

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Agreement between the Government of Australia and the Government of Japan
concerning the Transfer of Defence Equipment and Technology**

(Canberra, 8 July 2014)

Not yet in force
[2014] ATNIF 20

The Government of Australia and the Government of Japan (hereinafter referred to as "the Parties"),

Considering the shared common values and objectives, as well as the intention of the Parties to contribute jointly to peace and stability in the region and the international community, and particularly in view of the existing cooperative relationship between the Parties in the security area, as confirmed in the Joint Declaration on Security Cooperation of 13 March 2007, the Memorandum on Defence Cooperation between Department of Defence, Australia and Ministry of Defense, Japan of 18 December 2008 as well as the Australia and Japan, Cooperating for peace and stability, Common Vision and Objectives of 14 September 2012;

Acknowledging the Agreement between the Government of Australia and the Government of Japan on the security of information, which entered into force on 22 March 2013 as well as the Agreement between the Government of Australia and the Government of Japan concerning reciprocal provision of supplies and services between the Australian defence force and the self-defense forces of Japan, which entered into force on 31 January 2013;

Recognising the fact that it has become common among developed countries to improve the performance of defence equipment and technology and to cope with their rising costs by participating in international joint research, development and production;

Desiring that the joint research, development and production of defence equipment and technology in which the Parties participate should contribute to the security of the respective countries and encourage a closer relationship between Australian and Japanese defence industries; and

Recognising that in order to promote the joint research, development and production projects in which the Parties participate or the projects for enhancing security and defence cooperation between the Parties, the terms and conditions which should govern the transfer of defence equipment and technology need to be set forth;

Have agreed as follows:

Article I

1. Each Party shall, subject to the relevant laws and regulations of its country and in accordance with the provisions of this Agreement, make available to the other Party, defence equipment and technology necessary to implement joint research, development and production projects or projects for enhancing security and defence cooperation (hereinafter referred to as "defence equipment and technology") to be determined in accordance with the provisions of paragraph 2 below.

2. Specific projects of the joint research, development and production or for enhancing security and defence cooperation shall be mutually determined, taking into account various factors including commercial viability or the security of the respective countries, and confirmed by the Parties through the diplomatic channel.

Article II

1. A Joint Committee shall be established as the means for determining the defence equipment and technology to be transferred for the projects determined in accordance with the provisions of paragraph 2 of Article I.

2. The Joint Committee shall be composed of two national sections.

The Australian Section shall be composed of:

a representative each from the Department of Defence, the Defence Science and Technology Organisation and the Defence Materiel Organisation; and

a representative of the Department of Foreign Affairs and Trade.

The Japanese Section shall be composed of:

a representative of the Ministry of Defense;

a representative of the Ministry of Foreign Affairs; and

a representative of the Ministry of Economy, Trade and Industry.

3. The relevant information necessary for determining the defence equipment and technology to be transferred shall be communicated to the national sections through the diplomatic channel.

4. Based on the relevant information communicated in accordance with the provisions of paragraph 3 above, the defence equipment and technology to be transferred shall be determined by the Joint Committee.

5. Detailed arrangements providing for, inter alia, the defence equipment and technology to be transferred, persons who shall be party to the transfer, and the detailed terms and conditions of the transfer, shall be made between the competent authorities of the Parties in order to implement this Agreement. The competent authority of the Government of Australia shall be the Department of Defence; the competent authorities of the Government of Japan shall be the Ministry of Defense and the Ministry of Economy, Trade and Industry.

Article III

1. Each Party shall make effective use of defence equipment and technology transferred from the other Party in a manner consistent with the purposes and principles of the Charter of the United Nations, and such other purposes as may be determined in the detailed arrangements, and neither Party shall devote such defence equipment and technology to any other purpose.

2. Each Party shall not transfer to any person not an officer or agent including contractor and subcontractor of such Party, or to any other Government, title to or possession of any defence equipment and technology transferred pursuant to this Agreement, without the prior consent of the Party which transferred such defence equipment and technology.

Article IV

Each Party shall, subject to the relevant laws and regulations of its country and in accordance with other applicable international agreements between the Parties, take necessary measures to protect classified information transferred from the other Party pursuant to this Agreement.

Article V

This Agreement and all arrangements to be made hereunder shall be implemented subject to the relevant laws and regulations and budgetary appropriations of the respective countries.

Article VI

Any matter relating to the interpretation or application of this Agreement and all arrangements to be made hereunder shall be resolved solely through consultation between the Parties.

Article VII

1. This Agreement shall enter into force on the date upon which the Parties exchange diplomatic notes informing each other that their respective internal procedures necessary to give effect to this Agreement have been completed.

2. This Agreement may be amended by written agreement between the Parties. Any amendment of this Agreement shall follow the same procedure as its entry into force.

3. This Agreement shall remain in force for a period of five years and shall be automatically extended annually thereafter unless either Party notifies the other in writing through the diplomatic channel ninety days in advance of its intention to terminate this Agreement.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE in duplicate at Canberra, this eighth day of July, 2014, in the English and Japanese languages, both texts being equally authentic.

**For the Government
of Australia:**

Tony Abbott
Prime Minister

**For the Government
of Japan:**

Shinzo Abe
Prime Minister