

3. Claims, other than contractual, arising out of acts or omissions of members or employees of the United Nations forces done in the performance of their official duties, or out of any other act, omission or occurrence for which the United Nations forces are legally responsible, arising incident to non-combat activities and causing injury, death or property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions:

- (a) Claims shall be filed within one year from the date on which they arise, and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.
- (b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.
- (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.
- (d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared by the Parties to this Agreement as follows:
 - (i) Where one sending State alone is responsible, the amount agreed upon or adjudged shall be shared in the proportion of 75% chargeable to the sending State and 25% chargeable to Japan.
 - (ii) Where more than one sending State is jointly responsible, the amount agreed upon or adjudged shall be shared in such proportion that the shares of the sending States concerned shall be equal among themselves and the share of Japan shall be one half of that of one of such sending States.
 - (iii) Where the injury, death or property damage was caused by the United Nations forces of more than one sending State and it is not possible to attribute it specifically to any of the United Nations forces, all of the sending States concerned shall be regarded as responsible for the cause of such injury, death or property damage and the provisions of item (ii) above shall apply thereto.
- (e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, the findings in each case, and a statement of the sums paid by Japan, shall be sent periodically to the sending State concerned, together with a request for reimbursement of the share to be paid by such sending State. Such reimbursement shall be made in yen within the shortest possible period of time.

4. Each Party to this Agreement shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When any other Party concerned disagrees with the results of such determination, that Party may bring the matter before the Joint Board for consultation.

5. Claims against members or employees of the United Nations forces arising out of tortious acts or omissions in Japan not done in the performance of their official duties shall be dealt with in the following manner:

- (a) The Japanese authorities shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.