DEFENSE

Cooperation

Agreement Between the

UNITED STATES OF AMERICA

and JAPAN

Effected by Exchange of Notes at
Tokyo November 2, 2012

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

JAPAN

Defense: Cooperation

Agreement effected by exchange of notes at
Tokyo November 2, 2012;
Entered into force November 2, 2012.

書簡をもって啓上いたします。本大臣は、千九百五十四年三月八日に東京で署名された日本国とアメリカ合衆国との間の相互防衛援助協定（以下「ＭＤＡ協定」という。）に言及する光栄を有します。ＭＤＡ協定は、経済の安定が国際の平和及び安全保障に欠くことができないという原則と矛盾しない限り、各政府が、他方の政府に対し、援助を供与する政府が承認することがある装備、資材、役務その他の援助を、両政府の間で行うべき細目取極に従って、使用に供するものとすることを特に規定しています。

日本国政府及びアメリカ合衆国政府の代表者は、ＭＤＡ協定に基づく航空機器への応用のための画像ジャイロに係る共同研究及びＭＤＡ協定に基づく共同研究に関する新たな計画の作成についての二千十年二月十七日の交換公文に基づいて作成され、同日に署名された共同研究事業に関する日本国防衛省とアメリカ合衆国国防省との間の了解覚書（以下「二千十年の了解覚書」という。）に従って実施された情報の交換を考慮し、最近、ハイブリッド電気駆動に係る共同研究に関する計画（以下「計画」という。）に関し、前記の細目取極を行うため討議を行いました。この討議の結果に関する日本国政府の了解は、次のとおりであります。

１　４の規定に基づき行われる実施細目取極に従い、日本国政府及びアメリカ合衆国政府は、計画の実施の

ために必要な情報、装備及び資材をそれぞれの国の法令に従って相互に提供する。両政府は、計画の実施のために必要な資金を共同して負担する。

2　計画は、必要な範囲内で、日本国及びアメリカ合衆国の企業との契約を通じて実施される。

3　この了解は、ＭＤＡ協定及びＭＤＡ協定に基づく取極（千九百五十六年三月二十二日に東京で署名された防衛目的のためにする特許権及び技術上の知識の交流を容易にするための日本国政府とアメリカ合衆国政府との間の協定を含む。）に従って実施される。

4　この了解を実施するため、両政府の権限のある当局の代表者は、計画に適用される実施細目取極を行う。当該実施細目取極は、二千十年の了解覚書及び事業取決めから成る。当該実施細目取極につき、日本国政府の権限のある当局は、防衛省であり、アメリカ合衆国政府の権限のある当局は、国防省である。

5　この了解及びこの了解に基づき行われる全ての取極の下で日本国政府及びアメリカ合衆国政府が行う財政上の債務の負担及び支出は、それぞれの国の憲法上及び法律上の規定に従った予算の承認を得たところにより行う。

本大臣は、前記の了解がアメリカ合衆国政府により受諾される場合には、この書簡及び受諾する旨の閣下

の返簡が両政府間の合意を構成するものとみなし、その合意が閣下の返簡の日付の日に効力を生じ、かつ、いずれか一方の政府による終了の通告の受領の日の後六箇月が経過する時まで効力を有するものとすることを提案する光栄を有します。

本大臣は、以上を申し進めるに際し、ここに重ねて閣下に向かって敬意を表します。

二千十二年十一月二日に東京で

日本国外務大臣　玄葉光一郎

アメリカ合衆国特命全権大使
ジョン・V・ルース閣下

Translation

Tokyo, November 2, 2012

Excellency,

I have the honor to refer to the Mutual Defense Assistance Agreement between Japan and the United States of America signed at Tokyo on March 8, 1954 (hereinafter referred to as "the MDA Agreement"), which provides, inter alia, that each Government, consistently with the principle that economic stability is essential to international peace and security, 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 Japan and the Government of the United States of America have recently held discussions for the purpose of making such detailed arrangements as mentioned above concerning a program for the cooperative research on Hybrid Electric Propulsion (hereinafter referred to as "the Program"), taking into account the exchange of information undertaken in accordance with the Memorandum of Understanding between the Ministry of Defense of Japan and the Department of Defense of the United States of America concerning projects for cooperative research, signed on February 17, 2010 (hereinafter referred to as "the Memorandum of Understanding of 2010"), made under the Exchange of Notes of the same date between the Government of Japan and the Government of the United States of America concerning a program for the cooperative research on Image Gyro for Airborne Applications and concerning the formulation of additional programs for cooperation research under the MDA Agreement. The following is the understanding of the Government of Japan regarding the results of the above-mentioned discussions:

1. In accordance with the detailed implementing arrangements to be made under paragraph 4, the Government of Japan and the Government of the United States of America will mutually provide information, equipment, and materials which are necessary to implement the Program, subject to the laws and regulations of each country. The two Governments will jointly bear the cost necessary for the execution of the Program.

His Excellency
Mr. John V. Roos
Ambassador Extraordinary
and Plenipotentiary
of the United States of America

2. The Program will be undertaken through contracts with industries of Japan and industries of the United States of America to the extent necessary.

3. The present understanding will be implemented in accordance with the MDA Agreement and arrangements made thereunder, including the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense, signed at Tokyo on March 22, 1956.

4. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements that will be applied to the Program. The detailed implementing arrangements will consist of the Memorandum of Understanding of 2010 and a project arrangement. For such arrangements, the competent authority of the Government of Japan will be the Ministry of Defense, and the competent authority of the Government of the United States of America will be the Department of Defense.

5. The financial obligations and expenditures incurred by the Government of Japan and the Government of the United States of America under the present understanding and all arrangements to be made hereunder will be subject to budget authorization pursuant to the constitutional and legislative provisions of the respective countries.

I have the honor to propose that, if the above understanding is acceptable to the Government of the United States of America, 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 and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

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

Koichiro Gemba
Minister for Foreign Affairs
of Japan

NOTE: This is an unofficial translation provided by the Government of Japan. When the official English translation becomes available, it will be added to this publication.

No. 0961

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"Excellency,

I have the honor to refer to the Mutual Defense Assistance Agreement between Japan and the United States of America signed at Tokyo on March 8, 1954 (hereinafter referred to as "the MDA Agreement"), which provides, inter alia, that each Government, consistently with the principle that economic stability is essential to international peace and security, 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 Japan and the Government of the United States of America have recently held discussions for the purpose of making such detailed arrangements as mentioned above concerning a program for the cooperative research on Hybrid Electric Propulsion (hereinafter referred to as "the Program"), taking into account the exchange of information undertaken in accordance with the Memorandum of Understanding between the Ministry of Defense of Japan and the Department of Defense of the United States of America concerning projects for cooperative research, signed on February 17, 2010 (hereinafter referred to as "the Memorandum of Understanding of 2010"), made under the Exchange of Notes of the same date between the Government of Japan and the Government of the United States of America concerning a program for the cooperative research on Image Gyro for Airborne Applications and concerning the formulation of additional programs for cooperation research under the MDA Agreement. The following is the understanding of the Government of Japan regarding the results of the above-mentioned discussions:

His Excellency
Koichiro Gemba,
Minister for Foreign Affairs of Japan

1. In accordance with the detailed implementing arrangements to be made under paragraph 4, the Government of Japan and the Government of the United States of America will mutually provide information, equipment, and materials which are necessary to implement the Program, subject to the laws and regulations of each country. The two Governments will jointly bear the cost necessary for the execution of the Program.

2. The Program will be undertaken through contracts with industries of Japan and industries of the United States of America to the extent necessary.

3. The present understanding will be implemented in accordance with the MDA Agreement and arrangements made thereunder, including the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense, signed at Tokyo on March 22, 1956.

4. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements that will be applied to the Program. The detailed implementing arrangements will consist of the Memorandum of Understanding of 2010 and a project arrangement. For such arrangements, the competent authority of the Government of Japan will be the Ministry of Defense, and the competent authority of the Government of the United States of America will be the Department of Defense.

5. The financial obligations and expenditures incurred by the Government of Japan and the Government of the United States of America under the present understanding and all arrangements to be made hereunder will be subject to budget authorization pursuant to the constitutional and legislative provisions of the respective countries.

I have the honor to propose that, if the above understanding is acceptable to the Government of the United States of America, 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 and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

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

I have the honor to confirm on behalf of the Government of the United States of America that the foregoing understanding is acceptable to the Government of the United States of America 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 this reply and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

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

John V. Roos

Embassy of the United States of America
Tokyo, November 2, 2012