

(Japanese Note)

Washington, April 24, 1995

Sir,

I have the honor to refer to the negotiations for the conclusion of the Agreement between the Government of Japan and the Government of the United States of America Concerning Cross-Waiver of Liability for Cooperation in the: Exploration and Use of Space for Peaceful Purposes, which was signed today (hereinafter referred to as "the Agreement"), and to propose, on behalf of the Government of Japan, the following:

With reference to Article 3 of the Agreement:

1. In consideration of the mutual interest that may be derived from a broader cross-waiver of liability for encouraging joint activities for exploration and use of space for peaceful purposes, the two Governments agree that if either of the two Governments, pursuant to sub-paragraph 2 (d) (2), makes claims as a subrogee against the entities or persons identified in sub-paragraphs 2 (a) (1) through 2 (a) (3) based on damage arising out of Protected Space Operations, the claiming Government will take such measures as appropriate and necessary to minimize to the fullest extent possible the relevant financial burden of the said entities or persons.
2. The two Governments also agree that the measures mentioned in paragraph 1 above will be taken in accordance with the applicable laws and regulations of each country and will be subject to the availability of appropriated funds.

I have further the honor to propose that, if the foregoing is acceptable to the Government of the United States of America, this Note and your Note in reply shall constitute an agreement between the two Governments, which will enter into force on the date of entry into force of the Agreement."

Accept, Sir, the assurance of my highest consideration.

Takakazu Kuriyama
Ambassador Extraordinary and Plenipotentiary of Japan
to the United States of America

Mr. Timothy E. Wirth
Under Secretary for Global Affairs
of the United States of America

Washington, April 24, 1995

Excellency,

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

“ (Japanese Note)”

I have further the honor to confirm on behalf of the Government of the United States of America that the foregoing is acceptable to the Government of the United States of America and 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 entry into force 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.

Accept, Excellency, the assurance of my highest consideration.

Timothy E. Wirth
Under Secretary for Global Affairs
of the United States of America

His Excellency
Mr. Takakazu Kuriyama
Ambassador Extraordinary and Plenipotentiary of Japan to the United States of America