

Japan's Legislation for Peace and Security

Seamless Responses for Peace and Security of Japan and the International Community

May 2015

Government of Japan

Background

- Fundamental transformation of the security environment surrounding Japan
(e.g. Shift in the global power balance, rapid progress of technological innovation, development and proliferation of weapons of mass destruction/ballistic missiles, international terrorism, etc.)
 - No country can secure its own peace only by itself.
 - The international community expects Japan to play a more proactive role for peace and stability in the world, in a way commensurate with its national capability.
- **Need to develop domestic legislation that enables seamless responses**

“Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan’s Survival and Protect its People”
(July 2014)

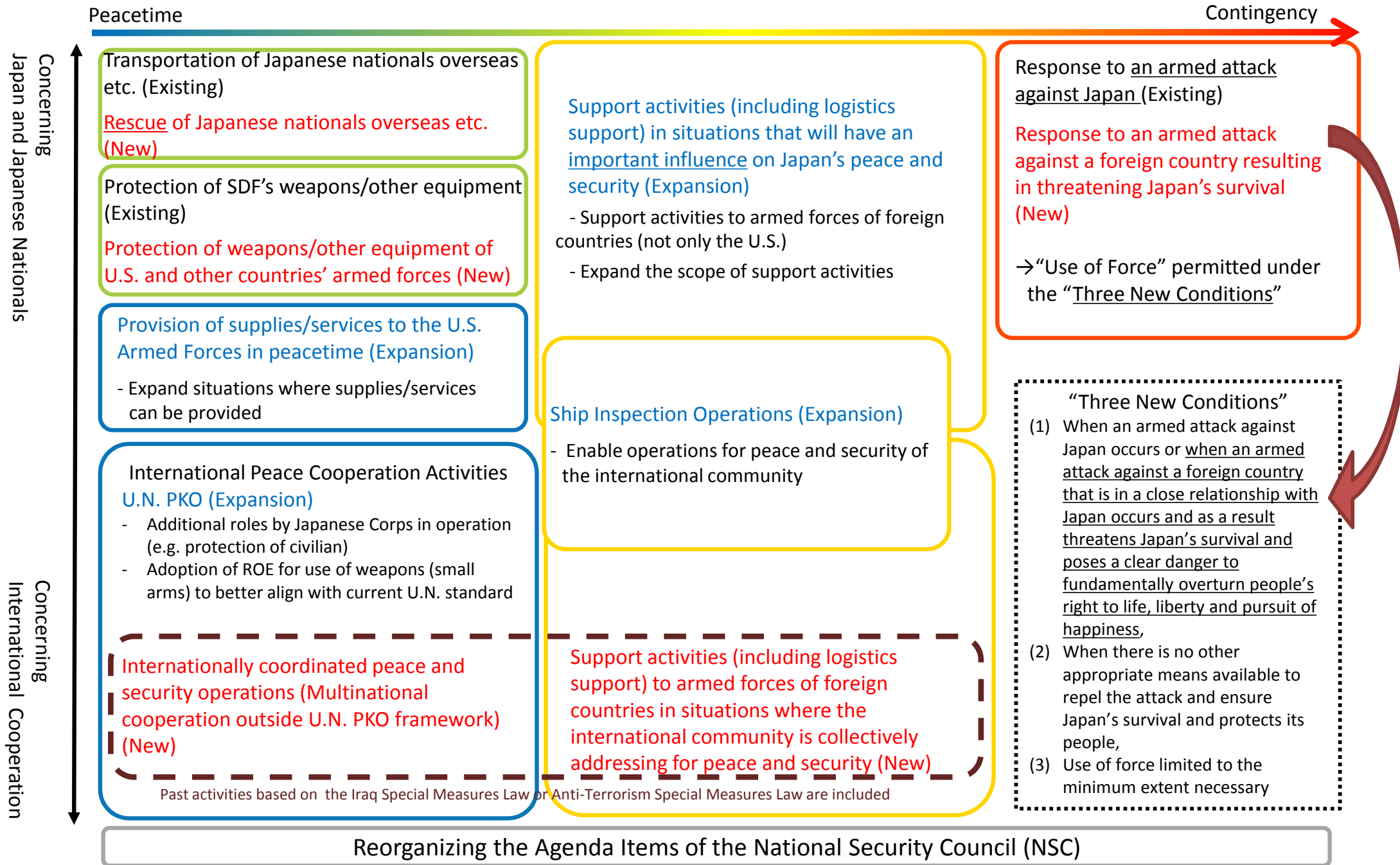
Discussion in the Government
and the ruling coalition
Debate in the Diet

Submission of draft legislation to the
Diet and its deliberations (May 2015~)

- The legislation will enable seamless responses to any situations to secure the lives and peaceful livelihood of the Japanese people. Japan will be able to contribute 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.
- There is no change in Japan’s basic posture and orientation for the past 70 years, including a peace-loving nation.
- The legislation will enhance the deterrence of the Japan-U.S. Alliance for the peace and stability in the Asia-Pacific region. It will also help to deepen trust and cooperative relations with other partners both within/outside the region.
- Japan will continue to make its best efforts to promote deeper understanding of countries concerned and ensure transparency.

Matrix of the Legislation for Peace and Security

Red = New legislation
Blue = Expansion of current legislation



Reorganizing the Agenda Items of the National Security Council (NSC)

* Cabinet Decisions on accelerating procedures in cases of responding to a situation where an infringement that does not amount to an armed attack occurs in areas surrounding remote islands etc.

Overview of the Essence of Legislation for Peace and Security

1. Law to Ensure Security for Situations that will Have an Important Influence on Japan's Peace and Security

- Clarify the purpose of the amendment = to enable the provision of necessary support activities to the U.S. and other countries' armed forces in situations that will have an important influence on Japan's peace and security
- Enable the provision of support activities to foreign countries' armed forces (not only the U.S.)
- Expand the scope of support activities

2. International Peace Support Law (New)

- Enable the provision of necessary support activities to armed forces of foreign countries collectively addressing the situation which threatens the international peace and security

3. Law Concerning Cooperation for U.N. PKO and Other Operations

- Provide additional roles by Japanese corps and adopt ROE for use of weapons
- Enable the participation in Internationally coordinated peace and security operations (Multinational cooperation outside U.N. PKO framework)

4. Ship Inspection Operations Law

- Enable ship inspection operations for the purpose of ensuring peace and security of the international community

5. Japan Self-Defense Force Law

- Enable the rescue of Japanese nationals overseas etc.
- Enable protection of weapons/other equipment of U.S. and other countries' armed forces
- Expand situations where supplies/services can be provided to the U.S. Armed Forces in peacetime

6. Legislation regarding Response to Armed Attack Situations

- Stipulate procedures for the "use of force" permitted under the "Three New Conditions"
- Stipulate SDF's mission and mandate for the "use of force" permitted under the "Three New Conditions"

*Cabinet Decisions on accelerating procedures in cases of responding to a situation where an infringement that does not amount to an armed attack occurs in areas surrounding remote islands etc.

Further Contributions to the Peace and Stability of the International Community

A. Support Activities

- The SDF will be able to provide necessary logistics support and search & rescue to armed forces of foreign countries collectively addressing the situation which threatens the international peace and security, provided that a certain U.N. resolution is adopted

<Current> Special measures law → <New> Permanent law

- The SDF will be able to provide necessary logistics support and search & rescue to armed forces of foreign countries engaging in activities for ensuring Japan's peace and security in situations that will have an important influence on Japan's peace and security

<Current> U.S. Armed Forces

→ <New> Armed Forces of Foreign Countries (including U.S.)

Further Contributions to the Peace and Stability of the International Community

B. International Peace Cooperation Activities

- In addition to U.N. PKOs, Japan will be able to participate in internationally coordinated peace and security operations (Multinational cooperation outside U.N. PKO framework) under certain conditions.
- Additional roles by Japanese Corps in operation to respond to changes in role and responsibility of U.N. PKO, including the protection of civilians.
- Adoption of ROE for use of weapons to better align with current U.N. standard.

<Current> Limited to self-defense and protection of its own weapons/other equipment

→<New> New ROE for execution of missions

Further Contribution to the Peace and Stability of the International Community

C. Ship Inspection Operations

- In addition to situations that will have an important influence on Japan's peace and security, the SDF will be able to conduct ship inspection operations for the purpose of ensuring peace and stability of the international community.

D. Provision of Supplies /Services to the U.S. Armed Forces in peacetime

- The SDF will be able to provide supplies/services to the U.S. Armed Forces in a wide range of situations, including when the U.S. forces operate alongside with SDF for surveillance operations. Provision of ammunitions will also become possible.

E. Rescue of Japanese Nationals Abroad etc.

- The SDF will be allowed to use weapons to rescue Japanese nationals overseas subject to the consent of the territorial State and other conditions. Under certain conditions, the SDF will also be able to rescue non-Japanese nationals.

Measures for Self-Defense Permitted Under the Constitution

The GOJ had previously considered that the “use of force” under the Constitution is permitted only when an “armed attack” against Japan occurs.

Given the fundamental transformation of security environment, there arise situations when an armed attack against a foreign country could threaten Japan’s survival, depending on its purpose, scale and manner.

The GOJ has reached a conclusion that the “use of force” will be permitted when the following **“Three New Conditions”** are met:

- (1) When an armed attack against Japan occurs or when an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan’s survival and poses a clear danger to fundamentally overturn people’s right to life, liberty and pursuit of happiness*,
- (2) When there is no other appropriate means available to repel the attack and ensure Japan’s survival and protects its people,
- (3) Use of force limited to the minimum extent necessary

* As a matter of course, use of force must be carried out while observing international law. In certain situations this is based on the right of collective self-defense under international law.