

**No. 20830**

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**UNITED STATES OF AMERICA  
and  
JAPAN**

**Exchange of notes constituting an agreement relating to  
space launch assistance (with exchange of letters).  
Washington, 3 December 1980**

*Authentic text: English.*

*Registered by the United States of America on 1 March 1982.*

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

**Échange de notes constituant un accord relatif à une assis-  
tance concernant le lancement d'engins spatiaux (avec  
échange de lettres). Washington, 3 décembre 1980**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 1<sup>er</sup> mars 1982.*

# EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO SPACE LAUNCH ASSISTANCE

## I

EMBASSY OF JAPAN  
WASHINGTON

December 3, 1980

P-71

The Embassy of Japan presents its compliments to the Department of State of the United States of America and has the honor to transmit the following statement on behalf of the Government of Japan concerning the equipment and related technology which the National Space Development Agency of Japan or Japanese industry under contract with the National Space Development Agency of Japan wishes to import from United States industry for the development of the ETV-II and H-I launch vehicles capable of putting up to 550 KG of payload into geostationary orbit, including cryogenic hardware for the development of a cryogenic upper stage.

1. The equipment and/or technology transferred to Japan for the development of the ETV-II and H-I launch vehicles and any launch vehicles or components manufactured by use of such equipment or technology will be used, in accordance with the relevant laws, regulations and administrative procedures of Japan, solely for peaceful purposes and exclusively for the launching of satellites by the National Space Development Agency, which has been established by law No. 50 of 1969 in order to contribute to the promotion of exploration and use of space exclusively for peaceful purposes.

2. The Government of Japan is a party to the Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies<sup>2</sup> and is under the obligation to comply with the provisions of the Treaty, in which, *inter alia*, States Parties undertake to use the moon and other celestial bodies exclusively for peaceful purposes and not to station nuclear weapons or any other kinds of weapons of mass destruction in outer space.

3. The Government of Japan will establish or use communication satellites launched with the ETV-II and H-I launch vehicles only in a manner compatible with the obligations, objectives and purposes of the Agreement relating to the International Telecommunications Satellite Organization "Intelsat".<sup>3</sup>

4. The Government of Japan will, in accordance with the relevant laws, regulations and administrative procedures of Japan, see to it that the equipment and/or technology transferred to Japan for the development of the ETV-II and H-I launch vehicles and any launch vehicles or components manufactured by use of such equipment or technology will not be transferred to any third countries and will not be

<sup>1</sup> Came into force on 3 December 1980 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 610, p. 205.

<sup>3</sup> *Ibid.*, vol. 1220, No. 1-19678.

used to launch projects for any third countries, except by prior agreement between the Governments of Japan and of the United States of America.

5. The Government of Japan will, when necessary, consult with the Government of the United States of America regarding the specific items of hardware and technology to be provided for the development of the ETV-II and H-I launch vehicles and other related matters.

The Embassy of Japan avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

## II

The Department of State presents its compliments to the Embassy of Japan and has the honor to acknowledge receipt on behalf of the Government of the United States of note No. P-71 dated December 3, 1980, from the Embassy of Japan concerning the equipment and related technology which the National Space Development Agency of Japan or Japanese industry under contract with the National Space Development Agency of Japan wishes to import from the United States for the development of the ETV-II and H-I launch vehicles capable of putting up to 550 kg of payload into geostationary orbit. It is understood that the Government of the United States will permit United States industry to provide the equipment and related technology referred to, in accordance with United States laws, regulations and administrative procedures.

The Department of State avails itself of this opportunity to renew to the Embassy of Japan the assurances of its highest consideration.

December 3, 1980

Department of State  
Washington

## EXCHANGE OF LETTERS

### I

EMBASSY OF JAPAN  
WASHINGTON, D.C.

December 3, 1980

Dear Mr. Terrell:

In connection with the note verbale of my Embassy dated December 3, 1980, concerning the equipment and related technology which the National Space Development Agency of Japan or Japanese industry under contract with the National Space Development Agency of Japan wishes to import into Japan from the United States of America for the development of the ETV-II and H-I launch vehicles, which will be used solely for peaceful purposes, I wish to state the following:

During the period of the 550 kg Class H-I/ETV-II program, it is the intention of the Government of Japan to use the United States Space Transportation System for

those payloads requiring capacity in excess of that provided by the ETV-II or H-I launch vehicles, provided that the conditions of launch including launch dates and costs are reasonable.

As regards future cooperation between our two Governments during the period of the H-I launch vehicle program for a capability in excess of 550 kg, it is the intention of the Government of Japan to consult, when the program for such a launch vehicle is finalized, with the Government of the United States through diplomatic channels regarding such cooperation along the lines of the aforementioned note verbale and this side letter.

Sincerely yours,

[Signed]

HIROYOSHI KURIHARA  
Science Counselor

Mr. Norman Terrell  
Deputy Assistant Secretary  
for Science and Technology  
Bureau of Oceans and International  
Environmental and Scientific Affairs  
Department of State  
Washington, D.C.

II

December 3, 1980

Sir,

I acknowledge receipt of your side letter dated December 3, 1980, which was provided as a supplementary explanation of the intentions of the Government of Japan in connection with your Embassy note No. P-71 dated December 3, 1980.

Sincerely,

[Signed]

NORMAN TERRELL

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