

No. 17221

**UNITED STATES OF AMERICA
and
JAPAN**

**Exchange of notes constituting an agreement relating to the
production and acquisition of the improved Hawk mis-
sile system. Tokyo, 12 July 1977**

Authentic texts: English and Japanese.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Échange de notes constituant un accord relatif à la produc-
tion et à l'acquisition du système balistique à missiles
du type Hawk amélioré. 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 AGREEMENT¹ BETWEEN
THE UNITED STATES OF AMERICA AND JAPAN RELATING TO
THE PRODUCTION AND ACQUISITION OF THE IMPROVED HAWK
MISSILE SYSTEM

I

The American Ambassador to the Japanese Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA
TOKYO

July 12, 1977

No. 419

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.

The representatives of the Government of the United States of America and the Government of Japan have held discussions on the program for the production and acquisition in Japan of the Improved HAWK missile system (hereinafter referred to as the "System") necessary to enhance the air 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 produce or acquire, and the Government of the United States of America will authorize, the production or sale of the System.

2. The above-mentioned program will be carried out to the maximum feasible extent through the private industrial capabilities of Japan as supplemented by such capabilities in the United States of America. The program will be further implemented 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, 1956.³ 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.

¹ Came into force on 7 October 1977, i.e., the date on which the Government of Japan received 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.

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

³ *Ibid.*, vol. 275, p. 195.

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 extend to Your Excellency the assurance of my highest consideration.

[Signed — Signé]¹

His Excellency Ichiro Hatoyama
Minister for Foreign Affairs
Tokyo

¹ Signed by Michael J. Mansfield — Signé par Michael J. Mansfield.

[TRANSLATION¹ — TRADUCTION²]

The Japanese Minister for Foreign Affairs to the American Ambassador

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 extend to Your Excellency the assurance of my highest consideration.

IICHIRO HATOYAMA
Minister for Foreign Affairs
of Japan

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

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