

DEFENSE

Cooperation

**Agreement Between the
UNITED STATES OF AMERICA
and JAPAN**

Effectuated by Exchange of Notes at
Tokyo June 23, 2006



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 June 23, 2006;
Entered into force June 23, 2006.*

Translation

Tokyo, June 23, 2006

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.

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

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:

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.

Taro Aso
Minister for Foreign Affairs
of Japan

書簡をもつて啓上いたします。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。）に言及する光榮を有します。MDA協定は、經濟の安定が國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裝備、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つて、使用に供するものとする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は、弾道ミサイル防衛が日本国及びアメリカ合衆国両国の防衛政策における重要な要素であることを認識し、千九百九十六年二月二十三日の日本国政府による弾道ミサイル防衛についての研究の效果的実施に必要な情報のアメリカ合衆国政府より日本国政府に対する供与に関する交換公文、千九百九十九年八月十六日の弾道ミサイル防衛技術に係る共同研究に関する交換公文及び二千四年十二月十四日の弾道ミサイル防衛協力に関する交換公文に基づき、弾道ミサイル防衛に関する協力を推進してきました。前記のそれぞれの交換公文は、両政府間の合意を構成するものです。

弾道ミサイル防衛に関するアメリカ合衆国政府の政策は、同政府が、アメリカ合衆国並びにその友好国及び同盟国を守るために弾道ミサイル防衛能力を配備しており、また、技術的進歩を勘案し、必要に応じて追

加的な弾道ミサイル防衛能力を配備するというものです。日本国政府の政策は、同政府が、弾道ミサイルによる攻撃に対して日本国における生命及び財産を守るため、本質的に防衛的な性格を有し、かつ、他に代替手段のない弾道ミサイル防衛システムの導入を開始したというものです。

この関連で、日本国政府及びアメリカ合衆国政府の代表者は、最近、各政府の前記の政策の範囲内で行われる弾道ミサイル防衛に関する両政府間の協力（以下「協力」という。）について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 3の規定に基づき行われる実施細目取極に従い、各政府は、他方の政府に対し、協力の実施を支援するために情報、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。いずれかの国によって輸出管理が行われている情報、装備及び資材は、それぞれの政府の関係当局が事前に許可を適正に与えた場合に限る、当該実施細目取極に従って提供される。両政府は、協力の実施のために必要な資金を共同して負担する。

2 この了解は、MDA協定及び同協定に基づく取極（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。

3 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、実施細目取極を行う。日本国政府の権限のある当局は、日本国防衛庁であり、アメリカ合衆国政府の権限のある当局は、合衆国防省である。

4 この了解及びこの了解に基づき行われるすべての取極に基づき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、二千四年十二月十四日の弾道ミサイル防衛協力に関する交換公文の全体を代替し、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榮を有します。

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。

二千六年六月二十三日に東京で

日本国外務大臣

麻生太郎

アメリカ合衆国特命全權大使
ジョン・トーマス・シーファア閣下

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.

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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

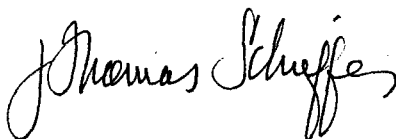
1. In accordance with the detailed implementing arrangements to be made under paragraph 3., each Government will mutually provide the other with information, equipment, and materials to support implementing the cooperation, subject to the laws and regulations of each country. Information, equipment, 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.

A handwritten signature in dark ink, reading "Thomas Schiffe". The signature is fluid and cursive, with a large, stylized initial 'T' and a long, sweeping underline.

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