Japan’s Legislation for Peace and Security

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

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Government of Japan
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

**Peacetime**

- **Transportation of Japanese nationals overseas etc.** (Existing)
- **Rescue of Japanese nationals overseas etc.** (New)
- **Protection of SDF’s weapons/other equipment** (Existing)
- **Protection of weapons/other equipment of U.S. and other countries’ armed forces** (New)
- **Provision of supplies/services to the U.S. Armed Forces in peacetime** (Expansion)
  - Expand situations where supplies/services can be provided
- **International Peace Cooperation Activities**
  - **U.N. PKO** (Expansion)
    - Additional roles by Japanese Corps in operation (e.g. protection of civilian)
    - Adoption of ROE for use of weapons (small arms) to better align with current U.N. standard
  - **Internationally coordinated peace and security operations** (Multinational cooperation outside U.N. PKO framework) (New)

**International Cooperation**

- **Support activities (including logistics support) in situations that will have an important influence on Japan’s peace and security** (Expansion)
  - Support activities to armed forces of foreign countries (not only the U.S.)
  - Expand the scope of support activities
- **Ship Inspection Operations (Expansion)**
  - Enable operations for peace and security of the international community

**Concerning Japan and Japanese Nationals**

- **Support activities (including logistics support) to armed forces of foreign countries in situations where the international community is collectively addressing for peace and security** (New)

**Concerning International Cooperation**

- **Past activities based on the Iraq Special Measures Law or Anti-Terrorism Special Measures Law are included**

**Contingency**

- **Response to an armed attack against Japan** (Existing)
- **Response to an armed attack against a foreign country resulting in threatening Japan’s survival** (New)
  → “Use of Force” permitted under the “Three New Conditions”

**“Three New Conditions”**

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

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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.