

No. 50191

**United States of America
and
Japan**

Exchange of notes constituting an agreement between the Government of the United States of America and the Government of Japan for cooperation on the Advanced Spaceborne Thermal Emission and Reflection Radiometer Program (with implementing arrangement). Washington, 24 October 1996

Entry into force: *24 October 1996, in accordance with the provisions of the said notes*

Authentic text: *English*

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16 November 2012*

**États-Unis d'Amérique
et
Japon**

Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement du Japon pour la coopération sur le Programme de radiomètre spatial perfectionné pour la mesure de la réflectance et des émissions thermiques terrestres (avec arrangement de mise en œuvre). Washington, 24 octobre 1996

Entrée en vigueur : *24 octobre 1996, conformément aux dispositions desdites notes*

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d'Amérique, 16 novembre 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

I

The Secretary of State to the Japanese Ambassador

**DEPARTMENT OF STATE
WASHINGTON**

October 24, 1996

Excellency,

I have the honor to refer to the recent discussions between representatives of the Government of the United States of America and of the Government of Japan concerning the terms and conditions whereby cooperation on the Advanced Spaceborne Thermal Emission and Reflection Radiometer Program (hereinafter referred to as "the Program") for the flight of the Advanced Spaceborne Thermal Emission and Reflection Radiometer on the EOS-AM1 spacecraft and related scientific activities will be undertaken between the two Governments.

In consideration of the continuing mutually beneficial relationship between the two Governments in the field of peaceful exploration and use of outer space; taking into account the Agreement between the Government of the United States of America and the Government of Japan on Cooperation in Research and Development in Science and Technology, signed at Toronto, on June 20, 1988, as extended; and reaffirming that the provisions of the Agreement between the Government of the United States of America and the Government of Japan Concerning Cross-Waiver of Liability for Cooperation in the Exploration and Use of Space for Peaceful Purposes, signed at Washington, on April 24, 1995, and the Exchange of Notes of the same date between the two Governments concerning subrogated claims shall apply to the Program, I have further the honor to propose on behalf of the Government of the United States of America the following arrangements:

His Excellency,

Kunihiko Saito,

Ambassador of Japan.

1. Cooperation on the Program will be executed for the Government of the United States of America by the National Aeronautics and Space Administration (hereinafter referred to as "NASA") and for the Government of Japan by the Ministry of International Trade and Industry (hereinafter referred to as "MITI").

2. With a view to setting forth detailed terms and conditions for cooperation on the Program, NASA and MITI will conclude the implementing arrangements (Memorandum of Understanding, hereinafter referred to as "the MOU").

3. The provisions of the present arrangements and the MOU shall be implemented in accordance with the laws and regulations in force in each country. Activities under the present arrangements and the MOU shall be subject to the availability of appropriated funds.

4. NASA and MITI shall consult with each other regarding any matter that may arise from or in connection with the cooperation on the Program. If the matter cannot be resolved through such consultations, consultations between the Government of the United States of America and the Government of Japan shall be held through diplomatic channels with a view to finding a mutually acceptable solution.

5. The present arrangements shall remain in force for a period of eight years, unless terminated by either Government upon twelve months' written notice of its intention to terminate them through diplomatic channels. It may be extended or amended by mutual written agreement of the two Governments.

I have further the honor to propose that, if the foregoing arrangements are acceptable to the Government of Japan, this Note and Your Excellency's Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

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

For the Secretary of State:

Anne K. Solomon

II

The Japanese Ambassador to the Secretary of State

**EMBASSY OF JAPAN
WASHINGTON, D. C.**

Washington, October 24, 1996

Excellency,

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

[See note I]

I have further the honor to confirm on behalf of the Government of Japan that the foregoing arrangements are acceptable to the Government of Japan and to agree that Your Excellency's Note and this Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of this reply.

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

For the Ambassador Extraordinary
and Plenipotentiary of Japan

His Excellency
Warren M. Christopher
The Secretary of State

IMPLEMENTING ARRANGEMENT

between the

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
OF THE UNITED STATES OF AMERICA**

and the

MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY OF JAPAN

concerning

**COOPERATION ON THE
ADVANCED SPACEBORNE THERMAL EMISSION AND
REFLECTION RADIOMETER (ASTER) PROGRAM**