

Section 2 Outline of the Legislation for Peace and Security

The Legislation for Peace and Security consists of the Act for the Development of the Legislation for Peace and Security, (which bundles together a host of partial

amendments to existing laws) and the newly enacted International Peace Support Act.

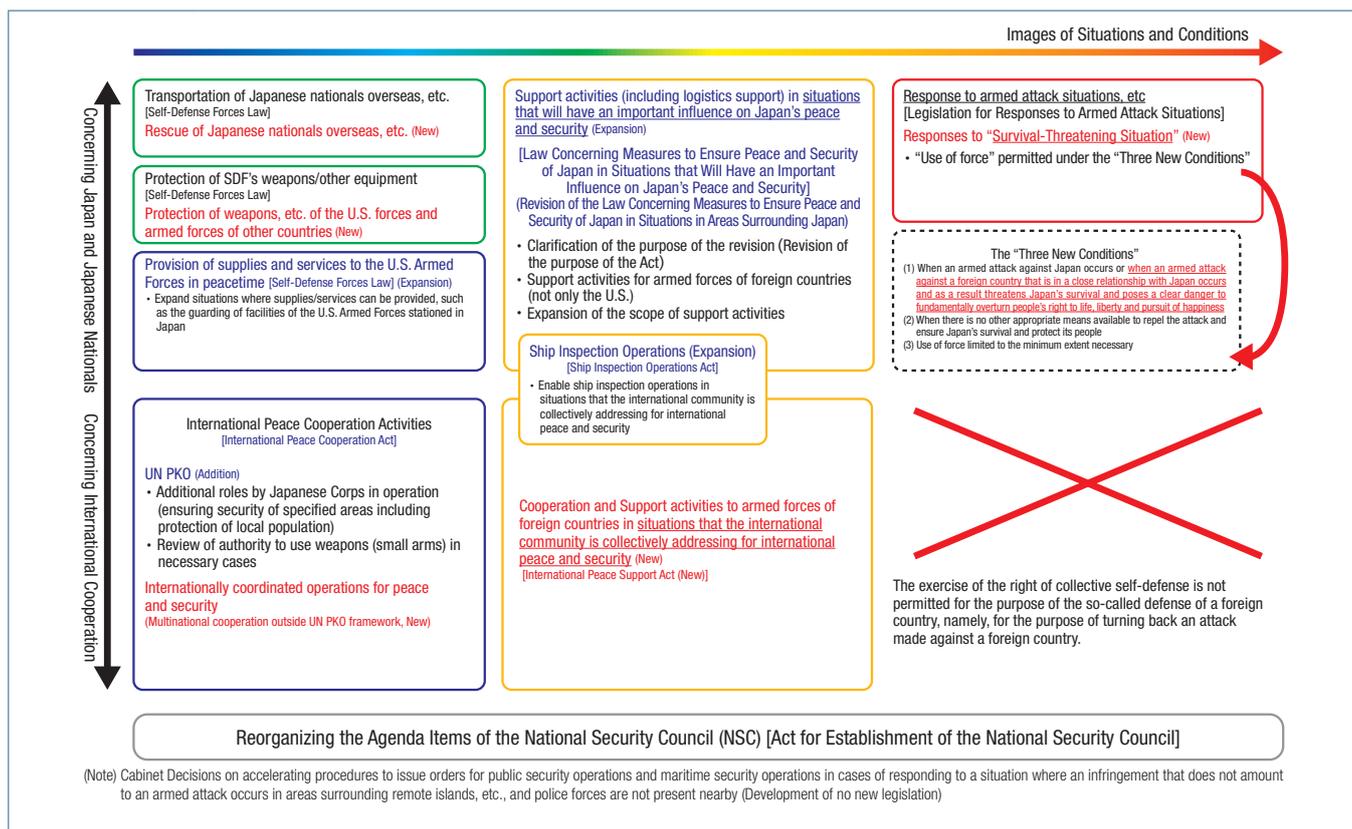
See Fig. II-3-2-1 (Layout of the Legislation for Peace and Security)
Fig. II-3-2-2 (Key Points regarding the Legislation for Peace and Security)

Fig. II-3-2-1 Layout of the Legislation for Peace and Security

Peace and Security Legislation Development Act (Bundling together partial amendments to the existing laws)	
Act for the Development of the Legislation for Peace and Security: Law Concerning Partial Amendments to the Self-Defense Forces Law and Other Existing Laws for Ensuring the Peace and Security of Japan and the International Community	
1. Self-Defense Forces Law	
2. International Peace Cooperation Act Act on Cooperation with United Nations Peacekeeping Operations and Other Operations	
3. Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan → Changed to Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security	
4. Ship Inspection Operations Act Law Concerning Ship Inspection Operations in Situations that Will Have an Important Influence on Japan's Peace and Security and Other Situations	
5. Legislation for Responses to Armed Attack Situations Law for Ensuring Peace and Independence of Japan and Security of the State and the People in Armed Attack Situations, etc., and Survival-Threatening Situation	
6. U.S. Military Actions Related Measures Act → Changed to the U.S. and Others' Military Actions Related Measures Act Law Concerning the Measures Conducted by the Government in Line with U.S. and Other Countries' Military Actions in Armed Attack Situations, etc., and Survival-Threatening Situation	
7. Act Regarding the Use of Specific Public Facilities Law Concerning the Use of Specific Public Facilities and Others in Situations including Where an Armed Attack against Japan Occurs	
8. Maritime Transportation Restriction Act Law Concerning the Restriction of Maritime Transportation of Foreign Military Supplies and Others in Armed Attack Situations, etc., and Survival-Threatening Situation	
9. Prisoners of War Act Law Concerning the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations, etc., and Survival-Threatening Situation	
10. Act for Establishment of the National Security Council	
New enactment (one)	
International Peace Support Act: Law Concerning Cooperation and Support Activities to Armed Forces of Foreign Countries, etc. in Situations where the International Community is Collectively Addressing for International Peace and Security	

* In addition to those in the left column, the 10 existing laws were revised for technical reasons.

Fig. II-3-2-2 Key Points regarding the Legislation for Peace and Security



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Outline of the Act for the Development of the Legislation for Peace and Security

1 Revision of the Self-Defense Forces Law**(1) Establishment of Provisions for Measures to Rescue Japanese Nationals Overseas (Article 84-3)**

Previously, operations to protect Japanese nationals overseas in emergency situations were limited to transporting to safe places those who need protection of their lives or bodies, and rescue of Japanese nationals overseas involving the use of weapons was not allowed even in cases of terrorist attacks. In light of these circumstances, the newly established provisions enable the units of the SDF to take “rescue measures” that go beyond transportation and include guarding and rescue of Japanese nationals overseas whose lives or bodies could be harmed in emergency situations when the following requirements are satisfied:

a. Procedures

Upon the request of the Minister for Foreign Affairs and after subsequent consultations between the Minister for Foreign Affairs and the Minister of Defense, the Minister of Defense issues an order following approval by the Prime Minister.

b. Requirements for Implementation

When all of the following are met, the rescue measures may be implemented:

- (1) It is recognized that in places where the rescue measures are taken, the competent authorities of the country concerned are maintaining public safety and order at the time, and no act of combat will be conducted;
- (2) The country concerned¹ consents to the SDF taking the rescue measures (including the use of weapons); and
- (3) It is expected that coordination and cooperation can be ensured between the units of the SDF and the competent authority of the country concerned in order to carry out the rescue measures as smoothly and safely as possible in response to anticipated dangers.

c. Use of Weapons (Article 94-5)

In carrying out their duties to implement the rescue measures, SDF personnel are permitted to use weapons to the extent judged to be reasonably necessary, depending on the situation when there are adequate grounds to recognize the compelling need to use weapons to protect the lives and bodies of Japanese nationals and others or themselves, or to eliminate actions that obstruct their

duties (including the permission to resort to the so-called use of weapons in defense of the mission mandate.² However, causing harm to people is permitted only in cases of legitimate self-defense and evasion of clear and present danger.).

(2) Establishment of Provisions for the Protection of Weapons and Other Equipment of the Units of the United States Forces and the Armed Forces of Other Foreign Countries (Article 95-2)

The newly established provisions enable SDF personnel to protect the weapons and other equipment of the units of the United States Forces and the armed forces of other foreign countries that are, in cooperation with the SDF, currently engaged in activities that contribute to the defense of Japan.

In December 2016, the National Security Council approved “The Implementation Guidelines for Article 95-2 of the Self-Defense Forces Law,” which sets out the basic principles of the article and the Cabinet’s involvement in the operationalization of the article, etc.

a. Coverage

Weapons, etc. of the units of the United States Forces, armed forces of other foreign countries and other similar organizations, that are, in cooperation with the SDF, currently engaged in activities that contribute to the defense of Japan (including joint exercises but excluding activities in the scene where the combat activities are actually being conducted.).

b. Procedures, etc.

When the request is made by the United States Forces, etc., and only when the Minister of Defense deems it necessary, SDF personnel provide asset protection.

c. Use of Weapons

In protecting weapons and other equipment described in a. above as part of their duties SDF personnel are permitted to use weapons to the extent judged to be reasonably necessary depending on the situation when there are adequate grounds to recognize the need to use weapons to protect persons, weapons, and other equipment (however, causing harm to people is permitted only in cases of legitimate self-protection and evasion of present danger).

¹ It includes an organization, if any, that administers the said country in accordance with a resolution of the General Assembly or the Security Council of the UN.

² While the so-called “right to use weapons of self-preservation type” permits the use of weapons only for the protection of oneself and others (oneself, SDF members who are at the same scene as oneself, or those under the supervision of oneself), the so-called “right to use weapons in defense of the mission mandate” allows the use of weapons beyond self-preservation, for example, to protect the lives and bodies, etc., of other people or to repel obstructions of the performance of the duties of SDF members.

(3) Development of Provisions concerning the Expansion of the Provision of Supplies and Services to the United States Armed Forces (Article 100-6)

Regarding the provision of supplies or services to the United States Armed Forces, the scope of the U.S. Armed Forces and the scope of supplies covered were expanded as follows:

a. Scope of the United States Armed Forces Covered

- (1) The scope extended to the United States Armed Forces that are on field sites along with the units of the SDF carrying out the following actions or activities and engaged in activities similar to those of the SDF units:
 - Guarding of facilities and areas of bases, etc. of U.S. Forces Japan
 - Counter-piracy operations
 - Operations necessary to take measures to destroy ballistic missiles, etc.
 - Removal and disposal of mines and other explosive hazardous objects
 - Protection measures for Japanese nationals, etc. in emergency situations in foreign countries
 - Activities to collect information by ships or aircraft about the movements of the armed forces of foreign countries and other information that contributes to the defense of Japan
- (2) The scope extended to the U.S. Armed Forces participating in multilateral exercises of three or more countries, including Japan and the United States, in addition to the U.S. Armed Forces participating in Japan-U.S. bilateral exercises
- (3) The scope extended to the U.S. Armed Forces that are in field sites along with SDF units temporarily staying at facilities of the U.S. Armed Forces for day-to-day operations, in addition to the U.S. Forces temporarily staying at SDF facilities

b. Scope of Supplies to be Provided

Added ammunition (weapons remain excluded)

(4) Establishment of Provisions for the Punishment of Those Who Commit Crimes Overseas (Article 122-2)

Since the duties of the SDF overseas are to be expanded under the latest legal revisions, it is necessary to more adequately ensure the discipline and control of the activities of the SDF overseas.

For this reason, provisions were established for the punishment of those who commit crimes overseas such as the following: (1) Colluded defiance of superiors' official orders and unlawful command of units, and (2) Defiance of and disobedience to superiors' orders by those given defense operation orders

2 Law Concerning Measures to Ensure the Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security (Revision of the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan)

The Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan stipulated rear area support,³ rear area search and rescue operations⁴ and ship inspection operations (those set forth in the Ship Inspection Operations Law) conducted by Japan as measures to respond to situations that will have an important influence on Japan's peace and security in areas surrounding Japan.

In accordance with the changes in the security environment surrounding Japan, the law revision deleted "in areas surrounding Japan" from "situations that will have an important influence on Japan's peace and security in areas surrounding Japan" and changed the name of situations from "situations in areas surrounding Japan" to "situations that will have an important influence,"⁵ and also expanded the scope of support targets and response measures as follows.

(1) Support Targets

On top of the existing "U.S. Armed Forces engaged in activities contributing to the achievement of the objectives of the Japan-U.S. Security Treaty," the revised law added "armed forces of other foreign countries engaged in



Situations that will have an important influence

Situations that will have an important influence on Japan's peace and security, including situations that, if left unattended, could result in a direct armed attack on Japan

³ Rear area support under the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan means support measures, including the provision of goods, services, and conveniences, given by Japan in rear areas to the U.S. Armed Forces conducting activities that contribute to the achievement of the objectives of the Japan-U.S. Security Treaty in situations in areas surrounding Japan.

⁴ Rear area search and rescue operations under the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan mean operations conducted by the SDF in situations in areas surrounding Japan to search and rescue those who were engaged in combat and were stranded in rear areas (including transportation of those rescued).

⁵ Previously, "situations in areas surrounding Japan" was understood to be an idea that focuses on the nature of situations, not a geographical idea. In light of the changes in the security environment in recent years, however, the definition was revised since it is not appropriate to use an expression that could be interpreted as geographically limiting areas where situations that will have an important influence on Japan's peace and security may arise. In association with this, the title of the Law was amended from the "Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan" to the "Law Concerning Measures to Ensure the Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security."

activities contributing to the achievement of the objectives of the UN Charter” and “other similar organizations” as armed forces, etc., responding to situations that will have an important influence on Japan’s peace and security.

(2) Response Measures to Situations that Will Have an Important Influence on Japan’s Peace and Security

The revised law sets out measures to respond to situations that will have an important influence on Japan’s peace and security as (1) logistics support activities, (2) search and rescue activities, (3) ship inspection operations, and (4) other measures necessary to respond to situations that will have an important influence on Japan’s peace and security, and added “lodging, storage, use of facilities and training services” as the types of goods and services provided by the SDF in (1) logistics support activities, on top of the “supply, transportation, repair and maintenance, medical activities, communications, airport and seaport services, and base services” previously. While the provision of weapons is not included, as before, the revised law now allows the “provision of ammunition” and “refueling and maintenance of aircraft ready to take off for combat operations.”

The revised law made it possible to implement response measures in foreign territories, but only when the foreign country concerned consents.

(3) Measures to Avoid Integration with the Use of Force

The revised law sets forth the following measures in order to avoid integration with the use of force by a foreign country and also to ensure the safety of SDF personnel:

- The SDF does not carry out response measures in “the scene where combat activities are actually being conducted.” Regarding search and rescue operations, however, when the personnel having been stranded have already been found and rescue operations have commenced, search and rescue activities concerning them are allowed to continue as long as the safety of the SDF units is ensured.
- The commanding officers, etc., of the SDF units order the temporary suspension of activities, etc., if combat operations occur or are expected to occur at the site of their activities or in the vicinity.
- The Minister of Defense designates the area for implementing activities, and if it is deemed difficult to implement operations smoothly and safely in the whole or part of that area, the Minister must promptly change the designation of the area or order the cessation of the activities being implemented there.

(4) Diet Approval

As before the law revision, prior Diet approval is required, in principle, and ex-post facto approval is also allowed in emergency.

3 Revision of the Ship Inspection Operations Law

Ship inspection operations mean operations to inspect and confirm the cargo and destination of ships (excluding warships and others) and to request, if necessary, a change of sea route, or destination port or place, for the purpose of strictly enforcing the regulatory measures concerning trade or other economic activities to which Japan is a party, conducted based on the UN Security Council resolutions or with the consent of the flag state.⁶

Previously, ship inspection operations were stipulated as to be conducted only in situations in areas surrounding Japan.⁷ However, the international community has witnessed accumulated examples of ship inspection operations against international threats such as cross-border movements of weapons of mass destruction and weapons of international terrorist organizations, etc., since 2000 when the Ship Inspection Operations Law was enacted. In light of such global situation, it was made possible to conduct ship inspection operations in situations threatening the international peace and security that the international community is collectively addressing set forth in the International Peace Support Act. In conjunction with this, the revision to the law was made in association with the review of the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan.

4 Amendment to the International Peace Cooperation Act

The International Peace Cooperation Act, enacted in 1992, set forth a framework for extending appropriate and prompt cooperation for the three categories of operations of UN PKOs, International Humanitarian Relief Operations, and International Election Observation Operations, and for Japan to take measures to provide Contributions in Kind for those operations, thereby enabling Japan to actively contribute to international peace efforts centering upon the UN. The law also stipulates a set of basic guidelines, or the so-called “Five Principles for Participation” for Japan’s participation in these activities.

At the time of the enactment of the Act, it was

⁶ The state that has the right to fly its flag as prescribed in Article 91 of the UN Convention on the Law of the Sea.

⁷ At the time when the Ship Inspection Operations Law was enacted, the conduct of ship inspection operations in situations other than situations in areas surrounding Japan was positioned as a separate issue on the agenda (an answer given by then Minister for Foreign Affairs Kono at a meeting of the House of Councillors Committee on Foreign Affairs and Defense on November 28, 2000).

assumed that Japan was to cooperate with the ceasefire monitoring in conventional conflicts between states within the framework of UN PKOs under the control of the UN. However, the nature of conflicts that the international community faces has transformed into intra-state conflicts and a combination of inter-state and intra-state conflicts. Therefore support for the nation-building of state parties to conflict and the creation of a safe environment necessary to achieve this end have become important tasks in international peace cooperation activities. Furthermore, there is a wide range of international peace cooperation activities that have come to be implemented outside of the UN frameworks.⁸

Given the diversification and qualitative change of the international peace cooperation activities, Japan, in order to contribute further to peace and stability of international community under the policy of “Proactive Contribution to Peace” based on the principle of international cooperation, has expanded the scope of tasks that can be implemented in UN PKOs and reviewed the authority to use weapons, and also introduced new provisions to allow for active participation in humanitarian and reconstruction assistance, safety-ensuring, and other non-UN-led operations (“Internationally Coordinated Operations for Peace and Security”).

(1) Requirements for Participation

a. UN Peacekeeping Operations

While maintaining the framework of the Five Principles for Participation, the implementation of so-called “safety-ensuring” operations and so-called “kaketsuke-keigo” operations requires that the consent of acceptance of countries to which the areas where these operations are conducted belong is stably maintained throughout the duration of the operations in addition to those required for implementing the operations.

b. Internationally Coordinated Operations for Peace and Security

Besides the existing three types of operations (UN PKOs, International Humanitarian Relief Operations, and International Election Observation Operations), Japan is now able to participate in Internationally Coordinated Operations for Peace and Security, when any of the following is satisfied, in addition to the fulfillment of the Five Principles for Participation.

- (1) Based on resolutions of the General Assembly, the Security Council, or the Economic and Social Council of the UN
- (2) At the requests of any of the following international



So-called “Five Principles for Participation”

(1) Agreements on a ceasefire have been reached among the Parties to Armed Conflict; (2) Consent for the conduct of UN Peacekeeping Operations as well as Japan's participation in such operations have been obtained from the countries to which the areas where those operations are to be conducted belongs as well as the Parties to Armed Conflict; (3) The operations shall be conducted without partiality to any of the Parties to Armed Conflict; (4) Should any of the requirements in the above-mentioned guideline cease to be satisfied, the International Peace Cooperation Corps shall terminate the International Peace Cooperation Assignments; and (5) The use of weapons shall be limited to the minimum necessity for the protection of the lives of personnel dispatched, in principle. Following the latest amendment of the Act, additional condition, “when the consent for acceptance is deemed to be consistently maintained, the use of weapons in defense of the mission mandate is allowed for implementation of so-called ‘safety-ensuring’ operations and the so-called ‘kaketsuke-keigo’ (coming to protection of individuals related to operations in response to urgent request) operations as the use of weapons beyond self-preservation and Article 95 of the SDF Law (the use of force for protection of weapons, etc.)” has been added to (5) of the Five Principles for Participation.

organizations:

- The UN
 - Organs established by the UN General Assembly or Specialized Agencies, Funds and Programmes of the UN such as the Office of the UN High Commissioner for Refugees or otherwise specified by a Cabinet Order
 - Regional organizations, as prescribed in Article 52 of the UN Charter or organs established by multilateral treaties, acknowledged as having the actual achievements or expertise pertaining to the activities of Internationally Coordinated Operations for Peace and Security such as the European Union or otherwise specified by a Cabinet Order
- (3) At the requests of the countries to which the areas where those operations are to be conducted belong (limited to only those cases that are supported by any of the principal organs of the UN as prescribed in Article 7 (1) of the UN Charter).

(2) Description of Tasks

In addition to ceasefire monitoring and humanitarian relief operations for afflicted persons, the following tasks have been added and expanded to tasks in UN PKOs, etc.

- Addition of monitoring, stationing, patrol, inspections at checkpoints and security escort for the protection of safety of specified areas including prevention and suppression of injury or harm against lives, bodies

⁸ These activities include the Aceh Monitoring Mission (AMM), implemented at the request of the European Union, and the Regional Assistance Mission to Solomon Islands (RAMSI), implemented at the request of the countries to which the area where those operations are to be conducted belongs with the support of the UN Secretary-General.

and property of local population, afflicted persons and other populations requiring protection (so-called “safety-ensuring” operations)

- Addition of protection of lives and bodies of individuals engaging in international peace cooperation operations or providing support for those operations, in response to urgent requests when unexpected dangers to lives or bodies of such individuals related to operations occur or are imminent (so-called “kaketsuke-keigo” operations)
- Expansion of tasks such as provision of advice or guidance related to works for the purpose of assisting in establishing or re-establishing organizations of the Government relating to national defense or other organizations
- Expansion of tasks conducted at organizations for supervision and coordination of tasks to include planning, drafting, coordination or collection and updating of information in Headquarters Office or coordination offices conducting UN PKOs and Internationally Coordinated Operations for Peace and Security, for the implementation of tasks (of mission headquarters’ operations)

(3) Authority to Use Weapons

a. Expansion of the Authority to Use Weapons for Self-preservation (Joint Protection of Camps)

Camps of UN peacekeeping operations (PKOs), etc., are the bases where personnel of participating countries

spend their time when not conducting operations outside camps, and the last bastion, so to speak, to secure the safety of lives and bodies of those inside. Thus, in the case of unexpected situations, such as attacks against UN camps by armed groups, it is essential for SDF personnel stationed in the camps, even if they are not the direct target of such attacks, to coordinate with the personnel of other countries and protect each other and deal with the common danger. In light of this, the use of weapons for the purpose of protecting individuals jointly stationed at the camps was allowed as the use of weapons for self-preservation.⁹

b. The Authority to Use Weapons in the So-Called “Kaketsuke-Keigo” Operations

In carrying out so-called “kaketsuke-keigo” operations, uniformed SDF personnel are permitted to use weapons to the extent judged reasonably necessary according to the circumstances, when reasonable grounds are found for the unavoidable necessity to protect the lives or bodies of themselves or individuals related to operations that they intend to protect (however, inflicting injury on a person is permitted only in the cases of legitimate self-defense and aversion of clear and present danger).

c. The Authority to Use Weapons for So-Called “Safety-Ensuring” Operations

In carrying out so-called “safety-ensuring” operations, uniformed SDF personnel are permitted to use weapons within the limits judged reasonably necessary according



Risk for SDF Members

The missions by SDF members definitely entail risks, but the degree of risk varies depending on the situation in the region to which they are actually dispatched and details of their activities, etc., and SDF members are dispatched only when dispatching them is judged possible after assessing risks in the course of considering concrete cases of dispatches. Moreover, in dispatching SDF members, the SDF strives to minimize risks associated with their performance of missions. These processes are no different from those adopted in dispatching SDF members on disaster relief missions following the eruption of Mt. Ontake and the Great East Japan Earthquake or on UN peacekeeping operations in South Sudan.

While new missions may give rise to new sorts of risks, when the SDF dispatches its members, it minimizes and localizes such risks by legal and operational mechanisms for security. For example, the legal mechanism for security includes provisions for the designation of areas of activities where SDF units can conduct their activities smoothly and safely and for the cessation/suspension of activities when areas of activities by SDF units become “the scene where combat operations are actually being conducted.” In addition, the operational mechanism for security includes adequate information gathering on situations in areas of activities, carrying enough equipment to secure the safety of SDF members, and adequate education and training.

Moreover, the dispatch of SDF units must go through appropriate procedures, such as the development of robust plans, cabinet decisions and approval by the Diet.

The SDF is fully committed to security measures for SDF members by taking a variety of measures as described above.

⁹ The authority to use weapons for self-preservation is allowed in view of the existence of particular circumstances, whereby armed personnel, who protect camps which are the last bastions of safety, are in the relationship of mutually dependent upon each other in dealing with situations.

to the circumstances, when reasonable grounds are found for the unavoidable necessity to protect the lives, bodies or properties of themselves or other individuals, or to eliminate obstructive behavior for their duties (however, inflicting injury on a person is permitted only in the cases of legitimate self-defense and aversion of clear and present danger).

(4) Diet Approval

Diet approval is necessary prior to the commencement of so-called “safety-ensuring” operations, in addition to ceasefire monitoring, in principle (ex-post facto approval is permitted when the Diet is in recess or the House of Representatives is dissolved).

(5) Ensuring Safety of Personnel of the International Peace Cooperation Corps of Japan

The provision for the consideration to ensuring the safety of personnel of the International Peace Cooperation Corps was added, while the measures for ensuring the safety of personnel of the International Peace Cooperation Corps were incorporated into the matters to be stipulated in the Implementation Procedures.

(6) Other Key Points of Amendment

- Dispatch of uniformed SDF personnel to the UN (dispatch of Force Commanders of UN PKOs, etc.)

The Act was amended to make it possible to dispatch uniformed SDF personnel and have them engage in the tasks of the UN and those concerning overall management of tasks implemented by units of the SDF, etc., or units of armed forces of foreign states participating in UN PKOs, at the request of the UN, with the consent of the Prime Minister.¹⁰

- Provision of supplies and services to the Armed Forces of the United States, etc., for their operations to cope with large-scale disaster¹¹

The Act was amended to make it possible for the SDF to provide the U.S. Armed Forces or the Australian Defence Force with supplies or services when they request the provision and are located in the area together with the units of the SDF, etc., and is undertaking operations to cope with large-scale disasters, so far as it does not hinder the performance of International Peace Cooperation Assignments, etc., of the SDF.

5 Revision of Legislation for Responses to Armed Attack Situations

As the security environment surrounding Japan changes, it is likely that an armed attack occurring against a foreign country could threaten Japan's survival as well, depending on its purpose, scale and manner. For this reason, in addition to the armed attack situations, etc., (an armed attack situation and an anticipated armed attack situation), “Survival-Threatening Situation” was newly added to the situations to which Japan has to respond for the defense of Japan, and responses to such a situation was defined as one of the SDF's primary missions as avoidable self-defense measures for Japan's defense. The following amendments, including the above, were made to relevant laws, including the Armed Attack Situations Response Act¹² and the SDF Law.

(1) Revision of the Armed Attack Situations Response Act

a. Purpose

Responses to Survival-Threatening Situation were added, in addition to the responses to armed attack situations, etc.

b. The Basic Response Plan to Respond to Armed Attack Situations, etc. or Survival-Threatening Situation

The Basic Response Plan is set to provide for the following points: (1) Developments in the situation, the



Armed Attack Situation and Anticipated Armed Attack Situation

An armed attack situation means a situation where an armed attack against Japan from outside has occurred or an imminent and clear danger of the armed attack is acknowledged.

An anticipated armed attack situation means a situation where an armed attack has yet to occur, but circumstances are growing increasingly strained and an armed attack is anticipated.



Survival-Threatening Situation

A Survival-Threatening Situation means a situation where an armed attack against a foreign country that is in a close relationship with Japan occurs, which in turn poses an imminent and clear danger of Japan's survival to be threatened and fundamentally overturns people's right to life, liberty and pursuit of happiness.

¹⁰ The dispatch of uniformed SDF personnel is limited to cases where the consent of the countries hosting the UN PKOs for which the dispatched uniformed SDF personnel will conduct operations and of state parties to the conflict regarding the implementation of the UN PKO (when the state parties to the conflict are nonexistent, the consent of the countries where the UN PKOs are to be conducted) is deemed to be stably maintained throughout the duration of the dispatch and where circumstances that lead to the suspension of the dispatch are deemed unlikely to occur.

¹¹ The MOD/SDF participated in the United Nations Stabilization Mission in Haiti (MINUSTAH) following the major earthquake that struck Haiti in 2010, but was unable to provide supplies and services to the U.S. Armed Forces engaged in disaster relief operations in Haiti outside the framework of UN PKOs, due to the absence of necessary domestic legislation.

¹² Following the addition of Survival-Threatening Situation, the title of the Act was revised from the “Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc.” to the “Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc., and Survival-Threatening Situation.”

confirmation of the situation as an armed attack situation, etc., an anticipated armed attack situation or Survival-Threatening Situation, and the facts that serve as the premises supporting the confirmation; (2) When the situation is confirmed as an armed attack situation, etc., or Survival-Threatening Situation, reasons why there is no other appropriate means available to ensure Japan's survival and protect its people, and the use of force is necessary to respond to the situation; and (3) An overall plan to respond to the armed attack situation, etc., or Survival-Threatening Situation.

c. Diet Approval

When an order is given to the SDF for defense operations to respond to a "situation where an armed attack against a foreign country results in threatening Japan's survival," prior Diet approval is required, in principle, in the same manner as for the armed attack situations, etc.

(2) Revision of the Self-Defense Forces Law

a. Positioning as the Mission of the SDF (Article 3)

The SDF's response to Survival-Threatening Situation was defined as one of the primary missions of the SDF.

b. Defense Operation (Article 76)

Survival-Threatening Situation was categorized as a situation in which a defense operation will be ordered.

c. Others

Among the provisions setting forth a variety of authorities, etc., and special measures necessary for SDF operations, those whose purpose is entirely for responses to direct

armed attacks against Japan and physical damage are not to be applied to Survival-Threatening Situation.¹³

(3) Revisions to Other Relevant Legislation

a. Act Related to the Actions of the U.S. Forces and Others

In addition to support for the U.S. Armed Forces responding to armed attack situations, etc., support operations for the armed forces of foreign countries other than the United States in armed attack situations, etc., as well as support operations for the U.S. Armed Forces and the armed forces of other foreign countries in Survival-Threatening Situation were added.

b. Maritime Transportation Restriction Act

The provisions to restrict maritime transportation in Survival-Threatening Situation were added. Furthermore, the waters to impose the restrictions on maritime transportation are defined as Japan's territorial waters, territorial waters of foreign countries (only when their consent is obtained) and the high seas.

c. Prisoners of War Act

The provisions were added for the application of the Prisoners of War Act to Survival Threatening Situation as well.

d. Act Regarding the Use of Specific Public Facilities

The operations of the armed forces of foreign countries other than the United States Forces in armed attack situations, etc. were added to the scope of coordination of the use of specific public facilities.



Risk of Being Dragged into a War

The "use of force" permitted as a measure for self-defense under Article 9 of the Constitution of Japan must meet the very strict requirements of the Three New Conditions. They are extremely stringent requirements not seen anywhere else in the world and serve as a clear constitutional restraint. Furthermore, when the Minister of Defense issues a defense operation order to actually conduct the "use of force," the Government must seek Diet approval in advance, in principle. As such, since the SDF conducts its activities in compliance with the Constitution and laws enacted by the Diet, it will never be the case that the "use of force" by the SDF expands endlessly, resulting in Japan being dragged against its intention into a war of another country.

In addition, under the Legislation for Peace and Security, the Japan-U.S. Alliance will function more for Japan's peace and security. By sending this message out to the world, Japan's capability to prevent a conflict from occurring, in other words its deterrence capability, will be further enhanced, and the risk of Japan coming under an attack will be further reduced. Furthermore, it will enable Japan to cooperate further with the international community for the maintenance of peace and development of the region and the world, making the world more peaceful.

¹³ The examples of application include the organization of special units, and the defense call-up of SDF Reserve Personnel and SDF Reserve Personnel, etc., while the examples of non-application include measures for the construction of defense facilities, the authority to maintain public order, emergency passage, appropriation of supplies, and orders to perform duties, etc.

6 Revision of the Act for Establishment of the National Security Council

Responses to “Survival-Threatening Situation” and responses to “situations threatening the international peace and security that the international community is collectively addressing” were added as the items for deliberation, and items for deliberation regarding “situations in areas surrounding Japan” were changed to items for deliberation regarding “situations that will have an important influence on Japan’s peace and security.” Furthermore, the following items (all items are related to the stable maintenance of the consent of acceptance of hosting countries) were specified as the items the

National Security Council must deliberate without fail.

- Regarding international peace cooperation operations, decisions on and changes in plans for the implementation related to the implementation of the so-called safety-ensuring operations or the so-called “kaketsuke-keigo” operations
- Dispatch of uniformed SDF personnel (force commanders, etc.) who are to be engaged in supervisory duties for operations conducted by units of countries participating in UN PKOs
- Implementation of protection measures, including guarding and rescue, of Japanese nationals overseas and others

2 Outline of the International Peace Support Act

The International Peace Support Act is the newly enacted law that enables Japan to conduct cooperation and support operations, for the armed forces of foreign countries engaged in operations for international peace and security in **situations threatening the international peace and security that the international community is collectively addressing** in order to ensure peace and security of the international community.

1 Requirements

Either of the following UN resolutions (by the General Assembly or the Security Council) is required for the operations of armed forces of foreign countries that are covered by Japan’s cooperation and support operations.

- (1) Resolutions that decide, call upon, recommend or authorize foreign countries subject to Japan’s support operations to respond to the situation that threatens the peace and security of the international community
- (2) Other than (1), resolutions that regard the situations as a threat to peace or a breach of the peace and call on UN member states to respond to the situation concerned

2 Response Measures

The following response measures can be implemented in situations threatening the international peace and security that the international community is collectively addressing.

- (1) Cooperation and support activities
 - Supplies and services to armed forces of foreign countries (supply, transportation, repair and

maintenance, medical services, communications, airport and seaport services, base services, lodging, storage, use of facilities, training services and construction) are to be provided.

While the provision of weapons is not included as in the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations that Will Have an Important Influence on Japan’s Peace and Security, the revised law now allows the “provision of ammunition” and “refueling and maintenance of aircraft ready to take off for combat operations.”

- (2) Search and rescue activities
- (3) Ship inspection operations (those set forth in the Ship Inspection Operations Law)

3 Measures to Avoid Integration with the Use of Force

The revised law sets forth the following measures in order to avoid integration with the use of force by a foreign country and also to ensure the safety of SDF personnel:



Situations threatening the international peace and security that the international community is collectively addressing

These refer to situations that threaten peace and security of the international community, and the international community is collectively addressing the situations in accordance with the objectives of the UN Charter to remove the threat; Japan, as a member of the international community, needs to independently and proactively contribute to these activities

- Japan does not implement support activities in the scene where combat operations are actually being conducted. However, when the personnel having been stranded have already been found and rescue operations have commenced, search and rescue activities concerning them are allowed to continue as long as the safety of the SDF units is ensured.
- The commanding officers of the SDF units, etc., order a temporary suspension of support activities if combat operations occur or are expected to occur at the site of their activities or in the vicinity.
- The Minister of Defense designates the area for implementing activities, and if it is deemed difficult

to implement operations smoothly and safely in the whole or part of that area, must promptly change the designation of the area or order the cessation of the activities being implemented there.

4 Diet Approval

Prior Diet approval required without exception, and each house of the Diet has an obligation to make efforts towards decisions within 7 days (excluding any period when the Diet is in recess). In addition, re-approval is required in the case of a lapse of more than two years since the commencement of the response measures.

3 Acceleration of Procedures to Issue Orders for Public Security Operations and Maritime Security Operation

Considering the increasingly severe security environment surrounding Japan, situations that are neither pure peacetime nor contingencies (the so-called gray zone situations) are liable to occur, posing risks which could develop into more serious situations. In order to respond promptly to such situations of infringement that do not amount to an armed attack, and ensure seamless and sufficient responses to any unlawful acts, the Government made cabinet decisions regarding the acceleration of procedures to issue orders for public security operations and maritime security operations, etc., in May 2015, particularly in the following three cases:

- Responses to foreign naval vessels making maritime navigation through the territorial sea or the internal waters of Japan that does not fall under the category of innocent passage under international law
- Responses to the unlawful landing on a remote island or its surrounding seas by an armed group
- Responses to acts of infringement when SDF ships or aircraft detect foreign ships committing said acts against Japanese private ships on the high seas

Specifically, when an urgent decision is necessary concerning the issuance of orders for public security operations, etc., but it is difficult to promptly convene

Fig. II-3-2-3 Acceleration of Procedures to Issue Orders for Public Security Operations and Maritime Security Operation

- Cabinet decision to accelerate procedures to issue orders for public security/maritime security operations in the following three cases, referring to Cabinet Decision on Government Responses when there is a Risk of Large-Scale Terrorism (November 2, 2001):

Responses to Foreign Vessels Making Maritime Navigation that Does Not Fall under the Category of Innocent Passage under International Law

- Responses are made by SDF units under orders for maritime security operations in principle.
- The Ministry of Defense, the Ministry of Foreign Affairs and the Japan Coast Guard promptly and expeditiously share information, coordinate and cooperate.
- It is necessary to hold a cabinet meeting to issue orders for maritime security operation.

Responses to Illegal Landing on Remote Islands by Armed Groups

- When armed groups or groups that are highly probable to be armed are likely to illegally land or actually land on remote islands,
- It is necessary to hold a cabinet meeting to issue orders for maritime security operations/public security operations.

Responses to Foreign Vessels Infringing on Japanese Commercial Vessels on the High Seas

- When Japanese commercial vessels are actually subject to infringement activities,
- It is necessary to hold a cabinet meeting to issue orders for (urgent) counter-piracy operation or maritime security operation.

When an urgent decision is necessary but it is difficult to promptly convene an adhoc cabinet meeting, the Prime Minister can preside over a cabinet meeting to make the decision by obtaining the consent of the Ministers by telephone and other means (any Minister who could not be contacted in advance shall be notified of the cabinet decision ex post facto).

an extraordinary cabinet meeting, the Prime Minister can preside over a cabinet meeting to make the decision by obtaining the consent of the Ministers of State by telephone and other means. Any Minister of State who

could not be contacted in advance shall be notified of the cabinet decision ex post facto.

Q See Fig. II-3-2-3 (Acceleration of Procedures to Issue Orders for Public Security Operations and Maritime Security Operation)

4 Frameworks for Responses to Armed Attack Situations, etc., and Survival-Threatening Situation

1 Responses to Armed Attack Situations, etc., and Survival-Threatening Situation

The Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc., and Survival-Threatening Situation specifies items that should be stipulated as basic principles and basic policies (the Basic Response Plan) regarding responses to armed attack situations, etc., and Survival-Threatening Situation as well as the responsibilities of national and local governments in the event of an armed attack situation.

Q See Fig. II-3-2-4 (Procedures for Responding to Armed Attack Situations, etc., and Survival-Threatening Situation)
Reference 17 (Main Operations of the Self-Defense Forces)
Reference 18 (Statutory Provisions about Use of Force and Use of Weapons by SDF Personnel)

(1) Basic Response Plan, etc.

In situations such as an armed attack situations, etc., or Survival-Threatening Situation, the Cabinet must decide upon the following items for a Basic Response Plan and ask for approval by the Diet. In addition, when the Basic Response Plan is decided, a temporary Task Force for Armed Attack Situations, etc., (the Task Force) is to be

Fig. II-3-2-4 Procedures for Responding to Armed Attack Situations, etc., and Survival-Threatening Situation

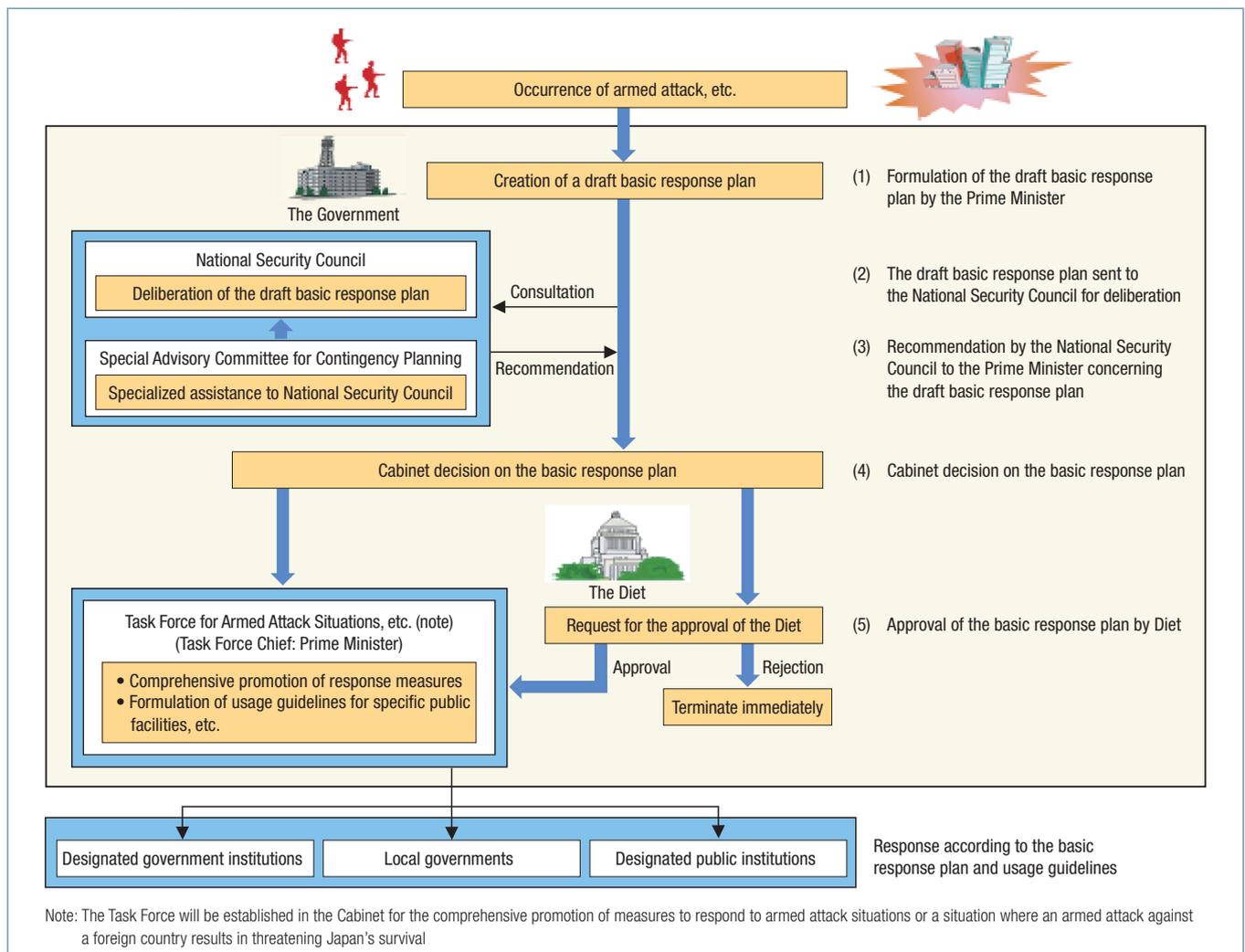
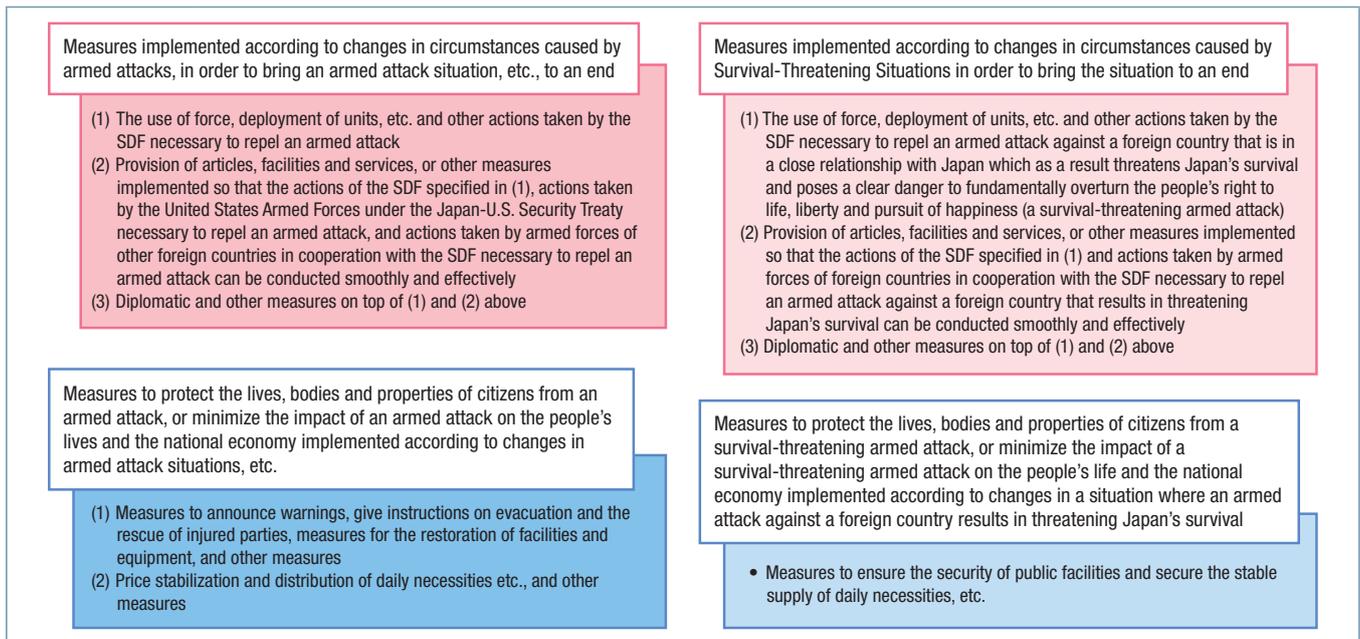


Fig. II-3-2-5

Measures to be Implemented by Designated Administrative Institutions, Local Governments or Designated Public Institutions



established within the Cabinet, and it will implement these measures.

- (1) The following items concerning situations that need to be dealt with:
 - a. Developments in the situation, the confirmation of the situation as an armed attack situations, etc., or Survival-Threatening Situation, and the facts that serve as the premises supporting the confirmation
 - b. When the situation is confirmed as armed attack situations, etc., or Survival-Threatening Situation, reasons why there is no other appropriate means available to ensure Japan's survival and protect its people, and the use of force is necessary to respond to the situation
- (2) An overall plan to respond to the armed attack situations, etc., or Survival-Threatening Situation
- (3) Important matters related to the response measures

(2) Response Measures

When responding to armed attack situations, etc., or Survival-Threatening Situation, the designated government institutions, local governments and designated public institutions will implement the required measures based on legal provisions during the period between the formulation and termination of the Basic Response Plan.

Q See Fig. II-3-2-5 (Measures to be Implemented by Designated Administrative Institutions, Local Governments or Designated Public Institutions)

(3) Responsibilities of the National and Local Governments

The responsibilities of the national and local governments as defined in the Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's

Fig. II-3-2-6

Responsibilities of the National and Local Governments, etc.

Subject	Responsibility
Government	<ul style="list-style-type: none"> Have a unique mission to defend Japan, protect the homeland and the lives, bodies, and properties of the people Respond to armed attack situations, etc., and Survival-Threatening Situation by taking every possible measure and using all organizations and functions Implement all possible measures as a whole nation
Local Government	<ul style="list-style-type: none"> Have responsibilities of protecting the region and the lives, bodies, and properties of the residents Implement necessary measures to deal with armed attack situations, etc., in mutual cooperation with the national government, other local governments and other institutions
Designated Public Institutions	<ul style="list-style-type: none"> Implement necessary measures to deal with armed attack situations, etc., in the scope of their work, in mutual cooperation with the national government, local governments, and other institutions
Nationals	<ul style="list-style-type: none"> Strive to provide necessary cooperation when the designated administrative institutions, local governments or designated public institutions implement response measures to deal with armed attack situations, etc.

Security in Armed Attack Situations, etc., and Survival-Threatening Situation are as outlined below.

Q See Fig. II-3-2-6 (Responsibilities of the National and Local Governments, etc.)

(4) Authority of the Prime Minister for Response Measures

Following the stipulation of the Basic Response Plan, for overall promotion of response measures, the Task Force for Armed Attack Situations, etc., (the Task Force) will be established within the Cabinet, with the Prime Minister appointed as the Chief of the Task Force and appropriate Ministers of State as the Deputy Chief and other members of the Task Force.

If the Prime Minister recognizes that there are obstacles to protecting the lives, bodies or properties of the people, or to eliminating an armed attack, and particularly when necessary response measures under comprehensive coordination are not implemented, the Prime Minister may instruct the head of the local government concerned and other relevant persons to implement the necessary response measures.

In circumstances where the necessary response measures are not implemented or if there are obstacles to protecting the lives, bodies and properties of the people or to eliminating an armed attack, and emergency responses are required in light of the situations, the Prime Minister or the Minister of State responsible for operations relating to the relevant countermeasures may take responsibility for and implement the response measures that the local governments or designated public institutions have failed to implement, after notifying the relevant heads of local government or other relevant individuals.

(5) Report to the United Nations Security Council

In accordance with Article 51 of the Charter of the UN, the Government shall immediately report measures it has taken to terminate armed attacks on Japan to the Security Council.

2 Responses to Emergency Situations other than Armed Attack Situations, etc.

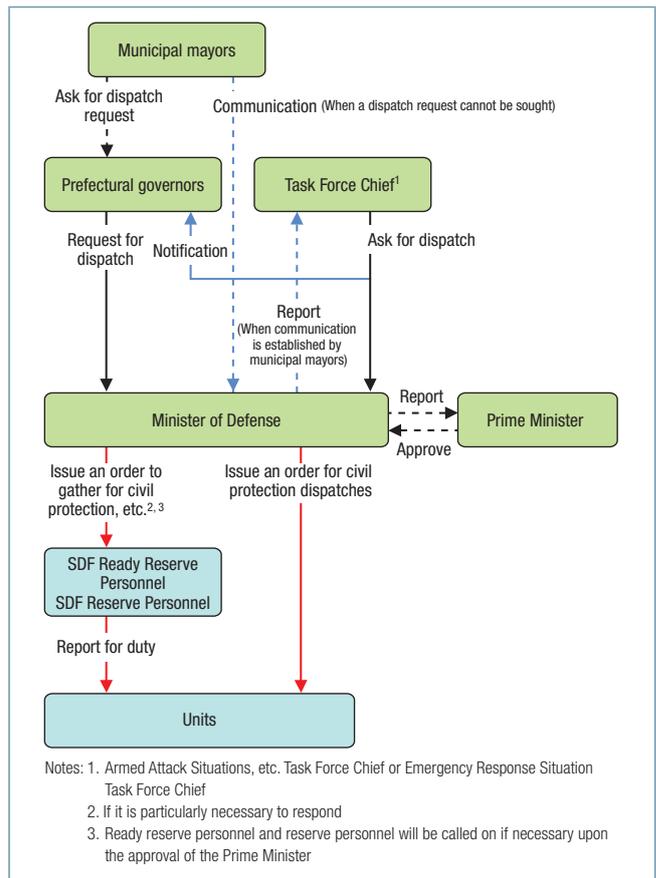
The Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc., and Survival-Threatening Situation provides for appropriate and rapid response measures to be implemented in emergency situations¹⁴ other than an armed attack situation and a situation where an armed attack against a foreign country resulting in threatening Japan's survival, in order for the Government to ensure the peace and independence of the country, and to maintain the security of the country and its people.

3 Initiatives for Civil Protection

(1) Basic Guidelines for Civil Protection and the Roles of the Ministry of Defense and the SDF

In March 2005, the Government established the Basic Guidelines for Civil Protection (hereinafter the "Basic

Fig. II-3-2-7 Mechanism of Civil Protection Dispatches



Guidelines”), based on Article 32 of the Civil Protection Act.¹⁵ The Basic Guidelines presume four types of armed attack situations, including (1) amphibious landing invasion, (2) guerilla or special operations forces unit attacks, (3) ballistic missile attacks, and (4) air attacks, and prescribe matters requiring attention to implement civil protection measures in response to each of them.

The MOD/SDF established the MOD/ Acquisition, Technology & Logistics Agency Civil Protection Plan based on the Civil Protection Act and the Basic Guidelines. The Plan calls upon the SDF, in armed attack situations, etc., to go all out to perform its primary mission of forcing back the armed attack, and also implement civil protection measures to support the evacuation and rescue of residents and deal with the armed attack-induced disasters to the extent possible without interfering with the primary mission.

14 A contingency situation other than an armed attack situation and a situation where an armed attack against a foreign country resulting in threatening Japan's survival that may have a significant impact on the security of the nation and its people, including an emergency response situation (a situation where actions that may kill or injure many people by using methods equivalent to those used in an armed attack situation occurs, or a situation where it is recognized that the relevant actions represent a clear and present threat that necessitate an emergency response by the state)
 15 The official title of the act is the Act Concerning the Measures for Protection of the People in Armed Attack Situations, etc.

(2) Relationship between Survival-Threatening Situation and Civil Protection Measures

In the event of armed attack situations, etc., and an emergency response situation, the SDF may undertake such operations as support for the evacuation of residents, relief of evacuated residents and stopgap restoration work as civil protection measures and emergency response protection measures based on the civil protection dispatches.

In this regard, the Civil Protection Act, from the perspective of protecting the people and its livelihood from a direct attack against Japan and its physical damage, provides for necessary matters to that end, including issuance of warnings and measures for the evacuation and relief of residents. Survival-Threatening Situation and a situation that requires warning issuance and the evacuation and relief of residents is nothing less than a situation where an armed attack against Japan is anticipated or imminent. In such a case, it is recognized as armed attack situations, etc., and necessary measures are to be implemented under the Civil Protection Act.¹⁶

 Fig. II-3-2-7 (Mechanism of Civil Protection Dispatches)

(3) Activities by the MOD/SDF to Facilitate the Civil Protection Measures

a. Participation in Training for Civil Protection

In order to appropriately and promptly implement civil protection measures in armed attack situations, etc., it is essential to jointly coordinate matters related to the implementation of civil protection measures in peacetime with other ministries and agencies, local governments, and other relevant organizations.

For this reason, the MOD/SDF has held civil protection training with cooperation from relevant government organizations or local governments, etc. In addition, the MOD/SDF also actively participates and cooperates in civil protection training implemented by relevant government organizations, or local governments.

 References 19 (Record of Joint Exercises for Civil Protection Implemented by the National and Local Governments (FY 2016))



GSDF personnel coordinating with prefectural staff during a drill for protecting the public conducted in Ishikawa Prefecture

b. Coordination with Local Governments in Peacetime

From peacetime, the MOD/SDF closely coordinates with local governments. The Provincial Liaison & Coordination Division has been posted within the GSDF Regional Army Headquarters to achieve effective implementation of civil protection measures through close coordination. To strengthen functions relating to coordination and cooperation with local governments, etc., a Civil Protection and Disaster Countermeasures Liaison Coordination Officer post was established in each SDF Provincial Cooperation Office.

Civil Protection Councils have been established in prefectures and municipalities as institutions to comprehensively promote policies related to civil protection measures, with members of the SDF and employees of the regional defense bureaus appointed as council members.

In addition, in some cases, retired SDF personnel are employed by local governments as crisis management supervisors to facilitate cooperation with the MOD/SDF and help to develop and implement disaster response plans and training programs as experts on civil protection.

¹⁶ In the case that an armed attack against a foreign country resulting in threatening Japan's survival is not regarded as armed attack situations, etc., a series of measures are to be implemented to ensure the stability of the people's livelihood, including the stable supply of daily necessities, based on a variety of existing laws and regulations, taking thoroughgoing response measures to protect the people's livelihood without invoking the Civil Protection Act.



“What to Do if a Ballistic Missile were to Fall” (Information from the Cabinet Secretariat)

North Korea conducted ballistic missile launches at an unprecedented frequency of over 20 launches in 2016, and has continued to launch missiles repeatedly in 2017 as well. In particular, ballistic missiles launched in August and September 2016 and in March and May 2017 are presumed to have fallen within Japan's exclusive economic zone in the Sea of Japan.

The Government has been steadily strengthening Japan's capability to defend against ballistic missiles in order to protect the lives, bodies and property of Japanese people from the threat of North Korean ballistic missiles, and is also maintaining high levels of alert and vigilance. In tandem with these measures, when there is a possibility of a ballistic missile flying to Japan, or more specifically,

- (1) When there is a possibility of a ballistic missile flying to Japanese territory and/or territorial waters; or
- (2) When there is a possibility of a ballistic missile flying over Japan,

the Government will, through the J-Alert national instant warning system, send out urgent information to residents in regions that need to stay alert to a ballistic missile and encourage them to evacuate underground or to sturdy buildings.

When J-Alert is used, the disaster prevention wireless communications system is automatically activated, via J-Alert receivers installed at municipal government buildings, and the special siren (Civil Protection Siren) (Note) is sounded and messages are broadcast through outdoor speakers for approximately 14 seconds. Urgent information is also transmitted via other means of communication, including community FM broadcast and registration-based e-mail. Furthermore, J-Alert sends out urgent information by NTT DOCOMO's "Area Mail" and emergency alert e-mail to mobile phones and smartphones via mobile phone carriers.

J-Alert was used to disseminate civil protection information, including information on ballistic missiles, twice when ballistic missiles were launched by North Korea in December 2012 and February 2016. When the ballistic missile passed over Sakishima Islands, Okinawa Prefecture in February 2016, the Ministry of Defense began communicating information to the Cabinet Secretariat immediately after the missile launch was confirmed, and information on the missile launch was transmitted about four minutes after the launch. These were the only two cases of missiles that passed over Japan since J-Alert had been put into place across the nation.

In these two cases, North Korea notified international organizations in advance that it would launch a satellite. Even if North Korea launches a ballistic missile without advance notice, the Ministry of Defense will begin communicating information to the Cabinet Secretariat immediately after the missile launch is confirmed. When there is a possibility of the missile flying to Japan, J-Alert will immediately broadcast urgent information.

When there is a possibility of a North Korean ballistic missile flying into waters surrounding Japan, the Government will communicate information to alert ships and aircraft traveling near Japan directly, or through business operators, by sending out navigation warnings and fisheries safety information.

The Government is fully prepared to take all necessary measures with a sense of vigilance in order to be able to respond to any situation.

What to Do if a Missile were to Fall

- A missile will **make a landing shortly after it is fired.**
- If a missile could fall in Japan, **J-Alert will be used to sound a special siren and broadcast messages on the disaster prevention wireless communications system. Also, urgent information will be communicated by e-mail alerts and other means of communication.**

If the message is broadcast, take the following actions immediately.

If outdoors:

- **Evacuate underground or to a sturdy building nearby as much as possible.**
- **If there is no suitable building nearby, take cover or lie flat on the ground with your head protected.**



If indoors:

- **Stay away from windows as much as possible, and go to a room that has no windows if you are able to.**

Please remain calm and follow the instructions of authorities.

See the **Civil Protection Portal Site** (<http://www.kokuminhogo.go.jp/>) for more information.

Note: The sound of the Civil Protection Siren can be confirmed at the Civil Protection Portal Site: http://www.kokuminhogo.go.jp/en/pc-index_e.html