

(Japanese Note)

Excellency,

I have the honour to refer to the recent discussions held between the representatives of the Government of Japan and of the Government of the Republic of Djibouti concerning the status of the Self-Defense Forces of Japan and the Japan Coast Guard as well as their personnel and other personnel of the Government of Japan sent to the Republic of Djibouti with the aim of taking law enforcement measures to counter acts of piracy off the Somali coast, as well as of the offices established by the Government of Japan in the Republic of Djibouti to facilitate the above-mentioned dispatch.

Having regard to the consent of the Government of the Republic of Djibouti to the dispatch of the Self-Defense Forces of Japan and the Japan Coast Guard as well as their personnel and other personnel of the Government of Japan to the territory of the Republic of Djibouti and the establishment of the offices by the Government of Japan in the Republic of Djibouti, and to the close and longstanding ties between our two Governments, I have the honour to propose on behalf of the Government of Japan the following arrangements:

1. (a) The "Forces" means the Self-Defense Forces of Japan which are present in the Republic of Djibouti with the consent of the Government of the Republic of Djibouti.

(b) The "Coast Guard" means the Japan Coast Guard which is present in the Republic of Djibouti with the consent of the Government of the Republic of Djibouti.

(c) The "Liaison Offices" means offices temporarily established by the Government of Japan in the Republic of Djibouti, with the consent of the Government of the Republic of Djibouti, to facilitate the effective implementation of the present arrangements.

(d) The "Personnel" means:

- (i) the personnel of the Forces, including civilian persons of the Ministry of Defense of Japan who are sent to the Republic of Djibouti in connection with the present arrangements and, with the consent of the Government of the Republic of Djibouti, are lawfully present in the Republic of Djibouti (hereinafter referred to as the "Personnel of the Forces");
- (ii) the personnel of the Coast Guard who are sent to the Republic of Djibouti in connection with the present arrangements and, with the consent of the Government of the Republic of Djibouti, are lawfully present in the Republic of Djibouti (hereinafter referred to as the "Personnel of the Coast Guard"); and
- (iii) the personnel of the Government of Japan other than those mentioned in (i) and (ii) above who are sent to the Republic of Djibouti in connection with the present arrangements and, with the consent of the Government of the Republic of Djibouti, are lawfully present in the Republic of Djibouti.

(e) The "activities" means the preparation, establishment, execution and support of the mission of the Forces and the Coast Guard pursuant to the laws and regulations of Japan with the aim of taking law enforcement measures to counter acts of piracy off the Somali coast.

(f) The "personnel employed locally" means personnel who are nationals of or permanently resident in the Republic of Djibouti and are employed by the Government of Japan.

(g) The "facilities" means all premises, accommodations and land required for the Forces, the Coast Guard, the Liaison Offices or the Personnel for the purpose of the activities or for the effective implementation of the present arrangements.

(h) The "waters" means the internal waters and territorial sea of the Republic of Djibouti.

- (i) The "official correspondence" means all correspondence relating to the activities and their functions or the functions of the Liaison Offices.
2. (a) The present arrangements shall apply to the Forces, the Coast Guard, the Liaison Offices and the Personnel.
- (b) The present arrangements shall apply only within the territory of the Republic of Djibouti, including its waters and airspace.
3. (a) Both Governments shall implement the present arrangements within the scope of the respective laws and regulations in force of each country.
- (b) Without prejudice to the privileges and immunities under the present arrangements, the Personnel shall respect the laws and regulations of the Republic of Djibouti, and shall have a duty not to interfere in the internal affairs of the Republic of Djibouti.
4. The Forces, the Coast Guard and the Liaison Offices shall be accorded by the Government of the Republic of Djibouti the following privileges and immunities:
- (a) The facilities as well as the vessels and aircraft used by the Forces, the Coast Guard or the Liaison Offices shall be inviolable. However, agents of the Government of the Republic of Djibouti shall be allowed to enter them with the consent of an authorized representative of the Government of Japan.
- (b) The Forces, the Coast Guard and the Liaison Offices as well as their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process.
- (c) The facilities, their furnishings and other assets therein as well as the means of transport of the Forces, the Coast Guard or the Liaison Offices shall be immune from search, requisition, attachment or execution.
- (d) The archives and documents of the Forces, the Coast Guard or the Liaison Offices shall be inviolable at any time, wherever they may be.
- (e) The official correspondence of the Forces, the Coast Guard or the Liaison Offices shall be inviolable.

5. The Personnel shall be granted by the Government of the Republic of Djibouti within the territory of the Republic of Djibouti such privileges and immunities as those accorded to the administrative and technical staff in accordance with the relevant provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961.

6. (a) The Government of the Republic of Djibouti shall permit entry of articles for the activities or for the personal use of the Personnel and grant them exemption from all custom duties, taxes and similar charges other than charges for storage, cartage and similar services. The personal baggage of the Personnel shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles that are not for their personal use, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the Republic of Djibouti. Such inspection shall be conducted only in the presence of the Personnel concerned or of an authorized representative of the Government of Japan.

(b) In respect of purchased and imported goods and services provided for the purpose of the activities or for the effective implementation of the present arrangements as well as the facilities, the Forces, the Coast Guard and the Liaison Offices shall be exempt from all national, regional and communal dues, taxes and charges of a similar nature of the Republic of Djibouti. The Forces, the Coast Guard and the Liaison Offices shall not be exempt from fees or other charges that represent payment for services provided.

7. The personnel employed locally shall enjoy no privileges or immunities. However, the Government of the Republic of Djibouti shall exercise its jurisdiction over these personnel in such a manner as not to interfere unduly with the performance of the functions of the activities or of the Liaison Offices.

8. The competent authorities of the Government of Japan shall have the right to exercise within the territory of the Republic of Djibouti, in cooperation with the competent authorities of the Republic of Djibouti, all the criminal jurisdiction and disciplinary powers conferred on them by the laws and regulations of Japan with regard to all Personnel.

9. (a) Claims for damage to or loss of civilian or government property, as well as claims for death of or injury to persons, shall be settled amicably through consultation between the parties to the claims concerned.
- (b) Where no amicable settlement can be reached, the dispute shall be settled by the two Governments through consultations and negotiations.
10. (a) The Personnel present on the land territory of the Republic of Djibouti must carry valid passports, identity cards of the Forces, identity cards of the Coast Guard or identity cards of the Government of Japan with them at all times.
- (b) The vessels, aircrafts, vehicles and other means of transport used by the Forces, the Coast Guard, the Liaison Offices or the Personnel shall not be subject to licensing or registration under the laws and regulations of the Republic of Djibouti and shall carry distinctive identification markings and/or registration plates of the Government of Japan, of which the competent authorities of the Republic of Djibouti shall be notified in advance.
- (c) The Forces, the Coast Guard and the Liaison Offices shall have the right to display the flag of Japan and distinctive markings such as insignia of the Forces, titles and official symbols on their facilities, vehicles and other means of transport.
11. (a) Except for the crews of vessels and aircraft of the Forces, the Personnel of the Forces other than the civilian persons of the Ministry of Defense of Japan shall enter the territory of the Republic of Djibouti only on presentation of a valid passport and an identity card of the Forces and the other Personnel shall enter the territory of the Republic of Djibouti only on presentation of a valid passport. The Personnel shall be exempt from immigration inspections and customs control on entering, leaving or within the territory of the Republic of Djibouti. The crews of vessels and aircraft of the Forces, the crews of aircraft of the Coast Guard as well as the Personnel of the Coast Guard on board the vessels of the Forces shall be exempt from visa regulations.
- (b) The Personnel shall be exempt from the regulations of the Republic of Djibouti on the registration and control of aliens, but shall not acquire any right to permanent residence or domicile within the territory of the Republic of Djibouti.

(c) The Government of the Republic of Djibouti shall be provided, for information purposes, with a general list of the assets of the Forces, the Coast Guard and the Liaison Offices entering the territory of the Republic of Djibouti. These assets shall carry identification markings of the Government of Japan. The Forces, the Coast Guard and the Liaison Offices shall be exempt from any requirement to produce other customs documentations, and from any inspection within the territory of the Republic of Djibouti.

(d) The Personnel may drive motor vehicles, navigate vessels and operate aircraft within the territory of the Republic of Djibouti provided they have valid national or international driving licenses, ship master's certificates or pilot licenses or those of the Forces, as appropriate, issued by the Government of Japan.

(e) For the purpose of the activities, the Government of the Republic of Djibouti shall grant the Forces, the Coast Guard and the Personnel freedom of movement and freedom to travel within the territory of the Republic of Djibouti, including its waters and airspace. Freedom of movement within the territorial sea of the Republic of Djibouti shall include stopping and anchoring.

(f) For the purpose of the activities, the Forces may carry out, within the waters of the Republic of Djibouti, the launching, landing or taking on board of any aircraft or military device.

(g) For the purpose of the activities, the Forces, the Coast Guard and the Liaison Offices as well as the means of transport that they charter may use public roads, bridges, ferries, airports and ports without the payment of taxes and similar charges within the territory of the Republic of Djibouti. The Forces, the Coast Guard and the Liaison Offices shall not be exempt from charges for services requested and received.

12. The Personnel of the Forces and the Personnel of the Coast Guard may wear the uniforms of the Forces and the uniforms of the Coast Guard, respectively. The Personnel of the Forces and the Personnel of the Coast Guard may possess and carry arms to be used in the performance of official duties when authorized to do so by their orders during their official duties.

13. (a) The Government of the Republic of Djibouti agrees, if requested, to assist the Government of Japan in finding suitable facilities.
- (b) Within its means and capabilities, the Government of the Republic of Djibouti shall assist in the preparation, establishment, and execution of and support for the activities.
- (c) The law applicable to contracts concluded by the Forces, the Coast Guard or the Liaison Office in the Republic of Djibouti shall be determined by the respective contracts.
- (d) The Government of the Republic of Djibouti shall facilitate the implementation of contracts concluded by the Forces, the Coast Guard or the Liaison Offices with commercial entities for the purpose of the activities.
14. The Forces, the Coast Guard and the Liaison Offices shall be authorized to construct, alter or otherwise modify facilities as requested for their requirements for the activities and for the effective implementation of the present arrangements, with prior permission of the Government of the Republic of Djibouti.
15. (a) The Government of the Republic of Djibouti shall take all appropriate measures to ensure the safety and security of the Forces, the Coast Guard, the Liaison Offices and the Personnel outside their facilities.
- (b) The Forces, the Coast Guard and the Liaison Offices shall be authorized, within the territory of the Republic of Djibouti including its waters and airspace, to take the measures necessary to protect their facilities, vessels and aircraft, as well as the vessels that they protect, against any external attack or intrusion, in cooperation with the competent authorities of the Republic of Djibouti.
- (c) The Forces may establish a police unit in order to maintain order in their facilities.
- (d) The police unit of the Forces may also, in consultation and cooperation with the military police or the police of the Republic of Djibouti, act outside those facilities to ensure the maintenance of good order and discipline among the Personnel of the Forces.

(e) The Personnel of the Forces and the Personnel of the Coast Guard transiting through the territory of the Republic of Djibouti to escort persons arrested by them shall be authorized to apply the necessary measures of restraint with respect to these persons. Such transit shall be carried out in close cooperation with the competent authorities of the Republic of Djibouti.

16. (a) The Forces and the Liaison Offices may install and operate radio sending and receiving stations, as well as satellite systems. The Forces and the Liaison Offices shall cooperate with the competent authorities of the Republic of Djibouti with a view to avoiding conflicts in the use of appropriate frequencies. The Government of the Republic of Djibouti shall grant access to the frequency spectrum.

(b) The Forces and the Liaison Offices shall enjoy the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile and other means, as well as the right to install the equipment necessary for the maintenance of such communications within and between their facilities, including the laying of cables and land lines for the purpose of the activities.

(c) Within their own facilities, the Forces and the Liaison Offices may take the measures necessary for the conveyance of mail addressed to or originating from them and/or the Personnel.

(d) The implementing procedures for this paragraph shall be made between the Forces and the competent authorities of the Republic of Djibouti as well as the Liaison Offices and the competent authorities of the Republic of Djibouti.

17. The two Governments shall cooperate closely for the effective implementation of the present arrangements. The two Governments, recognizing the necessity of the capacity building of the competent authorities of the Republic of Djibouti in taking law enforcement measures to counter the acts of piracy and armed robbery against vessels, shall work together to identify areas for possible bilateral cooperation. Separate arrangements for the said bilateral cooperation may be made between the competent authorities of the two Governments.

18. Whenever the present arrangements refer to the privileges, immunities and rights of the Forces, the Coast Guard, the Liaison Offices or the Personnel, the Government of the Republic of Djibouti shall be responsible for their implementation and for compliance with them on the part of the appropriate local authorities of the Republic of Djibouti.

19. The two Governments shall take appropriate measures to establish a close and reciprocal liaison at all appropriate levels, in particular by designating liaison personnel. All correspondences and communications concerning the implementation of the present arrangements shall be made in French or English.

20. Any dispute between the two Governments arising out of the interpretation or implementation of the present arrangements shall be settled exclusively by the two Governments through consultations and negotiations.

21. (a) The present arrangements shall remain in force for the period of twelve months and shall be automatically renewed for further periods of twelve months unless either Government notifies the other Government of its intention of terminating the present arrangements at least six months in advance.

(b) The present arrangements may be amended by written agreement between the two Governments.

(c) The termination of the present arrangements shall not affect any rights or obligations arising out of the execution of the present arrangements before such termination.

This Note is written in Japanese, French and English languages, each text being equally authentic, and in case of any divergences in interpretation, the English text shall prevail.

I have further the honour to propose that the present Note and Your Excellency's Note in reply confirming on behalf of the Government of the Republic of Djibouti the foregoing arrangements shall constitute an agreement between the two Governments, which shall enter into force on the date of Your Excellency's Note in reply.

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

(Draft)

(Djiboutian Note)

Excellency,

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

"(Japanese Note)"

This Note is written in Japanese, French and English languages, each text being equally authentic, and in case of any divergences in interpretation, the English text shall prevail.

I have further the honour to confirm on behalf of the Government of the Republic of Djibouti the foregoing arrangements 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.

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