Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Effected by Exchange of Notes at
Tokyo November 20, 2018
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

Agreement effected by exchange of notes at
Tokyo November 20, 2018;
Entered into force November 20, 2018.
Tokyo, November 20, 2018

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"), and the arrangements made thereunder that have provided for the reciprocal exchange of defense-related information, and to recognize that the MDA Agreement 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.

I have the honor to refer also to the Agreement Between the Government of Japan and the Government of the United States of America Concerning Security Measures for the Protection of Classified Military Information, signed at Tokyo on August 10, 2007 (hereinafter referred to as the "GSOMIA"), which provides, inter alia, that the Governments shall protect Classified Military Information provided by one Government to the other Government under the terms set forth therein and that supplemental implementing arrangements may be entered into by competent authorities of the Governments.

The Government of Japan desires to obtain and use the advanced technology contained in the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades for the purpose of ensuring the security of Japan.

The Government of Japan recognizes its need for information, including Classified Military Information, related to the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades from the Government of the United States of America in order to use the advanced technologies provided under this system. The Government of Japan further acknowledges that a special security program is necessary to facilitate the furnishing of such information. Accordingly, the representatives of the

His Excellency
Taro Kono,
Minister for Foreign Affairs of Japan
Diplomatic Note
Government of Japan and the Government of the United States of America have recently held discussions for the purpose of concluding detailed arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan. The following is the proposal of the Government of Japan regarding the results of the above-mentioned discussions:

1. Representatives of the competent authorities of the two Governments shall make the detailed implementing arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan, which shall consist of a memorandum of understanding and any modifications thereto, which shall be implemented according to their terms. For such detailed implementing arrangements, the competent authority of the Government of Japan is the Ministry of Defense, and the competent authority of the Government of the United States of America is the Department of Defense.

2. All Classified Military Information furnished by the Government of the United States of America to the Government of Japan concerning the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades shall be subject to the security measures set forth in the memorandum of understanding and any modifications thereto.

3. The present agreement and all arrangements to be concluded hereunder shall be implemented subject to the relevant laws, regulations, and budgetary appropriations of the respective countries and in accordance with the terms of the MDA Agreement and the GSOMIA.

4. The present agreement and all arrangements to be concluded hereunder shall remain in force, and the obligations of the two Governments shall continue, for so long as the Government of Japan owns, operates, maintains, or otherwise controls the E-767 Airborne; Warning, and Control System with Mission Computing Upgrades as well as other related Classified Military Information.

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 Excellency’s reply of acceptance shall constitute an agreement between
the two Governments, which shall enter into force on the
date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your
Excellency the assurance of my highest consideration."

I have further 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 constitute an agreement between the two Governments, which
shall enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your
Excellency the assurance of my highest consideration.

Sincerely,

William E. Hagerty, IV
Ambassador Extraordinary
and Plenipotentiary
of the United States of America
Tokyo, November 20, 2018

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"), and the arrangements made thereunder that have provided for the reciprocal exchange of defense-related information, and to recognize that the MDA Agreement 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.

I have the honor to refer also to the Agreement Between the Government of Japan and the Government of the United States of America Concerning Security Measures for the Protection of Classified Military Information, signed at Tokyo on August 10, 2007 (hereinafter referred to as the "GSOMIA"), which provides, inter alia, that the Governments shall protect Classified Military Information provided by one Government to the other Government under the terms set forth therein and that supplemental implementing arrangements may be entered into by competent authorities of the Governments.

The Government of Japan desires to obtain and use the advanced technology contained in the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades for the purpose of ensuring the security of Japan.

His Excellency
Mr. William F. Hagerty IV
Ambassador Extraordinary and Plenipotentiary
of the United States of America
The Government of Japan recognizes its need for information, including Classified Military Information, related to the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades from the Government of the United States of America in order to use the advanced technologies provided under this system. The Government of Japan further acknowledges that a special security program is necessary to facilitate the furnishing of such information. Accordingly, 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 detailed arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan. The following is the proposal of the Government of Japan regarding the results of the above-mentioned discussions:

1. Representatives of the competent authorities of the two Governments shall make the detailed implementing arrangements concerning the security and protection of the Classified Military Information furnished by the Government of the United States of America to the Government of Japan that will be necessary for obtaining and using the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades by the Government of Japan, which shall consist of a memorandum of understanding and any modifications thereto, which shall be implemented according to their terms. For such detailed implementing arrangements, the competent authority of the Government of Japan is the Ministry of Defense, and the competent authority of the Government of the United States of America is the Department of Defense.

2. All Classified Military Information furnished by the Government of the United States of America to the Government of Japan concerning the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades shall be subject to the security measures set forth in the memorandum of understanding and any modifications thereto.

3. The present agreement and all arrangements to be concluded hereunder shall be implemented subject to the relevant laws, regulations, and budgetary appropriations of the respective countries and in accordance with the terms of the MDA Agreement and the GSOMIA.
4. The present agreement and all arrangements to be concluded hereunder shall remain in force, and the obligations of the two Governments shall continue, for so long as the Government of Japan owns, operates, maintains, or otherwise controls the E-767 Airborne, Warning, and Control System with Mission Computing Upgrades as well as other related Classified Military Information.

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 Excellency’s reply of acceptance shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency’s reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Taro Kono
Minister for Foreign Affairs of Japan
書簡を手に取りました。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

三本国政府は、自国の安全を確保するため、任務遂行のための情報処理能力等を向上させたE－0六七早

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一、三井岩水は、任務遂行のための情報処理能力等を向上させたE－セイ七〇七早期警戒管制機システムの下に
ご指揮される先端技術を使用するためには、アメリカ合衆国政府からの当該システムに関連する情報
両国政府の権限のある当局の提案は、次のとおりであります。

両国政府の権限のある当局（情報処理能力等を向上させたE－セイ七〇七早期警戒管制機システムの提案は、
両国政府の権限のある当局の提案を経て実施されるもの）の情報処理能力等を向上させたE－セイ七〇七早期警戒管制機システム
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アメリカ合衆国政府が日本国政府に対して供与する任務遂行のための情報処理能力等を向上させたE1

六七早期警戒管制機システムに関する全ての秘密軍事情報は、同様の国際関係法令及び予算に従い、

当国政府が任務遂行のための情報処理能力等を向上させたE1・七六七早期警戒管制機システム及び他

関連する秘密軍事情報を所有し、運用し、保持し、又はその他の方法により管理する限り、この合意及び

この合意に基づいて締結される全ての取扱は効力を有し、かつ、両政府の義務は継続する。

前記の提案がアメリカ合衆国政府により受諾される場合において、この書簡及び受諾する旨の閣下

之を敬意を表します。
日本国外務大臣

河野太郎