

No. 17220

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**UNITED STATES OF AMERICA  
and  
JAPAN**

**Exchange of notes constituting an agreement relating to the  
production and acquisition of additional F-4EJ aircraft.  
Tokyo, 12 July 1977**

*Authentic texts: English and Japanese.*

*Registered by the United States of America on 24 November 1978.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
JAPON**

**Échange de notes constituant un accord relatif à la produc-  
tion et à l'acquisition d'avions F-4EJ supplémentaires.  
Tokyo, 12 juillet 1977**

*Textes authentiques : anglais et japonais.*

*Enregistré par les États-Unis d'Amérique le 24 novembre 1978.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN  
THE UNITED STATES OF AMERICA AND JAPAN RELATING TO  
THE PRODUCTION AND ACQUISITION OF ADDITIONAL F-4EJ  
AIRCRAFT

I

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

EMBASSY OF THE UNITED STATES OF AMERICA  
TOKYO

July 12, 1977

No. 420

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,<sup>2</sup> 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,<sup>3</sup> 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. On November 21, 1972,<sup>4</sup> further agreement was reached between the two Governments concerning an additional program for up to twenty-four (24) F-4EJ aircraft.

The representatives of the Government of the United States of America and the Government of Japan have held discussions on a program to be pursued following the above-mentioned two programs. 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 produce or acquire F-4EJ aircraft and related equipment and materials in addition to the above-mentioned one hundred and twenty-eight (128) aircraft and the Government of the United States of America will authorize the production or sale of additional F-4EJ aircraft and related equipment and materials.

2. The production of 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 above-mentioned programs will be supplemented by direct sale by the Government of the United States of America to the Government of Japan.

<sup>1</sup> Came into force on 7 October 1977, i.e., the date of receipt by the Government of Japan of the written notification from the Government of the United States of America confirming the completion of the necessary domestic procedures, in accordance with the provisions of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 232, p. 169.

<sup>3</sup> *Ibid.*, vol. 707, p. 207.

<sup>4</sup> *Ibid.*, vol. 903, p. 11.

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.<sup>1</sup> 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 the receipt by the Government of Japan of the written notification from the Government of the United States of America of the completion of necessary domestic procedures for the entry into force of such agreement.

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

[Signed — Signé]<sup>2</sup>

His Excellency Ichiro Hatoyama  
Minister for Foreign Affairs  
Tokyo

<sup>1</sup> United Nations, *Treaty Series*, vol. 275, p. 195.

<sup>2</sup> Signed by Michael J. Mansfield — Signé par Michael J. Mansfield.

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

Tokyo, July 12, 1977

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's 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 Excellency's Note and this reply shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of the receipt by the Government of Japan of the written notification from the Government of the United States of America of the completion of necessary domestic procedures for the entry into force of such agreement.

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

IICHIRO HATOYAMA  
Minister for Foreign Affairs  
of Japan

His Excellency Michael J. Mansfield  
Ambassador Extraordinary and Plenipotentiary  
of the United States of America in Japan

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<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.