

No. 3662

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**UNITED STATES OF AMERICA  
and  
JAPAN**

**Exchange of notes constituting an agreement relating to  
the payment for damages to property of Japanese  
nationals. Tokyo, 24 August 1955**

*Official texts: English and Japanese.*

*Registered by the United States of America on 16 January 1957.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
JAPON**

**Échange de notes constituant un accord relatif au règle-  
ment d'indemnités pour dommages causés aux biens  
de ressortissants japonais. Tokyo, 24 août 1955**

*Textes officiels anglais et japonais.*

*Enregistré par les États-Unis d'Amérique le 16 janvier 1957.*

No. 3662. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO THE PAYMENT FOR DAMAGES TO PROPERTY OF JAPANESE NATIONALS. TOKYO, 24 AUGUST 1955

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I

*The American Chargé d'Affaires ad interim to the Japanese Prime Minister and  
and Minister for Foreign Affairs ad interim*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA  
AMERICAN EMBASSY

No. 294

Tokyo, August 24, 1955

Excellency :

I have the honor to refer to damages to the property of Japanese nationals resulting from a crash of a U. S. Far East Air Forces' RB-29 which was attacked by Soviet MIG fighters off the city of Nemuro, Hokkaido on November 7, 1954.

As Your Excellency is aware, the Far East Air Forces, after the occurrence of the above mentioned incident, provided on an ex-gratia basis \$ 1,000 (¥360,000) directly to one of the Japanese sufferers, as a token of their sympathy.

The United States Government is of the opinion that the damages resulting from the said incident was caused by the illegal attack by the Soviet fighters on the U.S. aircraft, that the United States has no legal responsibility for such damages, and that the Soviet Government therefore should duly undertake liability for compensation for the said damages. However, I wish to inform Your Excellency that, taking into full consideration the difficult circumstances of the aforementioned sufferers, the United States Government has the intention of paying to the sufferers on an ex-gratia basis \$2,749.65 (¥989,874) in addition to \$1,000 already provided as mentioned above.

It is the understanding of the United States Government that if and when the Soviet Government compensates for the said damages sustained by the Japanese nationals, the said sum total should be reimbursed to the United States Government to such extent as compensated by the Soviet Government.

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<sup>1</sup> Came into force on 24 August 1955 by the exchange of the said notes.

It would be much appreciated if Your Excellency would inform me as to whether or not the Japanese Government will agree to the said additional payment and confirm that the said understanding of the United States Government is also that of the Japanese Government.

Accept, Excellency, the assurances of my highest consideration.

J. Graham PARSONS  
Chargé d'Affaires ad interim

His Excellency Ichiro Hatoyama  
Prime Minister  
Minister for Foreign Affairs ad interim  
Tokyo

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

THE GAIMUSHO

Tokyo, August 24, 1955

Mr. Chargé d'Affaires :

I have the honor to acknowledge the receipt of your note of today's date in which you have informed me as follows :

[See note I]

With full appreciation of the sympathy extended by the U.S. Government to the Japanese sufferers from this incident, I have the honor to inform you that the Japanese Government acknowledges the U.S. intention to make the above-mentioned additional payment.

I have further the honor, on behalf of the Japanese Government, to state that the Japanese Government considers that there is no legal responsibility on the part of the U.S. Government for damages and that the Japanese Government reserves its position with regard to the claims for compensation against the Soviet Government to which the Japanese sufferers are considered to be entitled, and that if and when the Soviet Government compensates for the said damages sustained by the Japanese nationals, the sum total of \$3,749,65 (¥1,349,874), viz : the above mentioned \$2,749.65 (¥989,874) and \$1,000 (¥360,000) already provided by the U.S. Far East Air Forces directly to one of the sufferers should be reimbursed to the U.S. Government to such extent as compensated by the Soviet Government.

Accept, Mr. Chargé d'Affaires, the assurances of my high consideration.

Ichiro HATOYAMA  
Prime Minister

Minister for Foreign Affairs ad interim

J. Graham Parsons, Esq.  
Minister Plenipotentiary  
Chargé d'Affaires ad interim of the United States of America  
Tokyo

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<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.