Section 4. Transition to a Ministry and Stipulation of International Peace Cooperation Activities as SDF’s Primary Mission

The Defense Agency became the Ministry of Defense (MOD) on January 9, 2007. At the same time, international peace cooperation activities were positioned as the primary mission of the Self-Defense Forces (SDF). The MOD/SDF is an organization that bears the role of securing the peace and independence of Japan, the most fundamental role to the nation’s existence. The two major steps of making the transition to the MOD and stipulation of international peace cooperation activities as the primary mission of the SDF were carried out in order to respond more precisely to today’s important challenge of coping with the issues of security and crisis management.

This section discusses the steps and the debate concerning the “general law” for international peace cooperation, which has become an issue of current interest.

1. Significance of Transition to a Ministry

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(1) Bolstering the Defense Policy-making/Planning System
The mission of the SDF has been expanding and diversifying in recent years. The actual number of operations of the SDF has increased. Important defense-related bills have been passed by the Diet almost every year.

The transition to a ministry created a minister with exclusive responsibility for national defense. The Minister of Defense has been granted responsibility and authority appropriate to a policy organ that enables the MOD to present a variety of policy options. This bolstered its policy-making/planning functions and implementation capabilities.

(2) Rapid and Appropriate Response to Diverse Emergency Situations
The transition to a ministry has reinforced Japan’s system for responding to emergency situations in the following respects.

a. By giving the Minister of Defense exclusive responsibility for national defense, the line of responsibility for Japan’s defense has been clarified

b. Japan’s efforts in undertaking national crisis management will be demonstrated clearly at home and abroad

c. Posture of crisis management will be further enhanced and strengthened as the Minister of Defense will directly perform the following tasks as the minister in charge:
1) Requests to the Prime Minister to call Cabinet meetings for enactment and amendment of laws concerning security or the SDF and enactment of ministerial ordinances;
2) Requests to the Finance Minister for budget requests and implementation; acquisition of government properties such as training areas;
3) Requests to the Prime Minister to call Cabinet meetings to make decisions on implementation of important activities to protect the lives and property of the public, such as maritime security operations;
4) Requests to the Prime Minister to call Cabinet meetings for approving personnel appointments to major positions at the Ministry of Defense/SDF.

The authority of the Prime Minister as the head of the Cabinet shall continue to be possessed by the Prime Minister.
(3) Development of a Structure to Engage in Proactive Efforts toward the Peace and Stability of the International Community

MOD has become a ministry equivalent to administrative organs in charge of national defense in other countries for defense talks, international dialogue and in cooperation with other countries in SDF activities conducted overseas. Moreover, engaging in discussions with defense heads of other countries as an equal governmental chief both in name and reality will further deepen confidence-building and cooperative relations.

2. Adherence to the Basics of Defense Policies

The purpose of the transition to the MOD is to prepare a structure suitable for an organization taking on the important function of defense policy-making/planning; it does not involve a change in the fundamental aspects of Japan’s defense policy nor in the relationship between the Constitution of Japan and the right of self-defense. (See Chapter 1, Section 3 for a description of these principles)

2. Significance of Stipulation of International Peace Cooperation Activities as SDF’s Primary Mission

1. Concepts Prior to the Stipulation as Primary Mission

The first priority mission of the SDF is defense operation against direct and indirect aggression. Missions by the SDF on an as-needed basis are called second priority missions. The primary missions of the SDF are thus comprised of the first priority mission and second priority missions.

The international peace cooperation activities of the SDF, consisting of operations based on the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan, as well as minesweeping and evacuating Japanese nationals overseas, were positioned as supplementary activities provided for in Chapter 8 (miscellaneous provisions) or the supplementary provisions of the SDF Law.

2. Review on Positioning of Missions

In recent years, however, these roles—international peace cooperation activities, response to situations in areas surrounding Japan, minesweeping to ensure the safe navigation of ships, and evacuation of Japanese nationals overseas at a time of conflict—have increasingly become the focus of defense capability. A structure is needed so that the MOD can appropriately fulfill these roles. As part of the abovementioned development of such a structure, these operations have been upgraded from the traditional position of supplementary missions to primary missions of the SDF.

For the SDF to proactively undertake international peace cooperation activities, progress will be needed in setting up education/training and other systems, in the area of improving the readiness of necessary units, and enhancing transport capabilities. In order for this to happen, it would be appropriate to review the place of international peace cooperation activities among the SDF’s missions and stipulate them as primary missions.

Making Japan’s efforts for international peace cooperation activities as a primary mission will send a message not only to the Japanese public but also to the international community. This will also enable SDF members active in a challenging environment to focus on their duties with greater self-awareness and pride.

Stipulation of international peace cooperation activities as a primary mission does not assign new missions to the SDF nor does it alter the nature (e.g., scope and authority) of SDF activities, which will remain unchanged. These activities will continue to be implemented within a constitutional framework in accordance with the provisions of the laws on which these activities are based.
3. Operations Newly Stipulated as Primary Missions

Among those operations historically positioned as supplementary missions, the following were stipulated as second priority primary missions.

1. Activities that contribute to maintaining the peace and security of the international community including operations based on the Anti-Terrorism Special Measures Law, and operations based on the Law Concerning Special Measures on Humanitarian and Reconstruction Assistance in Iraq.

2. Activities conducive to ensuring the peace and security of Japan in situations arising in areas surrounding Japan, such as rear-area support and other activities based on the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan and ship inspection operations based on the Ship Inspection Operations Law.

3. Activities to ensure the safety of the lives and property of the Japanese people, such as minesweeping and the evacuation of Japanese nationals overseas.

Fig. II-1-4-1 Basic Concept on the Mission of the SDF based on Stipulation of Primary Missions

3. Debate Concerning the General Law

Recent years have seen a widening debate concerning the establishment of a general law for international peace cooperation activities.

A report announced in December 2002 by the Advisory Group on International Peace Cooperation established under then Chief Cabinet Secretary Fukuda proposed the start of study of the establishment of a general law for cooperation by Japan in multinational forces based on U.N. resolutions (e.g. rear-area support such as medical treatment, communications, and transport). In addition, a report announced in October 2004 by the Council on Security and Defense Capabilities established by then Prime Minister Koizumi referred to the establishment of a general law for international peace cooperation activities as a policy issue for achieving a new security strategy.

Meanwhile, on August 2006, the Defense Policy Sub-Committee of the Liberal Democratic Party (LDP) approved the original draft of the International Peace Cooperation Bill as a suggestion for the party discussion to be held afterwards, whose purpose was for Japan to engage proactively and on its own initiative in international
peace cooperation activities. In addition, the first meeting was held by the project team of the ruling party in May of this year, and as a result of nine sessions of vigorous discussion, a mid-term report was completed in the following month. Frequent discussions have also been held in the Diet on the significance and content of a general law concerning these activities.

Japan has so far engaged in various types of international peace cooperation activities based on the International Peace Cooperation Law and other frameworks. With the diversification of international cooperation activities for maintaining international peace and security, special measures laws have been enacted on an individual basis as the need arises. However, from the perspective of advancing prompt and effective international peace cooperation, it would be desirable to establish a general law that provides in advance for matters including the nature, condition and procedure of activities to be conducted by Japan, who is to appropriately play the role of “the peace-fostering nation.” Such a law would also be significant for clarifying Japan’s fundamental policy concerning such activities to the outside world.

The Ministry of Defense believes that a general law is an issue that will be studied based thoroughly on the intensification of a national debate, including debate within the ruling parties.
Notes:

1) The Japan-U.S. Alliance signifies the relationship between Japan and the United States in which they, as nations that share fundamental values and interests, work together on political, economic, and security issues, based on the Japan-U.S. Security Arrangements.

2) The function of this Council was taken over by the Security Council of Japan in 1986.

3) Article 2 of the Atomic Energy Basic Law states that “The research, development and utilization of atomic energy shall be limited to peaceful purposes, aimed at ensuring safety and performed independently under democratic management.”

4) Article 2 of the NPT states that “Each non-nuclear weapon State Party to the Treaty undertakes… not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices…”

5) The Cabinet’s control over military matters was limited.

6) Members of the Security Council are the Prime Minister (chairman); Minister designated pursuant to Article 9 of the Cabinet Law (Minister of State pre-designated to perform duties of the Prime Minister temporarily when the Prime Minister is absent, involved in an accident, or in a similar situation); Minister of Internal Affairs and Communications; Minister for Foreign Affairs; Minister of Finance; Minister of Economy, Trade and Industry; Minister of Land, Infrastructure and Transport; Minister of Defense; the Chief Cabinet Secretary; and Chairman of the National Public Safety Commission. See Fig. III-1-1-3

7) In addition, to help the Minister of Defense successfully handle administrative work related to national defense and to reliably manage the SDF, a system to assist the Minister has been established. See Part III, Chapter 4, Section 1 for the organization of the SDF, including assistance to the Minister.

8) This refers to adopting international peace cooperation activities, which hitherto were regarded as secondary activities, as the primary mission equivalent to the mission of national defense (See Item 2 of this section).

9) This refers to when a minister submits a matter for discussion to the Prime Minister to request a Cabinet meeting.

10) Second priority missions before stipulation of international peace cooperation activities as a primary mission included the dispatch of personnel to protect Japanese people, maintaining public order, guard operations, maritime security operations, measures to destroy ballistic missiles, disaster prevention operations (including earthquake and nuclear power disasters), and measures against airspace violations.

11) Activities based on the Replenishment Support Special Measures Law (established in January of this year) have also been positioned as a primary mission.

12) The first meeting of the project team came to agreement on issues such as the maintenance of civilian control and adherence to the existing Constitution for examination of general establishments. On top of that, as stated in the interim report the project team is expected to continue discussion on topics concerning the international peace corporation activities in situations without U.N. resolution, new investment on guard duties, in addition to humanitarian and reconstruction assistance, and observation of armistice. (See Reference 7)