

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 887

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 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 challenge 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 the 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 signed at Tokyo on February 23, 1996, and the Exchange of Notes on the cooperative research on Ballistic Missile Defense Technologies signed at Tokyo on August 16, 1999.

The policy of the Government of the United States of America on the ballistic missile defense is that it will field an initial set of ballistic missile defense capabilities in the years 2004 and 2005 to protect the United States of America as well as its friends and allies, and will, thereafter, field additional ballistic missile defense capabilities as necessary, taking into account technological progress. The policy of the Government of Japan on the ballistic missile defense is that it will 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, and will make a separate decision on a future transition to the development and deployment stages of the cooperative research being carried out pursuant to the above-mentioned Exchange of Notes signed on August 16, 1999, taking into account situations in international relations at the time and other factors.

His Excellency
Nobutaka Machimura,
Minister for Foreign Affairs of Japan

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 concluding 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:

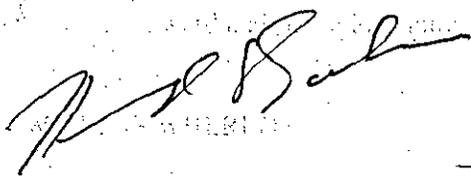
1. In accordance with the detailed implementing arrangements to be concluded under paragraph 3, each Government will mutually provide the other with information, equipment, and materials to support implementing the cooperation, subject to the laws and regulations of each country. Information, equipment, 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. For such arrangements, the competent authority of the Government of Japan will be the Defense Agency, and the competent authority of the Government of the United States of America will be the 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 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.



Embassy of the United States of America,
Tokyo, December 14, 2004.

Translation

Tokyo, December 14, 2004

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 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 challenge 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 the 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 signed at Tokyo on February 23, 1996, and the Exchange of Notes on the cooperative research on Ballistic Missile Defense Technologies signed at Tokyo on August 16, 1999.

His Excellency
Mr. Howard H. Baker, Jr.
Ambassador Extraordinary
and Plenipotentiary
of the United States of America

The policy of the Government of the United States of America on the ballistic missile defense is that it will field an initial set of ballistic missile defense capabilities in the years 2004 and 2005 to protect the United States of America as well as its friends and allies, and will, thereafter, field additional ballistic missile defense capabilities as necessary, taking into account technological progress. The policy of the Government of Japan on the ballistic missile defense is that it will 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, and will make a separate decision on a future transition to the development and deployment stages of the cooperative research being carried out pursuant to the above-mentioned Exchange of Notes signed on August 16, 1999, taking into account situations in international relations at the time and other factors.

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 concluding 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 concluded 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. For such arrangements, the competent authority of the Government of Japan will be the Defense Agency, and the competent authority of the Government of the United States of America will be the 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 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.

Nobutaka Machimura
Minister for Foreign Affairs
of Japan