DEFENSE

Research and Development
Image Gyro

Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Effectuated by Exchange of Notes at
Tokyo February 17, 2010
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: Research and Development: Image Gyro

Agreement effected by exchange of notes at Tokyo February 17, 2010;
Entered into force February 17, 2010.
Translation

Tokyo, February 17, 2010

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 Image Gyro for Airborne Applications (hereinafter referred to as “the Program”) and concerning the formulation of additional programs for cooperative 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.

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

His Excellency
Mr. John V. Roos
Ambassador Extraordinary
and Plenipotentiary
of the United States of America
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, which will consist of a memorandum of understanding and a project arrangement that will be applied to the Program. The said memorandum of understanding may also be applied, where appropriate, to exchange of information undertaken for the formulation of additional programs for cooperative research under the MDA Agreement. 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 extend to Your Excellency the assurance of my highest consideration.

Katsuya Okada
Minister for Foreign Affairs of Japan
書簡をもって啓上いたします。本大臣は、一九九五年四月二日に東京で署名された日本国とアメリカ合衆国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もの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、最近、航空機器への応用のための画像ジャイロ計画の作成に関し、前記の細目取極を行うため協議を行いました。この協議の結果に関する同研究に関する計画（以下「画像ジャイロ計画」という。）に関し、また、MDA協定に基づく共同研究に関する新たな計画の作成に関し、両国政府の了解は、次のとおりであります。

1．画像ジャイロ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、画像ジャイロ計画の実施のため、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
この了解は、MDA協定及び同協定に基づく取極（千九五六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、了解覚書及び事業取決めを成り、画像ジャイロ計画に適用される実施細目取極を行う。当該了解覚書は、適当な場合において、MDA協定に基づく共同研究に関する新たな計画の作成のために実施される情報の交換に適用されることがある。当該実施細目取極については、防衛省である。

5 この了解及びこの了解に基づき行われるすべての取極の下で日本国政府及びアメリカ合衆国政府の権限のある当局は、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
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No. 0078

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 Image Gyro for Airborne Applications (hereinafter referred to as "the Program") and concerning the formulation of additional programs for cooperative 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.

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

His Excellency
Katsuya Okada
Minister for Foreign Affairs of Japan.

Diplomatic Note
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, which will consist of a memorandum of understanding and a project arrangement that will be applied to the Program. The said memorandum of understanding may also be applied, where appropriate, to exchange of information undertaken for the formulation of additional programs for cooperative research under the MDA Agreement. 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 extend 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 extend to Your Excellency the assurance of my highest consideration.

[Signature]

Embassy of the United States of America,

Tokyo, February 17, 2010