

No. 7721

**UNITED STATES OF AMERICA
and
JAPAN**

**Exchange of notes constituting an agreement relating to
mutual defense assistance equipment, materials and
services. Tokyo, 4 December 1964**

Official texts: English and Japanese.

Registered by the United States of America on 27 April 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Échange de notes constituant un accord relatif à l'équipe-
ment, au matériel et aux services d'assistance pour la
défense mutuelle. Tokyo, 4 décembre 1964**

Textes officiels anglais et japonais.

Enregistré par les États-Unis d'Amérique le 27 avril 1965.

No. 7721. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO MUTUAL DEFENSE ASSISTANCE EQUIPMENT, MATERIALS AND SERVICES. TOKYO, 4 DECEMBER 1964

I

The American Ambassador to the Japanese Prime Minister

No. 509.

Tokyo, December 4, 1964

Excellency :

I have the honor to refer to the Mutual Defense Assistance Agreement between the United States of America and Japan signed at Tokyo on March 8, 1954,² which provides, *inter alia*, that each Government will make available to the other such equipment, materials, services, or other assistance as the Government furnishing such assistance may authorize, in accordance with such detailed arrangements as may be made between them.

Having regard to the mutual interest in the development of an effective air defense system for Japan, the representatives of the Governments of the United States of America and Japan have held discussions concerning a cost-sharing program to expand and convert the existing Japanese aircraft control and warning system to a semi-automatic air weapons control system, hereinafter referred to as the base air defense ground environment (BADGE) system. As a result of these discussions, the understanding of my Government is as follows :

1. The Government of Japan will establish a semi-automatic air weapons control system. This system will be maintained, operated and utilized by the Government of Japan, and the data obtained therefrom will be made available to the Government of the United States of America to be used for the defense of Japan.

2. The Government of the United States of America will assist the Government of Japan in obtaining certain equipment, materials, and services necessary for the BADGE system.

3. At least 50 per cent of equipment to be procured for the BADGE system will be equipment the source of which is in the United States, and such percentage will be in terms of dollar value based on the United States Contractor's cost estimate.

4. The Government of the United States of America will contribute, subject to the availability of appropriated funds, 25 percent of the cost of the BADGE equipment, materials and services, in an amount not to exceed \$9 million. The funds contributed

¹ Came into force on 4 December 1964 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 232, p. 169; for subsequent actions relating to this Agreement, see references in Cumulative Indexes Nos. 3 and 4, as well as Annex A in volumes 434, 461, 487 and 529.

by the Government of the United States of America will be expended in the United States and will be applied towards payment of the cost of the equipment and materials procured in the United States and services of United States contractors. All costs in excess of the United States contribution as set forth herein will be borne by the Government of Japan.

5. Detailed technical arrangements for completion of the project will be concluded by representatives to be designated for that purpose by the two Governments.

6. Financial obligations or expenditures incurred by either Government under this agreement, and all arrangements to be concluded hereunder will be subject to budget authorization pursuant to the constitutional provisions of the respective countries.

7. Technical information and patent rights furnished under this agreement shall be subject to the provisions of the Agreement between the Government of the United States of America and the Government of Japan to Facilitate the Exchange of Patent Rights and Technical Information for Purposes of Defense, signed at Tokyo on March 22, 1956.¹

8. In accordance with Article VI of the aforementioned Mutual Defense Assistance Agreement, the Government of Japan will waive custom duties and internal taxation on United States manufactured equipment imported into Japan for the BADGE system.

I have the honor to propose that if this understanding is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Edwin O. REISCHAUER

His Excellency Eisaku Sato
Minister for Foreign Affairs ad interim
Prime Minister of Japan

¹ United Nations, *Treaty Series*, Vol. 275, p. 195.

[TRANSLATION¹ — TRADUCTION²]

Tokyo, December 4, 1964

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's Note of today's date reading as follows :

[See note I]

I have the honor to confirm on behalf of my Government that the foregoing understanding is acceptable to the Government of Japan, and to agree that the note under acknowledgement, together with this note, shall constitute an agreement between our two Governments, which shall enter into force this day.

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

Eisaku SATO
Minister for Foreign Affairs ad interim
Prime Minister

His Excellency Edwin O. Reischauer
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.