

Japan's Legislation for Peace and Security

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

October 2015

Government of Japan

1. Backgrounds

- 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~)

Approval of the legislation by the Diet (September 19th, 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.

2. Further Contribution to the Peace and Stability of the International Community ①

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, under a certain U.N. resolution*.

<Precedents> *Special measures law for anti-terrorism and Iraq (expired)*

→ <New> *Permanent law*

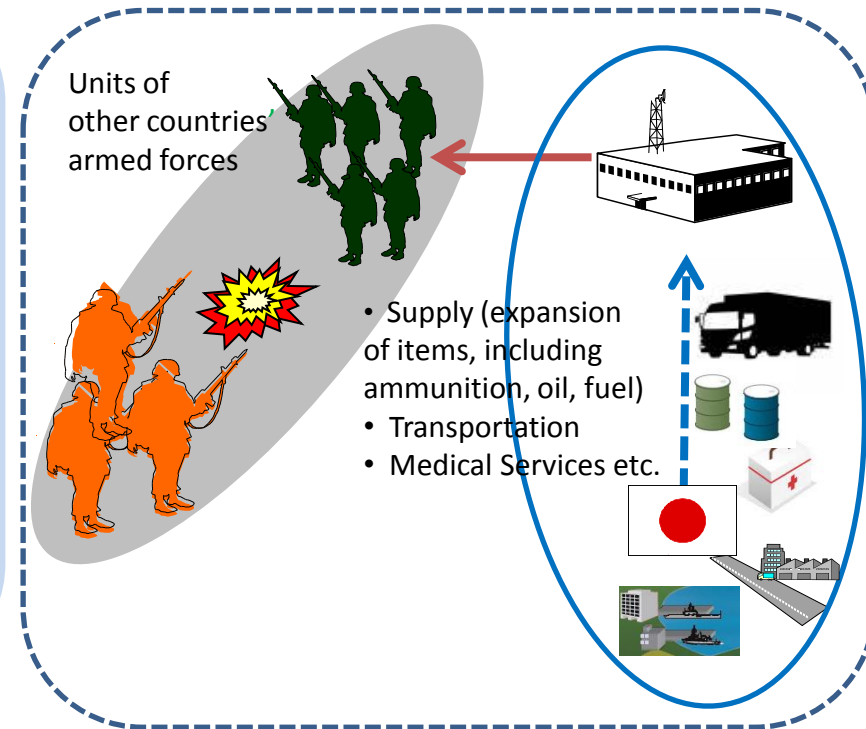
* (1) A resolution which decides, calls upon, recommends, or authorizes actions against threats to the peace and security of the international community.

(2) In addition to (1), a resolution which recognizes that the situation amounts to the threats to the peace or breaches of the peace, and requests member states to take certain measures in relation to the situation.

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> *Limited to the U.S. Armed Forces*

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



*Exception: Logistics support in **“the scene where combat activities are conducted at the time”**

*Restriction of the area: choosing an operation area where the SDF can smoothly and safely provide logistics support

<New> *Provision of ammunition, maintenance and fueling for aircraft which is ready to take off for combat operation*

2. Further Contribution to the Peace and Stability of the International Community ②

B.(1) International Peace Cooperation Activities

Additional roles by Japanese Corps in operation to respond to changes in role and responsibility of UN PKOs, including the protection of civilians.

<Current> Operations and self defense only → <New> Protection of civilians, patrol etc.

Adoption of ROE for use of weapons to better align with current UN standard.

*<Current> Limited to self-defense and protection of its own weapons/other equipment
→ <New> New ROE for execution of missions*



2. Further Contribution to the Peace and Stability of the International Community ③

B.(2) International Peace Cooperation Activities

In addition, Japan will be able to participate in internationally coordinated peace and security operations (outside U.N. PKO framework) under the following conditions:

(1) A resolution of the U.N. General Assembly, Security Council, or Economic and Social Council

or

(2) A request by the following international organizations:

- a. The United Nations
- b. Organizations established by the U.N. General Assembly, or U.N. Specialized Agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and otherwise specified by a Cabinet Order
- c. Regional organizations prescribed in the Article 52 of the UN 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 and otherwise specified by a Cabinet Order

or

(3) Requests of countries where those operations are to be (limited to only those supported by any of principal U.N. organizations as prescribed in the Article 7(1) of the U.N. Charter)



*<Current> Limited to U.N. PKO framework
→ <New> Wider participation in internationally coordinated peace and security operations*

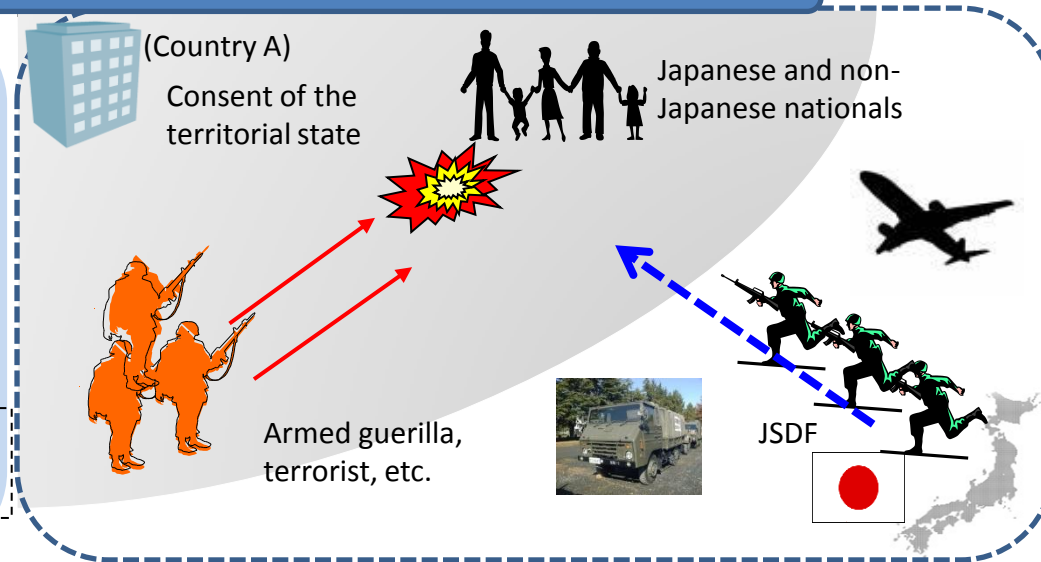
2. Further Contribution to the Peace and Stability of the International Community ④

C. Rescue of Japanese Nationals Abroad etc.

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

<Current> Transportation only

→ <New> Guard, rescue etc. in addition to transportation

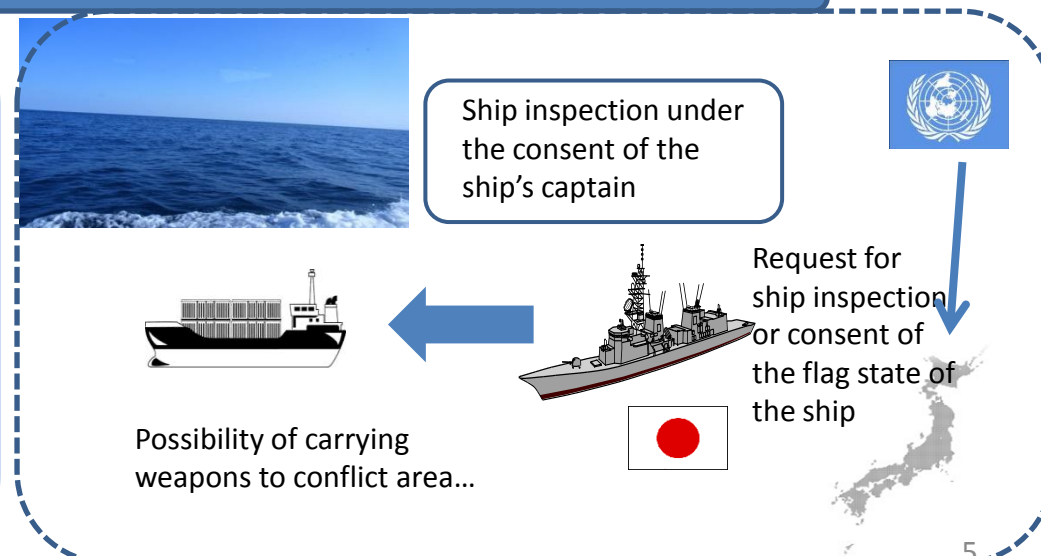


D. Ship Inspection Operations

The SDF will be able to conduct ship inspection operations for the purpose of ensuring peace and stability of the international community.

<Current> Limited to situations that will have an important influence on Japan's peace and security

→ <New> For international peace and security purpose



3. Measures for Self-Defense Permitted Under the Constitution

The GOJ had previously considered that the Constitution permits the “use of force” only when Japan had an “armed attack”.

Given the fundamental transformation of the security environment, in certain situation, 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:

“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 should be 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.

(Appendix) Matrix of the Legislation for Peace and Security

Red = New legislation

Blue = Expansion of current legislation

Peacetime

Contingency

Concerning
Japan and Japanese Nationals

Concerning
International Cooperation

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 UN 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 UN PKO framework) (New)

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 international peace and security

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

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"

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.