



Underwriting the Alliance

2021 Edition

eds.

John Bradford
Michael Bosack



UNDERWRITING THE ALLIANCE:
Agreements, Core Instruments, and Related Documents
2021 Edition

Editors:

John F. Bradford

Michael M. Bosack



Yokosuka Council on Asia-Pacific Studies

Copyright © 2021 by the Yokosuka Council on Asia Pacific Studies. *All rights reserved.* No part of this book may be reproduced in any form without permission from YCAPS.

FIRST EDITION

Cover photos courtesy of Wikimedia commons.

Copy editing by Annette Bradford and Natua Aderholt.

Yokosuka Council on Asia Pacific Studies

For U.S.-Japan Alliance Managers, past, present, and future.

PREFACE

Ryozo Kato, Japanese Ambassador to the United States from 2001 to 2008 is famous for comparing the U.S.-Japan Alliance to a garden. He is remembered for explaining that even when at it is healthiest, it requires careful hands to ensure it is well watered, to provide with hearty fertilizer, and to promptly remove its weeds. In this analogy, Alliance managers are the gardeners. Some of these individuals may seem to have naturally green thumbs, but successful gardening is rarely a matter of innate ability. Instead, it reflects the commitment to watch for trends, the knowledge to spot warning signs early, and the readiness to roll up sleeves for hard work as needed. Experience and attitude matter, but so does information. What has grown well in the past? How often should we expect rain? What fertilizer was previously used in each area?

The U.S.-Japan Alliance is a 60-year-old garden. Over the years, it has experienced some wilting, withstood some foul weather, and been given a lot of fertilizer. Overall, it has delivered amazing yields. However, Alliance managers still need know-how, practical resources, and be ready to put in a bit of sweat in order to ensure a reliable harvest bounty. This volume is essentially a log of the tools, fertilizers, investments, and workplans that gardeners have brought to bear over the 60-year history of the U.S.-Japan Alliance. It is not a thorough history, but it provides a record of the documented policy outcomes. Please think of it as the Alliance manager's equivalent of a farmer's almanac.

Off and on from 2008 to 2017, I was personally involved in Alliance management activities. During those military assignments, I regularly observed that my Japanese counterparts generally had better tools and consistently had better records. When we were bilaterally negotiating text, each of the Japanese in the meeting would bring a handy reference book where key Alliance documents were printed bilingually. They also had access to organized archives and staff members to retrieve the historical records. On the American side, we typically arrived with dog-eared folders crammed full of odds and ends we'd grabbed off our desk or from a disheveled file cabinet just before catching a plane to Tokyo or the metro across the Potomac. We relied on the senior American delegates to draw on their memories of 'the last time' a particular issue had come up. Too often, we asked our Japanese colleagues if we could borrow their reference books or if they would look things up for us. While serving in similar roles, Michael made similar observations.

After seeing this for a year or two in slightly different time periods, Michael and I both took personal actions to pull together something a bit better than a dog-eared notebook. In my case, I spent one weekend afternoon in a Richmond, Virginia coffee shop downloading documents from

the Japanese Ministry of Foreign Affairs website. I labeled those documents sequentially, drafted a table of contents, and emailed the folder of .pdfs to my Pentagon email account. My buddy on the Joint Staff got their print shop to run a few dozen copies of these documents and bind them with tape. Shortly thereafter, I proudly handed these assemblages to American Alliance managers gather in Crystal City for a Defense Policy Realignment Initiative conference. Thus, for a year or two, most of the team were armed with “Frankenbooks” that mostly got the job done. However, in comparison to the Japanese version, these were bulky, inelegant, and woefully incomplete. When I departed the Pentagon for sea duty in 2011, I left the electronic files for this book on a share drive for my replacement. As people rotated, they disappeared from the organizational memory. When Michael joined the American Alliance management team in 2014, he noticed the same deficiency and started gathering and assembling from scratch.

Michael and I have both moved to new positions away from the immediate roles of day-to-day U.S.-Japan Alliance management. However, we both remain deeply invested in the health of the garden. Our current positions, paired with passion and a bit more perspective, have enabled us to assemble this volume of key Alliance documents. We believe that we have collected and annotated the most important references for managers and students of the Alliance.

We appreciate the opportunity created by the Yokosuka Council on Asia-Pacific Studies (YCAPS) to publish, distribute, and update this volume at low cost. We hope it serves the Alliance managers of today and the future. We have devoted this time and energy because we share Ambassador Mike Mansfield’s belief that, “The U.S.-Japan relationship is the most important bilateral relationship in the world, *bar none*.”

John F. Bradford

EDITORIAL NOTE

We attempted to stay true to the formatting, including punctuation and layout, of the original documents as much as possible while adapting them to the layout of this book. Therefore, certain documents will have different style headers and employ different conventions for spelling and punctuation.

We hope this book will be a resource for all those interested in the U.S.-Japan Alliance, whether as practitioners, academics, or observers. Anything good that comes from this book is a credit to the generations of Alliance managers who developed the documents herein and the YCAPS volunteers who made the book possible—all mistakes are our own. Please do share opportunities and recommendations to improve this volume for future editions.

Michael M. Bosack
John F. Bradford

TABLE OF CONTENTS

<i>Preface</i>		<i>iv</i>
<i>Table of Contents</i>		<i>vi</i>
<i>List of Images</i>		<i>viii</i>
<i>Section I</i>	Alliance Designs	1
I-1	Treaty of Mutual Security and Cooperation, 1960	4
I-2	Prior Consultation Formula, 1960	7
I-3	Guidelines for U.S.-Japan Defense Cooperation, 2015	8
I-4	Acquisitions & Cross-Servicing Agreement, 2016	23
<i>Section II</i>	Base Hosting & Realignment	31
II-1	Status of Forces Agreement, 1960	34
II-2	Special Action Committee on Okinawa Final Report, 1996	64
II-3	Alliance Transformation & Realignment Agreement, 2005	73
II-4	Roadmap for Realignment, 2006	85
II-5	Guam Agreement, 2009	91
II-6	Environmental Framework Agreement, 2015	96
II-7	Special Measures Agreement, 2016	100
<i>Section III</i>	The Security Consultative Committee	107
III-1	Exchange of notes regarding the formation of the Security Consultative Committee, 1960	110
III-2	Joint Statement, 16 March 2021	112
III-3	Joint Statement, 17 January 2020	114
III-4	Joint Statement, 19 April 2019	115
III-5	Joint Statement, 17 August 2017	121
III-6	Joint Statement, 27 April 2015	125
III-7	Joint Statement, 19 December 2014	131
III-8	Joint Statement, 3 October 2013	132
III-9	Joint Statement, 27 April 2012	142
III-10	Joint Statement, 21 June 2011	147

<i>Section IV</i>	U.S.-Japan Summits	154
IV-1	U.S.-Japan Joint Leaders' Statement: <i>U.S.-Japan Global Partnership for a New Era, 2021</i>	156
IV-2	FACT SHEET: U.S.-Japan Competitiveness and Resilience (CoRe) Partnership, 2021	161
IV-3	U.S.-Japan Joint Declaration on Security: <i>Alliance for the 21st Century, 1996</i>	165
<i>Section V</i>	Agreements on other security-related cooperation	170
V-1	Mutual Defense Assistance Agreement, 1954	172
V-2	UN Forces-Japan Status of Forces Agreement, 1954	181
V-3	Ballistic Missile Defense Agreement, 2006	198
<i>Section VI</i>	Archived Agreements	201
VI-1	1951 Treaty of Peace between the Allied Powers and Japan	203
VI-2	1951 U.S.-Japan Security Treaty	216
VI-3	1952 Administrative Agreement	218
VI-4	1978 Guidelines for U.S.-Japan Defense Cooperation	235
VI-5	1997 Guidelines for U.S.-Japan Defense Cooperation	240
	<i>About the Editors</i>	250

LIST OF IMAGES

- Image 1 Signing the Mutual Security Treaty in 1960
- Image 2 Marine Corps Air Station Futenma
- Image 3 The 2021 Meeting of the Security Consultative Committee
- Image 4 President Clinton and Prime Minister Hashimoto sign the 1996 Joint Declaration
- Image 5 Japan Ground Self Defense Force MV-22
- Image 6 The 1951 San Francisco Peace Conference

SECTION I

Alliance Designs



Prime Minister Kishi Nobusuke signs the Treaty of Mutual Security and Cooperation as President Dwight D. Eisenhower looks on (photo credit: U.S. Embassy, Japan)

Alliance Designs

There are many types of security relationships in the world. Formal alliances, the category into which the U.S.-Japan Alliance fits, are underwritten by a negotiated and ratified treaty. Those treaties codify common interests, purpose, rights, and obligations. What distinguishes alliance treaties from other instruments is that they contain obligations for use of military force when a certain threshold is met.

Because of the obligation for the use of military force, countries do not tend to enter into formal alliance relationships without careful consideration of the tradeoffs, costs, and benefits. Over time, those things may be further codified and refined by subsequent implementation agreements that shape alliance designs.

This section is all about the agreements that define the core tradeoffs and operational designs of the alliance. They help contextualize the purpose of the U.S.-Japan Alliance and the expectations that the two allies have for one another in the grand scheme of their security relationship.

Subsection I-1

Treaty of Mutual Security and Cooperation

Signed and enforced, *19 January 1960*

Background: The Mutual Security Treaty (MST) is the updated alliance charter for the United States and Japan. It superseded the 1951 Security Treaty between the United States and Japan and stipulates the core tradeoffs in the security relationship between the two countries. At the time of its signing and ratification, this was a highly contentious treaty in Japan, leading to the *Anpo tōsō*—massive protests in Tokyo—and the resignation of Prime Minister Nobusuke Kishi. It lays out the fundamental bargain that Japan will provide basing for U.S. military forces and the US will deploy those forces to provide for both the defense of Japan and regional security. Despite its inauspicious beginnings, the MST has underwritten the alliance for over six decades. The foundational treaty has never been revised, but the allies have evolved alliance roles, missions, and capabilities through subsequent agreements; most importantly, the Guidelines for U.S.-Japan Defense Cooperation.

The United States of America and Japan,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan. The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

This Treaty shall be ratified by the United States of America and Japan in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

ARTICLE IX

The Security Treaty between the United States of America and Japan signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Washington in the English and Japanese languages, both equally authentic, this 19th day of January, 1960.

FOR JAPAN:

Nobusuke Kishi
Aichiro Fujiyama
Mitsujiro Ishii
Tadashi Adachi
Koichiro Asakai

FOR THE UNITED STATES OF AMERICA:

Christian A. Herter
Douglas MacArthur II
J. Graham Parsons

Subsection I-2

Prior Consultation Formula

Affirmed via Exchange-of-Notes, 19 January 1960

Background: Article IV of the Mutual Security Treaty mandates that the allies will consult “whenever the security of Japan or international peace and security in the Far East is threatened.” Part of the impetus for the inclusion of this article into the Treaty was the fear of entrapment; the government of Japan’s concern that the United States might employ its Japan-based forces in a way that would undermine Japanese security. The allies agreed upon a formula for determining when such consultation would be necessary, as clarified in the exchange-of-notes contained below.

(Japanese Note)

Excellency:

I have the honour to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI thereof:

Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be subjects of prior consultation with the Government of Japan.

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

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

(U.S. Reply)

Excellency:

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

(Text of Note)

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

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

Subsection I-3

Guidelines for U.S.-Japan Defense Cooperation

Agreed upon at meeting of the SCC, 27 April 2015

Background: On paper, the Guidelines for U.S.-Japan Defense Cooperation (also referred to as the “Defense Guidelines,” or “DGL”) are a bilaterally negotiated framework of alliance roles, missions, and capabilities. They are neither legally binding nor a direct supplement to the existing Alliance treaty; instead, the Defense Guidelines exist as a separate framework for implementation that is dependent upon each nation’s own laws. In practice, they reorient the alliance for response to different threats, clarify core values, and manage expectations for when and how the allies will apply their respective capabilities. There have only been three iterations of the DGL: 1978, 1997, and most recently, 2015. The 1997 and 2015 DGLs have both been known colloquially as the “Revised Guidelines,” but such framing is best avoided since it is better to understand the new DGLs as replacing rather than revising the previous guidelines. Hence, we include the 2015 DGLs here and the previous editions for reference with other archived material. The provisions of the 2015 DGL expand contributions from both the United States and Japan, remove geography as an absolute constraint of certain Alliance operations, introduce the Alliance Coordination Mechanism, and detail the mandate for the Japan Self Defense Force to exercise collective self-defense authorities in the defense and protection of U.S. forces.

I. Defense Cooperation and the Aim of the Guidelines

In order to ensure Japan’s peace and security under any circumstances, from peacetime to contingencies, and to promote a stable, peaceful, and prosperous Asia-Pacific region and beyond, bilateral security and defense cooperation will emphasize:

- seamless, robust, flexible, and effective bilateral responses;
- synergy across the two governments’ national security policies;
- a whole-of-government Alliance approach;
- cooperation with regional and other partners, as well as international organizations; and
- the global nature of the Japan-U.S. Alliance.

The two governments will continuously enhance the Japan-U.S. Alliance. Each government will maintain its individual defense posture based on its national security policy. Japan will possess defense capability on the basis of the “National Security Strategy” and the “National Defense Program Guidelines”.

The United States will continue to extend deterrence to Japan through the full range of capabilities, including U.S. nuclear forces. The United States also will continue to forward deploy combat-ready forces in the Asia-Pacific region and maintain the ability to reinforce those forces rapidly.

The Guidelines for Japan-U.S. Defense Cooperation (“the Guidelines”) provide the general framework and policy direction for the roles and missions of Japan and the United States, as well as ways of cooperation and coordination, with a view to improving the effectiveness of bilateral security and defense cooperation. In this way, the Guidelines advance peace and security, deter conflict, secure the basis for economic prosperity, and promote domestic and international understanding of the significance of the Japan-U.S. Alliance.

II. Basic Premises and Principles

The Guidelines, as well as actions and activities under the Guidelines, are and will be consistent with the following basic premises and principles.

A. The rights and obligations under the Treaty of Mutual Cooperation and Security between Japan and the United States of America (the Japan-U.S. Security Treaty) and its related arrangements, as well as the fundamental framework of the Japan-U.S. Alliance, will remain unchanged.

B. All actions and activities undertaken by Japan and the United States under the Guidelines will be consistent with international law, including the Charter of the United Nations and its provisions regarding the peaceful settlement of disputes and sovereign equality of States, as well as other relevant international agreements.

C. All actions and activities undertaken by Japan and the United States will be in accordance with their respective constitutions, laws, and regulations then in effect, and basic positions on national security policy. Japan will conduct actions and activities in accordance with its basic positions, such as the maintenance of its exclusively national defense-oriented policy and its three non-nuclear principles.

D. The Guidelines do not obligate either government to take legislative, budgetary, administrative, or other measures, nor do the Guidelines create legal rights or obligations for either government. Since the objective of the Guidelines, however, is to establish an effective framework for bilateral cooperation, the two governments are expected to reflect in an appropriate way the results of these efforts, based on their own judgment, in their specific policies and measures.

III. Strengthened Alliance Coordination

Effective bilateral cooperation under the Guidelines will require the two governments to conduct close, consultative dialogue and sound policy and operational coordination from peacetime to contingencies.

The two governments must be well informed and coordinate at multiple levels to ensure successful bilateral security and defense cooperation. To that end, the two governments will take advantage of all available channels to enhance information sharing and to ensure seamless and effective whole-of-government Alliance coordination that includes all relevant agencies. For this purpose, the two governments will establish a new, standing Alliance Coordination Mechanism, enhance operational coordination, and strengthen bilateral planning.

A. Alliance Coordination Mechanism

Persistent and emerging threats can have a serious and immediate impact on the peace and security of Japan and the United States. In order to address seamlessly and effectively any situation that affects Japan's peace and security or any other situation that may require an Alliance response, the two governments will utilize the Alliance Coordination Mechanism. This mechanism will strengthen policy and operational coordination related to activities conducted by the Self-Defense Forces and the United States Armed Forces in all phases from peacetime to contingencies. This mechanism also will contribute to timely information sharing as well as the development and maintenance of common situational awareness. To ensure effective coordination, the two governments will establish

necessary procedures and infrastructure (including facilities as well as information and communication systems) and conduct regular training and exercises.

The two governments will tailor to the situation the procedures for coordination as well as the exact composition of participating agencies within the Alliance Coordination Mechanism structure. As part of these procedures, contact information will be shared and maintained from peacetime.

B. Enhanced Operational Coordination

Enhanced bilateral operational coordination for flexible and responsive command and control is a core capability of critical importance to Japan and the United States. In this context, the two governments recognize the continued importance of collocating operational coordination functions to strengthen cooperation between the Self-Defense Forces and the United States Armed Forces. The Self-Defense Forces and the United States Armed Forces will exchange personnel to ensure robust information sharing, to facilitate coordination from peacetime to contingencies, and to support international activities. The Self-Defense Forces and the United States Armed Forces, in close cooperation and coordination, will take action through their respective chains-of-command.

C. Bilateral Planning

The two governments will continue to develop and update bilateral plans to ensure smooth and effective execution of coordinated operations by the Self-Defense Forces and the United States Armed Forces. To ensure the effectiveness of the plans and the ability to make flexible, timely, and appropriate responses, the two governments will exchange relevant information, including identifying operational and logistic support requirements and sources in advance, as appropriate. The two governments will conduct bilateral planning in peacetime for contingencies relevant to Japan's peace and security through an upgraded Bilateral Planning Mechanism, which includes relevant agencies of the respective governments. Bilateral plans will be developed with input from relevant agencies, as appropriate. The Security Consultative Committee (SCC) will continue to be responsible for presenting directions, validating the progress of the planning under the mechanism, and issuing directives as necessary. The SCC will be assisted by an appropriate subordinate body. Bilateral plans are to be reflected appropriately in the plans of both governments.

IV. Seamlessly Ensuring Japan's Peace and Security

Persistent and emerging threats can have a serious and immediate impact on Japan's peace and security. In this increasingly complex security environment, the two governments will take measures to ensure Japan's peace and security in all phases, seamlessly, from peacetime to contingencies, including situations when an armed attack against Japan is not involved. In this context, the two governments also will promote further cooperation with partners.

The two governments recognize that these measures need to be taken based on flexible, timely, and effective bilateral coordination tailored to each situation and that interagency coordination is essential for appropriate Alliance responses. Therefore, the two governments will utilize the whole-of-government Alliance Coordination Mechanism, as appropriate, to:

- assess the situation;
- share information; and
- develop ways to implement the appropriate Alliance response, including flexible deterrent options, as well as actions aimed at de-escalation.

To support these bilateral efforts, the two governments also will coordinate strategic messaging through appropriate channels on issues that could potentially affect Japan's peace and security.

A. Cooperative Measures from Peacetime

In order to ensure the maintenance of Japan's peace and security, the two governments will promote cooperation across a wide range of areas, including through diplomatic efforts, to strengthen the deterrence and capabilities of the Japan-U.S. Alliance.

The Self-Defense Forces and the United States Armed Forces will enhance interoperability, readiness, and vigilance to prepare for all possible situations. To these ends, the two governments will take measures, including, but not limited to, the following:

1. Intelligence, Surveillance, and Reconnaissance

In order to identify at the earliest possible stage any indications of threats to Japan's peace and security and to ensure a decisive advantage in intelligence gathering and analysis, the two governments will share and protect information and intelligence, while developing and maintaining common situational awareness. This will include enhancing coordination and cooperation among relevant agencies.

The Self-Defense Forces and the United States Armed Forces will conduct intelligence, surveillance, and reconnaissance (ISR) activities based on the capabilities and availability of their respective assets. This will include conducting bilateral ISR activities in a mutually supportive manner to ensure persistent coverage of developments that could affect Japan's peace and security.

2. Air and Missile Defense

The Self-Defense Forces and the United States Armed Forces will maintain and strengthen deterrence and their defense postures against ballistic missile launches and aerial incursions. The two governments will cooperate to expand early warning capabilities, interoperability, network coverage, and real-time information exchange and to pursue the comprehensive improvement of capabilities to respond to the threat of ballistic missiles. Moreover, the two governments will continue to coordinate closely in responding to provocative missile launches and other aerial activities.

3. Maritime Security

The two governments will cooperate closely with each other on measures to maintain maritime order based upon international law, including freedom of navigation. The Self-Defense Forces and the United States Armed Forces will cooperate, as appropriate, on various efforts such as maintaining and enhancing bilateral presence in the maritime domain through ISR and training and exercises, while further developing and enhancing shared maritime domain awareness including by coordinating with relevant agencies, as necessary.

4. Asset Protection

The Self-Defense Forces and the United States Armed Forces will provide mutual protection of each other's assets, as appropriate, if engaged in activities that contribute to the defense of Japan in a cooperative manner, including during training and exercises.

5. Training and Exercises

The Self-Defense Forces and the United States Armed Forces will conduct effective bilateral and multilateral training and exercises both inside and outside of Japan in order to strengthen

interoperability, sustainability, and readiness. Timely and realistic training and exercises will enhance deterrence. To support these activities, the two governments will cooperate to ensure that training areas, facilities, and associated equipment are available, accessible, and modern.

6. Logistic Support

Japan and the United States are primarily responsible for providing logistic support for their respective forces in all phases. The Self-Defense Forces and the United States Armed Forces will provide mutual logistic support where appropriate, including, but not limited to, supply, maintenance, transportation, engineering, and medical services, for such activities as set forth in the Agreement between the Government of Japan and the Government of the United States of America Concerning Reciprocal Provision of Logistic Support, Supplies and Services between the Self-Defense Forces of Japan and the Armed Forces of the United States of America (the Acquisition and Cross-Servicing Agreement) and its related arrangements.

7. Use of Facilities

In order to expand interoperability and improve flexibility and resiliency of the Self-Defense Forces and the United States Armed Forces, the two governments will enhance joint/shared use and cooperate in ensuring the security of facilities and areas. Recognizing the importance of being prepared for contingencies, the two governments also will cooperate in conducting site surveys on facilities including civilian airports and seaports, as appropriate.

B. Responses to Emerging Threats to Japan's Peace and Security

The Alliance will respond to situations that will have an important influence on Japan's peace and security. Such situations cannot be defined geographically. The measures described in this section include those that may be taken, in accordance with the two countries' respective laws and regulations, in circumstances that have not yet amounted to such a situation. Early recognition and adaptable, resolute decision-making on bilateral actions will contribute to deterrence and de-escalation of such situations.

In addition to continuing cooperative measures from peacetime, the two governments will pursue all avenues, including diplomatic efforts, to ensure the peace and security of Japan. Utilizing the Alliance Coordination Mechanism, the two governments will take additional measures, based on their own decisions, including, but not limited to, those listed below.

1. Noncombatant Evacuation Operations

When Japanese and U.S. noncombatants need to be evacuated from a third country to a safe haven, each government is responsible for evacuating its own nationals, as well as dealing with the authorities of the affected area. As appropriate, the two governments will coordinate in planning and cooperate in carrying out evacuations of Japanese or U.S. noncombatants. These evacuations will be carried out using each country's capabilities such as transportation means and facilities in a mutually supplementary manner. The two governments may each consider extending evacuation assistance to third-country noncombatants.

The two governments will conduct early-stage coordination through the Alliance Coordination Mechanism, as appropriate, to carry out cooperation in fields such as the safety of evacuees, transportation means and facilities, customs, immigration and quarantine processing, safe havens, and medical services.

The two governments will enhance coordination in noncombatant evacuation operations from peacetime, as appropriate, including by conducting training and exercises.

2. Maritime Security

Taking into account their respective capabilities, the two governments will cooperate closely to enhance maritime security. Cooperative measures may include, but are not limited to, information sharing and inspection of ships based on a United Nations Security Council resolution or other basis under international law.

3. Measures to Deal with Refugees

If a situation develops such that a flow of refugees into Japan becomes likely or actually begins, the two governments will cooperate to maintain Japan's peace and security while handling refugees in a humane manner consistent with applicable obligations under international law. Primary responsibility for such refugee response lies with Japan. The United States will provide appropriate support upon a request from Japan.

4. Search and Rescue

The two governments will cooperate and provide mutual support, as appropriate, in search and rescue operations. The Self-Defense Forces, in cooperation with relevant agencies, will provide support to combat search and rescue operations by the United States, where appropriate, subject to Japanese laws and regulations.

5. Protection of Facilities and Areas

The Self-Defense Forces and the United States Armed Forces are responsible for protecting their own facilities and areas in cooperation with relevant authorities. Upon request from the United States, Japan will provide additional protection for facilities and areas in Japan in close cooperation and coordination with the United States Armed Forces.

6. Logistic Support

The two governments will enhance mutual logistic support (which includes, but is not limited to, supply, maintenance, transportation, engineering, and medical services), as appropriate, to enable effective and efficient operations. This includes rapid validation and resourcing of operational and logistic support requirements. The Government of Japan will make appropriate use of the authorities and assets of central and local government agencies as well as private sector assets. The Government of Japan will provide logistic or other associated support where appropriate, subject to Japanese laws and regulations.

7. Use of Facilities

The Government of Japan will provide, as needed, temporary use of facilities, including civilian airports and seaports, in accordance with the Japan-U.S. Security Treaty and its related arrangements. The two governments will enhance cooperation in joint/shared use of facilities and areas.

C. Actions in Response to an Armed Attack against Japan

Bilateral actions in response to an armed attack against Japan remain a core aspect of Japan-U.S. security and defense cooperation.

When an armed attack against Japan is anticipated, the two governments will take steps to deter the armed attack and to de-escalate the situation, while making preparations necessary for the defense of Japan.

When an armed attack against Japan occurs, the two governments will conduct appropriate bilateral actions to repel it at the earliest possible stage and to deter any further attacks. The two governments also will take necessary measures including those listed earlier in Chapter IV.

1. When an Armed Attack against Japan is Anticipated

When an armed attack against Japan is anticipated, the two governments will intensify, through a comprehensive and robust whole-of-government approach, information and intelligence sharing and policy consultations, and will pursue all avenues, including diplomatic efforts, to deter the attack and to de-escalate the situation.

The Self-Defense Forces and the United States Armed Forces will assume appropriate postures for bilateral operations, including the execution of necessary deployments. Japan will establish and maintain the basis for its support of U.S. deployments. The preparations by the two governments may include, but would not be limited to: joint/shared use of facilities and areas; mutual logistic support, including, but not limited to, supply, maintenance, transportation, engineering, and medical services; and reinforced protection of U.S. facilities and areas in Japan.

2. When an Armed Attack against Japan Occurs

a. Principles for Coordinated Actions

If an armed attack against Japan occurs despite diplomatic efforts and deterrence, Japan and the United States will cooperate to repel promptly the attack and deter any further attacks to return peace and security to Japan. Such coordinated actions will contribute to the reestablishment of peace and security in the region.

Japan will maintain primary responsibility for defending the citizens and territory of Japan and will take actions immediately to repel an armed attack against Japan as expeditiously as possible. The Self-Defense Forces will have the primary responsibility to conduct defensive operations in Japan and its surrounding waters and airspace, as well as its air and maritime approaches.

The United States will coordinate closely with Japan and provide appropriate support. The United States Armed Forces will support and supplement the Self-Defense Forces to defend Japan. The United States will take actions to shape the regional environment in a way that supports the defense of Japan and reestablishes peace and security.

Recognizing that all instruments of national power will be required to defend Japan, the two governments respectively will employ a whole-of-government approach, utilizing their respective chains-of-command, to coordinate actions through the Alliance Coordination Mechanism. The United States will employ forward-deployed forces, including those stationed in Japan, and introduce reinforcements from elsewhere, as required. Japan will establish and maintain the basis required to facilitate these deployments.

The two governments will take actions as appropriate to provide defense of each other's forces and facilities in response to an armed attack against Japan.

b. Concept of Operations

i. Operations to Defend Airspace

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to defend airspace above and surrounding Japan.

The Self-Defense Forces will have primary responsibility for conducting air defense operations while ensuring air superiority. For this purpose, the Self-Defense Forces will take necessary actions, including, but not limited to, defense against attacks by aircraft and cruise missiles.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

ii. Operations to Counter Ballistic Missile Attacks

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to counter ballistic missile attacks against Japan. The Self-Defense Forces and the United States Armed Forces will exchange real-time information for early detection of ballistic missile launches. When there is an indication of a ballistic missile attack, the Self-Defense Forces and the United States Armed Forces will maintain an effective posture to defend against ballistic missile attacks heading for Japan and to protect forces participating in ballistic missile defense operations.

The Self-Defense Forces will have primary responsibility for conducting ballistic missile defense operations to defend Japan.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

iii. Operations to Defend Maritime Areas

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to defend waters surrounding Japan and to secure the safety of sea lines of communication.

The Self-Defense Forces will have primary responsibility for the protection of major ports and straits in Japan and of ships and vessels in waters surrounding Japan and for other associated operations. For this purpose, the Self-Defense Forces will take necessary actions, including, but not limited to, coastal defense, anti-surface warfare, anti-submarine warfare, mine warfare, anti-air warfare, and air interdiction.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

The Self-Defense Forces and the United States Armed Forces will cooperate in the interdiction of shipping activities providing support to adversaries involved in the armed attack.

The effectiveness of these activities will be enhanced through information sharing and other forms of cooperation among relevant agencies.

iv. Operations to Counter Ground Attacks

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to counter ground attacks against Japan by ground, air, maritime, or amphibious forces.

The Self-Defense Forces will have primary responsibility for conducting operations to prevent and repel ground attacks, including those against islands. If the need arises, the Self-Defense Forces will conduct operations to retake an island. For this purpose, the Self-Defense Forces will take necessary actions, including, but not limited to, operations to prevent and repel airborne and seaborne invasions, amphibious operations, and rapid deployment.

The Self-Defense Forces, in cooperation with relevant agencies, also will have primary responsibility for defeating attacks by special operations forces or any other unconventional attacks in Japan, including those that involve infiltration.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

v. Cross-Domain Operations

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations across domains to repel an armed attack against Japan and to deter further attacks. These operations will be designed to achieve effects across multiple domains simultaneously.

Examples of cooperation across domains include the actions described below.

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, as appropriate, will strengthen their respective ISR postures, enhance the sharing of intelligence, and provide protection for each other's ISR assets.

The United States Armed Forces may conduct operations involving the use of strike power, to support and supplement the Self-Defense Forces. When the United States Armed Forces conduct such operations, the Self-Defense Forces may provide support, as necessary. These operations will be based on close bilateral coordination, as appropriate.

The two governments will cooperate to address threats in the space and cyberspace domains in accordance with bilateral cooperation set out in Chapter VI.

The Self-Defense Forces and the United States Armed Forces' special operations forces will cooperate during operations, as appropriate.

c. Operational Support Activities

The two governments will cooperate in the following activities in support of bilateral operations.

i. Communications and Electronics

The two governments will provide mutual support to ensure effective use of communications and electronics capabilities, as appropriate.

The Self-Defense Forces and the United States Armed Forces will ensure effective communication between the two forces and maintain a common operational picture for bilateral operations under common situational awareness.

ii. Search and Rescue

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate and provide mutual support in search and rescue operations, including combat search and rescue, as appropriate.

iii. Logistic Support

When operations require supplementing their respective logistics resources, the Self-Defense Forces and the United States Armed Forces will provide flexible and timely mutual logistic support, based on their respective capabilities and availability.

The two governments will make appropriate use of the authorities and assets of central and local government agencies, as well as private sector assets, to provide support.

iv. Use of Facilities

The Government of Japan will provide, as needed, additional facilities in accordance with the Japan-U.S. Security Treaty and its related arrangements.

The two governments will enhance cooperation in joint/shared use of facilities and areas.

v. Chemical, Biological, Radiological, and Nuclear Protection

The Government of Japan will maintain primary responsibility for emergency responses to chemical, biological, radiological, and nuclear (CBRN) incidents or attacks in Japan. The United States retains primary responsibility for maintaining and restoring the mission capability of the United States Armed Forces in Japan. At Japan's request, the United States will support Japan in CBRN incident or attack prevention and response-related activities in an effort to ensure the protection of Japan, as appropriate.

D. Actions in Response to an Armed Attack against a Country other than Japan

When Japan and the United States each decides to take actions involving the use of force in accordance with international law, including full respect for sovereignty, and with their respective Constitutions and laws to respond to an armed attack against the United States or a third country, and Japan has not come under armed attack, they will cooperate closely to respond to the armed attack and to deter further attacks. Bilateral responses will be coordinated through the whole-of-government Alliance Coordination Mechanism.

Japan and the United States will cooperate as appropriate with other countries taking action in response to the armed attack.

The Self-Defense Forces will conduct appropriate operations involving the use of force to respond to situations where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result, threatens Japan's survival and poses a clear danger to overturn fundamentally its people's right to life, liberty, and pursuit of happiness, to ensure Japan's survival, and to protect its people.

Examples of cooperative operations are outlined below:

1. Asset Protection

The Self-Defense Forces and the United States Armed Forces will cooperate in asset protection, as appropriate. Such cooperation will include, but not be limited to, protection of assets that are engaged in operations such as Noncombatant Evacuation Operations or Ballistic Missile Defense.

2. Search and Rescue

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate and provide support in search and rescue operations, including combat search and rescue, as appropriate.

3. Maritime Operations

The Self-Defense Forces and the United States Armed Forces will cooperate in minesweeping, as appropriate, including to secure the safety of sea lines of communication.

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate in escort operations to protect ships and vessels, as appropriate.

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate in the interdiction of shipping activities providing support to adversaries involved in the armed attack, as appropriate.

4. Operations to Counter Ballistic Missile Attacks

The Self-Defense Forces and the United States Armed Forces will cooperate in intercepting ballistic missiles, as appropriate, in accordance with their respective capabilities. The two governments will exchange information to ensure early detection of ballistic missile launches.

5. Logistics Support

When operations require supplementing their respective logistics resources, the Self-Defense Forces and the United States Armed Forces will provide flexible and timely mutual logistic support, based on their respective capabilities and availability.

The two governments will make appropriate use of the authorities and assets of central and local government agencies, as well as private sector assets, to provide support.

E. Cooperation in Response to a Large-scale Disaster in Japan

When a large-scale disaster takes place in Japan, Japan will have primary responsibility for responding to the disaster. The Self-Defense Forces, in cooperation with relevant agencies, local governments, and private actors, will conduct disaster relief operations. Recognizing that immediate recovery from a large-scale disaster in Japan is essential for Japan's peace and security and that such a disaster could affect the activities of the United States Armed Forces in Japan, the United States, in accordance with its own criteria, will provide appropriate support for Japan's activities. Such support may include search and rescue, transportation, supply, medical services, incident awareness and assessment, and other specialized capabilities. The two governments will coordinate activities through the Alliance Coordination Mechanism, as appropriate.

To improve the effectiveness of the United States Armed Forces' cooperation in humanitarian assistance and disaster relief activities in Japan, the two governments will work together closely, including through information sharing. In addition, the United States Armed Forces also may participate in disaster-related drills, which will increase mutual understanding in responding to large-scale disasters.

V. Cooperation for Regional and Global Peace and Security

In an increasingly interconnected world, Japan and the United States will take a leading role in cooperation with partners to provide a foundation for peace, security, stability, and economic prosperity in the Asia-Pacific region and beyond. For well over half a century, both countries have worked together to deliver effective solutions to challenges in diverse regions of the world. When each of the two governments decides to participate in international activities for the peace and security of the region and beyond, the two governments, including the Self-Defense Forces and the United States Armed Forces, will cooperate closely with each other and with partners, as appropriate, such as in the activities described below. This cooperation also will contribute to the peace and security of both countries.

A. Cooperation in International Activities

The two governments will participate in international activities, based on their own judgment. When working together, the Self-Defense Forces and the United States Armed Forces will cooperate to the maximum extent practicable.

The two governments may coordinate the activities through the Alliance Coordination Mechanism, as appropriate, and also will pursue trilateral and multilateral cooperation in these activities. The Self-Defense Forces and the United States Armed Forces will share procedures and best practices, as appropriate, for smooth and effective cooperation. While the two governments will continue to cooperate on a broad array of issues that may not be explicitly included in the Guidelines, common areas for cooperation by the two governments in regional and international activities will include:

1. Peacekeeping Operations

When the two governments participate in peacekeeping operations authorized by the United Nations (UN) in accordance with the Charter of the United Nations, the two governments will cooperate closely, as appropriate, to maximize interoperability between the Self-Defense Forces and the United States Armed Forces. The two governments also may cooperate in providing logistic support for and protecting UN and other personnel who participate in the same mission, as appropriate.

2. International Humanitarian Assistance/Disaster Relief

When the two governments conduct international humanitarian assistance/disaster relief (HA/DR) operations in response to requests from governments concerned or international organizations in the wake of large-scale humanitarian and natural disasters, the two governments will cooperate closely to provide mutual support, as appropriate, maximizing interoperability between participating Self-Defense Forces and United States Armed Forces. Examples of cooperative activities may include mutual logistic support and operational coordination, planning, and execution.

3. Maritime Security

When the two governments conduct activities for maritime security, the two governments will cooperate closely, as appropriate. Examples of cooperative activities may include efforts for: safe

and secure sea lines of communication such as counter-piracy and minesweeping; non-proliferation of weapons of mass destruction; and counterterrorism activities.

4. Partner Capacity Building

Proactive cooperation with partners will contribute to maintaining and enhancing regional and international peace and security. The two governments will cooperate in capacity building activities, as appropriate, by making the best use of their capabilities and experience, with the objective of strengthening the capability of partners to respond to dynamic security challenges. Examples of cooperative activities may include maritime security, military medicine, defense institution building, and improved force readiness for HA/DR or peacekeeping operations.

5. Noncombatant Evacuation Operations

In circumstances when international action is required for the evacuation of noncombatants, the two governments will utilize, as appropriate, all possible avenues including diplomatic efforts to ensure the safety of noncombatants, including those who are Japanese or U.S. nationals.

6. Intelligence, Surveillance, and Reconnaissance

When the two governments participate in international activities, the Self-Defense Forces and the United States Armed Forces will cooperate in ISR activities, as appropriate, based on the respective capabilities and availability of their assets.

7. Training and Exercises

In order to enhance the effectiveness of international activities, the Self-Defense Forces and the United States Armed Forces will conduct and participate in joint training and exercises, as appropriate, to strengthen interoperability, sustainability, and readiness. The two governments also will continue to pursue opportunities to work with partners in training and exercises to contribute to enhancing interoperability with the Alliance and the development of common tactics, techniques, and procedures.

8. Logistic support

When participating in international activities, the two governments will cooperate to provide mutual logistic support. The Government of Japan will provide logistic support where appropriate, subject to Japanese laws and regulations.

B. Trilateral and Multilateral Cooperation

The two governments will promote and improve trilateral and multilateral security and defense cooperation. In particular, the two governments will reinforce efforts and seek additional opportunities to cooperate with regional and other partners, as well as international organizations. The two governments also will work together to strengthen regional and international institutions with a view to promoting cooperation based upon international law and standards.

VI. Space and Cyberspace Cooperation

A. Cooperation on Space

Recognizing the security aspects of the space domain, the two governments will maintain and strengthen their partnership to secure the responsible, peaceful, and safe use of space. As part of such efforts, the two governments will ensure the resiliency of their space systems and enhance space situational awareness cooperation. The two governments will provide mutual

support, as appropriate, to establish and improve capabilities and will share information about actions and events that might affect the safety and stability of the space domain and impede its use. The two governments also will share information to address emerging threats against space systems and will pursue opportunities for cooperation in maritime domain awareness and in space-related equipment and technology that will strengthen capabilities and resiliency of the space systems, including hosted payloads.

To accomplish their missions effectively and efficiently, the Self-Defense Forces and the United States Armed Forces will continue to cooperate and to contribute to whole-of-government efforts in utilizing space in such areas as: early-warning; ISR; positioning, navigation, and timing; space situational awareness; meteorological observation; command, control, and communications; and ensuring the resiliency of relevant space systems that are critical for mission assurance. In cases where their space systems are threatened, the Self-Defense Forces and the United States Armed Forces will cooperate, as appropriate, in mitigating risk and preventing damage. If damage occurs, they will cooperate, as appropriate, in reconstituting relevant capabilities.

B. Cooperation on Cyberspace

To help ensure the safe and stable use of cyberspace, the two governments will share information on threats and vulnerabilities in cyberspace in a timely and routine manner, as appropriate. The two governments also will share, as appropriate, information on the development of various capabilities in cyberspace, including the exchange of best practices on training and education. The two governments will cooperate to protect critical infrastructure and the services upon which the Self-Defense Forces and the United States Armed Forces depend to accomplish their missions, including through information sharing with the private sector, as appropriate.

The Self-Defense Forces and the United States Armed Forces will:

- maintain a posture to monitor their respective networks and systems;
- share expertise and conduct educational exchanges in cybersecurity;
- ensure resiliency of their respective networks and systems to achieve mission assurance;
- contribute to whole-of-government efforts to improve cybersecurity; and
- conduct bilateral exercises to ensure effective cooperation for cybersecurity in all situations from peacetime to contingencies.

In the event of cyber incidents against Japan, including those against critical infrastructure and services utilized by the Self-Defense Forces and the United States Armed Forces in Japan, Japan will have primary responsibility to respond, and based on close bilateral coordination, the United States will provide appropriate support to Japan. The two governments also will share relevant information expeditiously and appropriately. In the event of serious cyber incidents that affect the security of Japan, including those that take place when Japan is under an armed attack, the two governments will consult closely and take appropriate cooperative actions to respond.

VII. Bilateral Enterprise

The two governments will develop and enhance the following areas as a foundation of security and defense cooperation, in order to improve further the effectiveness of bilateral cooperation:

A. Defense Equipment and Technology Cooperation

In order to enhance interoperability and to promote efficient acquisition and maintenance, the two governments will:

- cooperate in joint research, development, production, and test and evaluation of equipment and in mutual provision of components of common equipment and services;
- strengthen the basis to repair and maintain common equipment for mutual efficiency and readiness;
- facilitate reciprocal defense procurement to enhance efficient acquisition, interoperability, and defense equipment and technology cooperation; and
- explore opportunities for cooperation with partners on defense equipment and technology.

B. Intelligence Cooperation and Information Security

- Recognizing that common situational awareness is essential, the two governments will enhance intelligence cooperation and information sharing at all levels, including the national strategic level.
- In order to enable robust intelligence cooperation and information sharing, the two governments will continue to promote cooperation in strengthening policies, practices, and procedures related to the protection of classified information.
- The two governments also will explore opportunities for cooperation with partners on information sharing.

C. Educational and Research Exchanges

Recognizing the importance of intellectual cooperation concerning security and defense, the two governments will deepen exchanges of members of relevant organizations and strengthen communication between each side's research and educational institutions. Such efforts will serve as the enduring foundation for security and defense officials to share their knowledge and reinforce cooperation.

VIII. Processes for Review

The SCC, assisted by an appropriate subordinate body, will regularly evaluate whether the Guidelines remain adequate in light of the evolving circumstances. The two governments will update the Guidelines in a timely and appropriate manner when changes in situations relevant to the Japan-U.S. Alliance relationship occur and if deemed necessary in view of the circumstances at that time.

Subsection I-4

Acquisition and Cross-Servicing Agreement

26 September 2016

Background: The Acquisition and Cross-Servicing Agreement (referred to as the “ACSA”) is the agreement that governs mutual logistics support between U.S. forces and the Japan Self Defense Force. There have been two previous versions of the ACSA, with the most recent iteration receiving an update after Japan passed the package of laws referred to as the “Peace and Security Legislation” in 2015. That legislation provided some of the authorities necessary for the SDF to implement the sort of logistics support envisioned in the 2015 Defense Guidelines.

AGREEMENT BETWEEN
THE GOVERNMENT OF JAPAN
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
CONCERNING RECIPROCAL PROVISION OF LOGISTIC SUPPORT, SUPPLIES, AND
SERVICES
BETWEEN
THE SELF-DEFENSE FORCES OF JAPAN AND
THE ARMED FORCES OF THE UNITED STATES OF AMERICA

The Government of Japan and the Government of the United States of America (hereinafter referred to individually as a “Party” and collectively as the “Parties”),

Recognizing that the establishment of a framework between the Self-Defense Forces of Japan and the Armed Forces of the United States of America concerning reciprocal provision of logistic support, supplies, and services promotes close cooperation between the Self Defense Forces of Japan and the Armed Forces of the United States of America, and contributes to the smooth and effective operation of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, signed at Washington on January 19, 1960 (hereinafter referred to as the “Treaty”);

Recognizing that the establishment of the abovementioned framework contributes to the effectiveness of bilateral cooperation referred to in the Guidelines for Japan-U.S. Defense Cooperation with respect to mutual logistic support;

Understanding that the establishment of the abovementioned framework promotes more efficient performance of the respective roles of the Self-Defense Forces of Japan and the Armed Forces of the United States of America in operations that they conduct and actively contributes to international peace and security;

Have agreed as follows:

Article I

1. For the purposes of this Agreement, the following terms shall be defined as follows:
 - a. the term “logistic support, supplies, and services” means supplies and services in the field of logistic support. The logistic support, supplies, and services related to the following categories may be provided under this Agreement: food; water; billeting; transportation (including airlift); petroleum, oils, and lubricants; clothing; communications services; medical services; base operations support (including construction incident to base operations support); storage services; use of facilities; training services; spare parts and components; repair and maintenance services (including calibration services); airport and seaport services; and ammunition. Examples of the logistic support, supplies, and services related to each category are set out in Annex 1.
 - i. Such term includes temporary use of general purpose vehicles and other nonlethal items of military equipment, where such temporary use is permitted under the national laws and regulations of the respective countries.
 - ii. The provision of logistic support, supplies, and services shall not include the provision of weapons by the Self-Defense Forces of Japan, or the provision of weapon systems by the Armed Forces of the United States of America.
 - b. the term “important influence situations” means situations that have an important influence on Japan’s peace and security;
 - c. the term “armed attack situations” means situations in which an armed attack against Japan occurs or situations in which it is recognized that clear danger of an armed attack against Japan is imminent;
 - d. the term “situations in which an armed attack is anticipated” means situations that are not yet armed attack situations but in which circumstances are critical and an armed attack against Japan is anticipated;
 - e. the term “survival-threatening situations” means situations in which an armed attack against a country that is in a close relationship with Japan occurs and, as a result, threatens Japan’s survival and poses a clear danger to fundamentally overturn Japanese people’s right to life, liberty, and pursuit of happiness.
2. The purpose of this Agreement is to establish basic terms and conditions for the reciprocal provision of logistic support, supplies, and services, between the Self Defense Forces of Japan and the Armed Forces of the United States of America, for operations that they conduct, as specified in Articles II through VI, in accordance with the laws and regulations of their respective countries.

3. This Agreement sets forth a framework for the provision of logistic support, supplies, and services on the basis of the principle of reciprocity.
4. The use of logistic support, supplies, and services provided under this Agreement shall be consistent with the Charter of the United Nations and other applicable international law.
5. The request, provision, receipt, and settlement of logistic support, supplies, and services under this Agreement shall be carried out by the Self-Defense Forces of Japan and by the Armed Forces of the United States of America, which includes, for the purpose of this Agreement, all offices of the Department of Defense of the United States of America.

Article II

When either Party requests, under this Agreement, the other Party to provide logistic support, supplies, and services for exercises and training with participation by both the Self-Defense Forces of Japan and the Armed Forces of the United States of America, the other Party, within its competence, may provide the logistic support, supplies, and services requested.

Article III

1. a. When either Party requests, under this Agreement, the other Party to provide logistic support, supplies, and services for United Nations Peacekeeping Operations, internationally coordinated peace and security operations, or humanitarian international relief operations, conducted by the Self-Defense Forces of Japan or by the Armed Forces of the United States of America, or for operations in relation to largescale disasters, the other Party, within its competence, may provide the logistic support, supplies, and services requested.
 - b. Operations in relation to large-scale disasters stipulated in paragraph 1.a. of this Article means operations in situations where the Armed Forces of the United States of America conducts disaster relief operations and the Self-Defense Forces of Japan conducts operations stipulated in the Law Concerning Cooperation for United Nations Peacekeeping Operations and Other Operations (Law No. 79, 1992).
2. When the Self-Defense Forces of Japan is requested to provide logistic support, supplies, and services under paragraph 1 of this Article by the Armed Forces of the United States of America, it is understood that the provision of logistic support, supplies, and services by the Self-Defense Forces of Japan to the Armed Forces of the United States of America is conducted pursuant to the above-mentioned law.

Article IV

1. When either Party requests, under this Agreement, the other Party to provide logistic support, supplies, and services for operations that contribute to the achievement of the purposes of the Treaty, or any other operations that contribute to the achievement of the purposes of the Charter of

the United Nations, conducted by the Self Defense Forces of Japan or by the Armed Forces of the United States of America, in important influence situations, the other Party, within its competence, may provide the logistic support, supplies, and services requested.

2. When the Self-Defense Forces of Japan is requested to provide logistic support, supplies, and services under paragraph 1 of this Article by the Armed Forces of the United States of America, it is understood that the provision of logistic support, supplies, and services by the Self-Defense Forces of Japan to the Armed Forces of the United States of America is conducted pursuant to the relevant laws of Japan concerning its actions to cope with important influence situations.

Article V

1. When either Party requests, under this Agreement, the other Party to provide logistic support, supplies, and services for operations that are conducted by the Self Defense Forces of Japan or by the Armed Forces of the United States of America:

- a. in armed attack situations or situations in which an armed attack is anticipated and when the operations are necessary to repel an armed attack against Japan; or
- b. in survival-threatening situations and when the operations are necessary to repel an armed attack against a country that is in a close relationship with Japan that threatens Japan's survival and poses a clear danger to fundamentally overturn the Japanese people's right to life, liberty and pursuit of happiness;

the other Party, within its competence, may provide the logistic support, supplies, and services requested.

2. When the Self-Defense Forces of Japan is requested to provide logistic support, supplies, and services under paragraph 1 of this Article by the Armed Forces of the United States of America, it is understood that the provision of logistic support, supplies, and services by the Self-Defense Forces of Japan to the Armed Forces of the United States of America is conducted pursuant to the relevant laws of Japan concerning its actions to cope with armed attack situations, situations in which an armed attack is anticipated, or survival-threatening situations.

Article VI

1. When either Party requests, under this Agreement, the other Party to provide logistic support, supplies, and services for operations, other than those that fall within the scope of Article II, III, IV, or V, conducted by the Self-Defense Forces of Japan or by the Armed Forces of the United States of America: to further the efforts of the international community in order to contribute to international peace and security; to cope with large-scale disasters; or for other purposes, the other Party, within its competence, may provide the logistic support, supplies, and services requested.

2. When the Self-Defense Forces of Japan is requested to provide logistic support, supplies, and services under paragraph 1 of this Article by the Armed Forces of the United States of America, it is understood that the provision of logistic support, supplies, and services by the Self-Defense Forces of Japan to the Armed Forces of the United States of America is conducted pursuant to the relevant laws of Japan concerning its actions to cope with situations threatening international peace and security that the international community is collectively addressing or pursuant to the provisions of the laws of Japan specified in Annex 2 that are then in effect.

Article VII

1. The settlement procedures for provision of logistic support under this Agreement shall be as follows:

a. For provision of supplies:

i. The Party who received supplies (hereinafter referred to as the “receiving Party”) shall, subject to sub-paragraph ii., return the supplies in question in a condition and manner that are satisfactory to the Party who provided them (hereinafter referred to as the “supplying Party”).

ii. If the supplies provided are consumable or the receiving Party cannot return the supplies in question in a condition and manner that are satisfactory to the supplying Party, the receiving Party shall, subject to sub-paragraph iii., return supplies of the same type and in the same quality and quantity in a condition and manner that are satisfactory to the supplying Party.

iii. If the receiving Party cannot return the supplies of the same type and in the same quality and quantity as the supplies provided in a condition and manner that are satisfactory to the supplying Party, the receiving Party shall reimburse the supplying Party in the currency specified by the supplying Party.

b. For provision of services, the services provided shall be reimbursed in the currency specified by the supplying Party or settled by the provision of services of the same type and equivalent value. The manner of the settlement shall be agreed between the Parties prior to the provision of the services.

2. The Parties shall ensure that any duties and taxes are not imposed on logistic support, supplies, and services provided under this Agreement to the extent permitted by the laws of the respective countries or as provided under an applicable international agreement. It is understood that excise duties are not to be charged by either Party for services provided under this Agreement.

Article VIII

The price of the logistic support, supplies, and services reimbursed in accordance with paragraph 1.a.iii. and paragraph 1.b. of Article VII shall be determined pursuant to the relevant provisions set forth in the Procedural Agreement specified in Article X below.

Article IX

The logistic support, supplies, and services provided under this Agreement shall not be transferred, either temporarily or permanently, by any means to any person or entity other than the Self-Defense Forces of Japan or the Armed Forces of the United States of America, without prior written consent of the supplying Party.

Article X

The request, provision, receipt, and settlement of logistic support, supplies, and services under this Agreement shall be carried out only in accordance with the Procedural Agreement that is to be concluded under and governed by this Agreement and that shall specify procedures and supplementary details of terms and conditions to implement this Agreement. The Procedural Agreement shall be concluded between the Ministry of Defense of Japan and the Department of Defense of the United States of America.

Article XI

1. This Agreement shall not affect the rights and obligations of the Parties under the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Washington, January 19, 1960.
2. The Parties shall closely consult with each other regarding the implementation of this Agreement.
3. Any matter relating to the interpretation or application of this Agreement and the Procedural Agreement shall be resolved solely through consultation between the Parties.

Article XII

1. This Agreement shall be approved by Japan and by the United States of America in accordance with their respective internal legal procedures. This Agreement shall enter into force on the date when diplomatic notes indicating such approval are exchanged. It shall remain in force for a period of ten years, and shall thereafter be automatically extended for successive periods of ten years each, unless either Party notifies the other in writing of its intention to terminate this Agreement at least six months before the end of a ten-year period.

2. Notwithstanding the provisions of paragraph 1 of this Article, each Party may terminate this Agreement at any time by giving one year's written notice to the other Party. Notwithstanding termination of this Agreement, any financial obligations and agreed transfers pursuant to the terms of this Agreement shall remain binding until satisfied, unless otherwise agreed.

3. This Agreement may be amended by written agreement between the Parties. An amendment to this Agreement shall enter into force on the date of receipt by the Government of the United States of America of a written notice from the Government of Japan of approval of the amendment by Japan and shall remain in force as long as this Agreement remains in force. However, Annex 2 of this Agreement may be modified by agreement in writing between the Parties without amending this Agreement. Modifications of Annex 2 shall take effect on the date upon which they have been confirmed by exchange of diplomatic notes.

4. The Agreement between the Government of Japan and the Government of the United States of America concerning reciprocal provision of logistic support, supplies and services between the Self-Defense Forces of Japan and the Armed Forces of the United States of America signed at Tokyo on April 15, 1996, as amended by the Agreements amending the Agreement between the Government of Japan and the Government of the United States of America concerning reciprocal provision of logistic support, supplies and services between the Self-Defense Forces of Japan and the Armed Forces of the United States of America signed at Tokyo respectively on April 28, 1998, and on February 27, 2004 (hereinafter referred to as the "1996 Agreement"), shall expire upon the entry into force of this Agreement. Any financial obligations and agreed transfers pursuant to the terms of the 1996 Agreement shall remain binding until satisfied, unless otherwise agreed.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Tokyo, this twenty-sixth day of September, two thousand and sixteen, in duplicate, in the Japanese and English languages, both texts being equally authentic.

For the Government of
Japan:
岸田文雄
(Fumio Kishida)

For the Government of the
United States of America:
Caroline Kennedy

* * * * *

Annex 1

Category	Examples of each category
Food	food, provision of meals, cooking utensils, and the like
Water	water, water supply, equipment necessary for water supply, and the like
Billeting	use of billeting and bathing facilities, beddings, and the like
Transportation (including airlift)	transportation of persons and goods, transport equipment, and the like
Petroleum, oils, and lubricants	petroleum, oils, and lubricants, refueling, equipment necessary for refueling, and the like
Clothing	clothing, mending of clothing, and the like
Communications services	use of communication facilities, communication services, communication equipment, and the like
Medical services	medical treatment, medical equipment, and the like
Base operations support (including construction incident to base operations support)	collection and disposal of waste, laundry, electric supply, environmental services, construction, decontamination equipment and services, and the like
Storage services	temporary storage in warehouse or refrigerated storehouse, and the like
Use of facilities	temporary use of buildings, facilities, and land, and the like
Training services	dispatch of instructors, materials for educational and training purposes, consumables for training purposes, and the like
Spare parts and components	spare parts and components of military aircraft, vehicles, and ships, and the like
Repair and maintenance services (including calibration services)	repair and maintenance, equipment for repair and maintenance, and the like
Airport and seaport services	services for arrival and departure of aircraft and ships, loading and unloading, and the like
Ammunition	ammunition, provision of ammunition, equipment necessary for provision of ammunition, and the like

Annex 2

Provisions of the Laws of Japan
Article 100-6 of the Self-Defense Forces Law (Law No. 165, 1954) (except for the provisions concerning the provision of supplies and services to the Armed Forces of the United States of America as specified in subparagraph 1 of paragraph 1)

SECTION II

Base Hosting & Realignment



Marine Corps Air Station Futenma and surrounding communities (photo credit: Sonata via Wikimedia Commons)

Base Hosting & Realignment

One of the core tradeoffs in the U.S.-Japan alliance is the provision of bases in Japan for use by U.S. military forces in exchange for those forces supporting the defense of Japan and security in the region. While this core tradeoff has remained in place since the original security treaty came into effect in 1952, conditions associated with provision of those bases have evolved. Japanese cities have grown, encroaching upon existing U.S. facilities. Incidents have generated public protest and an under-current of “anti-base” political thinking. Many facilities have been returned and almost all now serve as “joint-use” facilities that also support Japan Self Defense Force units. Among these major changes was the reversion of Okinawa from its status as U.S. protectorate to the 47th prefecture of Japan. To manage these issues, the allies have negotiated hundreds of lower-level agreements. This section includes the most pertinent of those agreements, those that inform all working-level interactions regarding base hosting and realignment.

Subsection II-1

Status of Forces Agreement

19 January 1960

Background: One of the foundational tradeoffs in the U.S.-Japan alliance is Japan's provision of bases to host U.S. forces. To implement this, the two governments had to agree on provisions related to issues such as taxation, basing, entry and exit procedures, and criminal jurisdiction. With the original U.S.-Japan Security Treaty that entered into force in 1952, the allies had the Administrative Agreement, but with the new Mutual Security Treaty in 1960, they created a new Status of Forces Agreement (commonly referred to as the SOFA) that has remained in place ever since.

The SOFA often receives much criticism because the allies have not revised the core agreement since 1960, but the two governments maintain a Joint Committee that meets regularly to negotiate the implementation of the agreement. The Joint Committee has met over a thousand times since 1960 and routinely updates the terms of implementation to match the requirements of the present situation.

AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

Japan and the United States of America, pursuant to Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed at Washington on January 19, 1960, have entered into this Agreement in terms as set forth below:

ARTICLE I

In this Agreement the expression-

“members of the United States armed forces” means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the Territory of Japan.

“civilian component” means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, Japanese and United States, who are brought to Japan by the United States shall be considered as United States nationals.

“dependents” means

(1) Spouse, and children under 21;

(2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

ARTICLE II

(a) The United States is granted, under Article VI of the Treaty of Mutual Cooperation and Security, the use of facilities and areas in Japan. Agreements as to specific facilities and areas shall be concluded by the two Governments through the Joint Committee provided for in Article XXV of this Agreement. “Facilities and areas” include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.

(b) The facilities and areas of which the United States has the use at the time of expiration of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, shall be considered as facilities and areas agreed upon between the two Governments in accordance with sub-paragraph (a) above.

At the request of either Government, the Governments of Japan and the United States shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.

The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.

(a) When facilities and areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such facilities and areas provided that it is agreed between the two Governments through the Joint Committee that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to facilities and areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

ARTICLE III

Within the facilities and areas, the United States may take all the measures necessary for their establishment, operation, safeguarding and control. In order to provide access for the United States armed forces to the facilities and areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee, take necessary measures within the scope of

applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the facilities and areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee.

The United States agrees not to take the measures referred to in paragraph 1 in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.

Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

ARTICLE IV

The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.

Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.

The foregoing provisions shall not apply to any construction which the Government of the United States may undertake under special arrangements with the Government of Japan.

ARTICLE V

United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and their entry into and departure from Japan shall be according to the laws and regulations of Japan.

The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports or airports of Japan.

Such access to and movement between facilities and areas by United States military vehicles shall be free from toll and other charges.

When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

ARTICLE VI

All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by arrangement between the appropriate authorities of the two Governments.

Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The Japanese and United States authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notifications before making any changes in them or establishing additional navigation aids.

ARTICLE VII

The United States armed forces shall have the use of all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and shall enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

ARTICLE VIII

The Government of Japan undertakes to furnish the United States armed forces with the following meteorological services in accordance with arrangements between the appropriate authorities of the two Governments:

Meteorological observations from land and ocean areas including observations from weather ships.

Climatological information including periodic summaries and the historical data of the Meteorological Agency.

Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

ARTICLE IX

The United States may bring into Japan persons who are members of the United States armed forces, the civilian component, and their dependents, subject to the provisions of this Article.

Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.

Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

personal identity card showing name, date of birth, rank and number, service, and photograph; and individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card which must be presented on request to the appropriate Japanese authorities.

Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Government of Japan.

If the Government of Japan has requested the removal from its territory of a member of the United States armed forces or civilian component or has made an expulsion order against an ex-member of the United States armed forces or the civilian component or against a dependent of a member or ex-member, the authorities of the United States shall be responsible for receiving the person concerned within its own territory or otherwise disposing of him outside Japan. This paragraph shall apply only to persons who are not nationals of Japan and have entered Japan as members of the United States armed forces or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE X

Japan shall accept as valid without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

ARTICLE XI

Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

- Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.
- Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

- Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

Customs examination shall not be made in the following cases:

- Units of the United States armed forces under orders entering or leaving Japan;
- Official documents under official seal and official mail in United States military postal channels;
- Military cargo shipped on a United States Government bill of lading.
- Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.
- Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.
- The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

In order to prevent offenses against laws and regulations administered by the customs authorities of the Government of Japan, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Government of Japan are handed to those authorities.

The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Government of Japan in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XII

The United States may contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work. Such supplies or construction work may, upon agreement between the appropriate authorities of the two Governments, also be procured through the Government of Japan.

Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

- (a) Commodity tax
- (b) Travelling tax
- (c) Gasoline tax
- (d) Electricity and gas tax.

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

Local labor requirements of United States armed forces and of the organizations provided for in Article XV shall be satisfied with the assistance of the Japanese authorities.

The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions

for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

Should the United States armed forces or as appropriate an organization provided for in Article XV dismiss a worker and a decision of a court or a Labor Relations Commission of Japan to the effect that the contract of employment has not terminated become final, the following procedures shall apply:

- The United States armed forces or the said organization shall be informed by the Government of Japan of the decision of the court or Commission:
- Should the United States armed forces or the said organization not desire to return the worker to duty, they shall so notify the Government of Japan within seven days after being informed by the latter of the decision of the court or Commission, and may temporarily withhold the worker from duty;
- Upon such notification, the Government of Japan and the United States armed forces or the said organization shall consult together without delay with a view to finding a practical solution of the case;
- Should such a solution not be reached within a period of thirty days from the date of commencement of the consultations under (c) above, the worker will not be entitled to return to duty. In such case, the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.
- Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not

exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces, and who are designated by the Government of the United States in accordance with the provisions of paragraph 2 below, shall, except as provided in this Article, be subject to the laws and regulations of Japan.

The designation referred to in paragraph 1 above shall be made upon consultation with the Government of Japan and shall be restricted to cases where open competitive bidding is not practicable due to security considerations, to the technical qualifications of the contractors involved, or to the unavailability of materials or services required by United States standards, or to limitations of United States law.

The designation shall be withdrawn by the Government of the United States:

- upon completion of contracts with the United States for the United States armed forces;
- upon proof that such persons are engaged in business activities in Japan other than those pertaining to the United States armed forces; or
- when such persons are engaged in practices illegal in Japan.

Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

Rights of accession and movement, as provided for in Article V, paragraph 2;

- Entry into Japan in accordance with the provisions of Article IX;

- The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;
- If authorized by the Government of the United States, the right to use the services of the organizations provided for in Article XV;
- Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;
- If authorized by the Government of the United States, the right to use military payment certificates, as provided for in Article XX;
- The use of postal facilities provided for in Article XXI;
- Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

Upon certification by an authorized officer of the United States armed forces, depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Government of Japan or to any other taxing agency in Japan on any income derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance, or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the Government of the United States shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers, and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1 (b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

Subject to the provisions of this Article,

- the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States;
- the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.

The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United States armed forces, the civilian component, and their dependents with respect to offenses, including offenses relating to the security of Japan, punishable by its law but not by the law of the United States.

For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include

- treason against the State;
- sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

- The military authorities of the United States shall have the primary right to exercise jurisdiction over members of the United States armed forces or the civilian component in relation to offenses solely against the property or security of the United States, or offenses solely against the person or property of another member of the United States armed forces or the civilian component or of a dependent; offenses arising out of any act or omission done in the performance of official duty.
- In the case of any other offense the authorities of Japan shall have the primary right to exercise jurisdiction.
- If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

- The foregoing provisions of this Article shall not imply any right for the military authorities of the United States to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the United States armed forces.

The authorities of Japan and the military authorities of the United States shall assist each other in the arrest of members of the United States armed forces, the civilian component, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

The authorities of Japan shall notify promptly the military authorities of the United States of the arrest of any member of the United States armed forces, the civilian component, or a dependent. The custody of an accused member of the United States armed forces or the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of the United States, remain with the United States until he is charged by Japan.

The authorities of Japan and the military authorities of the United States shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

The authorities of Japan and the military authorities of the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

A death sentence shall not be carried out in Japan by the military authorities of the United States if the legislation of Japan does not provide for such punishment in a similar case.

The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the United States for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the United States under the provisions of this Article within the territory of Japan.

Where an accused has been tried in accordance with the provisions of this Article either by the authorities of Japan or the military authorities of the United States and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offense within the territory of Japan by the authorities of the other State.

However, nothing in this paragraph shall prevent the military authorities of the United States from trying a member of its armed forces for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Japan.

Whenever a member of the United States armed forces, the civilian component or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

- to a prompt and speedy trial;
- to be informed, in advance of trial, of the specific charge or charges made against him;
- to be confronted with the witnesses against him;
- to have compulsory process for obtaining witnesses in his favor if they are within the jurisdiction of Japan;
- to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
- if he considers it necessary, to have the services of a competent interpreter; and
- to communicate with a representative of the Government of the United States and to have such a representative present at his trial.

Regularly constituted military units or formations of the United States armed forces shall have the right to police any facilities or areas which they use under Article II of this Agreement. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities and areas.

Outside these facilities and areas, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United States armed forces.

In the event of hostilities to which the provisions of Article V of the Treaty of Mutual Cooperation and Security apply, either the Government of Japan or the Government of the United States shall have the right, by giving sixty days' notice to the other, to suspend the application of any of the provisions of this Article. If this right is exercised, the Governments of Japan and the United States shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

The provisions of this Article shall not apply to any offences committed before the entry into force of this Agreement. Such cases shall be governed by the provisions of Article XVII of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America as it existed at the relevant time.

ARTICLE XVIII

Each Party waives all its claims against the other Party for damage to any property owned by it and used by its land, sea or air defense services, if such damage was caused by a member or an employee of the defense services of the other Party in the performance of his official duties; or arose from the use of any vehicle, vessel or aircraft owned by the other Party and used by its defense services, provided either that the vehicle, vessel or aircraft causing the damage was being used for official

purposes, or that the damage was caused to property being so used. Claims for maritime salvage by one Party against the other Party shall be waived, provided that the vessel or cargo salvaged was owned by a Party and being used by its defense services for official purposes.

In the case of damage caused or arising as stated in paragraph 1 to other property owned by either Party and located in Japan, the issue of the liability of the other Party shall be determined and the amount of damage shall be assessed, unless the two Governments agree otherwise, by a sole arbitrator selected in accordance with subparagraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

The arbitrator referred to in subparagraph (a) above shall be selected by agreement between the two Governments from amongst the nationals of Japan who hold or have held high judicial office. Any decision taken by the arbitrator shall be binding and conclusive upon the Parties.

The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5 (e) (i), (ii) and (iii) of this Article.

The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

Nevertheless, each Party waives its claim in any such case up to the amount of 1,400 United States dollars or 504,000 yen. In the case of considerable variation in the rate of exchange between these currencies the two Governments shall agree on the appropriate adjustments of these amounts.

For the purposes of paragraphs 1 and 2 of this Article the expression “owned by a Party” in the case of a vessel includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Party).

Each Party waives all its claims against the other Party for injury or death suffered by any member of its defense services while such member was engaged in the performance of his official duties.

Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members or employees of the United States armed forces done in the performance of official duty, or out of any other act, omission or occurrence for which the United States armed forces are legally responsible, and causing damage in Japan to third parties, other than the Government of Japan, shall be dealt with by Japan in accordance with the following provisions:

Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its Self-Defense Forces.

Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Parties.

Every claim paid by Japan shall be communicated to the appropriate United States authorities together with full particulars and a proposed distribution in conformity with subparagraphs (e) (i) and (ii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

The cost incurred in satisfying claims pursuant to the preceding subparagraphs and paragraph 2 of this Article shall be distributed between the Parties as follows:

Where the United States alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 percent chargeable to Japan and 75 percent chargeable to the United States.

Where Japan and the United States are responsible for the damage, the amount awarded or adjudged shall be distributed equally between them. Where the damage was caused by the defense services of Japan or the United States and it is not possible to attribute it specifically to one or both of those defense services, the amount awarded or adjudged shall be distributed equally between Japan and the United States.

Every half-year, a statement of the sums paid by Japan in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the appropriate United States authorities, together with a request for reimbursement. Such reimbursement shall be made, in yen, within the shortest possible time.

Members or employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to any proceedings for the enforcement of any judgment given against them in Japan in a matter arising from the performance of their official duties.

Except in so far as subparagraph of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

Claims against members or employees of the United States armed forces (except employees who are nationals of or ordinarily resident in Japan) arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

The authorities of Japan shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

The report shall be delivered to the appropriate United States authorities, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the authorities of Japan of their decision and of the sum paid.

Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or an employee of the United States armed forces unless and until there has been payment in full satisfaction of the claim.

Claims arising out of the unauthorized use of any vehicle of the United States armed forces shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the United States armed forces are legally responsible.

If a dispute arises as to whether a tortious act or omission of a member or an employee of the United States armed forces was done in the performance of official duty or as to whether the use of any vehicle of the United States armed forces was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 (b) of the Article, whose decision on this point shall be final and conclusive.

The United States shall not claim immunity from the jurisdiction of the courts of Japan for members or employees of the United States armed forces in respect of the civil jurisdiction of the courts of Japan except to the extent provided in paragraph 5 (f) of this Article.

In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

The authorities of Japan and the United States shall cooperate in the procurement of evidence for a fair hearing and disposal of claims under this Article.

Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

The term "defense services" used in this Article is understood to mean for Japan its Self-Defense Forces and for the United States its armed forces.

Paragraphs 2 and 5 of this Article shall apply only to claims arising incident to non-combat activities.

The provisions of this Article shall not apply to any claims which arose before the entry into force of this Agreement. Such claims shall be dealt with by the provisions of Article XVIII of the Security Treaty between Japan and the United States of America.

ARTICLE XIX

Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Government of Japan.

The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The Government of the United States will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Government of Japan will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Government of Japan or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

In order to exercise control of military payment certificates the United States may designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transaction in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

ARTICLE XXI

The United States may establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

ARTICLE XXII

The United States may enroll and train eligible United States citizens residing in Japan, who apply for such enrollment, in the reserve organizations of the armed forces of the United States.

ARTICLE XXIII

Japan and the United States will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Government of Japan agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

ARTICLE XXIV

It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

It is agreed that Japan will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

It is agreed that arrangements will be effected between the Governments of Japan and the United States for accounting applicable to financial transactions arising out of this Agreement.

ARTICLE XXV

A Joint Committee shall be established as the means for consultation between the Government of Japan and the Government of the United States on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purpose of the Treaty of Mutual Cooperation and Security.

The Joint Committee shall be composed of a representative of the Government of Japan and a representative of the Government of the United States, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the Government of Japan or the Government of the United States.

If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVI

This Agreement shall be approved by Japan and the United States in accordance with their legal procedures, and notes indicating such approval shall be exchanged.

After the procedure set forth in the preceding paragraph has been followed, this Agreement will enter into force on the date of coming into force of the Treaty of Mutual Cooperation and Security, at which time the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, shall expire.

The Government of each Party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

ARTICLE XXVII

Either Government may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXVIII

This Agreement, and agreed revisions thereof, shall remain in force while the Treaty of Mutual Cooperation and Security remains in force unless earlier terminated by agreement between the two Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

DONE at Washington, in duplicate, in the Japanese and English languages, both texts equally authentic, this 19th day of January, 1960.

FOR JAPAN:

Nobusuke Kishi Tadashi Adachi
Aiichiro Fujiyama Koichiro Asakai
Mitsujiro Ishii

FOR THE UNITED STATES OF AMERICA:

Chester A. Herter
Douglas MacArthur II
J. Graham Parsons

* * * * *

AGREED MINUTES TO THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

The Plenipotentiaries of Japan and the United States of America wish to record the following understanding which they have reached during the negotiations for the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today:

Article III

The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes of this Agreement, include, inter alia, the following:

To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the facilities and areas;

To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;

To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such facilities and areas;

To control (including measures to prohibit) in so far as may be required by military necessity for the efficient operation and safety of the facilities and areas, anchorages, moorings, landings, takeoffs and operation of ships and water-borne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the facilities and areas;

To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks from railroads, as may be required for military purposes; and

To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.

Article V

“United States and foreign vessels.....operated by, for, or under the control of the United States for official purposes” mean United States public vessels and chartered vessels (bare boat charter, voyage

charter and time charter). Space charter is not included. Commercial cargo and private passengers are carried by them only in exceptional cases.

The Japanese ports mentioned herein will ordinarily mean “open ports.”

The exemption from making “appropriate notification” will be applicable only to exceptional cases where such is required for security of the United States armed forces or similar reasons.

The laws and regulations of Japan will be applicable except as specifically provided otherwise in this Article.

Article VII

The problem of telecommunications rates applicable to the United States armed forces will continue to be studied in the light of, inter alia, the statements concerning Article VII recorded in the official minutes of the Tenth Joint Meeting for the Negotiation of the Administrative Agreement signed on February 28, 1952, which are hereby incorporated by reference.

Article IX

The Government of Japan will be notified at regular intervals, in accordance with procedures to be agreed between the two Governments, of numbers and categories of persons entering and departing.

Article XI

The quantity of goods imported under paragraph 2 by the organizations provided for in Article XV for the use of the members of the United States armed forces, the civilian component, and their dependents shall be limited to the extent reasonably required for such use.

Paragraph 3 (a) does not require concurrent shipment of goods with travel of owner nor does it require single loading or shipment.

The term “military cargo” as used in paragraph 5 (c) is not confined to arms and equipment but refers to all cargo shipped to the United States armed forces on a United States Government bill of lading, the term “military cargo” being used to distinguish cargo shipped to the United States armed forces from cargo shipped to other agencies of the United States Government.

The United States armed forces will take every practicable measure to ensure that goods will not be imported into Japan by or for the members of the United States armed forces, the civilian component, or their dependents, the entry of which would be in violation of Japanese customs laws and regulations. The United States armed forces will promptly notify the Japanese customs authorities whenever the entry of such goods is discovered.

The Japanese customs authorities may, if they consider that there has been an abuse or infringement in connection with the entry of goods under Article XI, take up the matter with the appropriate authorities of the United States armed forces.

The words “The United States armed forces shall render all assistance within their power etc.” in paragraph 9(b) and (c) refer to reasonable and practicable measures by the United States armed forces.

Article XII

The United States armed forces will furnish the Japanese authorities with appropriate information as far in advance as practicable on anticipated major changes in their procurement program in Japan. The problem of a satisfactory settlement of difficulties with respect to procurement contracts arising out of differences between Japanese and United States economic laws and business practices will be studied by the Joint Committee or other appropriate persons.

The procedures for securing exemptions from taxation on purchases of goods for ultimate use by the United States armed forces will be as follows:

Upon appropriate certification by the United States armed forces that materials, supplies and equipment consigned to or destined for such forces, are to be used, or wholly or partially used up, under the supervision of such forces, exclusively in the execution of contracts for the construction, maintenance or operation of the facilities and areas referred to in Article II or for the support of the forces therein, or are ultimately to be incorporated into articles or facilities used by such forces, an authorized representative of such forces shall take delivery of such materials, supplies and equipment directly from manufacturers thereof. In such circumstances the collection of commodity and gasoline taxes shall be held in abeyance.

The receipt of such materials, supplies and equipment in the facilities and areas shall be confirmed by an authorized officer of the United States armed forces to the Japanese authorities. Collection of commodity and gasoline taxes shall be held in abeyance until the United States armed forces confirm and certify the quantity or degree of consumption of the above referred to materials, supplies and equipment, or the United States armed forces confirm and certify the amount of the above referred to materials, supplies, and equipment which have been incorporated into articles or facilities used by United States armed forces.

Materials, supplies, and equipment certified under c(1) or (2) shall be exempt from commodity and gasoline taxes in so far as the price thereof is paid out of United States Government appropriations or out of funds contributed by the Japanese Government for disbursement by the United States. The Government of the United States shall ensure that the Government of Japan is reimbursed for costs incurred under relevant contracts between appropriate authorities of the Government of Japan and the organizations provided for the Article XV in connection with the employment of workers to be provided for such organizations.

It is understood that the term “the legislation of Japan” mentioned in paragraph 5, Article XII includes decisions of the courts and the Labor Relations Commissions of Japan, subject to the provisions of paragraph 6, Article XII.

It is understood that the provisions of Article XII, paragraph 6 shall apply only to discharges for security reasons including disturbing the maintenance of military discipline within the facilities and areas used by the United States armed forces.

It is understood that the organizations referred to in Article XV will be subject to the procedures of paragraph 6 on the basis of mutual agreement between the appropriate authorities.

Article XIII

With respect to Article XIII, paragraph 2 and Article XIV, paragraph 7, income payable in Japan as a result of service with or employment by the United States armed forces or by the organizations provided for in Article XV, or under contract made in the United States with the United States Government, shall not be treated or considered as income derived from Japanese sources.

Article XV

The facilities referred to in paragraph 1 may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XVII

Re paragraph 1 (a) and paragraph 2 (a):

The scope of persons subject to the military laws of the United States shall be communicated, through the Joint Committee, to the Government of Japan by the Government of the United States.

Re paragraph 2(c):

Both Governments shall inform each other of the details of all the security offenses mentioned in this subparagraph and the provisions governing such offenses in the existing laws of their respective countries.

Re paragraph 3(a) (ii):

Where a member of the United States armed forces or the civilian component is charged with an offense, a certificate issued by or on behalf of his commanding officer stating that the alleged offense, if committed by him, arose out of an act or omission done in the performance of an official duty, shall, in any judicial proceedings, be sufficient evidence of the fact unless the contrary is

proved. The above statement shall not be interpreted to prejudice in any way Article 318 of the Japanese Code of Criminal Procedure.

Re paragraph 3(c):

Mutual procedures relating to waivers of the primary right to exercise jurisdiction shall be determined by the Joint Committee.

Trials of cases in which the Japanese authorities have waived the primary right to exercise jurisdiction, and trials of cases involving offenses described in paragraph 3(a) (ii) committed against the State or nationals of Japan shall be held promptly in Japan within a reasonable distance from the places where the offense are alleged to have taken place unless other arrangements are mutually agreed upon. Representatives of the Japanese authorities may be present at such trials.

Re paragraph 4:

Dual nationals, Japanese and United States, who are subject to the military law of the United States and are brought to Japan by the United States shall not be considered as nationals of Japan, but shall be considered as United States nationals for the purposes of this paragraph.

Re paragraph 5:

In case the Japanese authorities have arrested an offender who is a member of the United States armed forces, the civilian component, or a dependent subject of the military law of the United States with respect to a case over which Japan has a primary right to exercise jurisdiction, the Japanese authorities will, unless they deem that there is adequate cause and necessity to retain such offender, release him to the custody of the United States military authorities provided that he shall, on request, be made available to the Japanese authorities, if such be the condition of his release. The United States authorities shall, on request, transfer his custody to the Japanese authorities at the time he is indicted by the latter.

The United States military authorities shall promptly notify the Japanese authorities of the arrest of any member of the United States armed forces, the civilian component or a dependent in any case in which Japan has the primary right to exercise jurisdiction.

Re paragraph 9:

The rights enumerated in items (a) through (e) of this paragraph are guaranteed to all persons on trial in Japanese courts by the provisions of the Japanese Constitution. In addition to these rights, a member of the United States armed forces, the civilian component or a dependent who is prosecuted under the jurisdiction of Japan shall have such other rights as are guaranteed under the laws of Japan to all persons on trial in Japanese courts. Such additional rights include the following which are guaranteed under the Japanese Constitution:

- He shall not be arrested or detained without being at once informed of the charge against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel;
- He shall enjoy the right to a public trial by an impartial tribunal;
- He shall not be compelled to testify against himself;
- He shall be permitted full opportunity to examine all witnesses;
- No cruel punishments shall be imposed upon him.
- The United States authorities shall have the right upon request to have access at any time to members of the United States armed forces, the civilian component, or their dependents who are confined or detained under Japanese authority.

Nothing in the provisions of paragraph 9 (g) concerning the presence of a representative of the United States Government at the trial of a member of the United States armed forces, the civilian component or a dependent prosecuted under the jurisdiction of Japan, shall be so construed as to prejudice the provisions of the Japanese Constitution with respect to public trials.

Re paragraphs 10 (a) and 10 (b):

The United States military authorities will normally make all arrests within facilities and areas in use by and guarded under the authority of the United States armed forces. This shall not preclude the Japanese authorities from making arrests within facilities and areas in cases where the competent authorities of the United States armed forces have given consent, or in cases of pursuit of a flagrant offender who has committed a serious crime.

Where persons whose arrest is desired by the Japanese authorities and who are not subject to the jurisdiction of United States armed forces are within facilities and areas in use by the United States armed forces, the United States military authorities will undertake, upon request, to arrest such persons. All persons arrested by the United States military authorities, who are not subject to the jurisdiction of the United States armed forces, shall immediately be turned over to the Japanese authorities. The United States military authorities may, under due process of law, arrest in the vicinity of a facility or area any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall immediately be turned over to the Japanese authorities.

The Japanese authorities will normally not exercise the right of search, seizure, or inspection with respect to any persons or property within facilities and areas in use by and guarded under the authority of the United States armed forces or with respect to property of the United States armed forces wherever situated, except in cases where the competent authorities of the United States armed forces consent to such search, seizure, or inspection by the Japanese authorities of such persons or property.

Where search, seizure, or inspection with respect to persons or property within facilities and areas in use by the United States armed forces or with respect to property of the United States armed forces in Japan is desired by the Japanese authorities, the United States military authorities will undertake, upon request, to make such search, seizure, or inspection. In the event of a judgment concerning such property, except property owned or utilized by the United States Government or its instrumentalities, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment.

Article XIX

Payment in Japan by the United States armed forces and by those organizations provided in Article XV to persons other than members of the United States armed forces, civilian component, their dependents and those persons referred to in Article XIV shall be effected in accordance with the Japanese Foreign Exchange Control Law and regulations. In these transactions the basic rate of exchange shall be used.

Article XXI

United States military post offices may be used by other officers and personnel of the United States Government ordinarily accorded such privileges abroad.

Article XXIV

It is understood that nothing in this Agreement shall prevent the United States from utilizing for the defrayment of expenses which are to be borne by the United States under this Agreement, dollar or yen funds lawfully acquired by the United States.

Washington, January 19, 1960.

N. K.
C.A.H.

* * * * *

EXCHANGE OF NOTES CONCERNING ARTICLE XII, PARAGRAPH 6 (d) OF THE
AGREEMENT REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED
STATES ARMED FORCES IN JAPAN

(U.S. Note)

January 19, 1960

Excellency:

I have the honor to refer to paragraph 6 (d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that “in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.” I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6 (b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6 (c) of Article XII above on the basis of mutually agreeable criteria. If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency’s reply to that effect shall be considered as constituting an agreement between the two Governments. Accept, Excellency, the renewed assurances of my highest consideration.

Christian A. Herter
Secretary of State of the
United States of America

His Excellency
Nobusuke Kishi,
Prime Minister of Japan

(Japan reply)

Washington, January 19, 1960

Excellency:

I have the honor to acknowledge the receipt of Your Excellency’s Note of today’s date, which reads as follows: “I have the honor to refer to paragraph 6 (d) of Article XII of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today. The second sentence of the said paragraph provides that ‘in such case the Government of the United States shall pay to the Government of Japan an amount equal to the cost of employment of the worker for a period of time to be agreed between the two Governments.’”

I wish to propose on behalf of the Government of the United States that the period of time mentioned above shall not exceed one year after the notification provided for in paragraph 6 (b) of Article XII of the above-cited Agreement, and may be determined in the consultations under paragraph 6 (c) of Article XII above on the basis of mutually agreeable criteria.

If the proposal made herein is acceptable to the Government of Japan, this Note and Your Excellency's reply to that effect shall be considered as constituting an agreement between the two Governments."

I have the honor to inform Your Excellency that the Government of Japan accepts the above proposal of the Government of the United States, and to confirm that your Note and this reply are considered as constituting an agreement between the two Governments.

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

Nobusuke Kishi

His Excellency
Christian A. Herter,
Secretary of State
of the United States of America.

Subsection II-2

SACO Final Report

2 December 1996

Background: On September 4, 1995, the U.S.-Japan alliance fell into crisis when three U.S. service members on temporary duty in Okinawa brutally raped a 12-year-old Japanese girl. This triggering event highlighted the long-standing disparity in base hosting responsibilities that Okinawa bears compared to the other 46 Japanese prefectures in Japan. Both the Japanese public and the government demanded changes to U.S. force posture in Okinawa. The allies formed the Special Action Committee on Okinawa, or “SACO” for short. The final report of the committee initiated the long process of base and posture realignment on Okinawa that continues to take place today.

The SACO Final Report
December 2, 1996

by

Minister for Foreign Affairs Ikeda
Minister of State for Defense Kyuma

Secretary of Defense Perry
Ambassador Mondale

The Special Action Committee on Okinawa (SACO) was established in November 1995 by the Governments of Japan and the United States. The two Governments launched the SACO process to reduce the burden on the people of Okinawa and thereby strengthen the Japan-US alliance.

The mandate and guidelines for the SACO process were set forth by the Governments of Japan and the United States at the outset of the joint endeavor. Both sides decided that the SACO would develop recommendations for the Security Consultative committee (SCC) on ways to realign, consolidate and reduce US facilities and areas, and adjust operational procedures of US forces in Okinawa consistent with their respective obligations under the Treaty of Mutual Cooperation and Security and other related agreements. The work of the SACO was scheduled to conclude after one year.

The SCC which was held on April 15, 1996, approved the SACO Interim Report which included several significant initiatives, and instructed the SACO to complete and recommend plans with concrete implementation schedules by November 1996.

The SACO, together with the Joint Committee, has conducted a series of intensive and detailed discussions and developed concrete plans and measures to implement the recommendations set forth in the Interim Report.

Today, at the SCC, Minister Ikeda, Minister Kyuma, Secretary Perry and Ambassador Mondale approved this SACO Final Report. The plans and measures included in this Final Report, when implemented, will reduce the impact of the activities of US forces on communities in Okinawa. At the same time, these measures will fully maintain the capabilities and readiness of US forces in Japan while addressing security and force protection requirements. Approximately 21 percent of the total acreage of the US facilities and areas in Okinawa excluding joint use facilities and areas (approx. 5,002ha/12,361 acres) will be returned.

Upon approving the Final Report, the members of the SCC welcomed the successful conclusion of the year-long SACO process and underscored their strong resolve to continue joint efforts to ensure steady and prompt implementation of the plans and measures of the SACO Final Report. With this understanding, the SCC designated the Joint Committee as the primary forum for bilateral coordination in the implementation phase, where specific conditions for the completion of each item will be addressed. Coordination with local communities will take place as necessary.

The SCC also reaffirmed the commitment of the two governments to make every endeavor to deal with various issues related to the presence and status of US forces, and to enhance mutual understanding between US forces and local Japanese communities. In this respect, the SCC agreed that efforts to these ends should continue, primarily through coordination at the Joint Committee.

The members of the SCC agreed that the SCC itself and the Security Sub-Committee (SSC) would monitor such coordination at the Joint Committee as described above and provide guidance as appropriate. The SCC also instructed the SSC to seriously address the Okinawa-related issues as one of the most important subjects and regularly report back to the SCC on this subject.

In accordance with the April 1996 Japan-US Joint Declaration on Security, the SCC emphasized the importance of close consultation on the international situation, defense policies and military postures, bilateral policy coordination and efforts towards a more peaceful and stable security environment in the Asia-Pacific region. The SCC instructed the SSC to pursue these goals and to address the Okinawa-related issues at the same time.

Return Land:

- Futenma Air Station – [attachment begins on page 70]

- Northern Training Area

Return major portion of the Northern Training Area (approx. 3,987ha/9,852 acres) and release US joint use of certain reservoirs (approx. 159ha/393 acres) with the intention to finish the process by the end of March 2003 under the following conditions:

Provide land area (approx. 38ha/93 acres) and water area (approx. 121 ha/298 acres) with the intention to finish the process by the end of March 1998 in order to ensure access from the remaining Northern Training Area to the ocean.

Relocate helicopter landing zones from the areas to be returned to the remaining Northern Training Area.

- Aha Training Area

Release US joint use of Aha Training Area (approx. 480ha/1,185 acres) and release US joint use of the water area (approx. 7,895ha/19,509 acres) with the intention to finish the process by the end of March 1998 after land and water access areas from the Northern Training Area to the ocean are provided.

- Gimbaru Training Area

Return Gimbaru Training Area (approx. 60ha/149 acres) with the intention to finish the process by the end of March 1998 after the helicopter landing zone is relocated to Kin Blue Beach Training Area, and the other facilities are relocated to Camp Hansen.

- Sobe Communication Site

Return Sobe Communication Site (approx. 53ha/132 acres) with the intention to finish the process by the end of March 2001 after the antenna facilities and associated support facilities are relocated to Camp Hansen.

- Yomitan Auxiliary Airfield

Return Yomitan Auxiliary Airfield (approx. 191ha/471 acres) with the intention to finish the process by the end of March 2001 after the parachute drop training is relocated to Ie Jima Auxiliary Airfield and Sobe Communication Site is relocated.

- Camp Kuwae

Return most of Camp Kuwae (approx. 99ha/245 acres) with the intention to finish the process by the end of March 2008 after the Naval Hospital is relocated to Camp Zukeran and remaining facilities there are relocated to Camp Zukeran or other US facilities and areas in Okinawa.

- Senaha Communication Station

Return Senaha Communication Station (approx. 61ha/151 acres) with the intention to finish the process by the end of March 2001 after the antenna facilities and associated support facilities are

relocated to Torii Communication Station. However, the microwave tower portion (approx. 0.1ha/0.3 acres) will be retained.

- Makiminato Service Area

Return land adjacent to Route 58 (approx. 3ha/8 acres) in order to widen the Route, after the facilities which will be affected by the return are relocated within the remaining Makiminato Service Area.

- Naha Port

Jointly continue best efforts to accelerate the return of Naha Port (approx. 57ha/140 acres) in connection to its relocation to the Urasoe Pier area (approx. 35ha/87 acres).

- Housing consolidation (Camp Kuwae and Camp Zukeran)

Consolidate US housing areas in Camp Kuwae and Camp Zukeran and return portions of land in housing areas there with the intention to finish the process by the end of March 2008 (approx. 83ha/206 acres at Camp Zukeran; in addition, approx. 35ha/85 acres at Camp Kuwae will be returned through housing consolidation. That land amount is included in the above entry on Camp Kuwae).

Adjust Training and Operational Procedures:

- Artillery live-fire training over Highway 104

Terminate artillery live-fire training over Highway 104, with the exception of artillery firing required in the event of a crisis, after the training is relocated to maneuver areas on the mainland of Japan within Japanese Fiscal Year 1997.

- Parachute drop training

Relocate parachute drop training to Ie Jima Auxiliary Airfield.

- Conditioning hikes on public roads

Conditioning hikes on public roads have been terminated.

Implement Noise Reduction Initiatives:

- Aircraft noise abatement countermeasures at Kadena Air Base and Futenma Air Station

Agreements on aircraft noise abatement countermeasures at Kadena Air Base and Futenma Air Station announced by the Joint Committee in March 1996 have been implemented.

- Transfer of KC-130 Hercules aircraft and AV-8 Harrier aircraft

Transfer 12 KC-130 aircraft currently based at Futenma Air Station to Iwakuni Air Base after adequate facilities are provided. Transfer of 14 AV-8 aircraft from Iwakuni Air Base to the United States has been completed.

- Relocation of Navy aircraft and MC-130 operations at Kadena Air Base

Relocate Navy aircraft operations and supporting facilities at Kadena Air Base from the Navy ramp to the other side of the major runways. The implementation schedules for these measures will be decided along with the implementation schedules for the development of additional facilities at Kadena Air Base necessary for the return of Futenma Air Station. Move the MC-130s at Kadena Air Base from the Navy ramp to the northwest corner of the major runways by the end of December 1996.

- Noise reduction baffles at Kadena Air Base

Build new noise reduction baffles at the north side of Kadena Air Base with the intention to finish the process by the end of March 1998.

- Limitation of night flight training operations at Futenma Air Station

Limit night flight training operations at Futenma Air Station to the maximum extent possible, consistent with the operational readiness of US forces.

Improve Status of Forces Agreement Procedures:

- Accident reports

Implement new Joint Committee agreement on procedures to provide investigation reports on US military aircraft accidents announced on December 2, 1996.

In addition, as part of the US forces' good neighbor policy, every effort will be made to insure timely notification of appropriate local officials, as well as the Government of Japan, of all major accidents involving US forces' assets or facilities.

- Public exposure of Joint Committee agreements

Seek greater public exposure of Joint Committee agreements.

- Visits to US facilities and areas

Implement the new procedures for authorizing visits to US facilities and areas announced by the Joint Committee on December 2, 1996.

- Markings on US forces official vehicles

Implement the agreement on measures concerning markings on US forces official vehicles. Numbered plates will be attached to all non-tactical US forces vehicles by January 1997, and to all other US forces vehicles by October 1997.

- Supplemental automobile insurance

Education programs for automobile insurance have been expanded. Additionally, on its own initiative, the US has further elected to have all personnel under the SOFA obtain supplemental auto insurance beginning in January 1997.

- Payment for claims

Make joint efforts to improve payment procedures concerning claims under paragraph 6, Article XVIII of the SOFA in the following manner:

Requests for advance payments will be expeditiously processed and evaluated by both Governments utilizing their respective procedures. Whenever warranted under US laws and regulatory guidance, advance payment will be accomplished as rapidly as possible.

A new system will be introduced by the end of March 1998, by which Japanese authorities will make available to claimants no-interest loans, as appropriate, in advance of the final adjudication of claims by US authorities.

In the past there have been only a very few cases where payment by the US Government did not satisfy the full amount awarded by a final court judgment. Should such a case occur in the future, the Government of Japan will endeavor to make payment to the claimant, as appropriate, in order to address the difference in amount.

- Quarantine procedures

Implement the updated agreement on quarantine procedures announced by the Joint Committee on December 2, 1996.

- Removal of unexploded ordnance in Camp Hansen

Continue to use USMC procedures for removing unexploded ordnance in Camp Hansen, which are equivalent to those applied to ranges of the US forces in the United States.

- Continue efforts to improve the SOFA procedures in the Joint Committee

* * * * *

The SACO Final Report
on Futenma Air Station
(an integral part of the SACO Final Report)

Tokyo, Japan
December 2, 1996

1. Introduction.

- a. At the Security Consultative Committee (SCC) held on December 2, 1996, Minister Ikeda, Minister Kyuma, Secretary Perry, and Ambassador Mondale reaffirmed their commitment to the Special Action Committee on Okinawa (SACO) Interim Report of April 15, 1996 and the Status Report of September 19, 1996. Based on the SACO Interim Report, both Governments have been working to determine a suitable option for the return of Futenma Air Station and the relocation of its assets to other facilities and areas in Okinawa, while maintaining the airfield's critical military functions and capabilities. The Status Report called for the Special Working Group on Futenma to examine three specific alternatives: 1) incorporate the heliport into Kadena Air Base; 2) construct a heliport at Camp Schwab; and 3) develop and construct a sea-based facility (SBF).
- b. On December 2, 1996, the SCC approved the SACO recommendation to pursue the SBF option. Compared to the other two options, the SBF is judged to be the best option in terms of enhanced safety and quality of life for the Okinawan people while maintaining operational capabilities of U.S. forces. In addition, the SBF can function as a fixed facility during its use as a military base and can also be removed when no longer necessary.
- c. The SCC will establish a bilateral U.S.-Japan working group under the supervision of the Security Sub-Committee (SSC) entitled the Futenma Implementation Group (FIG), to be supported by a team of technical experts. The FIG, working with the Joint Committee, will develop a plan for implementation no later than December 1997. Upon SCC approval of this plan, the FIG, working with the Joint Committee, will oversee design, construction, testing and transfer of assets. Throughout this process, the FIG will periodically report to the SSC on the status of its work.

2. Decisions of the SCC.

- a. Pursue construction of a SBF to absorb most of the helicopter operational functions of Futenma Air Station. This facility will be approximately 1500 meters long, and will support the majority of Futenma Air Station's flying operations, including an Instrument Flight Rules (IFR)-capable runway (approximately 1300 meters long), direct air operations support, and indirect support infrastructure such as headquarters, maintenance, logistics, quality-of-life functions, and base operating support. The SBF will be designed to support basing of helicopter assets, and will also be able to support short-field aircraft operations.
- b. Transfer 12 KC-130 aircraft to Iwakuni Air Base. Construct facilities at this base to ensure that associated infrastructure is available to support these aircraft and their missions.

c. Develop additional facilities at Kadena Air base to support aircraft, maintenance, and logistics operations which are currently available at Futenma Air Stations but are not relocated to the SBF or Iwakuni Air Base.

d. Study the emergency and contingency use of alternate facilities which may be needed in the event of a crisis. This is necessary because the transfer of functions from Futenma Air Station to the SBF will reduce operational flexibility currently available.

e. Return Futenma Air Station within the next five to seven years, after adequate replacement facilities are completed and operational.

3. Guiding Principles.

a. Futenma Air Station's critical military functions and capabilities will be maintained and will continue to operate at current readiness levels throughout the transfer of personnel and equipment and the relocation of facilities.

b. To the greatest extent possible, Futenma Air Station's operations and activities will be transferred to the SBF. Operational capabilities and contingency planning flexibility which cannot be supported by the shorter runway of the SBF (such as strategic airlift, logistics, emergency alternate divert, and contingency throughput) must be fully supported elsewhere. Those facilities unable to be located on the SBF, due to operational, cost, or quality-of-life considerations, will be located on existing US facilities and areas.

c. The SBF will be located off the east coast of the main island of Okinawa, and is expected to be connected to land by a pier or causeway. Selection of the location will take into account operational requirements, air-space and sea-lane deconfliction, fishing access, environmental compatibility, economic effects, noise abatement, survivability, security, and convenient, acceptable personnel access to other US military facilities and housing.

d. The design of the SBF will incorporate adequate measures to ensure platform, aircraft, equipment, and personnel survivability against severe weather and ocean conditions; corrosion control treatment and prevention for the SBF and all equipment located on the SBF; safety; and platform security. Support will include reliable and secure fuel supply, electrical power, fresh water, and other utilities and consumables. Additionally, the facility will be fully self-supporting for short-period contingency/emergency operations.

e. The Government of Japan will provide the SBF and other relocation facilities for the use of U.S. forces, in accordance with the U.S.-Japan Treaty of Mutual Cooperation and Security and the Status of Forces Agreement. The two Governments will further consider all aspects of life-cycle costs as part of the design/acquisition decision.

f. The Government of Japan will continue to keep the people of Okinawa informed of the progress of this plan, including concept, location, and schedules of implementation.

4. Possible Sea-based Facility Construction Methods.

Studies have been conducted by a “Technical Support Group” comprised of Government engineers under the guidance of a “Technical Advisory Group” comprised of university professors and other experts outside the Government. These studies suggested that all three construction methods mentioned below are technically feasible.

- a. Pile Supported Pier Type (using floating modules)--supported by a number of steel columns fixed to the sea bed.
- b. Pontoon Type--platform consisting of steel pontoon type units, installed in a calm sea protected by a breakwater.
- c. Semi-Submersible Type--platform at a wave free height, supported by buoyancy of the lower structure submerged under the sea.

5. The Next Steps.

- a. The FIG will recommend a candidate SBF area to the SCC as soon as possible and formulate a detailed implementation plan no later than December 1997. This plan will include completion of the following items: concept development and definition of operational requirements, technology performance specifications and construction method, site survey, environmental analysis, and final concept and site selection.
- b. The FIG will establish phases and schedules to achieve operational capabilities at each location, including facility design, construction, installation of required components, validation tests and suitability demonstrations, and transfer of operations to the new facility.
- c. The FIG will conduct periodic reviews and make decisions at significant milestones concerning SBF program feasibility.

Subsection II-3

Alliance Transformation and Realignment Agreement

29 October 2005

Background: In the early 2000s, the Bush administration initiated the “Global Force Posture Review,” calling upon the Department of Defense to restructure U.S. overseas forces to meet the demands of ongoing conflicts in Southwest Asia. After the U.S. government completed its unilateral assessments, it entered into discussions with the Government of Japan on realignment of both function and force posture. The result of those deliberations was the 2005 Alliance Transformation and Realignment Agreement, sometimes referred to as “ATARA.”

**U.S.-Japan Alliance:
Transformation and Realignment for the Future
October 29, 2005
by
Secretary of State Rice
Secretary of Defense Rumsfeld
Minister of Foreign Affairs Machimura
Minister of State for Defense Ohno**

I. Overview

The U.S.-Japan Alliance, with the U.S.-Japan security arrangements at its core, is the indispensable foundation of Japan’s security and of peace and stability in the Asia-Pacific region. A close, cooperative relationship based on the alliance also plays an important role in effectively dealing with global challenges, and must evolve to reflect the changing security environment. Therefore, following the December 2002 meeting of the Security Consultative Committee (SCC), the U.S. and Japan intensified consultations on respective U.S. and Japanese security and defense policies in order to examine the direction of the U.S.-Japan alliance, and to develop options to adapt the alliance to the changing regional and global security environment.

At the February 19, 2005 meeting of the SCC, the Ministers reached an understanding on common strategic objectives, and underscored the need to continue examinations of the roles, missions, and capabilities of Japan’s Self-Defense Forces (SDF) and the U.S. Armed Forces in pursuing those objectives. They also decided to intensify their consultations on realignment of U.S. force structure in Japan and directed their staffs to report expeditiously on the results.

Today, the SCC members reaffirmed their shared view of the security environment, in which new and emerging threats have surfaced as common challenges that can affect the security of nations worldwide, including the U.S. and Japan. They also reemphasized the persistent challenges in the

Asia-Pacific region that create unpredictability and uncertainty and underscored the need to pay attention to modernization of military capabilities in the region. In this context, both sides reiterated their commitment to work closely together to pursue the regional and global common strategic objectives identified in their February 19, 2005 Joint Statement.

The SCC members approved findings and recommendations on roles, missions, and capabilities. They also approved recommendations for realignment, as reflected in this report. These measures are designed to enhance the alliance's capability to meet new threats and diverse contingencies and, as a whole, will reduce burdens on local communities, thereby strengthening security and ensuring the alliance remains the anchor of regional stability.

II. Roles, Missions, and Capabilities

Both sides recognized recent achievements and developments in security and defense policies related to the roles, missions, and capabilities of the U.S. and Japan, to include: bilateral cooperation in international activities such as the fight against terrorism, the Proliferation Security Initiative (PSI), assistance to Iraq, and disaster relief following the tsunami in the Indian Ocean and the earthquake in South Asia; Japan's December 2004 National Defense Program Guidelines; progress in ballistic missile defense (BMD) cooperation; Japan's legislation to deal with contingencies; the SDF's planned transition to a new joint operations posture; and the transformation and global posture realignment of U.S. forces.

1. Primary Areas

In this context, the U.S. and Japan examined bilateral roles, missions, and capabilities, particularly those of the U.S. forces and the SDF, for responding to diverse challenges in the contemporary security environment, placing primary emphasis on the following two areas:

- Defense of Japan and responses to situations in areas surrounding Japan, including responses to new threats and diverse contingencies;
- Efforts to improve the international security environment, such as participation in international peace cooperation activities.

2. Basic Concepts of Roles, Missions, and Capabilities

Both sides confirmed several basic concepts relevant to bilateral defense cooperation. Related to defense of Japan and responses to situations in areas surrounding Japan, these concepts include:

- Bilateral defense cooperation remains vital to the security of Japan as well as to peace and stability of the region.
- Japan will defend itself and respond to situations in areas surrounding Japan, including addressing new threats and diverse contingencies such as ballistic missile attacks, attacks by guerilla and special forces, and invasion of remote islands. For these purposes, Japan's defense posture will be strengthened in accordance with the 2004 National Defense Program Guidelines.
- The U.S. will maintain forward-deployed forces, and augment them as needed, for the defense of Japan as well as to deter and respond to situations in areas surrounding Japan. The U.S. will provide all necessary support for the defense of Japan.

- U.S. and Japanese operations in the defense of Japan and responses to situations in areas surrounding Japan must be consistent so that appropriate responses will be ensured when a situation in areas surrounding Japan threatens to develop into an armed attack against Japan or when such a situation and an armed attack against Japan occur simultaneously.
- Japan will continue to provide host nation support including facilities and areas for U.S. forces (hereafter referred to as “U.S. facilities and areas”). Japan will also take appropriate measures to provide seamless support to U.S. operations as the situation evolves, including support based on Japan’s legislation to deal with contingencies. Both sides will work with local communities to ensure stable support for the presence and operations of U.S. forces in Japan.
- U.S. strike capabilities and the nuclear deterrence provided by the U.S. remain an essential complement to Japan’s defense capabilities in ensuring the defense of Japan and contribute to peace and security in the region.

Both sides also confirmed several basic concepts relevant to roles, missions, and capabilities in the area of improving the international security environment, to include:

- Bilateral cooperation in improving the international security environment to achieve regional and global common strategic objectives has become an important element of the alliance. To this end, the U.S. and Japan contribute as appropriate based on their respective capabilities, and take necessary measures to establish effective posture.
- Rapid and effective response requires flexible capabilities and can benefit from close U.S.-Japan bilateral cooperation and policy coordination. Regular exercises, including those with third countries, can improve these capabilities.
- The U.S. forces and the SDF will strengthen cooperation with other partners to contribute to international activities to improve the international security environment.

In addition, both sides emphasized that the increasing importance of addressing new threats and diverse contingencies and improving the international security environment compels both sides to develop their respective defense capabilities, and to maximize the benefits of innovations in technology.

3. Examples of Operations in Bilateral Security and Defense Cooperation to be Improved

Both sides reconfirmed that the entire spectrum of bilateral cooperation must be strengthened, consistent with relevant national security policies and laws, and with agreements between the U.S. and Japan. Through their examination of roles, missions, and capabilities, they emphasized the importance of improving several specific areas of cooperation:

- Air defense.
- Ballistic missile defense.
- Counter-proliferation operations, such as the Proliferation Security Initiative (PSI).
- Counter-terrorism.
- Minesweeping, maritime interdiction, and other operations to maintain the security of maritime traffic.
- Search and rescue operations.

- Intelligence, surveillance and reconnaissance (ISR) operations, including increasing capabilities and effectiveness of operations by unmanned aerial vehicles (UAV) and maritime patrol aircraft.
- Humanitarian relief operations.
- Reconstruction assistance operations.
- Peacekeeping operations and capacity building for other nations' peacekeeping efforts.
- Protection of critical infrastructure, including U.S. facilities and areas in Japan.
- Response to attacks by weapons of mass destruction (WMD), including disposal and decontamination of WMD.
- Mutual logistics support activities such as supply, maintenance, and transportation. Supply cooperation includes mutual provision of aerial and maritime refueling. Transportation cooperation includes expanding and sharing airlift and sealift, including the capability provided by high speed vessels (HSV).
- Transportation, use of facilities, medical support, and other related activities for non-combatant evacuation operations (NEO).
- Use of seaport and airport facilities, road, water space and airspace, and frequency bands.

Both sides emphasized that other areas of operations not explicitly listed above remain important to alliance capabilities; this list highlights key areas for further enhancement but is not intended to be an exhaustive list of possible areas of cooperation.

4. Essential Steps to Strengthen Posture for Bilateral Security and Defense Cooperation

Based on the examination of roles, missions, and capabilities described above, both sides further identified the following essential steps that can be taken in peacetime to strengthen the posture of bilateral security and defense cooperation to deal with diverse challenges in the new security environment. Both sides also emphasized the importance of continuing examinations of roles, missions, and capabilities, based on the progress made thus far, to ensure effective bilateral cooperation.

- **Close and Continuous Policy and Operational Coordination.**

Both sides recognized that regular policy and operational coordination will improve the alliance's timely and effective response to future changes in the strategic environment and to contingencies. Close and continuous policy and operational coordination at every level of government, from unit tactical level through strategic consultations, is essential to dissuade destabilizing military build-ups, to deter aggression, and to respond to diverse security challenges. Development of a common operational picture shared between U.S. forces and the SDF will strengthen operational coordination and should be pursued where possible. Closer cooperation between defense and other pertinent authorities is also increasingly necessary. In this context, both sides reaffirmed the need to improve the effectiveness of the comprehensive mechanism and bilateral coordination mechanism under the 1997 Guidelines for U.S.-Japan Defense Cooperation by streamlining their functions.

- **Advancing Bilateral Contingency Planning.**
 Recalling that the 1997 Guidelines for U.S.-Japan Defense Cooperation provide a basis for bilateral defense planning and mutual cooperation planning, both sides affirmed the continual requirement for such planning while taking full account of the changing security environment. This planning will reflect Japan's legislation to deal with contingencies, which provides a strengthened basis for contingency use by U.S. forces and the SDF of facilities, including airports and seaports, in Japan. Both sides will expand their planning by adding specificity, coordinating closely with relevant government agencies and local authorities, enhancing bilateral mechanisms and planning methods, conducting detailed surveys of civilian and SDF air and seaports, and validating their planning work through strengthened bilateral exercise programs.
- **Enhancing Information Sharing and Intelligence Cooperation.**
 Recognizing that common situational awareness is a key to well coordinated cooperation, both sides will enhance information sharing and intelligence cooperation in the whole range from unit tactical level through national strategic level. To facilitate this interaction, both sides will take additional necessary measures to protect shared classified information so that broader information sharing is promoted among pertinent authorities.
- **Improving Interoperability.**
 To ensure smooth cooperation as the SDF transitions to a joint operations posture, U.S. forces and the SDF will maintain regular consultations to maintain and strengthen interoperability. Continued cooperation in planning for bilateral operations and exercises will strengthen connectivity between the headquarters of U.S. forces and the SDF and will benefit from improved secure communications capabilities.
- **Expanding Training Opportunities in Japan and the United States.**
 Both sides will expand opportunities for bilateral training and exercises to improve interoperability, improve capabilities, enhance readiness, more equitably distribute training impacts among local communities, and advance the effectiveness of bilateral operations. These measures will include increasing mutual use of U.S. and SDF training facilities and areas throughout Japan. The training of SDF personnel and units in Guam, Alaska, Hawaii, and the U.S. mainland will also be expanded.

 - In particular, the U.S. plan to expand its training infrastructure in Guam will provide increased training opportunities for the SDF in Guam.
 - Additionally, both sides recognized that U.S. forces and SDF participation in multinational training and exercises will enhance their contribution to a better international security environment.
- **Shared Use of Facilities by U.S. Forces and the SDF.**
 Both sides recognized that shared-use of facilities between U.S. forces and the SDF contributes to closer bilateral operational coordination and improved interoperability. Specific opportunities for shared use of facilities are described in the force posture realignment recommendations (see section below).

- **Ballistic Missile Defense (BMD).**

Emphasizing that BMD plays a critical role in deterring and defending against ballistic missile attacks, and can dissuade other parties from development and proliferation of ballistic missiles, both sides stressed the value of closely coordinating improvements in their respective BMD capabilities. To support these BMD systems, they emphasized the critical importance of constant information gathering and sharing, as well as maintaining high readiness and interoperability in light of the minimal time available to respond to a ballistic missile threat. The U.S. will deploy additional complementary capabilities in and around Japan when appropriate, coordinating their operations to support Japan's missile defense operations. Close coordination between respective BMD command and control systems will be critical to effective missile defense operations.

Both sides committed to strengthen and improve the effectiveness of bilateral cooperation under the 1997 Guidelines for U.S.-Japan Defense Cooperation and, as appropriate, in additional areas not currently addressed by the Guidelines.

III. Force Posture Realignment

Both sides reviewed the posture of U.S. forces in Japan and related SDF forces, in light of their shared commitment to maintain deterrence and capabilities while reducing burdens on local communities, including those in Okinawa. Both sides recognized the importance of enhancing Japanese and U.S. public support for the security alliance, which contributes to sustainable presence of U.S. forces at facilities and areas in Japan.

1. Guiding Precepts

In their review, taking full account of the examination of bilateral roles, missions, and capabilities, both sides established several precepts to guide force posture realignments in Japan.

- The U.S. military presence in the Asia-Pacific region is a core capability that is indispensable to regional peace and security and critical to both the U.S. and Japan. Japan contributes capabilities that are additional and complementary to those provided by the U.S. forces, while taking the leading role of providing for its own defense. The presence of U.S. forces and the SDF must evolve as the regional and global security environment changes and as both sides assess alliance roles and missions.
- Capabilities will be strengthened through realignment as well as adjustment of roles, missions, and capabilities; these capabilities underpin the credibility of U.S. commitments to the defense of Japan and peace and security of the region.
- Enhanced coordination and improved interoperability between headquarters for flexible and responsive command and control is a core capability of critical importance to the U.S. and Japan. In that context, both sides recognized the continued importance of Headquarters, U.S. Forces Japan for strengthened bilateral coordination.
- Regular training and exercises, as well as availability of facilities and areas for these purposes, are essential to ensure readiness, employability, and interoperability of forces. When consistent with military missions and operational requirements, dispersal of training can

provide greater diversity of training opportunities and can have the ancillary benefit of reducing burdens of training on local communities.

- Shared military use of both U.S. and SDF facilities and areas is valuable in promoting effectiveness of bilateral cooperation and increasing efficiencies.
- Adequate capacity of U.S. facilities and areas is necessary, and the capacity above typical daily peacetime usage levels also plays a critical and strategic role in meeting contingency requirements. This capacity can provide an indispensable and critical capability toward meeting local emergency needs such as in disaster relief and consequence management situations.
- Particular attention will be paid to possible realignment of force structure in such regions where U.S. facilities and areas are concentrated in densely populated areas.
- Opportunities to introduce civil-military dual-use of U.S. facilities and areas will be studied, where appropriate. Implementation of such dual-use must be compatible with military missions and operational requirements.

2. Recommendations for Realignment

Based upon intensive consultations conducted thus far and in keeping with these basic precepts, domestic and bilateral coordination should be conducted for the following initiatives in a timely manner, consistent with the U.S.-Japan Security Treaty and its related arrangements. The Ministers committed themselves to completing local coordination, and directed their staffs to finalize these specific and interrelated initiatives and develop plans, including concrete implementation schedules no later than March 2006. These initiatives represent elements of a coherent package, which will begin to be implemented upon agreement on the overall package. Both sides emphasized the importance of taking necessary measures required for the prompt implementation of these initiatives.

- **Strengthening Bilateral and Joint Operational Coordination.** Recognizing the Government of Japan's intention to transform the SDF into a joint operations posture, the Headquarters, U.S. Forces Japan will establish a bilateral and joint operations coordination center at Yokota Air Base. The shared use of this center will ensure constant connectivity, coordination, and interoperability among U.S. forces in Japan and the SDF.
- **Improvement of U.S. Army Command and Control Capability.** The capabilities of the U.S. Army Japan's command structure in Camp Zama will be modernized to a deployable, joint task force-capable operational headquarters element. The transformed command structure will provide an additional capability to respond rapidly for the defense of Japan and other contingencies. Adjustments to U.S. facilities and areas will be made to accommodate the new Army command structure and integral capabilities. The establishment of the headquarters of a Ground SDF Central Readiness Force Command, which will operate units for nation-wide mobile operations and special tasks, will be pursued at Camp Zama, thereby strengthening the coordination between the headquarters. In relation to this realignment, possibilities of more effective and efficient use of Camp Zama and Sagami General Depot will be explored.

- **Collocation of Air Command and Control.** Japan's Air Defense Command and relevant units, currently located at Fuchu, will be collocated with the headquarters of the U.S. 5th Air Force at Yokota Air Base, strengthening the coordination between air and missile defense command and control elements, and sharing relevant sensor data through the bilateral and joint operations coordination center described above.
- **Yokota Air Base and Air Space.** Measures to facilitate movement of civilian aircraft through Yokota air space will be explored, bearing in mind the planned expansion of nearby Haneda Airport in 2009. Possible options to study will include reducing the air space under U.S. control and collocation of Japanese air traffic controllers at Yokota Air Base. In addition, both sides will take into account development of the process of transferring the Kadena radar approach control. The specific conditions and modalities for possible civil-military dual-use will be studied, while noting that dual-use must not compromise the military operational capabilities of Yokota Air Base.
- **Missile Defense.** The optimum site for deployment in Japan of a new U.S. X-Band radar system will be examined. Through timely information sharing, this radar will support capabilities to intercept missiles directed at Japan and capabilities for Japan's civil defense and consequence management. In addition, as appropriate, the U.S. will deploy active defenses, such as Patriot PAC-3 and Standard Missile (SM-3) to support U.S. treaty commitments.
- **Regional Realignment of U.S. Marine Forces for Flexible Crisis Response.** As part of its global posture realignment effort, the U.S. is making several changes to strengthen its force structure in the Pacific. Among these changes are a strengthening of Marine Corps crisis response capabilities and a redistribution of those capabilities among Hawaii, Guam and Okinawa that will provide greater flexibility to respond with appropriate capabilities according to the nature and location of particular situations. These changes will also enable increased theater security cooperation with countries of the region, thereby improving the overall security environment. In connection with this realignment, both sides identified an integrated set of interrelated measures that will also substantially reduce burdens in Okinawa.
 - **Acceleration of Futenma Relocation:** Both sides, bearing in mind the strong request from residents of Okinawa for early return of Marine Corps Air Station (MCAS) Futenma, as well as the preference that any Futenma replacement facility (FRF) be located outside of Okinawa prefecture, considered options to satisfy these requests while maintaining the deterrence capabilities that will remain necessary in the future. They determined that the rapid crisis response capabilities provided by the presence of Marine Corps forces constitute a critical alliance capability that both sides desire to maintain in the region. Moreover, they recognized that sustaining those capabilities, which consist of air, ground, logistics and command elements, remains dependent upon the interaction of those elements in regular training, exercises and operations. For this reason, both sides concluded that the FRF must be located within Okinawa prefecture where rotary wing aircraft currently stationed at

Futenma Air Station will be near the other elements with which they operate on a regular basis.

- Both sides, recognizing the extensive delays in Futenma relocation resulting from the many problems related to the 1996 Special Action Committee on Okinawa (SACO) plan for relocation of Futenma Air Station to a civil-military facility located on a coral reef in deep waters, examined numerous other possible options for relocation within Okinawa prefecture that could accelerate return of Futenma Air Station while maintaining operational capabilities. Both sides considered several factors in this work, including:
 - Safety of neighboring communities and military personnel.
 - Noise impacts on local communities, taking into account future housing and commercial development patterns that might occur in the vicinity of the FRF.
 - Minimization of adverse environmental impacts.
 - Ability of the FRF to support operational and mission requirements in peacetime and in contingencies.
 - Inclusion of necessary operational support, billeting and related facilities in the FRF, to avoid creation of traffic congestion and related irritants that might otherwise detract from the quality of life of local residents.
- Bearing such factors in mind, both sides will locate the FRF in an “L”-shaped configuration that combines the shoreline areas of Camp Schwab and adjacent water areas of Oura Bay. The runway portion of the facility will cross Henoko-saki, extending from Oura Bay into the water areas along the south shore of Camp Schwab. The lower section of the facility, oriented in a northeast-southwest direction will include a runway and overruns, with a total length of 1800 meters exclusive of seawalls. Hangers, maintenance, fuel supply pier and related infrastructure, and other aviation support activities required for the operation of the new facility will be located on the areas of the FRF to be constructed within Oura Bay. Furthermore, facilities in the Camp Schwab area will be reconfigured as necessary to accommodate the relocation of Futenma-related activities.
- Both sides concurred that other capabilities now present at Futenma Air Station would be relocated and maintained as provided for in the SACO Final Report, with the following adjustments:
 - With regards to the KC-130's, which are to be relocated from Futenma Air Station to Iwakuni Air Station under SACO Final Report, alternative facilities will be considered with priority consideration given to Maritime SDF Kanoya Base. The final basing configuration will be determined by both sides based on ongoing operational and engineering studies.
 - Strengthened contingency use of the Air SDF bases at Nyutabaru and Tsuiki will be provided for U.S. forces. Improvements to operational facilities at these bases will be made to support this contingency use. These improved

facilities, when completed, will also support the expanded bilateral training activities described in the Roles, Missions and Capabilities section of this report.

- Improved contingency use of civilian facilities for long runway operations that cannot be replicated at the FRF will also be provided for U.S. forces.
- Both sides recognized that early realization of the foregoing measures, in addition to enabling the long-desired return of Futenma Air Station, is an essential component of the realignment of the Marine Corps presence in Okinawa.
- **Force Reductions:** In conjunction with the realignment of U.S. Marine Corps capabilities in the Pacific region outlined above, the headquarters of the III Marine Expeditionary Force (III MEF) will be relocated to Guam and other locations and the remaining Marine units in Okinawa will be realigned and reduced into a Marine Expeditionary Brigade (MEB). This realignment in Okinawa will include the transfer of approximately 7,000 Marine officers and enlisted personnel, plus dependents out of Okinawa. These transferred personnel will come from units in each of the elements of Marine capability (air, ground, logistics and command), including portions of the Marine Air Wing, the Force Service Support Group, and the 3d Marine Division.
- The Government of Japan, recognizing the strong desire of Okinawa residents that such force relocations be realized rapidly, will work with the U.S. Government to examine and identify appropriate financial and other measures to enable the realization of these relocations to Guam.
- **Land Returns and Shared-Use of Facilities:** Recognizing that successful relocation of Futenma Air Station and the force reductions described above will make further consolidation of forces and return of land possible, both sides discussed the concept of consolidation of those Marine Corps units that remain in Okinawa into a smaller total land area. This would enable the return of significant land in the densely populated areas south of Kadena Air Base. The U.S. stressed its willingness to develop and implement a concrete program for this concept in cooperation with the Government of Japan.
- Furthermore, recognizing the limited access that the SDF have to facilities in Okinawa, most of which are located in urbanized areas, the U.S. also underscored its willingness to implement shared-use of Kadena Air Base, Camp Hansen, and other U.S. facilities and areas in Okinawa in cooperation with the Government of Japan. Both sides consider that such shared use could facilitate bilateral training and interoperability between their forces, as described in the Roles, Missions and Capabilities section of this report, and thereby strengthen overall alliance capabilities.

- **Steady Implementation of SACO Final Report:** Both sides validated the importance of steady implementation of the recommendations of the Special Action Committee on Okinawa (SACO) Final Report unless otherwise changed by the recommendations in this document.

- **Relocation of Carrier Air Wing from Atsugi Air Facility to Iwakuni Air Station.** To ensure the viability of a long-term forward-deployment of the U.S. aircraft carrier and its airwing, the carrier jet and E-2C squadrons will be relocated from Atsugi Air Facility to Iwakuni Air Station, which will have the necessary facilities and training airspace for safe and effective operation of the aircraft in a less intrusive manner after the current construction of the replacement runway is completed. To alleviate the impact of the increased operations at Iwakuni Air Station, the following related measures will be taken.
 - Relocation of Maritime SDF E/O/UP-3 squadrons and other aircraft from Iwakuni Air Station to Atsugi Air Facility.
 - Adjustment of training airspace for all U.S. Navy and U.S. Marine Corps aircraft to ensure adequate readiness levels are maintained.
 - Identification of a permanent field-carrier landing practice (FCLP) facility. In the interim, the U.S. will continue to conduct FCLPs at Iwo Jima in accordance with existing temporary arrangements. The Government of Japan reiterates its commitment to provide an acceptable permanent FCLP facility for U.S. naval aviation forces.
 - Development of necessary facilities at the Maritime SDF Kanoya Base to accommodate KC-130 aircraft. These facilities will also be available to support rotations of additional SDF or U.S. C-130 or P-3 aircraft from elsewhere in Japan to increase alliance capabilities and flexibility.
 - Development of necessary additional facilities, infrastructure, and training areas required to support U.S. Navy and U.S. Marine Corps units based at Iwakuni Air Station, as well as civil aviation operations.

- **Training Relocation.** Consistent with the necessity of improving bilateral interoperability discussed in this report, and with reference to the goal of reducing the impact of training activity, renewed attention will be given to expanding the distribution of training from U.S. air facilities such as Kadena Air Base as well as Misawa Air Base and Iwakuni Air Station to other military facilities.

- **Efficient Use of Capacity at U.S. Facilities in Japan.** Opportunities to strengthen U.S. cooperation with the Government of Japan and local communities regarding efficient use of capacity at U.S. facilities in Japan will be pursued when consistent with operational requirements and safety. For example, both sides will explore possibilities for utilizing the capacity of Sagami General Depot for meeting local emergency needs such as in disaster relief and civilian consequence management.

Future changes in U.S. facilities and areas and force structure not addressed elsewhere in this report will be addressed in accordance with existing practices under the U.S.-Japan Security Treaty and its related arrangements.

Subsection II-4

Roadmap for Realignment

1 May 2006

Background: This document followed up on the ATARA negotiations and completed what is now known as the Defense Policy Review Initiative (DPRI). In 2006, the U.S. and Japanese governments reached an agreement on what would become known as the “DPRI Roadmap,” identifying 19 interdependent realignment initiatives codified under six Working Groups: Alliance Transformation Working Group (ATAWG)-O for Okinawa; ATAWG-Y for Yokota; ATAWG-I for Iwakuni; ATAWG-K for Kanagawa; ATAWG-F for Field Carrier Landing Practice; and ATAWG-T for Training Relocation and other initiatives.

United States-Japan Roadmap for Realignment Implementation

May 1, 2006

by

Secretary of State Rice

Secretary of Defense Rumsfeld

Minister of Foreign Affairs Aso

Minister of State for Defense Nukaga

Overview

On October 29, 2005, the U.S.-Japan Security Consultative Committee (SCC) members approved recommendations for realignment of U.S. forces in Japan and related Japan Self-Defense Forces (SDF) in their document, “U.S.-Japan Alliance: Transformation and Realignment for the Future.” In that document, the SCC members directed their respective staffs “to finalize these specific and interrelated initiatives and develop plans, including concrete implementation schedules no later than March 2006.” This work has been completed and is reflected in this document.

Finalization of Realignment Initiatives

The individual realignment initiatives form a coherent package. When implemented, these realignments will ensure a life-of-the-alliance presence for U.S. forces in Japan.

The construction and other costs for facility development in the implementation of these initiatives will be borne by the Government of Japan (GOJ) unless otherwise specified. The U.S. Government (USG) will bear the operational costs that arise from implementation of these initiatives. The two Governments will finance their realignment-associated costs consistent with their commitments in the October 29, 2005 SCC document to maintain deterrence and capabilities while reducing burdens on local communities.

Key Implementation Details

1. Realignment on Okinawa

(a) Futenma Replacement Facility (FRF)

- The United States and Japan will locate the FRF in a configuration that combines the Henoko-saki and adjacent water areas of Oura and Henoko Bays, including two runways aligned in a “V”-shape, each runway having a length of 1,600 meters plus two 100-meter overruns. The length of each runway portion of the facility is 1,800 meters, exclusive of seawalls. This facility ensures agreed operational capabilities while addressing issues of safety, noise, and environmental impacts.
- In order to locate the FRF, inclusive of agreed support facilities, in the Camp Schwab area, necessary adjustments will be made, such as reconfiguration of Camp Schwab facilities and adjacent water surface areas.
- Construction of the FRF is targeted for completion by 2014.
- Relocation to the FRF will occur when the facility is fully operationally capable.
- Facility improvements for contingency use at Air SDF bases at Nyutabaru and Tsuiki related to replacement of Marine Corps Air Station (MCAS) Futenma capabilities will be made, as necessary, after conducting site surveys and before MCAS Futenma is returned.
- Requirements for improved contingency use of civilian facilities will be examined in the context of bilateral contingency planning, and appropriate arrangements will be made in order to realize the return of MCAS Futenma.
- In principle, the construction method for the FRF will be landfill.
- The USG does not have a plan to operate fighter aircraft from this facility.

(b) Force Reductions and Relocation to Guam

- Approximately 8,000 III Marine Expeditionary Force (MEF) personnel and their approximately 9,000 dependents will relocate from Okinawa to Guam by 2014, in a manner that maintains unit integrity. Units to relocate will include: III MEF Command Element, 3d Marine Division Headquarters, 3d Marine Logistics Group (formerly known as Force Service Support Group) Headquarters, 1st Marine Air Wing Headquarters, and 12th Marine Regiment Headquarters.
- The affected units will relocate from such facilities as Camp Courtney, Camp Hansen, MCAS Futenma, Camp Zukeran, and Makiminato Service Area.
- The U.S. Marine Corps (USMC) forces remaining on Okinawa will consist of Marine Air-Ground Task Force elements, such as command, ground, aviation, and combat service support, as well as a base support capability.
- Of the estimated \$10.27 billion cost of the facilities and infrastructure development costs for the III MEF relocation to Guam, Japan will provide \$6.09 billion (in U.S. Fiscal Year 2008 dollars), including \$2.8 billion in direct cash contributions, to develop facilities and infrastructure on Guam to enable the III MEF relocation, recognizing the strong desire of Okinawa residents that such force relocation be realized rapidly. The United States will fund the remainder of the facilities and infrastructure development costs for the relocation to

Guam-estimated in U.S. Fiscal Year 2008 dollars at \$3.18 billion in fiscal spending plus approximately \$1 billion for a road.

(c) Land Returns and Shared Use of Facilities

- Following the relocation to the FRF, the return of MCAS Futenma, and the transfer of III MEF personnel to Guam, the remaining facilities and areas on Okinawa will be consolidated, thereby enabling the return of significant land areas south of Kadena Air Base.
- Both sides will develop a detailed consolidation plan by March 2007. In this plan, total or partial return of the following six candidate facilities will be examined:
 - Camp Kuwae: Total return.
 - Camp Zukeran: Partial return and consolidation of remaining facilities and infrastructure to the extent possible.
 - MCAS Futenma: Total return (see FRF section above).
 - Makiminato Service Area: Total return.
 - Naha Port: Total return (relocated to the new facilities, including additional staging area, to be constructed at Urasoe).
 - Army POL Depot Kuwae Tank Farm No. 1: Total return.
- All functions and capabilities that are resident in facilities designated for return, and that are required by forces remaining in Okinawa, will be relocated within Okinawa. These relocations will occur before the return of designated facilities.
- While emphasizing the importance of steady implementation of the recommendations of the Special Action Committee on Okinawa (SACO) Final Report, the SACO relocation and return initiatives may need to be re-evaluated.
- Camp Hansen will be used for Ground SDF training. Shared use that requires no facility improvements will be possible from 2006.
- Air SDF will use Kadena Air Base for bilateral training with U.S. forces, taking into account noise impacts on local communities.

(d) Relationships among Initiatives

- Within the overall package, the Okinawa-related realignment initiatives are interconnected.
- Specifically, consolidation and land returns south of Kadena depend on completing the relocation of III MEF personnel and dependents from Okinawa to Guam.
- The III MEF relocation from Okinawa to Guam is dependent on: (1) tangible progress toward completion of the FRF, and (2) Japan's financial contributions to fund development of required facilities and infrastructure on Guam.

2. Improvement of U.S. Army Command and Control Capability

- U.S. Army command and control structure at Camp Zama will be transformed by U.S. Fiscal Year 2008. The headquarters of the Ground SDF Central Readiness Force subsequently will arrive at Camp Zama by Japan Fiscal Year 2012; SDF helicopters will have access to Kastner Heliport on Camp Zama.

- Along with the transformation of Army headquarters in Japan, a battle command training center and other support facilities will be constructed within Sagami General Depot (SGD) using U.S. funding.
- In relation to this transformation, the following measures for efficient and effective use of Camp Zama and SGD will be implemented.
 - Some portions of land at SGD will be returned for local redevelopment (approximately 15 hectares (ha)) and for road and underground rail (approximately 2 ha). Affected housing units will be relocated to Sagamihara Housing Area.
 - A specified area of open space in the northwest section of SGD (approximately 35 ha) will be provided for local use when not required for contingency or training purposes.
 - Portions of the Chapel Hill housing area of Camp Zama (1.1 ha) will be returned to the GOJ following relocation of affected housing units within Camp Zama. Further discussions on possible additional land returns at Chapel Hill will occur as appropriate.

3. Yokota Air Base and Air Space

- Air SDF Air Defense Command (ADC) and relevant units will relocate to Yokota Air Base in Japan Fiscal Year 2010. A bilateral master plan for base use will be developed to accommodate facility and infrastructure requirements.
- A bilateral, joint operations coordination center (BJOCC), established at Yokota Air Base, will include a collocated air and missile defense coordination function. The USG and GOJ will fund their own required equipment and systems, respectively, while both sides will coordinate appropriate funding of shared-use equipment and systems.
- The following measures will be pursued to facilitate movement of civilian aircraft through Yokota airspace while satisfying military operational requirements.
 - Establish a program in Japan Fiscal Year 2006 to inform commercial aviation entities of existing procedures to transit Yokota airspace.
 - Return portions of Yokota airspace to Japanese control by September 2008; specific portions will be identified by October 2006.
 - Develop procedures in Japan Fiscal Year 2006 for temporary transfers of air traffic control responsibility to Japanese authorities for portions of Yokota airspace, when not required for military purposes.
 - Study the conditions required for the possible return of the entire Yokota airspace as part of a comprehensive study of options for related airspace reconfigurations and changes in air traffic control procedures that would satisfy future patterns of civilian and military (U.S. and Japanese) demand for use of Japanese airspace. The study will take into account both the lessons learned from the Kadena radar approach control (RAPCON) transfer experience and the lessons learned from experiences with collocation of U.S. forces and Japanese controllers in Japan. This study will be completed in Japan Fiscal Year 2009.

- The USG and GOJ will conduct a study of the specific conditions and modalities for possible civilian-military dual-use of Yokota Air Base, to be completed within 12 months from commencement.
 - The study will be conducted on the shared understanding that dual-use must not compromise military operations and safety or the military operational capabilities of Yokota Air Base.
 - Based upon the outcome of this study, the two governments will consult and then make appropriate decisions on civilian-military dual-use.

4. Relocation of Carrier Air Wing from Atsugi Air Facility to Marine Corps Air Station (MCAS) Iwakuni

- The relocation of Carrier Air Wing Five (CVW-5) squadrons from Atsugi Air Facility to MCAS Iwakuni, consisting of F/A-18, EA-6B, E-2C, and C-2 aircraft, will be completed by 2014, subsequent to the following: (1) completion of necessary facilities, and (2) adjustment of training airspace and the Iwakuni RAPCON airspace.
- Necessary facilities will be developed at Atsugi Air Facility to accommodate Maritime SDF E/O/UP-3 squadrons and other aircraft from Iwakuni, taking into account the continued requirement for U.S. operations from Atsugi.
- The KC-130 squadron will be based at MCAS Iwakuni with its headquarters, maintenance support facilities, and family support facilities. The aircraft will regularly deploy on a rotational basis for training and operations to Maritime SDF Kanoya Base and Guam. To support the deployment of KC-130 aircraft, necessary facilities will be developed at Kanoya.
- U.S. Marine Corps CH-53D helicopters will be relocated from MCAS Iwakuni to Guam when the III MEF personnel relocate from Okinawa to Guam.
- Training airspace and Iwakuni RAPCON airspace will be adjusted to fulfill safely the training and operational requirements of U.S. forces, Japan SDF, and commercial aircraft (including those in neighboring airspace) through coordination by the Joint Committee.
- A bilateral framework to conduct a study on a permanent field-carrier landing practice facility will be established, with the goal of selecting a permanent site by July 2009 or the earliest possible date thereafter.
- Portions of the future civilian air facility will be accommodated at MCAS Iwakuni.

5. Missile Defense

- As both sides deploy additional capabilities and improve their respective ballistic missile defense capabilities, close coordination will continue.
- The optimum site for deployment of a new U.S. X-Band radar system has been designated as Air SDF Shariki Base. Necessary arrangements and facility modifications, funded by the USG, will be made before the radar becomes operational in summer 2006.
- The USG will share X-Band radar data with the GOJ.
- U.S. Patriot PAC-3 capabilities will be deployed to Japan within existing U.S. facilities and areas, becoming operational at the earliest possible time.

6. Training Relocation

- Both sides will develop annual bilateral training plans beginning in Japan Fiscal Year 2007. As necessary, a supplemental plan for Japan Fiscal Year 2006 can be developed.
- Initially, aircraft from three U.S. facilities - Kadena, Misawa, and Iwakuni - will participate in relocated training conducted from the following SDF facilities: Chitose, Misawa, Hyakuri, Komatsu, Tsuiki, and Nyutabaru. Both sides will work toward expanding use of SDF facilities for bilateral training and exercises in the future.
- The GOJ will improve infrastructure for training relocation at SDF facilities as necessary after conducting site surveys.
- Relocated training will not diminish the quality of training that is currently available to U.S. forces in Japan, taking into account facilities and training requirements.
- In general, bilateral training will commence with participation of 1-5 aircraft for the duration of 1-7 days, and develop over time to participation of 6-12 aircraft for 8-14 days at a time.
- At those SDF facilities at which terms of joint use are stipulated by Joint Committee agreements, limitations on the number of joint training events will be removed. Limitations on the total days and period per training event for joint use of each SDF facility will be maintained.
- The USG and GOJ will share costs for bilateral training as appropriate, bearing in mind the priority of maintaining readiness.

Subsection II-5

Guam Agreement

17 February 2009

Background: As part of their efforts to reduce the U.S. military footprint in Okinawa, the allies decided to shift some Okinawa-based U.S. Marine Corps units to Guam. The U.S. and Japanese governments negotiated and codified the financial responsibilities, timelines, and mechanics of doing so in this 2009 agreement.

AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE IMPLEMENTATION OF THE RELOCATION OF III MARINE EXPEDITIONARY FORCE PERSONNEL AND THEIR DEPENDENTS FROM OKINAWA TO GUAM

The Government of Japan and the Government of the United States of America,

Affirming that Japan-the United States security arrangements, based on the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed at Washington on January 19, 1960, are the cornerstone for achieving common security objectives,

Recalling that, at the meeting of Japan-the United States Security Consultative Committee on May 1, 2006, the Ministers recognized that the implementation of the realignment initiatives described in the Security Consultative Committee Document, “United States-Japan Roadmap for Realignment Implementation” (hereinafter referred to as “the Roadmap”) will lead to a new phase in alliance cooperation, and reduce the burden on local communities, including those on Okinawa, thereby providing the basis for enhanced public support for the security alliance,

Emphasizing their recognition of the importance of Guam for forward presence of United States Marine Corps forces, which provides assurance of the United States’ commitment to security and strengthens deterrent capabilities in the Asia-Pacific region,

Reaffirming that the Roadmap emphasizes the importance of force reductions and relocation to Guam in relation to the realignment on Okinawa and stipulates that approximately 8,000 III Marine Expeditionary Force (hereinafter referred to as “III MEF”) personnel and their approximately 9,000 dependents will relocate from Okinawa to Guam by 2014, in a manner that maintains unit integrity, and recognizing that such relocation will realize consolidation and land returns south of Kadena,

Recalling that the Roadmap stipulates that United States Marine Corps CH-53D helicopters will be relocated from Marine Corps Air Station Iwakuni to Guam when the III MEF personnel relocate from Okinawa to Guam, the KC-130 squadron will be based at Marine Corps Air Station Iwakuni with its headquarters, maintenance support facilities, and family support facilities, and the

aircraft will regularly deploy on a rotational basis for training and operations to Maritime Self-Defense Forces Kanoya Base and Guam,

Reaffirming that the Roadmap stipulates that, of the estimated ten billion, two hundred seventy million United States dollar (\$10,270,000,000) cost of the facilities and infrastructure development costs for the III MEF relocation to Guam, Japan will provide six billion, ninety million United States dollars (\$6,090,000,000) (in U.S. Fiscal Year 2008 dollars), including two billion, eight hundred million United States dollars (\$2,800,000,000) in direct cash contributions, to develop facilities and infrastructure on Guam to enable the III MEF relocation, recognizing the strong desire of Okinawa residents that such force relocation be realized rapidly,

Reaffirming further that the Roadmap stipulates that the United States will fund the remainder of the facilities and infrastructure development costs for the relocation to Guam-estimated in U.S. Fiscal Year 2008 dollars at three billion, one hundred eighty million United States dollars (\$3,180,000,000) in fiscal spending plus approximately one billion United States dollars (\$1,000,000,000) for a road,

Recalling that the Roadmap stipulates that, within the overall package, the Okinawa-related realignment initiatives are interconnected, specifically, consolidation and land returns south of Kadena depend on completing the relocation of III MEF personnel and dependents from Okinawa to Guam, and the III MEF relocation from Okinawa to Guam is dependent on: (1) tangible progress toward completion of the Futenma Replacement Facility, and (2) Japan's financial contributions to fund development of required facilities and infrastructure on Guam,

Have agreed as follows:

Article 1

1. The Government of Japan shall make cash contributions up to the amount of two billion, eight hundred million United States dollars (\$2,800,000,000)(in U.S. Fiscal Year 2008 dollars) to the Government of the United States of America as a part of expenditures for the relocation of approximately 8,000 III MEF personnel and their approximately 9,000 dependents from Okinawa to Guam (hereinafter referred to as "the Relocation") subject to paragraph 1. of Article 9 of this Agreement.
2. The amount of Japanese cash contributions to be budgeted in each Japanese fiscal year shall be determined by the Government of Japan through consultation between the two Governments and reflected in further arrangements that the two Governments shall conclude in each Japanese fiscal year (hereinafter referred to as "the further arrangements").

Article 2

The Government of the United States of America shall take necessary measures for the Relocation, including funding for projects of the Government of the United States of America to develop facilities and infrastructure on Guam subject to paragraph 2. of Article 9 of this Agreement.

Article 3

The Relocation shall be dependent on tangible progress made by the Government of Japan toward the completion of the Futenma Replacement Facility as stipulated in the Roadmap. The Government of Japan intends to complete the Futenma Replacement Facility as stipulated in the Roadmap in close cooperation with the Government of the United States of America.

Article 4

The Government of the United States of America shall use Japanese cash contributions and their accrued interest only for projects to develop facilities and infrastructure on Guam for the Relocation.

Article 5

The Government of the United States of America shall ensure that all participants in the process of acquisition for projects to be funded by Japanese cash contributions for the Relocation shall be treated fairly, impartially and equitably.

Article 6

The Government of Japan shall designate the Ministry of Defense of Japan as its implementing authority, and the Government of the United States of America shall designate the Department of Defense of the United States of America as its implementing authority. The two Governments shall hold consultations at the technical level on implementation guidance to be followed by the implementing authorities, and on the specific projects referred to in paragraph 1.(a) of Article 7 of this Agreement. Through such consultations, the Government of the United States of America shall ensure that the Government of Japan shall be involved, in an appropriate manner, in the implementation of the said specific projects.

Article 7

1. (a) Specific projects to be funded in each Japanese fiscal year shall be agreed upon between the two Governments and reflected in the further arrangements.

(b) The Government of the United States of America shall maintain a United States Treasury account to which the Government of Japan shall provide cash contributions. The Government of

the United States of America shall open and maintain, under the said account, a sub-account for Japanese cash contributions in each Japanese fiscal year.

2. Japanese cash contributions and their accrued interest that is contractually committed to pay for specific projects shall be credited, based on the method of calculation using an index to be agreed upon between the implementing authorities referred to in Article 6 of this Agreement, to the total amount of Japanese cash contributions, which is up to the amount of two billion, eight hundred million United States dollars (\$2,800,000,000) (in U.S. Fiscal Year 2008 dollars).

3. (a) In case there remains an unused balance of Japanese cash contributions after the completion of all contracts, as evidenced by receipt of documents releasing the Government of the United States of America from any further financial and contractual liability, for all specific projects funded in the same Japanese fiscal year, the Government of the United States of America shall return the said unused balance to the Government of Japan, except as provided in paragraph 3.(b) of this Article.

(b) The Government of the United States of America may use, with the consent of the implementing authority of the Government of Japan, the unused balance for other specific projects funded in the same Japanese fiscal year.

4. (a) The Government of the United States of America shall return interest accrued from Japanese cash contributions to the Government of Japan, except as provided in paragraph 4.(b) of this Article, after the completion of all contracts, as evidenced by receipt of documents releasing the Government of the United States of America from any further financial and contractual liability, for the last specific projects funded by Japanese cash contributions.

(b) The Government of the United States of America may use, with the consent of the implementing authority of the Government of Japan, interest accrued from Japanese cash contributions for projects funded by Japanese cash contributions.

5. The Government of the United States of America shall provide the Government of Japan with a report, every month, on transactions in the United States Treasury account, including all the sub-accounts related to Japanese cash contributions.

Article 8

The Government of the United States of America shall consult with the Government of Japan in the event that the Government of the United States of America considers changes that may significantly affect facilities and infrastructure funded by Japanese cash contributions, and shall take appropriate actions, taking Japanese concerns into full consideration.

Article 9

1. Japanese cash contributions referred to in paragraph 1. of Article 1 of this Agreement shall be subject to funding by the Government of the United States of America of measures referred to in Article 2 of this Agreement.

2. United States' measures referred to in Article 2 of this Agreement shall be subject to: (1) the availability of funds for the Relocation, (2) tangible progress made by the Government of Japan toward the completion of the Futenma Replacement Facility as stipulated in the Roadmap, and (3) Japan's financial contributions as stipulated in the Roadmap.

Article 10

The two Governments shall consult with each other regarding the implementation of this Agreement.

Article 11

This Agreement shall be approved by Japan and the United States of America in accordance with their respective internal legal procedures. This Agreement shall enter into force on the date when diplomatic notes indicating such approval are exchanged.

IN WITNESS WHEREOF the undersigned, duly authorized for the purpose, have signed the present Agreement.

DONE in duplicate, at Tokyo, in the Japanese and English languages, both equally authentic, this seventeenth day of February, 2009.

FOR THE GOVERNMENT
OF JAPAN:
中曾根弘文
[Nakasone Hirofumi]

FOR THE GOVERNMENT
OF THE UNITED STATES OF AMERICA:
Hillary Rodham Clinton

Subsection II-6

Environmental Framework Agreement

28 September 2015

Background: To enable the construction of the Futenma Relocation Facility project in Henoko Bay, the Okinawa Governor needed to sign a landfill agreement in 2013. As a part of an agreement to obtain the governor's consent, the Japanese government promised then-Governor Hirokazu Nakaima that they would secure a revision to the SOFA that would enable access to U.S. facilities prior to their return to the Japanese government, as well as a few other provisions related to environmental monitoring and response.

The U.S. and Japanese governments negotiated the Environmental Framework Agreement on the sidelines of the ongoing Defense Guidelines negotiations. A critical sticking point is that the U.S. government would not accept the new agreement as a revision to the SOFA. Instead, the Environmental Framework Agreement is termed a supplement.

THE UNITED STATES-JAPAN JOINT COMMITTEE

SUBJECT: Cooperation Concerning Environmental Matters (28 September 2015)

1. References:

a. Agreement Under Article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

b. Agreement between Japan and the United States of America on Cooperation in the Field of Environmental Stewardship Relating to the United States Armed Forces in Japan, Supplementary to the Agreement Under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

c. Memorandum to the Joint Committee on Notification Procedures for Unusual Occurrences, 31 March 1997.

d. Memorandum to the Joint Committee on Procedures for Authorizing Visits to U.S. Facilities and Areas, 2 December 1996.

e. Memorandum to the Joint Committee on Cooperation Concerning Environmental Matters, 29 November 1973.

2. Purpose:

Recognizing the two governments' successful efforts for environmental stewardship and the obligation of the United States of America under Article III of reference 1a to carry on operations in the facilities and areas in use by the United States armed forces (hereinafter referred to as "facilities and areas") with due regard for the public safety, as well as the provisions in Article II of reference 1a addressing the return of facilities and areas to Japan, this memorandum establishes procedures so that specified Japan authorities have appropriate access to the facilities and areas in two cases, as provided in Article 4 of reference 1b.

3. Procedures for access following a contemporaneous environmental incident, i.e., a spill:
Upon notification under the provisions of reference 1c of a contemporaneous environmental incident, i.e., a spill:

a. Relevant authorities of the Government of Japan or a prefectural or local municipal government, through the regional Defense Bureau or Defense Office (DB), may request, through the local base commander, Commander, United States Forces, Japan (COMUSJAPAN) or designee, that relevant authorities of the Government of Japan or a prefectural or local municipal government be allowed to conduct on-the-spot observations of the actions of the United States armed forces in addressing the spill. Desiring to maintain friendly relationships with local communities and to enhance cooperation for environmental stewardship, COMUSJAPAN or designee will give all due consideration to the request. In formulating a response, COMUSJAPAN or designee will take into account whether granting the request would interrupt military operations, compromise force protection, or hinder the management of the facilities and areas, and respond as promptly as practicable. If approved, any such observations may only be conducted in a manner that does not interfere with the actions of the United States armed forces in addressing the spill or with other operations.

b. In conjunction with any request for an on-the-spot observation referred to in 3a., relevant authorities of the Government of Japan or a prefectural or local municipal government, through the DB, may also request to take samples in conjunction with any sampling conducted by the United States armed forces. Such requests will include detailed information about what type of sampling activity is being sought, such as media (water, soil, or air) and location. COMUSJAPAN or designee will approve each individual request for sampling. If approved, any such sampling may only be conducted in a manner that does not interfere with the actions of the United States armed forces in addressing the spill or with other operations.

c. The method and procedures for execution of such observations and for obtaining such samples, as well as the standards to be used and the sharing of results of such samples, will be handled by the relevant authorities of the two governments through the Joint Committee framework, including the Environmental Subcommittee.

4. Response in case of an environmental situation that could affect the facilities and areas:

When there is a reasonable ground to believe that there has been a release of hazardous materials hazardous wastes, or hazardous substances originating from outside the facilities and areas in a manner that could affect the welfare of the community within such facilities and areas:

a. COMUSJAPAN may request the Government of Japan to conduct an investigation. Through the Joint Committee framework, the Government of Japan will consult on the processes for investigation and share the results promptly after the investigation is complete.

b. The Government of Japan will take appropriate measures to address the environmental situation, subject to the laws and regulations of Japan.

5. Procedures for access for site surveys associated with the return to Japan of the facilities and areas:

a. Relevant authorities of the Government of Japan or a prefectural or local municipal government, through the DB, may request, through the local base commander, COMUSJAPAN or designee to have access prior to return (APR) to the facilities and areas and will normally have such access when all of the following conditions are met:

i. A date for return of the facilities and areas has been established at the Joint Committee;

ii. The access does not interrupt the military operations of the United States armed forces, compromise force protection, or hinder the management of the facilities and areas; and

iii. APR is for the purpose of conducting environmentally or culturally based surveys, which may include cultural asset surveys involving excavation, to facilitate prefectural or local municipal governments' planning of land use after the return of the facility and area.

b. Such surveys may be conducted no more than 150 working days prior to the return date established in the Joint Committee. COMUSJAPAN or designee will determine the precise number of days after reviewing the proposed survey plan.

c. Access may be granted prior to a date being established under 5.a.i. or to the date established in 5.b. when it is bilaterally decided, for instance, access contemplated in the Okinawa Consolidation Plan or during its periodic reviews.

d. A local implementing arrangement regarding such surveys will be made between the United States Forces, Japan representative and the relevant DB.

6. With respect to the subjects this memorandum addresses, references 1.c., 1.d., and 1.e. will not be applied, except for the notification provisions of reference 1.c. insofar as they are applied under 3. above. Any issues related to the implementation of the terms of this memorandum will be settled in accordance with the procedures stipulated in Article 5 of reference 1.b.

Subsection II-7

Special Measures Agreement

22 January 2016

Background: The United States and Japan began cost-sharing in the 1970s in response to the sharp increase in stationing costs for U.S. forces in Japan. Up until 1971, the yen was pegged with a fixed exchange rate of 360 yen to the dollar. By 1978, the rate was already dipping below 200 yen. Meanwhile, construction costs and labor wages in Japan were increasing. In short, costs such as utilities, employee wages, and construction became more expensive as the dollar weakened relative to the yen. It made long-term, unilateral sustainment of U.S. bases less economically feasible during a period when the Japanese economy was performing, comparatively, much stronger. The two governments negotiated a host nation support agreement in 1978 to reduce the financial burdens associated with stationing U.S. forces in Japan.

Over the years, the host nation support agreement evolved. It originally focused on labor cost-sharing, but in 1987 utilities cost-sharing were added and the arrangement was named the Special Measures Agreement (SMA). In 1996, the Japanese government began funding U.S. military training events outside of Okinawa prefecture under the SMA heading of “training relocation.” The last change came in negotiations for the 2012 SMA when the two governments formally decided to incorporate the already extant Facilities Improvement Program as part of overall SMA negotiations.

At the time of publication in 2021, bilateral negotiations on the next iteration of the SMA negotiations are ongoing.

AGREEMENT BETWEEN JAPAN AND THE UNITED STATES OF AMERICA CONCERNING NEW SPECIAL MEASURES RELATING TO ARTICLE XXIV OF THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN

Japan and the United States of America:

Confirming that the United States armed forces maintained in Japan under the Treaty of Mutual Cooperation and Security between Japan and the United States of America (hereinafter referred to as “the Treaty”) and the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan (hereinafter referred to as “the Status of Forces Agreement”), both signed at Washington on January 19, 1960 (hereinafter referred to as “the United States armed forces”), contribute to the security of Japan and the maintenance of international peace and security in the Far East;

Recalling that, for the purposes of maintaining stable employment of the workers who are employed by Japan and render labor services to the United States armed forces or to the organizations provided for in paragraph 1.(a) of Article XV of the Status of Forces Agreement

(hereinafter referred to as “the workers”) and ensuring the effective operations of the United States armed forces, various measures were provided for, inter alia, special measures relating to Article XXIV of the Status of Forces Agreement, which sets forth the principles on the sharing of expenditures incident to the maintenance of the United States armed forces in the Agreement between Japan and the United States of America concerning New Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Tokyo on January 21, 2011;

Noting situations involving both countries;

Recognizing that, for the purpose of ensuring the effective operations of the United States armed forces, it is necessary to take new special measures relating to Article XXIV of the Status of Forces Agreement;

Have agreed as follows:

Article I

Japan will bear, during the Japanese fiscal years 2016 through 2020, all or a part of the expenditures in paying the following wages to the workers:

(a) base pay, daily wage of daily employees, special term employees salary, hourly pay temporary employees hourly pay, and theater personnel wage;

(b) regional allowance, discharge allowance, family allowance, remote area allowance, special work allowance, summer allowance, year-end allowance, cold-area allowance, retirement allowance including retirement allowances for workers separated by the United States armed forces or by the organizations provided for in paragraph 1.(a) of Article XV of the Status of Forces Agreement through reduction in force and for workers whose employment is terminated for duty-connected disability or death due to duty-connected injury or illness, involuntary severance bonus for employees affected by reduction in force, pro rata bonus for employees affected by reduction in force, commutation allowance, conversion allowance, position conversion allowance, night duty allowance, housing allowance, unaccompanied duty allowance, wide-area transfer allowance, overtime pay, hourly pay temporary employees premium pay, holiday pay, night differential, non-work allowance, and daily pay authorized for duty-connected illness or injury for hourly pay temporary employees; and

(c) allowance for lump sum payment to mariners for unexecuted annual leave, dangerous cargo allowance, engagement allowance, engine room allowance, engine work allowance, fire-fighting allowance, foreign ship bonus, foreign voyage allowance, labor allowance, reporting allowance, small vessel allowance, tanker allowance, towage allowance, and master and chief engineer allowance.

Article II

Japan will bear, during the Japanese fiscal years 2016 through 2020, all or a part of the expenditures in paying costs of the following procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification:

- (a) electricity, gas, water supply, and sewerage from public utilities; and
- (b) fuels for heating, cooking, and hot water supply not included in (a) above.

Article III

With regard to training that the United States armed forces conduct using any specific facilities and areas among those facilities and areas the use of which is granted to the United States of America under Article VI of the Treaty (hereinafter referred to as “facilities and areas”), in cases where the United States of America, upon a request of the Government of Japan made at the Joint Committee provided for in paragraph 1. of Article XXV of the Status of Forces Agreement (hereinafter referred to as “the Joint Committee”), changes to the use of other facilities and areas or in cases where the United States of America, upon a request of the Government of Japan made at the Joint Committee as considered appropriate by the Government of Japan, changes to the use of places for training of armed forces of the United States of America in territory under the administration of the United States of America, instead of using the said specific facilities and areas for all or a part of the said training, Japan will bear all or a part of the additional expenditures incident to such changes, provided that the Government of Japan, on making the above-mentioned request, notifies the Government of the United States of America that Japan will bear expenditures in accordance with the provisions of this Article.

Article IV

The United States of America will make further efforts to economize the expenditures referred to in Article I, Article II, and Article III.

Article V

Japan will determine, for each Japanese fiscal year, the actual amount of the expenditures that Japan will bear under Article I, Article II, and Article III respectively and will promptly notify the United States of America of such determination. Article VI Japan and the United States of America may consult on all matters regarding the implementation of this Agreement through the Joint Committee.

Article VII

This Agreement shall be approved by Japan and the United States of America in accordance with their respective internal legal procedures. This Agreement shall enter into force on the date when

diplomatic notes indicating such approval are exchanged, and shall remain in force through March 31, 2021.

IN WITNESS WHEREOF the undersigned, duly authorized for the purpose, have signed the present Agreement.

DONE in duplicate at Tokyo in the Japanese and English languages, both equally authentic, this twenty-second day of January, 2016.

FOR JAPAN:

岸田文雄

[Kishida Fumio]

FOR THE UNITED STATES OF AMERICA:

Caroline Kennedy

* * * * *

AGREED MINUTES TO THE AGREEMENT BETWEEN JAPAN AND THE UNITED STATES OF AMERICA CONCERNING NEW SPECIAL MEASURES RELATING TO ARTICLE XXIV OF THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN, SIGNED AT TOKYO ON JANUARY 22, 2016

In connection with the discussions on Article I of the Agreement between Japan and the United States of America concerning New Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Tokyo on January 22, 2016 (hereinafter referred to as “the Agreement”), the representatives of Japan and the United States of America have agreed to record the following:

It is confirmed that the wages mentioned in Article I of the Agreement do not include those portions which had been already included in the part borne by Japan before the entry into force of the Agreement between Japan and the United States of America concerning Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed at Tokyo on January 30, 1987.

Tokyo, January 22, 2016

FOR JAPAN:

岸田文雄

[Kishida Fumio]

FOR THE UNITED STATES OF AMERICA:

Caroline Kennedy

* * * * *

EXCHANGE OF NOTES ON THE AGREEMENT BETWEEN JAPAN AND THE UNITED STATES OF AMERICA CONCERNING NEW SPECIAL MEASURES RELATING TO ARTICLE XXIV OF THE AGREEMENT UNDER ARTICLE VI OF THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA, REGARDING FACILITIES AND AREAS AND THE STATUS OF UNITED STATES ARMED FORCES IN JAPAN, SIGNED AT TOKYO ON JANUARY 22, 2016

(Japanese Note)
(Translation)

Tokyo, January 22, 2016

Excellency,

I have the honor to refer to the Agreement between Japan and the United States of America concerning New Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today (hereinafter referred to as “the Agreement”). I have further the honor to inform Your Excellency of the following:

1.a. In implementing the provisions of Article V of the Agreement, the Government of Japan takes the policy to calculate the amount of the initial draft budget request for each Japanese fiscal year for those expenditures which Japan is to bear in accordance with the provisions of Article I of the Agreement, on the basis of the average of the annual average number of workers during the three consecutive fiscal years preceding the fiscal year prior to the relevant Japanese fiscal year, not to exceed the number of workers of the respective Japanese fiscal year provided for in subparagraphs i. through v. (hereinafter referred to as “the Upper Limit of the Number of Workers”).

- i. Japanese fiscal year 2016: 22,735
- ii. Japanese fiscal year 2017: 22,845
- iii. Japanese fiscal year 2018: 22,956
- iv. Japanese fiscal year 2019: 23,067
- v. Japanese fiscal year 2020: 23,178

b. In case substantial change is predicted in the annual average number of workers in a certain fiscal year as compared to the average of the annual average number of workers during the three consecutive fiscal years preceding the fiscal year prior to the said certain fiscal year, the possibility of modifying the annual average number of workers in the calculation of the amount of the initial draft budget request for the said certain fiscal year, so far as the annual average

number of workers in the said certain fiscal year does not exceed the Upper Limit of the Number of Workers, is not to be excluded.

2.a. In implementing the provisions of Article V of the Agreement, the Government of Japan takes the policy to calculate the amount of the initial draft budget request for each Japanese fiscal year for those expenditures which Japan is to bear in accordance with the provisions of Article II of the Agreement, by multiplying the average of all of the expenditures during the three consecutive fiscal years preceding the fiscal year prior to the relevant fiscal year in paying costs stipulated in Article II of the Agreement, by 0.61. The amount of those expenditures which Japan is to bear in accordance with the provisions of the Article II of the Agreement is not to exceed twenty-four billion, nine hundred and one million, nine hundred and eight thousand yen (¥24,901,908,000) (hereinafter referred to as “the Upper Limit of the Expenditure”).

b. In case long-term substantial change is predicted in the amount of the initial draft budget request from a certain fiscal year, the possibility of modifying the amount of the initial draft budget request for the said certain fiscal year, so far as the amount of the initial draft budget request for the said certain fiscal year does not exceed the Upper Limit of the Expenditure, is not to be excluded, subject to consultation between the two Governments under the provision of Article VI of the Agreement.

c. With regard to the amount of the initial draft budget request for each Japanese fiscal year, the Government of Japan takes the policy not to include in the said amount of the initial draft budget request the costs for the residential housing of the members of the United States armed forces, civilian component, and their dependents outside facilities and areas.

d. In order to be always informed of the contracts to procure electricity, gas, water supply and sewerage, and fuels stipulated in Article II of the Agreement, the Government of Japan wishes that the Government of the United States of America inform the former of the contents of the existing contracts and notify the former in advance of the contents of the revision or rescission of such contracts or the conclusion of new contracts, and intends to request consultations as necessary.

3. In implementing the provisions of Article V of the Agreement, the Government of Japan takes the policy to calculate the amount of the initial draft budget request for each Japanese fiscal year for those expenditures which Japan is to bear in accordance with the provisions of Article III of the Agreement taking into account the estimate of the relevant costs submitted by the Government of the United States of America.

4. It is confirmed that, in order to ensure the proper execution of this bearing of expenditures, the two Governments may consult under the provisions of Article VI of the Agreement.

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

Fumio Kishida
Minister for Foreign Affairs
of Japan

(U.S. Reply)

Tokyo, January 22, 2016

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's note of today's date concerning the Agreement between the United States of America and Japan concerning New Special Measures relating to Article XXIV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan, signed today (hereinafter referred to as "the Agreement"). I have further the honor to inform Your Excellency of the following:

1. The Government of the United States of America has no objection to paragraphs 1.a. and b., 2.a., b., and c., and 3. of Your Excellency's note.

2. In order for the Government of Japan to be always informed of the contracts to procure electricity, gas, water supply and sewerage, and fuels stipulated in Article II of the Agreement, the Government of the United States of America intends to inform the former of the contents of the existing contracts and to notify the former in advance of the contents of the revision or rescission of such contracts or the conclusion of new contracts, as well as to hold consultations upon request from the Government of Japan.

3. It is confirmed that, in order to ensure the proper execution of this bearing of expenditures, the two Governments may consult under Article VI of the Agreement.

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

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

SECTION III

The Security Consultative Committee



Secretary of Defense Lloyd Austin, Secretary of State Antony Blinken, Minister of Defense Nobuo Kishi, and Minister for Foreign Affairs Toshimitsu Motegi at the “2+2,” 2021 (photo credit: U.S. Department of State)

The Security Consultative Committee

One of the key activities necessary for ensuring an operative and viable security alliance is Alliance management. In other words, governments must dedicate personnel, time, and attention towards engaging with allies to ensure mutually acceptable implementation of alliance designs and to adjust the alliance to meet evolving needs that may arise over time.

In the case of the robust and active U.S.-Japan Alliance, there are myriad levels of alliance management, ranging from the president-prime minister-level summit to the on-the-ground action officer level engagements. There are codified mechanisms for alliance management that the two sides have agreed upon to provide decision-point and supervisory frameworks under which more informal activities can take place. These mechanisms include the Joint Committee for deliberating matters related to the Status of Forces Agreement and the Subcommittee for Defense Cooperation (SDC) originally formed to negotiate the Guidelines for U.S.-Japan Defense Cooperation in the latter half of the 1970s.

The Security Consultative Committee (SCC) is the highest-level formalized venue for alliance management, offering the two governments a forum to set priorities, identify areas that require additional action, and make declarative statements regarding commitments and expectations under the alliance treaty. The membership of the SCC has evolved, but it now resides with the Secretaries of State and Defense on the U.S. side and the Minister for Foreign Defense and Minister of Defense on the Japanese side. This arrangement is commonly referred to as a “2+2.”

The SCC joint statement is a tool for strategic messaging, an instrument for evolving alliance expectations, and a guidance document directing lower-level officials regarding cooperation in the realms of foreign policy and defense. In other words, it provides indication of where the two governments are steering the alliance for the next few years.

This section includes the joint statements from the past ten years to offer context on how the SCC has sought to shape the alliance over the past decade.

Subsection III-1

Establishment of the Security Consultative Committee

19 January 1960

Background: The U.S. and Japanese governments established the Security Consultative Committee (SCC) to carry out the requirements for consultation under Article IV of the Mutual Security Treaty. One may notice that the members of the SCC in 1960 on the U.S. side included the U.S. Ambassador to Japan as the State Department representative and the Pacific Command Commander as the Department of Defense representative. Those representatives have since been elevated to the Secretary of State and Secretary of Defense.

(Japanese Note)

Dear Secretary Herter:

I wish to refer to the Treaty of Mutual Cooperation and Security between Japan and the United States of America signed today. Under Article IV of the Treaty, the two Governments will consult together from time to time regarding the implementation of the Treaty, and, at the request of either Government, whenever the security of Japan or international peace and security in the Far East is threatened. The exchange of notes under Article VI of the Treaty specifies certain matters as the subjects of prior consultation with the Government of Japan.

Such consultations will be carried on between the two Governments through appropriate channels. At the same time, however, I feel that the establishment of a special committee which could as appropriately be used for these consultations between the Governments would prove very useful. This committee, which would meet whenever requested by either side, could also consider any matters underlying and related to security affairs which would serve to promote understanding between the two Governments and contribute to the strengthening of cooperative relations between the two countries in the field of security.

Under this proposal the present "Japanese-American Committee on Security" established by the Governments of the United States and Japan on August 6, 1957, would be replaced by this new committee which might be called "The Security Consultative Committee". I would also recommend that the membership of this new committee be the same as the membership of the "Japanese-American Committee on Security", namely on the Japanese side, the Minister for Foreign affairs, who will preside on the Japanese side, and the Director General of the Defense Agency, and on the United States side, the United States Ambassador to Japan, who will serve as chairman on the United States side, and the Commander-in-Chief, Pacific, who will be the Ambassador's principal advisor on military and defense matters. The Commander, United States Forces, Japan, will serve as alternative for the Commander-in Chief, Pacific.

I would appreciate very much your views on this matter.

Yours sincerely,

* * * * *

(U.S. Reply)

Dear Mr. Prime Minister:

The receipt is acknowledged of your note of today's date suggesting the establishment of "The Security Consultative Committee". I fully agree to your proposal and share your view that such a committee can contribute to strengthening the cooperative relations between the two countries in the field of security. I also agree to your proposal regarding the membership of this committee.

Most sincerely

Washington, January 19, 1960.

Subsection III-2

Joint Statement of the U.S.-Japan Security Consultative Committee (2+2)

16 March 2021

Background: This was the first meeting of the SCC under the Biden and Suga administrations. As the Biden team's first "2+2" among all global partners, it signaled the policy priority assigned to the U.S.-Japan Alliance and Indo-Pacific security. In comparison to previous iterations, this statement reflected stronger resolve to cooperate in the face the challenges associated with a rising China. However, it saved the most important "deliverables" for the Biden-Suga summit already scheduled for the following month.

Secretary of State Blinken, Secretary of Defense Austin, Minister for Foreign Affairs Motegi, and Minister of Defense Kishi held the U.S.-Japan Security Consultative Committee in Tokyo, Japan on March 16, 2021. They reaffirmed that the U.S.-Japan Alliance remains the cornerstone of peace, security, and prosperity in the Indo-Pacific region. Japan resolved to enhance its capabilities to bolster national defense and further strengthen the Alliance. The United States underscored its unwavering commitment to the defense of Japan through the full range of its capabilities, including nuclear. Amid growing geopolitical competition and challenges such as COVID-19, climate change, and revitalizing democracy, the United States and Japan renewed their commitment to promoting a free and open Indo-Pacific and a rules-based international order.

The United States and Japan acknowledged that China's behavior, where inconsistent with the existing international order, presents political, economic, military, and technological challenges to the Alliance and to the international community. The Ministers committed to opposing coercion and destabilizing behavior toward others in the region, which undermines the rules-based international system. They reaffirmed their support for unimpeded lawful commerce and respect for international law, including freedom of navigation and overflight and other lawful uses of the sea. The Ministers also expressed serious concerns about recent disruptive developments in the region, such as the China Coast Guard law. Further, they discussed the United States' unwavering commitment to the defense of Japan under Article V of our security treaty, which includes the Senkaku Islands. The United States and Japan remain opposed to any unilateral action that seeks to change the status quo or to undermine Japan's administration of these islands. The Ministers underscored the importance of peace and stability in the Taiwan Strait. They reiterated their objections to China's unlawful maritime claims and activities in the South China Sea and recalled that the July 2016 award of the Philippines-China arbitral tribunal, constituted under the 1982 Law of the Sea Convention, is final and legally binding on the parties. The Ministers shared serious concerns regarding the human rights situation in Hong Kong and the Xinjiang Uyghur Autonomous Region.

Recognizing that North Korea's arsenal poses a threat to international peace and stability, the Ministers reaffirmed their commitment to the complete denuclearization of North Korea and urged Pyongyang to abide by its obligations under UN Security Council resolutions. The Ministers also confirmed the necessity of immediate resolution of the abductions issue. Trilateral cooperation among the United States, Japan, and the Republic of Korea is critical for our shared security, peace, and prosperity in the Indo-Pacific region.

The United States and Japan reaffirmed that the strength of the Alliance comes from our shared values and is amplified by our network of close partnerships with like-minded democracies. The March 12 Quad Summit demonstrated to the world our shared vision of a free, open, and inclusive region anchored by universal values and unconstrained by coercive power. The Ministers pledged to work with Association of Southeast Asian Nations (ASEAN), affirming their strong support for its centrality and unity, as well as for the ASEAN Outlook on the Indo-Pacific. Recognizing the increasingly serious regional security environment, the Ministers recommitted to enhancing close coordination to align security policy, deepen defense cooperation across all domains, and bolster extended deterrence by consulting on Alliance roles, missions, and capabilities. They highlighted the importance of domains such as space and cyber, as well as further strengthening information security. In addition, they reiterated that realistic bilateral and multilateral exercises and training are necessary to maintain the Alliance's operational readiness and deterrent posture, as well as to meet future challenges.

The Ministers acknowledged the importance of close coordination as the Department of Defense conducts its Global Posture Review. They welcomed progress on force realignment efforts and reaffirmed their commitment to implementing the current arrangements in ways that maintain operational readiness and a sustainable presence, while mitigating the impact on local communities. They reconfirmed that the plan to construct the Futenma Replacement Facility at the Camp Schwab-Henokosaki area and in adjacent waters is the only solution that avoids the continued use of Marine Corps Air Station Futenma, and committed to completing construction as soon as possible. Regarding Host Nation Support, having agreed to a one-year extension amendment to the current Special Measures Agreement, the Ministers instructed their negotiators to work toward a new mutually beneficial multi-year agreement.

In remembrance of the thousands of lives lost to the Great East Japan Earthquake and its aftermath in March 2011, the Ministers underscored the cooperative spirit of the Alliance and reaffirmed their commitment to working alongside one another to maintain peace and stability in the Indo-Pacific region.

In recognition of the depth and breadth of the U.S.-Japan Alliance, and the need to increase momentum on numerous shared policy priorities, the Ministers called for another Security Consultative Committee meeting later in the year.

Subsection III-3

Joint Statement of the Security Consultative Committee

17 January 2020

Background: This SCC joint statement was among the shortest produced between the allies because the meeting was principally focused on commemorating the 60th anniversary of the Mutual Security Treaty; and it came only about eight months after the previous SCC that had produced a much more robust joint statement.

JOINT STATEMENT

On

The Sixtieth Anniversary of the Signing of the Treaty of Mutual Cooperation and Security between Japan and the United States of America

January 17, 2020

By

Minister for Foreign Affairs Motegi
Minister of Defense Kono
Secretary of State Pompeo
Secretary of Defense Esper

Sixty years ago, on January 19, Japan and the United States of America signed the Treaty of Mutual Cooperation and Security.

As we celebrate the 60th anniversary of the signing of this Treaty and look back at the 75 years of friendship and trust between the two nations since the end of World War II, we pay tribute to our predecessors for their wisdom, courage, and vision.

We also express our gratitude to the men and women of the United States Armed Forces and Japan Self-Defense Forces for their dedicated service in protecting our common values and interests.

Rooted in our unwavering commitment to values such as democracy, respect for human rights, and a rules-based international order, our Alliance has played and will continue to play an integral role in ensuring the peace and security of our two countries, while realizing our shared vision of a free and open Indo-Pacific including through regional security cooperation. Our Alliance is stronger, broader, and more essential today than ever.

While honoring the achievements of the past 60 years, we reiterate our unshakeable commitment to strengthen the Alliance and to uphold our common values and principles towards the future.

Subsection III-4

Joint Statement of the Security Consultative Committee

19 April 2019

Background: This was the second SCC meeting to take place under the Trump administration, and it proved significant for a few reasons. First, it recognized that a cyber incident could reach the threshold of an armed attack, meaning that it could trigger alliance obligations under Article V of the mutual security treaty. Second, it represented the allies' mutual adoption of the phrase "Free and open Indo-Pacific," which the Japanese under the Shinzo Abe administration had brought to global prominence. Third, it used the strongest language to date in the SCC's call for multilateralism, capitalizing on Japan's efforts to expand security ties with like-minded middle powers. Finally, it included a provision on U.S. support to Japan for the 2020 Olympics. Due to the postponement and prohibition of spectators, that support was not needed, but it affirmed the precedent set by U.S. support for the 1998 Winter Olympics in Nagano.

On April 19, 2019, the U.S.-Japan Security Consultative Committee convened in Washington, DC, with the participation of Secretary of State Pompeo, Acting Secretary of Defense Shanahan, Minister for Foreign Affairs Kono, and Minister of Defense Iwaya. During the meeting, the Ministers affirmed their strong commitment to realize a "free and open Indo-Pacific," a shared vision for a region in which all nations are sovereign, strong, and prosperous. Decades after the U.S.-Japan Treaty of Mutual Cooperation and Security was signed, the U.S.-Japan Alliance serves as the cornerstone of peace, security, and prosperity in the Indo-Pacific region and remains iron-clad amid an increasingly complex security environment. The Alliance will continue to play an indispensable role in upholding a rules-based international order and promoting the shared values of the American and Japanese people.

The Ministers welcomed the alignment of the strategic policy documents of both countries, namely the United States' National Security Strategy and National Defense Strategy, and Japan's National Defense Program Guidelines. These strategies show that the U.S.-Japan security partnership continues to adapt to be stronger, more advanced, and more effective, consistent with the objectives of the bilateral 2015 Guidelines for U.S.-Japan Defense Cooperation.

The Ministers acknowledged their shared concern that geopolitical competition and coercive attempts to undermine international rules, norms, and institutions present challenges to the Alliance and to the shared vision of a free and open Indo-Pacific. The Ministers highlighted the need for an increasingly networked structure of alliances and partnerships, anchored by the U.S.-Japan Alliance, to counter these challenges. The Ministers also expressed concern about rapidly evolving technological advancement in new domains, including space, cyberspace, and the electromagnetic spectrum. The Ministers highlighted the need to address these challenges jointly to ensure the Alliance's superiority in a contingency and to safeguard our institutions and rules-based order during peacetime.

The Ministers affirmed that their two nations' strong bilateral security relationship continues to be the foundation of the U.S.-Japan Alliance. As such, the Ministers decided that cooperation in crossdomain operations, enhancing the Alliance's capabilities, and increasing operational readiness

and cooperation should be core objectives to advance our defense relationship. The United States welcomed Japan's proactive steps to strengthen its defensive capabilities, with the Ministers confirming that both nations need to constantly re-evaluate their roles, missions, and capabilities.

Acknowledging the changing dynamics of warfare, the Ministers highlighted the importance of developing capabilities and increasing operational cooperation in both conventional and nonconventional domains. The Ministers highlighted space, cyberspace, and the electromagnetic spectrum as priority areas to better prepare the Alliance for cross-domain operations.

On cyberspace issues, the Ministers recognized that malicious cyber activity presents an increasing threat to the security and prosperity of both the United States and Japan. To address this threat, the Ministers committed to enhance cooperation on cyber issues, including deterrence and response capabilities, but as a matter of priority, emphasized that each nation is responsible for developing the relevant capabilities to protect their national networks and critical infrastructure. The Ministers affirmed that international law applies in cyberspace and that a cyber attack could, in certain circumstances, constitute an armed attack for the purposes of Article V of the U.S.-Japan Security Treaty. The Ministers also affirmed that a decision as to when a cyber attack would constitute an armed attack under Article V would be made on a case-by-case basis, and through close consultations between Japan and the United States, as would be the case for any other threat.

The Ministers recognized the critical role that U.S. extended deterrence plays in ensuring the security of Japan, as well as the peace and stability of the Indo-Pacific region. The United States reiterated its commitment to the defense of Japan through the full range of U.S. military capabilities, including conventional and nuclear.

The Ministers reiterated the importance of the international community's ongoing commitment to achieving North Korea's abandonment of all of its weapons of mass destruction, ballistic missiles, and related programs and facilities in a complete, verifiable, and irreversible manner in accordance with relevant UN Security Council resolutions. The Ministers welcomed the United States' diplomatic efforts to achieve the final, fully verified denuclearization of the Korean Peninsula, including through the U.S.-North Korea Summits. The Ministers affirmed their commitment to lead international efforts in UNSCR implementation, particularly in combatting illicit ship-to-ship transfers, and the Ministers committed to strengthen and enhance cooperation with other partner countries participating in UNSCR implementation. The Ministers also recognized the successful efforts to bring back U.S. nationals held in North Korea, and called upon North Korea to resolve the Japanese abductions issue immediately.

The Ministers reaffirmed that U.S. force posture in the region would remain robust and grounded in a clear-eyed assessment of threats, and they determined to deepen consultation on ensuring deterrence and security in the region. The Ministers also highlighted the importance of cooperation among the United States, Japan, and the Republic of Korea, and committed to work together to promote trilateral security cooperation and exercises.

The Ministers expressed serious concern about, and strong opposition to, unilateral coercive attempts to alter the status quo in the East China Sea (ECS) and South China Sea (SCS). The Ministers renewed their determination to work together to safeguard the peace and stability of the ECS, and reconfirmed that Article V of the U.S.-Japan Security Treaty applies to the Senkaku Islands and that both nations oppose any unilateral action that seeks to undermine Japan's administration of these islands.

The Ministers renewed their commitment to work both together and multilaterally to further support a free and open Indo-Pacific, including through joint exercises and port calls with partners in the region, capacity building in such areas as maritime domain awareness and law enforcement, and promotion of sustainable economic development and connectivity through quality infrastructure. The Ministers also recognized the crucial role of the U.S.-Japan Security arrangements in facilitating the greater presence of U.S. forces in the region.

To enable the United States to continue to maintain forward deployed forces in Japan, the Ministers reaffirmed the two Governments' commitment to steadily implement the realignment of U.S. forces. The Ministers also welcomed the significant progress on the Futenma Replacement Facility (FRF) and reconfirmed that the plan to construct the FRF at the Camp Schwab-Henokosaki area and adjacent waters is the only solution that avoids the continued use of Marine Corps Air Station (MCAS) Futenma. The Ministers underscored their strong determination to achieve its completion as soon as possible.

In recognition of the depth and breadth of the U.S.-Japan Alliance, the Ministers agreed to release a fact sheet detailing additional areas of bilateral cooperation.

* * * * *

U.S.-Japan Security Consultative Committee 2019 Fact Sheet

Secretary of State Michael R. Pompeo, U.S. Acting Defense Secretary Patrick Shanahan, Foreign Minister Taro Kono, and Defense Minister Takeshi Iwaya met in Washington, DC on April 19, 2019. Building upon their joint statement, the Ministers discussed the following shared priorities and initiatives through which the people of the United States and Japan will work together to strengthen the U.S.-Japan Alliance and build a free and open Indo-Pacific:

I. Bilateral Security and Defense Cooperation

Cooperation for Cross-Domain Operations

- Emphasizing the integral role of space in full spectrum cross-domain operations, the Ministers stressed the importance of deepening cooperation on space capabilities to strengthen mission assurance, interoperability, and operational cooperation. Both sides recognized the benefits of cooperation on space situational awareness (SSA) and highlighted Japan's development of a Deep Space Radar and the opportunity to host U.S.-provided SSA payloads on Japan's Quasi Zenith Satellite System planned for launch in 2023. The Ministers also underscored their interest in identifying ways to support alliance needs by leveraging emerging, innovative space concepts.
- The Ministers determined to bolster capability and enhance their respective integrated defense for both air and missile threats, including through the timely and smooth deployment of Japan's Aegis Ashore. The Ministers also shared their concerns about the proliferation of intermediate-range missiles worldwide and committed to working together to address this growing threat.

Enhancing the Alliance's Capabilities

- The Ministers reiterated the importance of modernizing and adapting the Alliance's capabilities to meet both current and future needs, including through the introduction of advanced weapon systems to Japan such as F-35, E-2D, V-22, stand-off missiles, and Aegis Ashore. The United States welcomed Japan's decision to utilize a multi-year budgeting process to purchase nine E-2D aircraft. The Ministers recognized the importance of utilizing multi-year budgeting, and ensuring cost transparency as well as early and effective case closures to further streamline the foreign military sales process.
- To enhance interoperability, the Ministers reaffirmed the intent to promote the standardization of defense equipment, sharing of defense networks, and cooperation on emerging technologies. The Ministers welcomed progress on the SM-3 Block IIA and its anticipated shift to the production phase, as well as the expedited cooperative research process for amphibious operational technologies.
- Cognizant of the fact that the Alliance's technological advantage must be safeguarded from our adversaries at all times, the Ministers committed to strengthen and enhance information security practices across the whole of government to protect classified information, maintain technological superiority, and preserve our shared economic and defense advantages in the face of evolving threats to the Japan-U.S. Alliance. The Ministers emphasized the need for greater supply chain security, noting threats to the defense industrial base, national networks, and critical infrastructure required for mission assurance.

Operational Readiness and Cooperation

- The Ministers committed to deepen operational cooperation as a means to improve Alliance readiness, interoperability, and deterrence, which are critical components for both peacetime and contingency operations. As a result, the Ministers welcomed the steady implementation of mutual asset protection; bilateral presence and joint Intelligence, Surveillance and Reconnaissance operations; increased scope of logistical support under the Acquisition and Cross Servicing Agreement; and ongoing exchange of liaison officers.
- The Ministers also reaffirmed that the two Governments would promote joint/shared use of the facilities of the Self-Defense Forces of Japan and U.S. Forces, in addition to operational training areas, to enhance interoperability, deterrence, and response capability, and to build a stronger relationship with local communities. The Ministers welcomed steady progress in both bilateral planning and cooperation on non-combatant evacuation operations.

II. U.S. Forces in Japan

- The Ministers reaffirmed the two Governments' commitment to steadily implement the realignment of U.S. forces in order to improve operational readiness and deterrent capabilities, while continuing efforts to mitigate the impact on local communities. The

Ministers welcomed initiatives to build and strengthen U.S. forces' community relations programs.

- The Ministers welcomed the progress on facility improvements of Nyutabaru Air Base and Tsuiki Air Base of the Air Self-Defense Force for contingency use of aircraft.
- The Ministers welcomed the relocation of the carrier air wing squadrons from Atsugi Air Facility to MCAS Iwakuni last year. The United States also expressed appreciation for the Government of Japan's continued efforts to acquire Mageshima for a new SDF facility. This facility will support operations such as large-scale disaster response as well as regular exercises and other activities, including as a permanent field carrier landing practice (FCLP) site for use by U.S. forces. The United States reiterated that a permanent FCLP facility will greatly contribute to the safe operation and training of U.S. forces. The Ministers expressed their intention to work closely in order to complete the development of the permanent facility at the earliest possible date.
- The Ministers welcomed progress in the steady implementation of the Guam International Agreement, and the planned relocation of approximately 9,000 U.S. Marine Corps personnel from Okinawa to locations outside of Japan. They reconfirmed the plan to begin the relocation to Guam in the first half of the 2020s.
- The Ministers recognized the importance of aviation safety and addressing public concerns related to this issue. The Ministers committed to facilitate prompt exchanges of information, and to continue a regular bilateral dialogue regarding aviation safety. Both sides recognized the necessity of all training, including aviation training, to maintain the highest levels of readiness and capabilities for the Alliance.

III. Working with Partners for a Free and Open Indo-Pacific

- The Ministers reiterated their support for ASEAN centrality and unity and their commitment to multilateral cooperation in Southeast Asia, including through joint training and exercises, capacity building, defense equipment and technology cooperation, and support for ASEAN-related architecture, including the East Asia Summit, the ASEAN Regional Forum, and the ASEAN Defense Minister's Meeting Plus. To support the autonomous and sustainable development of countries in the Mekong region, the Ministers committed to work closely in support of regional countries to address shared transboundary challenges, including transnational crime and trafficking, regional connectivity, energy security, and enhanced energy system integration.
- The Ministers welcomed continued cooperation and high-level consultation among the United States, Japan, and Australia, including through the Trilateral Strategic Dialogue, and noted the importance of trilateral joint exercises and capacity building in Southeast Asian and Pacific island countries. The Ministers also noted with satisfaction the first Japan-U.S.-India trilateral summit meeting in 2018 and highlighted significant joint exercises, such as

Malabar 2018 and Cope India 2018. Building upon these various trilateral efforts, the Ministers welcomed the regularization of quadrilateral engagement among Japan, the United States, Australia, and India. The Ministers also welcomed the increasing regional presence of the United Kingdom and France, and called for further cooperation in areas including activities in support of freedom of navigation, port calls, and countering illicit ship-to-ship transfers.

- The Ministers called for full respect for freedoms of navigation and overflight and other lawful uses of the sea, and reiterated the importance of activities that support those principles. The Ministers urged all parties to pursue demilitarization of disputed features in the SCS, resolve all maritime disputes peacefully without resorting to the threat or use of force, clarify their maritime claims in accordance with the international law of the sea as reflected in the 1982 Law of the Sea Convention, and fully respect legal and diplomatic processes.
- The Ministers underscored the importance of the July 2016 Philippines-China Arbitral Tribunal's Award for the two parties. The Ministers also emphasized the importance of a Code of Conduct in the SCS that is in full accordance with international law and upholds the right of ASEAN member states to partner with countries and foreign entities of their choosing, including with respect to hydrocarbon development and military exercises.

IV. Tokyo 2020 Olympic and Paralympic Games

- The Ministers confirmed that the two Governments intend to continue to work closely together through a whole-of-government effort toward a successful Tokyo 2020 Olympic and Paralympic Games.

Subsection III-5

Joint Statement of the Security Consultative Committee

17 August 2017

Background: This joint statement was the product of the first SCC meeting with officials from the Trump administration. The statement focused on two issues: First, reaffirming the implementation of Agreements made under the previous administration. Second, the statement sought to improve posture against the DPRK threat. It served as the foundation for U.S.-Japan cooperation in the “maximum pressure” campaign against the DPRK that marked the first year and a half of the Trump administration.

I. OVERVIEW

The U.S.-Japan Alliance (“the Alliance”) is the cornerstone of the Asia-Pacific region’s peace, prosperity, and freedom. This dynamic partnership is also increasingly important in promoting values shared by both nations, including freedom, democracy, peace, human rights, free and fair markets, and the rule of law. The Ministers renewed their resolve to uphold the rules-based international order amid the challenging security environment.

Today the U.S.-Japan Security Consultative Committee (“SCC”) charted a path forward for the Alliance in addressing the ongoing and emerging threats that pose a challenge to regional peace and security, based on the Joint Statement by the leaders of both countries on February 10, 2017. The SCC reaffirmed its commitment to implement the 2015 Guidelines for U.S.-Japan Defense Cooperation and to pursue further ways to strengthen the Alliance. The Ministers also reaffirmed the Alliance’s commitment to the security of Japan through the full range of capabilities, including U.S. nuclear forces.

II. THE REGIONAL STRATEGIC ENVIRONMENT

The Ministers condemned in the strongest terms North Korea’s recurring provocations and development of nuclear and ballistic missile capabilities, which have entered a new phase, and pose an increasing threat to regional and international peace and stability. The Ministers committed to bolster the capabilities of the Alliance to deter and respond to these threats. They also concurred on continuing to pressure North Korea, in cooperation with other countries, to compel it to take concrete actions to end its nuclear and ballistic missile programs, and to achieve the complete, verifiable, and irreversible denuclearization of the Korean Peninsula. The Ministers called on the international community to comprehensively and thoroughly implement the United Nations Security Council resolutions including the newly adopted Resolution 2371. The Ministers strongly encourage China to take decisive measures to urge North Korea to change its course of action. The Ministers called on North Korea to end its systematic human rights violations and to immediately release all foreign nationals held in North Korea, including Japanese abductees and U.S. citizens.

The Ministers expressed continuing concerns about the security environment in the East China Sea. They also recalled the situation in early August 2016. The Ministers reaffirmed the

importance of working together to safeguard the peace and stability of the East China Sea and reconfirmed that Article 5 of the U.S.-Japan Security Treaty applies to the Senkaku Islands and that the United States and Japan oppose any unilateral action that seeks to undermine Japan's administration of these islands.

The Ministers expressed serious concern about the situation in the South China Sea and reaffirmed their opposition to unilateral coercive actions by claimants, including the reclamation and militarization of disputed features, that alter the status quo and increase tensions. They reiterated the importance of the peaceful settlement of maritime disputes through full respect for legal and diplomatic processes, including arbitration. They also emphasized the importance of compliance with the international law of the sea, as reflected in the United Nations Convention on the Law of the Sea, including respect for freedom of navigation and overflight and other lawful uses of the sea. In this regard, the Ministers recalled the award rendered by the Arbitral Tribunal on July 12, 2016. The Ministers acknowledged the adoption of the framework of the Code of Conduct in the South China Sea (COC) and look forward to the conclusion of a meaningful, effective and legally binding COC. The Ministers underlined the significance of continued engagement in the South China Sea, including through respective activities to support freedom of navigation, bilateral and multilateral training and exercises, and coordinated capacity building assistance.

III. STRENGTHENING SECURITY AND DEFENSE COOPERATION

(1) Alliance Responses

The Ministers confirmed their shared intent to develop specific measures and actions to further strengthen the U.S.-Japan Alliance, including through reviewing roles, missions, and capabilities, to ensure seamless Alliance responses across a full spectrum of situations amid an increasingly challenging regional security environment. To that end, Japan intends to expand its role in the Alliance and augment its defense capabilities, with an eye on the next planning period for its Mid-Term Defense Program. The United States remains committed to deploying its most advanced capabilities to Japan. To expedite work already underway in this regard, the Ministers gave the following guidance to their staffs:

- Accelerate implementation of the 2015 Guidelines for U.S.-Japan Defense Cooperation and pursue additional types of cooperation under Japan's Legislation for Peace and Security; and,
- Explore new and expanded activities in various areas, such as Intelligence, Surveillance, and Reconnaissance (ISR), training and exercises, research and development, capacity building, and the joint/shared use of facilities.

(2) Implementation of the 2015 Guidelines for U.S.-Japan Defense Cooperation

The Ministers reaffirmed the two Governments' unwavering commitment to continue implementation of the 2015 Guidelines. The Ministers welcomed important steps within the Alliance to operationalize mutual asset protection and to bring into force the Acquisition and Cross-Servicing Agreement (ACSA) as milestones in enhancing bilateral defense cooperation. The Ministers noted the successful use of the Alliance Coordination Mechanism (ACM) to respond to regional events. The Ministers reaffirmed the critical role that U.S. extended deterrence plays in ensuring the security of Japan as well as the peace and stability of the Asia-Pacific region, and they expressed their intention to deepen engagement on this subject through the Extended Deterrence

Dialogue. They also confirmed their shared commitment to enhance and accelerate cooperation in such areas as bilateral planning, air and missile defense, non-combatant evacuation operations, defense equipment and technology cooperation, intelligence cooperation and information security. The Ministers affirmed their desire to expand bilateral cooperation in space, particularly in resiliency, Space Situational Awareness, hosted payloads and satellite communications. They called for deepening consultations in a timely manner on Alliance responses to serious cyber incidents, underscoring the critical importance of further enhancing Allied deterrence and defense.

IV. TRILATERAL AND MULTILATERAL COOPERATION

The Ministers highlighted ongoing Alliance efforts to advance trilateral and multilateral security and defense cooperation with other partners in the region, notably the Republic of Korea, Australia, India and Southeast Asian countries. The Ministers underscored the importance of cooperating to promote a rules-based international order, taking note of the United States' continued commitment to maintain a strong presence in the region and Japan's initiatives demonstrated by its "Free and Open Indo-Pacific Strategy."

Regarding cooperation with the Republic of Korea, the Ministers emphasized the need to enhance information-sharing and expand trilateral exercises, including missile warning, anti-submarine warfare, and maritime interdiction operations exercises. Regarding cooperation with Southeast Asian nations, the Ministers affirmed their intention to further enhance capacity building programs and defense equipment and technology transfers in areas including maritime security, defense institution building, and humanitarian assistance and disaster relief (HA/DR). Recognizing the importance of upholding the maritime order in the region, the Ministers confirmed their shared commitment to launch a whole-of-government dialogue on maritime security capacity building, which would incorporate existing efforts in this regard.

V. THE U.S. FORCE PRESENCE IN JAPAN

(1) Realignment of U.S. Forces in Japan

The Ministers, in view of maintaining a robust U.S. force presence in Japan, reaffirmed the two Governments' commitment to implement the existing arrangements for the realignment of U.S. forces in Japan, which aim to maintain operational and deterrent capability in an increasingly severe security environment, while also mitigating the impact on local communities and enhancing support from local communities for the presence and operations of U.S. forces in Japan.

As an essential element of this effort, the Ministers welcomed the resumption of Futenma Replacement Facility (FRF) construction and reconfirmed that the plan to construct the FRF at the Camp Schwab-Henokosaki area and adjacent waters is the only solution that addresses operational, political, financial, and strategic concerns and avoids the continued use of Marine Corps Air Station (MCAS) Futenma. The Ministers reaffirmed the two Governments' unwavering commitment to the plan and underscored their strong determination to achieve its completion as soon as possible and the long-desired return of MCAS Futenma to Japan. In this context, the Ministers called for the steady implementation of the construction plan, noting the adverse impact of further delays on the ability of the Alliance to provide for peace and security.

The Ministers welcomed the return of a major portion of the Northern Training Area in 2016, the single largest land return in Okinawa since 1972. They noted progress on the land returns that were announced in December 2015 and called for further implementation of those returns. The

Ministers also reaffirmed the importance of steady implementation of the Consolidation Plan for Facilities and Areas in Okinawa and their commitment to update the plan as soon as possible. The Ministers also welcomed progress in the relocation of a total of approximately 9,000 U.S. Marine Corps personnel, along with their associated dependents, from Okinawa to locations outside of Japan, including Guam. They confirmed the steady implementation of the Guam International Agreement.

The Ministers welcomed Japan's commitment to make utmost efforts to secure a permanent field carrier landing practice facility as soon as possible.

The Ministers confirmed their intent to continue to promote aviation training relocation, including tilt-rotor/rotary wing training relocation, which has helped to mitigate the impact of training activity on Okinawa.

(2) Host Nation Support (HNS)

The Ministers welcomed the entry into force of the current Special Measures Agreement (SMA) in April 2016, which serves as a pillar of the Alliance and a symbol of Japan's enduring support for the U.S. military presence in Japan. The Ministers confirmed that the overall level of HNS is to be maintained roughly at the Japan Fiscal Year 2015 level. The Ministers reaffirmed that the Facilities Improvement Program (FIP) funding in the current SMA period is to be no less than a budget of 20.6 billion yen per year.

(3) Other Issues

The Ministers reaffirmed the two Governments would promote joint/shared use to enhance interoperability and deterrence, build stronger relationships with local communities, and strengthen the Self-Defense Forces' force posture, including in Japan's southwestern islands.

The Ministers reiterated their determination to address issues related to the Status of Forces Agreement (SOFA) through mutual consultations. The Ministers welcomed the entry into force of supplementary agreements regarding environmental stewardship and the civilian component, and they stressed the importance of steadily implementing these agreements. The Ministers acknowledged the United States' enhanced training and orientation processes for personnel with SOFA status.

Subsection III-6

Joint Statement of the Security Consultative Committee

27 April 2015

Background: This was one of the most significant SCC meetings in the past few decades because it produced the most recent iteration of the Guidelines for U.S.-Japan Defense Cooperation. Since the Guidelines are only a modification of roles, missions, and capabilities under the existing framework of the Mutual Security Treaty, the SCC was the approval authority for the document. The corresponding 2015 SCC joint statement clarified the scope and purpose of the new Defense Guidelines, while continuing the commentary on other Alliance initiatives that had occupied the attention of the SCC in previous meetings, such as realignment and international security cooperation.

A STRONGER ALLIANCE FOR A DYNAMIC SECURITY ENVIRONMENT The New Guidelines for Japan-U.S. Defense Cooperation

April 27, 2015

By

Minister for Foreign Affairs Kishida

Minister of Defense Nakatani

Secretary of State Kerry

Secretary of Defense Carter

1. OVERVIEW

Minister for Foreign Affairs Fumio Kishida, Minister of Defense Gen Nakatani, Secretary of State John Kerry, and Secretary of Defense Ashton Carter convened the Japan-U.S. Security Consultative Committee (SCC) in New York on April 27, 2015. In light of the evolving security environment, the Ministers reconfirmed the Alliance's commitment to the security of Japan and to the maintenance of international peace and security.

The Ministers announced the approval and release of new, revised "Guidelines for Japan-U.S. Defense Cooperation" (the Guidelines), which update the roles and missions of the two countries and promote a more balanced and effective Alliance to meet the emerging security challenges of the 21st century. The Ministers discussed a variety of regional and global challenges, initiatives to enhance bilateral security and defense cooperation in various areas, promotion of enhanced regional cooperation, and moving forward on the realignment of U.S. forces in Japan.

As articulated in its 2015 National Security Strategy, the United States is actively implementing its rebalance to the Asia-Pacific region. Central to this is the ironclad U.S. commitment to the defense of Japan, through the full range of U.S. military capabilities, including nuclear and conventional. Japan highly values U.S. engagement in the region. In this context, the Ministers reaffirmed the indispensable role of the Japan-U.S. Alliance in promoting regional peace, security, and prosperity. \

As Japan continues its policy of “Proactive Contribution to Peace,” based on the principle of international cooperation, the United States welcomes and supports Japan’s recent monumental achievements. Among these are: the cabinet decision by the Government of Japan on July 1, 2014, for developing seamless security legislation; the creation of its National Security Council; the Three Principles on Transfer of Defense Equipment and Technology; the Act on the Protection of Specially Designated Secrets; the Basic Act on Cybersecurity; the new Basic Plan on Space Policy; and the Development Cooperation Charter.

The Ministers affirmed that the Japan-U.S. Alliance, strengthened by the new Guidelines and the two countries’ respective security and defense policies, continues to serve as the cornerstone of peace and security in the Asia-Pacific region as well as a platform for promoting a more peaceful and stable international security environment.

The Ministers also reaffirmed that the Senkaku Islands are territories under the administration of Japan and therefore fall within the scope of the commitments under Article 5 of the Japan-U.S. Treaty of Mutual Cooperation and Security, and that they oppose any unilateral action that seeks to undermine Japan’s administration of these islands.

2. THE NEW GUIDELINES FOR U.S.-JAPAN DEFENSE COOPERATION

The Guidelines, which were first approved on November 27, 1978, and revised on September 23, 1997, have provided a general framework and policy direction for the roles and missions of the two countries, as well as ways of cooperation and coordination. At the SCC meeting in Tokyo on October 3, 2013, the Ministers shared views on the evolving security environment and directed the Subcommittee for Defense Cooperation (SDC) to draft recommended changes to the 1997 Guidelines to ensure that the Alliance continues its vital role in deterring conflict and advancing peace and security.

Today, the SCC approved the SDC’s recommended new Guidelines, which accomplishes the objectives outlined by the Ministers in October 2013. The new Guidelines, which replace the 1997 Guidelines, update the general framework and policy direction for the roles and missions of the two countries and manifest a strategic vision for a more robust Alliance and greater shared responsibilities by modernizing the Alliance and enhancing its deterrence and response capabilities in all phases, from peacetime to contingencies.

Recognizing the significance of ensuring consistency between the new Guidelines and Japan’s efforts to develop seamless security legislation, the Ministers acknowledged that such legislation would make bilateral efforts under the new Guidelines more effective. The United States welcomes and supports the ongoing efforts to develop the legislation, which is to reflect Japan’s policy of “Proactive Contributions to Peace” and its July 2014 cabinet decision.

The core of the Guidelines continues to be the steadfast commitment to Japan’s peace and security. The new Guidelines detail the ways and means through which the two governments continue to strengthen their ability to fulfill that commitment through seamless, robust, flexible, and effective Alliance responses while expanding bilateral cooperation across a range of other areas, such as: Alliance Coordination Mechanism: Under the new Guidelines the two countries are establishing a standing, whole-of-government mechanism for Alliance coordination, enabling a seamless response in all phases, from peacetime to contingencies.

Regional and Global Cooperation: The new Guidelines enable the Alliance to make greater contributions to international security initiatives wherever appropriate in a way consistent with Japanese laws and regulations, such as peacekeeping operations, maritime security, and logistic support. The Ministers reiterated the importance of cooperating with regional and other partners as well as with international organizations.

New Strategic Cooperation: A dynamic world requires a modern Alliance, and the new Guidelines lay a foundation for the two countries to cooperate in space and cyberspace and in conducting operations intended to have effects across domains.

Humanitarian Assistance and Disaster Relief: The new Guidelines describe ways the two governments can work together to improve further the effectiveness of bilateral cooperation in responding to a large-scale disaster in Japan or around the world.

A Strong Foundation: The new Guidelines also describe programs and activities that pay dividends in every aspect of bilateral cooperation, including defense equipment and technology cooperation, intelligence cooperation and information security, and educational and research exchanges.

The Ministers confirmed their intention to start bilateral work under the new Guidelines. In this context, the SCC directed the SDC to implement the new Guidelines, including establishing the standing Alliance Coordination Mechanism and upgrading the Bilateral Planning Mechanism, thereby strengthening bilateral planning. The Ministers also expressed their intention to negotiate expeditiously an acquisition and cross-servicing agreement to operationalize the mutual logistics cooperation envisioned by the new Guidelines.

3. BILATERAL SECURITY AND DEFENSE COOPERATION

The Ministers noted with satisfaction ongoing progress to strengthen the Alliance's deterrence and response capabilities by enhancing bilateral security and defense cooperation in a variety of areas.

The Ministers:

- confirmed the strategic importance of deploying the most modern and advanced U.S. capabilities to Japan, which enhances Alliance deterrence and contributes to the security of Japan and the Asia-Pacific region. In this context, the Ministers welcomed the deployment of U.S. Navy P-8 maritime patrol aircraft to Kadena Air Base, the rotational deployment of U.S. Air Force Global Hawk unmanned aerial vehicles to Misawa Air Base, the deployment of the USS Green Bay, an upgraded amphibious transport ship, and U.S. plans to deploy Marine Corps F-35B aircraft to Japan in 2017. In addition, the Ministers welcomed U.S. plans to deploy additional Aegis ships to Yokosuka Naval Base by 2017, as well as the swap-out of the aircraft carrier USS George Washington with the more advanced USS Ronald Reagan later this year;
- committed to continued engagement through the bilateral Extended Deterrence Dialogue, which reinforces the credibility of the U.S. defense commitment to Japan, including through discussion of nuclear and conventional capabilities;

- stressed the importance of sustained cooperation in enhancing Ballistic Missile Defense (BMD) capabilities, particularly the deployment of a second AN/TPY-2 radar (X-band radar) system to Kyogamisaki in December 2014 and the planned deployment of two additional BMD-capable destroyers to Japan by 2017. Working in concert, these assets are to directly contribute to the defense of Japan and the United States;
- highlighted enhanced collaboration on space security, particularly in the areas of resiliency and developing capabilities, through the whole-of-government Japan-U.S. Comprehensive Dialogue on Space and the Space Security Dialogue. The Ministers also highlighted increased cooperation resulting from the Japan Aerospace Exploration Agency's provision of space situational awareness (SSA) information to the United States, as well as the establishment of a new framework to discuss space-related issues between the two defense authorities;
- called for continued progress in cooperation on cyberspace issues, particularly in the areas of threat information sharing, mission assurance, and critical infrastructure protection, through the whole-of-government Japan-U.S. Cyber Dialogue and the Cyber Defense Policy Working Group;
- lauded enhanced Intelligence, Surveillance, and Reconnaissance (ISR) cooperation, particularly the rotational deployment of U.S. Air Force Global Hawk unmanned aerial vehicles to Misawa Air Base and Japan's plans to procure advanced ISR platforms;
- praised expanded logistics and defense equipment cooperation, as reflected by Japan's new Three Principles on Transfer of Defense Equipment and Technology and the recent U.S. decision to establish an F-35 regional maintenance, repair, overhaul, and upgrade capability in Japan. The Ministers highlighted strengthened defense equipment cooperation through the linkage of the Systems and Technology Forum and the Alliance Roles, Missions, and Capabilities dialogue, which facilitates joint research and development of advanced capabilities;
- and affirmed the importance of enhanced information security cooperation, as reflected by continued progress through the Bilateral Information Security Consultations and by Japan's implementation of the Act on the Protection of Specially Designated Secrets. As a result of this legislation, the Government of Japan has put in place the policies, practices, and procedures necessary to facilitate the secure exchange of sensitive information in peacetime and during contingencies.

In addition, the Ministers affirmed that host nation support has demonstrated continued Japanese support for the forward-deployed presence of U.S. forces in Japan, which contributes to Japan's peace and security in an increasingly complex security environment. The Ministers, noting that the current host nation support commitment, as stipulated in June 2011 SCC documents, expires in March 2016, expressed their intention to start consultations on future arrangements to provide an appropriate level of host nation support.

Recognizing the expanding scope of bilateral activities, the Ministers affirmed their intent to consider at the earliest opportunity an appropriate bilateral consultation framework that would enhance the efficiency and effectiveness of Alliance management processes.

4. REGIONAL AND INTERNATIONAL COOPERATION

Recognizing the Japan-U.S. Alliance as the cornerstone of peace and security in the Asia-Pacific region as well as a platform for promoting a more peaceful and stable international security environment, the Ministers highlighted recent progress in the following areas:

- Increased cooperation in Humanitarian Assistance/Disaster Relief operations, as reflected by close coordination in responding to the November 2013 typhoon in the Philippines;
- Continued close coordination on partner capacity building, particularly in Southeast Asia, including through the provision of coastal patrol vessels and other maritime security capacity building endeavors; and
- Expanded trilateral and multilateral cooperation, particularly with key partners such as the Republic of Korea (ROK) and Australia, as well as the Association of Southeast Asian Nations. The Ministers highlighted the recent signing of a trilateral information sharing arrangement with the ROK concerning the nuclear and missile threats posed by North Korea, and resolved to utilize the framework as the foundation for expanded trilateral cooperation into the future. The Ministers also affirmed their intention to pursue closer cooperation with Australia on capacity building activities in Southeast Asia, and on security and defense issues through the Security and Defense Cooperation Forum.

5. REALIGNMENT OF U.S. FORCES IN JAPAN

The Ministers reaffirmed the two governments' continued commitment to implement the existing arrangements on the realignment of U.S. forces in Japan as soon as possible, while ensuring operational capability, including training capability, throughout the process. The Ministers underscored their commitment to maintaining a robust and flexible force posture that enhances deterrence by strengthening the capability to respond effectively to future challenges and threats, while also mitigating the impact of U.S. forces on local communities. In this context, the Ministers welcomed the relocation of the KC-130 squadron from Marine Corps Air Station (MCAS) Futenma to MCAS Iwakuni and confirmed their commitment to continue aviation training relocation, including to locations outside of Okinawa, through efforts such as the development of training areas and facilities.

As an essential element of this effort, the Ministers reconfirmed that the plan to construct the Futenma Replacement Facility (FRF) at the Camp Schwab-Henokosaki area and adjacent waters is the only solution that addresses operational, political, financial, and strategic concerns and avoids the continued use of MCAS Futenma. The Ministers reaffirmed the two governments' unwavering commitment to the plan and underscored their strong determination to achieve its completion and the long-desired return of MCAS Futenma to Japan. The United States welcomes the steady and continuing progress of FRF construction projects.

The Ministers also reconfirmed the importance of land returns south of Kadena Air Base based on the 2006 "Roadmap" and the April 2013 Consolidation Plan, and reiterated the two governments' determination to work continuously on the implementation of the plan and anticipated the update of the plan by Spring 2016. The Ministers highlighted the on-time return of the West Futenma Housing

Area of Camp Zukeran on March 31 of this year, which marked the most significant land return completed to date in accordance with the plan.

The Ministers confirmed that the two governments are steadily implementing the relocation of U.S. Marine Corps personnel from Okinawa to locations outside of Japan, including Guam, based upon the amended Guam International Agreement.

The Ministers reaffirmed their commitment to strengthening cooperation to protect the environment and confirmed the importance of making further efforts in environmental matters. To that end, the Ministers welcomed progress on a supplementary Agreement on Cooperation in the Field of Environmental Stewardship and confirmed their intention to continue negotiating the ancillary documents of the Agreement as expeditiously as possible.

Subsection III-7

Joint Statement of the Security Consultative Committee

19 December 2014

Background: Originally, the allies intended to conclude Defense Guidelines negotiations within a year after the October 2013 SCC meeting. However, delays in the Japanese government's reinterpretation of the Constitution to allow for collective self-defense slowed the pace of negotiations. Instead of producing fully formed Defense Guidelines, this SCC published an interim report and the succinct joint statement included below.

JOINT STATEMENT OF THE SECURITY CONSULTATIVE COMMITTEE

December 19, 2014

By

Minister for Foreign Affairs Kishida

Minister of Defense Eto

Secretary of State Kerry

Secretary of Defense Hagel

At the "2+2" Japan-U.S. Security Consultative Committee (SCC) meeting in Tokyo on October 3, 2013, the Ministers decided upon several steps to upgrade significantly the capability of the Japan-U.S. Alliance. The Ministers commend the ongoing progress in the revision of the Guidelines for Japan-U.S. Defense Cooperation as a core component of these steps. Based on the October 8, 2014, Interim Report, this work will not only ensure Japan's peace and security, but also make positive contributions to the Asia-Pacific region and beyond.

The U.S. rebalance to the Asia-Pacific region and Japan's policy of "Proactive Contribution to Peace," based on the principle of international cooperation, both contribute to efforts by the Alliance to ensure a peaceful and prosperous Asia-Pacific region. Along these lines, the Government of the United States welcomes and supports efforts made by the Government of Japan in the security field, including the cabinet decision on July 1, 2014, for developing seamless security legislation.

Recognizing the significance of ensuring consistency between the revision of the Guidelines and Japan's legislative process and reconfirming the importance of ensuring the robust content of the revised Guidelines, the Ministers have decided to deepen the discussions further to work toward finalizing the revision of the Guidelines during the first half of next year, taking into account the progress of Japan's legislative process.

The Ministers affirm an unwavering mutual commitment to strengthen the Alliance further and to enhance deterrence in a complex regional and global security environment. The Japan-U.S. Alliance will continue to be the cornerstone of regional peace and security as well as a platform for global cooperation.

Subsection III-8

Joint Statement of the Security Consultative Committee

3 October 2013

Background: This was the first SCC meeting since the Liberal Democratic Party (LDP) under Shinzo Abe ousted the Democratic Party of Japan in December 2012 and restored control of the Diet. The LDP-led government wasted no time in trying to evolve the U.S.-Japan Alliance, and that included a promise to reinterpret its constitution to allow for the exercise of collective self-defense. To update the alliance to accommodate the new Japan Self Defense Force authorities that would come with this constitutional reinterpretation, the Japanese government proposed renegotiating the 1997 Guidelines for U.S.-Japan Defense Cooperation. The U.S. government agreed, and this SCC joint statement laid out the expectations for what Defense Guidelines the negotiations would produce.

JOINT STATEMENT OF
THE SECURITY CONSULTATIVE COMMITTEE
Toward a More Robust Alliance and Greater Shared Responsibilities

October 3, 2013

By

Minister for Foreign Affairs Kishida

Minister of Defense Onodera

Secretary of State Kerry

Secretary of Defense Hagel

I. Overview

On October 3, 2013, the U.S.-Japan Security Consultative Committee (SCC) convened in Tokyo, with the participation of both the U.S. Secretaries of State and Defense and Japan's Ministers for Foreign Affairs and of Defense. On the occasion of this historic meeting, the SCC reaffirmed the indispensable role our two countries play in the maintenance of international peace and security and reconfirmed our Alliance's commitment to the security of Japan through the full range of U.S. military capabilities, including nuclear and conventional. The two sides also set forth a strategic vision that, reflecting our shared values of democracy, the rule of law, free and open markets, and respect for human rights, will effectively promote peace, security, stability, and economic prosperity in the Asia-Pacific region.

At the SCC meeting, the Ministers exchanged views on the evolving security environment in the Asia-Pacific region and decided upon several steps to upgrade significantly the capability of the U.S.-Japan Alliance. Our strategic vision for a more robust Alliance and greater shared responsibilities is to be based on revising the 1997 Guidelines for U.S.-Japan Defense Cooperation, expanding security and defense cooperation in the Asia-Pacific region and beyond, and approving new measures that support the realignment of U.S. forces in Japan. The United States also welcomed Japan's determination to contribute more proactively to regional and global peace and security. The

Ministers stressed the importance of multilateral cooperation with regional and international partners.

As the United States continues to implement its rebalance to the Asia-Pacific region it intends to strengthen military capabilities that allow our Alliance to respond to future global and regional security challenges, including in emerging strategic domains such as space and cyberspace. The Ministers stressed that the realignment of U.S. forces in Japan is to ensure that the U.S. presence maintains deterrence and provides for the capabilities to defend Japan and respond to regional contingencies, while remaining politically sustainable. In this context, the Ministers reiterated the ongoing mutual commitment to complete the agreements on the realignment of U.S. forces in Japan, including constructing the Futenma Replacement Facility (FRF) and relocating U.S. Marines to Guam, and welcomed the progress made in that regard.

Japan's security policy continues to reflect its long-standing commitment to regional and global peace and stability, as well as its intention to make more proactive contributions to addressing the challenges faced by the international community. At the same time, Japan will continue coordinating closely with the United States to expand its role within the framework of the U.S.-Japan Alliance. Japan is also preparing to establish its National Security Council and to issue its National Security Strategy. In addition, it is reexamining the legal basis for its security including the matter of exercising its right of collective self-defense, expanding its defense budget, reviewing its National Defense Program Guidelines, strengthening its capability to defend its sovereign territory, and broadening regional contributions, including capacity-building efforts vis-à-vis Southeast Asian countries. The United States welcomed these efforts and reiterated its commitment to collaborate closely with Japan.

To accomplish our shared strategic vision for the Alliance against the backdrop of a complex regional security environment, the Ministers recognized that the Alliance is the cornerstone of peace and security in the region. Over the next decade, the Alliance intends to continue to address security challenges through close cooperation and a more interoperable and flexible force posture that enables side-by-side and agile contingency response and crisis management. The Ministers affirmed that the Alliance should remain well positioned to deal with a range of persistent and emerging threats to peace and security, as well as challenges to international norms. Among these are: North Korea's nuclear and missile programs and humanitarian concerns; coercive and destabilizing behaviors in the maritime domain; disruptive activities in space and cyberspace; proliferation of weapons of mass destruction (WMD); and man-made and natural disasters. As stated in the 2011 SCC Joint Statement, the Ministers continue to encourage China to play a responsible and constructive role in regional stability and prosperity, to adhere to international norms of behavior, as well as to improve openness and transparency in its military modernization with its rapid expanding military investments.

The United States and Japan resolve to be full partners in a more balanced and effective Alliance in which our two countries can jointly and ably rise to meet the regional and global challenges of the 21st century, by investing in cutting-edge capabilities, improving interoperability, modernizing force structure, and adapting Alliance roles and missions to meet contemporary and future security

realities. To this end, our Alliance should emphasize improved cooperation and coordination, including on information security, equipment and technology, cyber security, and space security, in order to broaden and deepen cooperation across a wide range of Alliance issues.

II. Bilateral Security and Defense Cooperation

The Ministers pledged to continue deepening the Alliance and directed work on a robust agenda to ensure the Alliance's credibility into the future. Among the tasks before us are revising the Guidelines for U.S.-Japan Defense Cooperation, expanding our ballistic missile defense capabilities, improving cooperation on emerging strategic domains such as space and cyberspace, as well as strengthening information security and equipment acquisition collaboration, in order to broaden cooperation across a wide range of Alliance issues.

- Guidelines for U.S.-Japan Defense Cooperation

Recognizing the implications of the evolving regional and global security environment, the Ministers directed the Subcommittee for Defense Cooperation (SDC) to draft recommended changes to the 1997 Guidelines for U.S.-Japan Defense Cooperation, to ensure that the Alliance continues its vital role in deterring conflict and advancing peace and security. The Ministers identified several objectives for this revision, including:

- ensuring the Alliance's capacity to respond to an armed attack against Japan, as a core aspect of U.S.-Japan defense cooperation;
- expanding the scope of cooperation, to reflect the global nature of the U.S.-Japan Alliance, encompassing such areas as counter-terrorism, counter-piracy, peacekeeping, capacity building, humanitarian assistance/disaster relief, and equipment and technology enhancement;
- promoting deeper security cooperation with other regional partners to advance shared objectives and values;
- enhancing Alliance mechanisms for consultation and coordination to make them more flexible, timely, and responsive and to enable seamless bilateral cooperation in all situations;
- describing appropriate role-sharing of bilateral defense cooperation based on the enhancement of mutual capabilities;
- evaluating the concepts that guide bilateral defense cooperation in contingencies to ensure effective, efficient, and seamless Alliance response in a dynamic security environment that includes challenges in emerging strategic domains such as space and cyberspace; and
- exploring additional ways in which we can strengthen the Alliance in the future to meet shared objectives.

The Ministers directed that this task for the SDC be completed before the end of 2014.

- BMD Cooperation

The Ministers confirmed their commitment to enhance the ballistic missile defense (BMD) capabilities of both countries and welcomed recent progress in this area, including the SM-3 Block IIA cooperative development program. They confirmed their intention to designate the Air Self-Defense Force base at Kyogamisaki as the deployment site for a second AN/TPY-2 radar (X-band radar) system, consistent with the May 1, 2006, SCC Document: “United States-Japan Roadmap for Realignment Implementation.” The SCC members also affirmed the continuing goal of expanding bilateral cooperation in this area.

- Cooperation in Cyberspace

The first U.S.-Japan Cyber Dialogue, held in May 2013, affirmed that the United States and Japan share common objectives in international cyber fora, especially the application of norms of responsible State behavior in cyberspace. The Ministers stressed the need for close coordination with the private sector in addressing challenges to the safe and secure use of cyberspace. In particular, the Ministers recognized the need to promote a whole-of-government approach to shared threats in cyberspace.

The Ministers welcomed the signing of a Terms of Reference for a new Cyber Defense Policy Working Group (CDPWG) charged with fostering increased cyber defense cooperation with the improvement of individual cyber capabilities and interoperability between the Self-Defense Forces and U.S. forces, which will also contribute to whole-of-government cybersecurity efforts.

- Cooperation in Space

The Ministers underscored the importance of utilizing capabilities for improved bilateral information collection and sharing related to space situational awareness (SSA) and space-based maritime domain awareness. Specifically, the Ministers welcomed the conclusion of the U.S.-Japan SSA Sharing Agreement and highlighted progress on efforts toward two-way sharing of SSA information. In this context, the Ministers welcomed the commitment of both countries to an early realization of the Japan Aerospace Exploration Agency’s (JAXA) provision of SSA information to the United States.

The SCC members also expressed their desire to improve maritime domain awareness by leveraging satellite capabilities and look forward to future whole-of-government exercises and dialogues on this topic. The Ministers welcomed the establishment of the U.S.-Japan Comprehensive Dialogue on Space to coordinate strategic-level cooperation that promotes long-term sustainability, stability, safety, and security in space. The Ministers also affirmed continued support for multilateral efforts to develop an International Code of Conduct for Outer Space Activities.

- Joint Intelligence, Surveillance, and Reconnaissance (ISR) Activities

The Ministers welcomed the establishment of a bilateral Defense ISR Working Group and reaffirmed its mission of encouraging closer Alliance interoperability and information sharing between the U.S. forces and the Self-Defense Forces. They welcomed further progress toward bilateral ISR operations during peace time and contingencies.

- Joint/Shared Use of Facilities

In order to improve the flexibility and resiliency of the Alliance, as well as to strengthen the Self-Defense Forces posture in areas, including Japan's southwestern islands, the Ministers welcomed the efforts of the Joint/Shared Use Working Group. Progress in realizing the joint/shared use of U.S. and Japanese facilities and areas strengthens the Alliance's deterrent capabilities while building a stronger relationship with local communities.

- Bilateral Planning

The Ministers welcomed progress on bilateral planning and reaffirmed efforts toward refining bilateral plans so that the U.S.-Japan Alliance can better defend Japan and respond to the range of regional challenges in an evolving security environment. Key components of this effort include strengthening bilateral whole-of-government mechanisms for peacetime and crisis coordination and improving contingency access by U.S. forces and the Self-Defense Forces to facilities in Japan.

- Defense Equipment and Technology Cooperation

The Ministers welcomed the new linkage established between bilateral discussions at the Systems and Technology Forum and dialogue on Roles, Missions, and Capabilities. This initiative addresses the evolving challenges of the regional and global security environment by enabling increased cooperation in the acquisition of defense systems with Alliance strategy and capability needs. Moreover, through collaboration such as the participation of Japanese industries in the production of the F-35 aircraft, bilateral cooperation on equipment and technology should deepen as Japan examines its Three Principles on Arms Exports and their related policy guidelines.

- Extended Deterrence Dialogue

The Ministers noted with satisfaction the meaningful outcome of bilateral Extended Deterrence Dialogues. This process reinforces the credibility of the U.S. defense commitment to Japan, including through discussions of nuclear and conventional capabilities, and helps to promote regional stability from a near- and long-term perspective. The Ministers also confirmed their Governments' continued commitment to holding the dialogue on a regular basis.

- Information Security

Enhanced information security continues to reinforce the bilateral relationship of trust and enable broader information sharing between both countries in terms of quality and quantity. The Ministers confirmed the critical role that information security plays in Alliance cooperation and reflected on the considerable progress in strengthening policies, practices, and procedures related to the protection of classified information made through Bilateral Information Security Consultations. The SCC members particularly welcomed the serious efforts by Japan in establishing a legal framework for further ensuring information security and underscored the importance of closer collaboration. The ultimate aim is to enable our Governments to interact in real time to address opportunities and crises alike through a dynamic, secure exchange of information.

- Joint Training and Exercises

In order to enhance and improve effectiveness, interoperability, readiness, mobility, and sustainability of the operations of the U.S. forces and the Self-Defense Forces, and to strengthen deterrence of the U.S.-Japan Alliance, the Ministers welcomed progress in peace time bilateral defense cooperation, such as the expansion of timely and effective bilateral training. Bilateral and multilateral exercises, both hosted by Japan and in areas outside of Japan, have improved interoperability and sharpened our ability to deter aggression, defend Japan, and maintain regional peace and security. The Ministers recognized the significant efforts to continue training of Okinawa based U.S. forces at locations outside of Okinawa.

The Ministers decided to take advantage of the following opportunities to increase training outside of Okinawa, including in mainland Japan, while maintaining the deterrence capabilities of the Alliance:

- Humanitarian Assistance and Disaster Relief (HA/DR) drills;
- Flight training, through frameworks such as the Aviation Training Relocation (ATR) program;
- Artillery Relocation Training, which is under consultation for improvement to better reflect current and future contingency environments;
- Other bilateral and trilateral/multilateral training with the partners in the Asia-Pacific region; and
- MV-22 Osprey, with its unique capabilities, to participate in various operations in mainland Japan and across the region, to reduce the amount of time located and training in Okinawa. In addition to the above mentioned exercises, the Ministers noted, for example, participation of MV-22 Ospreys in exercise FOREST LIGHT, and flight training by MV-22 Ospreys, such as low-level flight training, in-flight refueling training, and logistical support training

- Host Nation Support

The Ministers affirmed the continuing importance of the Host Nation Support (HNS) provided by Japan to the continued effectiveness of the Alliance for the defense of Japan and the maintenance of peace and security in the region.

III. Regional Engagement

The Ministers noted that in an increasingly integrated global economy, trilateral and multilateral cooperation is essential. They affirmed that in the next decade, the Alliance is to reinforce a system of international partnerships and multilateral cooperation that preserves and promotes a peaceful, prosperous, and secure Asia-Pacific region. The United States and Japan are committed to working together to increase security capacity regionally in Southeast Asia and globally. Our mutual cooperation is to expand over time, and we are committed to working in partnership with other like-minded countries to build sustainable patterns of cooperation.

- Regional Capacity Building

The SCC members resolved to build on early efforts to collaborate on partnership capacity building projects in the Asia Pacific region. Cooperating in these efforts is to help ensure regional stability by promoting regional partner security capacities and helping other nations develop their own defense and law enforcement capabilities. The Ministers welcomed the strategic use of Official Development Assistance by Japan, such as providing coastal patrol vessels and training for maritime safety to regional partners, and recognized the importance of such endeavors in promoting regional peace and stability.

- Maritime Security

The Ministers affirmed their intent to cooperate further in maritime security and counter-piracy to protect the freedom of navigation, ensure safe and secure sea lines of communication, and promote related customary international law and international agreements.

- Humanitarian Assistance/Disaster Relief

Recalling the prompt and effective response by the United States and Japan to recent humanitarian and natural disasters worldwide, the Ministers encouraged efforts to extend bilateral cooperation as well as to promote trilateral and multilateral coordination in international humanitarian assistance and disaster relief (HA/DR) and other operations as the circumstances allow, through joint exercises and mutual logistics support.

- Trilateral Cooperation

The Ministers affirmed the importance of security and defense cooperation among allies and partners in the region and noted in particular the success of the trilateral dialogues carried out regularly with Australia and the Republic of Korea. These trilateral dialogues advance our shared security interests, promote common values, and enhance the security environment of the Asia-Pacific region.

Trilateral cooperation seeks to improve regional security and defense capacities – including humanitarian and disaster relief – in order to support regional peace and stability, helps to promote the freedom of navigation and regional maritime security, and acts as a stabilizing regional presence by building confidence and encouraging transparency in the region. The Ministers urged an increase in the sharing of information among regional allies, including information on operations, plans, exercises, and capabilities, in order to bolster trilateral cooperative efforts further.

- Multilateral Cooperation

The Ministers noted the importance of working together, along with other regional partners, to strengthen institutions that promote economic and security cooperation based on internationally accepted rules and norms, including the East Asia Summit (EAS), the Asia-Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN) Regional Forum (ARF), and the ASEAN Defense Ministerial Meeting Plus (ADMM+).

IV. Realignment of U.S. forces in Japan

The Ministers confirmed that agreements on Realignment of U.S. forces in Japan should be implemented as soon as possible while ensuring operational capability, including training capability, throughout the process. The Ministers reaffirmed their commitment to ensure the return of the facilities and areas as described in the April 2013 Consolidation Plan for Facilities and Areas in Okinawa. The Ministers reaffirmed that approximately 9,000 U.S. Marines are to be relocated from Okinawa to locations outside of Japan.

The Ministers reconfirmed that the realignment plan described in the 2012 SCC Joint Statement will realize a U.S. force posture in the region that is geographically distributed, operationally resilient, and politically sustainable. This realignment plan will provide the strength, flexibility, and deterrent capacity to respond effectively to future challenges and threats, while also mitigating the impact of U.S. forces on local communities.

- Realignment on Okinawa

The Ministers welcomed the progress on land returns based on the April 2013 Consolidation Plan and stressed their determination to continue efforts toward implementation. In particular, they welcomed the completion of the land return of the north access road of Makiminato

Service Area (Camp Kinser) in August 2013, and the Joint Committee agreements on an area near Gate 5 of Makiminato Service Area (Camp Kinser), the West Futenma Housing area, a portion of the warehouse area of the Facilities and Engineering Compound, and Shirahi River Area of Camp Zukeran (Camp Foster). These returns are ahead of schedule. Japan welcomed the proactive efforts taken by the United States as shown in the Consolidation Plan that resulted in the creation of an additional land return decision beyond those specified in the April 2012 SCC Joint Statement. The return of a portion of land along the Shirahi River on Camp Zukeran (Camp Foster) will enable the local community to develop better flood control measures in the area.

As an essential element of this effort, the Ministers confirmed that the plan to construct the Futenma Replacement Facility (FRF) at Camp Schwab-Henokosaki area and adjacent waters is the only solution that addresses operational, political, financial, and strategic concerns and avoids the continued use of Marine Corps Air Station (MCAS) Futenma. The SCC members reaffirmed the strong commitment of both Governments to the plan and underscored their determination to achieve its completion, which would permit the long-desired return of MCAS Futenma to Japan. The United States welcomed recent developments including the submission of the request for approval of public water reclamation permit to Okinawa Prefecture by the Government of Japan in March 2013.

The Ministers directed the Joint Committee to reach an arrangement in principle for the partial lifting of restrictions for a portion of the Hotel-Hotel training area off of the east coast of Okinawa, as decided in previous SCC statements, by the end of November 2013. The two sides committed to continue to consult on other possible measures.

The Ministers reaffirmed their commitment to strengthening cooperation to protect the environment and confirmed the importance of making further efforts in environmental matters. Bearing this in mind, the Ministers decided to reach a substantial understanding by the end of November 2013 on a framework for access to U.S. facilities and areas slated for return, for the purpose of facilitating local authorities' planning of land use prior to its return.

- Iwakuni

Regarding MCAS Iwakuni, the Ministers confirmed that the bilateral consultations on the relocation of a KC-130 squadron from MCAS Futenma to MCAS Iwakuni would be accelerated and concluded as soon as possible. In addition, the SCC Members affirmed that the Maritime Self-Defense Force would continue to have a presence at MCAS Iwakuni. The Ministers also acknowledged that the relocation of elements of Carrier Air Wing Five (CVW-5) from Atsugi Air Facility to MCAS Iwakuni should be completed by around 2017.

- Guam

The Ministers confirmed that the relocation of U.S. Marine Corps personnel from Okinawa to locations outside of Japan, including Guam, contributes to sustaining the forward presence of

U.S. forces and facilitates the development of Guam as a strategic hub, while also mitigating the impact on Okinawa.

The Ministers announced the signing today of a Protocol to amend the 2009 Guam International Agreement, which forms the basis for the bilateral cooperation necessary to achieve these goals of the relocation.

The Ministers noted the significance of Japanese cash contributions to the development of training areas in Guam and the Commonwealth of Northern Mariana Islands, which benefit the Alliance by supporting the relocation of U.S. Marine Corps units to Guam and by enabling the shared use of these training areas by U.S. forces and the Self-Defense Forces. The Ministers directed that consultations on the terms and conditions of such use be initiated within this year.

The Ministers also completed work reflecting the breakdown of costs associated with developing facilities, including training areas, and infrastructure in Guam and the Commonwealth of Northern Mariana Islands supporting the relocation of U.S. Marines.

The Ministers reconfirmed the relocation plan described in the 2012 SCC Joint Statement. Under the plan, U.S. Marine Corps units are to begin to relocate from Okinawa to Guam in the first half of the 2020s. The Ministers confirmed that this plan's progress depends on various factors, such as measures taken by the two governments to secure appropriate funding. This plan also facilitates progress in implementing the April 2013 Consolidation Plan for Facilities and Areas in Okinawa.

- Advanced Capabilities

The Ministers confirmed that deployment of more advanced capabilities in Japan has strategic significance and further contributes to the security of Japan and the region. The United States intends to continue to modernize its capabilities. These advanced capabilities include, but are not limited to:

- The U.S. Marine Corps introductions of two squadrons of MV-22 aircraft as a replacement for the CH-46 helicopter.
- The first deployment of U.S. Navy P-8 maritime patrol aircraft outside of the United States beginning in December 2013 as part of the gradual phase-out of the P-3 aircraft.
- The U.S. Air Force plans, beginning in spring 2014, to begin to deploy Global Hawk unmanned aircraft rotationally.
- The U.S. Marine Corps is beginning to deploy the F-35B aircraft in 2017, the first time these aircraft will be forward-deployed outside of the United States.

Subsection III-9

Joint Statement of the Security Consultative Committee

27 April 2012

Background: This was the last SCC meeting that would take place between the United States and a Democratic Party of Japan (DPJ)-led government. By this point, DPJ Prime Minister Yukio Hatoyama had long since departed the office due to plummeting approval ratings. Hatoyama's tenure had reflected disruption to Alliance trajectories as the DPJ sought to re-examine past arrangements. By this point of the DPJ-led years, those re-examinations had largely concluded that the previous deals had been built upon solid policy decisions. Shared experiences such as the response to the triple disasters on 11 March 2011 and the 2010 ramming of Japan Coast Guard cutters by a Chinese fishing boat also reaffirmed confidence in the Alliance. Much of the 2012 SCC joint statement reflects the allies' focus on managing issues related to reducing the impacts of U.S. forces in Okinawa and restoring the trajectories of Alliance efforts to those ends.

Joint Statement of the Security Consultative Committee

April 27, 2012

By

Secretary of State Clinton

Secretary of Defense Panetta

Minister for Foreign Affairs Gemba

Minister of Defense Tanaka

The U.S.-Japan Security Consultative Committee (SCC) reconfirmed that the U.S.-Japan Alliance, supported by a robust U.S. military presence in Japan, including U.S. Marine Corps forces in Okinawa, continues to provide the deterrence and capabilities necessary for the defense of Japan and for the maintenance of peace, security, and economic prosperity in the Asia-Pacific region. In view of the increasingly uncertain security environment in the Asia-Pacific region, the Ministers reiterated their commitment to advance the Common Strategic Objectives set forth in the June 21, 2011 SCC Joint Statement. The Ministers also expressed their intention to enhance bilateral security and defense cooperation in line with that Joint Statement and to identify ways to strengthen engagement with countries in the Asia-Pacific region. The Government of Japan welcomed the January 2012 announcement by the U.S. Government of the new Strategic Guidance for the Department of Defense, which states the U.S. intent to rebalance defense priorities toward the Asia-Pacific region, and also welcomed U.S. efforts to advance its diplomatic engagement in the region. To achieve the goals of the shared partnership between the two countries, the SCC decided to adjust the plans outlined in the May 1, 2006 SCC Document entitled, "United States Japan Roadmap for Realignment Implementation" (Realignment Roadmap). As part of these adjustments, the Ministers decided to delink both the relocation of the III Marine Expeditionary Force (MEF) personnel from Okinawa to Guam and resulting land returns south of Kadena Air Base from progress on the Futenma Replacement Facility. The Ministers affirmed that these adjustments are necessary to realize a U.S. force posture in the Asia-Pacific region that is more geographically distributed,

operationally resilient and politically sustainable. The adjustments, moreover, do not alter the fundamental goals of the Realignment Roadmap, which are to maintain deterrence and mitigate the impact of U.S. forces on local communities. The adjustments also strengthen interoperability between U.S. forces and the Japan Self Defense Forces (JSDF) and support the development of Guam as a strategic hub. The Ministers also affirmed that the unit composition described in Section I would strengthen the deterrence capabilities of the U.S.-Japan Alliance. Furthermore, the Ministers underscored that the deterrence capabilities of the Alliance would be strengthened through Japan's efforts, such as development of a dynamic defense force and enhancement of its defense posture in areas including the Southwestern Islands. They also noted that bilateral dynamic defense cooperation, including timely and effective joint training, joint surveillance and reconnaissance activities, as well as joint and shared use of facilities, would strengthen deterrence.

I. Unit Composition in Guam and Okinawa

The Ministers announced their intent to adjust the composition of U.S. Marine Corps units in Okinawa and Guam. Because the authorized strength of U.S. Marine Corps forces in Okinawa has grown slightly since the Realignment Roadmap, and in order to maximize the operational capability of the departing and remaining units, both governments have decided on certain adjustments to the end-state composition of U.S. Marine Corps forces in Guam and Okinawa.

The United States plans to locate Marine Air-Ground Task Forces (MAGTF) in Okinawa, Guam, and Hawaii and intends to establish a rotational presence in Australia in order to establish a geographically distributed force posture while sustaining the forward presence of U.S. Marine Corps forces in the region. This revised posture will ensure a more capable U.S. Marine Corps presence in these locations, strengthening deterrence and enabling flexible and rapid responses to various contingencies. The Ministers confirmed that these steps would contribute to Japan's defense and to peace and stability throughout the Asia-Pacific region.

The Ministers confirmed that a total of approximately 9,000 U.S. Marines, along with their associated dependents, are to be relocated from Okinawa to locations outside of Japan.-U.S. Marine Corps forces remaining in Okinawa are to consist of the III MEF Headquarters; the 1st Marine Aircraft Wing Headquarters; the 3rd Marine Logistics Group Headquarters; the 31st Marine Expeditionary Unit; and base sustainment elements of Marine Corps Installations Pacific, along with essential aviation, ground and support units. The Ministers reaffirmed their commitment to achieve an end-state for the U.S. Marine Corps presence in Okinawa consistent with the levels envisioned in the Realignment Roadmap. Consistent with the usual practice of Alliance consultations, the U.S. Government is to notify the Government of Japan of changes to the organizational structure of the U.S. Marine Corps units in Okinawa.

The United States is working to establish an operational U.S. Marine Corps presence in Guam consisting of the 3rd Marine Expeditionary Brigade Headquarters; the 4th Marine Regiment; and elements of aviation, ground and support units from III MEF. A base sustainment unit is also to be established there. The authorized strength of U.S. Marine Corps forces in Guam is to be approximately 5,000 personnel.

In conjunction with these adjustments, the U.S. Government also informed the Government of Japan that it is establishing a U.S. Marine Corps rotational presence in Australia, with other U.S. Marines moving to Hawaii to enhance operational capability there. In executing these moves, the U.S. government reaffirmed its commitment to sustain its current military presence and enhance military capability in the Western Pacific.

To reinforce the long-term sustainability of the U.S. military presence in Okinawa, the relocation of U.S. Marine Corps units from Okinawa mentioned above is to occur when appropriate facilities are available to receive them. Recognizing the strong desires of Okinawa residents, these relocations are to be completed as soon as possible while ensuring operational capability throughout the process.

The preliminary cost estimate by the U.S. Government for the relocation of Marines to Guam described above is \$8.6 billion in U.S. fiscal year 2012 dollars. In order to expedite the establishment of an operational U.S. Marine Corps presence in Guam, and considering the aforementioned unit composition, the two governments reaffirmed that Japan's financial commitment is to be the direct cash contribution as stipulated in Article 1 of the 2009 Guam International Agreement. The two governments affirmed that other forms of Japanese financial support to Guam relocation would not be utilized. Any contributions from Japan to develop training areas as referred to in Section II are to be a part of the aforementioned commitment. The remaining costs and any additional costs are to be borne by the U.S. Government. Any funds already transferred by the Government of Japan to the U.S. Government under the 2009 Guam International Agreement are to be counted as part of the Japanese contribution. The two governments are to complete a bilateral cost breakdown. They are also to consult regarding further actions to be taken in light of the 2009 Guam International Agreement. The Ministers noted the importance of continued consultations on the programmatic and technical details of these initiatives with the legislative branches on both sides.

II. New Initiatives to Promote Regional Peace, Stability, and Prosperity

The Ministers confirmed the great importance of working together to promote peace, stability and prosperity in the Asia-Pacific region, and enhancing effective, efficient and creative cooperation.

In this context, the U.S. Government plans to continue to help allies and partners in the region to build their capacity with training and exercises. The Government of Japan, for its part, plans to take various measures to promote safety in the region, including strategic use of official development assistance, for example through providing coastal states with patrol boats.

In order to develop Guam as a strategic hub and mitigate the impact of the U.S. military presence on local communities, both governments plan to explore new efforts to promote bilateral dynamic defense cooperation in the region based on the assessment of the changing security environment. The two governments are to consider cooperation in developing training areas in Guam and the Commonwealth of the Northern Mariana Islands as shared-use facilities by U.S. forces and the JSDF. Both governments are to identify specific areas of cooperation in this regard by the end of 2012.

III. Consolidation of Bases and Land Returns in Okinawa

The total or partial return of the following six facilities and areas remains unchanged from the Realignment Roadmap:

- Camp Kuwae (Camp Lester): Total return.
- Camp Zukeran (Camp Foster): Partial return and consolidation of remaining facilities and infrastructure to the extent possible.
- Marine Corps Air Station (MCAS) Futenma: Total return.
- Makiminato Service Area (Camp Kinser): Total return.
- Naha Port: Total return (relocated to the new facilities, including additional staging area, to be constructed at Urasoe).
- Army Petroleum, Oil, and Lubricant Depot Kuwae Tank Farm No.1: Total return.

The United States committed to return lands on Okinawa as designated U.S. Marine Corps forces relocate from Okinawa, and as facilities become available for units and other tenant activities relocating to locations in Okinawa. The Government of Japan noted its responsibility to relocate all functions and capabilities that are resident in facilities designated for return, and that are required by forces remaining in Okinawa, including the housing necessary to support the remaining U.S. Marine Corps units, in coordination with the U.S. Government. Coordination with local communities is to take place as necessary.

Land of the aforementioned facilities and areas is to be returned as early as it becomes possible. The Special Action Committee on Okinawa (SACO) relocation and return initiatives may need to be re-evaluated.

In order to reduce the impact of U.S. forces on Okinawa as early as possible, both governments affirmed that the following areas utilized by U.S. forces are eligible for return:

- The Ministers confirmed that the following areas are eligible for immediate return upon completion of necessary procedures:
 - West Futenma Housing area of Camp Zukeran (Camp Foster)
 - The north access road of Makiminato Service Area (Camp Kinser)
 - Area near Gate 5 on Makiminato Service Area
 - A portion of the warehouse area of the Facilities and Engineering Compound in Camp Zukeran (after the provision of a replacement warehouse at another location)
- The Ministers confirmed that the following areas are eligible for return once the replacement facilities in Okinawa are provided:
 - Camp Kuwae (Camp Lester)
 - Lower Plaza Housing area, a part of Kishaba Housing area, and the Industrial Corridor of Camp Zukeran
 - Elements of Makiminato Service Area, including the preponderance of the storage area
 - Naha Port
 - Army Petroleum, Oil, and Lubricant Depot Kuwae Tank Farm No.1

- The Ministers confirmed that the following areas are eligible for return as U.S. Marine Corps forces relocate from Okinawa to locations outside of Japan:
 - Additional elements of Camp Zukeran
 - The remainder of Makiminato Service Area

A consolidation plan, including sequencing of relocation steps, is to be jointly developed for facilities and areas remaining in Okinawa, with a particular focus on determining the end-state of Camp Zukeran (Camp Foster), by the end of 2012. This effort should consider the land usage at Camp Zukeran required by this revised unit composition, as well as the possible impact of the joint and shared use of facilities on Okinawa. The Ministers noted that joint and shared use of facilities was a key objective of the Realignment Roadmap. This consolidation plan would be available for public release as soon as possible. The Ministers welcomed the formation of a working group, which is to include appropriate officials of their respective capitals, to develop and oversee this consolidation plan.

IV. Futenma Replacement Facility (FRF) and MCAS Futenma

The Ministers resolve to continue to work toward the relocation of MCAS Futenma in a way that meets the criteria: operationally viable, politically feasible, financially responsible, and strategically sound. The Ministers reconfirmed their view that the FRF, planned for construction at the Camp Schwab-Henoko saki area and adjacent waters, remains the only viable solution that has been identified to date.

The Ministers confirmed their commitment to resolve the issue of the FRF as soon as possible in order to avoid the indefinite use of MCAS Futenma, while maintaining Alliance capabilities.

Both governments expressed their commitment to contribute mutually to necessary refurbishment projects at MCAS Futenma, such as those to sustain its safe mission capability until the FRF is fully operational and to protect the environment, on a case-by-case-basis and consistent with existing bilateral arrangements, including Host Nation Support. Bilateral discussion of specific refurbishment projects is to be conducted through a channel separate from the one used to discuss realignment initiatives, with initial refurbishment projects to be identified by the end of 2012.

Conclusion

The Ministers welcomed the close and fruitful cooperation embodied in this Joint Statement, and they directed that the adjusted realignment package should be implemented expeditiously, in consultation with the legislative branches on both sides. They further expressed confidence that the package would be a solid foundation for a deeper and broader U.S.-Japan Alliance. The Ministers noted a number of significant achievements with realignment initiatives since the last SCC meeting in June 2011, including: progress in the environmental impact assessment process regarding the FRF; the expansion of aviation training relocation programs to Guam; the relocation of the Japan Air Self Defense Force (JASDF) Air Defense Command to Yokota Air Base; and progress in the relocation of the Japan Ground Self Defense Force (JGSDF) Central Readiness Force Headquarters to Camp Zama. The Ministers expressed their intent to achieve further progress on realignment goals and more broadly to evaluate Alliance roles, missions, and capabilities (RMC), in order to fortify the Alliance for the evolving challenges of the regional and global security environment.

Subsection III-10

Joint Statement of the Security Consultative Committee

21 June 2011

Background: This joint statement came from the first SCC meeting following the Great East Japan Earthquake and Disaster that occurred on 11 March 2011. In response to the triple disaster—earthquake, tsunami, and nuclear disaster—the U.S. military executed its largest ever disaster relief operation in Japan, committing millions of dollars and tens of thousands of U.S. service-members to aid their Japanese allies. The cooperation displayed in Operation TOMODACHI and the SDF’s Joint Task Force TOHOKU reinvigorated U.S.-Japan ties in meaningful ways. This SCC joint statement sought to capitalize upon that energy.

Toward a Deeper and Broader U.S.-Japan Alliance: Building on 50 Years of Partnership

June 21, 2011

by

Secretary of State Clinton

Secretary of Defense Gates

Minister for Foreign Affairs Matsumoto

Minister of Defense Kitazawa

I. Preamble

As the U.S.-Japan Alliance enters its second half-century, the members of the Security Consultative Committee (SCC) affirmed that our Alliance remains indispensable to the security of Japan and the United States, and to the peace, stability, and economic prosperity of the Asia-Pacific region in the 21st century.

The Ministers met on June 21, 2011, and discussed the close collaboration between the Japanese and U.S. Governments in response to the March 11 earthquake, tsunami, and nuclear emergency. This cooperation, involving unprecedented joint operations by the Japan Self Defense Forces (SDF) and U.S. Armed Forces, has given renewed confidence to the Alliance and has deepened the friendship that the United States and Japan have built over the last half century as described in the SCC document, “Cooperation in Response to the Great East Japan Earthquake,” issued in the SCC meeting today. Japan expresses heartfelt gratitude for the wide-ranging assistance provided by the United States, and the U.S. Government pledges its continuing support to Japan’s recovery.

The SCC members recognized the need to continue to address challenges posed by the increasingly uncertain security environment, which includes: the expanding military capabilities and activities in the region; North Korea’s nuclear and missile programs and its provocative behavior; the emergence of non-traditional security concerns; and other evolving threats, such as to outer space, to the high seas, and to cyberspace. The Ministers also noted increasing global challenges, including the ongoing

struggle against extremism in Afghanistan and the Middle East. These challenges highlight not only the essential role of the Alliance in maintaining regional security and stability, but also the need for our two nations to deepen and broaden cooperation. Our shared values, democratic ideals, common interests, and respect for human rights and the rule of law remain the foundation of the Alliance. To meet these existing and emerging challenges, the Ministers noted the need to continue to strengthen Alliance capabilities by adapting our cooperation, modernizing our forces, enhancing interoperability, and cooperating in the development of new technologies.

The Government of the United States reaffirmed its commitment to the defense of Japan and the peace and security of the region, including through the full range of U.S. military capabilities, both nuclear and conventional. The Government of Japan reaffirmed its commitment to provide for the stable use of facilities and areas by U.S. forces and to support the smooth operation of those forces through the provision of Host Nation Support. The two sides welcomed the successful conclusion of a new agreement on Host Nation Support as described in the SCC document, “Host Nation Support,” issued in the SCC meeting today.

The SCC members reaffirmed their commitment to implement steadily the realignment initiatives described in the May 1, 2006, SCC document, “United States-Japan Roadmap for Realignment Implementation” as supplemented by the May 28, 2010, SCC Joint Statement and the SCC document, “Progress on the Realignment of U.S. Forces in Japan,” issued in the SCC meeting today. Based on the SCC Joint Statement of January 19, 2010, the two governments conducted intensive consultations on deepening the Alliance in wide-ranging areas of common interest in the changing security environment. The Ministers endorsed the following results of these consultations:

II. Common Strategic Objectives

Based on the assessment of the changing security environment, the Ministers revalidated and updated the Alliance’s Common Strategic Objectives of 2005 and 2007. The Ministers decided that the following represent Alliance Common Strategic Objectives:

- Ensure the security of Japan and strengthen peace and stability in the Asia-Pacific region.
- Enhance the capability to address a variety of contingencies affecting the United States and Japan.
- Deter provocations by North Korea; achieve the complete, and verifiable denuclearization of North Korea, including its uranium enrichment program, through irreversible steps and, through the Six Party process; resolve issues related to proliferation, ballistic missiles, illicit activities, and humanitarian concerns, including the matter of abductions by North Korea; fully implement United Nations Security Council resolutions and the September 2005 Joint Statement of the Six Party Talks; and support peaceful unification.
- Strengthen trilateral security and defense cooperation with both Australia and the Republic of Korea.

- Encourage China's responsible and constructive role in regional stability and prosperity, its cooperation on global issues, and its adherence to international norms of behavior, while building trust among the United States, Japan, and China. Improve openness and transparency with respect to China's military modernization and activities and, strengthen confidence building measures.
- While welcoming the progress to date in improving cross-Strait relations, encourage the peaceful resolution of cross-Strait issues through dialogue.
- Encourage Russia's constructive engagement in the Asia-Pacific region.
- Realize full normalization of Japan and Russia relations through the resolution of the Northern Territories issue.
- Discourage the pursuit and acquisition of military capabilities that could destabilize the regional security environment.
- Strengthen security cooperation among the United States, Japan, and ASEAN and support ASEAN's efforts to promote democratic values and a unified market economy.
- Welcome India as a strong and enduring Asia-Pacific partner and encourage India's growing engagement with the region and participation in regional architectures. Promote trilateral dialogue among the United States, Japan, and India.
- Promote effective cooperation through open, multilayered regional networks and rule-making mechanisms, including the ASEAN Regional Forum (ARF), the ASEAN Defence Ministers' Meeting-Plus (ADMM+), Asia Pacific Economic Cooperation (APEC), and the East Asia Summit (EAS).
- In order to support fragile states and promote human security, strengthen U.S.-Japan cooperation in areas of humanitarian assistance, governance and capacity building, peacekeeping operations, and development assistance.
- Prevent and eradicate terrorism.
- Seek the peace and security of a world without nuclear weapons, while maintaining necessary deterrence. Promote the nonproliferation and reduction of weapons of mass destruction and their means of delivery, and hold states accountable for violating their non-proliferation obligations.
- Maintain safety and security of the maritime domain by defending the principle of freedom of navigation, including preventing and eradicating piracy, ensuring free and open trade and commerce, and promoting related customary international law and international agreements.

- Maintain our cooperation with respect to protection of and access to space, and cyberspace where we share interests. Promote the resilience of critical infrastructure, including the security of information and space systems.
- Strengthen international cooperation on disaster prevention and relief.
- Promote the highest level of safety of civil nuclear programs, and enhance the capability to address nuclear incidents.
- Promote dialogue on the diversification of supplies of critical resources and materials, including energy and rare earths.
- Consult on efforts to enhance the ability of the United Nations Security Council to carry out its mandate and effectively meet the challenges of the new century through reform, looking forward to an expanded Council that includes Japan as a permanent member.
- Promote stability and prosperity in the Middle East and North Africa by pursuing opportunities to support and encourage democratic reforms.
- Ensure Iran’s full compliance with its international obligations and return to serious negotiations with the P5+1 regarding its nuclear program. As part of the dual-track approach, the United States and Japan will continue robust implementation of UN Security Council Resolutions.
- While welcoming the launch of transition in Afghanistan, ensure sustained progress through continued support for the Afghan National Security Forces (ANSF), and strengthen civilian efforts to promote effective governance and development.
- Support Pakistan’s efforts to strengthen civilian governance and to implement economic reforms.

III. Strengthening of Alliance Security and Defense Cooperation

In order to address the evolving regional and global security environment, the SCC members decided to seek to enhance further bilateral security and defense cooperation.

The Government of Japan established the new National Defense Program Guidelines (NDPG) in 2010. The new NDPG aims to build a “Dynamic Defense Force” that is characterized by enhanced readiness, mobility, flexibility, sustainability and versatility, reinforced by advanced technology and intelligence capabilities. The Government of the United States reaffirmed its commitment in the 2010 Quadrennial Defense Review (QDR) to strengthen regional deterrence, and to maintain and enhance its military presence in the Asia-Pacific region and also affirmed its intent to tailor regional defense posture to address such challenges as the proliferation of nuclear technologies and theater

ballistic missiles, anti-access/area denial capabilities, and other evolving threats, such as to outer space, to the high seas, and to cyberspace.

Reflecting the above newly developed national security strategies, the Ministers specified the following areas for emphasis:

(1) Strengthening Deterrence and Contingency Response

- The Ministers welcomed progress to date on bilateral planning and reaffirmed efforts to refine bilateral plans so that the U.S.-Japan Alliance can better defend Japan and respond to the range of regional challenges. These efforts will aim to strengthen bilateral whole-of-government mechanisms for peacetime and crisis coordination, and to improve contingency access by U.S. forces and the SDF to facilities in Japan.
- The Ministers stressed the need to study continuously the roles, missions, and capabilities of the United States and Japan, and confirmed the intent of this process to identify areas for strengthened operational cooperation.
- The Ministers decided to accelerate bilateral cooperation on noncombatant evacuation operations.
- The Ministers decided to expand joint training and exercises, study further joint and shared use of facilities, and promote cooperation, such as expanding information sharing and joint intelligence, surveillance, and reconnaissance (ISR) activities, in order to deter and respond proactively, rapidly and seamlessly to various situations in the region.
- The Ministers welcomed the progress both countries have made in cooperation on ballistic missile defense. Regarding the SM-3 Block IIA cooperative development program, the Ministers decided to study future issues in preparation for transition to a production and deployment phase. In this regard, transfer of the SM-3 Block IIA to third parties to be requested by the Government of the United States may be allowed, in accordance with the Exchange of Notes of June 23, 2006, concerning transfer of arms and military technologies to the United States of America, in cases where the transfer supports the national security of Japan and/or contributes to international peace and stability, and when the third party has sufficient policies to prevent the further transfer of the SM-3 Block IIA. The Ministers designated the Joint Arms and Military Technology Commission (JAMTC) as the consultation mechanism for such future third party transfers.
- The Ministers welcomed the establishment of a bilateral extended deterrence dialogue on a regular basis as a consultative mechanism to determine the most effective ways to enhance regional stability, including that provided by nuclear capabilities, in the near-term and long-term.

- The Ministers recognized recent progress to deepen our bilateral space security partnership through the U.S.-Japan Space Security Dialogue and possible future cooperation in areas such as space situational awareness, a satellite navigation system, space-based maritime domain awareness and the utilization of dual use sensors.
- The Ministers committed themselves to discuss new ways for the United States and Japan to confront the challenges posed by increasing threats in cyberspace and welcomed the establishment of a bilateral strategic policy dialogue on cyber-security issues. They acknowledged that effective bilateral cooperation on cyber-security will necessitate “whole of government” solutions and coordination with the private sector.

(2) Alliance Cooperation in a Regional and Global Setting

- The Ministers stressed the importance of promoting security and defense cooperation with countries that share common values in the region, including the aforementioned trilateral security cooperation.
- The Ministers encouraged efforts to promote trilateral and multilateral cooperation in humanitarian assistance and disaster relief (HA/DR) and other operations as the circumstances allow, through joint exercises and mutual logistics support.
- The Ministers also shared views on the importance of establishing a regional HA/DR logistics hub in Japan.
- The Ministers underlined the importance of further cooperation in international operations, including disaster relief, peacekeeping, reconstruction and anti-terrorism.
- The Ministers affirmed their intent to cooperate further in maritime security and counter-piracy to protect the freedom of navigation and ensure safe and secure sea lines of communication.
- The Ministers decided to continue cooperation on environmental issues related to both countries’ forces.

(3) Enhancing Alliance Foundations

- Welcoming the progress to date, the Ministers emphasized the importance of further improving information security systems, including introducing government-wide security clearances and enhancing counter-intelligence measures, as discussed in the Bilateral Information Security Consultation. They also welcomed the Japanese Government’s efforts to strengthen its legal framework for information security and expected that such efforts would lead to enhanced information sharing.

- The Ministers recognized the importance of continuously examining and enhancing bilateral frameworks in order to make operational cooperation more effective, more tailored to the emerging security challenges, and more responsive to various situations.
- The Ministers confirmed that closer cooperation in equipment and technology between the United States and Japan is a fundamental element of a strong Alliance. In particular, the Government of Japan will promote its ongoing study to respond to the trend toward international joint development and production, through which developed countries enhance the performance of equipment and deal with rising costs. The Government of the United States encourages these Japanese efforts.

As the Ministers reflect on the last fifty years of our Alliance, they take great satisfaction in all that has been achieved. At the same time, the Ministers recognized that our Alliance has never been more important or been faced with more significant challenges. In this context, both sides acknowledged the need to continue to take steps to deepen the intensity of consultations and coordination on the full range of security, strategic and political issues that face the region and the world.

SECTION IV

U.S.-Japan Summits



*President Clinton and Prime Minister Hashimoto sign the U.S.-Japan Leaders' Joint Declaration, 17 April 1996
(photo credit: Ministry of Foreign Affairs of Japan)*

Subsection IV-1

U.S.- Japan Joint Leaders' Statement

16 April 2021

Background: This was the first major summit after the Trump Presidency and produced the most substantial joint statement since 1996, when President Bill Clinton met Prime Minister Ryutaro Hashimoto in Tokyo. President Biden and Prime Minister Suga met in Washington, D.C., producing a joint statement that focused on expanding the scope of the U.S.-Japan Alliance while reaffirming the steps the countries had already taken to bolster their military ties. Despite the respective leadership transitions to Biden and Suga, many of the provisions of this statement cemented concepts developed during the Donald Trump-Shinzo Abe and Barack Obama-Abe eras.

“U.S. – JAPAN GLOBAL PARTNERSHIP FOR A NEW ERA”

President Joseph R. Biden is honored to welcome Prime Minister Suga Yoshihide for the first foreign-leader visit of his presidency. Today, the United States and Japan renew an Alliance that has become a cornerstone of peace and security in the Indo-Pacific region and around the world. An ocean separates our countries, but commitments to universal values and common principles, including freedom, democracy, human rights, the rule of law, international law, multilateralism, and a free and fair economic order, unite us. Together we pledge to demonstrate that free and democratic nations, working together, are able to address the global threats from COVID-19 and climate change while resisting challenges to the free and open rules-based international order. Through this new era of friendship between the United States and Japan, each of our democracies will grow stronger still.

Our historic partnership is essential to the safety and prosperity of both our peoples. Forged in the wake of strife, the Alliance has become a bedrock to each of our nations. The world has changed many times over; our ties have pulled tighter. Our democracies have flourished, our economies have thrived, and we have become leaders in innovation. Our cultural and people-to-people ties have grown ever-deeper, and together we have led in multilateral institutions, in expanding global commerce and investment, and in advancing peace, security, and prosperity in the Indo-Pacific region. In celebration of our long-standing and close bonds, President Biden and Prime Minister Suga recommit themselves to an indelible Alliance, to a rules-based approach to regional and global order founded on universal values and common principles, and to cooperation with all those who share in these objectives. The United States and Japan will remake these commitments for a new era.

THE ALLIANCE: FORGING A FREE AND OPEN INDO-PACIFIC

The U.S.-Japan Alliance is unwavering, and we are more prepared than ever to address regional challenges. Our Alliance advances a shared vision for a free and open Indo-Pacific based on our commitment to universal values and common principles, and the promotion of inclusive economic prosperity. We respect sovereignty and territorial integrity and are committed to peacefully resolving

disputes and to opposing coercion. We promote shared norms in the maritime domain, including freedom of navigation and overflight, as enshrined in the UN Convention on the Law of the Sea. President Biden and Prime Minister Suga committed to further strengthening the U.S.-Japan Alliance to expand on this vision, and fully endorsed the March 2021 Joint Statement of the U.S.-Japan Security Consultative Committee. Japan resolved to bolster its own national defense capabilities to further strengthen the Alliance and regional security. The United States restated its unwavering support for Japan's defense under the U.S.-Japan Treaty of Mutual Cooperation and Security, using its full range of capabilities, including nuclear. It also reaffirmed the fact that Article V of the Treaty applies to the Senkaku Islands. Together, we oppose any unilateral action that seeks to undermine Japan's administration of the Senkaku Islands. The United States and Japan committed to enhance deterrence and response capabilities in line with the increasingly challenging security environment, to deepen defense cooperation across all domains, including cyber and space, and to bolster extended deterrence. We also highlighted the importance of strengthening bilateral cybersecurity and information security, a foundational component of closer defense cooperation, and of safeguarding our technological advantages. We remain committed to the implementation of the current arrangements on the U.S. forces realignment, including the construction of the Futenma Replacement Facility at Henoko as the only solution that avoids the continued use of Marine Corps Air Station Futenma, the Field Carrier Landing Practice Facility at Mageshima, and the relocation of U.S. Marine Corps units from Okinawa to Guam. We resolved to conclude in a timely manner a meaningful multi-year Host Nation Support agreement to ensure the stable and sustainable stationing of the U.S. forces in Japan.

President Biden and Prime Minister Suga exchanged views on the impact of China's actions on peace and prosperity in the Indo-Pacific region and the world, and shared their concerns over Chinese activities that are inconsistent with the international rules-based order, including the use of economic and other forms of coercion. We will continue to work with each other based on universal values and common principles. We also recognize the importance of deterrence to maintain peace and stability in the region. We oppose any unilateral attempts to change the status quo in the East China Sea. We reiterated our objections to China's unlawful maritime claims and activities in the South China Sea and reaffirmed our strong shared interest in a free and open South China Sea governed by international law, in which freedom of navigation and overflight are guaranteed, consistent with the UN Convention on the Law of the Sea. We underscore the importance of peace and stability across the Taiwan Strait and encourage the peaceful resolution of cross-Strait issues. We share serious concerns regarding the human rights situations in Hong Kong and the Xinjiang Uyghur Autonomous Region. The United States and Japan recognized the importance of candid conversations with China, reiterated their intention to share concerns directly, and acknowledged the need to work with China on areas of common interest.

The United States and Japan reaffirmed their commitment to the complete denuclearization of North Korea, urging North Korea to abide by its obligations under UN Security Council resolutions, and called for full implementation by the international community. We intend to strengthen deterrence to maintain peace and stability in the region and will work together and with others to address the dangers associated with North Korea's nuclear and missile program, including

the risk of proliferation. President Biden reaffirmed the United States' commitment to the immediate resolution of the abductions issue.

Together, we will continue to work with allies and partners, including with Australia and India through the Quad, which has never been stronger, to build the free, open, accessible, diverse, and thriving Indo-Pacific we all seek. We support ASEAN's unity and centrality in the Indo-Pacific, as well as the ASEAN Outlook on the Indo-Pacific. We also concurred that trilateral cooperation with the Republic of Korea is essential to our shared security and prosperity. We firmly condemn violence committed by the Myanmar military and police against civilians, and commit to continue taking action to press for the immediate cessation of violence, the release of those who are detained, and a swift return to democracy.

AN ALLIANCE FOR A NEW ERA

Recognizing that our shared security and prosperity requires new forms of 21st century cooperation, President Biden and Prime Minister Suga have launched a new Competitiveness and Resilience (CoRe) Partnership. Our partnership will ensure that we lead a sustainable, inclusive, healthy, green global economic recovery. It will also generate economic growth guided by open and democratic principles, supported by transparent trade rules and regulations and high labor and environmental standards, and aligned with a low-carbon future. To achieve these goals, the partnership will focus on i) competitiveness and innovation, ii) COVID-19 response, global health, and health security, and iii) climate change, clean energy, and green growth and recovery.

The United States and Japan recognize that digital economy and emerging technologies have the potential to transform societies and bring about tremendous economic opportunities. We will collaborate to enhance our countries' competitiveness, individually and together, by deepening cooperation in research and technology development in life sciences and biotechnology, artificial intelligence, quantum information sciences, and civil space. President Biden and Prime Minister Suga affirmed their commitment to the security and openness of 5th generation (5G) wireless networks and concurred that it is important to rely on trustworthy vendors. The United States and Japan will engage with others through our enhanced Global Digital Connectivity Partnership to catalyze investments and to provide training and capacity building to promote vibrant digital economies. We will also partner on sensitive supply chains, including on semi-conductors, promoting and protecting the critical technologies that are essential to our security and prosperity.

The United States and Japan are committed to maintaining and further strengthening our robust bilateral trade relationship while advancing shared interests, including digital trade cooperation, the development of trade policies that support climate change objectives, World Trade Organization (WTO) reform, and promoting inclusive growth in the Indo-Pacific. We will continue to work together bilaterally, as well as within the G7 and the WTO, to address the use of non-market and other unfair trade practices, including violations of intellectual property rights, forced technology transfer, excess capacity issues, and the use of trade distorting industrial subsidies. We reaffirm our commitment to achieving prosperity and maintaining economic order in the Indo-Pacific region while engaging with other like-minded partners.

Acknowledging that the climate crisis is an existential threat to the world, we realize that our countries must play a critical role in leading the global effort to combat this crisis. The United States and Japan are committed to taking decisive climate action by 2030, both aligned with efforts to limit the global temperature increase to 1.5 degrees Celsius and 2050 greenhouse-gas emissions net-zero goals. In recognition of this responsibility, President Biden and Prime Minister Suga have launched the U.S.-Japan Climate Partnership. This partnership has three pillars: first, Paris Agreement implementation and achievement of the 2030 targets/ nationally determined contributions (NDCs); second, clean energy technology development, deployment, and innovation; and third, efforts to support decarbonization in other countries, especially in the Indo-Pacific.

COVID-19 has shown our countries and the world that we are not prepared for a biological catastrophe. To that end, the United States and Japan will also strengthen cooperation to advance health security, respond to future public health crises, and build global health. At the first-ever leaders' summit of the Quad on March 12, 2021, we established the Quad Vaccine Experts Group designed to expand safe and effective COVID-19 vaccine manufacturing, procurement, and delivery for the Indo-Pacific region to supplement multilateral efforts. As we respond to COVID-19, we must also prepare for the next pandemic and strengthen global health security and bilateral public and private cooperation on global health. We will work together to reform the World Health Organization by strengthening its ability to prevent pandemics through early and effective prevention, detection, and response to potential health emergencies, and by increasing its transparency and ensuring it is free from undue influence. We will also support a transparent and independent evaluation and analysis, free from interference and undue influence, of the origins of the COVID-19 outbreak and for investigating outbreaks of unknown origin in the future. We resolved to take decisive action to help the Indo-Pacific build better regional pandemic preparedness, and will work together and multilaterally to build the capacity of all countries to prevent, detect, and respond to infectious disease outbreaks, including through existing initiatives like the Global Health Security Agenda, and a new partnership coordinating on a health security financing mechanism, regional surge capacity, and triggers for rapid response. Furthermore, as we look toward a healthier and more resilient future, we will bolster our support for COVAX. We will also cooperate on global COVID-19 vaccine supply and manufacturing needs toward ending the pandemic.

These new partnerships will harness our leadership in science, innovation, technology, and health at a time of extraordinary geopolitical change. They will allow us to build back better in the Indo-Pacific, leading the region to a more resilient and vibrant future.

LOOKING FORWARD

The charges we take up today are considerable, but we face them with resolve and unity. Together, we will ensure that our security relationship is steadfast, despite challenges to our regional vision; that our partnership fuels a sustainable global economic recovery, after a year of global grief and hardship; and that we cooperate with like-minded partners around the world to lead a rules-based international order, despite challenges to its freedom and openness. People-to-people ties form the bedrock of our friendship and it is through initiatives such as the Mansfield Fellowship Program that

we will continue to build bridges between our two societies that will sustain our Alliance into the future. President Biden supports Prime Minister Suga's efforts to hold a safe and secure Olympic and Paralympic Games this summer. Both leaders expressed their pride in the U.S. and Japanese athletes who have trained for these Games and will be competing in the best traditions of the Olympic spirit. Our governments will continue to meet at all levels, including to coordinate and implement our policies toward realizing a free and open Indo-Pacific. Above all, we renew our investment in the very idea of steadfast alliances – knowing that our partnership will make security and prosperity possible for both our peoples for decades to come.

Subsection IV-2

Fact Sheet: U.S.-Japan Competitiveness and Resilience (CoRe) Partnership

16 April 2021

Background: In addition to the joint statement from the 2021 summit between President Biden and Prime Minister Suga, the U.S. and Japanese governments produced a fact sheet on a new “Competitiveness and Resilience” partnership. This document is not focused on the military alliance, but there are elements here that highlight the evolving nature of the U.S.-Japan security relationship. This cooperation transcends conventional military ties to include cooperation in climate change, combating the global Covid-19 pandemic, and developing technologies and networks that serve as an alternative to Chinese-controlled systems.

The United States and Japan pledge to revitalize our Alliance and make practical commitments to fulfill its potential. Together we will advance innovation, end this pandemic and protect the world from future ones, combat the climate crisis, and enhance our people-to-people ties. Through these concrete initiatives, the United States and Japan will deliver results for our people, the Indo-Pacific, and the world.

Competitiveness and Innovation

Throughout our individual and shared histories, the United States and Japan have been global leaders in innovation. Our new partnership for competitiveness and innovation carries on that tradition, focusing on scientific and technological advances. Together, we will lead a sustainable, green global economic growth, guided by the principles of openness and democracy. This includes our cooperation on research and technology development across diverse fields: Cancer Moonshot, biotechnology, artificial intelligence, quantum information science and technology, civil space cooperation (including the Artemis program and asteroid exploration), and secure information and communications technology (ICT), among others. With this partnership between two of the world’s leading economies, we will lead the globe in building back better and promoting sustainable growth in the future.

Together, the United States and Japan will:

- Advance secure and open 5G networks, including Open Radio Access Networks (“Open-RAN”), by fostering innovation and by promoting trustworthy vendors and diverse markets.
- Strengthen competitiveness in the digital field by investing in research, development, testing, and deployment of secure networks and advanced ICT including 5G and next-generation mobile networks (“6G” or “Beyond 5G”). The United States has committed \$2.5 billion to this effort, and Japan has committed \$2 billion.
- Build on successful U.S.-Japan cooperation in third-countries and launch a Global Digital Connectivity Partnership to promote secure connectivity and a vibrant digital economy while building the cybersecurity capacity of our partners to address shared threats.

- Strengthen collaboration and information exchange between U.S. and Japanese ICT experts in global standards development.
- Cooperate on sensitive supply chains, including semi-conductors, and on the promotion and protection of critical technologies.
- Advance biotechnology for the global good by focusing on genome sequencing and the principles of openness, transparency, collaboration, and research integrity.
- Reinforce collaboration and partnerships between research institutions on quantum information science and technology through joint research and exchange of researchers.

COVID-19 Response, Global Health, and Health Security

The United States and Japan have built a partnership to help the Indo-Pacific region recover from the COVID-19 pandemic, including through the landmark Quad Vaccine Partnership [LINK] with Australia and India, taking shared action necessary to expand safe and effective COVID-19 vaccine manufacturing, and working to strengthen and assist countries in the Indo-Pacific with vaccination. We will also expand our partnership beyond COVID-19, building longer-term global health security to help prevent the next pandemic.

Together, the United States and Japan will:

- Enhance our support to the Access to COVID-19 Tools Accelerator, including the COVAX facility, and encourage others to do the same thereby collectively filling the financial needs to ensure equitable access to safe, effective, and affordable vaccines, therapeutics and diagnostics particularly in developing countries.
- Coordinate closely, through the Quad Vaccine Partnership, to facilitate production, procurement, and delivery of safe, effective, and affordable vaccines in the Indo-Pacific, including by expanding manufacturing capacity of COVID-19 vaccines in India.
- In a new partnership, coordinate health security financing, regional surge capacity, and triggers for rapid response.
- Establish regional pandemic response surge capacity, working with partners to promote manufacturing of personal protective equipment and medical countermeasures.
- Work together and with others toward World Health Organization reform, including through the creation of swift triggers to respond to future biological threats, an independent oversight mechanism, and accountability for pandemic response.
- Support a transparent and independent evaluation and analysis, free from interference and undue influence, of the origins of the COVID-19 outbreak, and for investigating outbreaks of unknown origin in the future.
- Support the Global Health Security Agenda, as steering group members, to improve global capacity to prevent, detect, and respond to infectious disease threats.
- Exchange data and practical knowledge, including simulation data on virus transmission from supercomputers such as Japan's Fugaku and the United States' Summit to develop innovative and more effective methods and techniques for infection prevention measures.

- Reinforce collaboration between research institutions such as the National Institutes of Health and Japan Agency for Medical Research and Development and cooperation for resilient medical supply chains to improve preparedness for future crises.

Climate Change, Clean Energy, and Green Growth and Recovery

The United States and Japan have launched a new partnership to address climate change and to promote green, sustainable global growth and recovery making full use of our technologies in the clean energy and other relevant sectors.

The two leaders are committed to taking decisive climate action by 2030, aligned both with efforts to limit the global temperature increase to 1.5 degrees Celsius and with our 2050 greenhouse gas emissions net-zero goals. The United States and Japan will align official international financing with the global achievement of net-zero greenhouse gas emissions no later than 2050 and deep emission reductions in the 2020s, and will work to promote the flow of public and private capital toward climate-aligned investments and away from high-carbon investments.

Together, the United States and Japan will:

- Cooperate on Paris Agreement implementation, with a focus on achieving our respective 2030 targets/nationally determined contributions and 2050 greenhouse gas emissions net-zero goals.
- Collaborate and support innovation, development, and deployment of such clean-energy technologies as renewable energy and energy efficiency technologies, grid modernization, energy storage (including batteries and long-duration storage technologies), smart grid, hydrogen, Carbon Capture, Utilization and Storage/Carbon Recycling, industrial decarbonization and advanced nuclear power.
- Promote development and use of adaptive climate- and environment-friendly infrastructure related to grid optimization, demand response, smart grids, and renewable energy and energy efficiency.
- Cooperate on other areas that contribute to climate change mitigation, clean energy and green growth and recovery, including ICT technology (such as smart cities, power saving ICT infrastructure, and digital solutions to infrastructure management), carbon neutral ports as well as sustainable and climate-smart agriculture.
- Support developing countries, including those in the Indo-Pacific region, to rapidly deploy renewable energy, drive the decarbonization of our their economies, and accelerate diverse, ambitious, and realistic transition paths in the region, toward the realization of net-zero emissions globally no later than 2050, including through the newly established Japan-U.S. Clean Energy Partnership (“JUCEP”) and other country-level climate and clean energy collaborative activities.

Expanding and Renewing Our Partnership

The United States and Japan will continue to add new dimensions to our partnership while cooperating in the fields of long-standing areas.

The United States and Japan will strengthen our people-to-people ties. The next generation of leaders who will continue to strengthen the bonds between the United States and Japan are participating in our extensive international exchange programs, working together on joint projects and research. In this spirit, we are proud to announce the resumption of the Mansfield Fellowship program. Together, we will redouble our energies to build the next generation of American experts on Japan through a renewed two-year fellowship program. We are also expanding opportunities for American students that are historically underrepresented in education abroad – including, but not limited to, first-generation college students, students in STEM fields, ethnic minority students, students with disabilities, students attending minority-serving institutions, and community college students – by offering an additional 20 Gilman Scholarships for study abroad in Japan. Finally, like the United States, Japan recognizes the importance of addressing the root causes of migration from the Northern Triangle countries of Central America, and is committed to addressing those issues together.

Subsection IV-3

JAPAN-U.S. JOINT DECLARATION ON SECURITY - ALLIANCE FOR THE 21ST CENTURY -

17 April 1996

Background: The 1996 summit was an epoch-making event for the allies because it put both governments on a path to evolve the alliance beyond the original 'Shield and Spear' concept born during the Cold War. This summit called for the renegotiation of the 1978 Guidelines for U.S.-Japan Defense Cooperation and laid the groundwork for an alliance with further reach. The joint statement clarified the policy intent, as well as the intended scope and desired outcomes of the Defense Guidelines negotiations that would follow.

1. Today, the Prime Minister and the President celebrated one of the most successful bilateral relationships in history. The leaders took pride in the profound and positive contribution this relationship has made to world peace and regional stability and prosperity. The strong Alliance between Japan and the United States helped ensure peace and security in the Asia-Pacific region during the Cold War. Our Alliance continues to underlie the dynamic economic growth in this region. The two leaders agreed that the future security and prosperity of both Japan and the United States are tied inextricably to the future of the Asia-Pacific region.

The benefits of peace and prosperity that spring from the Alliance are due not only to the commitments of the two governments, but also to the contributions of the Japanese and American people who have shared the burden of securing freedom and democracy. The Prime Minister and the President expressed their profound gratitude to those who sustain the Alliance, especially those Japanese communities that host U.S. forces, and those Americans who, far from home, devote themselves to the defense of peace and freedom.

2. For more than a year, the two governments conducted an intensive review of the evolving political and security environment of the Asia-Pacific region and of various aspects of the Japan-U.S. security relationship. On the basis of this review, the Prime Minister and the President reaffirmed their commitment to the profound common values that guide our national policies: the maintenance of freedom, the pursuit of democracy, and respect for human rights. They agreed that the foundations for our cooperation remain firm, and that this partnership will remain vital in the twenty-first century.

THE REGIONAL OUTLOOK

3. Since the end of the Cold War, the possibility of global armed conflict has receded. The last few years have seen expanded political and security dialogue among countries of the region. Respect for democratic principles is growing. Prosperity is more widespread than at any other time in history, and we are witnessing the emergence of an Asia-Pacific community. The Asia-Pacific region has become the most dynamic area of the globe.

At the same time, instability and uncertainty persist in the region. Tensions continue on the Korean Peninsula. There are still heavy concentrations of military force, including nuclear arsenals. Unresolved territorial disputes, potential regional conflicts, and the proliferation of weapons of mass destruction and their means of delivery all constitute sources of instability.

THE JAPAN-U.S. ALLIANCE AND THE TREATY OF MUTUAL COOPERATION AND SECURITY

4. The Prime Minister and the President underscored the importance of promoting stability in this region and dealing with the security challenges facing both countries.

In this regard, the Prime Minister and the President reiterated the significant value of the Alliance between Japan and the United States. They reaffirmed that the Japan-U.S. security relationship, based on the Treaty of Mutual Cooperation and Security between Japan and the United States of America, remains the cornerstone for achieving common security objectives, and for maintaining a stable and prosperous environment for the Asia-Pacific region as we enter the twenty-first century.

(a) The Prime Minister confirmed Japan's fundamental defense policy as articulated in its new "National Defense Program Outline" adopted in November 1995, which underscored that the Japanese defense capabilities should play appropriate roles in the security environment after the Cold War. The Prime Minister and the President agreed that the most effective framework for the defense of Japan is close defense cooperation between the two countries. This cooperation is based on a combination of appropriate defense capabilities for the Self-Defense Forces of Japan and the Japan-U.S. security arrangements. The leaders again confirmed that U.S. deterrence under the Treaty of Mutual Cooperation and Security remains the guarantee for Japan's security.

(b) The Prime Minister and the President agreed that continued U.S. military presence is also essential for preserving peace and stability in the Asia-Pacific region. The leaders shared the common recognition that the Japan-U.S. security relationship forms an essential pillar which supports the positive regional engagement of the U.S.

The President emphasized the U.S. commitment to the defense of Japan as well as to peace and stability in the Asia-Pacific region. He noted that there has been some adjustment of U.S. forces in the Asia-Pacific region since the end of the Cold War. On the basis of a thorough assessment, the United States reaffirmed that meeting its commitments in the prevailing security environment requires the maintenance of its current force structure of about 100,000 forward deployed military personnel in the region, including about the current level in Japan.

(c) The Prime Minister welcomed the U.S. determination to remain a stable and steadfast presence in the region. He reconfirmed that Japan would continue appropriate contributions for the maintenance of U.S. forces in Japan, such as through the provision of facilities and areas in accordance with the Treaty of Mutual Cooperation and Security and Host Nation Support. The President expressed U.S. appreciation for Japan's contributions, and welcomed the conclusion of the new Special Measures Agreement which provides financial support for U.S. forces stationed in Japan.

BILATERAL COOPERATION UNDER THE JAPAN-U.S. SECURITY RELATIONSHIP

5. The Prime Minister and the President, with the objective of enhancing the credibility of this vital security relationship, agreed to undertake efforts to advance cooperation in the following areas.

(a) Recognizing that close bilateral defense cooperation is a central element of the Japan-U.S. Alliance, both governments agreed that continued close consultation is essential. Both governments will further enhance the exchange of information and views on the international situation, in particular the Asia-Pacific region. At the same time, in response to the changes which may arise in the international security environment, both governments will continue to consult closely on defense policies and military postures, including the U.S. force structure in Japan, which will best meet their requirements.

(b) The Prime Minister and the President agreed to initiate a review of the 1978 Guidelines for Japan-U.S. Defense Cooperation to build upon the close working relationship already established between Japan and the United States.

The two leaders agreed on the necessity to promote bilateral policy coordination, including studies on bilateral cooperation in dealing with situations that may emerge in the areas surrounding Japan and which will have an important influence on the peace and security of Japan.

(c) The Prime Minister and the President welcomed the April 15, 1996 signature of the Agreement Between the Government of Japan and the Government of the United States of America Concerning Reciprocal Provision of Logistic Support, Supplies and Services Between the Self-Defense Forces of Japan and the Armed Forces of the United States of America, and expressed their hope that this Agreement will further promote the bilateral cooperative relationship.

(d) Noting the importance of interoperability in all facets of cooperation between the Self-Defense Forces of Japan and the U.S. forces, the two governments will enhance mutual exchange in the areas of technology and equipment, including bilateral cooperative research and development of equipment such as the support fighter (F-2).

(e) The two governments recognized that the proliferation of weapons of mass destruction and their means of delivery has important implications for their common security. They will work together to prevent proliferation and will continue to cooperate in the ongoing study on ballistic missile defense.

6. The Prime Minister and the President recognized that the broad support and understanding of the Japanese people are indispensable for the smooth stationing of U.S. forces in Japan, which is the core element of the Japan-U.S. security arrangements. The two leaders agreed that both governments will make every effort to deal with various issues related to the presence and status of U.S. forces. They also agreed to make further efforts to enhance mutual understanding between U.S. forces and local Japanese communities.

In particular, with respect to Okinawa, where U.S. facilities and areas are highly concentrated, the Prime Minister and the President reconfirmed their determination to carry out steps to consolidate,

realign, and reduce U.S. facilities and areas consistent with the objectives of the Treaty of Mutual Cooperation and Security. In this respect, the two leaders took satisfaction in the significant progress which has been made so far through the “Special Action Committee on Okinawa” (SACO), and welcomed the far reaching measures outlined in the SACO Interim Report of April 15, 1996. They expressed their firm commitment to achieve a successful conclusion of the SACO process by November 1996.

REGIONAL COOPERATION

7. The Prime Minister and the President agreed that the two governments will jointly and individually strive to achieve a more peaceful and stable security environment in the Asia-Pacific region. In this regard, the two leaders recognized that the engagement of the United States in the region, supported by the Japan-U.S. security relationship, constitutes the foundation for such efforts.

The two leaders stressed the importance of peaceful resolution of problems in the region. They emphasized that it is extremely important for the stability and prosperity of the region that China play a positive and constructive role, and, in this context, stressed the interest of both countries in furthering cooperation with China. Russia’s ongoing process of reform contributes to regional and global stability, and merits continued encouragement and cooperation. The leaders also stated that full normalization of Japan-Russia relations based on the Tokyo Declaration is important to peace and stability in the Asia-Pacific region. They noted also that stability on the Korean Peninsula is vitally important to Japan and the United States and reaffirmed that both countries will continue to make every effort in this regard, in close cooperation with the Republic of Korea.

The Prime Minister and the President reaffirmed that the two governments will continue working jointly and with other countries in the region to further develop multilateral regional security dialogues and cooperation mechanisms such as the ASEAN Regional Forum, and eventually, security dialogues regarding Northeast Asia.

GLOBAL COOPERATION

8. The Prime Minister and the President recognized that the Treaty of Mutual Cooperation and Security is the core of the Japan-U.S. Alliance, and underlies the mutual confidence that constitutes the foundation for bilateral cooperation on global issues.

The Prime Minister and the President agreed that the two governments will strengthen their cooperation in support of the United Nations and other international organizations through activities such as peacekeeping and humanitarian relief operations.

Both governments will coordinate their policies and cooperate on issues such as arms control and disarmament, including acceleration of the Comprehensive Test Ban Treaty (CTBT) negotiations and the prevention of the proliferation of weapons of mass destruction and their means of delivery. The two leaders agreed that cooperation in the United Nations and APEC, and on issues such as the North Korean nuclear problem, the Middle East peace process, and the peace implementation

process in the former Yugoslavia, helps to build the kind of world that promotes our shared interests and values.

CONCLUSION

9. In concluding, the Prime Minister and the President agreed that the three legs of the Japan-U.S. relationship - security, political, and economic - are based on shared values and interests and rest on the mutual confidence embodied in the Treaty of Mutual Cooperation and Security. The Prime Minister and the President reaffirmed their strong determination, on the eve of the twenty-first century, to build on the successful history of security cooperation and to work hand-in-hand to secure peace and prosperity for future generations.

April 17, 1996 Tokyo

Prime Minister of Japan

President of the United States

SECTION V

Agreements on other security-related cooperation



Japan Ground Self-Defense Force MV-22, 6 November 2020 (photo credit: Ministry of Defense of Japan)

Subsection V-1

Mutual Defense Assistance Agreement Between Japan and the United States of America

8 March 1954

Amended via Exchange of Notes, 19 January 1960

Background: As part of the new alliance, the United States government decided to support the recapitalization of Japan's defense capabilities following the mass demilitarization effort during the occupation. The Mutual Defense Agreement codified how this security cooperation would be implemented, and focused on issues like import rules and financial obligations. The Mutual Defense Agreement also serves as the foundational document for the Mutual Defense Assistance Office (MDAO) that exists within the U.S. Embassy in Tokyo.

The Government of Japan and the Government of the United States of America.

Desiring to foster international peace and security, within the framework of the Charter of the United Nations, through voluntary arrangements which will further the ability of nations dedicated to the purposes and principles of the Charter to develop effective measures for individual and collective self-defense in support of those purposes and principles;

Reaffirming their belief as stated in the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951 that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations;

Recalling the preamble of the Security Treaty between Japan and the United States of America, signed at the city of San Francisco on September 8, 1951, to the effect that the United States of America, in the interest of peace and security, would maintain certain of its armed forces in and about Japan as a provisional arrangement in the expectation "that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the Charter of the United Nations;

Recognizing that, in the planning of a defense assistance program for Japan, economic stability will be an essential element for consideration in the development of its defense capacities, and that Japan can contribute only to the extent permitted by its general economic condition, and capacities;

Taking into consideration the support that the Government of the United States of America has brought to these principles by enacting the Mutual Defense Assistance Act of 1949, as amended, and the Mutual Security Act of 1951, as amended, which provide for the furnishing of defense assistance by the United States of America in furtherance of the objectives referred to above; and

Desiring to set forth the conditions which will govern the furnishing of such assistance;

Have agreed as follows:

ARTICLE I

1. Each Government, consistently with the principle that economic stability is essential to international peace and security, will make available to the other and to such other governments as the two Governments signatory to the present Agreement may in each case agree upon, 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. The furnishing and use of any such assistance as may be authorized by either Government shall be consistent with the Charter of the United Nations. Such assistance as may be made available by the Government of the United States of America pursuant to the present Agreement will be furnished under those provisions, and subject to all of those terms, conditions, and termination provisions of the Mutual Defense Assistance Act of 1949, the Mutual Security Act of 1951, acts amendatory and supplementary thereto and appropriation acts thereunder which may affect the furnishing of such assistance.

2. Each Government will make effective use of assistance received pursuant to the present Agreement for the purposes of promoting peace and security in a manner that is satisfactory to both Governments, and neither Government, without the prior consent of the other, will devote such assistance to any other purposes.

3. Each Government will offer for return to the other, in accordance with terms, conditions and procedures mutually agreed upon, equipment, or materials furnished under the present Agreement, except equipment and materials furnished on terms requiring reimbursement, and no longer required for the purposes for which it was originally made available.

4. In the interest of common security, each Government undertakes not to transfer to any person not an officer or agent of such Government, or to any other government, title to or possession of any equipment, materials, or services received pursuant to the present Agreement, without the prior consent of the Government which furnished such assistance.

ARTICLE II

In conformity with the principle of mutual aid, the Government of Japan agrees to facilitate the production and transfer to the Government of the United States of America for such period of time, in such quantities and upon such terms and conditions as may be agreed upon of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in Japan. Arrangements for such transfers shall give due regard to requirements for domestic use and commercial export as determined by the Government of Japan.

ARTICLE III

1. Each Government will take such security measures as may be agreed upon between the two Governments in order to prevent the disclosure or compromise of classified articles, services, or information furnished by the other Government pursuant to the present Agreement.

2. Each Government will take appropriate measures consistent with security to keep the public informed of operations under the present Agreement.

ARTICLE IV

1. The two Governments will, upon request of either of them, make appropriate arrangements providing for the methods and terms of the exchange of industrial property rights and technical information for defense which will expedite such exchange and at the same time protect private interests and maintain security safeguards.

ARTICLE V

The two Governments will consult for the purpose of establishing procedures whereby the Government of Japan will so deposit, segregate, or assure title to all funds allocated to or derived from any programs of assistance undertaken by the Government of the United States of America so that such funds shall not be subject to garnishment, attachment, seizure, or other legal process by any person, firm, agency, corporation, organization, or government, when the Government of Japan is advised by the Government of the United States of America that any such legal process would interfere with the attainment of the objectives of the program of assistance.

ARTICLE VI

1. The Government of Japan will grant

(a) Exemption from duties and internal taxation upon importation or exportation to Materials, supplies, or equipment imported into or exported from its territory under the present Agreement or any similar agreement between the Government of the United States of America and the Government of any other country receiving assistance, except as other agreed to; and

(b) Exemption from and refund of Japanese taxes, as enumerated in the attached Annex E, so far as they may affect expenditures of or financed by the Government of the United States of America effected in Japan for procurement of materials, supplies, equipment, and services under the present Agreement or any similar agreement between the Government of the United States of America and the Government of any other country receiving assistance.

2. Exemption from duties and exemption from and refund of Japanese taxes as enumerated in the attached Annex E will apply, in addition, to any other expenditures of or financed by the Government of the United States of America for materials, supplies, equipment, and services for

mutual defense, including expenditures made in conformity with the Security Treaty between Japan and the United States of America under the Mutual Security Act of 1951, as amended, or any acts supplementary, amendatory or successory thereto.

ARTICLE VII

1. The Government of Japan agrees to receive personnel of the Government of the United States of America who will discharge in the territory of Japan the responsibilities of the latter Government regarding equipment, materials, and services furnished under the present Agreement, and who will be accorded facilities to observe the progress of the assistance furnished by the Government of the United States of America under the present Agreement. Such personnel who are nationals of the United States of America, including personnel temporarily assigned, will, in their relationships with the Government of Japan, operate as part of the Embassy of the United States of America under the direction and control of the Chief of the Diplomatic Mission, and will have the same privileges and immunities as are accorded to other personnel with corresponding rank in the Embassy of the United States of America.

2. The Government of Japan will make available, from time to time, to the Government of the United States funds in yen for the administrative and related expenses of the latter Government in connection with carrying out the present Agreement.

ARTICLE VIII

The Government of Japan, reaffirmed its determination to join in promoting international understanding and good will, and maintaining world peace, to take such action as may be mutually agreed upon to eliminate causes of international tension, and to fulfill the military obligations with the Government of Japan has assumed under the Security Treaty between Japan and the United States of America, will make, consistent with the political and economic stability of Japan, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defense strength and the defense strength of the free world, take all reasonable measures which may be needed to develop its defense capacities, and take appropriate steps to ensure the effective utilization of any assistance provided by the Government of the United States of America.

ARTICLE IX

1. Nothing contained in the present Agreement shall be construed to alter or otherwise modify the Security Treaty between Japan and the United States of America or any arrangements concluded thereunder.

2. The present Agreement will be implemented by each Government in accordance with the constitutional provisions of the respective countries.

ARTICLE X

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of the present Agreement or to operations or arrangements carried out pursuant to the present Agreement.

2. The terms of the present Agreement may be reviewed at the request of either of the two Governments or amended by agreement between them at any time.

ARTICLE XI

1. The present Agreement shall come into force on the date of receipt by the Government of the United States of America and of a written notice from the Government of Japan or ratification of the Agreement by Japan.

2. The present Agreement will thereafter continue in force until one year after the date of receipt by either Government of a written notice of the intention of the other to terminate it, provided that the provisions of Article I, paragraphs 2, 3, and 4, and arrangements entered into under Article III, paragraph 1, and Article IV shall remain in force unless otherwise agreed by the two Governments.

3. The Annexes to the present Agreement shall form an integral part thereof.

4. The present Agreement shall be registered with the Secretariat of the United Nations.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorized for the purpose, have signed the present Agreement.

DONE in duplicate, in the Japanese and English languages, both equally authentic, at Tokyo, this eighth day of March, one thousand nine hundred fifty-four.

FOR JAPAN:

(Signed) Katsu Okazaki

FOR THE UNITED STATES OF AMERICA:

(Signed) John M. Allison

* * * * *

ANNEX A

In carrying out the present Agreement, the Government of the United States of America will give every consideration, to the extent that other factors will permit, to procurement in Japan of supplies and equipment to be made available to Japan, as well as to other countries, where feasible,

and to providing information to and facilitating the training of technicians from Japan's defense-production industries. In this connection, representatives of the Government of Japan stated that the development of Japan's defense capacities will greatly be facilitated if the Government of the United States of America will give consideration to assisting in the financing of Japan's defense-production industries.

The two Governments recognize the advisability of establishing adequate liaison between them to facilitate procurement by the Government of the United States of America in Japan.

ANNEX B

The security measures which the Government of Japan agrees to take pursuant to Article III, paragraph I will be such as would guarantee the same degree of security and protection as provided in the United States of America, and no disclosure to any person not an officer or agent of the Government of Japan of classified articles, services or information accepted by Japan, will be made without the prior consent of the Government of the United States of America.

ANNEX C

The two Governments recognize the benefits to be derived from the principle of standardization, and agree to the advisability of taking feasible joint measures to achieve that degree of standardization, with respect to specifications and quality, which will promote the effective utilization and maintenance of any assistance furnished under the present Agreement.

ANNEX D

In the interest of common security, the Government of Japan will cooperate with the Governments of the United States of America and other peace-loving countries in taking measures to control trade with nations which threaten the maintenance of world peace.

ANNEX E

To effectuate Article VI, the Governments of Japan and the United States of America agreed as follows:

1. The Japanese taxes referred to in Article VI, paragraph 1(b) and paragraph 2, are as follows:

- (a) Commodity tax;
- (b) Travelling tax;
- (c) Gasoline tax;
- (d) Electricity and gas tax.

2. With respect to any present or future taxes of Japan not specifically referred to in this Annex which might be found to be applicable to the expenditures covered by Article VI, the two Governments will agree upon procedures for granting exemption and refund.

3. Exemption from duties and exemption from and refund of Japanese taxes will be applied upon appropriate certification by the Government of the United States of America.

4. Materials, supplies and equipment imported into or procured by the Government of the United States of America in Japan exempt from duties and taxes under Article VI, shall not be disposed of in Japan except as such disposal may be authorized by the authorities of Japan and the United States of America in accordance with mutually agreed conditions.

5. Nothing in Article VI, or this Annexed to

- (a) Requires exemption from import or export procedures provided for by the laws of Japan, or
- (b) Affect exemption duties and internal taxation provided for by the laws of Japan in accordance with existing agreements, and arrangements such as the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America.

ANNEX F

1. With respect to the facilities to be accorded by the Government of Japan to the personnel of the Government of the United States of America who, pursuant to Article VII of the present Agreement, will discharge in Japan responsibilities of the Government of the United States of America to observe the progress of assistance furnished in pursuance of the present Agreement, the two Governments agree that such facilities to be accorded shall be reasonable and not unduly burdensome upon the Government of Japan.

2. The two Governments agree that the number of such personnel to be accorded diplomatic privileges will be kept as low as possible.

3. It is understood between the two Governments that the status of such personnel of the nationality of the United States of America, considered part of the Diplomatic Mission of the Government of the United States of America, will be the same as the status of personnel of corresponding rank of the Embassy of the United States of America in Japan.

Such personnel will be divided into three categories:

- a. Upon appropriate notification by the Government of the United States of America, full diplomatic status will be granted to the senior military member and the senior Army, Navy and Air Force officer assigned thereto, and to their respective immediate deputies.
- b. The second category of personnel will enjoy privileges and immunities conferred by international custom to certain categories of personnel of the Embassy of the United States of America in Japan, such as the immunity from civil and criminal jurisdiction of Japan, immunity of official papers from search and seizure, right

of free egress, exemption from customs duties or similar taxes or restrictions in respect of personally owned property imported into Japan by such personnel for their personnel use and consumption, without prejudice to the existing regulations on foreign exchange, exemption from internal taxation by Japan upon salaries of such personnel. Privileges and courtesies may be waived by the Government of the United States of America for this category of personnel.

- c. The third category of personnel will receive the same status as the clerical personnel of the Embassy of the United States of America in Japan.

ANNEX G

1. The two Governments agree to restrict to the minimum necessary the amount of expenses to be made available from time to time by the Government of Japan pursuant to Article VII.

2. The two Governments also agree that the Government of Japan may, in lieu of meeting the expenses referred to in the preceding paragraph, make available necessary and suitable real estate, equipment, supplies and services.

3. The two Governments agree that, in consideration of the contributions in kind to be made available by the Government of Japan, the amount of yen to be made available as a case contribution by the Government of Japan for any Japanese fiscal year shall be as agreed upon between the two Governments.

4. The contributions by the Government of Japan will be made available in accordance with arrangements as may be agreed upon between the two Governments.

5. The two Governments further agree that, in consideration of the contributions in kind to be made available by the Government of Japan during the initial period from the date of coming into force of the present Agreement to March 31, 1956, the amount of cash contributions by the Government of Japan for such period shall not exceed Three Hundred Fifty-Seven Million Three Hundred Thousand Yen (¥367,300,300).

* * * * *

**EXCHANGE OF NOTES REVISING REFERENCES TO THE SECURITY TREATY
IN THE MUTUAL DEFENSE ASSISTANCE AGREEMENT**

[U.S. Note]

Excellency:

I have the honor to refer to the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed today. It is the understanding of the Government of the United States of America that references to the Security Treaty between the United States of America and Japan, signed at San Francisco on September 8, 1951, and to the Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan, appearing in the Mutual Defense Assistance Agreement between the United States of America and Japan, signed at Tokyo on March 8, 1954, shall be considered to be references to the corresponding provisions, if any, of the Treaty of Mutual Cooperation and Security and of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

I should be appreciative of Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of Japan and that this understanding shall enter into operation on the date of the entry into force of the Treaty of Mutual Cooperation and Security.

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

[[Japanese Reply]

Excellency:

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

[U.S. Note]

I have further the honour to confirm on behalf of my Government that the foregoing is also the understanding of the Government of Japan.

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

Washington, January 19, 1960.

Subsection V-2

Agreement Regarding the Status of United Nations Forces in Japan

19 February 1954

Background: When war broke out on the Korean Peninsula, the international community responded by providing multinational forces to a U.S.-led unified command known as United Nations Command (UNC). UNC fought to repel the North Korean invasion on the Korean Peninsula and employed rear area bases on the Japanese islands. For the first two years of the Korean War, Japan was still under the post-World War II Allied occupation, but its government agreed to continue providing basing and logistics support to UNC.

When the Korean War ended in an Armistice instead of victory for UNC, the Japanese government agreed to continue its support but worked towards codifying the rules for UN forces operating in or through Japan via the 1954 United Nations Status of Forces Agreement. This agreement remains in effect today, with UNC-Rear Headquarters (based in Yokota Air Base) and the Ministry of Foreign Affairs SOFA Division managing its implementation.

WHEREAS it is stated in the notes exchanged by Mr. Shigeru Yoshida, Prime Minister of Japan, and Mr. Dean Acheson, Secretary of State of the United States of America, on September 8, 1951, that upon the coming into force of the Treaty of Peace with Japan signed at the city of San Francisco on the same day Japan will assume obligations expressed in Article 2 of the Charter of the United Nations which requires the giving to the United Nations of every assistance in any action it takes in accordance with the Charter;

WHEREAS in the above-mentioned notes the Government of Japan confirmed that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action;

WHEREAS the United Nations forces still continue to be engaged in action pursuant to the Security Council Resolutions of June 25, June 27 and July 7, 1950 and the General Assembly Resolution of February 1, 1951, which called upon all States and authorities to lend every assistance to the United Nations action; and

WHEREAS Japan has been and is rendering important assistance in the form of facilities and services to the forces which are participating in the United Nations action in Korea;

NOW, THEREFORE, in order to define the status of, and treatment to be accorded to, such forces in Japan pending their withdrawal from its territory, the Parties to this Agreement have agreed as follows:

Article I

Except as otherwise provided in this Agreement, the following definitions of terms shall be adopted for the purpose of this Agreement:

(a) "United Nations Resolutions" means the United Nations Security Council Resolutions of June 25, June 27 and July 7, 1950 and the United Nations General Assembly Resolution of February 1, 1951.

(b) "Parties to this Agreement" means the Government of Japan, the Government of the United States of America acting as the Unified Command, and each Government which signs, or signs "subject to acceptance" and accepts, or accedes to, this Agreement, as the Government of a State sending forces to Korea pursuant to the United Nations Resolutions.

(c) "Sending State" means any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions and whose Government is a Party to this Agreement as the Government of a State sending forces to Korea pursuant to the United Nations Resolutions.

(d) "United Nations forces" means those forces of the land, sea or air armed services of the sending States which are sent to engage in action pursuant to the United Nations Resolutions.

(e) "Members of the United Nations forces" means personnel on active duty belonging to the United Nations forces when such persons are in Japan.

(f) "Civilian component" means the civilian persons of the nationality of any sending State who are in the employ of, serving with, or accompanying the United Nations forces when such persons are in Japan, but excludes persons who are ordinarily resident in Japan.

(g) "Dependents" means the following persons, when such persons are in Japan:

- (i) Spouse, and children under 21, of members of the United Nations forces or of the civilian components;
- (ii) Parents, and children over 21, of members of the United Nations forces or of the civilian components, if dependent for over half their support upon such members.

Article II

It is the duty of the United Nations forces as well as members of such forces and of the civilian components, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan. The authorities of the Sending States and the Commander-in-Chief, United Nations Command, shall take appropriate measures to this end.

Article III

1. Subject to the provisions of this Article, the Government of Japan grants permission to members of the United Nations forces and of the civilian components, and their dependents to enter into and depart from Japan for the purpose of this Agreement. The United Nations Command shall appropriately notify the Government of Japan of the number of persons entering and departing, the date of entry and departure, the object of entry, and the expected duration of stay.

2. Members of the United Nations forces shall be exempt from Japanese laws and regulations on passports and visas. Members of the United Nations forces and of the civilian components, and their dependents shall be exempt from Japanese laws and regulations on registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of Japan.

3. Upon entry into and departure from Japan members of the United Nations forces shall be in possession of the following documents:

(a) personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United Nations forces and to the travel ordered.

4. For purposes of their identification while in Japan, members of the United Nations forces shall be in possession of the foregoing personal identity card, which must be presented on demand or the appropriate Japanese authorities.

5. Members of the civilian components shall have their status and the organization to which they belong described in their passports. Dependents shall have their status described in their passports.

6. For purposes of their identification while in Japan, members of the civilian components and dependents shall, on demand of the appropriate Japanese authorities, present their passports within a reasonable time.

7. If the status of any person brought into Japan under this Article is altered so that he would no longer be entitled to such admission, the authorities of the sending State shall notify the Japanese authorities, and shall cause such person to leave Japan without cost to the Government of Japan as promptly as possible, unless such person be permitted to remain in Japan in accordance with the Japanese laws and regulations concerned.

8. If Japan, for good cause, has requested the removal from its territory of a member of the United Nations forces or of the civilian components, or a dependent, the authorities of the sending State concerned shall be responsible for causing the said person to leave Japan without delay.

Article IV

1. Vessels and aircraft operated by, for or under the control of the United Nations forces for the purpose of this Agreement shall be accorded access to such ports or airports as may be agreed upon by the Joint Board provided for in Article XX, free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and such cargo or passengers shall be entered according to the laws and regulations of Japan.

2. The vessels and aircraft mentioned in the preceding paragraph, official vehicles of the United Nations forces and of the civilian components, and members of such forces and of the civilian components, and their dependents, and vehicles of such persons shall be accorded access to and movement between facilities and areas in use by such forces in accordance with Article V and between such facilities and areas, and the ports or airports mentioned in the preceding paragraph.

3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

Article V

1. The United Nations forces may use such facilities in Japan, inclusive of existing furnishings, equipment and fixtures necessary for the operation of such facilities, as may be agreed upon through the Joint Board.

2. The United Nations forces may, with the agreement of the Government of Japan through the Joint Board, use those facilities and areas the use of which is provided to the United States of America under the Security Treaty between Japan and the United States of America.

3. Within the facilities the United Nations forces shall have the rights which are necessary and appropriate for the purpose of this Agreement. All questions relating to frequencies, power and similar matters used by electric radiation apparatus employed by the United Nations forces shall be settled by mutual agreement through the Joint Board.

4. The facilities used by the United Nations forces under the terms of paragraph 1 shall be promptly returned to Japan whenever they are no longer needed, without any obligation to restore such facilities to their original condition and without compensation to or by either Party. The Parties to this Agreement may agree, through the Joint Board, on other arrangements with respect to construction or major alteration.

Article VI

The United Nations forces, members of such forces and of the civilian components, and their dependents may use public utilities and services belonging to, or controlled or regulated by the Government of Japan. In the use of such utilities and services the United Nations forces shall be accorded treatment no less favourable than that given from time to time to the ministries and agencies of the Government of Japan.

Article VII

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the sending State to a member of the United Nations forces or of the civilian components, or a dependent.
2. Official vehicles of the United Nations forces and of the civilian components shall carry a distinctive nationality mark and number.
3. Privately-owned vehicles of members of the United Nations forces and of the civilian components, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

Article VIII

The United Nations forces shall have the right to establish and operate, within the facilities in use by them, military post offices for the use of members of the United Nations forces and of the civilian components, and their dependents for the transmission of mail between such military post offices in Japan and between such military post offices and other post offices established and operated outside Japan by the sending States.

Article IX

1. Non-appropriated fund organizations authorized and regulated by the United Nations forces, may be established in the facilities in use by the United Nations forces for the use of members of such forces and of the civilian components, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.
2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.
3. Except as such disposal may be authorized by the Japanese authorities and the United Nations forces in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.
4. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labour relations shall be those laid down by the legislation of Japan.
5. The organizations provided for in paragraph 1 shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

6. Such organizations may use military payment scrip in their transactions with persons who are authorized to use military payment scrip as provided for in Article XI. Such organizations may not hold deposit accounts in foreign currency with foreign exchange banks in Japan unless otherwise agreed through the Joint Board.

Article X

1. Members of the United Nations forces and of the civilian components, and their dependents shall be subject to the foreign exchange controls of the Government of Japan.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of foreign exchange instruments representing the official funds of the Governments of the sending States or realized as a result of service or employment in connection with this Agreement by members of the United Nations forces and of the civilian components, or realized by such persons and their dependents from sources outside Japan.

3. The authorities of the United Nations forces and the Governments of the sending States shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

Article XI

1. Military payment scrip may be used by persons authorized by the sending States for internal transactions within facilities in use by the sending States in accordance with the regulations of the States which issued the scrip and in whose currency it is denominated. The United Nations forces shall take appropriate action to ensure that authorized persons are prohibited from engaging in transactions involving military payment scrip except as authorized by appropriate regulations of the State which issued the military payment scrip. The Government of Japan shall take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment scrip and, with the aid of the United Nations forces if necessary, shall apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment scrip.

2. The United Nations forces shall apprehend and punish by due process of law members of the United Nations forces or of the civilian components, or their dependents who tender military payment scrip to unauthorized persons and no obligation shall be due to such unauthorized persons or to the Government of Japan or its agencies from the United Nations forces as a result of any unauthorized use of military payment scrip within Japan.

Article XII

1. The United Nations forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United Nations forces and of the civilian components, and their dependents shall not be liable to pay any Japanese taxes to the Government of Japan or to any other taxing agency in Japan on income received as a result of their service with or employment by such

forces or by the organizations provided for in Article IX. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt citizens of the sending State who for purposes of income tax of that State claim Japanese residence from payment of Japanese taxes on income.

3. Periods during which the persons referred to in the preceding paragraph are in Japan solely by reason of being members of the United Nations forces or of the civilian components, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

4. Members of the United Nations forces and of the civilian components, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

Article XIII

1. Except as otherwise provided in this Agreement, the United Nations forces, members of such forces and of the civilian components, and their dependents, as well as the organizations provided for in Article IX, shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United Nations forces or by the organizations provided for in Article IX exclusively for the official use of the United Nations forces or those organizations or for the use of members of the United Nations forces and of the civilian components, and their dependents shall be permitted entry into Japan free from customs duties and other such charges.

3. When the goods mentioned in the preceding paragraph are imported, a certificate signed by a person authorized for the purpose, in the form to be determined by the Joint Board, and certifying that they are being imported for the purposes stated in the preceding paragraph, shall be submitted by the United Nations forces to the customs authorities of Japan.

4. Property consigned to and for the personal use of members of the United Nations forces and of the civilian components, and their dependents shall be subject to customs duties and other such charges except that no such duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by members of the United Nations forces or of the civilian components when they first arrive to serve in Japan or their dependents when they first arrive for reunion with members of such forces or of the civilian components, and personal effects for private use brought by the said person upon entrance.

(b) Motor vehicles and spare parts imported by a member of the United Nations forces or of the civilian components for the private use of himself or his dependents.

(c) Reasonable quantities of clothing and household goods which are mailed into Japan through military post offices for the private use of members of the United Nations forces and of the civilian components, and their dependents, provided that such clothing and household goods are those of a type which would ordinarily be purchased in the sending State to which such persons belong for everyday use. .

5. The exemptions granted in paragraphs 2 and 4 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

6. Customs examination shall not be made in the following cases:

- (a) Units and members of the United Nations forces under orders entering or leaving Japan;
- (b) Official documents under official seal;
- (c) Military cargo shipped on a government bill of lading, and mail in military postal channels.

7. Except as authorized by the authorities of Japan and of the United Nations forces in accordance with mutually agreed conditions, goods imported into Japan free from customs duties and other such charges under this Agreement shall not be disposed of in Japan to persons not entitled to import such goods free from customs duties and other such charges under this Agreement.

8. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 4, may be re-exported free from customs duties and other such charges.

9. The United Nations forces, in cooperation with the Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United Nations forces, members of such forces and of the civilian components, and their dependents in accordance with this Article.

10. (a) In order to prevent offences against laws and regulations administered by the Japanese customs authorities, the Japanese authorities and the United Nations forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United Nations forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the Japanese customs authorities are handed to those authorities.

(c) The United Nations forces shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of such forces or of the civilian components, or their dependents.

(d) Any property belonging to the United Nations forces seized by the Japanese customs authorities in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the forces to which such property belongs.

Article XIV

1. Materials, supplies, equipment and services which are required from local sources for the support of the United Nations forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

2. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services and labour by or for the United Nations forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Board for conciliation, provided that the provisions of this paragraph shall not prejudice any right which the parties to the contract may have to file a suit.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United Nations forces, or by authorized procurement agencies of the United Nations forces upon appropriate certification by the authorities of such forces shall be exempt from the following Japanese taxes:

- (a) Commodity tax
- (b) Traveling tax
- (c) Gasoline tax
- (d) Electricity and gas tax

Materials, supplies, equipment and services procured for ultimate use by the United Nations forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United Nations forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United Nations forces, Japan and the United Nations forces will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Except as such disposal may be authorized by the Japanese authorities and the United Nations forces in accordance with mutually agreed conditions, goods purchased in Japan exempt from taxes referred to in the preceding paragraph shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such taxes.

5. Neither members of the United Nations forces or of the civilian components nor their dependents shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

6. Local labour requirements of the United Nations forces shall be satisfied with the assistance of the Japanese authorities.

7. The obligations for the withholding and payment of income tax, local inhabitant tax and social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labour relations shall be those laid down by the legislation of Japan.

Article XV

The United Nations forces shall bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of such forces in Japan except that facilities, owned by the Government of Japan, the use of which is made available to such forces by the Government of Japan, shall be furnished by Japan free from rentals and other such charges.

Article XVI

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

(b) the authorities of Japan shall have jurisdiction over members of the United Nations forces or of the civilian components, and their dependents with respect to offences committed within the territory of Japan and punishable by the law of Japan.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of that sending State, but not by the law of Japan.

(b) The authorities of Japan shall have the right to exercise exclusive jurisdiction over members of the United Nations forces or of the civilian components, and their dependents with respect to offences, including offences relating to the security of Japan, punishable by its law but not by the law of the sending State concerned.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of the United Nations forces or of the civilian component in relation to

(i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force of that State or of the civilian component, or a dependent;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of Japan shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in Japan, unless they are members of the force of that sending State.

5. (a) The authorities of Japan and the military authorities of the sending States shall assist each other in the arrest of members of the United Nations forces or of the civilian components, or their dependents in the territory of Japan and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of Japan shall notify promptly the military authorities of the sending State of the arrest of any member of the force of that sending State or of the civilian component, or a dependent.

(c) The custody of an accused member of the force of a sending State or of the civilian component over whom Japan is to exercise jurisdiction shall, if he is in the hands of that sending State, remain with that State until he is charged by Japan.

6. (a) The authorities of Japan and the military authorities of the sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of Japan and the military authorities of the sending State shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in Japan by the military authorities of the sending State if the legislation of Japan does not provide for such punishment in a similar case.

(b) The authorities of Japan shall give sympathetic consideration to a request from the military authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the military authorities of the sending State under the provisions of this Article within the territory of Japan.

8. Where an accused has been tried in accordance with the provisions of this Article either by the authorities of Japan or by the military authorities of a sending State and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the territory of Japan by the authorities of another State the Government of which is a Party to this Agreement. However, nothing in this paragraph shall

prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Japan.

9. Whenever a member of the United Nations forces or of the civilian components, or a dependent is prosecuted under the jurisdiction of Japan he shall be entitled:

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Japan;
- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in Japan;
- (f) if he considers it necessary, to have the services of a competent interpreter; and
- (g) to communicate with a representative of the Government of the sending State and to have such a representative present at his trial.

10.(a) Regularly constituted military units or formations of the United Nations forces shall have the right to police any United Nations forces facilities. The military police of such forces may take all appropriate measures to ensure the maintenance of order and security within such facilities.

(b) Outside these facilities, such military police shall be employed only subject to arrangements with the authorities of Japan and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the United Nations forces.

11. If the provisions of Article XVII of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952, as amended by the Protocol signed at Tokyo on September 29, 1953 are further amended, Parties to this Agreement shall, after consultation, make similar amendments to the corresponding provisions of this Article, provided the forces of the sending State concerned are under circumstances similar to those giving rise to such further amendment.

12. The Protocol on the Exercise of Criminal Jurisdiction over United Nations Forces in Japan, signed at Tokyo on October 26, 1953, and the Annex thereto shall cease to be in force between the Government of Japan and any other Party to this Agreement which has signed the said Protocol as of the date of the entry into force of this Agreement with respect to such Party.

Article XVII

The Parties to this Agreement will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United Nations forces, members of such forces and of the civilian components, their dependents, and their property. The Government of Japan shall seek such legislation and take such other action as it deems necessary to ensure the adequate security and protection within the territory of Japan of installations, equipment, property, records and official information of the United Nations forces, and for the punishment of offenders under the applicable laws of Japan.

Article XVIII

1. Each Party to this Agreement waives all its claims against any other Party to this Agreement for injury or death suffered in Japan by a member of the forces of, or a civilian governmental employee of the former Party, while such member or employee was engaged in the performance of his official duties, in cases where such injury or death was caused by a member of the forces of, or a civilian governmental employee of the other Party in the performance of his official duties.

2. Each Party to this Agreement waives all its claims against any other Party to this Agreement for damage to any property in Japan owned by it, if such damage was caused by a member of the forces of, or a civilian governmental employee of the other Party in the performance of his official duties.

3. Claims, other than contractual, arising out of acts or omissions of members or employees of the United Nations forces done in the performance of their official duties, or out of any other act, omission or occurrence for which the United Nations forces are legally responsible, arising incident to non-combat activities and causing injury, death or property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed within one year from the date on which they arise, and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.

(d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared by the Parties to this Agreement as follows:

- (i) Where one sending State alone is responsible, the amount agreed upon or adjudged shall be shared in the proportion of 75% chargeable to the sending State and 25% chargeable to Japan.

- (ii) Where more than one sending State is jointly responsible, the amount agreed upon or adjudged shall be shared in such proportion that the shares of the sending States concerned shall be equal among themselves and the share of Japan shall be one half of that of one of such sending States.
- (iii) Where the injury, death or property damage was caused by the United Nations forces of more than one sending State and it is not possible to attribute it specifically to any of the United Nations forces, all of the sending States concerned shall be regarded as responsible for the cause of such injury, death or property damage and the provisions of item (ii) above shall apply thereto.

(e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, the findings in each case, and a statement of the sums paid by Japan shall be sent periodically to the sending State concerned, together with a request for reimbursement of the share to be paid by such sending State. Such reimbursement shall be made in yen within the shortest possible period of time.

4. Each Party to this Agreement shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When any other Party concerned disagrees with the results of such determination, that Party may bring the matter before the Joint Board for consultation.

5. Claims against members or employees of the United Nations forces arising out of tortious acts or omissions in Japan not done in the performance of their official duties shall be dealt with in the following manner:

(a) The Japanese authorities shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State concerned, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the Japanese authorities of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of Japan to entertain an action against a member or employee of the United Nations forces unless and until there has been payment in full satisfaction of the claim.

6. (a) Members and employees of the United Nations forces, excluding those employees who have only Japanese nationality, shall not be subject to suit in Japan with respect to claims specified in paragraph 3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of cases.

(b) In case any private movable property, excluding that in use by the United Nations forces, which is subject to compulsory execution under Japanese law, is within the facilities in use by the United Nations forces, the authorities of the sending State concerned shall, upon the request of Japanese courts, possess and turn over such property to the Japanese authorities. In the case of a sending State the forces of which have no legal authority to take such action, the authorities of that State shall allow the appropriate Japanese authorities to take possession of such property in accordance with Japanese law.

(c) The authorities of every sending State shall cooperate with the Japanese authorities in making available witnesses and evidence for a fair hearing and disposal of claims under the provisions of this Article.

Article XIX

The Parties to this Agreement shall as promptly as possible take legislative, budgetary and other measures necessary for the implementation of this Agreement.

Article XX

1. A Joint Board shall be established in Tokyo as the means for consultation and agreement between the Government of Japan and the other Parties to this Agreement on matters relating to the interpretation and implementation of this Agreement.

2. The Joint Board shall be composed of two representatives, one representing the Government of Japan and the other representing the other Parties to this Agreement, each of whom shall have one or more deputies and a staff. The Joint Board shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Board shall be so organized that it may meet at any time at the request of either representative.

3. If the Joint Board is unable to reach agreement on any matter, it shall be settled through inter-governmental negotiations.

Article XXI

1. This Agreement shall be signed by the Government of Japan and the Government of the United States of America acting as the Unified Command, and may be signed by the Government of any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions. After its first signature and until its first entry into force this Agreement shall be open, subject to the consent of the Government of Japan, for signature by the Government of any other such State.

2. Ten days after the date on which the Government of Japan accepts this Agreement, it shall enter into force for the Government of Japan and for each other Government which, on or before the date of acceptance by the Government of Japan, signs, or signs "subject to acceptance" and accepts, this Agreement. For each Government which signs, or accepts, or signs "subject to acceptance" and accepts, this Agreement after the date of acceptance by the Government of Japan, it shall enter into force ten days after the date on which that Government signs, or having signed "subject to acceptance" accepts, this Agreement.

3. The acceptance of this Agreement shall be made by depositing an instrument of acceptance with the Government of Japan. The Government of Japan shall notify each Government which is a Party to this Agreement, of the date of each signature and of deposit of each instrument of acceptance, if any.

4. The provisions of this Agreement, except those of Article XVI and those which are per se incapable of retroaction, shall be operative retroactively to April 28, 1952 for the Government of Japan and for each other Government, which, on or within six months after the date of first signature of this Agreement, signs, or signs "subject to acceptance" and accepts, this Agreement.

Article XXII

1. After the first entry into force of this Agreement in accordance with paragraph 2 of Article XXI, the Government of any State not signatory to this Agreement which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions, may, subject to the consent of the Government of Japan, accede to this Agreement by depositing its instrument of accession with the Government of Japan.

2. The Government of Japan shall notify each Government which is a Party to this Agreement, of the date of deposit of each instrument of accession.

3. This Agreement shall enter into force for each acceding Government ten days after the date of deposit of its instrument of accession.

4. The provisions of this Agreement, except those of Article XVI and those which are per se incapable of retroaction, shall be operative retroactively to April 28, 1952 for each acceding Government which deposits its instrument of accession within six months after the date of first signature of this Agreement.

Article XXIII

1. Any Party to this Agreement may at any time request a revision of any Article. Upon such request the Government of Japan and the Government of the United States of America acting as the Unified Command, in consultation with and on behalf of the sending States concerned, shall enter into negotiations.

2. If any provisions of the Administrative Agreement between the Government of Japan and the Government of the United States of America, signed at Tokyo on February 28, 1952, as amended by the Protocol signed at Tokyo on September 29, 1953 are revised, the Government of Japan and the Government of the United States of America acting as the United Command, in consultation with and on behalf of the sending States, shall, except as provided in paragraph 11 of Article XVI, enter into negotiations with a view to agreeing on similar revision of the corresponding provisions of this Agreement.

Article XXIV

All the United Nations forces shall be withdrawn from Japan within ninety days after the date by which all the United Nations forces shall have been withdrawn from Korea. The Parties to this

Agreement may agree upon an earlier date by which all the United Nations forces shall be withdrawn from Japan.

Article XXV

This Agreement and agreed revisions thereof shall terminate on the date by which all the United Nations forces shall be withdrawn from Japan in accordance with the provisions of Article XXIV. In case all the United Nations forces have been withdrawn from Japan earlier than such date, this Agreement and agreed revisions thereof shall terminate on the date when the withdrawal has been completed.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for the purpose, have signed this Agreement.

DONE at Tokyo this *nineteenth* day of February, 1954 in the Japanese and English languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of Japan. The Government of Japan shall transmit certified copies thereof to all the signatory and acceding Governments.

Subsection V-3

Agreement concerning joint development of Ballistic Missile Defense Capabilities

Concluded via Exchange-of-Notes, 23 June 2006

Background: As a result of the 1993-94 North Korean nuclear crisis and North Korea's launch of a Taepodong missile over Japan in 1998, the United States and Japan embarked upon the joint cooperative development of ballistic missile defense (BMD) capabilities. This exchange-of-notes from 2006 codified the allies' respective roles in the BMD relationship and laid the foundation for joint development of systems like the SM-3 Block IIA interceptor. After development, the SM-3 Block IIA would be the first defense system co-produced by the United States and Japan. Fired by Aegis ships, it is now a part of the Alliance BMD system.

[Japanese Note]

[Translation]

Tokyo, June 23, 2006

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"), which 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.

Recognizing that ballistic missile defense is an important element in the defense policy of both Japan and the United States of America, the Government of Japan and the Government of the United States of America have promoted cooperation on ballistic missile defense through the Exchange of Notes on the furnishing of information from the Government of the United States of America to the Government of Japan which will be necessary for the effective conduct of the studies on ballistic missile defense by the Government of Japan of February 23, 1996, the Exchange of Notes on the cooperative research on ballistic missile defense technologies of August 16, 1999, and the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004. Each of the aforementioned exchanges of notes constitutes an agreement between the two Governments.

The policy of the Government of the United States of America on ballistic missile defense is that it has deployed a ballistic missile defense capability to protect the United States of America as

well as its friends and allies, and will deploy additional ballistic missile defense capabilities as necessary, taking into account technological progress. The policy of the Government of Japan is that it has begun to introduce ballistic missile defense systems, which are inherently of a defensive nature and to which there would be no alternative for protecting lives and property in Japan against ballistic missile attacks.

In this regard, the representatives of the Government of Japan and the Government of the United States of America have recently held discussions for the purpose of making such detailed arrangements as mentioned above concerning the cooperation between the two Governments on ballistic missile defense within the scope of the above-mentioned policy of each of the two Governments (hereinafter referred to as “the cooperation”). The following is the understanding of the Government of Japan regarding the results of the above-mentioned discussions:

1. In accordance with the detailed implementing arrangements to be made under paragraph 3., each Government will mutually provide the other with information, equipment, and materials to support implementing the cooperation, subject to the laws and regulations of each country. Information, equipment, and materials the export of which is controlled by either of the respective countries will be provided pursuant to such detailed implementing arrangements only when properly authorized in advance by relevant authorities of each Government. The two Governments will jointly bear the cost necessary for the execution of the cooperation.
2. The present understanding will be implemented in accordance with the MDA Agreement and arrangements made thereunder, including the Agreement between the Government of Japan and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Purposes of Defense signed at Tokyo on March 22, 1956.
3. In order to implement the present understanding, representatives of the competent authorities of the two Governments will make detailed implementing arrangements. The competent authority of the Government of Japan will be the Japan Defense Agency, and the competent authority of the Government of the United States of America will be the United States Department of Defense.
4. The financial obligations and expenditures incurred by the Government of Japan and the Government of the United States of America under the present understanding and all arrangements to be made hereunder will be subject to budget authorization pursuant to the constitutional and legislative provisions 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 which shall enter into force on the date of Your Excellency’s reply, shall supersede the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004 in its entirety, and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

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

Taro Aso
Minister for Foreign Affairs of Japan

[U.S. Reply]

No. 327

Excellency,

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

[Text from the Japanese note included here]

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 which shall enter into force on the date of this reply, shall supersede the Exchange of Notes on the cooperation on ballistic missile defense of December 14, 2004 in its entirety, and shall remain in force until six months after the date of the receipt of notice of termination by either Government.

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

(Signed)
J. Thomas Schieffer
Embassy of the United States of America,
Tokyo, June 23, 2006.

SECTION VI

Archived Agreements



*Secretary of State Dean Acheson signs the Treaty of Peace between the Allied Powers and Japan, 8 September 1951
(photo credit: U.S. Department of State)*

Subsection VI-1

Treaty of Peace between the Allied Powers and Japan

8 September 1951

Background: Japan's surrender and acceptance of the terms of the Potsdam Declaration on 15 August 1945 kicked off a years-long occupation by allied forces. The 1951 San Francisco Peace Treaty is the diplomatic peace treaty that finalized the state of war between the Allied Powers and Japan and set the conditions for the end of the occupation that occurred in 1952.

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them;

Whereas Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

The Allied Powers and Japan have therefore determined to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I

PEACE

Article 1

(a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned as provided for in Article 23.

(b) The Allied Powers recognize the full sovereignty of the Japanese people over Japan and its territorial waters.

CHAPTER II

TERRITORY

Article 2

(a) Japan, recognizing the independence of Korea, renounces all right, title, and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.

(b) Japan renounces all right, title and claim to Formosa and the Pescadores.

(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.

(d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.

(e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.

(f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

Article 3

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Article 4

(a) Subject to the provisions of paragraph (b) of this Article, the disposition of property of Japan and of its nationals in the areas referred to in Article 2, and their claims, including debts, against the authorities presently administering such areas and the residents (including juridical persons) thereof, and the disposition in Japan of property of such authorities and residents, and of claims, including debts, of such authorities and residents against Japan and its nationals, shall be the subject of special arrangements between Japan and such authorities. The property of any of the Allied Powers or its nationals in the areas referred to in Article 2 shall, insofar as this has not already been done, be

returned by the administering authority in the condition in which it now exists. (The term nationals whenever used in the present Treaty includes juridical persons.)

(b) Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of the United States Military Government in any of the areas referred to in Articles 2 and 3.

(c) Japanese owned submarine cables connecting Japan with territory removed from Japanese control pursuant to the present Treaty shall be equally divided, Japan retaining the Japanese terminal and adjoining half of the cable, and the detached territory the remainder of the cable and connecting terminal facilities.

CHAPTER III

SECURITY

Article 5

(a) Japan accepts the obligations set forth in Article 2 of the Charter of the United Nations, and in particular the obligations.

- (i) to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;
- (ii) to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations;
- (iii) to give the United Nations every assistance in any action it takes in accordance with the Charter and to refrain from giving assistance to any State against which the United Nations may take preventive or enforcement action.

(b) The Allied Powers confirm that they will be guided by the principles of Article 2 of the Charter of the United Nations in their relations with Japan.

(c) The Allied Powers for their part recognize that Japan as a sovereign nation possesses the inherent right of individual or collective self-defense referred to in Article 51 of the Charter of the United Nations and that Japan may voluntarily enter into collective security arrangements.

Article 6

(a) All occupation forces of the Allied Powers shall be withdrawn from Japan as soon as possible after the coming into force of the present Treaty, and in any case not later than 90 days thereafter. Nothing in this provision shall, however, prevent the stationing or retention of foreign armed forces

in Japanese territory under or in consequence of any bilateral or multilateral agreements which have been or may be made between one or more of the Allied Powers, on the one hand, and Japan on the other.

(b) The provisions of Article 9 of the Potsdam Proclamation of July 26, 1945, dealing with the return of Japanese military forces to their homes, to the extent not already completed, will be carried out.

(c) All Japanese property for which compensation has not already been paid, which was supplied for the use of the occupation forces and which remains in the possession of those forces at the time of the coming into force of the present Treaty, shall be returned to the Japanese Government within the same 90 days unless other arrangements are made by mutual agreement.

CHAPTER IV

POLITICAL AND ECONOMIC CLAUSES

Article 7

(a) Each of the Allied Powers, within one year after the present Treaty has come into force between it and Japan, will notify Japan which of its prewar bilateral treaties or conventions with Japan it wishes to continue in force or revive, and any treaties or conventions so notified shall continue in force or be revived subject only to such amendments as may be necessary to ensure conformity with the present Treaty. The treaties and conventions so notified shall be considered as having been continued in force or revived three months after the date of notification and shall be registered with the Secretariat of the United Nations. All such treaties and conventions as to which Japan is not so notified shall be regarded as abrogated.

(b) Any notification made under paragraph (a) of this Article may except from the operation or revival of a treaty or convention any territory for the international relations of which the notifying Power is responsible, until three months after the date on which notice is given to Japan that such exception shall cease to apply.

Article 8

(a) Japan will recognize the full force of all treaties now or hereafter concluded by the Allied Powers for terminating the state of war initiated on September 1, 1939, as well as other arrangements by the Allied Powers or in connection with the restoration of peace. Japan also accepts the arrangements made for terminating the former League of Nations and Permanent Court of International Justice.

(b) Japan renounces all such rights and interests as it may derive from being a signatory power of the Conventions of St. Germain-en-Laye of September 10, 1919, and the Straits Agreement of

Montreux of July 20, 1936, and from Article 16 of the Treaty of Peace with Turkey signed at Lausanne on July 24, 1923.

(c) Japan renounces all rights, title and interests acquired under, and is discharged from all obligations resulting from, the Agreement between Germany and the Creditor Powers of January 20, 1930, and its Annexes, including the Trust Agreement, dated May 17, 1930; the Convention of January 20, 1930, respecting the Bank for International Settlements; and the Statutes of the Bank for International Settlements. Japan will notify to the Ministry of Foreign Affairs in Paris within six months of the first coming into force of the present Treaty its renunciation of the rights, title and interests referred to in this paragraph.

Article 9

Japan will enter promptly into negotiations with the Allied Powers so desiring for the conclusion of bilateral and multilateral agreements providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

Article 10

Japan renounces all special rights and interests in China, including all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and all annexes, notes and documents supplementary thereto, and agrees to the abrogation in respect to Japan of the said protocol, annexes, notes and documents.

Article 11

Japan accepts the judgments of the International Military Tribunal for the Far East and of other Allied War Crimes Courts both within and outside Japan, and will carry out the sentences imposed thereby upon Japanese nationals imprisoned in Japan. The power to grant clemency, to reduce sentences and to parole with respect to such prisoners may not be exercised except on the decision of the Government or Governments which imposed the sentence in each instance, and on the recommendation of Japan. In the case of persons sentenced by the International Military Tribunal for the Far East, such power may not be exercised except on the decision of a majority of the Governments represented on the Tribunal, and on the recommendation of Japan.

Article 12

(a) Japan declares its readiness promptly to enter into negotiations for the conclusion with each of the Allied Powers of treaties or agreements to place their trading, maritime and other commercial relations on a stable and friendly basis.

(b) Pending the conclusion of the relevant treaty or agreement, Japan will, during a period of four years from the first coming into force of the present Treaty.

- (1) accord to each of the Allied Powers, its nationals, products and vessels
 - (i) most-favored-nation treatment with respect to customs duties, charges, restrictions and other regulations on or in connection with the importation and exportation of goods;
 - (ii) national treatment with respect to shipping, navigation and imported goods, and with respect to natural and juridical persons and their interests-such treatment to include all matters pertaining to the levying and collection of taxes, access to the courts, the making and performance of contracts, rights to property (tangible and intangible), participation in juridical entities constituted under Japanese law, and generally the conduct of all kinds of business and professional activities;
- (2) ensure that external purchases and sales of Japanese state trading enterprises shall be based solely on commercial considerations.

(c) In respect to any matter, however, Japan shall be obliged to accord to an Allied Power national treatment, or most-favored-nation treatment, only to the extent that the Allied Power concerned accords Japan national treatment or most-favored-nation treatment, as the case may be, in respect of the same matter. The reciprocity envisaged in the foregoing sentence shall be determined, in the case of products, vessels and juridical entities of, and persons domiciled in, any non-metropolitan territory of an Allied Power, and in the case of juridical entities of, and persons domiciled in, any state or province of an Allied Power having a federal government, by reference to the treatment accorded to Japan in such territory, state or province.

(d) In the application of this Article, a discriminatory measure shall not be considered to derogate from the grant of national or most-favored-nation treatment, as the case may be, if such measure is based on an exception customarily provided for in the commercial treaties of the party applying it, or on the need to safeguard that party's external financial position or balance of payments (except in respect to shipping and navigation), or on the need to maintain its essential security interests, and provided such measure is proportionate to the circumstances and not applied in an arbitrary or unreasonable manner.

(e) Japan's obligations under this Article shall not be affected by the exercise of any Allied rights under Article 14 of the present Treaty; nor shall the provisions of this Article be understood as limiting the undertakings assumed by Japan by virtue of Article 15 of the Treaty.

Article 13

(a) Japan will enter into negotiations with any of the Allied Powers, promptly upon the request of such Power or Powers, for the conclusion of bilateral or multilateral agreements relating to international civil air transport.

(b) Pending the conclusion of such agreement or agreements, Japan will, during a period of four years from the first coming into force of the present Treaty, extend to such Power treatment not less

favorable with respect to air-traffic rights and privileges than those exercised by any such Powers at the date of such coming into force, and will accord complete equality of opportunity in respect to the operation and development of air services.

(c) Pending its becoming a party to the Convention on International Civil Aviation in accordance with Article 93 thereof, Japan will give effect to the provisions of that Convention applicable to the international navigation of aircraft, and will give effect to the standards, practices and procedures adopted as annexes to the Convention in accordance with the terms of the Convention.

CHAPTER V

CLAIMS AND PROPERTY

Article 14

(a) It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.

Therefore,

1. Japan will promptly enter into negotiations with Allied Powers so desiring, whose present territories were occupied by Japanese forces and damaged by Japan, with a view to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question. Such arrangements shall avoid the imposition of additional liabilities on other Allied Powers, and, where the manufacturing of raw materials is called for, they shall be supplied by the Allied Powers in question, so as not to throw any foreign exchange burden upon Japan.

2. (I) Subject to the provisions of subparagraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of

(a) Japan and Japanese nationals,

(b) persons acting for or on behalf of Japan or Japanese nationals, and

(c) entities owned or controlled by Japan or Japanese nationals,

which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this sub-paragraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which

belonged to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in sub-paragraph (I) above:

- (i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and not released from such restrictions as of the date of the first coming into force the present Treaty;
- (ii) All real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally, necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;
- (iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;
- (iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to September 2, 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;
- (v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.

(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in sub-paragraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as circumstances ruling in each country will permit.

(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any

actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.

Article 15

(a) Upon application made within nine months of the coming into force of the present Treaty between Japan and the Allied Power concerned, Japan will, within six months of the date of such application, return the property, tangible and intangible, and all rights or interests of any kind in Japan of each Allied Power and its nationals which was within Japan at any time between December 7, 1941, and September 2, 1945, unless the owner has freely disposed thereof without duress or fraud. Such property shall be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return. Property whose return is not applied for by or on behalf of the owner or by his Government within the prescribed period may be disposed of by the Japanese Government as it may determine. In cases where such property was within Japan on December 7, 1941, and cannot be returned or has suffered injury or damage as a result of the war, compensation will be made on terms not less favorable than the terms provided in the draft Allied Powers Property Compensation Law approved by the Japanese Cabinet on July 13, 1951.

(b) With respect to industrial property rights impaired during the war, Japan will continue to accord to the Allied Powers and their nationals benefits no less than those heretofore accorded by Cabinet Orders No. 309 effective September 1, 1949, No.12 effective January 28, 1950, and No. 9 effective February 1, 1950, all as now amended, provided such nationals have applied for such benefits within the time limits prescribed therein.

(c) (i) Japan acknowledges that the literary and artistic property rights which existed in Japan on December 6, 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.

(ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from December 7, 1941, until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

Article 16

As an expression of its desire to indemnify those members of the armed forces of the Allied Powers who suffered undue hardships while prisoners of war of Japan, Japan will transfer its assets and

those of its nationals in countries which were neutral during the war, or which were at war with any of the Allied Powers, or, at its option, the equivalent of such assets, to the International Committee of the Red Cross which shall liquidate such assets and distribute the resultant fund to appropriate national agencies, for the benefit of former prisoners of war and their families on such basis as it may determine to be equitable. The categories of assets described in Article 14 (a) 2 (II) (ii) through (v) of the present Treaty shall be excepted from transfer, as well as assets of Japanese natural persons not residents of Japan on the first coming into force of the Treaty. It is equally understood that the transfer provision of this Article has no application to the 19,770 shares in the Bank for International Settlements presently owned by Japanese financial institutions.

Article 17

(a) Upon the request of any of the Allied Powers, the Japanese Government shall review and revise in conformity with international law any decision or order of the Japanese Prize Courts in cases involving ownership rights of nationals of that Allied Power and shall supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued. In any case in which such review or revision shows that restoration is due, the provisions of Article 15 shall apply to the property concerned.

(b) The Japanese Government shall take the necessary measures to enable nationals of any of the Allied Powers at any time within one year from the coming into force of the present Treaty between Japan and the Allied Power concerned to submit to the appropriate Japanese authorities for review any judgment given by a Japanese court between December 7, 1941, and such coming into force, in any proceedings in which any such national was unable to make adequate presentation of his case either as plaintiff or defendant. The Japanese Government shall provide that, where the national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances.

Article 18

(a) It is recognized that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of a state of war, and which are due by the Government or nationals of Japan to the Government or nationals of one of the Allied Powers, or are due by the Government or nationals of one of the Allied Powers to the Government or nationals of Japan. The intervention of a state of war shall equally not be regarded as affecting the obligation to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war, and which may be presented or represented by the Government of one of the Allied Powers to the Government of Japan, or by the Government of Japan to any of the Governments of the Allied Powers. The provisions of this paragraph are without prejudice to the rights conferred by Article 14.

(b) Japan affirms its liability for the prewar external debt of the Japanese State and for debts of corporate bodies subsequently declared to be liabilities of the Japanese State, and expresses its intention to enter into negotiations at an early date with its creditors with respect to the resumption of payments on those debts; to encourage negotiations in respect to other prewar claims and obligations; and to facilitate the transfer of sums accordingly.

Article 19

(a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.

(b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied Powers with respect to Japanese ships between September 1, 1939, and the coming into force of the present Treaty, as well as any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers, but does not include Japanese claims specifically recognized in the laws of any Allied Power enacted since September 2, 1945.

(c) Subject to reciprocal renunciation, the Japanese Government also renounces all claims (including debts) against Germany and German nationals on behalf of the Japanese Government and Japanese nationals, including inter-governmental claims and claims for loss or damage sustained during the war, but excepting (a) claims in respect of contracts entered into and rights acquired before September 1, 1939, and (b) claims arising out of trade and financial relations between Japan and Germany after September 2, 1945. Such renunciation shall not prejudice actions taken in accordance with Articles 16 and 20 of the present Treaty.

(d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.

Article 20

Japan will take all necessary measures to ensure such disposition of German assets in Japan as has been or may be determined by those powers entitled under the Protocol of the proceedings of the Berlin Conference of 1945 to dispose of those assets, and pending the final disposition of such assets will be responsible for the conservation and administration thereof.

Article 21

Notwithstanding the provisions of Article 25 of the present Treaty, China shall be entitled to the benefits of Articles 10 and 14 (a) 2; and Korea to the benefits of Articles 2, 4, 9 and 12 of the present Treaty.

CHAPTER VI

SETTLEMENT OF DISPUTES

Article 22

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Japan and those Allied Powers which are not already parties to the Statute of the International Court of Justice will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated October 15, 1946, a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to in this Article.

CHAPTER VII

FINAL CLAUSES

Article 23

(a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America as the principal occupying Power, of the following States, namely Australia, Canada, Ceylon, France, Indonesia, the Kingdom of the Netherlands, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The present Treaty shall come into force for each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.

(b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Governments of Japan and the United States of America not later than three years after the date of deposit of Japan's ratification.

Article 24

All instruments of ratification shall be deposited with the Government of the United States of America which will notify all the signatory States of each such deposit, of the date of the coming into force of the Treaty under paragraph (a) of Article 23, and of any notifications made under paragraph (b) of Article 23.

Article 25

For the purposes of the present Treaty the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty. Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favor of a State which is not an Allied Power as so defined.

Article 26

Japan will be prepared to conclude with any State which signed or adhered to the United Nations Declaration of January 1, 1942, and which is at war with Japan, or with any State which previously formed a part of the territory of a State named in Article 23, which is not a signatory of the present Treaty, a bilateral Treaty of Peace on the same or substantially the same terms as are provided for in the present Treaty, but this obligation on the part of Japan will expire three years after the first coming into force of the present Treaty. Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

Article 27

The present Treaty shall be deposited in the archives of the Government of the United States of America which shall furnish each signatory State with a certified copy thereof.

IN FAITH WHEREOF the undersigned Plenipotentiaries have signed the present Treaty.

DONE at the city of San Francisco this eighth day of September, 1951, in the English, French and Spanish languages, all being equally authentic, and in the Japanese language.

Subsection VI-2

1951 Security Treaty Between the United States and Japan

8 September 1951

Background: After signing the San Francisco Peace Treaty, U.S. and Japanese officials traveled to the Presidio to complete a series of subsequent diplomatic agreements—one of which was the original Alliance treaty. The Japanese side termed this the “Unequal Treaty” for several reasons, principally because it provided for basing of U.S. forces in Japan with an ambiguous commitment to defend Japan and no obligation for consultation on how U.S. forces from Japan would be employed in regional crises. The 1960 Mutual Security Treaty clarified those issues in Articles IV and V.

Japan has this day signed a Treaty of Peace with the Allied Powers. On the coming into force of that Treaty, Japan will not have the effective means to exercise its inherent right of self-defense because it has been disarmed.

There is danger to Japan in this situation because irresponsible militarism has not yet been driven from the world. Therefore Japan desires a Security Treaty with the United States of America to come into force simultaneously with the Treaty of Peace between the United States of America and Japan.

The Treaty of Peace recognizes that Japan as a sovereign nation has the right to enter into collective security arrangements, and further, the Charter of the United Nations recognizes that all nations possess an inherent right of individual and collective self-defense.

In exercise of these rights, Japan desires, as a provisional arrangement for its defense, that the United States of America should maintain armed forces of its own in and about Japan so as to deter armed attack upon Japan.

The United States of America, in the interest of peace and security, is presently willing to maintain certain of its armed forces in and about Japan, in the expectation, however, that Japan will itself increasingly assume responsibility for its own defense against direct and indirect aggression, always avoiding any armament which could be an offensive threat or serve other than to promote peace and security in accordance with the purposes and principles of the United Nations Charter.

Accordingly, the two countries have agreed as follows:

ARTICLE I

Japan grants, and the United States of America accepts, the right, upon the coming into force of the Treaty of Peace and of this Treaty, to dispose United States land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and security in the Far East and to the security of Japan against armed attack from without, including assistance given at the express request of the Japanese Government to put down largescale internal riots and disturbances in Japan, caused through instigation or intervention by an outside power or powers.

ARTICLE II

During the exercise of the right referred to in Article I, Japan will not grant, without the prior consent of the United States of America, any bases or any rights, powers or authority whatsoever, in or relating to bases or the right of garrison or of maneuver, or transit of ground, air or naval forces to any third power.

ARTICLE III

The conditions which shall govern the disposition of armed forces of the United States of America in and about Japan shall be determined by administrative agreements between the two Governments.

ARTICLE IV

This Treaty shall expire whenever in the opinion of the Governments of the United States of America and Japan there shall have come into force such United Nations arrangements or such alternative individual or collective security dispositions as will satisfactorily provide for the maintenance by the United Nations or otherwise of international peace and security in the Japan Area.

ARTICLE V

This Treaty shall be ratified by the United States of America and Japan and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at the city of San Francisco, in the English and Japanese languages, this eighth day of September, 1951.

Subsection VI-3

Administrative Agreement between the United States and Japan

28 February 1952

Background: This document was the predecessor agreement to the 1960 Status of Forces Agreement. It laid out the rights, duties, and obligations for U.S. forces operating in and through Japan. Like the SOFA that followed, the Administrative Agreement established a Joint Committee to negotiate and oversee the agreement's implementation.

PREAMBLE

Whereas the United States of America and Japan on September 8, 1951, signed a Security Treaty which contains provisions for the disposition of United States land, air and sea forces in and about Japan;

And whereas Article III of that Treaty state that the conditions which shall govern the disposition of the armed forces of the United States in and about Japan shall be determined by administrative agreements between the two Governments;

And whereas the United States of America and Japan are desirous of concluding practical administrative arrangements which will give effect to their respective obligations under the Security Treaty and will strengthen the close bonds of mutual interest and regard between their two peoples;

Therefore, the Governments of the United States of America and of Japan have entered into this Agreement in terms as set forth below:

ARTICLE I

In this Agreement the expression

(a) "members of the United States armed forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purposes of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means

- (1) Spouse, and children under 21;
- (2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

ARTICLE II

1. Japan agrees to grant to the United States the use of the facilities and areas necessary to carry out the purposes stated in Article I of the Security Treaty. Agreements as to specific facilities and areas, not already reached by the two Governments by the effective date of this Agreement, shall be concluded by the two Governments through the Joint Committee provided for in Article XXVI of this Agreement. "Facilities and areas" include existing furnishings, equipment and fixtures necessary to the operation of such facilities and areas.
2. At the request of either party, the United States and Japan shall review such arrangements and may agree that such facilities and areas shall be returned to Japan or that additional facilities and areas may be provided.
3. The facilities and areas used by the United States armed forces shall be returned to Japan whenever they are no longer needed for purposes of this Agreement, and the United States agrees to keep the needs for facilities and areas under continual observation with a view toward such return.
4. (a) When facilities and areas such as target ranges and maneuver grounds are temporarily not being used by the United States armed forces, interim use may be made by Japanese authorities and nationals provided that it is agreed that such use would not be harmful to the purposes for which the facilities and areas are normally used by the United States armed forces.

(b) With respect to such facilities and areas as target ranges and maneuver grounds which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such facilities and areas the extent to which the provisions of this Agreement shall apply.

ARTICLE III

1. The United States shall have the rights, power and authority within the facilities and areas which are necessary or appropriate for their establishment, use, operation, defense or control. The United States shall also have such rights, power and authority over land, territorial waters and airspace adjacent to, or in the vicinities of such facilities and areas, as are necessary to provide access to such facilities and areas for their support, defense and control. In the exercise outside the facilities and areas of the rights, power and authority granted in this Article, there should be, as the occasion requires, consultation between the two Governments through the Joint Committee.
2. The United States agrees that the above-mentioned rights, power and authority will not be exercised in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by mutual arrangement. As a temporary measure the United States armed forces shall be entitled to use, without radiation interference from Japanese sources, electronic devices of such power, design, type of emission, and frequencies as are reserved for such forces at the time this Agreement becomes effective.
3. Operations in the facilities and areas in use by the United States armed forces shall be carried on with due regard for the public safety.

ARTICLE IV

1. The United States is not obliged, when it returns facilities and areas to Japan on the expiration of this Agreement or at an earlier date, to restore the facilities and areas to the condition in which they were at the time they became available to the United States armed forces, or to compensate Japan in lieu of such restoration.
2. Japan is not obliged to make any compensation to the United States for any improvements made in the facilities and areas or for the buildings or structures left thereon on the expiration of this Agreement or the earlier return of the facilities and areas.
3. The foregoing provisions shall not apply to any construction which the United States may undertake under special arrangements with Japan.

ARTICLE V

1. United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. When cargo or passengers not accorded the exemptions of this Agreement are carried on such vessels and aircraft, notification shall be given to the appropriate Japanese authorities, and such cargo or passengers shall be entered according to the laws, and regulations of Japan.
2. The vessels and aircraft mentioned in paragraph 1, United States Government-owned vehicles including armor, and members of the United States armed forces, the civilian component, and their dependents shall be accorded access to and movement between facilities and areas in use by the United States armed forces and between such facilities and areas and the ports of Japan.
3. When the vessels mentioned in paragraph 1 enter Japanese ports, appropriate notification shall, under normal conditions, be made to the proper Japanese authorities. Such vessels shall have freedom from compulsory pilotage, but if a pilot is taken pilotage shall be paid for at appropriate rates.

ARTICLE VI

1. All civil and military air traffic control and communications systems shall be developed in close coordination and shall be integrated to the extent necessary for fulfillment of collective security interests. Procedures, and any subsequent changes thereto, necessary to effect this coordination and integration will be established by mutual arrangement.
2. Lights and other aids to navigation of vessels and aircraft placed or established in the facilities and areas in use by United States armed forces and in territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in Japan. The United States and Japanese authorities which have established such navigation aids shall notify each other of their positions and characteristics and shall give advance notification before making any changes in them or establishing additional navigation aids.

ARTICLE VII

The United States armed forces shall have the right to use all public utilities and services belonging to, or controlled or regulated by the Government of Japan, and to enjoy priorities in such use, under conditions no less favorable than those that may be applicable from time to time to the ministries and agencies of the Government of Japan.

ARTICLE VIII

The Japanese Government undertakes to furnish the United States armed forces with the following meteorological services under present procedures, subject to such modifications as may from time to time be agreed between the two Governments or as may result from Japan's becoming a member of the International Civil Aviation Organization or the World Meteorological Organization:

(a) Meteorological observations from land and ocean areas including observations from weather ships assigned to positions known as "X" and "I".

(b) Climatological information including periodic summaries and the historical data of the Central Meteorological Observatory.

(c) Telecommunications service to disseminate meteorological information required for the safe and regular operation of aircraft.

(d) Seismographic data including forecasts of the estimated size of tidal waves resulting from earthquakes and areas that might be affected thereby.

ARTICLE IX

1. The United States shall have the right to bring into Japan for purposes of this Agreement persons who are members of the United States armed forces, the civilian component, and their dependents.

2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right of permanent residence or domicile in the territories of Japan.

3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents:

(a) personal identity card showing name, date of birth, rank and number, service, and photograph; and

(b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered.

For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card.

4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.

5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Japanese Government.

ARTICLE X

1. Japan shall accept as valid, without a driving test or fee, the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component, and their dependents.

2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.

3. Privately owned vehicles of members of the United States armed forces, the civilian component, and their dependents shall carry Japanese number plates to be acquired under the same conditions as those applicable to Japanese nationals.

ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.

2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities used by such forces, shall be permitted entry into Japan; such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday use for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units and members of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal;

(c) Mail in United States military postal channels and military cargo shipped on a United States Government bill of lading.

6. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3, may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Japanese Government, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Japanese Government are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or of the civilian component, or their dependents.

(d) Vehicles and articles belonging to the United States armed forces seized by the customs authorities of the Japanese Government in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XII

1. The United States shall have the right to contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by, this Agreement, without restriction as to choice of supplier or person who does the construction work.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through or with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

- (a) Commodity tax
- (b) Travelling tax
- (c) Gasoline tax
- (d) Electricity and gas tax

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief there from as is consistent with the purposes of this Article.

4. Local labor requirements of the United States armed forces or civilian component shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax and of social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

7. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges, relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

8. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component, and their dependents shall not be liable to pay any Japanese taxes to the Japanese Government or to any other taxing agency in Japan on income received as a result of their service with or employment by the United States armed forces, or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources, nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer inter se, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

- (a) Rights of accession and movement, as provided for in Article V, paragraph 2;
- (b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customs duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) If authorized by the United States Government, the right to use the services of the organizations provided for in Article XV;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the United States Government, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

3. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall from time to time be notified by the United States armed forces to the Japanese authorities.

4. Upon certification by an authorized officer of the United States armed forces depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

5. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agreement, of movable property tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

6. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Japanese Government or to any other taxing agency in Japan on any income derived under a contract made in the United States with the United States Government in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement. The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the United States Government shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

7. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph I (b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The obligations for the withholding and payment of income tax and of social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

5. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

ARTICLE XVI

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

ARTICLE XVII

1. Upon the coming into force with respect to the United States of the "Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces", signed at London on June

19, 1951, the United States will immediately conclude with Japan, at the option of Japan, an agreement on criminal jurisdiction similar to the corresponding provisions of that Agreement.

2. Pending the coming into force with respect to the United States of the North Atlantic Treaty Agreement referred to in paragraph 1, the United States service courts and authorities shall have the right to exercise within Japan exclusive jurisdiction over all offenses which may be committed in Japan by members of the United States armed forces, the civilian component, and their dependents, excluding their dependents who have only Japanese nationality. Such jurisdiction may in any case be waived by the United States.

3. While the jurisdiction provided in paragraph 2 is effective, the following provisions shall apply:

(a) Japanese authorities may arrest members of the United States armed forces, the civilian component, or their dependents outside facilities and areas in use by United States armed forces for the commission or attempted commission of an offense, but in the event of such an arrest, the individual or individuals shall be immediately turned over to the United States armed forces. Any person fleeing from the jurisdiction of the United States armed forces and found in any place outside the facilities and areas may on request be arrested by the Japanese authorities and turned over to the United States authorities.

(b) The United States authorities shall have the exclusive right to arrest within facilities and areas in use by United States armed forces. Any person subject to the jurisdiction of Japan and found in any such facility or area will, on request, be turned over to the Japanese authorities.

(c) The United States authorities may, under due process of law, arrest, in the vicinity of such a facility or area, any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall be immediately turned over to Japanese authorities.

(d) Subject to the provisions of paragraph 3 (c), the activities outside the facilities and areas of military police of the United States armed forces shall be limited to the extent necessary for maintaining order and discipline of and arresting members of the United States armed forces, the civilian component, and their dependents.

(e) The authorities of the United States and Japan shall cooperate in making available witnesses and evidence for criminal investigations and other criminal proceedings in their respective tribunals and shall assist each other in the making of investigations. In the event of a criminal contempt, perjury, or an obstruction of justice before a tribunal which does not have criminal jurisdiction over the individual committing the offense, he shall be tried by a tribunal which has jurisdiction over him as if he had committed the offense before it.

(f) The United States armed forces shall have the exclusive right of removing from Japan members of the United States armed forces, the civilian component, and their dependents. The United States will give sympathetic consideration to a request by the Government of Japan for the removal of any such person for good cause.

(g) Japanese authorities shall have no right of search or seizure, with respect to any persons or property, within facilities and areas in use by the United States armed forces, or with respect to

property of the United States armed forces wherever situated. At the request of the Japanese authorities the United States authorities undertake, within the limits of their authority, to make such search and seizure and inform the Japanese authorities as to the results thereof. In the event of a judgment concerning such property, except property owned or utilized by the United States Government, the United States will turn over such property to the Japanese authorities for disposition in accordance with the judgment. Japanese authorities shall have no right of search or seizure outside facilities and areas in use by the United States armed forces with respect to the persons or property of members of the United States armed forces, the civilian component, or their dependents, except as to such persons as may be arrested in accordance with paragraph 3 (a) of this Article, and except as to cases where such search is required for the purpose of arresting offenders under the jurisdiction of Japan.

(h) A death sentence shall not be carried out in Japan by the United States armed forces if the legislation of Japan does not provide for such punishment in a similar case.

4. The United States undertakes that the United States service courts and authorities shall be willing and able to try and, on conviction, to punish all offenses against the laws of Japan which members of the United States armed forces, civilian component, and their dependents may be alleged on sufficient evidence to have committed in Japan, and to investigate and deal appropriately with any alleged offense committed by members of the United States armed forces, the civilian component, and their dependents, which may be brought to their notice by Japanese authorities or which they may find to have taken place. The United States further undertakes to notify the Japanese authorities of the disposition made by United States service courts of all cases arising under this paragraph. The United States shall give sympathetic consideration to a request from Japanese authorities for a waiver of its jurisdiction in cases arising under this paragraph where the Japanese Government considers such waiver to be of particular importance. Upon such waiver, Japan may exercise its own jurisdiction.

5. In the event the option referred to in paragraph 1 is not exercised by Japan, the jurisdiction provided for in paragraph 2 and the following paragraphs shall continue in effect. In the event the said North Atlantic Treaty Agreement has not come into effect within one year from the effective date of this Agreement, the United States will, at the request of the Japanese Government, reconsider the subject of jurisdiction over offenses committed in Japan by members of the United States armed forces, the civilian component, and their dependents.

ARTICLE XVIII

1. Each party waives all its claims against the other party for injury or death suffered in Japan by a member of its armed forces, or a civilian governmental employee, while such member or employee was engaged in the performance of his official duties in cases where such injury or death was caused by a member of the armed forces, or a civilian employee of the other party acting in the performance of his official duties.

2. Each party waives all its claims against the other party for damage to any property in Japan owned by it, if such damage was caused by a member of the armed forces or a civilian governmental employee of the other party in the performance of his official duties.

3. Claims, other than contractual, arising out of acts or omissions of members of, or employees of the United States armed forces in the performance of official duty or out of any other act, omission or occurrence for which the United States armed forces is legally responsible, arising incident to non-combat activities and causing injury, death, or property damage in Japan to third parties shall be dealt with by Japan in accordance with the following provisions:

(a) Claims shall be filed within one year from the date on which they arise and shall be considered and settled or adjudicated in accordance with the laws and regulations of Japan with respect to claims arising from the activities of its own employees.

(b) Japan may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by Japan in yen.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of Japan, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive.

(d) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be shared on terms to be agreed by the two Governments.

(e) In accordance with procedures to be established, a statement of all claims approved or disapproved by Japan pursuant to this paragraph, together with the findings in each case, and a statement of the sums paid by Japan, shall be sent to the United States periodically, with a request for reimbursement of the share to be paid by the United States. Such reimbursement shall be made within the shortest possible time in yen.

4. Each party shall have the primary right, in the execution of the foregoing paragraphs, to determine whether its personnel were engaged in the performance of official duty. Such determination shall be made as soon as possible after the arising of the claim concerned. When the other party disagrees with the results of such determination, that party may bring the matter before the Joint Committee for consultation under the provisions of Article XXVI of this Agreement.

5. Claims against members of or employees of the United States armed forces arising out of tortious acts or omissions in Japan not done in the performance of official duty shall be dealt with in the following manner:

(a) The Japanese authorities shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the United States authorities, who shall then decide without delay whether they will offer an ex gratia payment, and if so, of what amount.

(c) If an offer of ex gratia payment is made, and accepted by the claimant in full satisfaction of his claim, the United States authorities shall make the payment themselves and inform the Japanese authorities of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the Japanese courts to entertain an action against a member or employee of the United States armed forces, unless and until there has been payment in full satisfaction of the claim.

6. (a) Members of and civilian employees of the United States armed forces, excluding those employees who have only Japanese nationality, shall not be subject to suit in Japan with respect to claims specified in paragraph 3, but shall be subject to the civil jurisdiction of Japanese courts with respect to all other types of cases.

(b) In case any private movable property, excluding that in use by the United States armed forces, which is subject to compulsory execution under Japanese law, is within the facilities and areas in use by the United States armed forces, the United States authorities shall upon the request of Japanese courts, possess and turn over such property to the Japanese authorities.

(c) The United States authorities shall cooperate with the Japanese authorities in making available witnesses and evidence for civil proceedings in Japanese tribunals.

7. Disputes arising out of contracts concerning the procurement of materials, supplies, equipment, services, and labor by or for the United States armed forces, which are not resolved by the parties to the contract concerned, may be submitted to the Joint Committee for conciliation, provided that the provision of this paragraph shall not prejudice any right which the parties to the contract may have to file a civil suit.

ARTICLE XIX

1. Members of the United States armed forces, the civilian component, and their dependents, shall be subject to the foreign exchange controls of the Japanese Government.

2. The preceding paragraph shall not be construed to preclude the transmission into or outside of Japan of United States dollars or dollar instruments representing the official funds of the United States or realized as a result of service or employment in connection with this Agreement by members of the United States armed forces and the civilian component, or realized by such persons and their dependents from sources outside of Japan.

3. The United States authorities shall take suitable measures to preclude the abuse of the privileges stipulated in the preceding paragraph or circumvention of the Japanese foreign exchange controls.

ARTICLE XX

1. (a) United States military payment certificates denominated in dollars may be used by persons authorized by the United States for internal transactions within the facilities and areas in use by the United States armed forces. The United States Government will take appropriate action to insure that authorized personnel are prohibited from engaging in transactions involving military payment certificates except as authorized by United States regulations. The Japanese Government will take necessary action to prohibit unauthorized persons from engaging in transactions involving military payment certificates and with the aid of United States authorities will undertake to apprehend and punish any person or persons under its jurisdiction involved in the counterfeiting or uttering of counterfeit military payment certificates.

(b) It is agreed that the United States authorities will apprehend and punish members of the United States armed forces, the civilian component, or their dependents, who tender military payment certificates to unauthorized persons and that no obligation will be due to such unauthorized persons or to the Japanese Government or its agencies from the United States or any of its agencies as a result of any unauthorized use of military payment certificates within Japan.

2. In order to exercise control of military payment certificates the United States shall have the right to designate certain American financial institutions to maintain and operate, under United States supervision, facilities for the use of persons authorized by the United States to use military payment certificates. Institutions authorized to maintain military banking facilities will establish and maintain such facilities physically separated from their Japanese commercial banking business, with personnel whose sole duty is to maintain and operate such facilities. Such facilities shall be permitted to maintain United States currency bank accounts and to perform all financial transactions in connection therewith including receipt and remission of funds to the extent provided by Article XIX, paragraph 2, of this Agreement.

ARTICLE XXI

The United States shall have the right to establish and operate, within the facilities and areas in use by the United States armed forces, United States military post offices for the use of members of the United States armed forces, the civilian component, and their dependents, for the transmission of mail between United States military post offices in Japan and between such military post offices and other United States post offices.

ARTICLE XXII

The United States shall have the right to enroll and train all eligible United States citizens, residing in Japan, in the reserve organizations of the armed forces of the United States, except that the prior consent of the Japanese Government shall be obtained in the case of persons employed by the Japanese Government.

ARTICLE XXIII

The United States and Japan will cooperate in taking such steps as may from time to time be necessary to ensure the security of the United States armed forces, the members thereof, the civilian component, their dependents, and their property. The Japanese Government agrees to seek such legislation and to take such other action as may be necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the United States, and for the punishment of offenders under the applicable laws of Japan.

ARTICLE XXIV

In the event of hostilities, or imminently threatened hostilities, in the Japan area, the Governments of the United States and Japan shall immediately consult together with a view to taking necessary joint measures for the defense of that area and to carrying out the purposes of Article 1 of the Security Treaty.

ARTICLE XXV

1. It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in paragraph 2.

2. It is agreed that Japan will:

(a) Furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities, areas and rights of way, including facilities and areas jointly used such as those at airfields and ports, as provided in Articles II and III.

(b) Make available without cost to the United States, until the effective date of any new arrangement reached as a result of periodic reexamination, an amount of Japanese currency equivalent to \$155 million per annum for the purpose of procurement by the United States of transportation and other requisite services and supplies in Japan. The rate of exchange at which yen payments will be credited shall be the official par value, or that rate considered most favorable by the United States which on the day of payment is available to any party, authorized by the Japanese Government or used in any transaction with any party by the Japanese Government or its agencies or by Japanese banks authorized to deal in foreign exchange, and which, if both countries have agreed par values with the International Monetary Fund, is not prohibited by the Articles of Agreement of the Fund.

3. It is agreed that arrangements will be effected between the Governments of the United States and Japan for accounting applicable to financial transactions arising out of this Agreement.

ARTICLE XXVI

1. A Joint Committee shall be established as the means for consultation between the United States and Japan on all matters requiring mutual consultation regarding the implementation of this Agreement. In particular, the Joint Committee shall serve as the means for consultation in determining the facilities and areas in Japan which are required for the use of the United States in carrying out the purposes stated in Article I of the Security Treaty.

2. The Joint Committee shall be composed of a representative of the United States and of Japan, each of whom shall have one or more deputies and a staff. The Joint Committee shall determine its own procedures, and arrange for such auxiliary organs and administrative services as may be required. The Joint Committee shall be so organized that it may meet immediately at any time at the request of the representative of either the United States or Japan.

3. If the Joint Committee is unable to resolve any matter, it shall refer that matter to the respective Governments for further consideration through appropriate channels.

ARTICLE XXVII

1. This Agreement shall come into force on the date on which the Security Treaty between the United States and Japan enters into force.

2. Each party to this Agreement undertakes to seek from its legislature necessary budgetary and legislative action with respect to provisions of this Agreement which require such action for their execution.

ARTICLE XXVIII

Either party may at any time request the revision of any Article of this Agreement, in which case the two Governments shall enter into negotiation through appropriate channels.

ARTICLE XXIX

This Agreement, and agreed revisions thereof, shall remain in force while the Security Treaty remains in force unless earlier terminated by agreement between the parties.

In witness whereof the representatives of the two Governments, duly authorized for the purpose, have signed this Agreement.

Done at Tokyo, in duplicate, in the English and Japanese languages, both texts authentic, this twenty-eighth day of February, 1952.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Dean Rusk
Earl Johnson

FOR THE GOVERNMENT OF JAPAN:

K. Okazaki

Subsection VI-4

1978 Guidelines for U.S.-Japan Defense Cooperation

27 November 1978

Background: Crafted after the conclusion of the Vietnam War, after U.S. and Japanese rapprochement with the People's Republic of China, and during a period of waning North Korean military and economic strength, the allies focused the 1978 Defense Guidelines on responses to Soviet aggression. The basic framework that came out of this was known as the 'Shield and Spear,' where the JSDF would defend Japanese territory and block Soviet access to the greater Pacific, while U.S. forces would support the defense of Japan while executing combat operations against the common enemy on its soil.

The Japan-U.S. Security Consultative Committee held on July 8, 1976 decided to establish the Subcommittee for Defense Cooperation. The Subcommittee for Defense Cooperation which was held 8 times, agreed on the following premises and subjects of studies and consultations in assuming the mission committed by the Japan-U.S. Security Consultative Committee

1. Premises of Studies and Consultations

(1) Matters concerning "Prior Consultation," matters concerning the Japanese constitutional limitations and the Three Non-Nuclear principles will not be the subjects of the SDC's studies and consultations.

(2) The conclusions of the SDC's studies and consultations will be reported to the Security Consultative Committee and the disposition of those conclusions will be left to the judgement of the respective Governments of Japan and the United States. Those conclusions will not be such as would place either government under obligation to take legislative, budgetary or administrative measures.

2. Subjects of Studies and Consultations

(1) Matters relating to the case of an armed attack against Japan or to the case in which such an attack is imminent.

(2) Matters relating to situations in the Far East other than those mentioned in (1) above, which will have an important influence on the security of Japan.

(3) Others (joint exercise and training, etc.)

At the outset of conducting its studies and consultations, the SDC heard the Japanese side's basic concept concerning the scope and modalities of defense cooperation between Japan and the United States under the Japan-U.S. Security Treaty in the case of an armed attack against Japan, and decided to proceed with its work using this concept as a basis for its studies and consultations. The SDC established, with a view to facilitating its studies and consultations, three subsidiary panels, namely the Operations, Intelligence and Logistics Panels. These Panels have conducted studies and consultations from a professional standpoint. The SDC has also conducted studies and consultations

on other matters concerning cooperation between Japan and the United States which come within its purview.

The SDC hereby submits for approval to the Security Consultative Committee “The Draft Guidelines for Japan-United States Defense Cooperation” representing the result of the SDC’s activities described above.

Guidelines for Japan-U.S. Defense Cooperation

These draft guidelines shall not be construed as affecting the rights and obligations of Japan and the United States under the Japan-U.S. Security Treaty and its related arrangements. It is understood that the extension of facilitative assistance and support by Japan to the United States, which is described in the draft guidelines, is subject to the relevant laws and regulations of Japan.

I. Posture for Deterring Aggression

1. Japan, as its defense policy, will possess defense capability on an appropriate scale within the scope necessary for self-defense, and consolidate and maintain a posture to ensure the most efficient operations; and assure, in accordance with the SOFA, the stable and effective utilization of facilities and areas in Japan by U.S. Forces. The United States will maintain a nuclear deterrent capability, and the forward deployments of combat-ready forces and other forces capable of reinforcing them.

2. In order to be able to take coordinated joint action smoothly in the event of an armed attack against Japan, Japan and the United States will endeavor to achieve a posture for cooperation between the Self-Defense Forces and U.S. Forces in such areas as operations, intelligence and logistics.

Accordingly,

(1) In order jointly to conduct coordinated operations for the defense of Japan smoothly and effectively, the JSDF and U.S. Forces will conduct studies on joint-defense planning. They will also undertake necessary joint exercises and training when appropriate. In addition, the JSDF and U.S. Forces will study and prepare beforehand common procedures deemed necessary for operational needs in order jointly to undertake operations smoothly. Such procedures include matters related to operations, intelligence and logistics. As communications/electronics are absolutely essential to effecting command and liaison, the JSDF and U.S. Forces will also determine in advance their mutual communications/electronics requirements.

(2) The JSDF and U.S. Forces will develop and exchange intelligence necessary for the defense of Japan. The JSDF and U.S. Forces will, in order to ensure smooth intelligence exchange, determine in coordination the nature of the intelligence to be exchanged and the specific JSDF/USF units to be assigned responsibility for the exchange. In addition, the JSDF and U.S. Forces will promote close intelligence cooperation by taking such required actions as establishing systems for mutual communications.

(3) The JSDF and U.S. Forces, acting from the basic principle that each nation is responsible for the logistics of its own forces, will closely coordinate with each other or conduct studies in advance in regard to such functions as supply, transportation, maintenance, facilities, etc., so that mutual support can be arranged appropriately when needed. Detailed requirements for this mutual support

will be developed through joint studies and planning. In particular, coordination will be made in advance in regard to foreseeable supply deficiencies, quantities, priorities for satisfying deficiencies, emergency acquisition procedures, etc., and studies will be undertaken relating to the economical and efficient utilization of the bases and facilities of the two forces.

II. Actions in Response to an Armed Attack Against Japan

1. When an armed attack against Japan is imminent:

Japan and the United States will conduct closer liaison and will take necessary measures respectively and, as deemed necessary due to changes in the situation, will make necessary preparations in order to ensure coordinated joint action, including the establishment of a coordination center between the JSDF and U.S. Forces.

The JSDF and U.S. Forces will establish in advance a common standard as regards preparations which will be respectively conducted by the two forces so that the two nations may select coordinated common readiness stages, and ensure that effective preparations for operations can be cooperatively undertaken by the JSDF and U.S. Forces respectively.

This common standard will indicate readiness stages from an increase of unit-alert posture to a maximization of combat-readiness posture concerning intelligence activities, unit readiness, movements, logistics, and other matters relating to defense preparations.

The JSDF and U.S. Forces will respectively conduct defense preparations considered necessary according to the readiness stage selected by mutual agreement between the two governments.

2. When an armed attack against Japan takes place:

(1) In principle, Japan by itself will repel limited, small-scale aggression. When it is difficult to repel aggression alone due to the scale, type and other factors of aggression, Japan will repel it with the cooperation of the United States.

(2) When the JSDF and U.S. Forces jointly conduct operations for the defense of Japan, they will strive to achieve close mutual coordination to employ the defense capacity of each force in a timely and effective manner.

(i) Concept of Operations:

The JSDF will primarily conduct defensive operations in Japanese territory and its surrounding waters and airspace. U.S. Forces will support JSDF operations. U.S. Forces will also conduct operations to supplement functional areas which exceed the capacity of the JSDF.

The JSDF and U.S. Forces will jointly conduct ground, maritime and air operations as follows:

(a) Ground Operations:

The Ground Self-Defense Force (GSDF) and U.S. Ground Forces will jointly conduct ground operations for the defense of Japan. The GSDF will conduct checking, holding and repelling operations.

U.S. Ground Forces will deploy as necessary and jointly conduct operations with the GSDF, mainly those for repelling enemy forces.

(b) Maritime Operations:

The Maritime Self-Defense Force (MSDF) and U.S. Navy will jointly conduct maritime operations for the defense of surrounding waters and the protection of sea lines of communication.

The MSDF will primarily conduct operations for the protection of major ports and straits in Japan; and anti-submarine operations, operations for the protection of ships and other operations in the surrounding waters.

U.S. Naval Forces will support MSDF operations and conduct operations, including those which may involve the use of task forces providing additional mobility and strike power, with the objective of repelling enemy forces.

(c) Air Operations:

The Air Self-Defense Force (ASDF) and U.S. Air Force will jointly conduct air operations for the defense of Japan.

The ASDF will conduct air-defense, anti-airborne and anti-amphibious invasion, close air support, air reconnaissance, airlift operations, etc.

U.S. Air Force will support ASDF operations and conduct operations, including those which may involve the use of air units providing additional strike power, with the objective of repelling enemy forces.

(d) When carrying out ground, maritime, and air operations, the JSDF and U.S. Forces will provide necessary support for each other's forces in various activities related to operations, such as intelligence, logistics, etc.

(ii) Command and Coordination:

The JSDF and U.S. Forces, in close cooperation, will take action through their respective command-and-control channels. In order to be able jointly to conduct coordinated operations effectively, the JSDF and U.S. Forces will take actions in accordance with operational processes which will be coordinated in advance.

(iii) Coordination Center:

In order jointly to conduct effective operations, the JSDF and U.S. Forces will maintain close mutual coordination on operations, intelligence and logistic support through a coordination center.

(iv) Intelligence Activities:

The JSDF and U.S. Forces will, through operations of their respective intelligence systems, conduct intelligence activities in close cooperation in order to contribute to the joint implementation of effective operations. To support this, the JSDF and U.S. Forces will coordinate intelligence activities closely at each stage of requirements, collection, production, and dissemination. The JSDF and U.S. Forces will each have responsibility for their security.

(v) Logistic Activities:

The JSDF and U.S. Forces will conduct efficient and appropriate logistic support activities in close cooperation in accordance with relevant agreements between Japan and the United States.

Toward this end, Japan and the United States will undertake mutual support activities to improve the effectiveness of logistic functions and to alleviate functional shortfalls as follows:

(a) Supply

The United States will support the acquisition of supplies for systems of U.S. origin while Japan will support acquisition of supplies in Japan.

(b) Transportation

Japan and the United States will, in close cooperation, carry out transportation operations, including airlift and sealift of supplies from the United States to Japan.

(c) Maintenance

The United States will support the maintenance of items of U.S. origin, which are beyond Japanese maintenance capabilities, and Japan will support the maintenance of U.S. Forces' equipment in Japan. Maintenance support will include the technical training of maintenance personnel as required. As a related activity, Japan will also support U.S. Forces' requirement for salvage and recovery in Japan.

(d) Facilities

The U.S. Forces will, in case of need, be provided additional facilities and areas in accordance with the Japan-U.S. Security Treaty and its related arrangements. If it becomes necessary to consider joint use of bases and facilities/areas to improve effective and economical utilization, the JSDF and U.S. Forces will conduct joint use in accordance with the above Treaty and arrangements.

III. Japan-U.S. cooperation in the case of situations in the Far East outside of Japan which will have an important influence on the security of Japan

The Governments of Japan and the United States will consult together from time to time whenever changes in the circumstances so require.

The scope and modalities of facilitative assistance to be extended by Japan to the U.S. Forces in the case of situations in the Far East outside of Japan which will have an important influence on the security of Japan will be governed by the Japan-U.S. Security Treaty, its related arrangements, other relevant agreements between Japan and the United States, and the relevant laws and regulations of Japan. The Governments of Japan and the United States will conduct studies in advance on the scope and modalities of facilitative assistance to be extended to the U.S. Forces by Japan within the above-mentioned legal framework. Such studies will include the scope and modalities of joint use of the Self-Defense Forces bases by the U.S. Forces and of other facilitative assistance to be extended.

Subsection VI-5

1997 Guidelines for U.S.-Japan Defense Cooperation

23 September 1997

Background: The 1997 Defense Guidelines evolved alliance roles, missions, and capabilities to match the requirements of the post-Cold War security environment. Seeking to expand the reach of the Alliance, the U.S. and Japanese governments included provisions for the ‘Situations in Areas Surrounding Japan,’ referred to as ‘SIASJ,’ and international security cooperation. These guidelines also sought to improve bilateral planning through the establishment of the Comprehensive Mechanism and to enable more effective coordination through the formation of the Bilateral Coordination Mechanism.

I. THE AIM OF THE GUIDELINES

The aim of these Guidelines is to create a solid basis for more effective and credible U.S.-Japan cooperation under normal circumstances, in case of an armed attack against Japan, and in situations in areas surrounding Japan. The Guidelines also provided a general framework and policy direction for the roles and missions of the two countries and ways of cooperation and coordination, both under normal circumstances and during contingencies.

II. BASIC PREMISES AND PRINCIPLES

The Guidelines and programs under the Guidelines are consistent with the following basic premises and principles.

1. The rights and obligations under the Treaty of Mutual Cooperation and Security between the United States of America and Japan (the U.S.-Japan Security Treaty) and its related arrangements, as well as the fundamental framework of the U.S.-Japan alliance, will remain unchanged.
2. Japan will conduct all its actions within the limitations of its Constitution and in accordance with such basic positions as the maintenance of its exclusively defense-oriented policy and its three non-nuclear principles.
3. All actions taken by the United States and Japan will be consistent with basic principles of international law, including the peaceful settlement of disputes and sovereign equality, and relevant international agreements such as the Charter of the United Nations.
4. The Guidelines and programs under the Guidelines will not obligate either Government to take legislative, budgetary or administrative measures. However, since the objective of the Guidelines and programs under the Guidelines is to establish an effective framework for bilateral cooperation, the

two Governments are expected to reflect in an appropriate way the results of these efforts, based on their own judgments, in their specific policies and measures. All actions taken by Japan will be consistent with its laws and regulations then in effect.

III. COOPERATION UNDER NORMAL CIRCUMSTANCES

Both Governments will firmly maintain existing U.S.-Japan security arrangements. Each Government will make efforts to maintain required defense postures. Japan will possess defense capability within the scope necessary for self-defense on the basis of the “National Defense Program Outline.” In order to meet its commitments, the United States will maintain its nuclear deterrent capability, its forward deployed forces in the Asia-Pacific region, and other forces capable of reinforcing those forward deployed forces.

Both Governments, based on their respective policies, under normal circumstances will maintain close cooperation for the defense of Japan as well as for the creation of a more stable international security environment.

Both Governments will under normal circumstances enhance cooperation in a variety of areas. Examples include mutual support activities under the Agreement between the Government of Japan and the Government of the United States of America concerning Reciprocal Provision of Logistic Support, Supplies and Services between the Self-Defense Forces of Japan and the Armed Forces of the United States of America; the Mutual Defense Assistance Agreement between the United States of America and Japan; and their related arrangements.

1. Information Sharing and Policy Consultations

Recognizing that accurate information and sound analysis are at the foundation of security, the two Governments will increase information and intelligence sharing, and the exchange of views on international situations of mutual interest, especially in the Asia-Pacific region. They will also continue close consultations on defense policies and military postures.

Such information sharing and policy consultations will be conducted at as many levels as possible and on the broadest range of subjects. This will be accomplished by taking advantage of all available opportunities, such as SCC and Security Sub-Committee (SSC) meetings.

2. Various Types of Security Cooperation

Bilateral cooperation to promote regional and global activities in the field of security contributes to the creation of a more stable international security environment.

Recognizing the importance and significance of security dialogues and defense exchanges in the region, as well as international arms control and disarmament, the two Governments will promote such activities and cooperate as necessary.

When either or both Governments participate in United Nations peacekeeping operations or international humanitarian relief operations, the two sides will cooperate closely for mutual support as necessary. They will prepare procedures for cooperation in such areas as transportation, medical services, information sharing, and education and training.

When either or both Governments conduct emergency relief operations in response to requests from governments concerned or international organizations in the wake of large-scale disasters, they will cooperate closely with each other as necessary.

3. Bilateral Programs

Both Governments will conduct bilateral work, including bilateral defense planning in case of an armed attack against Japan, and mutual cooperation planning in situations in areas surrounding Japan. Such efforts will be made in a comprehensive mechanism involving relevant agencies of the respective Governments and establish the foundation for bilateral cooperation.

Bilateral exercises and training will be enhanced in order not only to validate such bilateral work but also to enable smooth and effective responses by public and private entities of both countries, starting with U.S. Forces and the Self-Defense Forces. The two Governments will under normal circumstances establish a bilateral coordination mechanism involving relevant agencies to be operated during contingencies.

IV. ACTIONS IN RESPONSE TO AN ARMED ATTACK AGAINST JAPAN

Bilateral actions in response to an armed attack against Japan remain a core aspect of U.S.-Japan defense cooperation.

When an armed attack against Japan is imminent, the two Governments will take steps to prevent further deterioration of the situation and make preparations necessary for the defense of Japan. When an armed attack against Japan takes place, the two Governments will conduct appropriate bilateral actions to repel it at the earliest possible stage.

1. When an Armed Attack against Japan is Imminent

The two Governments will intensify information and intelligence sharing and policy consultations and initiate at an early stage the operation of a bilateral coordination mechanism. Cooperating as appropriate, they will make preparations necessary for ensuring coordinated responses according to the readiness stage selected by mutual agreement. Japan will establish and maintain the basis for U.S. reinforcements. As circumstances change, the two Governments will also increase intelligence gathering and surveillance and will prepare to respond to activities which could develop into an armed attack against Japan.

The two Governments will make every effort, including diplomatic efforts, to prevent further deterioration of the situation.

Recognizing that a situation in areas surrounding Japan may develop into an armed attack against Japan, the two Governments will be mindful of the close interrelationship of the two requirements: preparations for the defense of Japan and responses to or preparations for situations in areas surrounding Japan.

2. When an Armed Attack against Japan Takes Place

(1) Principles for Coordinated Bilateral Actions

- a. Japan will have primary responsibility immediately to take action and to repel an armed attack against Japan as soon as possible. The United States will provide appropriate support to Japan. Such bilateral cooperation may vary according to the scale, type, phase, and other factors of the armed attack. This cooperation may include preparations for and execution of coordinated bilateral operations, steps to prevent further deterioration of the situation, surveillance, and intelligence sharing.

- b. In conducting bilateral operations, U.S. Forces and the Self-Defense Forces will employ their respective defense capabilities in a coordinated, timely, and effective manner. In doing this, they will conduct effective joint operations of their respective Forces' ground, maritime and air services. The Self-Defense Forces will primarily conduct defensive operations in Japanese territory and its surrounding waters and airspace, while U.S. Forces support Self-Defense Forces' operations. U.S. Forces will also conduct operations to supplement the capabilities of the Self-Defense Forces.
- c. The United States will introduce reinforcements in a timely manner, and Japan will establish and maintain the basis to facilitate these deployments.

(2) Concept of Operations

- a. Operations to Counter Air Attack against Japan
U.S. Forces and the Self-Defense Forces will bilaterally conduct operations to counter air attack against Japan.
The Self-Defense Forces will have primary responsibility for conducting operations for air defense.
U.S. Forces will support Self-Defense Forces' operations and conduct operations, including those which may involve the use of strike power, to supplement the capabilities of the Self-Defense Forces.
- b. Operations to Defend Surrounding Waters and to Protect Sea Lines of Communication
U.S. Forces and the Self-Defense Forces will bilaterally conduct operations for the defense of surrounding waters and for the protection of sea lines of communication.
The Self-Defense Forces will have primary responsibility for the protection of major ports and straits in Japan, for the protection of ships in surrounding waters, and for other operations.
U.S. Forces will support Self-Defense Forces' operations and conduct operations, including those which may provide additional mobility and strike power, to supplement the capabilities of the Self-Defense Forces.
- c. Operations to Counter Airborne and Seaborne Invasions of Japan
U.S. Forces and the Self-Defense Forces will bilaterally conduct operations to counter airborne and seaborne invasions of Japan.
The Self-Defense Forces will have primary responsibility for conducting operations to check and repel such invasions.
U.S. Forces will primarily conduct operations to supplement the capabilities of the Self-Defense Forces. The United States will introduce reinforcements at the earliest possible stage, according to the scale, type, and other factors of the invasion, and will support Self-Defense Forces' operations.
- d. Responses to Other Threats
 - i. The Self-Defense Forces will have primary responsibility to check and repel guerrilla-commando type attacks or any other unconventional attacks involving military infiltration in Japanese territory at the earliest possible stage. They will cooperate and coordinate closely with relevant agencies, and will be supported in appropriate ways by U.S. Forces depending on the situation.

- ii. U.S. Forces and the Self-Defense Forces will cooperate and coordinate closely to respond to a ballistic missile attack. U.S. Forces will provide Japan with necessary intelligence, and consider, as necessary, the use of forces providing additional strike power.

(3) Activities and Requirements for Operations

a. Command and Coordination

U.S. Forces and the Self-Defense Forces, in close cooperation, will take action through their respective command-and-control channels. To conduct effective bilateral operations, the two Forces will establish, in advance, procedures which include those to determine the division of roles and missions and to synchronize their operations.

b. Bilateral Coordination Mechanism

Necessary coordination among the relevant agencies of the two countries will be conducted through a bilateral coordination mechanism. In order to conduct effective bilateral operations, U.S. Forces and the Self-Defense forces will closely coordinate operations, intelligence activities, and logistics support through this coordination mechanism including use of a bilateral coordination center.

c. Communications and Electronics

The two Governments will provide mutual support to ensure effective use of communications and electronics capabilities.

d. Intelligence Activities

The two Governments will cooperate in intelligence activities in order to ensure effective bilateral operations. This will include coordination of requirements, collection, production, and dissemination of intelligence products. Each Government will be responsible for the security of shared intelligence.

e. Logistics Support Activities

U.S. Forces and the Self-Defense Forces will conduct logistics support activities efficiently and properly in accordance with appropriate bilateral arrangements.

To improve the effectiveness of logistics and to alleviate functional shortfalls, the two Governments will undertake mutual support activities, making appropriate use of authorities and assets of central and local government agencies, as well as private sector assets.

Particular attention will be paid to the following points in conducting such activities:

i. Supply

The United States will support the acquisition of supplies for systems of U.S. origin while Japan will support the acquisition of supplies in Japan.

ii. Transportation

The two Governments will closely cooperate in transportation operations, including airlift and sealift of supplies from the United States to Japan.

iii. Maintenance

Japan will support the maintenance of U.S. Forces' equipment in Japan; the United States will support the maintenance of items of U.S. origin which are beyond Japanese maintenance capabilities. Maintenance support will include the technical training of maintenance personnel as required. Japan will also support U.S. Forces' requirement for salvage and recovery.

iv. Facilities

Japan will, in case of need, provide additional facilities and areas in accordance with the U.S.-Japan Security Treaty and its related arrangements. If necessary for effective and efficient operations, U.S. Forces and the Self-Defense Forces will make joint use of Self-Defense Forces facilities and U.S. facilities and areas in accordance with the Treaty and its related arrangements.

v. Medical Services

The two Governments will support each other in the area of medical services such as medical treatment and transportation of casualties.

V. COOPERATION IN SITUATIONS IN AREAS SURROUNDING JAPAN THAT WILL HAVE AN IMPORTANT INFLUENCE ON JAPAN'S PEACE AND SECURITY (SITUATIONS IN AREAS SURROUNDING JAPAN)

Situations in areas surrounding Japan will have an important influence on Japan's peace and security. The concept, situations in areas surrounding Japan, is not geographic but situational. The two Governments will make every effort, including diplomatic efforts, to prevent such situations from occurring. When the two Governments reach a common assessment of the state of each situation, they will effectively coordinate their activities. In responding to such situations, measures taken may differ depending on circumstances.

1. When a Situation in Areas Surrounding Japan is Anticipated

When a situation in areas surrounding Japan is anticipated, the two Governments will intensify information and intelligence sharing and policy consultations, including efforts to reach a common assessment of the situation.

At the same time, they will make every effort, including diplomatic efforts, to prevent further deterioration of the situation, while initiating at an early stage the operation of a bilateral coordination mechanism, including use of a bilateral coordination center. Cooperating as appropriate, they will make preparations necessary for ensuring coordinated responses according to the readiness stage selected by mutual agreement. As circumstances change, they will also increase intelligence gathering and surveillance, and enhance their readiness to respond to the circumstances.

2. Responses to Situations in Areas Surrounding Japan

The two Governments will take appropriate measures, to include preventing further deterioration of situations, in response to situations in areas surrounding Japan. This will be done in accordance with the basic premises and principles listed in Section II above and based on their respective decisions. They will support each other as necessary in accordance with appropriate arrangements.

Functions and fields of cooperation and examples of items of cooperation are outlined below, and listed in the Annex.

(1) Cooperation in Activities Initiated by Either Government

Although either Government may conduct the following activities at its own discretion, bilateral cooperation will enhance their effectiveness.

a. Relief Activities and measures to Deal with Refugees

Each Government will conduct relief activities with the consent and cooperation of the authorities in the affected area. The two Governments will cooperate as necessary, taking into account their respective capabilities.

The two Governments will cooperate in dealing with refugees as necessary. When there is a flow of refugees into Japanese territory, Japan will decide how to respond and will have primary responsibility for dealing with the flow; the United States will provide appropriate support.

b. Search and Rescue

The two Governments will cooperate in search and rescue operations. Japan will conduct search and rescue operations in Japanese territory; and at sea around Japan, as distinguished from areas where combat operations are being conducted. When U.S. Forces are conducting operations, the United States will conduct search and rescue operations in and near the operational areas.

c. Noncombatant Evacuation Operations

When the need arises for U.S. and Japanese noncombatants to be evacuated from a third country to a safe haven, each Government is responsible for evacuating its own nationals as well as for dealing with the authorities of the affected area. In instances in which each decides it is appropriate, the two Governments will coordinate in planning and cooperate in carrying out their evacuations, including for the securing of transportation means, transportation and the use of facilities, using their respective capabilities in a mutually supplementary manner. If similar need arises for noncombatants other than of U.S. or Japanese nationality, the respective countries may consider extending, on their respective terms, evacuation assistance to third country nationals.

d. Activities for Ensuring the Effectiveness of Economic Sanctions for the Maintenance of International Peace and Stability

Each Government will contribute to activities for ensuring the effectiveness of economic sanctions for the maintenance of international peace and stability. Such contributions will be made in accordance with each Government's own criteria.

Additionally, the two Governments will cooperate with each other as appropriate, taking into account their respective capabilities. Such cooperation includes information sharing, and cooperation in inspection of ships based on United Nations Security Council resolutions.

(2) Japan's Support for U.S. Forces Activities

a. Use of Facilities

Based on the U.S.-Japan Security Treaty and its related arrangements, Japan will, in case of need, provide additional facilities and areas in a timely and appropriate manner, and ensure the temporary use by U.S. Forces of Self-Defense Forces facilities and civilian airports and ports.

b. Rear Area Support

Japan will provide rear area support to those U.S. Forces that are conducting operations for the purpose of achieving the objectives of the U.S.-Japan Security Treaty. The primary aim of this rear area support is to enable U.S. Forces to use facilities and conduct operations in an effective manner. By its very nature, Japan's rear area support will be provided primarily

in Japanese territory. It may also be provided on the high seas and international airspace around Japan which are distinguished from areas where combat operations are being conducted.

In providing rear area support, Japan will make appropriate use of authorities and assets of central and local government agencies, as well as private sector assets. The Self-Defense Forces, as appropriate, will provide such support consistent with their mission for the defense of Japan and the maintenance of public order.

(3) U.S.-Japan Operational Cooperation

As situations in areas surrounding Japan have an important influence on Japan's peace and security, the Self-Defense Forces will conduct such activities as intelligence gathering, surveillance and minesweeping, to protect lives and property and to ensure navigational safety. U.S. Forces will conduct operations to restore the peace and security affected by situations in areas surrounding Japan.

With the involvement of relevant agencies, cooperation and coordination will significantly enhance the effectiveness of both Forces' activities.

VI. BILATERAL PROGRAMS FOR EFFECTIVE DEFENSE COOPERATION UNDER THE GUIDELINES

Effective bilateral cooperation under the Guidelines will require the United States and Japan to conduct consultative dialogue throughout the spectrum of security conditions: normal circumstances, an armed attack against Japan, and situations in areas surrounding Japan. Both sides must be well informed and coordinate at multiple levels to ensure successful bilateral defense cooperation. To accomplish this, the two Governments will strengthen their information and intelligence sharing and policy consultations by taking advantage of all available opportunities, including SCC and SSC meetings, and they will establish the following two mechanisms to facilitate consultations, coordinate policies, and coordinate operational functions.

First, the two Governments will develop a comprehensive mechanism for bilateral planning and the establishment of common standards and procedures, involving not only U.S. Forces and the Self-Defense Forces but also other relevant agencies of their respective Governments.

The two Governments will, as necessary, improve this comprehensive mechanism. The SCC will continue to play an important role for presenting policy direction to the work to be conducted by this mechanism. The SCC will be responsible for presenting directions, validating the progress of work, and issuing directives as necessary. The SDC will assist the SCC in bilateral work.

Second, the two Governments will also establish, under normal circumstances, a bilateral coordination mechanism that will include relevant agencies of the two countries for coordinating respective activities during contingencies.

1. Bilateral Work for Planning and the Establishment of Common Standards and Procedures

Bilateral work listed below will be conducted in a comprehensive mechanism involving relevant agencies of the respective Governments in a deliberate and efficient manner. Progress and results of such work will be reported at significant milestones to the SCC and the SDC.

(1) Bilateral Defense Planning and Mutual Cooperation Planning

U.S. Forces and the Self-Defense Forces will conduct bilateral defense planning under normal circumstances to take coordinated actions smoothly and effectively in case of an armed attack against Japan. The two Governments will conduct mutual cooperation planning under normal circumstances to be able to respond smoothly and effectively to situations in areas surrounding Japan.

Bilateral defense planning and mutual cooperation planning will assume various possible situations, with the expectation that results of these efforts will be appropriately reflected in the plans of the two Governments. The two Governments will coordinate and adjust their plans in light of actual circumstances. The two Governments will be mindful that bilateral defense planning and mutual cooperation planning must be consistent so that appropriate responses will be ensured when a situation in areas surrounding Japan threatens to develop into an armed attack against Japan or when such a situation and an armed attack against Japan occur simultaneously.

(2) Establishment of Common Standards for Preparations

The two Governments will establish under normal circumstances common standards for preparations for the defense of Japan. These standards will address such matters as intelligence activities, unit activities, movements and logistics support in each readiness stage. When an armed attack against Japan is imminent, both Governments will agree to select a common readiness stage that will be reflected in the level of preparations for the defense of Japan by U.S. Forces, the Self-Defense Forces and other relevant agencies.

The two Governments will similarly establish common standards for preparations of cooperative measures in situations in areas surrounding Japan so that they may select a common readiness stage by mutual agreement.

(3) Establishment of Common Procedures

The two Governments will prepare in advance common procedures to ensure smooth and effective execution of coordinated U.S. Forces and Self-Defense Forces operations for the defense of Japan. These will include procedures for communications, transmission of target information, intelligence activities and logistics support, and prevention of fratricide. Common procedures will also include criteria for properly controlling respective unit operations. The two Forces will take into account the importance of communications and electronics interoperability, and will determine in advance their mutual requirements.

2. Bilateral Coordination Mechanism

The two Governments will establish under normal circumstances a bilateral coordination mechanism involving relevant agencies of the two countries to coordinate respective activities in case of an armed attack against Japan and in situations in areas surrounding Japan.

Procedures for coordination will vary depending upon items to be coordinated and agencies to be involved. They may include coordination committee meetings, mutual dispatch of liaison officers, and designation of points of contacts. As part of such a bilateral coordination mechanism, U.S. Forces and the Self-Defense Forces will prepare under normal circumstances a bilateral coordination center with the necessary hardware and software in order to coordinate their respective activities.

VII. TIMELY AND APPROPRIATE REVIEW OF THE GUIDELINES

The two Governments will review the Guidelines in a timely and appropriate manner when changes in situations relevant to the U.S.-Japan security relationship occur and if deemed necessary in view of the circumstances at that time.

About the Editors

John F. Bradford is the executive director of the Yokosuka Council on Asia-Pacific Studies. He is a Senior Fellow in the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University in Singapore. Immediately prior to joining RSIS, he was a Council on Foreign Relations-Hitachi International Affairs Fellow placed in Tokyo at the National Graduate Research Institute for Policy Studies (GRIPS). His research focuses on Asian security with special attention given to maritime issues and cooperative affairs. His written work can be found in journals such as *Contemporary Southeast Asia*, *Asia Policy*, *Asian Security*, *Asian Survey*, *Naval War College Review*, and *Naval Institute Proceedings* as well as in edited volumes, online publications and monographs published by leading international think tanks. Before becoming a full-time researcher, he spent more than twenty-three years as a U.S. Navy officer. As a Surface Warfare Officer, he served as Commanding Officer, Executive Officer, Combat Systems Officer, Chief Engineer, Navigator, and First Lieutenant in ships forward-deployed to Japan. His staff assignments included service as Deputy Director for the U.S. Seventh Fleet Maritime Headquarters, Regional Cooperation Coordinator for the U.S. Seventh Fleet, Country Director for Japan in the Office of the Secretary of Defense, and Asia-Pacific Politico-military Branch Chief on the Navy Staff. As an Olmsted Scholar, CDR Bradford studied in the Department of Political Science at Gadjah Mada University in Indonesia and completed an MSc (Strategic Studies) from RSIS. He is also a graduate of Japan's National Institute of Defense Studies and is proud of the training he received as a midshipman aboard the Royal Malaysian Navy ship *KD Rahmat*.

Michael MacArthur Bosack is the Special Adviser for Government Relations at the Yokosuka Council on Asia-Pacific Studies. Previously, Michael served in the U.S. Air Force as a Foreign Area Officer. His last posting in the Air Force was as the Deputy Chief of Government Relations at Headquarters, U.S. Forces, Japan. There, he was part of the team that drafted and implemented the 2015 Guidelines for U.S.-Japan Defense Cooperation. Michael was one of the founding members of the Alliance Coordination Mechanism and acted as the lead negotiator for the United States government in implementation of mutual asset protection authorities. He also served as the Headquarters' multilateral coordinator, working with United Nations Command and South Korean partners. During his U.S. Air Force career, he deployed twice to Afghanistan and traveled to Trinidad and Tobago to support development of the nation's Search and Rescue fleet. Michael completed his doctoral studies at the International University of Japan's Graduate School of International Relations. His Ph.D. research examined Alliance Theory and Intergovernmental Negotiations, specifically focusing on the negotiations and outcomes of the 1997 and 2015 Defense Guidelines between the United States and Japan. His other research areas include North Korean Governance and Foreign Policy, Postwar Occupation Policy, and Leadership Studies.

