

DEFENSE

Security of Information

**Agreement Between the
UNITED STATES OF AMERICA
and JAPAN**

Effected by Exchange of Notes at
Tokyo January 18, 2011



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: Security of Information

*Agreement effected by exchange of notes at
Tokyo January 18, 2011;
Entered into force January 18, 2011.*

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。）及びMDA協定に基づく取極が防衛分野における情報の相互交換を規定してきたことに言及し、また、MDA協定は、経済の安定が国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を特に規定していることを認識する光榮を有します。

本大臣は、また、二千七年八月十日に東京で署名された秘密軍事情報の保護のための秘密保持の措置に関する日本国政府とアメリカ合衆国政府との間の協定（以下「GSOMIA」という。）に言及する光榮を有します。GSOMIAは、一方の政府により他方の政府に対し提供される秘密軍事情報は、GSOMIAの規定に基づき保護されること及び補足実施取極は、両政府の権限のある当局により行うことができることを両政府が協定したことを特に規定しています。

日本国政府は、日本国政府による将来の防衛政策に係る判断に資するため、統合攻撃戦闘機（以下「JSF」という。）F-三十五航空システム及び関連附属任務機器についての研究を実施してきています。

日本国政府は、かかる研究を効果的に実施し、又はJ S F F-三十五航空システム及び関連附属任務機器を購入し、若しくはその購入を検討するためには、アメリカ合衆国政府からのJ S F F-三十五航空システム及び関連附属任務機器に関連する情報（秘密軍事情報を含む。）が必要であると認識します。日本国政府は、更に、情報の供与を円滑化するためには、特別な秘密保持に関する計画が必要であると認識します。よって、日本国政府及びアメリカ合衆国政府の代表者は、最近、アメリカ合衆国政府が日本国政府に対して供与する特定の秘密情報（日本国政府によるJ S F F-三十五航空システム及び関連附属任務機器についての研究の効果的实施又はその購入若しくは購入の検討に必要なもの）に関する秘密保持及び保護について細目取極を締結するため、討議を行いました。この討議の結果についての日本国政府の了解は、次のとおりであります。

1 両政府の権限のある当局の代表者は、実施細目取極（了解覚書及びその改正により構成され、それらの規定に従って実施されるもの）を行う。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、防衛省であり、アメリカ合衆国政府の権限のある当局は、国防省である。

2 1の規定に基づいて締結される実施細目取極に従い、アメリカ合衆国政府が日本国政府に対して供与す

るJ S F F ー三十五航空システム及び関連附属任務機器についての全ての秘密軍事情報は、J S F F ー三十五航空システムに関連する秘密情報の秘密保持に関する計画に基づいて定められる一定の秘密保持の措置の対象となる。かかる秘密軍事情報の供与及びその使用は、日本国政府のJ S F F ー三十五航空システム及び関連附属任務機器についての将来の政策判断を何ら予断するものではない。

3 この了解及びこの了解に基づき締結される全ての取極は、それぞれの国の関係法令及び予算に従って実施される。

本大臣は、前記の了解がアメリカ合衆国政府により受諾される場合には、この書簡及び受諾する旨の閣下の返簡がM D A協定第一条の規定に基づく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書面による終了の通告の受領の日の後九十日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。この合意は、M D A協定及びG S O M I Aの規定に従って実施されます。

本大臣は、以上を申し進めるに際し、ここに重ねて閣下に向かって敬意を表します。

二千十一年一月十八日に東京で

日本国外務大臣

青原誠司

アメリカ合衆国特命全権大使

ジョン・V・ルース閣下

Translation

Tokyo, January 18, 2011

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 have agreed that Classified Military Information provided by one Government to the other Government shall be protected 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 has been conducting studies on the Joint Strike Fighter (hereinafter referred to as the "JSF") F-35 Air System and Associated Ancillary Mission Equipment for the purpose of contributing to the future defense policy-making by the Government of Japan.

His Excellency
Mr. John V. Roos
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 Joint Strike Fighter (JSF) F-35 Air System and Associated Ancillary Mission Equipment from the Government of the United States of America in order to conduct the studies effectively, or to purchase or consider for purchase, the JSF F-35 Air System and Associated Ancillary Mission Equipment. 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 specific classified information furnished by the Government of the United States of America to the Government of Japan that will be necessary for the effective conduct of the studies on, or the purchase or to consider the purchase of, the JSF F-35 Air System and Associated Ancillary Mission Equipment by the Government of Japan. The following is the understanding 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, which shall consist of a memorandum of understanding and any amendments 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. In accordance with the detailed implementing arrangements to be concluded under paragraph 1, all Classified Military Information furnished by the Government of the United States of America to the Government of Japan concerning the JSF F-35 Air System and Associated Ancillary Mission Equipment shall be subject to certain security measures established under a JSF F-35 Air System classified information security program. The furnishing of such Classified Military Information to and the use thereof by, the Government of Japan shall not prejudice in any sense the future policy making on the JSF F-35 Air System and Associated Ancillary Mission Equipment by the Government of Japan.

3. The present understanding and all arrangements to be concluded hereunder shall be implemented subject to the relevant laws and regulations and budgetary appropriations 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 pursuant to Article 1 of the MDA Agreement, which shall enter into force on the date of Your Excellency's reply and shall remain in force until ninety (90) days after the date of the receipt of written notice of termination by either Government. Such agreement shall be implemented subject to, and in accordance with, the terms of the MDA Agreement and the GSOMIA.

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

Seiji Maehara
Minister for Foreign Affairs
of Japan

No. 0018

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”), 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 have agreed that Classified Military Information provided by one Government to the other Government shall be protected under the terms set forth therein and that supplemental implementing arrangements may be entered into by competent authorities of the Governments.

His Excellency

Seiji Maehara,

Minister for Foreign Affairs of Japan,

Tokyo.

The Government of Japan has been conducting studies on the Joint Strike Fighter (hereinafter referred to as the "JSF") F-35 Air System and Associated Ancillary Mission Equipment for the purpose of contributing to the future defense policy-making by the Government of Japan.

The Government of Japan recognizes its need for information, including Classified Military Information, related to the Joint Strike Fighter (JSF) F-35 Air System and Associated Ancillary Mission Equipment from the Government of the United States of America in order to conduct the studies effectively, or to purchase or consider for purchase, the JSF F-35 Air System and Associated Ancillary Mission Equipment. 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 specific classified information furnished by the Government of the United States of America to the Government of Japan that will be necessary for the effective conduct of the studies on, or the purchase or to consider the purchase of, the JSF F-35 Air System and Associated Ancillary Mission Equipment by the Government of Japan. The following is the understanding 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, which shall consist of a memorandum of understanding and any amendments 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. In accordance with the detailed implementing arrangements to be concluded under paragraph 1, all Classified Military

Information furnished by the Government of the United States of America to the Government of Japan concerning the JSF F-35 Air System and Associated Ancillary Mission Equipment shall be subject to certain security measures established under a JSF F-35 Air System classified information security program. The furnishing of such Classified Military Information to and the use thereof by, the Government of Japan shall not prejudice in any sense the future policy making on the JSF F-35 Air System and Associated Ancillary Mission Equipment by the Government of Japan.

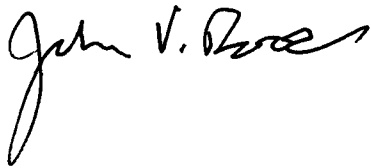
3. The present understanding and all arrangements to be concluded hereunder shall be implemented subject to the relevant laws and regulations and budgetary appropriations of the respective countries.

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 pursuant to Article 1 of the MDA Agreement, which shall enter into force on the date of Your Excellency's reply and shall remain in force until ninety (90) days after the date of the receipt of written notice of termination by either Government. Such agreement shall be implemented subject to, and in accordance with, the terms of the MDA Agreement and the GSOMIA.

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 that shall enter into force on the date of this reply and shall remain in force until ninety (90) days after the date of the receipt of written notice of termination by either Government.

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

A handwritten signature in black ink, appearing to read "John V. Bove". The signature is written in a cursive style with a large, looping initial "J".

Embassy of the United States of America,
Tokyo, January 18, 2011