

No. 19197

**UNITED STATES OF AMERICA
and
JAPAN**

**Agreement on educational exchange programmes. Signed
at Tokyo on 15 February 1979**

Authentic texts: English and Japanese.

Registered by the United States of America on 30 October 1980.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Accord relatif à des programmes d'échanges éducatifs.
Signé à Tokyo le 15 février 1979**

Textes authentiques : anglais et japonais.

Enregistré par les États-Unis d'Amérique le 30 octobre 1980.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON EDUCATIONAL EXCHANGE PROGRAMS

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

Desiring to continue and develop programs to promote further mutual understanding between the peoples of the United States of America and Japan through educational activities,

Considering that such programs have been carried out in accordance with the Exchange of Notes between the two Governments dated August 28, 1951,² and the Exchange of Notes between them dated January 11, 1958,³ as amended,⁴ and

Considering the mutual benefits derived from such programs and the desire of the two Governments to cooperate further in the financing and operating of such programs for the further strengthening of cooperative relations between the two countries,

Have agreed as follows:

Article 1. 1. There shall be established a commission to be known as the Japan-United States Educational Commission (hereinafter referred to as "the Commission"), which shall be recognized as an organization having juridical personality in the territories of the United States of America and Japan, and shall be financed by funds contributed by the two Governments and by funds, if any, donated by any source.

2. The Commission, its assets, income and other property shall be exempt from all direct taxes, provided that the Commission will not claim exemption from taxes which are, in fact, no more than charges for public utility services.

Article 2. The funds made available to the Commission under the present Agreement shall be used, in accordance with the provisions of the present Agreement, by the Commission for the purposes of:

- (a) Financing studies, research, instruction and other educational activities of or for nationals of the United States of America in Japan, and of or for nationals of Japan in the United States of America;
- (b) Financing related educational programs; and
- (c) Financing the administration of the Commission.

Article 3. The Commission may, subject to the provisions of the present Agreement, exercise all powers necessary to achieve the purposes of the present Agreement and for these purposes may, in particular:

- (a) Plan, adopt and carry out educational exchange programs and related educational programs;

¹ Came into force on 24 December 1979, the date of the exchange of diplomatic notes indicating its approval by each country in conformity with their constitutional procedures, in accordance with article 11.

² United Nations, *Treaty Series*, vol. 147, p. 81.

³ *Ibid.*, vol. 304, p. 35.

⁴ *Ibid.*, vol. 401, p. 307, and vol. 488, p. 280.

- (b) Recommend to the authorities of the United States of America and Japan such qualifications for the selection of participants in programs as it may deem necessary for achieving the purposes of the present Agreement;
- (c) Consider recommendations by the authorities of Japan of candidates resident in Japan for participation in programs, and submit approved recommendations to the authorities of the United States of America for the purpose of final approval and placement in the United States of America, and consider recommendations by the authorities of the United States of America of candidates resident in the United States of America for participation in programs, and submit approved recommendations to the authorities of Japan for the purpose of final approval and placement in Japan;
- (d) Authorize the making of grants and the disbursement and the advancement of funds necessary for the carrying out of programs;
- (e) Engage an executive director, administrative and clerical staff, fix and pay the salaries and wages thereof, and incur such other expenses as may be necessary for the administration of the Commission;
- (f) Acquire, hold and dispose of property in the name of the Commission as the Commission may consider necessary or desirable, provided, however, that the acquisition and disposal of any real property shall be subject to the prior approval of the two Governments; and
- (g) Administer or assist in administering or otherwise facilitate the carrying out of educational exchange programs and related educational programs that contribute to achieving the purposes of the present Agreement but are not financed by funds made available under the present Agreement, provided that no objection is interposed by either Government to the Commission's role therein. Such programs and the Commission's role therein shall be fully described in annual or special reports referred to in Article 7, paragraph 1.

Article 4. 1. The office of the Commission shall be in Tokyo.

2. The Commission shall consist of ten members, five of whom shall be nationals of the United States of America and five of whom shall be nationals of Japan. In addition, the chief of the diplomatic mission of the United States of America to Japan and the Vice-Minister for Foreign Affairs of Japan shall be Honorary Co-Chairmen of the Commission.

3. A Chairman shall be elected by the Commission for a period of one year, provided that the Chairmanship shall be assumed alternately by an American and a Japanese member.

4. Each member of the Commission shall have one vote. Decisions of the Commission shall be made by a majority of the votes cast. The Chairman shall cast a second and deciding vote in the event of a tie vote by the Commission.

5. The American members shall be appointed and may be removed by the chief of the diplomatic mission of the United States of America to Japan. Two of the American members shall be officers of the diplomatic mission of the United States of America to Japan. The Japanese members shall be appointed and may be removed by the Government of Japan. Two of the Japanese members shall be representatives of the Government of Japan.

6. The members shall serve from the time of their appointment until the following December 31 and shall be eligible for reappointment. However, no

member shall serve for more than five consecutive years. Vacancies by reason of resignation, expiration of service or otherwise, shall be filled in accordance with the preceding paragraph.

7. The members shall serve without compensation, but the Commission may defray the necessary expenses of the members in attending the meetings of the Commission and in performing other official duties arranged by the Commission.

Article 5. The Commission shall adopt such by-laws and appoint such committees as it may deem necessary for the conduct of the affairs of the Commission.

Article 6. Meetings of the Commission and any of its committees may be held in Tokyo or in such other places as the Commission may from time to time determine.

Article 7. 1. The Commission shall report annually on its activities to the two Governments. Such annual reports shall be made in such form, and cover such content, as may be required by the two Governments. Special reports may be made at the discretion of the Commission or at the request of either Government.

2. Periodic audits of the accounts of the Commission to be made by the auditor selected jointly by the two Governments shall be submitted to the two Governments.

Article 8. 1. The Commission shall propose its annual budget to the two Governments.

2. The two Governments, after having examined the annual budget proposal of the Commission and having consulted with each other, shall approve jointly the annual budget of the Commission, for which the two Governments shall, within the limit of their respective budgetary appropriations for this purpose, assume the obligation of contributing funds to the Commission on the basis of the sharing principle of fifty to fifty.

3. All commitments, obligations and expenditures to be authorized by the Commission shall be subject to the annual budget of the Commission.

Article 9. Funds and property in the possession of the United States Educational Commission in Japan established under the Exchange of Notes between the two Governments dated January 11, 1958, except those necessary for the liquidation of any outstanding debts or other financial obligations, shall be transferred to and become property of the Commission as of the date of the entry into force of the present Agreement, and shall be used for the purposes of the present Agreement.

Article 10. The two Governments shall make every effort to facilitate the carrying out of the programs under the present Agreement and to resolve problems which may arise in the operation thereof.

Article 11. The present Agreement shall be approved by each country in accordance with its internal procedures. It shall enter into force on the date on which diplomatic notes indicating such approval have been exchanged.

Article 12. 1. Either Government may give written notice to the other Government of its intention to terminate the present Agreement, in which case the present Agreement shall terminate thirty days after the end of the first calendar year which begins following the date of such notice.

2. Upon termination of the present Agreement, funds and property of the Commission shall be divided between the two Governments in proportion to their respective contributions to the Commission, and become property of the respective Governments, subject to such conditions, limitations and liabilities as may have been imposed thereon prior to the termination of the present Agreement. In determining such proportion, any funds and property to which the Commission succeeds pursuant to Article 9 shall be regarded as contributed by the Government of the United States of America.

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

DONE, at Tokyo, this fifteenth day of February, 1979, in duplicate in the English and Japanese languages, both texts being equally authentic.

For the Government
of the United States of America:

[Signed — Signé]¹

For the Government
of Japan:

[Signed — Signé]²

¹ Signed by Michael J. Mansfield — Signé par Michael J. Mansfield.

² Signed by Sunao Sonoda — Signé par Sunao Sonoda.