

① サンフランシスコ平和条約の起草過程

No.7

米英共同草案

英国政府内部資料に見る米英協議において作成された共同草案

JOINT UNITED STATES/UNITED KINGDOM DRAFT OF A JAPANESE PEACE TREATY
PREPARED DURING THE DISCUSSIONS IN WASHINGTON, APRIL-MAY 1951

1951年(昭和26年)5月3日

資料概要

1951年4月25日から5月4日にかけて行われた米英協議の最終段階で作成された米英共同草案(5月3日付)。英国外務大臣が同協議の結果を内閣に報告するために作成したメモ(5月23日付)に添付されている。

この資料には、英国の案に基づいて作成された条項には左に一本線が引かれ、米国の案に基づいた条項には二重線が右側に引かれている。また、英国が態度を保留している部分にブラケット(∩ 角括弧)が付けられている。

米英協議において、両国は日本が放棄する島として3つの島名を規定することで一致していたが(→No.6)、この協議において作成された共同草案の第2条において「日本国は、朝鮮(濟州島、巨文島及び鬱陵島を含む。)に対するすべての権利、権原及び請求権を放棄する。」という文言となっていることが分かる。

また、第2条の「日本国は、朝鮮(濟州島、巨文島及び鬱陵島を含む。)に対するすべての権利、権原及び請求権を放棄する。」の部分について、角括弧による保留の表示はなく、英国に異存のないことが分かる。

内容見本

ANNEX A

JOINT UNITED STATES/UNITED KINGDOM DRAFT OF
A JAPANESE PEACE TREATY PREPARED DURING THE
DISCUSSIONS IN WASHINGTON, APRIL-MAY 1951
[United Kingdom contributions are single sidelined; United
States contributions are double sidelined.]
(text omitted)

Chapter II. - Territory

ARTICLE 2

Japan renounces all rights, titles and claims to Korea
(including Quelpart, Port Hamilton and Dagelet), [Formosa
and the Pescadores]; and also all rights, titles and claims in
connexion with the mandate system [or based on any past
activity 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.

(United Kingdom reserves position on passages between
square brackets.)
(text omitted)

日本語訳

添付A

1951年4月-5月にワシントンで行われた対日講和条約に関する米英協議において作成された米英共同草案
[英国の案をいれて作成された条項は一本線、米国の案に基づいた条項には二本線]
(略)

第2章 領域

第2条

日本は、朝鮮(濟州島、巨文島及び鬱陵島を含む。)、[台湾及び澎湖諸島]に対するすべての権利、権原及び請求権を放棄し、且つ、委任統治制度に関連する[又は南極地域における日本国民の過去の活動に基づく]すべての権利、権原及び請求権を放棄する。日本は、信託統治制度を、かつて日本委任統治下にあった太平洋諸島に及ぼすことに関して、1947年4月2日の国際連合安全保障理事会が採った行動を受諾する。

(英国は、角括弧で囲んだ部分につき立場を保留)
(略)

作成年月日	1951年(昭和26年)5月3日
編著者	英国外務大臣
発行者	英国外務省
収録誌	Parts I-II: Peace Treaty (PREM8/1404)
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

SECRET

ANNEX A

**JOINT UNITED STATES/UNITED KINGDOM DRAFT OF A JAPANESE
PEACE TREATY PREPARED DURING THE DISCUSSIONS IN
WASHINGTON, APRIL-MAY 1951**

[United Kingdom contributions are single sidelined; United States contributions are double sidelined.]

PREAMBLE

..... hereinafter referred to as "the Allied Powers," of the one part, and Japan, of the other part;

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, co-operate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them and will enable Japan to carry out her declared intentions to apply for membership in the United Nations Organisation and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realise the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-war Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

Have therefore agreed 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.

Chapter I.—Peace

ARTICLE 1

The state of war between Japan and each of the Allied Powers is hereby terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned.

Chapter II.—Territory

ARTICLE 2

Japan renounces all rights, titles and claims to Korea (including Quelpart, Port Hamilton and Dagelet), [Formosa and the Pescadores]; and also all rights, titles and claims in connexion with the mandate system [or based on any past activity 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.

(United Kingdom reserves position on passages between square brackets.)

ARTICLE 3

Japan will concur in any proposal of the United States 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. Pending the making of such a proposal and affirmative action thereon, the United

本サイトに掲載する資料等は、政府の委託事業の下で有識者の助言を得て、調査・収集及び作成したものであり、本サイトの内容は政府の見解を表すものではありません。

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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.

(United Kingdom reserves original paragraph 1 of Article 5 of United Kingdom draft.)

ARTICLE 4

Japan cedes to the Union of Soviet Socialist Republics the Kurile Islands, and that portion of South Sakhalin and the islands adjacent to it over which Japan formerly exercised sovereignty.

ARTICLE 5

(a) Except as may be otherwise agreed by the Allied Power concerned and Japan, renounces all rights, titles and interests of Japan and its nationals (including juridical persons) in, and all claims in respect of, property situated in the territories mentioned in Articles 2 and 4 and undertakes to deliver to the Allied Power concerned records, archives and similar property pertaining directly to the government and administration of the areas ceded or renounced.

(b) Claims of residents of the territories ceded or renounced pursuant to Articles 2 and 4 hereof against Japan and persons in Japan (except claims arising out of trade and financial relations since 2nd September, 1945) shall be the subject of arrangements between the Allied Power concerned and Japan, taking cognizance of Japanese property in the respective territories renounced by Japan pursuant to paragraph (a) above.

(c) The disposition of property and claims relating to areas referred to in Article 3 shall be the subject of special arrangements.

(d) Japanese submarine cables connecting Japan with territory removed from Japanese control pursuant to the present Treaty shall be equally divided, Japan retaining the Japanese terminal and adjoining half of the cable and the detached territory the remainder of the cable and connecting terminal facilities.

(NOTE.—The problem of Japanese liability for debts in respect of properties in renounced or ceded territories remains to be considered.)

Chapter III.—Security

ARTICLE 6

(a) Japan accepts the obligations set forth in Article 2 of the Charter of the United Nations, and in particular obligations—

- (i) to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;
- (ii) 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;
- (iii) 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.

(b) The Allied Powers, for their part, recognise that Japan as a sovereign nation possesses the inherent right of individual or collective self-defence referred to in the Charter of the United Nations and that Japan may voluntarily enter into a collective security arrangement or arrangements participated in by one or more of the Allied Powers.

(NOTE.—Paragraph (b) is subject to further consideration by United States.)

ARTICLE 7

(a) All armed forces of the Allied Powers shall be withdrawn from Japan as soon as possible after the coming into force of the present Treaty, and in any case not later than 90 days thereafter. Nothing in this provision shall however prevent the stationing or retention of foreign armed forces in Japanese territory under or