

No. 12900

**UNITED STATES OF AMERICA
and
JAPAN**

Exchange of notes constituting an agreement relating to acquisition and production of additional F-4EJ aircraft and acquisition of RF-4E aircraft. Tokyo, 21 November 1972

Authentic texts: English and Japanese.

Registered by the United States of America on 12 December 1973.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

Échange de notes constituant un accord relatif à l'acquisition et à la production d'avions F-4EJ supplémentaires et à l'acquisition d'avions RF-4E. Tokyo, 21 novembre 1972

Textes authentiques : anglais et japonais.

Enregistré par les États-Unis d'Amérique le 12 décembre 1973.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO ACQUISITION AND PRODUCTION OF ADDITIONAL F-4EJ AIRCRAFT AND ACQUISITION OF RF-4E AIRCRAFT

I

*The American Ambassador to the Japanese Minister
for Foreign Affairs*

Tokyo, November 21, 1972

No. 739

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. In pursuance of this provision, an agreement was reached between the Government of the United States of America and the Government of Japan on April 4, 1969,³ concerning a program for the production and acquisition in Japan of up to one hundred and four (104) F-4EJ aircraft and related equipment and materials under the terms and provisions of the said Mutual Defense Assistance Agreement. The program is now under way.

The representatives of the Government of the United States of America and the Government of Japan have held discussions on an additional F-4EJ program, and on a program for the acquisition of the RF-4E aircraft and related equipment and materials. 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 manufacture or acquire up to twenty-four (24) F-4EJ aircraft and related equipment and materials in addition to the above-mentioned one hundred and four (104) aircraft, and acquire up to fourteen (14) RF-4E aircraft and related equipment and materials. The Government of the United States of America will authorize the production or sale of the F-4EJ aircraft system 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 Govern-

¹ Came into force on 21 November 1972, 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.

³ See "Exchange of notes constituting an agreement 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 enhance the defense capability of Japan", in United Nations, *Treaty Series*, vol. 707, p. 207.

ment of Japan are to be satisfied. The above-mentioned programs 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 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 renew to Your Excellency the assurances of my highest consideration.

ROBERT S. INGERSOLL

His Excellency Masayoshi Ohira
Minister for Foreign Affairs
Tokyo

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

II

*The Japanese Minister for Foreign Affairs
to the American Ambassador*[TRANSLATION¹ — TRADUCTION²]

Tokyo, November 21, 1972

Excellency,

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 Your Excellency the assurances of my highest consideration.

MASAYOSHI OHIRA
Minister for Foreign Affairs of Japan

His Excellency Robert S. Ingersoll
Ambassador Extraordinary and Plenipotentiary
of the United States of America

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.