

August 10, 1978

**Cable No. 1617, Ambassador Sato to the Foreign
Minister, 'Treaty of Peace and Friendship between
Japan and China Negotiations (15th Meeting)'**

Citation:

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Summary:

A summary of the day's negotiations from Japanese Ambassador Sato to The Foreign Minister.

Original Language:

Japanese

Contents:

Original Scan
Transcript - Japanese
Translation - English

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極秘

注意

1. 本電の取扱いは慎重を期せられたい。
2. 本電の主管変更その他については電信一般問合せ係（TEL 2172）に連絡ありたい。

電信写

意した。

2. わが方がわが方案第1条（条約の目的）を維持すべきことを重ねて主張したところ、中国側は、わが方案第1条と中国側案第4条（協議条項）をとともにさく除することを主張した。これに対し、わが方より、わが方案第1条をさく除する場合には、前文新第5パラと新第6パラの順序を入れかえかつ新しい第6パラを「両国間の平和友好関係を強固にし、発展させるため、」としたい旨述べたところ、先方はこれに同意すると述べた。

3. わが方は、わが方案第3条第1文（中国側案では第2条第1文）を独立した新しい条にすること、具体的にはこれをわが方現行案の新第5条とし、第5条を第6条とすることを提案したところ、中国側は、これを検討する旨述べた。

4. 反は権条項の「反対する。」及び「反対である」との問題に関し、わが方より重ねて中国側の再考方を強く主張したのに対し、中国側より、第1に日中共同声明の日中両語テキストは当時専門家が真げんに検討して確立したものであり、第2にテキストは第三国語によつて修正してはならない、第3に「反対である」は「反対する」に比し意味に違いがあり共同声明より弱くなる等の理由を挙げて「反対する」とすることを強こうに主張した。これに対しわが方は、これを検討することを約した。

5. 条約の有効期間に関し、中国側は、わが方案によれば、極たんに言えば条約発効後すぐにも廃棄条項を採用すると1年で失効しうることになるので、中国側としては

(イ) 具体的な有効期間も定めず、かつ、廃棄条項も定めない規定より、つまり、日本側から1975年に提示された条約案の関係部分を採用することとするか、あるいは(ロ) 廃棄条項を入れるならば、有効期間を規定すべきであり、期間は、10年で

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短かいならば、20年でも30年でもよい旨述べた。これに対し、わが方は検討の上、中国側の1975年^の第1次案によることに同意することとした（必要な修文は加^へえる）。

6. 双方が合意した部分に関し、わが方より、日本文と中国文の表現の対照や所要のレダクションを行なわれめるため起草委員会を作ることを提案したところ、中国側はこれに同意し、わが方からタジマ、東ゴウ及びサイトウ、中国側からテイ民、ショウフクキョウ、王効ケンが出席し、午後2時より作業を開始することとした。

(丁)

Number: (TA) R057398 5665
Primary: Asian Affairs Bureau Director-General

Sent: China, August 10, 1978, 15:45
Received: MOFA, August 10, 1978, 17:02

To: The Foreign Minister
From: Ambassador Sato

Treaty of Peace and Friendship between Japan and China Negotiations (15th Meeting)

No. 1617 Secret Top Urgent
(Limited Distribution)
Re: Outgoing Telegram No. 1613

The 15th meeting between the Ambassador and Han Nianlong took place on the morning of the 10th, for three hours, from 09:00 to 12:00 (including two breaks of 30 minutes), in Guest House 18. The main points are as follows.

(Participants, on the Japanese side: the Ambassador, Nakae, Omori, Donowaki, Tajima, (Masaki) Saito, Togo, [TN: name blacked out], and [TN: name blacked out].

Participants, on the Chinese side: Vice Minister Han Nianlong, Asian Affairs Department Deputy Director Wang Xiaoyun, International Treaty and Law Department Deputy Director Shen Weiliang, International Treaty and Law Department Division Director Sho Fukukyo [TN: Japanese transliteration], Japan Division Director Ding Min, Japan Division Deputy Director Wang Xiaoxian, Japan Division Deputy Director Xu Dunxin, Secretary to the Vice Minister Ryu Gaku'un [TN: Japanese transliteration], Japan Division Member Lu Qi and Japan Division Member Sun Ping)

1. In regard to our side's reference in Paragraph 3 of the preamble to observing the principles of the Charter of the United Nations, the other side stated that putting the principles of the Charter of the United Nations alongside the "principles of the Joint Communique" was not desirable. Our side therefore made the new proposal of moving the above to another paragraph (the new Paragraph 4) and making it "Confirming that the principles of the Charter of the United Nations should be fully respected." The other side then agreed to it.
2. Our side repeatedly called for maintaining Article 1 (the purpose of the treaty) of our side's draft. The Chinese side then called for removing both Article 1 of our side's draft and Article 4 (the consultation article) of the Chinese side's draft. In response, our side stated that, if we were to remove Article 1 of our side's draft, then we would like to change the order of the new Paragraphs 5 and 6 of the preamble and make the new Paragraph 6 "For the purpose of solidifying and developing the relations of peace and friendship between the two countries." The other side then said that they agreed to this.
3. Our side proposed making Sentence 1 of Article 3 (in the Chinese side's draft, Sentence 1 of Article 2) of our side's draft a new and independent article, concretely, making it the new Article 5 of our side's current draft and turning Article 5 into Article 6. The Chinese side then said that they would consider this.
4. Concerning the issue in the anti-hegemony clause of "opposes" and "is opposed to," our side repeatedly urged the Chinese side to reconsider it. In response, the

Chinese side strenuously insisted on “opposes” for such reasons as: 1) both the Japanese and Chinese texts of the Japan-China Joint Communiqué were established at the time with the serious consideration of specialists; 2) it would not do to correct the text according to a third language; and 3) “is opposed to” is different in meaning from “opposes” and would be weaker than the Joint Communiqué. In response, our side promised to consider this.

5. Concerning the treaty’s period in force, the Chinese side said: According to our side’s draft, to put it simply, at any time after the treaty’s entry into force, it may cease to be in force one year after the introduction of termination. Therefore, the Chinese side proposes either (a) We adopt a way of stipulation that sets forth neither a definite period in force nor termination, that is, we adopt the relevant part of the treaty draft presented in 1975 by the Japanese side, or (b) If we do introduce termination, the period in force should be stipulated. If 10 years is too short, then either 20 years or 30 years would be fine. In response, our side decided, upon consideration, to agree to the Chinese side’s first draft of 1975 (with the addition of necessary revisions).

6. Concerning the part on which both sides agree, our side proposed creating a drafting committee to compare the language in the Japanese and Chinese drafts and carry out the necessary drafting. The Chinese side agreed to this. We decided that Tajima, Togo, and Saito would attend from our side, that Ding Min, Sho Fukukyo, and Wang Xiaoxian would attend from the Chinese side, and that we would start working from 2:00 pm.

(End)