DEFENSE

Cooperation

Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Effectuated 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.
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
のためには必要な資金を共同して負担する。

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協定に基づく取扱いに基づく防衛目的のために行う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。これに従って実施される。

4 当該実施細目取扱いは、二千五十六年三月二十四日に東京で签字された防衛省のこの了解に基づき行われる全ての
取扱いを含む。当該実施細目取扱いは、アメリカ合衆国政府の権限のある当局は、当該実施細目取扱いに基づく防
衛省のこの了解に基づき行われる全ての取扱いを含む。当該実施細目取扱いに基づいて必要な措置を講じる。

5 この了解及びその了解に基づき行われる全ての取扱いは、日本の国の権限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。
の返信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信の日付の日付に効力を生じ、かつ、いずれか一方の政府による終了の通告の受領の日までの間に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、以上を申し渡すに際し、ここに重ねて閣下に厚く敬意を表します。

二千二十二年十一月二日に東京で

アメリカ合衆国特派全権大使

ジョン・V・ルース閣下

日本国外務大臣

玄桑光一郎
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

Diplomatic Note
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