

Section
3

SDF Activities since Enforcement of Legislation for Peace and Security

1 Promotion of Various Preparations for New Missions Based on the Legislation for Peace and Security

1 Promotion of Various Preparations

Since the enforcement of the Legislation for Peace and Security on March 29, 2016, the MOD/SDF has undertaken various preparations for a variety of new missions based on the Legislation for Peace and Security, such as activities to raise awareness of legal systems and intra-unit rules that were established, education of SDF personnel, as well as development of educational materials necessary for the actual training of various units and the nurturing of instructors. In August 2016, as these preparations were all but completed, each unit of the SDF sets out to implement necessary training in connection with the Legislation for Peace and Security. Between Japan and the United States, and other bilateral and multilateral joint training, Japan started to conduct necessary training related to the Legislation for Peace and Security after coordinating with the countries concerned.

2 Training and Exercises

In July 2017, the SDF conducted the first exercise on the protection of U.S. vessels based on SDF Law Article 95-2 with the intention to enhance the relationship with the U.S. Navy.

2 Dispatch of Staff Officers to the Multinational Force & Observers (MFO)

In April 2019, Japan decided to dispatch personnel to the MFO headquarters, which conducts activities, such as monitoring of the ceasefire between Egypt and Israel in the Sinai Peninsula.

In making this decision, in accordance with the International Peace Cooperation Act, careful study was made on whether the MFO's activities satisfied the Five Principles for Participation and whether the activities constituted Internationally Coordinated Operations for Peace and Security under the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations. As a result, since the MFO's activities were determined to satisfy the Five Principles for Participation and constitute Internationally Coordinated Operations for Peace and Security, the dispatch of personnel was decided.

From July to August 2017, the SDF participated in multilateral exercise Khaan Quest 17 to improve various capabilities through conducting exercises on the UN PKO based on the International Peace Cooperation Act. In June 2018, moreover, the SDF participated in multilateral exercise Khaan Quest 18 and conducted training related to the "joint protection of camps" and so-called "kaketsuke-keigo" (coming to the aid of a geographically distant unit or personnel under attack) as well as "safety-ensuring operations" based on the International Peace Cooperation Act. Also in June 2019, the SDF participated in multilateral exercise Khaan Quest 19 and conducted training related to "kaketsuke-keigo" and "safety-ensuring operations."

In September 2018 in Djibouti, and in Japan in December, the SDF conducted a training on rescue of Japanese nationals overseas provided in SDF Law Article 84-3 to improve its joint operation capabilities and to strengthen cooperation with the relevant organizations.

Between January and February 2019, the SDF participated in multilateral exercise Cobra Gold 19 and conducted training on rescue of Japanese nationals overseas to improve its joint operation capabilities. In Staff Exercise, the SDF also conducted activities including training on cooperation and support activities under the International Peace Support Act.

Q See Section 2-5-2 of this Chapter (International Peace Cooperation Activities)
Part III, Chapter 3, Section 5-2-2 (Dispatch to the Multinational Force & Observers [MFO])

3 The Operationalization of the Protection of Weapons and Other Equipment of the Units of the Armed Forces of the United States and Other Countries (SDF Law Article 95-2)

1 Background

Since the enactment of the Legislation for Peace and Security, the MOD/SDF have been explaining to and coordinating with the United States and also engaged in the work to develop necessary rules and regulations in order to ensure appropriate operation of the system for the protection of weapons, etc., of the units of the U.S. Forces and the armed forces of other foreign countries (SDF Law Article 95-2). Upon completion of these works, in December 2016, at the National Security Council the Government decided on the Implementation Guidelines concerning Article 95-2 of the SDF Law, and the Article became ready to be applied to the U.S. Forces operations. This operationalization helps to further strengthen coordinated surveillance between the SDF and the U.S. Forces and also to further enhance deterrence and response capabilities of the Japan-U.S. Alliance.

2 The Implementation Guidelines for Article 95-2 of the SDF Law

The Implementation Guidelines for Article 95-2 of the SDF Law set forth the Government's basic understanding on the article as well as basic principles on the involvement of the Cabinet and disclosure of information in implementing the article. An outline of the guidelines is as follows:

(1) Basic Principles of Implementing Article 95-2

a. Purpose of Article 95-2

This Article is to enable SDF personnel to carry out very passive and limited use of weapons to the minimum extent necessary to protect weapons and other equipment ("the weapons, etc.") of units of the U.S. Forces, armed forces of other countries or other similar organizations ("the U.S. Forces, etc."), that are concurrently engaged in activities that contribute to the defense of Japan (including joint exercises but excluding activities conducted in places where combat activities are actually occurring) in cooperation with the SDF, from infringements which do not amount to an armed attack, because the weapons, etc. can be regarded as an important material means which constitute the defense capability of Japan.

Through the provision of Paragraph 1 of the Article that "excluding activities conducted in places where combat activities are actually occurring," it is ensured that asset protection is not to be, nor to be legally regarded as being integrated ("ittaike") with the use of force of the U.S. Forces,

etc. and that the SDF personnel never respond to any combat activities by the use of weapons pursuant to the Article. The SDF personnel thus never conduct use of force and this prevents the situation from evolving into combat activities as a result of the use of weapons under the provision of the Article.

This use of weapons does not fall under "use of force" which is banned in Article 9 of the Constitution.

b. Activities that Contribute to the Defense of Japan

"Activities that contribute to the defense of Japan" in the Article may include mainly the following ones, while the Government of Japan is to examine each activity on a case-by-case basis: (1) intelligence, surveillance, and reconnaissance (ISR) activities including ballistic missile alert; (2) transportation and replenishment activities in "situations that will have an important influence"; and (3) joint exercises to enhance capabilities required for defending Japan

c. Judgment on Whether or Not to Conduct Asset Protection

When the Minister of Defense receives a request from the U.S. Forces, etc., the Minister subjectively should judge whether the activities conducted by the units of the U.S. Forces, etc. in cooperation with the SDF are "activities that contribute to the defense of Japan" and whether asset protection by the SDF personnel is necessary, by considering the objective and content of the activities, capability of the unit, types of weapons, etc. of the unit and surrounding circumstances including possibility of combat activity as well as the impacts on performance of the SDF's regular operations.

(2) Involvement of the Cabinet

Requests from the U.S. Forces, etc. based on Paragraph 2 of the Article should be deliberated in the National Security Council (NSC) before the Minister of Defense judges on conducting asset protection if the Minister receives requests in the following cases. However, in case there is no time for dealing with an urgent request by the U.S. Forces, etc., the Minister should promptly report to the NSC regarding judgment of providing asset protection.

(1) The U.S. Forces, etc. makes a request for the first time after the operationalization of asset protection. (2) The request is made for asset protection in the territory of a third country.

(3) The request is recognized as peculiarly important, although not falling under the above two categories. In addition, in case asset protection under the situations that

will have an important influence (*) is requested, the Prime Minister should clearly state it in the Basic Plan and should ask for a Cabinet decision on it after deliberations in the NSC. (*) "Situations that will have an important influence" is provided in Article 1 of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security, Act No. 11 of 1999. The National Security Council Board is to be held flexibly and support the full National Security Council. In addition, the relevant ministries and agencies are to share information on requests for protection and closely cooperate with each other.

(3) Disclosure of Information

In the implementation of Article 95-2, if an unusual event occurs in conducting asset protection operation, the Government promptly discloses such an event, and releases a basic plan that specifies matters concerning the

implementation of asset protection operations in a situation that will have an important influence on Japan's peace and security. The Government also strives for appropriate disclosure of information in light of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999).

3 Track Record of Asset Protection Operations in 2018

In 2018, during ISR activities including ballistic missile alert, SDF vessels conducted asset protection for U.S. military vessels three times, and during joint exercises, SDF vessels conducted asset protection for U.S. military vessels three times and SDF aircraft for U.S. military aircraft ten times, totaling 16 times.

Q See Section 2-3-7 of this Chapter (Protection of Weapons and Other Equipment of the Units of the U.S. Forces and the Armed Forces of Other Foreign Countries)

4 Conclusion of the New Japan-U.S. ACSA

In September 2016, the Minister for Foreign Affairs and U.S. Ambassador to Japan signed the Japan-U.S. ACSA. ACSA was approved by the Diet and took effect in April 2017.

The ACSA was prepared as a new agreement to replace the previous Japan-U.S. ACSA to enable the application of existing settlement procedures to the provision of supplies and services from the SDF to the U.S. Forces that become possible under the newly enacted Legislation for Peace and Security.

The new ACSA enables the smooth and expeditious provision of a broad range of supplies and services between the SDF and the U.S. Forces, thereby raising the levels of

specific on-site cooperation between them.

Japan also signed ACSAs with the U.K and Australia other than the United States in light of the Legislation for Peace and Security, etc., which obtained Diet approval along with the Japan-U.S. ACSA and took effect in the same year. Subsequently, Japan signed ACSAs with Canada and France, both of which obtained Diet approval in May 2019. The Japan-France ACSA and Japan-Canada ACSA took effect in June and July 2019, respectively.

Q See Section 2-3-8 of this Chapter (Expansion of the Provision of Supplies and Services to the U.S. Forces)
Part III, Chapter 2, Section 2-6 (Logistics Support)

5 Assignment of New Mission for the South Sudan PKO

Japan deployed engineering units to the UN Mission in the Republic of South Sudan (UNMISS) from January 2012 to the end of May 2017. Following the enforcement of the Legislation for Peace and Security, after a comprehensive consideration in light of the local situation and the training for the new additional mission, the Government decided to assign the duty of so-called "kaketsuke-keigo" to the 11th Engineering Unit to be deployed to UNMISS, as well as the duty of joint protection of camps. Following the approval obtained at the 9-Minister Meeting of the National Security Council, the Cabinet approved the revision of the Implementation Plans for the International Peace Cooperation

Assignment for UNMISS on November 15, 2016.