

DEFENSE

Research and Development

Agreement Between the UNITED STATES OF AMERICA and JAPAN

Effected by exchange of notes at
Tokyo January 7, 2022

Entered into force January 7, 2022



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.”

January 7, 2022

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"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 Government of Japan and the Government of the United States of America recognize that cooperation in the area of defense equipment and technology, including cooperative research, development, production, and sustainment, as well as cooperation in testing and evaluation, is an important element in the defense policy of both Japan and the United States of America, *inter alia*, in the recent situation where technologies have been rapidly developing.

The policy of the Government of Japan is to promote cooperative research, development, production, and sustainment, as well as cooperation in testing and evaluation, with the Government of the United States of America within the scope of its defense policy in accordance with the Constitution of Japan, in order to efficiently improve capabilities of Japan and the United States of America, while facilitating common understanding of each other's priorities in the enhancement of defense capability. The policy of the Government of the United States of America is that promoting cooperative research, development, production, and sustainment, as well as cooperation in testing and evaluation, with the Government of Japan enhances interoperability of the Alliance, which is in the interest 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

His Excellency

HAYASHI Yoshimasa,
Minister for Foreign Affairs,
Tokyo, Japan.

DIPLOMATIC NOTE

have recently held discussions for the purpose of making such detailed arrangements as mentioned above concerning the cooperation between the two Governments in cooperative research, development, production, and sustainment, as well as cooperation in testing and evaluation, within the scope of the above-mentioned policy of each of the two Governments (hereinafter referred to as "the Cooperation") under the MDA Agreement. The following is the proposal 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 of this agreement, the Government of Japan and the Government of the United States of America shall mutually provide information, personnel, funding, equipment, and materials that are necessary to implement the Cooperation, subject to the laws and regulations of each country. The two Governments shall jointly bear the costs necessary for the execution of the Cooperation.
2. The Cooperation shall be undertaken through contracts with industries of Japan and industries of the United States of America to the extent necessary.
3. The present agreement shall 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 agreement, representatives of the competent authorities of the two Governments shall make detailed implementing arrangements that shall be applied to the Cooperation. The detailed implementing arrangements shall consist of memoranda of understanding, project arrangements, and other implementing arrangements. For such arrangements, the competent authority of the Government of Japan shall be the Ministry of Defense, and the competent authority of the Government of the United States of America shall be the Department of Defense. Such memoranda of understanding, project arrangements, or other implementing arrangements shall be considered to have been made under the present agreement only if such memoranda of understanding, project arrangements, or other implementing arrangements explicitly stipulate that they are made under the present agreement.

5. The financial obligations and expenditures incurred by the Government of Japan and the Government of the United States of America under the present agreement and all arrangements to be made hereunder shall 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 proposal is acceptable to the Government of the United States of America, the present Note and your reply of acceptance shall be regarded as constituting an agreement between the two Governments, which shall enter into force on the date of your 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 you the assurance of my high consideration."

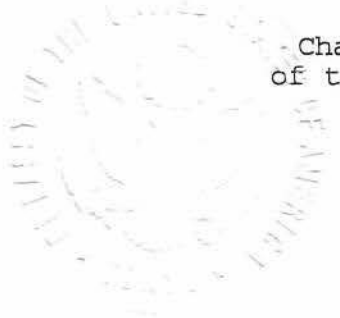
I have the honor to confirm on behalf of the Government of the United States of America that the foregoing proposal is acceptable to the Government of the United States of America and to agree that Your Excellency's Note and this reply shall be regarded as constituting an agreement between the two Governments, 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.

Sincerely,



Raymond F. Greene
Chargé d'Affaires ad interim
of the United States of America



Translation

Tokyo, January 7, 2022

Sir,

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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Mr. Raymond F. Greene
Chargé d'Affaires ad interim
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 in cooperative research, development, production, and sustainment, as well as cooperation in testing and evaluation, within the scope of the above-mentioned policy of each of the two Governments (hereinafter referred to as "the Cooperation") under the MDA Agreement. The following is the proposal of the Government of Japan regarding the results of the above-mentioned discussions:

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I avail myself of this opportunity to renew to you the assurance of my high consideration.

HAYASHI Yoshimasa
Minister for Foreign Affairs
of Japan

書簡をもって啓上いたします。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こと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、共同研究、共同開発、共同生産及び共同維持並びに試験及び評価における協力を含む防衛装備品及び技術の分野における協力が、特に、技術が急速に發展している近年の状況において、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ています。

日本国政府の政策は、防衛能力強化における相互の優先事項についての共通の理解を促進しながら、日本国とアメリカ合衆国の能力を効率的に向上させるために、日本国憲法に従って、自国の防衛政策の範囲内で、アメリカ合衆国政府と、共同研究、共同開発、共同生産及び共同維持並びに試験及び評価における協力を促進することです。アメリカ合衆国政府の政策は、日本国政府と、共同研究、共同開発、共同生産及び共同維持並びに試験及び評価における協力を促進することは、同盟の相互運用性を強化し、これはアメリカ合

衆国の利益であるというものです。

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、MDA協定に基づいて各政府の前記の政策の範囲内で行われる共同研究、共同開発、共同生産及び共同維持並びに試験及び評価における協力における両政府の間の協力（以下「協力」という。）に関し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提案は、次のとおりであります。

1 4の規定に基づいて行われる実施細目取極に従い、日本国政府及びアメリカ合衆国政府は、協力を実施するために必要な情報、人員、資金、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、協力を実施するために必要な費用を共同して負担する。

2 協力は、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 この合意は、MDA協定及びMDA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。

4 この合意を実施するため、両政府の権限のある当局の代表者は、協力に適用される実施細目取極を行

う。当該実施細目取極は、了解覚書、事業取決めその他の実施取決めから成る。当該実施細目取極につき、日本国政府の権限のある当局は防衛省とし、アメリカ合衆国の権限のある当局は国防省とする。当該了解覚書、事業取決めその他の実施取決めは、当該了解覚書、事業取決めその他の実施取決めがこの合意に基づくことを明示的に規定している場合に限り、この合意に基づくものとみなされる。

5 この合意及びこの合意に基づく全ての取極の下で日本国政府及びアメリカ合衆国政府が行う財政上の負担及び支出は、それぞれの国の憲法上及び法律上の規定に従って予算の承認を得たところにより行う。

本大臣は、前記の提案がアメリカ合衆国政府にとって受諾し得るものである場合には、この書簡及び受諾する旨の貴官の返簡が両政府の間の合意を構成するものとみなし、その合意が貴官の返簡の日付の日に効力を生じ、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、ここに重ねて貴官に向かって敬意を表します。

二千二十二年一月七日に東京で

日本国外務大臣

林 義正

アメリカ合衆国臨時代理大使

レイモンド・F・グリーン殿