed order :

<i>North Latitude</i>	<i>East Longitude</i>
28 degrees	124 degrees 40 minutes
24 degrees	122 degrees
24 degrees	133 degrees
27 degrees	131 degrees 50 minutes
27 degrees	128 degrees 18 minutes
28 degrees	128 degrees 18 minutes
28 degrees	124 degrees 40 minutes

Regarding article IV :

1. The claims of Japanese nationals including the municipalities of the Ryukyu Islands and the Daito Islands which the Government of the United States of America will deal with and settle pursuant to paragraph 2 of article IV include the following :

- (1) Claims arising from damages done to land and those relating to declarations of taking the settlement for which is provided for in High Commissioner Ordinance Number 20 on acquisition of leasehold interest;
- (2) Claims falling within the competence of the United States Land Tribunal for the Ryukyu Islands established by High Commissioner Ordinance Number 19;
- (3) Claims the settlement for which may be sought under the laws of the United States of America respecting foreign claims;
- (4) Claims of the employees of the Government of the United States of America or its instrumentalities protected under the laws of the United States of America respecting compensation for work injuries or under High Commissioner Ordinance Number 42 on Workmen's Compensation Benefits;
- (5) Claims of the employees of the Government of the United States of America or its instrumentalities relating to remuneration and other benefits; and
- (6) Others.

2. The procedures to be established under paragraph 2 of article IV will also provide for a suitable arrangement for the *ex gratia* contributions to be made under paragraph 3 of article IV as well as for that through which the Government of the United States of America or its instrumentalities will complete the payments of their debts owed to Japanese nationals including the municipalities of the Ryukyu Islands and the Daito Islands outstanding on the date of entry into force of the Agreement.

3. The Government of the United States of America will in consultation with the Government of Japan take necessary measures to secure sufficient public knowledge and easy availability of the procedures.

Regarding article V :

1. The words “ final judgments ” referred to in paragraph 1 of Article V include final decrees and orders.

2. The words “ any court in the Ryukyu Islands and the Daito Islands ” mean the courts of the Government of the Ryukyu Islands and of the United States Civil Administration of the Ryukyu Islands.

3. The military authorities of the United States will exercise criminal jurisdiction over the members of the United States armed forces with respect to offenses committed in the Ryukyu Islands and the Daito Islands prior to the date of entry into force of the Agreement in accordance with relevant provisions of article XVII of 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 on January 19, 1960; and Japan will not exercise criminal jurisdiction over such cases.

Regarding article VI :

1. The United States armed forces in the Ryukyu Islands and the Daito Islands will be entitled to the use of public utilities and services only under conditions comparable to those presently enjoyed by such forces in mainland Japan in accordance with the relevant provisions of 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 on January 19, 1960.

2. The properties of the Government of the United States of America to be transferred to the Government of Japan under paragraph 2 of article VI include :

(1) Naha Airport facilities including the Miwa non-directional beacon;

(2) Administrative structures including:

(a) Justice Building at Naha;

(b) English Language Centre at Naha;

(c) Naha, Nago, Ishikawa, Miyako and Yaeyama Cultural Centers;

(d) The Government of the Ryukyu Islands Executive Building at Naha;

(e) Yaeyama Civil Administration Headquarters; and

(f) Miyako Civil Administration Headquarters;

- (3) Road structures including traffic lights, road signs, bridges and other fixtures of the following routes :

<i>Route</i>	<i>Approximate length</i>
1	66 km;
5	13 km;
6	7 km;
7	9 km;
8	10 km;
13	62 km;
16	8 km;
24	13 km;
44	12 km; and
Others;	

- (4) Air navigation facilities related to airports :
- (a) Non-directional beacons on Minamidaito Jima, Kume Jima, Ishigaki Jima and Yonaguni Jima;
 - (b) Air-ground communications facilities and inter-islands communications - navigation system on the above islands and Miyako Jima;
- (5) Navigation aids :
- (a) Short range aids to navigation; 14 light structures, 17 lighted buoys, 2 sets of channel range lights and others; and
 - (b) LORAN-A transmitting station on Miyako Jima;
- (6) Installations at Naha Wheel Area and on those parts of the areas at Naha Air Force/Navy Annex and Tokashiki Army Annex to be released for use by the Government of Japan.

3. The properties the title to which will be retained by the Government of the United States of America include the housing for State Department personnel at Hamakawa, Chatan Village.

Regarding article VII :

With respect to computation and payment of the separation payments to be made to the Japanese employees of the United States armed forces in the Ryukyu Islands and the Daito Islands (including non-appropriated fund organizations) after reversion, the Government of the United States of America will pay the amount computed for the entire employment periods of such employees beginning from April 30, 1952, including their pre-reversion employment periods, applying the computation formula provided for in the Master Labor contract, the Mariner Contract and the Indirect Hire Agreement in mainland Japan.

Regarding article VIII :

In case of relocation of the Voice of America outside Japan and in the event it would be found that a substitute facility will not be completed within the five-year period referred to in article VIII due to unforeseen circumstances, the Government of Japan is prepared to give full recognition to the need for continued operation of the

Voice of America on Okinawa Island after the said five-year period until completion of the substitute facility.

Tokyo, June 17, 1971.

KIICHI AICHI

ARMIN H. MEYER

[TRANSLATION — TRADUCTION]

Tokyo, 17 June 1971

Excellency,

[See note II a]

Accept, etc.,

KIICHI AICHI

His Excellency M. Armin H. Meyer
Ambassador extraordinary and plenipotentiary
of the United States of America to Japan

II a

EMBASSY OF THE UNITED STATES OF AMERICA
TOKYO

June 17, 1971

No. 314

Excellency,

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

“ I have the honor to refer to article VIII of the Agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands signed today and to propose the arrangements referred to in the said article as follows :

“ 1. The Voice of America relay station (hereinafter referred to as “ the relay station ”) will consist of the following facilities owned by the Government of the United States of America :

A. Transmitting station at Okuma, Kunigami Village :

14 operational buildings,
14 residence houses,
22 antennas, and
auxiliary facilities.

B. Receiving station at Manzamo, Onna Village :

3 operational buildings,
27 antennas, and
auxiliary facilities.

C. Housing and administrative facilities at Hamakawa, Chatan Village :

9 residence houses,
1 administrative building,
1 operational building,
5 antennas, and
auxiliary facilities.

“ 2. The scope of the transmission activities of the relay station shall be as set forth below :

- (1) Medium wave broadcasting
 - a. Frequency : 1,178 KC,
 - b. Power : not exceeding 1,000 KW,
 - c. Transmission hours per day : not exceeding 6 hours.
- (2) Short wave broadcasting
 - a. Number of transmitters : not exceeding

100 KW	1
35 KW	2
15 KW	1
5 KW	1
 - b. Frequency-hours per day : not exceeding 32.5 hours,
 - c. Number of antennas : not exceeding 6.
- (3) Languages used :

No languages other than those presently used.
- (4) Matters concerning frequencies and other basic characteristics of emission used by the relay station for broadcasting, radio teletype and communication links other than those listed above will be approved by the competent authorities of the Government of Japan on the basis of the existing characteristics. Any subsequent changes in the characteristics thus approved will be subject to approval of the competent authorities of the Government of Japan. In exceptional cases, the relay station may extend, on an ad hoc basis, its broadcasting hours beyond the limits provided for in (1) *c* and (2) *b* above with the approval of the competent authorities of the Government of Japan.

“ 3. The Government of the United States of America will notify the International Frequency Registration Board of frequency assignments, including seasonal high frequency broadcasting schedules, for the relay station in accordance with the Radio Regulations attached to the International Telecommunication Convention.¹ The competent authorities of the Government of the United States of America will inform those of the Government of Japan of the particulars of such notification.

“ 4. The Government of the United States of America will take necessary steps to remove, as quickly as possible, any jamming or interference caused by the relay station to radio stations or radio receiving facilities regulated by the relevant radio laws of Japan.

“ 5. The Government of the United States of America shall be responsible for just and expeditious settlement of all claims against the relay station or its employees arising from or in connection with its activities.

“ 6. Sole responsibility for the programs relayed through the relay station will rest with the Government of the United States of America. The Government of Japan, however, reserves the right to express its views on the said

¹ United Kingdom, *Treaty Series*, No. 74 (1961), Cmnd. 1484.

programs as it considers necessary, and the Government of the United States of America will respect the views so expressed.

“ 7. Details for the implementation of these arrangements will be agreed upon as may be necessary between the competent authorities of the two Governments.

“ I have further the honor to propose that the present Note and Your Excellency’s Note in reply confirming the foregoing arrangements on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of entry into force of the Agreement between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands signed today

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

I have further the honor to confirm the above arrangements on behalf of the Government of the United States of America and agree that Your Excellency’s Note and this reply shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of entry into force of the Agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands signed today.

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

ARMIN H. MEYER

His Excellency Kiichi Aichi
Minister for Foreign Affairs of Japan

I b

Tokyo, June 17, 1971

No. 313

Excellency,

I have the honor to refer to the Agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands signed today and to confirm the understanding reached between the two Governments that the Government of the United States of America will undertake, in consultation with the Government of Japan, to complete necessary preparations as expeditiously as possible for settlement of the question arising out of the submersion of lands in the military port of Naha through disposition of the lands reclaimed and now held by the Government of the United States of America in these islands to the extent necessary for this purpose.

I should be appreciative if Your Excellency would confirm the foregoing on behalf of your Government.

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

ARMIN H. MEYER

His Excellency Kiichi Aichi
Minister for Foreign Affairs of Japan

[TRANSLATION¹ — TRADUCTION²]

June 17, 1971

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 b]

I have further the honor to confirm the foregoing understanding on behalf of the Government of Japan.

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

KIICHI AICHI

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.