

No. 10048

**UNITED STATES OF AMERICA
and
JAPAN**

**Exchange of notes constituting an agreement relating to mutual
defense assistance. Tokyo, 13 October 1967**

Authentic texts: English and Japanese.

Registered by the United States of America on 1 December 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Échange de notes constituant un accord relatif à l'aide pour la
défense mutuelle. Tokyo, 13 octobre 1967**

Textes authentiques: anglais et japonais.

Enregistré par les États-Unis d'Amérique le 1^{er} décembre 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
JAPAN RELATING TO MUTUAL DEFENSE ASSISTANCE

I

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

EMBASSY OF THE UNITED STATES OF AMERICA

No. 358

Tokyo, October 13, 1967

Excellency,

I have the honor to refer to the Mutual Defense Assistance Agreement between the United States of America and Japan signed 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.

The representatives of the Government of the United States of America and the Government of Japan held discussions on the program of the acquisition and production in Japan of the Hawk missile system and the Nike Hercules missile system (adapted for non-nuclear warheads) and related control systems (hereinafter jointly referred to as the "Systems") necessary to enhance the air defense of Japan. The following is the understanding by the Government of the United States of America of the results of the above-mentioned discussions.

1. In accordance with the detailed arrangements to be concluded under paragraph 3 below, the Government of Japan will buy or produce and the Government of the United States of America will sell or authorize the production of the Systems.

2. The Systems will be acquired to the maximum feasible extent through the private industrial capabilities of Japan as supplemented by such capabilities in the United States of America. When necessary, the program will be further implemented by direct sale by the Government of the United States of America to the Government of Japan.

¹ Came into force on 13 October 1967 by the exchange of the said notes.

² United Nations, *Treaty Series*, vol. 232, p. 169.

3. The present understanding will be implemented in accordance with the above-mentioned Mutual Defense Assistance Agreement and arrangements concluded thereunder, including the Agreement between the Government of the United States of America and the Government of Japan to facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense signed on March 22, 1956.¹ The detailed arrangements to implement the present understanding will be concluded between representatives of the competent authorities of the two Governments.

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

I have the honor to propose that, if the above understanding is acceptable to the Government of Japan, the present note and Your Excellency's reply of acceptance shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of Your Excellency's reply.

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

David L. OSBORN

His Excellency Takeo Miki
Minister for Foreign Affairs of Japan
Tokyo

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

[TRANSLATION¹ — TRADUCTION²]

Tokyo, October 13, 1967

Sir,

I have the honor to acknowledge receipt of your note of today's date, which reads 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 your note and this reply shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of this reply.

I avail myself of this opportunity to renew to you the assurance of my high consideration.

Takeo MIKI
Minister for Foreign Affairs of Japan

David L. Osborn, Esq.
Chargé d'Affaires ad interim
of the United States of America.

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

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