

No. 10331

**UNITED STATES OF AMERICA
and
JAPAN**

**Agreement concerning the Trust Territory of the Pacific
Islands (with exchanges of notes). Signed at Tokyo
on 18 April 1969**

Authentic texts: English and Japanese.

Registered by the United States of America on 4 March 1970.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Accord concernant le Territoire sous tutelle des îles du
Pacifique (avec échanges de notes). Signé à Tokyo
le 18 avril 1969**

Textes authentiques: anglais et japonais.

Enregistré par les États-Unis d'Amérique le 4 mars 1970.

AGREEMENT ¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The United States of America and Japan,

Desirous of expressing their common sympathy for the suffering caused by the hostilities of the Second World War to the inhabitants of the Pacific Islands formerly under League of Nations Mandate to Japan and now administered by the United States of America under the United Nations Trusteeship System as the Trust Territory of the Pacific Islands,

Desirous of making an *ex gratia* contribution to the welfare of the inhabitants of the Trust Territory,

Desirous of concluding a special arrangement, as envisaged in Article 4(a) of the Treaty of Peace with Japan, ² concerning the disposition of property of Japan and of its nationals in the Trust Territory and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals,

Have agreed as follows:

Article I

1. Japan will make available in grants to the United States of America, in its capacity as Administering Authority of the Trust Territory, one billion and eight hundred million yen (¥1,800,000,000), currently computed at five million United States dollars (\$5,000,000), for the purchase in Japan by the Administering Authority of the products of Japan and the services of the Japanese people, to be used for the welfare of the inhabitants of the Trust Territory.

2. The provision of these products and services shall, unless otherwise agreed upon by the Government of the United States of America and the Government of Japan, be made over a period of three years from the date on which the Japanese budget for the fiscal year 1970 is approved by the Diet, or the date of the appropriation of funds by the Congress of the United States of America under Article II of this Agreement, whichever date is later. The provision of products and services by Japan shall, subject

¹ Came into force on 7 July 1969, the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan had approved the Agreement in accordance with its legal procedures, in accordance with article IV.

² United Nations, *Treaty Series*, vol. 136, p. 45.

to detailed arrangements to be concluded pursuant to paragraph 3 of this Article, be made in a reasonably even manner during the period.

3. The Government of the United States of America, as Administering Authority, and the Government of Japan shall conclude detailed arrangements for the implementation of this Article.

Article II

The Government of the United States of America shall, subject to the appropriation of funds by the Congress of the United States, establish a fund in the amount of five million United States dollars (\$5,000,000), aside from its normal budgetary expenditures for the Trust Territory, to be used for the welfare of the inhabitants of the Trust Territory.

Article III

The United States of America, as Administering Authority, and Japan agree that all questions encompassed by Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority and the residents of the Trust Territory, and the disposition in Japan of property of the Administering Authority and the residents of the Trust Territory, and their claims, including debts, against Japan and its nationals, are fully and finally settled.

Article IV

This Agreement shall enter into force on the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo, this eighteenth day of April, 1969, in duplicate in the English and Japanese languages, both being equally authentic.

For the United States
of America:

David L. OSBORN

[SEAL]

For Japan:

Kiichi AICHI

[SEAL]

EXCHANGES OF NOTES

I a

Tokyo, April 18, 1969

No. 200

Excellency:

In connection with the Agreement between the United States of America and Japan concerning the Trust Territory of the Pacific Islands, signed today, I have the honor to confirm, on behalf of the Government of the United States of America, its understanding that, in view of the fact that all claims of Japan and its nationals against the United States of America, as Administering Authority, and the residents of the Trust Territory are recognized to have been disposed of, Japan and its nationals are fully and finally discharged from all liability for Micronesian claims falling under Article III of the Agreement, including claims arising out of the involvement of the Trust Territory in the Second World War.

The Government of the United States of America, as Administering Authority, intends to make provision for payment, in whatever form, manner and extent it considers appropriate, and not exceeding the sum corresponding to the total amounts to be contributed by the United States of America and Japan by virtue of the Agreement, of claims of individual Micronesian inhabitants of the Trust Territory referred to in Article III of the Agreement.

I should be grateful if Your Excellency could confirm on behalf of your Government that the understanding contained above is also the understanding of your Government.

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

David L. OSBORN

Chargé d'Affaires ad interim

His Excellency Kiichi Aichi,
Minister for Foreign Affairs,
Tokyo

[TRANSLATION ¹ — TRADUCTION ²]

April 18, 1969

Sir,

I have the honor to refer to your note of today's date, which reads as follows:

[See note I a]

I have further the honor to confirm, on behalf of my Government, that the understanding contained in your note is also the understanding of the Government of Japan.

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

Kiichi AICHI
Minister for Foreign Affairs
of Japan

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

I b

Tokyo, April 18, 1969

No. 201

Excellency:

I have the honor to refer to the Agreement between the United States of America and Japan concerning the Trust Territory of the Pacific Islands, signed today.

Having regard to that Agreement, I wish to confirm that Japanese fishing vessels and their crews will be welcome to call upon the ports of Truk and Palau for the purposes of purchase of supplies and rest and recreation of their crews. Available facilities may also be utilized for medical services for crew members and emergency repair of vessels. Access of Japanese fishing vessels to Truk and Palau shall be subject to requirements of the Administering Authority. Such requirements shall take into appropriate account needs of non-Japanese vessels as well as the capacity of the ports and their developmental possibilities. Access

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

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

for Japanese fishing vessels shall be accorded from the date on which the Administering Authority may commence purchasing Japanese products and services provided for by the Agreement.

I further wish to confirm that the Administering Authority of the Trust Territory of the Pacific Islands will accord the Government of Japan and its nationals (including juridical persons), for a period of three years from the date on which the Administering Authority may commence purchasing Japanese products and services provided for by the Agreement, the opportunity to salvage and freely dispose of ships sunk in territorial waters of the Trust Territory which were of Japanese nationality at the time of sinking. The Administering Authority is prepared to enter into detailed discussions to this end with your Government.

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

David L. OSBORN

Chargé d'Affaires ad interim

His Excellency Kiichi Aichi,
Minister for Foreign Affairs
Tokyo

[TRANSLATION ¹ — TRADUCTION ²]

April 18, 1969

Sir,

I have the honor to acknowledge receipt of your note of today's date, which reads as follows:

[See note I b]

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

Kiichi AICHI

Minister for Foreign Affairs
of Japan

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

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

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