

No. 10156

**UNITED STATES OF AMERICA
and
JAPAN**

Exchange of notes constituting an agreement for the acquisition and production in Japan of the F-4EJ aircraft and related equipment and materials necessary to enhance the defense capability of Japan. Tokyo, 4 April 1969

Authentic texts: English and Japanese.

Registered by the United States of America on 5 January 1970.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

Échange de notes constituant un accord en vue de l'acquisition et de la production au Japon de l'avion F-4EJ et des équipements et matériels connexes nécessaires pour accroître la capacité défensive du Japon. Tokyo, 4 avril 1969

Textes authentiques: anglais et japonais.

Enregistré par les États-Unis d'Amérique le 5 janvier 1970.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
JAPAN FOR THE ACQUISITION AND PRODUCTION IN
JAPAN OF THE F-4EJ AIRCRAFT AND RELATED
EQUIPMENT AND MATERIALS NECESSARY TO EN-
HANCE THE DEFENSE CAPABILITY OF JAPAN

I

The American Chargé d'Affaires ad interim to the Minister for Foreign Affairs ad interim, Minister of State of Japan

No. 181

Tokyo, April 4, 1969

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 have held discussions on the program for the acquisition and production in Japan of the F-4EJ aircraft and related equipment and materials necessary to enhance the defense capability 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, the Government of Japan will buy or manufacture and the Government of the United States of America will sell or authorize the production of up to one hundred and four (104) F-4EJ aircraft and related equipment and materials.

2. The production of the F-4EJ aircraft and related equipment and materials will be undertaken through the participation of the industries of the United States and Japan in accordance with the principle that the economic and technological requirements of the Government of Japan are to be satisfied. The program will be supplemented by direct sale by the Government of the United States of America to the Government of Japan.

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

¹ Came into force on 4 April 1969, the date of the note in reply, in accordance with the provisions of the said notes.

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

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 the Government of Japan under the present understanding and all arrangements to be concluded hereunder will be subject to budget authorization pursuant to the constitutional provisions of Japan.

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 extend to Your Excellency the assurances of my highest consideration.

David L. OSBORN
Chargé d'Affaires ad interim

His Excellency Masayoshi Ohira,
Minister for Foreign Affairs ad interim
Minister of State of Japan
Tokyo

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

[TRANSLATION¹ — TRADUCTION²]

April 4, 1969

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 extend to you the assurances of my high consideration.

Masayoshi OHIRA
Minister for Foreign Affairs ad interim
Minister of State of Japan

Mr. 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.