

(Japanese Note)

Translation

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 the Space Situational Awareness Services and Information Sharing for the safety of space.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space, and taking into account that United States law, 10 U.S.C. §2274, provides that "The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission," I have further the honor to propose on behalf of the Government of Japan the following arrangements:

1. Upon receiving a request by the Government of Japan for services and information on the orbit of space objects including their launch vehicles (hereinafter referred to as "Space Situational Awareness Services and Information"), the Government of the United States of America may, consistent with its national security interests, provide Space Situational Awareness Services and Information to the Government of Japan.

2. The cooperation as specified in paragraph 1. above (hereinafter referred to as "the SSA Cooperation") shall be conducted in accordance with the terms and conditions of a memorandum of understanding to be signed on the same day as this Note and any other implementing arrangements concluded between the Competent Authorities of the two Governments. The Competent Authorities of the Government of Japan shall be the Cabinet Secretariat, the Ministry of Land, Infrastructure, Transport and Tourism, the Ministry of Defense and the Ministry of Education, Culture, Sports, Science and Technology, which will participate with the Japan Aerospace Exploration Agency acting under the laws and regulations in force, and such other Ministries or governmental agencies as may be confirmed through diplomatic channels. The Competent Authority of the Government of the United States of America shall be the Department of Defense.

3. The information exchanged as a part of the SSA Cooperation shall remain the property of the originating Government and shall be protected against unauthorized disclosure by the receiving Government.

4. Relevant Competent Authorities shall consult with each other on any matter that may arise from or in connection with the SSA Cooperation 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. The two Governments confirm that the provisions of the Agreement between the Government of Japan and the Government of the United States of America Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington on April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the SSA Cooperation under the present arrangements.

6. The SSA Cooperation shall be conducted in accordance with the laws and regulations in force and subject to the availability of appropriated funds in each country.

7. Either Government may terminate the present arrangements at any time by giving to the other Government at least thirty days written advance notice of its intention to terminate them through diplomatic channels. The present arrangements may be amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing arrangements 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.

(U.S. Note)

Excellency:

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

“(Japanese Note)”

I have further the honor to confirm on behalf of the Government of the United States of America that the foregoing arrangements 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.