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① サンフランシスコ平和条約の起草過程



朝鮮放棄のみ規定する米国草案と日本の領域を明確にする英国草案

対日平和条約- 米国と英国の草案

PROVISIONAL DRAFT OF JAPANESE PEACE TREATY (UNITED KINGDOM)

PROVISIONAL DRAFT OF A JAPANESE PEACE TREATY (UNITED STATES)

1951年(昭和26年)3月23日(米国草案)

1951年(昭和26年)4月7日(英国草案)

資料概要

英国政府内部資料に綴じられた米国及び英国の対日平和条約草案。右に米国草案、左に英国草案を配し、対比できるように編纂されている。

右の米国草案においては、「朝鮮に対するすべての権利、権原及び請求権を放棄する」としか書かれていない(第3条)。

これに対して、英国草案は、「日本の主権は、・・・線で囲まれた域内に存在するすべての島、隣接する小島及び岩に対して継続する」とし、その線が具体的に規定され、日本が保持する島を明確に規定する意図が見える。この線が竹島と隠岐列島の間を通るように引かれていた。

作成年月日	1951年(昭和26年)3月23日(米国草案) 1951年(昭和26年)4月7日(英国草案)
編著者	英国外務省(収録誌)
発行者	-
収録誌	Japanese Peace Treaty: attached Provisional draft which is to be read to HM Ambassador at Washington, intended to serve as preliminary working document. (FO371/92538)
言語	英語
媒体種別	紙
公開有無	有
所蔵機関	英国国立公文書館
利用方法	英国国立公文書館で利用手続きを行う

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内容見本

PROVISIONAL DRAFT OF JAPANESE PEACE TREATY (UNITED KINGDOM)

(略)

Part I.—Territorial Clauses ARTICLE 1

Japanese sovereignty shall continue over all the islands and adjacent islets and rocks lying within an area bounded by a line from latitude 30°N. in a north-westerly direction to approximately latitude 33°N. 128°E then northward between the islands of Quelpart, Fukue-Shima bearing north-easterly between Korea and the island of Tsushima, continuing in this direction with the islands of Oki-Retto to the south-east and Take shima to the north-west curving with the coast of Honshu, (略)

ARTICLE 2

Japan hereby renounces any claim to sovereignty over, and all right, title and interest in Korea, (略)

PROVISIONAL DRAFT OF A JAPANESE PEACE TREATY (UNITED STATES)

(略)

CHAPTER II Sovereignty

2. The Allied Powers recognise the full sovereignty of the Japanese people over Japan and its territorial waters.

CHAPTER III Territory

3. Japan renounces all rights, titles and claims to Korea, Formosa and the Pescadores; (略)

日本語訳

(英国草案)

第I部 領域条項 第1条

日本の主権は、北緯30度から北西方向におよそ北緯33度東経128度に向かい、北に濟州島と福江島の間を通り、朝鮮と対馬の間を北東方向に進み、この方向に、隠岐列島を南東に、竹島を北西にみながら、本州沿岸に沿って進み、(略)…線に囲まれた領域内に存在するすべての島、隣接する小島及び岩に対して継続する。(略)

第2条

日本国は、ここにおいて、朝鮮に対する主権並びにすべての権利、権原及び利益を放棄する。(略)

(米国草案)

第II章 主権

2. 連合国は、日本国民の日本及びその領水に対する完全な主権を認める。

第III章 領域

3. 日本国は、朝鮮、台湾及び澎湖諸島、(略)に対するすべての権利、権原及び請求権を放棄する。

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PROVISIONAL DRAFT OF JAPANESE PEACE TREATY (UNITED KINGDOM)

PREAMBLE

1. The Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, China, France, Australia, Burma, Canada, Ceylon, India, Indonesia, the Netherlands, New Zealand, Pakistan, the Republic of the Philippines; hereinafter referred to as "the Allied and Associated Powers," of the one part, and Japan, of the other;

2. Whereas Japan under the militarist régime became a party to the Tripartite Pact with Germany and Italy, undertook a war of aggression and thereby provoked a state of war with all the Allied and Associated Powers and with other United Nations, and bears her share of responsibility for the war; and

3. Whereas in consequence of the victories of the Allied Forces, the militarist régime in Japan was overthrown and Japan, having surrendered unconditionally, in accordance with the Potsdam Proclamation signed an Instrument of Surrender on 2nd September, 1945; and

4. Whereas the Allied and Associated Powers and Japan are desirous of concluding a treaty of peace which, in conformity with the principles of justice, will settle questions still outstanding as a result of the events hereinbefore recited, will enable Japan freely to accept and apply the principles of the Universal Declaration of Human Rights and will form the basis of friendly relations between them;

5. Have therefore agreed to declare the cessation of the state of war and for this purpose to conclude the present treaty of peace, and have accordingly appointed the undersigned plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:—

PRELIMINARY ARTICLE

As from the date of the coming into force of the present treaty, the state of war between Japan and each of the Allied and Associated Powers which ratify or accede to the Treaty is hereby terminated.

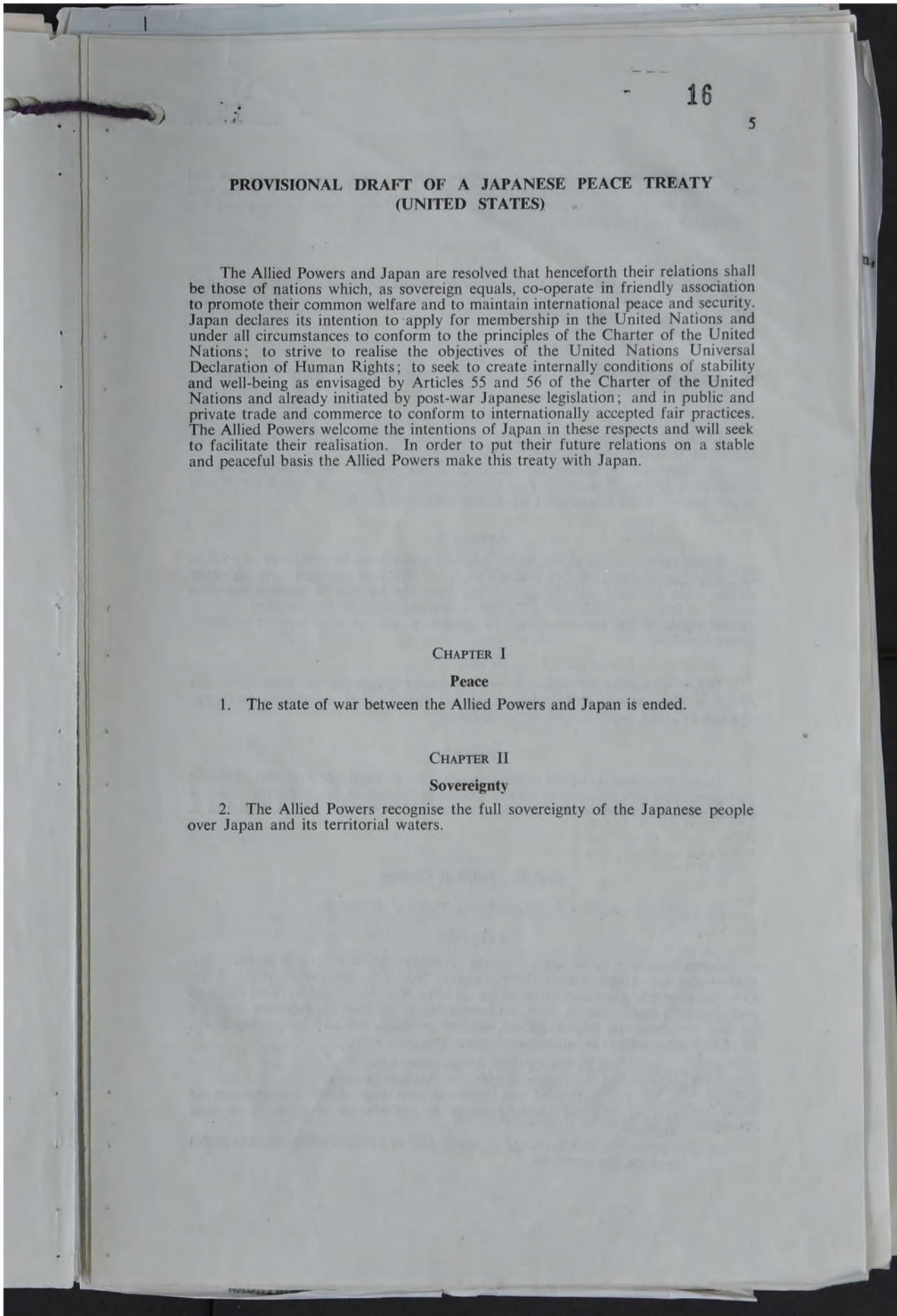
Part I.—Territorial Clauses

ARTICLE 1

Japanese sovereignty shall continue over all the islands and adjacent islets and rocks lying within an area bounded by a line from latitude 30° N. in a north-westerly direction to approximately latitude 33° N. 128° E. then northward between the islands of Quelpart, Fukue-Shima bearing north-easterly between Korea and the island of Tsushima, continuing in this direction with the islands of Oki-Retto to the south-east and Take Shima to the north-west curving with the coast of Honshu, then northerly skirting Rebun Shima passing easterly through Soya Kaikyo approximately 142° E., then in a south-easterly direction parallel to the coast of Hokkaido to 145° 30' E. entering Numero Kaikyo at approximately 44° 30' N. in a south-westerly direction to approximately 43° 45' N. and 145° 15' E., then in a south-easterly direction to approximately 43° 35' N. 145° 35' E., then bearing north-easterly to approximately 44° N., so excluding Kunashiri, and curving to the east and then bearing south-westerly to include Shikotan at 147° 5' E., being the most easterly point, then in a south-westerly direction with the coastline towards the Nanpo Group of Islands curving south to include Sofu-Gan (Lot's Wife) at 29° 50' N., veering to the north-west towards the coast of Honshu, then at approximately 33° N. turning south-westerly past Shikoku to 30° N. to include Yaku Shima and excluding Kuchino Shima and the Ryuku Islands south of latitude 30° North. The line above described is plotted on the map attached to the present treaty (Annex D.⁽¹⁾) In the case of a discrepancy between the map and the textual description of the line, the latter shall prevail.

(¹) Not printed.

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BRITISH DRAFT

ARTICLE 2

Japan hereby renounces any claim to sovereignty over, and all right, title and interest in Korea, and undertakes to recognise and respect all such arrangements as may be made by or under the auspices of the United Nations regarding the sovereignty and independence of Korea.

ARTICLE 3

Japan hereby cedes to the Union of Soviet Socialist Republics in full sovereignty the Kurile Islands, and that portion of South Sakhalin over which Japan formerly exercised sovereignty.

ARTICLE 4

Japan hereby cedes to China, in full sovereignty, the Island of Formosa and the Pescadores Islands.

ARTICLE 5

1. Japan renounces sovereignty over, and all right, title and interest in the Ryukyu Bonin and Volcano Islands, and Marcus Island.
2. Japan takes note of the intention of the United States Government to negotiate a United Nations trusteeship agreement in respect of the Ryukyu and Bonin Islands when this present treaty has come into force.

ARTICLE 6

Japan renounces all rights, titles, interests and claims to territories or islands formerly administered by her under League of Nations mandate, and all other rights, titles, interests and claims deriving from the League of Nations mandate system or from any undertakings given in connexion therewith, together with all special rights of the Japanese State in respect of any territory now or formerly under mandate.

ARTICLE 7

Japan renounces all political and territorial claims in or relative to the Antarctic Continent and the islands adjacent thereto, and undertakes to forego and not to assert any such claims in the future.

ARTICLE 8

Japan renounces on behalf of the Japanese Government and Japanese nationals all rights, titles and interests in and all claims in respect of any property which is or was situated in any of the territories mentioned in Articles 2, 3, 4, 5, 6 and 7.

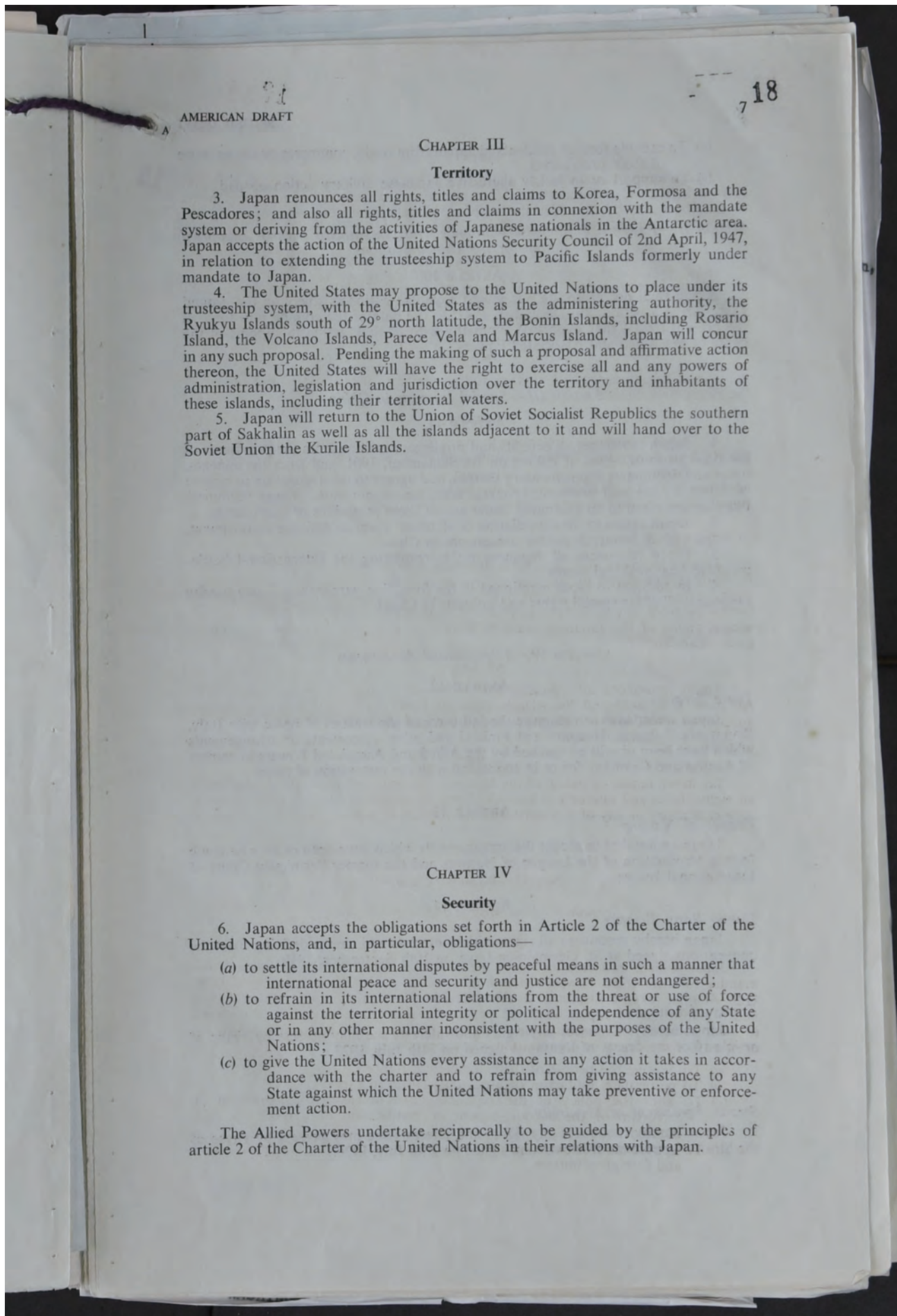
Part II.—Political Clauses*Section I.—Undesirable Political Societies*

ARTICLE 9

Japan which, in accordance with the directives issued by the Supreme Commander for the Allied Powers (Memorandum No. A.G. 091 (4th January, 1946) G.S., &c.) has taken measures to dissolve all ultra-Nationalist and terrorist societies and organisations in Japan, shall not permit the resurgence on Japanese territory of such societies and organisations, whether political, military or para-military, or of any other society or organisation whose purpose it is—

- (a) To deprive the people of their democratic rights.
- (b) To perpetuate militarism or ultra-nationalism in Japan.
- (c) To alter the policy of the Japanese Government by assassination or terrorism or the encouragement or justification of a resort to such methods.
- (d) To oppose the free exchange of intellectual or cultural ideas between Japan and foreign countries.

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AMERICAN DRAFT

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CHAPTER III

Territory

3. Japan renounces all rights, titles and claims to Korea, Formosa and the Pescadores; and also all rights, titles and claims in connexion with the mandate system or deriving from the activities of Japanese nationals in the Antarctic area. Japan accepts the action of the United Nations Security Council of 2nd April, 1947, in relation to extending the trusteeship system to Pacific Islands formerly under mandate to Japan.

4. The United States may propose to the United Nations to place under its trusteeship system, with the United States as the administering authority, the Ryukyu Islands south of 29° north latitude, the Bonin Islands, including Rosario Island, the Volcano Islands, Parece Vela and Marcus Island. Japan will concur in any such proposal. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

5. Japan will return to the Union of Soviet Socialist Republics the southern part of Sakhalin as well as all the islands adjacent to it and will hand over to the Soviet Union the Kurile Islands.

CHAPTER IV

Security

6. Japan accepts the obligations set forth in Article 2 of the Charter of the United Nations, and, in particular, obligations—

- (a) to settle its international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;
- (b) to refrain in its 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;
- (c) to give the United Nations every assistance in any action it takes in accordance with the charter and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.

The Allied Powers undertake reciprocally to be guided by the principles of article 2 of the Charter of the United Nations in their relations with Japan.