

(Japanese Note)

Translation

Excellency,

I have the honor to refer to Japan's Law Regarding Special Measures Concerning Supply Assistance Activities in Support of Counter-Terrorism Maritime Interdiction Activities (Law No.1 of 2008, hereinafter referred to as "the Law").

The purpose of the Law is to continue active and voluntary contributions to efforts by the international community for the prevention and eradication of international terrorism, and thereby contribute to ensuring peace and security of the international community including Japan, through activities related to the provision of supplies and services of the Self-Defense Forces of Japan (limited to activities that provide fuel for vessels or rotary wing aircraft carried on vessels and water) to vessels of the armed forces or other similar entities of foreign countries which are engaged in duties related to activities that contribute to the achievement of the purposes of the Charter of the United Nations by making efforts to eradicate the threat caused by the terrorist attacks in the United States of America on September 11, 2001, and to take such necessary measures as the inspection and verification of vessels sailing the Indian Ocean with a view to interdicting and deterring the movements of terrorists, weapons or other material under international cooperation (hereinafter referred to as "counter-terrorism maritime interdiction activities"), in order to assist in the smooth and effective implementation of counter-terrorism maritime interdiction activities.

I have further the honor to refer to the discussions that have taken place between our two Governments concerning supplies and services in the field of logistic support (hereinafter referred to as "the logistic support, supplies, and services") contributed to the armed forces or other similar entities of the United States of America in accordance with the Law and to propose on behalf of the Government of Japan the following arrangements as a result of those discussions:

1. The use of logistic support, supplies and services contributed to and accepted by the armed forces or other similar entities of the United States of America in accordance with the Law shall be consistent with the Charter of the United Nations.

2. The logistic support, supplies and services contributed to and accepted by the armed forces or other similar entities of the United States of America in accordance with the Law shall not be transferred, either temporarily or permanently, by any means to persons outside of the armed forces or other similar entities of the United States of America, without prior consent of the Government of Japan.

3. The official, or officials of the Department of Defense or other similar entities of the United States of America with authority to accept logistic support, supplies and services to be contributed in accordance with the Law shall be informed, in writing, by the official, or officials of the Government of Japan of the conditions contained in Paragraphs 1 and 2 above.

4. The Government of Japan and the Government of the United States of America will consult with each other for the purpose of effective implementation of the present arrangements.

I have further the honor to propose that, if the proposals set out above are acceptable to the Government of the United States of America, this Note and Your Excellency's reply to that effect on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments in this matter, 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.

(U.S. Note)

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date concerning the discussions that have taken place between our two Governments concerning the logistic support, supplies and services contributed to the armed forces or other similar entities of the United States of America, 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 proposals set out in Your Excellency's Note are acceptable to the Government of the United States of America and that Your Excellency's Note and this reply shall be regarded as constituting 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.