

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

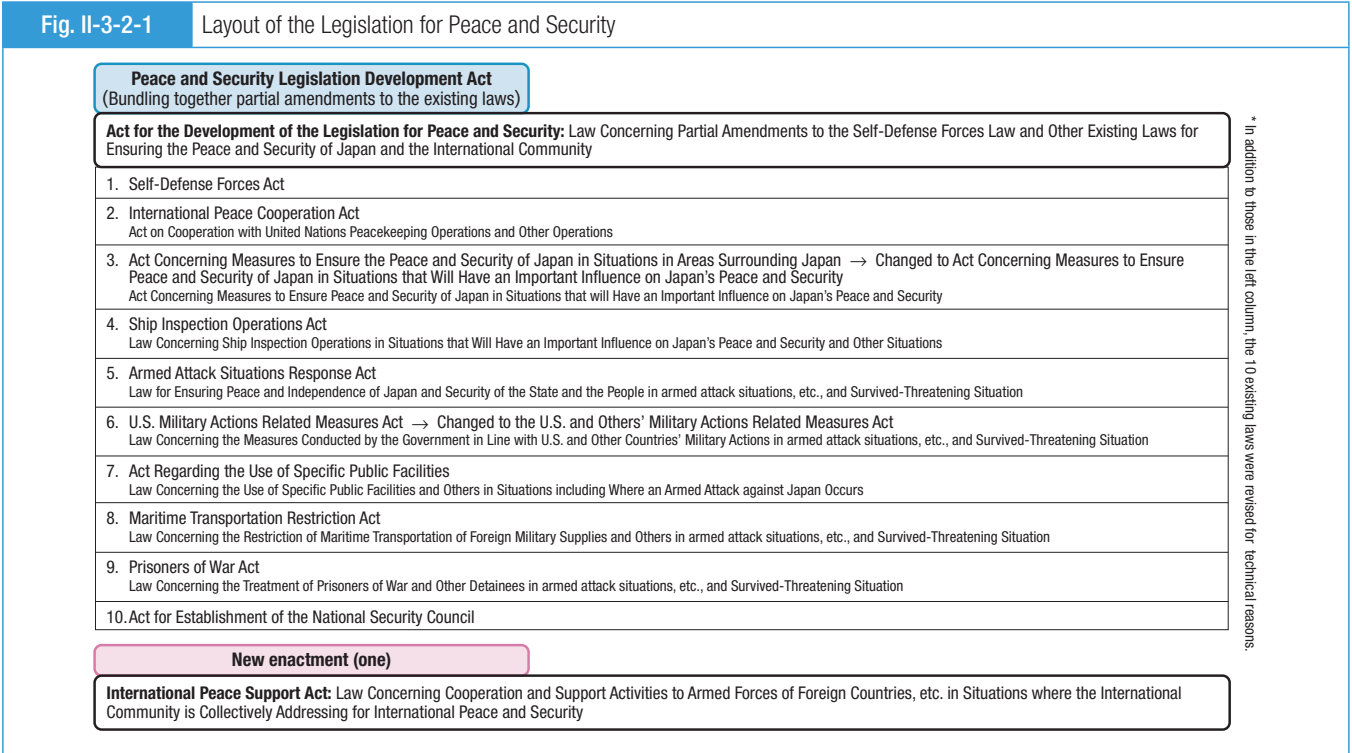
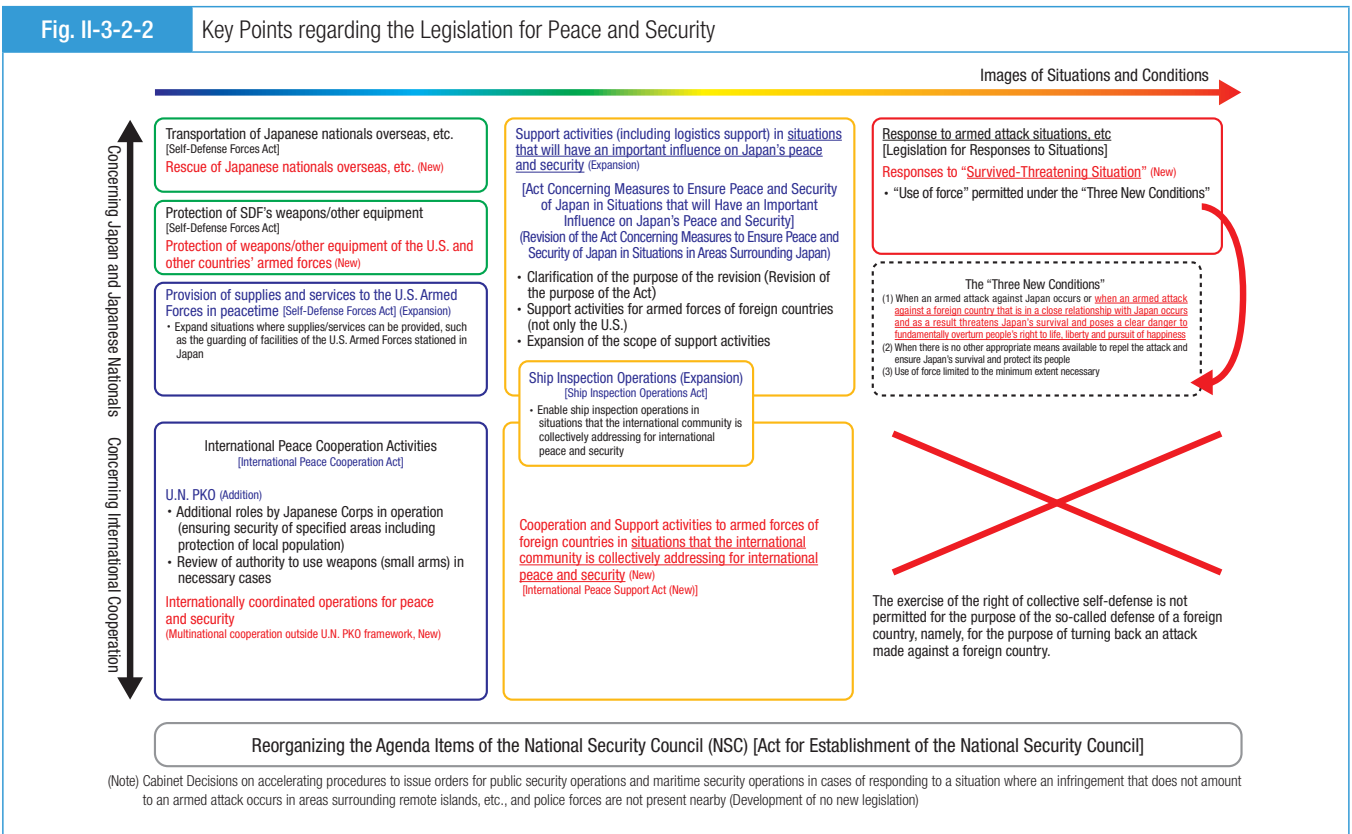


Fig. II-3-2-2 Key Points regarding the Legislation for Peace and Security



## 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 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 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.<sup>1</sup> 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 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 legitimate self-defense and evasion of present danger.)

#### (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:

<sup>1</sup> 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.

## Measures to Rescue Japanese Nationals Overseas

While globalization advances and a growing number of Japanese companies and Japanese nationals are active overseas today, there are more chances that Japanese nationals become subject of acts of terrorism and other emergency situations given the global rise in the number of terrorist attacks.

In light of these circumstances, the newly created “Measures to Rescue Japanese Nationals Overseas” allow Self-Defense Forces (SDF) units, in emergency situations overseas, not only to “transport” but also “guard” or “rescue” Japanese nationals whose lives are in danger or who are at risk of suffering bodily harm, even by using weapons to protect their lives or bodies, when certain requirements are met. Specific scenarios envisioned for specific cases, for example, include a situation where a large-scale natural disaster occurs in a foreign country, when the country’s security authorities, preoccupied with the rescue of the affected people, lack resources to spare for the protection of Japanese nationals, and thus SDF units are headed to a congregation point for Japanese nationals, but the situation changes and Japanese nationals at the congregation point are surrounded by mobs. Another scenario is a situation where the Japanese embassy in a foreign country is attacked and occupied, with Japanese nationals taken hostage, and the government of that country allows the SDF to respond to the situation, considering the SDF’s response capabilities to be higher than its own.

### 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, (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,<sup>2</sup> rear area search and rescue operations<sup>3</sup> and ship inspection operations (those set forth in the Ship Inspection Operations Law) (discussed below) 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

<sup>2</sup> 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.

<sup>3</sup> 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).

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,"<sup>4</sup> 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 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 also 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:

- (1) 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.

- (2) 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.
- (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, 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 U.N. Security Council resolutions or with the consent of the flag state.<sup>5</sup>

Previously, ship inspection operations were stipulated as to be conducted only in situations in areas surrounding Japan.<sup>6</sup> However, 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, it was made possible to conduct ship inspection operations in situations threatening the international peace and security that the international community is collectively addressing<sup>7</sup> (discussed below) set forth in the International Peace Support Act. In conjunction with this, the revision to the

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."

5 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 Sea.

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 Councilors 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

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, 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 United Nations. The law also stipulates a set of basic guidelines (so-called “Five Principles for Participation”) for Japan’s participation in these activities: (1) Agreements on a ceasefire have been reached among the Parties to Armed Conflict; (2) Consent for the conduct of U.N. 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.<sup>8</sup>

At the time of enactment of the Act, it was assumed that Japan was to cooperate with the ceasefire monitoring in conventional conflicts between states within the framework of U.N. PKOs under the control of the United Nations. However, the nature of conflicts for the international community to address has been transformed into intra-state conflicts and a combination of inter-state and intra-state conflicts, and as such, 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 are a wide range of international peace cooperation activities implemented within the frameworks not under the control of the United Nations.<sup>9</sup>

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, expanded the scope of tasks that can be implemented in U.N. 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 operations not under the control of the United Nations (“Internationally Coordinated Operations for Peace and Security”).

#### (1) Requirements for Participation

##### a. U.N. Peacekeeping Operations

While maintaining the framework of the Five Principles for Participation, consent for acceptance of the countries to which the areas where those operations are to be conducted belong is deemed to be consistently maintained throughout the duration of the operation is required for the implementation of so-called “safety-ensuring” operations and 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 is now able to participate in Internationally Coordinated Operations for Peace and Security, on top of the existing three types of operations (U.N. PKOs, International Humanitarian Relief Operations and International Election Observation Operations), 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 United Nations
- (2) At the requests by any of the following international organizations:
  - The United Nations
  - Organs established by the U.N. General Assembly or Specialized Agencies, Funds and Programmes of the U.N. such as the Office of the U.N. High Commissioner for Refugees or otherwise specified by a Cabinet Order
  - Regional organizations, as prescribed in Article

<sup>8</sup> 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 force beyond self-preservation and Article 95 of the SDF Act (the use of force for protection of weapons, etc.).” has been added to (5) of the Five Principles for Participation.

<sup>9</sup> 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 and was supported by the U.N. Secretary-General.

52 of the U.N. Charter or organs established by multilateral treaties, acknowledged as 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 the countries to which the area where those operations are to be conducted belongs (limited to only those cases that are supported by any of the principal organs of the U.N. as prescribed in Article 7 (1) of the U.N. 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 U.N. PKOs, etc.

- (1) Addition of monitoring, stationing, patrol, inspections at checkpoints and security escort and protection for the purpose of safety of specified areas including prevention and suppression of injury or harm against lives, bodies and property of local population, afflicted persons and other populations requiring protection (so-called “safety-ensuring” operations)
- (2) 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)
- (3) 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
- (4) 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 U.N. PKOs and Internationally Coordinated Operation 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 U.N. peacekeeping operations (PKOs), etc., are the bases where personnel of participating countries

spend their time when not conducting operations outside camps, and the last bastions, 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 camps of U.N. PKOs, etc. by armed groups, it is essential for SDF personnel stationing in the camps, even if they are not the direct targets 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 stationing at the camps was allowed as a type of the use of weapons for self-preservation.<sup>10</sup>

### 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 within the limits 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 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

<sup>10</sup> 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.

### “Kaketsuke-Keigo” (coming to protection of individuals related to operations in response to urgent request)

In past operations of the Self-Defense Forces (SDF) based on the Act on Cooperation in the U.N. Peace Keeping Operations, for example in 1994 when vehicles of a Japanese nongovernmental organization (NGO) operating in a refugee camp in Goma in former Zaire were seized by refugees, the NGO asked for help by SDF units dispatched there for the relief of refugees.

Currently, at the site of the activities of SDF units, SDF officials are engaged in a variety of peacetime cooperation with staff of international organizations and NGOs, such as information sharing and exchanges. Given these circumstances, there is a good chance that SDF units will receive requests for rescue from people associated with such organizations at risk going forward.

In the so-called “kaketsuke-keigo” (coming to protection of individuals related to operations in response to urgent request) incorporated in line with these ideas, SDF engineering units, in response to emergency requests, provide urgent and temporary protection to civilian personnel of peacekeeping operations and/or NGO staff involved in peacekeeping operations, ensuring safety within their capabilities, when they are at imminent risk, such as the danger of being surrounded by rioters or refugees, if such SDF units are situated closer to the scenes of problems than the security forces of a territorial State or infantry units of U.N. peacekeeping operations.

The Japanese Government decided to allow the implementation of the so-called “kaketsuke-keigo” when the Five Principles for Participation are satisfied and the consent of the territorial State and the parties to the conflict is deemed to be stably maintained throughout the period of U.N. activities and Japan's operations.

If these conditions are met, “a state” or “a quasi-state organization” does not appear as the object of the operation. Therefore, even when weapons are used, it would not amount to the “use of force” prohibited under the Constitution and as such, would not violate the Constitution.

were incorporated into the matters to be stipulated in the Implementation Procedures.

#### (6) Other Key Points of Amendment

- (1) Dispatch of uniformed SDF personnel to the United Nations (dispatch of Force Commanders of U.N. PKOs, etc.)

The Act was amended to make it possible to dispatch uniformed SDF personnel and have them engage in the tasks of the United Nations and those concerning overall management of tasks implemented by units of SDF, etc., or units of armed forces of foreign states participating in U.N. PKOs, at the request of the United Nations, with the consent of the Prime Minister.<sup>11</sup>

- (2) Provision of supplies and services to the Armed Forces of the United States, etc., for their operations to cope with large-scale disaster.<sup>12</sup>

The Act was amended to make it possible for the SDF, when the Armed Forces of the United States of America or the Australian Defense Force that is located in the area together with units of the SDF, etc., and is undertaking operations to cope with large-scale disaster requests units of the SDF to provide supplies or services necessary for the activities of urgent nature to be undertaken in that area of activities, so far as it does not hinder the performance of International Peace Cooperation Assignments,

etc., of the SDF, to provide the Armed Forces of the United States of America or the Australian Defense Force with the supplies or services requested.

#### 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,<sup>13</sup> and an anticipated armed attack situation<sup>14</sup>), “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 a 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.

<sup>11</sup> Consent for acceptance of the countries to which the areas where those operations are to be conducted belong is deemed to be consistently maintained throughout the duration of the operation is required for the dispatch of uniformed SDF personnel.

<sup>12</sup> MOD and SDF participated in the United Nations Stabilization Mission in Haiti (MINUSTAH) following the major earthquake that struck Haiti in 2010, were unable to provide supplies and services to the U.S. Armed Forces engaged in disaster relief operations in Haiti outside the framework of U.N. PKOs, due to the absence of the necessary domestic legislation.

<sup>13</sup> A situation where an armed attack from outside against Japan has occurred, or an imminent danger of the armed attack occurring is acknowledged

<sup>14</sup> A situation where an armed attack has yet to occur, but circumstances are growing increasingly strained and an armed attack is anticipated

**(1) Revision of the Armed Attack Situations Response Act<sup>15</sup>****a. Purpose**

Responses to survival-threatening situations 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 Situations**

The Basic Response Plan should include the following points: (1) Developments in the situation, the confirmation of the situation as an armed attack situations, etc., an anticipated armed attack situation or Survived-Threatening Situation, and the facts that serve as the premises supporting the confirmation; (2) When the situation is confirmed as an armed attack situations, etc., or Survived-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 situations, etc., or Survived-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 Survived-Threatening Situation was defined as one of the primary missions of the SDF.

**b. Defense Operation (Article 76)**

Survived-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 Survived-Threatening Situation.<sup>16</sup>

**(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 situations were added.

**b. Maritime Transportation Restriction Act**

The provisions to restrict maritime transportation in Survived-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 Survived-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 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 "Survived-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 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 U.N. PKOs
- Implementation of protection measures, including guarding and rescue, of Japanese nationals overseas and others

<sup>15</sup> 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 Survived-Threatening Situation."

<sup>16</sup> 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.



## 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

#### Commentary

### Why Is the International Peace Support Law (General Law) Necessary?

#### Column

With the security environment becoming increasingly severe, we are now in an era where no country can maintain its own peace only by itself any longer and it is necessary for the international community to cooperate more than ever to secure peace.

Japan has enacted the Act on Special Measures against Terrorism and other special measures laws in the past, and under these laws, Japan conducted at-sea replenishment for the vessels of the military forces of foreign countries engaged in maritime interdiction operations to prevent and deter the movements of terrorists and transportation of weapons and other related materials in the Indian Ocean. These operations by Japan have been highly praised by the international community.

From the perspective of enabling seamless responses to any situation, rather than developing new legislation in response to every emergence of a specific need in the future, the International Peace Support Law, enacted as general law, enables Japan to conduct support operations more expeditiously and effectively for the military forces of foreign countries operating for international peace and security, making it possible to proactively contribute to international peace and security at Japan's own initiative.

The International Peace Support Law also enables Japan to conduct intelligence gathering and education/training in cooperation with other countries during peacetime and reflect the achievements of those operations in the development of its basic preparedness.

Furthermore, the law enables the prompt implementation of field surveys and coordination with other countries prior to dispatch of the SDF units in order to specify the needs for their activities and the size of units to be dispatched, thereby increasing the possibility for SDF units to conduct operations they are skilled at in better locations and making it possible to conduct training, including security measures, in a more productive manner based on the information obtained. In other words, the law is also considered to be conducive to safer SDF operations with minimized risk.

#### Commentary

### Risk of Being Dragged into a War

#### Column

The "use of force" permitted as a measure for self-defense under Article 9 of the Japanese Constitution must meet the very strict requirements of the Three New Conditions (see Page 166). 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 happen in which the "use of force" by the SDF expands endlessly, resulting in Japan being dragged against its intention into the 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.

The missions by SDF members definitely entail risk, 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 it is judged as possible to dispatch them after assessing risk 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 thoroughly committed to security measures for SDF members by taking a variety of measures as described above.

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 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:

- (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.

## Comments on the Conscription System

In general, the conscription system is the universal conscription system that obligates people to serve mandatory military service. Under the system, a country maintains military forces on a permanent basis, conscripts required soldiers every year, trains them for a specific period of time, rejuvenates the forces and prepares them as needed personnel to be ready for war-time.

Under Japan's constitutional legal framework, such a conscription system is not socially recognized as a duty that should naturally be borne by a member of society in organizing his or her life, from a public welfare perspective. The adoption of the conscription system in Japan would essentially mean the imposition of an obligation of rendering military service. Therefore, regardless of whether it is during peacetime or an emergency situation, the draft system should not be allowed in view of the intent of the provisions of Article 13 and Article 18 of the Constitution.

There is absolutely no leeway to change this interpretation of the Constitution. Whatever change occurs in the security environment, it would not change the fundamental nature of the conscription system, which requires that a person serve mandatory military service even if it is against that person's will. Thus, there is no leeway for the conscription system to become constitutionally accepted in the future.

Moreover the Self-Defense Forces (SDF) is a force consist of professionals, armed with high-tech equipment, and it takes a long time and considerable work to foster and train SDF members. The conscription system, under which members of the forces are replaced within a short period of time, is not conducive to a strong SDF. Thus, the conscription system is not necessary from the perspective of security policy, either. Germany and France, which had maintained the conscription system for many years, abolished the system in their own countries at the turn of the century, and currently, no Group of Seven (G7) country has a conscription system in place.

### 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 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 Operation)

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 Naval 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 operations.

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

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

### 1 Responses to Armed Attack Situations, etc., and Survived-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 Survived-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 Survived-Threatening Situation 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, etc., and Survived-Threatening Situation); References 24 (Main Operations of the Self-Defense Forces); References 25 (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 Survived-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 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 Survived-Threatening Situation, and the facts that

serve as the premises supporting the confirmation

- b. When the situation is confirmed as an armed attack situations, etc., or Survived-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 Survived-Threatening Situation
- (3) Important matters related to the response measures

#### (2) Response Measures

When responding to an armed attack situations, etc., or Survived-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.

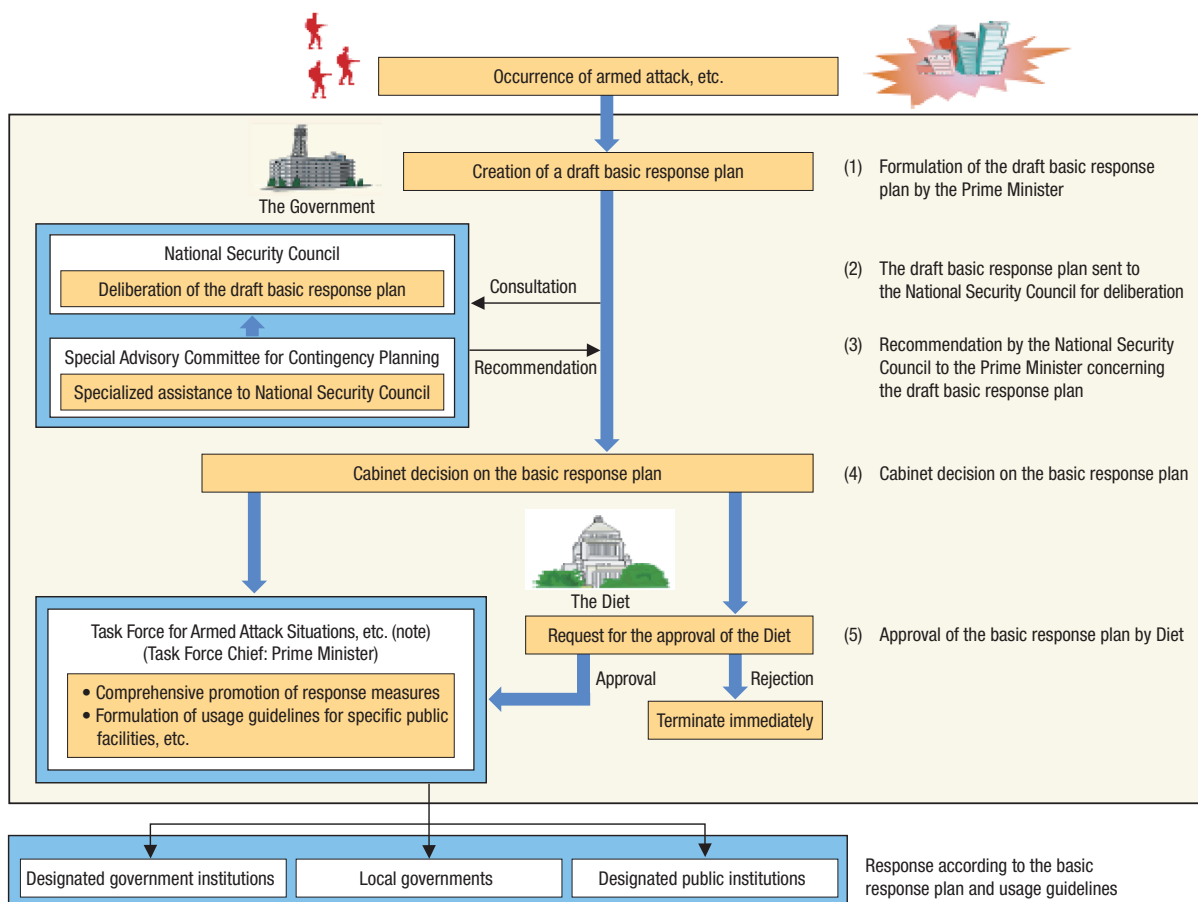
See>> Fig. II-3-2-5 (Measures to be Implemented by Designated Administrative Institutions, Local Governments or Designated Public Institutions)

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

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

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



Note: The Task Force will be established in the Cabinet for the comprehensive promotion of measures to respond to armed attack situations or a situation where an armed attack against a foreign country results in threatening Japan's survival

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

Measures implemented according to changes in circumstances caused by armed attacks, in order to bring an armed attack situation, etc., to an end

- (1) The use of force, deployment of units, etc. and other actions taken by the SDF necessary to repel an armed attack
- (2) Provision of articles, facilities and services, or other measures implemented so that the actions of the SDF specified in (1), actions taken by the United States Armed Forces under the Japan-U.S. Security Treaty necessary to repel an armed attack, and actions taken by armed forces of other foreign countries in cooperation with the SDF necessary to repel an armed attack can be conducted smoothly and effectively
- (3) Diplomatic and other measures on top of (1) and (2) above

Measures implemented according to changes in circumstances caused by Survived-Threatening Situation in order to bring the situation to an end

- (1) The use of force, deployment of units, etc. and other actions taken by the SDF necessary to repel an armed attack against a foreign country that is in a close relationship with Japan which as a result threatens Japan's survival and poses a clear danger to fundamentally overturn the people's right to life, liberty and pursuit of happiness (a survival-threatening armed attack)
- (2) Provision of articles, facilities and services, or other measures implemented so that the actions of the SDF specified in (1) and actions taken by armed forces of foreign countries in cooperation with the SDF necessary to repel an armed attack against a foreign country that results in threatening Japan's survival can be conducted smoothly and effectively
- (3) Diplomatic and other measures on top of (1) and (2) above

Measures to protect the lives, bodies and properties of citizens from an armed attack, or minimize the impact of an armed attack on the people's lives and the national economy implemented according to changes in armed attack situations, etc.

- (1) Measures to announce warnings, give instructions on evacuation and the rescue of injured parties, measures for the restoration of facilities and equipment, and other measures
- (2) Price stabilization and distribution of daily necessities etc., and other measures

Measures to protect the lives, bodies and properties of citizens from a survival-threatening armed attack, or minimize the impact of a survival-threatening armed attack on the people's life and the national economy implemented according to changes in a situation where an armed attack against a foreign country results in threatening Japan's survival

- Measures to ensure the security of public facilities and secure the stable supply of daily necessities, etc.

Fig. II-3-2-6

Responsibilities of the National and Local Governments, etc.

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

**(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.

**(5) Report to the United Nations Security Council**

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, 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 Survived-Threatening Situation provides for appropriate and rapid response measures to be implemented in emergency situations<sup>17</sup> 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 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.

In the event of an 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

<sup>17</sup> 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)

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. Survived-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 an armed attack situations, etc., and necessary measures are to be implemented under the Civil Protection Act. (In the case that an armed attack against a foreign country resulting in threatening Japan's survival is not regarded as an 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.)

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, 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.

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.

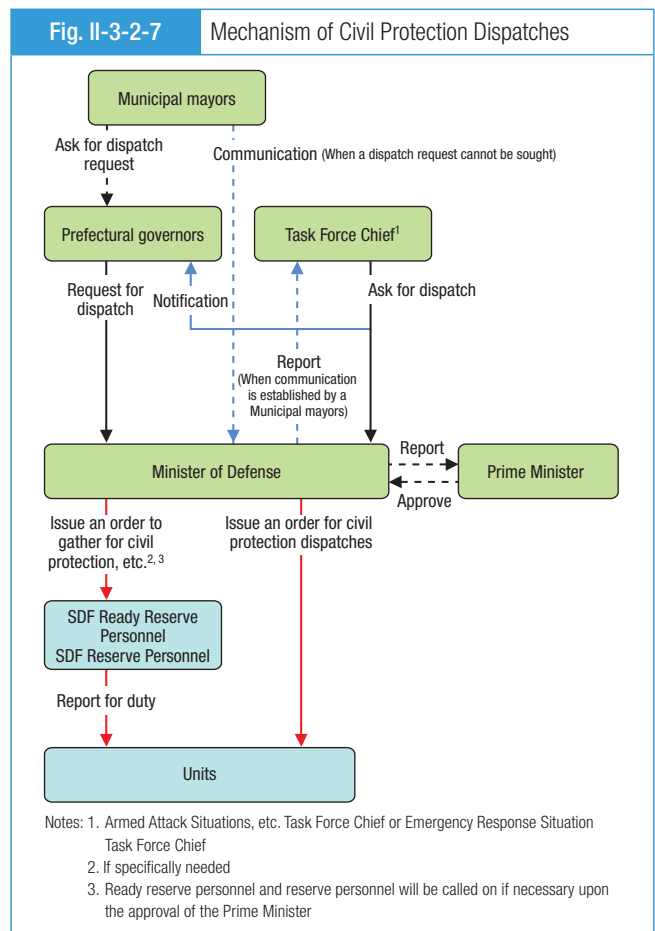
See>> References 26 (Record of Joint Exercises for Civil Protection Implemented by the National and Local Governments (FY 2015))

### (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 SDF Provincial Cooperation Office.



Civil Protection Exercise held in Asahikawa, Hokkaido



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.