

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 327

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.

Recognizing that ballistic missile defense is an important element in the defense policy of both Japan and the United States of America, the Government of Japan and the Government of the United States of America have promoted cooperation on ballistic missile defense through the Exchange of Notes on the furnishing of information from the Government of the United States of America to the Government of Japan which will be necessary for the effective conduct of the studies on ballistic missile defense by the Government of Japan of February 23, 1996, the Exchange of Notes on the cooperative research on ballistic missile defense technologies of August 16, 1999, and the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004. Each of the aforementioned exchanges of notes constitutes an agreement between the two Governments.

The policy of the Government of the United States of America on ballistic missile defense is that it has deployed a ballistic missile defense capability to protect the United States of America as well as its friends and allies, and will deploy additional ballistic missile defense capabilities as necessary, taking into account technological progress. The policy of the Government of Japan is that it has begun to introduce ballistic missile defense systems, which are inherently of a defensive nature and to which there would be no alternative for protecting lives and property in Japan against ballistic missile attacks.

In this regard, 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 the cooperation between the two Governments on ballistic missile defense within the scope of the above-mentioned policy of each of the two Governments (hereinafter referred to as "the cooperation"). The following is the understanding of the Government of Japan regarding the results of the above-mentioned discussions:

His Excellency  
Taro Aso,  
Minister for Foreign Affairs of Japan

1. In accordance with the detailed implementing arrangements to be made under paragraph 3., each Government will mutually provide the other with information, equipment, and materials to support implementing the cooperation, subject to the laws and regulations of each country. Information, equipment, and materials the export of which is controlled by either of the respective countries will be provided pursuant to such detailed implementing arrangements only when properly authorized in advance by relevant authorities of each Government. The two Governments will jointly bear the cost necessary for the execution of the cooperation.
2. 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.
3. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements. The competent authority of the Government of Japan will be the Japan Defense Agency, and the competent authority of the Government of the United States of America will be the United States Department of Defense.
4. 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, shall supersede the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004 in its entirety, 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, shall supersede the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004 in its entirety, 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.



Embassy of the United States of America,  
Tokyo, June 23, 2006.

Translation

Tokyo, June 23, 2006

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His Excellency  
Mr. John Thomas Schieffer  
Ambassador Extraordinary  
and Plenipotentiary  
of the United States of America

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1. In accordance with the detailed implementing arrangements to be made under paragraph 3., each Government will mutually provide the other with information, equipment, and materials to support implementing the cooperation, subject to the laws and regulations of each country. Information, equipment, and materials the export of which is controlled by either of the respective countries will be provided pursuant to such detailed implementing arrangements only when properly authorized in advance by relevant authorities of each Government. The two Governments will jointly bear the cost necessary for the execution of the cooperation.

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3. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements. The competent authority of the Government of Japan will be the Japan Defense Agency, and the competent authority of the Government of the United States of America will be the United States Department of Defense.

4. 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, shall supersede the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004 in its entirety, 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.

Taro Aso  
Minister for Foreign Affairs  
of Japan