

No. 3346

UNITED STATES OF AMERICA
and
JAPAN

Exchange of notes constituting an agreement relating to the settlement of Japanese claims for personal and property damages resulting from nuclear tests in the Marshall Islands in 1954. Tokyo, 4 January 1955

Official texts: English and Japanese.

Registered by the United States of America on 3 May 1956.

ÉTATS-UNIS D'AMÉRIQUE
et
JAPON

Échange de notes constituant un accord relatif au règlement des réclamations japonaises concernant les dommages aux personnes et aux biens causés par des essais d'engins nucléaires effectués aux îles Marshall en 1954. Tokyo, 4 janvier 1955

Textes officiels anglais et japonais.

Enregistré par les États-Unis d'Amérique le 3 mai 1956.

No. 3346. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO THE SETTLEMENT OF JAPANESE CLAIMS FOR PERSONAL AND PROPERTY DAMAGES RESULTING FROM NUCLEAR TESTS IN THE MARSHALL ISLANDS IN 1954. TOKYO, 4 JANUARY 1955

I

The American Ambassador to the Japanese Minister of Foreign Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA
AMERICAN EMBASSY

No. 1172

Tokyo, January 4, 1955

Excellency :

I have the honor to refer to our recent conversations regarding compensation for Japanese nationals who sustained personal and property damage as a result of nuclear tests in the Marshall Islands.

Your Excellency knows of the deep concern and sincere regret the Government and people of the United States of America have manifested over the injuries suffered by Japanese fishermen in the course of these tests, and of the earnest hopes held in the United States for the welfare and well-being of these injured fishermen. The Government of the United States of America has made clear that it is prepared to make monetary compensation as an additional expression of its concern and regret over the injuries sustained.

I now desire to inform Your Excellency that the Government of the United States of America hereby tenders, *ex gratia*, to the Government of Japan, without reference to the question of legal liability, the sum of two million dollars for purposes of compensation for the injuries or damages sustained as a result of nuclear tests in the Marshall Islands in 1954.

The Government of the United States of America understands that the tendered sum will be distributed in such an equitable manner as may be determined in the sole discretion of the Government of Japan, and also wishes to observe that this sum includes provision for a solatium on behalf of each of the Japanese fishermen involved and for the claims advanced by the Government of Japan for their medical and hospitalization expenses.

¹ Came into force on 4 January 1955 by the exchange of the said notes.

It is the understanding of the Government of the United States of America that the Government of Japan, in accepting the tendered sum of two million dollars, does so in full settlement of any and all claims against the United States of America or its agents, nationals, or juridical entities, on the part of Japan and its nationals and juridical entities for any and all injuries, losses, or damages arising out of the said nuclear tests.

I should appreciate if Your Excellency would inform me whether the sum tendered herein is acceptable to your Government and whether the above understanding of my Government is also the understanding of your Government. In the event such sum is acceptable, I have the honor to propose that this note and Your Excellency's reply accepting the tendered sum shall be considered a confirmation of these mutual understandings of our Governments.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

John M. ALLISON

His Excellency Mamoru Shigemitsu
Minister of Foreign Affairs
Tokyo

[TRANSLATION¹ — TRADUCTION²]

Tokyo, January 4, 1955

Mr. Ambassador :

I have the honor to refer to Your Excellency's note of this date, regarding compensation for Japanese claims arising out of nuclear tests in the Marshall Islands, which reads as follows :

[*See note I*]

I have the honor to inform Your Excellency that the sum tendered is acceptable to the Government of Japan and receipt thereof is hereby acknowledged. I have further the honor to inform Your Excellency that the above understanding of your Government is also the understanding of my Government and that Your Excellency's note and this reply accepting the tendered sum shall be considered a confirmation of these mutual understandings of our Governments.

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

Mamoru SHIGEMITSU
Minister of Foreign Affairs

His Excellency John M. Allison
Ambassador Extraordinary and Plenipotentiary
of the United States of America to Japan

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

² Traduction du Gouvernement des États-Unis d'Amérique.