

No. 49297. Japan and United States of America

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. TOKYO, 17 FEBRUARY 2009 [*United Nations, Treaty Series, vol. 2809, I-49297.*]

PROTOCOL AMENDING THE 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. TOKYO, 3 OCTOBER 2013*

Entry into force: 14 May 2014 by notification, in accordance with article 9

Authentic texts: English and Japanese

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N° 49297. Japon et États-Unis d'Amérique

ACCORD ENTRE LE GOUVERNEMENT DU JAPON ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF À LA MISE EN ŒUVRE DE LA RELOCALISATION DU PERSONNEL DES FORCES EXPÉDITIONNAIRES MARINES III ET LEURS DÉPENDANTS DE OKINAWA À GUAM. TOKYO, 17 FÉVRIER 2009 [*Nations Unies, Recueil des Traités, vol. 2809, I-49297.*]

PROTOCOLE MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DU JAPON ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE RELATIF À LA MISE EN ŒUVRE DE LA RELOCALISATION DU PERSONNEL DES FORCES EXPÉDITIONNAIRES MARINES III ET LEURS DÉPENDANTS DE OKINAWA À GUAM. TOKYO, 3 OCTOBRE 2013*

Entrée en vigueur : 14 mai 2014 par notification, conformément à l'article 9

Textes authentiques : anglais et japonais

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[ENGLISH TEXT – TEXTE ANGLAIS]

PROTOCOL
AMENDING THE 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,

Recalling the Joint Statement of Japan-the United
States Security Consultative Committee, dated April 27,
2012, which announced, inter alia, that the two governments
are to consult regarding further actions to be taken in
light of the 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, signed at Tokyo on February 17, 2009
(hereinafter referred to as "the Agreement"),

Desiring to amend the Agreement,

Have agreed as follows:

Article 1

The fifth to ninth paragraphs of the preamble of the
Agreement shall be deleted, and the following six
paragraphs shall be inserted immediately after the fourth
paragraph:

"Recalling that Japan-the United States Security
Consultative Committee decided to adjust the plans
outlined in the Roadmap and, as part of the
adjustments, decided to delink both the relocation of
the III Marine Expeditionary Force (hereinafter
referred to as "III MEF") personnel from Okinawa to
Guam and resulting land returns south of Kadena Air
Base from progress on the Futenma Replacement
Facility, in its Joint Statement dated April 27, 2012
(hereinafter referred to as "the Joint Statement"),

Recognizing that the Joint Statement confirmed
that a total of approximately 9,000 personnel of III
MEF, along with their dependents, are to be relocated
from Okinawa to locations outside of Japan,

Reaffirming that the Joint Statement confirmed that, of the preliminarily estimated eight billion, six hundred million United States dollars (\$8,600,000,000) (in U.S. Fiscal Year 2012 dollars) cost of the facilities and infrastructure development costs for the III MEF relocation to Guam, Japan is to provide up to the amount of two billion, eight hundred million United States dollars (\$2,800,000,000) (in U.S. Fiscal Year 2008 dollars) (equivalent to three billion, one hundred twenty-one million, eight hundred eighty-seven thousand, eight hundred fifty-five United States dollars (\$3,121,887,855) in U.S. Fiscal Year 2012 dollars) in direct cash contributions, to develop facilities and infrastructure in Guam and the Commonwealth of the Northern Mariana Islands to enable the III MEF relocation, recognizing the strong desire of Okinawa residents that such force relocation be completed as soon as possible,

Reaffirming further that the Joint Statement confirmed that the United States is to fund the remaining costs and any additional costs for the III MEF relocation to Guam,

Recalling that the Joint Statement announced that 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 the Japan Self-Defense Forces and United States forces,

Recalling that, under the plans outlined in the Roadmap as adjusted, the Joint Statement, and the Consolidation Plan for Facilities and Areas in Okinawa published in April, 2013, a part of the consolidation and land returns south of Kadena depends on the relocation of III MEF personnel and dependents from Okinawa, and the III MEF relocation from Okinawa to Guam is dependent on Japan's direct cash contributions to fund development of required facilities and infrastructure as well as necessary measures by the Government of the United States of America,"

Article 2

The phrase "approximately 8,000 III MEF personnel and their approximately 9,000 dependents" in paragraph 1. of Article 1 of the Agreement shall be replaced by the phrase "the III MEF personnel and their dependents".

Article 3

The phrase "facilities and infrastructure on Guam" in Article 2 of the Agreement shall be replaced by the phrase "facilities and infrastructure in Guam and the Commonwealth of the Northern Mariana Islands".

Article 4

Article 3 of the Agreement shall be deleted.

Article 5

The phrase "facilities and infrastructure on Guam" in Article 4 of the Agreement shall be replaced by the phrase "facilities and infrastructure in Guam and the Commonwealth of the Northern Mariana Islands", and the following sentence shall be inserted at the end of Article 4 of the Agreement:

"Such facilities may include training areas in Guam and the Commonwealth of the Northern Mariana Islands."

Article 6

Article 4 of the Agreement shall be renumbered as Article 3, and the following Article shall be inserted immediately after renumbered Article 3:

"Article 4

The Government of the United States of America, with the intent to provide reasonable access, shall favorably consider requests by the Government of Japan to use training areas in Guam and the Commonwealth of the Northern Mariana Islands, including those whose development has been funded with Japanese cash contributions and their accrued interest."

Article 7

Paragraph 2. of Article 9 of the Agreement shall be deleted and replaced by the following:

"2. United States' measures referred to in Article 2 of this Agreement shall be subject to the availability of funds for the Relocation, which may include (1) United States funds and (2) Japanese cash contributions referred to in paragraph 1. of Article 1 of this Agreement."

Article 8

It is confirmed that the Agreement as amended by this Protocol applies to cash contributions made either before or after the entry into force of this Protocol by the Government of Japan in accordance with paragraph 1. of Article 1 of the Agreement, their accrued interest, and the projects funded by the cash contributions.

Article 9

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

In witness whereof the undersigned, duly authorized for the purpose, have signed the present Protocol.

DONE in duplicate, at Tokyo, in the Japanese and English languages, both equally authentic, this third day of October, 2013.

For the Government of
Japan:

岸田文雄
小野寺五典

For the Government of
the United States of America:

John F. Kerry
Chuck Hagel