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 (Matrix of the Legislation for Peace and Security)

1 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 those who need protection of their lives or bodies to safe places, 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 concerned 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. Subject to the rescue measures as well as themselves or to eliminate actions to obstruct their duties (including the permission to resort to the so-called use of weapons for the defense of mandate). However, causing harm to people is permitted only in cases of legitimate self-defense and aversion of clear and present danger.

(2) Establishment of Provisions for the Protection of Weapons and Other Equipment of the Units of the Armed Forces of the United States and 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 armed forces of the United States and other foreign countries that are, in cooperation with the SDF, currently engaged in activities that contribute to the defense of Japan.

a. Coverage
Weapons and other equipment of the units of the United States Armed 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 armed forces of the United States and other foreign countries, and only when the Minister of Defense deems it necessary, SDF personnel provide protection (the operational policy, setting out basic matters concerning the operation of this system, including how the Cabinet should get involved, is to be formulated).

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 self-defense and aversion of present danger).

1 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 for the purpose of execution of missions” 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 by the Revised Provision

(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 U.S., 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
(2) Defiance of and disobedience to superiors’ orders by those given defense operation orders
The Law Concerning Measures to Ensure the Peace and Security of Japan in Areas Surrounding Japan stipulated rear area support, rear area search and rescue operations 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 (situations that, if left unattended, could result in a direct armed attack on Japan, and these situations are called “situations in areas surrounding Japan”).

In accordance with changes in the security environment surrounding Japan, the latest law revision deleted “in areas surrounding Japan” from situations that will have an important influence on Japan’s peace and security and changed the name of situations from “situations in areas surrounding Japan” to “situations that will have an important influence”, 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 activities contributing to the achievement of the objectives of the U.N. 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

2 Rear area support 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.

3 Rear area search and rescue operations 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).

4 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.”
The state that has the right to fly its flag as prescribed in Article 91 of the United Nations Convention on the Law of the
Previously, ship inspection operations were stipulated as to be conducted only in situations in areas surrounding Japan.\(^6\) In light of the global accumulation of 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, however, it was made possible to conduct ship inspection operations in situations threatening the international peace and security that the international community is collectively addressing\(^7\) (discussed below) 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, sets forth a framework for extending appropriate and prompt cooperation for the three categories of operations of U.N. PKOs, humanitarian international relief operations, and international election monitoring operations, and for Japan to take measures to cooperate in the provision of supplies for those operations, thereby enabling Japan to actively contribute to international peace efforts centering upon the United Nations. The law also stipulates a set of basic guidelines (the so-called Five Principles for Participation) for Japan’s participation in these activities: (1) Agreement on a ceasefire shall have been reached among the parties to armed conflicts; (2) Consent to the operations by U.N. peacekeeping forces as well as Japan’s participation in U.N. peacekeeping forces shall have been obtained from the countries of areas where U.N. peacekeeping forces operate as well as the parties to armed conflicts; (3) The U.N. peacekeeping forces shall strictly maintain impartiality, not favoring any of the parties to armed conflicts; (4) Should any of the requirements in the above-mentioned guideline cease to be satisfied, the SDF units participating in PKOs from Japan may withdraw; and (5) The use of weapons shall be limited to the minimum necessary to protect the lives of personnel, etc.\(^8\)

At the time of the enactment of the law, it was assumed that Japan was to cooperate in the ceasefire monitoring in conventional conflicts between states under the framework of U.N. PKOs supervised by the United Nations. However, the nature of conflicts the international community must address

---

\(^6\) 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).

\(^7\) Situations that threaten peace and security of the international community, where the international community is collectively addressing the situations in accordance with the objectives of the U.N. Charter to remove the threat, and Japan, as a member of the international community, needs to independently and proactively contribute to these activities

\(^8\) Following the latest law revision, regarding (5), “when the consent of acceptance is deemed to be consistently maintained, the use of weapons is allowed for implementing the so-called safety-ensuring operations and the so-called ‘kaketsuke-keigo’ operations as the use of force beyond the defense of mandate missions and Article 95 of the SDF Act (the use of force for protection of weapons, etc.).”
changed to domestic clashes and a combination of armed conflicts between states and domestic clashes, and as such, support for the nation-building of state parties to conflict and the creation of a safe environment for implementing this have become important tasks in international peace cooperation activities. Furthermore, there are a wide range of international peace cooperation activities under frameworks not supervised by the United Nations.  

Given the diversification and qualitative change of the international peace cooperation activities, Japan, in order to contribute further to the peace and stability of the international community under the policy of “Proactive Contribution to Peace” based on the principle of international cooperation, expanded the scope of tasks that can be implemented in U.N. PKOs and reviewed the authority to use weapons, and also established new provisions related to humanitarian and reconstruction assistance, safety-ensuring, and other operations not supervised by the United Nations (“internationally coordinated operations for peace and security”) to enable Japan to proactively participate in these operations.

(1) Requirements for Participation
a. U.N. Peacekeeping Operations
While maintaining the framework of the Five Principles for Participation, implementation of the so-called safety-ensuring operations and the so-called “kaketsuke-keigo” operations require 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
Japan’s participation in internationally coordinated operations for peace and security, for which Japan can now extend cooperation on top of the previous three types of operations (U.N. PKOs, international humanitarian relief operations and international election monitoring operations), has been made possible when any of the following is met in addition to the satisfaction of the Five Principles for Participation.

(1) Based on resolutions adopted by the General Assembly, the Security Council or the Economic and Social Council of the United Nations

(2) At the requests by:
• The United Nations
• Organizations established by the U.N. Generally Assembly or U.N. specialized agencies, such as

---

9 These activities include the Aceh Monitoring Mission, implemented at the request of the European Union, and the Regional Assistance Mission to Solomon Islands, implemented at the request of the host nation with the support of the U.N. Secretary-General.
the Office of the U.N. High Commissioner for Refugees or otherwise specified by a Cabinet Order

- Regional organizations as prescribed in Article 52 of the U.N. Charter or organizations established by multilateral treaties, having the actual achievements or expertise pertaining to the activities of Internationally coordinated operation for peace and security such as the European Union or otherwise specified by a Cabinet Order

(3) At the requests of countries to which the area where those operations are to be conducted belongs (limited to only those supported by any of principal U.N. organizations as prescribed in Article 7 (1) of the U.N. Charter)

(2) Description of Tasks
On top of ceasefire monitoring and relief operations for affected people, the following tasks have been added to tasks in U.N. PKOs, etc.

(1) The addition of monitoring, stationing, patrol, inspection at checkpoints and security escort and protection for the purpose of the security of specified areas including the prevention and suppression of injury or harm against lives, bodies and properties of local population, affected people and other populations requiring protection (so-called safety-ensuring operations)

(2) the addition of the protection of the lives and bodies of people engaged in international peace cooperation operations in response to urgent requests when unexpected dangers to the lives or bodies of such people arise or are imminent (so-called “kaketsuke-keigo” operations)

(3) The expansion of tasks such as the provision of advice or guidance related to work for the purpose of assisting in establishing or re-establishing organizations of the government relating to national defense or other organizations.

(4) The expansion tasks conducted at organizations for supervision and coordination of tasks to include planning, drafting, coordination or collection and updating of information necessary for the implementation of (tasks at mission headquarters operations)

(3) Authority to Use Weapons
a. Expansion of the Authority to Use Weapons for the Defense of Mandate (Joint Protection of the Camps)
The camps for U.N. peacekeeping operations (PKOs), etc., are the bases where personnel from participating countries spend their time when not conducting operations outside camps, and the camps are also the last bastions, so to speak, to secure the safety of the lives and bodies of those inside them. Thus, when unexpected situations occur, such as attacks on the camps of U.N. PKOs by
armed groups, it is essential for SDF personnel taking up quarters at the camps, even if they are not the direct targets of such attacks, to coordinate with the personnel of other countries and mutually protect each other and deal with the common danger. In light of this, the use of weapons for the purpose of protecting those at the camps was allowed as a type of the use of weapons for self-preservation.10

b. The Authority to Use Weapons in the So-Called “Kaketsuke-Keigo” Operations
In carrying out the so-called “kaketsuke-keigo” operations, uniformed 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 themselves or others (however, causing harm to people is permitted only in cases of self-defense and aversion of present danger).

c. The Authority to Use Weapons for the So-Called Safety-Ensuring Operations
In carrying out the so-called safety-ensuring operations, uniformed 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 themselves or others, or properties, in carrying out their operations, or to eliminate actions aimed at obstructing their operations (however, causing harm to persons is permitted only in cases of legitimate self-defense and aversion of clear and present danger).

(4) Diet Approval
Prior Diet approval is necessary for the so-called safety-ensuring operations, in addition to the ceasefire monitoring, in principle (ex-post facto approval permitted when the Diet is in recess or the House of Representatives has been dissolved).

(5) Ensuring the Safety of Personnel of the International Cooperation Corps of Japan
The provision for the consideration of the safety of International Peace Cooperation Corps personnel was added, while measures for securing the safety of personnel were also added to the matters that should be set forth in the operational guidelines.

(6) Other Key Revised Matters
(1) Dispatching uniformed SDF personnel to the United Nations (the dispatching of commanding officers, etc. to U.N. PKOs)
The law revision made it possible to dispatch uniformed SDF personnel, after obtaining the consent of the Prime Minister, to engage in the supervision of U.N. operations to be conducted by SDF units

10 The authority to use weapons for self-preservation is allowed in view of the existence of particular circumstances, whereby armed personnel, who protect the camps, which are the last bastions of safety, are in the relationship of mutually putting one another’s safety in the hands of their partners to deal with the situations.
or units of armed forces of other countries participating in U.N. PKOs at the request of the United Nations.\textsuperscript{11}

(2) Provision of supplies or services to the U.S. Armed Forces, etc. for their operations to cope with large-scale disasters\textsuperscript{12}

The law revision made it possible for the SDF, if requested to do so, to provide supplies or services to the armed forces of the United States and Australia who are dealing with large-scale natural disasters in the same area, as an emergency measure, provided they do not interfere with international peace cooperation operations the SDF was engaging in.

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 another country may threaten Japan’s survival as well, depending on the purpose, scale and manner of the attack. For this reason, in addition to the armed attack situations, etc. (an armed attack situation,\textsuperscript{13} and an anticipated armed attack situation\textsuperscript{14}), “Survival-Threatening Situation” (a situation where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan’s survival and poses a clear danger to fundamentally overturn people’s right to life, liberty and pursuit of happiness) was newly added to the situations to which Japan has to respond for the defense of Japan, and responses to such 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 Act and the SDF Law.

(1) Revision of the Armed Attack Situations Response Act\textsuperscript{15}

a. Purpose

Responses to survival-threatening situations were added, in addition to the responses to armed attack situations, etc.

\textsuperscript{11}It is a requirement for the dispatch of uniformed SDF personnel that the consent of acceptance of the countries to which the areas where these operations are conducted is stably maintained throughout the duration of the operations.

\textsuperscript{12}Following the major earthquake in Haiti in 2010, the MOD and the SDF participated in the United Nations Stabilization Mission in Haiti (MINUSTAH). In the absence of the necessary domestic legal basis, however, the MOD and the SDF was unable to conduct the provision of supplies and services to the U.S. Armed Forces engaged in disaster relief operations in Haiti outside the framework of U.N. PKOs.

\textsuperscript{13}A situation where an armed attack from outside against Japan has occurred, or an imminent danger of the armed attack occurring is acknowledged

\textsuperscript{14}A situation where an armed attack has yet to occur, but circumstances are growing increasingly strained and an armed attack is anticipated

\textsuperscript{15}Following the addition of survival-threatening situations, 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 Situations Where an Armed Attack against a Foreign Country Results in Threatening Japan’s Survival.”
b. The Basic Response Plan to Respond to Armed Attack Situations, etc. or Survival-Threatening Situations

The Basic Response Plan should include the following points:

(1) Developments in the situation, the confirmation of the situation as an armed attack situation, an anticipated armed attack situation or a situation where an armed attack against a foreign country results in threatening Japan’s survival, and the facts that serve as the premises supporting the confirmation; (2) When the situation is confirmed as an armed attack situation or a situation where an armed attack against a foreign country results in threatening Japan’s survival, 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 situations or the situation where an armed attack against a foreign country results in threatening Japan’s survival.

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 a situation where an armed attack against a foreign country results in threatening Japan’s survival was defined as one of the primary missions of the SDF.

b. Defense Operation (Article 76)

A situation where an armed attack against a foreign country results in threatening Japan’s survival 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 situations where an armed attack against a foreign country results in threatening Japan’s survival.16

(3) Revisions to Other Relevant Legislation

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

16 The examples of application include the organization of special units, and the defense call-up of SDF Personnel and SDF Ready 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.
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 situations were added.

**b. Maritime Transportation Restriction Act**

The provisions to restrict maritime transportation in a situation where an armed attack against a foreign country results in threatening Japan’s survival 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 situations where an armed attack against a foreign country results in threatening Japan’s survival 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 in armed attack situations, etc. were added to the scope of coordination of the use of specific public facilities.

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

Responses to “situations where an armed attack against a foreign country results in threatening Japan’s survival” 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 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.

- Of international peace cooperation operations, decisions on and changes in implementation plans for 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 U.N. PKOs
- Implementation of protection measures, including guarding and rescue, of Japanese nationals overseas, etc.
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 (situations that threaten the peace and security of the international community, and the international community is collectively addressing the situations in accordance with the objectives of the U.N. Charter to remove the threat, and Japan, as a member of the international community, needs to independently and proactively contribute to these activities) in order to ensure peace and security of the international community.

1 Requirements

Either of the following U.N. 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 U.N. 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 “Ittaika” with the Use of Force

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

(1) 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.

(2) 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.

(3) 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 toward 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.

See ▶ Reference 25 (Outline of the Law Concerning Cooperation and Support Activities and Other Activities to Armed Forces of Foreign Countries and Others in Situations Where the International Community is Collectively Addressing for Peace and Security)


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., on
May 2015, particularly in the following three cases:

○ Responses to foreign naval vessels carrying out navigation through the territorial sea or the international waters of Japan that does not fall under innocent passage in 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 Self-Defense Forces 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 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.

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

4 Frameworks for Responses to Armed Attack Situations and Situations where an Armed Attack against a Foreign Country Results in Threatening Japan’s Survival

1 Responses to Armed Attack Situations and Situations where an Armed Attack against a Foreign Country Results in Threatening Japan’s Survival

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 Situations where an Armed Attack against a Foreign Country Results in Threatening Japan’s Survival specifies items that should be stipulated as basic principles and basic policies (the Basic Response Plan) regarding responses to armed attack situations and situations where an armed attack against a foreign country results in threatening Japan’s survival as well as the responsibilities of national and local governments in the event of an armed attack situation.

See ▶ Fig. II-3-2-4 (Procedures for Responding to Armed Attack Situations and Situations Where an Armed Attack against a Foreign Country Results in Threatening Japan’s Survival) References 24 (Main Operations of the Self-Defense Forces) References 25 (Statutory Provisions Concerning the Use of Force and the Use of Weapons Permitted for SDF Personnel or SDF Units)

(1) Basic Response Plan, etc.

In situations such as an armed attack situation or a situation where an armed attack against a foreign country results in threatening Japan’s survival, 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 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 situation or a situation where an armed attack against a foreign country results in threatening Japan’s survival, and the facts that serve as the premises supporting the confirmation.
   b. When the situation is confirmed as an armed attack situation or a situation where an armed attack against a foreign country results in threatening Japan’s survival, 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 or the situation where an armed attack against a foreign country results in threatening Japan’s survival
(3) Important matters related to the response measures

(2) Response Measures
When responding to an armed attack situation or a situation where an armed attack against a foreign country results in threatening Japan’s survival, 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.
See ▶ Fig. II-3-2-5 (Measures to be Implemented by Designated Administrative Organizations, Municipal Governments or Designated Public Organizations)

(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 Security in Armed Attack Situations, etc. and Situations where an Armed Attack against a Foreign Country Results in Threating Japan’s Survival are as outlined below.
See ▶ Fig. II-3-2-6 (Responsibilities of the National and Local Governments)

(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 obstacle 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.

In accordance with Article 51 of the Charter of the United Nations, 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
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 Situations where an Armed Attack against a Foreign Country Results in Threatening Japan’s Survival provides for appropriate and rapid response measures to be implemented in emergency situations 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 Guidelines”), based on Article 32 of the Civil Protection Act. The Basic Guidelines presume four types of armed attack situations, including amphibious landing invasion, guerilla or special operations forces unit attacks, ballistic missile attacks, and air attacks, and prescribe matters requiring attention to implement civil protection measures in response to each of them.

The MOD and the 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 an armed attack situation, 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.

17 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 arising due to actions that may kill or injure many people which uses methods equivalent to those used in an armed attack situation, 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).
In the event of an armed attack situation 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.

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. A situation where an armed attack against a foreign country resulting in threatening Japan’s survival 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 an armed attack situation and necessary measures are to be implemented under the Civil Protection Act. (In the case where a situation where an armed attack against a foreign country resulting in threatening Japan’s survival is not regarded as an armed attack situation, 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.)

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

(2) Activities by the MOD and the 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, 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.

From this perspective, the MOD and the SDF have held civil protection training with cooperation from relevant government organizations, or local governments. In addition, the MOD and the SDF actively participate and cooperate in civil protection training implemented by relevant government organizations, or local governments.

See ▶ References 26 (Record of Joint Exercises for Civil Protection Implemented by the National and Local Governments (FY 2014))

(b) Coordination with Local Governments in Peacetime

During peacetime, the MOD and the SDF closely coordinate 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
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 and the SDF and help to develop and implement disaster response plans and training programs as experts on civil protection.