TREATIES AND OTHER INTERNATIONAL ACTS SERIES 16-603

DEFENSE

Procurement

Agreement Between the
UNITED STATES OF AMERICA
and JAPAN

Effectuated by Exchange of Notes at
Tokyo June 3, 2016
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: Procurement

Agreement effected by exchange of notes at Tokyo June 3, 2016;
Entered into force June 3, 2016.
Translation

Tokyo, June 3, 2016

Excellency:

I have the honor to refer to the recent discussions between representatives of the Government of Japan and representatives of the Government of the United States of America concerning reciprocal defense procurement.

The Government of Japan and the Government of the United States of America have increased their cooperation in the acquisition of defense systems. In particular, under the Mutual Defense Assistance Agreement between Japan and the United States of America, signed at Tokyo on March 8, 1954, the Government of the United States of America has approved the transfer of various defense-related goods and technologies to Japan, and the Government of Japan has promoted the transfer of defense-related goods and technologies in order to ensure the effective operation of the Japan-United States security arrangements.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of cooperation on reciprocal defense procurement, I have further the honor to propose on behalf of the Government of Japan the following:

1. The Government of Japan and the Government of the United States of America shall ensure sound processes for reciprocal defense procurement by the Ministry of Defense of Japan and by the Department of Defense of the United States of America, respectively, in accordance with detailed arrangements to be made under paragraph 3, in order to enhance defense cooperation, inter alia, by achieving and maintaining fair and equitable opportunities for the industry of each country to participate in such defense procurement.

Her Excellency
Ms. Caroline B. Kennedy
Ambassador Extraordinary and Plenipotentiary
of the United States of America
2. The Government of Japan and the Government of the United States of America shall conduct reciprocal defense procurement in accordance with the applicable laws and regulations of their respective countries regarding the waiver of the prohibition to procure non-domestic products.

3. The detailed arrangements for reciprocal defense procurement shall be made between the competent authorities of the two Governments in order to implement the present agreement. The competent authority of the Government of Japan shall be the Ministry of Defense. The competent authority of the Government of the United States of America shall be the Department of Defense. All defense procurement between the Ministry of Defense of Japan and the Department of Defense of the United States of America shall be conducted in accordance with those detailed arrangements and subject to the terms of the present agreement.

4. The competent authorities of the two Governments shall consult with each other on any matter that may arise from or in connection with reciprocal defense procurement by the Ministry of Defense of Japan or by the Department of Defense of the United States of America with a view to finding a mutually acceptable solution. If the matter cannot be resolved through such consultations, consultations between the Government of Japan and the Government of the United States of America shall be held through diplomatic channels with a view to finding a mutually acceptable solution.

5. Defense procurement by the Ministry of Defense of Japan and by the Department of Defense of the United States of America shall be conducted in accordance with their respective laws and regulations and subject to the availability of appropriated funds in each country.

6. The present agreement shall remain in force for five years. However, either Government may terminate the present agreement at any time by giving to the other Government at least six months' written advance notice through diplomatic channels of its intention to terminate it. The present agreement may be amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing proposals are acceptable to the Government of the United States of America, this Note and Your Excellency’s Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency’s Note in reply.
Accept, Excellency, the renewed assurances of my highest consideration.

Fumio Kishida
Minister for Foreign Affairs
of Japan
書簡をもって昨年いたします。本大臣は、相互の防衛調達に関し日本国政府の代表者とアメリカ合衆国政府の代表者との間で行われた最近の議議に言及する光栄を有します。日本国政府及びアメリカ合衆国政府は、防衛システムの取得における協力を促進してきました。特に、日本国政府は、日本とアメリカ合衆国との間の相互防衛援助協定に基づき、アメリカ合衆国は、各種の防衛分野における物品及び技術の日本国に対する供与を承認してきており、また、日本内閣により相互の防衛調達に参加する公正かつ平平な機会を達成し、及び維持することによって、防衛協力を強化するため、3の規定に基づいて行われる細目取扱いに従って、それぞれ、当該防衛調達のための健全な手続を確保する。
日本国政府及びアメリカ合衆国政府は、国内産品でないものの調達の禁止の免除に関するそれぞれの国
の適用可能な法令に従って相互の防衛調達を行う。

この取極を実施するため、相互の防衛調達のための細目取極が両政府の権限のある当局間で行われ
する。日本国政府の権限のある当局は、防衛省とする。アメリカ合衆国政府の権限のある当局は、
国防省とする。両政府の権限のある当局は、この取極の条件に従って行われる。

戦争の防衛調達に関する協議や防衛調達に関する問題を解決することのできる法令に従って実施される。
了させる意思を少なくとも六箇月の事前の書面による通告をもって外交上の経路を通じて表明することになる。本大臣は、更に、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ときには、この書簡及び閣下の返箋の日付の日に効力を生ずるものとすることを提案する光栄を有します。本大臣は、以上を申し続けるに際し、これに重ねて閣下に向かって敬意を表します。

日本国外務大臣

キャロライン・B・ケネディ閣下

米国外国務大臣

岸田文雄
Tokyo, June 3, 2016

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 recent discussions between representatives of the Government of Japan and representatives of the Government of the United States of America concerning reciprocal defense procurement.

The Government of Japan and the Government of the United States of America have increased their cooperation in the acquisition of defense systems. In particular, under the Mutual Defense Assistance Agreement between Japan and the United States of America, signed at Tokyo on March 8, 1954, the Government of the United States of America has approved the transfer of various defense-related goods and technologies to Japan, and the Government of Japan has promoted the transfer of defense-related goods and technologies in order to ensure the effective operation of the Japan-United States security arrangements.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of cooperation on reciprocal defense procurement, I have further the honor to propose on behalf of the Government of Japan the following:

His Excellency
Fumio Kishida,
Minister for Foreign Affairs of Japan
1. The Government of Japan and the Government of the United States of America shall ensure sound processes for reciprocal defense procurement by the Ministry of Defense of Japan and by the Department of Defense of the United States of America, respectively, in accordance with detailed arrangements to be made under paragraph 3, in order to enhance defense cooperation, inter alia, by achieving and maintaining fair and equitable opportunities for the industry of each country to participate in such defense procurement.

2. The Government of Japan and the Government of the United States of America shall conduct reciprocal defense procurement in accordance with the applicable laws and regulations of their respective countries regarding the waiver of the prohibition to procure non-domestic products.

3. The detailed arrangements for reciprocal defense procurement shall be made between the competent authorities of the two Governments in order to implement the present agreement. The competent authority of the Government of Japan shall be the Ministry of Defense. The competent authority of the Government of the United States of America shall be the Department of Defense. All defense procurement between the Ministry of Defense of Japan and the Department of Defense of the United States of America shall be conducted in accordance with those detailed arrangements and subject to the terms of the present agreement.

4. The competent authorities of the two Governments shall consult with each other on any matter that may arise from or in connection with reciprocal defense procurement by the Ministry of Defense of Japan or by the Department of Defense of the United States of America with a view to finding a mutually acceptable solution. If the matter cannot be resolved through such consultations, consultations between the Government of Japan and the Government of the United States of America shall be held through diplomatic channels with a view to finding a mutually acceptable solution.

5. Defense procurement by the Ministry of Defense of Japan and by the Department of Defense of the United States of America shall be conducted in accordance with their respective laws and
regulations and subject to the availability of appropriated funds in each country.

6. The present agreement shall remain in force for five years. However, either Government may terminate the present agreement at any time by giving to the other Government at least six months’ written advance notice through diplomatic channels of its intention to terminate it. The present agreement may be amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing proposals are acceptable to the Government of the United States of America, this Note and Your Excellency’s Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency’s Note in reply.

Accept, Excellency, the renewed assurances 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 proposals are acceptable to the Government of the United States of America and to agree that Your Excellency’s Note and this Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of this Note in reply.

Accept, Excellency, the renewed assurances of my highest consideration.

Caroline Kennedy
Ambassador Extraordinary and Plenipotentiary of the United States of America