Section 1 Background to the Development of Legislation for Peace and Security

1 Background to the Development of Legislation

The security environment surrounding Japan is increasingly severe, and we are now in an era where threats could easily spread beyond national borders, and no country can maintain its own security only by itself any longer.

Against this background, it is first and foremost important to advance vibrant diplomacy in order to maintain peace and security of Japan, and ensure its survival, as well as to secure its people’s lives. However, at the same time, it is also necessary to prepare for the worst-case scenario.

Specifically, it is essential to avoid armed conflicts beforehand and prevent threats from reaching Japan by appropriately developing, maintaining and operating Japan’s own defense capability, strengthening mutual cooperation with the United States which is Japan’s ally, and other partner countries, and in particular, further elevating the effectiveness of the Japan-U.S. Security Arrangements and enhancing the deterrence of the Japan-U.S. Alliance for the peace and stability of Japan and the Asia-Pacific region.

On that basis, in order to resolutely secure the lives and peaceful livelihood of its people under any situation and contribute even more proactively to the peace and stability of the international community under the policy of “Proactive Contribution to Peace” based on the principle of international cooperation, it is necessary to develop domestic legislation that enables seamless responses.

In May 2014, following a report submitted by the Advisory Panel on the Reconstruction of the Legal Basis for Security and in accordance with the basic orientation for the way that further deliberations would take place as presented by Prime Minister Abe, discussions were held in the ruling parties and studies were also conducted by the Government. Following this, in July 2014, a Cabinet Decision was made on “Development of Seamless Security Legislation to Ensure Japan’s Survival and Protect its People,” which set forth the basic policy for the development of legislation that enables seamless responses to any situations.

2 Background and Significance of the Development of Legislature

Following the aforementioned Cabinet Decision, a legislation drafting team was launched under the National Security Secretariat in the Cabinet Secretariat. In addition, the Ministry of Defense established “The Study Committee on the Development of Security Legislation” with the Minister of Defense as its Chairman, and conducted the deliberations towards the development of security legislation. The deliberations in the Government were conducted based on the discussions at a total of 25 meetings in the ruling parties, and, on May 14, 2015, the Government made Cabinet Decisions on two bills, the Bill for the Development of Legislation for Peace and Security and the International Peace Support Bill. The two bills were then submitted to the 189th ordinary session of the Diet on May 15, 2015.

These two bills enable seamless responses to any situations, from the protection of assets including weapons of units of the U.S. Forces and armed forces of foreign countries during peacetime, support activities to armed forces of foreign countries, etc., in situations...
that have an important influence on Japan’s peace and security and situations that the international community is collectively addressing for peace and security (to be discussed later), to the limited use of the right of collective self-defense as a measure for self-defense to the minimum extent necessary to defend Japan when the “Three New Conditions”⁴ are satisfied.

Following the longest extension of a Diet session in the postwar, the longest Diet debate of security-related bills in the postwar period was conducted, constituting about 116 hours of debate in the House of Representatives and about 100 hours of debate in the House of Councillors, totaling about 216 hours. As a result, the two bills were passed at a plenary session of the House of Councillors and enacted on September 19, 2015, upon formation of a broad consensus, with approval of not only the Liberal Democratic Party of Japan and Komeito but also the three opposition parties of the then Assembly to Energize Japan, the then Party for Future Generations and the then New Renaissance Party (altogether five parties out of the ten political parties).

Just before the passage, these five parties reached the “Agreement Concerning the Legislation for Peace and Security” (the “Five-Party Agreement”), which include matters that should be taken into consideration in judging the applicability of the Three New Conditions related to the recognition of a “survival-threatening situation,” and committed them to obtaining a conclusion on the shape of a Diet organization for the constant surveillance and post—verification of SDF activities based on the Legislation for Peace and Security, and the strengthening of the Diet’s involvement. The Government also made a Cabinet Decision to the effect that the Government will respect the Five-Party Agreement and handle these matters appropriately. The Legislation for Peace and Security was put into force on March 29, 2016.

With the security environment surrounding Japan becoming increasingly severe, the enforcement of the Legislation for Peace and Security has a historical significance. The legislation, which enables the SDF to provide protection and logistic support to U.S. naval vessels engaged in ballistic missile defense, helps strengthen the deterrence and response capability of the Japan-U.S. Alliance as a whole, thereby further ensuring the peace and security of Japan through making more proactive contributions to the peace and stability of the region and the international community. The Legislation has been highly appraised around the world. This fact clearly shows that the Legislation contributes to the peace and stability of the region and the international community.⁵

---

4 See Chapter 1, Section 2
5 The Legislation for Peace and Security has been drawing understanding and support not only from Japan’s ally, the U.S., but also from Australia, countries of the Asia-Pacific region, Europe, the Middle East, South America, as well as ASEAN, the EU and the United Nations.
**Commentary**  

**Enhanced deterrent through peace and security legislation**

Peace and security legislation implemented two years ago improved content that enables broader cooperating with the United States and other related countries than previously, such as expanding the scope of activities for which supplies and services can be provided to US troops operating in the same theater as Self Defense Forces.

In 2017, Japan delivered supplies and services to US troops collecting intelligence and provided protection to forces from other countries collaborating with Self Defense Force troops in activities that benefit Japan’s defense.

These activities reinforced the Japan-US alliance and bolstered Japan’s deterrence. The peace and security legislation hence has clearly brought increased certainty to Japan’s national security. The government intends to continue to put utmost efforts into protecting the lives and peaceful existence of the Japanese people.

**Commentary**  

**The Relationship between the Legislation for Peace and Security and the Constitution**

The “use of force” is permitted under the Constitution:

- When an armed attack against Japan occurs or when 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;
- When there is no other appropriate means available to repel the attack and ensure Japan’s survival and protect its people; and  
- Use of force is limited to the minimum extent necessary, only when the Three New Conditions above are satisfied. Even for the “use of force” permitted under the Three New Conditions, the basic logic of the constitutional interpretation presented in the Governmental view of 1972 (below) has not changed:

- The language of Article 9 of the Constitution appears to prohibit the “use of force” in international relations in all forms. However, when considered in light of “the right (of all peoples of the world) to live in peace” as recognized in the Preamble of the Constitution and the purpose of Article 13 of the Constitution which stipulates, “their (all of the people’s) right to life, liberty, and the pursuit of happiness” shall be the supreme consideration in governmental affairs, Article 9 of the Constitution cannot possibly be interpreted to prohibit Japan from taking measures of self-defense necessary to maintain its peace and security and to ensure its survival.
- Such measures for self-defense are permitted only when they are inevitable for dealing with imminent unlawful situations where the people’s right to life, liberty, and the pursuit of happiness is fundamentally overturned due to an armed attack by a foreign country, and for safeguarding these rights of the people. Hence, the “use of force” to the minimum extent necessary to that end is permitted.

Furthermore, the “use of force” permitted under the Three New Conditions remains within the scope of the Supreme Court decision on the Sunagawa Case. The Supreme Court decision states that

- “it must be pointed out that it is natural for Japan, in the exercise of powers inherent in a state, to take measures for self-defense that may be necessary to maintain its peace and security, and to ensure its survival.”

In other words, the decision can be interpreted as recognizing that Japan should be able to take “measures for self-defense” to maintain its peace and security and ensure its survival after stating that Japan has the right to self-defense, without making a distinction between the right to individual self-defense and the right to collective self-defense.

As the Legislation for Peace and Security, which reflects the Three New Conditions described above in just proportion, maintains the basic logic of the constitutional interpretation hitherto presented by the Government and remains within the scope of the Sunagawa Case decision by the Supreme Court, the only institution endowed with the power to finally determine the constitutional interpretation, it is consistent with the Constitution.
This section gives an outline of a full picture of the framework for the Government’s responses to various contingencies as well as the main operations of the SDF including the new activities the SDF can now engage in after the streamlining of the Legislation for Peace and Security.1

1 Responses to Armed Attack Situations, etc., and Survival-Threatening 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 a Survival-Threatening Situation2 specifies items that should be stipulated as basic principles and basic policies (the Basic Response Plan) regarding responses to Armed Attack Situation and Anticipated Armed Attack Situation, etc., and Survival-Threatening Situations as well as the responsibilities of national and local governments in the event of an armed attack.

Previously, the aforementioned legislation stipulated responses to Armed Attack Situations, etc. However, considering the changes in the security environment surrounding Japan, a “Survival-Threatening Situation” was newly added to the situations to which Japan is to respond as an armed attack since even if it occurs against a foreign country it could threaten Japan’s survival as well, depending on its purpose, scale and manner. Following this, the SDF Law was also amended to define responses to such a situation as one of the SDF’s primary duties as unavoidable self-defense measures for Japan’s defense along with some other changes.

1 Armed Attack Situations, etc. and Survival-Threatening Situations

(1) Basic Response Plan etc.

In situations such as an Armed Attack Situations, etc., or a Survival-Threatening Situation, the Government is required to adopt the Basic Response Plan, which includes the following items, and ask for approval by the Diet. In addition, once the Basic Response Plan is adopted, a temporary Task Force for Armed Attack Situations, etc., (the Task Force) is to be established within the Cabinet, to implement these measures.

(1) The following items concerning situations that need to be dealt with:
   a. Sequence of the event the situation, the confirmation of occurrence of an Armed Attack Situation, etc., or a Survival-Threatening Situation, and the facts that support this confirmation
   b. When the situation is confirmed as an Armed Attack Situation, etc., or a Survival-Threatening Situation,

**KEY WORD**

**Armed Attack Situation** and **Anticipated Armed Attack Situation**

- An armed attack situation means a situation where an armed attack against Japan from outside has occurred or an imminent and clear danger of the armed attack against Japan is acknowledged.
- An anticipated armed attack situation means a situation where an armed attack has yet to occur, but circumstances are growing increasingly strained and an armed attack is anticipated. (These situations are referred to as “Armed Attack Situation, etc.” collectively.)

**Survival-Threatening Situation**

A Survival-Threatening Situation means a situation where an armed attack against a foreign country that is in a close relationship with Japan occurs, which in turn poses a clear risk of threatening Japan’s survival and of overturning people’s rights to life, liberty and pursuit of happiness fundamentally.

1 In addition to the ones explained in this section, see Reference 18 for the other conditions in which inflicting injury on a person is permitted.
2 Following the addition of a Survival-Threatening Situation, the title of the Act was revised from the “Act on the Peace and Independence of Japan and Maintenance of the Nation and the People’s Security in Armed Attack Situations, etc.” to the “Act on the Peace and Independence of Japan and Maintenance of the Nation and the People’s Security in Armed Attack Situations, etc., and a Survival-Threatening Situation.”
the reason why there are 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 a Survival-Threatening Situation

(3) Important matters related to the response measures

(2) Diet Approval

In principle, the prior Diet approval is required to issue a Defense Operation order to the SDF to respond to an Armed Attack Situation or a Survival-Threatening Situation.

(3) Response Measures

In responding to Armed Attack Situations, etc., or Survival-Threatening Situations during the period for which the Basic Response Plan is valid, the designated government institutions, local governments and designated public institutions are to implement the required measures based on legal provisions during the period between the formulation and termination of the Basic Response Plan. See the reference below for the measures to be implemented.

(4) Responsibilities of the National and Local Governments

See the reference below for the responsibilities of the national and local Governments, etc. 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 a Survival-Threatening Situation.

(5) Authority of the Prime Minister for Response Measures

Following the adoption of the Basic Response Plan, the Task Force for Armed Attack Situations, etc., (the Task Force) will be established within the Cabinet, which consists of the Prime Minister and other Ministers of States. The Prime Minister is to be appointed as the Chief, and some of the Ministers of States and to be appointed as the Deputy Chief.

If the Prime Minister recognizes that there are...
Chapter 3
Development of Legislation for Peace and Security and the SDF Activities since Legislation’s Enforcement

DEFENSE OF JAPAN 2018

Following the addition of Survival-Threatening Situations, the title of the Act was revised from “Law Concerning the Measures Conducted by the Government in Line with the U.S. Military Actions in Armed Attack Situations, etc.” to “Law Concerning the Measures Conducted by the Government in Line with U.S. and Other Countries’ Military Actions in Armed Attack Situations, etc., and Survival-Threatening Situations.”

Fig. II-3-2-2
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, or 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 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 implemented according to changes in circumstances caused by Survival-Threatening Situations 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

Fig. II-3-2-3
Responsibilities of the National and Local Governments, etc.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| Government       | • Have a unique mission to defend Japan, protect the homeland and the lives, bodies, and properties of the people  
                   • Respond to armed attack situations, etc., and Survival-Threatening Situation by taking every possible measure and using all organizations and functions  
                   • Implement all possible measures as a whole nation |
| Local Government | • Have responsibilities of protecting the region and the lives, bodies, and properties of the residents  
                   • Implement necessary measures to deal with armed attack situations, etc., in mutual cooperation with the national government, other local governments and other institutions |
| Designated Public Institutions | • Implement necessary measures to deal with armed attack situations, etc., in the scope of their work, in mutual cooperation with the national government, local governments, and other institutions |
| Nationals        | • 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. |

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

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


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

(7) Revisions to Other Relevant Legislation

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

Before the revision, the U.S. Military Actions Related Measures Act specified measures, etc., to be taken to ensure smooth and efficient operation of the U.S. Forces necessary to terminate an armed attack in Armed Attack Situations, etc., based on the Japan-U.S. Security Treaty. In addition to support for the U.S. 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. Forces and the armed forces of other foreign countries, etc., the U.S. Forces shall immediately report to the United Nations Security Council.
forces of other foreign countries in Survival-Threatening Situations were added in the revision.

b. Maritime Transportation Restriction Act

The previous Maritime Transportation Restriction Act had provided procedures for stopped ship inspections and taking ship measures conducted by the MSDF to control maritime transportation of weapons, ammunition and military personnel, etc., to armed forces, etc., of foreign countries making armed attacks against Japan in Armed Attack Situations. The revision Act added the provisions to control maritime transportation in Survival-Threatening Situations. Furthermore, the waters in which the MSDF can take these measures. According to the revised law the MSDF can control maritime transportation in Japan’s territorial waters, territorial waters of foreign countries (only when their consent is obtained) and the high seas, although it was previously restricted to Japan’s territorial waters and the high seas surrounding Japan.

c. Prisoners of War Act

The Prisoners of War Act previously specified items necessary for the detention, internment and other forms of treatment of prisoners of war, etc., in Armed Attack Situations in order to ensure the appropriate practice of the International Humanitarian Law regarding the treatment of prisoners of war, etc. The provisions were added for the application of the Prisoners of War Act in Survival-Threatening Situations as well.

d. Act Regarding the Use of Specific Public Facilities

To ensure the appropriate and rapid operations of the SDF and the U.S. Forces and measures vital to the protection of the people, the Act Regarding the Use of Specific Public Facilities provides for procedures to be taken for comprehensive coordination of the use of specific public facilities (ports, airports, roads, waters, air zones and radio waves) in Armed Attack Situations, etc. The operations of the armed forces of foreign countries other than the U.S. Forces in Armed Attack Situations, etc., were added to the scope of coordination of the use of specific public facilities.

Emergency Situations other than Armed Attack Situations, etc., and Survival-Threatening 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 Survival-Threatening Situations provides for appropriate and rapid response measures to be implemented in emergency situations other than an Armed Attack Situation and Survival-Threatening Situations 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.

Responses of the SDF

(1) Positioning as the Mission of the SDF

The primary duty of the SDF had been to “defend Japan against direct or indirect aggression.” Now since the purpose of the SDF’s operation in Survival-Threatening Situations stemming from an armed attack on a foreign country is also to defend Japan as well, the revised legislation stipulates this is one of the SDF’s primary duties.

(2) Defense Operation

Although an Armed Attack Situation, had been the only situation in which a Defense Operation order may be issued, the revised legislation newly added Survival-Threatening Situations to this category. Following this revision, the Prime Minister can now issue a Defense Operation order to the whole or part of the SDF when it is deemed necessary for the defense of Japan in Armed Attack Situations and Survival-Threatening Situations. As it had been before the law revision, prior Diet approval is required for a Defense Operation order in principle. The SDF under Defense Operation duty is allowed to exercise the use of force only when the “New Three Conditions” are satisfied.

(3) Others

Among the provisions setting forth a variety of authorities and special measures, etc., necessary for SDF operations
on a Defense Operation order, those whose purpose is entirely to respond to direct armed attack on physical damage against Japan are not to be applied to Survival-Threatening Situations. 

4 Civil Protection

(1) Outline of the Civil Protection Act and the Civil Protection Dispatches

The Civil Protection Act stipulates the responsibilities of the national and local governments as well as measures for evacuation, relief, and response to armed attack-induced disasters in order to protect the lives, bodies and property of the people and to minimize influence on its livelihood in the case of Armed Attack Situations, etc., or emergency response situations.

If the Minister of Defense finds it unavoidable after receiving a request from prefectural governors, or receives a request from the Task Force Chief, upon approval by the Prime Minister, the Minister of Defense can issue civil Protection Dispatch Order to the SDF units, etc. to civil protection dispatch to conduct civil protection measures or emergency response protection measures (including assisting the evacuation of residents, providing relief to the evacuees and immediate restoration).

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

The Civil Protection Act, stipulates necessary measures, including issuance of warnings and measures for the evacuation and relief of residents from the perspective of protection of the people and their livelihood from a direct attack against Japan and physical damage. A situation in which the rules of Survival Threatening Situations are applicable and warning issuance and evacuation and relief of residents are required is nothing less than a situation where an armed attack against Japan is anticipated or imminent. In such a case, it is recognized as Armed Attack Situations, etc., and necessary measures are to be implemented under the Civil Protection Act.

---

9 The examples of application in Survival-Threatening Situations include the organization of special units, and the defense call-up of SDF Reserve Personnel and SDF Reserve Personnel, etc., while the examples of non-application, which mean the examples of application only in Armed Attack Situations, etc., in other words, 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.

10 The official title of the act is the Act Concerning the Measures for Protection of the People in Armed Attack Situations, etc.

11 The Prime Minister assumes the position of the Director of the Crisis Management Headquarters, but these positions are regulated as separate entities.

12 In the case that an armed attack against a foreign country resulting in threatening Japan’s survival is not regarded as an armed attack situation, etc., a series of measures are to be implemented to ensure the stability of the people’s livelihood, including a stable supply of daily necessities, based on a variety of existing laws and regulations, taking thorough response measures to protect people’s livelihood without invoking the Civil Protection Act.
Previously, the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan had 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. In accordance with the changes in the security environment surrounding Japan, the law revision deleted “in areas surrounding Japan” from “situations that will have an important influence on Japan’s peace and security in areas surrounding Japan” and changed the name of situations from “situations in areas surrounding Japan” to “situations that will have an important influence,” and also extended the scope of militaries that the SDF can support and add new types of response measures as follows.

1 Militaries that the SDF supports

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 UN Charter” and “other similar organizations” on the armed forces, etc., responding to situations that will have an important influence on Japan’s peace and security, which the SDF is allowed to support.

2 Responses to Situations that will Have an Important Influence

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 allows the “provision of ammunition” and “refueling and maintenance of aircraft ready to take off for combat operations.”

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

3 Measures to Avoid Integration with the Use of Force

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

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

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

5 Authority for the Use of Weapons

When engaged in logistics support activities or search and rescue activities in the event of a situation that will have an important influence on Japan, SDF personnel are permitted to use weapons if necessary in order to protect oneself or other SDF members who are at the same scene, or those under the supervision of oneself (so-called “the use of weapons of self-preservation type”). In addition, SDF personnel are permitted to use weapons jointly with members of the armed forces or other organizations of foreign countries in order to protect the lives and bodies of those stationed at the camps (however, inflicting injury on a person is permitted only in the cases of legitimate self-defense and aversion of clear and present danger in “the use of weapons of self-preservation type”).

6 Ship Inspection Operations

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

(2) Authority for the Use of Weapons
The so-called “the use of weapons of self-preservation type” is permitted.
of duties of SDF personnel, permitting them the use of weapons. In addition, partial application of the Japan Coast Guard Law allows SDF personnel to exercise authority such as requesting nearby persons or ships to cooperate or boarding on other ships for inspection. The use of weapons is also permitted in order to stop a ship when certain conditions are met.

(2) Authority for the Use of Weapons
SDF personnel may use weapons in executing duties under Article 7 of the Police Duties Execution Act. When there are reasonable grounds to believe that no other means are available to stop the passage of a ship perpetrating acts of piracy, including approaching excessively close to a non-military ship, the use of weapons is permitted to the extent that is considered reasonably necessary in accordance with the situation.
### 4 Destruction Measures Against Ballistic Missiles

In case ballistic missiles or other objects launched at Japan as an armed attack against Japan or a Survival-Threatening Situation, and the New Three Conditions are simultaneously met, the SDF would cope with the situation by a Defense Operation order. On the other hand, if ballistic missiles are flying towards Japan, but the situation cannot be acknowledged as an armed attack, the Minister of Defense can take the following measures:

1. When it is anticipated that ballistic missiles or other objects are flying towards Japan and it is deemed necessary to take measures to protect lives and properties in Japan’s territory if they fall to the ground, upon approval by the Prime Minister, the Minister of Defense may order the SDF units to take measures to destroy the ballistic missiles in airspace over Japan’s territory or high seas once they have actually been launched towards Japan.

2. Also, besides the case of (1), the Minister of Defense may not have enough time to get approval by the Prime Minister when the situation unfolds rapidly such as the cases when there was no warning prior to the launch. In preparation for such case, the Minister of Defense may create an emergency response guideline and get approval by the Prime Minister in peacetime. Based on this emergency response guideline, the Minister of Defense can order the SDF units to take measures to destroy ballistic missiles or other objects in the airspace over Japan’s territory or high seas in advance for a certain period of time once they have actually been launched towards Japan.

#### 5 Measures Against Intrusion of Territorial Airspace

The Minister of Defense may order SDF units to take necessary measures to make intruding aircraft land or withdraw from the territorial airspace of Japan (guiding intruders away, issuing radio transmission warnings, use of weapons, etc.) when a foreign aircraft intrudes Japan’s territorial airspace in violation of international law, the provisions of the Aviation Law or other relevant laws and regulations.

---

22 Ballistic missiles or other objects except aircraft that are believed to cause grave damage to human lives or property when they fall to the ground.

23 Although there is no clear provision regarding the use of weapons, it is interpreted to be included in the “necessary measures.”
Previously, operations to protect Japanese nationals, etc. 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, etc. 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” that go beyond transportation and include guarding and rescue of Japanese nationals, etc. overseas whose lives or bodies could be harmed in emergency situations when the following requirements are satisfied:

(1) Procedures
Upon a request from 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.

(2) Requirements for Implementation
When all of the following conditions are satisfied, the rescue measures may be implemented:

a. It needs to be confirmed that in the areas 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;

b. The country concerned\(^{24}\) consents to the SDF taking the rescue measures (including the use of weapons); and

c. 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.

(3) Authority for the Use of Weapons
In carrying out their duties to implement the rescue measures, SDF personnel are permitted to use weapons to the extent judged to be reasonably necessary, depending on the situation when there are adequate grounds to recognize the compelling need to use weapons to protect the lives and bodies of Japanese nationals and others or themselves, or to eliminate actions that obstruct their duties (including the permission to resort to the so-called “use of weapons in defense of the mission mandate.”\(^ {25}\) However, causing harm to people is permitted only in cases of legitimate self-defense or evasion of clear and present danger).

Protection of Weapons and Other Equipment of the Units of the U.S. Forces and the Armed Forces of Other Foreign Countries

The newly added provisions, Article 95-2 of the SDF Law, enable SDF personnel to protect the weapons and other equipment of the units of the United States Forces and the armed forces of other foreign countries that are in cooperation with the SDF and are currently engaged in activities that contribute to the defense of Japan. In December 2016, the National Security Council approved “The Implementation Guidelines for Article 95-2 of the Self-Defense Forces Law,” which sets out the basic principles of the article and the Cabinet’s involvement in the operationalization of the article, etc.

(1) Coverage
Weapons, etc. of the units of the United States Forces, armed forces of other foreign countries and other similar organizations, that are, in cooperation with the SDF and are, 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).

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

(3) Authority for the Use of Weapons
In protecting weapons and other equipment described in (1) above as part of their duties, SDF personnel are permitted to use weapons to the extent judged to be reasonably necessary depending on the situation when there are adequate grounds to recognize the need to use weapons to protect persons, weapons, and other equipment (however, causing harm to people is permitted only in cases of legitimate self-protection or evasion from present danger).

\(^{24}\) It includes an organization, if any, that administers the said country in accordance with a resolution of the General Assembly or the Security Council of the UN.

\(^{25}\) While the so-called “right to use weapons of self-preservation type” permits the use of weapons only for the protection of oneself and others (oneself, SDF members who are at the same scene as oneself, or those under the supervision of oneself), the so-called “right to use weapons in defense of the mission mandate” allows the use of weapons beyond self-preservation, for example, to protect the lives and bodies, etc., of other people or to repel obstructions of the performance of duties of SDF personnel.
Part II, Chapter 3, Section 3-3 (Commencement of the Enforcement of the Protection of Weapons and Other Equipment of the Units of the U.S. Forces and the Armed Forces of Other Foreign Countries [SDF Law Article 95-2])

Expansion of the Provision of Supplies and Services to the U.S. Forces

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

(1) Scope of the U.S. Forces Covered

a. 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.

b. The scope extended to the U.S. Forces participating in multilateral exercises of three or more countries, including Japan and the United States, in addition to the U.S. Forces participating in Japan-U.S. bilateral exercises.

c. The scope extended to the U.S. Forces that are in field sites along with SDF units temporarily staying at facilities of the U.S. Forces for day-to-day operations, in addition to the U.S. Forces temporarily staying at SDF facilities.

(2) Scope of Supplies to be Provided

Added ammunition (weapons remain excluded)

Part II, Chapter 3, Section 3-4 (Conclusion of the New Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA))

Disaster Relief Dispatches and Others

1 Disaster Relief Dispatches

In principle, Disaster Relief Dispatch is conducted as follows: prefectural governors or other officials ask the Minister of Defense, or an officer designated by the Minister, to dispatch the SDF units, etc., in the event of a natural disaster; the Minister or the designated officer will dispatch the units if it is deemed necessary for the SDF to respond to the disaster. This procedure is based on the idea that prefectural governors and other officials should grasp the overall conditions of the disaster and their own disaster relief capabilities first, and then decide whether to make a request for the SDF disaster relief dispatch.

2 Earthquake Prevention Dispatch and Nuclear Disaster Relief Dispatch

When a warning declaration is issued based on the Act on Special Measures Concerning Countermeasures for Large-Scale Earthquakes or a declaration of a nuclear emergency situation is issued based on the Act on Special Measures Concerning Nuclear Emergency Preparedness, the Minister of Defense is authorized to order dispatching units upon a request of the Director of the Seismic Disaster Warning Headquarters or the Director of the Nuclear Disaster Countermeasures Headquarters (the Prime Minister).

The Commandant of the Japan Coast Guard, the Director General of the Regional Coast Guard Headquarters, and the Director of the Airport Administrative Office may request a disaster relief dispatch.

With regard to disaster relief dispatch, earthquake prevention dispatch, and nuclear disaster relief dispatch, (1) SDF personnel ordered for the dispatch may take measures (Article 4 of the Police Duties Execution Law) such as evacuation based on Article 94 of the SDF Law (Authority in Disaster Relief Dispatch, etc.); (2) SDF Reserve Personnel and SDF Ready Reserve Personnel may be called up for service in the event of disaster relief dispatch, and SDF Ready Personnel in the event of earthquake prevention dispatch or nuclear disaster relief dispatch; and (3) special units may be temporarily formed as necessary.

The Prime Minister issues an earthquake alert with the endorsement of the Cabinet in the event that an earthquake prediction was reported by the Director-General of the Japan Meteorological Agency (JMA) and when it is deemed necessary to urgently implement emergency earthquake disaster prevention measures.
Section 2

The International Peace Support Act was newly enacted in the recent legal revision in order to ensure peace and security of the international community, enabling 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. Previously, the Japanese Government has enacted special measures laws, such as the Act on Special Measures against terrorism / Replenishment Support Special Measures Law, and the Law Concerning Special Measures on Humanitarian and Reconstruction Assistance in Iraq, in order to conduct operations such as at-sea replenishment activities in the Indian Ocean, and humanitarian and reconstruction support activities in Iraq. However, 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 on Japan’s own initiative.

Notes: 1. SDF ready reserve personnel and SDF reserve personnel will be called on by the Minister of Defense as necessary with the approval of the Prime Minister.
2. Disbandment of call-up of SDF ready reserve personnel and SDF reserve personnel must be done by the Minister of Defense.
(1) Requirements
The requirement for Japan to offer cooperation and support to the operations of foreign armed forces is the issuance of one of the following UN resolutions (by the General Assembly or the Security Council).

a. Resolutions that decide, call upon, recommend or authorize the country, which is subject to Japan’s support operations to respond to situations that threaten the peace and security of the international community.

b. Other than (a), resolutions that regard the situations as a threat to peace or a breach of peace and call on UN member states to respond to the situations 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.

a. 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.”

b. Search and rescue activities

(3) Measures to Avoid Integration with the Use of Force
The following measures are set forth in order to avoid integration with the use of force by a foreign country and also to ensure the safety of SDF personnel:

- Japan does not implement support activities in the scene where a combat is actually taking place. However, when the personnel having been stranded have already been found and rescue operations have commenced, the SDF units are allowed to continue search and rescue activities concerning them as long as the safety of these units is ensured.

- The commanding officers of the SDF units, etc., order a temporary suspension of support activities if combat operations occur or are expected to occur at the site of their activities or in the vicinity.

- The Minister of Defense designates the area for implementing activities, and if it is deemed difficult to implement operations smoothly and safely in the whole or part of that area, must promptly change the designation of the area or order the cessation of the activities being implemented there.

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

(5) Authority for the Use of Weapons
SDF personnel engaged in cooperation support activities or search and rescue activities in a situation threatening the international peace and security that the international community is collectively addressing are permitted the so-called “right to use weapons of self-preservation type.” In addition, SDF personnel are permitted to use weapons with members of the armed forces and other organizations of foreign countries in order to protect the lives and bodies of those stationed in the camps.

2 International Peace Cooperation Activities
The International Peace Cooperation Act, enacted in 1992, set forth a framework to operate appropriately and quickly in the following three operation categories namely UN PKOs, International Humanitarian Relief Operations, and International Election Observation Operations, and urged...
the Japanese government to take measures to provide contributions in kind for those operations, thereby enabling Japan to actively contribute to international peace efforts centering upon the UN. The law also stipulates a set of basic guidelines, or the so-called “Five Principles for PKO Participation” for Japan’s participation in these activities.

At the time of the 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 UN PKOs under the control of the UN. However, the nature of conflicts that the international community faces has transformed into intra-state conflicts or a combination of inter-state and intra-state conflicts. Therefore, support for the nation building of state parties to conflict and the creation of a safe environment necessary to achieve this end have become important tasks in international peace cooperation activities. Furthermore, there is a wide range of international peace cooperation activities that have come to be implemented outside of the UN frameworks.31

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

(1) Requirements for Participation

a. UN Peace Keeping Operations

While maintaining the framework of the Five Principles for Participation, the new law stipulates that the consent of acceptance of countries to which the areas where these operations are conducted belong needs to be stably maintained throughout the period of the operations if the SDF conducts so-called “safety-ensuring” operations or so-called “kaketsuke-keigo” operations.

b. Internationally Coordinated Operations for Peace and Security

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

1. Based on resolutions of the General Assembly, the Security Council, or the Economic and Social Council of the UN

2. At the requests of any of the following international organizations:
   - The UN
   - Organs established by the UN General Assembly or Specialized Agencies, Funds and Programmes of the UN such as the Office of the UN High Commissioner for Refugees or otherwise specified by a Cabinet Order
   - Regional organizations, as prescribed in Article 52 of the UN Charter or organs established by multilateral treaties, acknowledged as having the actual achievements or expertise pertaining to the activities of Internationally Coordinated Operations for Peace and Security such as the European Union or otherwise specified by a Cabinet Order

3. At the requests of the countries to which the areas where those operations are to be conducted belong (limited to only those cases that are supported by any of the principal organs of the UN as prescribed in Article 7 (1) of the UN Charter).

---

31 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 belong with the support of the UN Secretary-General.
(2) Description of Tasks
In addition to ceasefire monitoring and humanitarian relief operations for afflicted persons, the following tasks have been added and expanded to tasks in UN PKOs, etc.
• Addition of monitoring, stationing, patrol, inspections at checkpoints and security escort for the protection of safety of specified areas including prevention and suppression of injury or harm against lives, bodies and property of local population, afflicted persons and other populations requiring protection (so-called “safety-ensuring” operations)
• Addition of protection of lives and bodies of individuals engaging in international peace cooperation operations or providing support for those operations, in response to urgent requests when unexpected dangers to lives or bodies of such individuals related to operations occur or are imminent (so-called “kaketsuke-keigo” operations)
• Expansion of tasks such as provision of advice or guidance related to works for the purpose of assisting in establishing or re-establishing organizations of the Government relating to national defense or other organizations
• Expansion of tasks conducted at organizations for supervision and coordination of tasks to include planning, drafting, coordination or collection and updating of information in Headquarters Office or coordination offices conducting UN PKOs and Internationally Coordinated Operations for Peace and Security, for the implementation of tasks (of mission headquarters’ operations)

(3) Authority to Use Weapons
a. Expansion of the Authority to Use Weapons for Self-preservation (Joint Protection of Camps)
Camps of UN peacekeeping operations (PKOs), etc., are the bases where personnel of participating countries spend their time when not conducting operations outside camps, and the last bastion, so to speak, to secure the safety of lives and bodies of those inside. Thus, in the case of unexpected situations, such as attacks against camps, it is essential for SDF personnel stationed in the camps are allowed as the use of weapons for self-preservation according to the revised legislation.  

b. The Authority to Use Weapons in the So-Called “Kaketsuke-Keigo” Operations
In carrying out so-called “kaketsuke-keigo” operations, uniformed SDF personnel are permitted to use weapons to the extent judged reasonably necessary according to the circumstances, when reasonable grounds are found for the unavoidable necessity to protect the lives or bodies of themselves or individuals related to operations that they intend to protect (however, inflicting injury on a person is permitted only in the cases of legitimate self-defense or 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 or 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 the Safety of SDF Personnel
The provision for ensuring the safety of the personnel of the International Peace Cooperation Corps was added, while the measures for ensuring the safety of the personnel were incorporated into the matters to be stipulated in the Implementation Procedures.

(6) Other Key Points of Amendment
• Dispatch of uniformed SDF personnel to the UN (dispatch of Force Commanders of UN PKOs)
The Act was amended to make it possible to dispatch uniformed SDF personnel and have them engage in the tasks of the UN and those concerning overall management of tasks implemented by units of the
SDF, etc., or units of armed forces of foreign states participating in UN PKOs, at the request of the UN, with the consent of the Prime Minister.33

- Provision of supplies and services to the Armed Forces of the United States, etc., for their operations to cope with large-scale disaster34

The Act was amended to make it possible for the SDF to provide the U.S. Forces or the Australian Defence Force with supplies or services when they request the provision and are located in the area together with the units of the SDF, etc., and is undertaking operations to cope with large-scale disasters, so far as it does not hinder the performance of International Peace Cooperation Assignments, etc., of the SDF.35

### 3 International Disaster Relief Operations

When large-scale disasters occur in regions overseas, especially in less-developed regions, and the governments of the affected countries or international organizations request assistance, the Minister of Foreign Affairs shall consult with the chief of relevant administrative agencies including the Ministry of Defense as well as the National Public Safety Commission regarding the details of such request if dispatch is deemed appropriate.

Following such consultation, the Ministry of Foreign Affairs may consult with the Minister of Defense to ask for cooperation with regard to operations of SDF units if there is a special need.

The Minister of Defense can order units of the SDF to carry out rescue and medical activities as well as transportation of personnel and supplies based on the consultation above.36

---

**6 Other Amendments in the Development of the Legislation for Peace and Security**

### 1 Revision of the Act for the Establishment of the National Security Council

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

---

**Commentary Risk of Being Dragged into a War**

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

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

---

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

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

35 The revision of the International Peace Cooperation Act in June 2017 added the Armed Forces of the U.K. to the scope as well.

36 The International Disaster Relief Team is not to be dispatched if the use of weapons is recognized to be necessary in order to protect the lives and bodies of people engaged in international disaster relief operations or transport, and equipment necessary for such operations due to apparent danger in accordance with the level of security in the disaster-affected country. Therefore, members of the team will not carry weapons in the country concerned for the purpose of protecting the lives and bodies of people engaged in international disaster relief operations and equipment necessary for such operations.
National Security Council must deliberate without fail.

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

2 Establishment of Provisions for the Punishment of Those Who Commit Crimes Overseas

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

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

Overview of the Self Defense Forces’ duties

- Defense of Japan
  (Activities by the Self Defense Forces that directly ensure Japan’s peace, independence, and national security)
- Sustaining public order
  (Activities by the Self Defense Forces that directly ensure Japan’s public peace and protects the lives and assets of Japanese people (including mine removal and protection measures and transportation for Japanese people in other countries))
- Responding to important impact situation
  (Activities that contribute to Japan’s peace and security through responses to important impact situations)
- International peacekeeping activities
  (Activities that contribute to maintaining peace and security in international society, including Japan, through promotion of international cooperation)
- Responding to international peace joint operations
  (Activities that contribute to Japan’s peace and security through joint activities)

Duties for the Self Defense Forces in ensuring Japan’s peace, independence, and national security (Inherent Duties)