

Section 3 Development of Legislation for Peace and Security

1 Background to the Review and Outline of the Cabinet Decision

1 Background to the Review

As the security environment surrounding Japan is becoming increasingly severe, Prime Minister Abe resumed the Advisory Panel on Reconstruction of the Legal Basis for Security¹ in February 2013. The Panel was instructed to reexamine the legal basis for security, what Japan should do in order to maintain the peace and security of Japan, including for the most effective operation of the Japan-U.S. security arrangements, taking into account the changes over the past four and a half years as well as potential changes in the security environment in the future. Following a total of seven meetings, in May 2014, the report was submitted to Prime Minister Abe.

Following the Panel's report and in accordance with the basic orientation for the ways in which further deliberation will take place as presented by Prime Minister Abe, discussions had been held in the ruling parties and examination had also been 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." This cabinet decision shows the basic policy for the development of new security legislation, and has a historical significance in further ensuring peace and security of Japan through enhancing the deterrence and making more proactive contributions to peace and stability of the region and the international community.

2 Outline of the Cabinet Decision

The cabinet decision states that it is necessary to develop domestic legislation that enables seamless responses 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. The decision also sets the basic policies, as shown in Reference 6, regarding response to an infringement that does not amount to an armed attack, further contributions

to the peace and stability of the international community, and measures for self-defense permitted under Article 9 of the Constitution.

See Fig. II-1-3-1 (Outline of the Cabinet Decision)
Reference 5 (Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People)

3 Deliberation of Legislation Development

In making the cabinet decision, Prime Minister Abe provided the instruction that work must be undertaken immediately for the development of security legislation. Based on the instructions, a legislation drafting team was launched under the National Security Secretariat in the Cabinet Secretariat. In addition to this, the Ministry of Defense and the SDF established "The Study Committee on the Development of Security Legislation" with the Minister of Defense as its Chairman, in order to firmly fulfill the role expected by the Japanese nationals, and also conducted the deliberation towards the development of security legislation.

The deliberations in the Government were conducted based on the discussions in the ruling parties. A total of 25 meetings were held for discussions in the ruling parties since May 2014, and in the course of these discussions, the "basic direction for the development of security legislation" was presented on March 20, 2015. Based on further discussions in the ruling parties, the Government conducted its own deliberations and, on May 14, 2015, made cabinet decisions on two bills, the Bill for the Development of Legislation for Peace and Security² and the International Peace Support Bill³. The two bills were submitted them to the 189th ordinary session of the Diet on May 15. On May 19, the House of Representatives decided to establish a Special Committee on Legislation for Peace and Security of Japan and the International Community for deliberation on these bills.

See Appendix 3 (Matrix of the Legislation for Peace and Security)

1 The Panel submitted its report to then Prime Minister Fukuda in June 2008. The report submitted in June 2008 examined four cases ((1) Defense of U.S. vessels on the high seas; (2) Interception of ballistic missiles that may be on their way to the U.S.; (3) Use of weapons in international peace operations; and (4) Logistic support for the operations of other countries participating in the same PKO). In this report, it was proposed the view that the previous official interpretation of Article 9 of the Constitution was becoming no longer applicable in light of the radically changing international situation and the international status of Japan, and that Article 9 of the Constitution should be interpreted as it would not prohibit either the right of individual self-defense, the right of collective self-defense and participation in the United Nation's Collective Security measures.

2 Bill for Partial Amendments to the Self-Defense Forces Law and Other Existing Laws for Ensuring Peace and Security of Japan and the International Community.

3 Bill Concerning Cooperation and Support Activities to Armed Forces of Foreign Countries, etc. in Situations where the International Community is Collectively Addressing for Peace and Security.

Fig. II -1-3-1 Outline of the Cabinet Decision

1. Response to an Infringement that Does Not Amount to an Armed Attack	Legislation Development
<ul style="list-style-type: none"> ○ Under the basic policy that relevant agencies including the police and Japan Coast Guard are to respond in close cooperation in accordance with their respective duties and authorities, the Government will further strengthen necessary measures in all areas, including enhancing the respective agency's response capabilities and strengthening collaboration among agencies. In cases of responding to a situation where police forces are not present nearby or police agencies cannot respond immediately, the Government will consider measures for issuing orders swiftly and accelerating procedures for public security operations or maritime security operations. ○ The Government will develop legislation that enables the SDF to carry out very passive and limited "use of weapons" to the minimum extent necessary to protect weapons and other equipment of the units of the United States Armed Forces, if they are, in cooperation with the SDF, currently engaged in activities that contribute to the defense of Japan (including joint exercises), in line with the provisions of Article 95 of the SDF Act, premised on request or consent by the United States. 	<p>→Acceleration of procedures to issue orders for public security operations/maritime security operations</p> <p>→Revision of the SDF Act (Protection of weapons and other equipment of the units of the U.S. Armed Forces)</p>
2. Further Contributions to the Peace and Stability of the International Community	
<p>A. So-called Logistics Support and "Ittaika with the Use of Force" (*1)</p> <ul style="list-style-type: none"> ○ The Government takes the recognition that Japan's support activities such as supply and transportation conducted at a place which is not "the scene where combat activities are actually being conducted" by a foreign country are not regarded as "ititaika with the use of force" by that country. From the viewpoint of the following positions which is based on that recognition, the Government will proceed with developing legislation which enables necessary support activities for the armed forces of foreign countries engaging in activities for ensuring Japan's security or for the peace and stability of the international community. ○ Japan does not conduct support activities in "the scene where combat activities are actually being conducted" by armed forces of a foreign country to which Japan provides support. ○ Japan will immediately pause or cease support activities if the place where Japan is conducting support activities becomes "the scene where combat operations are actually being conducted" due to changes of the situation. <p>B. Use of Weapons Associated with International Peace Cooperation Activities</p> <p>The Government will proceed with developing legislation based on the following positions in order to enable the SDF's use of weapons associated with so-called "kaketsuke-keigo" and the "use of weapons for the defense of mandate" in international peace cooperation activities that do not invoke "use of force" including U.N. peacekeeping operations as well as police-like activities that do not invoke "use of force" including the rescuing of Japanese nationals with a consent from the territorial State.</p> <ul style="list-style-type: none"> ○ As for U.N. peacekeeping operations, etc., under the framework of the Five Principles for PKOs, "a quasi-state organization" (*2) other than parties to the conflict who have given consent of acceptance is, in principle, not expected to appear as an adversary. ○ When the SDF units conduct police-like activities that do not involve "use of force" including the rescuing of Japanese nationals in a foreign country based on the consent of the territorial State's Government, it is natural that the activities be conducted in the area within which the consent of the territorial State's Government is valid, i.e. the area within which its authority is maintained. This means that no "quasi-state organization" exists in that area. ○ The Cabinet will make a decision on whether the consent of acceptance is stably maintained or the area within which the consent of the territorial State's Government is valid, etc. based on deliberations etc. at the National Security Council. 	<p>→The Act Concerning the Measures for the Peace and Security of Japan in Situations That Will Have an Important Influence on Japan's Peace and Security (Revision of the Act Concerning the Measures for the Peace and Security of Japan in Situations in Areas Surrounding Japan), Revision of the Ship Inspection Operations Act, the International Peace Support Bill</p> <p>→Revision of the International Peace Cooperation Act, revision of the SDF Act (Protection measures for Japanese nationals overseas)</p>
3. Measures for Self-Defense Permitted under Article 9 of the Constitution	
<ul style="list-style-type: none"> ○ The Government believes that not only when an armed attack against Japan occurs but also 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, and when there is no other appropriate means available to repel the attack and ensure Japan's survival and protect its people, use of force to the minimum extent necessary should be interpreted to be permitted under the Constitution as measures for self-defense in accordance with the basic logic of the Government's view to date. ○ The aforementioned "use of force" permitted under the Constitution is, under international law, based on the right of collective self-defense. Although this "use of force" includes those which are triggered by an armed attack occurring against a foreign country, they are permitted under the Constitution only when they are taken as measures for self-defense which are inevitable for ensuring Japan's survival and protecting its people, in other words for defending Japan. ○ The Government will stipulate in the draft legislation that the prior approval of the Diet is in principle required upon issuing orders for operations to the SDF for carrying out "use of force" permitted under the Constitution when an armed attack occurs not against Japan but against a foreign country, in the same manner as the procedures related to defense operations stipulated in the current laws and regulations. 	<p>→Revision of Legislation for Responses to Armed Attack Situations, revision of the SDF Law (Development of provisions concerning defense operations)</p>

Notes: 1. As for Japan's support activities, however, legal frameworks limiting the area of such activities to "rear area" or so-called "non-combat area," etc. have been established in past legislations to ensure that the issue of "ititaika with the use of force" (forming an "integral part" of the use of force) does not arise, in relation to Article 9 of the Constitution. This is intended to avoid Japan from being legally evaluated as carrying out by itself the "use of force" which is not permitted under the Constitution because its support activities would form an "integral part" of the use of force ("ititaika with the use of force") by other countries.

2. Use of weapons associated with so-called "kaketsuke-keigo" (coming to the aid of geographically distant units or personnel under attack) or "use of weapons for the purpose of the execution of missions" could constitute the "use of force" prohibited by Article 9 of the Constitution, if such use of weapons is directed against "a state or a quasi-state organization."



The Study Committee on the Development of Security Legislation

2 Outline of the Bill for the Development of Legislation for Peace and Security

The Bill for the Development of Legislation for Peace and Security, which was adopted by a cabinet decision on May 14, 2015, and then submitted to the Diet, is outlined below:

See Reference 6 (Summary of the Bill for Partial Amendments to the Self-Defense Forces Law and Other Existing Laws for Ensuring Peace and Security of Japan and the International Community)

1 Revision of the Self-Defense Forces Law

Among the key items of the Self-Defense Forces Law to be revised, the bill includes the development of provisions concerning defense operations (described below), the establishment of provisions for measures to rescue Japanese nationals overseas and protect weapons and other equipment of military units of the U.S. and other countries' forces, expansion of the provision of supplies and services to the U.S. Armed Forces, and the establishment of provisions for the punishment of those who commit crimes overseas.

See Fig. II-1-3-2 (Outline of Measures to Rescue Japanese Nationals Overseas)

Fig. II-1-3-3 (Use of Weapons to Protect Weapons of Military Units of the U.S. and Other Countries' Forces)

Fig. II-1-3-4 (Provision of Supplies and Services to the U.S. Armed Forces)

2 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 (Revision of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan)

Among the key items of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan to be revised, the bill includes reviewing the Law's purpose, including the deletion of "in areas surrounding Japan" from the definition of the situations and renaming it "Situations that will Have an Important Influence on Japan's Peace and Security"⁴; enabling the provision of support activities to the U.S. Armed Forces undertaking activities that contribute to the attainment of the objective of the Japan-U.S. Security Treaty as well as military forces of other countries; and expansion of the scope of the support activities.

See Fig. II-1-3-5 (Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security (Revision of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan))

3 Revision of the Ship Inspection Operations Law

Among the key items of the Ship Inspection Operations Law to be revised, the bill includes revisions in accordance with the revision of the Law to Ensure Security for Situations in Areas Surrounding Japan and the establishment of provisions for ship inspection operations for Situations threatening the International Peace and Security which Armed Forces of Foreign Countries Collectively Address⁵ prescribed in the International Peace Support Law.

See Fig. II-1-3-6 (Revision of the Ship Inspection Operations Law)

4 Amendment to the International Peace Cooperation Act

Among the key items of the International Peace Cooperation Act to be amended, the bill include the addition of tasks that can be implemented during U.N. peacekeeping operations and other operations*; a review of the authorization criteria in situations requiring the use of weapons; and inclusion of operations in humanitarian and protection tasks not conducted by the United Nations in the International Cooperation Assignments (internationally coordinated operations for peace and security).

* Tasks of: Monitoring, stationing, patrol, inspection at checkpoint and security escort and protection for the purpose of security of specified areas including prevention and suppression of injury or harm against lives, bodies and property of local population, Afflicted People and other populations requiring protection; and protection of lives and bodies of individuals engaging in the United Nations Peacekeeping Operations, Internationally Coordinated Operations for Peace and Security or International Humanitarian Relief Operations or providing support for those Operations, in response to urgent request when unexpected dangers to lives or bodies of such individuals related to operations occur or are imminent, while implementing tasks.

See Fig. II-1-3-7 (Amendment to the International Peace Cooperation Act)

5 Revision of Legislation for Responses to Armed Attack Situations

The bills for amending the Armed Attack Situation Response Act and other legislations related to responses to the situation, and the Self-Defense Forces Law include the following key items for revision:

- The naming and definition of situations where an armed attack against a foreign country results in threatening Japan's survival⁶ and the development of appropriate procedures (Legislation for Responses to Armed Attack Situations)⁷
- Revision of provisions concerning a mission, an action, and authority etc. of the Self-Defense Forces responding to situations where an armed attack against a foreign country results in threatening Japan's survival and poses a clear danger to fundamentally overturn people's right

4 In association with the rename of the definition of the situations, the title of the Law is proposed to be amended from the "Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan" to 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."

5 Situations where the international peace and security is threatened, and where international community collectively undertakes operations in order to eliminate such a threat in accordance with the purpose of the Charter of the United Nations, and where Japan independently and proactively needs to contribute to such activities as a member of the international community.

6 Situations where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan's survival and poses a clear danger to fundamentally overturn people's right to life, liberty and pursuit of happiness.

7 In accordance with its application to situations where an armed attack against a foreign country results in threatening Japan's survival, the title of the Act was revised from the "Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations etc." to the "Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations etc. and situations where an armed attack against a foreign country results in threatening Japan's survival."

Fig. II-1-3-2

Outline of Measures to Rescue Japanese Nationals Overseas

- Enable the units of the SDF to take measures to rescue Japanese nationals overseas whose lives or bodies could be harmed in emergency situations (Article 84-3).

Rescue measures: Guarding, rescue and other measures to protect the lives or bodies of those Japanese nationals, including transportation.

[Procedure] Order by the Minister of Defense

- Request from the Minister for Foreign Affairs
- Consultations between the Minister for Foreign Affairs and the Minister of Defense
- Approval by the Prime Minister

[Requirements for Implementation] When all of the following are met:

- (1) It is recognized that in places where rescue measures are taken, the competent authorities of the country concerned are currently maintaining public safety and order, and no act of combat is being conducted;
- (2) The country concerned consents to the SDF taking the rescue measures; and
- (3) It is anticipated 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 expected dangers.

[Authority to Use Weapons]

- So-called "use of weapons for the defense of mandate" are permitted
- SDF personnel shall not inflict injury upon any person except in a case of self-defense or overtaking of present danger.

* It is possible to also rescue non-Japanese nationals under certain conditions.

Fig. II-1-3-3

Use of Weapons to Protect Weapons of Military Units of the U.S. and Other Countries' Forces

- Enable uniformed SDF personnel to use weapons to protect the weapons and other equipment of the units of the U.S. Forces, armed forces of other countries and similar organizations that are, in cooperation with the SDF, currently engaged in activities that contribute to the defense of Japan (Article 95-2)

[Coverage]

- Weapons, etc. of the U.S. Forces, armed forces of other countries and similar organizations' units
- That are, in cooperation with the SDF, currently engaged in activities that contribute to the defense of Japan (*)
- (*) Including joint exercises but excluding activities where the act of combat is currently being conducted.

[Procedures, etc.]

- When the request is made by the U.S. Forces, etc.
- Only when the Minister of Defense deems it necessary
- Uniformed SDF personnel provide guarding
- (*) Apart from procedures prescribed in SDF Law provisions, the National Security Council plans to deliberate on the operational approach.

[Authority to Use Weapons]

- When there are adequate grounds to recognize the need to use weapons to protect people or weapons, etc., the use of weapons is permitted to the extent judged to be reasonably necessary depending on the situation.
- Causing harm to persons is only allowed for self-defense and aversion of present danger.

Fig. II-1-3-4

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

Provision of Supplies and Services to the U.S. Forces (Article 100-6)

- Enabling the provision of supplies or services to the U.S. Forces, that are on field sites along with the units of the SDF carrying out the following actions or activities and are engaged in similar activities to the SDF units.
- (1) Guarding of facilities and areas set forth in Article 81-2, Paragraph 1, Item 2 (Guarding operations) of the SDF Act (*Covering the U.S. Forces conducting guarding activities within facilities and areas)
- (2) Counter-piracy operations
- (3) Operations necessary to take measures to destroy ballistic missiles, etc.
- (4) Removal and disposal of mines and other explosive objects
- (5) Protection measures or transportation of Japanese nationals, etc. in emergency situations in foreign countries
- (6) Activities to collect information by ships or aircraft about the movements of the armed forces of foreign countries and other information that contributes to the defense of Japan

【Other Revised Matters】

- (1) The coverage extended from only the U.S. Forces participating in Japan-U.S. bilateral exercises previously to the U.S. Forces participating in multilateral exercises of three or more countries, including Japan and the U.S.
- (2) The coverage 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
- (3) Ammunition to be included in supplies to be provided

Development of Provisions for the Punishment of Those Who Commit Crimes Overseas (Article 122-2)

- Develop provisions for the punishment of those who commit crimes overseas concerning the following penalties
- (1) Concerted defiance of superiors' official orders and unlawful command of units
- (2) Defiance of and disobedience to superiors' orders by those given defense operation orders

Fig. II-1-3-5

Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security (Revision of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan)

Purpose

The purpose is to ensure peace and security of Japan, strengthening cooperation with foreign countries responding to situations that will have an important influence on Japan's peace and security, with the contribution to the effective operation of the Japan-U.S. Security Treaty at its core, by conducting logistics support, etc. for the U.S. Forces, etc.

Situations that will have an important influence on Japan's peace and security [(Example) Situations that could lead to a direct armed attack against Japan if left unattended] (*) Deleted "in areas surrounding Japan" from the definition

Support Targets

- The following armed forces etc. responding to the situations
- (1) The U.S. Forces engaged in activities contributing to the achievement of the objectives of the Japan-U.S. Security Treaty
 - (2) Armed forces of other foreign countries engaged in activities contributing to the achievement of the objectives of the U.N. Charter
 - (3) Other similar organizations

Avoidance of "Ittaika"

- SDF does not conduct activities in "the scene where combat activities are actually being conducted."
- (*) When the personnel having been lost already been found and rescue operations have commenced, search and rescue activities concerning them are allowed to continue as long as the safety of the SDF units is ensured.
- 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, must promptly change the designation of the area or order the cessation of the activities being implemented there.

Response Measures

- (1) Logistics support activities (types of goods and services provided by the Ministry of Defense and the SDF)
Supply, transportation, repair and maintenance, medical activities, communications, airport and seaport services, and base services, lodging, storage, use of facilities, training services
(*) Provision of weapons is not included. Provision of ammunition and refueling and maintenance of aircraft ready to take off for combat operations are now allowed.
- (2) Search and rescue activities
- (3) Ship inspection operations (those set forth in the Ship Inspection Operations Act)
- (4) Other measures necessary to respond to the situations

Diet Approval

- Prior Diet approval, in principle
- Ex-post facto approval allowed in emergency
(*) The same as the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan

* Implementation of operations in foreign territories is allowed (only when the foreign country consents) (Not allowed before the revision)
* The authority to use weapons limited only to the self-preservation type

Fig. II-1-3-6

Revision of the Ship Inspection Operations Law

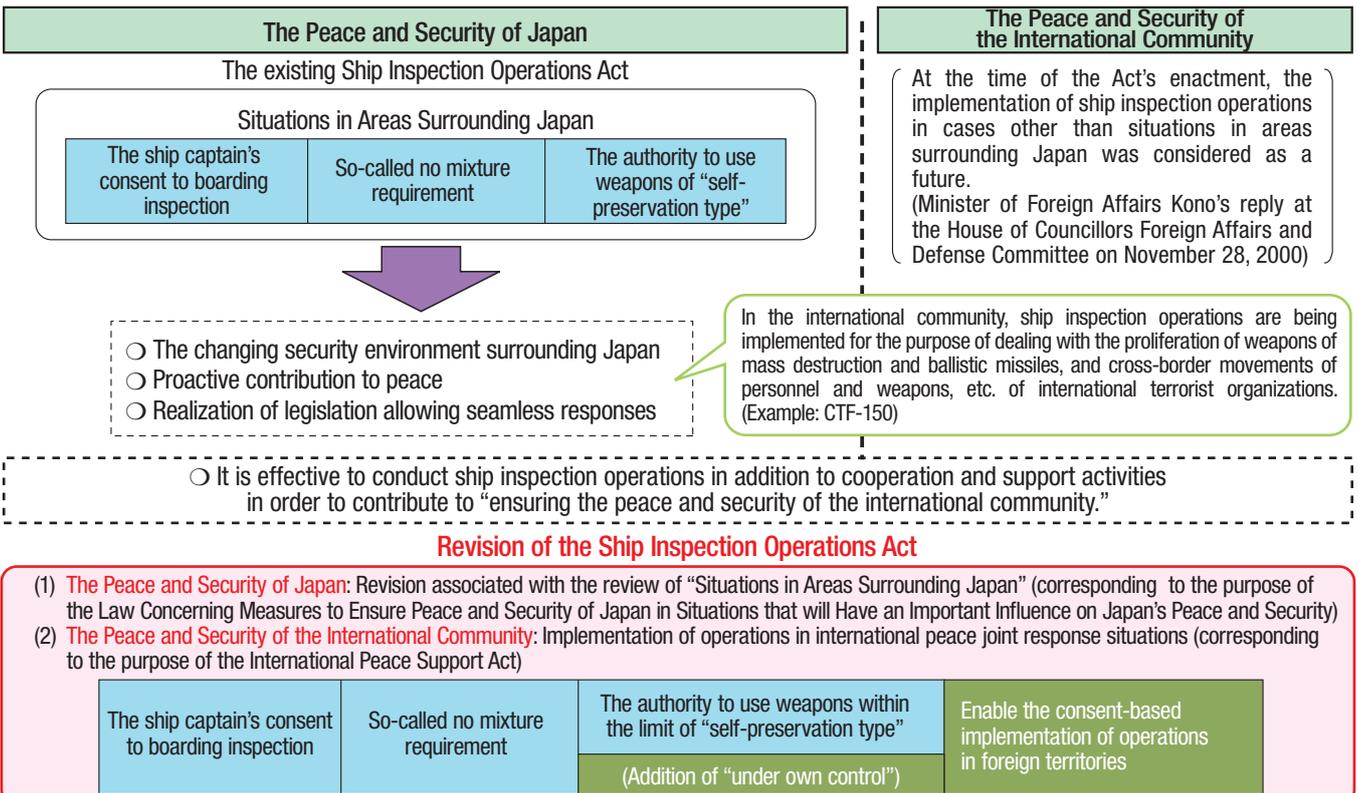


Fig. II-1-3-7 Amendment to the International Peace Cooperation Act

United Nations Peacekeeping Operations (Addition)

- Five Principles for Participation (underlined portions added)
 - (1) Agreement on a ceasefire shall have been reached among the parties to armed conflicts.
 - (2) Consent for the undertaking of U.N. peacekeeping operations as well as Japan's participation in such operations shall have been obtained from the host countries as well as the parties to armed conflicts.
 - (3) The operations shall strictly maintain impartiality, not favoring any of the parties to armed conflicts.
 - (4) Should any of the requirements in the above-mentioned guideline cease to be satisfied, the Government of Japan may terminate the dispatch of the personnel engaged in International Peace Cooperation Assignments.
 - (5) The use of weapons shall be limited to the minimum necessary for the protection of the lives of the personnel dispatched, in principle. When the consent of acceptance is deemed to be consistently maintained, the use of weapons for the defense of mandate missions is allowed.

Internationally coordinated operations for peace and security (Not under the control of the U.N.)

- Requirement: When any of the following is met, **in addition to the satisfaction of the Five Principles for Participation**
 - (1) Based on resolutions adopted by the General Assembly, the Security Council or the Economic and Social Council of the United Nations
 - (2) At the request by:
 - The United Nations
 - Organizations established by the U.N. Generally Assembly or U.N. specialized agencies, such as the Office of the U.N. High Commissioner for Refugees or otherwise specified by a Cabinet Order
 - Regional organizations as prescribed in Article 52 of the U.N. Charter or organizations established by multilateral treaties, having the actual achievements or expertise pertaining to the activities of Internationally coordinated operation for peace and security such as the European Union or otherwise specified by a Cabinet Order
 - (3) At the requests of countries to which the area where those operations are to be conducted belongs (limited to only those supported by any of principal U.N. organizations as prescribed in Article 7 (1) of the U.N. Charter

- Addition of Tasks
Security of specified areas including protection of local population, etc., protection of individuals related to operations in response to urgent request and tasks at Mission Headquarters have been added, in addition to ceasefire monitoring and relief activities for afflicted people; tasks assisting in the establishment and reestablishment of systems of governance have been expanded.
- Review of the authority to use weapons
In implementing protection of local population, etc. as well as security of specified areas and protection of individuals related to operations in response to their urgent request, the use of weapons for the defense of mandate is allowed.
- Diet approval
Prior Diet approval is necessary for ceasefire monitoring and security of specified areas including protection of local population, etc. conducted by SDF units, in principle (Ex-post facto approval permitted when the Diet is in recess or the House of Representatives has been dissolved).
- Ensuring the safety of personnel of the International Cooperation Corps of Japan
Provide for the development of operational guidelines that set forth provisions for the consideration of safety, the cessation of operations, the temporary suspension of operations to avoid danger and other measures for ensuring the safety of the personnel of the International Peace Cooperation Corps

- Other revised matters
(1) Dispatching of uniformed SDF personnel (commanding officers, etc.) to the United Nations (2) Waiver of right to claim (3) Provision of supplies or services to the U.S. Forces, etc. for their operation to cope with large-scale disasters (4) Expansion of the scope for cooperation with international election observation operations

to life, liberty and pursuit of happiness(the Self-Defense Forces Law)

- Addition of support activities to military forces of foreign countries other than the U.S. Armed Forces responding to armed attack situations, and support activities to military forces of foreign countries responding to situations where an armed attack against a foreign country results in threatening Japan's survival (U.S. and Others' Military Actions Related Measures Act, which currently has provisions concerning support activities to the U.S. Armed Forces responding to armed attack situations):
- Addition of actions by the military forces of foreign countries other than the United States in armed attack situations as objects for accommodation of use of specific public facilities (Specific Public Facility Use Act)
- Maritime transportation restriction in situations where an armed attack against a foreign country results in threatening Japan's survival 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 (Maritime Transportation Restriction Act)

- Application of Prisoners of War Act in situations where an armed attack against a foreign country results in threatening Japan's survival (Prisoners of War Act)

See Fig. II-1-3-8 (Revision of Armed Attack Situations Response Act)
Fig. II-1-3-9 (Revision of the Self-Defense Forces Law (Related to situations where an armed attack against a foreign country results in threatening Japan's survival))
Fig. II-1-3-10 (Revision of Related Legislation)

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

Among the key items of the Act for Establishment of the National Security Council to be revised, the bill includes the addition of items for deliberation in accordance with the recent legal revisions.

See Fig. II-1-3-11 (Revision of the Act for Establishment of the National Security Council)

Fig. II-1-3-8 Revision of Armed Attack Situations Response Act

- In order to ensure the peace and independence of Japan and the security of Japan and its people, develop the readiness to respond to armed attack situations, etc. by setting such basic matters as basic principles, the responsibilities of national and local governments, and procedures.

[Reference] Armed attack situations, etc.

- Armed attack situation A situation where an armed attack occurred, or an imminent danger of an armed attack occurring is clearly acknowledged
- Anticipated armed attack situation A situation where an armed attack has yet to occur, but circumstances are growing increasingly strained and an armed attack is anticipated
- Armed attack situations, etc. Armed attack situation and anticipated armed attack situation

[Outline of the Revision]

- Responses to "situations of an armed attack against a foreign country resulting in threatening Japan's survival" added

(Purpose) * "Situations of an armed attack against a foreign country resulting in threatening Japan's survival" added

- Develop the readiness to respond to armed attack situations, etc. and survival-threatening situations by setting basic principles, the responsibilities of national and local governments, the cooperation of Japanese people and other basic matters concerning responses to armed attack situations, etc. and survival-threatening situations, and also set matters related to the development of legislation necessary to respond to armed attack situations, etc. to contribute to the ensuring of the peace and independence of Japan and the security of Japan and its people.

↑ *deleted

(Basic Response Plan) *When an armed attack situation or a situation of an armed attack against a foreign country resulting in threatening Japan's survival is recognized, reasons why the use of force is necessary should also be described.

- The Basic Response Plan should describe matters concerning the following:
 - Developments in the situation, the confirmation of the situation as an armed attack situation, an anticipated armed attack situation or a survival-threatening situation, and the facts that serve as the premises supporting the confirmation.
 - When the situation is confirmed as an armed attack situation or a survival-threatening situation, reasons why there is no other appropriate means available to ensure Japan's survival and protect its people, and use of force is necessary to respond to the situation
 - An overall plan to respond to pertinent armed attack situations or survival-threatening situations, and important matters related to the response measures

[Diet Approval]

- When an order is given to the SDF for defense operations to respond to a "survival-threatening situation," prior Diet approval is required under current provisions (Article 9 of the Armed Attack Situation Response Act).

Fig. II-1-3-9

Revision of the Self-Defense Forces Law (Related to situations where an armed attack against a foreign country results in threatening Japan's survival)

- The "use of force" is newly permitted under the "Three New Conditions" as an unavoidable "measure of self-defense" to "defend Japan," and the SDF's responses to "situations where an armed attack against a foreign country results in threatening Japan's survival" under the Armed Attack Situation Response Act are subject to Article 76 (Defense Operation) and Article 88 (Use of Force) of the SDF Act and positioned as principal missions under Article 3 (Missions of the SDF) of the SDF Act.

(Missions of the SDF) * "against direct or indirect invasion" deleted

Article 3: The primary mission of the Self-Defense Forces is to defend Japan against direct or indirect invasion in order to keep the peace and independence of Japan and maintain the national security, and the Self-Defense Forces maintain public order as necessary.

(Defense Operation) * "Situations where an armed attack against a foreign country results in threatening Japan's survival" added

Article 76: The Prime Minister may, in responses to the situations listed below, give the whole or part of the Self-Defense Forces the Defense Operations Order when necessary to defend Japan. In this case, the approval of the Diet must be obtained pursuant to the provisions of Article 9 of the Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations etc. and Situations where an armed attack against a foreign country results in threatening Japan's Survival (Act No. 79 of 2003).

- 1 A situation where an armed attack against Japan from the outside occurs, or a situation where imminent danger of an armed attack against Japan from the outside occurring is clearly perceived
- 2 A situation where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan's survival and poses a clear danger to fundamentally overturn people's right to life, liberty and pursuit of happiness

(Use of Force under Defense Operations) * No revision

Article 88: The SDF being given the Defense Operations Order pursuant to the provisions of the paragraph 1 of Article 76, may use necessary force to defend Japan.

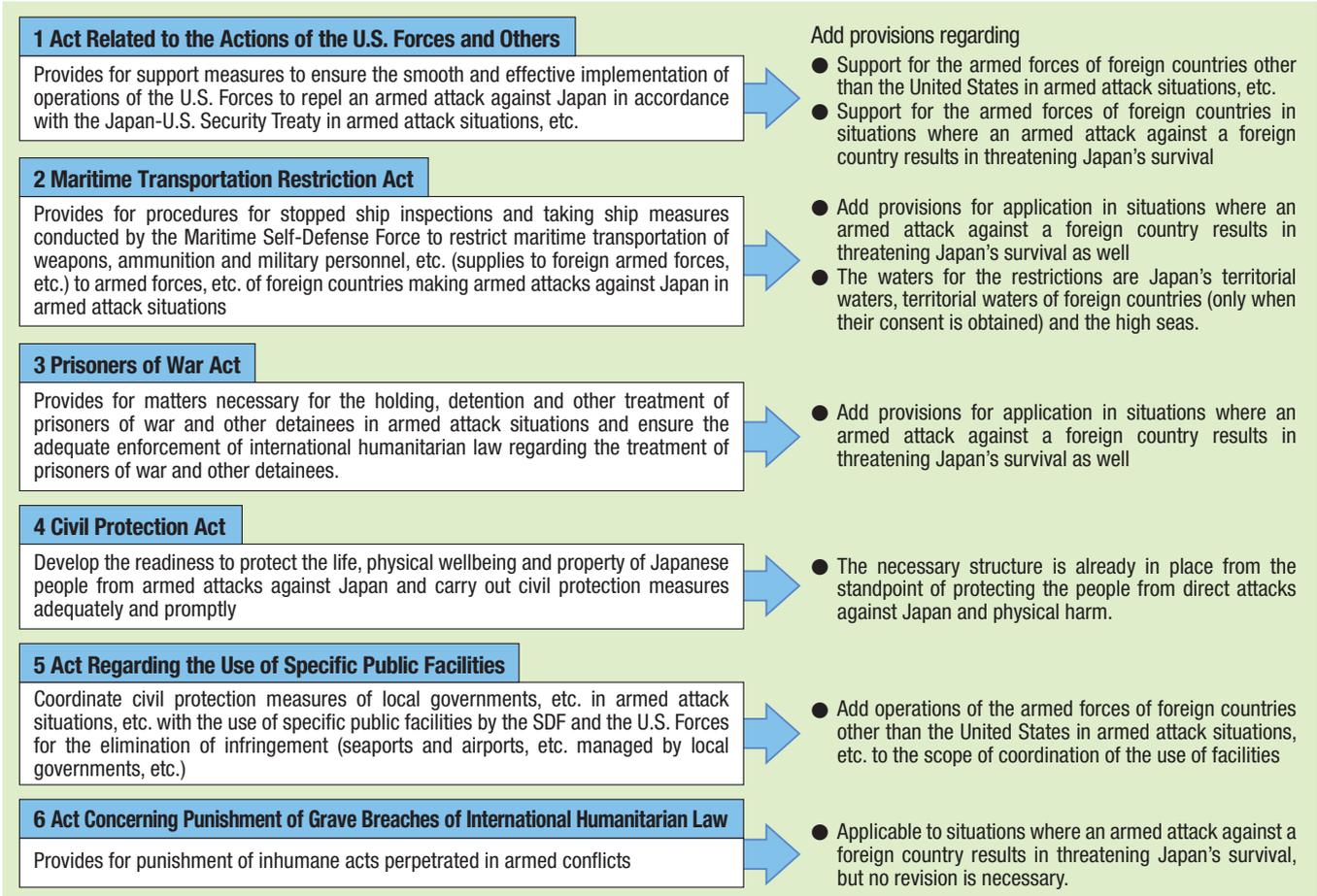
- 2 In the use of force in the preceding paragraph, international law and practices shall be respected when the use of force is reliant thereupon and the use of force shall not exceed the limit judged to be reasonably necessary in light of the situation.

- Aside from the above, a variety of authorities, etc. and special measures necessary for SDF operations are provided for. However, in situations where an armed attack against a foreign country results in threatening Japan's survival, measures that are necessary in response to direct armed attacks against Japan and physical damage are not applicable.

(Examples of application) Organization of special units, Defense call-up of SDF Personnel and SDF Ready Reserve Personnel, etc.

(Examples of non-application) Establishment of defense facilities, Maintenance of public order, emergency passage, appropriation of supplies, orders to perform duties, etc.

Fig. II-1-3-10 Revision of Related Legislation



Prime Minister Abe answering questions at the plenary session of the House of Representatives

Fig. II-1-3-11

Revision of the Act for Establishment of the National Security Council

- The following matters have been newly added as items for deliberation:
 - Responses to situations that threaten Japan's survival
 - Responses to situations that have an important influence on Japan's peace and security
 - Joint operations for international peace
- The following are the matters the National Security Council must deliberate without fail.
 - Decisions on and changes in plans for implementation related to the implementation of so-called safety-ensuring operations that are international peace cooperation operations
 - Decisions on and changes in plans for implementation related to the implementation of so-called "Kaketsuke-keigo" that are international peace cooperation operations
 - Dispatch of uniformed SDF personnel (force commanders, etc.) who are to be engaged in supervisory duties for operations conducted by units of countries participating in U.N. peacekeeping operations
 - Implementation of rescue measures, including guarding and rescue, of Japanese nationals overseas

(*) All related to the stable maintenance of the consent of acceptance of hosting countries

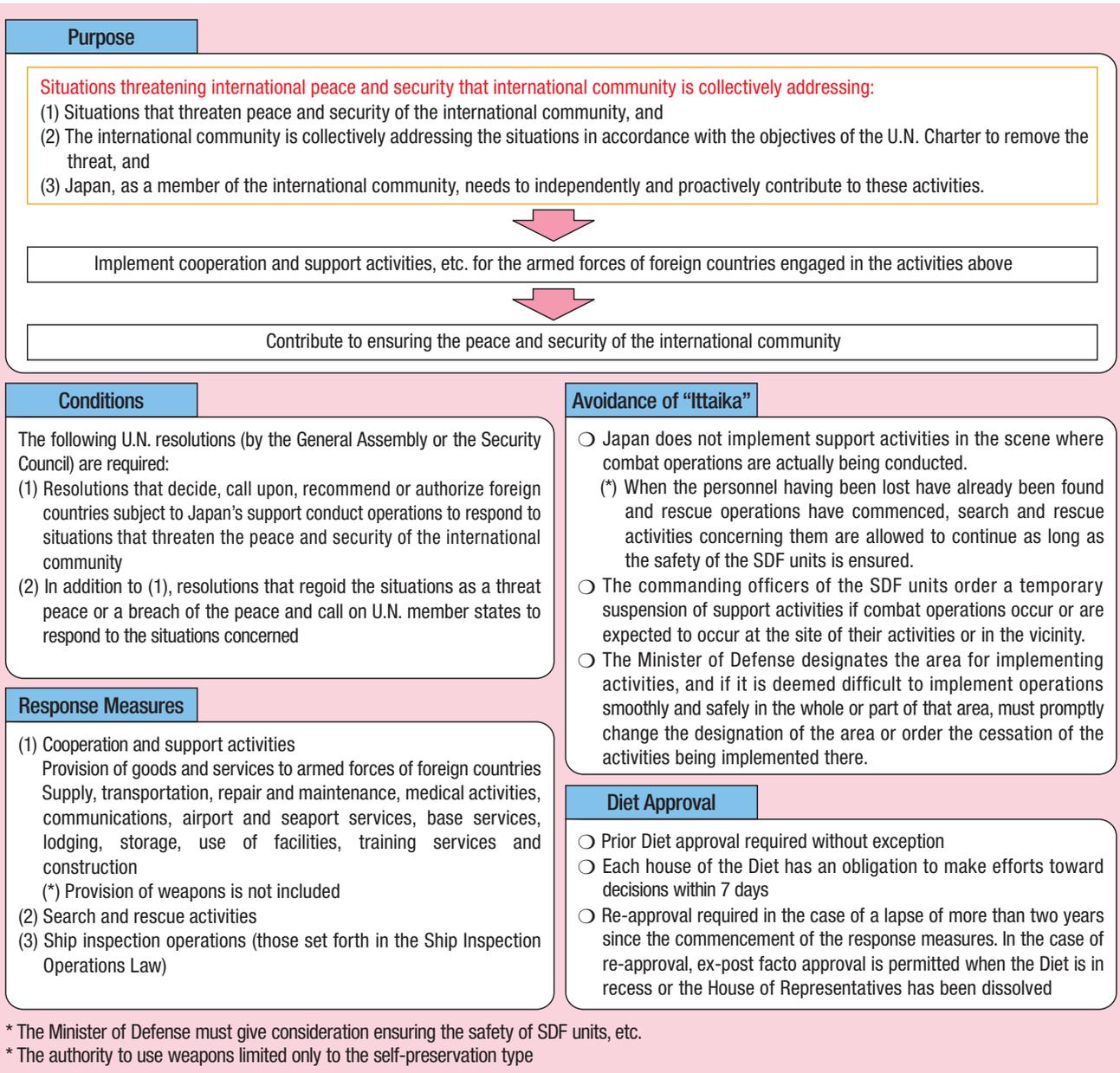
3 Outline of the International Peace Support Bill

The International Peace Support Bill, designed to contribute to securing the peace and security of the international community by implementing cooperation and support activities etc. to armed forces of foreign countries, etc. collectively addressing the situations where which threatens the international peace and security is threatened,

was adopted in a cabinet decision on May 14, 2015, for submission to the Diet.

See Fig. II-1-3-12 (The International Peace Support Bill)
 Reference 7 (Outline of the Bill Concerning Cooperation and Support Activities and Other Activities to Armed Forces, of Foreign Countries and Others in Situations Where the International Community is Collectively Addressing for Peace and Security)

Fig. II-1-3-12 The International Peace Support Bill



4 Acceleration of Procedures to Issue Orders for Public Security Operations and Maritime Security Operations

Considering the increasingly severe security environment surrounding Japan, situations that are neither pure peacetime nor contingencies are liable to occur, posing risks which could develop into more serious situations. In order to respond promptly to such situations of infringement that do not amount to an armed attack, and ensure seamless and sufficient responses to any unlawful acts, the Government made cabinet decisions regarding the acceleration of

procedures to issue orders for public security operations, maritime security, etc. operations on May 14, 2015, particularly in the following three cases:

- Responses to foreign naval vessels conducting maritime navigation in Japan's territorial waters and internal waters that cannot be considered to be innocent passage under international law
- Responses to the unlawful landing on remote islands by

armed groups

- Responses when vessels of the Self-Defense Forces detect foreign vessels infringing on Japanese commercial vessels on the high seas

Specifically, when an urgent decision is necessary concerning the issuance of orders for public security operations, etc. but it is difficult to convene an extraordinary cabinet meeting, the Prime Minister can preside over a cabinet meeting to make the decision by obtaining the consent of the Ministers of State by telephone and other means. Any

Minister of State who could not be contacted in advance shall be notified of the cabinet decision ex post facto.

See Fig. II-1-3-13 (Acceleration of Procedures to Issue Orders for Public Security Operations and Maritime Security Operations)
Reference 8 (Responses to Foreign Naval Vessels Carrying Out Navigation through the Territorial Sea or the Internal Waters of Japan that Does Not Fall Under Innocent Passage in International Law)
Reference 9 (The Government's Responses to Illegal Landing on a Remote Island or its Surrounding Seas by an Armed Group)
Reference 10 (Responses to Acts of Infringement When Self-Defense Force Ships or Aircraft Detect Foreign Ships Committing Said Acts Against Japanese Private Ships on the High Seas)

Fig. II-1-3-13 Acceleration of Procedures to Issue Orders for Public Security Operations and Maritime Security Operations

- Accelerate procedures to issue orders for public security/maritime security operations in the following three cases:

Responses to Foreign Naval Vessels Making Maritime Navigation That Does Not Fall under the Category of Innocent Passage under International Law

- Responses are made by SDF units under orders for maritime security operations, in principle.
- The Ministry of Defense, the Ministry of Foreign Affairs and the Japan Coast Guard promptly and expeditiously share information, coordinate and cooperate.
- It is necessary to hold a cabinet meeting to issue orders for maritime security operations.

Responses to the Unlawful Landing on Remote Islands by Armed Groups

- When armed groups or groups that are highly probable to be armed are likely to unlawfully land or actually land on remote islands,
- It is necessary to hold a cabinet meeting to issue orders for maritime security operations/public security operations.

Responses to Foreign Vessels Infringing on Japanese Commercial Vessels on the High Seas

- When Japanese commercial vessels are actually subject to infringement activities,
- It is necessary to hold a cabinet meeting to issue orders for (urgent) counter-piracy operations or maritime security operations.

When an urgent decision is necessary but it is difficult to promptly convene an extraordinary cabinet meeting, the Prime Minister can preside over a cabinet meeting to make the decision by obtaining the consent of the Ministers of State by telephone and other means (Any Minister of State who could not be contacted in advance shall be notified of the cabinet decision ex post facto).

5 Existing Related Security Legislation

1 Frameworks for Responses to Armed Attack Situations

Japan's response framework to deal with the most serious situations affecting the peace and security of the country and its people⁸ enables an effective response to armed attack situations and anticipated armed attack situations, etc. (both to armed attack situations⁹ and to situations where armed attacks are anticipated¹⁰) and contributes to the deterrence of an armed attack.

See Fig. II-1-3-14 (Outline of the Emergency Legislation)

(1) Responses to Armed Attack Situations

The Armed Attack Situation Response Act specifies items that should be stipulated as basic principles and basic policies (the Basic Response Plan) regarding response

to armed attack situations and the responsibilities of national and local governments in the event of an armed attack situation. Moreover, in preparation for the outbreak of armed attacks, a framework is being developed which allows relevant organizations (designated government institutions, local governments and designated public institutions¹¹) to implement response measures in a coordinated and cooperative fashion based on individual legislations dealing with military emergencies such as the Civil Protection Act, thereby the whole nation can fully prepare for armed attack situations.

See Fig. II-1-3-15 (Procedures for Responding to Armed Attack Situations)
References 11 (Main Operations of the Self-Defense Forces)
References 12 (Statutory Provisions about the Use of Armed Force and Weapons by SDF Personnel)

8 Three pieces of legislation for responses to situations were enacted in 2003. Furthermore, seven pieces of Legislation for Responses to Armed Attack Situations were enacted in 2004 and three related treaties were ratified in the same year. With this, a basis for emergency legislation was established. The development of these legal systems reflects many results of the "emergency legislation study," which had been conducted by the former Defense Agency since 1977. Note: A fixed concept has not necessarily been designated for the term "emergency legislation." When used in this white paper, it refers to legislation for responses to situations that has been developed since 2003.

9 Situation in which an external armed attack on Japan emerges, or an imminent danger is clearly acknowledged.

10 A situation where an armed attack has yet to emerge, but circumstances are growing increasingly strained and an armed attack is expected.

11 Independent administrative agencies, the Bank of Japan, the Japanese Red Cross Society, the Japan Broadcasting Corporation (NHK), other public institutions, and corporations engaged in public service operations, including the provision of electricity, gas, transportation, communications, and other services

Fig. II-1-3-14 Outline of the Emergency Legislation

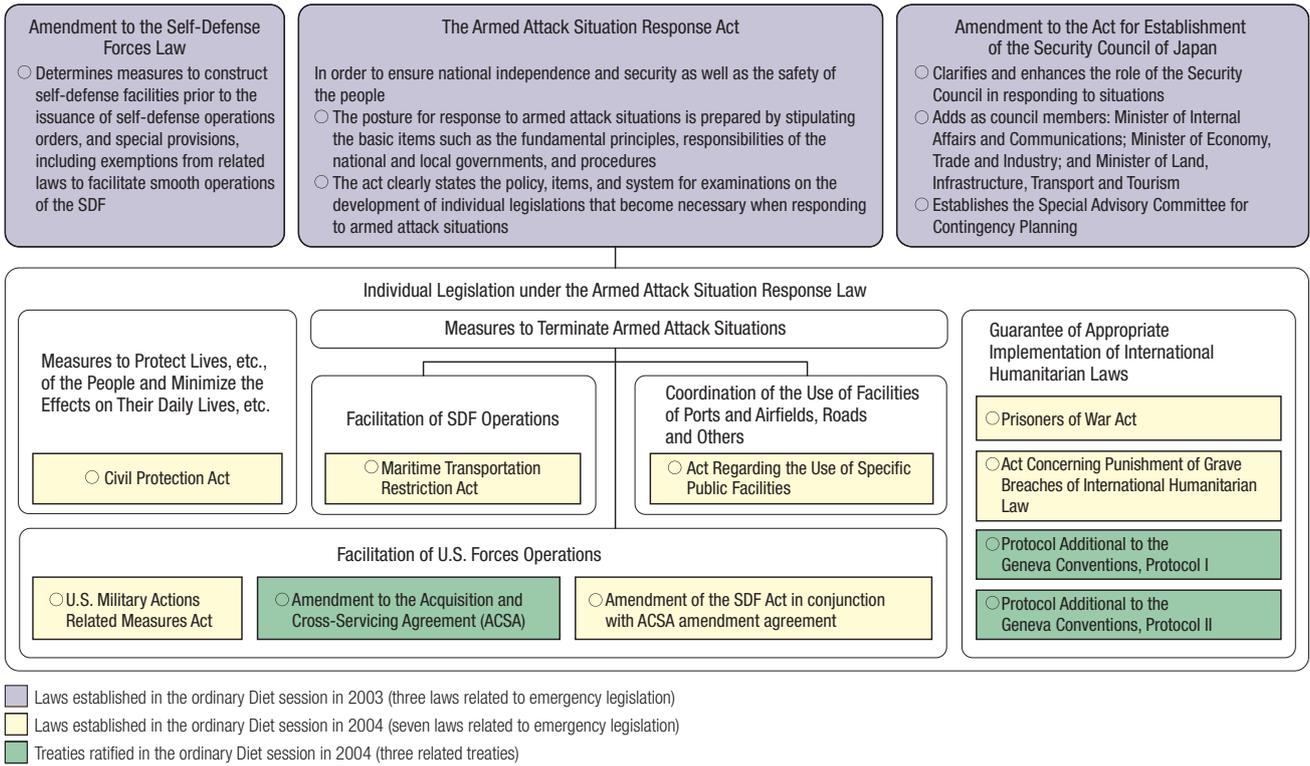
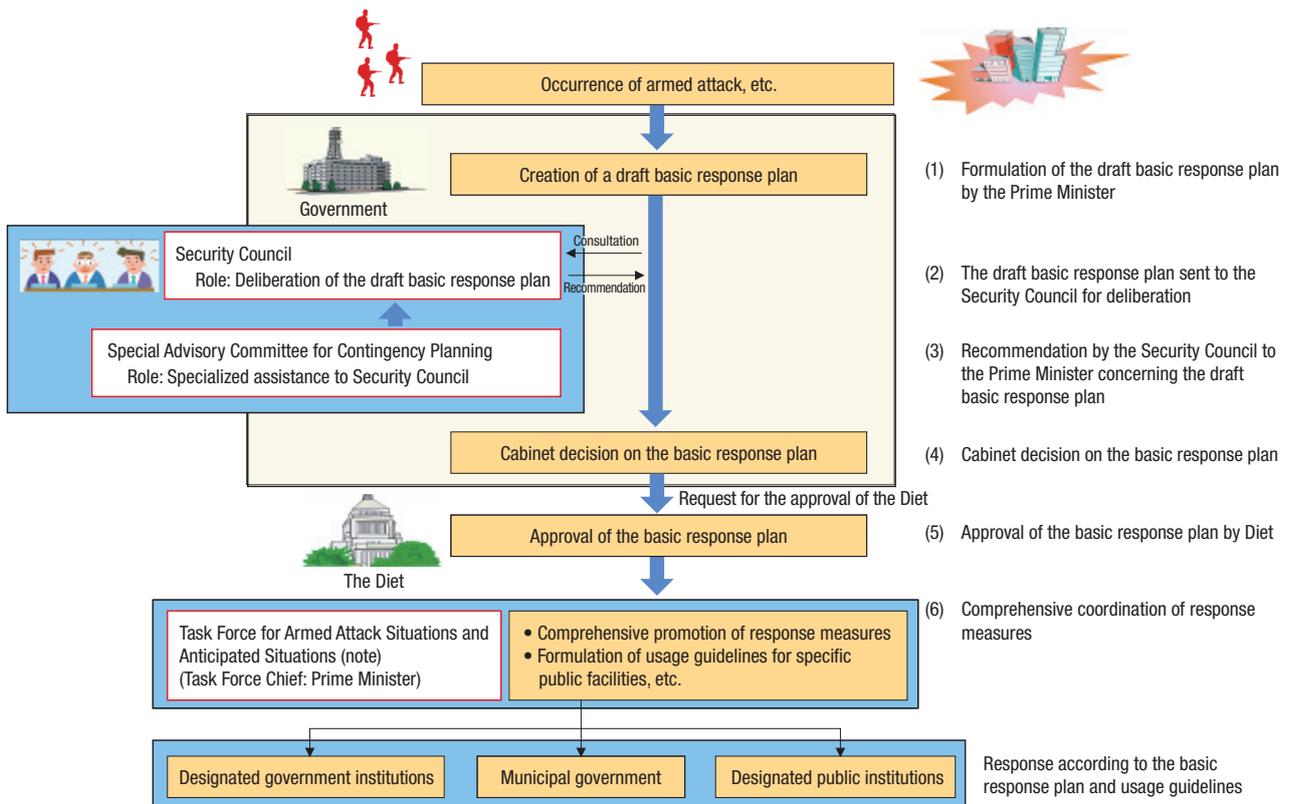


Fig. II-1-3-15 Procedures for Responding to Armed Attack Situations



Note: The Task Force will be established in the Cabinet for general advancement of measures to respond to armed attacks and other situations.

A. Basic Response Plan, etc.

In situations such as an armed attack situation, the Cabinet must decide upon the following items for a Basic Response Plan and ask for approval by the Diet. In addition, when the Basic Response Plan has been decided, a temporary Task Force for Armed Attack Situations, etc., (the Task Force) is

to be established within the Cabinet, and it will implement these measures:

- (1) Certification of the facts, and the premises to that certification supporting the armed attack situation or the situation where an armed attack situation is anticipated.

Fig. II-1-3-16

Measures to be Implemented by Designated Administrative Organizations, Municipal Governments or Designated Public Organizations

Measures implemented according to changes in circumstances caused by armed attacks, in order to bring the latter to an end

- (1) Use of armed force by the SDF, deployment of units, etc. and other activities
- (2) Provision of articles, facilities and services, or other measures, in order that the activities of the SDF and the U.S. Forces can be conducted smoothly and effectively
- (3) Diplomatic and other measures additional to (1) and (2) above

Measures to protect the lives, bodies and property of citizens, or minimize the impact on the lifestyles and economic wellbeing of citizens

- (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 everyday necessities etc., and other measures

(2) Overall plan to respond to the pertinent armed attack situation.

(3) Important items related to the response measures.

B. Response Measures

When responding to armed attack situations, the designated government institutions, local governments and designated public institutions will implement the required measures based on legal provisions between the period of formulation and termination of the Basic Response Plan.

See Fig. II-1-3-16 (Measures to be Implemented by Designated Administrative Organizations, Municipal Governments or Designated Public Organizations)

C. Responsibilities of the National and Local Governments

The responsibilities of the national and local governments as defined in the Armed Attack Situation Response Act are as outlined below.

See Fig. II-1-3-17 (Responsibilities of the National and Municipal Governments)

D. Authority of the Prime Minister for Response Measures

Following the stipulation of the Basic Response Plan, for overall promotion of response measures, the Task Force for Armed Attack Situations, etc., (the Task Force) will be established within the Cabinet, with the Prime Minister appointed as leader of the Task Force and appropriate Ministers of State as Deputy Chief and other members of the Task Force.

If the Prime Minister recognizes that there are obstacles to protecting the lives, bodies, and properties of the people, and to eliminating an armed attack, when necessary response measures under comprehensive coordination are not implemented, he may instruct the head of the local government concerned and other relevant persons to implement the necessary measures. In circumstances where necessary response measures are not implemented or if there is an obstacle to protecting the lives, bodies, and

Fig. II-1-3-17

Responsibilities of the National and Municipal Governments

Main body	Responsibility
Government	<ul style="list-style-type: none"> • Has a unique mission to defend Japan, protect the homeland and the lives, physical wellbeing, and properties of the people • Respond to armed attack situations and take every possible measure by using all organizations and functions • Implement all possible measures as a whole nation
Municipal Government	<ul style="list-style-type: none"> • Has responsibilities of protecting the region and the lives, physical wellbeing, and properties of the residents • Implement necessary measures in mutual cooperation with the national government, other municipal governments, and other institutions
Designated Public Institutions	<ul style="list-style-type: none"> • Implement necessary measures in the scope of their work, in mutual cooperation with the national government, municipal governments, and other institutions
People	<ul style="list-style-type: none"> • Strive to provide necessary cooperation for implementation of response measures taken by the designated administrative institutions, municipal governments, or designated public institutions

properties of the people, in emergency response situations, the Prime Minister or the Minister of State responsible for operations relating to the relevant countermeasure may take responsibility for and implement the response measures that the local governments or designated public institutions have failed to implement, after notifying the relevant heads of local government or other relevant individuals.

E. Report to the United Nations Security Council

In accordance with Article 51 of the U.N. Charter, the Government will immediately report measures it has implemented to terminate armed attacks on Japan to the U.N. Security Council.

(2) Responses to Emergency Situations other than Armed Attack Situations

The Armed Attack Situation Response Act provides for appropriate and rapid response measures to be implemented in emergency situations¹² other than armed attacks, in order for the Government to ensure the peace and independence of the country, and to maintain the security of the country and its people.

(3) Initiatives for Civil Protection

A. Basic Guidelines for Civil Protection and the Roles of the Ministry of Defense and the SDF

In March 2005, the Government established the Basic Guidelines for Civil Protection (hereinafter the “Basic Guidelines”), based on Article 32 of the Civil Protection Act. The Basic Guidelines presumes four types of armed attack situations, including amphibious landing invasion, guerilla or special operations forces unit attacks, ballistic missile attacks, and air attacks, and prescribes matters requiring attention to implement civil protection measures

¹² An emergency response situation (a situation arising due to actions that may kill or injure many people which uses methods equivalent to those used in an armed attack situation, or a situation where it is recognized that the relevant actions represent a clear and present threat that necessitate an emergency response by the state). Alternatively, a contingency situation other than an armed attack situation that may have a significant impact on the security of the nation and its people.

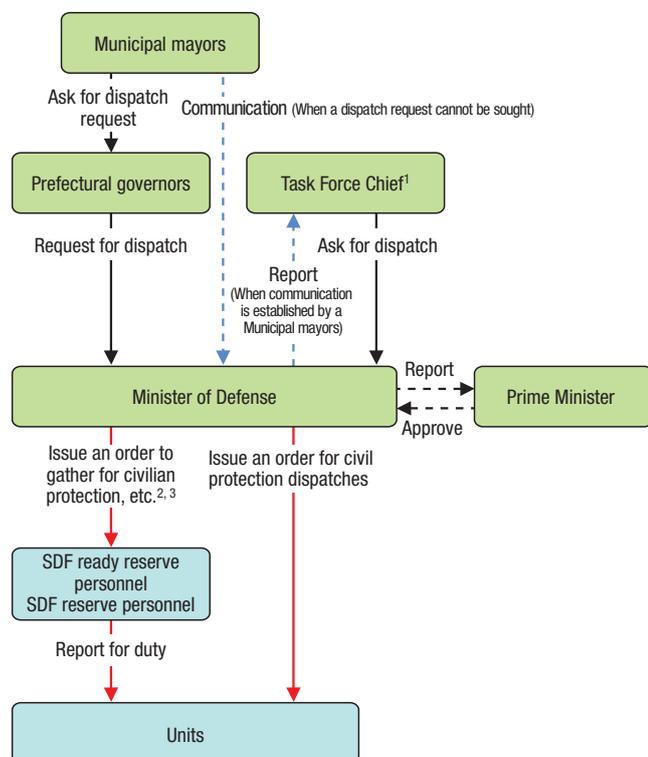
in response to each of them.

The MOD and the SDF established the Civil Protection Plan based on the Civil Protection Act and the Basic Policy. The Plan included measures to be implemented in full force by the SDF to terminate armed attacks, which is a primary mission of the SDF. In addition, the Plan described civil protection measures to be implemented within a feasible range, relating to support for evacuation and rescue, and responses to armed attack disasters.

In the event of an armed attack situation and an emergency situation, the SDF has the authority to conduct such activities as protection and support of residents, including rescuing evacuees, and emergency recovery as a civil protection measure and emergency response protection measure based on the provision for civil protection.

See Fig. II-1-3-18 (Mechanism of Civil Protection Dispatches)

Fig. II-1-3-18 Mechanism of Civil Protection Dispatches



Notes: 1. Armed Attack Situations Task Force Chief or Emergency Response Situation Task Force Chief.
2. If specifically needed.
3. Ready reserve personnel and reserve personnel will be called on if necessary upon the approval of the Prime Minister.

B. Activities by the MOD and the SDF to Facilitate the Civil Protection Measures

(a) Participation in Training for Civil Protection

In order to appropriately and promptly implement civil protection measures in armed attack situations, it is essential to jointly coordinate matters related to the implementation of civil protection measures in peacetime with other ministries and agencies, local governments, and other relevant organizations.

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

See References 13 (Record of Joint Exercises for Civil Protection Implemented by the National and Local Governments (FY 2014))

(b) Coordination with Local Governments in Peacetime

During peacetime, the MOD and the SDF closely coordinate with local governments. The Provincial Liaison & Coordination Division has been posted within the GSDF Regional Army Headquarters to achieve effective implementation for civil protection measures through close coordination. To strengthen functions relating to coordination and cooperation with local governments, etc., a Civil Protection and Disaster Countermeasures Liaison Coordination Officer post was established in each SDF Provincial Cooperation Office.

Civil Protection Councils were established in prefectures and municipalities as institutions to gather opinions from a wide range of citizens, and members of the Ground, Maritime or Air Self-Defense Force were assigned to be council members. In addition, in some cases, retired SDF personnel are employed by local governments as crisis management supervisors to facilitate cooperation with the MOD and the SDF and help to conceive and implement disaster response plans and training programs as experts on civil protection.

2 Outline of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan and the Ship Inspection Operations Act

The Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan establishes the measures (response measures)¹³ that Japan will implement in response to situations in areas surrounding Japan and the actual implementation procedures. The Ship Inspection Operations Act provides for the types, measures, and other matters of ship inspection operations implemented by Japan in response to situations in areas surrounding Japan.

○ The Prime Minister, facing a situation in areas surrounding Japan and deeming it necessary to adopt measures including such SDF activities as rear area support¹⁴, rear area search and rescue operations, and ship inspection operations, must request a Cabinet decision on such measures and on a draft basic plan of response measures. The Prime Minister must obtain prior approval, or ex post facto approval in case of emergency, from the Diet in order for the SDF to conduct response measures. Furthermore, the Prime Minister reports to

¹³ Law stipulating ship inspection operations and other necessary measures to respond to situations in areas surrounding Japan to implement rear area support, rear area search and rescue operations, and ship inspection operations conducted in relation to situations in surrounding areas (Article 2 of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan)

the Diet without delay when the Cabinet has made a decision or approved a revision, or when the response measures have been completed.

- In accordance with the basic plan, the Minister of Defense will draw up an implementation guideline (including designation of implementation areas), obtain approval for the guideline from the Prime Minister, and give the SDF orders to conduct rear area support, rear area search and rescue activities, and ship inspection operations.
- Heads of relevant administrative organizations will implement response measures and may request the heads of local governments to provide the necessary cooperation for the organizations to exercise their authorities in accordance with relevant laws and regulations and the basic plan. In addition, the heads of relevant administrative organizations may ask persons other than those from the national government to cooperate as necessary in accordance with relevant laws and regulations and the basic plan¹⁵.

(1) Rear Area Support

Rear area support means support measures, including the provision of goods, services, and conveniences, given by Japan in rear areas to the U.S. Forces conducting activities that contribute to the achievement of the objectives of the Japan-U.S. Security Treaty in situations in areas surrounding Japan. As rear area support, the SDF provides goods and services, including supplies, transportation, repair and maintenance, medical activities, communications, airport and seaport, and base services.

(2) Rear Area Search and Rescue Operations

Rear area search and rescue operations mean operations conducted by the SDF in situations in areas surrounding Japan to search and rescue those who were engaged in combat and were stranded in rear areas (including transporting those rescued)¹⁶. If there are non-combatants who face a mishap, he/she will be also rescued. In addition, if there is anyone in the territorial waters of a foreign country adjacent to the area in which the SDF is conducting activities, the SDF will also rescue that person, after having obtained approval from that foreign country. However, this is limited to cases in which no combat operations are conducted at that time and are expected to be conducted in those waters throughout the period during which the SDF conducts rescue activities.

(3) Ship Inspection Operations

Ship inspection operations mean operations conducted by Japan in situations in areas surrounding Japan to inspect and confirm the cargo and destination of ships (excluding warships and others¹⁷) 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. These activities are conducted based on the U.N. Security Council Resolution or the consent of the flag state¹⁸ in the territorial waters of Japan or in the surrounding high seas (including the EEZ¹⁹)²⁰.

3 Outline of the International Peace Cooperation Act

The purpose of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations, enacted in 1992, is to set forth a framework for the implementation of International Peace Cooperation Assignments, with a view to extending appropriate and prompt cooperation for (1) U.N. peacekeeping operations²¹, (2) humanitarian international relief operations²², and (3) international election observation operations, and to take measures to extend Contributions in Kind for those operations, thereby enabling active contribution by Japan to international peace efforts centering upon the United Nations.

The law stipulates a set of basic guidelines (so-called five principles for participation) for Japan's participation in a U.N. peacekeeping force.

See Fig. II-1-3-19 (Basic Policy on Japan's Participation in U.N. Peacekeeping Forces (Five Principles))

Fig. II-1-3-19

Basic Policy on Japan's Participation in U.N. Peacekeeping Forces (Five Principles)

1. Agreement on a ceasefire shall have been reached among the parties to armed conflicts.
2. Consent for the undertaking of UN peacekeeping operations as well as Japan's participation in such operations shall have been obtained from the host countries as well as the parties to armed conflicts.
3. The operations shall strictly maintain impartiality, not favoring any of the parties to armed conflicts.
4. Should any of the requirements in the above-mentioned guideline cease to be satisfied, the International Peace Cooperation Corps may suspend International Peace Cooperation Assignment.
5. The use of weapons shall be limited to the minimum necessary to protect the lives of personnel, etc.

¹⁴ The term "rear area" refers to Japan's territorial waters and international waters surrounding Japan (including the exclusive economic zone up to 200 nautical miles, or approximately 370 km, from the baseline of the territorial waters) in which no combat operations are conducted at that time and no combat operations are expected to be conducted throughout the period when the rear activities are carried out, and the space over these international waters.

¹⁵ If any person other than the central government who had been requested to cooperate suffers a loss as a result of such cooperation, the Government shall take necessary fiscal measures for the loss.

¹⁶ Article 3, Paragraph 1, Item 2 of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan.

¹⁷ Warships and such vessels that are possessed or operated by foreign governments that are exclusively used for non-commercial purposes.

¹⁸ The state that has the right to fly its flag as prescribed in Article 91 of the United Nations Convention on the Law of the Sea.

¹⁹ Article 1 of the Act Concerning Exclusive Economic Zones and the Continental Shelf.

²⁰ Article 2 of the Ship Inspection Operations Act.

²¹ Operations that are conducted under the control of the United Nations, based on resolutions of the United Nations to respond to conflicts and maintain international peace and security, by such means as ensuring the observance of agreements to prevent the recurrence of armed conflict among the parties to such conflict, and assisting in the establishment of systems of governance by democratic means after the cessation of such conflicts.

²² Operations conducted with humanitarian intentions, based on the resolutions of the United Nations or at the request of international organizations, for the purpose of rescuing afflicted people and restoring damage caused by conflicts.